



388 Main South Rd, Paroa
P.O. Box 66, Greymouth 7840
The West Coast, New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
Facsimile (03) 768 7133
Email info@wcr.govt.nz
www.wcr.govt.nz

18 March 2022

Future Pathways Policy Team
Ministry of Business, Innovation & Employment
PO Box 1473
Wellington 6140

Dear Sir/Madam

Submission on Environmental Reporting Act 2015 changes

Thank you for the opportunity to provide comment on the proposed changes to the Environmental Reporting Act 2015 as outlined in the consultation document "*Te whakawhanake i te pūnaha rīpoata taiao o Aotearoa - Improving Aotearoa New Zealand's environmental reporting system*".

Please find the West Coast Regional Council's (WCRC or the Council) submission attached. Council consulted with its iwi partners, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, in the development of this submission.

We welcome the opportunity to respond to this consultation.

Due to our high workload, we have not had time to fully consider the full content of the consultation document, therefore our comments focus on the proposed changes that will incur costs to the Council and ratepayers, or where there are issues with applying the changes.

Our contact details for service are:

Lillie Sadler
Planning Team Leader
West Coast Regional Council
PO Box 66
Greymouth 7840

Phone: 021 190 6676
Email: ls@wcr.govt.nz

We would be grateful for acknowledgement of receipt of our submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Mabin', followed by a horizontal line extending to the right.

Heather Mabin
Chief Executive Officer

List of Feedback

Feedback 1

The WCRC supports the first part of Proposal 3 to add a requirement to report on possible drivers, subject to the mandatory provision allowing for funding of external data sources, to ensure the provision can be applied equitably, and it will account for differences in size of resources between regional councils.

Feedback 2

Council does not support the second part of Proposal 3 to add a requirement to report on outlooks.

Feedback 3

The WCRC supports Proposal 6, and seeks that the Government clarifies if there will be a cost to the WCRC of changing the approach to reporting across domains.

Feedback 4

Council strongly opposes Proposal 9, and seeks that the Government clarify who will be monitoring indicators for rare and threatened indigenous species.

Feedback 5

- a) Council opposes Proposal 10, unless a clear commitment is made by central Government to fund the collection and provision of data needed for national monitoring purposes, where such data is additional to that which the WCRC already collects and provides voluntarily.
- b) Any additional monitoring and reporting that is beyond what is currently required, and when it is for central government purposes, must be funded by central government.

Introduction

The West Coast Regional Council (the WCRC or Council) appreciates the opportunity to submit on the consultation document *“Te whakawhanake i te pūnaha rīpoata taiao o Aotearoa - Improving Aotearoa New Zealand’s environmental reporting system”*.

The focus of this submission is on the proposed changes to the Act which may affect Council and West Coast ratepayers. While Council is not opposed to the concepts of the changes submitted on, our concerns are that if they become mandatory then Council will require additional resourcing to implement them.

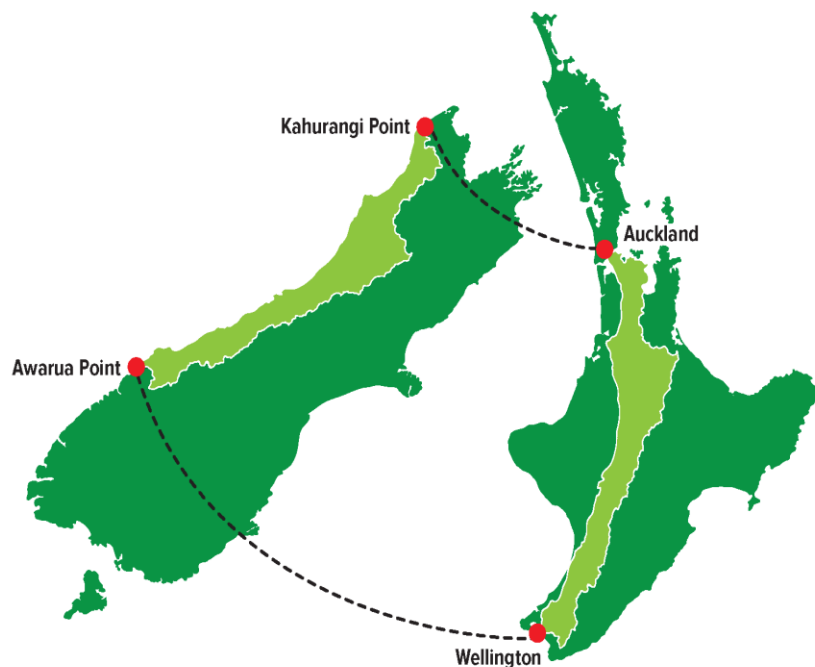
Due to time constraints, the WCRC is not submitting on the proposals to change central government processes as these are unlikely to affect the West Coast. WCRC is also not commenting on any of the questions in the consultation document, or on the options outlined for each proposed change.

Council further notes that on Pages 62-67 of the consultation document there are “Estimated additional annual costs”, including to other organisations. It is unclear if regional councils are included as “other organisations”, however our assumption is that it does, given that regional councils have monitoring and reporting roles under the Resource Management Act and this Environmental Reporting Act. Council notes these estimated costs in our submission.

About the Submitter

The West Coast Regional Council (WCRC) is the local authority for a region covering a vast area with a sparse population. Extending from Kahurangi Point in the north to Awarua Point in the south, this is the approximate distance from Wellington to Auckland.

Map of New Zealand to highlight 600km length of West Coast Region compared to distance between Auckland and Wellington



The West Coast region stretches the equivalent distance of that between Auckland and Wellington

The West Coast is predominantly rural.

The Conservation Estate comprises 84.17% of the West Coast land area, with an additional 1.55% administered by Land Information New Zealand (LINZ). This leaves 14.28% of land available for private ownership. The land in the Conservation estate and Crown ownership is not rateable by local authorities. Due to the WCRC's low rating base, the Council has limited resources to undertake additional monitoring and reporting, beyond what is currently required in the Resource Management Act (RMA) and the National Policy Statement for Freshwater Management (NPSFM).

WCRC works closely with the regions' three territorial authorities (the Buller, Grey and Westland District Councils). Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region's relatively small population of approximately 32,600 is spread across smaller settlements and rural communities. It is important that central government priorities for monitoring and

reporting are relevant to our unique region, and beneficial to the social, economic, and cultural well-being of all West Coast communities and the natural environment.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu – PNT) are mana whenua of Te Tai o Poutini (the West Coast). Our Mana Whakahono ā Rohe (Resource Management Act - Iwi Participation Arrangement) captures the intent of the Council and Poutini Ngāi Tahu to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

Issues with proposed changes to the Act

Drivers

Pg 33 of consultation document: PROPOSAL 3

Extend the pressure-state-impact framework to include a requirement for information on:

- **drivers – factors that cause the pressures on the environment**

The WCRC supports in principle adding external factors or drivers to environmental monitoring. This would give context to monitoring data and changes in reported information. External elements or drivers do form part of the data for environmental reporting.

The WCRC do include basic explanations of potential drivers of notable monitoring results in the WCRC's State of the Environment (SOE) reports. For example, in the WCRC's recent SOE Report on surface (and ground) water quality monitoring, land use change data was used, and Department of Statistics information, to explain possible drivers of changes in some water quality parameters.

More tools and structure around assessing external factors or drivers of environmental change, to compare to SOE results, would make interpretation of the WCRC's environmental information more robust. WCRC agree that external factors or drivers form an important factor in evaluating trends in environmental data.

The WCRC also relies on external data sources to inform evaluation of factors or drivers, and these data sources may be open source data or data collected through Crown Research Institutes.

The WCRC's support for the first part of Proposal 3 is conditional on external sources of data continuing to be provided. Evaluation of factors or drivers should not be an onerous requirement that will involve additional substantial time and staff resources. The requirement must be carefully

worded so that it can be applied, and external data sources continue to be funded, to ensure the requirement is not onerous on the WCRC, and the provision can be applied equitably, taking into account the differences in size of budgets between regional councils.

Feedback 1

The WCRC supports the first part of Proposal 3 to add a requirement to report on possible drivers, subject to the mandatory provision allowing for funding of external data sources, to ensure the provision can be applied equitably, and it will account for differences in size of resources between regional councils.

Outlooks

Pg 33 of consultation document: PROPOSAL 3

Extend the pressure-state-impact framework to include a requirement for information on:

- outlooks – how the state of the environment may change in the future, and the likely impact of such changes.**

On Pg 62 of the consultation document, the estimated additional annual cost to other organisations is \$0.6m.

The WCRC does not support adding a requirement to the Act for commentary in environmental reports on potential future trends. Trend analysis is challenging to undertake, and has considerable uncertainty, which could be legally challenged by opposing parties where potential reported outlooks or trends are used as evidence to support, for example, proposed plan change provisions or resource consent applications. This application of potential future trends may be to justify economic gain and while it is desirable to have it in some circumstances, it should be user driven. This would allow adequate confidence to ensure it is relevant to the situation to which it is applied.

Rather than a Council preparing the analysis for blanket application. Trend analysis may require large amounts of data to identify a reasonably sound outlook, and Council does not have the resources to obtain this scale of data.

Feedback 2

Council does not support the second part of Proposal 3 to add a requirement to report on outlooks.

Domains

Pg 42 of consultation document: PROPOSAL 6:

Replace environmental domains with cross-domain themes that form the basis of synthesis reports and in-between commentaries.

On Pg 64 of the consultation document, the estimated additional annual cost to other organisations is \$0.2m upfront only.

The WCRC supports Proposal 6 on the assumption that it is about moving away from grouping via scientific domains to something more tangible culturally. However, WCRC staff were unable to ascertain if there will be a cost to WCRC, and if so, what the cost will be.

Feedback 3

The WCRC supports Proposal 6, and seeks that the Government clarifies if there will be a cost to the WCRC of changing the approach to reporting across domains.

Environmental Indicators

Pg 51 of consultation document: PROPOSAL 9

Define a set of environmental indicators in the regulations, to help achieve the purpose of the Environmental Reporting Act 2015.

On Pg 66 of the consultation document, the estimated additional annual cost to other organisations is \$2.8m.

The WCRC **strongly** opposes Proposal 9. One suite of measures does not necessarily fit all councils. For example, using blanket parameters was seen as unsuitable for the West Coast when the Ministry for the Environment had to reconsider a number of the freshwater regulations for agricultural activities, such as the resowing timeframe following intensive winter grazing, and activities affecting wetlands.

WCRC acknowledges the work of the Ministry in listening to those with experience at the local level who can advise on what is workable and what is not.

There are already mandatory indicators in other national direction, for example, the National Objectives Framework (NOF) in the National Policy Statement for Freshwater Management (NPSFM), and indicators for monitoring PM¹⁰ and PM^{2.5} in the National Environmental Standard

for Air Quality (NESAQ). It is a waste of taxpayers and ratepayers' money to duplicate these in the Act.

The case study outlined on Page 52 of the consultation document refers to indicators used to monitor the extinction threat to indigenous freshwater species as forming the core environmental indicators in the Act. It is unclear what the Government's expectation is regarding who should undertake mandatory monitoring of these species. The Department of Conservation (DOC) and other organisations such as NIWA must be undertaking this type of monitoring now to produce the statistics referred to in the case study.

If threatened species indicators are already being monitored, it is pointless to duplicate these in the Act. If small regional councils like the WCRC are forced to add such indicators that they do not currently monitor, there will be an onerous resource cost. Given the number of water bodies on the West Coast, with a high proportion of these in very remote locations on land administered by the Department of Conservation, it is unrealistic to expect the WCRC to monitor those rare and threatened indigenous freshwater species. We query what benefit this monitoring would provide.

Feedback 4

Council strongly opposes Proposal 9, and seeks that the Government clarify who will be monitoring indicators for rare and threatened indigenous species.

Acquiring existing data

Pg 51 of consultation document: PROPOSAL 10

Include new provisions in the Environmental Reporting Act 2015 to set out powers for acquiring existing data for national environmental reporting.

On Pg 66 of the consultation document, estimated additional annual costs to other organisations are \$1.6m (upfront costs), and \$0.4m (ongoing annual costs).

The WCRC does not support Proposal 10, unless a clear commitment is made by central Government to fund the collection and provision of data needed for national monitoring purposes, where such data is additional to that which the WCRC already collects and provides voluntarily. There is no indication in the consultation document that the Government is willing to provide funding.

Council is concerned that if we are assigned the unfunded task of increased monitoring and reporting, there may be a lot of frequent monitoring mandated where it may not be necessary because the environment is relatively pristine.

“Synthesis reporting frequency” is mentioned, and the suggestion is that it is reduced. However, the discussion around the actual amount of monitoring, that is, pre-synthesis, generally indicates that it should be increased across the board.

Council understands that the purpose of some of these changes is to bring consistency and standardisation in order to improve reporting, and also to better identify if there is statistically significant change, which makes sense. However, there are risks in a one-size-fits-all/extreme standardisation approach to monitoring and reporting – one risk being that some areas may not justify the mandated level of environmental monitoring because of low population pressures. Those areas with low population pressures also have a low rating base and so will struggle to fund the work.

Additionally, acquisition of existing or new data requires collation, which is very difficult if external data sources are in an inconsistent format or difficult to access.

Adding an acquisition provision to the Environmental Reporting Act potentially duplicates the proposed approach to require monitoring and reporting in the upcoming Natural and Built Environments Act (NBA), and potentially the Spatial Planning Act (SPA). The recent consultation document on these Resource Management Reforms states that these Acts will include “...consistent and regular local-level environmental monitoring and reporting.” Should environmental standards associated with the proposed RMA reforms require additional monitoring and reporting beyond what is currently required, then this is likely to incur further costs on Council. Additional monitoring will need to be robustly justified. The WCRC has submitted in the past on the Environmental Reporting Bill and stated that if regional councils are required to undertake additional monitoring and reporting for central government purposes, then there has to be a benefit to local ratepayers.

Feedback 5

a) Council opposes Proposal 10, unless a clear commitment is made by central Government to fund the collection and provision of data needed for national monitoring purposes, where such data is additional to that which the WCRC already collects and provides voluntarily.

- b) Any additional monitoring and reporting that is beyond what is currently required, and when it is for central government purposes, must be funded by central government.**

This ends our feedback.