



Submission to the Ministry for the Environment
on the discussion document

“Measuring Up: Environmental Reporting – August 2011”

October 2011

Introduction

A not for profit incorporated society, Water New Zealand promotes and enables the sustainable management and development of the water environment. With 1500 members Water New Zealand's membership is large and diverse, including Territorial Local Authorities, Council Controlled Organisations, water and wastes services providers, the major consultancies involved in providing engineering, planning and research services to the industry, Crown and other research institutes involved in the water and wastes environment, academia, members of the legal fraternity and training providers.

Water New Zealand supports the move toward a more consistent and independent regime for reporting on key environmental areas. We have noted previously, as have others,¹ that in reference to water issues the highly devolved and fragmented delivery system is resulting in a growing level of unintended consequences, not least in developing a nationally consistent and comprehensive set of indicators in reference to water quality.

Our comments below focus on water issues, but could, in the main, apply to the other environmental domains defined in the discussion document.

Discussion Document: Measuring Up

We support the general intent of the actions proposed in the discussion document and would offer specific comment on the questions posed.

Section 3: The issues and objectives:

- Q 1: We agree the lack of statutory obligation to require regular and independent reporting and the lack of consistency in regional monitoring and reporting are the key issues requiring addressing. The most recent OAG report (referenced in footnote ¹ below) considering the performance of selected regional councils in terms of managing freshwater quality, gave prominence to these two points.
- Q 2: We will address performance of both the regulator and service provider later in this commentary
- Q 3: Regarding the scale of the problem, we see no difference in the two issues delineated in Q 1. Both have equal prominence – statutory obligation needs to be imposed if consistency is to be achieved, because voluntary efforts have failed to produce reliable and comparable information.
- Q 4: In terms of objectives, we support the three listed in the discussion document. The multiplicity of agencies that have varying degrees of responsibility for water matters reinforces the need for clarity of responsibility. The repeated concern from a variety of parties over the perceived political influence in local government decision making points to the pressing need for independent reporting. High quality environmental statistics are critical to bringing rational discussion to what is increasingly a fractious and emotional debate on the 'state of the environment'.
- Q 5: The assessment criteria identified would appear to be appropriate for evaluating the possible options in that they seek certainty, stress independence, look to achieve quality and consistency, and be cost efficient – exactly the factors currently absent.

¹ Including: Aging Pipes and Murky Waters: urban water system issues for the 21st Century (Office of the Parliamentary Commissioner for the Environment, June 2000); Funding Local Government – Report of the Local Government Rates Inquiry, August 2007; Matters Arising from the 2006-2016 Long Term Council Community Plans (Office of the Auditor-General, June 2007); The Auditor-General's observations on the quality of Performance Reporting (Office of the Auditor-General, June 2008); Information on Local Government Network Infrastructure 2009/2018 (Department of Internal Affairs, October 2009); Local Authorities: Planning to meet the forecast demand for drinking water (Office of the Auditor-General, February 2010); Managing freshwater quality: Challenges for regional councils (Office of the Auditor General, September 2011)

Additionally, if the PCE option is pursued, that agency's roles and responsibilities would largely satisfy the assessment criteria.

Section 4: What are the options?

- Q 6: The preferred options, giving the PCE an explicit 5-yearly reporting role, and amendments to the RMA and application of the Official Statistics System principles and protocols are supported (with the proviso noted below).
- Q 7 & Q 8: See our commentary below under "Other issues".
- Q 9: We note the comments on page 5 of the discussion document and agree a 'one agency' approach is likely to bring positive national benefits, albeit with some uncertainty on regional/local cost impacts at this stage.
- Q 10: Notwithstanding the uncertainty noted above, it is likely the independent PCE option would deliver the highest level of net benefit.

Section 5: Environmental Reporting Bill:

- Q 11: With the additions we propose in Q 13, we see only pros in amendment of the Environment Act.
- Q 12: A five year reporting timeline is appropriate.
- Q 13: Within the water and ocean domains we suggest compliance with consented point source discharge conditions be included in the legislative requirements. We discuss this further below.
- Q 14: See our "Other issues" commentary.
- Q 15: Given the growing awareness on the importance of properly understanding our water resources we submit this area should be prioritised.

Section 6: Costs and benefits of the proposed Bill:

- Q 16, 17, & 18: We concur with the commentary in this section.

Other Issues

We note that for over twenty years S 30 of the RMA has allowed regional councils to, among other things, control:

- using land for the purpose of:
 - maintaining and enhancing the quality of water in water bodies;
 - maintaining and enhancing ecosystems in water bodies;

- discharging of contaminants into or onto land, air, or water, and discharges of water into water.

Despite these provisions, the conclusive scientific evidence is that water quality has declined in lowland streams with this being most evident in urban waterways. This then raises the question of whether the PCE or another agency will have the requisite resource to ensure the required 5-yearly reporting is carried out in a timely and robust manner.

There is a general view that point sources of water pollution have been cleaned up. This is not the case.

In a 2008 Otago Regional Council paper² paper Selvarajah states (p1): *“There is a widely held view among the technocrats and policy makers that in New Zealand the point source discharges are no longer an issue and that they have been managed properly. The reality is the contrary. Many local authority sewage discharges are still of third world discharge quality and many consented discharges to water will still require lengthy mixing zones.*

It has been more than 16 years since the RMA was enacted. Despite the high progress made to date, there are still many municipal and several industrial effluent discharges that are of poor quality. The effluent treatment of these discharges is substandard and often does not match the scale and environmental risks of the discharges. In many cases regional councils are reluctant to impose stringent consent requirements due to financial constraints.”

The recent OAG report³ specifically raised the issue of decisions on enforcement and prosecution being influenced by elected officials. Recent publicity in regard to a TLA operated waste treatment plant and the Manawatu River⁴ has highlighted the OAG's concern.

Aggregation and publication of data on compliance with consent conditions for water discharges would be a valuable addition to New Zealand's reporting regime. It would assist in managing perceptions of political interference in environmental reporting at a regional level, as is occurring at present with decisions on prosecutions for breaches of consent conditions,

We suggest the proposed reporting regime include this provision in order to be seen to be both comprehensive and equitable.

We thank you for the opportunity to comment on the discussion document.

² Selvarajah, S. *Regulations of Effluent Discharges in the Otago Region*, (Paper presented at New Zealand Land Treatment Collective Conference, Queenstown, New Zealand, April 2008).

³ Managing freshwater quality: Challenges for regional councils (Office of the Auditor General, September 2011)

⁴ <http://www.stuff.co.nz/manawatu-standard/news/5629345/Pollution-discussion-silenced>