

MONITORING AND LOCAL GOVERNMENT

Local Authorities Upskilling Project Workshop Manual No. 5

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Research and Writing

The research and writing of the *Introduction to Monitoring in Local Government* section has been by Peri Buckley, a graduate student in the Department of Planning, The University of Auckland.

The Workshop activities have been researched and written by Dr Tom Fookes, Associate Professor, Department of Planning, The University of Auckland. He has also carried out the editing of the manual.

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Disclaimer

This presentation on Monitoring in Local Government is intended to provide an explanation of the relevant provisions of the Resource Management Act 1991 (amended), and the role of Councillors and council officers in carrying out the requirements of the Act. It must be emphasised that the Act itself is the ultimate reference and should be consulted as such. As policy advice this is not intended to be legal opinion and should not be taken as such.

The views expressed in this manual should not be attributed to the Ministry for the Environment.

WORKSHOP ACTIVITIES

Introduction

Objective

To develop an understanding of monitoring to enable a better response to statutory requirements and non-statutory opportunities for monitoring which will improve the way council's carry out their functions.

Learning Outcome

At the end of this workshop participants will:

- understand the key elements of monitoring-why monitor, how to monitor, types of monitoring and what should be monitored.
- understand the rationale behind monitoring from a national and global level, i.e. legal obligations;
- be able to ascertain who has what monitoring responsibilities under the Resource Management Act and its integrated function;
- understand why monitoring is necessary and not just because it is a statutory requirement, but look at the wider benefits. Monitoring programmes should not be just focused on the biophysical; sustainable management is also about social, cultural and economic well-being, and not just environmental well-being;

Who is this workshop for?

This workshop is designed for local authorities: elected members, council officers, and their consultants. However it will be of benefit to any person who wishes to further their understanding of monitoring in the context of local government functions.

Content

The key focus of this manual is to help both councillors, officers and consultants to be aware of the need to understand why it is important to go beyond the statutory requirements of monitoring, to implement monitoring programs and more importantly, to commit resources and finances to the task of monitoring. The manual is in two main parts; the first is on the Workshop Activities, and the second is a supporting reference titled "An Introduction to Monitoring in Local Government". The workshop will not take you through this in detail but it is intended to be a useful source of information during and after the workshop.

In the workshop we will examine:

- some basic questions, including "What is monitoring?" and "Why monitor?"

- the relationships between monitoring and the functions of local government, with particular emphasis on the provisions in the Resource Management Act 1991 (section 35), and whether there is a framework for an integrated approach
- where monitoring would occur within the case studies used in the previous workshops in this upskilling series - hazardous substances, hazardous facilities screening procedure, public participation and consultation, and resource consent process.

Workshop Format

Introductions (10 minutes)

- Facilitators
- Purpose of workshop
- Manual

Topic 1: Basic Questions on Monitoring (30 minutes)

- What is monitoring?
- Why monitor?

Topic 2: Relationships with local government functions (1hr 10 mins)

- What are the types of monitoring?

Break (15 mins)

Topic 2 (contd.) (45 mins)

- Where does strategic thinking fit in?
- Can we think about the linkages when monitoring several plans (e.g. strategic, district, annual)?
- How can we tie information from monitoring into plan reviews?

Topic 3: Plenary - Developing an integrated framework for monitoring (25 minutes)

- What is happening in councils at present on integrated approaches?
- Are there common ideas in the monitoring of separate plans which suggests an integrated framework is achievable?
- why should we bother about monitoring?
- how do we go about developing an integrated monitoring programme?

Workshop Conclusion (5 minutes)

Topic 1: Basic Questions on Monitoring

[30 minutes]

The principal questions to be explored are:

- What is monitoring?
- Why monitor?

Facilitator's introduction (5 minutes)

Individual activity: in pairs

- (a) discussion of question "What is monitoring?" with ideas recorded on Worksheet 1 (5 mins)
- (b) discussion of question "Why monitor?" (5 mins)

Plenary activity: round robin discussion of ideas generated in previous activity (15 mins)

WORKSHEET 1

Task 1: "What is monitoring?"

Monitoring can take many forms and occur in a number of situations. This worksheet is provided to enable you to jot down your own thoughts on the question, "What is monitoring?" To provide a foil for your own thoughts this task is being done with another participant. May your thinking go well!

Write your ideas below:

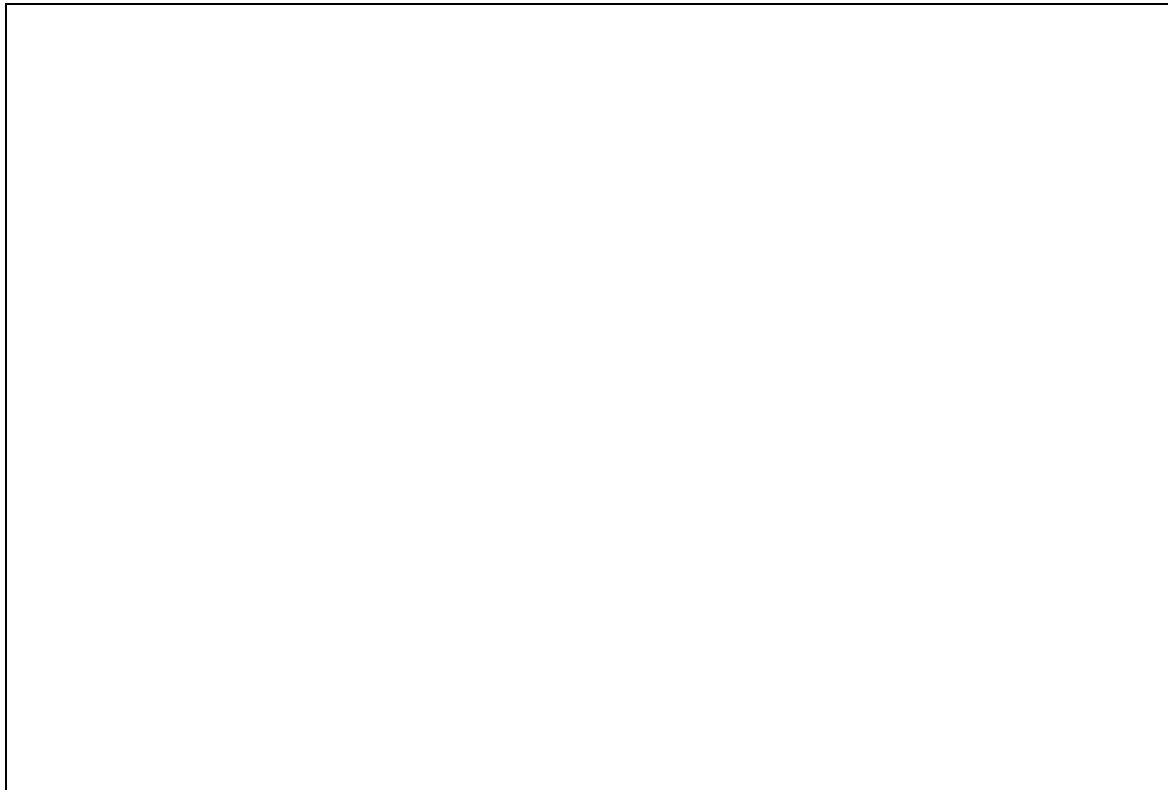
"I think 'monitoring' is...

Task 2: "Why monitor?"

Now you have tackled the first question it is time to ask the second one: "Why monitor?" This is a sensible question to ask because so often in these situations we proceed blindly on the assumption that something is a given (e.g. it's in section 35, RMA so that's that). We want you to continue to work with your colleague and jot down answers to that question.

Write your ideas below:

"I think we monitor because...



Group activity (40 mins): This is looking at monitoring where you have several policy instruments presented as 'plans'. We are familiar with council publications which go under the labels as 'strategic plans', or 'regional' /'district plans', etc. But too often we keep these plans quite separate from each other. Should we do this when concerned with monitoring? The following tasks examine the idea that we should do more linking of our plans. Use **Worksheet 3**.

Objective: This activity will help you make the connections between monitoring and reviewing plans where there are several inter-related planning functions within the Council's functions. By thinking of information which could come from the monitoring (and consequential evaluation) of one plan, and which could then be applied to the review of another, this activity will demonstrate the value of monitoring for plan reviews.

Group organisation: Each group has 4 members or multiples of 4 where numbers require us to work in pairs etc.

Task organisation: There are three tasks:

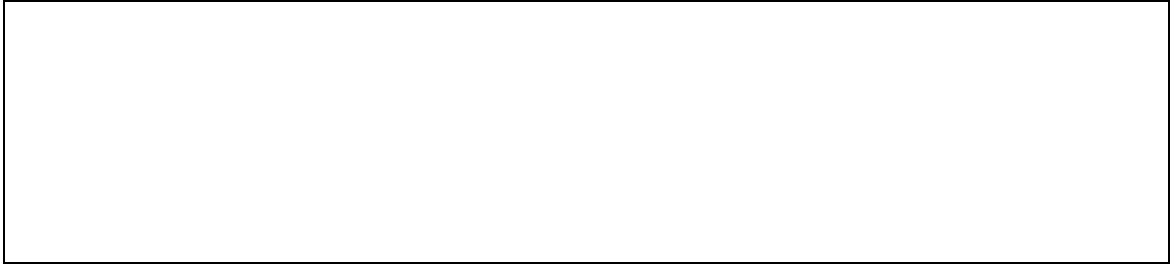
1. Individual thinking about the monitoring information which could be obtained from one of the 4 plans in the outside columns (10 mins).
2. Group thinking about the review information which could be contributed from the plan being reviewed to the plans being monitored (15 mins).
3. Group discussion on the types of ideas produced by the group in the previous tasks, including answering the question: "Are there some ideas which suggest a common framework could be developed which would help in the design of the monitoring and review processes?" (15 mins)

Instructions for Task 1:

1. There are five plans on **Worksheet 3**. The shaded one in the centre column is the plan we are reviewing in light of information from the monitoring of the other plans. The monitoring of the other 4 is providing information for the review.
2. Your group is to approach each type of plan as if it is being monitored. Each person in the group should take one plan from the 4 shown. Consider each item in the box for that plan and think of the things which this monitoring could inform the plan being reviewed.
3. Write each idea alongside a number under **MONITORING INFORMS ON:**
[e.g. 1. Importance/priority of the strategic issues]
4. Remember, the centre column contains the plan which is being reviewed. That is your reference point for the plans being monitored. The ideas need to relate to the relationship between the two plans.

Instructions for Task 2:

The group as a whole looks at the contents of the plan which is being reviewed (centre column) from the opposite perspective; i.e. how can the information from the review contribute information towards the monitoring of the other plans?



Topic 3: Plenary - Developing an integrated framework for monitoring

(25 minutes)

The principal questions to be explored are:

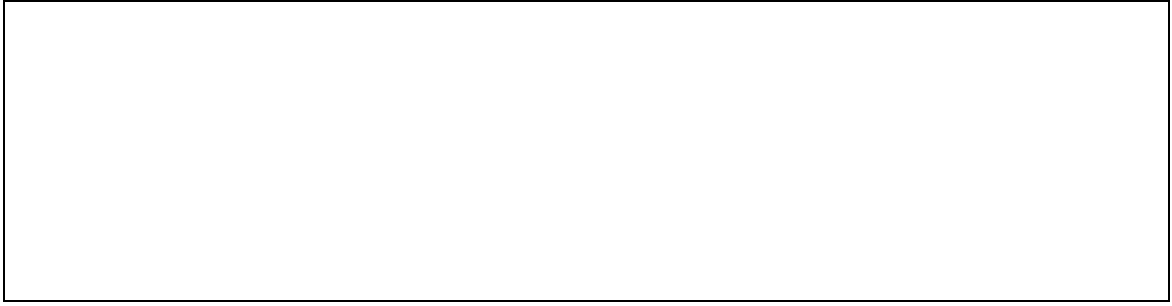
- What is happening in councils at present on integrated approaches?
- Are there common ideas in the monitoring of separate plans which suggests an integrated framework is achievable?
- why should we bother about monitoring?
- how do we go about developing an integrated monitoring programme?

Plenary activities (20 mins): discussion of

- (a) ideas recorded on **Worksheet 4**
- (b) remaining principal questions (above).

Facilitators' concluding remarks (5 mins).

(notes)



*An Introduction to Monitoring in Local Government**

* The research and initial draft of this introduction to monitoring has been undertaken by Peri Buckley, with the final version compiled from that material by Dr T. Fookes, Planning Department, The University of Auckland.

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1. Introduction

Context of the Manual

This manual is part of a workshop for local government: elected council and community board members, and council officers. The workshop is partly funded by the Ministry for the Environment through the Sustainable Management Fund.¹ The Ministry for the Environment has identified the need to help local government obtain the additional knowledge and skills to meet its responsibilities in the areas of resource management and hazardous substances.

Objective of the Manual

The objective of this manual is to develop an understanding of monitoring. This improved understanding should enable a better response to statutory requirements and non-statutory opportunities for monitoring which will improve the way councils carry out their functions.

The manual considers monitoring within local government by summarising:

- The key questions on monitoring, including why monitor, types of monitoring, what should be monitored, and how to monitor.
- The rationale behind monitoring from a national and global level, including linkages with *Agenda 21*, and the new fiscal responsibility amendments to the Local Government Act 1974
- Monitoring responsibilities under the Resource Management Act
- Why monitoring is necessary beyond being a statutory requirement, by looking at the wider benefits as well as the costs of an integrated monitoring programme

The key focus is to make both councillors and officers aware of the need to understand why it is important to go beyond the statutory requirements of monitoring, to implement monitoring programs and more importantly, to commit resources and finances to the task of monitoring. There should also be an improvement in their ability, because of the monitoring information, to ask questions about, for example, resource management issues, policy, and resource consent practice (ie, attached conditions and the requirement to monitor as a condition to the granting of a consent).

¹ The Ministry for the Environment has provided funds for this manual but its contents remains the responsibility of the workshop management. Views expressed in this manual should not be attributed to the Ministry for the Environment.

2. Key Questions on Monitoring

Why Monitor?

Monitoring at a personal level

When responding to the question "Why monitor?" it is helpful first to consider our daily activities. Monitoring, whatever its setting, is something we do in our daily round. We usually know what we are about. This is not by chance. It is because monitoring is an intrinsic element of what we are doing. We like to "track" how things are going because there are reasons for our actions. These reasons continually inform the flow of day-to-day activities. Some of this monitoring and re-assessing of what we do occurs as an intrinsic, unconscious, innate part of those activities. It is nonetheless an unusually elaborate and habitual feature of even the most trivial of our activities although we may not be aware of this.

We also monitor our activities consciously, such as in the work place. For this we often identify standards and/or criteria to apply to our work and make judgements about the extent to which we have met these criteria and standards. On the basis of the information assembled we try to establish what have been the causes of any significant unintended results. Having understood the cause and effect relationships behind these consequences we can then decide what, if any, action is required. Hopefully, we then act on those decisions.

This personal view of monitoring can be carried over to a consideration of a council's functions.

Monitoring within local government's functions

Monitoring is a means whereby a council can consistently:

- appraise its performance
- re-assess its approach
- move closer to achieving its objectives through the refinement of policies

These actions occur across the whole range of local government functions, consistent with their roles as regional councils or territorial local authorities (TLAs). In some cases, such as the Resource Management Act 1991, the need to monitor is spelt out (s 35), as is the need to include it in policy statements (s 62), and plans (ss 67, 75). However, before looking specifically at the provisions in the Resource Management Act, we need to look broadly across the range of a council's functions.

The Local Government Act 1974 sets out the purpose, functions, and processes of local government, including their social and economic responsibilities. The principal mandate for local authorities is set out in section 37k of the Act:

“The purposes of local government in New Zealand are to provide, at the appropriate levels of local government:

(a) Recognition of the existence of different communities in New Zealand.

(b) Recognition of the identities and values of those communities.

- (c) *Definition and enforcement of appropriate rights within those communities.*
- (d) *Scope for communities to make choices between different kinds of local public facilities and services.*
- (e) *For the operation of trading undertakings of local authorities on a competitively neutral basis.*
- (f) *For the delivery of appropriate facilities and services on behalf of central government.*
- (g) *Recognition of communities of interest.*
- (h) *For the efficient and effective exercise of the functions, duties and powers of the components of local government.*
- (i) *For the effective participation of local persons in local government.”*

At its simplest level we can ask, "How can a council know whether it is achieving these purposes if it doesn't monitor its activities?" The same question can be asked when we look at the functions of a council. At this level councils need to identify issues consistent with the statutory purposes, and develop objectives, policies, and programmes/projects. They also have to commit financial resources to achieve their proposed activities. The formal basis for this corporate-level planning is the *Annual Plan* and the *Annual Report*².

Annual Plans and *Annual Reports* complement longer-term strategic thinking by councils. They develop the agenda and timetable of activities that achieve the long-term objectives of a council. They also provide a yearly opportunity for review and adjustment. Accountability and transparency to the community is a very important part of this. This strategic thinking is being formalised through non-statutory *Strategic Plans*.³ Ken Tremaine has presented the relationships intended by the amendment in two diagrams (Figs. 1 and 2). While monitoring as such is not shown, given the argument presented so far, it is implicit for the effective operation of the systems he describes.

Some TLAs are already identifying the need to work within a broader strategic framework that includes their community's aspirations to ensure quality of life for all citizens, children and future generations. This reflects the drive behind *Agenda 21* and an interest in local equivalents of the 1992 UNCED conference (Appendix 1). These TLAs are seeking to articulate community aspirations in vision statements and by developing a long-term strategy to realise this vision. As soon as a council begins to plan its work through the expression of values and identification of methods, it is logical to expect monitoring to be an integral part of the process.

Accountability and Transparency

² The Annual Plan is the term used for the first of two formal reports required under the *Local Government Act* 1974, s 223D. The second report (s 223 E) is an assessment of performance under the Annual Plan (see K. A. Palmer 1993, pp 295-299).

³ At the time of writing an amendment to the Local Government Act is under consideration. An effect of this amendment will be a more formal strategic planning component.

Management 's need to achieve accountability and transparency brings with it a corresponding need to have effective and efficient monitoring systems. The need for increasing accountability to the public at the political and managerial levels in the use of those resources has become a standard requirement for local government, as reflected in, for example, sections 223D and 223E of the *Local Government Act*. Consequently, councils are required to:

- Conduct their business in a manner which is comprehensive and open to the public
- Establish clear objectives for policies and activities
- Regularly measure performance in relation to stated objectives and to be publicly accountable for such performance
- Separate their regulatory and service provision functions
- Adequately inform its communities and central government about its activities (Hoskin 1994, p 7).

Again, it should be noted that, with a few exceptions, monitoring stands as an explicit part of achieving these requirements. Otherwise how is it possible to know with confidence that the requirements have been met?

The key annual reports mentioned above are central to the accountability and transparency requirements. Prior to the commencement of each financial year there is the statutory requirement to prepare a draft *Annual Plan*. This contains:

- the intended significant policies and objectives of the local authority, trading enterprise, etc.
- the nature and scope of the significant activities to be undertaken
- performance targets and other measures by which performance may be judged in relation to its objectives
- the costs of implementing the objectives of the plan (Milne 1993, pp 52-53).

The draft *Annual Plan* is subjected to public scrutiny via submissions and consultation. Accountability is taken a step further by requiring councils, at the end of each financial year, to publish an 'annual report' for the sole purpose of monitoring its performance achievements against its *Annual Plan* objectives, all of which are subject to an independent audit⁴.

Are there types of monitoring?

The simple answer is 'Yes'. Monitoring activities can be categorised according to subject-matter and purpose. One such categorisation is (after Hutchings 1995, pp 5-6):

- **Baseline monitoring**- the status of natural and physical resource;
- **State of the environment monitoring**- this form of monitoring may also be referred to as generally as outcome or routine monitoring. It is a difficult but important activity to undertake, and it is concerned with outcomes, such as anticipated environmental results, rather than outputs, such as implementation of selected methods;
- **Trend monitoring**- detection of long-term changes and trends;
- **Incident monitoring**- unauthorised events;
- **Impact monitoring**- single issues, cumulative effects;
- **Human activities monitoring**- people's visions and aspirations, economic aspects, material and energy fluxes, products and wastes etc.;
- **Performance monitoring**- effectiveness of objectives, policies and plans;
- **Compliance monitoring**- an activity concerned, for example, with checking the compliance of resource consent applications with the provisions in a region's policy statements and plans and the consents compliance with any attached conditions. This type of monitoring is more output than outcome related.

Is monitoring a new requirement? What resources are necessary?

No, monitoring is not a new concept that has only emerged since 1991 with the new resource management regime in New Zealand.⁵ As discussed earlier, monitoring is an intrinsic, innate part of what it is that we do - it is a natural function/activity. Monitoring may range from the conscious activity of assessing our performance in terms of the goals set for us, for example, to monitor the effectiveness of council's objectives, policies and plans, or the monitoring of levels of pollution in a river.

⁴ For example, see *Report of The Controller and Auditor-General* (1995).

⁵ In 1975-81 a joint project by the University of Waikato and the Ministry of Works and Development monitored the construction of the Huntly Power Station and associated coal mine: see Fookes (1981).

At the local level, some local authorities may have carried out monitoring as “good practice” under previous law. It has assumed a higher profile because, for example, monitoring is now a legal requirement under section 35 of the Resource Management Act. This does not necessarily mean expensive research. What it does require is a more thorough consideration of proposals and monitoring of consents and plans than has been practice in the past. Technical advice will be required, although most local authorities will already employ such staff. Well thought out controls should reduce unnecessarily high costs of monitoring.

What should be monitored?

Briefly, monitoring involves the collection of data, its analysis, which provides information, the reporting of the information and the provision of feedback and review. Monitoring is one way in which the public can become involved in the planning and decision making of a council. For example, in the resource management process, monitoring provides council with valuable feedback not only on resource consent compliance but also on whether it is effective in meeting its desired environmental and resource management outcomes and other legislative requirements.

A central feature of decisions on what to monitor relates to the definition of "environment". The *Resource Management Act* defines "environment" as including:

- (a) *Ecosystems and their constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters" (s 2, RMA)*

While the scope of "environment" is clear from the definition, there is a continuing discussion on the relationship between biophysical and socio-economic effects within the RMA, with the Minister for the Environment quite clear on the distinction between it being an environmental rather than a planning statute.⁶

Under the RMA, regional council's have a clear mandate to undertake the monitoring of the natural and physical aspects of the local environment, such as: water, soil, geothermal resources, pollution control, natural hazard mitigation, hazardous substances and coastal management. Whereas territorial local authorities are primarily responsible for land-use management (including those on the surface of water, land-use and subdivisions).

The functions of territorial local authorities complement or overlap the role of regional councils on some resource management issues, such as: natural hazard mitigation and management of hazardous substances. Here monitoring needs the use of standardised methodology and reporting of results with usable data/information able to be integrated into a State of the Environment Report (SER) at the regional or national level. This will be helped by the implementation of a national set of environmental indicators being

⁶ For example, the Hon. Simon Upton in his special video for newly elected councillors (transcript from MFE Information Sheet No. 1 "Making the Resource Management Act Work - The Role of Councillors", November 1995).

developed by the Ministry for the Environment. However, within this debate on the content of monitoring, it is important to recognise that councils will have different monitoring needs and available resources.

The implementation of monitoring programmes should be recognised as fulfilling a contract between council and the community. The council is elected and charged with the responsibility for complying with the *Local Government Act* and other Acts as legislated for by central government. For example, policies and plans are developed and implemented after public participation, and state of the environment monitoring indicates councils performance in regards to the results of stated policies. Similarly, consents are granted after a further process of public consultation, and monitoring of these consents is undertaken to assess compliance with any conditions attached. The results of these types of monitoring strategies should be reported back to the community through public reports.

With regards to the state of the environment monitoring, under the above definition of environment, the area of greatest challenge is that of social, economic, aesthetic and cultural state of the environment monitoring. For there are no clear guidelines as to the methodology to use when monitoring social indicators in relation to SER. Social indicators are subjective and qualitative (ie. Who /what defines a good or bad environment? What do you use to measure this?), whereas the physical things are easier to measure. Monitoring is harder to apply to social parameters. The responsibility of monitoring this area has been bestowed on territorial authorities and it is not addressed until late in the Ministry's programme for indicator development (see Appendix).

The social component of the Ministry's proposed National Environmental Indicators monitoring programme should be integrated at the beginning of, in conjunction with, any natural environmental and resource monitoring programmes. The monitoring of social, economic and cultural wellbeing of people and communities is an essential and proactive means of the assessment of objectives, plans and policies, and the development of more 'appropriate' objectives, plans and policies, service provisions and their effectiveness in meeting the needs of citizens and sustainable management practice and decisions-making.

The environment is not an independent domain, certain activities cut across its boundaries and connect it with its social, biological, cultural and economic systems - the environment is not a closed system. Every situation has political, social, cultural, economic and biophysical aspects. Moreover, qualitative information is as fully as important as quantitative information. The over-emphasis upon statistics, because they seem more precise, often yields a narrow or unbalanced view of state of the environment and nation.

Costs and benefits?

Who should pay for the monitoring?

Increased pressure through central government and private sector organisations for councils to adopt user-pay policies has an impact on monitoring. For example, s36, RMA (Administrative charges) sets out requirements in this regard. Under s 36, in regards to compliance monitoring, councils can recover costs from consent holders. However, cost recovery for other monitoring aspects, such as state of the environment and policies and plans is subject to qualification. The critical criterion of charging according to the degree of individual benefit rather than general public benefit constrains councils. For the community-wide aspects this seems to make payment through rates the practical approach. A twist to this approach, however, is where information on resource consent

compliance is used in other, community-wide, monitoring as well as checking on an individual's compliance. This potentially reduces the proportion of costs accruing to the individual.

Who benefits from monitoring?

Depending on the category of monitoring (as above) being used, the issue of benefit changes. In most cases, however, there remains a sizeable proportion where the benefit is public. Examining this further on the basis of council and community the following can be identified:

(a) Council- implementing monitoring programmes is a useful management tool that allows councils to:

- increase their knowledge, thus enabling them to make more informed decisions and help identify resource management issues for the region/district
- improve the level of customer service
- identify problem areas and so assist in setting expenditure priorities in the annual planning process
- prioritize and evaluate capital works programmes based on their information that monitoring can give
- assess council performance with respect to its long-term planning goals and the effectiveness of its environmental management strategies

To sum up benefits to a council: monitoring is a necessary part of any council's reporting process. This is particularly so for the environmental reporting process as well as being a fundamental component of any good resource management system. Effective resource management practice is hampered by a lack of knowledge about the environment and about effects of policies on the environment. Monitoring in these areas can increase our knowledge and thus has the potential for improving the effectiveness of councils environmental and resource management systems.

(b) Community - the benefits of the local community being involved in monitoring are:

- A conscious raising awareness of the environmental issues of the community
- The community and individuals are provided with useful information, such as: what consumer product/companies and activities are detrimental to the local community and environment
- Awareness and involvement can act as a trigger for action, as people can see the links between their actions as individuals or collectively and the environmental effects of those actions
- An improvement in the partnership relationship between the council and the community

3. Current Issues for Monitoring

Integrated Monitoring Programmes

The law reforms since 1989 have changed the context in which councils now operate. Under the umbrella of the notions of an accountable and transparent decision-making process, councils are now expected to operate in a "business-like" manner. Monitoring sits comfortably with these management principles. A major issue which has to be attended to, however, concerns the way any monitoring effort is co-ordinated within a council, and across councils (eg between a regional council and its companion TLAs). Attention is also required to the wider international and national contexts.

This is best illustrated by reference to resource management. A number of organisations are responsible for resource management of New Zealand's environment and are currently operating monitoring programmes. However, there are overlaps, both internally and externally, in the monitoring responsibilities of such organisations. With respect to the RMA, the greatest overlaps occur between regional and local authorities.

Monitoring responsibilities of government departments and agencies

		<u>Examples of Monitoring Activities</u>
GLOBAL	UNCEP, OCED NGO's	Global trends and issues State of the Environment
NATIONAL	MoT, MfE, MAF, DoSLI, MoH, DoC, CRI's, Dept. of Stats, Other Gvt Depts, Industry	State of the Environment Reporting (SER) National Networks (rivers, lakes, air, climate, monitoring, water supply etc.) Material and energy fluxes, hazardous wastes etc. Development and standardisation of methodologies National Environmental Standards Census and economic information Resource inventories, fishery/wildlife databases etc.
REGIONAL	RC, DoC, CHES, Resource Users Iwi	Compliance monitoring Natural resource surveys Protected areas, rare and endangered species Coastal resources inventory etc. Pest control and noxious weed information Transport statistics Public opinion and aspirations State of the Regional environment
LOCAL	Territorial Authorities, CHE, Community Groups	Compliance/impact monitoring Water supply quality Solid waste generation and disposal Land use changes and impacts Reserves, tourism, recreation Public opinion and aspirations Maori values State of the Community Environment

(Source: Hutchings 1995:6)

These overlaps have raised questions concerning:

- The agency to be primarily responsible for monitoring what resource management issue
- The role of joint monitoring strategies/programmes
- The degree to which information sharing is required

At the local (TLA) level, with the recent legislative and organisational changes, the current process of strategic, annual and district plan preparation allows for local authority's to integrate their planning performance and monitoring activities - a fundamental aspect of the planning cycle and resource management practice.

This figure illustrates the relationships and links between the different council plans produced and the statutory context in which they are developed.

(Source Fraser and Hardy 1995, p 16).

Issues of integration are not just at the local government level, but loiter between the Ministry for the Environment and all other parties to environmental management, hence the recent moves by the Ministry to develop a national state of the environment reporting system. The following illustrates the relationship between an integrated planning cycle and performance monitoring.

(Source: Fraser and Hardy, 1995, p 17).

Complying with the Resource Management Act

Section 35 explained

Under s 35 of the RMA, a duty has been imposed upon councils to gather information, monitor, keep records, and to have these records available to the public. In other words, councils now have increased responsibilities for gathering information, monitoring and maintaining records on resource management matters. More specifically:

- sub-section 1 states "Every local authority shall gather such information and undertake or commission such research, as is necessary to carry out effectively its functions under this Act."
- sub-section 2 states that every local authority is now required to monitor four different areas of their performance. These areas are (emphasis added):

“(a) 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; and

(b) The **suitability and effectiveness of any policy statements and plans** for its region or district; and

(c) The exercise of any functions, powers, or duties **delegated or transferred** by it; and

(d) The exercise of the **resource consents** that have effect in its region or district, as the case may be,- and take action (having regard to the methods available to it under the Act) where his is shown to be necessary” (s 35 (2), RMA 1991).

- sub-section 3 refers to councils keeping information reasonably available at its principal office. The sub-section identifies the information which is relevant to:
 - the administration of policy statements and plans
 - the monitoring of resource consents
 - current issues relating tot he environment of the area.

This sub-section goes on to explain the reason for this requirement, namely:

- "to enable the public -

- and
 - (a) To be better informed of their duties and of the functions, powers, duties of the local authority; and
 - (b) To participate effectively under this Act."

- sub-sections 4 and 5 provide further detail on where the information should be held, and what the information required under sub-section 3 should include.

Intentions of Section 35

This section has an extremely wide scope. It is not only to gather information and undertake research, but also to monitor the operation of the Act in its region or district, and to have all such information available to the public to facilitate their participation. It also requires that the information contains a summary of written complaints. It appears that this section has two objectives:

- (1) to require local authorities to monitor the state of the environment in their district, the working out of their policies and decisions, and to take remedial action where appropriate; and
- (2) to enable the public to be informed and to monitor the performance of their local authority (Brooker and Friend, 1995, p 17)

Other RMA references relevant to monitoring

While monitoring is a statutory requirement under s 35 of the Act, the issue of monitoring responsibilities is also covered in several other sections of the Act:

- Section 31 outlines responsibilities of the territorial authority for environmental management and control. This section states that the responsibilities of territorial authorities include the management of land resources, subdivision development, natural hazards, hazardous substances, noise pollution and surface water activities. Section 31 also requires local authorities to establish, implement and review their objectives, policies and methods to achieve integrated management of land and natural resources. It therefore seems fairly clear that territorial authorities are responsible for monitoring those aspects of the environment delegated to them in section 31 of the Act.
- Sections 6, 7, and 8 outline the importance of other aspects of environmental management which are the responsibility of *all* agencies administering the Act.
 - Section 6 outlines matters of national importance that “*shall be recognised and provided for*” in regards to the management of the “*use, development and protection of natural and physical resources*”. The issues outlined in section 6 includes the coastal environment, wetlands, lakes and rivers, outstanding natural features and landscapes, significant indigenous vegetation and habits of indigenous fauna and “(c) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga .*”
 - Section 7 (“Other matters”) and section 8 (“Treaty of Waitangi”) make reference to a wide range of monitoring responsibility issues, including Kaitiakitanga, natural and physical resources, the built environment and the principles of the Treaty of Waitangi.

There are important links between ss 31, 32 and 35 of the Act. Section 31 requires every territorial authority review their objectives, policies and methods, while section 32 imposes an obligation that “*before adopting*” any objective, policy, rule or other method,

to “*have regard to*” alternatives, “*evaluate*” benefits and costs etc. Monitoring can provide territorial authorities with the necessary information which is valuable when objectives, policies and rules are being evaluated.

What should be monitored?

An effective monitoring strategy or programme is critical as it is only through monitoring that councils will be able to measure whether their policies and plans are effective in meeting environmental outcomes sought and its legislative requirements under the Act.

(Source: Hutchings, 1995, p 10)

Under s 35 of the RMA, local authorities are now required to monitor the state of the environment, the suitability and effectiveness of policy and plans, delegations and transfers, and resource consents. All four of these areas of monitoring are linked. The monitoring of resource consents provides councils with the foundation for their other aspects of monitoring, for example, the monitoring of resource consents addresses, on the ground, whether a councils policies and plans are being implemented and given effect, and also whether they address the resource management issues and objectives.

State of the environment: The concept of sustainable management of the environment is well established in New Zealand law and planning disciplines through the Act (s 5). Environmental monitoring and the use of environmental indicators are a vital component of that concept.

Under s 35(2), a regional council or TLA is required to monitor the state of the whole or any part of the environment “*to the extent that is **appropriate** to enable councils to **effectively** carry out its **functions**...*”(emphasis added). Under such a definition, councils have some discretion as to **how** it will develop and apply an appropriate and effective monitoring programme of the state of the environment, and also as to which parts (or whole) of the environment to monitor. However, the Act is clear in requiring that it is the **function** that should be monitored.

(Source: Hutchings, 1995, p 4).

Policy statements and plans: Our resource management planning system is based firmly on written planning documents rather than ad hoc, case by case decision-making. Basically, the policy statements and plans set out a framework within which resources can be used and councils are involved in ensuring compliance with standards set and dealing with applications for exceptions. Plans and policy statements are therefore very important if they are inappropriate, for example, unduly restricted, worthwhile development may be prevented. On the other hand, if they do not deal adequately with the resource management issues (and inevitable conflicts) in a district or region resources may not be protected and development may lead to adverse environmental effects.

Plans and policy statements should set out the resource management **issues** being addressed, the **objectives** (what you are trying to achieve), and in the case of plans, some **rules** (specific standards, requirements or prohibitions). Although the RMA requires councils to monitor its plans and policy statements, the Act leaves open to interpretation questions of: which policies are to be monitored and to what extent and the nature of the information required to monitor.

In the context of policy statements and plans, these questions of interpretation translate into a councils judgment of the ability of a policy statement or plan to achieve its objectives or anticipated environmental results. A judgement of this type can not be made unless the results of a state of the environment monitoring programme are available.

Plans and policy monitoring also requires the application of the more mechanical check of whether the methods listed in the policy statement or plans have actually been implemented. This aspect of monitoring has a close relationship to annual plans and reporting requirements established in the Local Government Act 1974.

(Source: Hutchings, 1995, p 3).

Essentially, the purpose of monitoring plan performance is to provide information which would allow a council's plan policies and administrative practices to be reviewed and consequently improved. Issues that could be addressed by such a monitoring programme are:

- Do Plans and Policy statements reflect the council's regulatory culture and organisational objectives?
- Are the policies appropriate for the town/city, given the areas existing resource management issues, community values and tangata whenua concerns?
- Are the policies effective in achieving their stated objectives and controlling environmental effects?

Delegated or transferred responsibilities: The practical basis of administration whereby a councillors' responsibilities may be formally delegated to officers and other specified bodies (e.g an iwi) brings with the question of continuing accountability. Delegation normally does not remove the initial responsibility and this raises the issue of monitoring the execution of delegations as provided for in s. 35, RMA. This type of monitoring falls within the administrative functions of a council and procedures, including record keeping should be in place to provide reports back to the council on how well the arrangements are working. The key question should probably be, "What is the effect of the delegation? Is it being executed consistently and in line with council policies (including the policies in the district plan)".

Resource Consents: The monitoring of a consent holders compliance with consent conditions has been referred to as a 'cornerstone' activity for councils in understanding their regulatory functions. Consents are seen to be the fundamental "*tool*" to implement the regulatory policies of council. Once the need for regulatory intervention has been determined via policy statements or plans, or as mandated directly by the RMA, consents

become the principal “*on the ground*” delivery mechanism. Consents are, in effect, the major ‘*operational*’ component of any councils resource management activities.

To put this very simply:

***What is the point of preparing policy statements, making plans and rules and processing consents, if compliance is not monitored and, where necessary, enforced?
or***

How credible can your outcome monitoring be if you do not know, with a reasonable degree of confidence, whether your regulatory policies have been given effect?

The monitoring of compliance with resource consents involves the measurement of the *direct* impact of consented activities on the environment. Monitoring may take many forms depending on the actual or potential impacts associated with the authorised activity.

State of the Environment Reporting (SER)

The Ministry for the Environment is moving towards a programme to establish a core set of nationally standardised environmental indicators that will help to assess the state of the environment and help monitor the outcomes of environmental policies and key legislation, including the RMA and the Government’s Environmental 2010 Strategy.

State of the environment reporting (SER) encompasses systematic monitoring, gathering, and analysis of environmental data and the dissemination of reliable, scientifically based, easily understood information about the condition (state) of the environment, the pressure on it, and the effectiveness of the measures taken to correct any problems.

Some of the basic ingredients of State of the Environmental Reporting are (MfE 1996, p 3):

- Regular standardised monitoring of the environment to detect environmental conditions and trends
- Regular reporting of information to the public
- Regular publication of a ‘state of the environment’ report
- A compilation of a directory of sources of environmental information
- The potential establishment of national resource accounts.

It is readily apparent from the discussion so far that monitoring by local authorities provides an important source of information for SERs at the national level. This national benefit further complicates the issue of who benefits and who pays from monitoring that supports the national result.

Environmental Indicators and Environmental Monitoring

Environmental indicators are defined by the OCED (1994) as:

“a parameter, or value derived from parameters, which points to, provides information about, or describes the state of a phenomenon/environment/area, with a significance extending beyond that directly associated with a parameter value”

Environmental indicators are aspects of the environment which are monitored regularly to show trends and sudden changes in a particular environmental condition. A core set of environmental indicators, as proposed by the Ministry, should provide sufficient information to track the state of the environment and to trigger ‘appropriate’ and timely action to address adverse environmental conditions.

Environmental indicators come in many forms. An indicator may be a plant or an animal which is particularly sensitive to environmental changes (a bio-indicator); it may be a chemical or a pollutant in water, air, or the soil; or it may simply be a measure of the amount of a particular resource.

Some indicators, such as the amount of domestic waste each person generates, provides information about the pressures on the environment and whether they are increasing or decreasing. Others, such as the number of land-based sewage disposal systems, or the quantities of materials being recycled, records the actions people take to reduce their impacts on the environment.

Core set of Environmental Indicators

The environmental indicators programme, proposed by the Ministry, aims to establish a relevant, credible core set of national environmental statistics to assess the state of the environment, to help assess the effectiveness of environmental policies, and to identify emerging environmental trends. The programme concentrates on (MfE 1996):

- Establishing a **framework** from which to develop a core set of environmental indicators
- Promoting the **consistent use** of the framework by all agencies responsible for resource management to develop **standardised** environmental indicators
- **Standardising monitoring protocols and procedures** to ensure data comparability
- Facilitating **access** to environmental data and information

The framework proposed follows the issues-based PRESSURE - STATE - RESPONSE model developed by the OCED:

Outline of the Proposed Issues-Based Environmental Indicators Framework

Issues	Indicators		
	Environmental Pressures	Environmental Conditions (State)	Societal Responses

(Source: National Environmental Indicators, Ministry for the Environment 1996:ii)

This framework is supported to be flexible and can be modified to include those resource management issues that are significant at regional, local or community levels.

The Role of Tangata Whenua and the Community in Monitoring Programmes.

The local community

The provision for public participation under the Act gives councils and opportunity for insight into the community's perceptions of the resource management issues and the environment in general and as an indicator of councils performance of its functions and responsibilities under the Act.

Council can also use their RMA responsibilities for monitoring to facilitate the development of patterns of relationship between the community and its natural environment, and between the community and the council.

At present, the primary role of the community is that of reporting unauthorised incidents of non-compliance with resource consent conditions. This system enables the community to be involved in a formal watchdog process. Other direct ways of community involvement, excluding the formal submission process, is through the use of public attitude surveys. These surveys provided a useful means by which councils can gauge the public's perception that the appropriate outcomes to the community resource management issues are being achieved, and whether the general services and performances of the council are being achieved.

Tangata whenua

For many Maori the right to participate in the decision making process on environmental issues lies first and foremost in the Treaty of Waitangi. The Treaty principles, outlined by the Court of Appeal and the Waitangi Tribunal, provide the framework for participation. Those principles are (James 1993, pp 2-3):

- Tino Rangatiratanga
- Balance of Tino Rangatiratanga and Kawanatanga
- Partnership
- Active Protection
- Tribal Development
- Redress .

Maori have a relationship with their environment which has evolved over many centuries. These centuries of observations and experience have resulted in the use of environmental indicators for customary resource management practice.

For those agencies that have been entrusted with the sustainable management of the environment, it is becoming increasingly clear to them of the importance of gaining an understanding of the attitudes and the relationship that Maori have with the environment, and incorporating this into environmental policy.

The RMA characterises a major shift in how statutory resource management is to be undertaken by agencies, especially with regard to Maori interests and values (sections 5, 6e, 7a, 8 and the First Schedule):

“Maori view their traditional values as being of importance not only to themselves but also to the whole of society. Elements of indigenous knowledge and practice, which have generic applications across the whole society, are now beginning to be noticed and introduced into mainstream organisations and human resource development practices” (Barnes 1995, p 51).

These requirements supported by the increase in international recognition of indigenous people’s knowledge of, and contribution to resource management and their struggles for self-management and self-determination. This is exemplified in the 1992 Earth Summit stated in the Rio Declaration:

“Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognise and duly support their identity, culture and interest and enable their effective participation in the achievement of sustainable development”.

In order for councils to carry out their legislative obligations, Maori involvement in resource management practices can not be considered as just another interest group. Maori status as people who possess traditional rights and authority over their ancestral lands, water and other Taonga is **now** acknowledged in the RMA and therefore it requires that Maori be treated as **partners** in the resource management process and their values and beliefs respected.

“A prime objective for iwi is participation in the resource management system in order to gain recognition of their traditional, cultural and spiritual values and their incorporation into the decision making process of local and central government. Iwi authorities are not just interested in what affects the protection, use or development of resources or of specific sites. They are also vitally interested in how resource management decisions are made.

The setting of resource management objectives, policies relating to the achievement of those objectives, the methodology used to implement policies, and finally monitoring, are matters determined and carried out by particular processes. Iwi may seek input into all these areas in order to give expression to their values in the resource management system” (James 1993, p 15).

However, much of the monitoring undertaken by councils requires particular expertise and certain amounts of resources, something which may preclude Maori involvement in monitoring programmes and the wider resource management processes.

References Cited

- Barnes, J, 1995: Maori Policy and Social Assessment , in J. Davey (editor) *Social Assessment and Central Government*, Victoria University Of Wellington, Policy Studies Institute.
- The Controller and Auditor-General, 1995: *First Report*.
- Fookes, T.W., 1981: Answers to People's Questions, *Final Report Series 1*, Monitoring Social and Economic Impact - Huntly Case Study, University of Waikato.
- Fraser, J. and K. Hardy, 1995: Integrated Planning and Performance Monitoring, *Planning Quarterly*, 120, December, pp 16-17.
- Hoskin, P, 1994: New System 'Innovative and Unique'- Elwood, *New Zealand Local Government*, February, pp 7-8.
- Hutchings, J, 1995: Monitoring Responsibilities under the RMA, *Planning Quarterly*, 120, December 1995, pp.5-9.
- James, B. 1993: The Maori Relationship with the Environment, Publication No. WRC/PP-g-93/29, Wellington Regional Council.
- Milne, C, (ed.) 1992: *Handbook of Environmental Law*, Wellington: RFBS.

Further Readings

- Auckland City Council, 1994: *Monitoring Statement for Auckland City: a description of Auckland City's environment and proposals for further monitoring*, published by Auckland City, Planning Resources and Policy Division
- Bauer, R, 1966: *Social Indicators*, The M.I.T. Press, England.
- Cochrane, P, 1995: Ministry to Develop Core Set of Indicators, *Planning Quarterly*, December pp.12-13.
- Fitzgerald, G. and A., Carlisle, 1994: *An Approach to Implementing Monitoring of the State of the Social Environment in Territorial Local Authorities: Draft Only*.
- Fookes, T, 1993: *People, Policies and Plans: Planning Resource Management in New Zealand*, Ministry for the Environment, GP Publications, Wellington.
- Frawley, P, 1995: One Council's Experience With SER, *Planning Quarterly*, December, pp.14-15.
- Gibbs, N, 1994: *Enabling Sustainable Communities: A strategic policy paper*, Ministry for the Environment, June.
- Hutchings, J, 1995b: "Local Government's Monitoring Responsibilities under the Resource Management Act 1991: A Strategic Assessment", A Paper to the Resource Management Conference, March .
- Knight, S, 1995: How Green Is Your Valley,"*Planning Quarterly*, March. Vol.117.
- McNeil, R, 1995: "Implementing International Agreements: Agenda 21, A Future for Planners" in the *Proceedings*, New Zealand Planning Institute Conference ,Taupo, 24-27 May
- Ministry for the Environment 1996: *National Environmental Indicators: Building a Framework for a Core Set*, January.
- Morgan, G, 1986: *Images of Organisation*, Sage Publications, USA.
- Palmer, G, 1995: *Environment: The International Challenge*, Victoria University Press, Wellington.
- Ross, M, 1993: How Responsive Is Your Council?, *New Zealand Local Government*, January, pp.19-20.
- Shand, D, 1994: *Taking Up The Challenge Of Agenda 21: A Guide for Local Government*, Ministry for the Environment, Wellington.
- Stewart, C, 1995: *Environmental Health - Mirage or Reality*, *Planning Quarterly*, December , pp.10-11.
- Taranaki Regional Council, *Draft Annual Plan 1995/96*.
.....*Regional Policy statement For Taranaki*, September 1994.

.....*Proposed Regional Monitoring Strategy For Taranaki: Part I, Purpose and Principles*, February 1995.

.....*Regional Monitoring Strategy For Taranaki: Part Two*, November 1995.

Vossler, G, 1994: *Integrated Environmental Policy: Attainable or Illusory Grail? New Zealand Local Government*, January, pp.21-22.

Ward, J, 1994: *Monitoring is a Legal Requirement, New Zealand Local Government*, January, pp.22-24

APPENDICES

The Earth Summit - United Nations Conference on Environment and Development (UNCED)

In 1992, the United Nations called for a summit meeting of world leaders in response to mounting evidence of a deepening crisis of environmental degradation and deterioration in human societies all around the world.

The primary goal of The Summit was to lay the foundation for a global partnership between developing and more industrialised countries to ensure the future of Earth. It was a search for a viable and equitable balance between environment and development.

The main outputs of UNCED were:

- The Rio Declaration - a short statement of principles revolving around sustainability;
- Agenda 21 - an enormous action plan of 40 chapters comprising recommendations to governments;
- A Declaration on Forests which had been intended as a hard law convention but could not be agreed upon;
- A Convention on Biological Diversity;
- A Framework Convention on Climate Change;
- An agreement within the context of Agenda 21 to establish a Sustainable Development Commission to monitor the progress in implementing the Rio Declaration (Palmer 1995:125).

Agenda 21

Agenda 21, is a blueprint for action in all major areas affecting the relationship between the environment and the world's economy, taking the world into the twenty-first century. It guides the world towards a sustainable society, one in which we think not just for ourselves but also for our fellow human beings and future generations. Although not legally binding because New Zealand has signed but not ratified, it does create an obligation to act in good faith.

Agenda 21 recognises the unity of the planet - the "integral and interdependent nature of the Earth, our home" - and that people are part of nature. Moreover, we must also accept that we have a stewardship role (kaitiakitanga) and are responsible for what happens to the world around us.

The challenge of Agenda 21 is how we translate the global framework into actions at the local and community levels. Local authorities are a crucial link in implementing Agenda 21 within national boundaries. Local authorities, as the unit of government closest to people, they have a vital role in local action. However, the real tests of understanding, practicality and commitment come when Agenda 21 is translated into many small action plans and applied at the local level, ie. Think Globally, Act Locally.

The New Zealand Government has acknowledged that Agenda 21 provides New Zealand with internationally agreed guidelines for sustainable development. The primary aims of the strategy for the follow-up to Agenda 21 in New Zealand are to:

- Promote understanding of, commitment to, and ownership of the outcomes of UNCED, particularly Agenda 21, amongst all stakeholders.
- Foster the development of partnerships between the major stakeholders in order to implement Agenda 21.
- Promote and integrated and coordinated response to the recommendations in Agenda 21 by the Government, as well as in local government and non-government sector.

Agenda 21 and the role of local authorities

In chapter 28 of Agenda 21, UNCED recognised the vital role that local authorities would play in the successful implementation of Agenda 21. Many of the problems and solutions that Agenda 21 attempts to address have their roots in local activities. Therefore the full participation and cooperation of local authorities is considered crucial in fulfilling its objectives.

The Agenda 21 process

“Local authorities construct, operate and maintain economic, social and environmental infrastructure, oversee planning processes, establish local environmental policies and regulations, and assist in implementing ... national environmental policies. As the level of governance closest to the people, they play a vital role in educating, mobilising and responding to the public to promote sustainable development.”

Agenda 21, section 28.1

Agenda 21 places great emphasis on process as a critical factor in achieving its objectives. Successful processes include:

- Commitment at the highest level.
- Commitment of resources and personnel.
- Participation
 - at all levels
 - of all major groups, including those usually missed
 - partnerships with business, science and citizenry groups.
- An agreed-on programme of action
 - researched
 - targeted
 - integrated
 - prioritized
 - programmed
 - monitored
 - reported
- Flexibility

This has now come to be regarded as the Agenda 21 process model.

APPENDIX 2

THE RESOURCE MANAGEMENT REGIME IN NEW ZEALAND

A massive law reform effort culminated in the enactment of New Zealand's Resource Management Act 1991. The Act restructured New Zealand's domestic environmental law by creating a single system which promotes 'the sustainable management of all natural and physical resources'. This comprehensive approach was a departure from the previous piecemeal approach and with the Crown Minerals Act 1991 repealed over 60 acts and amended more than 150 others. In doing so, these Acts transformed a legal mosaic into a more integrated regime of resource management in New Zealand. It introduced a completely new framework for protecting the environment when compared to the Town and Country Planning Act 1977 and its predecessors.

New Zealand now has a resource management planning system with the following characteristics:

- **It is comprehensive - the Act covers management of most resources.**
- **Regulatory decision-making is focused at local government (including regional) level rather than being centralised.**
- **The system provides for public participation both in the preparation of "plans" and "policy statements" and in dealing with applications.**
- **Decisions of councils are open to appeal to a specialised court - the Planning Tribunal.**
- **Councils are bound by plans and policy statements in the same way as the private sector (ie. council projects may require application for consents).**

The most crucial feature of the RMA lies in the provision describing its purposes and principles which are contained in Part II of the Act. This part sets the standards upon which the entire integrated decision-making system must rest. The key concepts are **sustainable development** and **sustainable management**. Section 5 is the central section of the whole Act:

- **It is about "*use, development, and protection*" - not just development, not just protection.**
- **It is about "*people and communities*", and "*their social, economic and cultural well-being*" not just the biophysical environment.**
- **There are also limits as to what can be done by the present generation seeking well-being from resource usage - the resources have to be still available for "*... the reasonably foreseeable needs of future generations...*".**
- **Adverse effects on the environment have to be avoided, remedied or mitigated.**

A key feature of the legal regime established by the RMA is the focus placed on the **effects** of activities rather than upon the activities themselves.

APPENDIX 3

Taranaki Regional Council

Consent Monitoring Programme

Taranaki Regional Council has approximately 4000 consents on file and they have undertaken 2 forms of compliance monitoring:

1.) **Formal Monitoring Programmes**- this approach is adopted for medium to large industry/ resource users, and it is a specialised, formal monitoring programme which is negotiated each year with the consent holder.

Currently, Taranaki Regional Council has just over 100 of these specifically tailored monitoring programmes in place. The scope of this type of monitoring is broad: 63% of these programmes are for petrochemical, dairying, electrical and meat works. A further 19% of the monitoring programmes are accounted for by local authorities, such as those involving the discharge of municipal. The remaining of the programmes cover minor industries.

The cost of these programmes are recovered via the special order procedure under section 716B of the Local Government Act 1974.

The programme may often involve a combination of consent holder monitoring and council auditing. The details of the programmes are delivered in consultation with the company and the community. Such a programme is that for Petralgas Methanol Plant in the Waitara Valley. It generally involves the following elements.

- I. **Management and supervision** - covering liaison with the consent holder, minor report writing and correspondence.
- II. **Inspections** - routine inspection of a site will be conducted with particular emphasis on water supply and wastewater treatment facilities, the review of contingency planning measure and the adequacy of methods used for the storage of special or hazardous chemicals.
- III. **Compliance monitoring** - in general most larger organisations conduct self monitoring of wastestreams and water abstraction. This data is forwarded to the Regional Council, reviewed and recorded on a regular basis and charges are made accordingly. At regular intervals a split sample is taken of wastestreams for dual analysis at both the Regional Council laboratory and at either the Company's or its designated consultant's laboratory.
- IV. **Impact monitoring** - generally impact monitoring is conducted by the Regional Council or by its agents eg. a specialist consultant. It is usually this monitoring that is required to be the most rigorous in terms of scientific defensibility. Monitoring may range from insitu sampling of freshwater or marine ecological communities to bioassays or modelling of abstraction or discharge effects.

Each of these monitoring programmes give rise to the production of an annual report. The annual report, initiated some six years ago by the council, summarises the consent holders compliance performance. Not only does the report cover the licensed discharges of the consent holder, it also discloses commentary on the unauthorised discharges that *may* have occurred. These reports *may* include recommendations for change, or modifications to the monitoring programme, or even to the conditions attached to the consent itself. The annual report is then presented to the council and is made publicly available on the adoption of the recommendations by council.

Compliance monitoring reports have proven to be an effective weapon against some consent holders, whom have not complied to their consent conditions, with comparisons readily being made in the media between the relative environmental record of consent holders and environmental degradation. Also, a defensible and sound track record of consent compliance and environmentally sound practice has proven to be beneficial to the applicant at the time of consent renewal.

2.) **Inspectorial Monitoring Programmes** - essentially, this form of compliance monitoring involves inspection, with some chemical sampling of particular industries.

Taranaki has, under this type of monitoring strategy, 2700 dairy-shed discharge consents. All of these consents are monitored annually by the inspectorate. This monitoring determines the degree of adherence achieved by Taranaki's dairying industry, and other smaller consent holders, with the performance expectations recorded within the conditions attached to the resource consent (Hutchings 1995(b):6).

Inspectorial monitoring also has proven to have the further benefit of identifying *incidents* (including discharges occurring without consents). Industries which are monitored but do not hold resource consents include garages and some carriers/transport operators where inspections occur to check on potential site contamination.

(source: McLay 1994; Hutchings 1995)

APPENDIX
State of Environment Reporting Development Programme 1995-1998

The development of a core set of national environmental indicators is planned, by the Ministry, as a 3 year project:

Proposed Priority Order for the Development of Environmental Indicators	
Year One:	1995/96 Financial Year
Work to begin on:	
<ul style="list-style-type: none">• Land• Water• Air• Pollution Waste and Hazardous Substances	
Year Two:	1996/97 Financial Year
Work to begin on:	
<ul style="list-style-type: none">• Indigenous habitat and biodiversity• Pests weed and diseases• Fisheries resources• Energy	
Year Three:	1997/98 Financial Year
<ul style="list-style-type: none">• Transport• Climate Change• Ozone depletion• Additional social, cultural, economic indicators, and indicators of the built and urban environment.	

Source: National Environmental Indicators, Ministry for the Environment 1996:23)