SEA in New Zealand: do s32 reports pass the test?

Richard Morgan & Chantal Whitby
School of Geography, University of Otago, New Zealand

Richard.Morgan@otago.ac.nz   chantalwhitby@gmail.com

Strategic environmental assessment (SEA) has never been formally adopted as a named process by the New Zealand government, and it has little recognition outside the impact assessment community.   However, **s32 of the Resource Management Act 1991 (RMA)** contains provisions that have been likened to SEA. The section requires decision-makers in central, regional, and local government to evaluate proposed policies, plans, rules, etc. in relation to the purpose of the RMA, to ensure the most appropriate and cost effective option has been chosen. Has SEA in effect been integrated into the fabric of the RMA in the way EIA has?

The purpose of this research is to determine to what extent s32 evaluations correspond to SEA expectations.

RMA and SEA…the role of s32

Under the RMA, there is no separate EIA process: information about the environmental consequences of resource consent applications is integrated into the application process for any proposal that requires a consent. Similarly, s32 ensures decision-makers have relevant information about policies, plans, rules, etc., as part of the decision-making process.

Do these evaluation reports equate with SEA? Certainly elements of the section are strongly suggestive, esp s32(2)(a) *"identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions,…"* and when set within the overall purpose of the RMA, the sustainable management of natural and physical resources, this suggests the s32 evaluations will meet many of the broad aims of SEA, as defined in international literature.

However, s32 has two broad purposes: the first is an *accountability* function: it requires authorities to show that their chosen proposal not only meets the purpose of the RMA but does so in an <u>efficient</u> and <u>effective</u> way. Secondly, it has a *substantive* function, requiring an analysis of issues, and the costs and benefits (including social, environmental, etc.) of the options.

Previous research (e.g. Fookes, 2000; Dixon, 2002; Wilson and Ward, 2011) suggests that practice tends to favour accountability at the expense of substance. We were interested to see what more recent practice looked like.

Methods

55 reports were examined, from 272 available (2011-2016). They were selected to represent year, organisation, proposal type, etc.

- District plan changes - metropolitan (17) and non–metropolitan (15).
- New district plans (3)
- Changes to regional policy statements (6) and regional plans (6).
- Ministry for the Environment (MfE) (5 reports: *Freshwater (2); Soil contaminants, Urban development, Telecommunications*).
- Environment Protection Authority (EPA) (2 reports, both plan changes).

Evaluation criteria identified from previous research and literature (see box).   Reports graded from 1 (weak) to 5 (strong) for each criterion.

Qualitative analysis primarily, plus PCA and cluster analysis to explore broad patterns in the ratings.

Evaluation Criteria	Yes/No	Score 1: weak 5: strong
Organisational Context:		
• Inter-sectoral and inter-organisational co-ordination and connectivity (e.g. links to processes at higher and lower decision-making tiers)		
• Integrated with existing policy and planning structures		
Process:		
• Initiated early-on in the process - results available early enough to influence the decision-making process		
• Iterative and systematic process (multi-staged)		
• Flexible and customised process sensitive to specific decision-making requirements, conditions and timeframes		
• Early involvement opportunities for participation from all relevant and interested stakeholders, including the public		
• Best practical option orientated		
Public Participation:		
• Easy-to-use consultation techniques employed		
• Public inputs and concerns explicitly welcomed and addressed		
• Transparent process with results communicated clearly and publically		
Development of Objectives:		
• Development of objectives to be environmentally sustainable, including consideration of environmental, social, and cultural aspects		
• Reasonable range of possible alternatives for achieving objectives are analysed		
• Objectives of the strategic action identified		
Scoping for Impacts:		
• Significant issues identified and weighted/scaled		
• Consideration of environmental, social, cultural and economic consequences of strategic actions, including any trade-offs between them		
• Strategic action focused and proportionate to the importance of the issue		
• Issues for each proposed alternative considered		
Baseline Information:		
• Baseline information needs to be linked to the key issues identified during scoping		
• Relevant baseline information gathered and utilised		
• Use of a range of sources appropriate to issue/context		
• Information 'gaps' identified where appropriate		
Impact Forecasting:		
• Potential impacts of the alternative options analysed. As appropriate for the context, the following characteristics to be recognised:		
o Cumulative, synergistic, direct, indirect, and delayed impacts		
o Spatial and temporal effects, including short, medium and long-term permanent and temporary impacts		
o Positive and negative impacts		
• The evaluation of impacts clearly guided by significant issues identified earlier in the process		
• Appropriate cost-and-time effective methods and techniques of analysis selected		
• Uncertainties, assumptions and risks recognised		
Preferred Option:		
• Impacts of the different options compared		
• Clear justification provided for the selection of preferred option(s) and description of how the assessment was undertaken based on environmental information available		
• Recommendations for impact mitigation or reduction made		
• On-going monitoring intentions clearly stated where relevant		
Quality Control:		
• Draft assessment subject to some form of independent review		
• Public and/or stakeholder groups allowed to comment on the draft assessment		

Findings

Overall, the s32 reports for regional plan changes had the highest ratings on the criteria, followed by those by MfE and EPA, and then the new plan reports. s32 reports for regional policy statement changes were more variable, and district plan changes tended to have the poorest quality s32 reports.

- Multivariate analysis (PCA and cluster analysis) confirms the broad contrasts between s32 performance for, on the one hand, regional plan changes and MfE reports (*Transparent process, Range of Sources for baseline data, Early involvement for stakeholders, Easy-to-use consultation, Public input welcomed, Iterative, Public comment on draft, Flexible, Linked to key issues),* and on the other hand the District plan changes, characterised by lower ratings on those criteria.

- A secondary pattern contrasted most of the MfE and EPA reports, for their emphasis on options, alternatives, and a strategic focus, with a group of district and regional plan s32 reports that emphasised public involvement, but lacked that strategic perspective.

In summary, where authorities are dealing with district plan changes, they seem to be more focused on *accountability* issues: efficiency and effectiveness of proposed rules and regulations, rather than the *substantive* aspects represented by the evaluation criteria. Higher level polices and plans allow for more strategic considerations, and rate more highly against the criteria.

Do any of the s32 reports pass the SEA test?

No, most are falling well short of equivalence with SEA
Most rate well for organisational context, integration with existing policy and planning structures, identifying their objectives, etc. But many displayed various weaknesses, including: limited or no public participation; failing to identify information gaps or to establish the significance of key issues; poor impact forecasting, or none at all; no consideration of impact mitigation or on-going monitoring. There was a strong tendency to focus more on economic considerations than social, cultural and environmental implications, and the reports typically placed a strong emphasis on demonstrating that the options had been chosen for their effectiveness.

A few s32 reports (see left) rated highly and could be viewed as approaching SEAs. This suggests that with appropriate guidance and drive from the Ministry for the Environment, s32 practice could deliver SEA type assessments, subject to capacity building among council staff and consultants. In 2015 a new s32 guide was published by MfE (right), but our survey did not detect any significant change in the standard of the 2015-16 s32 reports.

One overwhelming barrier needs to be addressed before s32 reports can be equated with SEAs. s32 reports are essentially technical reports within councils, and government departments, produced for RMA compliance. They are not produced in a form that serves the public: for example, the Environment Canterbury s32 report (see left) is 435 pages long (almost as long as the Regional Policy Statement itself!).   The accountability and economic cost benefit components tend to dominate s32 reports and reduce their value as strategic assessments that will allow the public to engage with decision-making processes
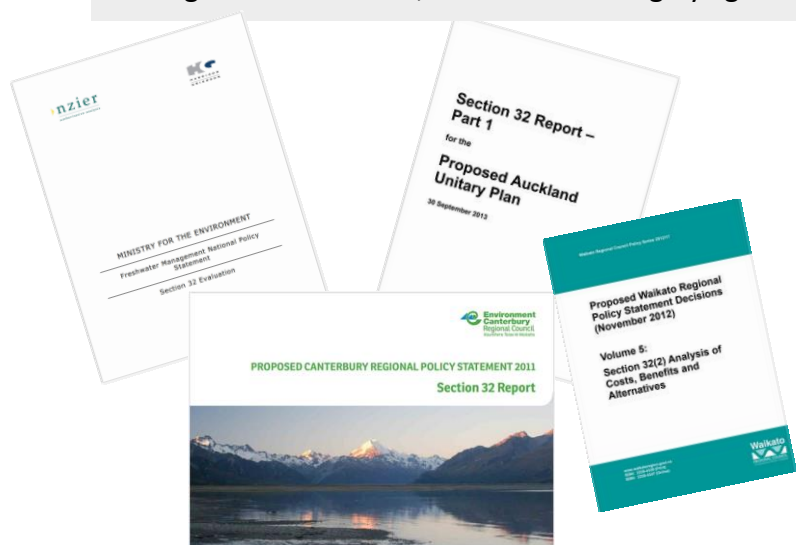
References

Dixon, J. (2002) All at SEA? Strategic environmental assessment in New Zealand. In S. Marsden and S. Dovers (eds) *Strategic Environmental Assessment in Australasia*. The Federation Press, Sydney.

Fookes, T (2000) Environmental assessment under the Resource Management Act 1991. In P. A. Memon and H.C. Perkins (eds) *Environmental Management and Planning in New Zealand*. Dunmore Press, Wellington.

Wilson, J. and Ward, M. (2011) SEA in New Zealand. In Sadler, B., Aschemann, R., Dusik, J., Fischer, T., Partidario, M.R. and Verheem, R. (eds.) (2011) *Handbook of Strategic Environmental Assessment*. Earthscan, London.