

SEA in New Zealand: an overview

Richard Morgan

Department of Geography

University of Otago

My aim

Provide a broad context for the conference

- some of the key features of SEA type processes
- activities we might call SEA or are closely related
- draw some conclusions, raise points for discussion

Key features of SEA

- Improve strategic processes
- Promote stakeholder participation
- Recognise key environmental/sustainability constraints/thresholds/limits
- Identify best option/alternative
- Minimise negative impacts, optimise benefits
- Mitigate, monitor...

Based on Therivel (2010)

When looking at SEA in New Zealand, it is useful to distinguish the RMA context from the wider, non RMA context

after: M.Ward, A. Dalziel, R. Wilkie (2010)

Resource Management Act (RMA)

RMA has key elements similar to SEA

- hierarchy policies and plans, underpinned by concept of sustainable management; effects based; public participation emphasis
- potential for SEA style processes

Practice less convincing (Ward et al., 2010)

- lack of NPSs, reduces scope of the Act
- s32 processes often weak...
- ...which is reflected in policy and plan processes that don't fulfill the SEA potential

Section 32

An evaluation of the choice of policy/plan/rule, etc.

- **accountability function**
 - meeting objectives of the RMA, in efficient, effective way
- **substantive function**
 - captures the analysis of issues, including the costs and benefits (including social, environmental, etc.)

But often seems that accountability outweighs substance...

“Reflections on implementing SEA

There is a prevailing view amongst practitioners that there is little in the current planning documents or in section 32 reports that suggests any systematic analysis. It is also questioned whether local body politicians adequately appreciate the questions they should ask when carrying out their duties under section 32.

In their section 32 reports some councils seem to have described procedure as opposed to presenting a formal test of preferred options against alternatives. Sometimes these documents also double as an extended explanation of the meaning of selected objectives, policies and methods, rather than an analysis of them. Occasionally, but usually without much rigour, they also examine alternatives against some criteria – not usually inclusive of costs and benefits.”

(Fookes, 2000, p. 91)

s32 contd.

s32 as been amended several times

- 2003: emphasis on efficiency and effectiveness
- 2013: more emphasis on environmental, social, cultural, and economic impacts....

Are we still seeing the legacy of long period of process emphasis?

Has the nature of s32 usage constrained the policy and plan processes?

SEA and the wider context

No shortage of strategic reviews/assessments...

CE reports 1974-1986

- *Use of 2,4,5-T in New Zealand...etc.*

PCE Reports

- 1990s: broader issues, but last 10 years, strong natural environment emphasis
- Biofuels, fracking, 1080, lignite, mining on Conservation land...
 - weighing evidence, rather than option analysis...

Royal Commission on GM 2001

Land Transport Management Act 2003

- Some key outcomes of the Act when introduced:
 - contributing to the overall aim of achieving an integrated, safe, responsive, and *sustainable* land transport system;
 - avoiding, to the extent reasonable in the circumstances, *adverse effects on the environment*;
 - taking into account the views of *affected communities*; and
 - giving early and full consideration to land transport *options and alternatives* in relation to these matters.
- (emphasis added)

Clear SEA potential in the LTMA when enacted...

- But Ward et al. (2005) felt early RLTSs not fulfilling this potential
 - suggested SEA tools/steps that might improve them
- McGimpsey (2008) analysis of land transport planning processes, Bay of Plenty
 - RLTS, RPS, RSS, LCP together....
 - evaluated this complex strategic planning process against SEA criteria
 - by strengthening certain components, esp baselines, alternatives, and impact forecasting, this process would meet SEA standards...and improve the process

However....

- LTMA subsequently changed
 - removed the broad aims, removed obvious potential for SEA type approaches
- Local Government Act 2002
 - provided potential SEA in requiring councils to assess impacts of policies, plans, etc. on the four wellbeings.....
 - opportunity not really exploited
- Local Government Act 2010
 - closed this door!

Other activities

Water management

- e.g. Canterbury Water Management Strategy:
 - 2008: sustainability appraisal (under the Local Government Act 2002) using a Sadler/Ward methodology.
 - since 2010, series of strategic assessments of water infrastructure options for different parts of the region
- NPS freshwater management 2014
 - plus other changes since 2010...
 - greater potential for SEA?

Urban growth strategies...

....etc.

Regulatory impact assessment

Used by governments to screen proposals at the heart of government

- proposals that involve “*creating, amending or repealing primary legislation or regulations*”.
- internationally, developed to reduce burden on business, but has broadened (by the European Commission in particular)

Regulatory impact assessment

Treasury guide to RIA:

“Impacts can be positive or negative (ie, include both costs and benefits), and include economic, fiscal, compliance, social, environmental and cultural impacts. They include direct and indirect (flow-on) effects; one-off and recurring or on-going impacts.” (2012, p. 29)

- the guide goes on to explain economic, fiscal, compliance impacts, but not environmental, social, cultural

Mandate there, but skills (and political will?) perhaps lacking....

Not NZ's back door to SEA yet.....

Conclusions?

- There is a lot of potential for SEA in NZ
 - was wider before changes to various Acts since 2010
 - still pieces of legislation with very similar principles
 - esp RMA
 - plus ad hoc processes that have similar intent
- But processes often not prescribed, and often vary in approach
 - so potential not being realised
 - little chance to share learning
- Would a broad SEA model provide a common foundation, for people to draw on...?

- Needs political will at highest level...
 - multiple calls for SEA to be incorporated into the EEZ Environmental Management legislation...
 - turned down by Government
 - yet would probably have saved Chatham Phosphate millions of \$ by ruling out specific areas for resource extraction.

References

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