VECTOR LIMITED'S SUBMISSION TO THE MINISTRY FOR THE ENVIRONMENT ON "A NATIONAL MONITORING SYSTEM FOR THE RESOURCE MANAGEMENT ACT 1991 – A PROPOSAL FOR DISCUSSION

1.   INTRODUCTION

1.1   Vector welcomes the opportunity to provide this submission on the discussion document entitled "A National Monitoring System for the Resource Management Act 1991" ("**Discussion Document**").

1.2   Vector's contact person for this submission is:

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1.3   Vector is one of New Zealand's largest infrastructure companies with interests in gas, electricity, telecommunications, metering and technology.

1.4   Vector's portfolio of assets performs a key role in delivering vital services to more than one million homes and businesses across New Zealand. Vector is also a Requiring Authority under the Resource Management Act 1991 (**"RMA"**) and secures many of its electricity zone substations and its new gas transmission pipeline installations through the notice of requirement process. Vector is therefore very experienced in the operation of the RMA and we hope that our experience, which is reflected in this submission, will be of assistance.

1.5   We understand that the Discussion Document is part of a wider project being undertaken by Ministry for the Environment ("**MfE**") called the 'Monitoring and Review Project – Towards a National Monitoring System for the Resource Management Act', which began in late 2011.   Vector generally supports the objectives of the Project which are to:

   - *develop a clear and transparent National Monitoring System that can provide:*
     - *robust information on the implementation of the RMA*
     - *information on the performance of tools (national policy statements, national environmental standards, and water conservation orders)*

- *information to produce a coherent and considered picture of the outcomes from the functions, tools and processes of the RMA*
- *improve the availability, consistency and comparability of RMA information*
- *streamline the collection of information to achieve efficiencies.*

1.6   As part of the project, MfE has asked for feedback from implementers of the RMA, including requiring authorities like us, on how RMA information can be better collected and shared to improve RMA processes.

1.7   We support and acknowledge the benefits that a National Monitoring System would provide in terms of certainty and consistency. Efficient monitoring systems managing information so that users know that it is robust and in a way that it is readily available would be an asset to all RMA users.

1.8   MfE acknowledges that the proposed system will impose costs on councils and is seeking to understand the full impact and benefits across all councils prior to making further decisions on design and implementation. While the majority of costs are likely to fall on councils, requiring authorities will also incur costs implementing the proposed monitoring system. To avoid unnecessary costs, we consider that the following matters should be considered in the design and implementation of the system:

(a)   Ensuring duplication of information provided by councils and requiring authorities is avoided (eg to the extent that information is provided by a council, requiring authorities should not also need to provide the same information).

(b)   Mechanisms to work with other government departments to avoid duplication of information already provided to other government departments (for example, all electricity and gas transmission and distribution businesses operate in highly regulated environment and a wealth of information is already provided to central government. This takes the form of detailed disclosure of operations and investment plans.)

2.   GENERAL FEEDBACK ON SECTION 5.1 (QUESTIONS 1-5)

2.1   We have set out our feedback on the general questions contained in section 5.1 below. The feedback we have provided is primarily focused on how the proposed system will operate for Vector as a requiring authority and what improvement could be made.

Question 1: Is there merit in developing a nationally consistent monitoring system for the RMA?

2.2   We consider that there is real benefit in providing a nationally consistent monitoring system for the RMA. Vector, like many utilities, operates its networks across council boundaries and has in the past noticed inconsistencies in the way councils implement the RMA. Vector supported of the Auckland amalgamation because it saw

potential efficiency gains in having one Council implementing the RMA in the region. However, we still operate other infrastructure (notably our gas transmission networks) outside of the Auckland region and across multiple council boundaries. A national monitoring system would help to promote consistency and transparency, and potentially the cross-pollination of ideas between councils.

2.3 We are conscious, however, that any monitoring system will need to be carefully managed so that it is a useful tool for RMA users. For example, clear lead in times for providing information and guidance on the information to be provided (and format in which it is to be provided) will assist in ensuring that the information supplied is comparable. Clear direction on the specific information required (for example, through a template that RMA implementers then populate) will also improve efficient and reduce costs for councils and other RMA implementers providing information.

Question 2: Has the right information been identified to help tell the story around the implementation of the functions, processes and tools of the RMA?

2.4 We are generally supportive of the information identified. In particular, we support collecting data on the National Environmental Standard for Assessing and Managing Contamination in Soils to Protect Human Health. This NES only came into effect in 2012 and we understand that there are some differences between councils in how they maintain their Hazardous Activities and Industries Lists ("**HAIL**") and the availability of HAIL information. This in turn impacts on implementation of the NES. As the operator of linear networks that cross council boundaries this is of interest to Vector.

2.5 We consider that monitoring the approaches taken by different Councils will assist is identifying documents or issues that would benefit from greater central government guidance.

2.6 In terms of other areas where monitoring could be beneficial, we note the following matters could be usefully recorded in relation to designations (Part B, Section 10 of the Discussion Document):

(a) 10.1.1 – Identifying the geographic extent of each requiring authority (e.g. whether they operate nationwide, regionally or locally);

(b) 10.1.2: We agree that it would be useful to identify the "type of work" being designated. To optimise the value of this information we recommend that the "type of work" description provided includes information on:

(i) Whether the designation relates to an existing or proposed work;

(ii) Whether it is an overlapping designation (ie more than one designation covers the same area of land);

(iii)   Whether it relates to a linear asset (eg pipe, cable, road) or a site specific location (eg a substation);

(iv)   Whether, and what, addition resource consents are required for the operation or construction of the work; and

(v)   Conditions included in Council recommendations and matters of cross boundary consistency in the application of conditions to a designation(s) affecting more than one council area.

Question 3: Are there additional barriers or challenges to the proposed National Monitoring System for the RMA that have not yet been identified?

2.1   The issues we are most conscious of are the timing and the cost for implementing the system. Both these issues have been identified in the Discussion Document.   We expect that once the system is established, updating information will be straightforward; however, sufficient lead in time will be needed to produce and/or convert the monitoring information requested.

Question 4: What type of support or system do you think will be required to implement the proposed National Monitoring System for the RMA?

We understand that, while the majority of information relating to requiring authority processes will be sourced from councils, MfE proposes to capture information from on approvals for the use of land covered by our designations from Vector manually on an annual basis as a starting point.

2.2   Initially, Vector and the requiring authorities may not have the requested monitoring systems in place to monitor all the information required. However, we note that the gas and electricity industries are highly regulated and from an efficiency point of view we would support efforts to align reporting that may be required under the proposed monitoring system with existing reporting requirements already in place under other government departments, for example information disclosure under the Commerce Act in respect of our regulated gas and electricity businesses. Setting up new system to capture the requested data will result in additional timing and resourcing costs. We support avoiding duplication and systems being consistent with existing reporting systems to the extent possible.

Question 5: What might a national user satisfaction survey for the RMA look like, what would it cover and what costs or benefits would it create for your organisation.

We understand that this question primarily relates to use satisfaction surveys for council processes and consider that a survey would be beneficial, though we have no view on the format.   In terms of designation processes, we do not see any particular benefit in surveying requiring authorities (as the "user" of the process) in relation to the notice of requirement process.   The essential points

appear to be covered by that matters to be addressed through the proposed monitored system.

3. GENERAL FEEDBACK ON ALL OR ANY SECTIONS OF THE PROPOSED NATIONAL MONITORING SYSTEM (PART B)

3.1 The Discussion Document proposes four main areas to be monitored for designations in Section 10 (requiring authority approval and revocation; Notice of requirement for designation; Outline plan of works; and Use of designations).

3.2 We accept that, as a requiring authority, it may on occasions we useful for us to provide information for monitoring purposes; however, we do consider that duplication of reporting should be avoided and the appropriate organisation should be identified to provide information.

4. CONCLUSION

4.1 Vector appreciates the opportunity to submit on the Discussion Document. We hope that our feedback based on our experiences in owning and operating vital infrastructure across council boundaries has been useful. We would be happy to expand upon any of the point we have made, should you consider this helpful.