

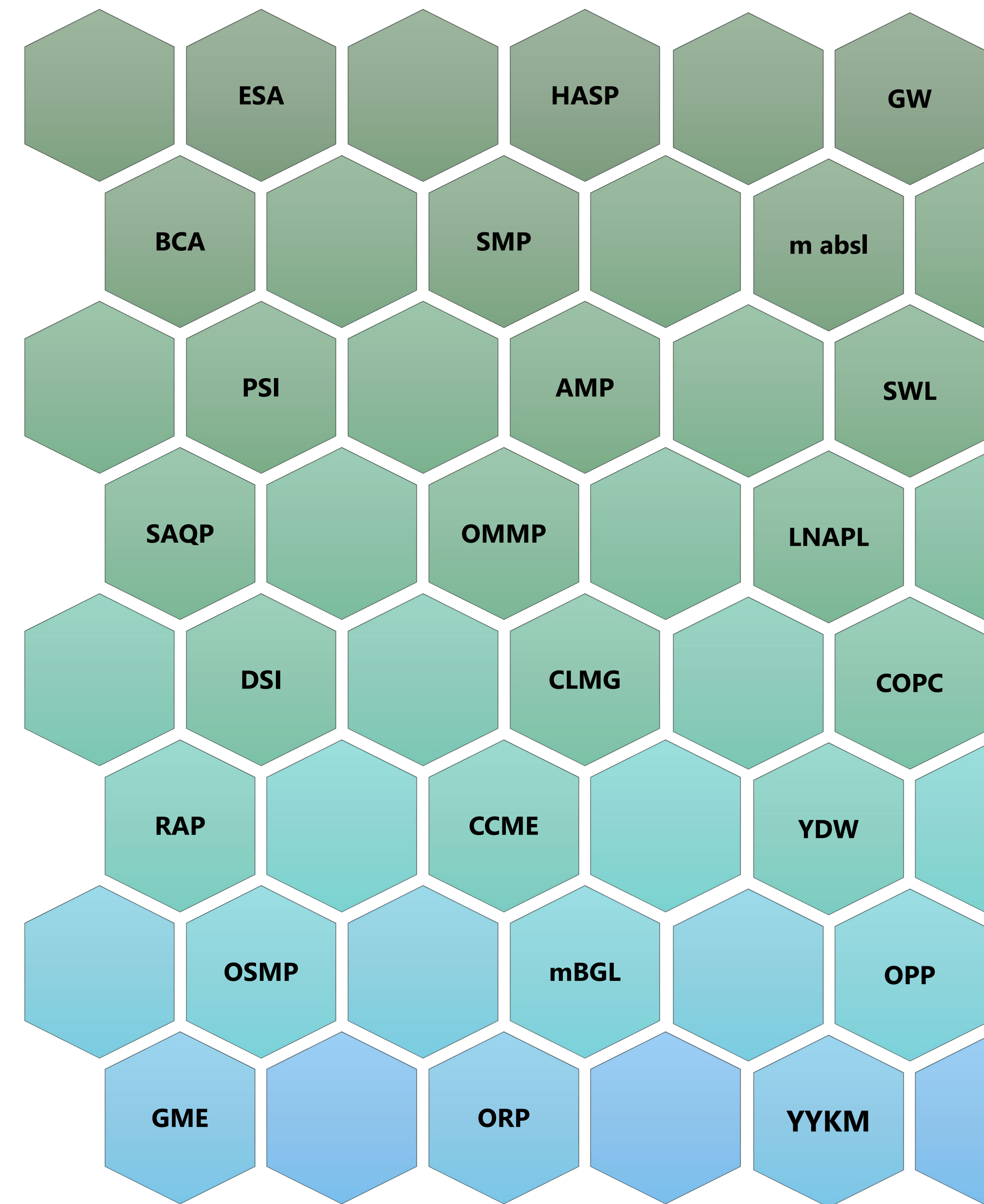
From Data to Decisions:

Reporting and Lessons Learned

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Toitū Te Whenua | Land Information New Zealand

Agenda

- Purpose of Contaminated Land Reporting
 - Why it matters
 - Understanding your audience
- Regulatory Compliance & Communication
 - Guidance documents and groundwater
 - Consenting context
- Where reporting falls short
 - Common Issues with Reports
- Effective Reporting
 - What good looks like
 - How to do it...
- The Future

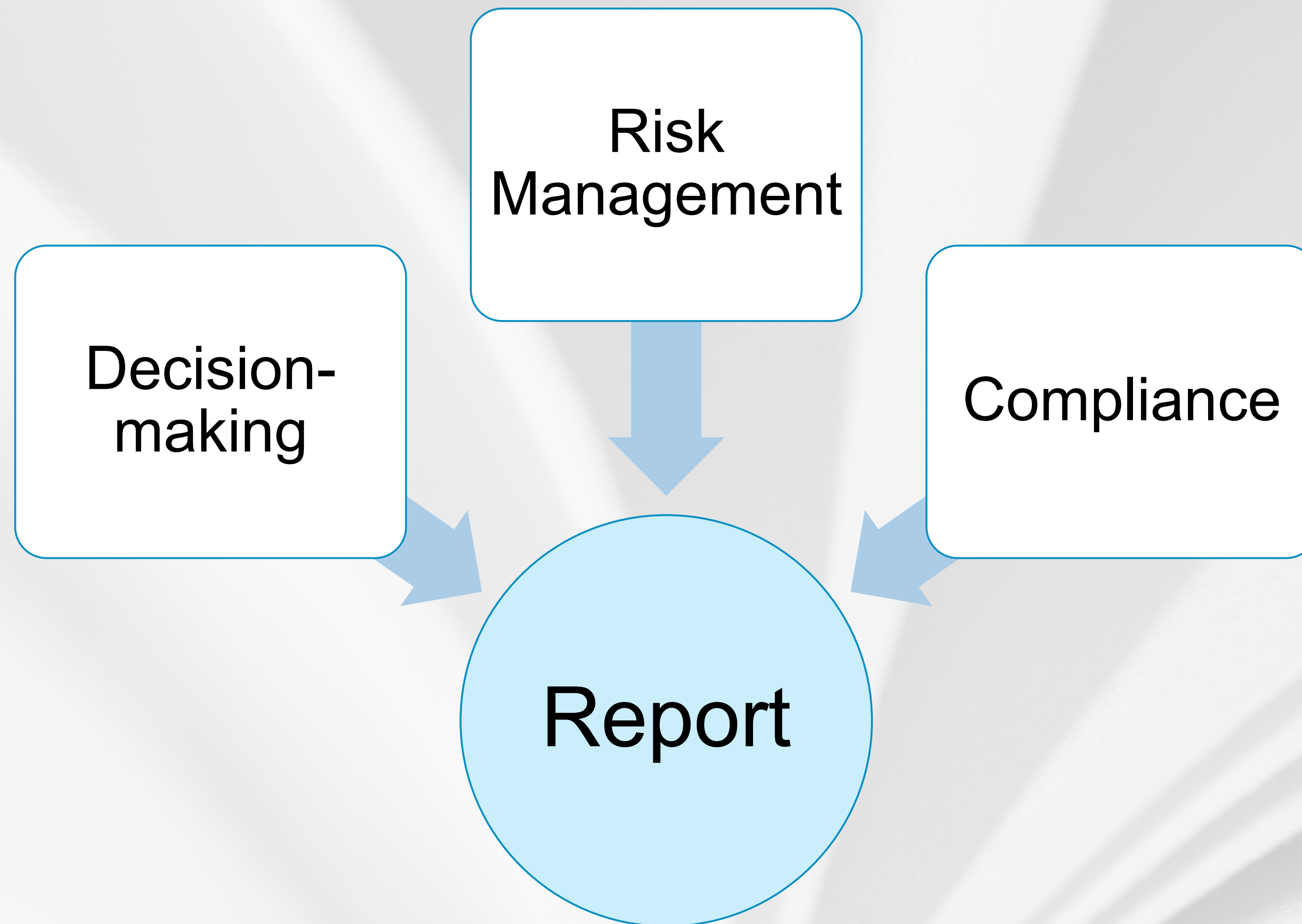




Purpose of Contaminated Land Reporting

Kororāreka Bay, Russell, Northland Region

Purpose of Reporting in Contaminated Land



What about.....

- Tender responses
- Memos
- Emails
- Briefing notes
- Consent conditions
- s92 responses
- Statement of Evidence
- Health & Safety Plans
- Standard Operating Procedures
- Policy documents
- Media releases
- Meeting minutes
- Fact sheets
- Infographics
- Presentations!

Why your writing matters

DECISION MAKERS ASK FOR ADVICE TO HELP ACHIEVE AN OBJECTIVE



Purpose

- Reports are decision-making tools, not academic records
- Poor structure, unclear intent and unsupported claims undermine trust
- Must be accurate and relevant
- Language matters
- Punctuation and grammar matter

Key Questions:

Does the report clearly answer why the client commissioned it, and help guide them on what should they do next?

If the client / stakeholder read only the executive summary and conclusions, would they clearly understand the site issues, risks, and recommended next steps?

Legal Implications - Your writing can become legal evidence!

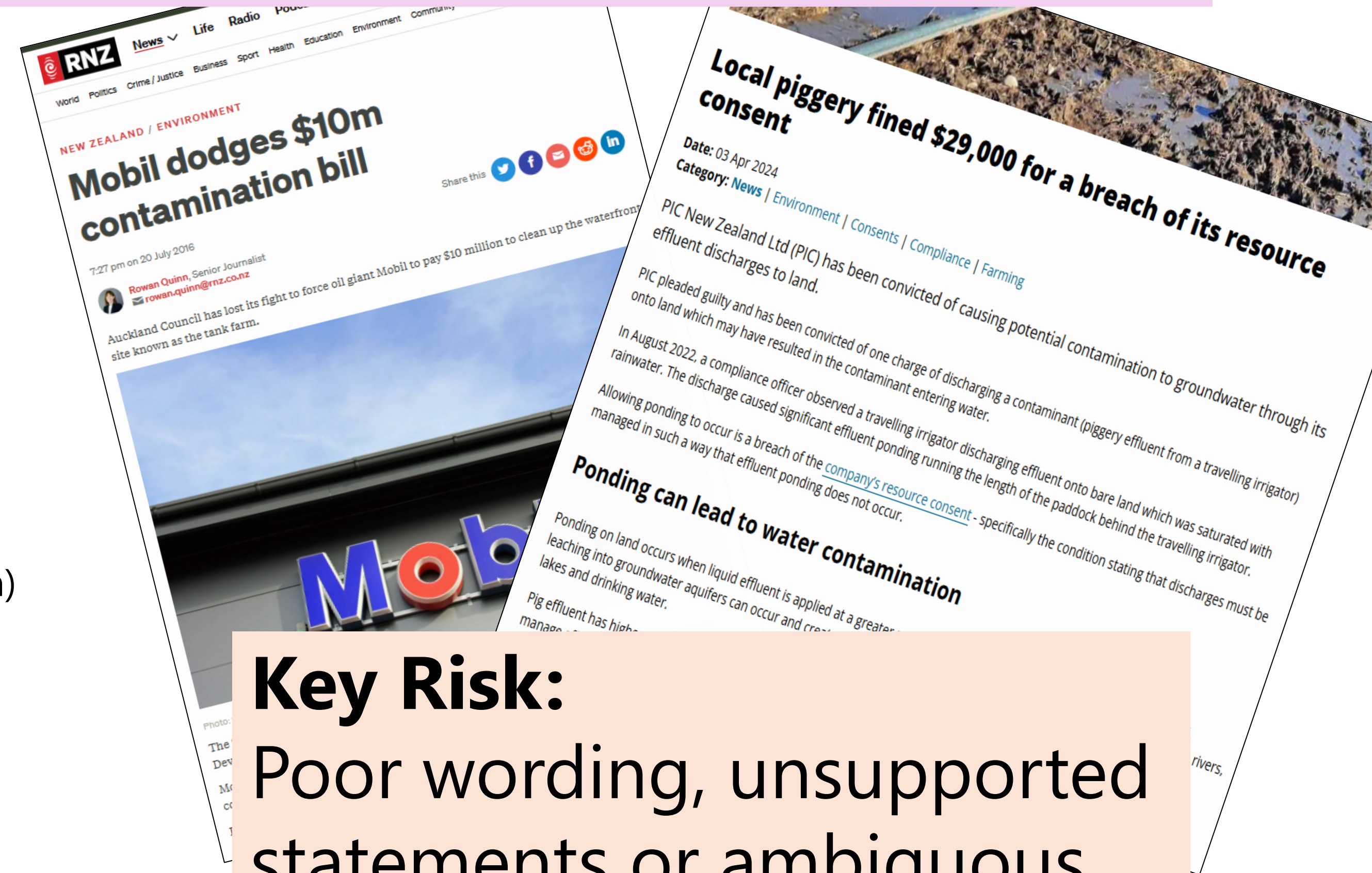
Contaminated land advice is routinely relied on in:

- Resource Consent Applications
- Enforcement Orders
- Environment Court
- LIM's & Property Transactions
- Civil litigation through common law torts (negligence, nuisance, trespass)
- Contractual disputes (causation – responsibility for contamination)

Implication:

Anything you write may later be:

- Scrutinised by a judge, regulator or expert witness
- Read in isolation, years later, without your verbal context



Key Risk:
Poor wording, unsupported statements or ambiguous conclusions can be taken as **fact**, not opinion.

OIAs & LGOIMAs - Your writing can be made public!

Under both the OIA (Central Govt.) and LGOIMA (Local Govt.):

Information must be released unless there is a good reason to withhold it, see:

- OIA: s9 OIA, and
- LGOIMA: s6 & s7

'Official Information' includes:

- Reports, emails, notes, photos, spreadsheets, SMS messages, Team's messages, etc.
- Drafts can be released

Common misunderstanding:

- You can mark documents "confidential" but this does not guarantee withholding
- Commercially sensitive information may still be released if public interest outweighs harm

Legal privilege can protect communications, but only if it is:

- Between lawyer and client, or for litigation purposes
- Clearly established and maintained

Version as at 5 April 2025



Official Information Act 1982

Public Act 1982 No 156
Date of assent 17 December 1982
Commencement see section 1

Version as at 15 January 2026



Local Government Official Information and Meetings Act 1987

Public Act 1987 No 174
Date of assent 17 July 1987
Commencement see section 1(2)

Ask yourself:

- *Would I be comfortable if what I wrote appeared in the media?*
- *Would this stand up in a hearing or judicial review?*

Comments;

e.g. colour observations & variations, odour, free hydrocarbons, environmental conditions, weather conditions, obvious contamination sources visible, nature of soil (e.g. gravelly, sandy, clay content).

clay w/ glass, tiles, paint, wood etc etc
clay w/ wood, paint, rubble -> less stuff
As above

Understanding your audience

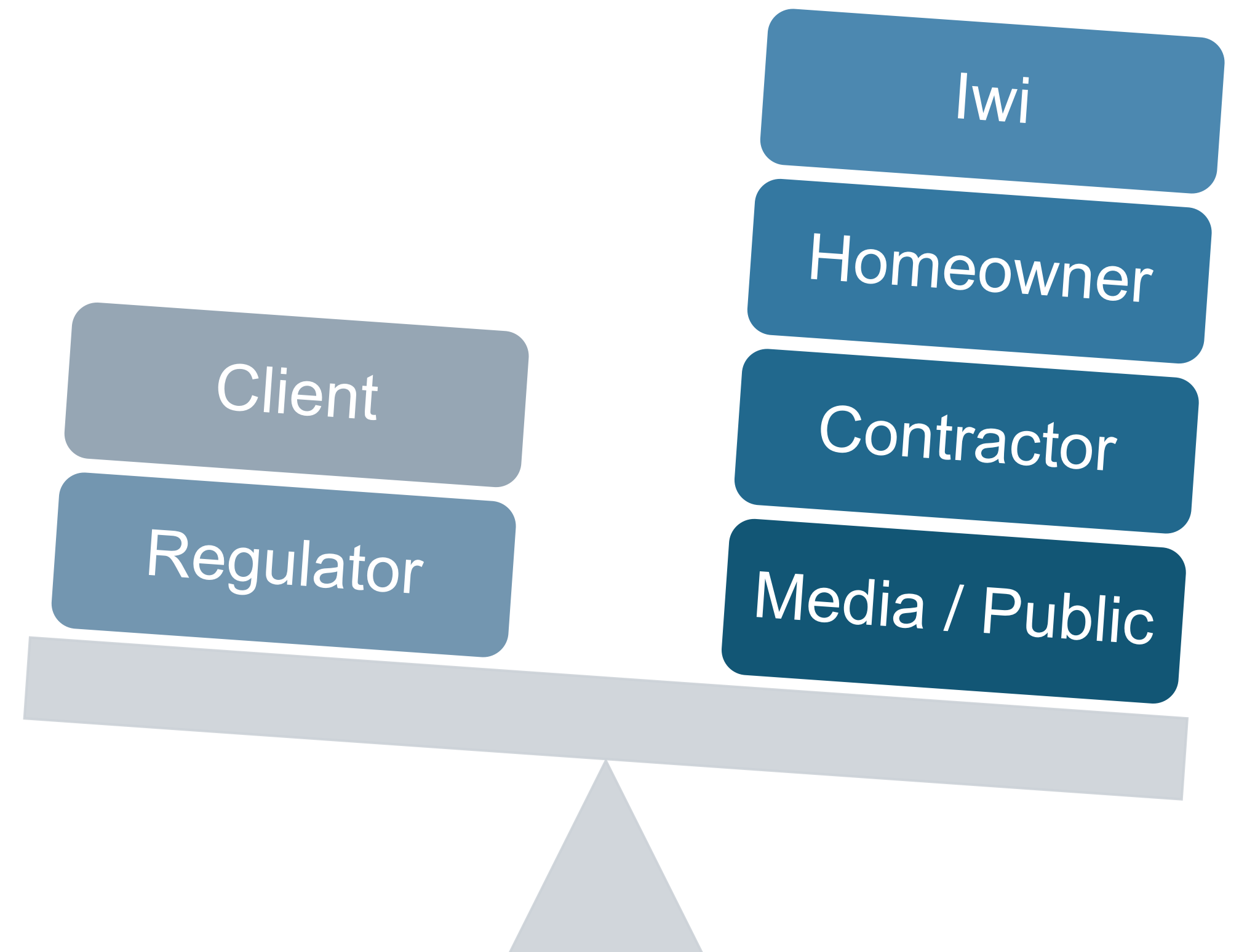
Your primary reader is likely to be known...

But, you often have a large secondary audience.



Primary
Reader

Secondary
Reader

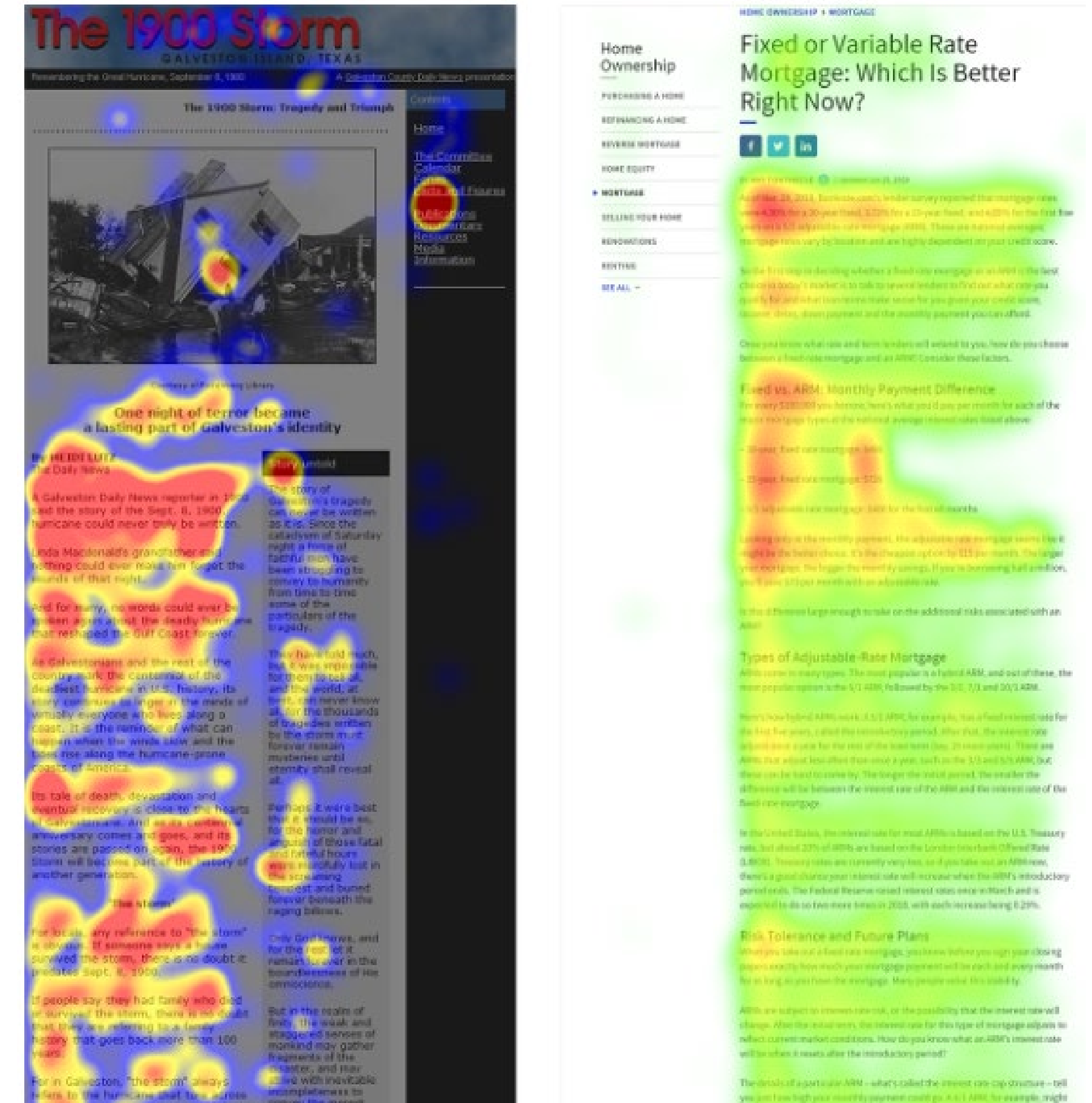


Think about your readers needs

General Assumptions:

- Your readers are BUSY!
- Your readers are often reading on screens or devices, typically using the F-pattern
- Your reader is likely to have challenges or other desired outcomes you're not aware of
- They will also have differing worldviews and experiences to you

Your reader's needs should dictate the content, flow, and messaging in your document.



(Nielsen Norman Group, www.nngroup.com/articles/how-people-read-online/)

(‘Writing for Government,’ Write Group Ltd 2025)

Ways to support readers who scan

Place important information up front (front-loading)

- From the readers perspective, not yours!

Formatting techniques (bulleted lists, **bold text**, tables)

- Allows the eye to focus on the most important information

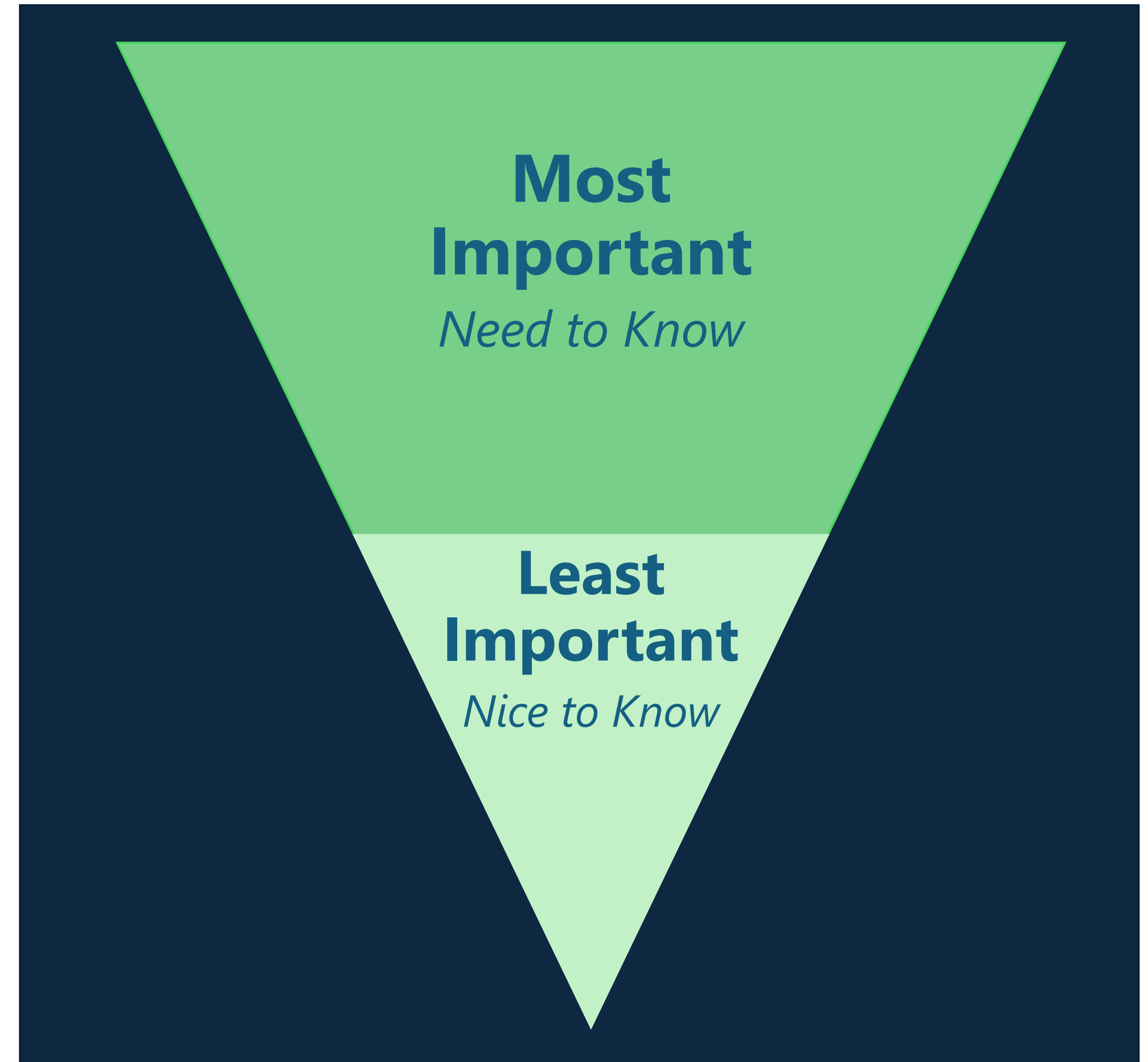
Use clear, noticeable headings and subheadings

- Breaks up content and labels sections so people can find what they're most interested in
- Align structure with CLMG No. 1, where applicable

Use plain language

- Keeps content concise and clear
- Plain Language Act 2022

Front-loading Example:



Think about the least technical reader

Not all readers are contaminated land experts – and even experts specialise.

Unclear communication of risk can create perceived risk, triggering public concern.

Misinterpretation can lead to poor decisions.

Plain Language Act 2022

- Required for government writers
- Minimum advice is that 'relevant documents' use language that is:
 - Appropriate to the intended audience.
 - Clear, concise and well organised.



Plain Language Tips



PRINCIPLE

WHAT IT MEANS

PRACTICAL EXAMPLES

Lead with the “So What”

Start with relevance and impact.
Explain the risk or decision affected before technical detail.

“We found contamination above acceptable levels in multiple locations, so we need to act to protect people using the groundwater.”

Translate Jargon

Use plain language or simple definitions

“PFAS (long-lasting chemicals that don’t break down)...”

Simplify Data

Highlight insights, not volume
Show key data and state why it matters

“That’s a 30% increase – meaning higher risk”

Use Analogies

Relate complex ideas to familiar concepts

*“This treatment systems works like a coffee filter...”
“Think of it as a sponge holding contamination...”*

Clear Structure

Guide the audience step by step

Context → Key Point → Impact → Next Steps

Tailor to Audience

Focus on what the audience cares about

Clients / Ministers / Councillors: legal risk, cost, reputation
Iwi / Community: health, environment and impact

How to guides: <https://digital.gov/guides/plain-language>





Regulatory Compliance & Communication

Image from LINZ Basemaps

Council Roles

The NES-CS largely sits with district councils because it regulates land use and subdivision decisions.

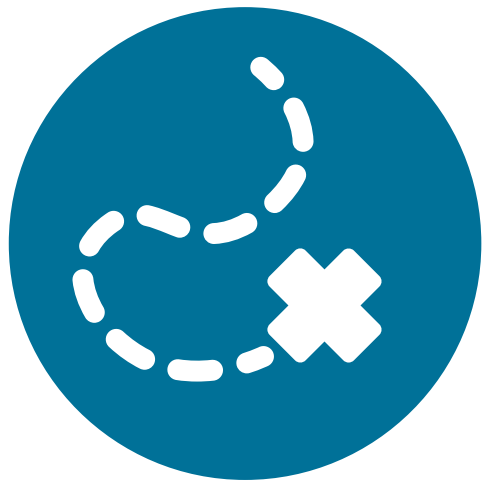
However:

- It does NOT remove regional council functions
- Regional discharge controls still apply independently

This means:

- Both councils can regulate the same site – but for different reasons

Aspect	District Council	Regional Council
Legal Basis	RMA s31	RMA s30
Primary Focus	Human Health	Environmental Effects
Controls	Land use, subdivision, development	Discharges, contaminant pathways
Key Tool	District Plan + NES-CS	Regional Plan
Key Trigger	Change in use, soil disturbance, etc.	Discharge or migration
Typical Consent	NES-CS Land Use consent	Discharge Consent



Think about the primary purpose you’re sending a report to council and what their interests are

“Is this land considered suitable for people to use for this purpose?”

“Is contamination causing environmental harm, and how is it moving?”



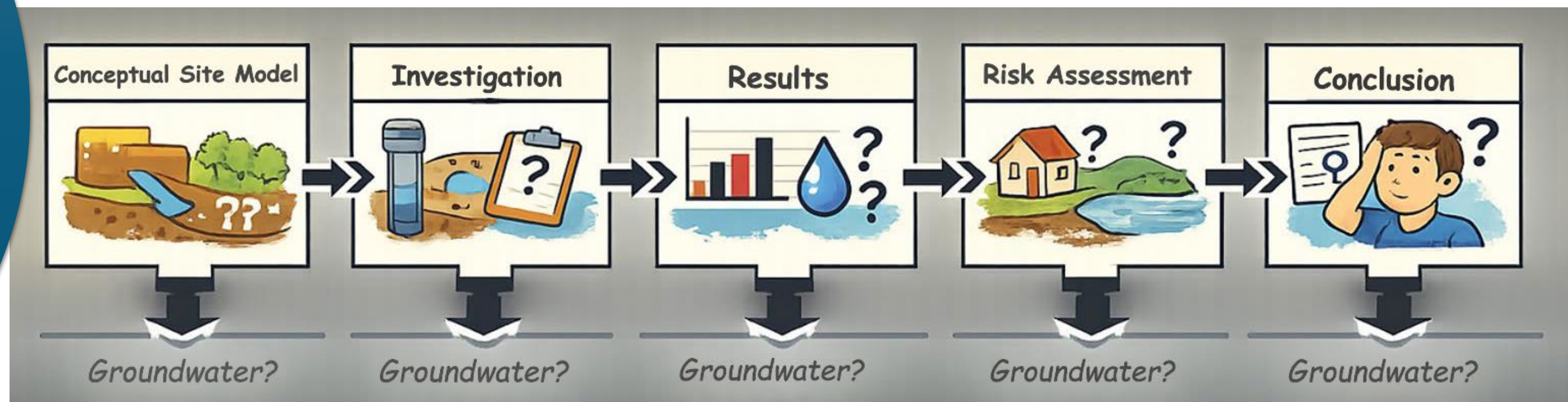
Consenting Context - How regional councils assess adequacy



If you cannot answer these with confidence, additional groundwater investigation is usually required...

Groundwater investigations should therefore be:

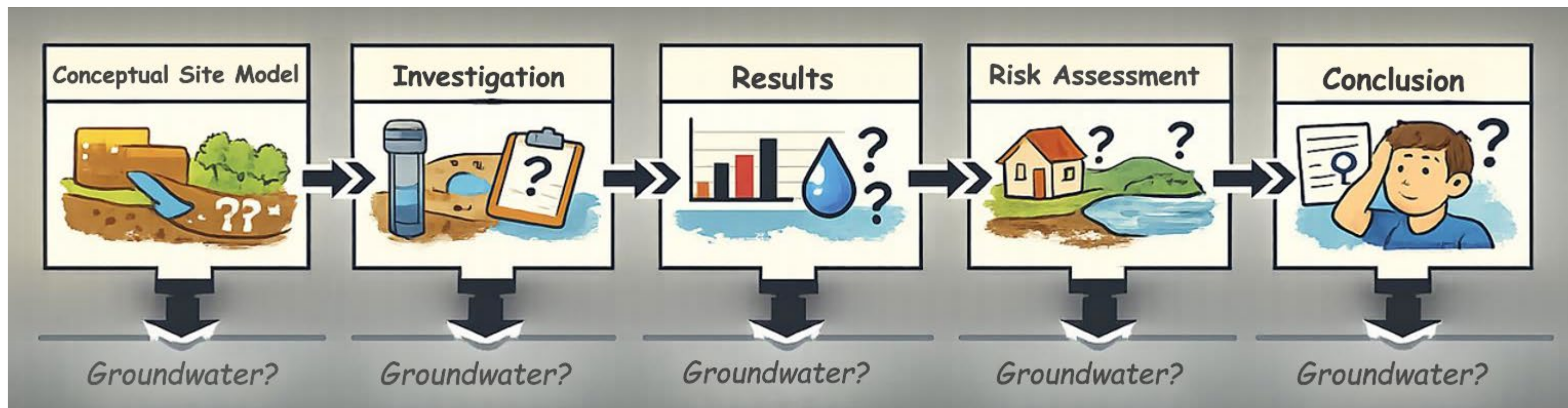
- Purpose driven
- Proportionate
- Explicitly linked to RMA sections and regional plan rules



Guidance Documents and where groundwater gets lost

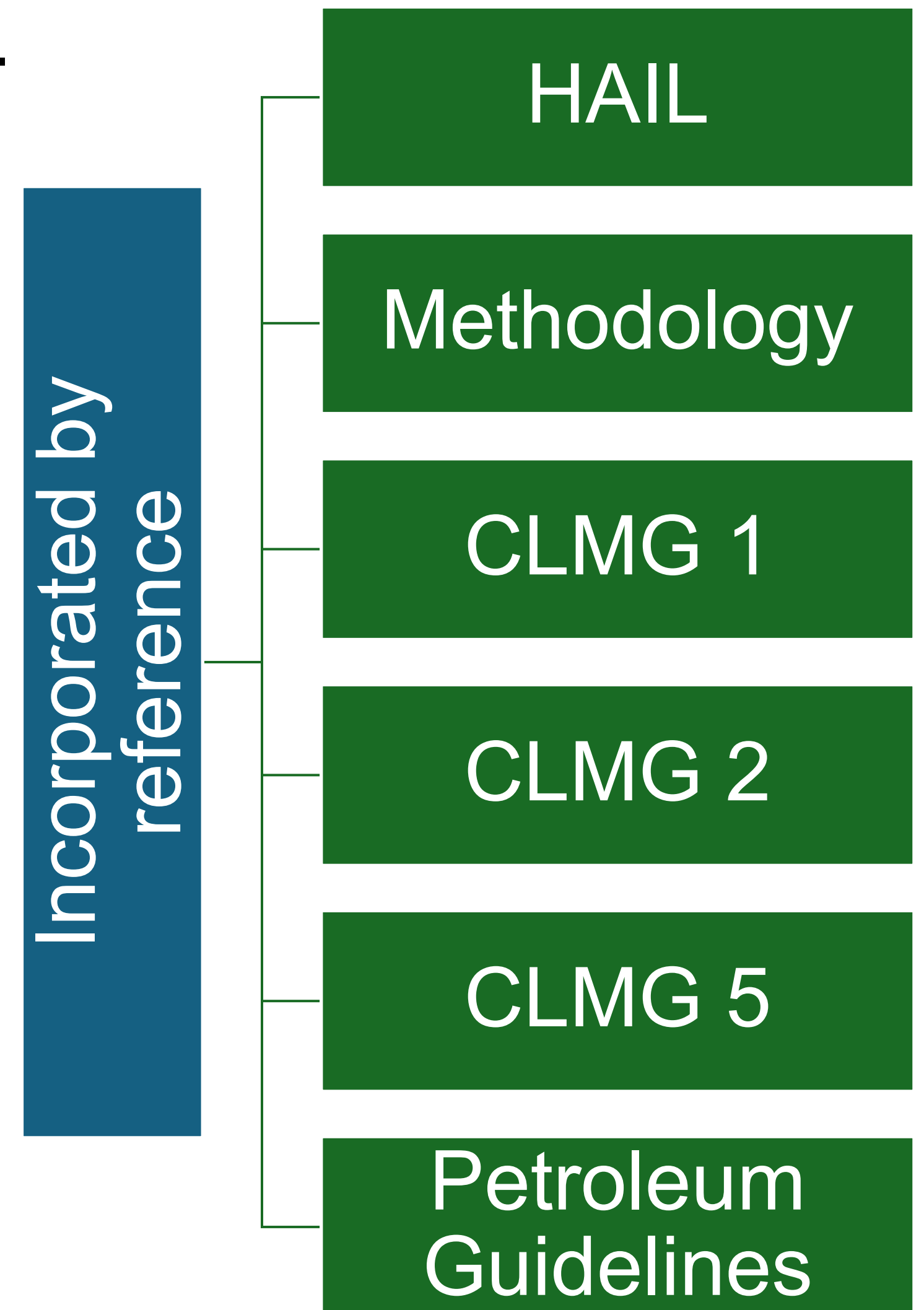
Groundwater is embedded across CL guidance documents – but not always explicit

- Groundwater is rarely addressed as a standalone issue
- Often implicit within soil-focused guidance
- Creates risk inconsistent or incomplete assessment



Where is it clearly defined?

- CLMG 1 – defines *what to report on / include*
- CLMG 5 – defines *how to investigate / assess*





Where Reporting Falls Short

Tapora, Northland Region

Common Issues with Reports



**Unclear
purpose &
scope**



**Poor
regulatory
alignment**



**Narrative &
readability**



**Ambiguity,
assumptions
& uncertainty**



**Poor use of
figures
& tables**



**Unsupported
statements &
weak
conclusions**

🚗 Purpose & Scope Drift 🚗 🚗 🚗 🚗 🚗 🚗 🚗 🚗 🚗

What goes wrong:

- Objectives don't line up
Mismatch between client brief, tender response and report content
- Scope creep / blurred boundaries
Report starts for one purpose, ends up doing something else
- Unclear effort vs value
Time spent on issues the client didn't ask you to solve result in unapproved variations (BUT you still have a duty of care if the client has missed something that should be investigated)
- Overstepping expertise
*Implied conclusions that rely on **other disciplines** (e.g. planning, ecology, archaeology).*



"...in accordance with...."

LINZ scope states:

5.3 Key Deliverables

The deliverables **must be written in accordance with** relevant Contaminated Land Management Guidelines and written in a manner that will be used to support consent applications for any works which trigger the NESCS.

Consent conditions state:

16. The consent holder must monitor legacy contamination including but not limited to leachate discharge and subsidence to quickly identify changes and immediately remedy. The monitoring of legacy contamination shall be **in accordance with** the certified OMMP as required by condition 12 of this consent.

Aftercare and Monitoring Plan

45. The consent holder must prepare a final Aftercare and Monitoring Plan (AMP), prepared by a suitably qualified person, at least twenty (20) working days prior to the commencement of activities and be **in general accordance with** the draft AMP dated 15 November 2024. The AMP must include:
 - a. Methods to manage effects of stormwater and leachate,
 - b. Design concepts and final contours,

**In general accordance with,
or in accordance with,
that is the question**



Or “...in general accordance with...”

	In accordance with...	In general accordance with...
Meaning	Strict compliance	Substantial alignment, but with flexibility
Legal Effect	• Implies the document must follow guidance closely & materially • Departures generally not expected and may need strong justification • Interpreted as mandatory	• Signals overall intent and principles are met but some methods, thresholds or approaches can differ • Deviations are acceptable if they are reasonable & justified • Commonly used when making a professional judgement
Think	“Follow the rules as written”	“Follow the intent, not every detail”

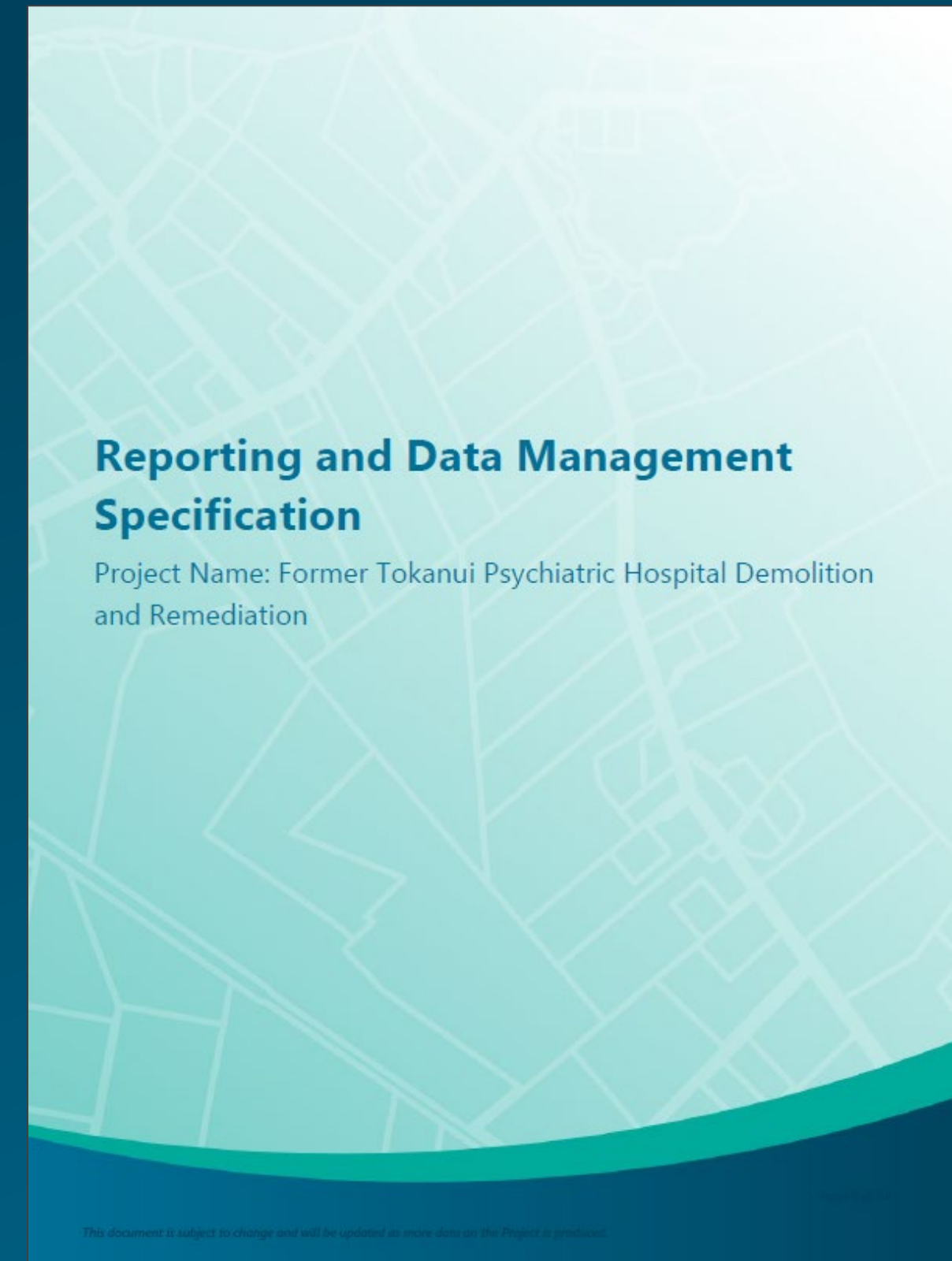
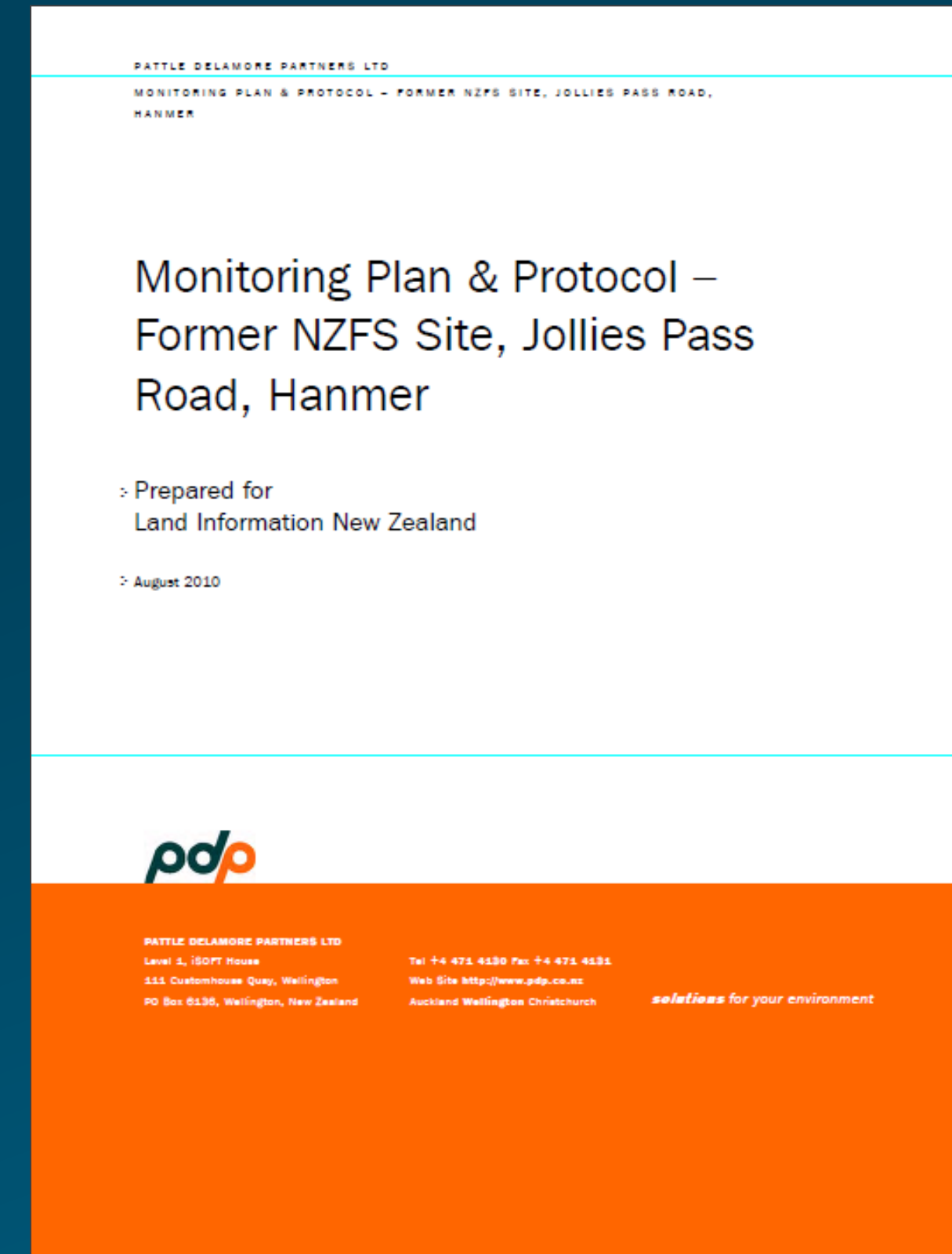
To strengthen defensibility, especially with ‘general accordance,’ add something to the effect of:

“This assessment was undertaken in general accordance with [guideline], with departures where justified due to XYZ (e.g. site conditions), as described in Section X.”



Protocols, Templates & Specifications

- Use client-provided templates where available
- If unsuitable, agree an alternative format with the client.





What Makes Reporting Effective

📍 Lake Tekapo, Canterbury Region.



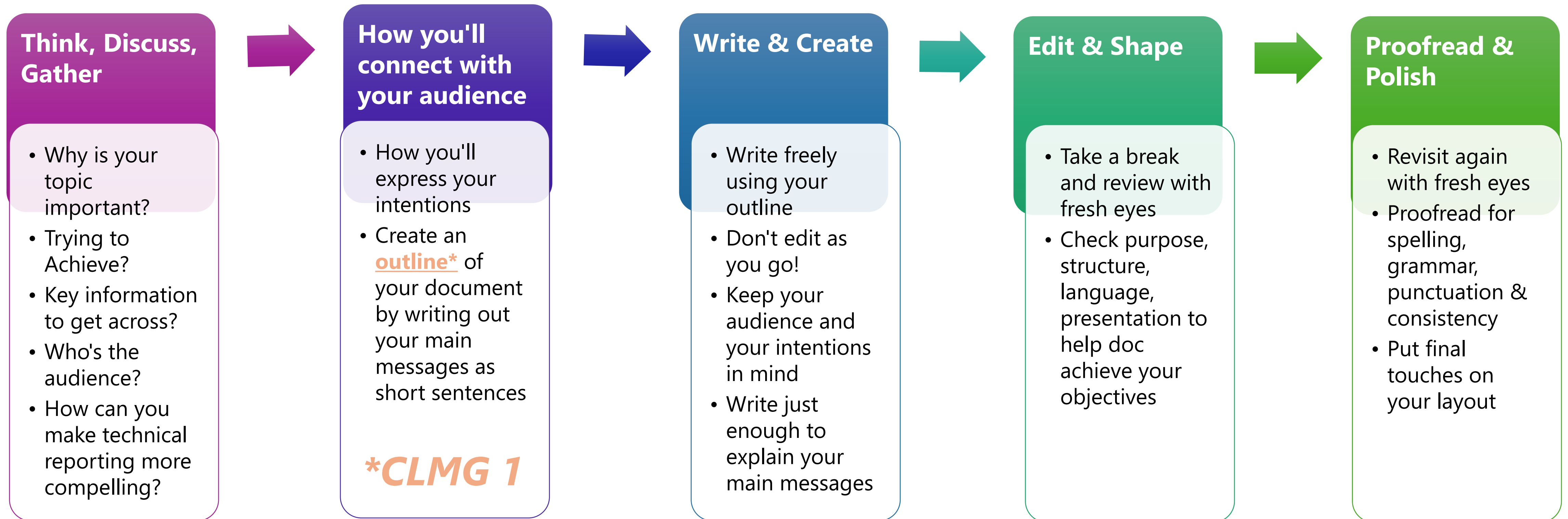
What does good look like?



(SLR, 2025)

How to write efficiently

Breaking the writing process into manageable steps will make writing easier and faster



'Writing for Government,' Write Group Ltd 2025.

Clarify your purpose and outcome

Purpose

Why you might write

To propose or recommend

To enable a decision

To explain the plan and confirm the outcome

To demonstrate compliance and/or ongoing risk mgmt.

Outcome

What you might want to achieve

A decision or clear next steps

Client / Regulator understands risks, options and compliance pathways

The right info to support a decision for action

Decision makers who have all the info and context they need

What about what your client or the council wanted?

Example Reports

PSI, DSI, ARO

PSI, DSI, ARO
AEE, s92

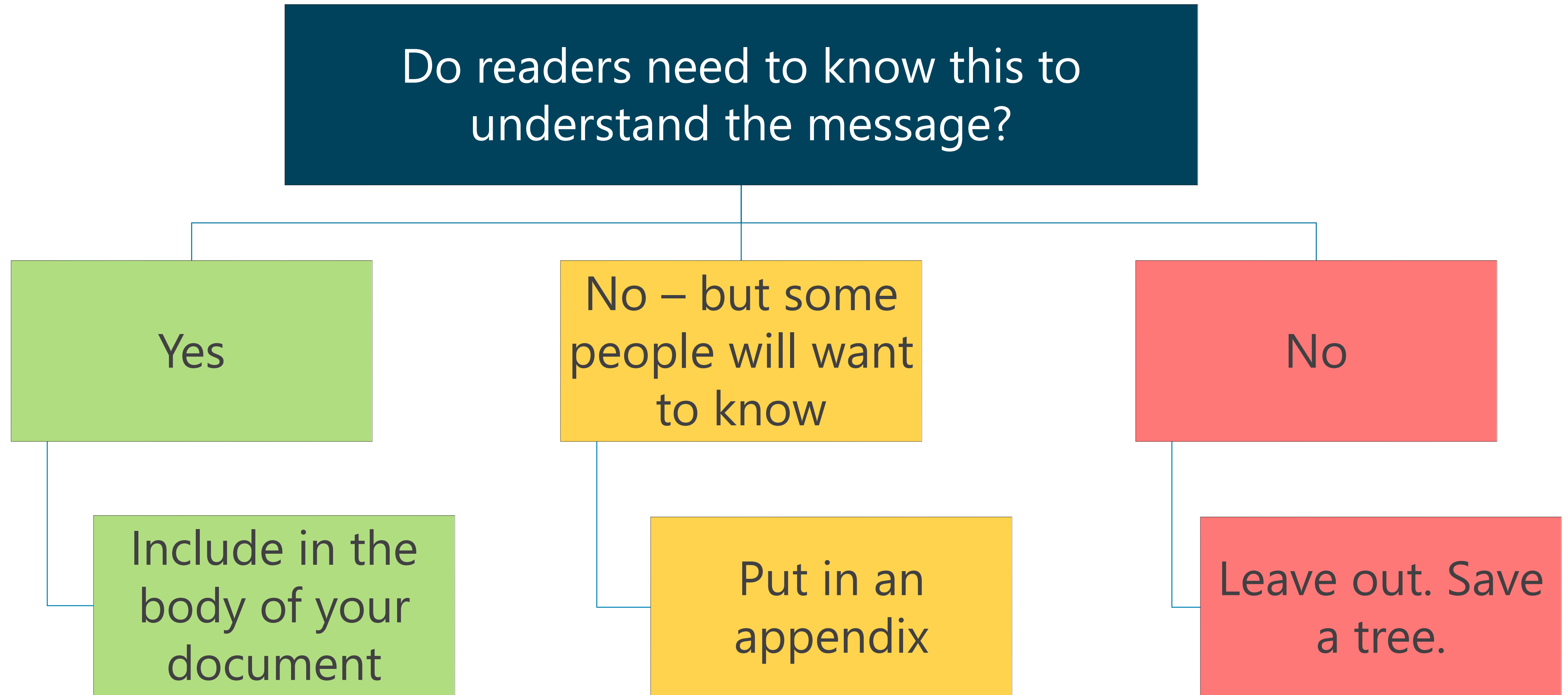
SAP, RAP,
SVR

OSMP, GME,
CMP

Table adapted from 'Writing for Government,' Write Group Ltd 2025.



Appendix or body? What goes where?



The bits most people read...

Executive Summary <i>The must-know information</i>	Conclusion <i>Closing Remarks</i>	Recommendations <i>What happens now?</i>
• Key messages only • Not a 'Ctrl+C,' 'Ctrl+V' of the conclusions and recommendations • Highlight the purpose of the report and the findings • It's a summary – keep it short – 1 page max for most investigations	• Presents the findings of the report • Outlines the multiple lines of evidence and how they're interconnected • Addresses how the purpose and objectives of the report have been met • Risk assessment summary • Must guide decisions, not just summarise data	• Is further work required to fully assess risk • What further work is needed – further sampling, CSMP, ARO, RAP? • Consenting advice – if required and applicable • Must guide logical next steps, not say the next report in the CLMG 1 reporting framework is required

(SLR, 2025)



Use of Visual Representations of Data

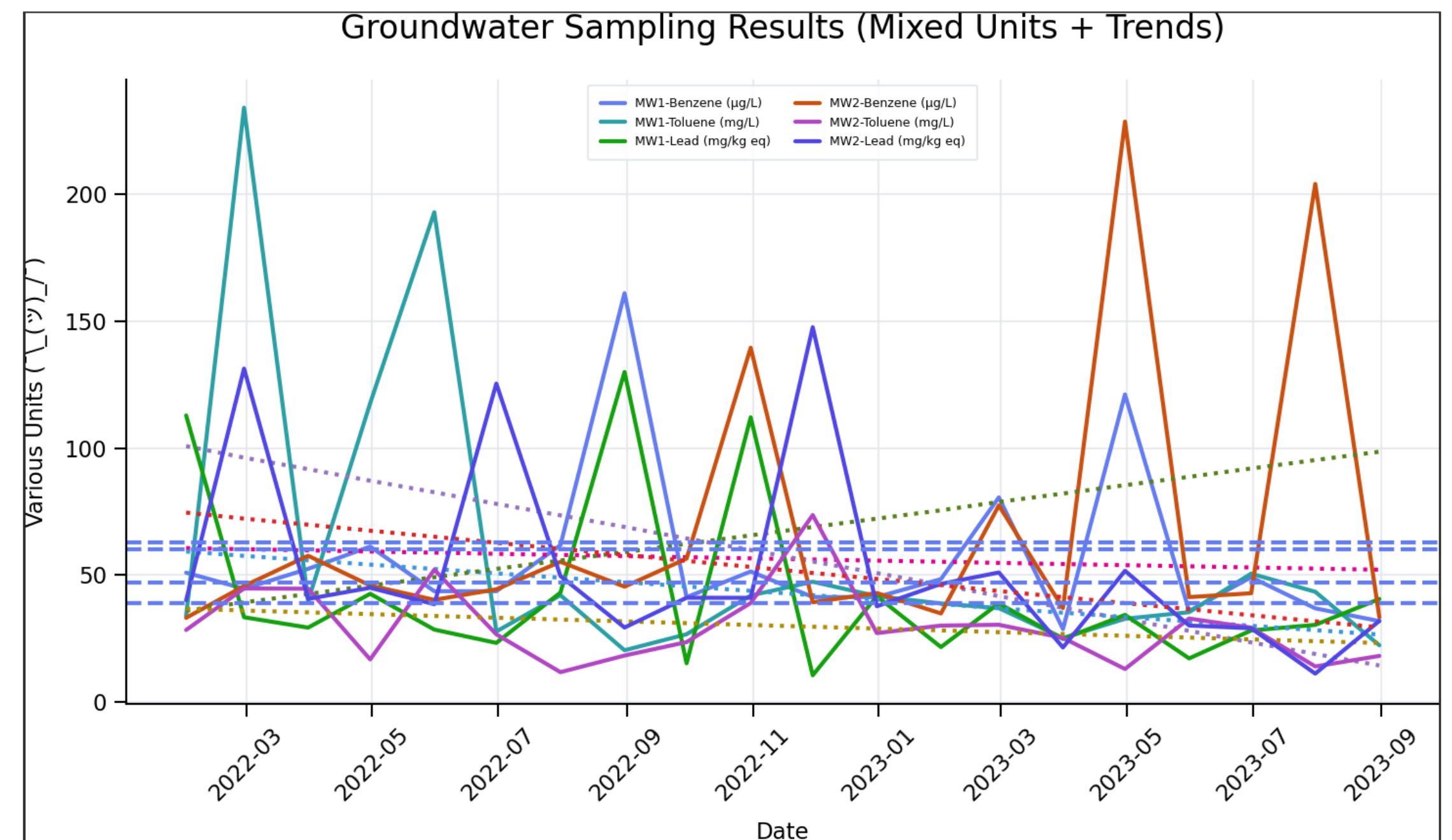
Common Issues:

- Unclear or missing titles & labels
- Overly complex or cluttered visuals
- Incorrect or misleading scales
- Inconsistent formatting (colours, fonts, styles)
- Lack of explanation in reference text

Why it matters:

- Confuses readers and reduces credibility
- Misleads interpretation of data
- Weakens key messages

Legend



The Future...

AI: What changes (and what doesn't?)

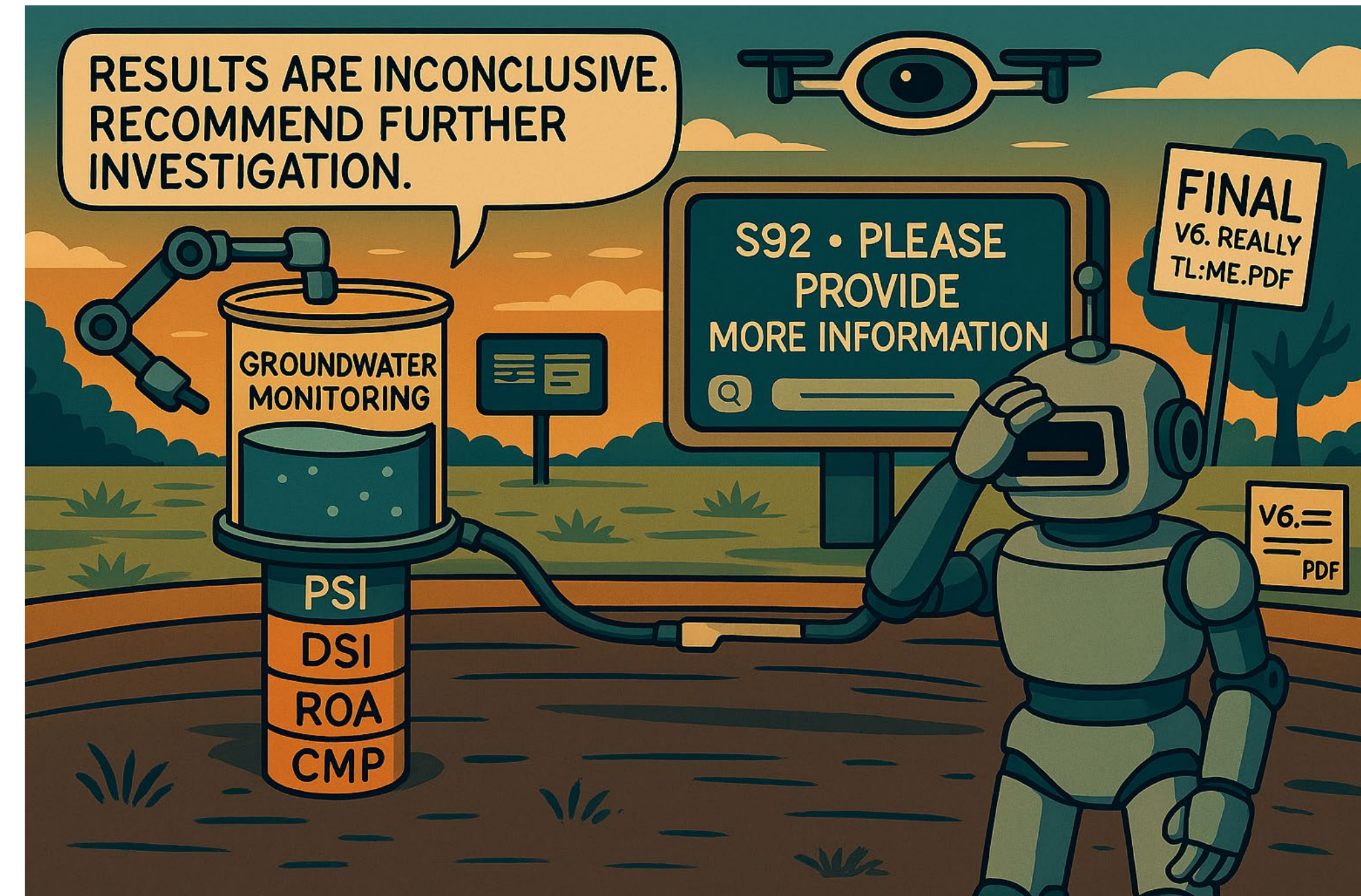
- Reports increasingly summarised by AI tools
- Poorly explained risk may be misinterpreted at scale

Data Privacy

- Reports contain sensitive, reusable information
- You may not control how your report is used once shared

Long-term Decisions

- Shift toward monitoring over dig and dump
- Reports must clearly justify long-term risk positions



Your report must be clear, defensible, and unambiguous – even when you're not in the room.

LINZ whakataukī

**Whatungarongaro te tangata
toitū te whenua.**

People come and go,
but the land remains.

Image from LINZ Basemaps