

# Regulatory Committee Agenda - 9 December 2021



Meeting will be held electronically and livestreamed  
Link to: Otago Regional Council YouTube Channel

## Members:

Cr Gary Kelliher, Co-Chair	Cr Michael Laws
Cr Andrew Noone, Co-Chair	Cr Kevin Malcolm
Cr Hilary Calvert	Cr Gretchen Robertson
Cr Michael Deaker	Cr Bryan Scott
Cr Alexa Forbes	Cr Kate Wilson
Cr Carmen Hope	

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Dianne Railton, Governance Support

09 December 2021 09:00 AM

<b>Agenda Topic</b>	<b>Page</b>
1. APOLOGIES No apologies were received prior to publication of the agenda.	
2. CONFIRMATION OF AGENDA Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
3. CONFLICT OF INTEREST Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
4. PUBLIC FORUM Members of the public may request to speak to the Council. No requests were received prior to publication of the agenda.	
5. CONFIRMATION OF MINUTES The Committee will consider minutes of meetings a true and accurate record, with or without corrections.	3
5.1 <a href="#">Minutes of the 9 September 2021 Regulatory Committee Meeting</a>	3
6. <a href="#">ACTIONS (STATUS OF COMMITTEE RESOLUTIONS)</a> The Committee will be updated on its outstanding Actions.	6
7. MATTERS FOR CONSIDERATION	7
7.1 <a href="#">REGULATORY GROUP - QUARTERLY ACTIVITY REPORT</a> The report updates the Committee on activities of the Regulatory Group during the 2020/21 year, and to provide an update on activities during the first month of the 2021/22 year.	7

7.1.1	<a href="#">Attachment 1: Appendix 1 2022 July to October Regulatory Data Appendix</a>	15
7.1.2	<a href="#">Attachment 2: ORC - The Resource Consent Process</a>	27
7.1.3	<a href="#">Attachment 3: CME Metrics 2021</a>	28
7.2	<b>TERRITORIAL LOCAL AUTHORITY WASTEWATER TREATMENT PLAN COMPLIANCE REPORT</b>	100
	The purpose of the report is to update Council on the compliance of territorial local authority (TLA) wastewater treatment plants (WWTPs) and the actions that have been taken to achieve compliance.	
7.3	<b>PLAN CHANGE 7 AND CONSENT APPLICATIONS</b>	108
	The report provides the Regulatory Committee with an update on the processing of applications relating to deemed permits and outline the implementation of the decisions version of Plan Change 7 (PC7).	
7.3.1	<a href="#">Attachment 1: Deemed Permit Status</a>	114

8. CLOSURE



Minutes of a meeting of the  
Regulatory Committee held electronically on  
Thursday 9 September 2021 at 9:00 AM

**Membership**

Cr Gary Kelliher (Co-Chair)  
Cr Andrew Noone (Co-Chair)  
Cr Hilary Calvert  
Cr Michael Deaker  
Cr Alexa Forbes  
Hon Cr Marian Hobbs  
Cr Carmen Hope  
Cr Michael Laws  
Cr Kevin Malcolm  
Cr Gretchen Robertson  
Cr Bryan Scott  
Cr Kate Wilson

**Welcome**

Chairperson Noone welcomed Councillors and staff to the meeting at 9:00 am. Staff present via Zoom included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton (Governance Support), Joanna Gilroy (Manager Consents), Tami Sargent (Manager Compliance), Steve Rushbrook (Harbourmaster), Simon Wilson (Manager Regulatory Data & Systems) and Joon van der Linde (Senior Environmental Officer).

## 1. APOLOGIES

**Resolution: Cr Noone Moved, Cr Wilson Seconded:**

*That the apology for Cr Laws be accepted.*

**MOTION CARRIED**

## 2. PUBLIC FORUM

No public forum was held.

## 3. CONFIRMATION OF AGENDA

The agenda was confirmed as published.

## 4. CONFLICT OF INTEREST

Cr Scott, Cr Hope and Cr Robertson all advised they would have a conflict of interest for any discussion on forestry during the Regulatory Group Quarterly Report.

## 5. CONFIRMATION OF MINUTES

**Resolution: Cr Noone Moved, Cr Hope Seconded**

*That the minutes of the meeting held on 10 June 2021 be received and confirmed as a true and accurate record.*

**MOTION CARRIED**

## 6. ACTIONS

The outstanding actions of Committee resolutions were reviewed.

## 7. MATTERS FOR CONSIDERATION

### 7.1. Regulatory Group - Quarterly Activity Report

The report updated the Committee on activities of the Regulatory Group during the 2020/21 year, and to provide an update on activities during the first month of the 2021/22 year. Richard Saunders (GM Regulatory and Communication), Tami Sargent (Manager Compliance), Joanna Gilroy (Manager Consents), Simon Wilson (Manager Regulatory Data and Systems) and Steve Rushbrook (Harbourmaster) were present to speak to the report.

Cr Hope, Cr Robertson and Cr Scott advised they had conflicts related to forestry and left the meeting. Following further discussion, Co-Chair Noone advised he also had a potential conflict related to forestry, relinquished the chair to Co-Chair Kelliher and left the meeting. Ms Sargent answered questions on forestry inspections and forestry management plans. Following conclusion of the discussion on forestry, Crs Hope, Noone, Robertson and Scott returned to the meeting. Co-Chair Noone resumed chairing the meeting.

Staff responded to further questions relating to items in the report.

Cr Wilson advised she had a conflict of interest for discussions relating to consents on hold with Plan Change 7, and left the meeting at 9:26am, returning at 9:28am.

**Resolution REG21-104: Cr Noone Moved, Cr Kelliher Seconded**

*That the Committee:*

- 1) **Receives** this report.

- 2) **Notes** the update report from the Regulatory Group for the 2020 / 2021 year and the new reporting framework for the 2021/2022 year.

**MOTION CARRIED**

There was discussion on wastewater treatment including septic tank monitoring. Mr Saunders advised that a draft Annual Compliance Report 2021 will be provided to the December Regulatory Committee meeting, which will breakdown the key activities in Otago and compliance work undertaken.

**Resolution REG21-105: Cr Hope Moved, Cr Calvert Seconded**

*That the Committee:*

- 1) **Requests** that staff provide an updated report on the compliance status of TLA operated wastewater treatment plants in the Otago Region for the December Regulatory Committee meeting.

**MOTION CARRIED**

**7.2. Landfill Report**

The report provided a summary of ORC's regulatory role and responsibilities for managing landfill sites along with an overview of the landfill information known to ORC. Richard Saunders (GM Regulatory and Communications), Tami Sargeant (Manager Compliance) and Joon van der Linde (Senior Environmental Officer) were present to speak to the report and respond to questions.

**Resolution REG21-106: Cr Hope Moved, Cr Forbes Seconded**

*That the Committee:*

- 1) **Notes** this report on the management of landfills within the Otago region.

**MOTION CARRIED**

**8. CLOSURE**

There was no further business and Chairperson Noone declared the meeting closed at 10:13am.

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Chairperson

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Date

Regulatory Committee Agenda - 9 December 2021 - ACTIONS (STATUS OF COMMITTEE RESOLUTIONS)

Action Register – Status of Regulatory Committee Resolutions as at 9 December 2021

Meeting Date	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
09/09/2021	GOV2139 Regulatory Group - Quarterly Activity Report	In Progress	Staff are to provide an updated report on the compliance status of TLA operated waste water treatment plants in the Otago Region for the December Regulatory Committee meeting. <b>Res REG21-105</b>	General Manager Regulatory and Communications	<b>1/12/2021</b>  Territorial Local Authority Wastewater Treatment Plant Compliance Report provided to Regulatory Committee on 9 December 2021.	10/12/2021

### 7.1. Regulatory Group - Quarterly Activity Report

**Prepared for:** Regulatory Committee  
**Report No.** GOV2157  
**Activity:** Regulatory: Consents and Compliance  
**Author:** Richard Saunders, General Manager Regulatory and Communications  
**Endorsed by:** Richard Saunders, General Manager Regulatory and Communications  
**Date:** 9 December 2021

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#### PURPOSE

- [1] To update the Committee on activities of the Regulatory Group between 1 July 2021 and 31 October 2021.

#### EXECUTIVE SUMMARY

- [2] This report summarises the activity of the Regulatory Group which includes Consents, Compliance, Harbourmaster and the Regulatory Data and Systems teams.

#### RECOMMENDATION

*That the Committee:*

- 1) **Notes the Quarterly Update Report from the Regulatory Group.**

#### DISCUSSION

- [3] The following report provides a summary of the activity of each team within the Regulatory Group.
- [4] Attachment 1 contains statistics on Regulatory Group activity for the period 1 July 2021 to 31 October 2021. The attachment has been updated following discussion with Councillors at the previous Regulatory Committee meeting.

#### CONSENTS

##### Consent Processing

- [5] Over the reporting period decisions were made on 182 individual consents. For context, in the same period last year decisions were made on 126 individual consents. Despite a very high workload all decisions in the reporting period were made within Resource Management Act timeframes. Timeframe extensions were used in this period in most cases to enable the applicant to review the proposed conditions.
- [6] Applications relating to consents required under Plan Change 8 (PC8) have continued to be lodged. Staff have also been involved in mediation on PC8 and giving evidence in the first stage of the Environment Court case for the plan change. Residential earthworks consents remain the most prevalent of the new consent types under PC8. All staff continue to undertake training on PC8, with a focus on residential earthworks activities.

- [7] Two applications were publicly notified in the reporting period. The first was the application from Queenstown Lakes District Council for consents associated with the discharge of wastewater to land at Kingston. Two submissions were received. Planning is under way to hold a hearing in late January 2022. The other application notified was Dunedin City Council's application for consents associated with the proposed Class A landfill at Smooth Hill. The current focus for the team working on this application is to summarise the submissions.
- [8] Consent hearings were held for two limited notified applications in the reporting period. One related to new water permits associated with deemed permits. The second hearing was for permits associated with a suction dredging operation. Hearings were required for both applications as there were submitters who wanted to be heard. Both applications were approved subject to conditions and decisions were made by independent decision makers.
- [9] Five applications were limited notified in the reporting period. These applications may need to go to a hearing, but if matters raised in submissions can be resolved or there are no submissions, then these can be signed off under existing staff delegations. Two of these applications related to suction dredge mining operations.
- [10] Three consent hearings will be held in the next reporting period. These are for limited notified consent applications and relate to consents for:
- A quarry operation. The hearing will be held in December.
  - Two wastewater discharges associated with Clutha District Council. Hearings will be held in January 2022.
- [11] A summary of consents statistics for the period are included in Figures 1 to 6 of Appendix 1.

#### **Deemed Permit Replacements**

- [12] An update on the processing of deemed permits is provided in a separate report. As of 1 October 2021, there were 41 deemed permits that did not have an application come in to replace them and have now expired.

#### **Appeals to consent decisions**

- [13] One appeal to a consent decision was received in the reporting period. This related to a decision by an independent decision maker on a deemed permit. The appeal was lodged by a submitter. No date for a hearing on this appeal has been set by the Environment Court.
- [14] Three appeals to the Environment Court on consent decisions relating to deemed permits have been withdrawn. The appeals were lodged with the Court by the applicants and related to concerns about the duration granted and volume of water authorised. These appeals have been withdrawn now that a decision on PC7 has been released.

#### **Public Enquiries**

- [15] Responding to public enquiries remains a significant part of the workload of the Consents Team. In the reporting period 683 enquiries were received and responded to. The peak was in July where 181 were logged. The team have two dedicated staff



allocated to public enquiries who provide advice on all queries regardless of geographic location and respond to emails, phone calls and in-person enquiries. Most enquiries are resolved within 2 days of being received, with only 45 of the 683 taking 3-7 days to close and only one taking more than 7 days. Information on these enquiries can be seen in Figures 7-10 in Attachment 1.

- [16] The Public Enquiries team have been responding to requests for comments on applications that are seeking to use the 'Fast Track' process provided by the COVID-19 Recovery (Fast-Track Consenting). This process is run by the EPA. Current applications that we are involved with are:
- a) Silverlight Studios – accommodation and the film studio.
  - b) New Dunedin Hospital – Whakatuputupu.
- [17] In order to enhance the public enquiries service, in this reporting period we have:
- a) Released an infographic that shows the consent process. This is on our website and we have hard copies available too. This infographic has been provided to the Compliance Team to hand out on site visits. A copy of this infographic is included as Attachment 2.
  - b) Launched the ability to access copies of consents and reports on our external facing GIS map (Otago Maps). This means that people can access copies of permits and reports themselves. Reports and consents issued in the last 5 years are available and we are working to upload those that expire in the next 5 years.
  - c) Consent information on boatsheds and gravel takes has been added to the website. These were two of the main topics that our enquiries team were getting questions about. Where there is a trend in enquiry type, we look to provide more information on this topic to the public.
  - d) Launched a project for people to be able to apply for their consents online. A project manager has come on board and the first consent form will be available in May 2022. The ability to apply online, or submit information this way will be used in the Harbourmaster area before this.
  - e) Circulated another edition of the newsletter for the Regulatory Group that is targeted to consent planners and practitioners. The next issue will be circulated in December.
  - f) Uploaded practice notes for practitioners onto our website that establish our position on matters of interpretation or how we process applications. These are targeted at the practitioner.

**NES-FW and Plan Change 8 work**

- [18] The Consents team and wider Regulatory Group remain heavily involved in the implementation work on the NES-FW and PC8. Key work that has carried on from the last reporting period includes:
- a) Attendance at catchment group meetings when invited.
  - b) Discussions with stakeholder and industry groups about implementation and interpretation of the new regulations.
  - c) Participating in the internal cross-Council working group for the implementation of the NES-FW and PC 8.
  - d) Participation in the Court process for PC8 as expert witnesses and attending mediation.
  - e) Staff remain involved in the regional sector group providing input into the development of Freshwater Farm Plans. As farm plans will be a new tool for Otago it is important that staff remain closely connected to this work so they can

understand the impact it may have on our business. This work includes attending design workshops and co-ordinating with other Council's on how to best use resources.

#### **Process Improvements**

- [19] The key focus for staff over the reporting period has been on how service is provided and ensuring staff have the tools to support them. This is an ongoing process, which is driven by staff and customer feedback.
- [20] The focus has been on how staff interact with customers and the level of information staff provide them, as well as identifying areas for efficiency gains. In the new year we will be updating the standard letters we use to request information from people and also see if there are ways that we can provide more information and clarity about process in a way that is user friendly.

### **COMPLIANCE MONITORING AND ENFORCEMENT**

#### **Performance Monitoring**

- [21] In the 4 months to 31 October 2021, the Regulatory Data and Systems and Compliance teams graded 2,388 Performance Monitoring returns against an Annual Plan target of 1,800. This is up from 2,154 Performance Monitoring returns graded in the same period in the last financial year.
- [22] A summary of performance monitoring data for 2021/22 is set out in Figures 11 and 12 of Attachment 1.

#### **ORC compliance audits and inspections**

- [23] The ORC Long Term Plan 2021-2031 set out a new performance measure of meeting 85% or more of 'programmed inspections/audits completed each year, as per the Compliance Audit and Performance Monitoring Schedule'.
- [24] In the 2021/22 year to date, 145 on site consent audits, 47 winter grazing site visits, 15 dairy inspections, 13 forestry inspections and five regionally significant wetland audits were completed. This is 63% of the planned compliance audits or field inspections year to date. The compliance audits and inspections are below target due to Covid-19 disruptions and staff vacancies. It is expected that compliance audits and inspections will be on, or above target by the end of the year.
- [25] A summary of the compliance field visits and inspections in the 2021/22 year, compared with the 2020/21 year and Annual Plan target is set out in Figures 13 and 14 of Attachment 1.

#### **RMA Consent Audits**

- [26] In the 2021/22 year to date, 145 on site consent audits have been completed. Generally, compliance with consents can be considered high with most consents being considered either fully compliant (55%), or low risk non-compliance (21%).
- [27] All consent audits graded with moderate non-compliances (15 consents) and significant non-compliances (16 consents) have been followed up by staff and either appropriate action has been taken in line with the RMA compliance and enforcement policy, or

investigations are continuing. This includes four infringement notices, two abatement notices and two warnings issued in relation to consent non-compliance.

- [28] A summary of RMA consent audit data in the 2021/22 year is set out in Figures 15 and 16 of Attachment 1.

#### **Dairy programme**

- [29] The 2021/22 Dairy Inspection Compliance Project commenced in October 2021, and year to date compliance staff had completed 15 dairy inspections. The high-risk farms are being prioritised for inspection early in the season. Overall compliance is generally good with most farms being considered either fully compliant or low risk non-compliance. Four farms were graded moderately non-compliant. These matters are being followed up by staff and either appropriate action has been taken, or investigations are continuing.

- [30] The 2020/21 dairy project has had a particular focus on the storage of effluent pond solids and stone trap clearings, the distances that these have been kept away from waterways and monitoring their potential to discharge to the environment through ponding and overland flow. Emphasis has also been placed on the monitoring of silage leachate ponding and the lack of silage leachate collection facilities on many farms. There has also been a continued focus on providing awareness and engaging with farmers on the new requirements with the NES for Freshwater, the Stock Exclusion Regulations, Water Measuring Regulations and Plan Changes 7 and 8. Dairy inspections will continue until approximately mid-May 2022.

- [31] A summary of 2021/22 dairy inspection data is set out in Figure 17 of Attachment 1.

#### **Forestry**

- [32] In the 2021/22 year to date, ORC has received 46 forestry notifications and 27 management plans and has completed 13 on site forestry inspections. Overall compliance is high with 12 forestry sites were considered fully compliant and one forestry site considered low-risk non-compliance.

- [33] A summary of 2021/22 forestry notifications and inspections data is set out in Figures 18 and 19 of Attachment 1.

#### **Dry weather / low flow project**

- [34] The ORC compliance team coordinates a dry weather / low flow project throughout summer. The dry weather / low flow project ensures appropriate monitoring of water take consents, and enforces minimum low flows on rivers when trigger levels are met. The project team includes staff from across the ORC including compliance monitoring, investigations, consents, regulatory data and systems, science, communications, and environmental monitoring teams.

- [35] Staff will ensure minimum flow sites are up to date and relevant consent holders are complying with their conditions of consent. ORC will also provide information to irrigator

communities on river flows and aquifer levels so that they can manage and/or roster their takes when, and if, water sources hit trigger levels.

**Investigations and enforcement**

- [36] In the 2021/22 year to date, 560 service requests were received on the pollution response hotline. The most common reasons for requests were outdoor burning (138), water pollution (134) and domestic chimney (91).
- [37] Further details on service requests in the 2021/22 year can be found in Figures 20 and 21 of Attachment 1.
- [38] In the 2021/22 year to date, ORC issued nine warnings, 27 infringement notices, and 21 abatement notices. The most common causes of enforcement action related to water pollution (22) and consent non-compliance (8).
- [39] For the 2021/22 year to date, ORC has authorised legal proceedings in relation to a matter involving the discharge of contaminants to air.
- [40] Further details on enforcement action in the 2021/22 year can be found in Figures 22 and 23 of Attachment 1.

**Compliance engagement and education activities**

- [41] To support and enable compliance, ORC compliance staff work proactively with landowners, consent holders and the community to engage with on them compliance matters and educate on good practices.
- [42] Some of the engagement and education activities that have been undertaken in the 2021/22 year include:
- Sending out educational letters to alleged offenders in relation to domestic chimney or outdoor burning complaints
  - Preparing a factsheet to go with Fire Permits to remind people of the ORC Air Plan rules when undertaking outdoor burning
  - Waterline media article on the ORC Air Plan rules and good outdoor burning practices
  - Field day with around 40 members of the South Otago Farm Forestry Association on the NES-PF and good management practice
  - Ongoing engagement with primary industry groups and farmers on NEW-FW and good management practices and planning for winter grazing in 2022.

**COMPLIANCE MONITORING AND ENFORCMENT METRICS**

- [43] The Compliance and Enforcement Special Interest Group (CESIG) is a regional sector group with a focus on promoting best practice in compliance monitoring and enforcement (CME).
- [44] CESIG has prepared a CME metrics report for the 2020/21 year. The report is provided as Attachment 3. This is the fourth annual CME metrics report, capturing performance of

the regional sector as it relates to CME activities associated with the RMA. A snapshot of ORC CME metrics can be found on page 58 of the report.

- [45] While the ORC metrics have improved from the 2019/20 year, there are further areas for improvement. Some improvements implemented in 2019/20 and this year include:
- Adoption of RMA compliance and enforcement policy in March 2021
  - Development of the ORC Compliance Plan 2020-22, which sets out the priorities for compliance monitoring in Otago
  - Replacement of Hilltop with Aquarius
  - Streamlining the enforcement decision-making process
  - Process and system improvements (e.g. formal warnings recorded, online surveys completed by staff during on-site audits)
  - Rolling out G-REG training for all compliance staff, a national qualification for people working in regulation throughout local and central government agencies.
- [46] While there have been substantial improvements, there is still room for improvement and the CME improvement plan for 2021/22 includes:
- Enhancing iwi engagement and participation in CME activities
  - Preparing an annual compliance report to show delivery of the Compliance Plan and provide greater transparency and accountability in the ORC's CME activities
  - Ongoing process and system improvements (online surveys for undertaking on-site audits, improving enforcement module of our Regulatory management system).
- [47] The full impact of these improvements will take a full reporting year to be reflected in the CME metrics report as the changes are embedded.

## **HARBOURMASTER**

- [48] Overhead power cables have been removed from the Harbour and underwater ones have been laid. This project completed successfully during this period.
- [49] Harbourmaster department has represented ORC at the South Island Harbourmaster Special Interest Group and the national salvage annual forum.
- [50] The Harbourmaster has given 4 external presentations to various groups during this period. Continued engagement with the Otago community to educate them on navigational safety remains a priority for the Harbourmaster function.
- [51] New SWIM AREA Buoys have been laid in a number of designated swim areas on and around Lake Dunstan. A further 9 are due to be laid December 2021. These buoys will provide improved safety for swimmers.
- [52] Hydrographic survey of the eastern channel of Otago Harbour has been completed, we expect to see the results and data in December 2021.
- [53] A further Taieri Mouth Bar Crossing awareness evening was supported by the harbourmaster team on Monday 22 November 2021. This was well attended and was a good opportunity to reiterate key safety messages.

[54] The national “No Excuses” campaign is underway and planning for dates in Otago is underway. This will see Maritime New Zealand officers and the Harbourmaster team engaging water users together and educating on boating safety.

**OPTIONS**

[55] As this is a report for noting there are no options.

**CONSIDERATIONS**

**Policy Considerations**

[56] There are no policy considerations.

**Financial Considerations**

[57] There are no financial considerations.

**Significance and Engagement**

[58] As this is a report for noting consideration of the Significance and Engagement Policy is not required.

**Legislative Considerations**

[59] A number of legislative requirements govern the activities of the Regulatory Group.

**Risk Considerations**

[60] There are a number of legal and reputational risks associated with the delivery of ORC’s regulatory functions.

**Climate Change Considerations**

[61] There are no climate change considerations associated with this report.

**Communications Considerations**

[62] Communication with the Otago community occurs on a regular basis as a way to educate and inform people on regulatory matters. This includes a quarterly regulatory newsletter which is aimed at informing RMA professionals on technical matters and relevant updates.

**NEXT STEPS**

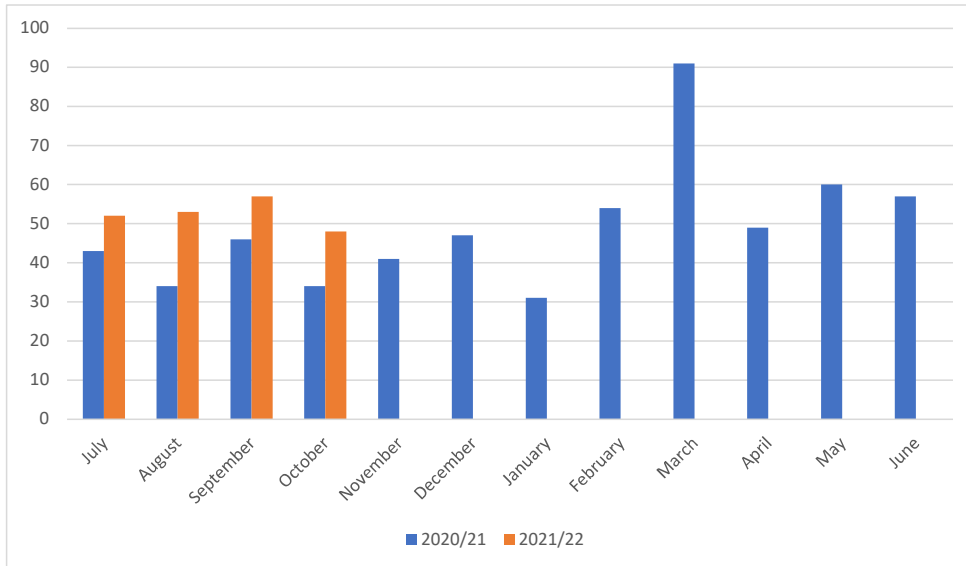
[63] Regulatory activity will continue and will be reported to the Regulatory Committee on a quarterly basis.

**ATTACHMENTS**

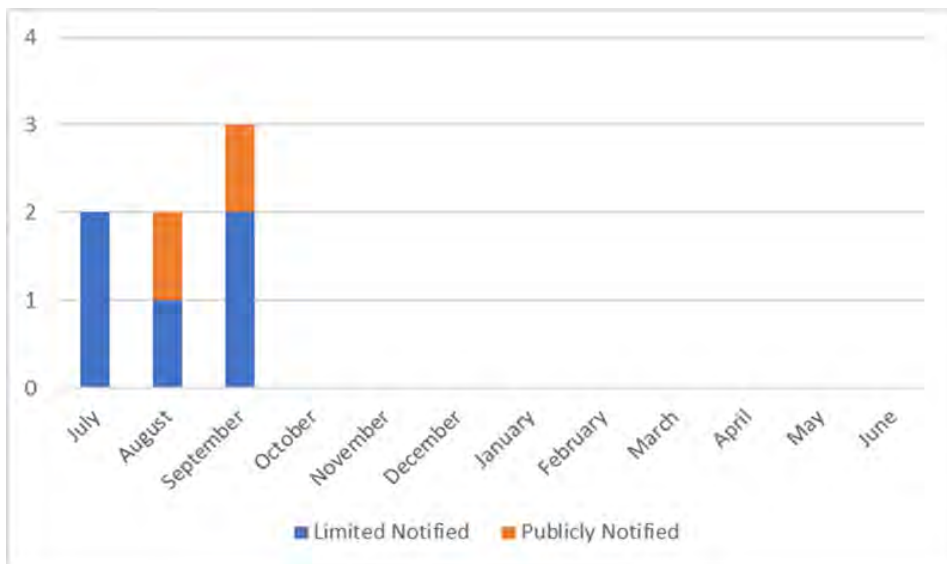
1. 2022 July to October Regulatory Data Appendix [7.1.1 - 12 pages]
2. ORC - The Resource Consent Process [7.1.2 - 1 page]
3. CME Metrics 2021 19 Oct [7.1.3 - 72 pages]

**REGULATORY REPORTING FOR THE PERIOD 1 JULY 2021 TO 31 October 2021 Consents**

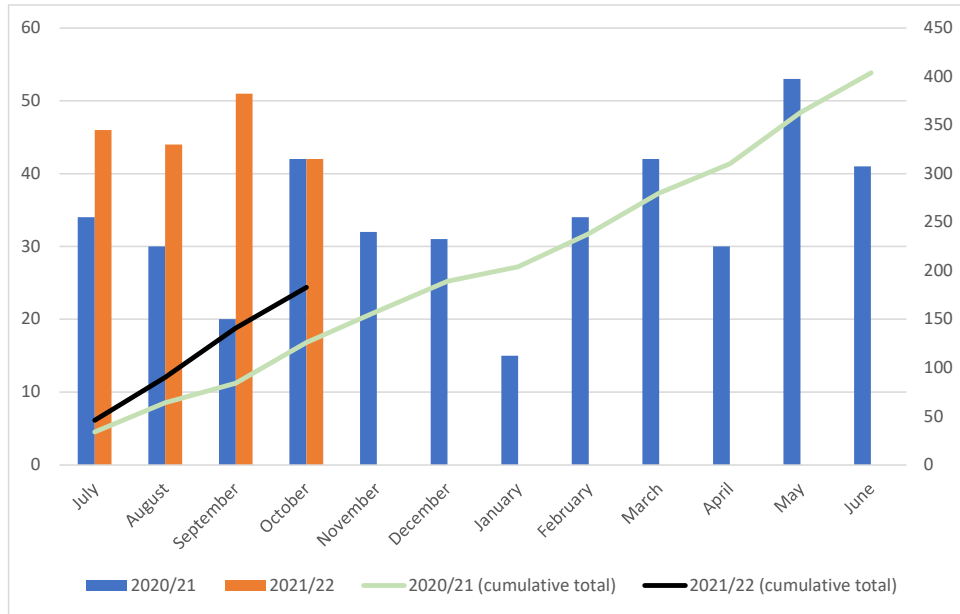
**Figure 1: Resource Consent Applications Received**



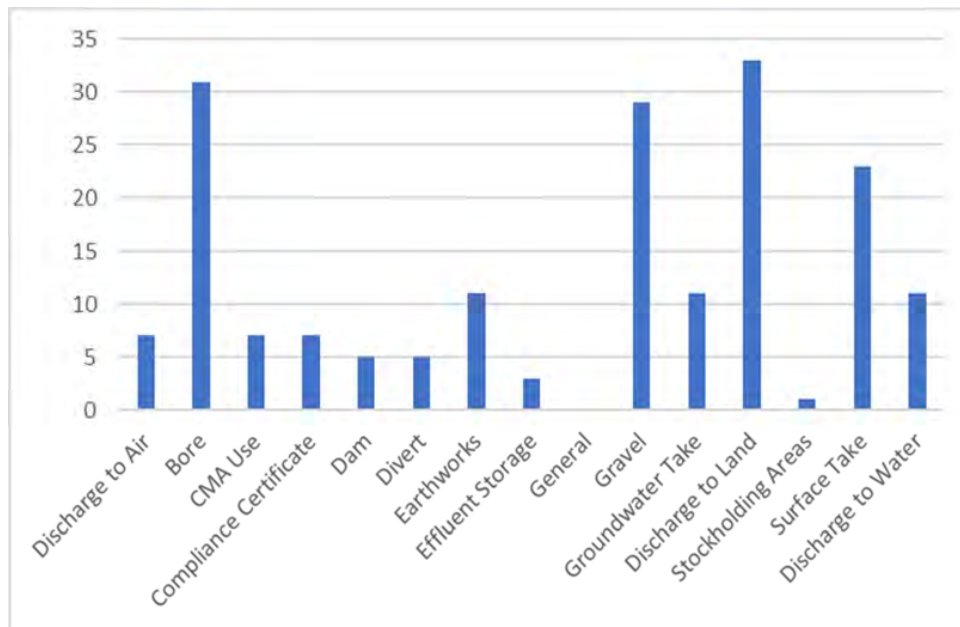
**Figure 2: Notified Applications**



**Figure 3: Resource Consents Issued**

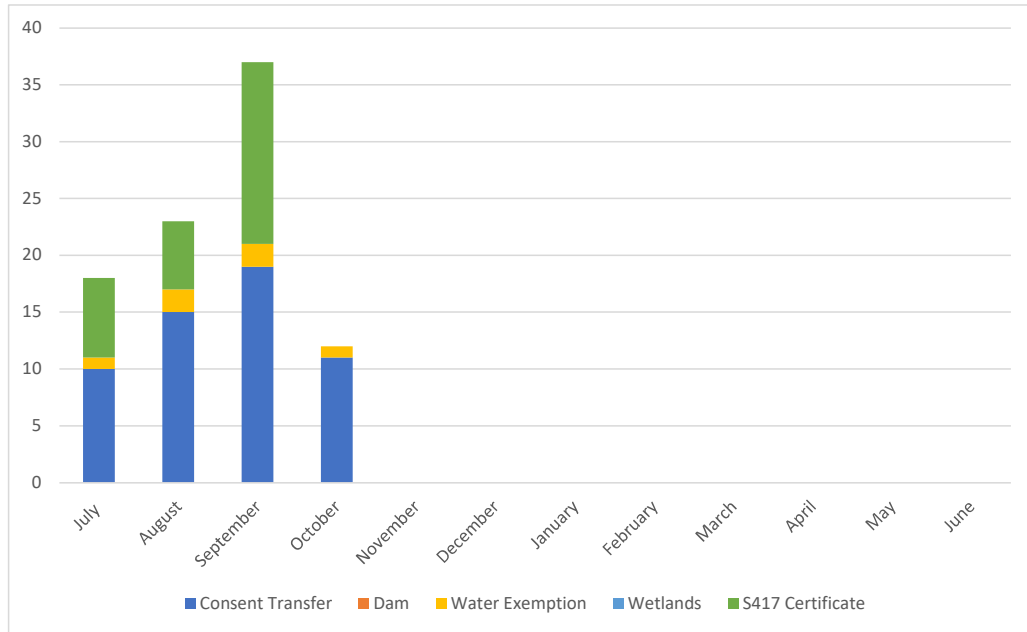


**Figure 4: Resource Consent by Type**

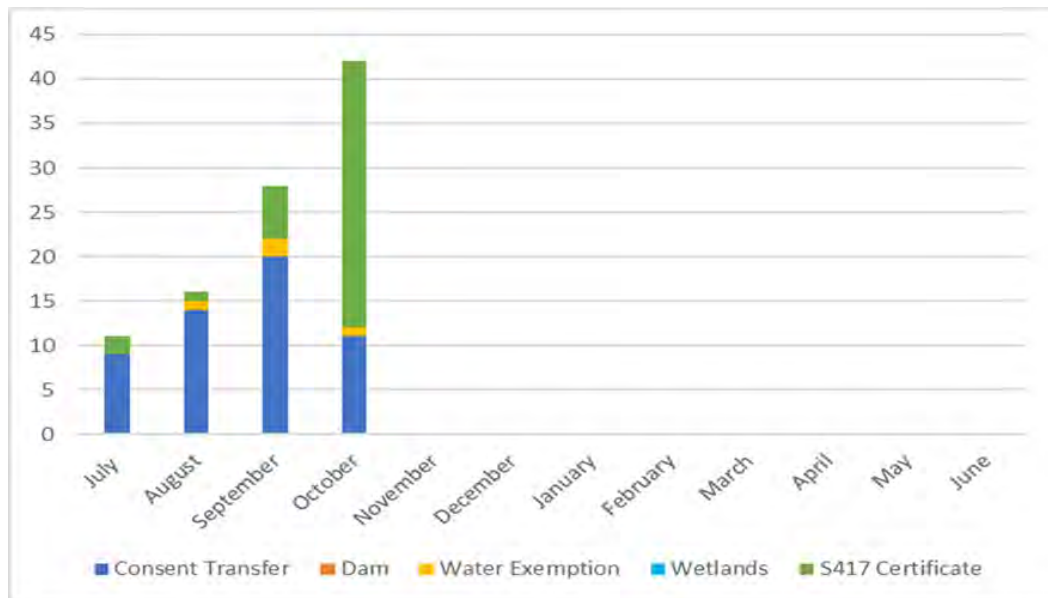




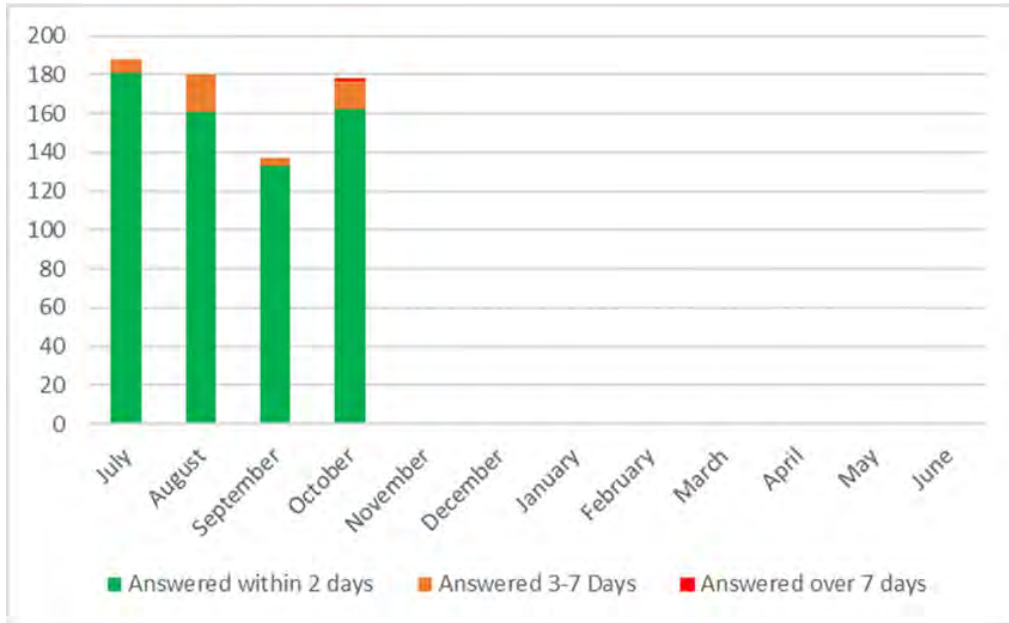
**Figure 5: Other Applications Received**



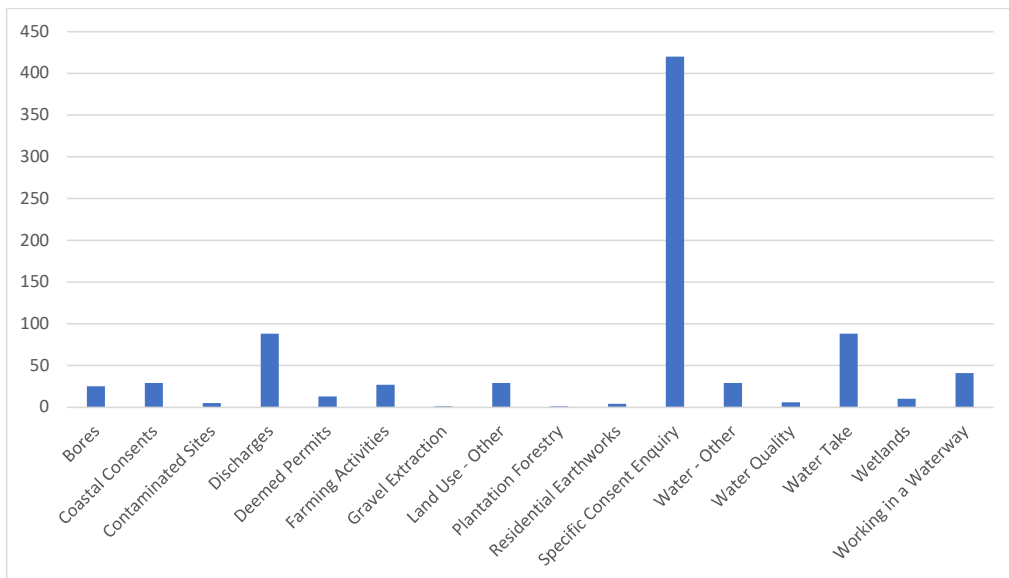
**Figure 6: Other Applications Processed**



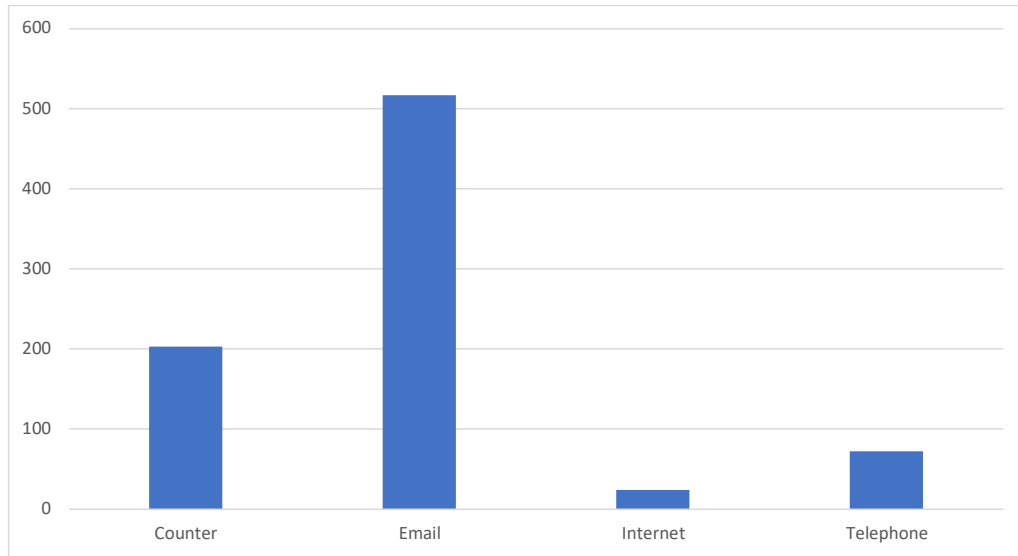
**Figure 7 Consent Enquiry Response Times**



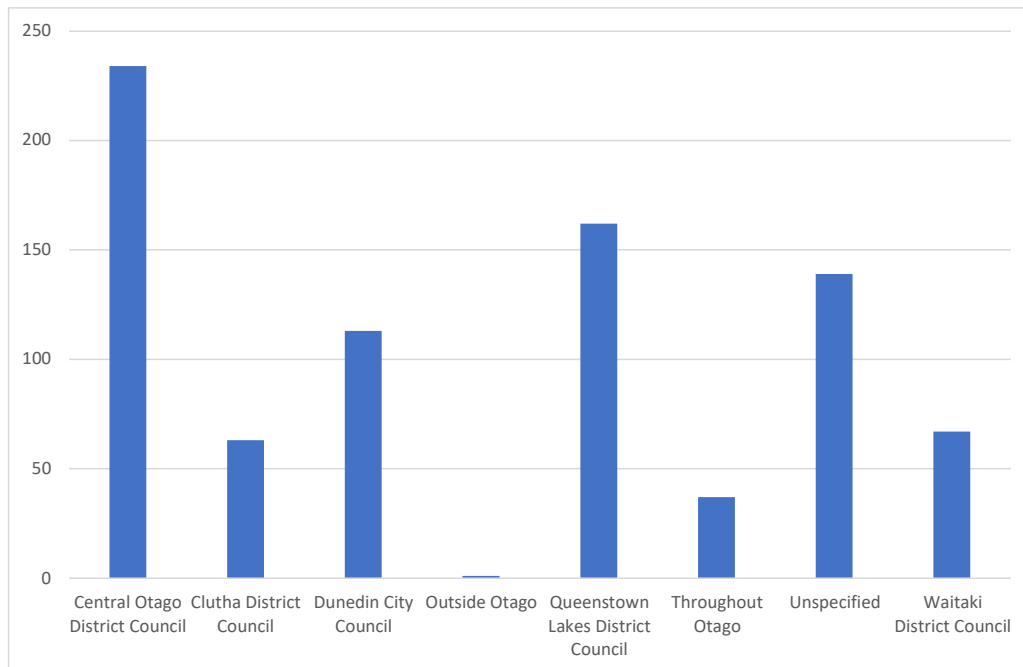
**Figure 8: Consent Public Enquiries by Type**



**Figure 9: Consent Public Enquiries by Method**

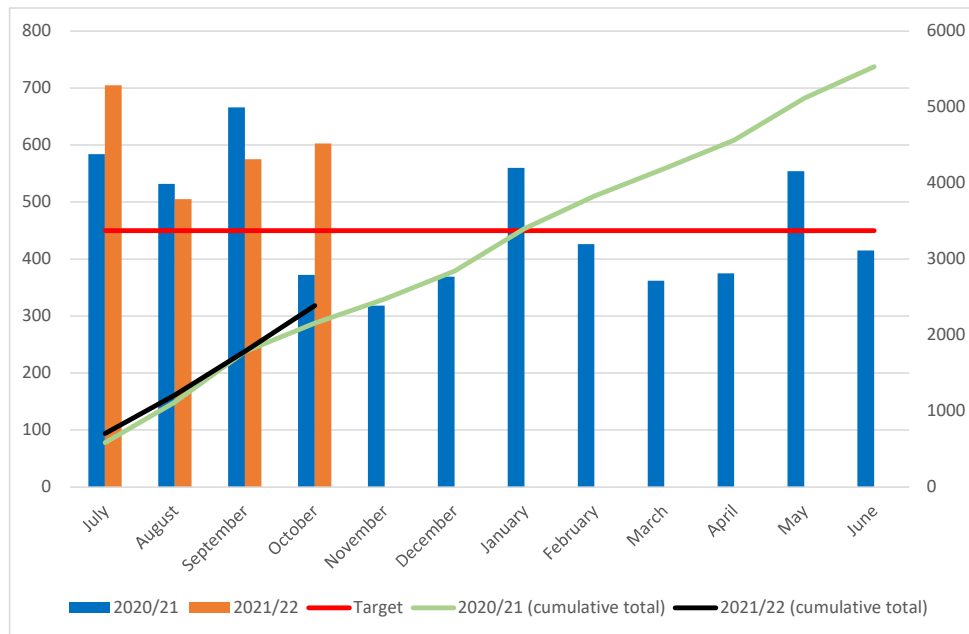


**Figure 10: Enquiry by Location**

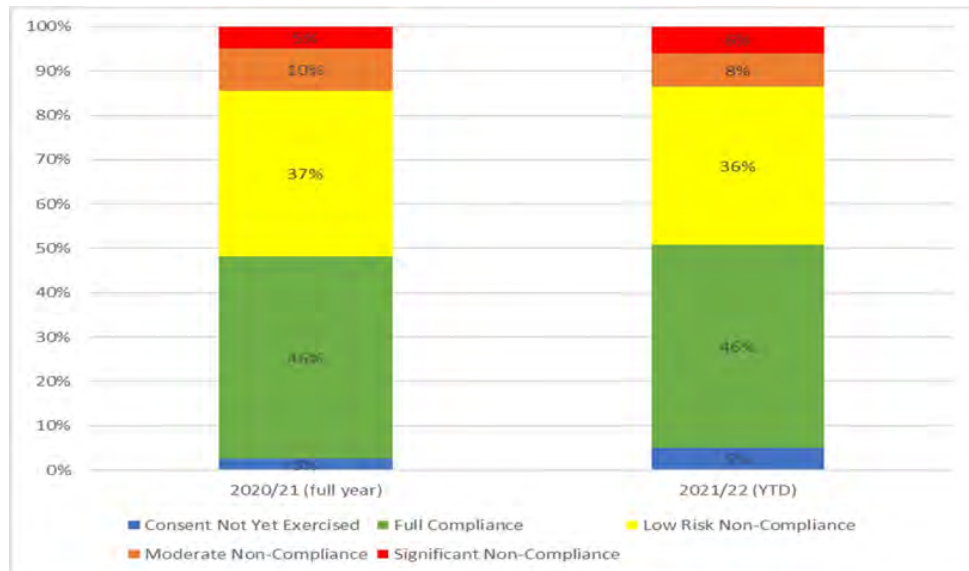


**Compliance**

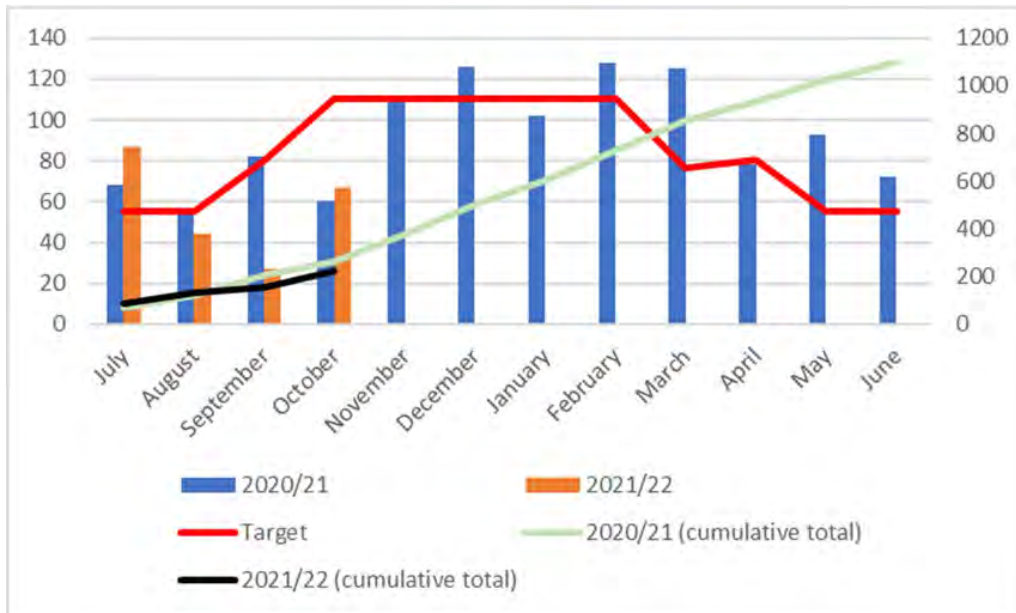
**Figure 11: Performance Monitoring Returns Completed**  
*LTP Performance Measure*



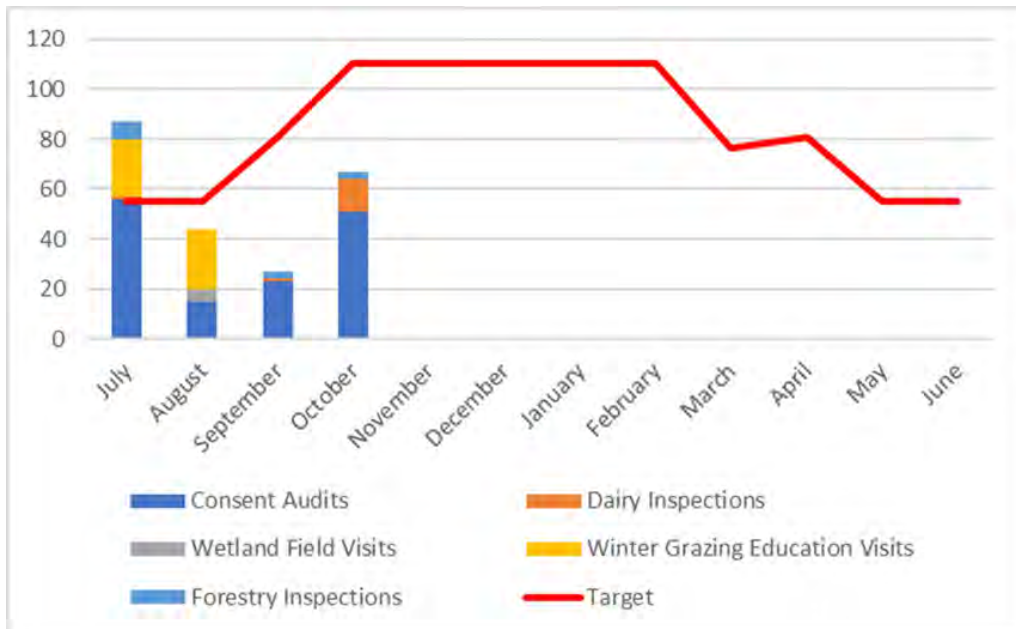
**Figure 12: Performance Monitoring Grades Year on Year**



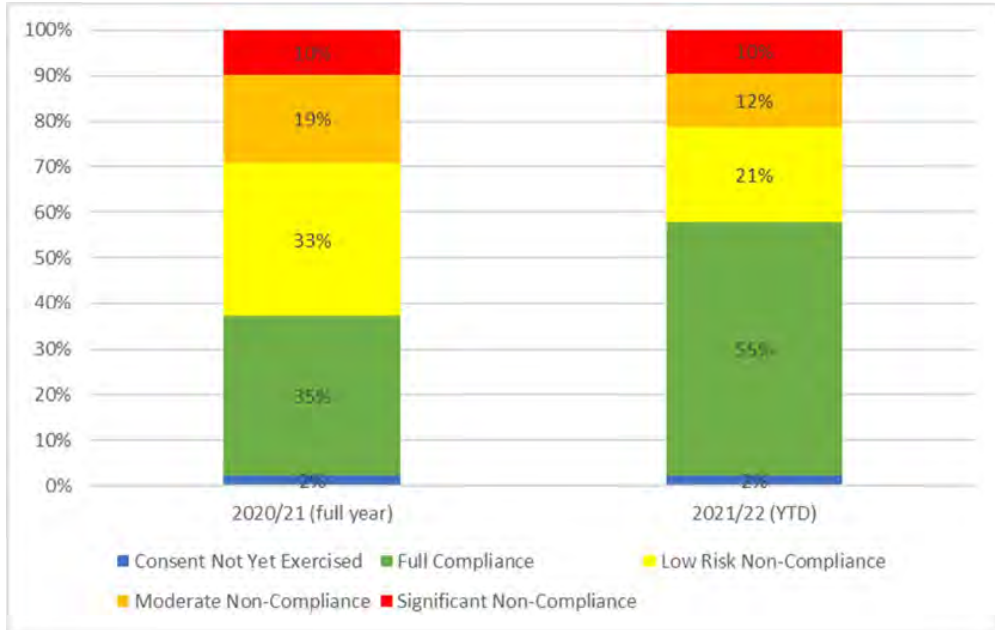
**Figure 13: Compliance Field Inspections Year on Year**  
*LTP Performance Measure*



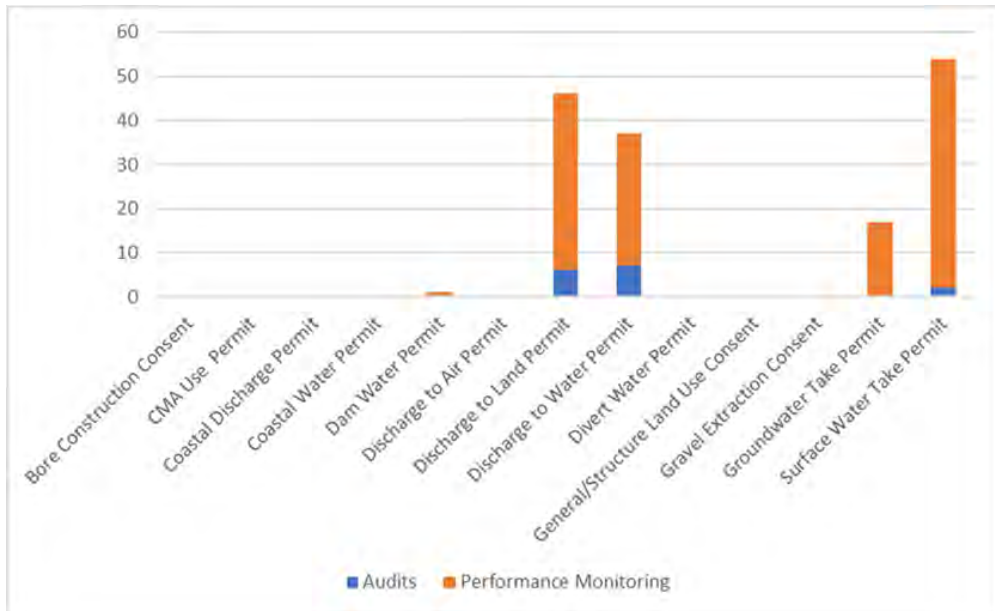
**Figure 14: Compliance Field Visits by Type**



**Figure 15: Consent Audit Grades Year on Year**



**Figure 16: Significant Non-Compliance by Consent Type**



**Figure 17: Dairy Inspection Grades Year on Year**



**Figure 18: Forestry Notifications and Inspections**

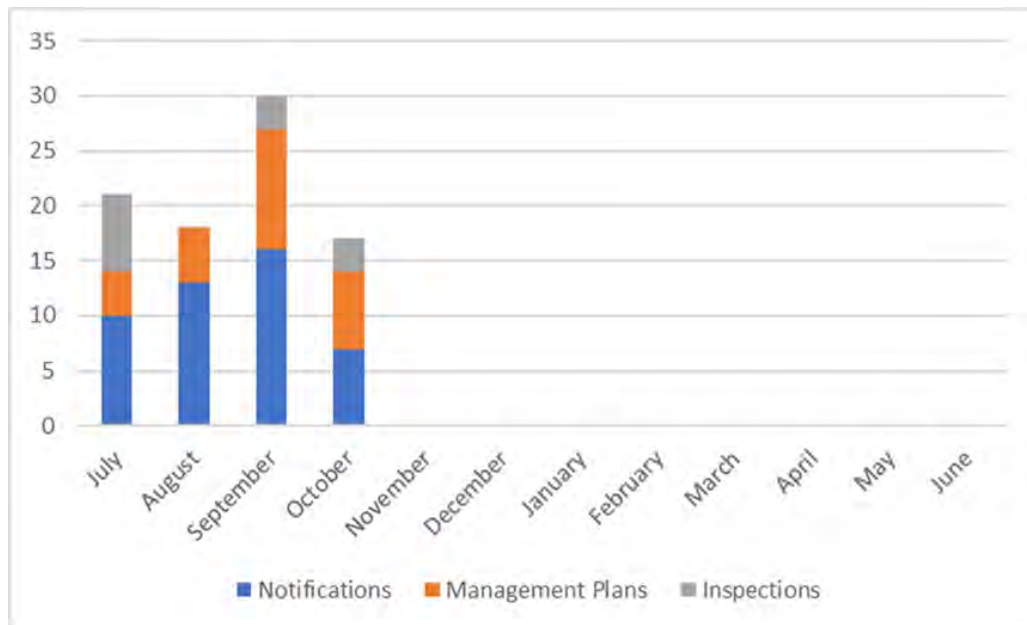


Figure 19: Forestry Inspection Grades Year on Year

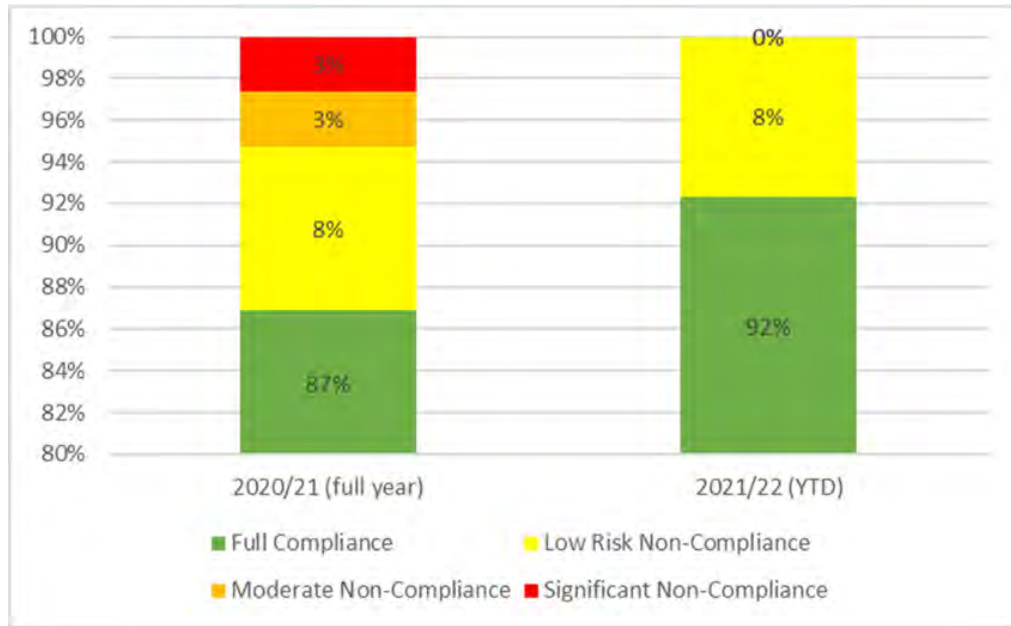
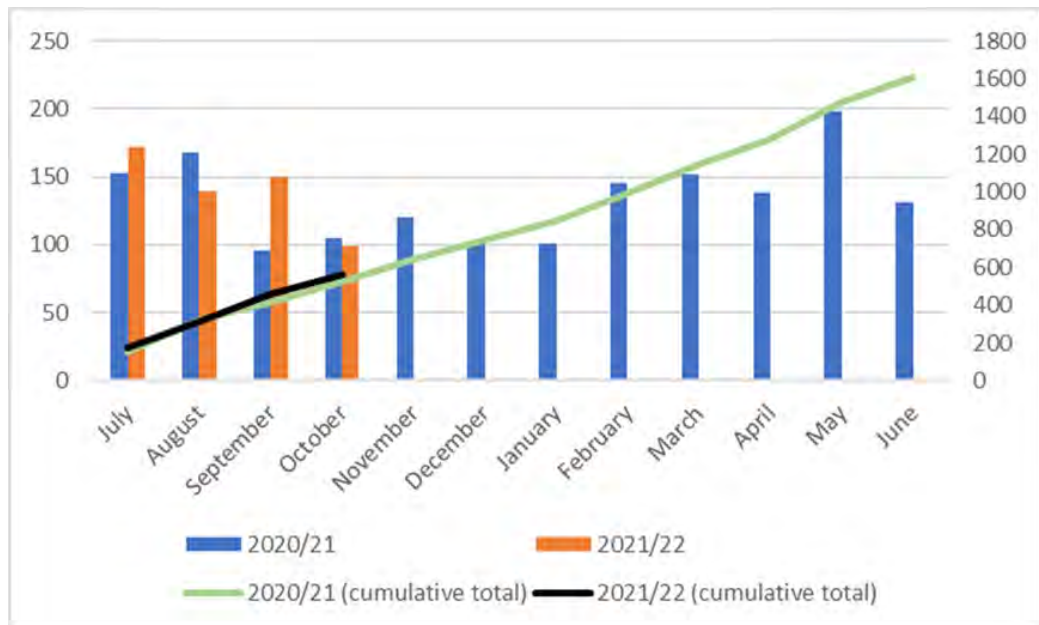
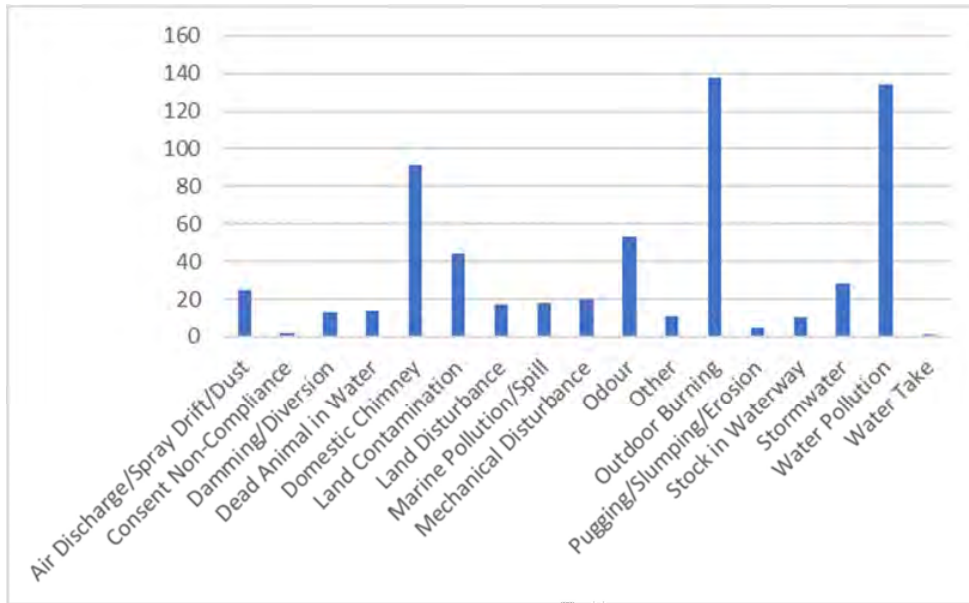


Figure 20: Service Requests





**Figure 21: Service Requests by Type**



**Figure 22: Enforcement Actions**

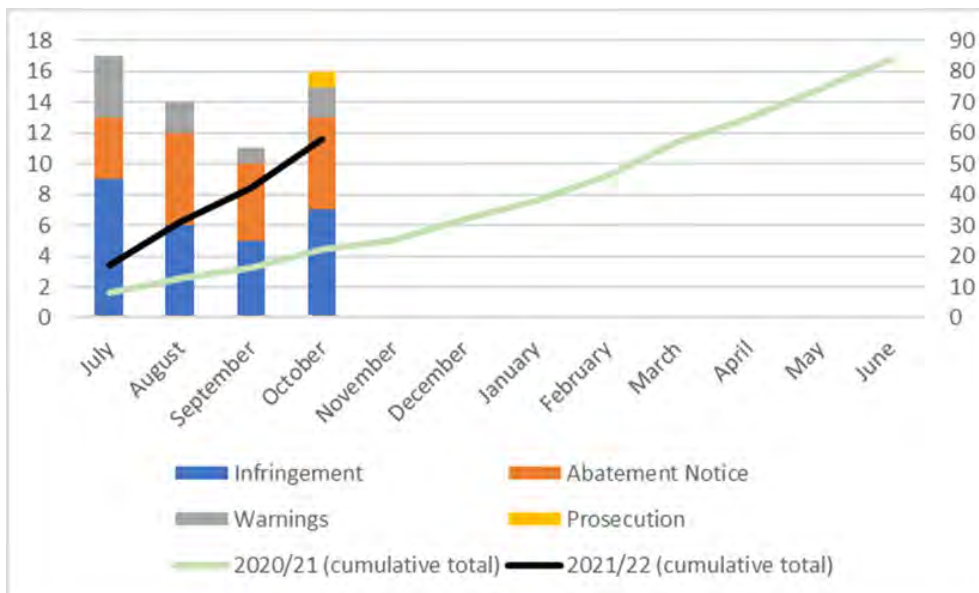
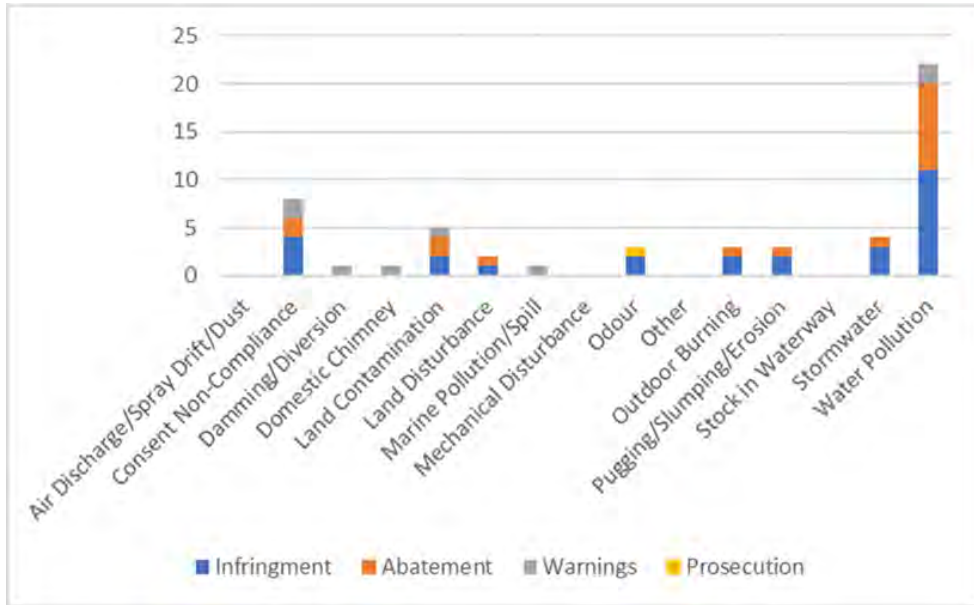
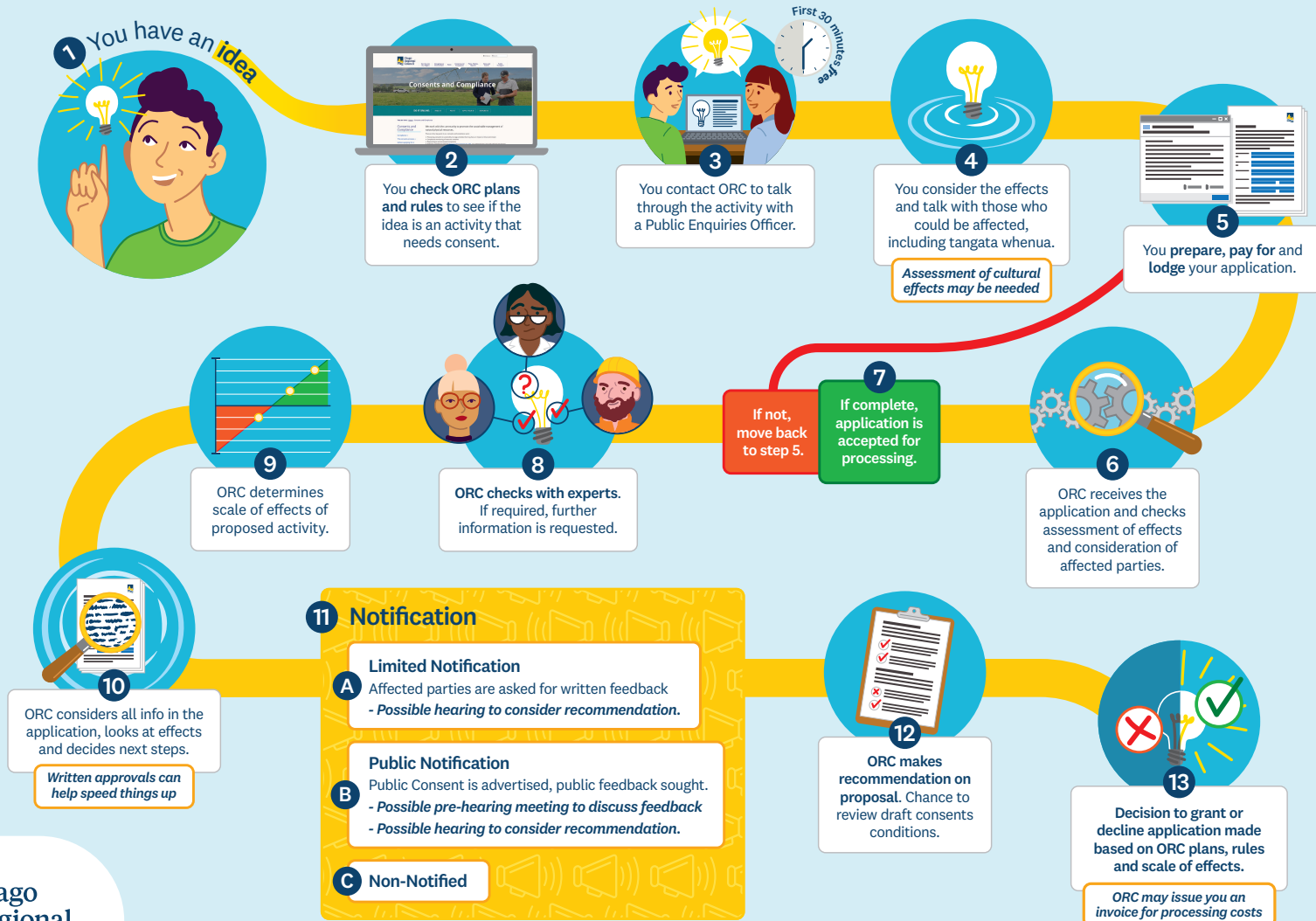


Figure 23: Enforcement Causes



# The Resource Consent Process





**ANALYSIS OF THE  
2020/2021  
COMPLIANCE  
MONITORING AND  
ENFORCEMENT  
METRICS  
FOR THE REGIONAL SECTOR**

PREPARED BY  
**SPROUT**



## FOREWORD

Kia ora,

Every year the councils of Aotearoa's regional sector commission a report to measure our own performance in the areas of compliance, monitoring and enforcement, associated with our role under the Resource Management Act.

Compliance, monitoring and enforcement isn't done for its own sake. Our work programmes are some of the key drivers we use to support positive behaviour change and positive outcomes on behalf of New Zealand's environment.

This is the fourth year of these annual reports with a different appearance this year. Trends in individual CME metrics are becoming more evident.

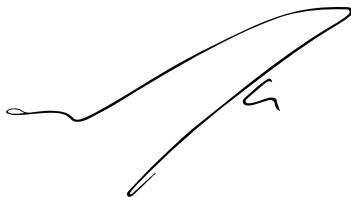
When compared to the last three years, it was 'business as usual' in the 2020-21 year and there's a consistent delivery of CME work streams across New Zealand. It is great to see more people working in CME roles across the sector since the last report, actively monitoring, responding to and enforcing in favour of the environment. By tracking and providing these metrics on our work, we're seeing for ourselves an improving record of environmental regulation as well as opportunities for improvement.

The analysis that follows will be a useful reference for the reform that is currently taking place around resource management, Three Waters (stormwater, waste water and drinking water) and the review of Local Government.

The solid evidence base of these metrics in relation to compliance, monitoring and enforcement can assist informed decision-making, both nationally and at a regional level.

Readers should have confidence in our commitment to continuous improvement. The Compliance and Enforcement Special Interest Group (CESIG) is made up from relevant representatives of regional and unitary councils in New Zealand. We will continue to support the funding of this annual survey as we explore ways to improve our own performance and get the most intelligence from what the survey tells us year on year.

Ngā mihi nui



**Michael McCartney**

Chief Executive Officer at Horizons Regional Council

## SUMMARY

  
**542 FTE'S**  
 IN CME ROLES

  
**283,470**  
 ACTIVE RESOURCE  
**CONSENTS**

  
**UP 11%**  
 FROM LAST  
 YEAR

**83%** COUNCILS MONITORED AN AVERAGE  
 OF **83%** OF ALL CONSENTS THAT  
 REQUIRED MONITORING UNDER THE RMA

**99%**  
 OF COMPLAINTS  
 RESPONDED TO

  
**802**  
 FORMAL  
 WARNINGS

  
**5,225**  
 ABATEMENT  
 NOTICES

  
**2,150**  
 INFRINGEMENT  
 FINES

  
**18**  
 ENFORCEMENT  
 ORDERS

  
**95** PROSECUTIONS  
 (71 IN PROGRESS)

  
**75 CORPORATES**  
 CONVICTED

  
**45 INDIVIDUALS**  
 CONVICTED



**\$5,187,565**  
 IN FINES

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# INTRODUCTION

## PART 1

This report is the fourth report in a series of reports aimed at increasing information available to the sector. Improving the availability of CME functions information is a sector-led effort, under the leadership of CESIG. The questions are designed by the regional sector with the aim of improving and complementing the present national monitoring system's compliance, monitoring and enforcement related questions and analysis.

All 16 of New Zealand's regional councils and unitary authorities (the 'regional sector') have participated since 2018. Each year we see three distinct groups within the regional sector Auckland Council, the small unitary councils and the regional councils.

CME is a tool in achieving the purpose of the RMA. The RMA is New Zealand's environmental legislation with the purpose of sustainably managing natural and physical resources. Regional councils, unitary authorities and territorial local authorities have the primary role in compliance, monitoring and enforcement of the Resource Management Act 1991 (RMA).

In February this year the government announced it would repeal the RMA and enact new legislation based on the recommendations of the Resource Management Review Panel, replacing it with three new pieces of legislation. This will be based on the Natural and Build Environments Act, Strategic Planning Act and the Climate Adaptation Act.

Monitoring and understanding implementation remains critical to understanding our nations environmental management. The success of that management is largely dependent on the quality of implementation.

In this reporting period we must acknowledge COVID-19 and the impact it is having worldwide. In June 2020 New Zealand was through the initial nationwide lockdown. During the lockdown periods CME monitoring is considered an essential service, so continues as 'normal' but this is not at 100%. This year the most significant impacts are to the Auckland Region who went into Alert level 3 on the following dates:

- 12th August to the 30th August
- 14th of February to the 17th of February
- 28th February to the 7th of March

## READING THIS REPORT

Each council was sent an online survey comprising 44 questions (Appendix 1). They were given 2 weeks to collect and input the data into an online platform. After inputting the initial data, they were sent a link that allowed them to log in and change their information at any time.

This report sets out data provided for each section of the survey, as follows:

- A short analysis of the findings, at both a regional and national scale
- The tables and graphs of the information
- A boxed section containing the exact questions relevant to that section
- Responses to open-ended questions have been aggregated and analysed and the theme of the response presented in this report.
- Verbatim answers are provided where responses can not be summarised

## HOW DOES THIS REPORTING PROCESS DIFFER YEAR ON YEAR?

The questionnaire has not differed following year two, this allows us to track the successes and improvements over time. For this reason, it is critical the consistency is maintained.

Following the first year there were significant learnings and improvements to the questionnaire, the questionnaire was refined based on these improvements.

Throughout this document we have aimed to report data from previous years so we can see patterns when they are arising. In year two questions were condensed and rearranged, with the purpose of enriching the data by ensuring clarity in wording. This year's format follows year two, meaning all results are directly comparable.

In year one and two the report was conducted by independent consultant Dr Marie Doole. From year three onwards collection and reporting was conducted by Sprout Customer Research.

## DATA LIMITATIONS

Reporting of activities in complex, reflective measures can be difficult. When reading the report keep in mind the following aspects and data:

- Not all requested information can be provided by all councils which results in gaps in the dataset.
- The project does not include any data auditing and it is therefore unknown how accurate the information provided by councils is. Each council had a representative that sense checked and was responsible for the final data points entered into the survey.
- Throughout the report there are some instances where the way a council reports has changed or improved. Making the data incomparable to prior years.

## CME UNDER THE RESOURCE MANAGEMENT ACT NEW ZEALAND

This report is a sector led effort by the Compliance and Enforcement Special Interest Group (CESIG). It aims to improve the quality of information available on the CME functions. Whilst the data set is not perfect it provides interesting insight into CME operations under the RMA and, it's value increases year on year. As we enter the fourth year we are seeing trends arising. The outcomes of improvements made by individual councils to improve how they implement CME is also evident.

Implementation of CME and the way it is adopted and exercised is up to individual councils under the broad framework of the RMA. Implementation in a robust manner leads to positive environmental outcomes. Limited national direction has placed an emphasis on individual councils to develop their own operations under the relatively broad framework of the RMA. This role has developed differently over the jurisdictions. The regions also differ based on GDP, area, population and population growth.

As the sector develops, formalisation and standardisation of parameters have been developed. In 2018, the Ministry released Best Practise Guidelines, this has been influential in forming standardised and comparable measures.

## KEY DEFINITIONS

**Compliance:** adherence to the RMA, including the rules established under regional and district plans and meeting resource consent conditions, regulations and national environmental standards.

**Monitoring:** the activities carried out by councils to assess compliance with the RMA. This can be proactive (e.g., resource consent or permitted activity monitoring) or reactive (e.g., investigation of suspected offences).

**Enforcement:** the actions taken by councils to respond to non-compliance with the RMA. Actions can be punitive (seek to deter or punish the offender) and/or directive (e.g. direct remediation of the damage or ensure compliance with the RMA).

# ANALYSIS

## PART 2

### REGIONAL CONTEXT

The graph below shows the diversity of the regions reported on. Regionally New Zealand is diverse and contextually there are large differences.

The population of Auckland is more than double other regions. To demonstrate the diversity of the differences in population the West Coast is home to the equivalent of 2% of Auckland's population. Population in the West Coast is declining, in other regions we see an increase.

The Southmost regions (Southland, Canterbury and Otago) cover the largest geographical area. The area Nelson covers is considerably lower than the rest of New Zealand.

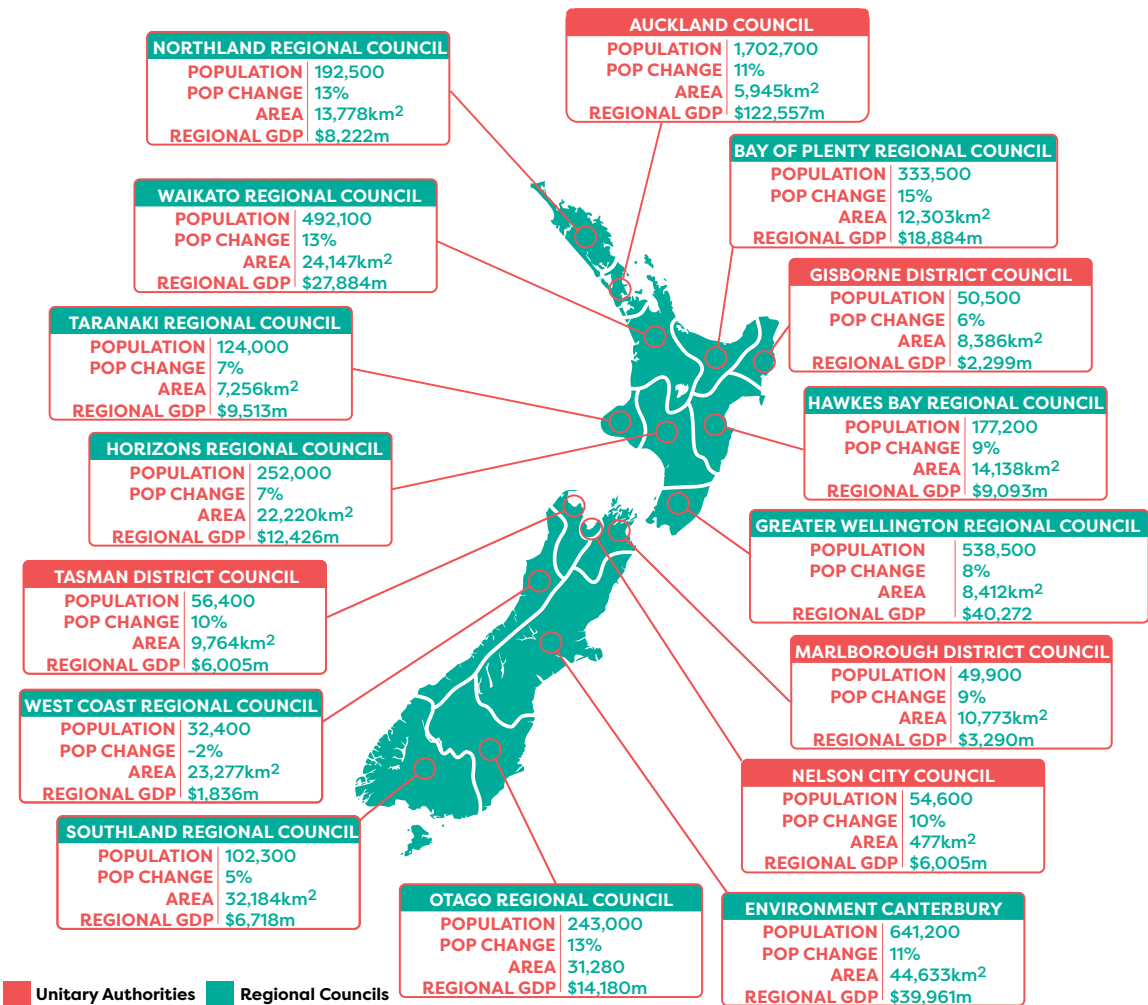


Figure 1: Regional context data

## WORKING WITH IWI

Having good relationships with iwi and hapū is becoming increasingly important as we strive towards proper recognition to the principles of Te Tiriti of Waitangi and providing greater recognition of te ao Māori including mātauranga Māori in the RM reform.

Qualitative reports show there is a commitment from councils to strengthen these relationships. Majority of councils have formalized agreements or are actively working towards these; four councils have no formal agreements.

### Many councils:

- Advise iwi if major incident occurs or advise when an incident occurs in waterways
- Have iwi involvement in cultural impact assessment
- Iwi provide victim impact statements for sentencing

### Other commitments included:

- Appointed iwi representatives
- Paid advisory roles
- Positions on committees or council
- Working parties
- Identifying iwi priorities as part of decision making
- On going co design processes with mana whenua
- Planning and policy interactions
- Iwi involvement in operational meetings
- Meetings with iwi to discuss opportunities for iwi and hapū to be involved in compliance and monitoring
- Joint work programs to identify where council and iwi can work together to improve incident response, compliance and enforcement
- Mutual education on compliance monitoring
- Involvement in monitoring
- Involvement of iwi in notified consents
- Involvement in consents management (or sent consent applications)
- Financial support from councils to build environmental monitoring capacity
- Reporting to iwi on CME (summary updates of enforcement actions (prosecutions, enforcement orders, abatement notices and infringement notices)

Northland Regional Council and Southland Regional Council show strong commitments to iwi on CME based on historical partnerships.

*“Environment Southland, refers to the iwi relationship as te kōura tuia – the ‘golden thread’ that we weave through all our work. It’s just part of how we operate. There is a commitment to the responsibility of improving Southland’s local government understanding of all things Māori.”*

A full set of responses is available in appendix 2.

**Question 4:** In no more than 300 words describe your regional key commitments to work with iwi/ Māori on CME. For example, joint management agreements or other co-management agreements.

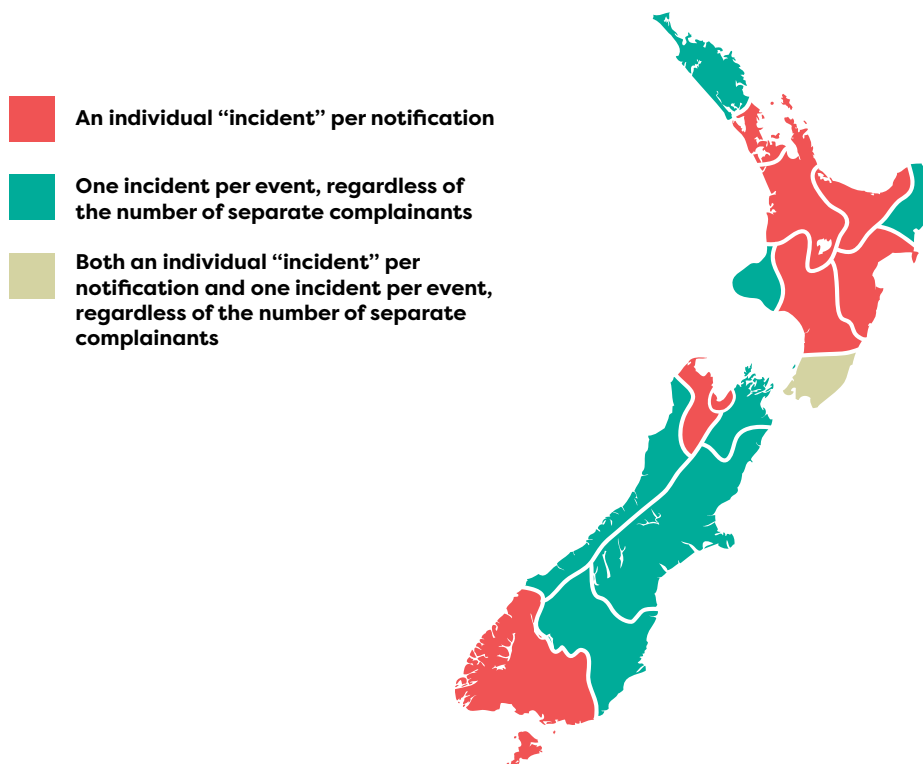
## CME OPERATIONS - MANAGING THE WORKLOAD

### REGISTERING NOTIFICATIONS

Complaints are registered by individual councils in one of two ways, either as individual incidents or by event. The 2017/2018 report recommends it would be optimal for the sector to work towards a standardised approach.

This year 3 councils have changed the way they register complaints West Coast and Gisborne all opted to change to one incident per event. Horizons changed to an individual incident per notification. Majority of councils now register an "incident" per notification.

### RECORDING CONVENTIONS FOR INCOMING COMPLAINTS



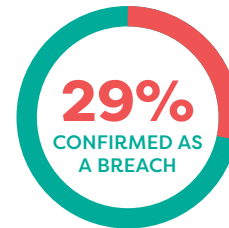
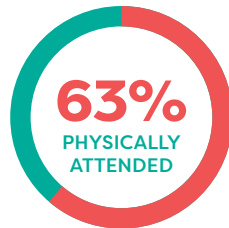
**Figure 2:** Recording conventions for incoming complaints across the regional sector

**Question 5.** Does your council register/count:

- An individual "incident" per notification?
- One incident per event, regardless of the number of separate complainants?



## NATIONWIDE COMPLAINTS



## COMPLAINTS RECEIVED

Nationwide there continues to be a large variation, explained by the contextual differences of regions. At first glance the regional individual complaints look like they are on an upward trend, however this can be accounted for by Horizons Regional Council individual complaints. Similarly at first glance individual complaints appear to be increasing, Southland now have individual incidents. Gisborne's incidents exclude 1,276 noise complaints accounting for the variation from last year.

Significant points of interest include are the

- An increase in complaints for Environment Canterbury (642) and Waikato (495)
- A decrease in complaints from Auckland (1,900) and Otago (326)
- An increase in incidents from Environment Canterbury (564)
- A decrease in incidents in Northland (208)

## COMPLAINTS RESPONDED & ATTENDED

Nearly all complaints made to councils were responded to. Councils responded to 100% of complaints with the exception of 2 regional councils Bay of Plenty responded to 99% of complaints, Environment Canterbury responded to 87% of complaints.

The percentage of events physically attended increases year on year, with the West Coast Regional Council and Southland Regional Council physically attending an increasing number of incidents. This year Gisborne District Council provided data, having the second highest percentage behind Taranaki Regional Council (100% physically attended).

**Question 6.** How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

*This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties but excludes information from council monitoring activity. Please note answer unknown if your council does not record the information requested.*

**Question 7.** How many of these notifications were responded to by council?

This response may be in any form – e.g. phone call, site visit, desktop audit.

**Question 8.** How many of these notifications were physically attended by council staff?

If one incident had multiple visits, only count this as one.

### NUMBER OF INDIVIDUAL COMPLAINTS AND INCIDENTS

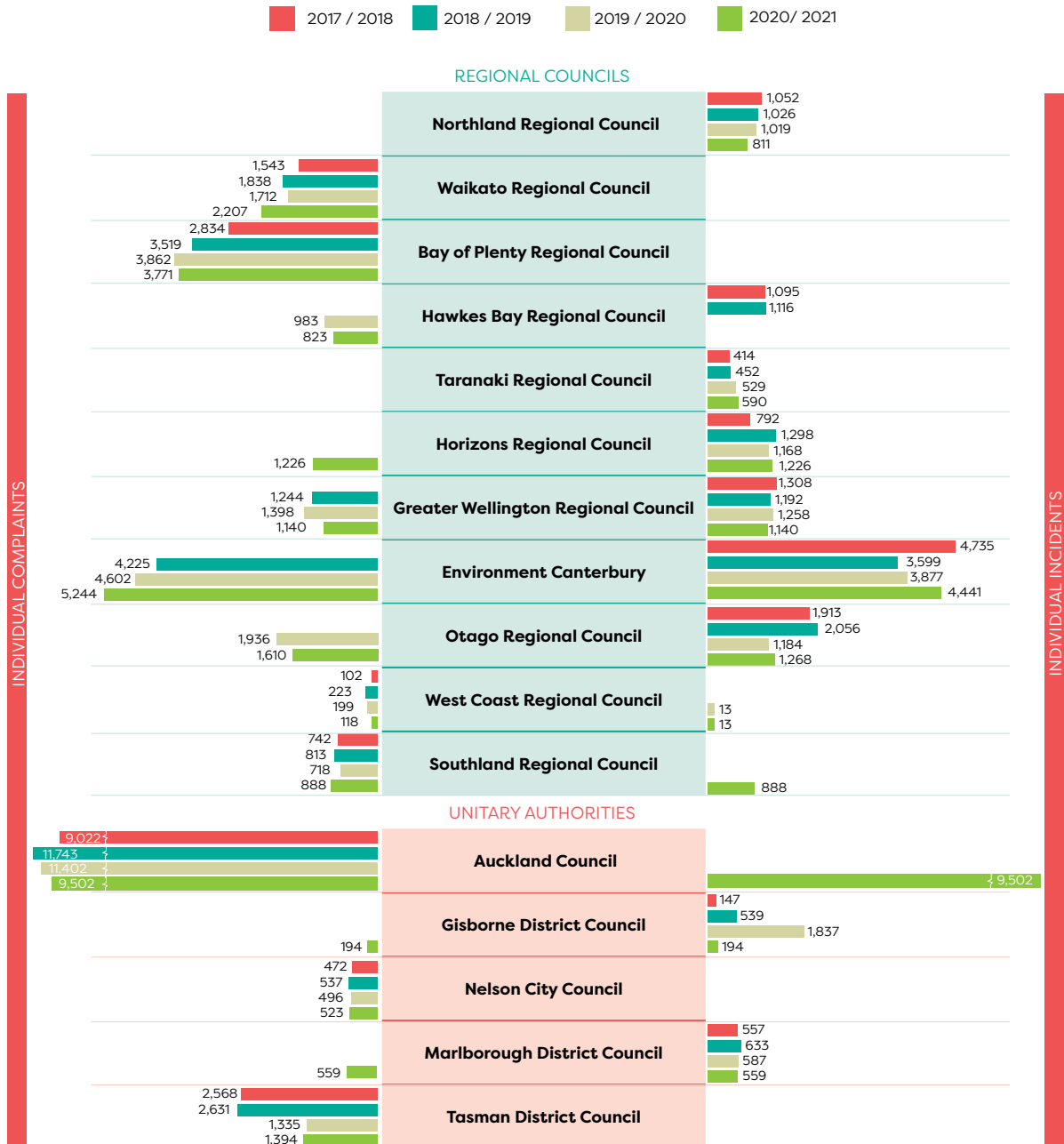
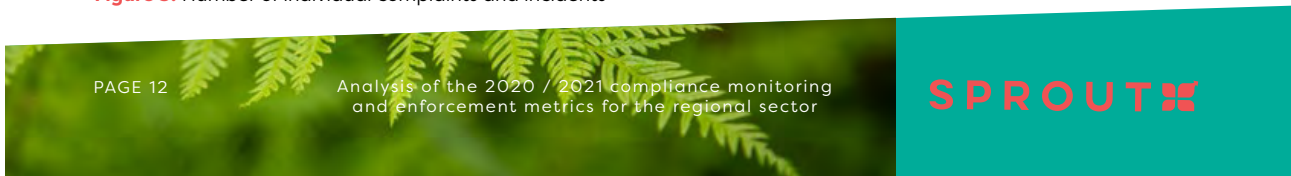


Figure 3: Number of individual complaints and incidents



**NUMBER OF INDIVIDUAL COMPLAINTS RESPONDED TO AND PHYSICALLY ATTENDED**

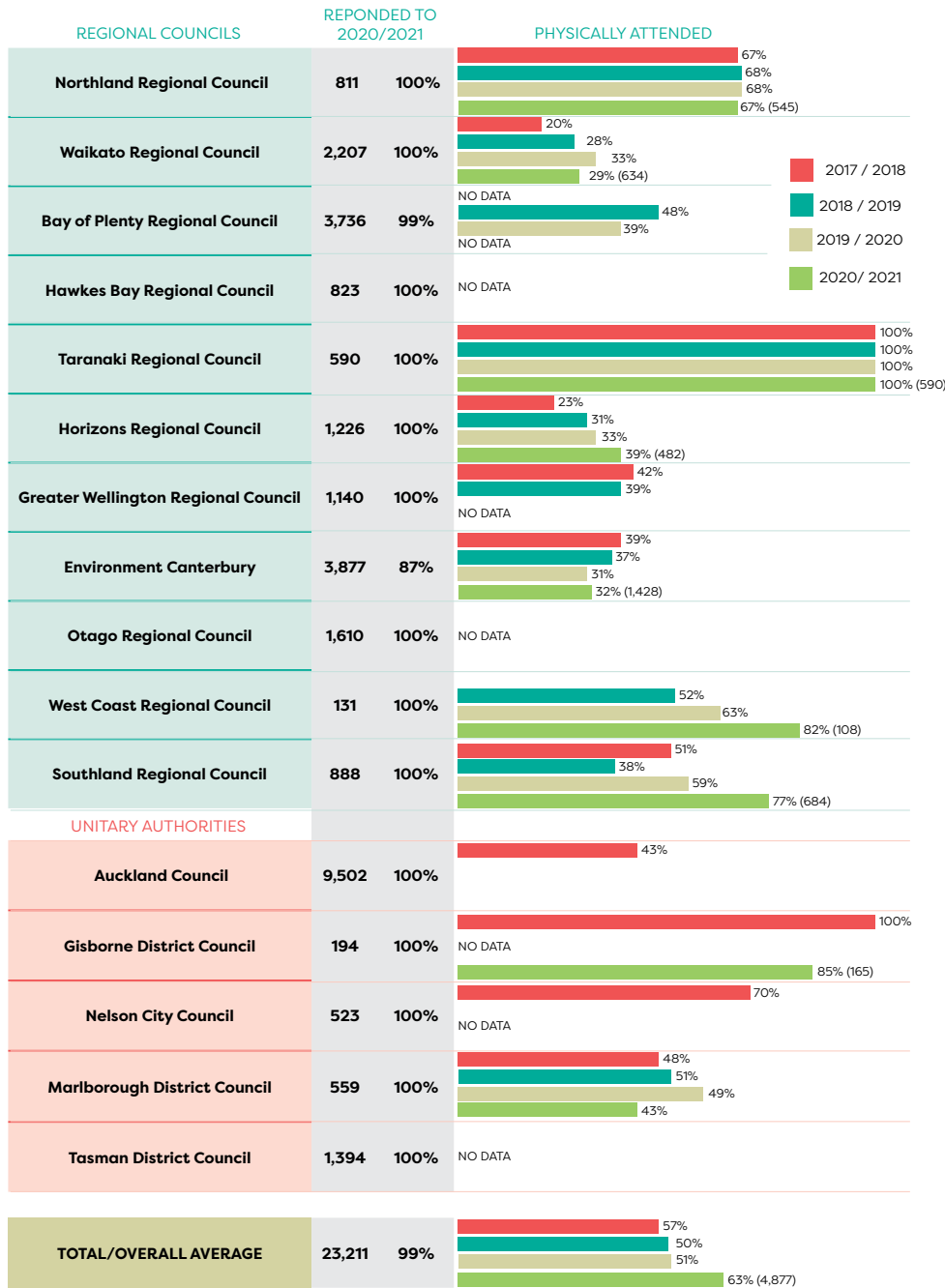


Figure 4: Number of individual complaints and incidents responded to and physically attended.



## CONFIRMED BREACHES

The average confirmed breaches has remained relatively stable year on year, on both unitary and regional levels. Year on year Waikato Regional Council shows a consistent increase in notifications confirmed as breaches. Environment Canterbury shows a decrease on last year, this year breaches are inline with year 2018/2019. No data was provided by Auckland Council.

### PERCENTAGE OF CONFIRMED BREACHES

REGIONAL COUNCIL	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	Breaches by type	
					Resource consent	Non-consented activity
<b>Northland Regional Council</b>		<b>48%</b>	<b>42%</b>	<b>47% (379)</b>	10%	90%
<b>Waikato Regional Council</b>	<b>24%</b>	<b>7%</b>	<b>26%</b>	<b>37% (810)</b>	58%	42%
<b>Bay of Plenty Regional Council</b>		<b>25%</b>	<b>20%</b>	<b>23% (866)</b>		
<b>Hawkes Bay Regional Council</b>						
<b>Taranaki Regional Council</b>	<b>37%</b>	<b>37%</b>	<b>40%</b>	<b>39% (233)</b>	16%	84%
<b>Horizons Regional Council</b>						
<b>Greater Wellington Regional Council</b>	<b>17%</b>	<b>15%</b>	<b>18%</b>	<b>19% (213)</b>		
<b>Environment Canterbury</b>	<b>23%</b>	<b>29%</b>	<b>68%</b>	<b>24% (1,085)</b>	30%	70%
<b>Otago Regional Council</b>						
<b>West Coast Regional Council</b>	<b>50%</b>	<b>41%</b>	<b>17%</b>	<b>21% (28)</b>	50%	50%
<b>Southland Regional Council</b>	<b>17%</b>	<b>18%</b>	<b>29%</b>	<b>34% (298)</b>	23%	NA
<b>UNITARY AUTHORITIES</b>						
<b>Auckland Council</b>		<b>29%</b>	<b>22%</b>			
<b>Gisborne District Council</b>				<b>35% (67)</b>	55%	45%
<b>Nelson City Council</b>	<b>70%</b>					
<b>Marlborough District Council</b>	<b>34%</b>	<b>23%</b>	<b>21%</b>	<b>22% (122)</b>	28%	NA
<b>Tasman District Council</b>						
<b>TOTAL AVERAGE</b>	<b>40%</b>	<b>27%</b>	<b>27%</b>	<b>29% (4,101)</b>		

Table 1: Percentage and types of breaches

**Question 9.** How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?

**Question 10.** How many of the breaches were for:  
 Breach of a resource consent?  
 Breach of permitted activity rules?

## NATIONWIDE COMPLIANCE INSPECTIONS

CONSENTS **283,470** / REQUIRED MONITORING **38,214** / PERCENTAGE MONITORED **83%**

### MONITORING RESOURCE CONSENTS

This year the number of consents increases a further 11% bringing the total active consents to 283,470.

While it appears that consents that require monitoring are decreasing, Auckland and Waikato were unable to provide data this year. Annually Auckland has the largest consent volumes, this year they have confirmed consent volumes including those that require monitoring have increased but could not provide accurate figures. The largest increases in consents that require monitoring is Southland Regional Council (1,793 more). Environment Canterbury (3,096 less), and Tasman District Council (1,448 less) reported significantly less consents that required monitoring.

For the majority, the proportion monitored is on a par with last year. All regional councils monitored over 70% of consents that required monitoring. Unitary authorities monitored around 60% or above.

Marlborough District Council has a lower proportion monitored (active consents and those that required monitoring were on par with previous years). Gisborne provided data this year.

**Question 11.** How many individual, active resource consents exist in your region?

Exclude Land Use Consents where the activity is completed e.g., Land use subdivisions where the subdivision is complete, and certificates issued or land use – building where the building has been constructed.

**Question 12.** How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?

**Question 13.** How many of these consents were monitored (including desktop audit) in the period?

		TOTAL CONSENTS				REQUIRED MONITORING				NUMBER MONITORED				
		2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	
REGIONAL COUNCILS	Northland Regional Council	3,812	9,738	9,910	10,164	3,724	3,847	3,731	3,505	94%	93%	88%	86%	3,001
	Waikato Regional Council	4,500	4,787	11,419	11,839	1,500	525	1,674		77%	100%+	100%		
	Bay of Plenty Regional Council	5,500	9,057	8,458	8,407	1,900	2,380	3,316	3,324	69%	70%	85%	86%	2,858
	Hawkes Bay Regional Council	3,144	5,928	8,300	8,452	3,144	3,446	3,550	3,355	94%	93%	93%	93%	3,116
	Taranaki Regional Council	4,837	4,784	4,625	4,517	2,930	2,743	2,788	2,510	100%	100%	100%	100%	2,510
	Horizons Regional Council	4,700	5,204	5,468	6,619	1,700	1,648	1,367	1,823	82%	80%	81%	89%	1,618
	Greater Wellington Regional Council	6,375	6,604	6,863	7,138	1,544	1,782	1,633	1,779	94%	95%	94%	87%	1,547
	Environment Canterbury	20,417	18,500	22,051	22,648	20,417	4,625	4,410	1,314	28%	72%	89%	96%	1,258
	Otago Regional Council	5,984	5,588	5,656	5,785	3,827	1,161	3,256	3,136	66%	52%	64%	71%	2,237
	West Coast Regional Council		3,474	3,000	5,682		868	900	1,268		100%+	87%	92%	1,167
	Southland Regional Council	5,376	5,590	5,824	5,995	3,188	4,586	4,127	5,920	100%	78%	73%	72%	4,265
<b>REGIONAL SUBTOTAL</b>		<b>64,645</b>	<b>79,254</b>	<b>91,574</b>	<b>97,246</b>	<b>43,874</b>	<b>27,611</b>	<b>30,752</b>	<b>27,934</b>	<b>80%</b>	<b>85%</b>	<b>87%</b>	<b>87%</b>	<b>23,577</b>
UNITARY AUTHORITIES	Auckland Council	103,690	108,326	115,723	130,371	17,759	11,778	13,162		71%	60%	72%		18,708
	Gisborne District Council	1,250		10,500	8,893	699			1,135	34%			60%	681
	Nelson City Council	1,200	784	656	675	550	619	656	675	100%	100%	100%	100%	675
	Marlborough District Council	20,802	21,377	29,459	29,459	2,686	3,261	3,529	3,529	83%	89%	93%	98%	3,475
	Tasman District Council	15,764	13,042	7,230	16,826	4,250	2,478	6,389	4,941	46%	75%	26%	57%	2,833
	<b>UNITARY SUBTOTAL</b>		<b>142,706</b>	<b>143,529</b>	<b>163,568</b>	<b>186,224</b>	<b>25,944</b>	<b>18,136</b>	<b>23,736</b>	<b>10,280</b>	<b>67%</b>	<b>81%</b>	<b>73%</b>	<b>79%</b>
<b>TOTAL</b>		<b>207,351</b>	<b>222,783</b>	<b>255,142</b>	<b>283,470</b>	<b>69,818</b>	<b>45,747</b>	<b>54,488</b>	<b>38,214</b>	<b>74%</b>	<b>83%</b>	<b>80%</b>	<b>83%</b>	

Table 2: Total consents that require monitoring

## COMPLIANCE GRADINGS

In 2018 the MfE released Best Practise Guidelines, including a suite of recommended compliance categories. The intention of this is to make data on compliance levels nationally comparable. Uptake of the framework is now at 100%, with the remaining two councils adopting it this year.



**Question 14.** In the 2020/2021 year, did you use the four compliance grades as recommended by Ministry for the Environment?  
Yes / No

**Question 16.** When will your council be adopting the four compliance grades recommended by Ministry for the Environment?

## COMPLIANCE ASSESSMENT

The following section focuses on the levels of compliance amongst those monitored based on the MfE framework. This year Gisborne's data is included, meaning for the first year there is data available for all regional councils and regulatory authorities based on the MfE framework.

The report analyses the compliance gradings of over 64,000 consent monitoring events, overall this is on a par with last year for both regional councils and unitary authorities.

Levels of full compliance differ between 36% in Otago Regional Council and 95% West Coast Regional Council. Previously we were seeing a downward trend in full compliance, however this year there is a slight increase in full compliance. Northland Regional Council, Waikato Regional Council, Taranaki Regional Council, Horizons Regional Council, West Coast Regional Council, Auckland Council and Nelson City Council are reporting more full compliance than last year, with Hawkes Bay Regional Council, Otago Regional Council, Southland Regional Council and Tasman District Council reporting less.

Southland's moderate and significant non-compliance is increasing. Hawkes Bay have seen an increase in moderate non-compliance. Gisborne has higher significant-non compliance than others.

\*Numbers provided will not equate to the consents totals earlier in this report as some sites had more than one monitoring visit over the year. The tables below relate to the percentage of monitoring visits that fit within different grades.

\*GWRC are unable to exclude telemetry water readings from statistics.

**Question 15.** What grades do you apply to non-compliance? (e.g., technical non-compliance, significant non-compliance)  
Fully Compliant  
Technical/Low Non-Compliance  
Moderate Non-Compliance  
Significant Non-Compliance  
Other (please specify)

**Question 15.** What were the levels of compliance with consents according to the grades you use?

*Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored four times in the year: on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add three to the total of Fully Compliant and one to the total for Technical Non-compliance.*

*Note 2: The compliance grade is based on the condition with the worst compliance grade. e.g. a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance*

*Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.*

**TOTAL NUMBER OF CONSENTS IN DIFFERENT CATEGORIES OF COMPLIANCE ON A PER MONITORING EVENT BASIS**

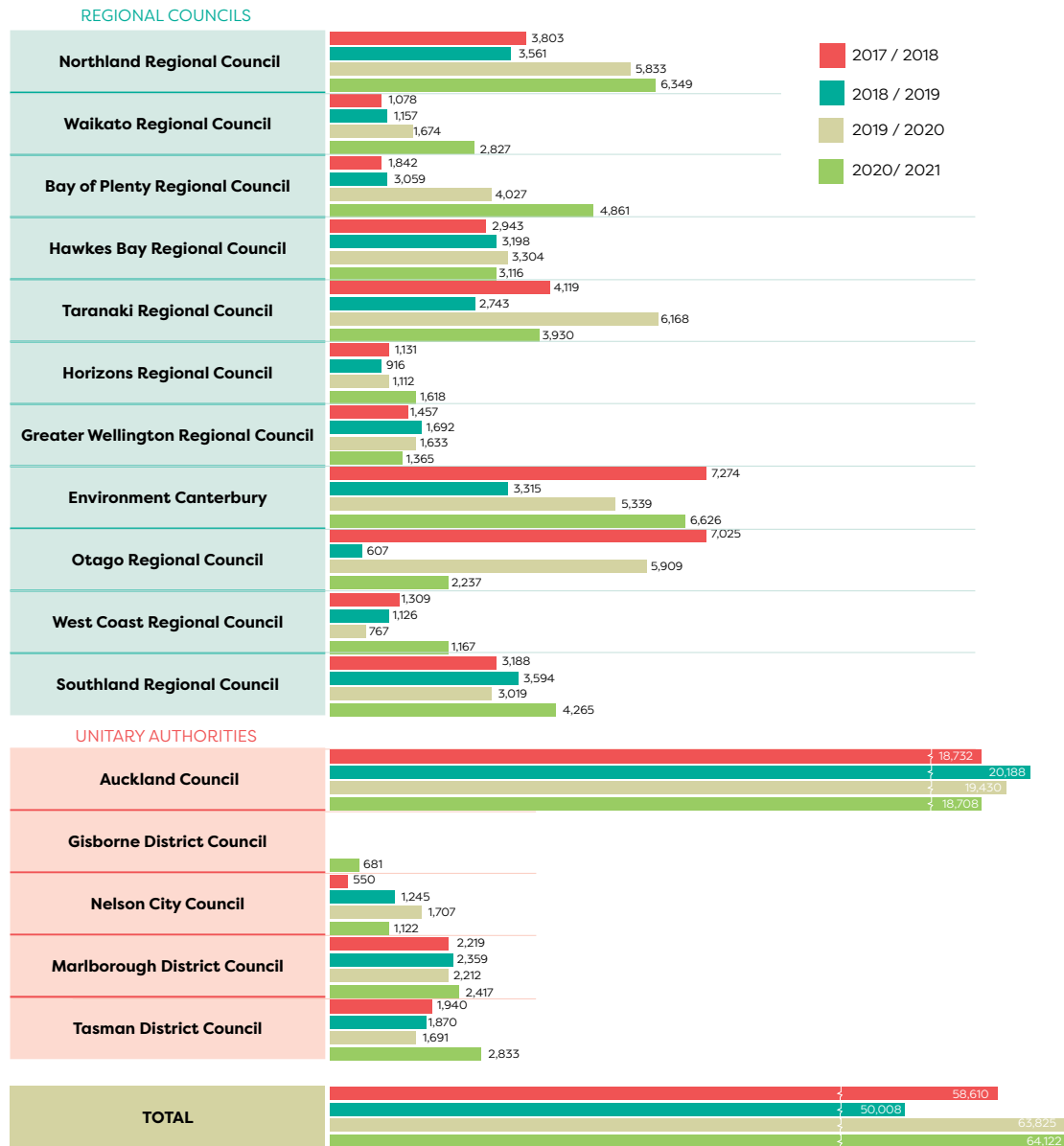


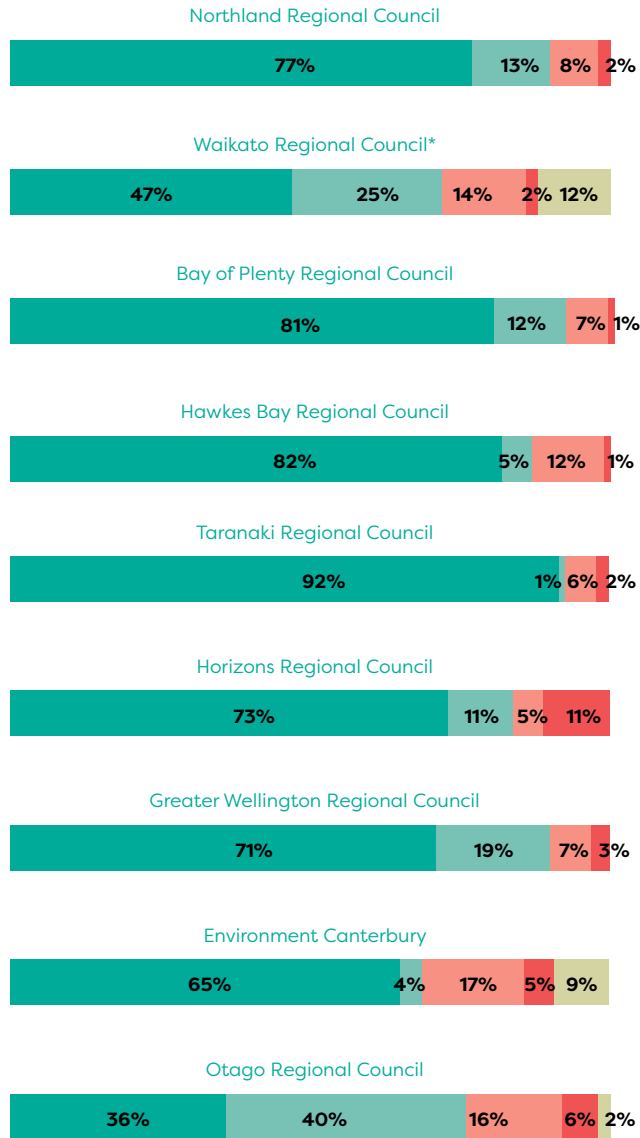
Figure 5: Total Number of Consents in Different Categories of Compliance on a Per Monitoring Event Basis

**Question 15.** What grades do you apply to non-compliance? (e.g., technical non-compliance, significant non-compliance)

- Fully Compliant
- Technical/Low Non-Compliance
- Moderate Non-Compliance
- Significant Non-Compliance
- Other (please specify)

**PERCENTAGES OF CONSENTS IN FULL COMPLIANCE, LOW RISK/ TECHNICAL NON COMPLIANCE, MODERATE NON COMPLIANCE AND SIGNIFICANT NON COMPLIANCE ON A PER MONITORING EVENT BASIS**

■ FULL COMPLIANCE   
 ■ LOW RISK/TECHNICAL NON-COMPLIANCE   
 ■ MODERATE NON-COMPLIANCE   
 ■ SIGNIFICANT NON-COMPLIANCE   
 ■ OTHER COMPLIANCE GRADING

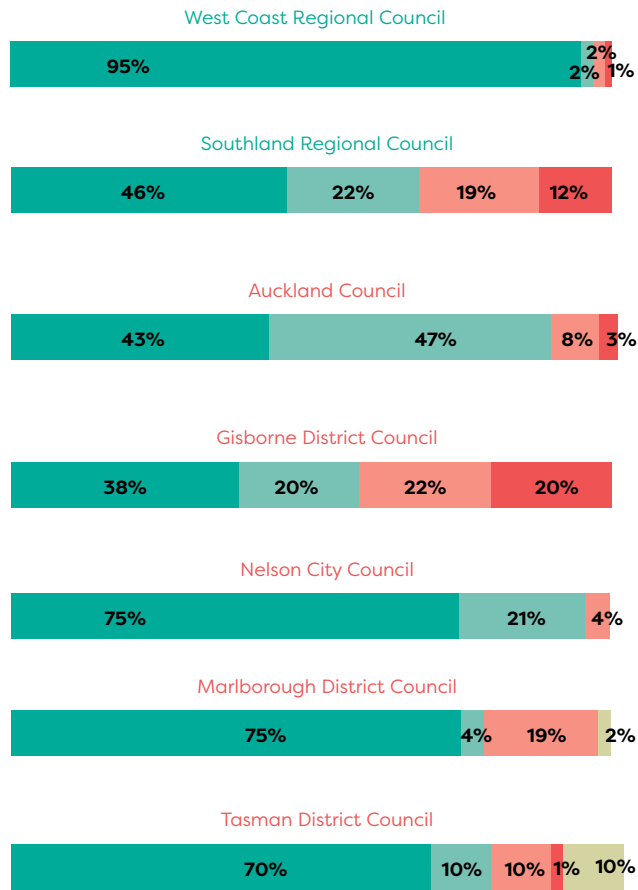


\* The non-compliance rating system used at WRC considers multiple factors, and not solely whether the non-compliance results in actual significant environmental effect. As such the data is not directly comparable to those Councils that apply the MfE compliance rating system.

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**Figure 6:** Percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.

# NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

TOTAL CONSENTS MONITORED **64,122**

## NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

■ FULL COMPLIANCE   
 ■ LOW RISK/TECHNICAL NON-COMPLIANCE   
 ■ MODERATE NON-COMPLIANCE   
 ■ SIGNIFICANT NON-COMPLIANCE   
 ■ OTHER COMPLIANCE GRADING

### REGIONAL COUNCILS



### UNITARY AUTHORITIES



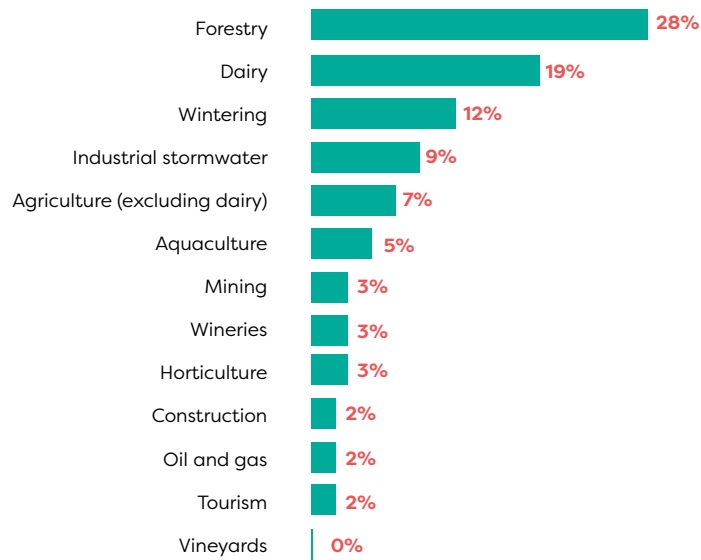
**Figure 7:** Nation wide percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.



## MONITORING PERMITTED ACTIVITIES

Permitted activities remained similar to 2019/2020, with forestry and dairy making up nearly half of permitted activities. Last year Greater Wellington Regional Council did not have a monitoring program for Forestry, this year they have adopted one meaning all regional councils and unitary authorities now have a monitoring program in place.

### PERMITTED ACTIVITY MONITORING PROGRAMMES FOR DIFFERENT INDUSTRIES



**Figure 8:** Proportion of permitted activity monitoring programmes for different industries

**Question 18.** Which permitted activities do you have a monitoring programme for?

List of activities with tick box if yes:

- Agriculture (excluding dairy)
- Aquaculture
- Construction
- Dairy
- Forestry
- Horticulture
- Mining
- Oil and gas
- Tourism
- Vineyards
- Wineries
- Wintering
- Other (please specify)

## MAKING DECISIONS ON PRIORITIES

All councils have established formalised prioritisation assessment for complaints, notifications and incidents, with many having a response time. Most have some form of coding to prioritise.

Methods of determining priority and urgency for physical attendance are:

- Elevated response programs
- Triage plans or dedicated triage personnel
- Risk based priority models
- Attending all within a timeframe (e.g., 4 hours)
- Priority setting matrix
- Categorisation based on impact score and escalation factors

Assessment for appropriate action include:

- Environmental impact/ adverse effect/ consequence
- Zone priority
- If still happening
- Duration
- Clean up/ mitigation
- Quality of the information provided
- Reliability of the source
- Hours- out of hours response is limited to 'High priority/Significant' incidents
- Balance against health, safety and wellbeing considerations
- History of compliance
- Frequency of notification

To determine which consents are monitored the following methods are used:

- Risk-based approaches/ priority systems
- Zone Delivery models
- Approved RMA Compliance Plan 2020-22
- Active monitoring
- Strategic Compliance Monitoring Programme based on the National Strategic Compliance Framework
- Individual monitoring programmes per consent
- Strategic priority setting framework

**QUESTION 19.** What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?

**QUESTION 20.** Describe how you determine which consents are monitored and how frequently? If there is a prioritisation model or compliance strategy, add link

**QUESTION 21.** Describe the basis, which was used for determining what, if any, permitted activities were monitored. If there is a prioritisation model or compliance strategy, add link

## STAFFING LEVELS

The number of FTE's continues to increase, this year there is a 9% increase overall. Most regions report smaller increases of between 1-3 FTE's. The largest increase is Horizons Regional Council at 13 more FTE's, followed by Environment Canterbury with 8 more FTE's. Taranaki Regional Council has an increase of 7 FTE's. Gisborne District Council has seen an increase of 2 FTE's and is currently recruiting more. There are no significant decreases in the number of FTE's.

There continues to be large variation in the total number of FTE's, this is expected because of the variation in regions (population, area, GDP, development type, intensity and council funding base). Auckland Council has around a third of all FTE's. Taranaki Regional Council remains the highest ratio of FTE per 100 (0.4), with Greater Wellington Regional Council having the lowest (0.03).

*Note: FTEs should only be counted once under each of these categories. However, if a team member has more than one role then calculate what portion of their time is generally spent in each role, or only answer question 24 if your officers do a combination of roles. An example of an answer to each of the questions in this section might look like 22 FTEs spread across 40 individuals. Exclude any in-house or contract lawyers. Include managers in your count. Include any vacant positions in your counts.*

**Question 22.** How many FTEs does your council have who carry out monitoring roles?

**Question 23.** How many FTEs does your council have who carry out environmental incident or pollution response roles?

**Question 24.** How many FTEs does your council have who carry out investigation or enforcement roles?

**Question 25.** How many FTEs does your council have who carry out a combination of the above roles?

*Note 1: Include contractors*

*Note 2: Only answer this question if you have not included these staff in questions 21, 22 or 23*

**Question 26.** How many FTEs does your council have in CME support roles?

*This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to Ministry of Justice.*

### COUNCIL FTEs IN CME ROLES

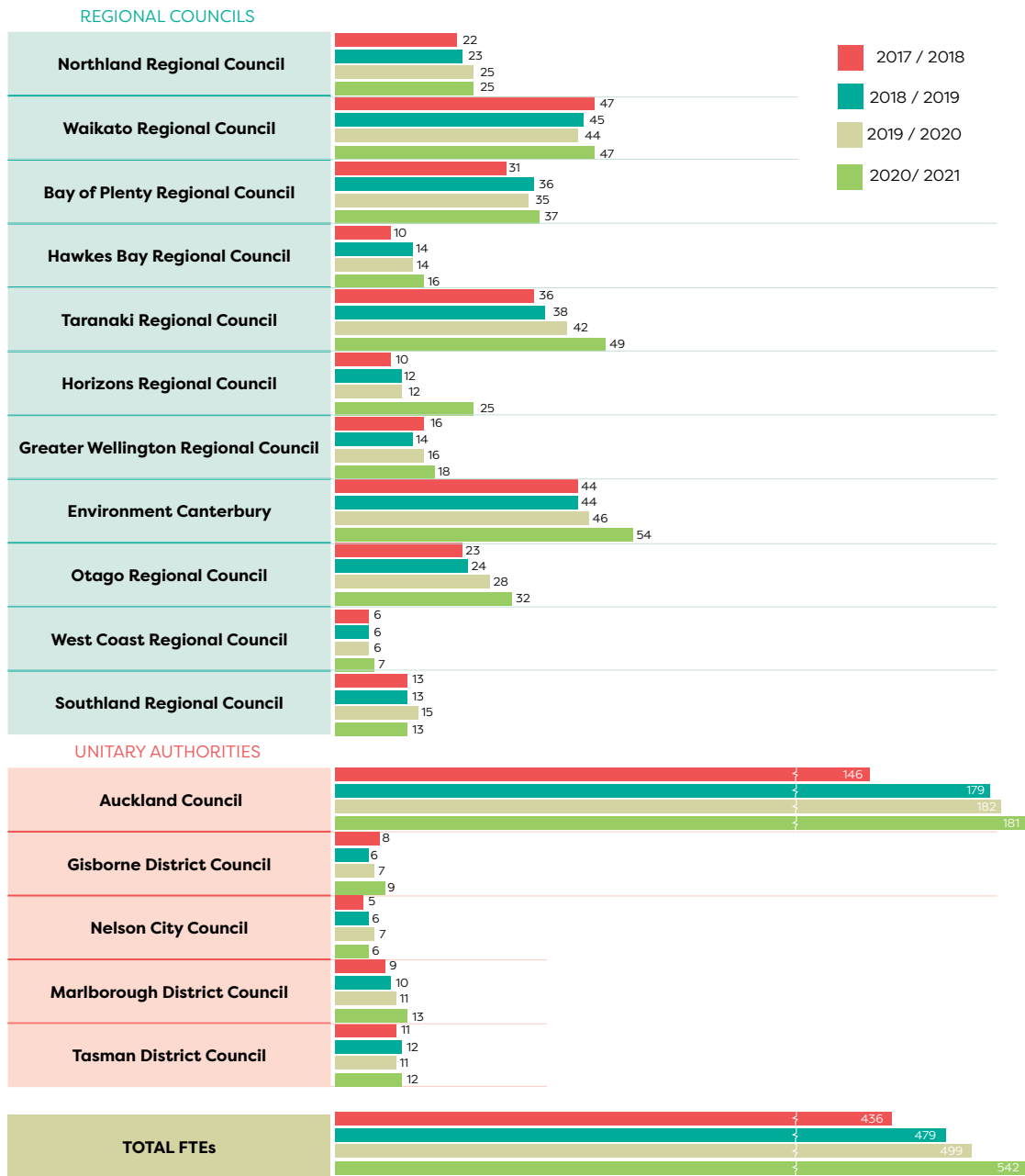


Figure 9: Council FTEs in CME roles

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## COUNCIL FTE'S IN SPECIFIC ROLES

	MONITORING			COMBINATION			ENVIRONMENTAL INCIDENT OR POLLUTION			INVESTIGATION OR ENFORCEMENT			SUPPORT			
	2018 / 2019	2019 / 2020	2020 / 2021	2018 / 2019	2019 / 2020	2020 / 2021	2018 / 2019	2019 / 2020	2020 / 2021	2018 / 2019	2019 / 2020	2020 / 2021	2018 / 2019	2019 / 2020	2020 / 2021	
REGIONAL COUNCILS	Northland Regional Council			20	21	22	0	0	0	1	1	1	2	3	2	
	Waikato Regional Council	20	20	22			9	8	9	10	10	10	7	6	6	
	Bay of Plenty Regional Council	17	16	17			4	4	4	4	3	4	12	12	12	
	Hawkes Bay Regional Council	9	9	10	0	0	0	2	2	3	1	1	1	2	2	2
	Taranaki Regional Council	27	29	35	2	2	2	3	4	5	4	5	5	2	2	2
	Horizons Regional Council	0	0	13	10	10	0	0	0	9	1	1	1	1	1	2
	Greater Wellington Regional Council	0	0	0	13	15	17	0	0	0	0	0	0	1	1	1
	Environment Canterbury	31	31	28	0	0	0	8	5	7	4	4	4	1	6	15
	Otago Regional Council	15	15	18	8	3	2	0	3	4	0	3	3	1	4	5
	West Coast Regional Council	0	0	0	5	5	6	0	0	0	0	0	0	1	1	1
Southland Regional Council	8	8	8	0	0	0	1	1	1	2	3	2	3	3	2	
<b>REGIONAL SUBTOTAL</b>	<b>126</b>	<b>128</b>	<b>151</b>	<b>57</b>	<b>56</b>	<b>49</b>	<b>26</b>	<b>27</b>	<b>42</b>	<b>26</b>	<b>31</b>	<b>31</b>	<b>32</b>	<b>40</b>	<b>50</b>	
UNITARY AUTHORITIES	Auckland Council	65	69	69	19	16	88	32	41	0	49	43	0	14	13	24
	Gisborne District Council	4	0	0	0	7	8	0	0	0	1	0	0	1	0	1
	Nelson City Council	0	0	0	5	6	5	0	0	0	0	0	0	1	1	1
	Marlborough District Council	2	2	5	7	8	1	0	0	0	1	0	5	0	1	2
	Tasman District Council	0	0	0	10	9	10	0	0	0	0	0	0	2	2	2
	<b>UNITARY SUBTOTAL</b>	<b>71</b>	<b>71</b>	<b>74</b>	<b>41</b>	<b>46</b>	<b>112</b>	<b>32</b>	<b>41</b>	<b>0</b>	<b>51</b>	<b>43</b>	<b>5</b>	<b>18</b>	<b>17</b>	<b>30</b>
<b>UNITARY SUBTOTAL MINUS AUCKLAND</b>	<b>6</b>	<b>2</b>	<b>5</b>	<b>22</b>	<b>30</b>	<b>24</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>6</b>	
<b>TOTAL</b>	<b>197</b>	<b>198</b>	<b>225</b>	<b>98</b>	<b>102</b>	<b>160</b>	<b>58</b>	<b>68</b>	<b>42</b>	<b>77</b>	<b>74</b>	<b>36</b>	<b>50</b>	<b>57</b>	<b>79</b>	
<b>TOTAL MINUS AUCKLAND</b>	<b>132</b>	<b>129</b>	<b>156</b>	<b>79</b>	<b>86</b>	<b>72</b>	<b>26</b>	<b>27</b>	<b>42</b>	<b>28</b>	<b>31</b>	<b>36</b>	<b>36</b>	<b>44</b>	<b>55</b>	

Table 3: Council FTEs for different aspects of the CME role

**COUNCIL FTE'S AND FORMAL ACTIONS  
BASED ON POPULATION**

		FTE/1000				FTE 2020/2021	Population Estimates 2020	Formal actions per 1000 2020/2021
		2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021			
REGIONAL COUNCILS	Northland Regional Council	.13	.13	.13	.13	25.00	192,500	1.59
	Waikato Regional Council	.10	.10	.09	.10	47.18	492,100	0.95
	Bay of Plenty Regional Council	.10	.11	.11	.11	37.20	333,500	0.39
	Hawkes Bay Regional Council	.06	.08	.08	.09	16.00	177,200	0.98
	Taranaki Regional Council	.31	.32	.34	.40	49.00	124,000	3.29
	Horizons Regional Council	.04	.05	.05	.10	25.00	252,900	1.83
	Greater Wellington Regional Council	.03	.03	.03	.03	17.75	538,500	0.25
	Environment Canterbury	.07	.07	.07	.08	54.00	641,200	0.97
	Otago Regional Council	.10	.10	.12	.13	31.60	243,000	0.35
	West Coast Regional Council	.17	.16	.17	.20	6.50	32,400	1.23
	Southland Regional Council	.13	.13	.15	.12	12.50	102,300	1.63
	<b>REGIONAL SUBTOTAL / AVERAGE</b>		<b>.11</b>	<b>.12</b>	<b>.12</b>	<b>.14</b>	<b>29.25</b>	<b>284,509</b>
UNITARY AUTHORITIES	Auckland Council	.09	.11	.11	.11	181.00	1,702,700	3.12
	Gisborne District Council	.18	.13	.14	.18	8.90	50,500	1.56
	Nelson City Council	.10	.10	.12	.10	5.50	54,600	0.57
	Marlborough District Council	.20	.20	.21	.25	12.50	49,900	1.12
	Tasman District Council	.15	.22	.20	.21	12.00	56,400	0.99
	<b>UNITARY SUBTOTAL</b>		<b>.15</b>	<b>.15</b>	<b>.16</b>	<b>.17</b>	<b>43.98</b>	<b>382,820</b>
<b>AVERAGE</b>		<b>0.12</b>	<b>0.13</b>	<b>0.13</b>	<b>0.15</b>			

**TABLE 4:** Comparison of council FTEs, population and number of formal actions (excluding prosecutions but including warnings)

The relationship between FTE's per thousand and formal actions per thousand is shown below, councils with higher staffing levels per thousand tend to have more formal actions per thousand.

Taranaki Regional Council has the highest levels of formal actions per thousand and also the highest FTE per thousand. Greater Wellington has the lowest formal actions per thousand and also the lowest FTE's per thousand.

Horizons Regional Council and Taranaki Regional Council have the largest increases in FTE's per thousand. Horizons Regional Council has seen a large increase in the number of FTE's last year, while for Taranaki Regional Council his has happened gradually over time.

### CME RESOURCING AND NUMBER OF FORMAL ENFORCEMENT ACTIONS

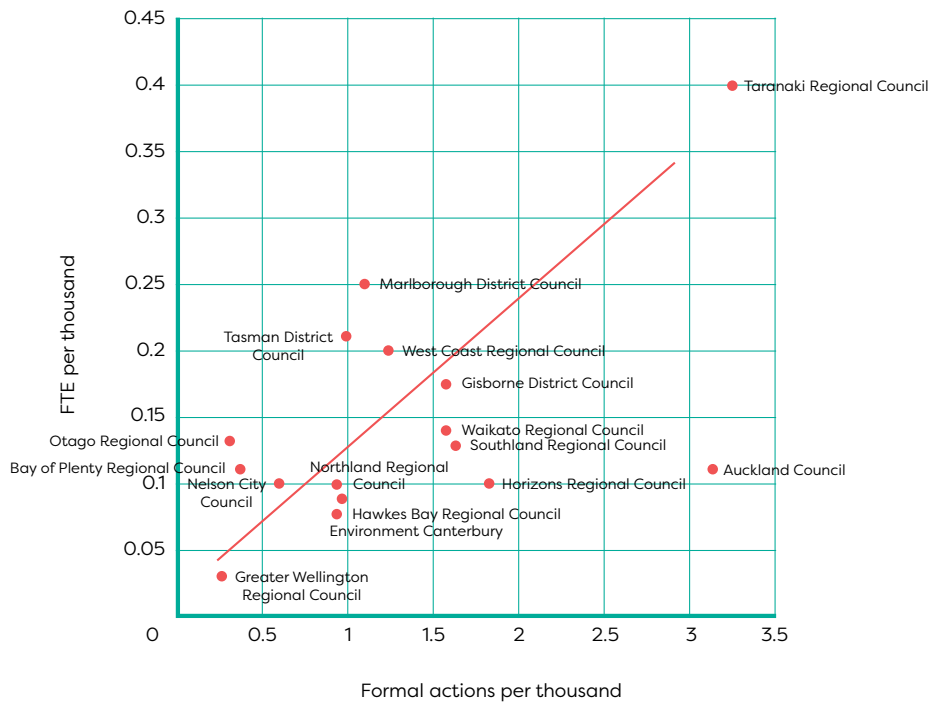
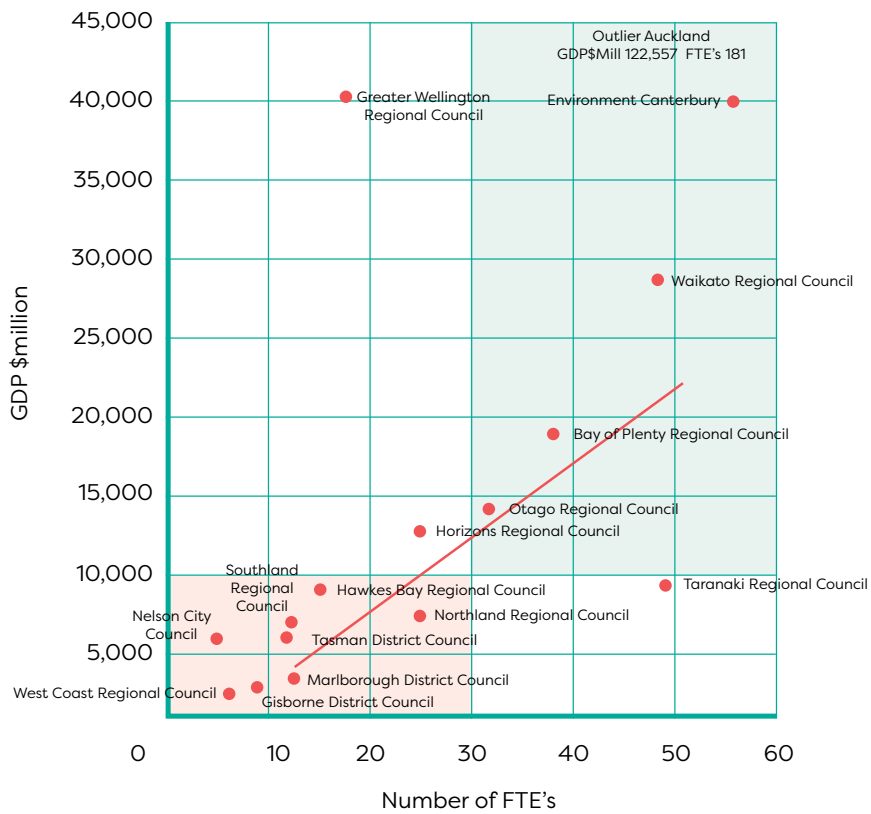


Figure 10: Comparison of CME resourcing and number of formal enforcement actions

This figure shows regions with higher GDP tend to have more FTE's. While this holds true for Auckland Council, Environment Canterbury and Waikato Regional Council, Greater Wellington Regional Council has the second highest GDP and is mid range for the number of FTE's.

**COMPARISON OF CME RESOURCING AND GDP**



**Figure 11:** Comparison of CME resourcing and GDP



## CME POLICIES AND PROCEDURES

Credibility of regulators is maintained through having coherent policy in place. These questions help us understand how policy informs CME operations and the decision-making process with regulators.

This year the remaining councils have adopted enforcement policies. Meaning all councils and unitary authorities have both active enforcement and conflict of interest policies inline with Best Practise Guidelines.

The Guidelines state that all councils 'should have an operational enforcement policy, which the council uses to determine what enforcement action (if any) to take in response to non-compliance'.

Decisions on prosecutions are usually a process with multiple parties, those involved include:

- Investigating officer
- Senior officer
- Team leader
- Manager
- Compliance Manager
- Regulatory Manager
- Group Manager
- Director Resource Management
- Prosecution panel/ Prosecution Decision Group
- Enforcement Decision Group
- Enforcement and Prosecution Committee
- Enforcement Specialist
- Legal council
- General Manager
- CEO/ CE

Delegation usually fell with a Manager, Director, General Manager, Group Manager, General Manager, CE, or CEO.

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ENFORCEMENT POLICIES

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CONFLICT OF INTEREST POLICIES

\* MfE Best Practice Guidelines at p73

**Question 27.** Does your council have an enforcement policy? Yes No

**Question 28.** What is your process for making decisions on prosecutions?

**Question 29.** Who has the delegation to authorise filing of charges for a prosecution at your council?

**Question 20.** Does your council have a conflict of interest policy? Yes No

**DECISION MAKING PROCESS AND DELEGATION TO AUTHORISE FILING OF CHARGES**

DECISIONS ON PROSECUTION		DELEGATION
REGIONAL COUNCILS	<b>Northland Regional Council</b>	
	Enforcement decision group meets (this group changes depending on the alleged offence). Usually consists of the investigating officer plus their manager, plus the Enforcement Specialist.	Group Manager - Regulatory Services or the Compliance Monitoring Manager/Deputy GM - Regulatory Services.
	<b>Waikato Regional Council</b>	
	Investigating officer reports to a panel of 3 senior managers with recommendations. If the panel authorises prosecutions, this will be conditional on an independent legal review, which studies the file in entirety and applies the Evidential and Public Interest Tests. If the legal review is satisfied that the tests are met, charges are filed.	See decisions on prosecution
	<b>Bay of Plenty Regional Council</b>	
	Significant incidents/breaches are delegated to our dedicated investigators, who will undertake a thorough investigation of the matter and present the outcomes to an Enforcement Decision Group (EDG). The EDG makes a recommendation (by consensus) for a response; if the recommendation is to prosecute, then the recommendation is subject to a legal opinion, before being referred to the General Manager for Regulatory Services.	General Manager - Regulatory Services
	<b>Hawkes Bay Regional Council</b>	
	1) EDG recommends prosecution. 2) Councils' solicitor provides a legal opinion. Must pass the evidential and public interest tests. 3) Signed off by GM Policy & Regulation 4) To CEO for final sign off	CEO
<b>Taranaki Regional Council</b>		
Chief executive in collaboration with Director Resource Management and Compliance Manager	Chief Executive	
<b>Horizons Regional Council</b>		
All incidents and significantly noncomplying resource consent assessments are assessed. If the matter is deemed serious it is referred to the investigation programme. If a subsequent investigation determines a prosecution is required, then the investigation file is sent for legal review. This review focuses on whether the evidential sufficiency and public interest tests have been satisfied. Once this review is completed a report is prepared and provided to the Regulatory Manager and Group Manager Strategy and Regulation, who then pass the matter onto the Chief Executive for consideration and final decision	Group Manager Strategy and Regulation Regulatory Manager Team Leader Consents Monitoring Senior Consents Monitoring Officer	
<b>Greater Wellington Regional Council</b>		
All decisions on enforcement outcomes for breaches of the RMA are made by the Enforcement Decision Group (EDG) to ensure consistency, transparency and fairness, with the exception of some formal warnings and advice letters. Any EDG recommendations to prosecute are required to go to the Prosecution Decision Group (PDG). Normally and EDG consists of a minimum 3 persons. Delegation on decisions sits at team leader level. Decisions are generally made by consensus of the attendees. Where agreement cannot be reached the person with the delegated authority will make the decision. In extreme circumstances consultation with other delegated authority holders may be required. For recommendations of Infringement or less EDG may consist only of Officer and Team Leader. All enforcement action taken must be in accordance with the Resource Management Act 1991, Summary Proceedings Act 1957, Criminal Procedure Act 2011, Search and Surveillance Act 2012, Disclosure Act 2008, Sentencing Act 2002, Resource Management (Infringement Offences) Regulations 1999 and the GWRC Environmental Regulation Prosecution Guidelines.	General Manager - Environment Group	



REGIONAL COUNCILS	<b>Environment Canterbury</b>	Follow MfE CME guidelines, and an internal enforcement Decision Panel makes recommendations	Chief Executive
	<b>Otago Regional Council</b>	Recommendations for prosecution are considered at an 'Enforcement Decision Group' with Compliance Manager, Team Leaders, in-house legal counsel and Senior officer presenting the case. If considered appropriate by EDG, the file is reviewed by legal counsel to consider whether it meets the evidential test for prosecution. If it meets the evidential test, the file is considered by a 'Prosecution Decision Group' meeting with CEO, GM Regulatory, Compliance Manager and senior officer presenting the case.	To initiate and/or withdraw a prosecution for an offence against the RMA (GM Regulatory or GM Operations). If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences (Compliance Manager).
	<b>West Coast Regional Council</b>	Recommendation on action report submitted to the manager. Approval given to prepare a staff report for consideration at an EGD meeting. EDG consists of The CE, another manager separate from Consents and Compliance, the C & C Manager and officer in charge of the case. Final decision rests with the CE	The CE and the Consents and Compliance Manager
	<b>Southland Regional Council</b>	Incident response – investigation – enforcement decision group meeting – legal opinion – CEO approval	Chief Executive
UNITARY AUTHORITIES	<b>Auckland Council</b>	Enforcement criteria is utilized, followed by team leader discussion, then Manager discussion. Prosecution panel made up of Manager(s) and legal counsel is the final step.	Manager Compliance Response and Investigations
	<b>Gisborne District Council</b>	Enforcement Decision Group.	Director Environmental Services & Protection. Compliance Monitoring and Enforcement Manager. (There is an expectation of consultation with Chief Executive)
	<b>Nelson City Council</b>	Recommendation by investigating officer to team leader, then manager, then to two group managers (tier 2) after receiving legal advice	Authorised by two group managers after receiving legal advice
	<b>Marlborough District Council</b>	Stage 1: QA per review panel Stage 2: Enforcement and Prosecution Committee Stage 3: Legal Counsel Review	Enforcement and Prosecution Committee
	<b>Tasman District Council</b>	Investigating officer prepares a case which is presented to a decision-making group. If case meets the tests a detailed recommendation to proceed goes to the group manager who carries delegated authority to initiate prosecutions.	Group manager (Tier 2)

**Table 5:** Decision making process and delegation to authorise filing of charges

**Question 28.** What is your process for making decisions on prosecutions?

**Question 29.** Who has the delegation to authorise filing of charges for a prosecution at your council?

## EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

In line with the 'four E approach' giving clear direction on what is expected to the regulated community creates a robust approach. This question helps us understand the programs councils have in place.

All councils had at least one initiative in place. The most common education was about farming/dairy, earthworks and forestry. Majority did this through workshops and presentations.



**HAVE OR SUPPORT  
EDUCATION AND  
ENGAGEMENT  
PROJECTS**

### Delivery methods of information include:

- Workshops
- Presentations
- Meetings e.g., Industry stakeholder meetings
- Hui
- Information evenings
- Pocket guides
- Superhero programs
- Engagement programs
- Attendance at Fieldays
- Attendance at farm dairy effluent forums
- Attendance at liaison groups
- Contributions to Land Use and other Council publications
- Emails
- Newsletters
- Website
- Advertising campaigns
- Citizen science
- 0800 number
- Educational visits

### Areas covered in education or engagement projects include:

- Dairy/ farming
- Earthworks
- Forestry
- Construction
- Wineries
- Marine Farms
- General community
- Catchment groups

**Question 42.** Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes No

*If yes, briefly describe*

**ACTING ON NON-COMPLIANCE**

Question 31 helps us to identify what at sector level is occupying the largest proportion of resources and how/ if that resource allocation is shifting over time. In turn this helps with understanding priority areas and challenges for compliance programs.

In total there were nearly 8,195 actions this year, this is 1,287 more than last year. Councils are highly variable in the number of actions taken. This year Gisborne District Council showed the most significant increase in the proportion of formal actions (5 times last year). Hawkes Bay Regional Council, Taranaki Regional Council, Otago Regional Council, Southland Regional Council and Auckland Council all have more formal actions than last year. Majority of these cases are abatement notices with abatement notices increasing on last year.

Abatement notices make up the largest proportion of formal warnings, this year they have increased by around a quarter. Taranaki Regional Council, Environment Canterbury, Northland Regional Council and Auckland Council issue the most abatement notices. This year Environment Canterbury issued 191 more than last year, Auckland Council issued 843 more than last year.

367 more infringement fines were issued this year, an increase of 21%.

Waikato Regional Council and Environment Canterbury make up seven in ten formal warnings. This year there is an 18% drop in formal warnings, this is driven by Environment Canterbury with 218 less formal warnings compared to last year.





Auckland Council then Taranaki Regional Council have the most infringement notices, both increase in this period (Auckland increases 40%, Taranaki increases 46%).

**QUESTION 31.** Question 31 relates to the instruments issued in relation to the different sections of the Act (listed once for brevity)

- Section 9 Use of land
- Section 12 Coastal marine area
- Section 13 Beds of lakes and rivers
- Section 14 Water
- Section 15 Discharges of contaminants
- Section 17 Duty to avoid, remedy & mitigate
- Other breach e.g., Section 22

Formal warnings issued  
 Abatement notices issued  
 Infringement notices issued  
 Enforcement orders applied for

## NATIONWIDE: ENFORCEMENT ACTIONS AND SECTIONS BREACHED

	 FORMAL WARNINGS	 ABATEMENT NOTICES	 INFRINGEMENT ORDERS	 ENFORCEMENT ORDERS	TOTAL ACTIONS
	802	5,225	2,150	18	8,195
<b>SECTION 9</b> Use of land	45	141	201	7	394
<b>SECTION 12</b> Coastal marine area	27	24	11	0	62
<b>SECTION 13</b> Beds of lakes and rivers	51	90	26	3	170
<b>SECTION 14</b> Water	68	222	28	0	318
<b>SECTION 15</b> Discharges of contaminants	567	777	1,014	6	2,364
<b>SECTION 17</b> Duty to avoid, remedy & mitigate	6	12	3	0	21
<b>OTHER</b> e.g. Section 22	38	7	867	2	914
Auckland Council (total abatement notices- no breakdown available this year)		3,965			3,965

**Table 6:** Total use of formal instruments against relevant section of the Act (i. e., group of possible offences).

*\*Note this year Auckland Council only had total abatement notices available. These are included in the overall figure. Horizons Regional Council had 13 abatement notices that fell into more than one section these are counted in individual sections, but only count once in totals.*

**TOTAL USE OF FORMAL INSTRUMENTS (EXCLUDING PROSECUTION)**

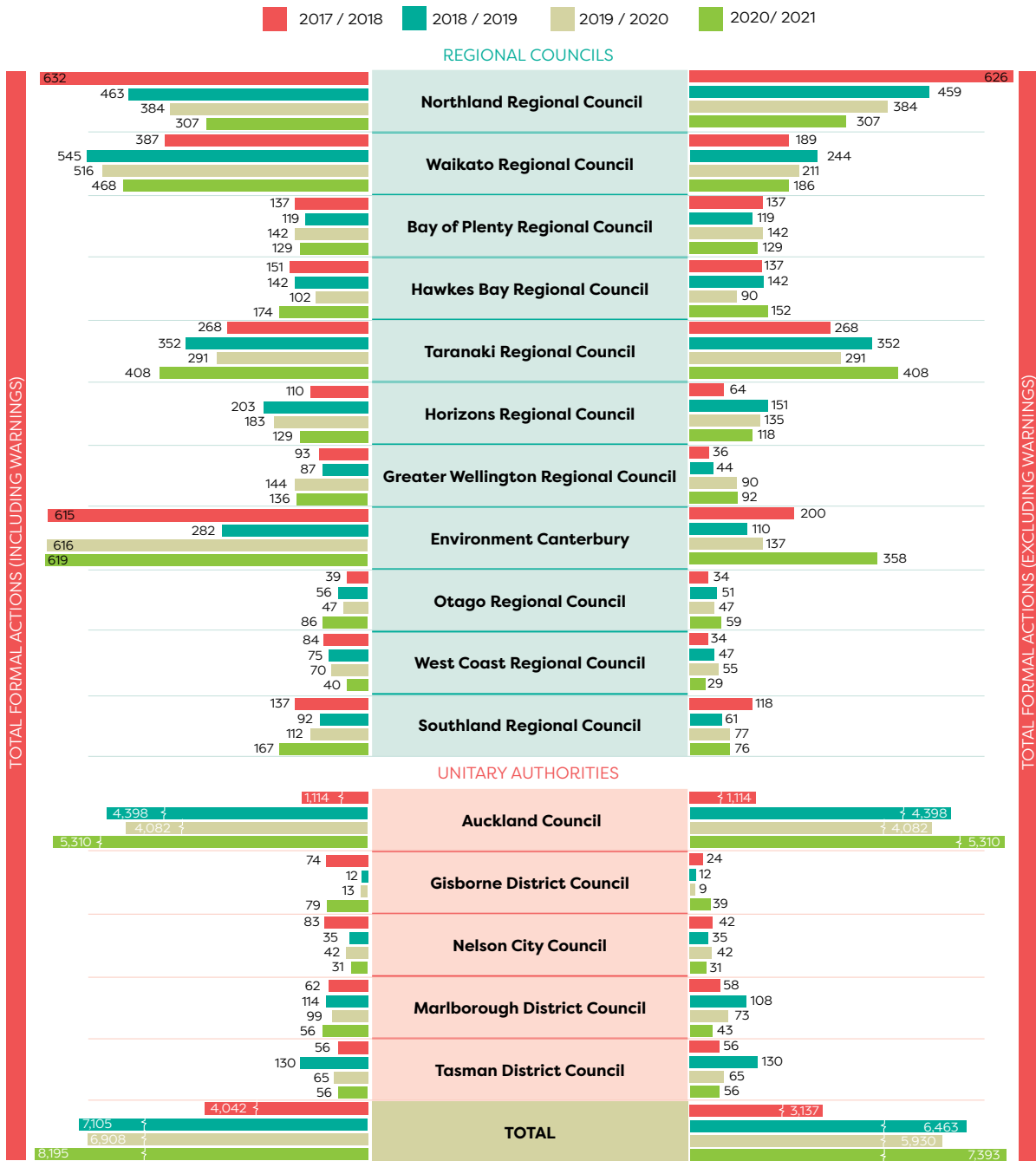


Figure 12: Total use of formal instruments (excluding prosecution)



Figure 13: Total formal warnings and abatement notices

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Analysis of the 2020 / 2021 compliance monitoring and enforcement metrics for the regional sector

SPROUT



### TOTAL INFRINGEMENT NOTICES AND ENFORCEMENT ORDERS

2017 / 2018    2018 / 2019    2019 / 2020    2020 / 2021

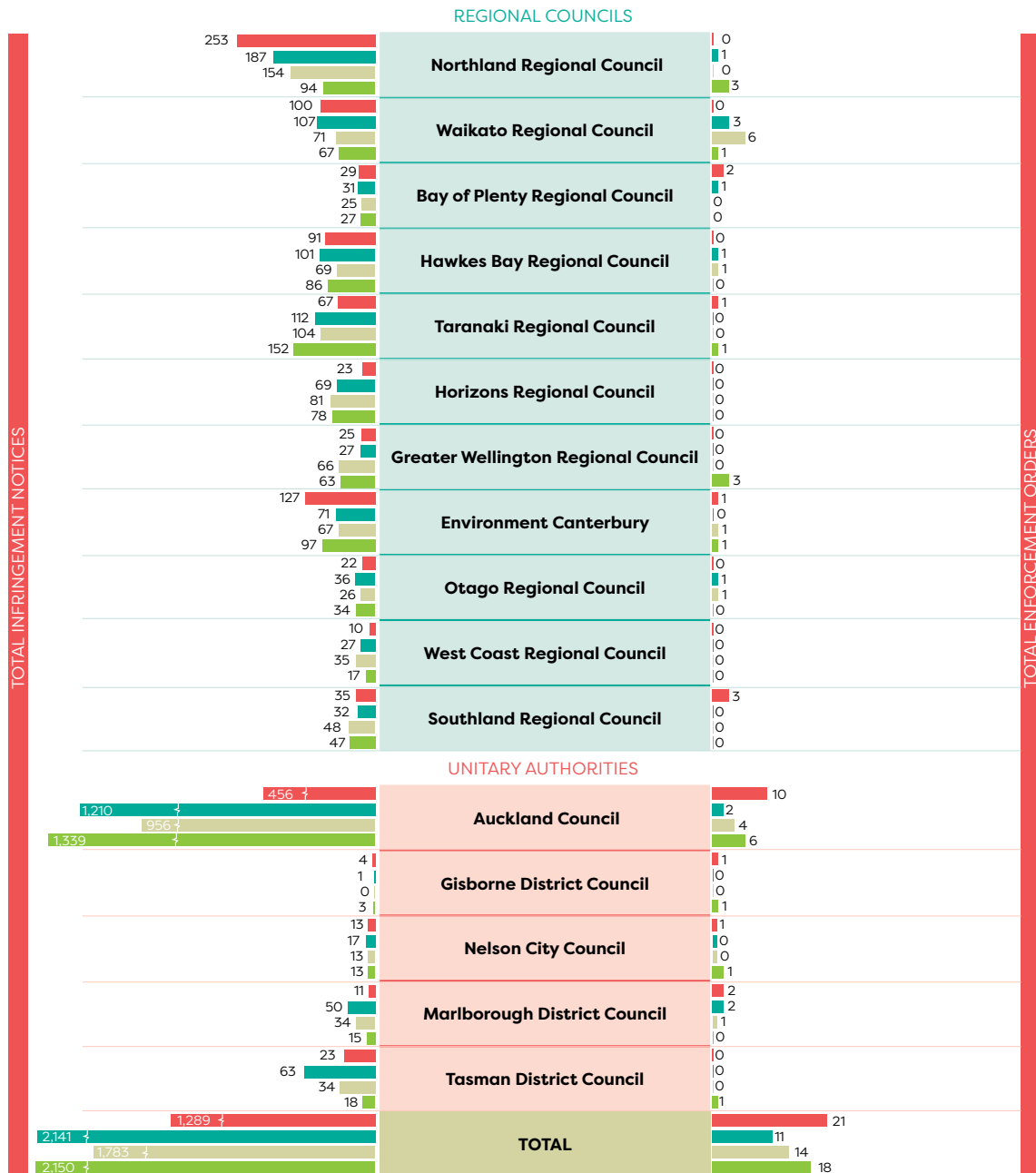
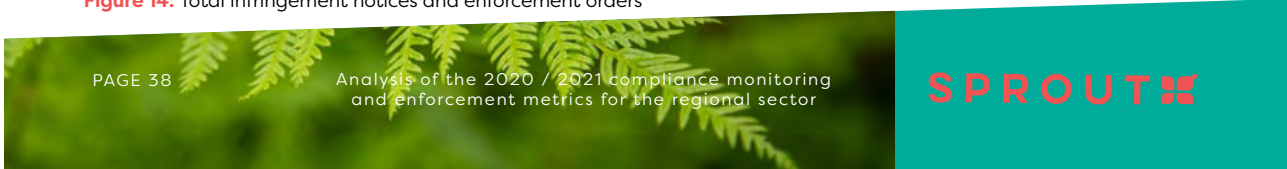


Figure 14: Total infringement notices and enforcement orders





**PROSECUTIONS**

Questions 32 to 37 address prosecutions, defendants and convictions. The degree to which prosecutions are used shows the willingness of agencies to use tools at the heavy end of the spectrum. Prosecutions work to deter offenders, they are valuable in encouraging compliance and behaviour change when used appropriately.

Where councils are unlikely to prosecute it may be perceived that non compliance is unlikely to result in consequence.

The overall prosecutions concluded are up 36% on last year, while those in progress are down on last year (39%). Regionally there are differences, this is between 0 and 20 for those that have concluded, and between 0 and 12 for those still in progress.

Number of individuals convicted remains on par with last year, the number of convictions entered is decreasing year on year. The number of corporates convicted has increased steadily since 2018, this year by around a quarter.

**QUESTION 32.** How many RMA prosecutions were:

*Note:* For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

Concluded in the period?

Still in progress in the period?

**QUESTION 33.** What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

**QUESTION 34.** For all of these (person) defendants what is the total number of convictions entered against them? For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.

**QUESTION 35.** What is the total number of corporate (e.g., Crown, company, body corporate etc.) defendants convicted as a result of RMA prosecutions concluded in this period?

**QUESTION 36.** For all of these (corporate) defendants what is the total number of convictions entered against them? For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.

**QUESTION 37.** Total number of convictions against an individual [see categories for sections of the Act as above]  
 Total fine potential (Total x \$300,000)

Total number of convictions against a corporate entity [see categories for sections of the Act as above] Total fine potential (Total x \$600,000)

### NATIONWIDE PROSECUTIONS ACROSS THE REGIONAL SECTOR

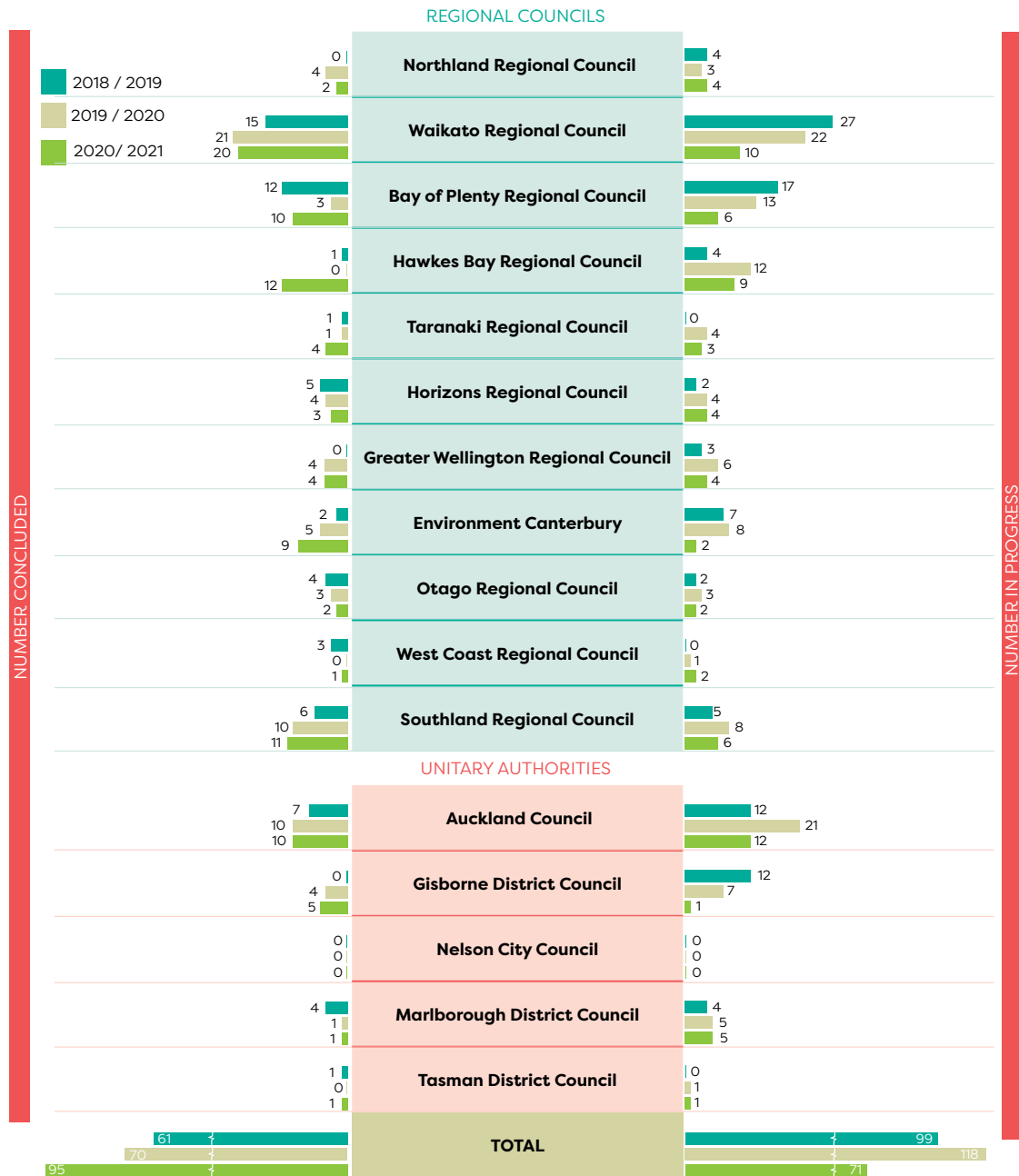


Figure 15: Prosecutions across the regional sector

### INDIVIDUALS CONVICTED ACROSS THE REGIONAL SECTOR



Figure 16 : Individuals convicted across the regional sector

### CORPORATES CONVICTED ACROSS THE REGIONAL SECTOR

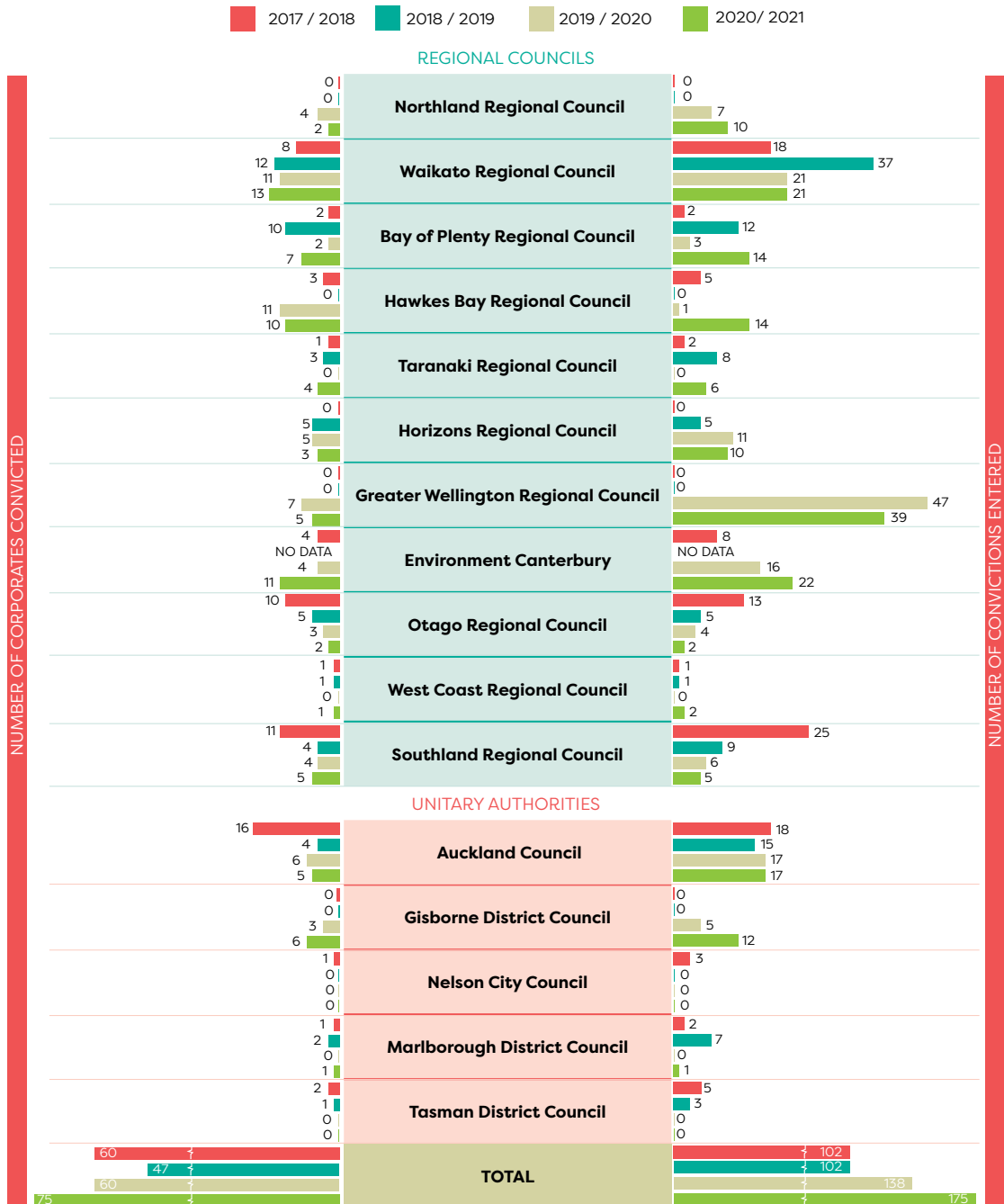


Figure 17 : Corporates convicted across the regional sector

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Analysis of the 2020 / 2021 compliance monitoring and enforcement metrics for the regional sector

SPROUT

## PENALTIES

Fines increased significantly this year totalling \$5,187,565 (\$1.7m more than last year). The majority of these are corporate fines \$4,273,025. This year 5 councils had no individual fines, 2 had no corporate fines. Following last year Waikato has more fines than other councils with \$1.34m of fines.

There were a range of sanctions handed down. This year there were no prison sentences. Nelson City Council was the only council this year to issue no fines or penalties as they had no prosecutions.

	NUMBER OF COUNCILS
ENFORCEMENT ORDER	7
REPARATION	4
COMMUNITY SERVICE	4
RESTORATIVE JUSTICE	6
DIVERSION	1
ALTERNATIVE JUSTICE	1
DISCHARGE WITHOUT CONVICTION	5

**Table 7:** Other sanctions handed down under the RMA

**QUESTION 38.** What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period? Individual / Corporate

**QUESTION 39.** What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period? Prison sentence / Enforcement order / Reparation / Community Service / Discharge without conviction / Other

**QUESTION 40.** How many prosecutions involved restorative justice, diversion or other alternative justice process?

- Restorative justice
- Diversion
- Alternative justice

**QUESTION 41.** Describe any outcomes relating to these processes.



	INDIVIDUAL FINES	CORPORATE FINES
<b>REGIONAL COUNCILS</b>		
NORTHLAND REGIONAL COUNCIL	\$3,000	\$60,800
WAIKATO REGIONAL COUNCIL	\$397,000	\$948,475
BAY OF PLENTY REGIONAL COUNCIL	\$69,800	\$326,450
HAWKES BAY REGIONAL COUNCIL	\$34,690	\$161,700
TARANAKI REGIONAL COUNCIL	\$105,000	\$600,000
HORIZONS REGIONAL COUNCIL	\$0	\$214,000
GREATER WELLINGTON REGIONAL COUNCIL	\$0	\$310,000
ENVIRONMENT CANTERBURY	\$36,000	\$319,300
OTAGO REGIONAL COUNCIL	\$0	\$547,750
WEST COAST REGIONAL COUNCIL	\$25,500	\$25,500
SOUTHLAND REGIONAL COUNCIL	\$51,250	\$103,500
<b>REGIONAL SUBTOTAL</b>	<b>\$722,240</b>	<b>\$3,617,475</b>
<b>UNITARY AUTHORITIES</b>		
AUCKLAND COUNCIL	\$67,500	\$232,250
GISBORNE DISTRICT COUNCIL	\$96,800	\$408,300
NELSON CITY COUNCIL	\$0	\$0
MARLBOROUGH DISTRICT COUNCIL	\$0	\$15,000
TASMAN DISTRICT COUNCIL	\$28,000	\$0
<b>UNITARY SUBTOTAL</b>	<b>\$192,300</b>	<b>\$655,550</b>
<b>TOTAL</b>	<b>\$914,540</b>	<b>\$4,273,025</b>

**Table 8:** Prosecution outcomes: fines

**QUESTION 42.** What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

**PROSECUTIONS INVOLVING OTHER  
SANCTIONS IMPOSED BY COURTS**

	ENFORCEMENT ORDER	REPARATION	COMMUNITY SERVICE	DISCHARGE WITHOUT CONVICTION
<b>REGIONAL COUNCILS</b>				
NORTHLAND REGIONAL COUNCIL	1		1(300hrs)	
WAIKATO REGIONAL COUNCIL	1	\$120,000		
BAY OF PLENTY REGIONAL COUNCIL		\$5,000		1
HAWKES BAY REGIONAL COUNCIL				
TARANAKI REGIONAL COUNCIL	1			
HORIZONS REGIONAL COUNCIL				
GREATER WELLINGTON REGIONAL COUNCIL				1
ENVIRONMENT CANTERBURY	1		1(45hrs)	1
OTAGO REGIONAL COUNCIL				
WEST COAST REGIONAL COUNCIL				
SOUTHLAND REGIONAL COUNCIL	1	1(\$15,000)		1
<b>REGIONAL SUBTOTAL</b>	<b>5</b>			<b>4</b>
<b>UNITARY AUTHORITIES</b>				
AUCKLAND COUNCIL	4			2
GISBORNE DISTRICT COUNCIL		\$6,500	(150hrs)	
NELSON CITY COUNCIL				
MARLBOROUGH DISTRICT COUNCIL				
TASMAN DISTRICT COUNCIL	1			
<b>UNITARY SUBTOTAL</b>	<b>5</b>			<b>2</b>
<b>TOTAL</b>	<b>10</b>			<b>6</b>

**Table 9:** Prosecutions involving other sanctions imposed by courts

**QUESTION 43.** What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?



**PROSECUTIONS INVOLVING RESTORATIVE JUSTICE, DIVERSION OR OTHER ALTERNATIVE JUSTICE**

	RESTORATIVE JUSTICE	DIVERSION	ALTERNATIVE JUSTICE
<b>REGIONAL COUNCILS</b>			
NORTHLAND REGIONAL COUNCIL	1		
WAIKATO REGIONAL COUNCIL	1		
BAY OF PLENTY REGIONAL COUNCIL	2		
HAWKES BAY REGIONAL COUNCIL	2		
TARANAKI REGIONAL COUNCIL			
HORIZONS REGIONAL COUNCIL			
GREATER WELLINGTON REGIONAL COUNCIL			
ENVIRONMENT CANTERBURY			
OTAGO REGIONAL COUNCIL	1		
WEST COAST REGIONAL COUNCIL			1
SOUTHLAND REGIONAL COUNCIL		1	
<b>REGIONAL SUBTOTAL</b>	<b>7</b>	<b>1</b>	<b>1</b>
<b>UNITARY AUTHORITIES</b>			
AUCKLAND COUNCIL			
GISBORNE DISTRICT COUNCIL			
NELSON CITY COUNCIL			
MARLBOROUGH DISTRICT COUNCIL	1		
TASMAN DISTRICT COUNCIL			
<b>UNITARY SUBTOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>8</b>	<b>1</b>	<b>1</b>

**Table 10:** Prosecutions involving restorative justice, diversion or other alternative justice

**QUESTION 44.** How many prosecutions involved restorative justice, diversion or other alternative justice process?



## CME REPORTING

Question 44 addressed the ways in which this operational function was carried out, providing a range of 'standard' options and giving council respondents space to describe alternate approaches.

Most commonly councils use reports to other Councillors and Council committee meetings that are open to the public. Other mechanisms include zone meetings, putting data on the website, regulation committee meetings, compliance monitoring report, rates newsletter, media release and individual prosecutions.

### CME REPORTING CHANNELS

	ANNUAL REPORT	REPORT TO COUNCILLORS	SNAPSHOT	REPORT(S) TO COUNCIL COMMITTEE MEETINGS (OPEN TO PUBLIC)	OTHER	TOTAL REPORTING CHANNELS
<b>REGIONAL COUNCILS</b>						
NORTHLAND REGIONAL COUNCIL	✓	✓	✓	✓	✓	5
WAIKATO REGIONAL COUNCIL		✓	✓		✓	3
BAY OF PLENTY REGIONAL COUNCIL	✓	✓	✓	✓		4
HAWKES BAY REGIONAL COUNCIL	✓	✓	✓	✓		4
TARANAKI REGIONAL COUNCIL	✓	✓		✓	✓	4
HORIZONS REGIONAL COUNCIL	✓	✓		✓		3
GREATER WELLINGTON REGIONAL COUNCIL	✓	✓		✓		3
ENVIRONMENT CANTERBURY	✓	✓	✓	✓	✓	5
OTAGO REGIONAL COUNCIL		✓		✓		2
WEST COAST REGIONAL COUNCIL		✓		✓	✓	3
SOUTHLAND REGIONAL COUNCIL					✓	1
<b>UNITARY AUTHORITIES</b>						
AUCKLAND COUNCIL					✓	1
GISBORNE DISTRICT COUNCIL	✓	✓		✓		3
NELSON CITY COUNCIL	✓	✓		✓		3
MARLBOROUGH DISTRICT COUNCIL	✓	✓	✓	✓		4
TASMAN DISTRICT COUNCIL	✓	✓		✓		3

**Table 11:** CME reporting channels



The following pages are summaries of the key data for the regional and unitary councils on an individual basis. They enable councils to quickly and easily communicate the findings of the national scale analysis as it applies to them, and to use these figures as a basis for regional scale performance improvement. All pages contain identical categories of information, all of which is based on tables found elsewhere throughout the report.

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Analysis of the 2020 / 2021 compliance monitoring and enforcement metrics for the regional sector

**SPROUT**

# CME METRICS REPORT 2020 / 2021

## NATIONAL SUMMARY



**5,042,900**  
NEW ZEALAND POPULATION  
ESTIMATE 2020



**10.5%**  
POPULATION GROWTH  
2015-2020



**268,000 KM<sup>2</sup>**  
GEOGRAPHIC  
AREA



**\$323,142 M**  
GDP TO MARCH  
2020



### CME STAFF



FULL TIME  
EMPLOYEES **542**  
FTE/1000 **0.15**

### POLICY CHECKLIST



Conflict of interest policy **16 / 16**  
Education / engagement  
programmes **16 / 16**  
Enforcement policy **16 / 16**

### CONSENTS



**283,470**  
ADMINISTERED



**38,214**  
REQUIRED  
MONITORING



**83%**  
CONSENTS MONITORED  
OF THOSE REQUIRING IT

### INCIDENTS



**29,468**  
ENVIRONMENTAL  
INCIDENTS REPORTED



**99%**  
RESPONSE  
RATE

### ENFORCEMENT

**802**

WARNINGS  
ISSUED

**5,225**

ABATEMENT NOTICES  
ISSUED

**2,150**

INFRINGEMENT FINES  
ISSUED

**18**

ENFORCEMENT ORDER  
APPLICATIONS

**95**

PROSECUTIONS  
CONCLUDED

**71**

PROSECUTIONS IN  
PROGRESS

# CME METRICS REPORT 2020 / 2021

## NORTHLAND REGIONAL COUNCIL



**192,500**  
NEW ZEALAND POPULATION  
ESTIMATE 2020



**13.1%**  
POPULATION GROWTH  
2015-2020



**13,778 KM<sup>2</sup>**  
GEOGRAPHIC  
AREA



**\$8,222 M**  
GDP TO MARCH  
2020



### CME STAFF



FULL TIME  
EMPLOYEES **25**

FTE/1000 **0.13**

*NATIONAL AVERAGE 0.15*

### CONSENTS



**10,164**  
ADMINISTERED



**3,505**  
REQUIRED  
MONITORING



**86%**  
CONSENTS MONITORED  
OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

### INCIDENTS



**811**  
ENVIRONMENTAL  
INCIDENTS REPORTED



**100%**  
RESPONSE RATE  
*NATIONAL AVERAGE 99%*

### ENFORCEMENT

**0**

WARNINGS  
ISSUED

**210**

ABATEMENT NOTICES  
ISSUED

**94**

INFRINGEMENT FINES  
ISSUED

**3**

ENFORCEMENT ORDER  
APPLICATIONS

**2**

PROSECUTIONS  
CONCLUDED

**4**

PROSECUTIONS IN  
PROGRESS

**CME METRICS REPORT 2020 / 2021**  
**WAIKATO REGIONAL COUNCIL**



**492,100**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020



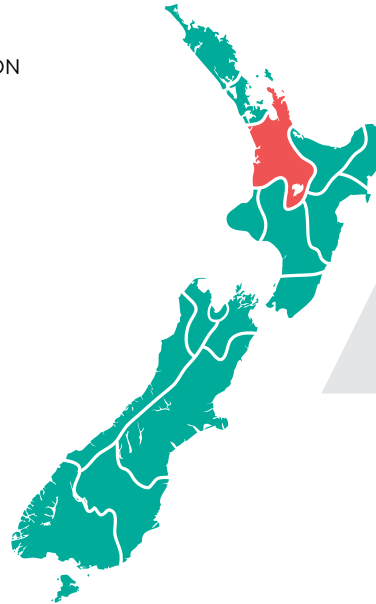
**12.5%**  
 POPULATION GROWTH  
 2015-2020



**24,147 KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA



**\$27,884 M**  
 GDP TO MARCH  
 2020



**CME  
 STAFF**



FULL TIME  
 EMPLOYEES **47**  
 FTE/1000 **0.1**  
*NATIONAL AVERAGE 0.15*

**CONSENTS**



**11,839**  
 ADMINISTERED



**NO DATA**  
 REQUIRED  
 MONITORING



**NO DATA**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**



**2,207**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED



**100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**282**

WARNINGS  
 ISSUED

**118**

ABATEMENT NOTICES  
 ISSUED

**67**

INFRINGEMENT FINES  
 ISSUED

**1**

ENFORCEMENT ORDER  
 APPLICATIONS

**20**

PROSECUTIONS  
 CONCLUDED

**10**

PROSECUTIONS IN  
 PROGRESS

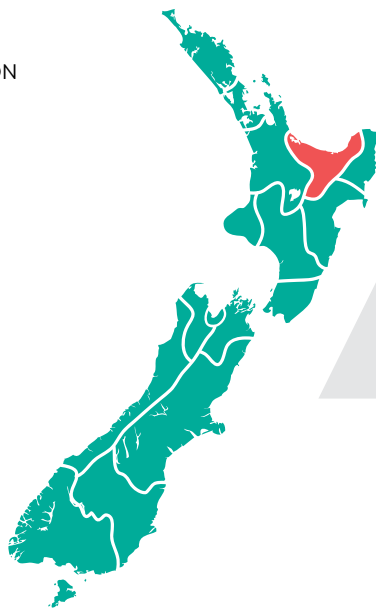
**CME METRICS REPORT 2020 / 2021**  
**BAY OF PLENTY REGIONAL COUNCIL**

 **333,500**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020

 **15.1%**  
 POPULATION GROWTH  
 2015-2020

 **12,303 KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA

 **\$18,884 M**  
 GDP TO MARCH  
 2020




**CME STAFF** 

FULL TIME EMPLOYEES	<b>37</b>
FTE/1000	<b>0.11</b>
<i>NATIONAL AVERAGE 0.15</i>	

**CONSENTS**

 **8,407**  
 ADMINISTERED

 **3,324**  
 REQUIRED  
 MONITORING

 **86%**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**

 **3,771**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED

 **100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**NO DATA**  
 WARNINGS  
 ISSUED

**102**  
 ABATEMENT NOTICES  
 ISSUED

**27**  
 INFRINGEMENT FINES  
 ISSUED

**0**  
 ENFORCEMENT ORDER  
 APPLICATIONS

**10**  
 PROSECUTIONS  
 CONCLUDED

**6**  
 PROSECUTIONS IN  
 PROGRESS





**CME METRICS REPORT 2020 / 2021**  
**HAWKES BAY REGIONAL COUNCIL**



**177,200**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020



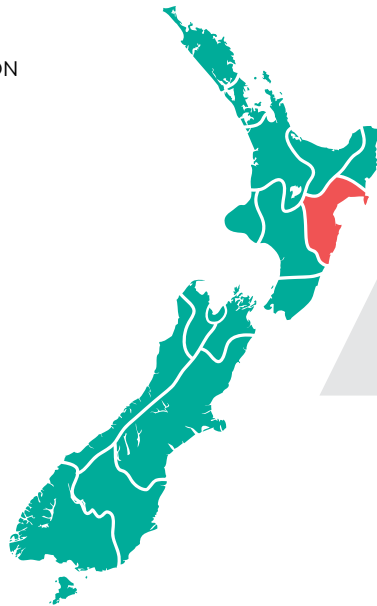
**9.2%**  
 POPULATION GROWTH  
 2015-2020



**14,138 KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA



**\$9,093M**  
 GDP TO MARCH  
 2020



**CME  
 STAFF**



FULL TIME  
 EMPLOYEES **16**  
 FTE/1000 **0.09**  
*NATIONAL AVERAGE 0.15*

**CONSENTS**



**8,452**  
 ADMINISTERED



**3,355**  
 REQUIRED  
 MONITORING



**93%**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**



**823**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED



**100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**22**

WARNINGS  
 ISSUED

**66**

ABATEMENT NOTICES  
 ISSUED

**86**

INFRINGEMENT FINES  
 ISSUED

**0**

ENFORCEMENT ORDER  
 APPLICATIONS

**12**

PROSECUTIONS  
 CONCLUDED

**9**

PROSECUTIONS IN  
 PROGRESS



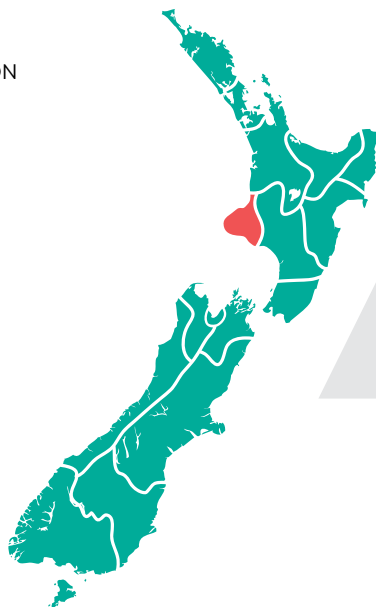
**CME METRICS REPORT 2020 / 2021**  
**TARANAKI REGIONAL COUNCIL**


 **124,000**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020

 **7.1%**  
 POPULATION GROWTH  
 2015-2020

 **7,256 KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA


 **\$9,513 M**  
 GDP TO MARCH  
 2020



<b>CME STAFF</b> 	
FULL TIME EMPLOYEES	<b>49</b>
FTE/1000	<b>0.4</b>
<i>NATIONAL AVERAGE 0.15</i>	

**CONSENTS**

 **4,517**  
 ADMINISTERED

 **2,510**  
 REQUIRED  
 MONITORING

 **100%**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**

 **590**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED

 **100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**0**  
 WARNINGS  
 ISSUED

**255**  
 ABATEMENT NOTICES  
 ISSUED

**152**  
 INFRINGEMENT FINES  
 ISSUED

**1**  
 ENFORCEMENT ORDER  
 APPLICATIONS

**4**  
 PROSECUTIONS  
 CONCLUDED

**3**  
 PROSECUTIONS IN  
 PROGRESS



**CME METRICS REPORT 2020 / 2021**  
**HORIZONS REGIONAL COUNCIL**



**252,900**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020



**7.2%**  
 POPULATION GROWTH  
 2015-2020



**22,220 KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA



**\$12,426 M**  
 GDP TO MARCH  
 2020



**CME  
 STAFF**



FULL TIME  
 EMPLOYEES **25**  
 FTE/1000 **0.1**  
*NATIONAL AVERAGE 0.15*

**CONSENTS**



**6,619**  
 ADMINISTERED



**1,823**  
 REQUIRED  
 MONITORING



**89%**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**



**1,226**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED



**100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**11**

WARNINGS  
 ISSUED

**40**

ABATEMENT NOTICES  
 ISSUED

**78**

INFRINGEMENT FINES  
 ISSUED

**NO DATA**

ENFORCEMENT ORDER  
 APPLICATIONS

**3**

PROSECUTIONS  
 CONCLUDED

**4**

PROSECUTIONS IN  
 PROGRESS

# CME METRICS REPORT 2020 / 2021

GREATER WELLINGTON REGIONAL COUNCIL



**538,500**  
NEW ZEALAND POPULATION  
ESTIMATE 2020



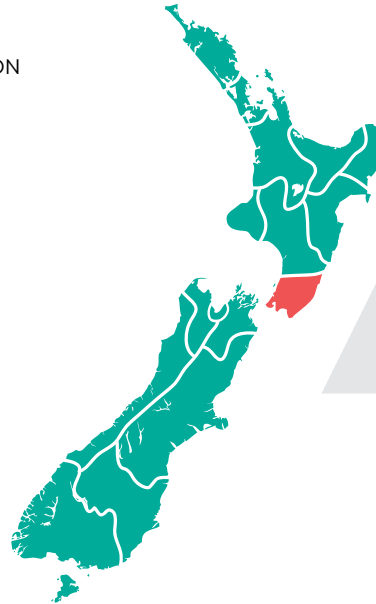
**8.1%**  
POPULATION GROWTH  
2015-2020



**8,142 KM<sup>2</sup>**  
GEOGRAPHIC  
AREA



**\$40,272 M**  
GDP TO MARCH  
2020



## CME STAFF



FULL TIME EMPLOYEES **18**  
FTE/1000 **0.03**  
*NATIONAL AVERAGE 0.15*

### CONSENTS



**7,138**  
ADMINISTERED



**1,779**  
REQUIRED  
MONITORING



**87%**  
CONSENTS MONITORED  
OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

### INCIDENTS



**1,140**  
ENVIRONMENTAL  
INCIDENTS REPORTED



**100%**  
RESPONSE RATE  
*NATIONAL AVERAGE 99%*

### ENFORCEMENT

**44**

WARNINGS  
ISSUED

**26**

ABATEMENT NOTICES  
ISSUED

**63**

INFRINGEMENT FINES  
ISSUED

**3**

ENFORCEMENT ORDER  
APPLICATIONS

**4**

PROSECUTIONS  
CONCLUDED

**4**

PROSECUTIONS IN  
PROGRESS

# CME METRICS REPORT 2020 / 2021

## ENVIROMENT CANTERBURY



**641,200**  
NEW ZEALAND POPULATION  
ESTIMATE 2020



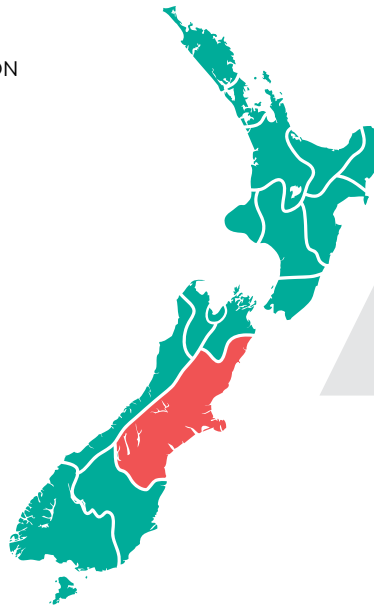
**10.8%**  
POPULATION GROWTH  
2015-2020



**44,633 KM<sup>2</sup>**  
GEOGRAPHIC  
AREA



**\$39,961M**  
GDP TO MARCH  
2020



### CME STAFF



FULL TIME EMPLOYEES **54**  
FTE/1000 **0.08**  
*NATIONAL AVERAGE 0.15*

### CONSENTS



**22,648**  
ADMINISTERED



**1,314**  
REQUIRED  
MONITORING



**96%**  
CONSENTS MONITORED  
OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

### INCIDENTS



**4,441**  
ENVIRONMENTAL  
INCIDENTS REPORTED



**100%**  
RESPONSE RATE  
*NATIONAL AVERAGE 99%*

### ENFORCEMENT

**261**

WARNINGS  
ISSUED

**260**

ABATEMENT NOTICES  
ISSUED

**97**

INFRINGEMENT FINES  
ISSUED

**1**

ENFORCEMENT ORDER  
APPLICATIONS

**9**

PROSECUTIONS  
CONCLUDED

**2**

PROSECUTIONS IN  
PROGRESS

**CME METRICS REPORT 2020 / 2021**  
**OTAGO REGIONAL COUNCIL**



**243,000**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020



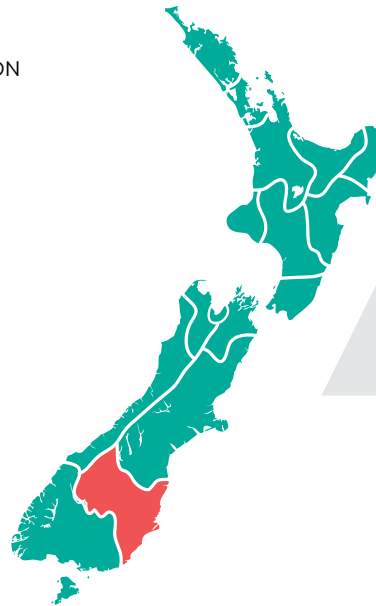
**13%**  
 POPULATION GROWTH  
 2015-2020



**31,280 KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA



**\$14,180 M**  
 GDP TO MARCH  
 2020



**CME  
 STAFF**



FULL TIME  
 EMPLOYEES **32**  
 FTE/1000 **0.13**  
*NATIONAL AVERAGE 0.15*

**CONSENTS**



**5,785**  
 ADMINISTERED



**3,136**  
 REQUIRED  
 MONITORING



**71%**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**



**1,268**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED



**100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**27**

WARNINGS  
 ISSUED

**25**

ABATEMENT NOTICES  
 ISSUED

**34**

INFRINGEMENT FINES  
 ISSUED

**0**

ENFORCEMENT ORDER  
 APPLICATIONS

**2**

PROSECUTIONS  
 CONCLUDED

**2**

PROSECUTIONS IN  
 PROGRESS

# CME METRICS REPORT 2020 / 2021

## WEST COAST REGIONAL COUNCIL



**32,400**  
NEW ZEALAND POPULATION  
ESTIMATE 2020



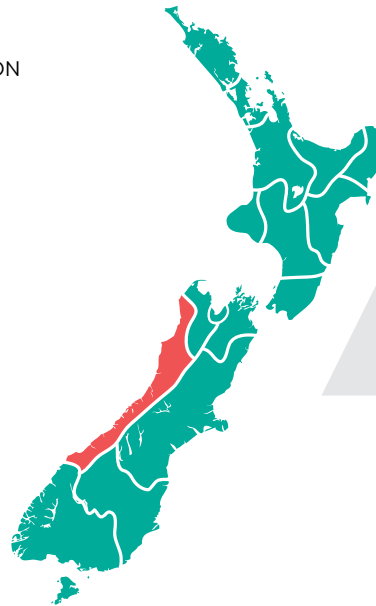
**-1.5%**  
POPULATION GROWTH  
2015-2020



**23,277 KM<sup>2</sup>**  
GEOGRAPHIC  
AREA



**\$1,836 M**  
GDP TO MARCH  
2020



### CME STAFF



FULL TIME EMPLOYEES **7**  
FTE/1000 **0.20**  
*NATIONAL AVERAGE 0.15*

### CONSENTS



**5,682**  
ADMINISTERED



**1,268**  
REQUIRED  
MONITORING



**92%**  
CONSENTS MONITORED  
OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

### INCIDENTS



**131**  
ENVIRONMENTAL  
INCIDENTS REPORTED



**100%**  
RESPONSE RATE  
*NATIONAL AVERAGE 99%*

### ENFORCEMENT

**11**

WARNINGS  
ISSUED

**12**

ABATEMENT NOTICES  
ISSUED

**17**

INFRINGEMENT FINES  
ISSUED

**NO DATA**

ENFORCEMENT ORDER  
APPLICATIONS

**1**

PROSECUTIONS  
CONCLUDED

**2**

PROSECUTIONS IN  
PROGRESS

# CME METRICS REPORT 2020 / 2021

## SOUTHLAND REGIONAL COUNCIL



**102,300**  
NEW ZEALAND POPULATION  
ESTIMATE 2020



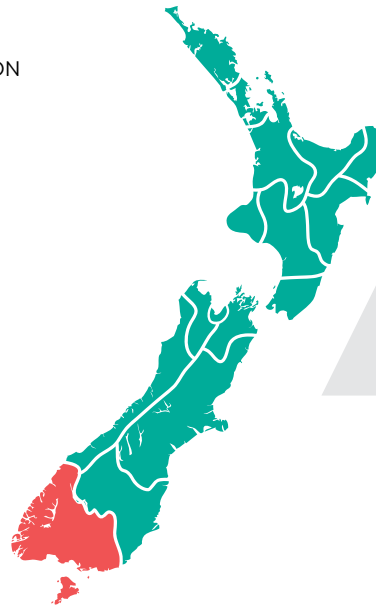
**5.1%**  
POPULATION GROWTH  
2015-2020



**32,184 KM<sup>2</sup>**  
GEOGRAPHIC  
AREA



**\$6,718 M**  
GDP TO MARCH  
2020



### CME STAFF



FULL TIME EMPLOYEES **13**  
FTE/1000 **0.12**  
*NATIONAL AVERAGE 0.15*

### CONSENTS



**5,995**  
ADMINISTERED



**5,920**  
REQUIRED  
MONITORING



**72%**  
CONSENTS MONITORED  
OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

### INCIDENTS



**888**  
ENVIRONMENTAL  
INCIDENTS REPORTED



**100%**  
RESPONSE RATE  
*NATIONAL AVERAGE 99%*

### ENFORCEMENT

**91**

WARNINGS  
ISSUED

**29**

ABATEMENT NOTICES  
ISSUED

**47**

INFRINGEMENT FINES  
ISSUED

**0**

ENFORCEMENT ORDER  
APPLICATIONS

**11**

PROSECUTIONS  
CONCLUDED

**6**

PROSECUTIONS IN  
PROGRESS

**CME METRICS REPORT 2020 / 2021**  
**AUCKLAND COUNCIL**



**1,702,700**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020



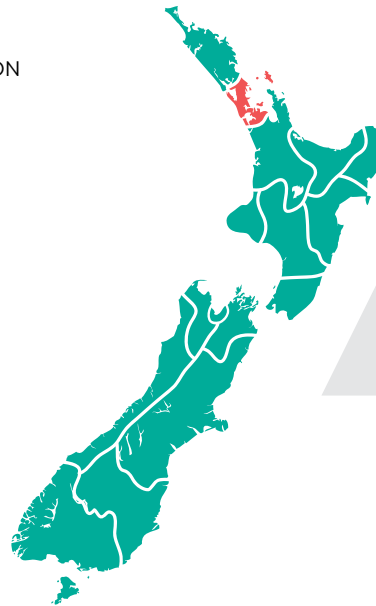
**10.8%**  
 POPULATION GROWTH  
 2015-2020



**5,945 KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA



**\$122,557 M**  
 GDP TO MARCH  
 2020



**CME  
 STAFF**



FULL TIME  
 EMPLOYEES **181**  
 FTE/1000 **0.11**  
*NATIONAL AVERAGE 0.15*

**CONSENTS**



**130,371**  
 ADMINISTERED



**NO DATA**  
 REQUIRED  
 MONITORING



**NO DATA**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**



**9,502**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED



**100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**NO DATA**

WARNINGS  
 ISSUED

**3,965**

ABATEMENT NOTICES  
 ISSUED

**1,339**

INFRINGEMENT FINES  
 ISSUED

**6**

ENFORCEMENT ORDER  
 APPLICATIONS

**10**

PROSECUTIONS  
 CONCLUDED

**12**

PROSECUTIONS IN  
 PROGRESS



**CME METRICS REPORT 2020 / 2021**  
**GISBORNE DISTRICT COUNCIL**



**50,500**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020



**5.6%**  
 POPULATION GROWTH  
 2015-2020



**8,386 KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA



**\$2,299 M**  
 GDP TO MARCH  
 2020



**CME  
 STAFF**



FULL TIME  
 EMPLOYEES **9**  
 FTE/1000 **0.18**  
*NATIONAL AVERAGE 0.15*

**CONSENTS**



**8,893**  
 ADMINISTERED



**1,135**  
 REQUIRED  
 MONITORING



**60%**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**



**194**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED



**100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**40**

WARNINGS  
 ISSUED

**35**

ABATEMENT NOTICES  
 ISSUED

**3**

INFRINGEMENT FINES  
 ISSUED

**1**

ENFORCEMENT ORDER  
 APPLICATIONS

**5**

PROSECUTIONS  
 CONCLUDED

**1**

PROSECUTIONS IN  
 PROGRESS

# CME METRICS REPORT 2020 / 2021

TASMAN DISTRICT COUNCIL



**56,400**  
NEW ZEALAND POPULATION  
ESTIMATE 2020



**9.7%**  
POPULATION GROWTH  
2015-2020



**9,764 KM<sup>2</sup>**  
GEOGRAPHIC  
AREA



**\$6,005 M**  
GDP TO MARCH  
2020



## CME STAFF



FULL TIME EMPLOYEES **12**

FTE/1000 **0.21**

*NATIONAL AVERAGE 0.15*

### CONSENTS



**16,826**  
ADMINISTERED



**4,941**  
REQUIRED  
MONITORING



**57%**  
CONSENTS MONITORED  
OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

### INCIDENTS



**1,394**  
ENVIRONMENTAL  
INCIDENTS REPORTED



**100%**  
RESPONSE RATE  
*NATIONAL AVERAGE 99%*

### ENFORCEMENT

**NO DATA**

WARNINGS  
ISSUED

**37**

ABATEMENT NOTICES  
ISSUED

**18**

INFRINGEMENT FINES  
ISSUED

**1**

ENFORCEMENT ORDER  
APPLICATIONS

**1**

PROSECUTIONS  
CONCLUDED

**1**

PROSECUTIONS IN  
PROGRESS

**CME METRICS REPORT 2020 / 2021**  
**NELSON CITY COUNCIL**



**54,600**  
 NEW ZEALAND POPULATION  
 ESTIMATE 2020



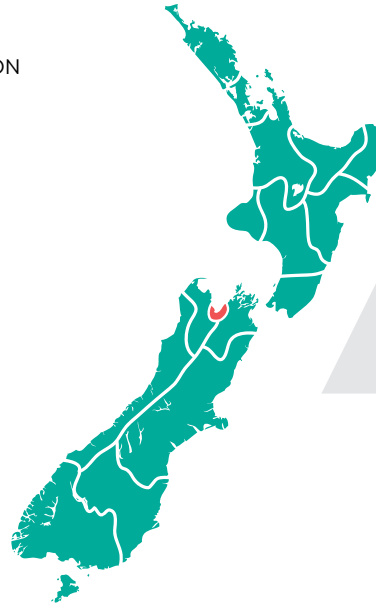
**9.7%**  
 POPULATION GROWTH  
 2015-2020



**477KM<sup>2</sup>**  
 GEOGRAPHIC  
 AREA



**\$6,005M**  
 GDP TO MARCH  
 2020



**CME  
 STAFF**



FULL TIME  
 EMPLOYEES **6**  
 FTE/1000 **0.1**  
*NATIONAL AVERAGE 0.15*

**CONSENTS**



**675**  
 ADMINISTERED



**675**  
 REQUIRED  
 MONITORING



**100%**  
 CONSENTS MONITORED  
 OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

**INCIDENTS**



**523**  
 ENVIRONMENTAL  
 INCIDENTS REPORTED



**100%**  
 RESPONSE RATE  
*NATIONAL AVERAGE 99%*

**ENFORCEMENT**

**NO DATA**

WARNINGS  
 ISSUED

**17**

ABATEMENT NOTICES  
 ISSUED

**13**

INFRINGEMENT FINES  
 ISSUED

**1**

ENFORCEMENT ORDER  
 APPLICATIONS

**0**

PROSECUTIONS  
 CONCLUDED

**0**

PROSECUTIONS IN  
 PROGRESS

# CME METRICS REPORT 2020 / 2021

MARLBOROUGH DISTRICT COUNCIL



**49,900**  
NEW ZEALAND POPULATION  
ESTIMATE 2020



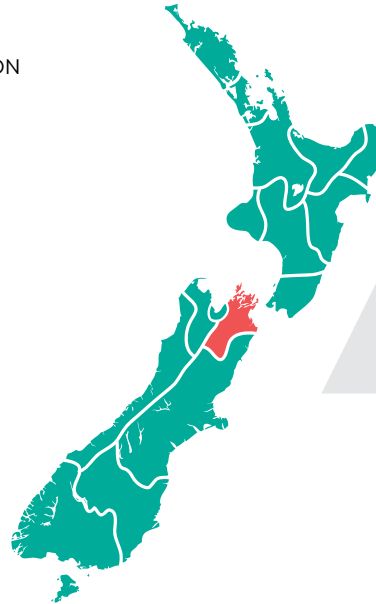
**9%**  
POPULATION GROWTH  
2015-2020



**10,773 KM<sup>2</sup>**  
GEOGRAPHIC  
AREA



**\$3,290 M**  
GDP TO MARCH  
2020



## CME STAFF



FULL TIME EMPLOYEES **13**  
FTE/1000 **0.25**  
*NATIONAL AVERAGE 0.15*

### CONSENTS



**29,459**  
ADMINISTERED



**3,529**  
REQUIRED  
MONITORING



**98%**  
CONSENTS MONITORED  
OF THOSE REQUIRING IT  
*NATIONAL AVERAGE 83%*

### INCIDENTS



**559**  
ENVIRONMENTAL  
INCIDENTS REPORTED



**100%**  
RESPONSE RATE  
*NATIONAL AVERAGE 99%*

### ENFORCEMENT

**13**

WARNINGS  
ISSUED

**28**

ABATEMENT NOTICES  
ISSUED

**15**

INFRINGEMENT FINES  
ISSUED

**0**

ENFORCEMENT ORDER  
APPLICATIONS

**1**

PROSECUTIONS  
CONCLUDED

**5**

PROSECUTIONS IN  
PROGRESS



APPENDIX 1

1. Which council are you completing this survey on behalf of? [Regional/ Unitary]
2. And this is for?
  - Northland Regional Council
  - Waikato Regional Council
  - Bay of Plenty Regional Council
  - Hawkes Bay Regional Council
  - Taranaki Regional Council
  - Horizons Regional Council
  - Greater Wellington Regional Council
  - Environment Canterbury
  - Otago Regional Council
  - West Coast Regional Council
  - Southland Regional Council
  - Auckland Council
  - Gisborne District Council
  - Nelson City Council
  - Marlborough District Council
  - Tasman District Council
3. What is your name and contact details?

**COMMENTS TO IWI**

*Post 2017/2018 regional context data from common national sources (e.g. Statistics New Zealand) instead of requiring councils to submit it. This also helped ensure comparability*

4. In no more than 300 words describe your regional key commitments to work with iwi/Maori on CME. For example, joint management agreements or other co-management agreements.  
*Note: The report author may contact you for further information or clarification of your response.*

**CME OPERATIONS (MANAGING THE WORKLOAD)**

**COMPLAINTS**

5. Does your council register/count:
  - an individual “incident” per notification?
  - one incident per event, regardless of the number of separate complainants?
6. How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

PAGE 66 Analysis of the 2020 / 2021 compliance monitoring and enforcement metrics for the regional sector **SPROUT**

This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties, but excludes information from council monitoring activity.

- No. of individual complaints/calls?
  - No. of individual incidents logged?
  - Unknown
7. How many of these notifications were responded to by council?  
This response may be in any form – e.g. phone call, site visit, desktop audit
8. How many of these notifications were physically attended by council staff?  
If one incident had multiple visits, only count this as one.
9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?
10. How many of the breaches were for:
- Breach of a resource consent?
  - Breach of permitted activity rules?

### MONITORING RESOURCE CONSENTS & PERMITTED ACTIVITIES RESOURCE CONSENTS

11. How many individual, active resource consents exist in your region?  
Exclude Land Use Consents where the activity is completed e.g. Land use subdivisions where the subdivision is complete and certificates issued or land use – building where the building has been constructed.
12. How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?
13. How many of these consents were monitored (including desktop audit) in the period?

### COMPLIANCE GRADINGS

14. In the 2020/2021 year, did you use the four compliance grades as recommended by Ministry for Environment?  
Yes/No
15. What grades do you apply to non-compliance? (e.g. technical non-compliance, significant non-compliance)
- Fully Compliant
  - Technical/Low Non-Compliance
  - Moderate Non-Compliance
  - Significant Non-Compliance
  - Other (please specify)
16. When will your council be adopting the four compliance grades recommended by Ministry for Environment?
17. What were the levels of compliance with consents according to the grades you use?

*Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored 4 times in the year on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add 3 to the total of Fully Compliant and one to the total for Technical Non-compliance.*

*Note 2: The compliance grade is based on the condition with the worst compliance grade. (e.g. a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance)*

*Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.*

- Fully Compliant
- Technical/Low Non-Compliance
- Moderate Non-Compliance
- Significant Non-Compliance
- Other (please specify)

### MONITORING PERMITTED ACTIVITIES

18. Which permitted activities do you have a monitoring programme for?
- Agriculture (excluding dairy)
  - Aquaculture
  - Construction
  - Dairy
  - Forestry
  - Horticulture
  - Industrial Stormwater
  - Mining
  - Oil and gas
  - Tourism
  - Vineyards
  - Wineries
  - Wintering
  - Other (please specify)

### MAKING DECISIONS ON PRIORITIES

19. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?
20. Describe how you determine which consents are monitored and how frequently?  
*If there is a prioritisation model or compliance strategy, add link*
21. Describe the basis, which was used for determining what, if any, permitted activities were monitored.  
*If there is a prioritisation model or compliance strategy, add link*

### STAFFING LEVELS

22. How many FTEs does your council have who carry out monitoring roles?  
Include contractors.
23. How many FTEs does your council have who carry out environmental incident or pollution response roles?  
Include contractors.
24. How many FTEs does your council have who carry out investigation or enforcement roles?
25. How many FTEs does your council have who carry out a combination of the above roles? Note 1: Include contractors  
*Note 2: Only answer this question if you have not included these staff in questions 21, 22 or 23*
26. How many FTEs does your council have in CME support roles?  
*This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to MoJ.*

### CME POLICIES AND PROCEDURES

27. Does your council have an enforcement policy?  
Yes/ No
28. What is your process for making decisions on prosecutions?
29. Who has the delegation to authorise filing of charges for a prosecution at your council?
30. Does your council have a conflict of interest policy?  
Yes/ No



### ACTING ON NON-COMPLIANCE

**31.** What was the total number of actions taken during the period for:

- Formal warnings issued
- Abatement notices issued
- Infringement notices issued
- Enforcement orders applied for

**Note:** This relates to the instruments issued in relation to the different sections of the Act (listed once for brevity)

- *Section 9 Use of land*
- *Section 12 Coastal marine area*
- *Section 13 Beds of lakes and rivers*
- *Section 14 Water*
- *Section 15 Discharges of contaminants*
- *Section 17 Duty to avoid, remedy & mitigate*
- *Other breach e.g. Section 22*

### PROSECUTION

**32.** How many RMA prosecutions were:

**Note:** For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

- Concluded in the period
- Still in progress in the period

**33.** What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

**34.** For all of these (person) defendants what is the total number of convictions entered against them?

*For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.*

**35.** What is the total number of corporate (e.g. Crown, company, body corporate etc) defendants convicted as a result of RMA prosecutions concluded in this period?

**36.** For all of these (corporate) defendants what is the total number of convictions entered against them?

*For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.*

**37.** Total number of convictions against: [see categories for sections of the Act as above]

- *an individual*
- *a corporate entity*

*Total fine potential (Individual total x \$300,000, corporate entity total x \$600,000)*

**38.** What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

- *Individual fines*
- *Corporate fines*

**38.** What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?

- *Prison sentence*
- *Enforcement order*
- *Reparation*
- *Community Service*
- *Discharge without conviction*
- *Other*



40. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- *Restorative justice*
- *Diversion*
- *Alternative justice*

41. Describe any outcomes relating to these processes.

#### **EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY**

42. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes/No

43. If yes, briefly describe

#### **CME REPORTING**

44. What mechanisms do your council use to report CME data to the public? e.g. annual reports, reports to councillors

- *Annual Report*
- *Report to Councillors*
- *Snapshot*
- *Report(s) to Council committee meetings (open to public)*
- *Other (please specify)*

## LONG FORM RESPONSES

(QUESTION 3)

APPENDIX 2

**Northland Regional Council**

NRC has a range of initiatives to work in partnership with Māori. A key one is the Te Tai Tokerau Māori & Council Working Party (TTMAC), which is an advisory committee established in 2014. This group meets monthly. Four of council's five other working parties have an equal number of Maori representatives sitting alongside councilors. This includes the Planning & Regulatory Working Party, which has oversight of CME as part of its purpose. Council has signed with two hapū the Mana Whakahono a Rohe; Patuharakeke and Ngatirehia with the intention to sign with Te Uri o Hau and Te Hikutu. This will be reviewed in terms of implementation in 2022. There is an agreed process for hapū signatories to meet with the Northland Regional Council to discuss opportunities for hapū to be involved in council compliance and monitoring activities.

**SOUTHLAND REGIONAL COUNCIL**

Ngāi Tahu ki Murihiku (tangata whenua) have a particular interest in the work of Environment Southland. And mutually, the council has responsibilities towards Māori and Māori cultural and spiritual values. The approach we have in Southland today is unique in the South Island. Its aim is to ensure Māori values are reflected in the council's decision-making, so that Southland's mauri is protected for now and generations to come. Te Aō Marama Incorporated (the environmental arm of Ngāi Tahu ki Murihiku) was one of the key facilitators when the relationship between the council and iwi began in the early 90s. Te Aō Marama was delegated the responsibility of dealing with councils on environmental matters, on behalf of the four papatipu rūnanga who hold mana whenua over all ancestral lands in Murihiku – Awarua, Hokonui, Ōraka Aparima and Waihōpai. For 25 years the relationship with Environment Southland continues to grow, with various protocols being developed to ensure smooth and efficient processes for plan development and consents management, a jointly funded iwi policy advisor position, an iwi management plan Te Tangi a Tauiira, and a partnership to improve Southland's water and land through the People Water and Land programme – Te Mana o te Tangata, te Wai, te Whenua. The most recent milestone in the council's relationship with iwi is the inclusion of mana whenua positions on two of Environment Southland's committees. The successful candidates for these positions will start their work after the elections in October. Environment Southland refers to the iwi relationship as te kōura tuia – the 'golden thread' that we weave through all our work. It's just part of how we operate. There is a commitment to the responsibility of improving Southland's local government understanding of all things Māori.

**WAIKATO REGIONAL COUNCIL**

The WRC has operative Joint Management Agreements (JMAs) with five 'River' Iwi – Waikato-Tainui, Raukawa, Te Arawa, Ngāti Maniapoto and Ngāti Tuwharetoa – as required by legislation. A key purpose of JMAs is to provide a framework for Iwi and the Council to discuss and agree processes for enabling co-management of planning, regulatory and other functions within the relevant Iwi's geographic area of interest. For all currently operative JMAs, this includes RMA compliance, monitoring and enforcement (CME) functions of Council. Whilst each of the JMAs was individually negotiated, there are common themes across all in relation to CME. The key commitments relating to CME within the JMAs generally include biannual operational meetings to discuss monitoring priorities, extent and methods; the potential for Iwi involvement in monitoring and enforcement processes; responses to non-compliance; consent review opportunities; the effectiveness of conditions and the effectiveness of compliance policies and procedures generally. The JMAs require various CME-related information to be provided, at different times – for example, summary updates of enforcement actions (prosecutions, enforcement orders, abatement notices and infringement notices) undertaken by the Council under the RMA for the JMA area. Agreed outcomes and actions from biannual operational meetings will, where appropriate, be reported up to the corresponding co-governance committees. The JMAs have facilitated closer personal and working relationship with Iwi which itself has engendered more effective engagement, co-operation and flow of information in both directions.

**TARANAKI REGIONAL COUNCIL**

The Council has 3 iwi appointed representatives on each of its Consents and Regulatory and Policy and Planning Committees. This provides for CME input at this level. In addition the Council engages directly with iwi over prosecutions and obtains victim impact statements for sentencing. The 4 local authorities in the region are currently trying to develop Iwi Relationship Agreements, under the Mana Wakahono a Rohe provisions of the RMA, with 7 iwi in the region, which potentially includes CME provisions.

**HAWKES BAY REGIONAL COUNCIL**

Hasn't changed from last year response which covered more the planning and policy interactions with iwi. We are obtaining cultural impact statements from iwi for most prosecutions as part of the sentencing.

**ENVIRONMENT CANTERBURY**

To give effect to the obligations under the Local Government Act 2002 and the related obligations under the Resource Management Act 1991, we have committed with Ngāi Tahu to improve relationships and interaction and integrate improved working practices across Environment Canterbury. The way we do this falls under the umbrella of our joint work programme Tuia, which includes a commitment to including rūnanga input to our 5-year CME plan. The 5-year plan has identified key areas where Rūnanga and Environment Canterbury can work together to improve Incident Response, compliance and enforcement. For example, we have begun alerting Rūnanga to compliance issues/ incidents in their areas through incident response, have identified opportunities with providing and receiving mutual education and training around compliance monitoring, and are identifying Rūnanga priorities to help with decision making. Environment Canterbury are also funding rūnanga to provide advice to help inform our decisions relating to enforcement action.

**WEST COAST REGIONAL COUNCIL**

The West Coast Regional Council and Poutini Ngai Tahu have signed a Mana Whakahono a Rohe - Iwi Participation Arrangement. The arrangement formally acknowledges the partnership and relationship between Council and Ngai Tahu. The document can be found on Councils web site under Strategies - publications. Te Runanga Ngati Waewae and Te Runanga Makaawhio have representation on Council and in decision making on relevant Council committees such as the Resource management Committee.

**AUCKLAND COUNCIL**

Our Compliance Monitoring Unit has been part of the Council's review of the Cultural Values Assessment processes. This is a co-design process with mana whenua that has been on-going for the last few years. We are currently working through a 'winter works' shadowing programme with mana whenua and are working across Council departments to improve the application of Accidental Discovery Protocols which apply where cultural sensitive material is unearthed during construction.

**GISBORNE DISTRICT COUNCIL**

Joint management agreement over Waiapu catchment. Discussions on certain notified resource consent applications. Department of Internal affairs pilot 'strengthening treaty partnerships' currently underway.

**MARLBOROUGH DISTRICT COUNCIL**

MDC engage with Iwi and hapū in relation to CME with cultural impact and prioritises as required. MDC operates a Iwi working group in the development of plans. MDC currently have a draft Iwi Engagement Plan

**BAY OF PLENTY REGIONAL COUNCIL**

We do not currently have any formal CME focused arrangements with tangatawhenua; however, we are currently in the process of developing agreements in this regard in relation to a number of specific matters. Further to this, the role and importance of Māori as kaitiaki is considered in the day-to-day implementation of our compliance programme. In practical terms, this may include ensuring tangatawhenua are notified of incidents in their rohe ('no surprises' approach) and involved in project where appropriate (e.g., marae wastewater). CME information is also formally reported to co-governance groups (eg. Rangitaiki River Authority and TeMaru o Kaituna)

**HORIZONS REGIONAL COUNCIL**

No formal agreements under CME but is in early-stage development. Currently only engagement is through consent imposed conditions and cultural impacts assessments.

**GREATER WELLINGTON**

The Council has no formal CME agreements with Iwi. The proposed Natural Resource Plan for the Wellington Region lays out the collaborative work and strategy for involving Iwi. Part of that collaborative work is the ongoing establishment of Whaitua's to engage Iwi and communities in a catchment focused approach to management of the environment. This intrinsically includes a CME element.

**OTAGO REGIONAL COUNCIL**

No formal agreements at this stage with Iwi around CME, however, in the event of a major incident or comprehensive investigation Iwi are advised. We have used Iwi for cultural impact assessment reports on prosecution cases. We also notify Aukaha of any incidents involving waterways. ORC is working with Aukaha and Te Aō Marama Incorporated to improve engagement and involvement in CME activities.

**NELSON CITY COUNCIL**

No formal agreements are in place, Iwi are involved in revising Plan provisions and Council facilitates having an Iwi monitor on site alongside Council's monitoring officer when this is requested. All Iwi are sent a summary of all resource consent applications on a weekly basis. Council is also financially supporting Iwi to build capacity in state of the environment monitoring and to establish cultural health monitoring practices.

**TASMAN DISTRICT COUNCIL**

No formal agreements under CME responsibility at this stage but being developed. At a very early scoping stage.

## 7.2. Territorial Local Authority Wastewater Treatment Plant Compliance Report

**Prepared for:** Regulatory Committee  
**Report No.** EMO1883  
**Activity:** Regulatory: Consents and Compliance  
 Tami Sargeant, Manager Compliance  
**Author:** Rachel Brennan, Principal Compliance Specialist  
**Endorsed by:** Richard Saunders, General Manager Regulatory  
**Date:** 9 December 2021

### PURPOSE

- [1] The purpose of this report is to update Council on the compliance of territorial local authority (TLA) wastewater treatment plants (WWTPs) and the actions that have been taken to achieve compliance.

### EXECUTIVE SUMMARY

- [2] This report provides a summary of the results of the audits carried out over the last 18 months and discusses the next steps for ensuring improved compliance with the consents issued for these activities.
- [3] In summary while there are still instances of significant non-compliance across TLAs, the compliance audits of WWTPs completed between April 2020 and November 2021 demonstrated improvements compared with the audits completed up to March 2020.

### RECOMMENDATION

*That the Committee:*

- 1) **Receives** this report.
- 2) **Notes** that the Annual Compliance Report will include information on the compliance of wastewater treatment plants in the Otago region.

### BACKGROUND

- [4] ORC monitors compliance on 30 WWTPs operated by TTLAs within the region. Table 1 shows the number of plants operated by each TLA and the total number of consents held for those plants.

Territorial Local Authority	WWTP operated	Consents held
Central Otago District Council (CODC)	7	12
Clutha District Council (CDC)	11	15
Dunedin City Council (DCC)	6	16
Queenstown Lakes District Council (QLDC)	3	6
Waitaki District Council (WDC)	3	8
<b>Total</b>	<b>30</b>	<b>57</b>

Table 1: Number of Wastewater Treatment Plants operated by Territorial Local Authorities in the Otago region and the number of consents held (as at 1 November 2021).

- [5] The age and expiry dates for the resource consents issued for WWTP varies across the region. There is also a variation in the conditions that are placed on the resource consents. In general, WWTP have the following types of consents for on-site activities:
- Discharge to air – odour
  - Discharge to water
  - Discharge to Land
- [6] Monitoring compliance with WWTP consents falls within priorities one and two of the ORC Compliance Plan 2020-22 to “reduce non-compliant discharges to improve freshwater quality”; and taking a “proactive and integrated approach to monitoring largescale activities.”
- [7] A report was provided to the Regulatory Committee in March 2020 on the WWTP compliance for audits completed to March 2020.
- [8] In October 2021 the Government confirmed that four publicly owned water entities will be established to ensure every New Zealander has access to affordable, long-lasting drinking, waste and storm water infrastructure. Consents held by the TLAs for WWTPs would be transferred to the new water entity, and ongoing compliance with consent conditions would be required.

## DISCUSSION

### Compliance audit process and grading

- [9] Following the completion of an audit, each consent is given a grade ranging from full compliance to significant non-compliance. Grades are calculated using a number of factors including but not limited to water quality readings, submission of required operations manuals, reporting of non-compliances and submission of annual reports.
- [10] Final audit reports and the associated grades are reported to the consent holder. Consent holders can respond to the content and request a review of the grade however there is no formal process to appeal the grades.
- [11] Table 2 provides a summary of the consent audit grades undertaken to March 2020. Table 3 provides a summary of the audit inspections completed between April 2020 and November 2021. Overall, more consents were audited over the last 18 months, including air discharge consents.

TLA	Full Compliance	Low risk Non-Compliance	Moderate Non-Compliance	Significant Non-Compliance
CDC				12
CODC	1	1	4	6
DCC	2	3	4	
QLDC	1		1	2
WDC	2	1	3	

Table 2: Status of consent compliance at TLA WWTPs (as at March 2020)

TLA	Full Compliance	Low risk Non-Compliance	Moderate Non-Compliance	Significant Non-Compliance
CDC			7	8
CODC	2	2	5	3
DCC	6	4	4	2
QLDC*	1	4		3
WDC		1	6	1

Table 3: Status of consent compliance at WWTPs (April 2020 to November 2021)

\* includes two Cardrona WWTP consents that have been surrendered

- [12] Chart 1 provides a comparison of the overall compliance gradings between the two reporting periods. This demonstrates that while there are still a range of significant and moderate non-compliance issues progress has been made on improving compliance across WWTP consents.

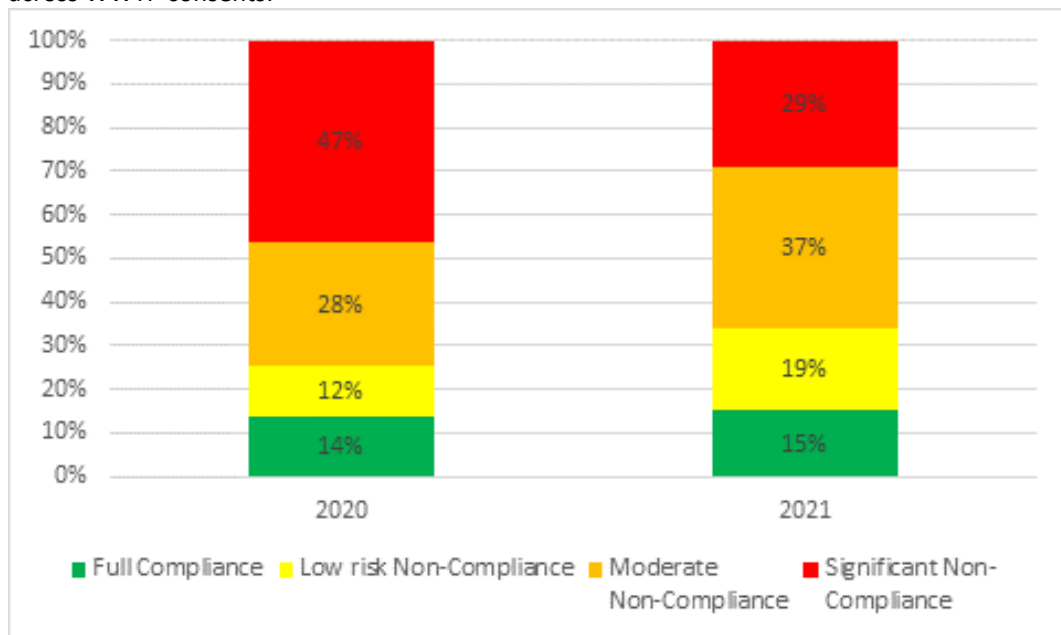


Chart 1: Overall TLA WWTP consent compliance between 2020 and 2021 reporting periods

- [13] When assessing a consent there are two types of non-compliance that can occur. The first are process related where the consent holder is not complying with the requirements to submit reports or report on specific activities. The second type are physical non-compliances where the plant is not operating in accordance with the consent and subsequent discharges do not comply with limits set in the consent conditions.
- [14] While process related breaches may not have immediate environmental impacts, they create a risk as ORC is not able to assess the operation of the plant (rather than the physical plant) for compliance. For this reason, ongoing process breaches may be classified as significant non-compliances.

- [15] Each audit report provided to a TLA at the end of the audit process will have a range of corrective actions requiring attention. The timeframes to complete these actions will vary from immediate to a number of months depending on the potential environmental impacts of the non-compliance and an assessment of a reasonable timeframe required to complete work required to achieve compliance.
- [16] Appropriate action is taken for any non-compliance or breaches identified in the audits in accordance with the RMA Compliance and Enforcement Policy. This includes formal and informal actions (e.g. developing a 'compliance plan' and providing more regular updates). Table 4 provides details of the formal enforcement action that ORC has taken between April 2020 and November 2021.

TLA	Infringement notice	Abatement notice	Prosecution
CDC		2	1
CODC*	3	4	
DCC			
QLDC	1	2	
WDC**	1	2	

Table 4: Formal ORC enforcement action taken between April 2020 and November 2021.

\* includes two infringements for wastewater pump station overflows

\*\* includes one infringement and abatement notice for wastewater network overflows

- [17] ORC compliance staff continue to work with TLA staff to regularly inspect plants and provide audit reports highlighting corrective actions. All TLAs are actively engaged with this process which is positive.

### Clutha District Council

- [18] CDC operate 11 WWTPs with a total of 15 consents. The consents for the Balclutha and Waihola WWTPs have expired, and CDC are currently in the consent reapplication process for both sites.
- [19] In late 2019, formal investigations were initiated on all 11 WWTPs following a complaint from a member of the public and initial onsite inspections. The investigation found that all 11 sites were poorly maintained and in breach of resource consent conditions resulting in environmental impacts to air, land or water. As a result, the overall compliance of each WWTP and 14 of the 15 consents audited were graded 'significant non-compliance'.
- [20] Formal enforcement action centred around the operations of the five biofilter WWTPs at Lawrence, Tapanui, Kaka Point, Owaka and Stirling and led to court proceedings against CDC and City Care Ltd (CCL) which are contracted to manage the plants on behalf of CDC. On 9 December 2020, CDC were sentenced and fined \$488,253 for failures of WWTP performance. Proceedings against CCL remain before the court.
- [21] Since the investigation and resulting prosecution, CDC and ORC have continued to work collaboratively to remediate issues and to ensure that appropriate actions are undertaken, and the necessary processes are in place to enable these 11 plants to achieve and maintain full compliance. A 'compliance plan' detailing a programme of

works to achieve full compliance was received for eight sites. The ORC receives regular updates from CDC on progress with the compliance plans.

- [22] During the 2021 audits, staff observed that the maintenance and physical condition of the WWTPs had improved. This in turn significantly improved the quality of the final discharge. These improvements are reflected in the overall audit gradings where seven of the 15 consents audited were graded with moderate non-compliance. The remaining eight consents (effecting 8 of the 11 WWTP main discharge consents) were graded as significant non-compliance. Following the 2021 audits, abatement notices were issued on the Waihola and Milton WWTPs due to final effluent quality and adherence to conditions of the Milton bypass consent.
- [23] CDC have responded to a number of WWTP audit reports and disputed the grade applied by ORC for the Heriot site. Further information was supplied by CDC and the grade has been updated to moderate non-compliance to reflect the receipt of this new information. As outlined in paragraph 10 there is no statutory process to object to the grades. Despite the disputes over grades CDC and ORC staff have continued to work constructively to address non-compliances.
- [24] Compliance with requirements to investigate options for minimising the backflow of effluent into Lake Waihola has been completed and the most suitable discharge regime will be considered as part of the re-consenting process. The Waihola WWTP has also had a sample tap installed which combines two effluent discharges to one for better representative compliance sampling.
- [25] Clinton WWTP has electricity installed on site and a final discharge flow meter installed after 20 years of estimating flows. They have also combined the two discharges from the site to one pipe so that sampling is now truly representative.
- [26] ORC staff will continue to work with CDC staff to ensure that the appropriate actions are taken to achieve compliance. This includes correspondence and updates to monitor progress.

#### **Central Otago District Council**

- [27] CODC operate seven WWTPs with a total of 12 resource consents.
- [28] Three significant non-compliance audit reports were issued due to exceedances with consented discharge quality and/or discharge volume limits imposed at the Omakau, Roxburgh and Cromwell WWTPs. ORC issued three abatement notices, requiring CODC to gain full compliance by specified dates, and maintain compliance.
- [29] The Alexandra WWTP was graded moderate non-compliance due to a plant breakdown in October 2020, leading to breaches of the discharge quality limits and an infringement notice and abatement notice were issued to CODC. This abatement notice requires CODC to adhere to the discharge quality limits imposed under the consent in an ongoing manner.
- [30] The Naseby, Ranfurly and Lake Roxburgh WWTPs were given overall compliance grades of moderate non-compliant, due to process breaches.



- [31] CODC have increased resourcing into their Water Services Team who monitor their WWTPs and provide compliance reporting to ORC. CODC and ORC have built a collaborative relationship that has resulted in the creation of a compliance monitoring database. Many of the administrative consent requirements have been highlighted and are being worked through by CODC.

#### **Dunedin City Council**

- [32] DCC operate six WWTPs holding a total of 16 resource consents. Two of the WWTPs, Warrington and Tahuna were graded as significant non-compliant. There were moderate non-compliance and low-risk compliance issues identified across the Green Island, Waikouati, Sea Cliff and Middlemarch WWTPs.
- [33] The Warrington WWTP significant non-compliance was due to ongoing exceedances of discharge quality limits. A report to address what options can be implemented in the short term to address nitrogen exceedances was requested following the audit. DCC intends to undertake a consenting study prior to making significant investment decisions rather than pursuing any interim upgrades.
- [34] The Tahuna WWTP was given an overall compliance grade of significant non-compliant, due to unconsented discharges during high rainfall. DCC had been undertaking emergency discharges during wet weather events when wastewater flows into the WWTP exceed the capacity of the usual outfall. This results in both consents being exercised at once which is not provided for within the consents. An application for consent to discharge during these events is being sought and appropriate contingency plans are being updated. The grades are also reflective of the discharge quality where there have been some analyte exceedances.
- [35] ORC staff will continue to work with DCC staff to ensure that the appropriate actions are taken to achieve compliance.

#### **Queenstown Lakes District Council**

- [36] QLDC currently operates three WWTPs with a total of six current consents, following the decommissioning of the Cardrona WWTP.
- [37] The Shotover WWTP discharge field has failed causing treated wastewater ponding outside of the consented area. As a result, an abatement notice and infringement notice was issued. The ponded wastewater is treated to a high standard and poses no environmental risks to the area. QLDC is carrying out engineering works to resolve the ponding issues, and the most recent status updates indicate some improvement. All other consent conditions are fully compliant, including the wastewater quality sample results are well under the consent limits.
- [38] The Hawea WWTP was given an overall grade of significant non-compliant, due to discharge quality exceedance and the use of the trench and application field not being undertaken in accordance with the resource consent. An abatement notice has been issued. QLDC has provided ORC with an Interim compliance strategy which involves upgrade works to the plant in order to improve effluent quality. Water sampling of the Hawea river upstream and downstream of the WWTP continues and to date does not indicate an influence from the plant.

[39] The Wanaka WWTP was given an overall compliance grade of significant non-compliant, related to exceeding discharge quality limits. The most recent sample results are now compliant with the consent limit for nitrogen. QLDC has advised that an upgrade of the WWTP and disposal field is programmed to commence in the first quarter of 2022. The ORC has required the QLDC to increase effluent quality sampling, increase inspections of the disposal field and ensure notification of discharge exceedances.

[40] The Cardrona WWTP has been decommissioned and the discharge consents have been surrendered by QLDC in October 2021. The waste from the township is now being piped to a new WWTP at the bottom of the Cardrona Ski field Road and discharged under consent held by the Cardrona Valley WWTP Limited.

#### **Waitaki District Council**

[41] WDC operates three WWTP with a total of eight resource consents.

[42] The Palmerston WWTP was given an overall compliance grade of significant non-compliant, due to ongoing breaches of daily volume limits and discharge quality exceedances. As a result, an abatement notice was issued. The WDC have responded to the abatement notice and have taken immediate steps to address the issues of non-compliance.

[43] The Moeraki WWTP was graded moderately non-compliant for cumulative issues relating to lack of data and poor record keeping which has the potential for adverse environmental effects, given historical data.

[44] The Oamaru WWTP was graded moderately non-compliant due to intermittent exceedances of daily flow volumes and exceedances of effluent quality. Exceedances of effluent quality is thought to be due to desludging operations. It is expected that WDC will manage the timing of desludging and the collection of samples so that sample results are representative of the discharge.

#### **OPTIONS**

[45] As this is a noting report there are no options.

#### **CONSIDERATIONS**

##### **Strategic Framework and Policy Considerations**

[46] There are no strategic framework or policy considerations.

##### **Financial Considerations**

[47] There are no financial considerations.

##### **Significance and Engagement**

[48] As there is no decision this criteria does not apply. ORC compliance staff continue to work with TLA staff to support compliance with WWTP consents.

##### **Legislative and Risk Considerations**

[49] Compliance monitoring and enforcement is a mandatory function under the Resource Management Act.

- [50] There are environmental, legal, social and reputational risks associated with compliance monitoring activities. Wastewater treatment plants present a high environmental risk where they are not compliant with the conditions of consent. For this reason, regular monitoring to confirm compliance occurs.

**Climate Change Considerations**

- [51] There are no climate change considerations.

**Communications Considerations**

- [52] There are no communication considerations.

**NEXT STEPS**

- [53] ORC staff will continue to work with TLA staff to ensure compliance with conditions of the resource consents is achieved. Each non-compliance identified will be assessed to determine the appropriate enforcement response in accordance with the Compliance and Enforcement Policy.
- [54] The Regulatory Committee will continue to receive an annual report on WWTP compliance as either a standalone report or as part of an annual compliance monitoring report.

**ATTACHMENTS**

Nil

### 7.3. Plan Change 7 and Consent Applications

**Prepared for:** Regulatory Committee  
**Report No.** REG2110  
**Activity:** Regulatory - Resource Consent Processing, Reviews & Appeals for RMA, Building Act and Dam Safety  
**Author:** Joanna Gilroy, Manager Consents  
Alexandra King, Team Leader Consents  
Natasha Pritchard, Principal Consents Officer  
**Endorsed by:** Richard Saunders, General Manager Regulatory and Communications  
**Date:** 9 December 2021

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#### PURPOSE

- [1] To provide the Regulatory Committee with an update on the processing of applications relating to deemed permits and outline the implementation of the decisions version of Plan Change 7 (PC7).

#### EXECUTIVE SUMMARY

- [2] Plan Change 7 was notified in 2020 and applies primarily to applications to take and use surface water. A decision on the plan change was released by the Environment Court in November 2021. The Consents Team has a legislative responsibility under the Resource Management Act (RMA) 1991 to implement proposed and operative plan changes when processing consents.
- [3] The decisions version of the plan change is altered from the notified version and applies to consent applications. How the plan change applies to consents and the work completed by the Consents Team on implementing the decision to date is discussed within this report.

#### RECOMMENDATION

*That the Committee:*

- 1) **Notes** this report.
- 2) **Requests** that staff provide Councillors with a quarterly update on progress to complete the processing of deemed permit replacement applications.

#### BACKGROUND

- [4] The Otago Regional Council has a legislative responsibility under the RMA 1991 to implement proposed and operative plan changes. How a plan change is applied is directed by the RMA 1991 and informed by case law.
- [5] In 2020 Council and then the Environment Protection Authority notified PC7. When the plan change was notified the rules, objective and policies in the plan change had immediate legal effect as they related to water.
- [6] Since notification of PC7 when a decision has been made on an application the objectives and policies introduced by PC7, as well as policies in the operative plan and

other planning documents were considered. This happened irrespective of when the application was lodged, the scale of the water take, the scale of the property and the consent duration sought. Once PC7 is operative this will result in a change to this approach for applications to take water.

- [7] Statistics on the number of deemed permits that were in the system as of 1 October 2021 are shown in Attachment 1. If the deemed permit was not replaced, it expired on 1 October 2021. There are 42 deemed permits where no application has come in to 'replace' them. Council has been in contact with these consent holders to advise them that these permits have expired.
- [8] There are currently 111 individual applications in the system that the consents team is processing that relate to deemed or water permits. These 111 applications are for approximately 331 consents and relate to 197 deemed permits. Most of the applications were lodged in 2021.

## **DISCUSSION**

### The decision

- [9] On 22 October 2021 the Environment Court released an interim decision on PC7, with the final decision being released on 17 November. The appeal period ends in December. The version of the plan change released by the Court is currently known as the 'decisions' version of PC7 and is the relevant version of PC7 under which resource consent applications are to be considered. These provisions are the ones that apply to the applications to take and use water irrespective of when the application was lodged. PC7 will become Chapter 10A of the Regional Plan Water (RPW).
- [10] Once all provisions of PC7 are made operative, the activity status (and accordingly whether consent is needed for the activity) will be solely decided by the rules in Chapter 10A of the RPW. Until this happens, we need to consider applications under the operative parts of the plan and the 'decisions' version of PC7.
- [11] In their decision the Court approved a single objective that outlines the purpose and nature of the plan change, which recognises that the objective and plan change are interim step in achieving the purpose of the RMA and implementing the NPS-FM 2020. The policies provide direction that Council must avoid granting consents for a duration longer than 6 years, with a limited exception for some of Trustpower's deemed permits. The Court decided that there should not be an alternative pathway for longer term consents.
- [12] A controlled activity rule has been included in the decisions version to enable a simpler pathway for consent applications. When a rule relates to something that is a controlled activity, the consent must be granted, and staff can only look at a very limited list of matters. An application for resource consent under the controlled activity rule is to be processed without public or limited notification.
- [13] Two new restricted discretionary activity rules have been added to PC7. The first is to create a pathway for applicants who wish for the Council to consider water meter data recorded after 30 June 2020 or other data or methods when determining historical use. The second is for the replacement of Trustpower's deemed permits for the scheme infrastructure listed in a schedule where the consent duration sought expires no later than 2035.

- [14] Any activities that do not meet the conditions of the controlled or restricted discretionary activity rules will be a non-complying activity. Non-complying activities are the 'highest risk' applications and need to pass an additional test under the RMA before being approved. Applications for non-complying activities typically take longer to process and are more expensive.

Impacts on current applications

- [15] In the decision the Court noted that consent applications in the system would need to be amended. This means that applicants and their consultants will need to make changes to their application to get the benefit of the controlled activity consent pathway. Consent term will be the most common reason a variation to an existing application will be required.
- [16] If an applicant changes their application to take water to be in line with the controlled activity rule, then the assessment that the processing planner undertakes is limited to the matters listed in the rule. It also means that the application to take water cannot be publicly notified or limited notified to any affected parties. As a result, additional processing costs for the work that is yet to be completed will be less than if an application was processed 6 months ago. The planner still needs to complete a policy assessment under s104 of the RMA, but for the water permit this will be limited to only the objective and policies in PC7.
- [17] An exception to the above are other consents that are typically part of the application to take and use water. These applications often include applications to dam and divert, discharge water and other associated land use consents. The provisions in PC7 do not cover these activities and they are still assessed under the relevant regional plan rules, objectives and policies. Staff will be pragmatic about these associated activities as it is acknowledged that these applications are required alongside the water takes covered by PC7. We will be working with consultants and applicants that require these additional consents.

Implementation work

- [18] In preparation for the release of the PC7 decision staff undertook a number of actions to prepare templates and forms that could then be updated once the decision was released. To date staff have prepared:
- a. A new application form for new permits to take and use water;
  - b. An amendment form for applicants and consultants to use to make changes to applications already lodged;
  - c. A practice note for practitioners outlining the planning and legal foundations to processing consents through a plan change;
  - d. Information for applicants on what the changes made to PC7 mean for their application.
- [19] Staff have engaged with stakeholders on the planning approach to processing consents under PC7 and shared drafts of the key documents outlined above to seek feedback. Additionally, there has been significant engagement with consultants who have applications to replace deemed permits lodged with ORC. This has been a positive

process and staff wish to recognise the constructive attitudes of the consultants who have provided feedback.

- [20] There has been ongoing communication with applicants about the process and what it means for them. This is important as most applicants will need to consider making some form of amendment to their application. Staff cannot unilaterally change an application, however we will support them as much as possible to ensure they understand the implications of the PC7 decision for their application. Currently we are waiting on confirmation of changes to applications before we start processing them.
- [21] In consultation with some of the consultants who have the largest number of applications in the system, staff have developed a staged approach to the processing of remaining applications. Consultants for applicants were supportive of this approach as it helps to spread the workload for all involved and enables permits in the same area to be processed at the same time by the same planner. If a permit needs to be processed sooner than the staging plan this can be accommodated, and the applicants and consultants have been made aware of this. The grouping of the permits is outlined below:

<b>Category/catchment grouping</b>	<b>Amendments to be lodged by (if required)</b>	<b>Time extension until</b>	<b>Approximate # of applications (may be multiple consents in each application)</b>
6 year applications, as lodged	10 December 2021	17 December 2021	10
Miscellaneous – longer term applications, as lodged	17 December 2021	18 January 2021	15
Cardrona	17 December 2021	18 January 2021	6
Arrow	24 January 2022	31 January 2022	5
Fraser	14 February 2022	21 February 2022	2
Taieri	14 February 2022	21 February 2022	19
Manuherekia	21 February 2022	28 February 2022	27
Lowburn	7 March 2022	14 March 2022	11
Bannockburn	14 March 2022	28 March 2022	1
Trustpower	14 February 2022	28 February 2022	4

- [22] We are working with consultants to address some questions on the application of new provisions in PC7 and to clarify how we will treat related permits that are not covered by PC7. If interpretation positions are reached, this information will be shared with all consultants and applicants.

#### Processing costs

- [23] Fees and charges are set in the Long Term and Annual Plan. They are set based on a deposit and then a chargeable rate per hour. Ultimately the processing costs for any consent reflect the complexity of the application and can also be influenced by the quality of the application material received.
- [24] Section 36(1)(b) of the RMA allows councils to fix charges for consents. Council's Revenue and Financing Policy 2020 provides that the processing of consents is funded

entirely by fees and charges and not through general rates. As set out in the RMA all charges must be fair and reasonable.

- [25] ORC's process is to invoice all time spent on an application. As such, time has already been charged to applications in the system. Many of these applications were complex and sought lengthy consent terms. ORC is required by the RMA to commence the processing of these applications when they are lodged. This would have been understood by all parties involved in the process.
- [26] Time charged to consents includes administration, consent planner review and assessment and technical expert review and assessment. It is recognised that there have been changes to the planning environment through the PC7 decision however any costs incurred on consent applications already in the system will be invoiced in accordance with the fees and charges policy. Any remittance of these costs would be borne by the general rate payer as no budget is available to recover this time.
- [27] Staff will also charge for the costs associated with further work needed to progress the applications covered by PC7. Such charges:
- a. Fall within the jurisdiction of charges the Council can fix under s 36(1)(b) of the RMA, being related to the processing of resource consents.
  - b. Can be determined by reference to a scale of charges fixed by the local authority.
  - c. are set through the annual plan process.
  - d. Comply with s 36AAA of the RMA, as the processing of the consents benefit the consent applicant as distinct from the community as a whole.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [28] There are no strategic framework or policy considerations associated with this report.

### **Financial Considerations**

- [29] Funding for the processing of consents impacted by PC7 is included in current budgets. The cost of processing consents is recovered in accordance with the fees and charges policy.

### **Significance and Engagement Considerations**

- [30] This policy is not triggered by any matters discussed in this item.

### **Legislative and Risk Considerations**

- [31] There is legislative risk to Council if we do not implement PC7 and the other rules in the Water Plan when making decisions on consent applications.
- [32] There is a financial risk to Council if a number of applicants chose to lodge cost objections under the RMA. Time spent on objections is not included in current budgets.

### **Climate Change Considerations**

- [33] There are no climate change considerations.

### **Communications Considerations**

- [34] Staff are communicating regularly with applicants and consultants to ensure the process to progress applications in the system is well understood.



**NEXT STEPS**

[35] Staff will provide updates on the processing of deemed permits through the regular quarterly update to the Regulatory Committee.

**ATTACHMENTS**

1. Deemed Permit Status [7.3.1 - 3 pages]

## Deemed Permit Status

The Otago Regional Council's consent database currently contains data for 585 Deemed Permits. Their current status is:

- Cancelled: 23
- Expired: 161
- Expired – Pending Application: 210
- Surrendered: 191
- Total: 585

There are currently 42 Deemed Permits for which no application has been lodged. Those deemed permits include 0 Permits to take and use Groundwater, 8 Permits to Dam Water, and 0 Permits to discharge to water.

Please note that these numbers present a snapshot of the Otago Regional Council's Resource Consent database on the day that this report was produced. As such, any of these numbers may vary up or down as new applications are received or granted, Deemed Permits are cancelled or surrendered, or applicants are able to prove they can meet the provisions of section 413 of the Resource Management Act (1991).

A summary of deemed permit replacement process in each catchment with current deemed permits is presented below:

<b>Catchment.</b>	<b>Deemed Permits Awaiting Application</b>	<b>Deemed Permit Applications in Progress</b>
Albert Burn (1)	0	1
Amisfield Burn	0	3
Arrow River	0	7
Bannock Burn	0	10
Basin Burn	0	4
Beaumont River	1	0
Bendigo Creek	0	1
Benger Burn	0	0
Burn Cottage Creek	1	4
Butchers Creek (1)	0	2
Cambells Creek	1	0
Camp Creek (1)	0	2
Cardrona River	0	14
Chapmans Gully	0	1
Coal Creek	0	3
Crook Burn (2)	0	1
Donaldsons Creek	0	0
Elbow Creek	0	0
Five Mile Creek (1)	1	0
Franks Creek	0	2
Fraser River	0	4
Kidd Creek	1	0
Lindis River	0	13
Long Gully (1)	1	1
Long Gully (2)	0	0
Lowburn Creek	2	19
Luggate Catchment	0	3
Manuherikia Catchment	6	49
Nevis River	0	2
No Catchment Recorded	11	12
Park Burn	1	3
Pipeclay Gully	0	1
Poison Creek	0	1

Pomahaka River	0	1
Quartz Creek	0	1
Quartz Reef Creek	0	1
Queensberry Hills	0	0
Rees River	0	1
Ripponvale Road	0	1
Roaring Meg	1	2
Schoolhouse Creek	0	1
Shingle Creek	1	3
Shotover River	0	2
Taieri Catchment	8	46
Teviot River	0	2
Tinwald Burn	0	2
Toms Creek	0	3
Unnamed Trib's of Clutha River above Lake Dunstan	1	2
Unnamed Trib's of Clutha River above Lake Roxburgh	0	2
Unnamed Trib's of Clutha River above Tuapeka Mouth	4	4
Unnamed Trib's of Kawarau River	0	2
Unnamed Trib's of Lake Hawea	0	1
Waikerikeri Creek	0	2
Waitahuna Catchment	1	0
Wanaka Township	0	3
Washpool Creek (1)	0	4