



Otago
Regional
Council

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Otago Regional Council will be held on:

Date: Thursday 2 February 2023
Time: 11:30 AM
Venue: Council Chamber, Level 2, Philip Laing House
144 Rattray St, Dunedin

The meeting will be livestreamed on the [Council's YouTube channel](#).

Pim Borren
Interim Chief Executive Officer

Regional Leadership Committee PUBLIC AGENDA

MEMBERSHIP

Cr Michael Laws (Co-Chairperson)
Cr Bryan Scott (Co-Chairperson)
Cr Elliot Weir (Co-Chairperson)
Cr Alexa Forbes
Cr Gary Kelliher
Cr Kevin Malcolm
Cr Lloyd McCall
Cr Tim Mephram
Cr Andrew Noone
Cr Gretchen Robertson
Cr Alan Somerville
Cr Kate Wilson

Senior Officer: Pim Borren (interim Chief Executive)
Governance Support Officer: Liz Spector

Note: Reports and recommendations contained in this agenda are not to be considered Council policy until adopted.

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1. APOLOGIES

No apologies were submitted prior to publication of the agenda.

2. PUBLIC FORUM

No requests to speak to the committee under Public Forum were received prior to publication of the agenda.

3. 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.

4. 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.

5. MATTERS FOR CONSIDERATION

5.1. Regulatory Activity Update - 6 months to 31 December 2022

| | |
|----------------------|---|
| Prepared for: | Regional Leadership Committee |
| Report No. | GOV2287 |
| Activity: | Regulatory: Consents and Compliance |
| Author: | Richard Saunders, General Manager Regulatory and Communications |
| Endorsed by: | Richard Saunders, General Manager Regulatory and Communications |
| Date: | 15 September 2022 |

PURPOSE

- [1] To update the Committee on activities of the Regulatory Group between 1 July 2022 and 31 December 2022.

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 Regional Leadership 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 2022 to 31 December 2022.

CONSENTS

Consent Processing

- [5] Over the reporting period, decisions were made on 491 individual consents (cumulative total). For context, in the same period last year, decisions were made on 335 individual consents. This represents a significant increase in consenting activity.
- [6] 100% of consents processed in the reporting period were within timeframes. Not only does this ensure Council complies with the timeframes specified in the Resource Management Act 1991, it also means that the team achieved their service delivery target as set in the Annual Plan. Timeframe extensions were used in this period in most cases to enable the applicant to review the proposed conditions.

- [7] In total 406 applications were received during the reporting period. In the same reporting period the previous year, 306 applications were received. There was a peak of 93 applications received in November 2022 and over 60 received in both October and December. At the end of December 2022 there were 297 applications in progress, down from 314 at the start of July.
- [8] Applications for consents for intensive winter grazing, bores, general land use activities and discharges to land were the main types of consents processed by the team during the reporting period. Over the reporting period 52 resource consents for intensive winter grazing were issued, 55 for bores, 112 for discharges to land and 82 for surface water takes.
- [9] Consent processing is generally undertaken by internal staff, but consultants are used on an as required basis typically for applications for large scale or long-term projects and where Council is the applicant. Of the 297 applications being processed at the end of the reporting period:
- a. 9 applications that were not deemed permits, were being processed by a consultant. Of these 9, 5 are applications from ORC and must be processed by an external consultant due to the existing delegations.
 - b. 11 applications that relate to deemed permits are being processed by consultants.
- [10] Based on the above, consultant use for the processing of applications accounts for 6.7% of allocated work, with the majority being handled in house.
- [11] Ten applications were limited notified in the reporting period and no applications were publicly notified. No hearings were held in the reporting period, but the ones limited notified in the reporting period may go to a hearing in 2023. There are two hearings that will be held in January 2023 that will be reported on in the next update. These hearings relate to discharges to land and to air. Independent decision makers have been requested for these hearings.
- [12] A summary of consents statistics for the period are included in Figures 1 to 6 of Attachment 1.

Deemed Permit Replacements

- [13] Deemed Permits and many water permits to take and use water in the region expired on 1 October 2021. Most of these permits are in Central Otago (including the Taieri catchment) and Queenstown Lakes Districts. Replacement applications for these permits were primarily lodged in 2020 and 2021.
- [14] Staff have been working collaboratively with consultants and applicants to do process deemed permit related applications. Great progress has been made by all parties, with decisions made on 96 applications from 1 July 2021 to 1 Jan 2023. The status of the remaining 41 applications is shown in Table 1 below:

| Status | Number of applications |
|---|------------------------|
| Awaiting amendment from the Applicant to be lodged and actively being followed up | 8 |

| | |
|---|----|
| Being actively processed -many awaiting further information or clarification questions to be answered from applicants | 15 |
| Being processed – awaiting ancillary damming/diversions applications to be lodged | 3 |
| Drafts prepared and being finalised, but no applicant review until shareholder meeting in late January | 5 |
| With applicant for comment | 8 |
| Decided since 1 Jan | 2 |

[15] Table 2 shows the decisions that have been made since July 2021 for deemed/water permit replacements. There have been a steady number of decisions made in the second half of 2022 and we are now expecting the majority of the remaining applications to be decided before March this year.

| Month | Number of deemed permit and surface water replacement decisions on applications lodged pre 1 October 2021 | Number of decisions on surface water permit replacement applications lodged post 1 October 2021 | Total decisions |
|----------------|---|---|-----------------|
| July 2021 | 0 | 0 | 0 |
| August 2021 | 4 | 0 | 4 |
| September 2021 | 6 | 2 | 8 |
| October 2021 | 4 | 0 | 4 |
| November 2021 | 3 | 0 | 3 |
| December 2021 | 0 | 1 | 1 |
| January 2022 | 2 | 1 | 3 |
| February 2022 | 4 | 1 | 5 |
| March 2022 | 7 | 1 | 8 |
| April 2022 | 3 | 0 | 3 |
| May 2022 | 3 | 1 | 4 |
| June 2022 | 1 | 0 | 1 |
| July 2022 | 13 | 0 | 13 |
| August 2022 | 10 | 0 | 10 |
| September 2022 | 6 | 2 | 8 |
| October 2022 | 4 | 2 | 6 |
| November 2022 | 5 | 1 | 6 |
| December 2022 | 8 | 1 | 9 |
| Total | 83 | 13 | 96 |

Table 2: Number of consent decisions related to deemed permit replacements

Appeals, objections, and reviews

[16] Two appeals on the consent decision for the Dunedin City Council's proposed landfill at Smooth Hill, Dunedin were received. ORC must be involved in the appeal process and will

incur costs as a result. These are not budgeted costs. One of these appeals has been resolved, but the other remains in the Court process.

- [17] As previously reported the only other appeal still in progress relates to consents issued by ORC and Central Otago District Council for the use and expansion of a quarry. The appeal has been lodged by neighbours to the proposal. This appeal will now be going to a Court hearing in the first quarter of 2023. Again, ORC must participate in the appeal, and these are not budgeted costs.
- [18] One objection to a decision to return an application as incomplete due to insufficient information in the application was received in the reporting period. Staff are working with the party to try and resolve this objection.
- [19] Two formal cost objections under Section 357B of the RMA were received by ORC in the reporting period. These related to costs for processing of consents associated with the take and use of water. Clearly communicating costs and being able to invoice as quickly as possible post a decision on an application remains a focus for the team. This includes working with Council's Finance team on invoicing.
- [20] The team is currently processing two reviews of conditions of existing consents. One of these is the limited scope review of the Contact Energy Consent's relating to the operation of the Clyde Dam. Contact Energy has been engaging with parties on this and the review will progress in the first quarter of 2023. The second review relates to directions from the Court because of enforcement action taken by Council, to review all conditions on a discharge to air consent for an industrial premise. This review will progress in the first quarter of 2023.

Public Enquiries

- [21] Responding to public enquiries remains a significant part of the workload of the Consents team. In the reporting period 1,516 enquiries were received and responded to. On average the team is handling more than 200 enquiries a month, with a peak of over 300 in November 2022. Most enquiries are resolved within two days of being received, with the remaining generally in the three to seven days. Information on these enquiries can be seen in Attachment 1. The large number of public enquiries responded to demonstrate the value of this high level of service provided by ORC.
- [22] 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). Proposals in Otago under this process (run by the EPA) that progressed in the reporting period included:
 - a. Lakeview-Taumata which is a housing and commercial development in Queenstown. Consents were issued for this project.
 - b. Flint's Park, Ladies Mile-Te Putahi, which was a housing development, retail and childcare centre. This was declined, but the decision has been appealed.
- [23] To enhance the public enquiries service, as well as the other projects reported to date staff have been working on:

- a. Web content on the rules about sediment traps and explaining that there is now permitted activity criteria where people may not need consent and information on wetlands.
- b. An annotated example of a consent document and an invoice for the website.
- c. Working with MPI reviewing Otago specific content for their new Ground Rules website.
- d. Running sessions with other Council Teams including Customer Experience, Catchment Advisors and Compliance.
- e. Preparing scripts to start filming short videos for the website on specific topics such as domestic wastewater, stream clearance and critical source areas.
- f. Information around privacy and the consent application process and explaining the value of resource consents.

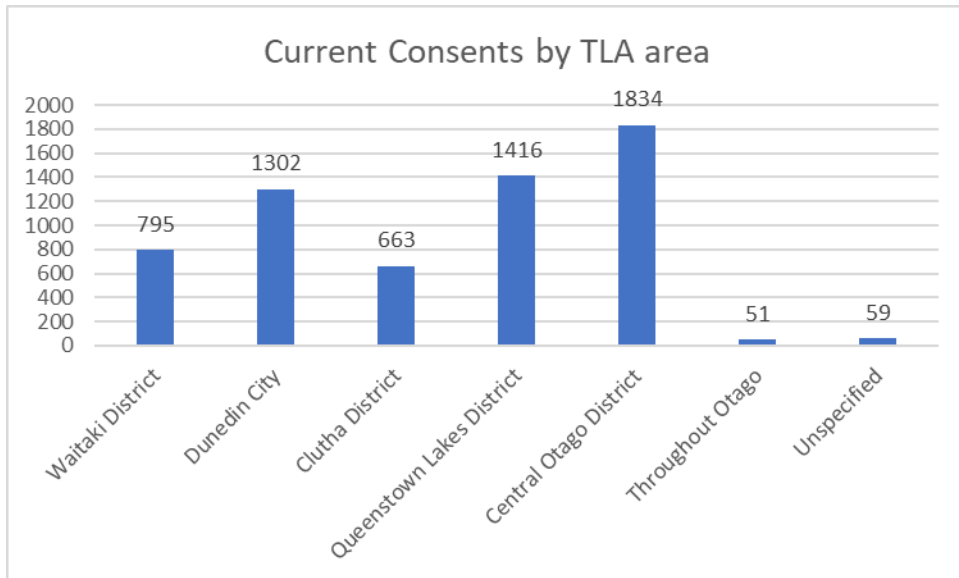
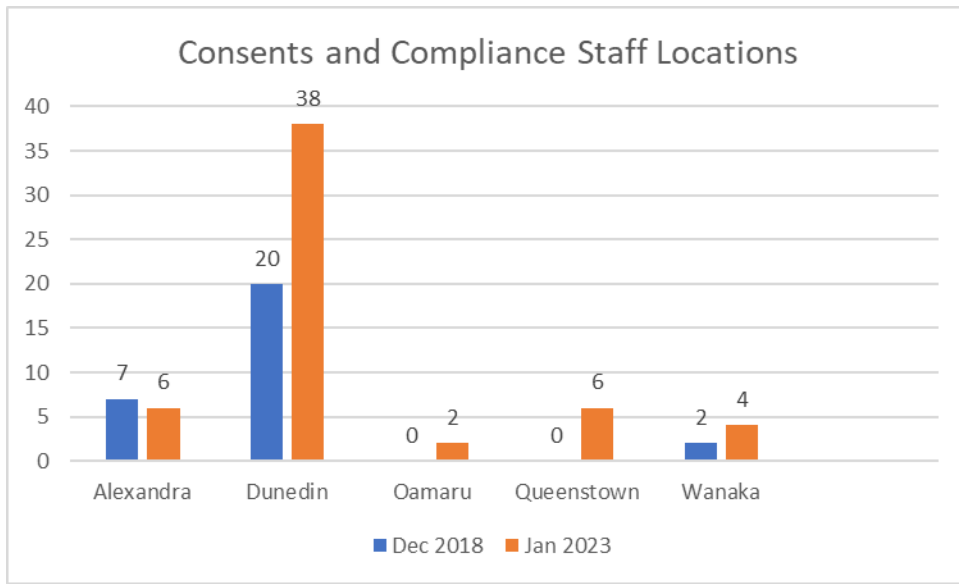
All the above projects help us deliver an improved customer experience for users of the consent or public enquiries services.

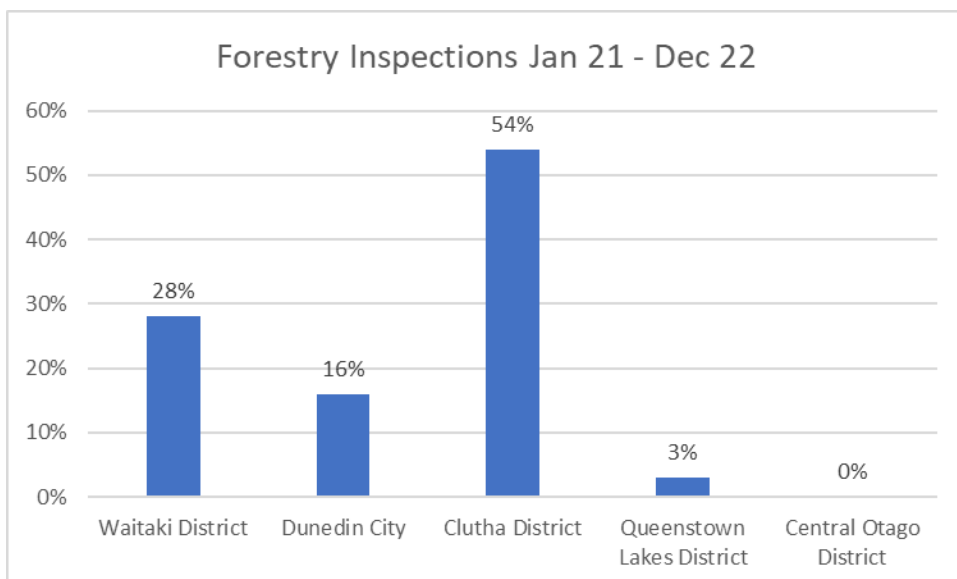
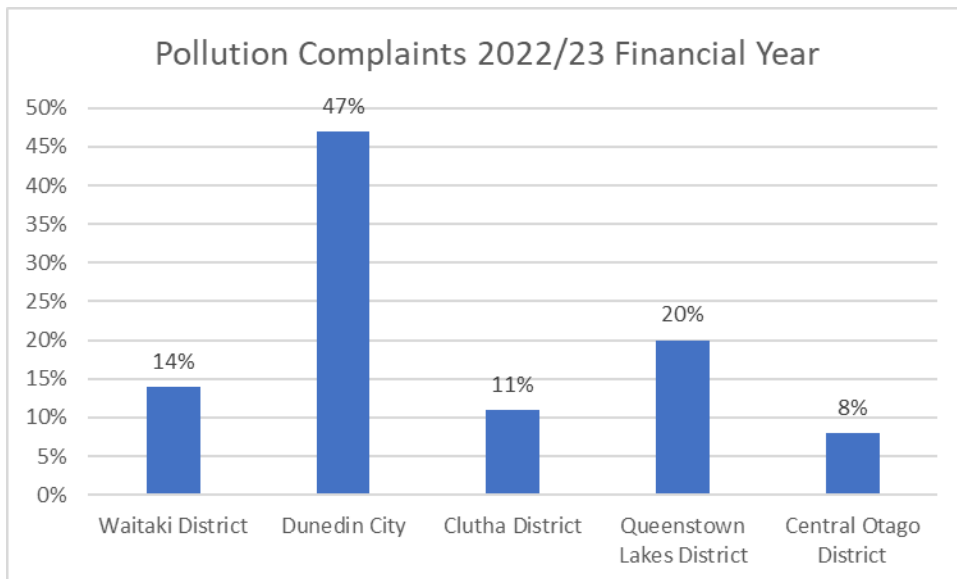
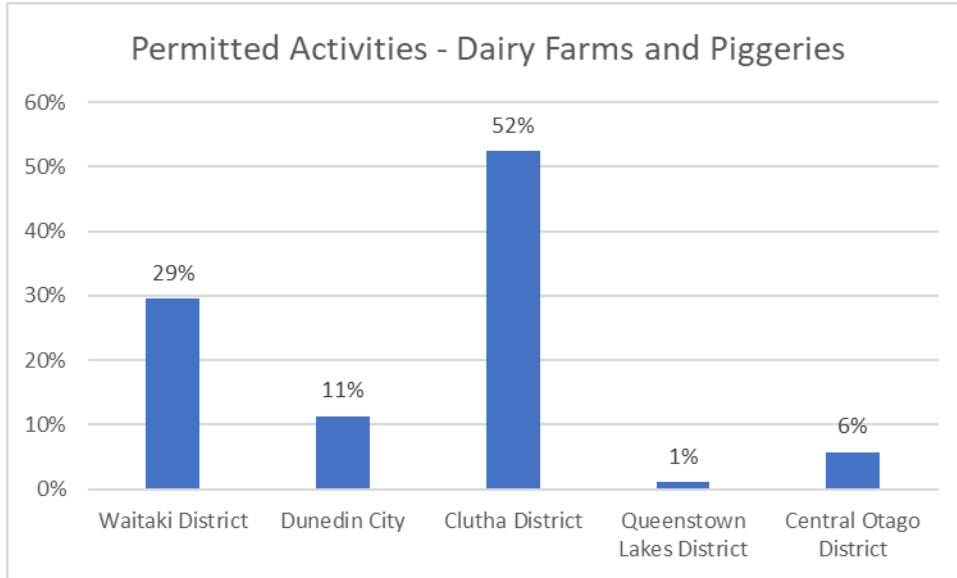
NES-FW and Plan Change 8 work

- [24] The Consents team and wider Regulatory Group has been heavily involved in the implementation work on the NES-FW and Regional Plan rules introduced by various plan changes. Key work that has carried on since our last report to this Committee includes:
- a. Continued discussions with stakeholder and industry groups about implementation and interpretation of the new regulations.
 - b. Attending and running sessions on the intensive winter grazing regulations. This is as part of a collaborative effort with the Catchment Advisor's and the Compliance Team. Over the reporting period over 20 visits or sessions with farmer groups or individuals were held.
 - c. Staff remain actively 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 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 councils on how to best use resources.

Staff and Consent Locations

- [25] Following a request from Councillors at the last Regulatory Committee staff have prepared data showing the location of current resource consents in the ORC system, the location of pollution response calls and the location of permitted activity compliance monitoring visits. Additionally, the data shows the current location of ORC Consents and Compliance staff in 2023 compared to the end of 2018.
- [26] There has been a concerted effort in the last four years to employ more regulatory staff in the Central Otago area. This includes staff in Alexandra, Wanaka, and Queenstown.
- [27] The number of consents and compliance staff in Central has increased from nine to 16 over this period. Six staff are in the consents team and 10 are compliance. There is also a current consents vacancy bringing the potential consent team numbers in Central Otago to 7. There is no current accommodation capacity to employ further regulatory staff in Central Otago other than the Alexandra office.





COMPLIANCE MONITORING AND ENFORCEMENT

Performance Monitoring

- [28] Performance monitoring returns include all information consent holders are required to submit by conditions in their resource consents. This includes photographs of work, water meter returns, complex annual reports, and management plans. Some consents require multiple submissions of performance monitoring per year, for example monthly water quality results, while others have no performance monitoring requirements. The grading of performance monitoring tends to be faster than a full audit and is used to help the Compliance Team prioritise which consents require audits.
- [29] In the 6 months to 31 December 2022, the Regulatory Data and Systems and Compliance teams graded 4,414 performance monitoring returns against a target of 2,700. This a significant improvement on the 3,305 returns graded in the same period last year.
- [30] A summary of performance monitoring data for 2022/23 is set out in Figures 11 and 12 of Attachment 1.

ORC compliance audits and inspections

- [31] The ORC Long-Term Plan 2021-2031 set a new performance measure of meeting 90% or more of 'programmed inspections/audits completed each year, as per the Compliance Audit and Performance Monitoring Schedule'.
- [32] In the 2022/23 year to date, 629 on site audits and inspections were completed. This is down slightly from 659 site visits completed in the same period in the 2021/22 year. The 2022/23 inspections relate to 524 on site consent audits, 73 dairy inspections, 21 forestry inspections and 11 IWG education visits. This is 126% of the planned compliance audits or field inspections programmed for the 2022/23 year.
- [33] A summary of the compliance field visits and inspections in the 2022/23 year, compared with the 2021/22 year and Annual Plan target is set out in Figures 13 and 14 of Attachment 1.

RMA consent audits

- [34] In the 2022/23 year to date, 524 on site consent audits have been completed. Compliance with consent conditions can be considered high with most consents being considered either fully compliant (54%), or low risk non-compliance (26%), and 5% graded as significantly non-compliant.
- [35] All consent audits graded with moderate non-compliances (56 consents) and significant non-compliances (25 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 six infringement notices, 12 abatement notices and three warnings issued in relation to consent non-compliance.
- [36] A summary of RMA consent audit data in the 2022/23 year is set out in Figures 15, 16 and 17 of Attachment 1.

Dairy programme

- [37] The 2022/23 Dairy Inspection Compliance Project commenced in October 2022, and year to date compliance staff have completed 73 dairy inspections. The high-risk farms are being prioritised for inspection early in the season. Overall compliance is high with most farms being considered either fully compliant or low risk non-compliance. Three farms were graded moderately non-compliant due to effluent ponding, offal pit and farm landfill mixing and silage leachate discharges. These matters are being followed up by staff and either appropriate action has been taken, or investigations are continuing.
- [38] The 2022/23 dairy project monitors compliance with animal effluent systems and discharges, and farm waste streams (offal pits, farm landfills). There has also been a focus on providing awareness and engaging with farmers on the new requirements within Plan Change 8, and animal effluent storage and discharge consents, and understanding when consents might be required.
- [39] A summary of 2022/23 dairy inspection data is set out in Figure 18 of Attachment 1.

Plantation Forestry

- [40] In the 2022/23 year to date, ORC has received 79 forestry notifications and 31 management plans and completed 21 on site forestry inspections. Overall compliance is good with 16 forestry sites graded fully compliant and two forestry sites graded low-risk non-compliance. Three forestry sites were graded moderate non-compliance due to two sites planting within setbacks, and one forestry site with limited sediment controls. These matters are being followed up by staff and either appropriate action has been taken (including one infringement notice), or investigations are continuing.
- [41] A summary of 2022/23 forestry notifications and inspections data is set out in Figures 19 and 20 of Attachment 1.

Investigations and enforcement

- [42] In the 2022/23 year to date, 742 service requests were received on the pollution response hotline. This is slightly down from 781 service requests in the same period in the 2021/22 year. The most common reasons for requests were water pollution (211), outdoor burning (158) and land contamination (73).
- [43] Further details on service requests in the 2022/23 year, including comparison with the 2021/22 year can be found in Figures 21 and 22 of Attachment 1.
- [44] In the 2022/23 year to date, ORC issued 74 formal enforcement actions, compared with 79 formal enforcement actions for the same period in the 2021/22 year. ORC has issued six warnings, 40 infringement notices, and 25 abatement notices. The most common causes of enforcement action related to water pollution (21) and consent non-compliance (21).
- [45] For the 2022/23 year to date, ORC authorised two legal proceedings in relation to discharge of contaminants to air and water from an industrial or trade premises. One

enforcement order was sought as part of sentencing of a Rendering Plant discharge of odour which was not granted by the Court.

- [46] All formal enforcement action is taken in accordance with the RMA Compliance and Enforcement Policy.
- [47] Further details on enforcement action in the 2022/23 year, including comparison with the 2021/22 year can be found in Figures 23 and 24 of Attachment 1.

Compliance engagement and education activities

- [48] 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.
- [49] Some of the engagement and education activities that have been undertaken since the last Regulatory Update report include:
- Social media campaign promoting the Pollution Hotline.
 - Promotion of dairy effluent calculator, and emails to all dairy farmers providing information on the new PC8 animal effluent consent requirements.
 - Media release on IWG rules and supporting consents team with community workshops and meeting with farmers on IWG consents
 - Sending out educational letters to alleged offenders in relation to domestic chimney and outdoor burning complaints.

HARBOURMASTER

Major Incidents 1 July 2022 to 31 Dec 2022

- [50] ORC's long -term plan metrics include a requirement for major incidents to be reported to Council. This incident reporting is included as part of the quarterly update reports. Major incidents can be considered incidents which have the potential to result in one or more of the following:
- a. Significant adverse effects to the environment
 - b. Pose significant risks to health and safety
 - c. Significant navigational safety issues
- [51] The major incidents to report to Council in this update are as follows:
- a. November 2022- Small commercial vessel had 3 x Man overboard having been caught sideways on by a large wave. The operator was fortunate to recover all 3 persons and return to the shore safely following the incident. Harbourmaster has interviewed the skipper/operator and made several suggestions to improve the operators standard operating procedures and improve the safety management system of the operation, these have all been adopted and updated by the operator. To note that as of Jan 2023 Maritime New Zealand have not taken up an investigation on this incident.
- [52] New buoys to enhance navigational safety on the eastern channel have been delivered and will be placed during early 2023.

- [53] The new Harbourmaster vessel arrived in September and has seen a number of changes, mostly in appearance and name (Āwhina). It was blessed and named in December. The vessel is now fully operational on our waters.
- [54] Harbourmaster and Deputy Harbourmaster attended the national oil spill conference in Nov 2022.
- [55] Summer media campaign has been underway from October 2022, and we are getting the boating safety message across better than ever through a variety of media platforms. Collaboration with the Comms team has been excellent.
- [56] The Harbourmaster team also now has its own independent Facebook page, targeted specifically at the boating community. It went live on 21 November 2022 and whilst still in its infancy it continues to grow and be a positive platform for informing the public of current issues and boating safety.
- [57] Harbourmaster team attended the Moana Nui festival in September 2022 and has supported the Coastguard Old for New lifejacket campaign both in Dunedin, Oamaru and Central Otago throughout the latest campaign.
- [58] Liaison meetings with NZ Stand Up Paddleboard and NZ Sea kayak organisations have been held and both helped inform the team better on national matters about both types of activities.
- [59] Lastly let's not forget our attendance at this year's Santa parade! Thank you to those who helped make this work and we must not forget the vast numbers of people who attend this event that now know we have a boat and a Harbourmaster.

OPTIONS

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

CONSIDERATIONS

Policy Considerations

- [61] There are no policy considerations.

Financial Considerations

- [62] There are no financial considerations.

Significance and Engagement

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

Legislative Considerations

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

Risk Considerations

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

Climate Change Considerations

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

Communications Considerations

[67] Communication with the Otago community occurs on a regular basis 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

[68] Regulatory activity will continue and will be reported quarterly to the Regional Leadership Committee.

ATTACHMENTS

1. Regulatory Data July 2022 to December 2022 [5.1.1 - 12 pages]

Attachment 1: REGULATORY REPORT FOR THE PERIOD 1 JULY 2022 TO 31 DECEMBER 2022

Consents

Figure 1: Resource Consent Applications Received

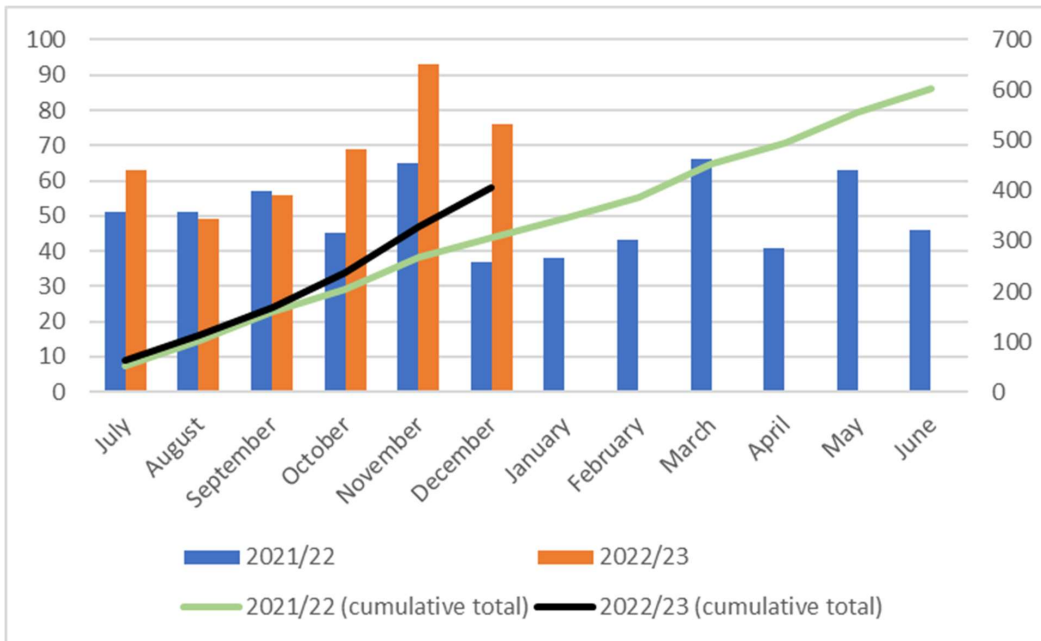


Figure 2: Notified Applications

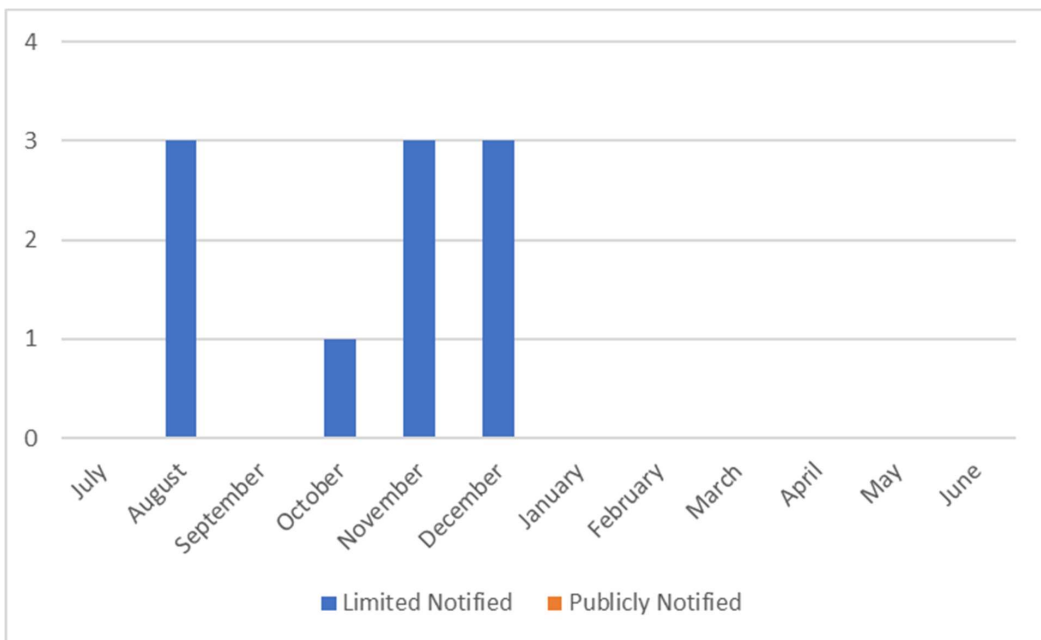


Figure 3: Resource Consents Issued

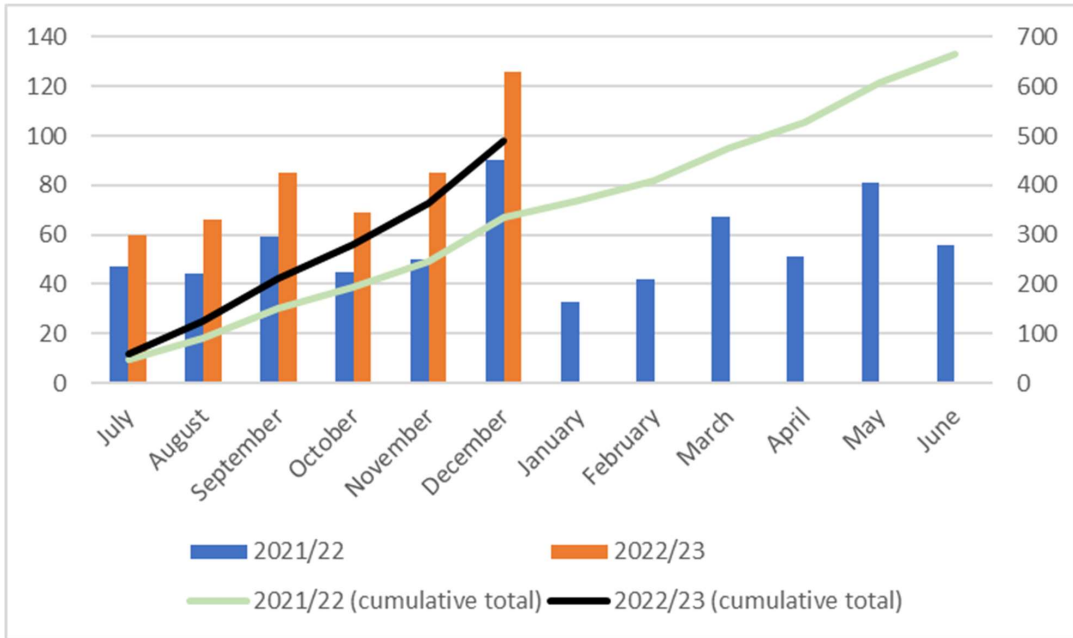


Figure 4: Resource Consent by Type

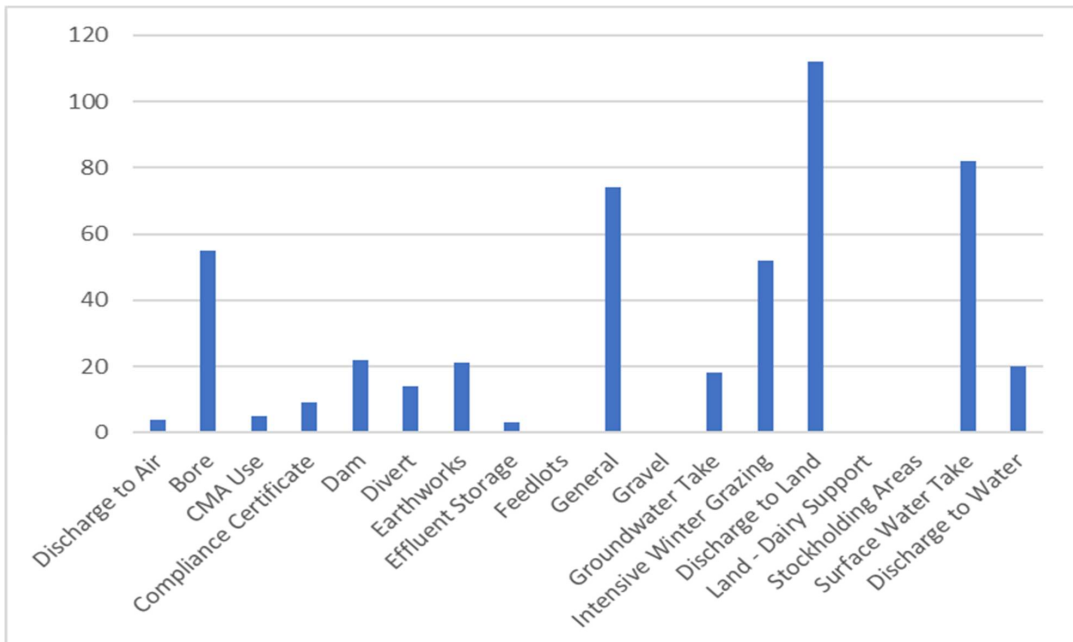


Figure 5: Other Applications Received

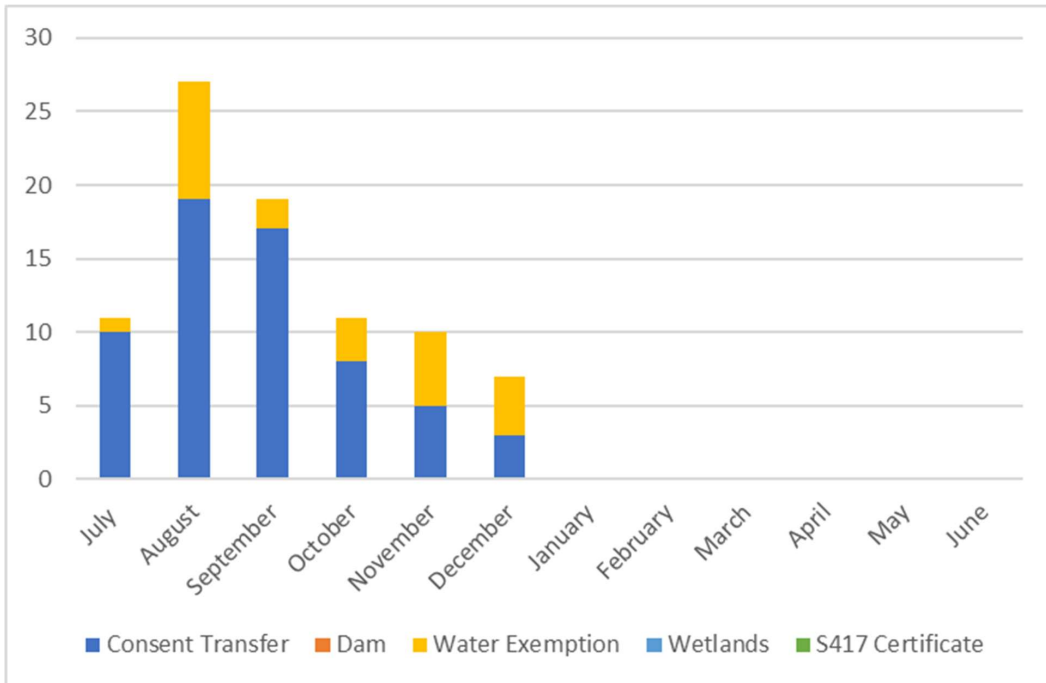


Figure 6: Other Applications Processed

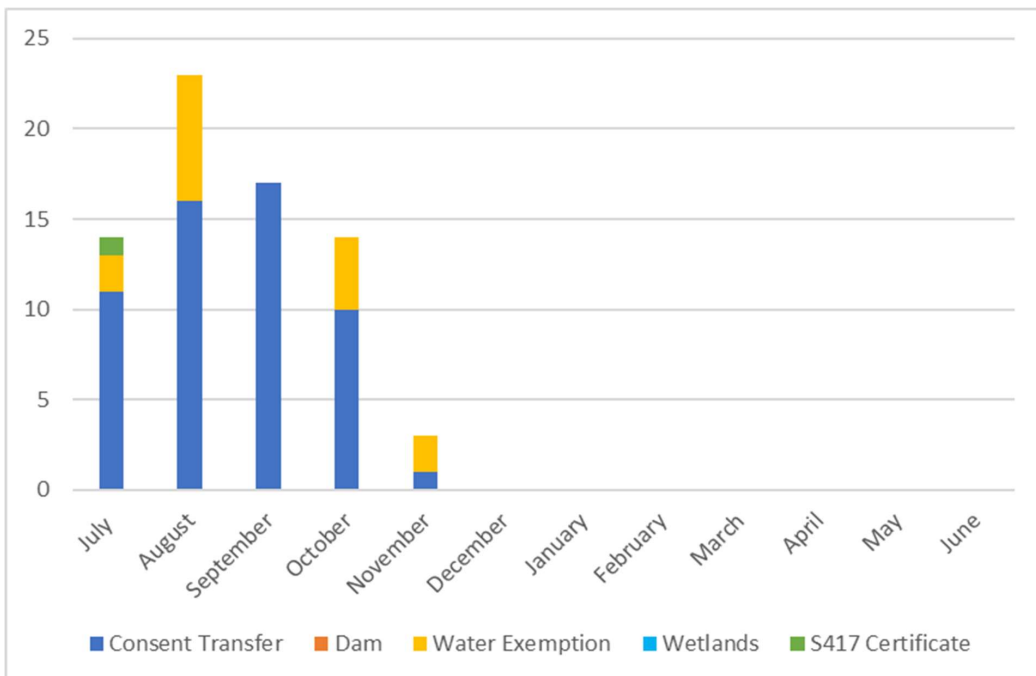


Figure 7 Consent Enquiry Response Times

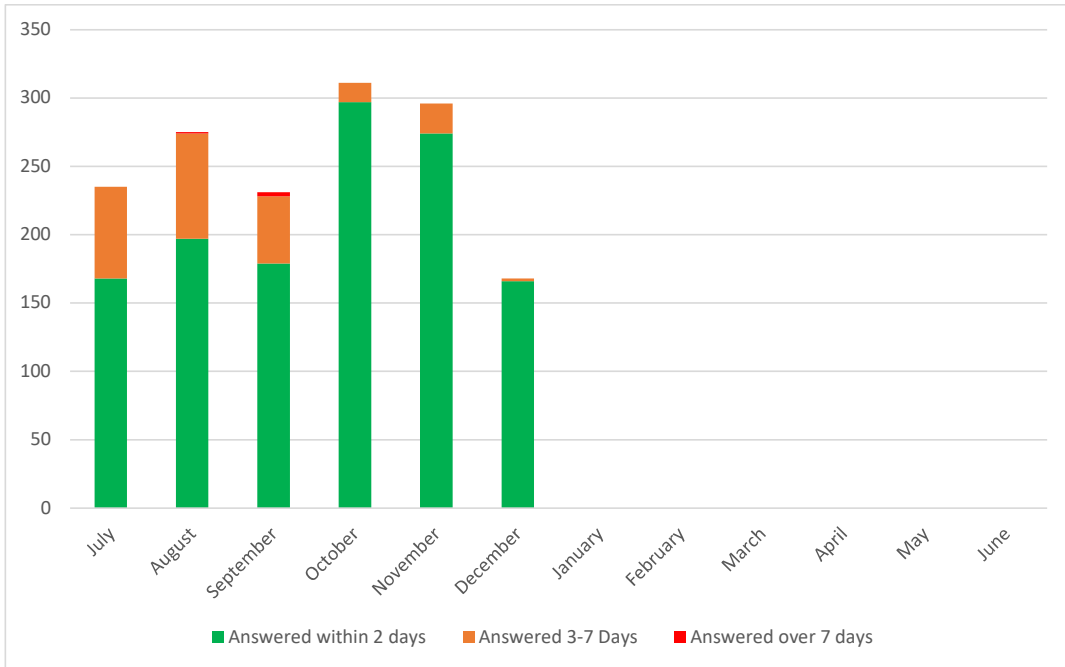


Figure 8: Consent Enquiries by Type

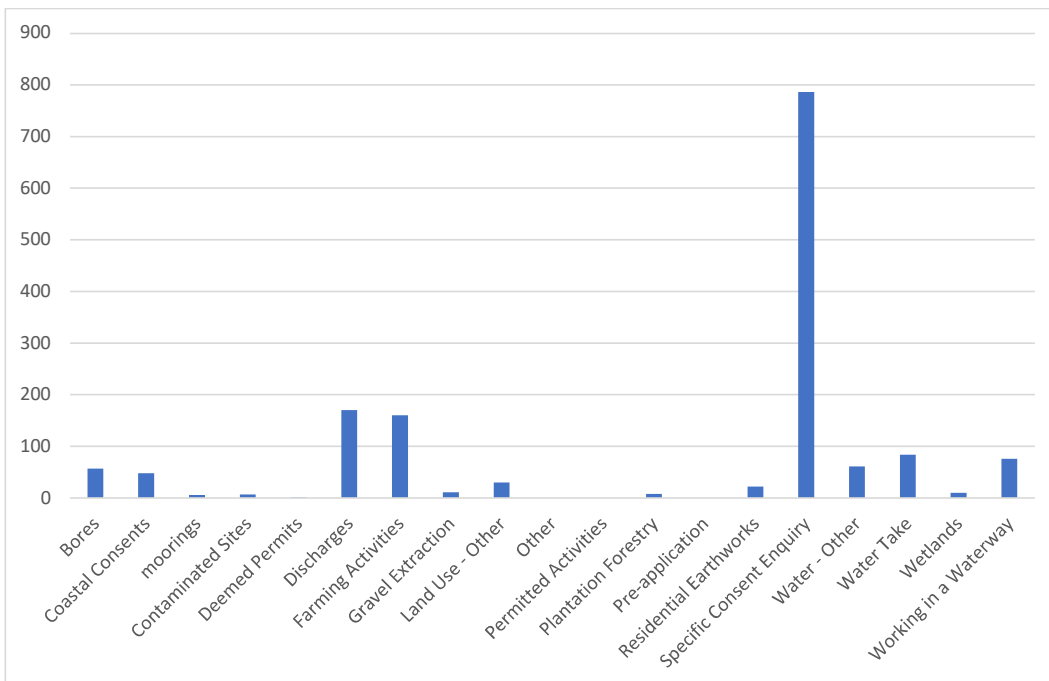


Figure 9: Consent Enquiries by Method

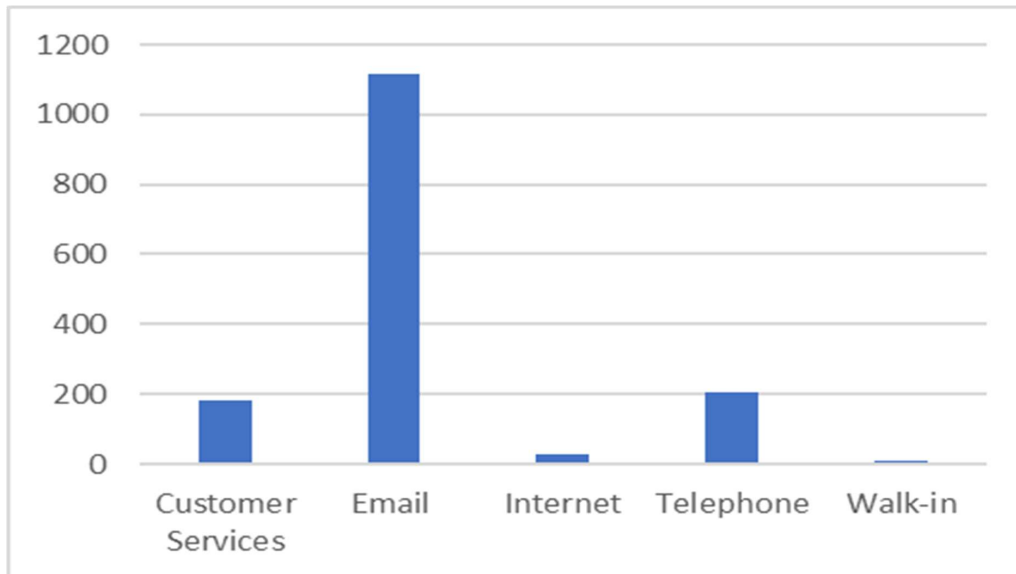
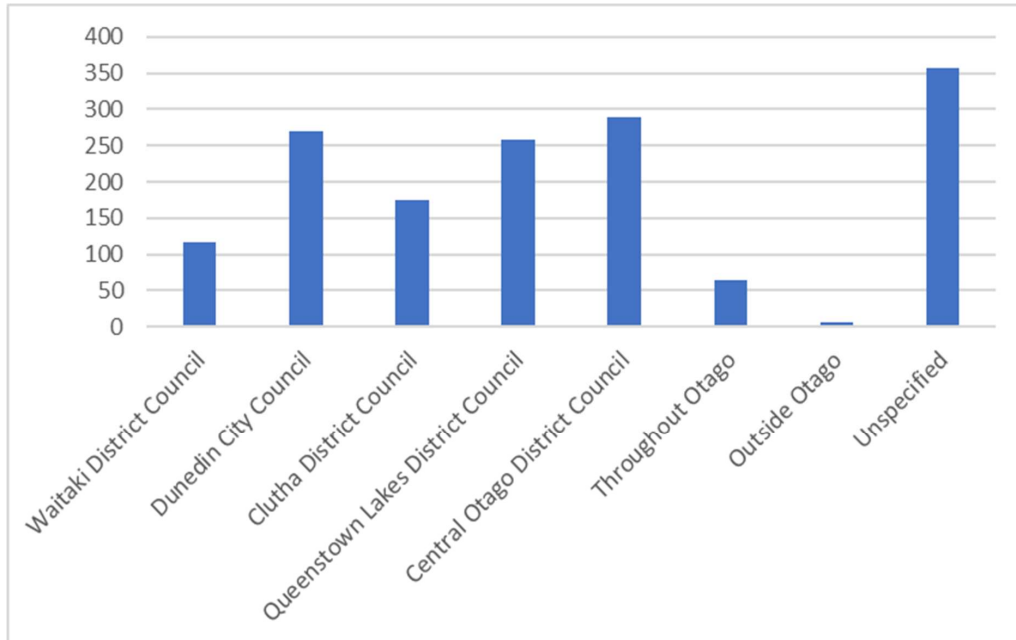


Figure 10: Consent Enquiry by Location



Compliance

Figure 11: Performance Monitoring Returns Completed
LTP Performance Measure

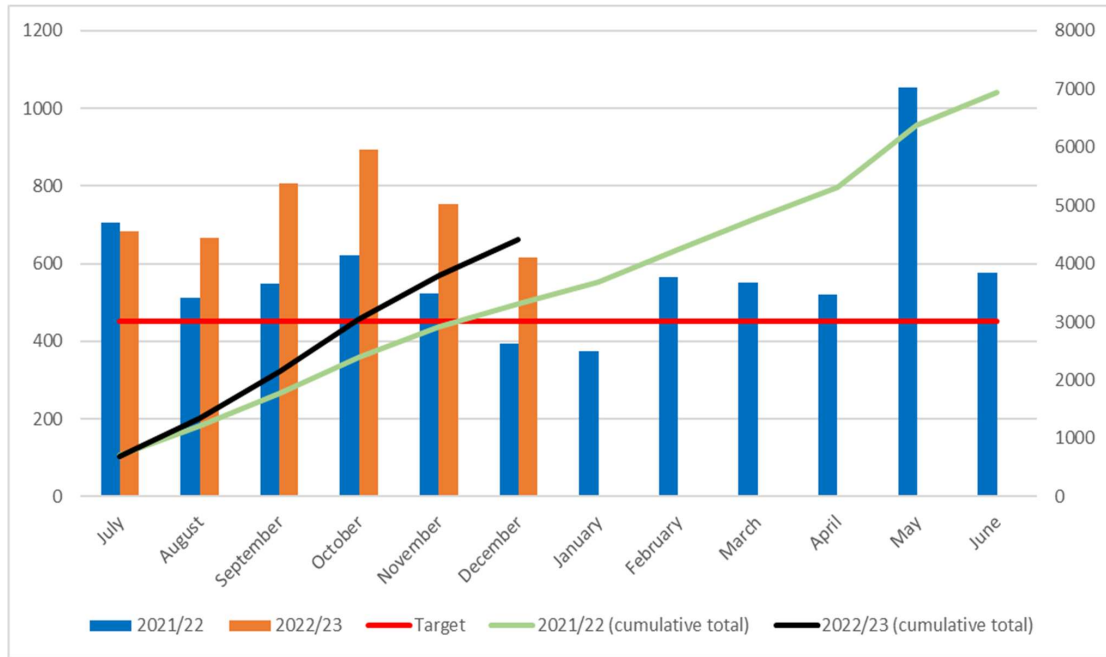
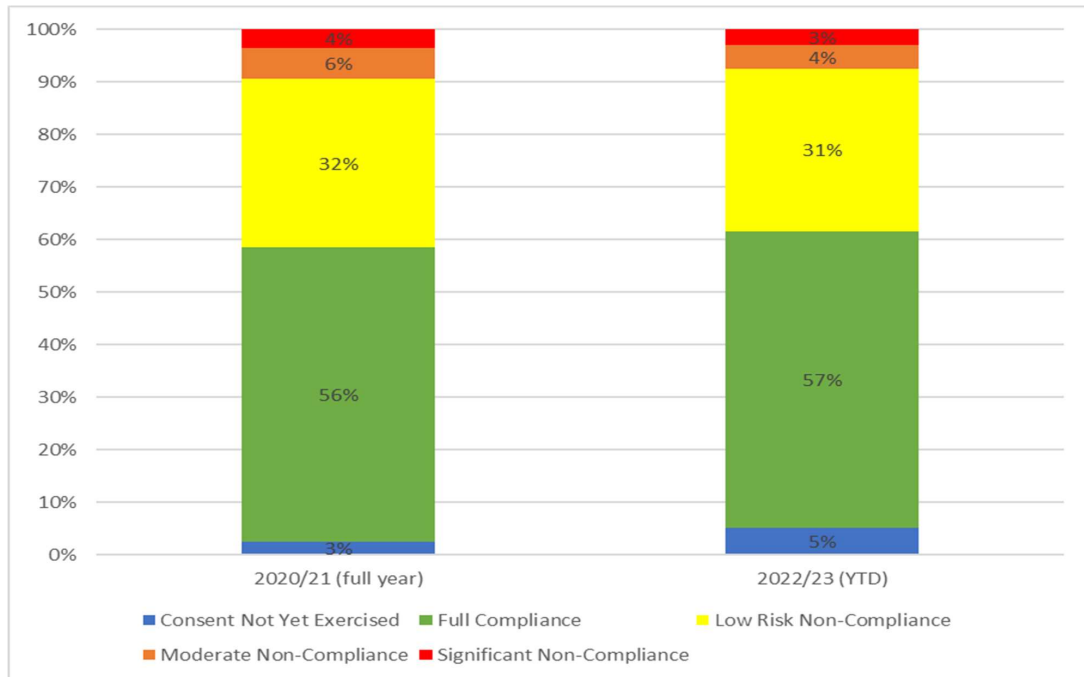


Figure 12: Performance Monitoring Grades Year on Year



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

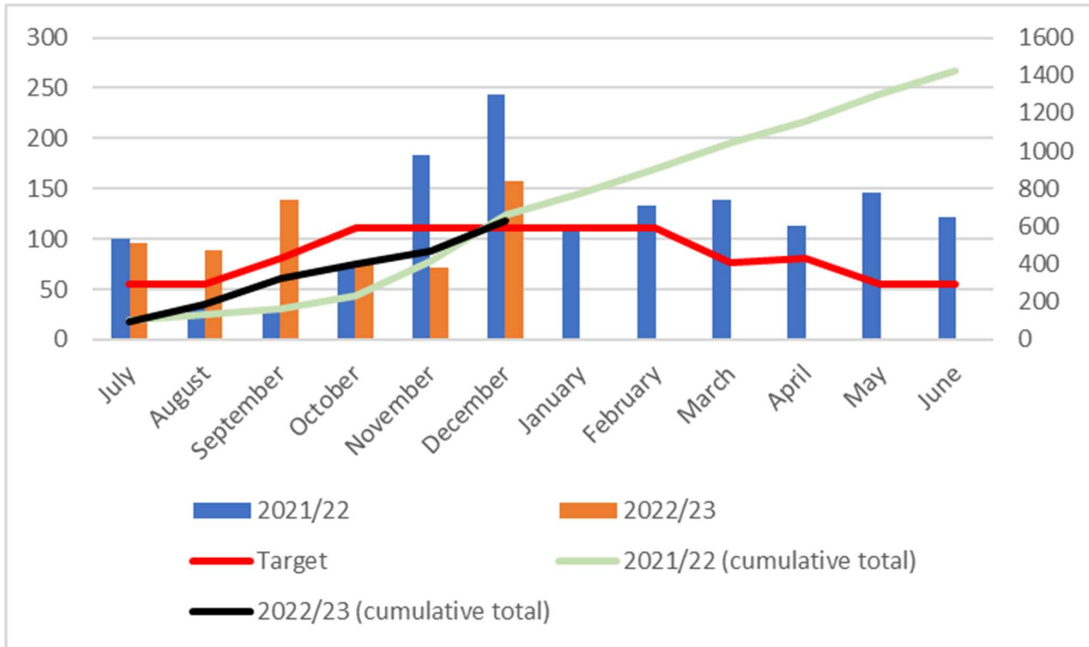


Figure 14: Compliance Field Visits by Type

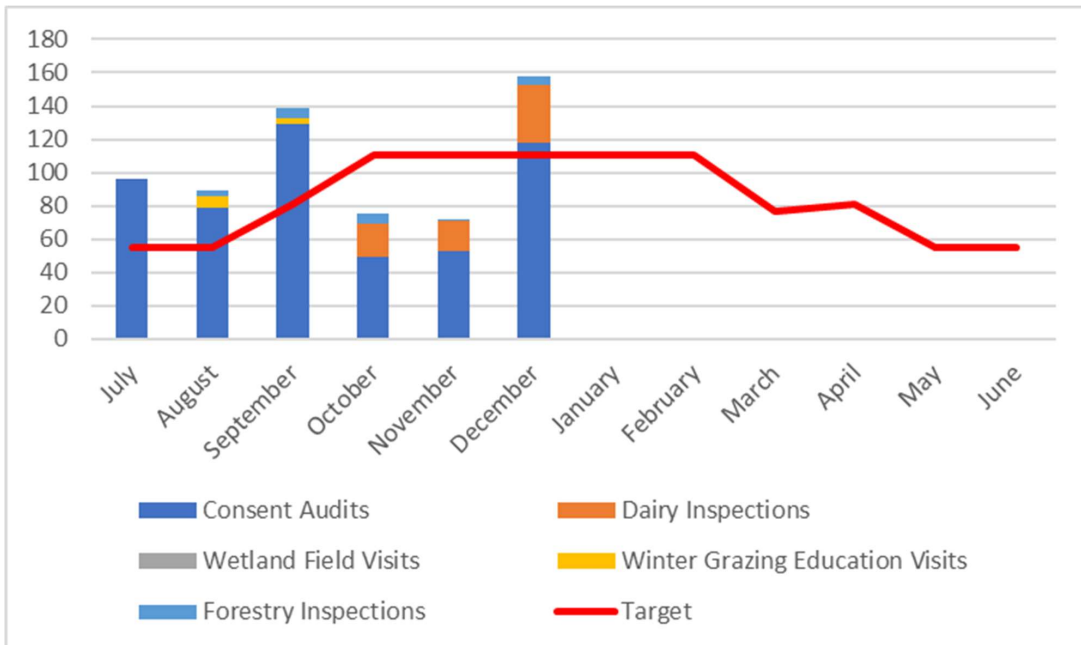


Figure 15: Consent Audits by Consent Type

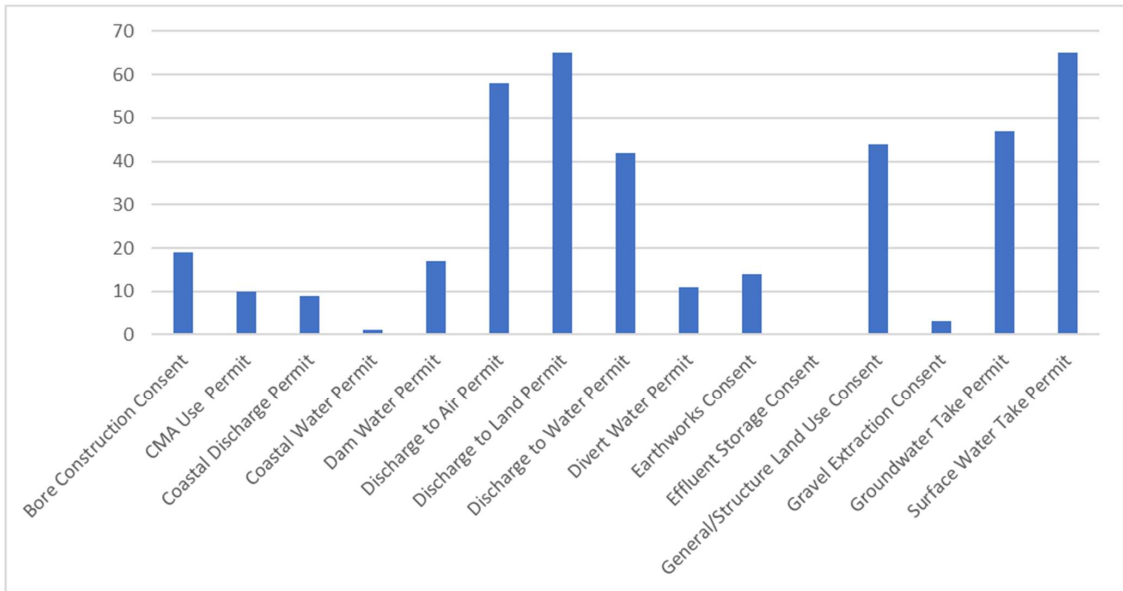


Figure 16: Consent Audit Grades Year on Year

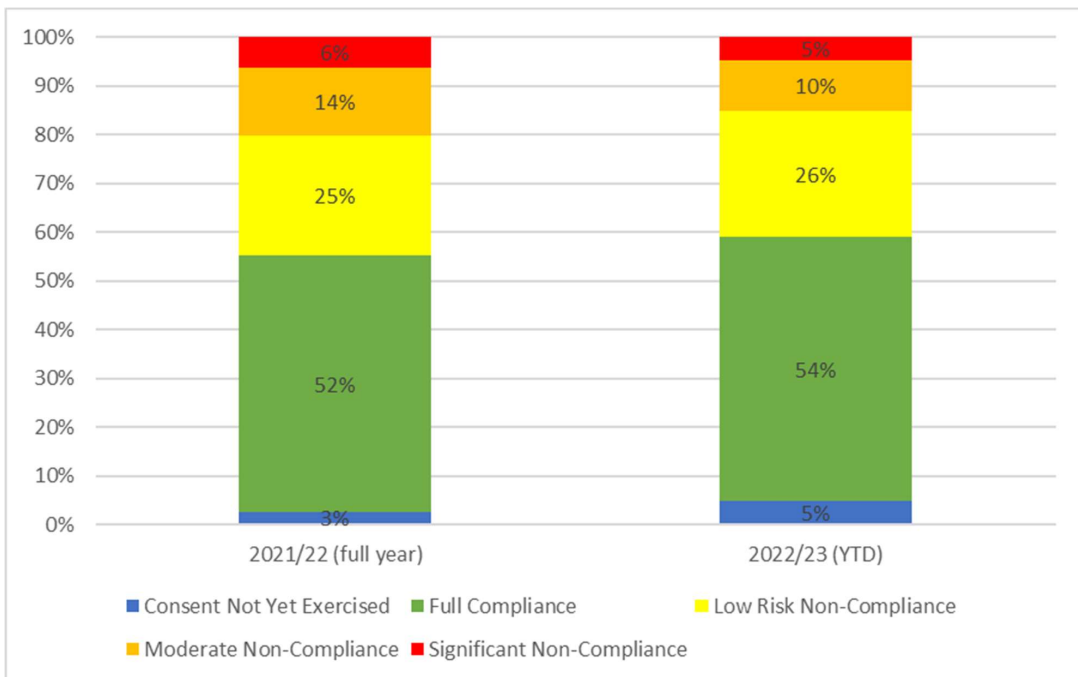


Figure 17: Significant Non-Compliance by Consent Type

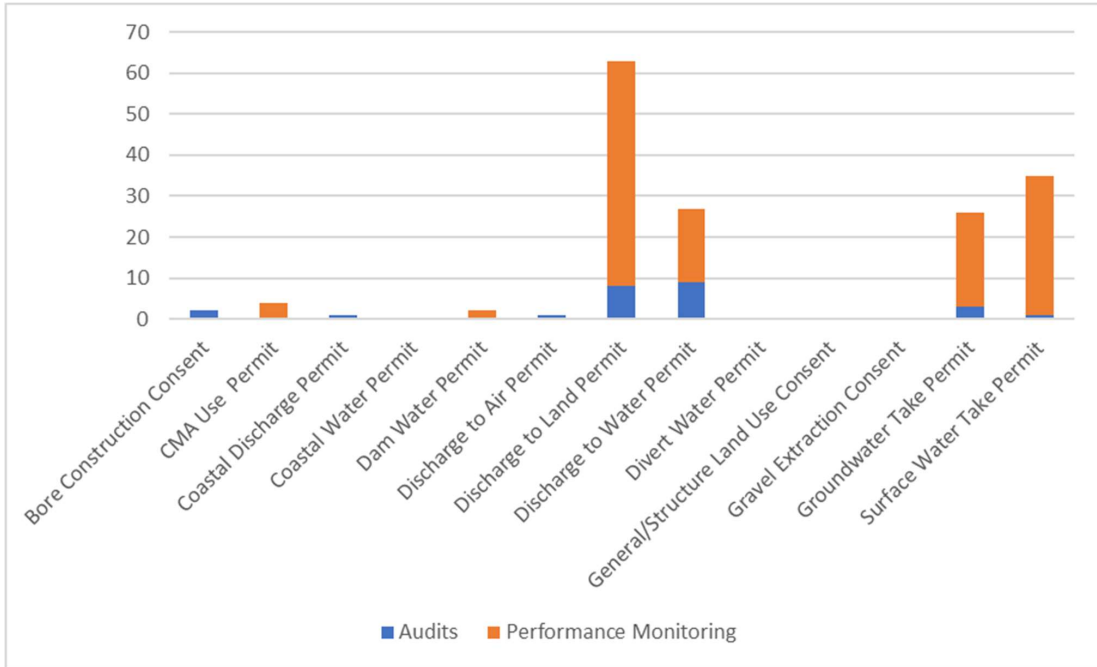


Figure 18: Dairy Inspection Grades Year on Year



Figure 19: Forestry Notifications and Inspections

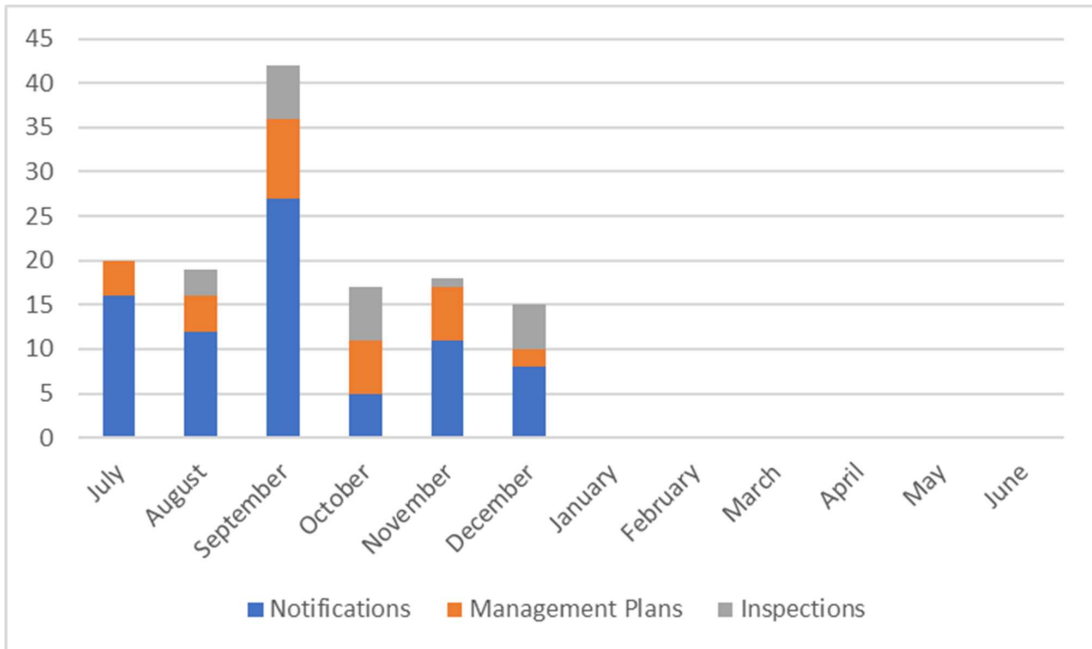


Figure 20: Forestry Inspection Grades Year on Year

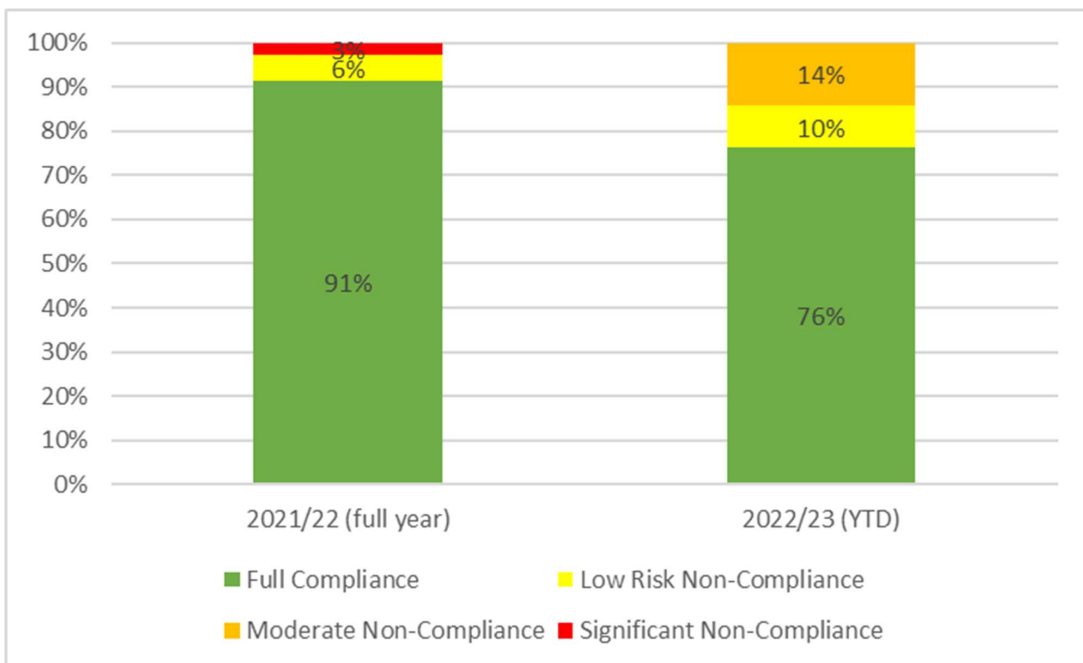


Figure 21: Service Requests

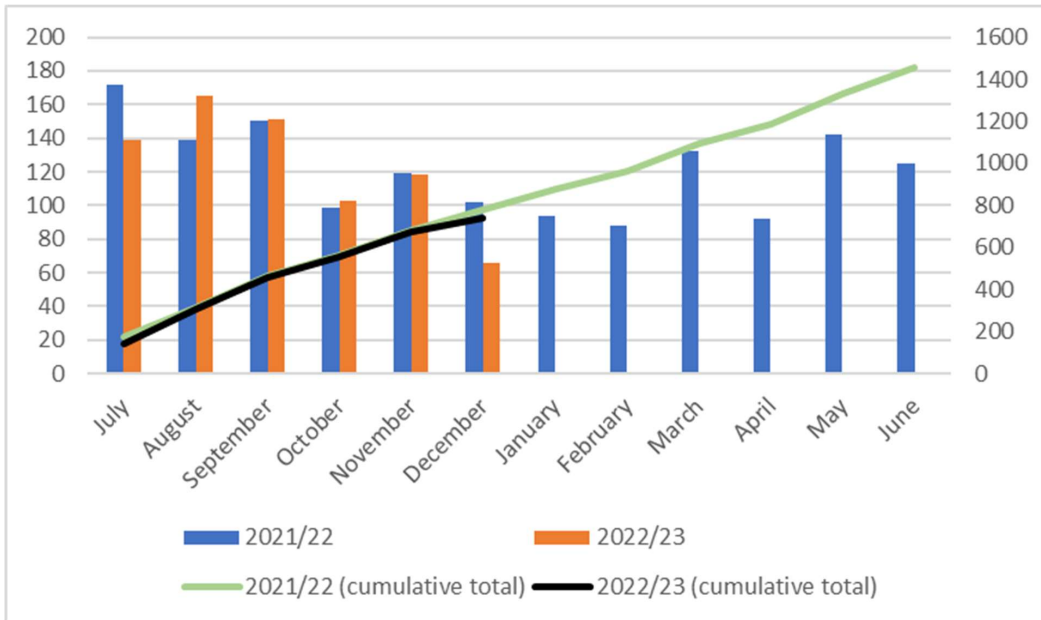


Figure 22: Service Requests by Type

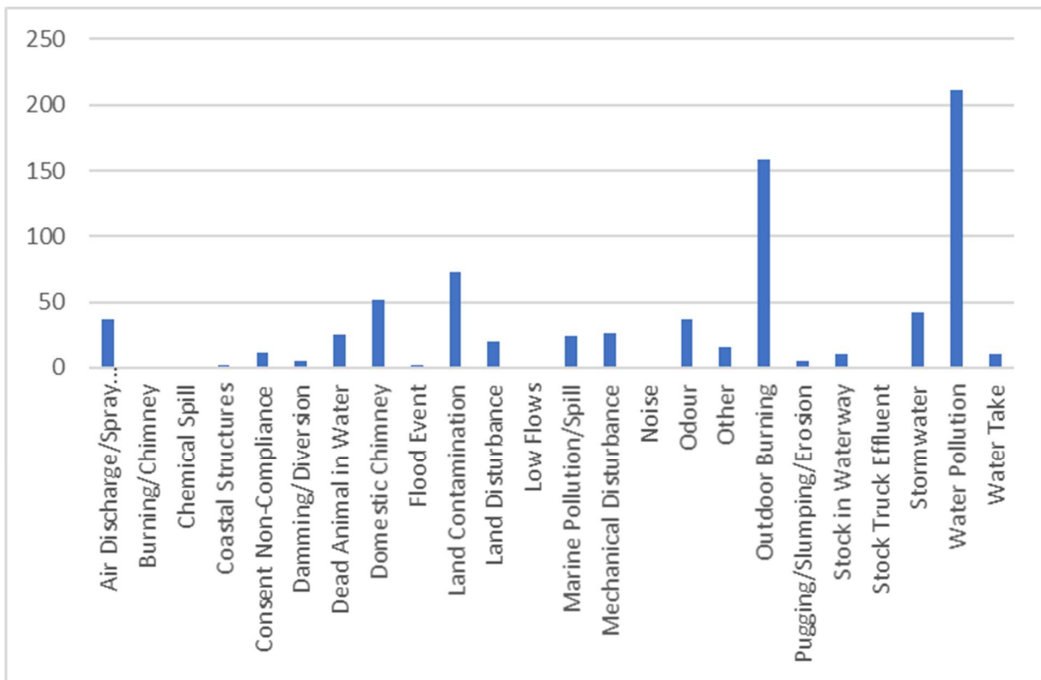


Figure 23: Enforcement Actions

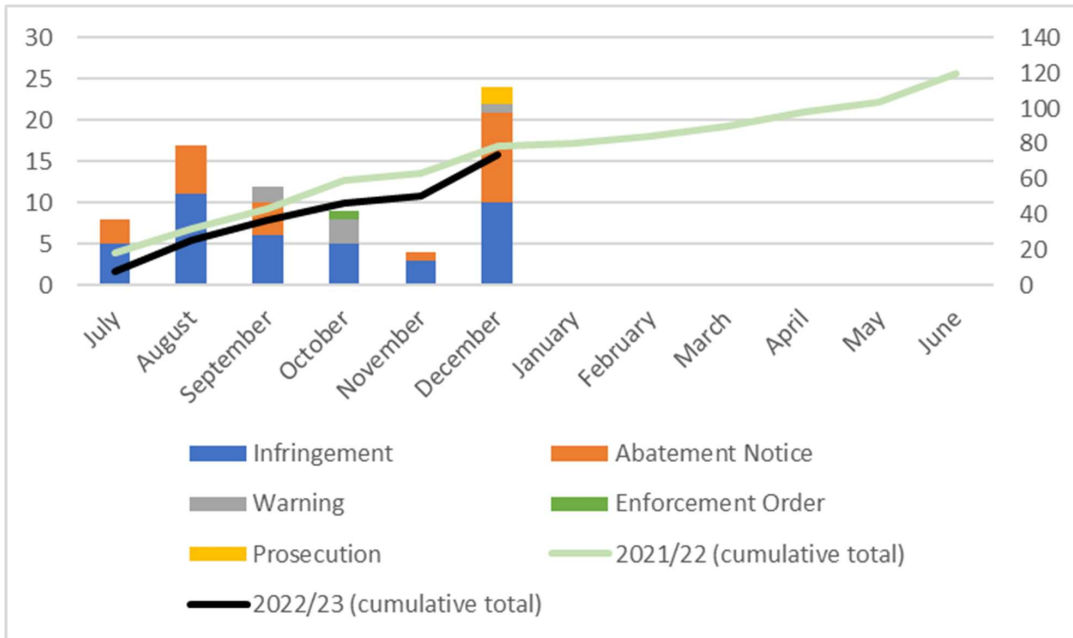
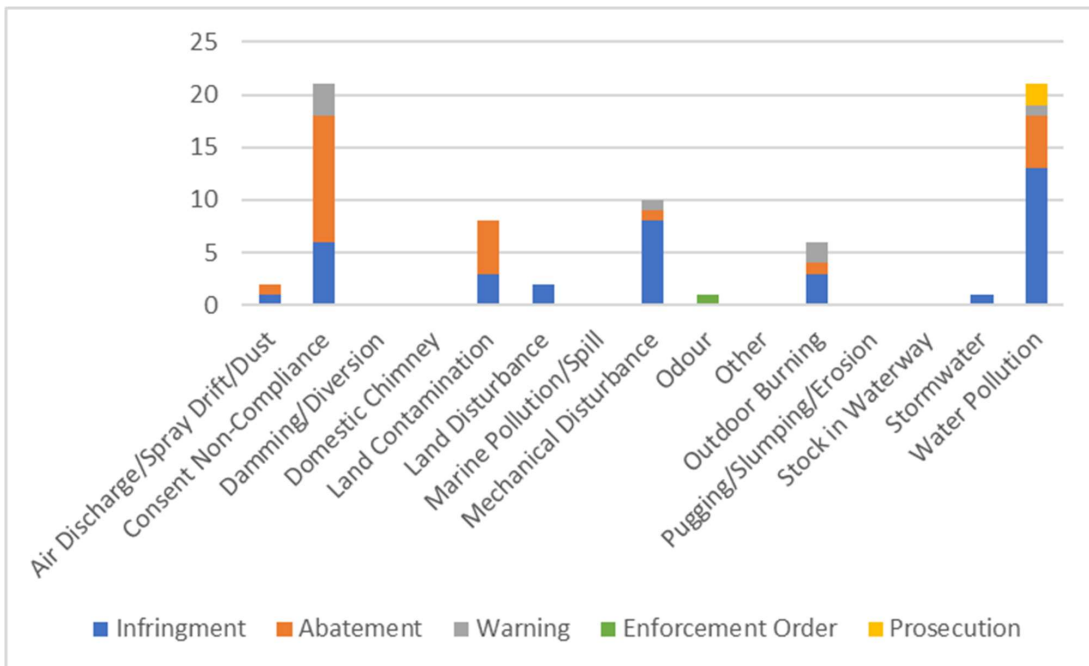


Figure 24: Enforcement Causes



5.2. ORC Annual Compliance Report 2021/22 and Compliance Plan 23/24 Update

| | |
|----------------------|---|
| Prepared for: | Regional Leadership Committee |
| Report No. | REG2209 |
| Activity: | Regulatory: Consents and Compliance |
| Author: | Tami Sargeant, Manager Compliance |
| Endorsed by: | Richard Saunders, General Manager Regulatory and Communications |
| Date: | 2 February 2022 |

PURPOSE

- [1] This report provides the Committee with an Otago Regional Council (ORC) Annual Compliance Report for the 2021/22 year and proposed updates to the ORC Compliance Plan.

EXECUTIVE SUMMARY

- [2] A draft ORC Annual Compliance Monitoring Report 2021/22 has been prepared which provides an overview of the compliance monitoring and enforcement (CME) activities undertaken by the ORC in the 2021/22 year.
- [3] The draft ORC Compliance Plan 2023-2026 is presented for consideration following a review and minor updates.

RECOMMENDATION

That the Regional Leadership Committee:

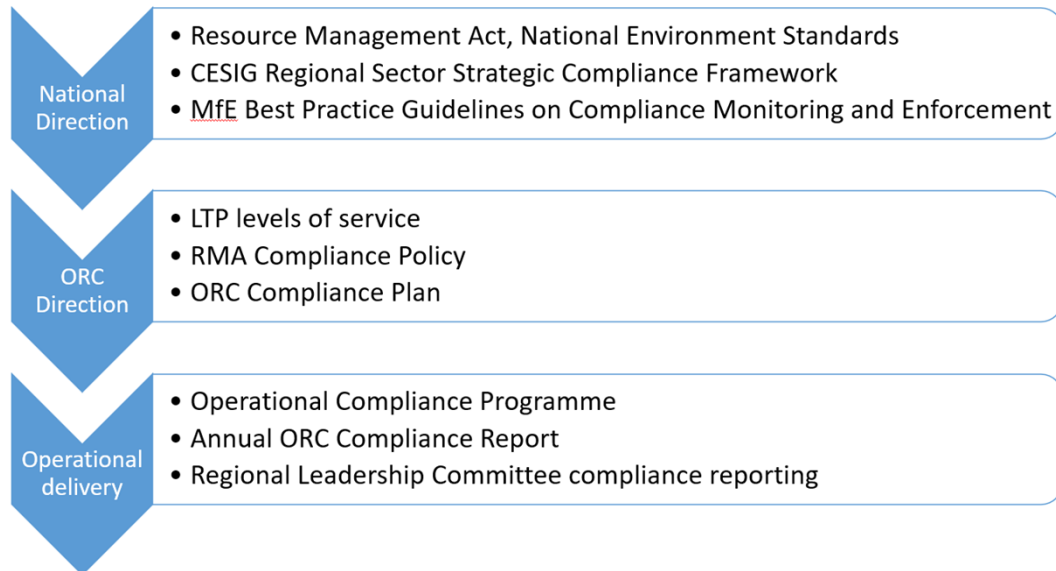
- 1) **Notes** the report.
- 2) **Provides** feedback on the draft ORC Annual Compliance Monitoring Report 2021/22.
- 3) **Notes** the ORC Compliance Plan 2023-2026 update.

BACKGROUND

- [4] The ORC Compliance Plan 2020-22 (Compliance Plan) was developed in 2020.
- [5] The Compliance Plan supports a responsive and risk-based approach to the allocation of resources for proactive compliance monitoring as well as reactive response to environmental incidents. The Compliance Plan is consistent with the principles of the Regional Sector Strategic Compliance Framework 2019-24 and the MFE Best Practice Guidelines on CME; and responds to the changes in the regulatory environment brought about through Central Government priorities such as Essential Freshwater and ORC Plan changes.
- [6] The Compliance Plan identifies six priorities for compliance monitoring activities focused on issues with the highest environmental impacts. The priorities are:
- Reduce non-compliant discharges for improved freshwater quality
 - Proactive and integrated approach to monitoring large-scale activities
 - Monitor water takes and use to protect water quantity
 - Monitor structures and works in and adjacent to freshwater

- Reduce non-compliant air discharges to improve air quality
- Monitor coastal structures and oil spill preparedness

[7] The following diagram shows the relationship between the national direction, ORC direction and operational delivery of CME activities in Otago.



[8] In June 2021, the Regulatory Committee approved the Compliance Audit and Performance Monitoring Schedule for the 2021/22 year. This set the operational targets for delivering against the Compliance Plan in the 2021/22 year.

DISCUSSION

ORC Annual Compliance Monitoring Report 2021/22

[9] A draft ORC Annual Compliance Monitoring Report for the 2021/22 year has been prepared and is included as Attachment 1. The Compliance Report provides an overview of the CME activities and actions during the 2021/22 year and shows delivery against the approved Compliance Plan.

[10] This is the first time the ORC has prepared a Compliance Report and is a significant step forward in increasing the transparency of ORC CME activities and accountability to the community for our regulatory work in Otago.

[11] Some of the CME highlights in the 2021/22 year included:

- 1,386 on site audits and inspections were completed (increase from 1,070 in 2020/21).
- 6,945 performance monitoring returns from were graded (increase from 5,533 in 2021/22).
- 1,120 pollution incidents were responded to and investigated (decrease from 1,268 in 2020/21).
- 120 formal enforcement actions were taken (increase from 87 in 2020/21).
- One interim enforcement order issued, and two prosecutions concluded.

[12] There are some limitations in data and the Annual Compliance Report is not an exhaustive list of all the CME activities undertaken by the Regulatory Team. The draft Compliance

Report is presented for feedback from the Regional Leadership Committee, with the intention of it becoming a template for future annual reports.

Compliance Plan 2023-2026

[13] ORC has reviewed the Compliance Plan. This included seeking views and feedback on the Compliance Plan from Aukaha and Te Ao Marama and the Regulatory Stakeholder group, including Fish and Game, Forest and Bird and the Department of Conservation. There was agreement with the current direction and priorities within the Compliance Plan.

[14] Based on the review, minor updates are proposed in the Compliance Plan to:

- Include direct reference to monitoring contaminated land activities and management of HAIL database (within Priority 2).
- Remove reference to deemed permits (from Priority 3).
- Minor edits and updates to statistics.

[15] A more substantive review of the Compliance Plan will be undertaken in 2025 following the development of the Land and Water Plan, and the possible completion of the RM Reform programme. This review will also respond to any Council direction on resourcing and delivery priorities in the Long Term Plan.

OPTIONS

[16] There are no decisions required by this paper so there are no options presented for consideration.

CONSIDERATIONS

Strategic Framework and Policy Considerations

[17] The ORC Annual Compliance Report and ORC Compliance Plan delivers on the ORC's commitment to implement central government directions in the regional context and effectively engage communities.

Financial Considerations

[18] Activities included in the ORC Compliance Plan 2023-2026 will be reflected in the budgets presented to Council as part of the Annual Plan process. There are no additional costs associated with preparing an annual compliance report.

Significance and Engagement

[19] There are no significance and engagement considerations associated with this report.

Legislative and Risk Considerations

[20] CME activities are a mandatory function under the RMA.

Climate Change Considerations

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

Communications Considerations

[22] Communication with the Otago community occurs on a regular basis to educate and inform people on regulatory matters.

NEXT STEPS

- [23] The draft ORC Annual Compliance Monitoring Report will be updated in line with feedback received from the Regional Leadership Committee.

- [24] The ORC Annual Compliance Monitoring Report and the Compliance Plan will be edited and designed, for publication on the ORC website, and distributed to interested parties, including the Regulatory Stakeholder group.

ATTACHMENTS

1. ORC Annual Compliance Report 2021 22 DRAFT [5.2.1 - 14 pages]
2. ORC Compliance Plan 2023 [5.2.2 - 18 pages]

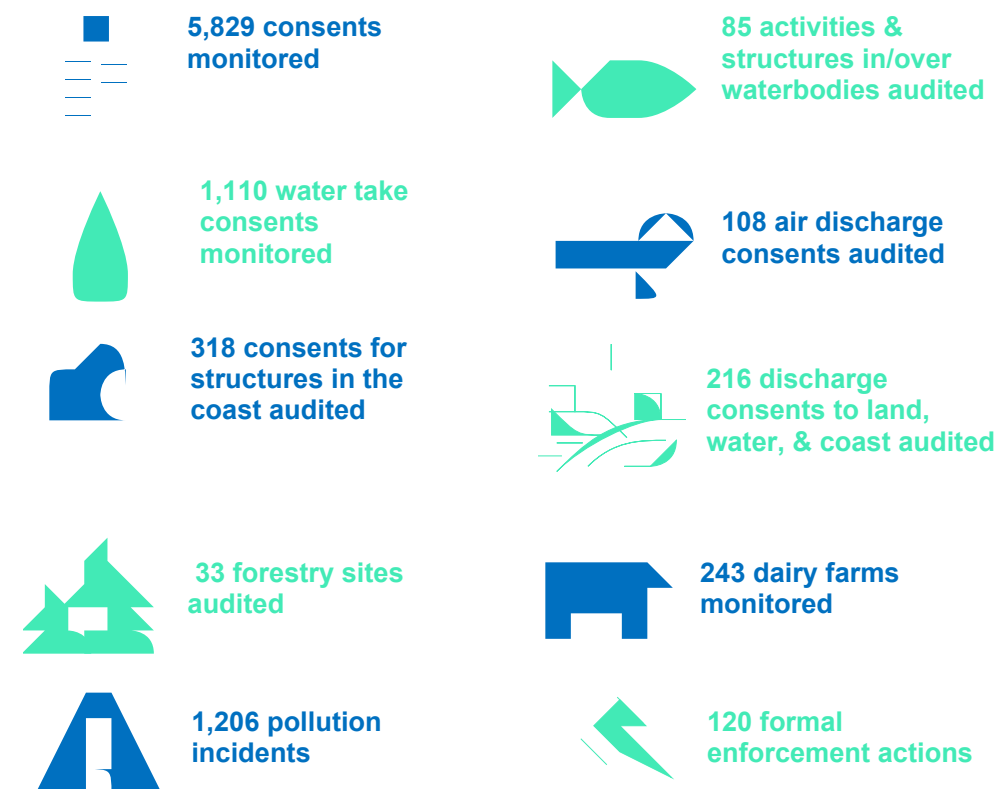
ORC Annual Compliance Monitoring Report 2021/22

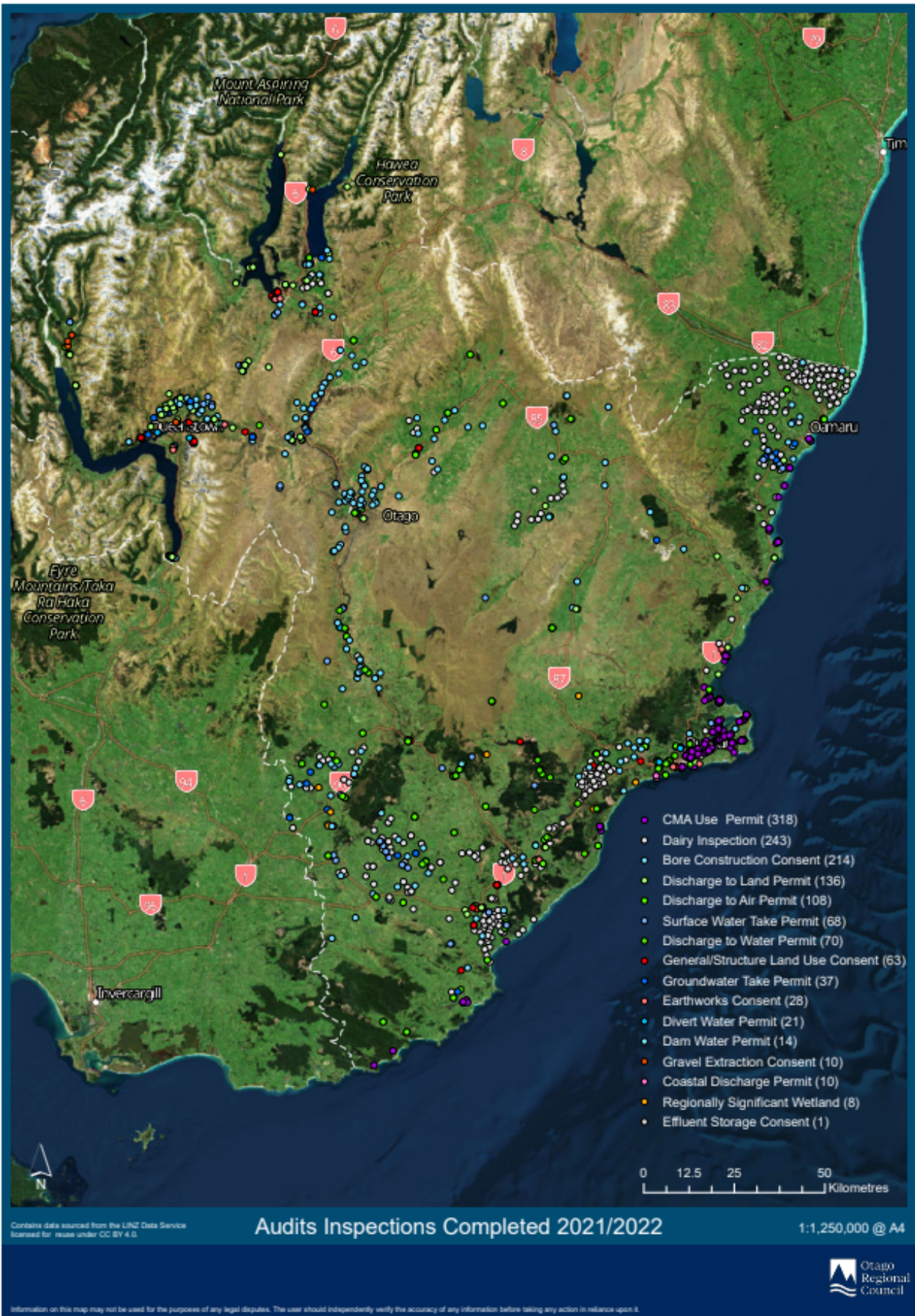
INTRODUCTION

Otago Regional Council (ORC) is responsible for regulating activities affecting water, air, land, and the coast to promote the sustainable management of our environment. Compliance monitoring and enforcement (CME) activities are a critical component of ORC's functions and responsibilities required by the Resource Management Act 1991 (RMA).

The 2021/22 Annual Compliance Monitoring Report provides an overview of CME activities carried out by the Regulatory Team over the 2021/22 financial year. This report also shows delivery against the approved ORC Compliance Plan, which sets out the priorities for CME activities in Otago.

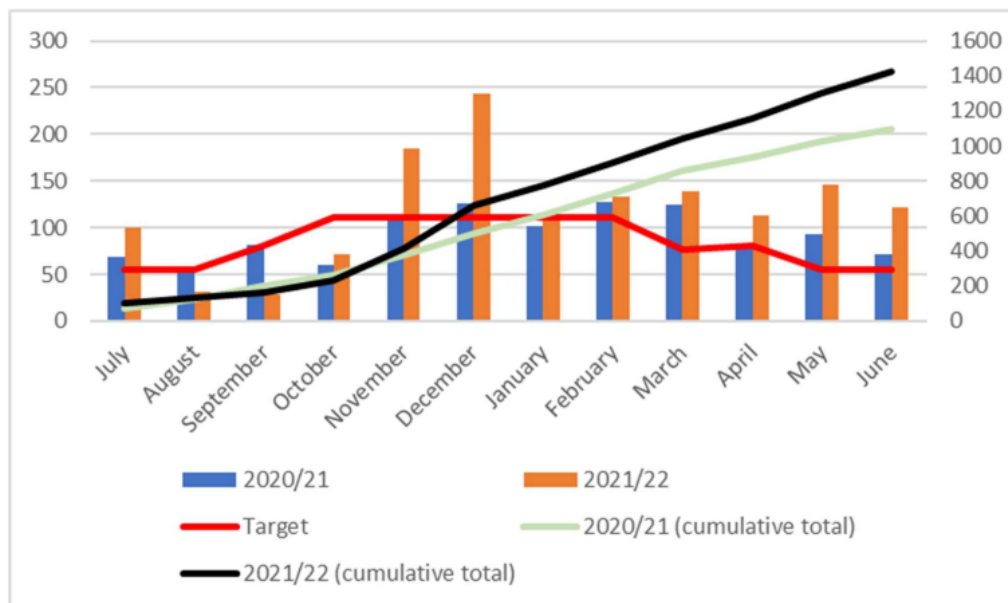
Highlights





Compliance monitoring

In the 2021/22 year, 1,386 on site audits and inspections were completed. This is a significant increase from 1,070 site audits and inspections completed in 2020/21. The field visits and inspections included 1,098 on site consent audits, 243 dairy inspections, 37 forestry inspections and eight regionally significant wetland audits. The compliance team monitored 120% of the planned compliance audits or field inspections programmed for the 2021/22 year.

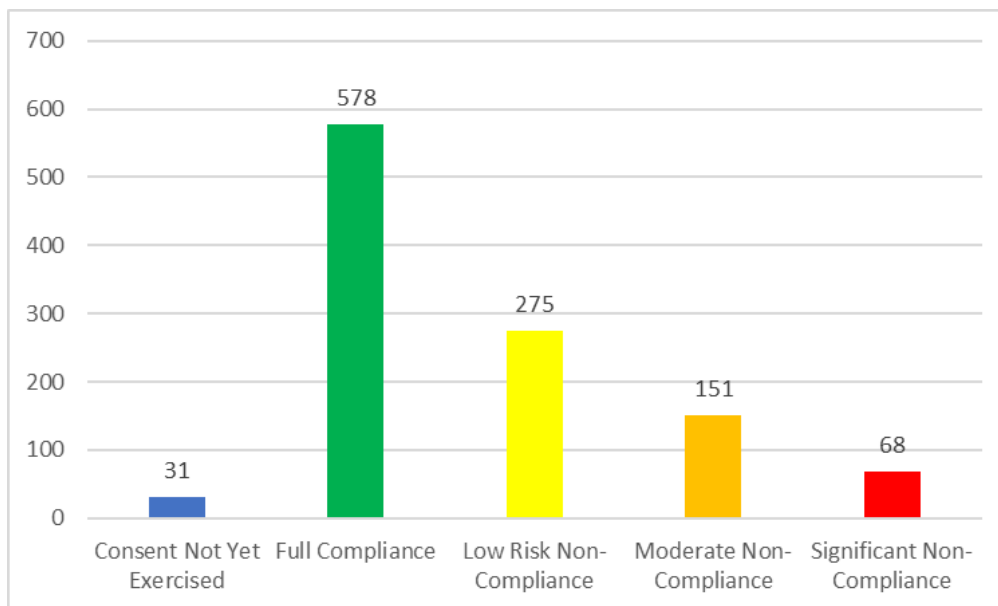


Most consent holders are required to provide ORC with performance monitoring returns in their resource consents. The information requirements are specified in consent conditions and can include photographs of work, water meter returns, complex annual reports and management plans. Some consents require multiple submissions of performance monitoring per year, for example monthly water quality results, while others have no performance monitoring requirements.

Compliance staff reviewed and graded 6,945 performance monitoring returns from consent holders in 2021/22. This is up from 5,533 Performance Monitoring returns graded in the in the 2020/21 year.

ORC undertook 1,098 on-site compliance audits of resource consents. Most of the consents monitored were compliant or had only minor or technical non-compliance recorded. Compliance results for site inspections and audits showed that 78% of consent holders were fully complying or had low risk non-compliance with their consents, and around 6% of consents were assessed as significant non-compliance.

All consent audits graded with moderate non-compliances (153 consents) and significant non-compliances (69 consents) were followed up by staff and either appropriate action was taken in line with the RMA compliance and enforcement policy, or investigations are continuing. Formal action included six infringement notices, 15 abatement notices and four warnings issued in relation to consent non-compliance.



Pollution response

ORC continued to provide a 24/7 Pollution hotline service and responded to reports of environmental non-compliance and pollution incidents. High demand for incident response service continues, with 1,454 service requests through the Pollution Hotline related to 1,206 incidents. The most common complaints related to:

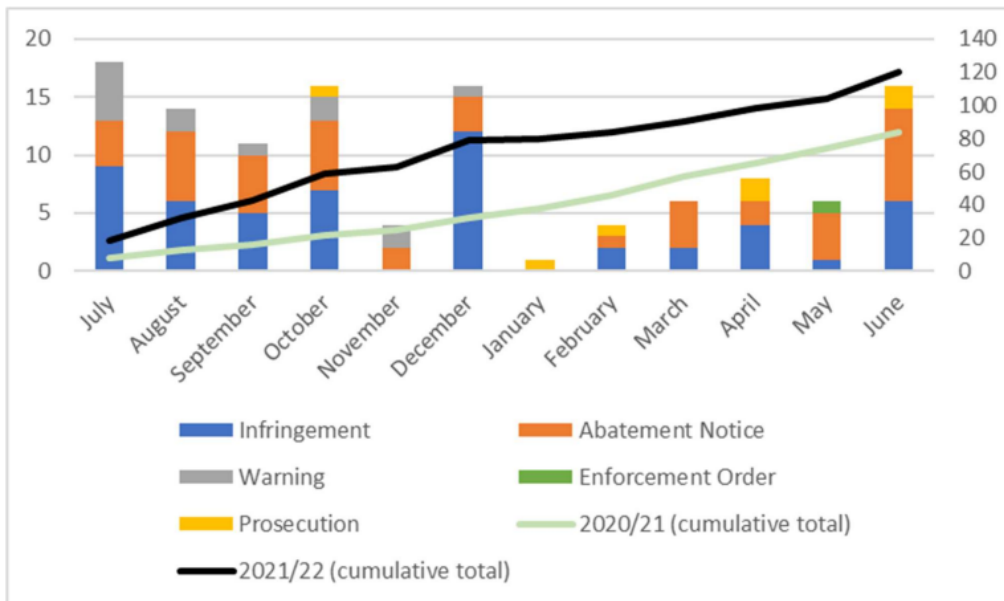
- Water pollution (326)
- Outdoor burning (278)
- Domestic chimney (174)
- Odour (163)

Formal enforcement action

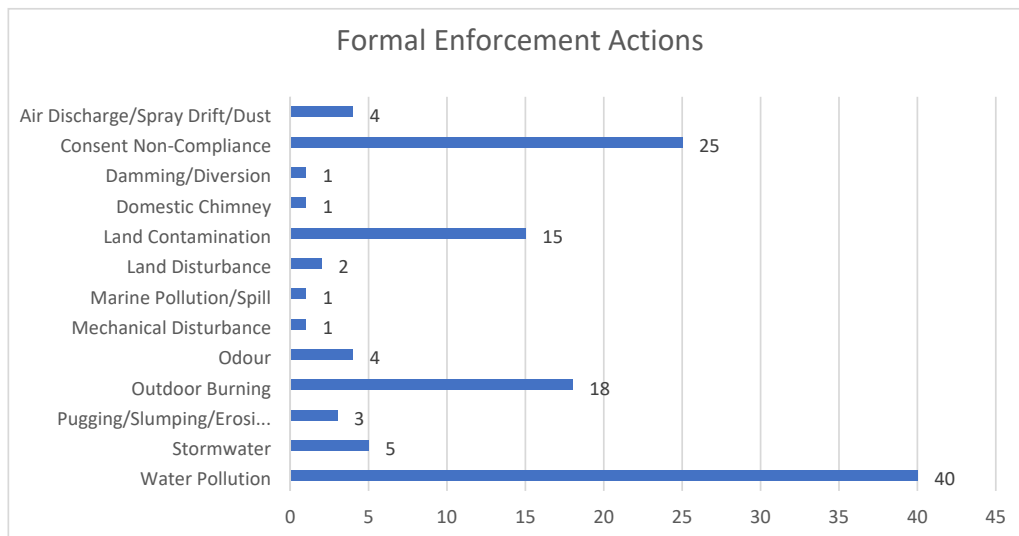
ORC Investigations and Compliance Monitoring teams responded to pollution incidents or significant breaches of consent conditions and appropriate action was taken. In the 2021/22 year, ORC issued 120 formal enforcement actions, a substantial increase from 87 formal enforcement actions taken in the 2020/21 year.

Formal enforcement actions included 13 warnings, 54 infringement notices and 45 abatement notices. ORC authorised 7 legal proceedings in relation to discharge of contaminants to air and sought one interim enforcement order in relation to a domestic wastewater discharge across a neighbouring property.

Two legal proceedings were concluded in the 2021/22 year, and four cases are still in progress. A significant case concluded was the *Northlake Investments Ltd v Otago Regional Council* case. Northlake appealed the conviction decision from 2019 to the Court of Appeal as they considered that they were not liable for the sediment discharge into Mata-Au/Clutha River as they had relied on advice from experts. The appeal was dismissed in ORC's favour.



The most common causes of enforcement action related to water pollution, consent non-compliance and outdoor burning.



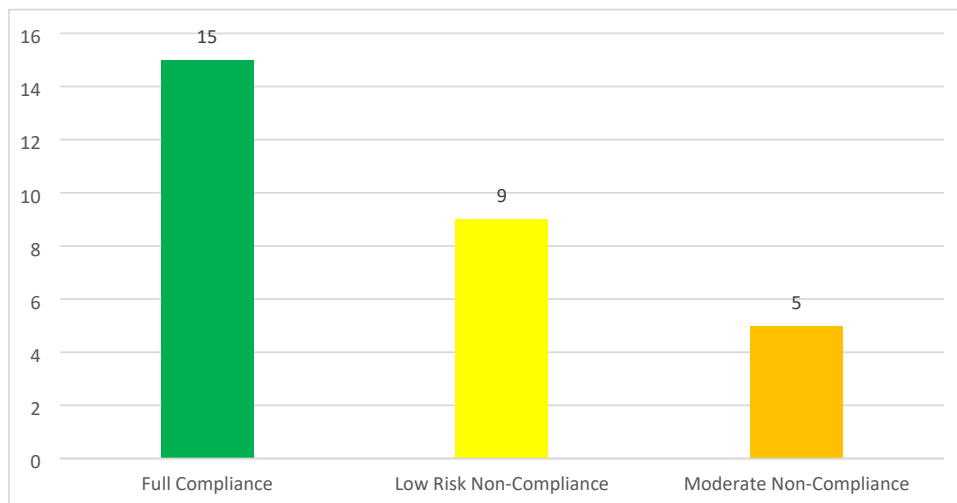
Education-first

ORC continued to support and encourage compliance through proactive engagement with landowners, consent holders and the community on compliance matters and good practice. Some of the education activities in the 2021/22 year included compliance campaigns, attending community and industry events, field days and workshops, developing fact sheets and quick guides and launching a dedicated 'compliance' page on the ORC website.

Priority 1: Reduce non-compliant discharges to improve freshwater quality

Urban activities and residential earthworks

ORC monitored residential earthwork consents and undertook 29 site inspections and audits in the 2021/22 year. Compliance with residential earthwork consents was good, with five sites considered moderate non-compliance.



When adverse weather has been forecast, Compliance staff sent out emails encouraging property developers to check sediment controls are in place ahead of adverse weather conditions. Spot-checks of earthworks sites were also undertaken to monitor compliance.

Other education activities included:

- Social media post during Alert Level 4 restrictions (September 2021) reminding people to ‘only drain rain’ when undertaking DIY activities around the house to keep pollutants out of stormwater networks and waterways.
- General media releases to encourage good sediment control and management of earthworks sites in Otago in adverse weather.
- ‘Kermit’ social media campaign reminding people that what goes into urban stormwater networks can go unfiltered into our rivers, lakes and harbours.
- Radio interview with Otago Access Radio in May 2022 on stormwater pollution and reminding people to only let rain go down the stormwater drains to protect our waterways.

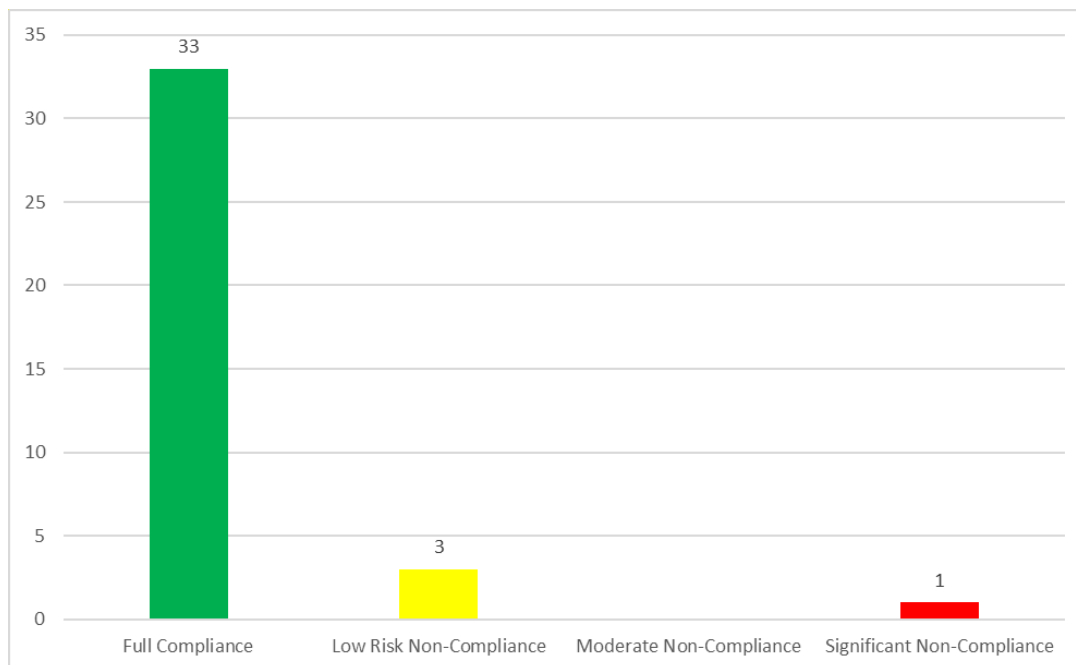
Compliance staff were involved in Plan Change 8 by participating in workshops during the consultation phase and by presenting in Environment Court.

Plantation forestry

ORC received 179 forestry notifications and 95 management plans and completed 37 on site forestry inspections.

The forestry inspections check compliance with the NES for Plantation Forestry (NES-PF). Overall compliance is very high with 33 forestry sites graded fully compliant, three forestry sites graded low-risk non-compliance and one forestry site graded significant non-compliance. The significant non-

compliance related to sediment discharge into a waterway from a forestry site, and formal enforcement action was taken.



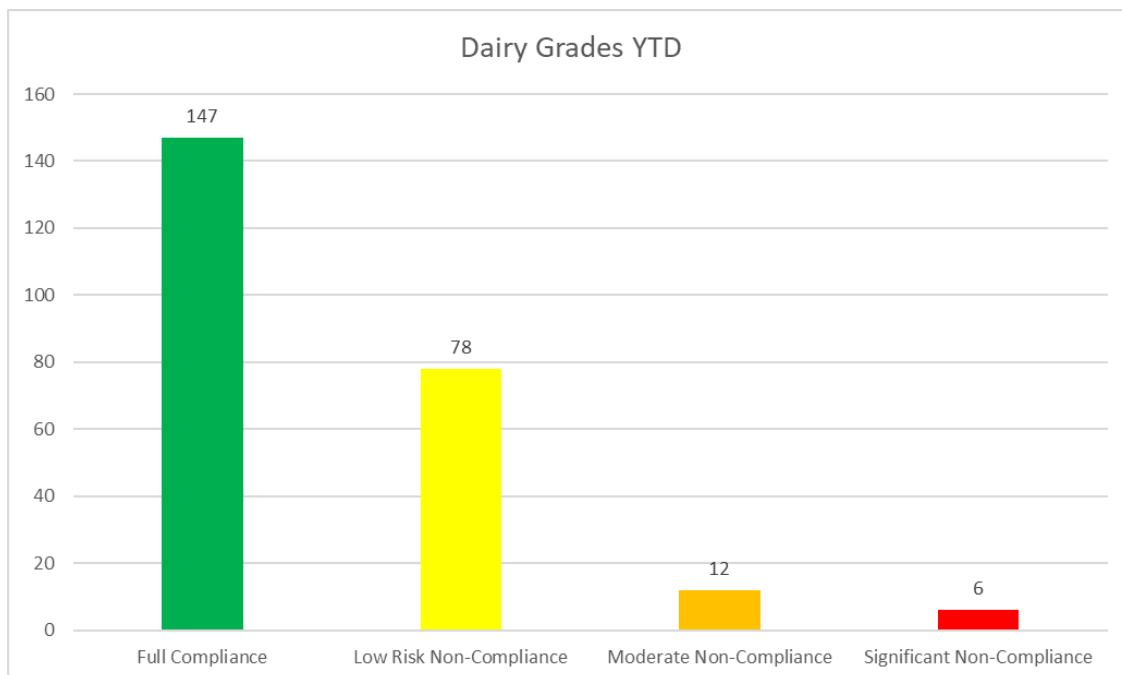
Six-monthly updates were sent to Forest Managers and Contractors reminding them of the NES-PF rules, and ORC Water Plan and ORC compliance staff attended a field day with around 40 members of the South Otago Farm Forestry Association on the NES-PF and good management practice.

Compliance staff have undertaken works to improve efficiency with new mobility tools and reporting for forestry.

Dairy monitoring programme

During the 2021/22 Dairy season, 243 dairy inspections were undertaken to check compliance with Permitted Activity rules. Along with the dairy effluent monitoring, the dairy project had a particular focus on the storage of effluent pond solids and stone trap clearings, silage leachate ponding as well as farm landfills and recording of the location of offal pits. There was also continued focus on providing awareness and engaging with farmers on the new requirements with the NES for Freshwater (NES-FW), Stock Exclusion Regulations, Water Measuring Regulations and Plan Change 8 (PC8).

All high-risk farms were inspected, with several follow-up visits undertaken. Overall compliance was high with most farms being issued a grade of either full compliance or low risk non-compliance. Six farms were graded significantly non-compliant, and 12 farms were graded moderately non-compliant. The significantly non-compliant inspections related to effluent discharges that resulted in ponding, silage leachate discharges that resulted in ponding, combined farm landfills and offal pits, and a case where inappropriate effluent pond infrastructure was being used.



Compliance staff have also developed fact sheets and quick guides for the Plan Change 8 changes for animal effluent storage and discharge consents. Efficiencies in the mobility tools and reporting development have allowed for more through on farm monitoring of dairy farm waste streams and the team has produced new educational videos and technical guides for training and supporting staff.

Other farming activities

Intensive winter grazing (IWG) practices and compliance was monitored across Otago throughout the 2022 winter season, including flyovers across the Otago region in May/June and August 2022. The focus for compliance was on general good management practice and identifying those farms which may pose a risk to the environment. Staff observed good improvement from the 2021 season and compliance was generally considered good with appropriate measures in place to mitigate the risks associated with IWG.

Ongoing engagement with primary industry groups and farmers on IWG and good management practices, included monthly meetings with the primary industry groups and presenting at several field days and farm workshops across the Otago region.

Compliance staff have developed fact sheets, web content, and quick guides around the National Environmental standards for IWG and how they relate to regional rules. Compliance staff also spoke at a number of industry led workshops for IWG. The team have developed training videos for supporting staff.

ORC also led a media campaign around 'moving day' encouraging farmers and stock truck companies to use best practices to safeguard water quality and transport safety when moving stock.

Priority 2: Proactive and integrated approach to monitoring large-scale activities

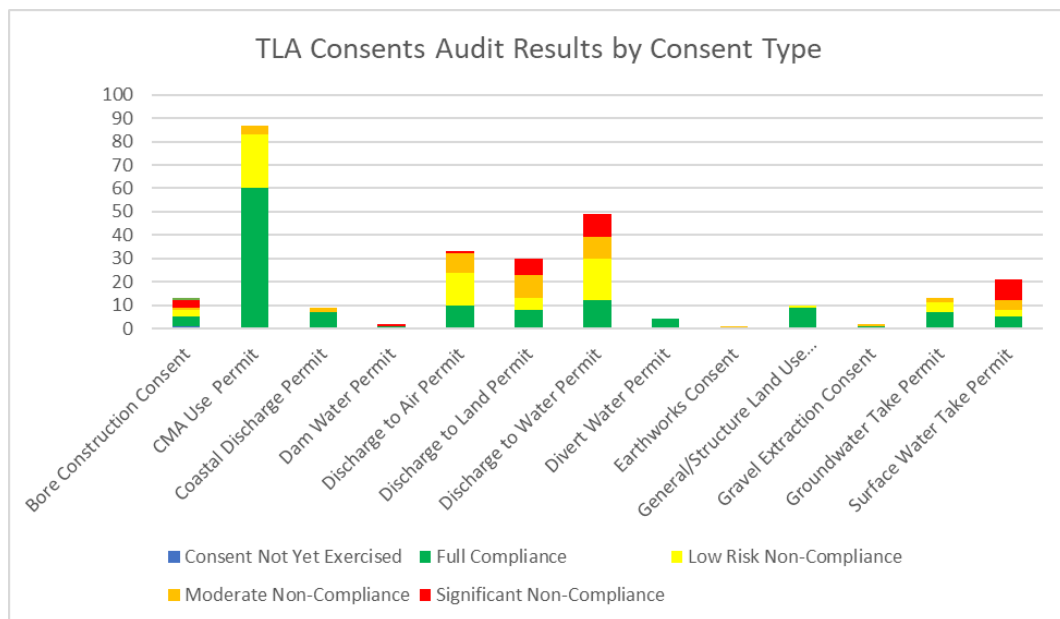
Territorial authorities

There are five territorial local authorities (TLA) in Otago, Central Otago District Council, Clutha District Council, Dunedin City Council, Queenstown Lakes District Council and Waitaki District Council

ORC actively monitors compliance with resource consents related to TLA activities including wastewater treatment plants (WWTPs), drinking water schemes, landfills, coastal marine structures and stormwater discharge consents. Consents with previous significant non-compliance are monitored at a higher frequency than those that are compliant.

In all, 273 consents held by TLAs were audited in the 2021/22 year by an on-site inspection.

TLA WWTPs consents include discharges to air (odour), land and water. The drinking water scheme consents can include water take consents, bore construction, discharges to water or land (treatment plant backwash water), bore construction, water take structures, damming of water and working in rivers. Landfill consents can include discharges to land, air and water and disturbance of contaminated land activities.



The reasons for significant non-compliance vary across the consent and TLA, and generally relate to:

- Exceeding consent limits for quality of discharge
- Exceeding consent limits for quantity of discharge
- Exceeding consented water take quantity
- Lack of consistent monitoring of discharges and takes
- Not providing data to determine environmental effects
- Insufficient fish screening of takes
- Insufficient monitoring of minimum flow requirements for water takes
- Significant diversions / misuse or unaccounted water takes

Compliance staff work proactively with district councils to reduce incidents of non-compliance, and support compliance. This includes regular meetings and correspondence.

Compliance staff have developed technical guides for supporting staff in the monitoring of large-scale Wastewater Treatment Systems.

Other large-scale activities

Compliance inspections of consents for large-scale activities, including mining and quarrying activities, larger private wastewater schemes, large-scale industrial and processing activities, meat works and rendering plants, and large power generation schemes was undertaken in the 2021/22 year. 72 inspections were carried out for these activities with 57 being assessed as fully compliant, 11 as low or moderate risk and 4 assessed as significantly non-compliant. Abatement notices and infringements were issued to those assessed as significantly non-compliant.

Contaminated land

The ORC is informed of potentially contaminated sites by consultants, territorial authorities, members of the public, Resource Consent Applications and ORC through incident reports. In the 2021/22 year, 214 land use enquiries relating to approximately 233 titles were responded to, 116 Hazardous Activities and Industries List (HAIL) sites were registered or updated, and 16 audits of consents for the disturbance of contaminated sites were undertaken. There has been a marked decrease in the number of enquiries regarding contaminated land since the Contaminated Sites Mapping Tool was introduced on the ORC website in February 2020 which allows users to research land use themselves.

Compliance monitoring of active and closed landfill consent conditions continued, including TLA operated and managed landfills, and private landfills. 90 TLA landfill related consents were audited over this period.

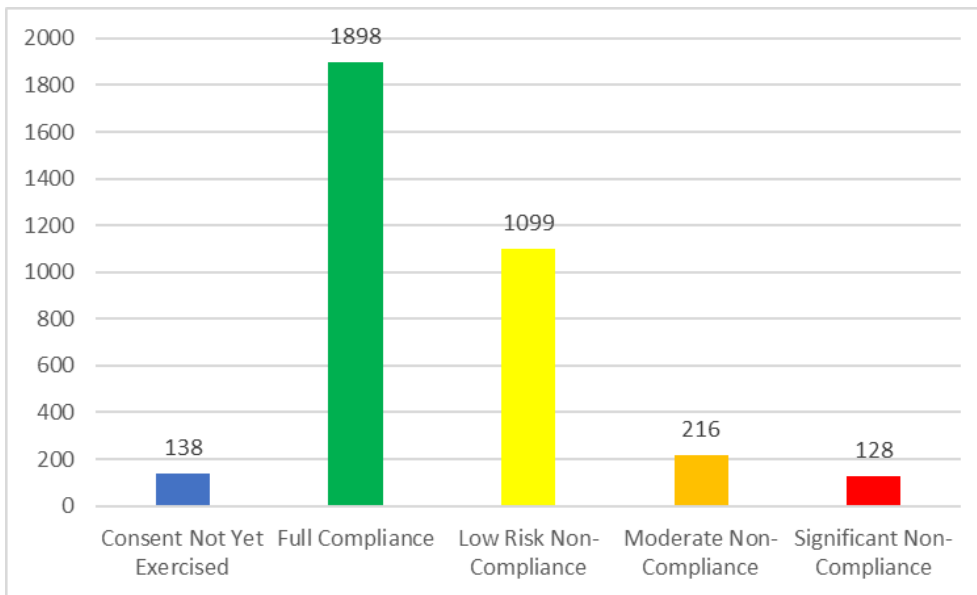
There were 80 incidents involving contaminated land in the 2021/22 year which resulted in the issuing of 7 abatement notices and 8 infringement notices.

ORC administers the Ministry for Environment Contaminated Sites Remediation Fund for the remediation of contaminated sites and staff worked with three applicants on remediation projects throughout the year.

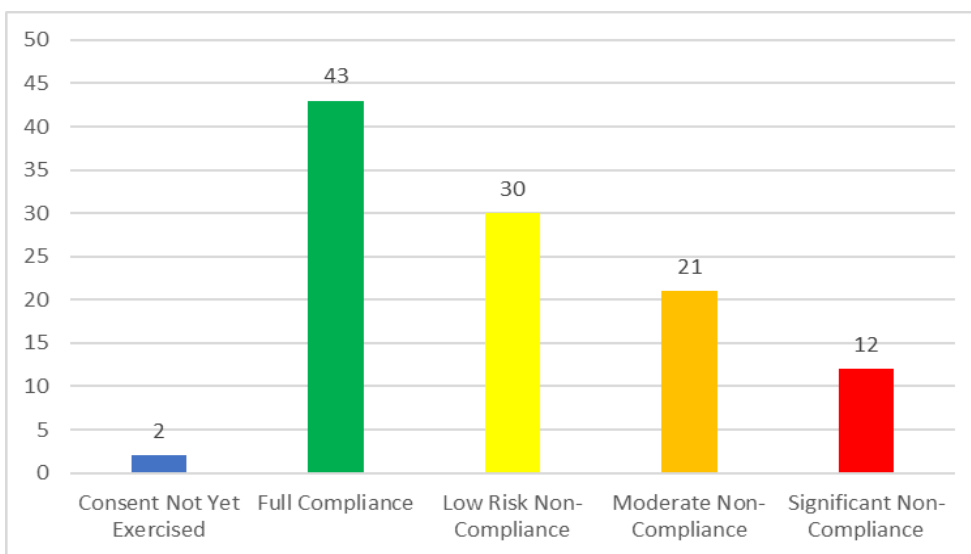
Priority 3: Monitor water takes and use to protect water quantity

Water takes

The bulk of consented water take monitoring is undertaken as a desktop exercise with staff reviewing water meter returns and water meter verifications on a regular basis. Field audits and site inspections are conducted as part of projects or where desktop monitoring identifies concerns. In total 3,479 performance monitoring returns relating to 1,110 distinct consents were graded.



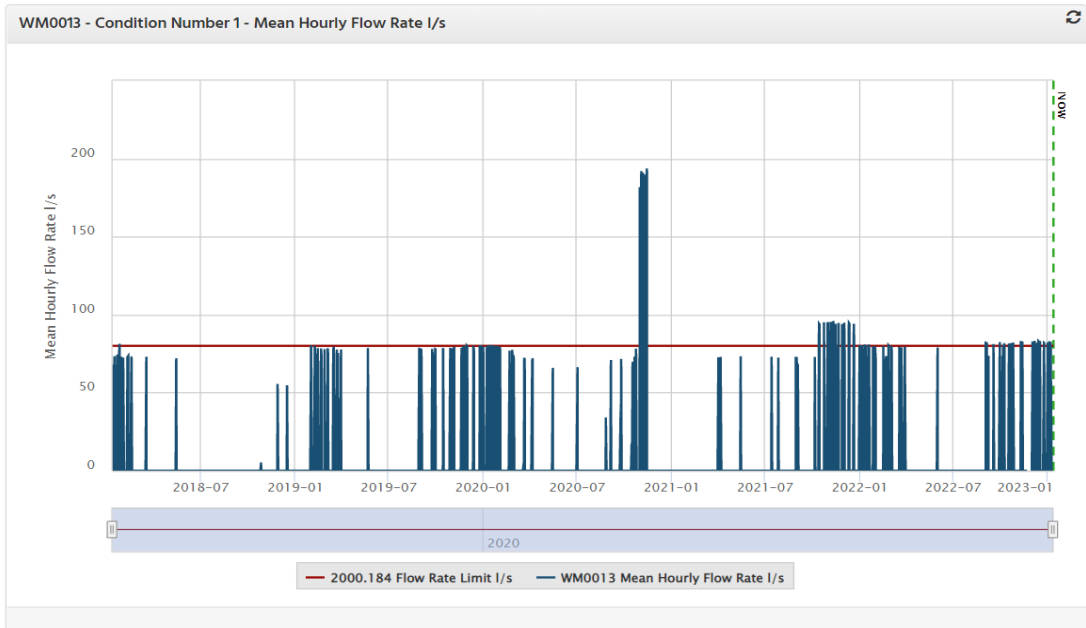
Field audits and site inspections were completed on 108 water take consents.



The reasons for significant non-compliance in water take consents generally related to:

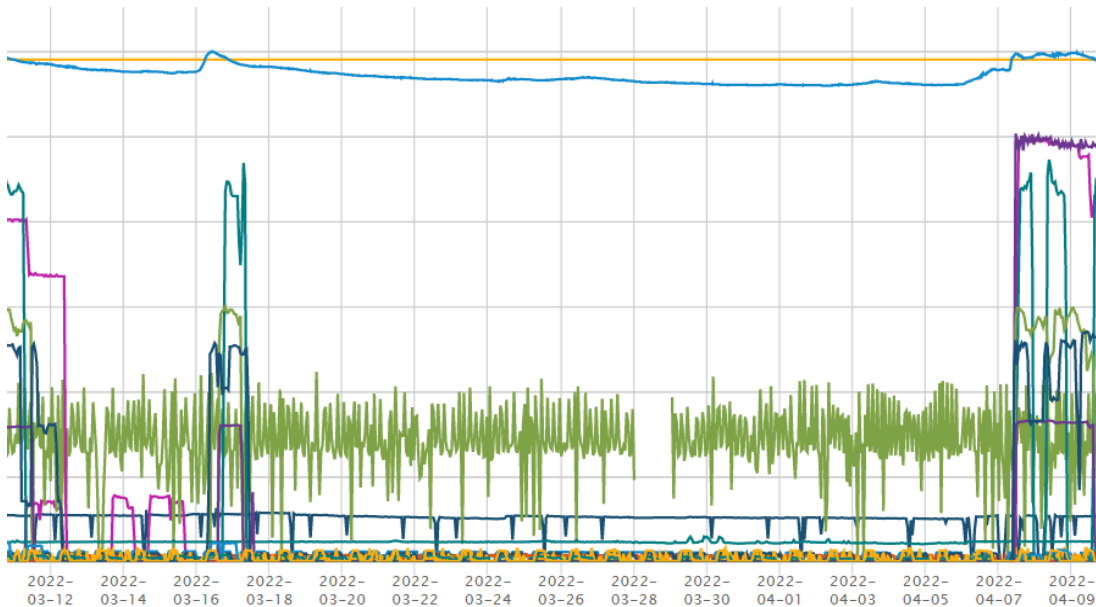
- Exceeding consent limits for water take quantity
- Lack of consistent monitoring or not providing data to determine environmental effects

One particular focus for the year has been improving the way ORC monitors the data relating water take consents. With the introduction of Aquarius, the Regulatory Data and Systems Team has been focused on building consent Dashboards to simplify monitoring and improve consistency. These Dashboards combine all limits and water meters relating to a consent to ensure that all the information necessary to conduct a compliance assessment is in one place.



Low flow project

Improvements have been made to the way ORC monitors water abstraction during low flows. Using Aquarius dashboards have been built to provide a catchment view of consents with low flow conditions. This replaces the previous time-consuming process of checking consents individually during low flow.



In the chart above the yellow line represents the low flow limit of the river and the blue line represents the river flow. When the blue line is below the yellow line then the river is in low flow. The other lines represent telemetered water meters.

Compliance staff have been involved in consultation for Plan Change 7 regarding water quantity as well as supporting in Environment Court as expert witness.

Priority 4: Monitor structures and works in and adjacent to freshwater

Eight regionally significant wetlands (RSW) were inspected in the 2021/22 year and were all found to be fully compliant.

ORC developed an information brochure for the compliance team to use when out and about talking to the community about whitebait stands. ORC compliance staff collaborate with Department of Conservation who is responsible for managing NZ's whitebait fisheries.

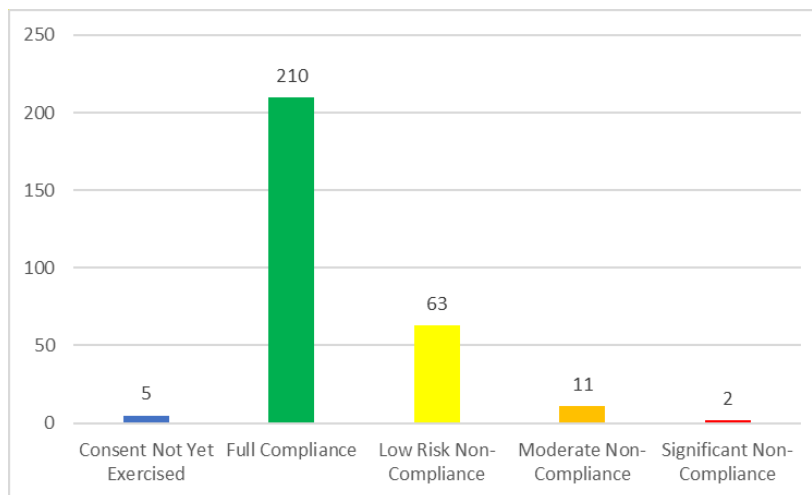
The compliance team has produced web contact and web capture forms for the purpose of allowing the Otago community to comply with the requirements under the National Environmental Standards for Freshwater (NES-F). Compliance staff consulted for the Plan Change 8 rules for the sediment traps and web content and/or fact sheets and/or training videos for sediment traps, stock exclusion and the damming and diversion of water.

The compliance team also developed mobility and reporting tools for freshwater structure monitoring and gravel takes.

Priority 5: Reduce non-compliant air discharges to improve air quality

Air discharge consents

In the 2021/22 year, 108 air discharge consents were monitored by staff. These relate to some of the large-scale activities and TLA consents described in Priority 2.



ORC takes an education-first approach to smoky chimneys and outdoor burning. This includes sending out educational letters to alleged offenders and property owners in relation to domestic chimney and outdoor burning complaints.

Other education activities include:

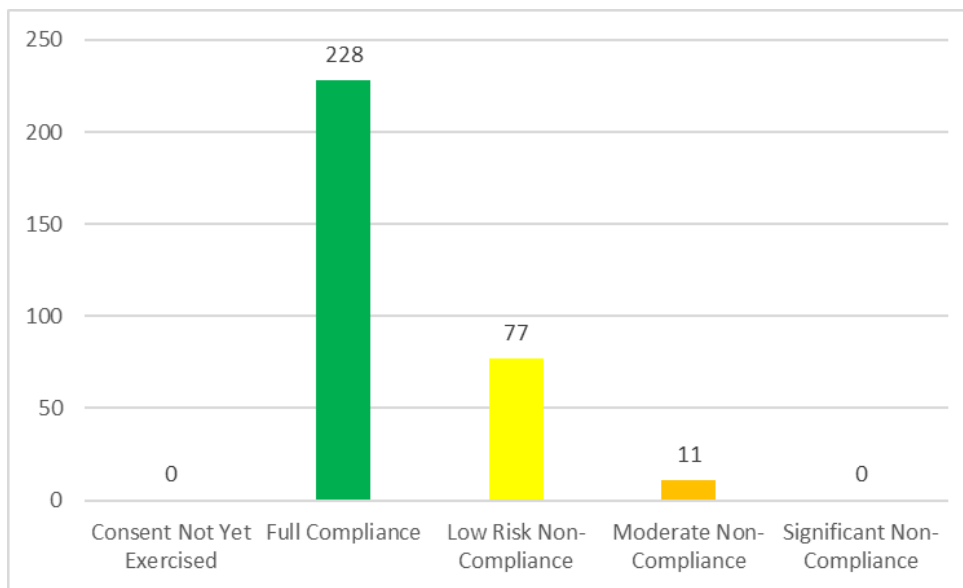
- On-stream quick reminder to stack firewood before Christmas 2021 so it has time to dry out over the summer months to prevent air pollution
- Waterline media article on the ORC Air Plan rules and good outdoor burning practices
- Preparing a factsheet to go with Fire Permits to remind people of the ORC Air Plan rules when undertaking outdoor burning
- Supporting the 'burn dry, breathe easy' campaign

Priority 6: Monitor coastal structures and oil spill preparedness

Coastal structures

Audits of coastal marine area use permits are required every five years and were completed by two interns over the 2021/22 summer period. This includes consents held by TLAs and other large-scale industries described in Priority 2. The coastal structures monitoring project was enabled by improved mobility platform for undertaking the audits onsite and auto-generated compliance reports and monitoring tools which were developed by compliance staff during this financial year.

Compliance with coastal marine area (CMA) use consents can be considered very high with most consents being considered either fully compliant (72%), or low risk non-compliance (24%), and 0% considered as significant non-compliance.



The maritime oil spill response was limited in the 2021 to 2022 financial year because of covid. There were 4 audits throughout the year for the oil spill equipment, 2 field training exercises and the wildlife response staff undertook training via webinar.



Otago Regional Council Compliance Plan

2023~~0~~ - 2026~~2~~

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COMPLIANCE PLAN 202~~30~~-202~~62~~

Otago Regional Council (**ORC**) is responsible for regulating activities affecting water, air, land and the coast to promote the sustainable management of our environment. The ORC Compliance Teams help our community meet our rules and regulations through compliance monitoring, education, advice, investigations and enforcement.

The Compliance Plan is ORC's roadmap of compliance priorities for the next ~~18 months~~3 years. The Compliance Plan informs ORC's work in accordance with our obligations under the Resource Management Act 1991, and the national compliance direction set for all regional councils under the Regional Sector Strategic Compliance Framework.

The Compliance Plan will be used to inform our work programme. By monitoring progress against our priorities, ORC is agile in responding to those issues which are the most important for Otago's environment.



COMPLIANCE PLAN OBJECTIVES

The Compliance Plan sets out ORC's compliance priorities to 30 June 202~~26~~²⁶. The key objectives of the Compliance Plan are:

- To improve environmental outcomes associated with the activities ORC regulates – such as discharges to land, water and air, the take and use of water, and activities which impact on our rivers, lakes, wetlands and coastal environment.
- To identify and prioritise the activities that we will focus our resources on over the next 18 months.
- To inform communities and consent holders in Otago about the compliance activities ORC undertakes to protect our environment, encourage compliance and good practice, and improve environmental performance and raise environmental awareness.

The Compliance Plan informs the direction of the ORC compliance teams and how the teams will work together to deliver good compliance and environmental outcomes. The Compliance Plan does not provide an exhaustive list of all compliance activities that will be undertaken during this period. ORC has ongoing proactive compliance programmes in place to monitor all activities we regulate. We must also reactively respond to new issues as they arise and be agile to respond to national changes which introduce new rules and regulations.

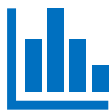


WHAT OUR COMPLIANCE TEAMS DO

Monitoring consented and permitted activities

ORC is responsible for monitoring compliance with resource consent conditions and permitted activities like dairy and forestry with our plans and national regulations. Our Compliance Monitoring and Regulatory Data and Systems teams receive and analyse monitoring data, conduct aerial monitoring, and undertake site visits.

Of the 2,0692,421 consents monitored in 2019-20202021-22, most consents were compliant or had only minor or technical non-compliance recorded. Of these consents monitored, 4913% required compliance team follow up to improve compliance performance. For permitted activities, 87% were complaint with the rules and 13% required compliance follow up.



5,5776,110
consents in our
system



498-521 activities &
structures in/over
waterbodies



1,727-1,646 water
takes & deemed
permits



251-231 air discharge
consents



679-685 consents
for structures in
the coast



968-1,146 discharges
to land, water, & coast



611-1,098 consents
monitored on-site &
1,782 desktop audits



268-243 dairy farms
monitored

Investigating incidents which impact our environment

Our Investigations Team has a key role in responding to incidents where unlawful activities impact our environment. We responded to 4,484,206 incidents in 2019-2021-22 and took appropriate action where it was needed.

COMPLIANCE APPROACH

ORC applies a proactive, responsive and risk-based approach to our regulatory functions. Our philosophy is **Education First**, and we will work proactively with groups, resource users and consent holders on good environmental practice. We are guided by the Regional Sector Strategic Compliance Framework 2019-24 operating principles:

Transparency

Providing clear information about compliance requirements, providing good information on environmental performance, and our actions to address non-compliance.

Collaborative

ORC collaborates and shares information with other regulators and stakeholders. We will engage with consent holders and communities to achieve good environmental outcomes.

Responsive

We will respond in an effective and timely manner in accordance with legislative and organisational obligations.

Evidence-based

ORC's decisions will be informed by a range of sources, including science, other regulators, the community, industry and interest groups.

Consistency

Actions are consistent with legislation and within our powers. We will strive for consistency of compliance and enforcement outcomes.

Lawful, accountable

Conducting ourselves lawfully and impartially in accordance with relevant policies and guidance. We will measure and report on our performance.

Targeted

Focusing on the most important issues to achieve the best outcomes, targeting regulatory intervention at activities that pose the greatest risk to the environment.

Fair and reasonable

Our decisions are appropriate to the circumstances and our actions will be proportionate to the risks to the environment, people, and the seriousness of the incident.

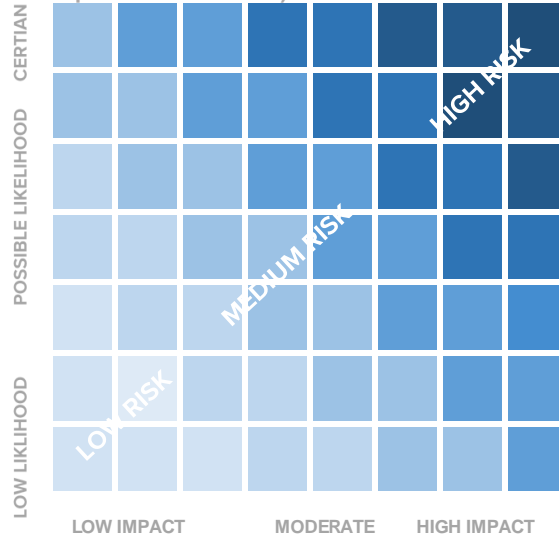


How we prioritise our compliance activities

The Compliance Plan has been prepared using a risk-based approach in accordance with the Regional Sector Strategic Compliance Framework to determine our priorities for ~~2020-22~~2023-26.

When assessing risk, the level of impact to people and the environment (environmental, social, economic and cultural effects) and the relative likelihood of the impact is considered. This informs how to prioritise compliance monitoring activities generally as well as how we respond to incidents where non-compliance is identified.

Risk Matrix (based on Regional Sector Strategic Compliance Framework)



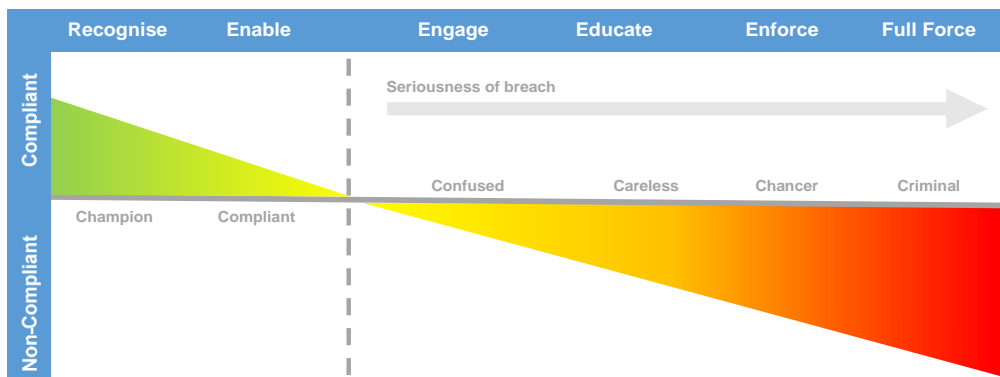
Monitoring frequency

An assessment of perceived and actual risk is used to determine the auditing frequency of resource consents and permitted activities. The history of non-compliance, the significance of potential effects, previous monitoring records, the sensitivity of the receiving environment is considered when we determine how frequently we monitor. We also consider data available from state of environment reporting to inform our compliance monitoring programme. This means we can adapt our monitoring frequency over time, as risks to the environment change, and focus our resource to achieve the best environmental outcomes.

How we respond to non-compliance

There is no 'one size fits all' approach to addressing non-compliance. ORC's approach and use of regulatory tools depends on the issue, context and seriousness of the breach as illustrated below:

Influencing behaviour change (based on Regional Sector Strategic Compliance Framework)



Incident response

Our Investigations Team respond to reports of environmental non-compliance and pollution incidents that are received through our 24-hour pollution hotline, website and email messages, or from field reports from staff.

Environmental incidents are triaged according to the level of risk and immediacy of effects. For incidents that are a high priority due to significant potential effects on the environment or people, our team responds immediately where possible, and always within 24 hours of the incident being reported. For incidents that are a lower priority, the timing of the response is dependent on the level of risk. All incidents are responded to and reported.



High priority incidents response within 24 hours



All incidents are responded to and are reported on

Compliance tools

We use a range of compliance and enforcement tools to respond to non-compliant resource consents and incidents which breach our plans or national regulations:

| | |
|----------------------------|--|
| Letters | Used where a minor breach has been reported and/or to educate on the relevant consent conditions, rules and regulations that apply. |
| Formal Warnings | Used when the risk to the environment or people from a breach is low and to work proactively to improve compliance to avoid repeat incidents. |
| Infringement Notice | Used when non-compliance with a consent condition or with rules requires a more formal approach and where a fee is required to be paid. |
| Abatement Notices | Used when non-compliance with a consent condition or rules requires works to cease and/or where remediation is required. |
| Enforcement Orders | Used for higher level offending, made by the Environment Court, and requires activities to cease, actions to be taken and/or costs to be paid. |
| Prosecution | For higher level offending, establishes the guilt or innocence of an accused party, and can include fines and/or imprisonment. |

PROGRAMMES TO SUPPORT COMPLIANCE

To support our compliance priorities, we work proactively with landowners and consent holders to **Engage** with them on compliance matters, support them to **Enable** compliance wherever possible, and **Educate** on good practices. We will do this by:

ORC website

Keeping our website up to date with best practice information, including good farming and land use practice, and good practice for water takes, water use and recording of data. We will work towards changes to our website to make it easier for communities and consent holders to report data to us in the future.

Proactive compliance

Monitoring of permitted activities to ensure compliance and working closely with consent holder to address compliance issues before they arise (such as dairy farm monitoring, working with the forestry industry on harvesting plans, and the low flow task force).

On-site advice

Providing advice when on-farm or on-site about good practice to achieve compliance with the ORC's regional plans and national regulations.

Partnerships

Continuing to form strong partnerships with industry groups such as Dairy NZ, Sheep and Beef NZ, Horticulture NZ, Federated Farmers, the Forestry Association, the Deer Association and others.

Fact sheets

Printable fact sheets on good practice supports ORC's online content and are taken on-site when monitoring is undertaken. These will provide advice about what is required in plans, and new national regulations to apply these practically for rural communities and understand consenting obligations.

Compliance correspondence

Keeping consent holders up-to-date following monitoring of their consents, keeping dairy farm and forestry operations up to date on permitted monitoring, and providing tips on good practice to improve compliance.

Farm days

Partnering with other ORC teams to host farm days for farmers to educate and discuss environmental management and explore different methods to achieve compliance.

Workshops with industry

Partnering with other ORC teams to workshop with industry groups on good practice principles and as a forum to discuss how to interpret and apply plan rules and regulations.

COMPLIANCE MONITORING PRIORITIES IN OTAGO

Identifying the priorities for compliance monitoring enables ORC to focus on those issues with the highest environmental impacts. For 2020-22, the compliance teams will focus on:

Priority 1: Reduce non-compliant discharges to improve freshwater quality

Poorly managed discharges affect the quality of water in our lakes, rivers and the coastal environment. Additionally, the 2020 NPS and NES for freshwater and Stock Exclusion Regulations have recently introduced new rules and regulations, which require a proactive and education-based approach to supporting consent holders with compliance.

Priority 2: Proactive and integrated approach to monitoring large-scale activities

For larger-scale activities, monitoring reports provided by consent holders are reviewed. In circumstances where consent conditions are not met, the compliance team takes proactive approach to working with consent holders to achieve compliance.

Priority 3: Monitor water takes and use to protect water quantity

Maintaining river flows and lake and aquifer levels in Otago's waterbodies is critical for freshwater health and working proactively with consent holders to maintain flows protects freshwater values.

Priority 4: Monitor structures and works in and adjacent to freshwater

Monitoring Otago's wetlands is an important regional priority. Poorly designed structures and works in and near freshwater can affect the habitats of freshwater species and hydrological function. Additionally, the 2020 NPS and NES for freshwater have introduced new monitoring requirements and new rules.

Priority 5: Reduce non-compliant air discharges to improve air quality

Non-compliant domestic discharges from inefficient domestic burning during winter months can affect health. Non-compliant industrial and rural air discharges which do not have a consent or do not meet consent conditions can have localised impacts on air quality.

Priority 6: Monitor coastal structures and oil spill preparedness

Monitoring activities and structures in the coastal marine area and ensuring we can respond to incidents affecting the coast.

Priority 1: Reduce non-compliant discharges to improve freshwater quality

| Action | Compliance team outputs | Outcome |
|---|--|---|
| Sedimentation of freshwater from earthworks and in-river works Issue: Poorly managed earthworks, and in-river works can discharge sediment and affect water quality. | | |
| Educate and advocate good sediment practices and monitor sediment discharges. | <ul style="list-style-type: none"> • Work closely with district councils and industry to promote effective sediment controls. • Educate and promote good practice for in-river works. • Monitor resource consents for earthworks and in-river works. • Appropriate action where breaches of consent conditions, NES or plan rules are identified. | <ul style="list-style-type: none"> • Compliance with new earthworks rules. • Sedimentation of freshwater <u>and estuaries</u> is reduced. |
| Plantation forestry Issue: Poorly managed forestry activities discharge sediment, disturb river habitats and affect water quality. | | |
| Educate and advocate good forestry practices to reduce sediment discharges and monitor forestry activities. | <ul style="list-style-type: none"> • Educate and promote good practice for afforestation, harvesting and earthworks. • Monitor consents and permitted activity plantation forestry. • For higher risk activities, undertake pre-harvest inspections, monitoring during harvesting and post-harvest inspections where appropriate. • Appropriate action where breaches of consent conditions or NES are identified. | <ul style="list-style-type: none"> • Compliance with NES rules. • Impacts of plantation forestry activities on freshwater are reduced. |
| Stock exclusion Issue: Stock access to freshwater degrades water quality of rivers, lakes and wetlands. | | |
| Educate farmers on stock exclusion requirements, and monitor stock access. | <ul style="list-style-type: none"> • Apply a proactive education first approach to enabling compliance with regional and national rules and regulations for stock access before the new rules apply. • Monitor where stock access rules apply now for new pastoral and intensive farming systems. • Appropriate action where breaches of consent conditions, NES or plan rules are identified. | <ul style="list-style-type: none"> • Farmers understand current and upcoming requirements. • Where required, stock is excluded from freshwater bodies. • Impacts on water quality are reduced. |

Farm effluent management

Issue: The effects of non-compliant farm effluent discharges is a contributor to water quality degradation.

Monitor farm effluent discharges utilising a proactive education first approach.

- Apply a proactive education first approach to enabling compliance with regional rules for farm effluent discharges.
- On-site monitoring of dairy farm discharges and infrastructure based on risk with high risk farms inspected annually.
- Appropriate action where breaches of consent conditions, NES or plan rules are identified.
- Farmers understand current and upcoming requirements.
- Improved compliance with rules and consents conditions.
- Impacts on water quality are reduced.

Intensive farming

Issue: Poorly managed intensive farming can cause water quality degradation, and new rules and regulations now apply.

Monitor intensive farming practices and educate farmers on the new requirements.

- Apply a proactive education first approach to enabling compliance with regional and national rules and regulations for intensive farming – dairy farms, intensive grazing, feedlots and stockholding, agricultural intensification, synthetic nitrogen use.
- Undertake desktop, and aerial monitoring annually of known at risk catchments.
- Site inspections where risks have been observed during flyovers.
- Appropriate action where breaches of consent conditions, NES or plan rules are identified.
- Farmers understand current and upcoming requirements.
- Farmers comply with the new rules or have obtained consent. Impacts on water quality are reduced.



Priority 2: Proactive and integrated approach to monitoring large-scale activities

| Action | Compliance team outputs | Outcome |
|---|---|--|
| <p>District council consents</p> <p>Issue: District councils hold several large-scale wastewater water supply and stormwater consents and compliance with these consents is not always achieved, which can impact the receiving environment.</p> | | |
| <p>Monitor all large-scale district council consents and work with councils to improve compliance.</p> | <ul style="list-style-type: none"> • Work proactively with district councils to reduce incidents of non-compliance. • Monitor large-scale consents at least annually and based on environmental and health risk and previous records of non-compliance. • Appropriate action where breaches of consent conditions, NES or plan rules are identified. | <ul style="list-style-type: none"> • Improved compliance with consent conditions. • Improved collaboration with district councils. |
| <p>Contaminated Land and Landfills</p> <p>Issue: Monitoring of contaminated land activities, and active and closed landfills is needed to address risk associated with leachate and odour, and potential discharges to water.</p> | | |
| <p>Monitor contaminated land activities and all landfills in Otago.</p> | <ul style="list-style-type: none"> • Monitor active landfills at least annually. • Monitor closed landfills at least every 3 years, and prioritise monitoring based on level of risk to water, the coastal marine area, land, and community concern. • Monitor disturbance of contaminated land consents based on level of risk • Appropriate action where breaches of consent conditions, NES or plan rules are identified. | <ul style="list-style-type: none"> • Active landfills are compliant with conditions. • Impacts from closed landfills are identified and effects are addressed. |
| <p>Other large-scale activities</p> <p>Issue: The scale and nature of larger-scale activities in Otago requires the compliance team to take an integrated approach to monitoring consent conditions.</p> | | |
| <p>Monitor large-scale activities in Otago.</p> | <ul style="list-style-type: none"> • Monitor compliance with conditions based on the history of compliance, environmental risk and performance monitoring data for consents for large-scale activities, including mining and quarrying activities, larger private wastewater schemes, large-scale industrial and processing activities, meat works and rendering plants, and large power generation schemes. • Where non-compliance with consent conditions is identified, work proactively with consent holders to improve compliance and performance over time. | <ul style="list-style-type: none"> • Consent holders are compliant with conditions. • Risks to the receiving environment from non-compliance are reduced. |

Priority 3: Monitor water takes and use to protect water quantity

| Action | Compliance team outputs | Outcome |
|---|--|---|
| <p>Water takes</p> <p>Issue: Taking more water than is consented is unlawful and can adversely affect mauri, freshwater habitats and other water users.</p> | | |
| <p>Monitor water takes in Otago.</p> | <ul style="list-style-type: none"> Undertake desktop, aerial or on-site monitoring of water permits based on catchment risk, and policy development requirements under the NPSFM. Focus on Upper Taieri, Manuherikia, Cardrona, Pisa, Gibbston and Central Otago catchments. Work proactively with water users to reduce incidents of non-compliance. Appropriate action where breaches of consent conditions, plan rules or water measuring regulations are identified. | <ul style="list-style-type: none"> Improved compliance with rules and consents conditions. Impacts on freshwater and habitats are reduced. Improve the reliability of data records provided by consent holders. |
| <p>Deemed permits</p> <p>As deemed permits expire in 2021, the compliance team have a key role to support the replacement process.</p> | | |
| <p>Monitor deemed permits and work proactively with permit holders to replace deemed permits.</p> | <ul style="list-style-type: none"> Undertake desktop, aerial or on-site monitoring of deemed permits where monitoring data is required to support the assessment of renewal applications. Work proactively alongside the irrigation companies to support with the transfer of deemed permits to resource consents. Focus on Upper Taieri, Manuherikia, Cardrona, Pisa, Gibbston and Central Otago catchments. | <ul style="list-style-type: none"> Deemed permits are replaced by resource consents. Impacts on freshwater and habitats from non-compliance are reduced. Improve the reliability of data records provided by consent holders. |
| <p>Water flows and levels during dry periods</p> <p>Issue: During dry weather, water takes during low flows have greater impacts on freshwater.</p> | | |
| <p>Ensure minimum flows are maintained during dry weather periods.</p> | <ul style="list-style-type: none"> Establish dry weather task force prior to dry weather conditions affecting flows. Monitor low flow conditions and work proactively with permit holders to ensure minimum flows are maintained during low flow periods. Issue water shortage directions where required. Monitor residual flows on permits and prioritise this based on the level of risk. Appropriate action where breaches of consent conditions or plan rules are identified. | <ul style="list-style-type: none"> Compliance with minimum and residual flows is improved. During low flows impacts from water takes on freshwater and habitats are reduced. |

Priority 4: Monitor structures and works in and adjacent to freshwater

| Action | Compliance team outputs | Outcome |
|---|---|---|
| <p>Fish passage</p> <p>Issue: Structures in rivers can obstruct fish passage and impact habitat, particularly for migratory species.</p> | | |
| <p>Educate and advocate for structures which provide fish passage, and monitor permitted, and consented structures.</p> | <ul style="list-style-type: none"> Educate and promote good practice for fish passage for structures in rivers. Establish a new monitoring programme for permitted and consented structures. Appropriate action where breaches of consent conditions, plan rules or NES are identified. | <ul style="list-style-type: none"> People understand current and upcoming requirements. People comply with the new regulations. Fish passage in Otago is improved. |
| <p>Impacts on wetlands</p> <p>Issue: Non-compliant land use, discharges and water takes can impact on the hydrology, functioning and ecological values of Otago's natural wetlands.</p> | | |
| <p>Educate landowners on new wetland regulations, monitor permitted, and consented activities, estuaries and Regionally Significant Wetlands</p> | <ul style="list-style-type: none"> Educate landowners on new regulations for activities in and near natural wetlands. Establish a new monitoring programme for permitted and consented activities. Desktop Monitor Regionally Significant Wetlands every 3 years by an aerial flyover and subsequent including site inspections where wetland risks are identified. Appropriate action where breaches of consent conditions, plan rules or the NES are identified. | <ul style="list-style-type: none"> People comply with the new regulations. Regionally significant wetlands retain the characteristics and qualities that have determined their significance. Impacts on natural wetlands and their values are reduced. |
| <p>Dams and other structures</p> <p>Issue: Monitoring of dams and structures is needed to reduce the impacts of non-compliance on freshwater and habitats</p> | | |
| <p>Monitor dams and other structures in Otago.</p> | <ul style="list-style-type: none"> Prioritise the frequency and extent of monitoring of dams and structures in accordance with new NES information requirements. Appropriate action where breaches of consent conditions, NES or plan rules are identified. | <ul style="list-style-type: none"> Compliance with rules and NES. Dam failure risk is reduced and dam impacts on freshwater are reduced. |

Priority 5: Reduce non-compliant air discharges to improve air quality

| Action | Compliance team outputs | Outcome |
|--|---|---|
| Domestic burning Issue: Discharges from inefficient domestic burning during the winter months can impact health. | | |
| Educate on efficient domestic burning and monitor domestic air discharges. | <ul style="list-style-type: none"> Apply a proactive education first approach regarding correct burning practices – particularly in Air Zone 1 Airsheds. Appropriate action where breaches of plan rules and NES are identified. Letters are sent, and inspections are undertaken for any on-going non-compliance. | <ul style="list-style-type: none"> Improved compliance with rules and good burning practice. Particulate matter levels in airsheds are reduced. |
| Industrial air discharges Issue: Localised effects from non-compliant industrial discharges can impact on health and amenity. | | |
| Monitor industrial air discharge consents in Otago. | <ul style="list-style-type: none"> Undertake monitoring of higher risk air discharges at least annually, and lower risk discharges less frequently. Work proactively with consent holders to improve discharge quality over time. Appropriate action where breaches of consent conditions, NES or plan rules are identified. | <ul style="list-style-type: none"> Improved compliance with conditions and rules. Reduced localised impacts from non-compliant discharges. |
| Rural air discharges Issue: Discharges from rural activities such as outdoor burning can impact on health and amenity. | | |
| Educate on appropriate outdoor burning. | <ul style="list-style-type: none"> Prepare educational material regarding rural discharges and work proactively with farmers to improve outdoor burning practice. Appropriate action where breaches of consent conditions, NES or plan rules are identified. | <ul style="list-style-type: none"> Improve compliance with rules. Reduce localised impacts from discharges. |

Priority 6: Monitor coastal structures and oil spill preparedness

| Action | Compliance team outputs | Outcome |
|--|---|--|
| <p>Coastal activities and structures</p> <p>Issue: Non-compliant structures and activities in the coastal environment can affect habitats and coastal amenity.</p> | | |
| Undertake monitoring of consented coastal structures. | <ul style="list-style-type: none"> • Monitor according to the level of risk and at least every 5 years. • Appropriate action where breaches of consent conditions or plan rules are identified. | <ul style="list-style-type: none"> • Impacts on the coastal environment are reduced. |
| <p>Oil spill response</p> <p>Issue: ORC must be prepared to respond in the event of oils spills under the Maritime Transport Act.</p> | | |
| Appropriately trained and resourced oil spill response. | <ul style="list-style-type: none"> • Undertake oil spill response training and exercises twice a year. • Always maintain spill response gear. | <ul style="list-style-type: none"> • Effects from oil spills are reduced as a result of effective oil spill response. |





6. CLOSURE