

Consents and Regulatory Committee

Tuesday 11 June 2019

9.30am

Taranaki Regional Council, Stratford



Agenda for the meeting of the Consents and Regulatory Committee to be held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 11 June 2019 commencing at 9.30am.

Members	Councillor M P Joyce	(Committee Chairperson)
	Councillor M J Cloke	
	Councillor M G Davey	
	Councillor C L Littlewood	(via Zoom)
	Councillor M J McDonald	
	Councillor B K Raine	
	Councillor N W Walker	
	Councillor D L Lean	(ex officio)
Representative Members	Mr H Eriwata	(Iwi Representative)
	Mr K Holswich	(Iwi Representative)
	Ms F Mulligan	(Iwi Representative)

Opening Karakia

Apologies	Councillor D N MacLeod	(ex officio)
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Notification of Late Items

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Whakataka te hau

Karakia to open and close meetings

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Agenda Memorandum

Date 11 June 2019



**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

Subject: Confirmation of Minutes – 30 April 2019

Approved by: G K Bedford, Director-Environment Quality

B G Chamberlain, Chief Executive

Document: 2269175

Resolve

That the Consents and Regulatory Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 30 April 2019 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 21 May 2019.

Matters arising

Appendices

Document #2244826 – Minutes Consents and Regulatory Committee

Minutes of the Consents and Regulatory Committee Meeting of the Taranaki Regional Council, held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford, on Tuesday 30 April 2019 at 9.30am.



Members	Councillors	M J Cloke (Deputy Committee Chairperson) M G Davey C L Littlewood M J McDonald B K Raine N W Walker	
		D N MacLeod	(ex officio)
		D L Lean	(ex officio)

Representative Members	Mr	H Eriwata	(Iwi Representative)
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Attending	Messrs	B G Chamberlain G K Bedford M Nield A D McLay S Tamarapa B E Pope C H McLellan	(Chief Executive) (Director-Environment Quality) (Director-Corporate Services) (Director-Resource Management) (Iwi Communications Officer) (Compliance Manager) (Consents Manager)
	Ms	J Mack	(Committee Administrator)
	Mr	P Ledingham	(Communications Adviser)
	Mrs	V McKay	(Science Manager)
	Mrs	H Gerrard	(Science Manager)
	Mr	R Phipps	(Science Manager)
	Mr	R Ritchie	(Communications Manager)

Opening Karakia Mr H Eriwata, Iwi Representative, gave the opening Karakia for the Consents and Regulatory Committee.

Apologies The apologies from Councillor M P Joyce, Mr K Holswich (Iwi Representative), and Ms F Mulligan (Iwi Representative), were received and sustained.

Notification of Late Items There were no late items of business.

1. Confirmation of Minutes - 19 April 2019

Resolved

THAT the Consents and Regulatory Committee of the Taranaki Regional Council

1. takes as read and confirms the minutes and confidential minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 19 March 2019 at 9.35am
2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 9 April 2019.

McDonald/Walker

Matters Arising

There were no matters arising

2. Resource consents issued under delegated authority and applications in progress

- 2.1 Councillor C L Littlewood declared an interest in Item 2 (Resource consents issued under delegated authority and applications in progress) in relation to Port Taranaki Limited.
- 2.2 The Committee considered and discussed the memorandum advising of consents granted, consents under application and of consent processing actions since the last meeting of the Committee.

Recommended

THAT the Taranaki Regional Council

1. receives the schedule of resource consents granted and other consent processing actions, made under delegated authority.

MacLeod/McDonald

3. Consent monitoring annual reports

- 3.1 Mr R Phipps, Science Manager, spoke to the memorandum advising the Committee of 9 tailored compliance monitoring reports that have been prepared since the last meeting of the Committee, and answered a number of questions arising.

Recommended

THAT the Taranaki Regional Council:

1. receives the 18-21 Mangati Catchment Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
2. receives the 18-58 South Taranaki District Council Hawera WWTP Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
3. receives the 18-66 Silver Fern Farms Waitotara Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
4. receives the 18-85 Trustpower Ltd Motukawa HEP Scheme Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
5. receives the 18-86 Port Area Industrial Catchments Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
6. receives the 18-92 Southern Quarries Combined Monitoring Programme Biennial Report 2016-2018 and adopts the specific recommendations therein.
7. receives the 18-93 Trustpower Mangorei HEP Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
8. receives the 18-95 ANZCO Eltham Ltd Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
9. receives the 18-100 Trustpower Patea Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

Cloke/Raine

4. Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 1 March 2019 to 5 April 2019

- 4.1 Councillor C L Littlewood declared an interest in Item 4 (Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 1 March 2019 to 5 April 2019) in relation to Port Taranaki Limited. Councillor N W Walker declared an interest in Item 4 (Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 1 March 2019 to 5 April 2019) in relation to report 332119-112. Councillor M J McDonald declared an interest in Item 5 (Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 1 March 2019 to 5 April 2019) in relation to report 330119-334.
- 4.2 The Committee received and noted the summary of the Council's Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 1 March 2019 to 5 April 2019.

- 4.3 Mr B E Pope, Compliance Manager, provided an overview to the Committee on the reported incidents and answered questions concerning officer assessments of the incidents.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum
2. receives the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 1 March 2019 to 5 April 2019, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Raine/Walker

5. General Business

There was no General Business.

There being no further business, the Committee Chairperson Councillor M J Cloke, declared the Consents and Regulatory Committee meeting closed at 9.58am.

Confirmed

Chairperson _____
M P Joyce

Date **13 June 2019**

Agenda Memorandum

Date 11 June 2019



**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

**Subject: Resource consents issued under
delegated authority and applications in
progress**

Approved by: A D McLay, Director – Resource Management
B G Chamberlain, Chief Executive

Document: 2268155

Purpose

1. The purpose of this memorandum is to advise the Committee of consents granted, consents under application and of consent processing actions since the last meeting. This information is summarised in figures at the end of this report.

Executive summary

2. Memorandum to advise the Committee of recent consenting actions made under regional plans and the Resource Management Act, in accordance with Council procedures and delegations.

Recommendation

That the Taranaki Regional Council:

- a) receives the schedule of resource consents granted and other consent processing actions, made under delegated authority.

Background

3. The following resource consent applications have been investigated by officers of the Taranaki Regional Council. They are activities with less than minor adverse effects on the environment or minor effects and affected parties have agreed to the activity. In accordance with sections 104 to 108 and section 139 of the Resource Management Act 1991, and pursuant to delegated authority to make decisions on consent applications, the Chief Executive or the Director – Resource Management has granted the consents/certificates of compliance.

4. The exercise of delegations under the Resource Management Act 1991 is reported for Committee Members' information. Under the delegations manual, consent processing actions are to be reported to the Consents and Regulatory Committee.
5. The attached appendices (consent applications in progress) show the total number of applications in the consent processing system over the last twelve months. The number of applications for the renewal of resource consents is also shown. The difference between the two is the number of new applications, including applications for a change of conditions. New applications take priority over renewal applications. Renewal applications are generally put on hold, with the agreement of the applicant, and processed when staff resources allow. A consent holder can continue to operate under a consent that is subject to renewal. The above approach is pragmatic and ensures there are no regulatory impediments to new activities requiring authorisation.
6. Also attached are the following:
 - Applications in progress table - the number of applications in progress at the end of each month (broken down into total applications and the number of renewals in progress) for this year and the previous two years.
 - Consents issued table - the number of consents issued at the end of each month for this year and the previous two years.
 - Potential hearings spreadsheet outlining the current status of limited/notified applications where hearing committees have been appointed.
 - Breakdown of consents issued. This is the number of consents issued broken down by purpose - new, renewals, changes or review.
 - Types of consents issued, further broken down into notification types - non-notified, limited notified or public notified.
 - Public and iwi involvement in non-notified consents. This assessment excludes routine farm dairy discharges as generally affected party approval and iwi consultation is not required for these.
 - Application processing time extensions used compared to the previous years.
 - Consent type process shows the notification type including applications submitted on and the pre-hearing resolution numbers.

Discussion

7. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Decision-making considerations

8. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

9. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

10. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

11. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

12. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

13. List of non-notified & limited-notified consents (document #2268043)
Schedule of non-notified consents (document #2268140)
Schedule of limited-notified consents (document #2268150)
Consents processing charts for Agenda (document #2266092)

**Non-notified authorisations issued by the Taranaki Regional Council
between 15 Apr 2019 and 30 May 2019**

Discharge Permit				
Consent	Holder	Subtype	Primary Industry Purpose	Activity
R2/0262-4.0	Van Druten Family Trust Partnership	Land/Water - Animal Waste	Dairy Farm	Replace
R2/0316-4.0	Poole Brothers Limited	Land - animal waste	Dairy Farm	Replace
R2/0433-4.0	SH & CD Blyde Family Trust	Land - animal waste	Dairy Farm	Replace
R2/0632-4.0	Topless Brothers Partnership	Water - Animal Waste	Dairy Farm	Replace
R2/0965-3.0	Fresh Milk New Zealand Limited	Land - animal waste	Dairy Farm	Replace
R2/1484-3.2	Revell Family Partnership	Land - animal waste	Dairy Farm	Change
R2/2142-3.0	M Eliason Trust No 1	Land - animal waste	Dairy Farm	Replace
R2/2962-3.0	DP & SM Hurley Trust	Land/Water - Animal Waste	Dairy Farm	Replace
R2/3156-3.0	Topless Brothers Partnership	Water - Animal Waste	Dairy Farm	Replace
R2/3708-3.0	TP Fleming Family Trust	Land - animal waste	Dairy Farm	Replace
R2/4054-6.1	Todd Petroleum Mining Company Limited	Air - Industry	Hydrocarbon Exploration	Change
R2/7920-1.1	Todd Generation Taranaki Limited	Land/Water Industry	Power Generation - Hydro	Change
R2/7921-1.2	Todd Generation Taranaki Limited	Air - Industry	Power Generation - Hydro	Change
R2/10025-2.1	Todd Energy Limited	Land - Hydraulic Fracturing	Hydrocarbon Exploration	Change
R2/10737-1.0	Todd Petroleum Mining Company Limited	Land/Water Industry	Hydrocarbon Exploration	New
R2/10738-1.0	Todd Generation Taranaki Limited	Land/Water Industry	Hydrocarbon Exploration	New
Land Use Consent				
Consent	Holder	Subtype	Primary Industry Purpose	Activity
R2/5900-2.0	South Taranaki District Council	Structure - Culvert	Building Construction/Drainage/Flood Control	Replace
R2/5901-2.0	South Taranaki District Council	Structure - Culvert	Building Construction/Drainage/Flood Control	Replace
R2/6290-2.0	Greenhills Trust	Structure - Ford/Low Level Crossing	Dairy Farm	Replace
R2/6591-2.0	Stoney River Farm Partnership	Structure - Culvert	Dairy Farm	Replace
R2/6700-2.0	First Gas Limited	Structure - Erosion Control	Petrochemical Processing	Replace
R2/10573-1.1	Summerset Group Holdings Limited	Structure - Erosion Control	Building Construction/Drainage/Flood Control	Change
R2/10710-1.1	Forgotten Farms Limited	Forestry – Earthworks	Forestry	New
R2/10711-1.1	Forgotten Farms Limited	Forestry – Harvesting	Forestry	New
R2/10729-1.0	Stratford District Council	Structure - Culvert	Building Construction/Drainage/Flood Control	New
R2/10730-1.0	New Plymouth District Council	Structure - Erosion Control	Building Construction/Drainage/Flood Control	New
R2/10740-1.0	Le Prou Family Trust	Structure - Culvert	Dairy Farm	New
R2/10741-1.0	John Thomas Burkitt	Structure - Culvert	Dairy Farm	New
R2/10744-1.0	Padrutt Trustees Limited	Structure - Bridge	Dairy Farm	New
R2/10747-1.0	Summerset Group Holdings Limited	Structure - Erosion Control	Building Construction/Drainage/Flood Control	New
Water Permit				
Consent	Holder	Subtype	Primary Industry Purpose	Activity
R2/5879-2.0	BR & RG Harvey Family Trust	Take Groundwater	Dairy Farm	Replace

**Certificate of compliance authorisations issued by the Taranaki Regional Council
between 15 Apr 2019 and 30 May 2019**

Discharge Permit				
Consent	Holder	Subtype	Primary Industry Purpose	Activity
R2/10745-1.0	New Plymouth District Council	Water - Industry	Water Supply - Municipal	New

**Limited Notified authorisations issued by the Taranaki Regional Council
between 15 Apr 2019 and 30 May 2019**

Water Permit				
Consent	Holder	Subtype	Primary Industry Purpose	Activity
R2/5791-2.0	Allan & Leonie Campbell	Take Surface Water	Irrigation	Replace
R2/5829-2.0	RM & MC Julian Family Trust	Take Surface Water	Irrigation	Replace
R2/5876-2.0	Graham & Ruby Dorn	Take Surface Water	Irrigation	Replace

Non-notified authorisations issued by the Taranaki Regional Council between 15 Apr 2019 and 30 May 2019

[R2/0262-4.0](#)

Van Druten Family Trust Partnership
PO Box 12, Opunake 4645

Commencement Date: 17 Apr 2019
Expiry Date: 01 Dec 2043
Review Dates: June 2025, June 2031,
June 2037
Activity Class: Controlled

Location: 919 Mid Kahui Road, Rahotu

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 December 2021 after treatment in an oxidation pond system and wetland, into the Rautini Stream

[R2/0316-4.0](#)

Poole Brothers Limited
C/- SM Poole, 1312 Skeet Road, RD 28,
Hawera 4678

Commencement Date: 03 May 2019
Expiry Date: 01 Dec 2047
Review Dates: June 2029, June 2035,
June 2041
Activity Class: Controlled

Location: 1251 Manaia Road, Kaponga

Application Purpose: Replace

To discharge farm dairy effluent onto land

[R2/0433-4.0](#)

SH & CD Blyde Family Trust
36 Elsham Road, RD 3, New Plymouth 4373

Commencement Date: 17 May 2019
Expiry Date: 01 Dec 2044
Review Dates: June 2026, June 2032,
June 2038
Activity Class: Controlled

Location: 36 Elsham Road, Lepperton

Application Purpose: Replace

To discharge farm dairy effluent onto land

[R2/0632-4.0](#)

Topless Brothers Partnership
C/- John Topless, 121 Turangi Road, RD 43,
Waitara 4383

Commencement Date: 17 May 2019
Expiry Date: 01 Dec 2045
Review Dates: June 2027, June 2033,
June 2039
Activity Class: Controlled

Location: 197 Epiha Road, Motunui

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 December 2020 after treatment in an oxidation pond system, into an unnamed tributary of the Parahaki Stream

**Non-notified authorisations issued by the Taranaki Regional Council
between 15 Apr 2019 and 30 May 2019**

[R2/0965-3.0](#)

Fresh Milk New Zealand Limited
2654 Skeet Road, RD 28, Hawera 4678

Commencement Date: 17 May 2019

Expiry Date: 01 Dec 2048

Review Dates: June 2030, June 2036,
June 2042

Activity Class: Controlled

Location: Skeet Road, Auroa

Application Purpose: Replace

To discharge farm dairy effluent onto land

[R2/1484-3.2](#)

Revell Family Partnership
547 Lower Duthie Road, RD 15, Hawera 4675

Commencement Date: 10 May 2019

Expiry Date: 01 Dec 2029

Review Dates: June 2023

Activity Class: Discretionary

Location: 547 Lower Duthie Road, Mangatoki

Application Purpose: Change

To discharge farm dairy effluent onto land

[R2/2142-3.0](#)

M Eliason Trust No 1
759 Palmer Road, RD 29, Hawera 4679

Commencement Date: 22 May 2019

Expiry Date: 01 Dec 2047

Review Dates: June 2029, June 2035,
June 2041

Activity Class: Controlled

Location: 759 Palmer Road, Kaponga

Application Purpose: Replace

To discharge farm dairy effluent onto land

[R2/2962-3.0](#)

DP & SM Hurley Trust
DP & SM Hurley, 1074 Upper Palmer Road,
RD 29, Hawera 4679

Commencement Date: 17 Apr 2019

Expiry Date: 01 Dec 2047

Review Dates: June 2029, June 2035,
June 2041

Activity Class: Controlled

Location: 1074 Palmer Road, Kaponga

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 December 2020 after treatment in an oxidation pond system and wetland, into the Kapuni Stream

Non-notified authorisations issued by the Taranaki Regional Council between 15 Apr 2019 and 30 May 2019

[R2/3156-3.0](#)

Topless Brothers Partnership
C/- John Topless, 121 Turangi Road, RD 43,
Waitara 4383

Commencement Date: 08 May 2019

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033,
June 2039

Activity Class: Controlled

Location: 174 Turangi Road, Tikorangi

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 December 2020 after treatment in an oxidation pond system and constructed drain, into an unnamed tributary of the Parahaki Stream

[R2/3708-3.0](#)

TP Fleming Family Trust
Timothy & Jane Fleming, 218 Lower Parihaka
Road, RD 35, Opunake 4685

Commencement Date: 01 May 2019

Expiry Date: 01 Dec 2043

Review Dates: June 2025, June 2031,
June 2037

Activity Class: Controlled

Location: 202 Lower Parihaka Road, Rahotu

Application Purpose: Replace

To discharge farm dairy effluent onto land

[R2/4054-6.1](#)

Todd Petroleum Mining Company Limited
PO Box 802, New Plymouth 4340

Commencement Date: 03 May 2019

Expiry Date: 01 Jun 2035

Review Dates: June 2023, June 2029

Activity Class: Discretionary

Location: Kapuni Production Station, 318
Palmer Road, Kapuni

Application Purpose: Change

To discharge emissions into the air from combustion involving flaring of petroleum products and miscellaneous emissions incidental to the treatment of gas at the Kapuni Production Station

Change of consent conditions to authorise discharge of miscellaneous emissions

[R2/5879-2.0](#)

BR & RG Harvey Family Trust
6 Hampton Road, RD 37, New Plymouth 4381

Commencement Date: 22 May 2019

Expiry Date: 01 Jun 2037

Review Dates: June 2025, June 2031

Activity Class: Discretionary

Location: 6 Hampton Road, Okato

Application Purpose: Replace

To take and use groundwater from a bore for pasture irrigation and stock watering purposes

Non-notified authorisations issued by the Taranaki Regional Council between 15 Apr 2019 and 30 May 2019

[R2/5900-2.0](#)

South Taranaki District Council

Chief Executive, Private Bag 902, Hawera 4640

Commencement Date: 15 May 2019

Expiry Date: 01 Jun 2036

Review Dates: June 2024, June 2030

Activity Class: Discretionary

Location: Kina Road, Oaonui

Application Purpose: Replace

To use an existing culvert in the Manganui Stream and to install weir baffles and a rock ramp to allow for fish passage

[R2/5901-2.0](#)

South Taranaki District Council

Chief Executive, Private Bag 902, Hawera 4640

Commencement Date: 15 May 2019

Expiry Date: 01 Jun 2036

Review Dates: June 2024, June 2030

Activity Class: Discretionary

Location: Eltham Road, Te Kiri

Application Purpose: Replace

To use an existing culvert in the Waiteika Stream and to install weir baffles and a rock ramp to allow for fish passage

[R2/6290-2.0](#)

Greenhills Trust

C/- WJ &DM Honeyfield, 10 Dixon Street,
Oakura 4314

Commencement Date: 03 May 2019

Expiry Date: 01 Jun 2037

Review Dates: June 2025, June 2031

Activity Class: Discretionary

Location: 2206 Wiremu Road, Newall

Application Purpose: Replace

To use a low level crossing in the Kapoaiaia Stream for farm access purposes

[R2/6591-2.0](#)

Stoney River Farm Partnership

78 Whiteley Street, Moturoa, New Plymouth
4310

Commencement Date: 30 May 2019

Expiry Date: 01 Jun 2037

Review Dates: June 2025, June 2031

Activity Class: Discretionary

Location: 81 Mangatete Road, Okato

Application Purpose: Replace

To use a culvert in the Werekino Stream for farm access purposes

Non-notified authorisations issued by the Taranaki Regional Council between 15 Apr 2019 and 30 May 2019

[R2/6700-2.0](#)

First Gas Limited

Private Bag 2020, New Plymouth 4342

Commencement Date: 30 May 2019

Expiry Date: 01 Jun 2037

Review Dates: June 2025, June 2031

Activity Class: Discretionary

Location: Mangatete Road, Okato

Application Purpose: Replace

To use a grade control cascade structure immediately downstream of a pipeline crossing in the Hangatahua (Stony) River for erosion control and pipeline protection purposes

[R2/7920-1.1](#)

Todd Generation Taranaki Limited

PO Box 8358, New Plymouth 4340

Commencement Date: 30 Apr 2019

Expiry Date: 01 Jun 2031

Review Dates: June 2021, June 2026

Activity Class: Discretionary

Location: McKee Production Station, 1444
Otaraoa Road, Tikorangi

Application Purpose: Change

To discharge wastewater and stormwater from a retention pond at the McKee power Plant and Organic Rankine Cycle Plant, into water and onto land where it may enter an unnamed tributary of the Mangahewa Stream

Change of consent conditions, to increase the stormwater catchment area

[R2/7921-1.2](#)

Todd Generation Taranaki Limited

PO Box 8358, New Plymouth 4340

Commencement Date: 30 Apr 2019

Expiry Date: 01 Jun 2031

Review Dates: June 2021, June 2026

Activity Class: Discretionary

Location: McKee Production Station, 1444
Otaraoa Road, Tikorangi

Application Purpose: Change

To discharge emissions to air from the combustion of natural gas and other miscellaneous emissions from the McKee Power Plant and Organic Rankine Cycle Plant

Change of consent conditions, to include the use of an Organic Rankine Cycle Plant

**Non-notified authorisations issued by the Taranaki Regional Council
between 15 Apr 2019 and 30 May 2019**

[R2/10025-2.1](#)

Todd Energy Limited
PO Box 802, New Plymouth 4340

Commencement Date: 08 May 2019

Expiry Date: 01 Jun 2033

Review Dates: June 2021, June 2027

Activity Class: Discretionary

Location: Mangahewa-G wellsite, 1067
Otaraoa Road, Tikorangi

Application Purpose: Change

To discharge water-based hydraulic fracturing fluids into land at depths greater than 3,200 mTVDss beneath the Mangahewa-G wellsite

Change of consent conditions to allow flexibility around the mapping requirements of the pre-fracturing report

[R2/10573-1.1](#)

Summerset Group Holdings Limited
PO Box 5187, Wellington 6140

Commencement Date: 20 May 2019

Expiry Date: 01 Jun 2020

Review Dates:

Activity Class: Discretionary

Location: 35 Fernbrook Drive, Vogeltown

Application Purpose: Change

To undertake temporary remedial works in an unnamed tributary of the Huatoki Stream, including the installation of a spillway, maintenance and repair of an embankment, removal of an existing culvert and the associated disturbance of the stream bed

Change of consent conditions to extend the date that permanent works are to be completed by

[R2/10710-1.1](#)

Forgotten Farms Limited
PO Box 171, Stratford 4352

Commencement Date: 14 May 2019

Expiry Date: 01 Jun 2021

Review Dates:

Activity Class: Restricted discretionary

Location: Arnold Road, Pohokura

Application Purpose: New

To undertake earthworks relating to harvesting a plantation forestry

[R2/10711-1.1](#)

Forgotten Farms Limited
PO Box 171, Stratford 4352

Commencement Date: 14 May 2019

Expiry Date: 01 Jun 2021

Review Dates:

Activity Class: Controlled

Location: Arnold Road, Pohokura

Application Purpose: New

To harvest a plantation forest

Non-notified authorisations issued by the Taranaki Regional Council between 15 Apr 2019 and 30 May 2019

[R2/10729-1.0](#)

Stratford District Council
Chief Executive, PO Box 320, Stratford 4352

Commencement Date: 10 May 2019

Expiry Date: 01 Jun 2034

Review Dates: June 2022, June 2028

Activity Class: Discretionary

Location: Road reserve, Monmouth Road,
Stratford

Application Purpose: New

To replace a culvert in an unnamed tributary of the Kahouri Stream, including the associated disturbance of the stream bed

[R2/10730-1.0](#)

New Plymouth District Council
Private Bag 2025, New Plymouth 4342

Commencement Date: 16 Apr 2019

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Discretionary

Location: 11a & 13 London Terrace, New
Plymouth

Application Purpose: New

To install an erosion protection structure in the bed of an unnamed tributary of the Te Henui Stream

[R2/10737-1.0](#)

Todd Petroleum Mining Company Limited
PO Box 802, New Plymouth 4340

Commencement Date: 17 Apr 2019

Expiry Date: 01 Jun 2021

Review Dates:

Activity Class: Controlled

Location: Kapuni-J wellsite, 632 Palmer Road,
Kaponga

Application Purpose: New

To discharge stormwater and sediment arising from earthworks at the Kapuni-J wellsite onto and into land and into the Kapuni Stream

[R2/10738-1.0](#)

Todd Generation Taranaki Limited
PO Box 8358, New Plymouth 4340

Commencement Date: 30 Apr 2019

Expiry Date: 01 Jun 2029

Review Dates:

Activity Class: Controlled

Location: McKee Production Station, 1444
Otaraoa Road, Tikorangi

Application Purpose: New

To discharge stormwater and sediment from earthworks during construction of the McKee Organic Ranking Cycle Plant onto and into land and into an unnamed tributary of the Mangahewa Stream

Non-notified authorisations issued by the Taranaki Regional Council between 15 Apr 2019 and 30 May 2019

[R2/10740-1.0](#)

Le Prou Family Trust

3509 Main South Road, RD 32, Opunake 4682

Commencement Date: 24 Apr 2019

Expiry Date: 01 Jun 2036

Review Dates: June 2024, June 2030

Activity Class: Discretionary

Location: 476 Patiki Road, Pihama

Application Purpose: New

To install and use a culvert in an unnamed tributary of the Oeo Stream for access purposes, including the associated disturbance of the stream bed

[R2/10741-1.0](#)

John Thomas Burkitt

304 Oxford Road, RD 37, New Plymouth 4381

Commencement Date: 24 Apr 2019

Expiry Date: 01 Jun 2037

Review Dates: June 2025, June 2031

Activity Class: Discretionary

Location: 793 Kahui Road, Rahotu

Application Purpose: New

To install and use a box culvert in the Waitaha Stream for access purposes, including the associated disturbance of the stream bed

[R2/10744-1.0](#)

Padrutt Trustees Limited

1647 Manaia Road, RD 29, Hawera 4679

Commencement Date: 21 May 2019

Expiry Date: 01 Jun 2035

Review Dates: June 2023, June 2029

Activity Class: Discretionary

Location: 1647 Manaia Road, Mahoe

Application Purpose: New

To replace a farm bridge over the Kaupokonui Stream for farm access purposes

[R2/10745-1.0](#)

New Plymouth District Council

Private Bag 2025, New Plymouth 4342

Commencement Date: 29 May 2019

Expiry Date:

Review Dates:

Activity Class: Permitted

Location: 282 Oxford Road, Okato

Application Purpose: New - COC

To discharge raw water from the Okato Water Treatment plant into an unnamed tributary of the Kaihihi Stream

**Non-notified authorisations issued by the Taranaki Regional Council
between 15 Apr 2019 and 30 May 2019**

[R2/10747-1.0](#)

Summerset Group Holdings Limited
PO Box 5187, Wellington 6140

Commencement Date: 17 May 2019

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Discretionary

Location: 35 Fernbrook Drive & 23 Te Arakete Place, Vogeltown **Application Purpose:** New

To use an existing embankment structure to dam water and to undertake remedial works in an unnamed tributary of the Huatoki Stream, including the installation of riprap, maintenance and repair of an embankment and the associated disturbance of the stream bed

Limited Notified authorisations issued by the Taranaki Regional Council between 15 Apr 2019 and 30 May 2019

[R2/5791-2.0](#)

Allan & Leonie Campbell
143 Puketapu Road, RD 32, Opunake 4682

Commencement Date: 17 Apr 2019

Expiry Date: 01 Jun 2036

Review Dates: June 2021, June 2024,
June 2027, June 2030, June 2033

Activity Class: Discretionary

Location: 143 Puketapu Road, Pihama

Application Purpose: Replace

To take and use water from the Ouri Stream for pasture irrigation purposes

[R2/5829-2.0](#)

RM & MC Julian Family Trust
3645 Main South Road, RD 32, State Highway
45, Opunake 4682

Commencement Date: 17 Apr 2019

Expiry Date: 01 Jun 2036

Review Dates: June 2021, June 2024,
June 2027, June 2030, June 2033

Activity Class: Discretionary

Location: 3645 Main South Road, Opunake

Application Purpose: Replace

To take and use water from the Taungatara Stream for pasture irrigation purposes

[R2/5876-2.0](#)

Graham & Ruby Dorn
3608 Main South Road, RD 32, Opunake 4682

Commencement Date: 17 Apr 2019

Expiry Date: 01 Jun 2036

Review Dates: June 2021, June 2024,
June 2027, June 2030, June 2033

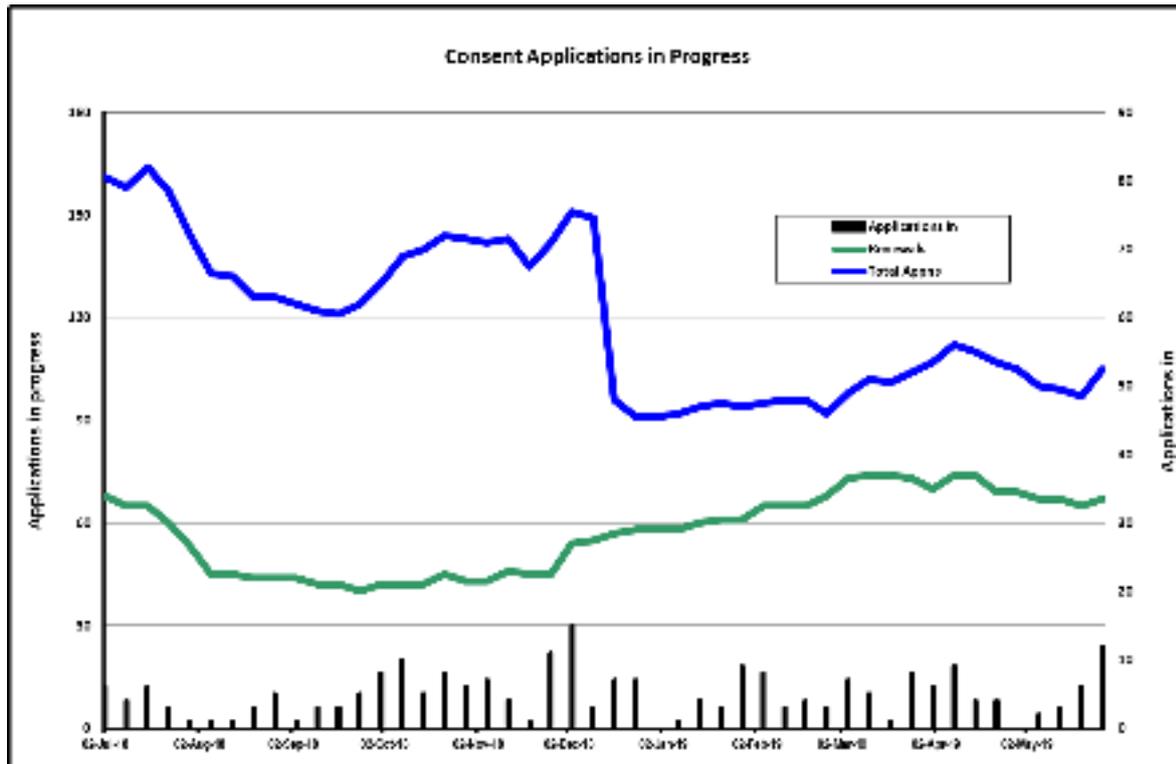
Activity Class: Discretionary

Location: 3547 South Road, Opunake

Application Purpose: Replace

To take and use water from the Punehu Stream for pasture irrigation purposes

1) Applications in progress



2) Month Ending

	July		Aug		Sept		Oct		Nov		Dec		Jan		Feb		Mar		Apr		May		Jun	
	Total	R																						
2018/2019	144	53	124	44	127	43	143	43	142	45	91	58	94	61	98	73	107	70	105	69	105	67		
2017/2018	209	149	218	151	210	145	210	136	189	144	253	146	249	144	248	149	174	79	170	76	176	77	164	68
2016/2017	175	125	175	118	161	113	169	117	179	129	204	143	200	138	226	160	210	159	204	149	211	150	208	147

R = Renewals

3) Potential Hearings

Applicant	Description	Notification date	Status	Date Issued
Nil				

4) Consents Issued (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2018-2019	32	55	66	84	109	186	195	211	225	242		
2017-2018	15	38	72	116	160	176	195	217	236	253	279	308
2016-2017	18	36	57	76	104	122	138	161	193	216	235	263

5) Breakdown of consents issued

	New	Renewal	Change	Review	Totals
2016-2017 Total	112	93	58	0	263
2017-2018 Total	134	106	61	7	308
2018-2019 YTD	137	69	36	0	242

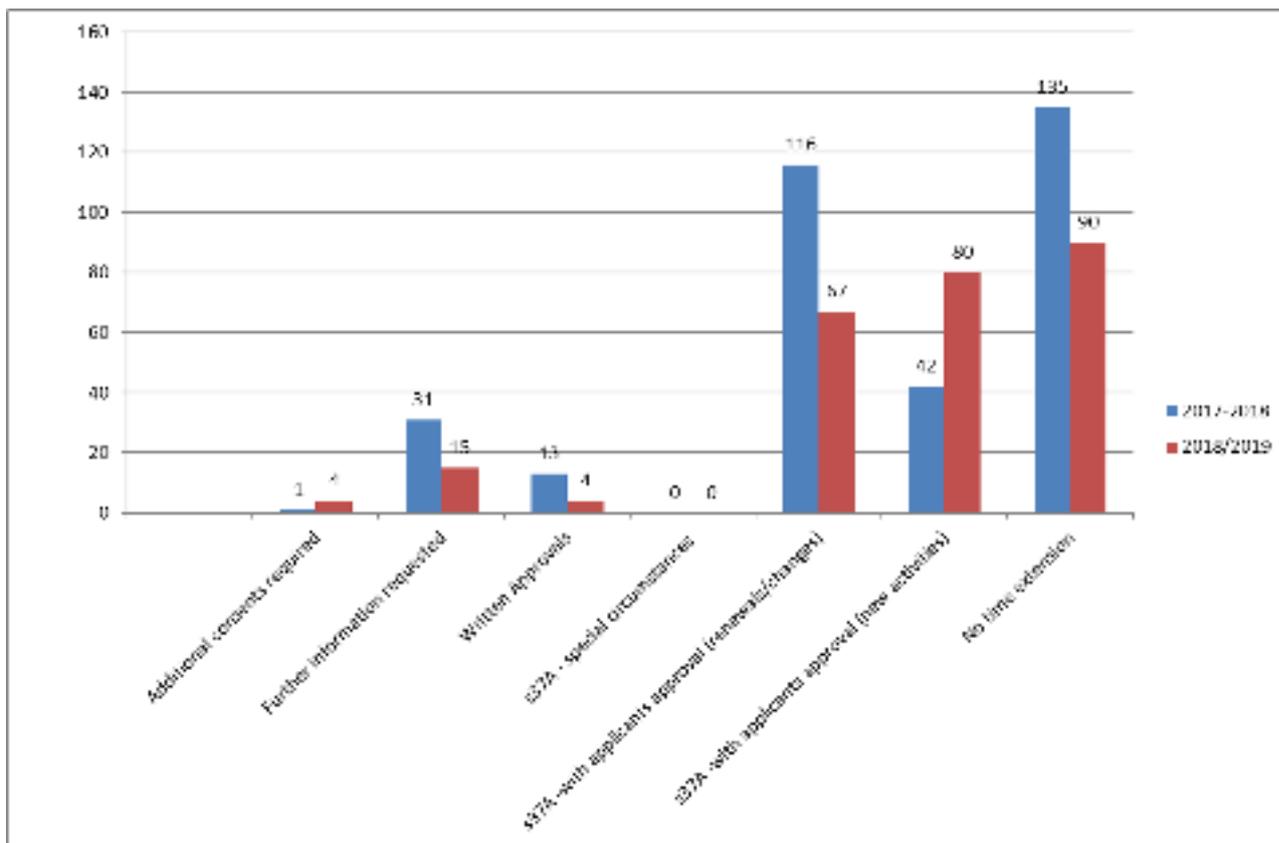
6) Types of consents issued - year to date comparison

	Publicly Notified					%	Total publically notified	Limited					%	Total Limited Notified	Non Notified					%	Total Non-notified	Grand Total
	Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other			Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other			Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other			
July 2016 to June 2017	0	0	0	0	0	0.0%	0	0	0	0	2	7	3.4%	9	19	102	4	44	85	96.6%	254	263
July 2017 to June 2018	1	0	0	0	5	1.9%	6	2	1	0	0	0	1.0%	3	29	103	6	71	90	97.1%	299	308
April 2019 YTD	0	0	0	0	57	23.6%	57	1	5	1	0	1	3.3%	8	23	67	6	28	53	73.1%	177	242

7) Non notified number of parties consulted and written approval provided

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
District Councils	3	4	7
DOC	5	0	5
Environmental/Recreational Groups	2	0	2
Fish & Game	4	0	4
Individuals/Neighbours/Landowners	15	17	32
Network Utilities	0	0	0
Non Govt Organisations	0	0	0
Other Govt Departments	6	0	6
Iwi/hapu	175		175
Totals - 2018-2019 March YTD	210	21	231

8) Application processing time extensions used 2017-2018 versus 2018-2019



9) Consent type process

	Last 10 year average 2009 - 2018	July 2017 to June 2018	July 2018 to June 2019 YTD
Total consents granted	386	308	242
Publically Notified	4	6	57
Limited-notified	12	3	8
Non-notified	371	299	177
Applications submitted on (in opposition and to be heard)	9	8	65
Application Pre-hearing resolution (%)	78%	100%	12%
Hearings (no. of applications)	1 (2)	0 (0)	1 (57)
Appeals (no. of applications)	1 (1)	0 (0)	3 (57)
Total current consents	4579	4837	4871

10) Deemed Permitted Activities Issued

Date Issued	DPA No	Holder	Activity	Plan	Rule
10-Apr-19	6424-2.0	Brian & Mary Gilbert	To undertake erosion protection works on Okahu Stream	RFWP	52
10-Apr-19	6041-2.0	Craigower Farms Limited	To erect, place and maintain a bridge over the Kapoaiaia Stream for access purposes	RFWP	52
10-Apr-19	6370-2.0	Greenhills Trust	To erect, place and maintain a bridge over the Mangatete Stream in the Kaihihi catchment for farm access purposes	RFWP	52
10-Apr-19	5833-2.0	Maureen Brophy	To reconstruct, erect, place, use and maintain a bridge over the Waitotoroa Stream including associated boulder rip rap protection on the true left bank for farm access purposes	RFWP	52
10-Apr-19	5605-2.0	New Plymouth District Council	To erect, place and maintain a bridge over the Mangatete Stream in the Kaihihi catchment	RFWP	52
10-Apr-19	6732-2.0	New Plymouth District Council	To reconstruct and extend the Wiremu Road RP 200 bridge for roading	RFWP	52
10-Apr-19	5724-2.0	Patrick & Barbara Baker	To erect, place, use and maintain a bridge over the Waiweranui Stream for farm access purposes	RFWP	52
10-Apr-19	5788-2.0	South Taranaki District Council	To reconstruct, erect, place, use and maintain a bridge over the Rautini Stream in the Pungaereere catchment for roading purposes	RFWP	52
10-Apr-19	6027-2.0	South Taranaki District Council	To erect, place and maintain a bridge over the Waitaha Stream	RFWP	52
10-Apr-19	5644-2.0	Transit New Zealand	To erect, place and maintain concrete foundation aprons in the bed of the Katikara Stream for State Highway 45 Katikara Stream bridge abutment stabilisation purposes	RFWP	52
16-Apr-19	5508-2.0	New Plymouth District Council	To maintain a gabion retaining wall on the true right bank of the Waimoku Stream for bank stability purposes	RFWP	52
16-Apr-19	6277-2.0	New Plymouth District Council	To maintain a footbridge over the Timaru Stream for public access purposes	RFWP	52

11) Applications returned incomplete under Section 88

For the 2018-2019 year to date, 13 applications have been returned incomplete under S88 of the RMA for insufficient information. Of those 13, 7 applications have since been returned by the applicant and accepted by Council.

Agenda Memorandum

Date 11 June 2019



**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

Subject: Consent monitoring annual reports

Approved by: G K Bedford, Director-Environment Quality

BG Chamberlain, Chief Executive

Document: 2265906

Purpose

1. The purpose of this memorandum is to advise the Committee of 4 tailored compliance monitoring reports that have been prepared since the last Committee meeting.

Executive summary

2. The Council considers the regular reporting of comprehensive and well-considered compliance monitoring is vital to undergird-
 - community standing and reputation enhancement for companies that consistently attain good or high levels of environmental performance. Informed feedback is appropriate and valuable, and assists a proactive alignment of industry's interests with community and *Resource Management Act 1991* expectations. Reporting describes the effective value of investment in environmental systems;
 - a respectful and responsible regard for the Taranaki region's environment and our management of its natural resources. Reporting allows evaluation and demonstration of the overall rate of compliance by sector and by consent holders as a whole, and of trends in the improvement of our environment; and
 - the Council's accountability and transparency. Reporting gives validity to investment in monitoring and to assessments of effective intervention.
3. These Council reports have been submitted to the consent holder for comment and confirmation of accuracy prior to publication. All reports provide environmental performance and administrative compliance ratings for each consent holder in relation to their activities over the period being reported and provide recommendations for the following monitoring year.
4. There are four tailored compliance monitoring reports presented at this June meeting. Within the reports four high environmental gradings were assigned (Table 2).
5. For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored

through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

6. In 2018 the Ministry for the Environment published Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991. These guidelines include the following recommendation: “It is good practice for councils to provide regular (e.g., annual) reports to the public on Compliance Monitoring and Enforcement (CME) activities. Council public reporting on CME gives assurance to the public that rules/policies are being enforced, and educates the public on how the council responds to non-compliance.” (MfE, 2018).
7. Recommendations pertaining to each site or programme are set out in the relevant report. The attention of Committee members is directed to the Executive Summary at the front of each report.

Table 1 Historical environmental and compliance performance ratings

Year	High	Good
2012-2013	59%	35%
2013-2014	60%	29%
2014-2015	75%	22%
2015-2016	71%	24%
2016-2017	74%	21%
2017-2018	76%	20%

Table 2 List of annual reports with overall environmental performance rating

Report Name	Overall environmental performance
19-03 Greymouth Petroleum Ltd Turangi-A Hydraulic Fracturing Monitoring Programme Annual Report 2017-2018	High
19-04 Petrochem Ltd Kowhai-D Hydraulic Fracturing Monitoring Programme Annual Report 2017-2018	High
19-05 Petrochem Ltd Kowhai-A Hydraulic Fracturing Monitoring Programme Annual Report 2017-2018	High
19-06 Todd Energy Ltd Mangahewa-D Hydraulic Fracturing Monitoring Programme Annual Report 2016-2019	High

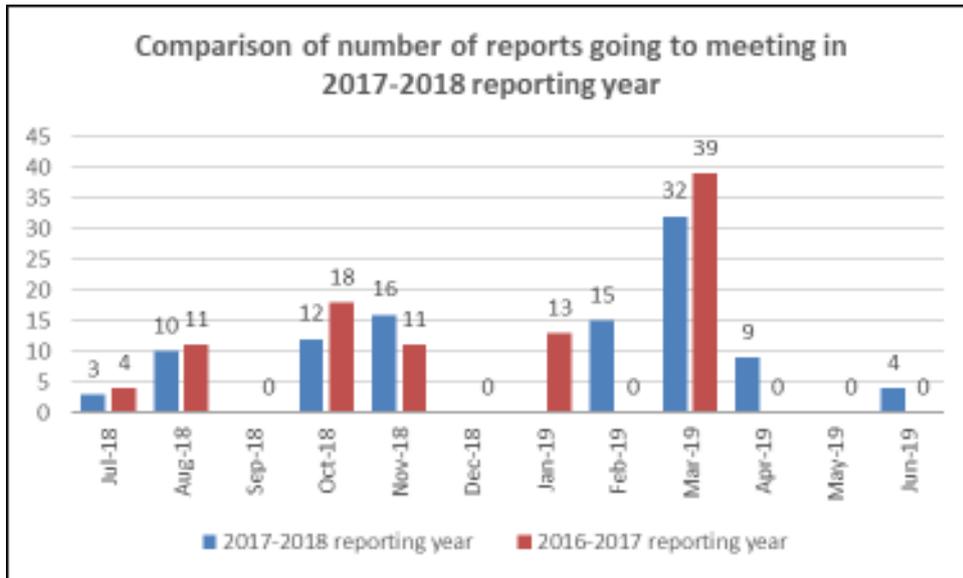


Figure 1 Comparison between 2016-2017 and 2017-2018 reporting years

Recommendations

That the Taranaki Regional Council:

- a) receives the 19-03 Greymouth Petroleum Ltd Turangi-A Hydraulic Fracturing Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein;
- b) receives the 19-04 Petrochem Ltd Kowhai-D Hydraulic Fracturing Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein;
- c) receives the 19-05 Petrochem Ltd Kowhai-A Hydraulic Fracturing Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein; and
- d) receives the 19-06 Todd Energy Ltd Mangahewa-D Hydraulic Fracturing Monitoring Programme Annual Report 2016-2019 and adopts the specific recommendations therein.

19-03 Greymouth Petroleum Ltd Turangi-A Hydraulic Fracturing Monitoring Programme 2017-2018

8. Greymouth Petroleum Ltd (GPL) operates the Turangi-A hydrocarbon exploration site located on Turangi Road, Motunui. The wellsite lies within the Parahaki Catchment and contains hydrocarbon producing wells and associated infrastructure. This report for the period July 2016 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.
9. This report outlines and discusses the results of the monitoring programme implemented by the Council in relation to the hydraulic fracturing activities conducted by GPL at the Turangi-A wellsite over the period 30 June 2017 to 14 August 2017.

10. The programme of hydraulic fracturing undertaken by GPL at the Turangi-A wellsite included the hydraulic fracturing of one well. The well targeted for stimulation was the Turangi-3 well.
11. During the monitoring period, GPL demonstrated an overall high level of environmental performance.
12. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2016-2017 and 2017-2018 monitoring years. Monitoring included pre and post discharge groundwater sampling and biomonitoring surveys carried out to assess the impact of any site discharges during the fracturing programme on an unnamed tributary of the Parahaki Catchment. Samples of hydraulic fracturing fluids and fluids returning to the wellhead post-fracturing, were also obtained for physicochemical analysis in order to characterise the discharges and to determine compliance with consent conditions.
13. This is the first monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Turangi-A wellsite.
14. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by GPL had no significant adverse effects on local groundwater or surface water resources. There were no unauthorised incidents recording non-compliance in respect of the resource consent held by GPL in relation to these activities or provisions in regional plans, during the period under review.
15. GPL demonstrated a high level of environmental and administrative performance and compliance with the resource consents over the reporting period.
16. For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.
17. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Turangi-A wellsite.

19-04 Petrochem Ltd Kowhai-D Hydraulic Fracturing Monitoring Programme 2017-2018

18. Petrochem Ltd (Petrochem), a subsidiary of Greymouth Petroleum Ltd, operates the Kowhai-D hydrocarbon exploration site located on Manganui Road, in the Waitara River catchment. This report for the period July 2016 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.
19. This report outlines and discusses the results of the monitoring programme implemented by the Taranaki Regional Council (the Council) in relation to hydraulic fracturing

activities conducted by Petrochem at the Kowhai-D wellsite over the period 2 May 2017 to 9 November 2017.

20. The programme of hydraulic fracturing undertaken by Petrochem at the Kowhai-D wellsite included the hydraulic fracturing of one well. The well targeted for stimulation was the Kowhai-4 well.
21. During the monitoring period, Petrochem demonstrated an overall high level of environmental performance.
22. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2016-2017 and 2017-2018 monitoring years. Monitoring included pre and post-discharge groundwater sampling. Biomonitoring surveys were also carried out to assess the impact of any site discharges during the fracturing programme on an unnamed tributary of the Waitara River. Samples of hydraulic fracturing fluids, and fluids returning to the wellhead post-fracturing, were also obtained for physicochemical analysis in order to characterise the discharges and to determine compliance with consent conditions.
23. This is the first monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Kowhai-D wellsite.
24. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by Petrochem had no significant adverse effects on local groundwater or surface water resources. There were no unauthorised incidents recording non-compliance in respect of the resource consent held by Petrochem in relation to these activities or provisions in regional plans, during the period under review.
25. Petrochem demonstrated a high level of environmental and administrative performance and compliance with the resource consents over the reporting period.
26. For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.
27. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Kowhai-D wellsite.

19-05 Petrochem Ltd Kowhai-A Hydraulic Fracturing Annual Report 2017-2018

28. Petrochem Ltd (Petrochem) a subsidiary of Greymouth Petroleum Ltd operates the Kowhai-A hydrocarbon exploration site located on Ngatimaru Road, in the Waiau catchment. This report for the period July 2017 to June 2019 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

29. This report outlines and discusses the results of the monitoring programme implemented by the Council in relation to hydraulic fracturing activities conducted by Petrochem at the Kowhai-A wellsite over the period 25 February 2018 to 5 June 2018.
30. The programme of hydraulic fracturing undertaken by Petrochem at the Kowhai-A wellsite included the hydraulic fracturing of one well. The well targeted for stimulation was the Kowhai-A1R well.
31. During the monitoring period, Petrochem demonstrated an overall high level of environmental performance.
32. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2017-2018 and 2018-2019 monitoring years. Monitoring included pre and post-discharge groundwater sampling. Biomonitoring surveys were also carried out to assess the impact of any site discharges during the fracturing programme on an unnamed tributary of the Waiau Stream. Samples of hydraulic fracturing fluids, and fluids returning to the wellhead post-fracturing, were also obtained for physicochemical analysis in order to characterise the discharges and to determine compliance with consent conditions.
33. This is the first monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Kowhai-A wellsite.
34. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by Petrochem had no significant adverse effects on local groundwater or surface water resources. There were no unauthorised incidents recording non-compliance in respect of the resource consent held by Petrochem in relation to these activities or provisions in regional plans, during the period under review.
35. Petrochem demonstrated a high level of environmental and administrative performance and compliance with the resource consents over the reporting period.
36. For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.
37. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Kowhai-A wellsite.

19-06 Todd Energy Ltd Mangahewa-D Hydraulic Fracturing Monitoring Programme Report 2016-2019

38. Todd Energy Ltd (Todd) operates the Mangahewa-D hydrocarbon exploration wellsite located on Rimutauteka Road, within the Waitara Catchment. This report for the period July 2016 to June 2019 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess Todd's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of Todd's activities.

39. This report outlines and discusses the results of the monitoring programme implemented by the Council in relation to the hydraulic activities conducted by Todd at the Mangahewa-D wellsite over the period 30 March 2017 to 23 March 2018.
40. The programme of hydraulic fracturing undertaken by Todd included the hydraulic fracturing of four wells Mangahewa-22, Mangahewa-4, Mangahewa-7 and Mangahewa-16.
41. During the monitoring period, Todd demonstrated an overall high level of environmental performance.
42. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2016-2017, 2017-2018 and the 2018-2019 monitoring years. Monitoring included pre and post discharge groundwater sampling. Biomonitoring surveys were also carried out to assess the impact of any site discharges during the fracturing programme on an unnamed tributary of the Manganui River. Samples of hydraulic fracturing fluids and fluids returning to the wellhead post-fracturing, were also obtained for physicochemical analysis in order to characterise the discharges and to determine compliance with consent conditions.
43. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by Todd had no significant adverse effects on local groundwater or surface water resources. A temporary reduction in macroinvertebrate health was recorded in the unnamed tributary of the Manganui River during the hydraulic fracturing programme and additional sediment sampling was undertaken which indicated the presence of hydrocarbons in the stream. Follow-up surveys found that macroinvertebrate communities recovered to levels of health seen prior to impacts being observed and monitoring of the stream sediments indicated hydrocarbons were no longer present. There was no evidence found that indicated any connection between the activity being monitored and the observed impacts.
44. There were no unauthorised incidents recording non-compliance in respect of the resource consent held by Todd in relation to these activities or provisions in regional plans, during the period under review.
45. Todd demonstrated a high level of environmental and administrative performance and compliance with the resource consent over the reporting period.
46. For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.
47. This is the third monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Mangahewa-D wellsite. In terms of overall environmental and compliance performance by the consent holder this report shows that the consent holder's performance remained at a high level.
48. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Mangahewa-D wellsite.

Stakeholder and iwi interests

Greymouth Petroleum Turangi-A Hydraulic Fracturing

49. Consent 10000-1

50. The consent was processed on a non-notified basis because the adverse effects of the activity would not be more than minor and nobody was adversely affected. Council was satisfied the discharge of HF fluids, from a properly operated activity, at depth, below kilometres of geological seals (low permeability and low transmissivity, unfractured geological layers), would have no more than minor effects on the environment. It was also determined that nobody was affected because the discharge is at significant depth and into a secure hydrocarbon reservoir to which the applicant has sole access under a permit issued by the MBIE.

Greymouth Petroleum Kowhai-D Hydraulic Fracturing

51. Consent 10297-1: Greymouth Petroleum Kowhai-D wellsite

52. The application was processed on a non-notified basis because the adverse effects of the activity will not be more than minor and nobody was adversely affected. Council was satisfied the discharge of HF fluids, from a properly operated activity, at depth, below kilometres of geological seals (low permeability and low transmissivity, unfractured geological layers), would have no more than minor effects on the environment. It was also determined that nobody was affected because the discharge is at significant depth and into a secure hydrocarbon reservoir to which the applicant has sole access under a permit issued by the MBIE.

Petrochem Ltd Kowhai-A Hydraulic Fracturing

53. Consent 10356-1

54. The consent was processed on a non-notified basis because the adverse effects of the activity would not be more than minor and nobody was adversely affected. Council was satisfied the discharge of HF fluids, from a properly operated activity, at depth, below kilometres of geological seals (low permeability and low transmissivity, unfractured geological layers), would have no more than minor effects on the environment. It was also determined that nobody was affected because the discharge is at significant depth and into a secure hydrocarbon reservoir to which the applicant has sole access under a permit issued by the MBIE.

Todd Energy Ltd Mangahewa-D Hydraulic Fracturing

55. Consent 7912-2.1

56. The consent was processed on a non-notified basis because the adverse effects of the activity would not be more than minor and nobody was adversely affected. Council was satisfied the discharge of HF fluids, from a properly operated activity, at depth, below kilometres of geological seals (low permeability and low transmissivity, unfractured geological layers), would have no more than minor effects on the environment. It was also determined that nobody was affected because the discharge is at significant depth

and into a secure hydrocarbon reservoir to which the applicant has sole access under a permit issued by the MBIE.

Decision-making considerations

57. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the Act.

Financial considerations—LTP/Annual Plan

58. This memorandum and the associated recommendations are consistent with the Council’s adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

59. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Local Government Official Information and Meetings Act 1987.

Iwi considerations

60. This memorandum and the associated recommendations are consistent with the Council’s policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

61. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments-4 separate reports

Report Name	PDF Number	Reporting period
19-03 Greymouth Petroleum Ltd Turangi-A Hydraulic Fracturing Monitoring Programme 2017-2018	2224560	2017-2018
19-04 Petrochem Ltd Kowhai-D Hydraulic Fracturing Monitoring Programme 2017-2018	2229445	2017-2018
19-05 Petrochem Ltd Kowhai-A Hydraulic Fracturing Annual Report 2017-2018	2231231	2017-2018
19-06 Todd Energy Ltd Mangahewa-D Hydraulic Fracturing Monitoring Programme Report 2016-2019	2237981	2016-2019

Agenda Memorandum

Date 11 June 2019



**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

Subject: Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 6 April 2019 to 23 May 2019

Approved by: A D McLay, Director Environment Quality
B G Chamberlain, Chief Executive

Document: 2267773

Purpose

1. The purpose of this memorandum is to allow the Council to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 6 April 2019 to 23 May 2019.

Executive summary

Incidents

2. There are 51 incidents reported.
3. 20 of the incidents were found to be compliant and 19 were found to be non-compliant. 12 of the incidents reported relate to non-compliance from previous periods (updates). The action taken on the incidents is set out for Members information.

Compliance monitoring non-compliances

4. There are 34 compliance monitoring non-compliances reported. 14 of the compliance monitoring non-compliances reported are updates from previous periods.
5. 15 of the non-compliances reported are as a result of the annual dairy inspection round.

Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 6 April 2019 to 23 May 2019, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Background

6. The Council receives and responds to pollution events and public complaints throughout the year. Consent compliance monitoring undertaken can also identify non-compliance. This information is recorded in the IRIS database together with the results of investigations and any follow-up actions. Incidents and non-compliances are publicly reported to the Council through the Consents and Regulatory Committee via the Incidents, Compliance Monitoring Non-compliances and Enforcement Report or the Annual Compliance Monitoring Reports.
7. Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 6 April 2019 to 23 May 2019.
8. Staff have been delegated by the Council to undertake enforcement actions. The enforcement policy and procedures are approved by the Council and then consistently implemented and reported on by staff.

Disclosure Restrictions

9. The incident register information presentation was reviewed in 2014-2015 to increase reader understanding in this complex area. The first section addresses compliant incidents and can be publically discussed. The second section provides an update on non-compliant incidents from previous meetings and where an incident has been resolved it can be publically discussed. The third and fourth sections provide information on non-compliant incidents and non-compliances found during compliance monitoring during the period that are still under investigation and staff are limited in terms of public disclosure of information, while the investigation is ongoing and enforcement responses have not been determined. The incident flow chart and definition of terms provide further operational detail.

Discussion

10. Council responds to all complaints received with most complaints responded to within four hours. This usually involves a site visit. Responses to complaints and non-compliances with rules in the Council's regional plans, resource consents and the Resource Management Act 1991 are recorded in the IRIS database. Where necessary, appropriate advisory or enforcement actions are undertaken. The latter may include issuing an inspection, abatement or infringement notice, or initiating a prosecution. Where an infringement notice or prosecution is possible, details of the information in the Incidents, Compliance Monitoring Non-compliances and Enforcement agenda item and staff comment will be restricted for legal disclosure reasons. Further information will be provided at a later date to the Council and for prosecutions a detailed report will be provided for information purposes, in the confidential section of the agenda.
11. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 6 April 2019 to 23 May 2019 is attached. The 'compliant' incidents are presented first in a table and the 'non-compliant' incidents are presented after in a more detailed summary, followed by the compliance monitoring non-compliances.
12. Generally incidents in the 'compliant' table have a recommendation of 'no further action'. However, an incident is considered 'compliant' until such time as a non-

compliance is found. Therefore occasionally an incident in the 'compliant' table will have a recommendation of 'investigation continuing', if an ongoing investigation is still underway to confirm compliance.

13. A series of graphs are also attached comparing the number of incidents between 2014-2015 and 2018-2019, and also showing how the incidents are tracking in 2018-2019 in relation to environment type and compliance status. There is a graph showing the non-compliances found during compliance monitoring. There is also a graphs showing enforcement action taken to date during 2018-2019.

Decision-making considerations

14. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the Act.

Financial considerations—LTP/Annual Plan

15. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

16. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Local Government Official Information and Meetings Act 1987.

Iwi considerations

17. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

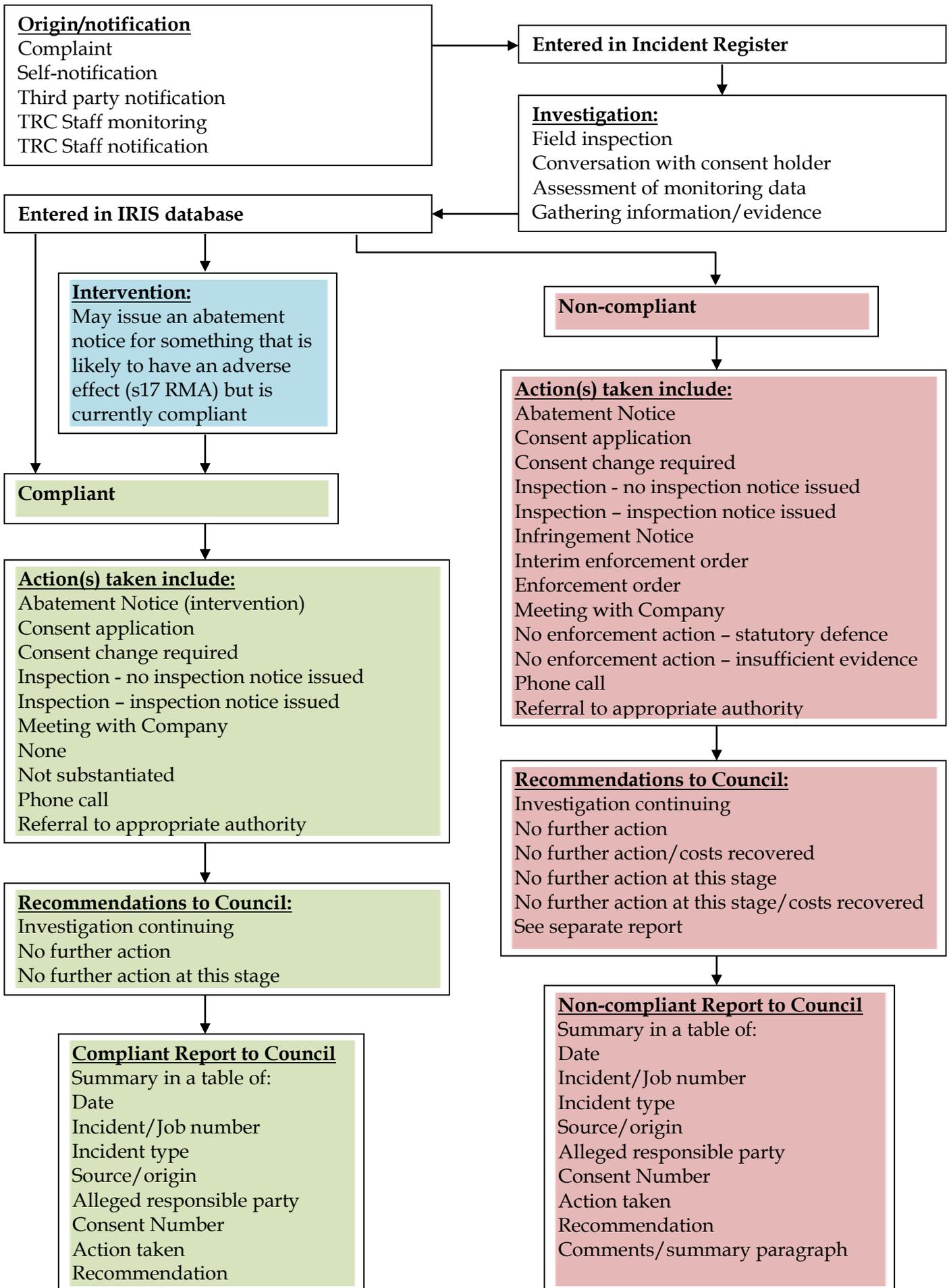
18. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

- Incident flowchart and terms explained (document #1081324).
- Incidents and consent non-compliance - Incident and Enforcement Graphs to 30 April 2019 (document #2267850).
- Incidents and Enforcement Summary 6 Apr 2019 to 23 May 2019 (document #2268319).

Incident flow chart

Doc # 1081324



Terms explained

Compliance rating

Compliant After investigation the incident was found to be compliant with environmental standards or other regulations, permitted rules in a regional plan (e.g. RFWP, RAQP, RCP allowed), a resource consent and/or the Resource Management Act 1991.

Non-compliant After investigation the incident was found to be non-compliant with environmental standards or other regulations, rules in a regional plan, a resource consent and/or the Resource Management Act 1991

Origin/Notification:

Complaint Notification of incident received from public.

Self notification Notification of incident received from the responsible party.

Third Party Notification Notification of incident received from third party such as New Zealand Fire, District Council etc.

TRC Staff monitoring Notification of incident found during routine compliance monitoring.

TRC Staff notification Notification of incident found during unrelated monitoring/field work.

Action/s Taken:

14 day Letter A letter was sent requesting an explanation for the non-compliance and why enforcement action should not be considered. The recipient is given 14 days to reply.

Abatement Notice A notice was issued requiring something to be undertaken or something to cease to ensure compliance with Rules in the regional plans, resource consent or Resource Management Act 1991. Notice must be complied with or further enforcement action can be considered.

Consent application A consent application has been received as a result of the investigation.

Consent change required During the investigation it was found that a consent change was required.

Emergency Works Emergency works was allowed under section 330 of the RMA. Often a subsequent resource consent is required.

Enforcement Order An enforcement order has been issued by the Environment Court requiring action to be undertaken or something to cease. Notice must be complied with or further enforcement action can be

	considered.
Infringement Notice (\$xxx.xx)	An infringement notice was issued under Section 338(1)(a) of the Resource Management Act 1991 and Councils delegated authority.
Inspection Notice	An inspection was undertaken and a notice of advice/instruction was issued to landowner/alleged offender.
Inspection/no notice issued	An inspection was undertaken, however no inspection notice was issued as there was no alleged offender/landowner to issue one to (natural event, unsourced etc).
Interim Enforcement Order	An interim enforcement order has been issued by the Environment Court requiring action to be undertaken or something to cease. Notice must be complied with or further enforcement action can be considered.
Meeting with Company	A meeting was held with the Company to discuss the incident and ways to resolve any issues.
None	No action was required.
Not Substantiated	The incident could not be substantiated (i.e. it is not likely/possible/probable that the alleged incident could have taken place).
Phone call	A phone call was made to the alleged offender/authority.
Prosecution	A prosecution is being initiated for this incident.
Referral to Appropriate Authority	The incident was referred to the appropriate authority (District Council, Department of Conservation etc).

Recommendations to Council

Investigation continuing	Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents will continue to be reported as updates in the following agendas.
No Further Action	Investigation is completed, any required enforcement action has been undertaken and no further action is required.
No Further Action At This Stage	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date.
No Further Action/ Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and no further action is required. Costs will be recovered from the alleged offender for the investigation.

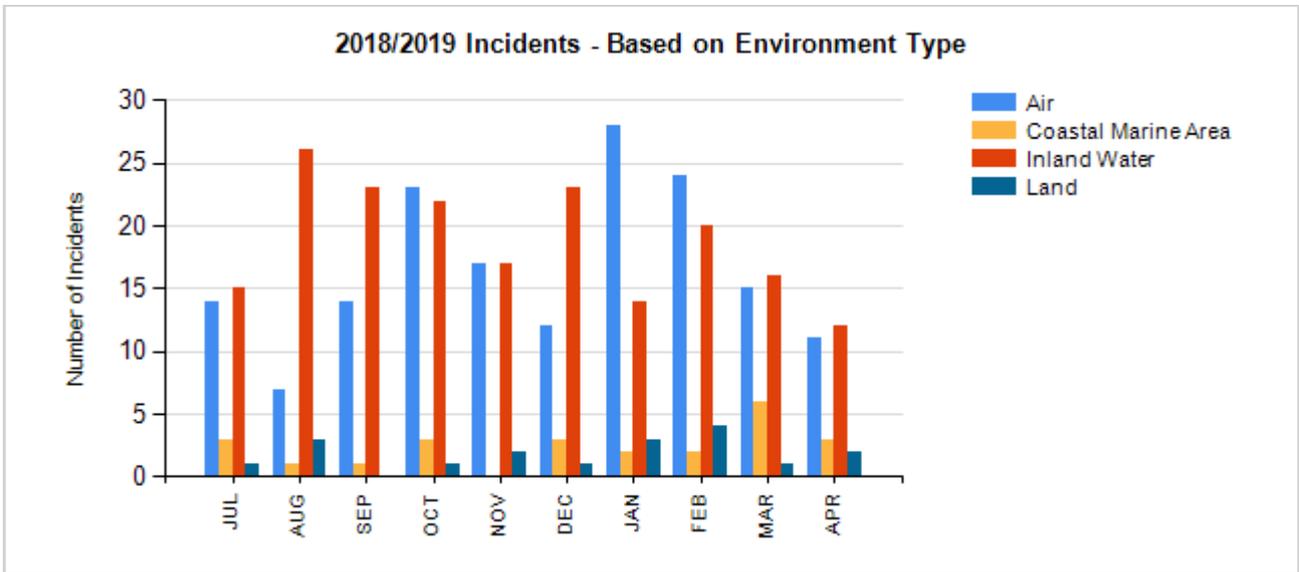
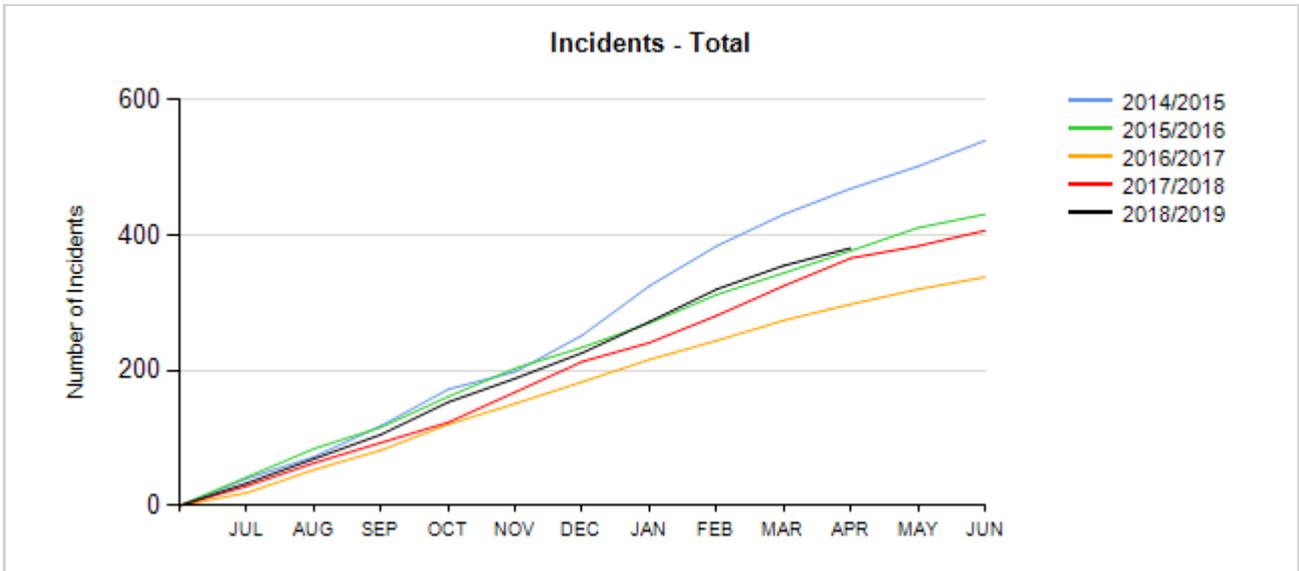
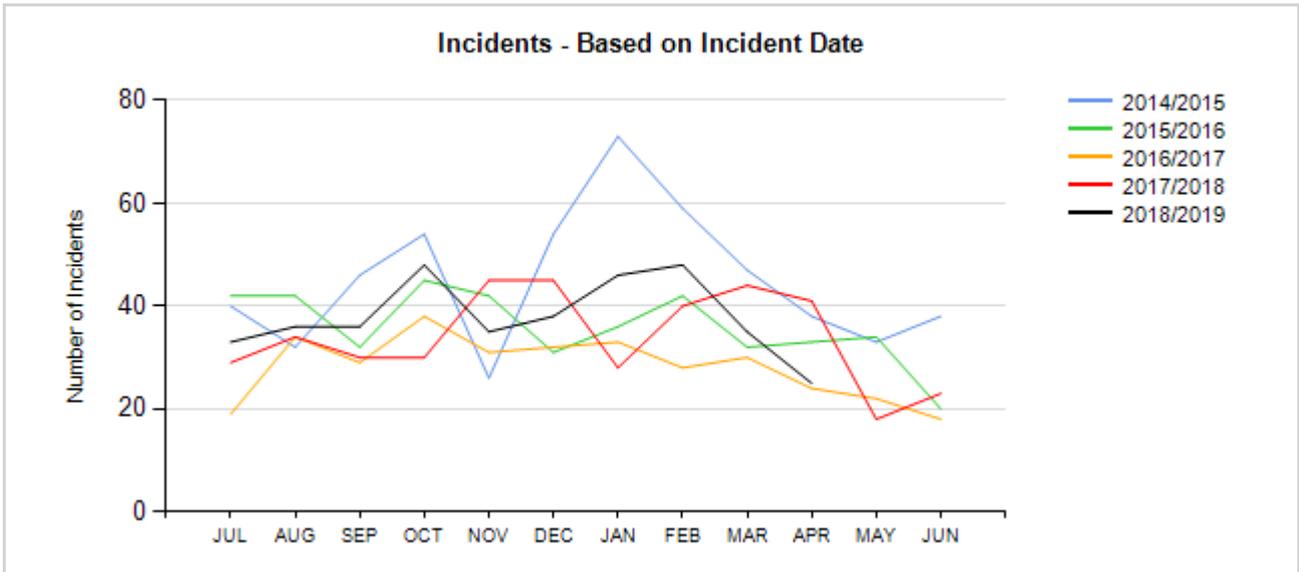
No further Action at this Stage/Costs Recovered Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.

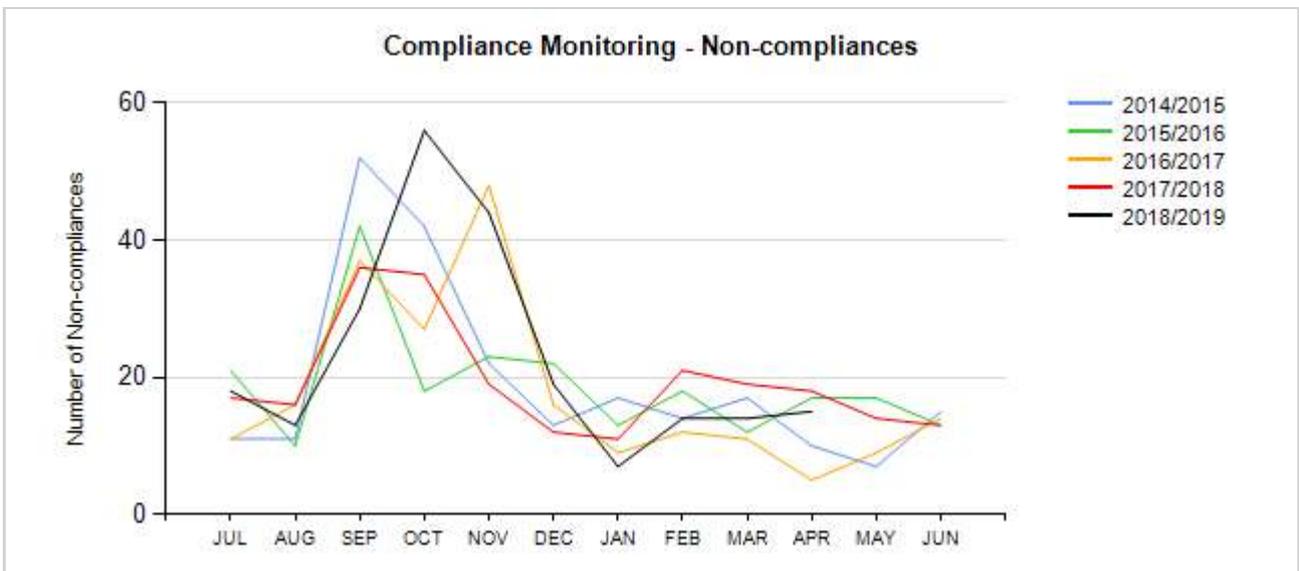
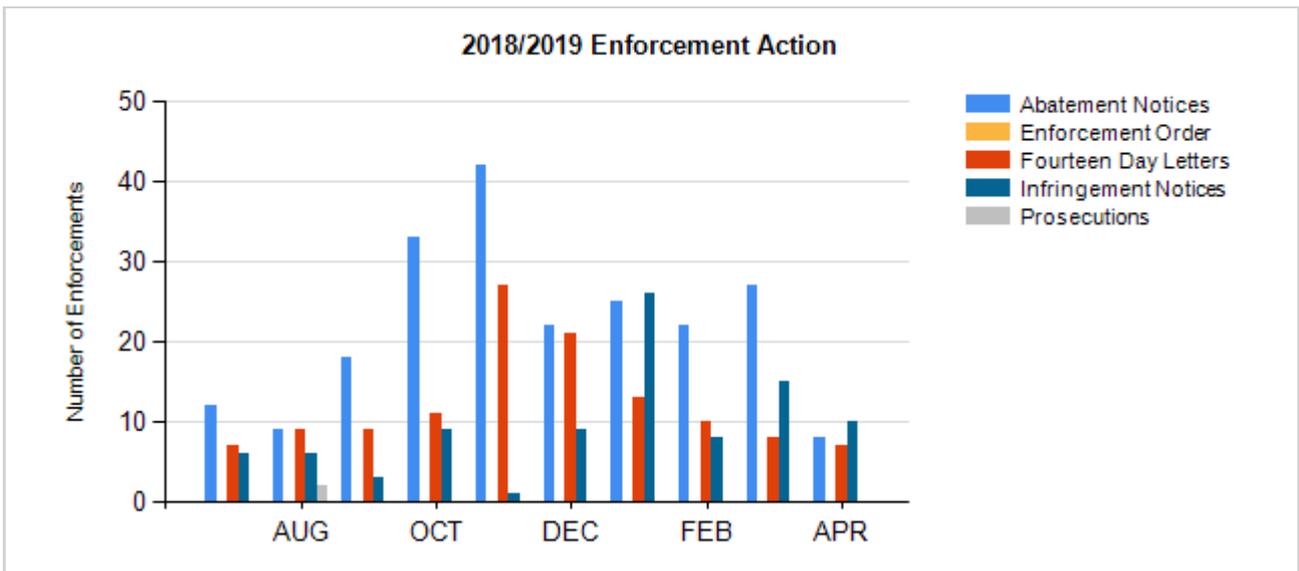
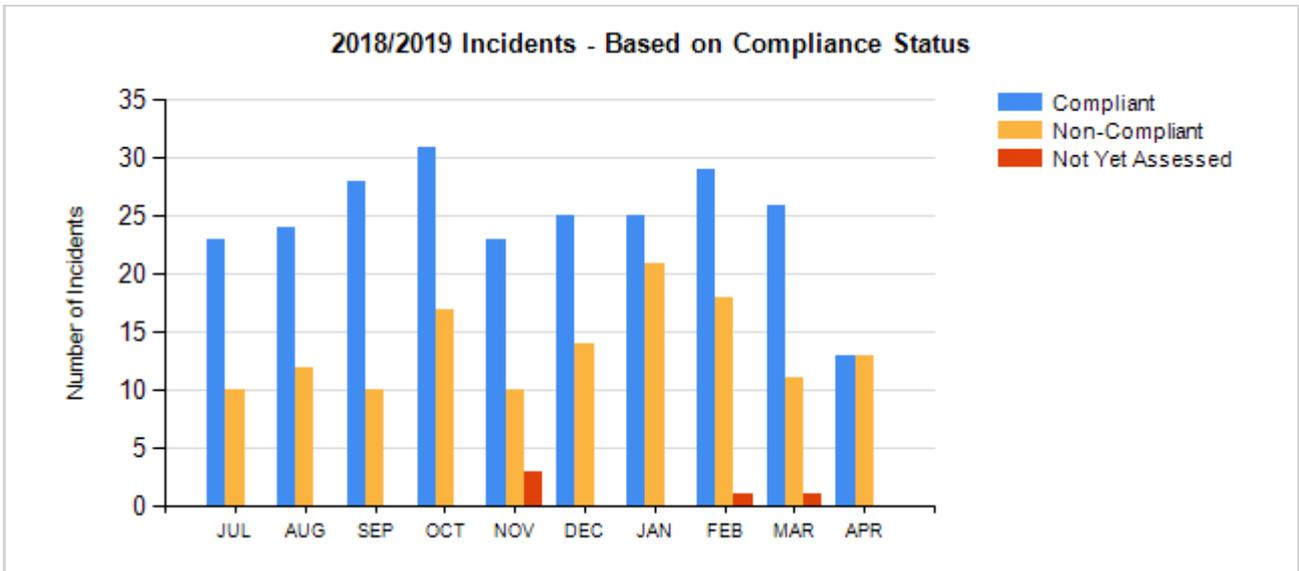
Defences under Sections 340 and 341 of the Resource Management Act 1991

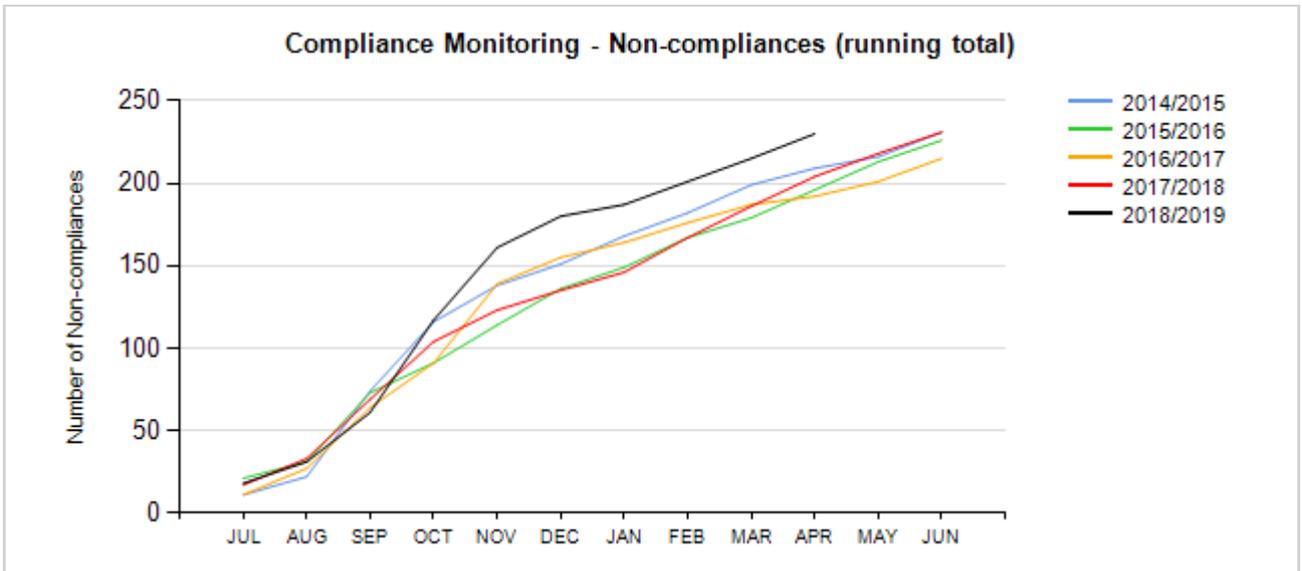
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

- the defendant can prove that he or she did not know, and could not reasonably be expected to have known that the offence was to be or was being committed, or
- that he or she took all reasonable steps to prevent the commission of the offence, or
- the action or event could not reasonably have been foreseen or been provided against by the defendant.

Incident and Enforcement Graphs to 30 April 2019







Compliant Incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
08 Apr 2019	3301-19-374 IN/37838	Alleged Foaming at river mouth - Ohawe Beach	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
13 Apr 2019	3301-19-376 IN/37840	Alleged Smoke - Egmont Street, Kaponga	Complaint	Un sourced		RAQP Allowed	No Further Action
14 Apr 2019	3301-19-375 IN/37839	Alleged Smoke - Egmont Road, New Plymouth	Complaint	Anita Williams		RAQP Allowed	No Further Action
16 Apr 2019	3301-19-383 IN/37855	Alleged Dust - Ainslee St, New Plymouth	Complaint	Maia Properties Limited		RAQP Allowed	No Further Action
17 Apr 2019	3301-19-384 IN/37864	Alleged Instream works - Rugby Road, Tariki	TRC Staff Notification	Kevin James & Helen Lorraine Uhlenberg /Stephen Uhlenberg		RFWP Allowed	No Further Action
25 Apr 2019	3301-19-391 IN/37936	Alleged Rubbish - Ngatoro Stream	Complaint	Un sourced		RFWP Allowed	No Further Action
26 Apr 2019	3301-19-389 IN/37873	Alleged Smoke - Joll Street, Waitara.	Complaint	CM Christiansen		RAQP Allowed	No Further Action
26 Apr 2019	3301-19-408 IN/37944	Alleged Hydrocarbon discharge - Kauri A Well site - Kakaramea	Self-Notification	Westside New Zealand Limited	R2/5730-1	Consent Compliance	No Further Action

Compliant Incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
01 May 2019	3301-19-390 IN/37889	Alleged Smoke - Tate Road, Waitara	Complaint	Samantha Titter		RAQP Allowed	No Further Action
01 May 2019	3301-19-395 IN/37919	Alleged Stormwater discharge - Oakura Beach, Oakura	Complaint	New Plymouth District Council		RCP Allowed	No Further Action
02 May 2019	3301-19-393 IN/37903	Alleged Stock in stream - Brown Road, Waitara	Complaint	Anaru Wilkie /Fern Brand /Gary Nagel /Puketapu E Block -- Ngahuinga Urupa Trustees		RFPW Allowed	No Further Action
04 May 2019	3301-19-396 IN/37920	Alleged Odour - Arawhata Road, Opunake	Complaint	Stanley Bros Trust	R2/5251-2	Consent Compliance	No Further Action
06 May 2019	3301-19-397 IN/37908	Alleged Plastic burning - Waitara Road, Waitara	Complaint	Murray Dalton		RAQP Allowed	No Further Action
08 May 2019	3301-19-399 IN/37935	Alleged Underpass odour - East Road, Stratford	Complaint	Gerald & Maree Collins		RAQP Allowed	No Further Action
09 May 2019	3301-19-398 IN/37931	Alleged Dust - Subdivision development - Keen Drive, Bell Block	Complaint	Darcy Keene Earthmoving Ltd		RAQP Allowed	No Further Action
10 May 2019	3301-19-401 IN/37932	Alleged Sewage odour - Hudson Place, Bell Block	Complaint	Unsourced		RAQP Allowed	No Further Action

Compliant Incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
11 May 2019	3301-19-402 IN/37943	Alleged Sewage odour - Marine Park, Waitara	Complaint	New Plymouth District Council		RAQP Allowed	No Further Action
14 May 2019	3301-19-410 IN/37988	Alleged Septic tank discharge - Pitone Road, Tataraimaka	Complaint	Sharn Naus		RFPW Allowed	No Further Action
17 May 2019	3301-19-405 IN/37960	Alleged Substance on beach - Oakura	Complaint	Un sourced		RCP Allowed	No Further Action
19 May 2019	3301-19-407 IN/37967	Alleged Truck accident - Beaconsfield Road, Stratford	Third Party Notification	Pacific Fuel Haul Ltd		RFPW Allowed	No Further Action

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
21 Jan 2019 <u>Update</u>	3301-19-256 IN/37464	Hydrocarbon spill - Ngamotu Beach - Port Taranaki - NP	Complaint	Port Taranaki Limited (26226)	R2/0197-2.1	EAC-22642 - Infringement Notice (\$750) EAC-22484 - Abatement Notice EAC-22497 - Explanation Requested - Letter	No Further Action/Costs Recovered

Comments: A complaint was received from a member of the public concerning what appeared to be diesel in the water, at the port end of Ngamotu Beach. Investigation found that a discharge of hydrocarbons was occurring from a culvert/drain at the western end of Ngamotu Beach. Hydrocarbons had discharged into the Tasman Sea and a significant sized light sheen had drifted across the harbour and onto the beach by the boat ramp at the end of the Lee Breakwater. Port Taranaki staff and Council staff undertook response by containing and recovering the hydrocarbons, using booms, sorbent booms and pads, and agitation by boat in the water. An abatement notice was issued requiring steps to be undertaken to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection. A meeting was held with the Company to discuss the recent spill. The Company has undertaken to put further processes in place to ensure the resource consents are complied with at all times. A letter or explanation was received.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
21 Jan 2019 <u>Update</u>	3301-19-258 IN/37493	Sewage discharge - Mangati Stream - Bell Block	Complaint	New Plymouth District Council (9565) City Care (31230)		EAC-22492 - Abatement Notice EAC-22502 - Explanation Requested - Letter EAC-22503 - Explanation Requested - Letter	Investigation Continuing

Comments: A complaint was received concerning discolouration in the Mangati Stream, at Bell Block. Investigation found that a significant amount of sewage had discharged into the Mangati Stream in contravention of Rule 45 of the Regional Fresh Water Plan for Taranaki. City Care were in attendance at the time of inspection. Signs were out and a clean up operation was underway. Significant contamination was evident in the stream for approximately 1 kilometre. Dead fish and eels were found. Samples and photographs were taken. An initial report was received from New Plymouth District Council outlining that the discharge had occurred for approximately 10 hours and the discharge was due to an electrical fault. Reinspection the following day found further dead fish and eels. Further samples and photographs were taken. A biomonitoring survey was undertaken. Further investigation has found that the impacts of the discharge continued for approximately three weeks. Abatement Notice EAC-22492 was issued requiring steps to be undertaken to ensure that no contaminants discharge into the Mangati Stream from the Mangati Pump Station. Reinspection will be undertaken after 4 May 2019. Letters of explanation have been received. Further enforcement action is being considered.

26 Jan 2019 <u>Update</u>	3301-19-269 IN/37503	Odour - TBP - Okaiawa	Complaint	Taranaki By-Products Limited (9197)	R2/4058-4	EAC-22679 - Infringement Notice (\$1,000)	No Further Action/Costs Recovered
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Comments: A complaint was received concerning an odour emanating from a rendering plant near Okaiawa. An odour survey was undertaken and offensive odour was found to be discharging beyond the boundary of the site. A site inspection was undertaken and it was found that there had been a significant amount of cleanup work undertaken around the offal storage and receiving areas where a build up of unprocessed product had previously occurred. The plant was still not operational. The off-site odours were improving during the inspection. An explanation was received. A meeting was held with the Company in relation to the recent non-compliances. The Company has undertaken substantial works on the bio-filter and extractions systems to prevent further non-compliances.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
28 Jan 2019 <u>Update</u>	3301-19-339 IN/37778	Vehicle in gully near stream - Palmer Road, Kaponga	Complaint	Benjamin Standford (68874)		EAC-22654 - Abatement Notice	No Further Action At This Stage
<p>Comments: A complaint was received concerning a vehicle in the Inaha Stream, near Kaponga, that has been there for some time. Investigation found that there was a vehicle down a bank adjacent to the Inaha Stream, and appeared to have been there for some time. The owner was traced and advised that vehicle would need to be removed to prevent contamination in the stream. An abatement notice was issued requiring removal of the vehicle. Reinspection will take place after 7 June 2019.</p>							
04 Feb 2019 <u>Update</u>	3301-19-286 IN/37541	Stream works - Pembroke Road, Stratford	Complaint	Phillip & Lorraine Potroz (2341)		EAC-22510 - Abatement Notice EAC-22523 - Abatement Notice EAC-22509 - Abatement Notice EAC-22512 - Explanation Requested - Letter	Investigation Continuing

Comments: A complaint was received regarding stream works on a rural property causing water to back up beyond the boundary of the property on Pembroke Road, Stratford. Investigation found that an unnamed tributary of the Kahouri Stream had been dammed resulting in water backing up into a neighbouring property. The dam had prevented the continuation of the stream, with water being taken for farm supply purposes via a newly installed gravity feed system. The riparian margin below the dam had been removed and placed on the stream bed, with soil placed ovetop, resulting in the burying of the stream bed for approximately 260 metres downstream. Abatement notices were issued requiring the works to cease and for an engineer to be engaged to prepare and submit a plan for any further works. Works have ceased and compliance with abatement notices will be ascertained after the end of April 2019. Enforcement action is being considered.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Feb 2019 <u>Update</u>	3301-19-299 IN/37586	Cows in Waingana stream - Mahoetahi Road, Brixton	Complaint	Gary Nagle (36524) Fern Brand (67990)		EAC-22656 - Infringement Notice (\$750) EAC-22533 - Explanation Requested - Letter	No Further Action

Comments: A complaint was received concerning stock in a waterway at Mahoetahi Road, Brixton, Waitara. Investigation found that cows had been recently eating grass along an unfenced bank of the stream, and had entered the stream bed to access grass. Also, a group of cows were observed fenced in an area that provided access to the stream in contravention of Abatement Notice EAC-22263 which had previously been issued requiring works to be undertaken to prevent stock entering any waterbodies. No works had been undertaken. A letter requesting an explanation was sent.

17 Feb 2019 <u>Update</u>	3301-19-307 IN/37601	Cows in stream - Waiongana	Complaint	Gary Nagle (36524) Fern Brand (67990)		EAC-22658 - Infringement Notice (\$750) EAC-22659 - Infringement Notice (\$750)	No Further Action
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Comments: A complaint was received concerning cows walking through the Waiongana Stream at Mahoetahi Road, Brixton, Waitara. An investigation found that cows were accessing the Waiongana Stream, where they were defecating and peeing in the stream and on the streambed at the time of inspection. This was in contravention of Abatement Notice EAC-22263 which had previously been issued requiring works to be undertaken to prevent stock entering any waterbodies. No works had been undertaken. A letter requesting explanation was sent.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
03 Mar 2019 <u>Update</u>	3301-19-321 IN/37661	Green stream - South Road, Oakura	TRC Staff Notification	McKie Family Trust (13053)	R2/3423-3	EAC-22567 - Abatement Notice	Investigation Continuing
<p>Comments: During unrelated monitoring it was found that the Wairau Stream was running 'green' at South Road, Oakura. Investigation found that untreated dairy effluent was discharging into an unnamed tributary of the Wairau Stream via an overflow pipe from an effluent sump on an upstream property. During discussions with consent holder he explained that the float switch within the sump had failed, resulting in an elevated level of effluent within the sump, which caused the overflow. An abatement notice was issued requiring works to be undertaken to ensure compliance with the resource consent. Reinspection will be undertaken after 1 April 2019. Further enforcement action is being considered.</p>							
20 Mar 2019 <u>Update</u>	3301-19-357 IN/37769	High enterococci counts - Ngamotu Beach - Port Taranaki	TRC Staff Compliance Monitoring	Regal Haulage (52238) Glencore (68976) Port Taranaki Limited (26226)		EAC-22634 - Explanation Requested - Letter EAC-22635 - Explanation Requested - Letter EAC-22636 - Explanation Requested - Letter EAC-22652 - Explanation Requested - Letter	Investigation Continuing

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
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Comments: During analysis (23 March 2019) of routine sampling (undertaken on 20 March 2019) it was found that there were high enterococci counts at Ngamotu Beach, Port Taranaki. Over the following week a number of further samples were taken in the area which traced the likely source to a stormwater drain discharging out of the reclamation area at the eastern end of Ngamotu Beach. Investigation was undertaken on Friday and Saturday (29 and 30 March 2019). This found what appeared to be grain present the stormwater drain at the eastern end of the beach, near the reclamation. Further samples were taken throughout the stormwater system. It was found that a large amount of grain and fertiliser had accumulated at the side of the grain store building. The grain was discharging to the stormwater system on the site. At the time of inspection the Company's Environmental Manager arrived at the site and immediate action was undertaken to clean up the stormwater system and the surrounding areas. Photographs were also taken. Further sampling undertaken in the marine environment near the reclamation area found that enterococci counts had dropped dramatically by the Friday night. Enforcement action is being considered.

27 Mar 2019 <u>Update</u>	3301-19-371 IN/37812	Suspended solids breach - City Care - New Plymouth	TRC Staff Compliance Monitoring	City Care (31230)	R2/6965-1	EAC-22628 - Explanation Requested - Inspection Notice	No Further Action At This Stage
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Comments: During routine sampling it was found that the suspended solids concentration in the stormwater discharge from an industrial site on Hurlstone Drive, New Plymouth was 194 gm³ (in exceedance of the limit of 100 g³ limit set in Rule 23 of the Regional Fresh Water Plan for Taranaki. A letter of explanation was received and accepted. The company is undertaking works to ensure compliance. Compliance will be ascertained during routine monitoring.

02 Apr 2019 <u>Update</u>	3301-19-369 IN/37815	Burning - Connett Road, Bell Block	Complaint	Chisnall (68906)		EAC-22644 - Explanation Requested - Letter	Investigation Continuing
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Comments: A complaint was received concerning smoke emanating from an industrial area in Bell Block. Investigation found that a large plume of smoke was rising from a fire that was burning in a 44 gallon drum on an industrial site. Photographs were taken. The landowner was advised that burning on an industrial site required a resource consent. The fire was immediately extinguished. A letter requesting explanation was sent. Enforcement action is being considered.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
05 Apr 2019 <u>Update</u>	3301-19-372 IN/37822	Consent breach - Remediation NZ Ltd - Uruti	TRC Staff Compliance Monitoring	Remediation (NZ) Limited (30679)	R2/5838-2.2	EAC-22631 - Abatement Notice	Investigation Continuing

Comments: During routine data analysis it was found that consent required analysis of drilling mud had not been sufficiently supplied as required by special condition 3 of Resource Consent 5838-2.2, for a composting site at Uruti. Recently some analysis had been provided though not complete. An abatement notice was issued requiring the resource consent condition be complied with. Compliance with the abatement notice will be ascertained after 30 June 2019.

Non-Compliant incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
07 Apr 2019	3301-19-370 IN/37834	Burning - Corbett Road, Bell Block	Complaint	Brian Marsden Concrete Products Ltd (24861) Brian Marsden (9347) Peter Sole (15683)		EAC-22671 - Explanation Requested - Letter EAC-22673 - Explanation Requested - Letter	Investigation Continuing
Comments: A complaint was received concerning burning of vegetation at an industrial subdivision in Bell Block, New Plymouth. Investigation found that the burning of a number of piles of vegetation was being undertaken. The owner and occupier were spoken to at the time of inspection and admitted to lighting the fires. They were advised that burning on an industrial site requires resource consent. The fire were extinguished at the time of inspection. Further enforcement action is being considered.							
11 Apr 2019	3301-19-386 IN/37868	Unauthorised discharge - Colson Road Landfill - New Plymouth	Self-Notification	Warner Construction Ltd (52425) New Plymouth District Council (9565)	R2/4619-1	EAC-22680 - Explanation Requested - Letter	Investigation Continuing
Comments: Self-notification was received that during a routine inspection of the Colson Road Landfill to check the daily cover at the end of the day (New Plymouth District Council staff inspected the bund around the working face which captures contaminated stormwater from the working face area and directs it to the leachate system), it was found that the bund had been breached in two areas and contaminated stormwater was entering the stormwater drains that are directed to the stormwater ponds onsite, which then discharge to the Puremu Stream. A letter requesting explanation was sent. Enforcement action is being considered.							
18 Apr 2019	3301-19-382 IN/37863	Dust and odour - Osflo Fertilisers - Corbett Road, Bell Block	Complaint	Osflo Fertiliser Limited (36015)		EAC-22643 - Explanation Requested - Letter	Investigation Continuing

Non-Compliant incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<p>Comments: A complaint was received regarding dust and odour being discharged from a nearby farm, where fertiliser was being applied, at Corbett Road, Bell Block. Investigation found significant amounts of dust had discharged from fertiliser application activities affecting neighbouring properties. A letter requesting explanation was sent. Enforcement action is being considered.</p>							
26 Apr 2019	3301-19-388 IN/37874	Earthworks in Mangati Catchment - Connett Road West, Bell Block	TRC Staff Notification	Endurance Holdings Limited (67957)		EAC-22650 - Abatement Notice EAC-22653 - Abatement Notice	Investigation Continuing
<p>Comments: During unrelated monitoring it was found that unauthorised earthworks were being carried out in the Mangati Catchment at a site on Connett Road West, Bell Block. Investigation found that development earthworks had been carried out on approximately 3.82 hectares of land. It was raining at the time of inspection. Sediment laden stormwater was discharging from site. Samples were taken. No resource consent was held for the works and the works were not permitted under rules in the Regional Fresh Water Plan for Taranaki (RFPW). Abatement notices were issued requiring works to cease, for silt and sediment controls to be installed and for rules in the RFPW to be complied with. A retrospective resource consent has been granted for the works. Further enforcement action is being considered.</p>							
30 Apr 2019	3301-19-394 IN/37907	Tyre burning - Greensill - Puniho Road, Okato	Complaint	Layne Christopher & Helen Dianne Greensill (11408)			Investigation Continuing
<p>Comments: A complaint was received concerning the burning of car tyres at a property on Puniho Road, Okato. Investigation found that there was a fire burning on the property. The landowner was spoken to and he admitted that he had placed tyres on the fire, from his silage stack, to expedite the burning of some tree waste. He had also done this with two previous piles of rubbish on the same site. There were between 10-12 tyres burnt and partly burnt on the piles. Enforcement action is being considered.</p>							
01 May 2019	3301-19-400 IN/37923	Stream straightening - Skeet Road, Oeo	Complaint	Robert & Clare Poole (3510)		EAC-22661 - Abatement Notice	Investigation Continuing

Non-Compliant incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
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Comments: A complaint was received regarding stream straightening on Skeet Road, Oeo. Investigation found that unauthorised works had been undertaken on approximately 270 metres of an unnamed tributary of the Oeo Stream. A review of mapping systems found this to have occurred sometime after 2013. Due to the length of the area straightened and the catchment size this work was in contravention of the Regional Fresh Water Plan for Taranaki (RFP). Two culverts that were present in the area of straightened stream did not have fish passage. An abatement notice was issued requiring rules in the RFP to be complied with. Compliance with the abatement notice will be ascertained after 14 June 2019. Further enforcement action is being considered.

02 May 2019	3301-19-392 IN/37901	Consent non-compliance - Silver Fern Farms - Waitotara	TRC Staff Compliance Monitoring	Silver Fern Farms Management Limited (52673)	R2/2260-3.1	EAC-22646 - Abatement Notice	Investigation Continuing
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Comments: During a review of the monitoring programme supplied by a meat processing plant in Waitotara, it was found that special condition 8 of Resource Consent 2260-3.1 was not being complied with. Information regarding the drilling and monitoring of bores had not been written in the monitoring programme as required. An abatement notice was issued requiring special condition 8 of Resource Consent 2260-3.1 to be complied with. Compliance with the abatement notice will be ascertained after 30 June 2019.

10 May 2019	3301-19-409 IN/37945	Earthworks - Henwood Road, Bell Block	Complaint	Mike Swift (68410)		EAC-22678 - Abatement Notice EAC-22669 - Abatement Notice	Investigation Continuing
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Comments: A complaint was received concerning large scale earthworks being undertaken on Henwood Road, Bell Block. Investigation found soil disturbance activities between 3 and 8 hectares had been undertaken, and had continued to be undertaken after 1 May, in contravention of Rule 26 of the Regional Fresh Water Plan for Taranaki. Abatement notices were issued requiring the works to cease, rules in the RFP to be complied with, and stabilisation of the site to be undertaken to prevent silt and sediment discharging to surface water. Reinspection will be undertaken after 10 June 2019.

Non-Compliant incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 May 2019	3301-19-403 IN/37951	Underpass odour - East Road, Stratford	Complaint	Gerald & Maree Collins (3552)		EAC-22682 - Abatement Notice EAC-22684 - Explanation Requested - Letter	Investigation Continuing

Comments: A complaint was received concerning effluent odour emanating from a stock underpass at East Road, Stratford. An odour survey was undertaken and no odour was found to be emanating from the underpass. However, it was found that diluted untreated dairy effluent from the underpass was being discharged to an unnamed tributary of the Patea River. Samples were taken. An abatement notice was issued requiring rules in the Regional Fresh Water Plan for Taranaki to be complied with. Reinspection will be undertaken after 30 August 2019.

17 May 2019	3301-19-406 IN/37966	Smokey fire - Westown Horticulture - New Plymouth	Complaint	Westown Horticulture Ltd (15091)		EAC-22683 - Abatement Notice	Investigation Continuing
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Comments: A complaint was received concerning smoke emanating from an industrial site on Cowling Road, New Plymouth. Investigation found that a fire was smoldering in contravention of rules in the Regional Air Quality Plan for Taranaki (RAQP). Some unauthorised materials were found on the fire, such as plastics vehicle parts, paint cans and tins. An abatement notice was issued requiring rules in the RAQP to be complied with. Also during the inspection it was found that it was possible that unauthorised earthworks had been undertaken on the site. The site was also operating a mobile effluent spreading operation and truckwash without resource consents. Further enforcement action is being considered.

10 Feb 2019	3301-19-380 IN/37847	Unauthorised stream works - Manaia Road	TRC Staff Notification	Michael Clark Limited (15347)		EAC-22676 - Abatement Notice	Investigation Continuing
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Non-Compliant incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<p>Comments: During unrelated monitoring it was found that unauthorised stream works had been undertaken on a property at Manaia Road, Kaponga. Investigation found that a section of the stream had been diverted in contravention of Rules 74 and 76 of the Regional Fresh Water Plan for Taranaki. An abatement notice was issued requiring the rules to be complied with. Compliance with the abatement notice will be ascertained after 24 June 2019. Further enforcement action is being considered.</p>							
09 Apr 2019	3301-19-377 IN/37829	Erosion/rubbish - Waitara beach, Waitara	Complaint	New Plymouth District Council (9565)			No Further Action At This Stage
<p>Comments: A complaint was received concerning a coastal bank eroding and exposing buried rubbish on the beach at Waitara. Investigation found that an area of New Plymouth District Council land was eroding away and slowly exposing some historic rubbish. NPDC were contacted and undertook to put a plan in place to monitor the site and clean up any exposed rubbish.</p>							
09 Apr 2019	3301-19-381 IN/37831	Septic tank overflow - Mokau Road, Urenui	Complaint	Richard Ellis (37634)			No Further Action At This Stage
<p>Comments: A complaint was received regarding a septic tank overflowing at Mokau Road, Urenui. Inspection found the effluent system used to treat brewer's waste products was not operating effectively causing waste liquid to discharge at the surface, with the potential to discharge to groundwater. The new owner was made aware of the issue. The system was subsequently emptied using a sucker truck and investigations are underway to fix the soakage trench.</p>							
10 Apr 2019	3301-19-373 IN/37841	Fertiliser discharge into Patea River - Cardiff	Complaint	Remediation (NZ) Limited (30679)		No Enforcement Action - Statutory defence	No Further Action

Non-Compliant incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
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Comments: Notification was received of a truck accident where fertiliser had discharged onto the road and into the Patea River, near Cardiff. Investigation found that the load contained organic fertiliser of which a small amount reached the waterbody. The Company undertook clean up and reinspection found that clean up had been completed to a good standard and no adverse environmental effects were found.

12 Apr 2019	3301-19-378 IN/37842	Boat sinking - Marina - Port Taranaki	Third Party Notification	Ian Steel (68932)		No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
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Comments: Notification was received concerning a recreational boat that had sunk at the marina at Port Taranaki. Investigation found that the MV The Don had partially sunk at the marina. The vessel was refloated with minimal discharge of diesel and oil into the Tasman Sea. Sorbant booms and pads were used to contain and recover the discharge.

15 Apr 2019	3301-19-379 IN/37846	Smoke - Tate Road, Waitara	Complaint	Paul Lambert (68940)			No Further Action
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Comments: A complaint was received regarding smoke from a vegetation fire discharging beyond the boundary of a property at Tate Road, Waitara. Investigation found that smoke was discharging beyond the boundary of the property affecting neighbouring properties, due to a change in wind direction. The land owner undertook to extinguish the fire immediately.

Non-Compliant incidents for the period 06 Apr 2019 to 23 May 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Apr 2019	3301-19-385 IN/37866	Colson Road Landfill, Leachate Pond overflow	Self-Notification	Warner Construction Ltd (52425) New Plymouth District Council (9565)		No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
<p>Comments: Self-notification was received concerning a leachate pond overflow from the New Plymouth Waste Water Treatment Plant (NPWWTP). Investigation found the overflow had occurred due to heavy rainfall which caused the pumps to trip and shut down. These pumps are responsible for pumping contaminated water from the leachate pond back into the sump and then to the NPWWTP. The overflow had reached the nearby waterbody. Samples were taken and analysis found not adverse environmental effects. Repairs were undertaken immediately.</p>							
27 Apr 2019	3301-19-387 IN/37871	Dairy effluent - Hitchcock - Norfolk	Self-Notification	Brian Hitchcock (68960)	R2/4304-2	No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
<p>Comments: Self-notification was received concerning an overflow of farm dairy effluent into a stream at Mountain Road, Inglewood. Investigation found that, while hosing down the yard, the pipe which runs from the sand trap to the effluent sump had blocked causing overflow from the sandtrap into the stream. At the time of inspection the stream was running clear with a small amount of discolouration downstream. Samples were taken from the discharge point, downstream and upstream.</p>							
16 May 2019	3301-19-404 IN/37950	Cows in Stream - BML Farms - Komene Road, Okato	Complaint	BML Farms Limited (27098)			No Further Action
<p>Comments: A complaint was received regarding cows in a farm stream on Komene Road, Okato. Investigation found cows had entered a farm drain and the farmer was taking immediate action to fence off the stream at the time of inspection.</p>							

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Mar 2017 Update	332119-188 ENF-21832	Office Assessment	Non-compliance	Port Taranaki Limited (26226)	R2/5886-1	EAC-22571 - Abatement Notice EAC-22440 - Explanation Requested - Letter	No Further Action/Costs Recovered
Comments: During analysis of dredge campaign data it was found that the volume of sand that was previously dumped in the inshore disposal area had exceeded the allowable limits in resource consent conditions. This was due to the remaining volumes of sand in the inshore disposal area from previous campaigns. An abatement notice was issued requiring the resource consent conditions be complied with. The Port Company had already decided to forgo the use of the inshore disposal area for the recent campaign, after the issue was raised as the pre-dredge survey revealed high volumes of residual sand in the inshore disposal area. The abatement notice is currently being complied with. A letter of explanation was received.							
05 Sep 2018 Update	332119-044 ENF-21673	Compliance Monitoring Insp.	Non-compliance	Tania Jenna Brown (16070)	R2/5473-1		Investigation Continuing
Comments: During a consent renewal inspection it was found that a weir was not operating within resource consent conditions at State Highway 45, Tataraimaka. Fish passage had not been maintained as required by resource consent conditions.							
26 Oct 2018 Update	332119-069 ENF-21737	Annual Inspection	Non-compliance	Tessa Catherine Johnston (37235)	R2/0343-3	EAC-22279 - Abatement Notice	Investigation Continuing
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on King Road, Inglewood. An abatement notice was issued requiring the consent holder to cease the discharge. Reinspection found that the abatement notice was not being complied with at the time of inspection. Further enforcement action is being considered.							

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
28 Nov 2018 Update	332119-109 ENF-21799	Annual Inspection	Significant non-compliance	Allan & Margaret Ryan (2551)	R2/2494-2	EAC-22355 - Abatement Notice EAC-22535 - Infringement Notice (\$750) EAC-22356 - Explanation Requested - Letter	Investigation Continuing

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Egmont Road, Hillsborough. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was not being complied with at the time of inspection. Further enforcement action is being considered.

30 Jan 2019 Update	332119-181 ENF-21930	Annual Inspection	Significant non-compliance	Willica Farms Limited (52483)	R2/0626-3.0	EAC-22569 - Explanation Requested - Letter EAC-22647 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (8 February, 2019), taken during the annual dairy inspection round (30 January, 2019), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21912 issued as a result of a previous non-compliance at Mangawhero Road, Kaponga. A letter requesting explanation was sent.

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
05 Feb 2019 Update	332119-189 ENF-21933	Annual Inspection	Significant non-compliance	Sunman Farms Limited (34685)	R2/1658-3	EAC-22581 - Explanation Requested - Letter	Investigation Continuing

Comments: During analysis of samples (14 March 2019), taken during the annual dairy inspection round (5 February 2019), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21062 issued as a result of a previous non-compliance at Mangawhero Road, Kaponga. A letter requesting explanation was sent. Enforcement action is being considered.

15 Feb 2019 Update	32119-168 ENF-21896	Annual Inspection	Significant non-compliance	JC & SD Mugeridge (54850)	R2/2211-3.0	EAC-22570 - Explanation Requested - Letter EAC-22649 - Infringement Notice (\$750) EAC-22526 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Ronald Road, Cardiff. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 30 June 2019.

27 Feb 2019 Update	332119-178 ENF-21922	Office Assessment	Non-compliance	A & A George Family Trust (37468)	R2/9680-1		No Further Action At This Stage/Costs Recovered
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Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
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Comments: During analysis of data it was found that an unauthorised discharge of cleanfill had occurred, outside the allowable area, at a cleanfill site at Dudley Road, Inglewood. A meeting was held with the consent holder to discuss a variation on the consent conditions. A variation to the resource consent has been applied for.

05 Mar 2019 Update	332119-187 ENF-21931	Annual Inspection	Significant non-compliance	Aaron Bryce Harvey (33647) Cabra Finca Limited (36380)	R2/7837-1.1	EAC-22575 - Abatement Notice	Investigation Continuing
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Comments: During the annual monitoring inspection round it was found that the goat farm effluent disposal system was not operating within resource consent conditions on Main Road, Urenui. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection. Enforcement action is being considered.

07 Mar 2019 Update	332119-209 ENF-21970	Compliance Monitoring Insp.	Non-compliance	Keith Brodie (2995)	R2/3317-2		Investigation Continuing
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Comments: During routine monitoring it was found that fish passage was not provided for on a dam structure, as required by resource consent conditions, at a property at Weld Road, Oakura. An explanation has been requested. Council is working with the consent holder to reach a solution. Enforcement action is being considered.

20 Mar 2019 Update	332119-193 ENF-21937	Annual Inspection	Significant non-compliance	BJ & KM Moffitt Family Trust (23192)	R2/1909-2.1	EAC-22591 - Abatement Notice	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Paora Road, Okato. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection. Further enforcement action is being considered.

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
27 Mar 2019 Update	332119-199 ENF-21948	Office Assessment	Non-compliance	New Plymouth District Council (9565)	R2/5869-2.0	EAC-22610 - Explanation Requested - Inspection Notice	No Further Action/Costs Recovered
<p>Comments: During self-monitoring it was found that there were non-compliant levels of suspended solids in the discharge from the Inglewood Water Treatment Plant on two consecutive occasions. New Plymouth District Council are undertaking an investigation and modification to processes to address the problem. An explanation was received and accepted.</p>							
28 Mar 2019 Update	332119-194 ENF-21961	Annual Inspection	Non-compliance	Mitchell Family Trust (22004)	R2/5776-2.0	EAC-22620 - Abatement Notice	Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Rakaupiko Road, Patea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was not being complied with at the time of inspection. Further enforcement action is being considered.</p>							
03 Apr 2019 Update	332119-069 ENF-21737	Follow Up Inspection	Non-compliance	Tessa Catherine Johnston (37235)	R2/0343-3	EAC-22279 - Abatement Notice	Investigation Continuing

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on King Road, Inglewood. An abatement notice was issued requiring the consent holder to cease the discharge. Reinspection found that the abatement notice was not being complied with at the time of inspection. Further enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 06 Apr 2019 to 23 May 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
29 Mar 2019	332119-214 ENF-21992	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/3954-2		No Further Action/Costs Recovered

Comments: During routine monitoring it was found that self-sown wildling pines were growing on the cap of the Inglewood contingency landfill in contravention of special condition 1 of Resource Consent 3954-2. An explanation was received and accepted. The pines have been removed from the cap.

08 Apr 2019	332119-204 ENF-21983	Compliance Monitoring Insp.	Non-compliance	Surrey Road Landfarms Limited (32728)	R2/7591-1.2 R2/7559-1.4		Investigation Continuing
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Comments: During routine monitoring it was found that a landfarm site on Surrey Road, Tariki was not operating within resource consent conditions. Investigation found that storage pits were discharging to a drain instead of being irrigated onto land. Samples of the discharge and receiving waters were taken. Inspection of the irrigation area found that although no irrigation was being undertaken at the time of inspection, there was evidence that irrigation had occurred earlier. Enforcement action is being considered.

09 Apr 2019	332119-207 ENF-21975	Annual Inspection	Significant non-compliance	Nigel Douds (2855)	R2/3037-2	EAC-22639 - Abatement Notice EAC-22640 - Explanation Requested - Letter	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Upper Duthie Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that abatement notice was being complied with at the time of inspection. A letter requesting explanation has been sent. Further enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 06 Apr 2019 to 23 May 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
10 Apr 2019	332119-215 ENF-21991	Annual Inspection	Significant non-compliance	Vincent Thomas & Barbara Kalin (15531)	R2/3522-2	EAC-22655 - Explanation Requested - Letter	Investigation Continuing

Comments: During the annual dairy inspection round 10 April, 2019, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21558 issued as a result of a previous non-compliance at Wiremu Road, Okato. A letter requesting explanation was sent. Enforcement action is being considered.

10 Apr 2019	332119-221 ENF-22011	Annual Inspection	Non-compliance	Karl and Deborah Gibbs (12902)	R2/0621-3		No Further Action/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Barry Road, Inglewood. Samples were taken. Analysis of samples confirmed the non-compliance. The consent holder had already undertaken works to ensure the system was working within resource consent conditions. Reinspection found that the resource consent was being complied with at the time of inspection.

10 Apr 2019	332119-208 ENF-21973	Annual Inspection	Non-compliance	Kaponga Consultancy Limited (29674)	R2/3052-2	EAC-22637 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Egmont Street, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 15 May 2019.

Compliance Monitoring - Non-compliances for the period 06 Apr 2019 to 23 May 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Apr 2019	332119-212 ENF-21988	Chemical Sampling Survey	Non-compliance	Tegel Foods Limited - Feedmill (9994)	R2/2335-4.0		Investigation Continuing
<p>Comments: During analysis of samples taken during a wet weather run, it was found that the BOD in the discharge sample was above allowable limits in resource consent conditions at a poultry feedmill site at Paraita Road, Bell Block. Enforcement action is being considered.</p>							
11 Apr 2019	332119-213 ENF-21989	Chemical Sampling Survey	Non-compliance	Tegel Foods Limited - Poultry Processing Plant (9844)	R2/3470-4.0		Investigation Continuing
<p>Comments: During analysis of samples taken during a wet weather run, it was found that the BOD in the discharge sample was above allowable limits in resource consent conditions at a poultry processing site at De Havilland Drive, Bell Block. Enforcement action is being considered.</p>							
11 Apr 2019	332119-197 ENF-22010	Annual Inspection	Significant non-compliance	Mr Darrell Hickey (10673)	R2/3796-2		Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21816 issued as a result of a previous non-compliance at Upper Puniho Road, Okato. A reinspection was undertaken and it was found that the abatement notice was being complied with at the time of inspection. Further enforcement action is being considered.</p>							

Compliance Monitoring - Non-compliances for the period 06 Apr 2019 to 23 May 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Apr 2019	332119-206 ENF-21974	Office Assessment	Non-compliance	Ravensdown Fertiliser Co-operative Limited - NEW PLYMOUTH (9424)	R2/10513-1.0	EAC-22667 - Abatement Notice EAC-22638 - Explanation Requested - Inspection Notice	Investigation Continuing
<p>Comments: During analysis of samples taken during routine monitoring it was found that the discharge from the new site pond outlet exceeded allowable consent limits for ammoniacal nitrogen and carbonaceous biochemical oxygen demand. An abatement notice was issued requiring a short term plan of action of works to be undertaken to be submitted to this Council and for works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 30 June 2019. A letter requesting explanation was sent.</p>							
16 Apr 2019	332119-210 ENF-22002	Compliance Monitoring Insp.	Non-compliance	Waverley Sawmills Limited (4249)	R2/6413-2.1	EAC-22674 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During routine monitoring of a wood waste disposal site it was found that the capping and revegetation required by resource consent 6413-2 had not been undertaken as per special conditions of the consent. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 28 June 2019.</p>							
17 Apr 2019	332119-220 ENF-22008	Compliance Monitoring Insp.	Non-compliance	South Taranaki District Council (9623)	R2/3952-2		Investigation Continuing
<p>Comments: During routine monitoring of the closed Manaia Landfill it was found that the lessee of the land had installed water troughs on the capped area that were situated in locations that could potentially impact stormwater runoff. Poor stock management had resulted in damage to the cap around feedpad areas. An explanation was requested. Enforcement action is being considered.</p>							

Compliance Monitoring - Non-compliances for the period 06 Apr 2019 to 23 May 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
29 Apr 2019	332119-216 ENF-21994	Compliance Monitoring Insp.	Non-compliance	Port Taranaki Limited (26226)	R2/0197-2.1	EAC-22662 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During analysis of samples of stormwater discharge taken during routine monitoring it was found that suspended solids were above allowable consent limits at Port Taranaki. An abatement notice was issued requiring works to be undertaken to ensure consent compliance. Reinspection to ascertain compliance with the abatement notice will take place during routine monitoring inspections.

02 May 2019	332119- 211 ENF-21985	Chemical Sampling Survey	Non-compliance	South Taranaki District Council (9623)	R2/0933-3 R2/7446-1	EAC-22645 - Explanation Requested - Inspection Notice	No Further Action/Costs Recovered
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Comments: During analysis of samples taken during routine monitoring it was found that suspended solids were above allowable consent limits at the Kapuni Water Treatment Plant. An explanation was received and accepted. The company's investigation had found that natural sediments had built up in the outlet pipe and a plan had been put in place to inspect and clear it more often.

14 May 2019	332119-222 ENF-22018	Compliance Monitoring Insp.	Non-compliance	Taranaki Sawmills Limited (10015)	R2/3491-2		Investigation Continuing
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Comments: During analysis of samples taken during routine monitoring it was found that the dissolved zinc level was above the allowable limit for a timber treatment site at Katere Road, New Plymouth. The levels in sample results have been trending upwards since January 2018. Enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 06 Apr 2019 to 23 May 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 May 2019	332119-217 ENF-21997	Compliance Monitoring Insp.	Non-compliance	NZ Transport Agency (14205)	R2/6221-1	EAC-22665 - Explanation Requested - Letter	Investigation Continuing

Comments: During routine monitoring it was found that the stock truck effluent disposal system was not operating within resource consent conditions at State Highway 3, Ahititi. The discharge was also in contravention of Abatement Notice EAC-21145, issued in 2016. Photographs and samples were taken. A letter requesting explanation was sent. Enforcement action is being considered.

17 May 2019	332119-175 ENF-21919	Follow Up Inspection	Non-compliance	Yalumba Farm Trust (15047)	R2/3581-2	EAC-22686 - Explanation Requested - Inspection Notice EAC-22561 - Abatement Notice	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Upper Manutahi Road, Patea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will find that the abatement notice was not being complied with at the time of inspection. Further enforcement action is being considered.

17 May 2019	332119-192 ENF-21938	Follow Up Inspection	Non-compliance	Taumaha Trust - Neil Walker (33114)	R2/3406-2	EAC-22592 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Upper Taumaha Road, Manutahi. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. At the time of reinspection the consent holder was in the process of complying with the abatement notice.

Compliance Monitoring - Non-compliances for the period 06 Apr 2019 to 23 May 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 May 2019	332119-218 ENF-22000	Compliance Monitoring Insp.	Non-compliance	Corlett Trucking Limited (4302)	R2/10142-1.1	EAC-22670 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During routine monitoring it was found that the truck wash disposal system was not operating within resource consent conditions at Upper Pitone Road, Okato. An abatement notice was issued requiring works to be undertaken to ensure compliance with the resource consent. Reinspection will be undertaken after 28 May 2019.

22 May 2019	332119-219 ENF-22003	Compliance Monitoring Insp.	Non-compliance	Aitken Transport 1994 Limited (2100)	R2/1805-3	EAC-22675 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During routine monitoring it was found that the truck wash disposal system was not operating within resource consent conditions at a property at Ohura Road, Toko. An abatement notice was issued requiring works to be undertaken to ensure compliance with the resource consent. Reinspection will be undertaken after 31 May 2019.

Agenda Memorandum

Date 11 June 2019



**Memorandum to
Chairperson and Members
Consents & Regulatory Committee**

**Subject: Independent Analysis of Compliance
Monitoring and Enforcement metrics for
the regional sector**

Approved by: A D McLay, Director – Resource Management

B G Chamberlain, Chief Executive

Document: 2267182

Purpose

1. The purpose of this memorandum is to present a report following an independent analysis of the 2017/18 compliance monitoring and enforcement metrics for the regional sector.
2. The report provides an opportunity to put what this council does, in terms of compliance monitoring and enforcement, into context.
3. A copy of the report is attached to this agenda item.

Executive summary

4. The Compliance Monitoring and Enforcement Special Interest Group (CESIG), with support from regional council and unitary council chief executives, commissioned an independent consultant (Dr M Brown from the Catalyst Group) to complete a report into compliance, monitoring and enforcement (CME) using data from 2017/18.
5. All 16 regional and unitary councils provided data, resulting in the most comprehensive report available on the sector's CME activities under the RMA's 27-year history. The report exceeds the publicly available detail on the activities of any other environmental regulatory regime in the country.
6. Effective compliance, monitoring and enforcement of the activities carried out under resource consents or permitted activities is a significant tool in protecting the environment and taonga. Carried out well CME can drive good environmental outcomes and prevent incidents. Carried out poorly it can allow environmental damage to occur.
7. Across New Zealand there are around 200,000 resource consents issued by the 16 regional and unitary councils under the Resource Management Act. There are also regional plans that allow activities to occur as permitted activities. Both allow people and

organisations to use natural resources – air, land, water – provided they comply with conditions to minimise any potential environmental effects.

8. Around 50,000 of these resource consents needed monitoring because of possible environmental effects, and 92 per cent were monitored in the reporting year. There were, however, variable levels of compliance from region to region.
9. In addition, regional and unitary councils received nearly 30,000 pollution complaints, of which 87 per cent were responded to.
10. Across the 16 regional and unitary councils, 436 full time employees were assigned to compliance, monitoring and enforcement roles including monitoring of resource consents and responding to pollution incidents. The Council has a high level of resourcing in this important area relative to other councils.
11. The independent report found across the country, CME activities are in relatively good shape. Regional and unitary councils have generally improved significantly over the past decade in the way they administer their compliance monitoring and enforcement role. Increasing capacity, professionalism, and monitoring and reporting processes are evident.
12. This Council has a well established and resourced CME regime in place that is mostly funded by resource users. The regime compares very well against that existing elsewhere in the country and has been successful in maintaining and enhancing environmental quality in Taranaki over the years when environmental pressures have increased.
13. As part of the CESIG Strategic Compliance Framework, adopted by Council in March 2017, audits are completed of Council CME activities against best practice. The Council was thoroughly audited by our peers in 2018 and received a positive audit report.
14. The Council has a long and successful history in CME and considers it to be a vital part of a properly functioning resource management system. The Council has been a national leader in many aspects of MME for many years and has made continuous improvements in its systems and processes, when needed. The report is a very useful review of CME for the sector as a whole and for this Council.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum *Independent Analysis of Compliance Monitoring and Enforcement metrics for the regional sector*;
- b) notes the survey shows this Council's compliance monitoring and enforcement regime is well established and resourced;
- c) notes the Council's compliance monitoring and enforcement regime compares very well against that existing elsewhere in the country.

Background

15. The report arose from criticism from the incoming government that the sector was not undertaking sufficient CME. There was also a lack of accurate reporting of these activities in sufficient detail at a national level by the Ministry for the Environment.
16. Effective compliance, monitoring and enforcement of the activities carried out under resource consents or permitted activities is a significant tool in protecting the environment. Carried out well CME can drive good environmental outcomes and prevent incidents. Carried out poorly it can allow environmental damage to occur.
17. The Compliance Monitoring and Enforcement Special Interest Group, with support from regional council and unitary council chief executives, commissioned an independent consultant (Dr M Brown from the Catalyst Group) to complete a report into CME using data from 2017/18. Dr Brown had previously prepared a report for the Environmental Defence Society *Last line of defence- compliance, monitoring, and enforcement of NZ's environmental law (2017)*. Members received an agenda memorandum on this report in May 2017.
18. The author of the CME report is independent and very experienced in compliance monitoring and enforcement.

Report

19. The report was compiled from questionnaire information supplied by the 16 regional councils and unitary councils. As such the report represents the most comprehensive survey available on the sector's CME activities under the RMA's 27-year history. The report exceeds the publicly available detail on the activities of any other environmental regulatory regime in the country.
20. Across New Zealand there are around 200,000 resource consents issued by the 16 regional and unitary councils under the Resource Management Act. There are also regional plans that allow activities to occur as permitted activities. Both allow people and organisations to use natural resources – air, land, water – provided they comply with conditions to minimise any potential environmental effects.
21. Around 50,000 of these resource consents needed monitoring because of possible environmental effects, and 92 per cent were monitored in the reporting year. There were, however, variable levels of compliance from region to region.
22. Across the 16 regional and unitary councils, 436 full time employees were assigned to CME and responding to pollution incidents. The Council has a high level of resourcing in this important area relative to other councils.
23. During the reporting year, the sector took more than 4000 formal actions – 905 formal warnings, 1844 abatement notices, 1289 infringement fines and 21 enforcement orders. Forty-nine individuals and 60 corporate defendants were convicted, with the dominant offence being the discharge of contaminants. Collectively, the prosecutions resulted in \$2 million in fines, in addition to other approaches such as restorative work.

24. In Taranaki during 2017/18 there no formal warnings issued as the Council believes in using abatement notices instead. Two hundred abatement notices were issued, representing 11% of the total. Sixty seven infringement fines were issued, representing 5 % of the total. One enforcement order was issued representing 5 % of the total. Three individuals were convicted as a result of a prosecution, representing 6 % of the total and one corporate was convicted, representing 2 % of the total.
25. The report does question the provision for the Council's chief executives to participate in decision making on prosecutions, however, MfE's Best Practice Guidelines for CME under the RMA states this practice is acceptable, provided appropriate measures are in place to ensure a robust and transparent decision-making process. At the Council the prosecution decision is made following discussion with the Director- Resource Management and the Compliance Manager.
26. Collectively the sector receives nearly 30,000 complaints annually, 87% of which were responded to. Regional councils and unitary authorities monitored 92 % of consents requiring monitoring and encountered highly variable levels of compliance region by region.
27. This Council is responding to a growing number of complaint calls, receiving almost 414 in 2017/18. All of these were responded to. Other council response rates were between 20 and 70%.
28. The Council also administers around 4,837 resource consents. Potential environmental risks of those activities mean that many of these consents need to be regularly monitored. The Council monitored a relatively high number of consents compared to other councils and during the period monitored 100 % those requiring monitoring. Other councils managed to monitor between 28 % and 94 %.
29. The report concluded regional and unitary councils have generally improved significantly over the past decade in the way they administer their compliance monitoring and enforcement role. Increasing capacity, professionalism, and monitoring and reporting processes are evident. The report and its recommendations provide a blueprint for the regional sector as it looks at the sectors collective capability and performance, highlighting where we are doing well and where we can make improvements.
30. The Council has a long and successful history in CME and considers it to be a vital part of a properly functioning resource management system. The Council has been a national leader in many aspects of MME for many years and has made continuous improvements in its systems and processes, when needed. The report is a very useful review of CME for the sector as a whole and for this Council.

Strategic Compliance Framework

31. As part of the CESIG Strategic Compliance Framework, adopted by Council in 2017, audits are completed of Council CME activities against best practice. The Council was thoroughly audited by our peers in late 2018 and received a positive audit report. There was no criticism of the Council's approach, particularly concerning how prosecution decisions are made, and of any political interference.

Decision-making considerations

32. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

33. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

34. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

35. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

36. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments – two separate reports

37. Document 2268479: *Independent analysis of the 2017/18 compliance monitoring and enforcement metrics for the regional sector report*



THECATALYSTGROUP
planning and environment

INDEPENDENT ANALYSIS OF THE 2017/2018 COMPLIANCE MONITORING AND ENFORCEMENT METRICS FOR THE REGIONAL SECTOR

DECEMBER 2018 - FINAL REPORT

USE OF THIS REPORT

This report has been prepared by The Catalyst Group at the request of our client for the purposes for which they intended. Where we have relied on information from external sources, we have referenced these sources as appropriate and assumed them to be accurate. If you are unsure about interpretation of the content of this report, or its use beyond that for which the client intended, please get in touch with us at enquiries@thecatalystgroup.co.nz

This report was developed by Dr Marie A. Brown of The Catalyst Group for the Waikato Regional Council (on behalf of the Compliance and Enforcement Special Interest Group).

PREPARED BY:

Dr Marie Brown

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CONTRACT REPORT NO:

Instruction from the client dated 21 August 2018

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PREPARED FOR:

Waikato Regional Council on behalf of the Compliance and Enforcement Special Interest Group.

.....

ACKNOWLEDGEMENTS

The report was completed under strict confidentiality requirements so no external acknowledgements are required. The researcher recognises the timely assistance of councils in clarifying their data and providing suggestions on a draft circulated to CESIG for comment.

- p. +64 6 358 6300
- e. enquiries@thecatalystgroup.co.nz
- a. Level 3, 31 George Street,
PO Box 362, Palmerston North
www.thecatalystgroup.co.nz



THE CATALYST GROUP
planning and environment

EXECUTIVE SUMMARY

The RMA is New Zealand's flagship environmental legislation and its implementation is highly devolved. Achieving the purpose of the Act – the sustainable management of natural and physical resources – is dependent on the quality of that implementation. Monitoring and reporting on the activities and performance of agencies charged with applying the Act is pivotal to understanding our nation's stewardship of the environment and to reviewing and validating the institutional arrangements in place to carry out that important role.

Compliance monitoring and enforcement (CME) is a significant tool in achieving the overarching purpose of the RMA. Carried out poorly it can result in slippage that erodes the potential of the regulatory regime to achieve its statutory goals. Carried out in a robust manner, it can assist in driving positive environmental outcomes and mitigating failures elsewhere in the policy process. However, data on performance of the agencies charged with the CME role has always been patchy, and councils have historically been provided little overarching guidance and support.

This independent report represents a sector-led effort, under the leadership of the Compliance and Enforcement Special Interest Group (CESIG), to improve the availability of data on CME functions. This inaugural survey saw all 16 of New Zealand's regional councils and unitary authorities (collectively referred to as the 'regional sector') participate. The dataset - while patchy due to various factors - provides a very interesting insight into the conduct of CME agencies under the RMA, and its value will only increase in subsequent iterations.

Four hundred and thirty-six FTEs are employed in regional CME roles under the RMA. Collectively the regional sector receives nearly 30,000 complaints annually, 87% of which are responded to. Regional councils and unitary authorities monitor 92% of consents requiring monitoring and encounter highly variable levels of compliance region to region. In response to non-compliance, the sector issued (in the 2017/2018 year) 905 formal warnings, 1844 abatement notices, 1289 infringement fines and applied for 21 enforcement orders (a total of more than four thousand formal actions).

Overall, the sector also secured 114 convictions against 49 individuals, and 102 convictions against 60 corporate defendants (216 convictions of 109 defendants in total), with the dominant offence being the discharge of contaminants. Collectively, the prosecutions netted more than two million dollars in fines in addition to other sanctions (e.g. restorative justice and costs awards).

The data contained within this survey is the most comprehensive made available on the CME activities of councils under the RMA in the Act's 27-year history. It also exceeds the publicly available detail available on the activities of any other environmental regulatory regime in the country. Councils have made the data available in a way that leaves them subject to criticism and analysis that many agencies are unlikely to receive, which is brave and should be commended. Throughout the analysis of the survey, several key

issues surfaced, and these perhaps represent something of a 'blueprint' for improvement, identifying the key sector-level priorities to enhance operations in the coming years.

Key recommendations for improvements arising from the findings within this report are as follows:

- While variation is to be expected given the diffuse nature of the regime and lack of oversight in the past, there is ample opportunity for councils to now work to standardise approaches to fundamental CME tasks, which would enable national scale data to have much stronger value due to increased comparability
- Resourcing for CME is varied, but overall appears to be relatively low in several councils, possibly too low to carry out the minimum requirements set down within the newly promulgated Best Practice Guidelines. The variation is not generally explained by relative wealth, land area or population - but appears often driven by other matters.
- Many councils were unable to provide some relatively basic Information for these survey questions. While information management is doubtless an area in which the sector has improved greatly in recent years, further development is required to maintain reasonable levels of transparency.
- The internal policy framework for CME in many agencies is incomplete or has aspects that open councils and individuals within those councils up to reputational risk from an inability to demonstrate fair and clear decision-making processes. The sector must carefully consider performance in this space as independence, transparency and consistency are fundamental components of being a credible regulator.
- Some councils perform consistently well across all or most measures in this survey while the reporting of others demonstrates some significant shortcomings that should be addressed. Continuing to administer a robust and regular reporting framework, including review and improvement of the current suite of metrics, will help to drive performance improvement year on year.
- Unitary authorities do not sufficiently demarcate their regional vs district CME activities in their information management systems, meaning that the level of transparency on regional-level operations they can provide is lower than their regional council counterparts. This erodes both the comparability of the collective dataset and has reputational implications for the unitary councils.

Monitoring reports such as this one help to discern areas of strong performance and areas where improvement is needed. They also help to give insight into the appropriateness of institutional arrangements and crucially provide public transparency. They are of greatest value when conducted regularly and consistently over time, with agencies gradually orienting their information management system such that they can fulfil the data requirements comprehensively.

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CONCISE SUMMARY AND ANALYSIS

Monitoring reports such as this one help to discern areas of strong performance and areas where improvement is needed. They also help to give insight into the appropriateness of institutional arrangements and crucially provide public transparency. They are of greatest value when conducted regularly and consistently over time, with agencies gradually orienting their Information management system such that they can fulfil the data requirements comprehensively.

Key findings from each section

This section summarises the key findings from each section of the survey for quick reference. It is focused on the main findings and does not set out the full range of detail, thus is not exhaustive. However, it provides the important background to the analysis that follows.

Section	Questions	Key findings
Regional context	3-7, 10-12	<ul style="list-style-type: none"> * Councils carry out the CME role in very different contexts, with wide variation in land area, population and industry types, and these distinctions must be kept in mind in managing the sector at a national scale * Councils generally have limited but evolving relationships with iwi and hapū in respect of CME matters and this area is likely to increase in importance over time
CME operations	16-17, 20-21, 28-40	<ul style="list-style-type: none"> * Councils have relatively systematic approaches to determining priorities for incident response and consent monitoring, with less codification for permitted activity monitoring * Overall, the CME functions of regional councils and unitary authorities comprises 436 FTE, comprising 209.43 monitoring FTEs, 87.83 environmental incident and pollution response FTEs, 65.84 investigations positions, all supported by at least 68.7 support staff including non-regulatory education-based FTEs and administrative support. * Resourcing is highly variable, and that variation is not easily explained - councils require adequate resourcing to be credible regulators and shortfalls in capacity must be addressed. It is, however, difficult to determine what constitutes 'adequate' in each context, but the minimum resource requirements in the MfE Guidelines are referred to as a basic indicator. * Most councils have well developed internal policy frameworks, however where they are lacking, they make the council and staff vulnerable to criticism - deficiencies must be addressed. * The sector expends often significant resources in engaging with regulated communities on CME.

Managing the workload	13-15, 18	<ul style="list-style-type: none"> * Councils collectively receive 29143 complaints, of which 25,314 (87%) are responded to, (33% in person, the rest via other means). * Councils report relatively low rates of complaint verification (as low as 17%) which may be driven by a range of reasons * Councils administered a total of more than 200,000 active resource consents for the reporting year, of which nearly a quarter (49,491) were deemed to require monitoring (at least), Of these, more than 91% (45,070) were monitored at a sector level. Councils have varying approaches to classifying levels of compliance, making comparisons across sector impossible. * Councils detect varying levels of compliance in their regulated communities, ranging from only 22.1% considered to be in full compliance (Auckland) through to 96.3% (West Coast)
Acting on non-compliance	41-50	<ul style="list-style-type: none"> * Across the entire sector, councils issued (in the 2017/2018 year) 905 formal warnings, 1844 abatement notices, 1289 infringement fines and applied for 21 enforcement orders (more than four thousand formal actions). * Overall, the sector secured 114 convictions against 49 individuals, and 102 convictions against 60 corporate defendants. * The dominant type of offence is the discharge of contaminants
Sanctions and outcomes	51-54	<ul style="list-style-type: none"> * The total fines issued for regional sector convictions was more than two million dollars (\$2,044,028) * Outside of fines, there are relatively few examples of restorative justice across the sector (10 total)
CME Reporting	11-12, 55	<ul style="list-style-type: none"> * All councils undertake some form of external reporting on CME functions via the National Monitoring System, but reporting besides that is highly variable * SOE reporting is typically only weakly linked to CME activities, and highlighting the important connections between these two forms of assessment could strengthen the internal priority for CME

Table 1: Key section findings for quick reference



Analysis

Regional context

The scene-setting questions answered by the participating councils helped give consumers of the data a sense of the context in which the different councils operate, and the implications the differences between those contexts might have for the CME function. The data demonstrated the significant variation in population, area, regional economic profile and rural to urban population ratio – all of which have a material impact on the scale and nature of the CME role. No specific analysis is offered in respect of these figures, other than to acknowledge that they must be kept in mind in undertaking any comparative evaluation of CME regime effectiveness.

CME Operations

Making decisions on priorities

Making the right choices about where to expend usually limited CME resources is critical to ensuring the greatest risks to the environment are managed first and most intensively. Councils must develop coherent and systematic approaches to making decisions on relative priority. The questions in this section requested councils provide an outline of how they make those choices and on what basis. Naturally, it is difficult to know the extent to which the theory is reflected in practice.

The three main sources of CME workload represent competing demands on the resources available. Current best practice denotes that a **risk-based approach** is desirable, noting that resources in environmental management generally and CME specifically resources are generally expected to always be in short supply. A robust risk-based approach has several specific requirements as outlined in the Best Practice Guidelines (see pages 43-45). The survey does not provide scope to assess the integrity of the different approaches being described as 'risk-based'. It is important that purportedly taking a risk-based approach is not used as a political shield against providing appropriate resourcing for the CME role wherever possible.

Analyses to date have demonstrated that the first and second categories usually dominate the workload, with issues of risk, priority and weak cost recovery mechanisms impacting the level of permitted activity monitoring undertaken. This trend is reflected in the present survey. Council approaches to allocating resources to permitted activities appears overall less systematic, and more dependent upon residual resources leftover from addressing the other two main sources of work. The extent to which this more *ad hoc* approach carries environmental risk is largely dependent upon the permissiveness of the regulatory regime. Where significant reliance is placed upon permitted activities being managed by way of standards, a systematic means of monitoring compliance should not be negotiable.

In this section we learned that the regional and unitary authorities are applying increasingly systematic approaches to determining the relative priority of incoming workstreams, most particularly in respect of consent monitoring and incident response. It would seem that a sector-wide adoption of a risk-based approach has occurred, doubtless informed by the recent development of both the Regional Sector Strategic Compliance Framework and the even more recent Best Practice Guidelines. Ensuring these approaches are followed and enshrined in practice is likely to better utilise what resources are available in any given agency and to ensure the most serious issues are quickly and efficiently addressed.

It is acknowledged that the cost recovery mechanisms for both incident response and permitted activity monitoring are opaque and not fit for purpose. Providing councils with a more clear-cut statutory context for cost recovery would assist in addressing this matter. In addition, if significant non-compliance events are

occurring from permitted activity standards, then it may – in the long term- be desirable for that council to reconsider its non-regulatory approach to that activity.

Staffing levels

Overall, the CME functions of regional councils and unitary authorities comprises 435.8 FTE, comprising 209.43 monitoring FTEs, 87.83 environmental incident and pollution response FTEs, 65.84 investigations positions, all supported by at least 68.7 support staff including non-regulatory education-based FTEs and administrative support.

Councils are differently resourced for the CME function, with wide variation in resourcing not necessarily explained by differences in population, area and regional GDP. For instance, more than half of these (236.2 or 54%) are employed by just 3 of 16 councils – Auckland, Waikato, and Canterbury. Other variables are likely material to determining the resourcing, and councils with limited resourcing are more likely to struggle to meet the minimum resource requirements referred to at the beginning of this section. Comparisons with other variables (i.e. number of active consents, complaints etc) is confounded by differences in priority frameworks. The lack of clarity is not helped by a lack of clear demarcation of information on the respective functions of unitary authorities. It may take time to establish a true notion of resourcing adequacy.

CME policies and procedures

Providing a coherent policy framework for CME is particularly important, as decisions made in this space can have wide-ranging implications for the public’s perception of the agency’s effectiveness. The majority of councils have a relatively robust policy framework, including 14 of 16 with enforcement policies. However, that means two do not have what is a relatively fundamental instrument in the CME toolbox – a credible and consistent means of guiding decision-making on enforcement matters. This does of course not automatically mean that all decisions that might arise from an ad hoc context are questionable but means there is no ability for the regulator to demonstrate the veracity of decisions that have been made. It is strongly recommended that this gap is addressed without delay, such that all councils have robust and publicly available enforcement policies aligned with the Best Practice Guidelines.

Engagement and education

Councils appear to undertake a broad range of both engagement and educational programmes but provided varying levels of detail. Some councils have an extensive variety of approaches in this space. While there is no ‘correct’ number or range of ways to engage and educate the regulated community¹, investing in the information-based end of the spectrum gives important balance to a regime.

Managing the workload

Dealing with complaints

Collectively the regional sector physically attends nearly 9000 complaints a year from a total pool of nearly 30,000 (a further 16,000 are addressed via other means). Key findings included that councils tended to receive volumes of complaints broadly commensurate with their populations, but that the way they responded to them varied considerably (no doubt influenced by prioritisation approaches and resourcing constraints). The responses to these questions provide a useful continuous dataset, in contrast to most CME reporting to date.

Unfortunately, many councils were unable to provide the full suite of data, and some were unable to provide an accurate number of the complaints that had been received. Councils are required, like all public agencies,

¹ The ‘regulated community’ is broadly defined as the community to which any regulation applies or could apply

to accurately record complaints and guidance on doing so has been available for many years from the Office of the Ombudsman. It is reasonable to expect that councils would hold accurate records of incoming complaints and strive to maintain that accuracy through to the resolution of those complaints.² This requirement is also reflected in the RMA.

A further interesting outcome from this section of the survey was the relatively low proportion of complaints that were reported to be verified – including a rate that was as low as 17% verification in Wellington.³ Many of these figures seemed extremely low. Potential drivers could include low public knowledge of the role of agencies, poor internal management of complaints leading to frequent misdirection to incorrect departments, difficulty in verifying particular complaints or inaccurate systems for recording legitimacy. Further information would be required to understand this trend better.

Monitoring consent activity

A failure to monitor a consented activity at an appropriate frequency removes the ability for the regulator (absent a complaint) to detect non-compliance and therefore address environmental harm. Councils routinely set goals for proportions of consents to monitor and appear to meet these goals most of the time. Current best practice suggests that consents should be monitored in a way that reflects the level of risk the subject activity (risk-based approach) may pose to the environment and/or the wider community and given the relatively robust basis for cost recovery of consent monitoring, there is no good reason why councils should fall significantly short of fulfilling this expectation. For some, resourcing may simply be inadequate for the task, which places undue stress on staff and management and should be addressed at a council level.

Classifying compliance levels

All councils had a system for classifying compliance status of an activity, ranging from a binary approach (Nelson with 'satisfactory' or 'unsatisfactory') through to more detailed taxonomies, including some targeted at certain sectors (usually dairy). Councils vary in the extent to which these categories are integrated into their overall information management system.

Having different categories (and presumably different thresholds within categories) makes the councils very difficult to compare. A possible future area of improvement would be the nationwide standardisation of such thresholds. A standard taxonomy is proposed within the Best Practice Guidelines released in 2018 (Table 4 of guidelines). A nationally consistent taxonomy would enable councils to more easily demonstrate that the allocation of resources sensibly follows environmental risk.

Compliance of consented activities

A key goal of any CME regime should be to secure behaviours that are desirable within the given statutory framework. Therefore, the compliance levels being achieved by the regulated community are a critical reflection of the effectiveness of the regime. Consistently poor levels of compliance usually denote a regime ineffective in marshalling appropriate behaviours and/or short on resourcing and signal that approaches to CME must be reviewed.

Notwithstanding that, a degree of non-compliance is typical and 'perfect' regimes are rare. In a typical regime it would be expected that there is a spread of compliance status along a spectrum, each part demanding a

² It is important to note that some councils may keep good records of complaints, but not necessarily in a way that makes it easy to report at a meta scale (i.e. individual complaint detail may be significant, but the overall picture is more difficult to extract). This type of reporting relies on the metadata.

³ Notwithstanding that, even in the absence of a breach responding to a complaint may provide an opportunity to educate a member of the regulated community or avert a future compliance matter.

different approach from the regulator. In the table on compliance levels, this expectation would translate into much of the regulated community occupying the left-hand columns with a gradual attrition in proportions as one moves to the right, which is exactly what is present.

Monitoring permitted activities

Permitted activity monitoring programmes are relatively rare outside of forestry and dairy. The need for them of course depends on the regulatory regime. The robustness of the CME regime is underpinned by whether it is appropriate in the first place for the activity in question to be approached in a non-regulatory way. If activities that potentially constitute significant environmental risk are permitted, then they may cause an unreasonable burden on the CME unit, particularly considering opaque cost recovery mechanisms.

Acting on non-compliance

Formal enforcement actions

Across the entire sector, councils issued (in the 2017/2018 year) 905 formal warnings, 1827 abatement notices, 1289 infringement fines and applied for 21 enforcement orders (total 4042 formal actions). Some councils are demonstrably less active in enforcement than others. These differences are not explained by population etc but appear to be related to more opaque variables such as the council's individual approach to the CME function. A balanced approach across the spectrum of education and engagement through to taking formal and punitive actions when necessary is a vital component of being a credible regulator. A more long-term dataset will enable the trends in the activity levels of council to transcend year-on-year variability and should be carefully monitored.

Discharges of contaminants was the driver behind more than half of all notices (other than prosecutorial action) under the Act and sends a clear message that more work is needed. It is also possible that discharges are more readily recognised by the public than other actions and therefore have a greater chance of being notified to council or being detected in routine monitoring. Whatever the reason, work is required in this space by both regulators and the regulated community to better stay within the boundaries of the law.

Prosecutorial actions – total convictions and types of offences

The sector secured 114 convictions against 49 individuals and 102 convictions against 60 corporate defendants. These data clearly demonstrate that prosecution is both (a) relatively rarely used compared with other tools under the Act and (b) its use is predominantly clustered in a small number of agencies for the reporting year. It is possible that these trends in activity levels could vary significantly year on year as prosecutions and the investigations leading up to them can take many years. Notwithstanding that, 216 successful convictions against both corporate and individual efforts is a significant effort and likely has critical deterrent value within the RMA regime, particularly where outcomes are publicised in national media.

Certain activities appear to lend themselves to higher visibility in enforcement statistics and without a doubt, the discharge of contaminants is one. It consistently tops the list of offences and managing these infractions evidently occupies a significant proportion of the regional sector's resourcing and energy. This may also reflect that the regulated communities may not be getting the message that unlawful discharges are unacceptable or that compliance regimes in respect of this matter are being less effective than they need to be in driving behaviour change.



Sanctions and outcomes

The sector secured more than \$2 million dollars in fines against both corporate and individual offenders. What can be demonstrated from these data is that the total quantum of fines is approximately 2% of the total possible fines for the entire suite of convictions (\$90 million). It is possible that the proportion of fines issued compared with those possible to have been issued would seem low to some commentators; although this could also be seen as a crude analysis.

At issue is whether such a small proportion of the total potential quantum being issued reflects any view of the judiciary that potential penalties are not justified, and what variables affect that assessment. The quantum of a fine reflects not only the seriousness of the incident/s that led to the prosecution, but also the quality of the information put before the Courts, precedence and judicial discretion. The degree of sanction is also an important element for whether it constitutes a sufficient deterrent to would-be offenders.

CME Reporting

Overall, there is a significant amount of variation in the scale and nature of reporting on the CME function between councils. Some operate with limited genuine public visibility while others appear to allocate significant resources to documenting their activities for the consumption of observers (e.g. Canterbury). This is in addition of course to participation in National Monitoring System surveys, this survey and other more ad hoc reporting efforts (e.g. Brown, 2017).

What is striking is that none of the SOE reports detail to any degree the importance or impact of the council's approach to CME as being material to environmental outcomes. While some reference the CME function in relation to specific matters (see for example Northland's SOE report in relation to wetland damage for swamp kauri extraction and associated compliance issues), there is a lack of comprehensive discussion of the linkage between CME operations and environmental outcomes.

This is an area that councils may wish to consider expanding on in the future. CME is a significant tool in achieving the overarching purpose of the RMA - done poorly it can result in slippage that erodes the potential of any regulatory regime to achieve statutory goals. Carried out in a robust manner, it can assist in driving positive environmental outcomes and mitigating failures elsewhere in the policy process. Connecting CME more robustly with state of the environment reporting may assist in providing a more robust basis for CME resourcing and delivery focus.

Summary of overall key recommendations

Key recommendations and observations arising from the findings within this report are as follows:

- While variation is to be expected given the diffuse nature of the regime and lack of oversight in the past, there is ample opportunity for councils to now work to **standardise approaches** to fundamental CME tasks, which would enable national scale data to have much stronger value due to Increased comparability
- **Resourcing** for CME is varied, but is relatively low in several councils, possibly too low to carry out the minimum requirements set down within the newly promulgated Best Practice Guidelines. The variation is not generally explained by relative wealth, land area or population - but appears often driven by other matters.

- Many councils were unable to provide some relatively basic information for these survey questions. While **information management** is doubtless an area in which the sector has improved greatly in recent years, further development is required to maintain reasonable levels of transparency.
- The **internal policy framework** for CME in many agencies is incomplete or has aspects that open councils and individuals within those councils up to reputational risk from an inability to demonstrate fair and clear decision-making processes. The sector must carefully consider performance in this space as independence, transparency and consistency are fundamental components of being a credible regulator.
- Some councils perform consistently well across all or most measures in this survey while the reporting of others demonstrates some significant shortcomings that should be addressed. Continuing to administer a **robust and regular reporting** framework, including review and improvement of the current suite of metrics, will help to drive performance improvement year on year.
- Unitary authorities do not sufficiently demarcate their regional vs district CME activities in their information management systems, meaning that the level of **transparency** about regional-level operations they can provide is lower than their regional council counterparts. This erodes both the comparability of the collective dataset and has potential reputational implications for the unitary councils.

Monitoring reports such as this one help to discern areas of strong performance and areas where improvement is needed. They also help to give insight into the appropriateness of institutional arrangements and crucially provide public transparency. They are of greatest value when conducted regularly and consistently over time, with agencies gradually orienting their Information management system such that they can fulfil the data requirements comprehensively.



Regional snapshots

The following section sets out the most striking aspects of the survey at a regional level, highlighting areas in which each council performed very well or indeed their responses reflected clear room for improvement. Councils can note their performance relative to the rest of the sector in each part of the report, but a short overview of key take home messages for each region is included here for quick reference. It is not exhaustive and should not be relied upon to give the full picture of the council in question. Activity levels and other variables are also very likely to vary considerably year on year, and the following snapshots are solely based on the data within this survey.

Northland

The Northland region is vast and approximately half the population are located rurally, one of the largest proportionally rural populations in the country. Northland Regional Council has a relatively systematic approach to determining priorities and a well-regarded monitoring programme for Farm Dairy Effluent (FDE) compliance. A robust policy framework guides CME decision-making and the council administers a range of education and engagement programmes. Northland has average levels of resourcing on a population basis, is relatively active in the use of lower level enforcement tools and reports regularly on CME activities in a variety of ways.

Auckland

The scale of the CME operation of Auckland Council dwarfs all other councils in numerical terms, but resourcing for CME on a population basis is below average. Internal prioritisation approaches appear sound although, like all unitary authorities, there is no way to understand (from the survey questions) how the competing demands of regional and territorial local authority functions are juggled. Information management appears to be an area where improvement is needed, although it is recognised that the efforts to integrate the legacy approaches of the amalgamated councils are ongoing.

Waikato

Waikato Regional Council operates a comprehensive CME regime, with a well-developed policy framework, prioritisation protocols and relatively good information management. Bespoke approaches to managing compliance approaches sometimes constrain the council from being able to contribute to nationally comparative datasets, however. Resourcing is slightly below average, but the regime overall appears generally balanced and well-documented. Education and engagement programmes and formal relationships with iwi and hapū on CME matters all appear comprehensively managed. Waikato appears to utilise the full range of tools in the CME toolbox. It does not (at least for the reporting year) carry out high numbers of prosecutions but did secure significant fines for convictions that were secured.

Bay of Plenty

Bay of Plenty Regional Councils approach to CME appears comprehensive with respect to the data gathered, although resourcing is below average. The policy framework and internal prioritisation approaches appear sound, although the monitoring of permitted activities could benefit from greater codification. Information management is an area for improvement given the gaps in data provision. A balanced approach to CME appears to exist with the council appearing to use a wide range of tools, and reporting is comprehensive.



Hawkes Bay

The Hawkes Bay Regional Council has some of the lowest levels of resourcing across the sector on a population basis. Like Taranaki, express provision for the CEO to participate in decision-making on prosecutions is an area of potential reputational risk. Information management, particularly regarding the outcomes of incident response demonstrates room for improvement.

Taranaki

The CME approach of Taranaki Regional Council appears both well codified and well captured in their information management system. The council has the greatest number of FTEs of all councils relative to population and has a well-developed policy framework. The monitoring of permitted activities is generally reactive however and would benefit from greater codification. Taranaki administers a relatively balanced enforcement regime, although the express delegation to the Chief Executive on prosecutorial matters is of concern.

Gisborne

Gisborne has a developing approach to CME, with internal policies and procedures having been subject to significant review in recent times, a process that is still ongoing. Resourcing levels are typical of the smaller unitary authorities (noting existing vacancies). Information management is an area of improvement, as the council was not able to provide some important data for the reporting year. However, Gisborne was the only unitary authority able to provide its consent monitoring data for regional consents only, enabling comparison with sector colleagues.

Manawatu-Whanganui (Horizons)

Manawatu-Whanganui Regional Council has a well-developed policy framework (noting that there is limited codification for prioritising permitted activity monitoring) but has some of the lowest resourcing in the sector. Information management is an area for improvement, as some datapoints were not able to be provided via council's systems. Manawatu-Whanganui used relatively few formal tools overall and recorded no prosecutions for the reporting year.

Wellington

Wellington Regional Council appears to have a comprehensive CME policy approach internally, with all expected policies and prioritisation procedures intact. Despite this, resourcing is the lowest of the entire sector, and the relatively scant use of formal tools (except non-statutory warnings) potentially reflects this. The council administers no permitted activity monitoring programmes.

Reporting appears comprehensive. Information management appears relatively sound. The relative sophistication of the internal framework for CME contrasts with the relatively low activity levels in the CME space, suggesting that the council has perhaps pulled back from this role for the at least the reporting year.

Tasman

Tasman District Council administers a large area and when combined with Nelson has slightly above average resourcing levels. However, less than half of consents that required monitoring were monitored in the reporting year and information management – like many councils – would benefit from some improvements.

Tasman has a relatively well-developed internal policy context for CME and is making progress in developing a prioritisation approach for permitted activity monitoring. The council appears to use the full range of tools

in the RMA enforcement toolbox and netted some significant fines from the few prosecutions they did undertake.

Nelson

Nelson City is the smallest jurisdiction of the sector and operates a slightly different CME model to most councils, relying on external contractors for much of the monitoring work. The resourcing appears reasonably adequate and the basic policy requirements are in place. For the reporting year, formal enforcement tool use favoured the softer end of the spectrum.

Marlborough

Marlborough District Council has a well-developed internal policy framework for CME and has above average resourcing for the CME function. Information management appears sound, with few gaps in the information provided, indicating that the council keeps good records of CME activities relative to the rest of the sector. Reporting seems comprehensive across a range of fronts.

Canterbury

Canterbury is New Zealand's largest region with the second largest population after Auckland, with significant resource management issues and a high level of public interest in council's approach to CME. Canterbury provided a significant level of detail on its CME activities in all instances and is evidently highly concerned with considering the CME function within its wider operations. The orientation of the council appears strongly focused on relationships with the regulated community and while this has many positive benefits, it can be a brake on punitive enforcement action where it is necessary. Canterbury relies heavily on non-statutory warnings notices and for the reporting year undertook relatively few prosecutions.

West Coast

The remote West Coast covers a large area, although much of it is public conservation land. CME resourcing for the West Coast Regional Council appears sound, although there are significant improvements likely required to the internal policy framework and information management – both appear lacking. The Council is relatively active at the lower end of the enforcement spectrum, mainly issuing non-statutory warnings, but carried out limited prosecutions.

Otago

Otago's narrative responses to questions were very brief, so it was difficult to discern how comprehensive their approach to some aspects of the role was. The categorical responses however generally showed that although there is room for improvement in information management, reporting is relatively comprehensive. Resourcing is below average, and council does appear to have struggled to meet its monitoring goals. The internal policy framework appears weak; it is one of the few councils to report that it does not have an enforcement policy for example. Notwithstanding the opaque internal context, Otago is one of the most active councils in high level enforcement proceedings

Southland

Southland has a well-codified approach to CME. The internal policy framework appears relatively sound, although like some other councils, provision for CE involvement in day to day enforcement decision-making is an area of reputational risk. Notwithstanding that however, Southland was the strongest performer in prosecutions of offenders, securing nearly a quarter of the fines for the entire sector over the greatest number of prosecutions of individuals and corporates. Information management and reporting appear generally sound.



PART 1 OVERVIEW

This report is the first of its kind – one derived from questions designed by the regional sector to improve and complement the present national monitoring system's brief CME aspects. Numerous analyses have raised concerns about poor information availability and a lack of continuous long-term data to demonstrate sector activities. Little guidance and direction exist for how environmental regulatory agencies must report on their activities, either internally or externally. Councils, given their local presence, also often face higher expectations for transparency than central government regulators.

This report represents a sector-led effort, under the leadership of CESIG, to improve the availability of data on CME functions. This inaugural survey saw all 16 of New Zealand's regional councils and unitary authorities (collectively referred to as the 'regional sector') participate. The dataset - while patchy due to the various factors - provides a very interesting insight into the conduct of CME agencies under the RMA, and its value will only increase in subsequent iterations.

How to read this report

The analysis of the data supplied by the regional sector is detailed below under headings which group like questions together into sections. At the beginning of each section is a box containing the exact wording of the relevant questions and results are graphed and tabulated for readability. Questions 1 and 2 contain identifying information for the councils and individuals filling in the survey so are excluded from analysis.

The format of information is generally:

- a boxed section containing the exact questions relevant to that section
- an overview of the purpose of the questions
- the tables and graphs of the information
- a description of findings
- a short analysis of the findings, at both a regional and national scale.

Questions exclusively devoted to giving opportunities for authorities to upload documents are not analysed but addressed in narrative form as standalone or within the relevant other question/s. Where an open-ended narrative-style response is required amidst an otherwise continuous series of numerical information, it has been spliced out and separately discussed. A full list of questions can be found in Appendix 1.

Unfortunately, unitary authorities were not generally able to demarcate the CME matters that relate to their regional functions and instead reported on their overall levels of activity. **Where this distinction is material, they have been separately analysed to ensure fair comparability.**

Data limitations

Reporting on CME activities is complex, and truly reflective metrics can be difficult to establish. The metrics within this survey were developed collaboratively by CESIG as a first and very important step toward a more robust sector-led framework for reporting on CME activities. There are several aspects of the metrics and the data that was submitted that should be kept in mind when reading this report. Where expressly relevant to the discussion, the limitations are also set out in the report. Otherwise they are contained here to avoid significant and lengthy repetition. Key limitations are:

- Many councils were unable to provide the required data for a range of reasons, including that the way the question was phrased was incompatible with present recording systems. This was accepted at the outset and will presumably be gradually addressed over time. The most notable example was that none of the participating unitary authorities – except Gisborne in respect of consent monitoring - were able to separate their total CME activities for regional functions from their territorial local authority functions, resulting in a significant issue of non-comparability.
- Councils also provided a significant amount of data that had caveats or was based on estimates. Special effort has been made to ensure the report carefully records those. The more the data are estimated and caveated, the lower their comparability and collective value however, and it is hoped that over time these can be reduced.
- The veracity of the data council-to-council is also unknown, and errors could possibly have been made while councils filled in the survey. A draft of the report was circulated to CESIG to provide councils with an opportunity to correct any data that was erroneous or to provide additional data they could to address gaps. Many amendments were received, which helped to mitigate this limitation somewhat. However, it would be useful if, in the future, greater time was allocated to gather the requisite information and to more carefully ensure its accuracy at the outset.
- While several questions focused on asking whether councils had policies or procedures in place, there is no easy way to determine whether (a) they are robust and reflect best practice, and (b) whether they are followed. This may be an area in which the survey could be expanded in the future.

Notwithstanding the above limitations, and those question specific issues set out in the body of the report, the data contained within this survey is the most comprehensive made available on the CME activities of councils under the RMA. It also far exceeds the detail available on the activities of any other environmental regulatory regime in the country.



INTRODUCTION

CME under the RMA in New Zealand

The CME function is almost entirely delegated to regional and territorial authorities (and unitary authorities which carry out both functions). The Ministry for the Environment acts in a somewhat limited oversight role, providing overarching policy, guidelines and administering national reporting on the function. In the past it has not been particularly active, but this is slowly changing.

Councils can choose how to exercise their CME role within the relatively broad framework of the RMA. There are few specific parameters set down in the act other than procedural/tool-based sections. Because of this relatively high level of discretion and limited national direction, the role has evolved differently over different jurisdictions and culminated in high levels of variation nationwide.

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).

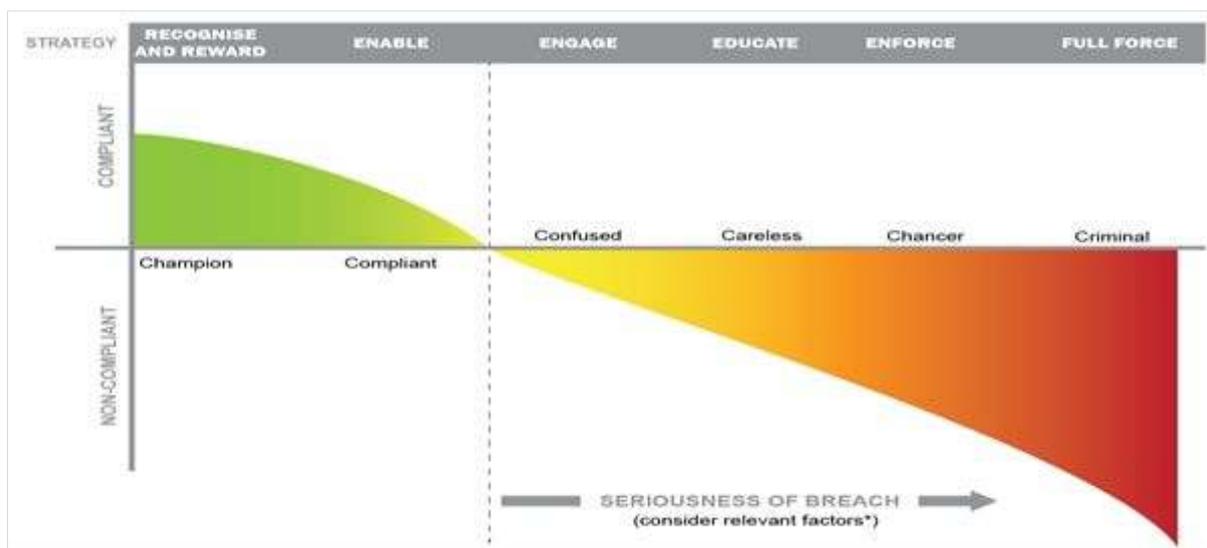


Figure 1: CME diagram (source: Best Practice Guidelines)

A robust approach to CME entails a council being able to work comfortably and competently across the above spectrum, applying tools and seeking sanctions that are appropriate to engender behaviour change.

The credible regulator – what should we look for?

It is important that regulators – in this case unitary and regional councils – are credible. But what does it mean to be credible? Insights into the kinds of expectations that might be had of the credible regulator under the RMA can be found in the following documents:

- Solicitor General Prosecution Guidelines
- Best Practice Guidelines (see ‘minimum resource requirements’ below)
- Basic Investigative Skills Manual

Expectations relate to the kinds of resourcing that is available for compliance (including capacity and capability), the policy context for CME and the procedures and reporting in place to record and demonstrate outcomes and effectiveness. Councils have significant discretion in how they carry out the CME role, and transparency in operation is the typical check on discretion in public policy.

Minimum resource requirements

There are certain CME functions councils should, at a minimum, support with sufficient resources. The list has been drafted so that it applies to all types and sizes of councils. For a well-functioning and effective CME programme, there are many other functions councils should consider resourcing.

As a minimum requirement, all councils should have sufficient access to resources to support:

- development and regular review of a compliance strategy, which includes an approach for addressing different behaviours, as set out in
- trained and qualified staff to undertake the CME role, including a combination of scientific, planning, regulatory, investigative and legal skills
- proactive programmes (eg, education and engagement) to achieve national, regional and local environmental objectives
- monitoring high-risk resource consents, and most medium-risk resource consents
- responses to and investigation of significant incidents, including appropriately trained investigation staff
- public reporting on CME at least once a year, fulfilling the minimum information requirements set out in the Best Practices Guidelines
- internal systems to support monitoring and reporting, including hardware/software to support the record-keeping requirements set out in the Best Practice Guidelines
- enforcement action (including taking a prosecution), ensuring staff are appropriately trained and qualified to do so
- access to legal representation and expertise in enforcement and prosecution
- administrative support for the CME function, for example to support financial matters such as charging for compliance monitoring.

A brief background on CME monitoring and reporting in New Zealand

The RMA contains high level guidance on what councils must do in terms of reporting and record keeping. These requirements include that they must;

- maintain records on the efficiency and effectiveness of plans (which includes CME) that is publicly available and in intervals of five years or less (section 35(2A))
- maintain a record of all written complaints received for the previous five years concerning alleged breaches of the Act or a plan and information on how the council addressed each complaint (section 35(5)(i))
- keep 'reasonably available at [their] principal office' a range of information including the monitoring of resource consents (section 35(3))

Outside of these relatively limited parameters, councils have significant discretion in how they conduct their CME role. Throughout this survey, the basic statutory requirements are referred to when considering the adequacy of some council responses to questions.

The regional and national context for reporting on CME activities to date can be best described as patchy. The sole specific data requirements are contained within the Ministry for the Environment's evolving National Monitoring System (and prior to this, the two-yearly survey of local authorities also administered by MfE). While the survey of local authorities provided some insight into the effectiveness of councils, a lack of continuous datasets (as questions have altered significantly over time) and limited quality control have undermined the utility of the exercise. Quality of the reporting and analysis varied significantly from report to report, with some being relatively comprehensive and carefully analysed and others being subject to only very limited analysis (especially the CME dimensions).

The National Monitoring System - linked to the Environmental Reporting Act 2015 - has been an improvement in part not least because it has ushered in a more consistent and integrated approach to reporting and greater online availability of the data. However, the system has not yet addressed other matters that undermine the utility of the data, including the long delays between the submission of information and its analysis and release. An important reason for monitoring and reporting on performance is benchmarking and giving agencies guidance on what they must improve on - long lags between submission and analysis make this difficult as the information is time-sensitive and has generally lost business relevance when lags number years not months.

Councils are also free to determine how and when they report on CME activities (outside of their NMS contribution). Some execute this role keenly and in a variety of ways, but for others reporting is scant and irregular, usually unlinked to other reporting streams in local government (e.g. SOE reporting). This means different communities have very different levels of access to information about how their council is conducting this critical role around the country. Robust and regular reporting that is publicly accessible helps councils and the sector demonstrate their activities and outcomes, and improvements in operations over time.

This project hopefully represents the genesis of a more consistent and practical means of monitoring council performance on CME in a way that is operationally relevant and instructive for councils, oversight bodies, regulated communities and the public. It may also represent a blueprint for an overhaul of the CME questions in the NMS in the future.

PART 2 - DATA ANALYSIS – QUESTION BY QUESTION PLUS INTERPRETATION

Regional context (questions 3-7, 10-12)

3. What is the population of your region?
 4. What is the geographic size of your region?
 5. What is the percentage split of urban and rural population in your region?
 6. What is your regional GDP percentage of national GDP?
 7. What is the regional % of GDP for each of the following industries? *e.g. forestry 25%*
- | | | |
|--------------------------|-------------|--------------|
| Agriculture (excl dairy) | Aquaculture | Construction |
| Dairy | Forestry | Horticulture |
| Mining | Oil and gas | Tourism |
| Viticulture | Other | |
10. Are you a Unitary or Regional Authority?
If you are a Regional Authority, how many Territorial Local Authorities are in your region?
 11. Provide link to your council's latest state of the environment report.
 12. Alternatively, upload the report (if less than 16MB)

The survey begins with a range of questions designed to provide valuable context to the remainder of the questions. Questions 1 and 2 relate to which council and which staff member was responding and are not analysed further. All these variables demonstrate that regions face different levels of population pressure, land use type and intensity and must carry out their CME activities across sometimes very large geographical areas.

Councils operating at a regional and unitary level in New Zealand face different challenges and are differently equipped to meet those challenges. The types of CME issues that are confronted by each council and the way CME operations are conducted are logically going to differ. Providing context for the subsequent analysis is important. Several estimates differed from readily available national data, so the author has defaulted to the use of data drawn directly from Statistics New Zealand where it has been available at a regional level.⁴

Population, size, urbanisation and GDP of participating regions (Question 3-4, 6, 7 and 10)

Population and area within the council's jurisdiction varies significantly. So too does regional GDP and the industries from which it is generated. All these variables likely have a significant impact upon the level of activity required to implement a robust CME regime. Development activities generally coincide with where people are, as do complaints, so understanding the population that the CME functionaries must service, and the area over which they must undertake the task can provide some insight into their workload.

⁴ Unfortunately, the Nelson and Tasman unitary areas are combined in some regional context data. Where this has affected analysis, it has been clearly articulated in italics.

Population, area and total regional GDP

Council	What is the population of your region?	What is the geographic size of your region?	What is your regional GDP percentage of national GDP?	Regional or unitary authority (number of TAs)
REGIONAL				
Northland	173,500	12,500	2.6	Regional (3)
Waikato	455,000	23,900	8.4	Regional (11)
Bay of Plenty	296,900	12,071	5.3	Regional (6)
Hawke's Bay	162,900	14,137	2.7	Regional (4)
Taranaki	117,400	7,254	3.1	Regional (3)
Manawatu-Whanganui	238,800	22,220	3.8	Regional (7)
Wellington	509,700	8,048	13.2	Regional (8)
West Coast	32,500	23,245	0.6	Regional (3)
Canterbury	607,000	44,504	12.9	Regional (10)
Otago	221,900	31,186	4.3	Regional (5)
Southland	98,200	31,196	2.1	Regional (3)
UNITARY				
Auckland	1,637,000	4,941	37.5	Unitary
Gisborne	43,653	8,355	0.7	Unitary
Tasman		9,615		Unitary
Nelson	101,700	422	1.8	Unitary
Marlborough	45,900	10,457	1	Unitary

Table 2: Regional contextual data for participating jurisdictions (Questions 3-4,6 and 10)

The region with the largest population is Auckland with over 1.6 million people, almost three times larger than the next most populous region, Canterbury. The West Coast has the smallest population with 32,500 people. This enormous disparity must be kept in mind in comparing the activities of the different councils – the economies of scale that some organisations are able to achieve with respect to matters such as resourcing/training are simply not within reach of smaller councils within the present local government funding model.

The largest region by area is Canterbury (44,504.50km²), followed at some distance by Otago and Southland which are very similar in size, being just over 31,000km². The smallest region by some margin is Nelson City, covering just 422.2km² (roughly 100 times smaller than Canterbury). Some councils have a relatively small population over a relatively small land area (e.g. Taranaki) while others have a large population over a small land area (notably Auckland, but also Wellington's land area is roughly equivalent to Taranaki's with five times the population).

Regional GDP varies widely across the sector, with Auckland collectively contributing 37.5% of the national total and the West Coast contributing just 0.6%. The source of the GDP contribution varies widely, from some regions heavily focussed on one or two particular industries (e.g. oil and gas in Taranaki) through to regions with very diverse economies (e.g. Auckland).

Urbanisation

Much of New Zealand's population is urbanised, but many regions do not reflect this split. Both urban and rural areas have compliance issues, so while this information does not provide insight into the level of workload councils face, it may provide some idea of the types of issues commonly encountered.

Rural areas tend to be associated with large distances and lengthy travel times between incidents (depending on where staff are located) so may have logistical/resourcing implications. Urban populations may also tend to be more vocal and more proximal, meaning more local issues can displace wider regional matters if prioritisation approaches are not robust. Managing this potential tension should be of concern particularly to unitary authorities.



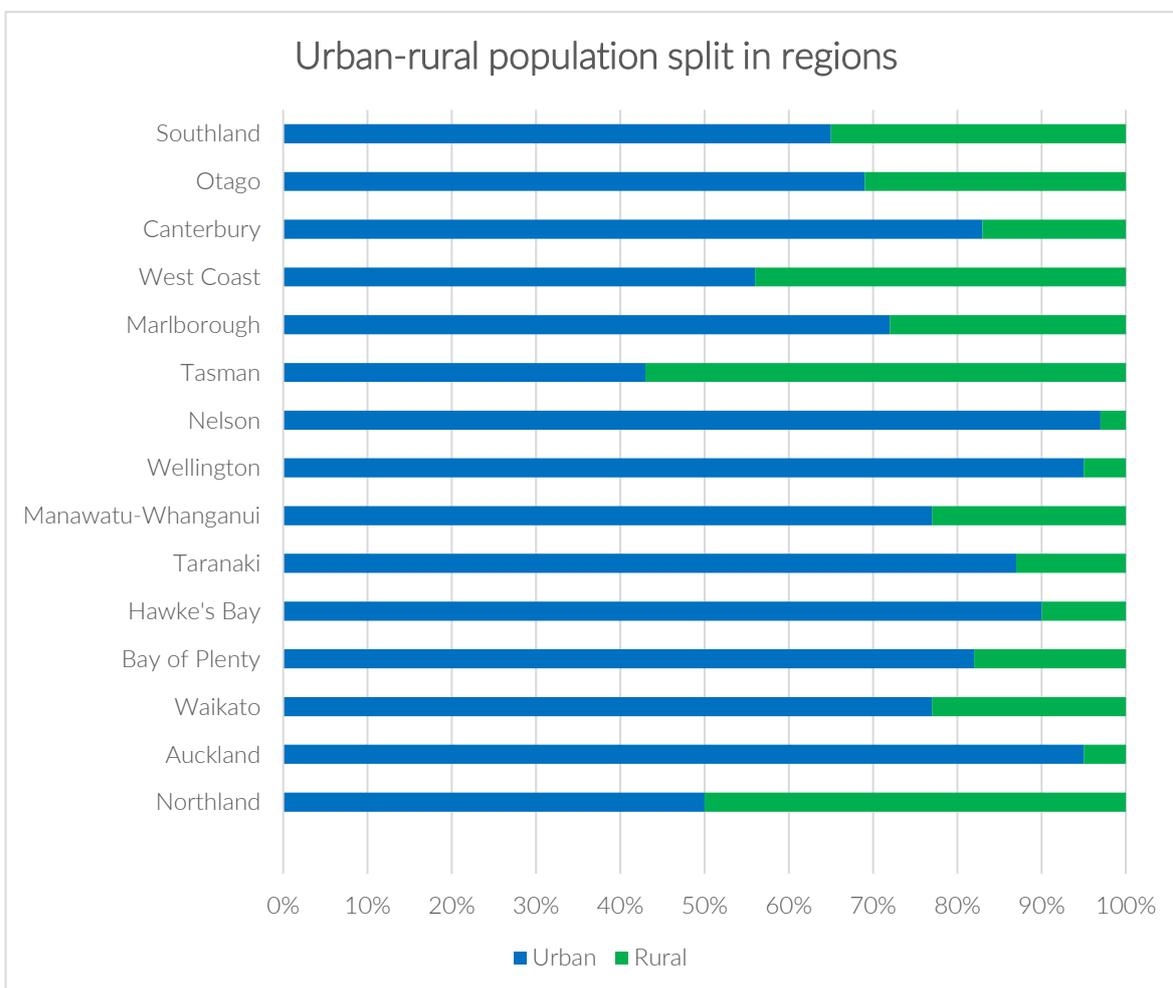


Figure 2 Urban and rural population split across regions (Question 5) Gisborne - DNR

There is no easily available source of information to verify the rural and urban population split reported by councils. Some figures reported were clearly in error and needed to be swapped around and a couple of councils reported two different sets of figures over 2-3 responses. All regions have a significant proportion of the population in urban areas, in line with national trends.

Of all the regions, Tasman has the highest proportion of the population classified rural (roughly half and half), followed closely by Northland and the West Coast. Conversely, the great majority of Auckland, Wellington and Nelson residents are in urban areas.

The scene-setting questions answered by the participating councils helped give consumers of the data a sense of the context in which the different councils operate, and the implications the differences between those contexts might have for the CME function. The data demonstrated the significant variation in population, area, regional economic profile and rural to urban population ratio – all of which have a material impact on the scale and nature of the CME role. No specific analysis is offered in respect of these figures, other than to acknowledge that they must be kept in mind in undertaking any comparative evaluation of CME regime effectiveness.

Working with iwi (Questions 8 and 9)

8. Describe your regional key commitments to work with iwi/Maori on CME (e.g. commitments in Joint Management Agreements or other co-management agreements)
9. Upload copies of any agreements related to this work with iwi/Maori.

The relationship between local government and iwi and hapū is increasingly well-recognised (see for example Part 3 of the Best Practice Guidelines). Across the breadth of council functions, there are many opportunities to broker agreements and commitments between these parties, and some of these refer to CME functions under the RMA. Examples may include the requirement to consult with local iwi on CME policy or to involve tangata whenua in CME-related processes such as freshwater monitoring or formal enforcement action.

All but one council responded to this question (Table 3). Two referred to programmes that were currently under development, while the remainder were able to share their operational experience working with iwi and hapū in CME. Detail varied, but overall the question responses signalled that this is a growing area of focus and that there are likely opportunities for cross-agency knowledge sharing.

Section findings

- Councils carry out the CME role in very different contexts, with wide variation in land area, population and industry types, and these distinctions must be kept in mind in managing the sector at a national scale
- Councils generally have limited but evolving relationships with iwi and hapū in respect of CME matters and this area is likely to increase in importance over time



Council	Describe your regional key commitments to work with iwi/Maori on CME (e.g. commitments in Joint Management Agreements or other co-management agreements)
Northland	Tai Tokerau Māori & Council Working Party that meet monthly
Auckland	Currently being developed
Waikato	Comprehensive requirements via existing joint management agreements and proposals for further work in this space (e.g. honorary ranger programme)
Bay of Plenty	Several governance-level agreements provide for formal engagement with tangata whenua
Hawke's Bay	Gravel Extraction Ngāti Pāhauwera
Taranaki	Iwi authorities involved in prosecutions by producing victim impact statement. Further involvement in enforcement being considered.
Gisborne	JMA with Ngati Porou, MOU with Te Runganui o Turanganui a Kiwa, Statutory Acknowledgments for Rongowhakaata, Ngai Tamanuhiri, Ngati Porou. Local Leadership Body being set up with 3 Turanga Iwi
Manawatu-Whanganui	DNR
Wellington	12 Key Forums, Agreements or functions which integrate iwi and our Mana Whenua partners into the work of the organisation
Nelson	No formal agreements - all iwi are informed about all resource consent applications and iwi monitoring occurs as required
Tasman	No formal agreements with Iwi for wider CME however does work with Iwi through consent conditions where they are have an active monitoring role.
Marlborough	Draft Iwi Engagement Policy
West Coast	Iwi are informed of all resource consent applications. Iwi representatives sit on the Council Resource Management Committee which compliance, monitoring and enforcement activity is reported to monthly. WCRC has strong working relationships with iwi and is working towards formal agreements.
Canterbury	<p>Quarterly meetings between the 10 Papatipu Rūnanga Chairs and Regional Councillors. Every 6 weeks ECan staff meet with the environmental experts from each marae to discuss regional projects, Te Waihora Co Governance, Te mana o Wai project at Wainono, ECan and Ngāi Tahu joint work programme, Service level agreements with 3 Ngāi Tahu environmental entities that support the 10 Papatipu Rūnanga. Regional Councillors meet at individual marae each year. Each marae has 2 representatives that sit on each of the 10 Water Zone Committees. Two dedicated staff to look after the 20 marae water zone representatives. Strategic Mātauranga Māori and mahinga kai programmes through the CWMS and science portfolios.</p> <p>ECan's Long Term Plan 2018 Significance and Engagement Policy specifically identifies the values and interests of Ngāi Tahu whānau, hapū and rūnanga, as mana whenua for the region, where proposals or decisions relate to land or a body of water, the implications for the relationships of Ngāi Tahu and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other taonga.</p> <p>This Engagement Policy is supported by ECan's Tuia Relationship Agreement which recognises the importance of face to face engagement with Te Rōpū Tuia, direct with Rūnganga, operational engagement and membership of ECan committees.</p>
Otago	MOU in place
Southland	Charter of understanding of Iwi and local government March 2016 (see question 9)

Table 3: Listed regional key commitments to work with iwi/Maori on CME (Question 8 and 9)

CME operations (Questions 16-17, 20-21, 28-40)

There are three key sources of workload in CME:

- incoming written or oral concerns from the public or other agencies ('complaints'),
- CME in relation to consented activities and
- CME in relation to the monitoring of permitted activities throughout council's jurisdiction.

All are important and deserve attention. However, they can represent competing demands on officer's time, and proportioning effort across the three workstreams is the key test for internal prioritisation approaches.

Making decisions on priorities (Questions 16, 17, 20-21, 28-29)

16. What basis is used for determining what notifications are physically attended and with what urgency or priority?
17. If your council uses a prioritisation model or compliance strategy, please upload file.
20. Describe how you determine which consents are monitored and how frequently?
If there is a prioritisation model or compliance strategy, add link
21. Upload file, if link not provided
28. Describe what basis was used for determining how these permitted activities are monitored.
If there is a prioritisation model or compliance strategy, add link
29. Upload file, if link not provided above

Questions 16 and 17 addressed how each council makes decisions on what notifications (i.e. complaints) to respond to and what not to, and in what ways. Questions 20-21 dealt with the same subject matter as 16-17 but related to how the council determined the priority of consent monitoring. Question 28-29 addressed the basis upon which council decided when and how to monitor permitted activities. No specific information was requested or offered by unitary authorities as to how their two suites of functions are prioritised in relative terms.⁵

⁵ In email communication, Nelson City Council advised that approximately 20% of consents were regional in nature and all were monitored, whereas only some district level consents were monitored.

Consents and Regulatory Committee - Independent Analysis of Compliance Monitoring and Enforcement metrics for the regional sector

Council	What basis is used for determining what notifications are physically attended and with what urgency or priority?	Describe how you determine which consents are monitored and how frequently?	Describe what basis was used for determining how these permitted activities are monitored.
REGIONAL			
Northland	Following factors taken into account: Adverse effects (actual & potential); nature of the incident; if activity is still happening or not; time elapsed to incident being reported to Council; relevant history (e.g. repeat non-compliance), staff availability & location of incident	Frequency for some activities decided on a whole (e.g. dairy = minimum 1 annual visit; coastal structures = once every 3 years); all other consents on case-by-case (e.g. some on-site systems once every 5 years if low risk and good history, others may be every year if high risk due to proximity of waterway etc).	All permitted activity dairy farms monitored at least once annually. NES-PF is monitored with a risk-based approach. All other activities case-by-case.
Waikato	Prioritisation model, please note also have individual compliance strategies for various industries and activities.	Compliance Strategies (have 7 compliance strategies but only able to upload one)	Compliance Strategy Managing Dairy Effluent is seen as a high-risk activity because of the number of Dairy Farms in the Waikato Region and its potential for effect on water quality. Farming activities are mostly permitted under the Waikato Regional Plan - unlike many other plans.
Bay of Plenty	Whether or not the matter for complaint is still occurring, nature of the issue and whether attending the site will change anything, and/or whether it is safe to visit. Note: some may not be attended if there are multiple complaints at any one time and resources need to be triaged according to risk.	BOPRC uses a risk-based approach to scheduling compliance according to different consented activities. This framework is reassessed annually and feeds into our Section 36 policy	Permitted activities are generally monitored on a reactive basis; currently in the process of developing a monitoring plan for permitted forestry under the NESPF
Hawkes Bay	Risk Based approach	Compliance Monitoring Strategy	NES Forestry, Annual Plan
Taranaki	All are attended as per Annual Plan.	Link provided to risk-based monitoring procedure	Availability of staff and priority activities

Council	What basis is used for determining what notifications are physically attended and with what urgency or priority?	Describe how you determine which consents are monitored and how frequently?	Describe what basis was used for determining how these permitted activities are monitored.
Gisborne	We attend all complaints and have performance standards to respond to all notifications within 30 minutes and attend within 60 minutes.	DNR	<p>There were new Permitted Activity requirements in our Freshwater Plan – these were targeted at significant environmental risks so as part of implementing the Plan we have developed a Permitted Activity monitoring programme. This is to ensure that farmers and growers are familiar with and complying with the new rules.</p> <p>Now the NES-PF has been in place we have identified the need to undertake Permitted Activity monitoring of forestry activities which previously would have required consent under our Plan. We have identified this as a high priority to ensure that there is a good level of understanding and compliance around the Permitted Activity standards.</p>
Manawatu-Whanganui	Council uses a prioritisation model that determines how and when it responds to incidents. this is outlined in the document attached to question 17.	This is based on a risk-based approach. this is consistent with the Strategic Compliance Framework. The compliance strategy is summarised in our LTP, at page 51. this outlines what the compliance team will deliver in relation to compliance monitoring based on site/consent prioritisation.	Strategy for NES-PF monitoring is still in a draft format and not yet finalised.
Wellington	Incident Response Protocols are based on specific factors which form a decision-making flow chart	GWRC has a Strategic Compliance Programme which prioritises what consents are monitored and how frequently	No response

Council	What basis is used for determining what notifications are physically attended and with what urgency or priority?	Describe how you determine which consents are monitored and how frequently?	Describe what basis was used for determining how these permitted activities are monitored.
West Coast	Determined by compliance officer in consultation with team leader or manager. Compliance policy requires attendance within 24 hours for urgent matters.	As per Council Long Term Plan targets, internal mining targets and undocumented risk-based assessment.	Permitted activity dairy farms are required under the Long Term Plan to be monitored at least every 2nd year depending on compliance history.
Canterbury	Currently an officer decision based on environmental effects and ability to attend. A project to create an incident response evaluation model is nearing completion, with a draft model currently being tested. This approach combines organisational priorities (both regional and sub-regional/zone) and environmental effects (risk) to determine whether an incident requires an elevated response or a standard response. The evaluation process is a yes/no decision against a list of predetermined triggers for elevated response. All incidents are standard unless they trigger an elevated response (when any trigger returns a 'yes' answer). Elevated response incidents will require a site visit within two working days, standard response incidents will require a desktop response within 5 working days.	Environment Canterbury's compliance monitoring programme has traditionally been risk based, i.e. monitor high risk consents and react to issues/incidents from lower risk consents. A risk-based methodology is still valid; however, the compliance monitoring programme also needs to deliver on Environment Canterbury's strategic priorities. For 2018/2019 Environment Canterbury has moved to a balance of risk and priority-based monitoring that is delivered through a campaign methodology. The campaign identifies the approach for delivery of priorities and allocates inspections for compliance monitoring. 2018/2019 Compliance Monitoring priorities were agreed by Environment Canterbury Council as: Regionally Significant Consents, Water Use Compliance, Good Management Practice, Fish Screens, consents with a history of significant non-compliance and Zone Priority Projects. The priorities are translated into priority inspections for monitoring. [abridged]	We have a compliance strategy based on environmental risk and organisational priority. Due to the reduced risk of the permitted activities, these do not form part of the prioritised monitoring programme unless significant non-compliance is detected. PA monitoring programmes are in place for domestic home heating, forestry and construction site run-off.
Otago	Is it happening now? What is happening?	Consent are monitored on a risk-based system	NES (Forestry)/ Risk based

Council	What basis is used for determining what notifications are physically attended and with what urgency or priority?	Describe how you determine which consents are monitored and how frequently?	Describe what basis was used for determining how these permitted activities are monitored.
Southland	Office based assessment in line with Environment Southland's current environmental focus.	We aim to complete a minimum of one inspection per consent annually except for our south coast structures/Stewart Island/Fiordland consents which are inspected every three years on rotation.	Compliance monitoring strategy - see question 20
UNITARY			
Auckland	An electronic risk-based triage form - cannot upload	Risk based matrix	Required by the Auckland Unitary Plan
Nelson	Risk based with priority on incidents that could adversely affect the health and safety of people or cause harm to sensitive environments	All consents requiring monitoring as determined through the resource consent process are monitored. Frequency depends on risk, compliance history, activity/industry type	The 3 dairy farms are monitored at least annually, same for all forestry operators
Tasman	Complaint priority matrix	We use a prioritisation matrix within a monitoring policy. Frequency depends on the conditions, type of activity and level of compliance	Consent & Permitted activity Monitoring prioritisation Strategy 2018-20. Not attached as it is yet to be ratified.
Marlborough	High, Medium, low priority given on receipt based on adverse effects and mitigation. Table of CRM categories identified and likely Priority.	Risk based strategy	Risk based strategy based on activity

Table 4: Prioritisation approaches across three key CME workstreams

Prioritising incoming complaints

Most councils referred to priority or risk-based approaches to determining whether to attend a complaint and with what urgency. One council (Taranaki) referred to an annual plan undertaking to address all complaints, which they did). Gisborne referred to a policy of responding to all complaints also, within a designated timeframe. Ten councils provided a document which set out their approach formally, within a policy, in a wall chart form or as an excerpt from a more widely focused document. Waikato referred to a total of seven compliance strategies, each focused on a different activity type.

Prioritising consent monitoring

Most councils again adopt a risk-based approach, although some activities are monitored at a set minimum frequency (for example, Northland carries out a minimum of one annual visit to each dairy farm) presumably also based on risk. The level of detail provided did vary, but overall most council responses reflected a relatively systematic approach to monitoring of consented activities being in place. Gisborne did not provide information on the basis for prioritising but were able to provide figures as to what consents were deemed to require monitoring (so it is assumed there is a framework of sorts in place, even if not articulated).

Prioritising the monitoring of permitted activities

Councils also generally appear to adopt a risk-based approach in this space, although overall it would seem less well codified than other workstreams. As with consented activities, some activity types automatically attract a minimum number of visits (e.g. in Nelson all forestry activities which are permitted are visited at least once). The National Environmental Standard: Plantation Forestry (NES-PF) has evidently acted as a significant catalyst for codifying approaches to permitted activity forestry.

Summary

Making the right choices about where to expend usually limited CME resources is critical to ensuring the greatest risks to the environment are managed first and most intensively. Councils must develop coherent and systematic approaches to making decisions on relative priority. The questions in this section requested councils provide an outline of how they make those choices and on what basis (Table 4). Naturally, it is difficult to know the extent to which the theory is reflected in practice.

The three main sources of CME workload represent competing demands on the resources available. Current best practice denotes that a **risk-based approach** is desirable, noting that resources in environmental management generally and CME specifically are generally expected to always be in short supply. A robust risk-based approach has several specific requirements as outlined in the Best Practice Guidelines (see pages 43-45). The survey does not provide scope to assess the integrity of the different approaches being described as 'risk-based'. It is important however that purportedly taking a risk-based approach is not used as a political shield against providing appropriate resourcing for the CME role.

Analyses to date have demonstrated that the first and second categories usually dominate the workload, with issues of risk, priority and weak cost recovery mechanisms impacting the level of permitted activity monitoring undertaken. This trend is reflected in the present survey. Council approaches to allocating resources to permitted activities appears overall less systematic, and more dependent upon residual resources left over from addressing the other two main sources of work. The extent to which this more ad hoc approach carries environmental risk is largely dependent upon the permissiveness of the regulatory regime. Where significant reliance is placed upon permitted activities being managed by way of standards, a systematic means of monitoring compliance should not be negotiable.

In this section we learned that the regional and unitary authorities are applying increasingly systematic approaches to determining the relative priority of incoming workstreams, most particularly in respect of consent monitoring and incident response. A sector-wide adoption of a risk-based approach has occurred, doubtless informed by the recent development of both the Regional Sector Strategic Compliance Framework and the even more recent Best Practice Guidelines. Ensuring these approaches are followed and enshrined in practice is likely to better utilise what resources are available in any given agency and to ensure the most serious issues are quickly and efficiently addressed.

It is acknowledged that the cost recovery mechanisms for both incident response and permitted activity monitoring are opaque and not fit for purpose. Providing councils with a more clear-cut statutory context for cost recovery would assist in addressing this matter. In addition, if significant non-compliance events are occurring from permitted activity standards, then it may – in the long term- be desirable for that council to reconsider its non-regulatory approach to that activity.

Staffing levels (Questions 30-33)

30. How many FTEs does your council have who carry out monitoring roles?
Include contractors.
31. How many FTEs does your council have who carry out environmental incident or pollution response roles?
Include contractors.
32. How many FTEs does your council have who carry out investigation or enforcement roles?
33. How many FTEs does your council have in CME support roles (e.g. administrative roles)?

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 generally is spent in each role. An example of an answer to each of the questions in this section might look like '24 FTE spread across 40 individuals. Exclude any in-house or contract lawyers

Resources available for CME vary considerably across different agencies, depending on funding levels, community expectations and internal priorities (including political priorities). Staff commonly carry CME responsibilities alongside other tasks related to council's wider functions. Having adequate resources to carry out CME in a comprehensive and systematic manner is a fundamental component of being a credible regulator.

Questions 30-33 asked councils to provide details of the resourcing available to the RMA CME function. The purpose of using FTEs compared with 'people' is to recognise that a mix of duties for the same person is commonplace, particularly in smaller councils. It is reasonable to assume that resourcing would differ substantially across the sector, given differences in population, area, development type and intensity and council funding base.

Unitary authorities carry out regional and territorial functions, and the two sets of functions themselves require somewhat different expertise at certain times and of course more relative resourcing. For instance, Tasman must undertake both the work of a regional council and one or more territorial local authorities within the same CME unit. However, the unitary authorities did not distinguish between the staffing levels for regional and territorial functions, hence they are separated in the table. Going forward, it may be advantageous for unitary authorities to either separate this information, or at least provide a sense of how resources are divided between the two tiers and how much overall time is attributed to each.

Council	How many FTEs does your council have who carry out monitoring roles? Include contractors.	How many FTEs does your council have who carry out environmental incident or pollution response roles? Include contractors.	How many FTEs does your council have who carry out investigation or enforcement roles?	How many FTEs does your council have in CME support roles (e.g. administrative roles)?	TOTAL FTEs
REGIONAL					
Northland	13.3	4	2.7	2.4	22.4
Waikato	22.5	9	6	9	46.5
Bay of Plenty	14	2	3	12	31
Hawke's Bay	6	3	0	1	10
Taranaki	27	3	4	2	36
Manawatu-Whanganui	4	4	1	1	10
Wellington	10	4	1	0.5	15.5
West Coast	1.5	1.5	1.5	1	5.5
Canterbury	28	10.5	3	2.2	43.7
Otago	9.7	6.3	1.7	5.5	23.2
Southland	7.5	1	2	2.6	13.1
UNITARY					
Auckland	54	31	35	26 ¹	146
Gisborne	6 ²	1	1	DNR	8
Nelson	1.33	1.33	1.34	0.5	4.5
Tasman	2	3	4	2	11
Marlborough	2.6	3.2	2.6	1	9.4
TOTAL	209.43	87.83	65.84	68.7	435.8

Table 5: FTEs for CME across regional sector (Questions 30-33)

1 Estimate only 2 Gisborne reported that of the 6 FTE, only 4 were currently filled and the remaining 2 were being recruited at the time of the survey. The figure of 6 was retained as it was not clear whether other councils had also included vacant positions.

Overall, the CME functions of regional councils and unitary authorities comprises 435.8 FTE, comprising 209.43 monitoring FTEs, 87.83 environmental incident and pollution response FTEs, 65.84 investigations positions, all supported by at least 68.7 support staff including non-regulatory education-based FTEs and administrative support (Table 5).

Councils are differently resourced for the CME function, with wide variation in resourcing not explained by differences in population, area and regional GDP. For instance, more than half of these (236.2 or 54%) are employed by just 3 of 16 councils – Auckland, Waikato, and Canterbury, so team size varies significantly. Other variables are likely material to determining the resourcing, and councils with limited resourcing are more likely to struggle to meet the minimum resource requirements referred to at the beginning of this section.

As expected, the resources available for CME differ significantly across the sector and between regional and unitary authorities. The best resourced regional council in terms of whole numbers is Waikato, closely followed by Canterbury. West Coast employs the least people in CME roles, with Hawkes Bay and Manawatu-Whanganui employing the same number of persons at the next lowest level.

Among the unitary authorities, Auckland Council's staff levels are so large as to be difficult to compare. However, the smaller unitaries all carried similar levels of resourcing even before population was considered. Enabling a more comparative approach is needed to understand the relative resourcing in more detail.

The split across the different workstreams of monitoring, incident response and investigation/enforcement differ between councils, although the predominant trend is that approximately half or more of total FTEs are occupied by consent monitoring, and the least proportional resourcing is allocated to investigations and enforcement (Tasman is a notable exception).

The degree of administrative support to the CME function also varies considerably and arguably may have been an area where calculations differed internally in preparing survey responses (e.g. where administration functions are pooled – as is common – the survey respondent may have not considered the full range of persons engaged in CME activities for a proportion of their time). For instance, Waikato has a total of 9 FTE administrative support within a staff of 46.5, whereas Canterbury have a similar number of staff but only 2.2 FTE for administration. Many functions of council are indirectly linked to CME (finance for example) and may or may not have been included.

CME resources compared with population of the jurisdiction

Determining the adequacy of resourcing is complex. There is no magic number. What is known is that good CME requires people and limited resources constrains a council from being a credible regulator. It is important that councils allocate enough resource to this crucial function to ensure they have enough people, and enough of the right people (well-trained etc) to do the job robustly.

FTEs per 1,000 head of population provides some broadly comparative metric for information's sake. The following data demonstrate the wide variability in resourcing between councils on this basis. This variability may in part be explained by contextual differences and in part be explained by other factors such as political priority. Certainly, the limitations of population as a metric are very much acknowledged, but in the absence of a clearly viable alternative, it provides at least some insight.

Council	TOTAL FTEs	Population	FTEs per 1,000
REGIONAL			
Northland	22.4	173,500	0.13
Waikato	46.5	455,000	0.10
Bay of Plenty	31	296,900	0.10
Hawke's Bay	10	162,900	0.06
Taranaki	36	117,400	0.31
Manawatu-Wanganui	10	238,800	0.04
Wellington	15.5	509,700	0.03
West Coast	5.5	32,500	0.17
Canterbury	43.7	607,000	0.07
Otago	23.2	221,900	0.10
Southland	13.1	98,200	0.13
UNITARY			
Auckland	146	1,637,000	0.09
Gisborne	8	43,653	0.19
Nelson	15.5*	101,700*	0.15*
Tasman			
Marlborough	9.4	45,900	0.20

Table 6: FTE resourcing for CME relative to population (Nelson/Tasman combined)

The average resourcing is 0.13 per 1,000, with a range of 0.03 to 0.31 across the entire sector (0.157 for unitary authorities and 0.11 for regional councils) (Table 6). The best-resourced regional council relative to population is Taranaki Regional Council (0.31 FTEs per 1,000 population). The least resourcing relative to population is in the Wellington Region (0.03, ten times less relative resourcing than Taranaki). Among the unitary authorities, Auckland has significantly less resourcing than other councils with dual functions on a relative basis, but unitary authorities overall carried usually higher levels of resourcing on a population basis (but were not able to demarcate the resources allocated for addressing regional functions alone as directed by the survey introduction).

Councils are differently resourced for the CME function, with wide variation in resourcing not explained by differences in population, area and regional GDP. Clearly other variables are material to determining the resourcing, and councils with more limited resourcing are more likely to struggle to meet the minimum resource requirements referred to at the beginning of this section. Comparisons with other variables (i.e. number of active consents, complaints etc) is confounded by differences in priority frameworks and the wider regulatory regime. Further work is needed on establishing a truly comparative metric (which is likely to need to be multi-dimensional).



CME Policies and procedures (Questions 34-38)

34. Does your council have an Enforcement Policy?
If yes, please upload copy
35. What is your process for making decisions on prosecutions?
36. Does your council have a Conflict of Interest Policy?
If yes, please upload copy
37. Does your council have any other CME policies? (not mentioned previously)
If yes, please list
38. If yes, please upload copies

Provision of a coherent policy context for CME within the council's overall operations is important to maintain the credibility of a regulator. Questions 34-38 addressed the ways in which policy informed councils CME operations, particularly with respect to making decisions on prosecutions and in managing conflicts of interest. There is of course no easy way to capture the degree to which policies are adhered to but having them in the first place is important.

None of the above policies are expressly required in statute, however the need for an active enforcement policy is set out in the newly promulgated Best Practice Guidelines. Note that for the purposes of the analysis, enforcement policies in draft were still counted (more than one council was, for example, in the process of amending their policy to align with the Best Practice Guidelines).

Council	Does your council have an Enforcement Policy?	Does your council have a Conflict of Interest Policy?	Does your council have any other CME policies? (not mentioned previously)	What is your process for making decisions on prosecutions?
Northland	Yes	Yes	Yes (Quality Manual)	EDG with minimum 3 staff (CEO is not involved in decision making for prosecutions)
Auckland	Yes	Contained within charter	Yes (see Charter)	Recommended by officers, approved by Manager Regulatory Compliance
Waikato	Yes	Yes	We refer to the CESIG Regional Sector Compliance Framework 2016-2018	Investigating officer reports to a panel of 3 senior managers with recommendation.
Bay of Plenty	Yes	Yes	No	Investigating officers present detailed report and recommendations to an EDG, which comprises Regulatory Compliance Management. The EDG makes a recommendation which is forwarded to counsel for legal advice, before being presented to the GM for Regulatory Services for decision.
Hawke's Bay	Yes	Yes	No	Enforcement Decision Group - approvals by Manager/ Group Manager/ CEO based on an Enforcement Action Checklist EDG
Taranaki	Yes	Yes	No	Decision delegated to Chief Executive and decision made in conjunction with the Director of Resource Management and Compliance Manager.

Council	Does your council have an Enforcement Policy?	Does your council have a Conflict of Interest Policy?	Does your council have any other CME policies? (not mentioned previously)	What is your process for making decisions on prosecutions?
Gisborne	Yes	Yes	Internal prosecutions policy	EDG has 2 managers, TL compliance and a senior compliance officer and investigator with voting rights. Lawyer and director do not vote. Once a recommendation has been made to prosecute by EDG. It is reviewed by Director, and they make the decision as to whether to proceed. If yes it then goes to the lawyers who will give legal peer review and advice. Based on legal advice the CME manager, investigator and Director will consider the legal advice and decide whether to proceed. The Director makes final decision.
Manawatu-Whanganui	Yes	Yes	No	Upon completing investigation, the OC prepares a report for both the Regulatory Manager and Group Manager recommending action to be taken. this is then provided to the CE for their consideration. the report is also accompanied by legal advice from the Crown solicitor on evidential sufficiency and public interest.
Wellington	Yes	Yes	Draft Prosecution Guideline	GWRC will generally take the following steps as part of its prosecution process under the Act: <ul style="list-style-type: none"> • Investigation of the incident • Correspondence with the person/s suspected of breaching the Act, during which an opportunity is provided to respond to the allegations • Incident presented to the Enforcement Decision Group • Obtaining external legal advice about the merits of prosecution • Final decision made by Prosecution Decision Group • Where appropriate, filing charges in the District Court.
Nelson	Yes	Yes	No	Recommendation report completed by officer, reviewed by all levels to the tier 2 manager who decides after receiving legal advice

Council	Does your council have an Enforcement Policy?	Does your council have a Conflict of Interest Policy?	Does your council have any other CME policies? (not mentioned previously)	What is your process for making decisions on prosecutions?
Tasman	Yes	Yes	No	Delegated authority with tier 2 manager. Recommendation to him from Team leader after consultation with O/C case and review of file.
Marlborough	Yes	Yes	No	Stage one QA peer review panel Stage two Enforcement and Prosecution Committee Stage three Legal Counsel review
West Coast	Yes	Yes	No	Recommendation made by compliance officer to enforcement decision group made up of CEO and manager.
Canterbury	Yes	Yes	Yes Incident response Unreasonable complaints	The case is initially presented to the Enforcement Decision Panel by the investigating officer, with a recommendation to prosecute. The Enforcement Decision Panel is comprised of three managers in the Compliance and Enforcement area. If the Enforcement Decision Panel endorse the recommendation then the file goes to Legal Section for assessment under the Solicitor General's Guidelines, i.e. evidential sufficiency and public interest. If it is assessed as suitable for prosecution the file goes to the CEO via two senior managers for final approval to lay charges.
Otago	No	No	Yes Diversions policy	EDG (Prosecutions policy in place)
Southland	Yes	No	Yes Diversions policy	Incident response - Investigation - Enforcement decision group meeting - legal opinion - CEO approval

Table 7: Policy for CME active in the regional sector – it is assumed that all councils also refer to both the Regional Sector Strategic Compliance Framework, the MfE Best Practice Guidelines and the Solicitor General's Prosecution Guidelines even where it is not explicitly stated.

Of the sixteen participating councils, 15 advise they have enforcement policies (Table 7). Otago does not, although notes it has a 'prosecutions' policy in the final column. Fourteen councils also have a conflicts of interest policy, while two do not. Several councils referred to additional compliance policies they had in operation, including Otago and Southland with active diversions policies.

Councils all provided a narrative description of how they approach the prospect of a prosecution. All approaches involved the participation of more than one staff member and a decision to be made by a more senior staff member. All reflect a formal process that is in place to guide decision-making whether or not it is captured by a written enforcement policy.

A key point of variation was whether the Chief Executive was involved in decision-making. The questions did not specifically ask for this information, but it was expressly addressed in several responses. At least five councils expressly provide for a role for the Chief Executive in case-by-case decision-making in enforcement. From a public policy perspective, it is reasonable to be concerned with this aspect of regional sector management and the appropriateness of these arrangements should remain a point of discussion going forward.

Providing a coherent policy framework for CME is particularly important, as decisions made in this space can have wide-ranging implications for the public's perception of the agency's effectiveness. The majority of councils have a relatively robust policy framework, including 15 of 16 with enforcement policies. Policies are important and relatively fundamental instruments in the CME toolbox – a credible and consistent means of guiding decision-making on enforcement matters. This does of course not automatically mean that all decisions that might arise from an ad hoc context are questionable but means there is no ability for the regulator to demonstrate the veracity of decisions that have been made.



Educating and engaging with the regulated community (Questions 39 and 40)

39. Education

Does your council have, or support, any education or enabling projects relating to compliance with the RMA or any of its derivative regulation? For example, an annual workshop for earthworks contractors around erosion and sediment controls. If so, briefly describe project(s)

40. Engagement

Does your council have, or support, any engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, wetland stakeholder group meetings to highlight emerging issues with the wetland.

If so, briefly describe project(s)

The 4 E's explained

Engage – consult with regulated parties, stakeholders and community on matters that may affect them. This will require maintaining relationships and communicating until final outcomes have been reached. This will facilitate greater understanding of challenges and constraints, engender support, and identify opportunities to work with others.

Educate – educate regulated parties about what is required to be compliant, and that the onus lies with them to maintain their compliance. Educate the community and stakeholders about what regulations are in place around them, so they will better understand what is compliant and what is not.

Enable – provide opportunities for regulated parties to be exposed to industry best practice and regulatory requirements. Link regulated parties with appropriate industry advisors and promote examples of best practice.

Enforce – when breaches of regulation, or non-compliance, are identified, a range of enforcement tools are available to bring about positive behaviour change. Enforcement outcomes should be proportional to the circumstances of the breach, and culpability of the party.

Virtually all councils carry out **education and engagement programmes** related to CME and there is a very wide range of forms that this takes. Again, the variations in approach are significant, evidently designed to address local needs and interpret regional and local requirements. Some initiatives mentioned could fall within either education or engagement, so they are treated together for the purposes of analysis. Councils that said they did not run any such programmes likely do as part of their day to day functions, they are just perhaps not targeted or named as such.

Examples of education and engagement approaches across sector

- Training workshops for consent holders on earthworks and sediment management, management of farm dairy effluent and other common resource management activities
- Participation in fora and working groups associated with specific industry groups (dairy, horticulture, forestry etc)

- Development and awarding of good practice awards for industry operators
- Proactive presentations to companies and sectors on compliance matters
- Development of engagement strategies where plan changes will introduce a new approach to managing an existing activity type.
- Ongoing provision of advice and information to consent holders and those undertaking permitted activities about the parameters in which they must work.

Councils appear to undertake a broad range of both engagement and educational programmes but provided varying levels of detail. Some councils have an extensive variety of approaches in this space. While there is no 'correct' number or range of ways to engage and educate the regulated community, investing in the information-based end of the spectrum gives important balance to a regime.

Section findings

- * Councils have relatively systematic approaches to determining priorities for incident response and consent monitoring, with less codification for permitted activity monitoring
- * Overall, the CME functions of regional councils and unitary authorities comprises 435.8 FTE, comprising 209.43 monitoring FTEs, 87.83 environmental incident and pollution response FTEs, 65.84 investigations positions, all supported by at least 68.7 support staff including non-regulatory education-based FTEs and administrative support.
- * Resourcing is highly variable, and that variation is not easily explained - councils require adequate resourcing to be credible regulators and shortfalls in capacity must be addressed. It is, however, difficult to determine what constitutes 'adequate' in each context, but the minimum resource requirements in the MfE Guidelines are referred to as a basic indicator.
- * Most councils have well developed internal policy frameworks, however where they are lacking, they make the council and staff vulnerable to criticism - deficiencies should be addressed.
- * The sector expends often significant resources in engaging with regulated communities, an important aspect of managing CME operations

Managing the workload

Dealing with complaints (Questions 13-15, 18)

13. 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

14. 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

Total number responded to

Percentage of the number received

15. How many of these notifications were physically attended by council staff?

Total number

Percentage of the number received

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

Questions 13-15 and 18 develop a contiguous dataset that helps to demonstrate the level of response council is undertaking to expressions of concern, and the final figure helps to reflect the level of risk to the environment from the complaints. Not all complaints relate to a matter that is within council's jurisdiction, nor do they necessarily relate to any unlawful activity. Many complainants complain frequently about matters that may not be of any relevance to the council, which is a significant drain on resources.

Attending to a complaint physically is the most resource-intensive response possible to an incoming query. There are ways to reduce the need to respond in person to a complaint that may seem like it does not constitute an enforcement matter such as a phone call, desktop search etc. Measuring the number of complaints that link to genuine determinations of wrong-doing helps reflect the level of legitimacy of complaints as a whole.

Council	How many notifications (complaints) were received from members of the public (or other sources)	How many of these notifications were responded to by council?	Percentage of the number received	How many of these notifications were physically attended by council staff?	Percentage of the number received	How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?
REGIONAL						
Northland	1052	1052	100%	705	67%	DNA
Waikato	1543	1543	100%	313	20.30%	370 (24%)
Bay of Plenty	2834	2834	100%	DNA	DNA	DNA
Hawke's Bay	1095	1095	100%	DNA	DNA	DNA
Taranaki	414	414	100%	414	100%	153 (37%)
Manawatu-Whanganui	792	792	100%	180	23%	DNA
Wellington	1308	1085	83%	548	42%	223 (17%)
West Coast	102 ²	102	100%	DNA	DNA	51 (50%)
Canterbury	4735	3111	80%	1,500	38%	1099 (23%)
Otago	1913	DNA	DNA	DNA	DNA	DNA
Southland	742	673	90%	380	51%	128 (17.2%)
UNITARY						
Auckland	9022	9022	100%	3840	42.50%	DNA
Gisborne	147	147	100%	147	100%	DNR
Nelson	472 ¹	472	100%	330	70%	DNA (est. 70%)
Tasman	2562	2562	100%	DNA	DNA	DNA
Marlborough	557	557	100%	267	48%	189 (33.9%)

Table 8: Responding to complaints and complaint verification (Question 13-15 and 18)

¹ Data include excessive noise complaints.

² Actual number likely to be a lot higher due to limitations of recording system.

Councils across New Zealand receive a highly variable number of complaints, however that variation would seem generally in line with their population base in most instances (Table 8). Almost all councils that held data on response levels reported that all complaints were attended to in some form or other (phone call, site visit etc). Many councils were unable to provide a continuous dataset that followed complaints through to resolution – identifying an area of improvement for the future. The proportion that were attended physically by staff was highly variable, ranging from slightly over 20% in the Waikato Region to 100% in Taranaki and Gisborne. Five councils did not have any data on this aspect.

The final point of analysis in this table is the proportion of notifications confirmed as breaches of the RMA or subsidiary instruments. Nine of the sixteen councils did not provide this data, although Nelson did provide an estimate. Nelson's estimate placed it highest of the proportion confirmed as legitimate breaches, followed by the West Coast at 50%.

Unfortunately, many councils were unable to provide the full suite of data, and some were unable to provide an accurate number of the complaints that had been received. Councils are required, like all public agencies, to accurately record complaints and guidance on doing so has been available for many years from the Office of the Ombudsman. It is reasonable to expect that councils would hold accurate records of incoming complaints and strive to maintain that accuracy through to the resolution of those complaints. This requirement is also reflected in the RMA.

A further interesting outcome from this section of the survey was the relatively low proportion of complaints that were reported to be verified – including a rate that was as low as 17% verification in Wellington.⁶ Many of these figures seemed extremely low. Potential drivers could include low public knowledge of the role of agencies, poor internal management of complaints leading to frequent misdirection to incorrect departments, difficulty in verifying legitimacy or inaccurate systems for recording legitimacy.

The majority of complaints not relating to an incident of a CME nature could represent a very significant drain on resources, and councils (particularly those with mandated 100% response policies) may stand to divert significant human resources away from more legitimate concerns where most are not legitimate. Further information would be required to understand this trend better.

⁶ Notwithstanding that, even in the absence of a breach responding to a complaint may provide an opportunity to educate a member of the regulated community or avert a future compliance matter.



Monitoring consent activity (Questions 19 and 22-23)

19. How many active resource consents exist in your region?
In totals 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

22. How many consents required monitoring during this period, in accordance with your monitoring prioritization model/strategy?

23. How many of those consents have been monitored (including by desktop audit) in this period?

Number monitored

Percentage monitored of the number requiring monitoring this period

The level of consented development activity in a given region can vary across the sector and over time. Understanding the number of consents and the degree of consent monitoring gives insight into the relative workload of each council.

Question 19 asked for the number of 'active' resource consents. Implicit within the question was that 'inactive' consents did not form part of the workload, and these were noted to include '*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 22 determined the proportion of those total active consents that were considered by the council to 'require' monitoring, noting that this determination varies across sector. Finally, question 23 asked for the actual proportion that was subject to monitoring (including by desktop audit) to provide an insight in the extent to which council's efforts were keeping pace with its intentions.



Consents and Regulatory Committee - Independent Analysis of Compliance Monitoring and Enforcement metrics for the regional sector

Council	How many active resource consents exist in your region? In totals exclude Land use consents where the activity is completed.	How many consents required monitoring during this period, in accordance with your monitoring prioritization model/strategy?	How many of those consents have been monitored (including by desktop audit) in this period?	Percentage monitored of the number requiring monitoring this period
REGIONAL				
Northland	3812	3724	3512	94%
Waikato ¹	4500*	1500*	1159*	77%*
Bay of Plenty ²	5500	1900	1303	68.60%
Hawke's Bay	3144	3144	2943	93%
Taranaki	4837	2930	2930	100%
Manawatu-Whanganui	4700	1700	1400	82%
Wellington ³	6375 ¹	1544	1457	94.40%
West Coast	DNA	DNA	1309	DNA
Canterbury	20,417	DNA	5,754	28%
Otago	5984	3827	2526	66%
Southland	5376	3188	3188	100%
UNITARY				
Auckland	103,690	17,759	12,642	70%
Gisborne ⁴	1250	699	238	34%
Nelson	1200	550	550	100%
Tasman	15,764	4250	1940	46%
Marlborough	20802	2686	2219	83%
TOTAL	207,351	49,401	45070	91%

Table 9: Consent monitoring data (Questions 19 and 22-23)

¹ Waikato RC establishes monitoring priority on a site basis, not a consent basis. Some sites may have many consents associated with them. The figures relate to sites, not consents.

² BOP provided 2016/2017 figures in lieu of 2017/2018 as the information was not available at the time of survey which also does not include performance monitoring (e.g. returns)

³ Wellington includes telemetry readings (unable to be excluded)

⁴ Gisborne was the only unitary council able to provide this data on a regional basis, enabling comparability with the regional councils. All other unitaries provided aggregated data across the breadth of their dual functions.

Grey = estimate only

Councils administered a total of more than 200,000 active resource consents for the reporting year, of which nearly a quarter (49,491) were deemed to require monitoring (at least). Of these, more than 91% (45,070) were monitored at a sector level. Three councils were unable to provide definitive figures on the number of consents requiring monitoring (relying on officer estimates) and one council (West Coast) was unable to provide three of the four pieces of information relevant to this section (Table 9).

All councils were able to provide data on the number of consents monitored, perhaps enabled by the cost recovery capacity of the consent monitoring function demanding more accurate recording than for the other activities in the CME space. Taranaki, Nelson and Southland all monitored 100% of the consents requiring monitoring, with Northland and Wellington both in the nineties. The lowest proportion of consents monitored was Canterbury, followed by Gisborne.

Councils also evidently have very different ways of calculating the monitoring workload. For instance, Canterbury considers all consents should be monitored, therefore the percentage monitored may seem disproportionately low (28%) compared with some councils that sought to monitor more conservative proportions. Waikato also address monitoring on a site basis, and each site may include many consents, which means – other than the percentage of those monitored – the balance of the data is not comparable.

A failure to monitor a consented activity at an appropriate frequency removes the ability for the regulator (absent a complaint) to detect non-compliance and therefore address environmental harm. Councils routinely set goals for proportions of consents to monitor and appear to meet these goals most of the time. Current best practice suggests that consents should be monitored in a way that reflects the level of risk the subject activity (risk-based approach) may pose to the environment and/or the wider community and given the relatively robust basis for cost recovery of consent monitoring, there is no good reason why councils should fall significantly short of fulfilling this expectation. For some, resourcing may simply be inadequate for the task, which places undue stress on staff and management and should be addressed at a council level.

Classifying compliance levels (Question 24)

24. 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)

Taxonomies that classify compliance levels observed on a site or in respect of a consent help to direct resources and priority and identify where strategies to promote compliance may be less effective than they need to be. There is no national framework for these classifications, meaning that the thresholds for what constitutes each level (e.g. what is ‘significant’ non-compliance) differ between councils. All councils had a system for classifying compliance status of an activity, ranging from a binary approach (Nelson with ‘satisfactory’ or ‘unsatisfactory’) through to more detailed taxonomies, including some targeted at certain sectors (usually dairy). Councils vary in the extent to which these categories are integrated into their overall information management system.

Having different categories (and presumably different thresholds within categories) makes the councils very difficult to compare. A possible future area of improvement would be the nationwide standardisation of such thresholds. A standard taxonomy is proposed within the Best Practice Guidelines released in 2018 (see below – from Table 4 of guidelines). A nationally consistent taxonomy would enable councils to more easily demonstrate that the allocation of resources sensibly follows environmental risk.

	Compliance grade
	FULL COMPLIANCE with all relevant consent conditions, plan rules, regulations and national environmental standards.
	LOW RISK NON-COMPLIANCE. Compliance with most of the relevant consent conditions, plan rules, regulations and national environmental standards. Non-compliance carries a low risk of adverse environmental effects or is technical in nature (eg, failure to submit a monitoring report).
	MODERATE NON-COMPLIANCE. Non-compliance with some of the relevant consent conditions, plan rules, regulations and national environmental standards, where there are some environmental consequences and/or there is a moderate risk of adverse environmental effects.
	SIGNIFICANT NON-COMPLIANCE. Non-compliance with many of the relevant consent conditions, plan rules, regulations and national environmental standards, where there are significant environmental consequences and/or a high risk of adverse environmental effects.

Figure 3: Compliance grades suggested by best practice guidelines for councils

Compliance of consented activities (Question 25)

25. 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.

Full Compliance

Low Risk/Technical Non-Compliance

Moderate Non-Compliance

Significant Non-Compliance

Other

Councils were asked for Question 25 to shoehorn their data on non-compliance into a general taxonomy. The question included several important caveats and clarifications pertaining to how to calculate the level of non-compliance and that they should exclude water telemetry readings so as not to skew results.

As discussed earlier, the lack of standardised categories makes true comparability impossible. Some councils may assess a given activity as compliant, where others would assess it as technically or even more seriously non-compliant depending on their taxonomy. As a result, the inference possible from the dataset is quite muted. In addition, the total consents monitored in the previous section rarely equated with the cumulative total of the consents set out in Table 10, but this was purposely overlooked as the proportion falling into the different compliance categories was the focal point.

Council	Full compliance	Low Risk/Technical Non-Compliance	Moderate Non-Compliance	Significant Non-Compliance	Other	TOTAL
REGIONAL						
Northland	2764 (72.7)		746 (19.6)	293 (7.7)	0	3803
Waikato	479 (44.4)	237 (22)	333 (30.9)	29 (2.7)	0	1078
Bay of Plenty	1407 (76.4)	266 (14.4)	134 (7.3)	35 (1.9)	0	1842
Hawke's Bay	2730 (92.8)	0	203 (6.9)	10 (0.3)	0	2943
Taranaki	3879 (94.2)	0	0	32 (0.8)	208 (5)	4119
Manawatu-Whanganui	950 (84)		92 (8.1)	89 (7.9)		1131
Wellington	1112 (76.3)	255 (17.5)	0	0	90 (6.2)	1457
West Coast	1261 (96.3)	0	0	0	48 (3.7)	1309
Canterbury	4598 (63)	375 (5.2)	606 (8.3)	105 (1.4)	1590 (21.8)	7274
Otago	4181 (59.5)	675 (9.6)	549 (7.8)	112 (1.6)	1508 (21.5)	7025
Southland	2252 (70.6)	0	0	0	936 (29.4)	3188
UNITARY						
Auckland	4134 (22.1)	3984 (21.3)	569 (3)	220 (1.2)	9825 (52.4)	18732
Gisborne	DNA	DNA	DNA	DNA	DNA	DNA
Nelson	475 (86.4)	0	0	0	75 (13.6)	550
Tasman	1223 (63)	138 (7.1)	102 (5.2)	29 (1.5)	448 (23.1)	1940
Marlborough	1442 (65)	44 (2)	688 (31)	0	44 (2)	2219

Table 10: Table of compliance levels (Question 25)

¹ Marlborough provided percentage figures only, so figures here are based on the total number of consents reported to be monitored, although this will create error with multiple visits (however percentages are as reported) (2219)

All councils but one (Gisborne) provided these data (Table 10). Five councils reported that no consents within their jurisdiction were found to be significantly non-compliant, while the highest proportion considered to fall within this category was in Manawatu-Whanganui (7.9%). Full compliance rates range from just 22.1% in Auckland, through to 96.3% on the West Coast. Taranaki and Hawkes Bay also report high levels of full compliance, whereas next lowest to Auckland is the Waikato with consents exhibiting a compliance rate of 44%.

For councils with simple taxonomies, there were simply fewer categories over which their consents could be spread however, so the proportions should be carefully considered before they are used as a basis for decision-making on relative effectiveness of compliance regimes.

The category of 'other' gave councils flexibility in adhering to their own taxonomy but made the data difficult to compare. This is particularly notable with Auckland, where almost half of all inspected consented activities were 'other' with no clear sense of what 'other' might mean (e.g. inactive, a separate category of compliance etc – no details were provided). Unitary councils were more likely to have a significant number of consents fall within 'other'.

A key goal of any CME regime should be to secure behaviours that are desirable within the given statutory framework. Therefore, the compliance levels being achieved by the regulated community are a critical reflection of the effectiveness of the regime. Consistently poor levels of compliance usually denote a regime ineffective in marshalling appropriate behaviours and/or short on resourcing and signal that approaches to CME must be reviewed.

Notwithstanding that, a degree of non-compliance is typical and 'perfect' regimes are rare. In a typical regime it would be expected that there is a spread of compliance status along a spectrum, each part demanding a different approach from the regulator. In the table on compliance levels, this expectation would translate into much of the regulated community occupying the left-hand columns with a gradual attrition in proportions as one moves to the right, which is exactly what is present.

Monitoring permitted activities (Questions 26-27)

- 26. Are there any significant industries or activities in your region that are permitted activities rather than consented activities (or both)? If so, what are they?
- 27. Which permitted activities do you have a monitoring programme for?

Permissiveness of regulatory regime for certain activities (Question 26)

Monitoring of the compliance of permitted activities is commonly acknowledged to be an area in which councils allocate limited resources. A contributing factor is that it is difficult for councils to cost recover for resourcing spent in this area unless a bespoke arrangement is in place (e.g. Waikato has a targeted rate for permitted activity dairy monitoring). Notwithstanding the clear resourcing challenge, monitoring permitted activities is a crucial aspect of council functions, particularly where the level of regulatory controls on potentially hazardous/environmentally risky sectors is relatively low.

It was difficult to compare councils for 'permissiveness' as per question 26 because not all activity types occur in all regions. In addition, some activities are partly permitted but consented over certain trigger points (e.g. mining exploration may be permitted, but any extraction requires a consent). As such, the responses to Question 26 have not been presented. Unpacking the influence of the permissiveness of the regulatory regime

would doubtless be helpful context but may need to be conducted externally to the survey because it is not a reflection of CME performance and is outside the compliance staff and management's control.

Permitted activity monitoring programmes (Question 27)

Council	Permitted activity monitoring programmes
Northland	Dairy, forestry
Auckland	Dairy, forestry
Waikato	Dairy, forestry
Bay of Plenty	Forestry
Hawke's Bay	Forestry
Taranaki	Forestry, construction
Gisborne	Agriculture, horticulture, forestry (under development)
Manawatu-Wanganui	Forestry
Wellington	No programmes
Nelson	Dairy, forestry
Tasman	Dairy, forestry
Marlborough	Dairy, forestry and wineries
West Coast	Dairy
Canterbury	Forestry, domestic home-heating, construction site run-off
Otago	Dairy, forestry
Southland	Agriculture (exc. Dairy)

Table 11: Permitted activity monitoring programmes (Question 27)

Permitted activity monitoring programmes are relatively rare outside of forestry and dairy and in one region they are entirely absent (Wellington) (Table 11). The need for them of course depends on the regulatory regime. The robustness of the CME regime is underpinned by whether it is appropriate in the first place for the activity in question to be approached in a non-regulatory way. If activities that potentially constitute significant environmental risk are permitted, then they may cause an unreasonable burden on the CME unit, particularly considering opaque cost recovery mechanisms.

Section findings

- * Councils collectively receive nearly 30,000 (29,290) complaints, of which 25,461 are responded to; less than 9,000 in person, however.
- * Councils report relatively low rates of complaint verification (as low as 17%) which may be driven by a range of reasons
- * Councils administered a total of more than 200,000 active resource consents for the reporting year, of which nearly a quarter (49,491) were deemed to require monitoring (at least), Of these, more than 91% (45,070) were monitored at a sector level. Councils have varying approaches to classifying levels of compliance, making comparisons across sector impossible.
- * Councils detect varying levels of compliance in their regulated communities, ranging from only 22.1% considered to be in full compliance (Auckland) through to 96.3% (West Coast)

Acting on non-compliance

Formal enforcement actions (formal warnings, abatements, infringements and enforcement orders – Questions 41-44)

- 41. Formal warnings issued
- 42. Abatement notices issued
- 43. Infringement fines issued
- 44. Enforcement orders applied for

Under the following categories:

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

Total actions (Questions 41-44)

Council	TOTAL Formal warnings ⁷	TOTAL Abatement notices	TOTAL Infringement fines	TOTAL Enforcement orders	TOTAL FORMAL ACTIONS	TOTAL FORMAL ACTIONS (exc. warnings)
REGIONAL						
Northland	6	373	253	0	632	626
Waikato	198	89	100	0	387	189
Bay of Plenty	DNA	106	29	2	137	137
Hawke's Bay	14	46	91	0	151	137
Taranaki	0	200	67	1	268	268
Manawatu-Whanganui	46	41	23	0	110	64
Wellington	57	11	25	0	93	36
West Coast	50	24	10	0	84	34
Canterbury	415	72	127	1	615	200
Otago	5	12	22	0	39	34
Southland	19	80	35	3	137	118
UNITARY						
Auckland	DNA	648	456	10	1114	1114
Gisborne ¹	50*	19	4	1	74	24
Nelson	41	28	13	1	83	42
Tasman	DNA	33	23	0	56	56
Marlborough	4	45	11	2	62	58
TOTAL	905	1827	1289	21	4042	3137

Table 12: Formal enforcement actions taken (Questions 41-44)

¹ Gisborne provided an estimate only as the information was not easily able to be extracted.

Some councils issue relatively few formal actions, and some figures are similar even where there is significant disparity in population size (e.g. Otago, West Coast and Wellington undertook a similar number of actions at this level when warnings were excluded). Among the regions, Northland issued the most actions whether or not warnings were included (Table 12).

Some councils appear to rely heavily on warnings, such as Canterbury in which non-statutory letters constitute two thirds of the actions taken. Formal warnings feature heavily (nearly a quarter of all actions). Twelve of the 16 councils use a warning tool of some sort and they have been legitimised via jurisprudence as an important tool in establishing a history of non-compliance. However, they are not expressly provided for in the Act and there is limited guidance as to what they must contain.

The inclusion by unitaries of their TA functions make comparison across the whole regional sector difficult and potentially misleading, most particularly in relation to section 9 offences. The figures do not fully equate between tables 12 and 13, but as proportion is the main point of interest, they are set out as reported. The 'total' figures are relied upon for the balance of the report (with the addition of Gisborne's estimate).

Total actions and types of offences (Question 44)

Notice type	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	TOTAL (exc. warnings)
Formal warnings	86	49	47	168	488	0	17	855
Abatement notices	605	66	31	76	1052	7	7	1844
Infringement fines	147	13	34	43	791	0	261	1289
Enforcement orders	12	0	0	1	6	1	1	21
	850	128	112	288	2337	8	286	4009

Table 13: Table showing predominant offence categories for issuing lower level actions

NB Gisborne provided an overall estimate of formal warnings issued, but not a breakdown of the relevant sections, so their figures for the top line are excluded.

Across the entire sector, councils issued (in the 2017/2018 year) at least 905 formal warnings⁸, 1844 abatement notices, 1289 infringement fines and applied for 21 enforcement orders (total 4042 formal actions) (Table 13).

The most commonly used notice by councils is an abatement notice, followed by infringement fines. This spread is to be expected given the graduated nature of the RMA enforcement regime. Enforcement orders are used relatively rarely, in line with previous surveys of this nature. Overall, discharges of contaminants dominated as a reason for councils acting (even considering the inclusion of all section 9 infringements by unitaries).

⁸ Three councils do not record formal warnings in a way that allow aggregated reporting, so figures reported are minimums, there are likely many more formal warnings issued in practice.

Some councils are demonstrably less active in enforcement than others. These differences are not explained by population etc but appear to be related to more opaque variables such as the council's individual approach to the CME function. A balanced approach across the spectrum of education and engagement through to taking formal and punitive actions when necessary is a vital component of being a credible regulator. A more long-term dataset will enable the trends in the activity levels of council to transcend year-on-year variability and should be carefully monitored.

Discharges of contaminants was the driver behind more than half of all notices under the Act and sends a clear message that more work is needed. It is also possible that discharges are more readily recognised by the public than other actions and therefore have a greater chance of being notified to council or being detected in routine monitoring. Whatever the reason, work is required in this space by both regulators and the regulated community to better stay within the boundaries of the law.

Prosecutorial actions (Questions 45-50)

45. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?
46. 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.*
47. 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?
48. 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.*
49. **Total number of convictions against an individual**
 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, Other breach e.g. Section 22, TOTAL
 Total fine potential (Total x \$300,000)
50. **Total number of convictions against a corporate entity**
 Categories as above
 Total fine potential (Total x \$600,000)

Prosecution is the most serious action to take against a person or company that have been found to be in breach of the RMA. Questions 45-48 addressed the total number of defendants and convictions, while questions 49 and 50 delved deeper into that information to determine what sections of the Act were most commonly breached in respect of those prosecutions.



Total convictions (Questions 45-48)

Council	What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?	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.	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?	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.
REGIONAL				
Northland	1	1	0	0
Waikato	3	4	8	18
Bay of Plenty	6	6	2	2
Hawke's Bay	1	2	3	5
Taranaki	3	3	1	2
Manawatu-Whanganui	0	0	0	0
Wellington	0	0	0	0
West Coast	0	0	1	1
Canterbury	1	2	4	8
Otago	10	12	10	13
Southland	11	41	11	25
UNITARY				
Auckland	11	35	16	18
Gisborne	0	0	0	0
Nelson	0	0	1	3
Tasman	2	8	2	5
Marlborough	0	0	1	2

Table 14: Total convictions against individual and corporate defendants (Questions 45-48)

Unitary councils were separated out for analysis- noting that they had included all prosecution actions, not just those relating to regional functions. Auckland secured 35 convictions against a total of 11 individual defendants and 18 convictions against 16 corporate defendants across their entire range of functions. Of the regional councils, Southland secured the most convictions - 41 convictions against 11 individuals and 25 convictions against 11 corporate defendants (Table 14).

The other unitary authorities could not easily be distinguished from the remainder of the regional sector, suggesting that their levels of activity in the prosecution space may be relatively lower. Greater transparency would assist in better understanding these trends. Overall, the sector secured 114 convictions against 49 individuals, and 102 convictions against 60 corporate defendants (216 convictions against 109 defendants in total).

Among the regional councils, Southland Otago and Waikato dominated successful convictions overall. Manawatu-Whanganui and Wellington Regions secured no prosecutions against either an individual or a corporate entity for the reporting year.

These data clearly demonstrate that prosecution is both (a) relatively rarely used compared with other tools under the Act and (b) its use is predominantly clustered in a small number of agencies for the reporting year. It is possible that these trends in activity levels could vary significantly year on year as prosecutions and the investigations leading up to them can take many years.

Types of offences (Questions 49-50)

Different sections of the Act relate to different types of possible offences. Understanding where in the regime most breaches are occurring can help to focus resourcing in areas where compliance is poorer and demonstrate the key compliance challenges of the different agencies. It should be noted that the data do not totally match with the figures in Questions 45-48 (some are missing), however the figures for this question have been taken as read because it is the proportion that is of interest, rather than the absolute number.

Individual offences

Council	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	Other breach e.g. Section 22	TOTAL	Total fine potential (Total x \$300,000)
Northland	1	0	0	0	0	0	1	300,000
Waikato	0	0	0	0	2	2	4	1,200,000
Bay of Plenty	0	1	0	0	2	3	6	1,800,000
Hawke's Bay	0	0	0	0	2	0	2	600,000
Taranaki	0	0	0	0	3	0	3	900,000
Manawatu- Whanganui	0	0	0	0	0	0	0	0
Wellington	0	0	0	0	0	0	0	0
West Coast	0	0	0	0	0	0	0	0
Canterbury	0	0	1	0	1	0	2	600,000
Otago	0	0	11	0	1	0	0	0
Southland	4	0	0	0	26	11	41	12,300,000
Sub total	5	1	12	0	37	16	59	17,700,000
Auckland	14	0	0	0	7	15	35	10,500,000
Gisborne	0	0	0	0	0	0	0	0
Nelson	0	0	0	0	0	0	0	0
Tasman	0	0	0	0	2	0	8	2,400,000
Marlborough	0	0	0	0	0	0	0	0
Sub total	14	0	0	0	9	15	43	12,900,000

Table 15: Sections relevant to convictions secured against an individual (Question 49)

Of 102 total convictions against an individual defendant, nearly half related to breaches of section 15 (discharges of contaminants). The next most common category was 'other' which includes breaches of section 22 ('Duty to give certain information'). The third most common category were breaches of section 9, relating to the use of land (more than a third of which were from Auckland) (Table 15).

Collectively those three categories accounted for a significant proportion of all offences, with the only other notable category being 12 convictions pertaining to section 13 matters ('beds of lakes and rivers'). Among the regions and indeed overall, Southland performed strongly in this area.

Corporate offences

The trends of the types of offences are relatively common across corporate and individual defendants (Table 15). Section 15 (discharges of contaminants) remains predominant in the corporate space, comprising 60% of total convictions. The category of 'other' however is much less common, with the second most common category being section 13 (beds of lakes and rivers) followed again by section 9 (Table 16).

It should be noted that the data do not totally match with the figures in Questions 45-48 (some are missing), however the figures for this question have been taken as read because it is the proportion that is of interest, rather than the absolute number.

The possible fines that the individual convictions could yield (based on maximum penalty) was \$30.6 million. The total potential fine value of corporates was exactly \$60 million, roughly double the individual quantum. This reflects that the maximum fine level is double also, illustrating that individuals and corporates have been convicted in relatively equal amounts under the Act for the reporting year.

Certain activities appear to lend themselves to higher visibility in enforcement statistics and without a doubt, the discharge of contaminants is one. It consistently tops the list of offences and managing these infractions evidently occupies a significant proportion of the regional sector's resourcing and energy. This may also reflect that the regulated communities may not be getting the message that unlawful discharges are unacceptable or that compliance regimes in respect of this matter are being less effective than they need to be in driving behaviour change.



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Council	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	Other breach e.g. Section 22	TOTAL	Total fine potential (Total x 600,000)
Northland	0	0	0	0	0	0	0	0
Waikato	0	0	2	0	16	0	18	10800000
Bay of Plenty	0	0	0	0	2	0	2	1200000
Hawke's Bay	0	0	0	0	5	0	5	3000000
Taranaki	0	0	0	0	2	0	2	1200000
Manawatu- Whanganui	0	0	0	0	0	0	0	0
Wellington	0	0	0	0	0	0	0	0
West Coast	0	0	1	0	0	0	1	600000
Canterbury	0	0	2	1	3	0	6	3600000
Otago	0	0	9	0	4	0	13	7800000
Southland	2	0	0	0	21	2	25	15000000
	2	0	14	1	53	2	72	43200000
Auckland	9	0	0	0	2	7	18	10800000
Gisborne	0	0	0	0	0	0	0	0
Nelson	0	0	0	0	3	0	3	1800000
Tasman	0	0	0	0	2	0	5	3000000
Marlborough	0	0	1	1	0	0	2	1200000
	9	0	1	1	7	7	28	16800000

Table 16: Sections relevant to convictions secured against corporate defendants (Question 50)

Section findings

- * Across the entire sector, councils issued (in the 2017/2018 year) 905 formal warnings, 1844 abatement notices, 1289 infringement fines and applied for 21 enforcement orders (total 4000+ formal actions).
- * Overall, the sector secured 114 convictions against 49 individuals, and 102 convictions against 60 corporate defendants.
- * The dominant type of offence is the discharge of contaminants

Sanctions and outcomes (Questions 51-54)

51. 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

52. 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

Other

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

Restorative justice

Diversion

Alternative justice

54. Describe any outcomes relating to these processes.

Questions 51-54 related to what sanctions were imposed as a result of the successful convictions secured by the councils. Question 54 provided a narrative opportunity for councils to describe the outcomes that were achieved in relation to these processes.

Fines imposed (Question 51)

Question 51 asked councils what the total fine quantum was that was imposed over the full suite of RMA prosecutions for the reporting period. Question 49-50 showed that the total potential fines (based on maximum penalty) was \$30.6 million for individual prosecutions and \$60 million for corporate prosecutions. There can be no reasonable expectation that the total quantum of fines would come near to the maximum possible penalties, but it does assist in defining the outside perimeter of sanctions that could be expected.

Council	Individual	Corporate	Total
REGIONAL			
Northland	0	0	0
Waikato	\$60,500	\$273,950	\$334,450
Bay of Plenty	\$82,000	\$60,000	\$142,000
Hawke's Bay	\$5,000	\$37,600	\$42,600
Taranaki	\$80,000	\$54,000	\$134,000
Manawatu-Whanganui	0	0	0
Wellington	0	0	0
West Coast	0	\$17,000	\$17,000
Canterbury	\$11,000	\$87,000	\$98,000
Otago	\$75,894	\$157,156	\$233,050
Southland	\$162,298	\$305,675	\$467,973
Sub total	\$476,692	\$992,381	\$1,469,073
UNITARY			
Auckland	\$96,300	\$42,937	\$139,237
Gisborne	0	0	0
Nelson	0	\$90,000	\$90,000
Tasman	\$36,718	\$270,000	\$306,718
Marlborough	0	\$39,000	\$39,000
Sub total	\$133,018	\$441,937	\$574,955
TOTAL	\$609,710	\$1,434,318	\$2,044,028

Table 17: Total fines imposed as a result of convictions of individuals and corporates (Question 51)

More than two million dollars in fines were handed down to individual and corporate defendants combined in the reporting year (Table 17). However, it was not clear whether some councils were reporting the full quantum of fine, or the 90% allocation they receive so the figures may not exactly reflect what the sector received.⁹

Environment Southland secured the greatest quantum of fines (\$467,973) followed next by Waikato Regional Council and Tasman District. Four councils secured no fines in that same period, Northland, Gisborne, Manawatu-Whanganui and Wellington. Of interest is that while Waikato and Tasman did not carry out a large proportion of the total prosecutions, they secured a significant proportion of the total fines across the sector.

What can also be demonstrated from these data is that the total quantum of fines is approximately 2% of the total possible fines for the entire suite of convictions (\$90 million). It is possible that the proportion of fines issued compared with those possible to have been issued would seem low to some commentators; although this could also be seen as a crude analysis.

At issue is whether such a small proportion of the total potential quantum being issued reflects any view of the judiciary that potential penalties are not justified, and what variables affect that assessment. The quantum of a fine reflects not only the seriousness of the incident/s that led to the prosecution, but also the quality of the information put before the Courts, precedence and judicial discretion. The degree of sanction is also an important element for whether it constitutes enough deterrent to would-be offenders.

⁹ The recovery of fines is a vexed issue in CME, with many fines issued not ever being collected for a range of reasons (see Brown 2017 for a fuller discussion).

Other sanctions imposed (Question 52)

The sentencing judge can choose to impose sanctions other than fines, with options including reparation, community service, an enforcement order and a prison sentence among others. Question 52 asked councils what sanctions had been imposed on convicted defendants.

Council	Prison sentence	Enforcement order	Reparation	Community service	Other
REGIONAL					
Northland	0	1	2	0	0
Waikato	0	0	1	0	0
Bay of Plenty	0	2	0	0	0
Hawke's Bay	0	0	0	0	0
Taranaki	0	0	0	0	0
Manawatu-Wanganui	0	0	0	0	0
Wellington	0	0	0	0	0
West Coast	0	0	0	0	0
Canterbury	0	0	0	0	0
Otago	0	0	0	0	0
Southland	0	3	0	0	0
UNITARY					
Auckland	2	0	3	1	0
Gisborne	0	0	0	0	0
Nelson	0	0	0	0	0
Tasman	0	0	0	0	0
Marlborough	0	0	1	0	0
Total	2	6	7	1	0

Table 18: Other sanctions imposed (Question 52)

Other sanctions appear to be used relatively rarely, with reparation being the most common, followed by the issuance of an enforcement order (Table 18). Reparation appeared to be primarily the awarding of costs to council to help address the financial burden of the enforcement action. Auckland Council secured two prison sentences (one being the largest ever issued under the Act) and the only community service sentence for the reporting year.

The survey also asked whether councils had engaged in alternative sanction approaches such as diversion (Table 19). Alternative justice solutions featured to only a minor degree across the total suite of prosecutions, with the most common tool being diversion, followed closely by restorative justice. Alternative justice (although it is unclear how this might differ from restorative justice) numbered just one instance.



Council	Restorative justice	Diversion	Alternative justice
REGIONAL			
Northland	0	0	0
Waikato	1	0	0
Bay of Plenty	1	0	0
Hawke's Bay	0	0	0
Taranaki	0	0	0
Manawatu-Whanganui	0	0	0
Wellington	0	0	0
West Coast	0	0	0
Canterbury	0	0	1
Otago	0	2	0
Southland	2	3	0
UNITARY			
Auckland	0	0	0
Gisborne	0	0	0
Nelson	0	0	0
Tasman	0	0	0
Marlborough	0	0	0
TOTAL	4	5	1

Table 19: Alternative sanctions imposed (Question 53)

Outcomes relating to these processes (Question 54)

Responses to question 54 varied considerably and sent a signal that the purpose of the question was perhaps not clear. Some responses were generic acknowledgements of the wider benefits of taking enforcement action, while others were specific discussions of cases mentioned. A series of examples are included below for reference. Eight of the councils provided no response at all.

"Improved compliance rates and contributed to improved environmental quality"

"Contribution to environmental agencies: Contribution to council costs: Creation of a wetland"

"Apologies made, practice in business changed, flyer issued to neighbouring community with information and contact details in case of discharge, new equipment installed, \$5000 donation to nominated charity, media release."

Section findings

- * The total fines issued for regional sector convictions was more than two million dollars (\$2,044,028)
- * Outside of fines, there are relatively few examples of restorative justice across the sector

CME reporting (Question 55)

55. What mechanisms do your council use to report CME data to the public? (e.g. annual reports, reports to Councillors)

Provide links or examples.

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

Except for the contribution of data to the National Monitoring System, councils are responsible for determining the scope and content of the reporting on their RMA CME functions. Question 55 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.

The most common type of reporting is a report to committees of councillors (open to the public) about CME activities and outcomes (Table 20), followed closely by reports to council and the inclusion of CME information in an annual report.

Three councils undertake all four standard forms of reporting (Canterbury, Bay of Plenty and Marlborough) with Canterbury also carrying out additional reporting types. Of the participating councils, only one does no reporting of any kind on their CME function (Auckland). Waikato also reports that it releases details of successful prosecutions to the press in addition to providing report/s to council committees.

Overall, there is a significant amount of variation in the scale and nature of reporting on the CME function between councils. Some operate with limited genuine public visibility while others appear to allocate significant resources to documenting their activities for the consumption of observers (e.g. Canterbury). This is in addition of course to participation in National Monitoring System surveys, this survey and other more ad hoc reporting efforts (e.g. Brown, 2017).

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Council	Annual Report	Report to Councillors	Snapshot	Report(s) to Council committee meetings (open to public)	Other (please specify)
REGIONAL					
Northland	1	1	0	1	
Waikato	0	0	0	1	<i>Press releases upon completion of prosecutions.</i>
Bay of Plenty	1	1	1	1	
Hawke's Bay	0	1	0	0	
Taranaki	1	0	0	1	
Manawatu-Whanganui	0	0	0	1	
Wellington	1	1	0	1	
West Coast	0	1	0	1	
Canterbury	1	1	1	1	<i>Annual zone CME reports, PCC portfolio monthly reports, Zone Committee monthly meetings and quarterly reports.</i>
Otago	1	1	0	1	
Southland	1	1	0	1	
UNITARY					
Auckland	1	1	0	1	<i>Media strategy</i>
Gisborne	0	0	0	1	
Nelson	0	0	0	1	
Tasman	1	1	0	0	<i>Half Yearly summary report</i>
Marlborough	1	1	1	1	
Total	10	11	3	14	

Table 20: CME reporting modes (Question 55)

State of the environment reporting (Q11-12)

All participating councils provided a link or reference to their most recent state of the environment report. The reports were briefly scanned but did not form part of the formal reporting and evaluation. Some councils produce a comprehensive SOE report annually, while others report less frequently or in different formats.

What is striking is that none of the SOE reports detail to any degree the importance or impact of the council's approach to CME as being material to environmental outcomes. While some reference the CME function in relation to specific matters (see for example Northland's SOE report in relation to wetland damage for swamp kauri extraction and associated compliance issues), there is a lack of comprehensive discussion of the linkage between CME operations and environmental outcomes. This is an area that councils may wish to consider expanding on in the future.

Section findings

- * All councils undertake some form of external reporting on CME functions via the National Monitoring System, but reporting besides that is highly variable
- * SOE reporting is typically only weakly linked to CME activities, and highlighting the important connections between these two forms of assessment could strengthen the internal priority for CME

PART 3 - REGIONAL SNAPSHOTS

The following section sets out the most striking aspects of the survey at a regional level, highlighting areas in which each council performed very well or indeed their responses reflected clear room for improvement. Councils can note their performance relative to the rest of the sector in each part of the report, but a short overview of key take home messages for each region is included here for quick reference. It is not exhaustive and should not be relied upon to give the full picture of the council in question. Activity levels and other variables are also very likely to vary considerably year on year, and the following snapshots are solely based on the data within this survey.

Northland

The Northland region is vast and approximately half the population are located rurally, one of the largest proportionally rural populations in the country. Northland Regional Council has a relatively systematic approach to determining priorities and a well-regarded monitoring programme for Farm Dairy Effluent (FDE) compliance.

A robust policy framework guides CME decision-making and the council administers a range of education and engagement programmes. Northland has average levels of resourcing, is relatively active in the use of lower level enforcement tools and reports regularly on CME activities in a variety of ways.

Auckland

The scale of the CME operation of Auckland Council dwarfs all other councils in numerical terms, but resourcing for CME on a population basis is below average. Internal prioritisation approaches appear sound although, like all unitary authorities, there is no way to understand (from the survey questions) how the competing demands of regional and territorial local authority functions are juggled. Information management appears to be an area where improvement is needed, although it is recognised that the efforts to integrate the legacy approaches of the amalgamated councils are ongoing.

Waikato

Waikato Regional Council operates a comprehensive CME regime, with a well-developed policy framework, prioritisation protocols and relatively good information management. Bespoke approaches to managing compliance approaches sometimes constrain the council from being able to contribute to nationally comparative datasets, however. Resourcing is slightly below average, but the regime overall appears generally balanced and well-documented.

Education and engagement programmes and formal relationships with iwi and hapū on CME matters all appear comprehensively managed. Waikato appears to utilise the full range of tools in the CME toolbox. It does not (at least for the reporting year) carry out high numbers of prosecutions but did secure significant fines for convictions that were secured.

Bay of Plenty

Bay of Plenty Regional Councils approach to CME appears comprehensive with respect to the data gathered. The policy framework and internal prioritisation approaches appear sound, although the monitoring of permitted activities could benefit from greater codification. A balanced approach to CME appears to exist with the council appearing to use a wide range of tools, and reporting is comprehensive.

Hawkes Bay

The Hawkes Bay Regional Council has some of the lowest levels of resourcing across the sector relative to population. Like Taranaki, express provision for the CEO to participate in decision-making on prosecutions is an area of potential reputational risk. Information management, particularly regarding the outcomes of incident response demonstrates room for improvement.

Taranaki

The CME approach of Taranaki Regional Council appears both well codified and well captured in their information management system. The council has the greatest number of FTEs of all councils relative to population and has a well-developed policy framework. The monitoring of permitted activities is generally reactive however and would benefit from greater codification. Taranaki administers a relatively balanced enforcement regime, although the express delegation to the Chief Executive on prosecutorial matters is of concern.

Gisborne

Gisborne has a developing approach to CME, with internal policies and procedures having been subject to significant review in recent times, a process that is still ongoing. Resourcing levels are typical of the smaller unitary authorities (noting existing vacancies). Information management is an area of improvement, as the council was not able to provide some important data for the reporting year. However, Gisborne was the only unitary authority able to provide its consent monitoring data for regional consents only, enabling comparison with sector colleagues.

Manawatu-Whanganui (Horizons)

Manawatu-Whanganui Regional Council has a well-developed policy framework (noting that there is limited codification for prioritising permitted activity monitoring) but has some of the lowest resourcing in the sector on a population basis. Information management is an area for improvement, as some datapoints were not able to be provided via council's systems. Manawatu-Whanganui used relatively few formal tools overall and recorded no prosecutions for the reporting year.

Wellington

Wellington Regional Council appears to have a comprehensive CME policy approach internally, with all expected policies and prioritisation procedures intact. Despite this, resourcing is the lowest of the entire sector, and the relatively scant use of formal tools (except non-statutory warnings) potentially reflects this. The council administers no permitted activity monitoring programmes.

Reporting appears comprehensive. Information management appears relatively sound. The relative sophistication of the internal framework for CME contrasts with the relatively low activity levels in the CME space, suggesting that the council has perhaps pulled back from this role for the at least the reporting year.

Tasman

Tasman District Council administers a large area and when combined with Nelson has slightly above average resourcing levels. However, less than half of consents that required monitoring were monitored in the reporting year and information management – like many councils – would benefit from some improvements.

Tasman has a relatively well-developed internal policy context for CME and is making progress in developing a prioritisation approach for permitted activity monitoring. The council appears to use the full range of tools

in the RMA enforcement toolbox and netted some significant fines from the few prosecutions they did undertake.

Nelson

Nelson City is the smallest jurisdiction of the sector and operates a slightly different CME model to most councils, relying on external contractors for much of the monitoring work. The resourcing appears reasonably adequate and the basic policy requirements are in place. For the reporting year, formal enforcement tool use favoured the softer end of the spectrum.

Marlborough

Marlborough District Council has a well-developed internal policy framework for CME and has above average resourcing for the CME function. Information management appears sound, with few gaps in the information provided, indicating that the council keeps good records of CME activities relative to the rest of the sector. Reporting seems comprehensive across a range of fronts.

Canterbury

Canterbury is New Zealand's largest region with the second largest population after Auckland, with significant resource management issues and a high level of public interest in council's approach to CME. Canterbury provided a significant level of detail on its CME activities in all instances and is evidently highly concerned with considering the CME function within its wider operations. The orientation of the council appears strongly focused on relationships with the regulated community and while this has many positive benefits, it can be a brake on punitive enforcement action where it is necessary. Canterbury relies heavily on non-statutory warnings notices and for the reporting year undertook very few prosecutions.

West Coast

The remote West Coast covers a large area, although much of it is public conservation land. CME resourcing for the West Coast Regional Council appears sound, although there are significant improvements likely required to the internal policy framework and information management – both appear lacking. The Council is relatively active at the lower end of the enforcement spectrum, mainly issuing non-statutory warnings, but carried out limited prosecutions.

Otago

Otago's narrative responses to questions were very brief, so it was difficult to discern how comprehensive their approach to some aspects of the role was. The categorical responses however generally showed that although there is room for improvement in information management, reporting is relatively comprehensive. Resourcing is below average, and council does appear to have struggled to meet its monitoring goals. The internal policy framework appears weak; it is one of the few councils to report that it does not have an enforcement policy for example. Notwithstanding the opaque internal context, Otago is one of the most active councils in high level enforcement proceedings

Southland

Southland has a well-codified approach to CME. The internal policy framework appears relatively sound, although like many of the southern councils, provision for CE involvement in day to day decision-making is an area of reputational risk. Notwithstanding that however, Southland was the strongest performer in prosecutions of offenders, securing a quarter of the fines for the entire sector over the greatest number of prosecutions of individuals and corporates. Information management and reporting appear generally sound.

PART 4 - SUMMARY AND ANALYSIS

This section presents a summary and analysis of the survey outcomes, focusing on the national picture, including the comparison and contrasts between regional councils and unitary authorities. In discussing the outcomes of the survey, specific reference is made to the list of minimum requirements set down in the Ministry for the Environment issued Best Practice Guidance on CME. While not all matters in the list are addressed, and the list itself is only newly promulgated, it does encapsulate some basic expectations to assess the sector's progress against over this and coming years. This is the inaugural benchmarking exercise.

Minimum resource requirements

There are certain CME functions councils should, at a minimum, support with sufficient resources. The list has been drafted so that it applies to all types and sizes of councils. For a well-functioning and effective CME programme, there are many other functions councils should consider resourcing.

As a minimum requirement, all councils should have sufficient access to resources to support:

- development and regular review of a compliance strategy, which includes an approach for addressing different behaviours, as set out in
- trained and qualified staff to undertake the CME role, including a combination of scientific, planning, regulatory, investigative and legal skills
- proactive programmes (eg, education and engagement) to achieve national, regional and local environmental objectives
- monitoring high-risk resource consents, and most medium-risk resource consents
- responses to and investigation of significant incidents, including appropriately trained investigation staff
- public reporting on CME at least once a year, fulfilling the minimum information requirements set out in the Best Practices Guidelines
- internal systems to support monitoring and reporting, including hardware/software to support the record-keeping requirements set out in the Best Practice Guidelines
- enforcement action (including taking a prosecution), ensuring staff are appropriately trained and qualified to do so
- access to legal representation and expertise in enforcement and prosecution
- administrative support for the CME function, for example to support financial matters such as charging for compliance monitoring.

What did the survey results tell us about alignment with minimum requirements?

The survey was instructive as to how the regional sector is meeting part of the minimum requirements but does not yet address all elements. Further additions to the survey or other forms of reporting to address the other matters would be advantageous and are considered in the next section. Overall, the sector has an evolving approach to CME with different councils leading in different areas.

First and foremost, the minimum requirements make references to the need for a **compliance strategy** to guide operations. Virtually all councils take a strategic approach to managing the different CME workstreams, developing internal prioritisation approaches. The effort appears largely concentrated in the areas of incident response and consent monitoring however, and further attention is needed in most councils on the management of permitted activity compliance. Many regimes across the country rely heavily on permitted activities (e.g. dairy farming in the Waikato), and systematic responses to ensuring the relevant standards are complied with are vital to manage environmental risk. The survey questions did not provide much opportunity to assess whether the relevant frameworks were being observed in practice however, so there is a degree of trust involved in the absence of those data.

Most councils recognise the importance of **education and engagement programmes**, and significant time and resources sector-wide are expended on helping the regulated community understand requirements. Most such programmes are heavily focused upon agricultural activities. It would be useful if the sector could capture – or were asked to capture – the effectiveness of such programmes, noting whether or not there had been an observed improvement in compliance levels from using these approaches.

Prioritising the **monitoring of consents** and developing systematic approaches to doing so is an evolving area for the sector, with most councils having a relatively well codified approach to doing so. Councils appear to generally manage to monitor all or most of the consents that require monitoring in any one year. However, given that triage systems vary so considerably, relative measures of effectiveness are limited. Where possible, the sector should consider standardising taxonomies such as compliance risk level. Like consenting, most councils have a codified approach to **incident response** within resource constraints. Again, differences in prioritisation frameworks make comparison and sector-level conclusions difficult.

Reporting on CME is patchy – being absent or very limited in some councils through to surprisingly comprehensive and evidently very time-consuming in others. The lack of strong drivers for comprehensive reporting in the past is reflected in the often-poor information management systems of councils. It will take time to improve these, but they should be a priority, given the overarching statutory duty of councils to maintain good records. When the general public are in receipt of CME information, it is helpful for them to understand how their council is performing relative to the rest of the sector, further driving home the importance of procedural standardisation where practicable.

Information management improvements to better support CME is doubtless an area where most councils could improve. Many councils were unable to provide some of the relatively basic information in this survey. In the absence of robust data, it is practically impossible for a regulator to demonstrate its credibility. Another area of variability which is related is in the level of **administrative support** available for CME. While some councils provide a significant support base for monitoring and investigating officers (e.g. Waikato), other councils provide only a limited amount meaning officers time is consumed with generic paperwork that would be perhaps better passed on to maximise CME-focused time. Given that the Guidelines are only newly released, it will take time for councils to align with them and for the questions to capture the elements of operations that reflect that alignment.

What improvements could be made to the survey in the future?

Designing metrics that reflect fully and fairly the state of a regulatory regime is inherently difficult. It is useful to consider the areas of inquiry future surveys could cover and consider what questions perhaps could be excluded or altered in the future as they have only limited explanatory power.

Observers and stakeholders have different perceptions of 'success', statute and policy are often ambiguous on its definition also, and public knowledge of the technical dimensions of CME can be poor. Against this background, metrics need to be technically sound and capable of reflecting performance at an appropriate scale and doing so on a continual basis to show trends over time.

It is important to also consider the burden on agencies of providing this information. Information management and reporting can be costly and cumbersome and divert often scant resources from the job at hand. On the other hand, it is critical that regulators maintain reasonable levels of transparency to enable accountability to the wider public. It is a difficult balance but one that must always be kept in mind. It points to the need to carefully consider the need for new metrics, but at the same time not use the difficulty of providing the data as a reason to not ask for it (where there is a clear need for it).

Improving current questions

The suite of questions posed to councils in this survey was doubtless comprehensive, more than any previous iteration of CME reporting in New Zealand for regional and unitary authorities. However, several suggestions are offered to enhance the current survey's utility and accuracy.

- Clearer caveats and clarifications in the survey questions would potentially improve data quality and reduce analysis time.
- As with any suite of largely numerical data, the units the information are expressed in is very important. The quality of some of the data were undermined by inaccurate reporting and miscalculations. Limiting the need for calculations within survey answers would help to limit error.
- Standardisation of approaches to CME would go a long way to enhancing the value of the dataset. At present, many aspects are difficult to compare meaning that the ability to genuinely rank performance is undermined.
- At present, unitary authorities are not required to separate the CME data related to their regional functions from their territorial local authority functions. This is problematic because it is not possible to compare them with either their regional or territorial colleagues, which results in uneven transparency across the CME sector. While it may take time to usher in this change, it is one that is essential.

Where specific suggestions for individual questions are available, they have been tabulated in Appendix 2.

Adding new questions

Adding questions to the survey to capture the outstanding aspects of the minimum requirements would mean the survey would play an important role in tracking the sector's implementation of those requirements over time. This would require questions to be included relating to the matters such as staff capability and access to legal expertise. Other suggested additions include the following;

- More comprehensive questions on the nature and permissiveness of council's regulatory regime (to determine the influence of different statutory contexts)
- Questions that reflect the adherence to the prioritisation strategies outlined in this survey to ensure that practice reflects theory.

- Questions relating to tracking the outcomes of statutory and non-statutory interventions to achieve compliance (validation tactics)
- Further questions could be considered on the following matters: notice period for inspections; explicit questions on delegations for decision-making; and the environmental outcomes of CME activities.

Councils could also consider implementing alternative ways of assessing and benchmarking performance in a more detailed manner (such as formalising the visiting audit programme already in operation).



PART 5 - CONCLUSIONS AND RECOMMENDATIONS

The inaugural regional sector CME metrics project has demonstrated a wide range of valuable learnings for the sector itself and the wider community. This section summarises the key findings and recommendations. Some improvements may not be within the scope of the CME team's control but are recorded for broader interest. The source of the observations is solely that dataset provided by the councils and may conflict with commentary from other sources.

Fundamentally, the value of the questions – old and new – are constrained by the sheer variation in approach to the CME role. There is nothing inherently wrong with variation – councils demonstrably operate in very different settings – but **standardisation** of some procedural aspects would be very desirable for reporting purposes. There are several opportunities where councils could adopt similar approaches and make the data much easier to compare.

Fundamentally, a robust CME programme relies on people. Many councils are **poorly resourced** for what is a technical, difficult and often highly contentious function. Resourcing sector wide is uneven and is likely to be undermining the ability of most councils to operate as functionally competent regulators. Councils that performed strongly in any area all had average or greater levels of FTEs. Councils must focus on ensuring a reasonable number of FTEs is available to carry out this function as a minimum.

People require good internal systems for **information management** to coordinate the CME function, including hardware and software solutions that streamline the role where possible and ensure appropriate record keeping standards are maintained. Virtually all councils would benefit from greater investment in this space, although it is noted that many improvements have already occurred. With changing technology, there will always be a demand for enhanced information management and councils must be able to keep up.

Maintaining a reputation as a credible regulator is vital to protect the people that work in CME and those that support them. The regulated community has a rightful expectation that council will execute its functions in a way that is fair, reasonable and within the law. To guide the many decisions that are made daily in the CME space, a **robust internal policy framework** is a necessity. Unlike most public prosecuting agencies in New Zealand, councils are not subject to the mandatory oversight of the Solicitor-General and are wholly responsible for their own efforts in this space. It is strongly recommended that policy gaps are filled and that councils with existing policies ensure they are subject to regular review and revision to ensure they are in line with best practice.

The current and potential content of this survey provides a unique opportunity to capture efforts and illustrate improvements over time and the sector is strongly encouraged to continue it on an annual basis. Questions should provide ample opportunity for councils to detail examples of both success and failure in approaches, maintaining a primary focus on transparency over 'looking good'. The results should also be subject to analysis and reporting by a suitably qualified expert and potentially be subject to audit and review following submission to ensure accuracy. The value of the data is evident from a single year and will only increase with subsequent iterations.

REFERENCES

Brown Marie A, 2017, Last line of defence: compliance, monitoring and enforcement of New Zealand's environmental law, Environmental Defence Society, Auckland NZ.

Compliance and Enforcement Special Interest Group (CESIG), 2016, Regional sector strategic compliance framework 2016–2018, CESIG

Crown Law, 2013, Solicitor-General's Prosecution Guidelines, available at <http://www.crownlaw.govt.nz/assets/Uploads/Prosecution-Guidelines/prosecution-guidelines-2013.pdf>

Ministry for the Environment, 2016, Compliance, monitoring and enforcement by local authorities under the Resource Management Act 1991, available at <http://www.mfe.govt.nz/sites/default/files/media/RMA/compliance-monitoringenforcement-report-nov-2016.pdf>

Office of the Auditor-General, 2011, Managing freshwater quality: Challenges for regional councils, available at <http://www.oag.govt.nz/2011/freshwater/docs/managing-freshwater-quality.pdf>

Office of the Ombudsman (2012), *Effective complaint handling and Managing unreasonable complainant conduct: A manual for frontline staff, supervisors and senior managers*, Wellington.

Productivity Commission of New Zealand, 2014, Regulatory institutions and practices, available at <http://www.productivity.govt.nz/sites/default/files/regulatory-institutions-and-practices-final-report.pdf>

Sparrow M K, 2000, *The regulatory craft: Controlling risks, solving problems and managing compliance*, Brookings Institution Press, Washington DC

Waikato Regional Council, 2016, Basic investigative skills for local government, available at <https://www.waikatoregion.govt.nz/assets/PageFiles/35153/2016%20Update%20Basic%20Investigative%20Skills.pdf>

APPENDIX 1

1. Which council are you completing this survey on behalf of?
2. What is your name and contact details?
3. What is the population of your region?
4. What is the geographic size of your region?
5. What is the percentage split of urban and rural population in your region?
6. What is your regional GDP percentage of national GDP?
7. What is the regional % of GDP for each of the following industries? e.g. forestry 25%
8. Describe your regional key commitments to work with iwi/Maori on CME (e.g. commitments in Joint Management Agreements or other co-management agreements)
9. Upload copies of any agreements related to this work with iwi/Maori.
10. Are you a Unitary or Regional Authority?
11. Provide link to your council's latest state of the environment report.
12. Alternatively, upload the report (if less than 16MB)
13. 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
14. 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
Total number responded to
Percentage of the number received
15. How many of these notifications were physically attended by council staff?
Total number
Percentage of the number received
16. What basis is used for determining what notifications are physically attended and with what urgency or priority?
17. If your council uses a prioritisation model or compliance strategy, please upload file.
18. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?
19. How many active resource consents exist in your region?
In totals 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

- 20. Describe how you determine which consents are monitored and how frequently?
If there is a prioritisation model or compliance strategy, add link
- 21. Upload file, if link not provided
- 22. How many consents required monitoring during this period, in accordance with your monitoring prioritization model/strategy?
- 23. How many of those consents have been monitored (including by desktop audit) in this period?
Number monitored
Percentage monitored of the number requiring monitoring this period
- 24. 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)
- 25. 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.
Full Compliance; Low Risk/Technical Non-Compliance; Moderate Non-Compliance; Significant Non-Compliance; Other

26. Are there any significant industries or activities in your region that are permitted activities rather than consented activities (or both)? If so, what are they?

Activity	Permitted	Consented	Activity	Permitted	Consented
Agriculture (excl dairy)			Mining		
Aquaculture			Oil and gas		
Construction			Tourism		
Dairy			Viticulture		
Forestry			Other		
Horticulture					

- 27. Which permitted activities do you have a monitoring programme for?
Agriculture (excl Dairy), Aquaculture, Construction, Dairy, Forestry, Horticulture, Mining, Oil and gas, Tourism, Viticulture, Other
- 28. Describe what basis was used for determining how these permitted activities are monitored.
If there is a prioritisation model or compliance strategy, add link
- 29. Upload file, if link not provided above



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 generally is spent in each role. An example of an answer to each of the questions in this section might look like '24 FTE spread across 40 individuals'. Exclude any in-house or contract lawyers

30. How many FTEs does your council have who carry out monitoring roles?
Include contractors.
31. How many FTEs does your council have who carry out environmental incident or pollution response roles?
32. How many FTEs does your council have who carry out investigation or enforcement roles?
33. How many FTEs does your council have in CME support roles (e.g. administrative roles)?
34. Does your council have an Enforcement Policy?
35. What is your process for making decisions on prosecutions?
36. Does your council have a Conflict of Interest Policy?
37. Does your council have any other CME policies?
38. If yes, please upload copies
39. Education
Does your council have, or support, any education or enabling projects relating to compliance with the RMA or any of its derivative regulation? For example, an annual workshop for earthworks contractors around erosion and sediment controls.
40. Engagement
Does your council have, or support, any engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, wetland stakeholder group meetings to highlight emerging issues with the wetland.

Please populate the table with the number of actions taken during the period.
41. Formal warnings issued
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
42. Abatement notices issued
43. Infringement notices issued
44. Enforcement orders applied for
45. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

46. 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.
47. 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?
48. 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.
49. Total number of convictions against an individual
Total fine potential
(Total x \$300,000)
50. Total number of convictions against a corporate entity
Total fine potential
(Total x 600,000)
51. 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
52. 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/Other
53. How many prosecutions involved restorative justice, diversion or other alternative justice process?
Restorative justice/Diversion/Alternative justice
54. Describe any outcomes relating to these processes.
55. 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 to council committee meetings (open to public)/Other (please specify)

APPENDIX 2

Question/group	Suggestion
Regional context data	<p>An overarching comment on such questions is that it may not be appropriate to source all the information asked for from each council, but to instead draw from a definitive and common source to ensure accuracy and comparability.</p> <p>The information on regional GDP was patchy. Councils could consider, for example, asking for a ranking of major industries that occupy the focus of the CME department/s</p>
Council CME Operations – priorities (questions 16-17, 20-21 and 28-29)	<p>These questions all required the upload of a prioritisation strategy to reflect how the council addresses complaints, consent monitoring and permitted activity monitoring. It may be possible to streamline this request – providing an opportunity to upload one strategy and point out any differences in approach between the three workstreams.</p>
Question 19 Active consents	<p>Clarify meaning of 'active' as interpretations differ.</p>
Question 26 – Permitted activities	<p>The responses to this question were difficult to analyse in any depth, particularly as many activity types were only permitted up to certain thresholds. In the future, it may be useful to use 'sample activities' to demonstrate differences in permissiveness of the regimes. Alternatively, subject that aspect to more intensive scrutiny in parallel to the current metrics as a policy-based project because it does not explicitly relate to performance in CME.</p>
Question 30-33 – staffing levels	<p>Clarify in future surveys what counts as CME 'support' and also make clear how to treat existing vacancies.</p>
Question 39-40	<p>Either consider combining the question or clearly defining each term as most responses demonstrated the distinction is not necessarily well understood.</p>
Question 53	<p>Clarify the difference between alternative justice and restorative justice or combine them.</p>
Question 55	<p>Consider expanding this question to drill into what information is contained in that reporting (keeping in mind the reporting requirements in both statute and in the guidelines).</p>



THE CATALYST GROUP

planning and environment

p. +64 6 358 6300
e. enquiries@thecatalystgroup.co.nz
a Level 3, 31 George Street,
PO Box 362, Palmerston North
www.thecatalystgroup.co.nz

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