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



FOREWORD

Kia ora,

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

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

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

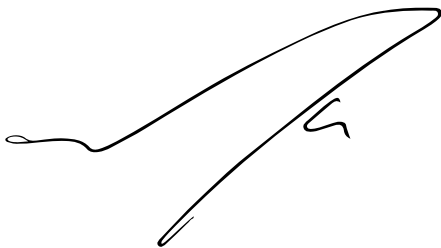
When compared to the last three years, it was 'business as usual' in the 2020-21 year and there's a consistent delivery of CME work streams across New Zealand. It is great to see more people working in CME roles across the sector since the last report, actively monitoring, responding to and enforcing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

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

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

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

Ngā mihi nui



Michael McCartney

Chief Executive Officer at Horizons Regional Council

SUMMARY



542 FTE'S
IN CME ROLES



283,470
ACTIVE RESOURCE
CONSENTS



UP 11%
FROM LAST
YEAR

83%

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

99%

OF COMPLAINTS
RESPONDED TO

802
FORMAL
WARNINGS



5,225
ABATEMENT
NOTICES



2,150
INFRINGEMENT
FINES

18

ENFORCEMENT
ORDERS



95 PROSECUTIONS
(71 IN PROGRESS)



75 CORPORATES
CONVICTED



45 INDIVIDUALS
CONVICTED



\$5,187,565
IN FINES

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INTRODUCTION

PART 1

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

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

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

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

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

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

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

READING THIS REPORT

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

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

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

HOW DOES THIS REPORTING PROCESS DIFFER YEAR ON YEAR?

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

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

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

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

DATA LIMITATIONS

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

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

CME UNDER THE RESOURCE MANAGEMENT ACT NEW ZEALAND

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

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

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

KEY DEFINITIONS

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

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

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

ANALYSIS

PART 2

REGIONAL CONTEXT

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

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

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

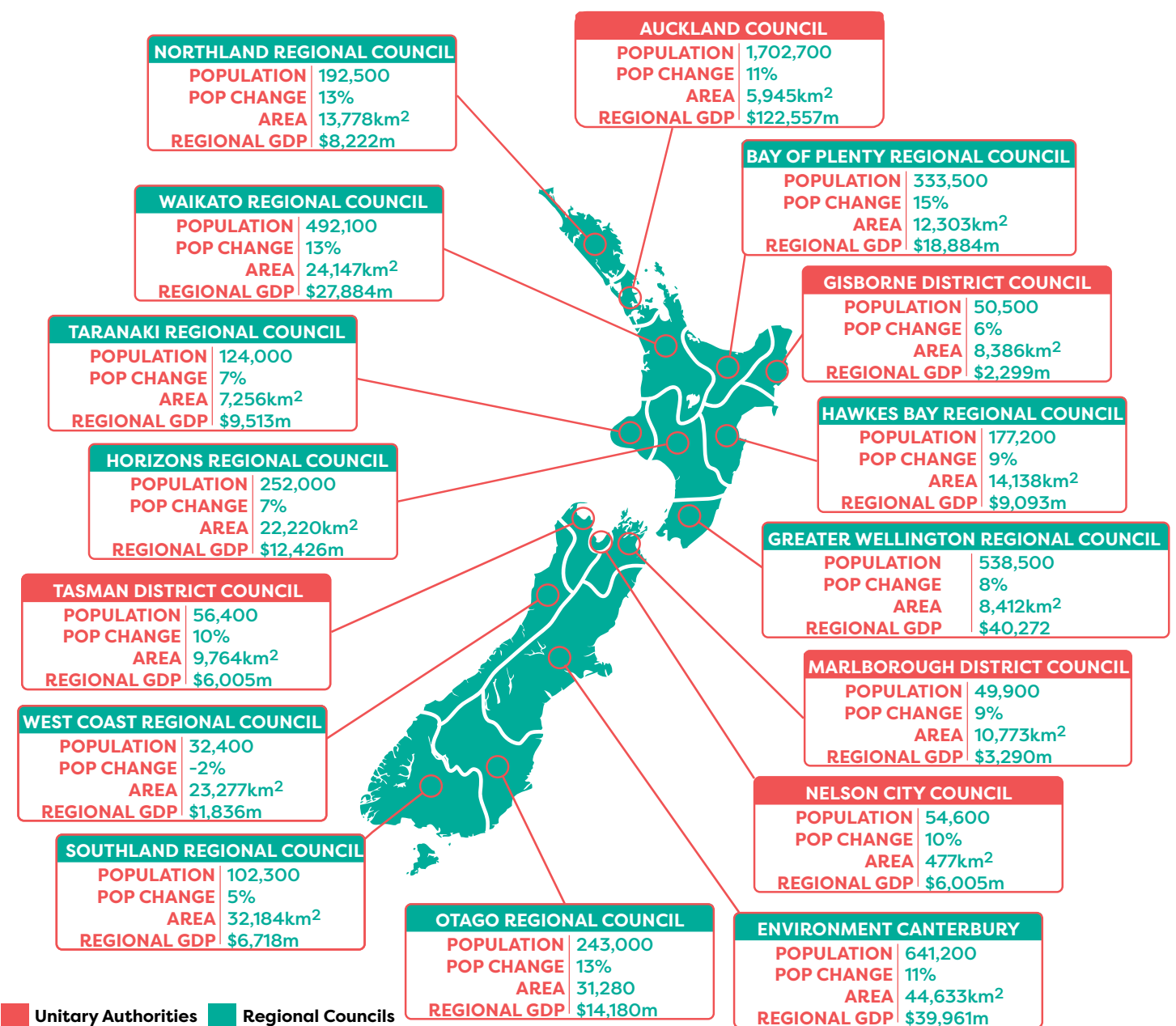


Figure 1: Regional context data

WORKING WITH IWI

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

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

Many councils:

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

Other commitments included:

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

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

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

A full set of responses is available in appendix 2.

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




CME OPERATIONS - MANAGING THE WORKLOAD

REGISTERING NOTIFICATIONS

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

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

RECORDING CONVENTIONS FOR INCOMING COMPLAINTS

-  **An individual “incident” per notification**
-  **One incident per event, regardless of the number of separate complainants**
-  **Both an individual “incident” per notification and one incident per event, regardless of the number of separate complainants**

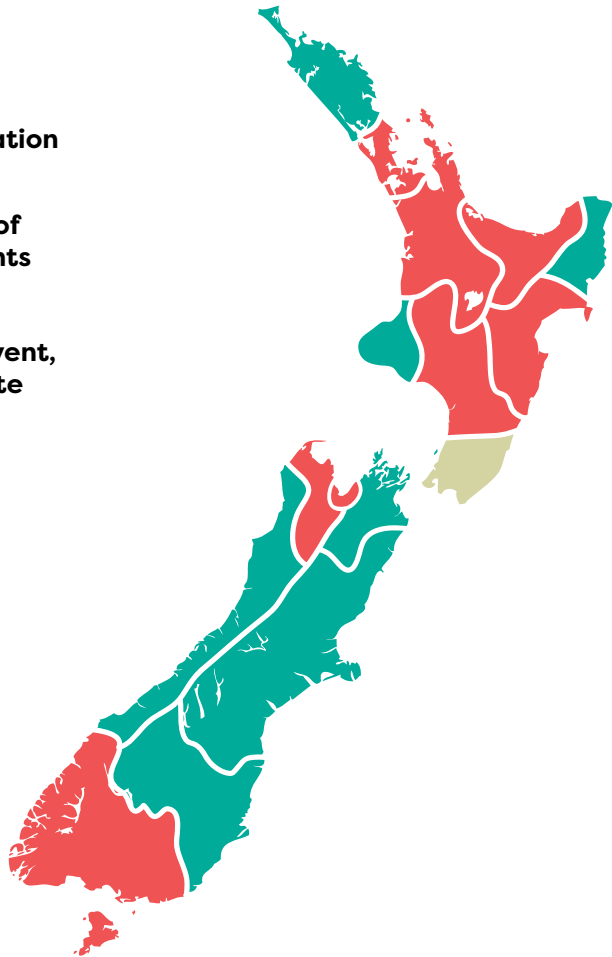
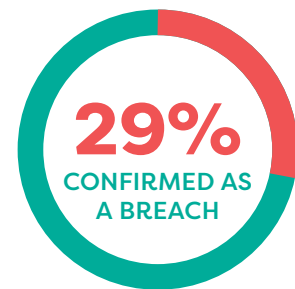
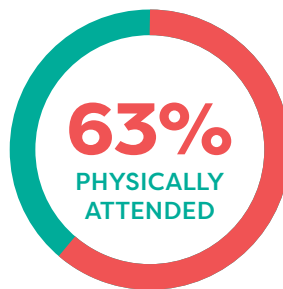


Figure 2: Recording conventions for incoming complaints across the regional sector

Question 5. Does your council register/count:

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

NATIONWIDE COMPLAINTS



COMPLAINTS RECEIVED

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

Significant points of interest include are the

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

COMPLAINTS RESPONDED & ATTENDED

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

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

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

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

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

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

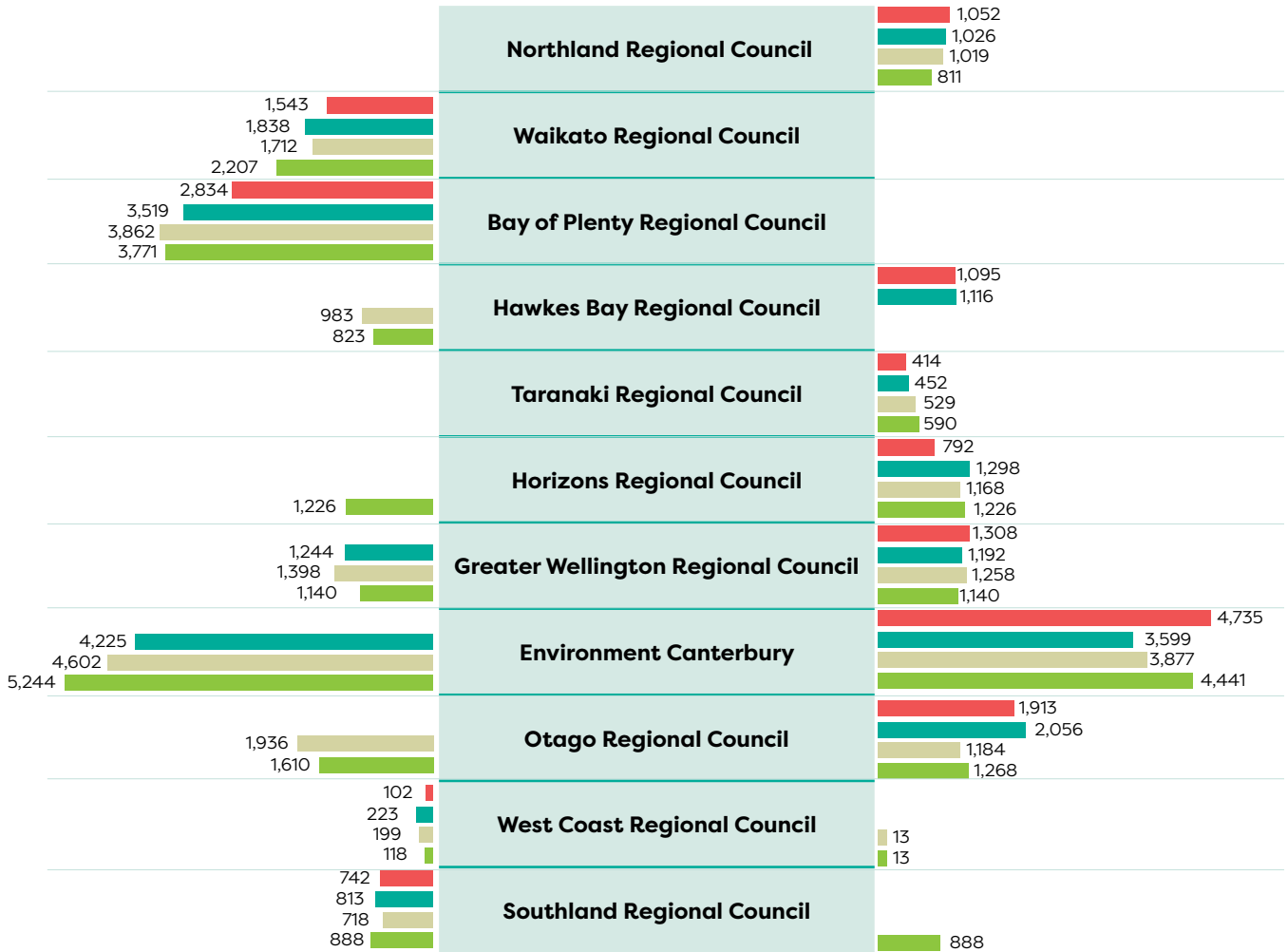
Question 8. How many of these notifications were physically attended by council staff?

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

NUMBER OF INDIVIDUAL COMPLAINTS AND INCIDENTS

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

REGIONAL COUNCILS



UNITARY AUTHORITIES

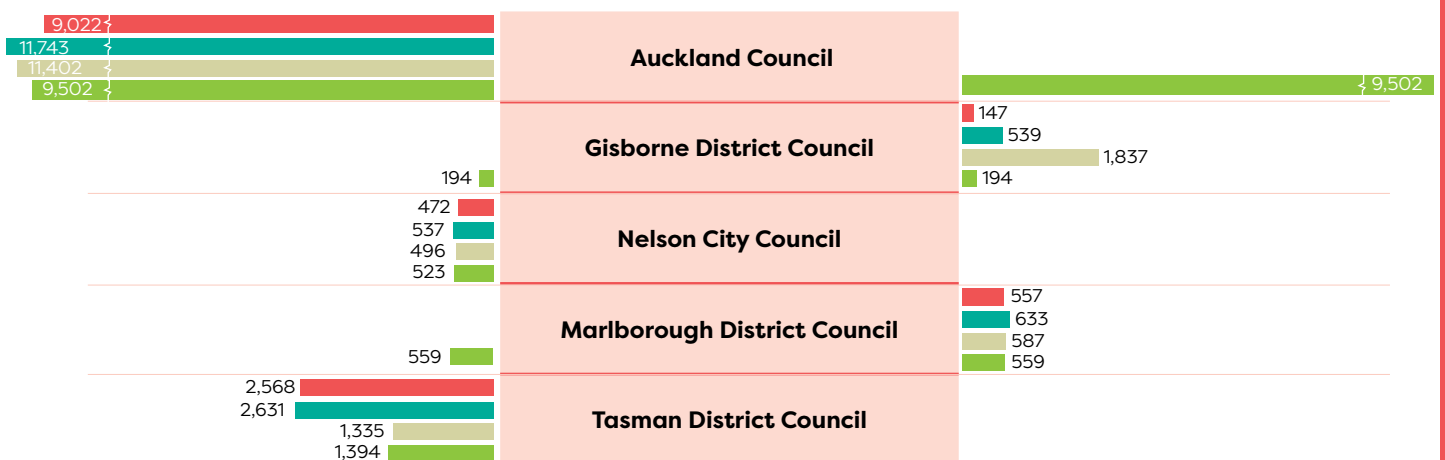


Figure 3: Number of individual complaints and incidents

NUMBER OF INDIVIDUAL COMPLAINTS RESPONDED TO AND PHYSICALLY ATTENDED

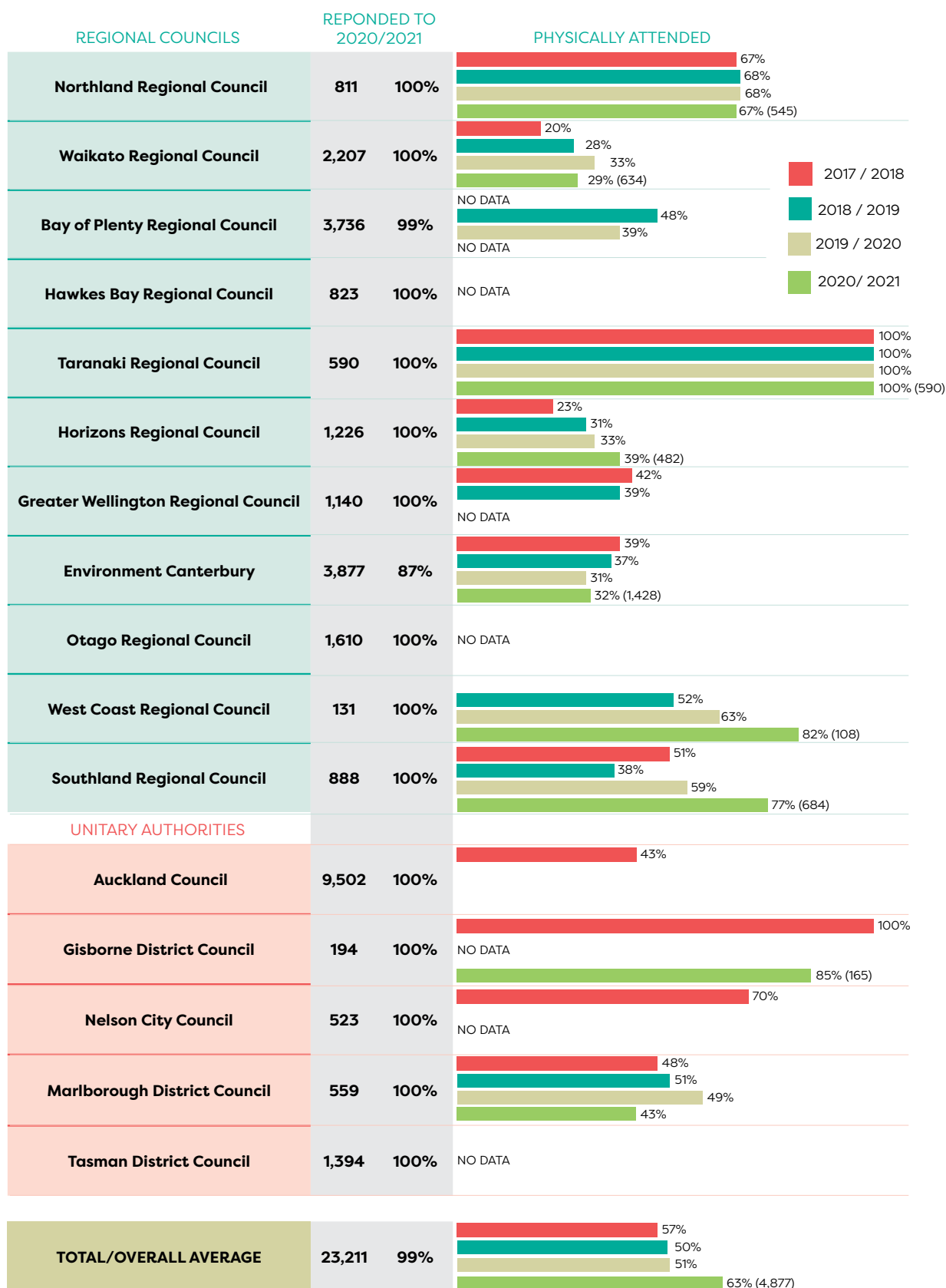


Figure 4: Number of individual complaints and incidents responded to and physically attended.

CONFIRMED BREACHES

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

PERCENTAGE OF CONFIRMED BREACHES

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

Table 1: Percentage and types of breaches

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

Question 10. How many of the breaches were for:

Breach of a resource consent?

Breach of permitted activity rules?

NATIONWIDE COMPLIANCE INSPECTIONS

CONSENTS

283,470

REQUIRED
MONITORING

38,214

PERCENTAGE
MONITORED

83%

MONITORING RESOURCE CONSENTS

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

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

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

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

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

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

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

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

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

Table 2: Total consents that require monitoring

COMPLIANCE GRADINGS

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



Question 14. In the 2020/2021 year, did you use the four compliance grades as recommended by Ministry for the Environment?

Yes / No

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

COMPLIANCE ASSESSMENT

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

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

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

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

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

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

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

Fully Compliant

Technical/Low Non-Compliance

Moderate Non-Compliance

Significant Non-Compliance

Other (please specify)

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

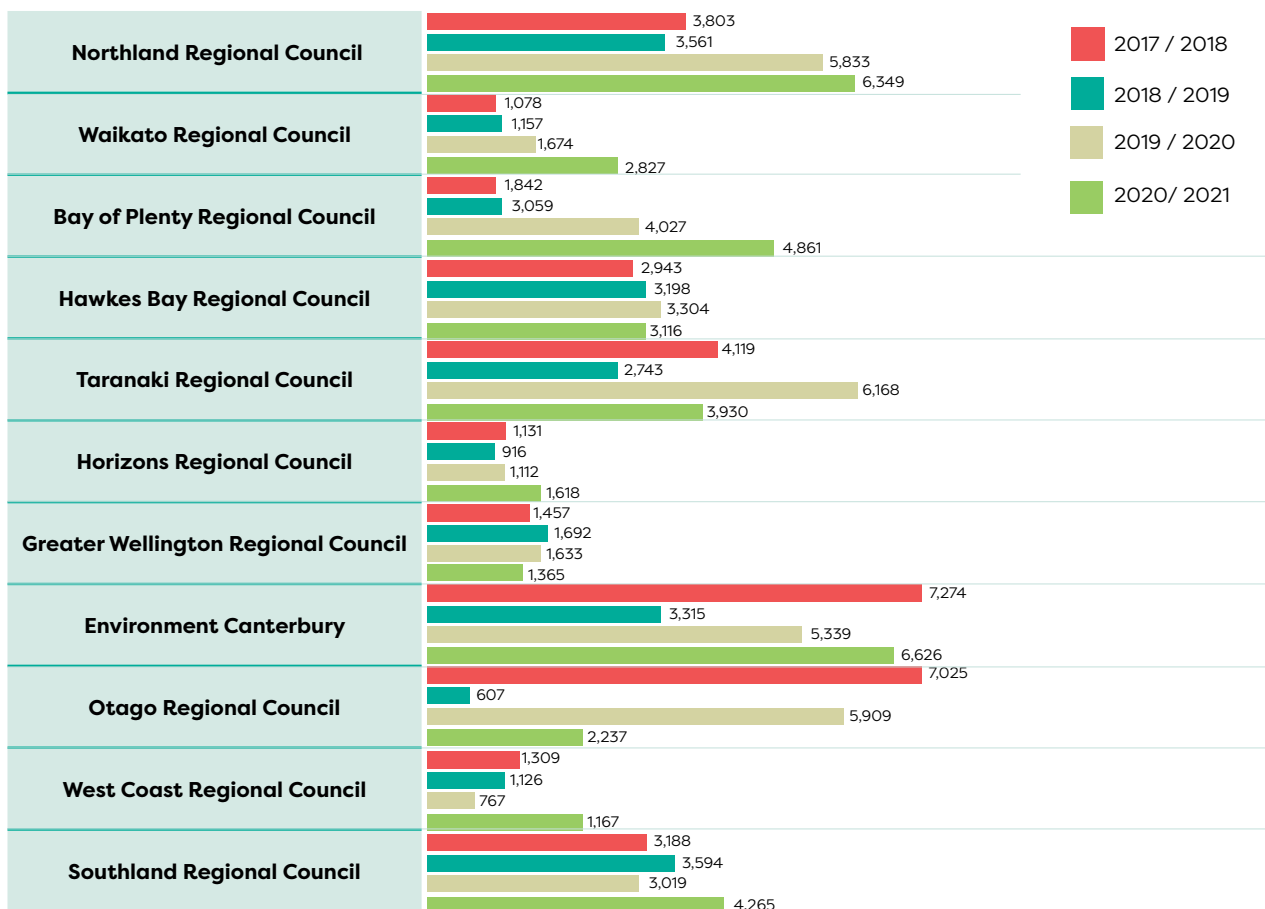
Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored four times in the year: on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add three to the total of Fully Compliant and one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

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

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

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

REGIONAL COUNCILS



UNITARY AUTHORITIES

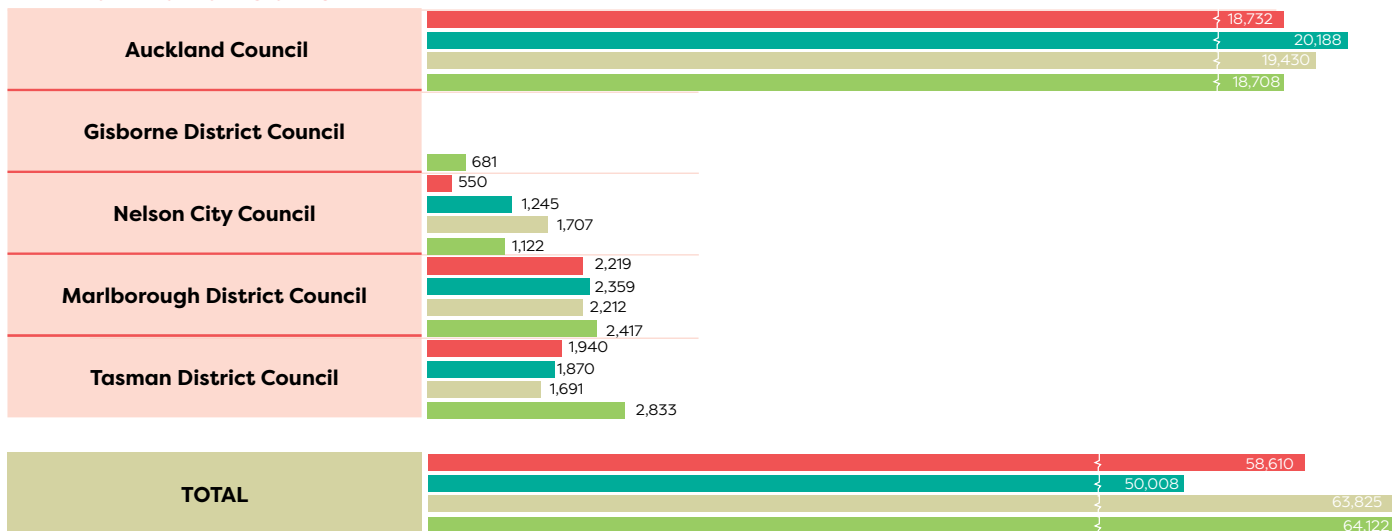


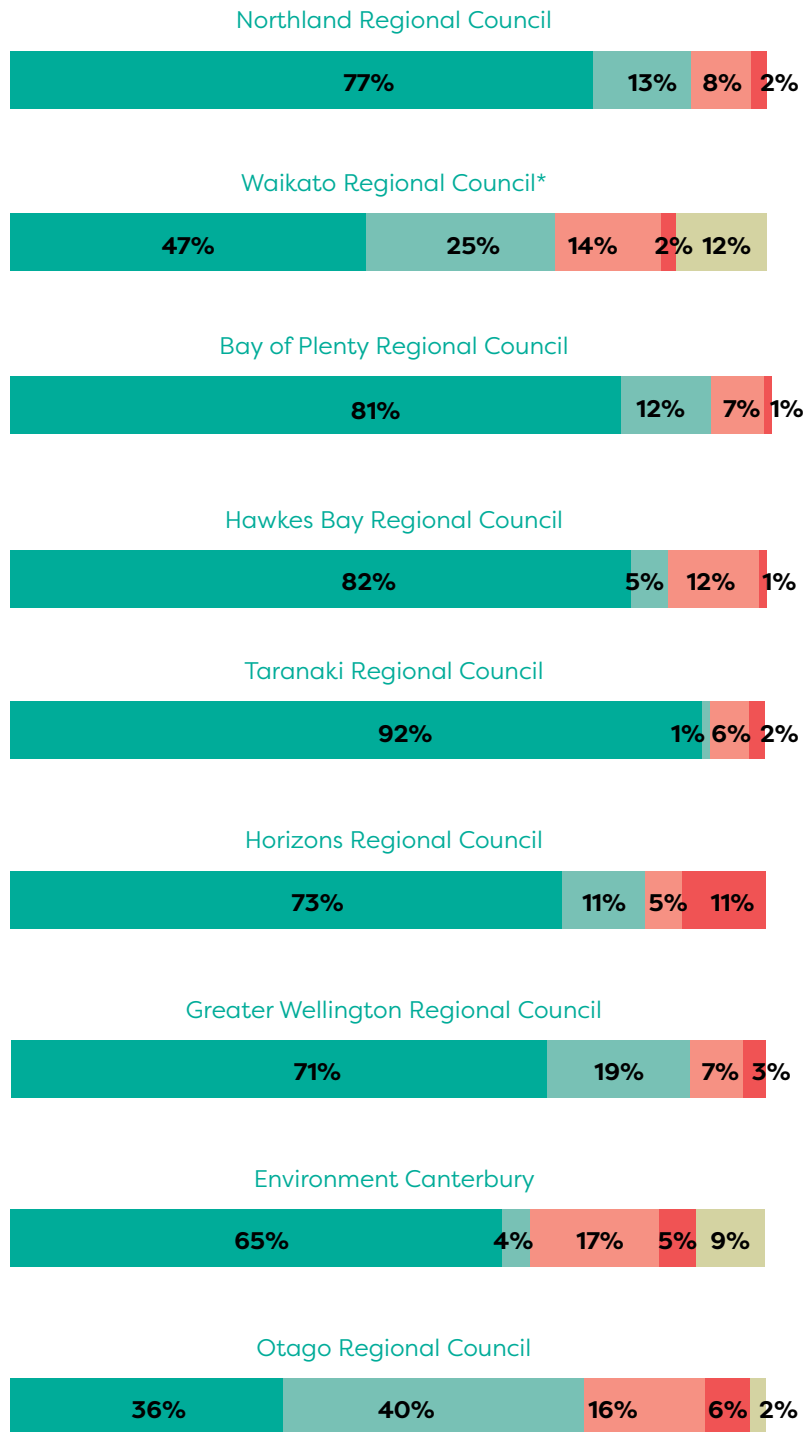
Figure 5: Total Number of Consents in Different Categories of Compliance on a Per Monitoring Event Basis

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

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

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

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



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

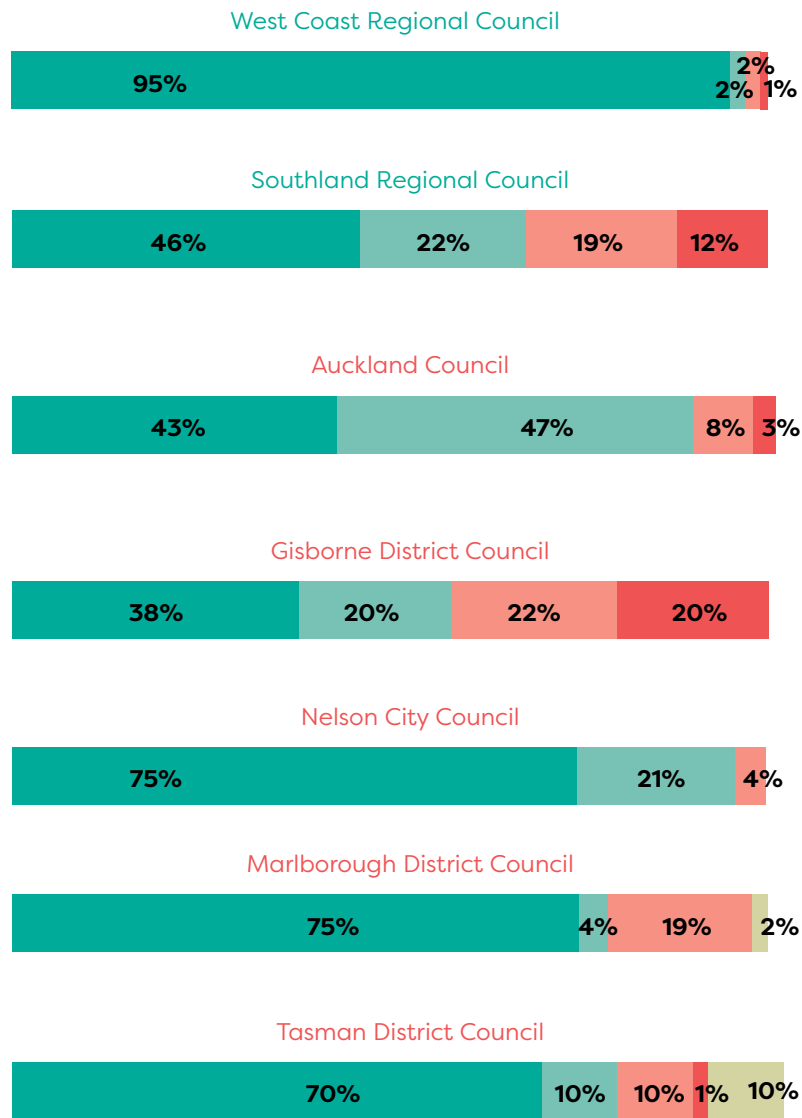


Figure 6: Percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.

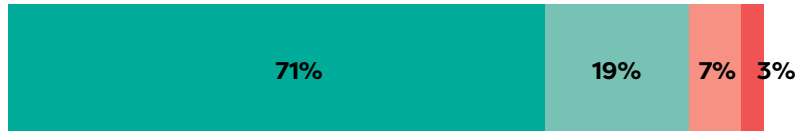
NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

TOTAL CONSENTS MONITORED **64,122**

NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

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

REGIONAL COUNCILS



UNITARY AUTHORITIES

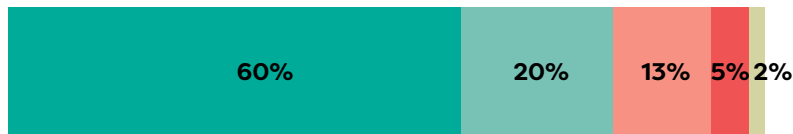


Figure 7: Nation wide percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.

MONITORING PERMITTED ACTIVITIES

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

PERMITTED ACTIVITY MONITORING PROGRAMMES FOR DIFFERENT INDUSTRIES

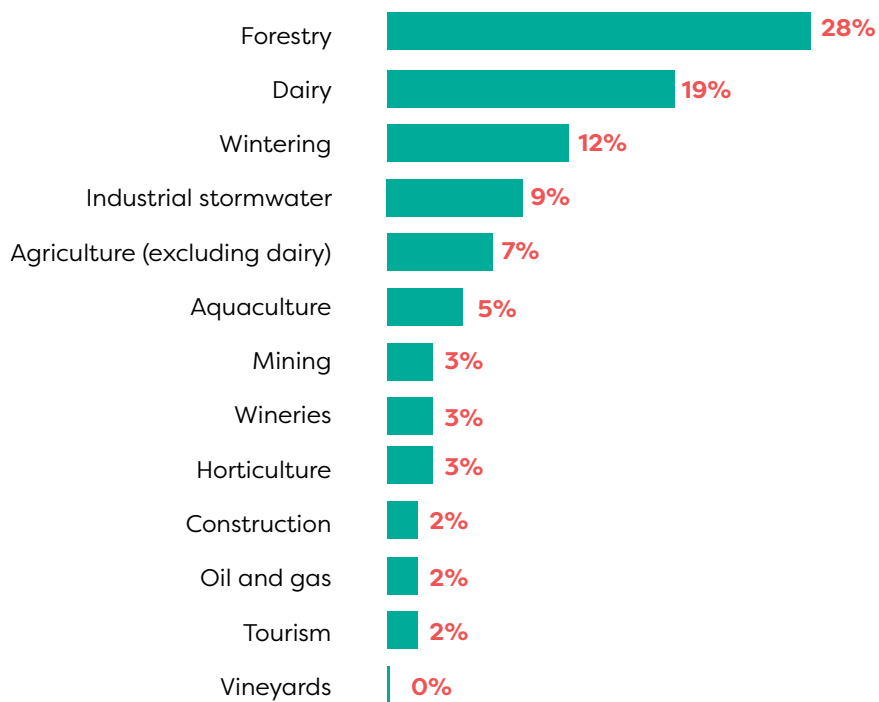


Figure 8: Proportion of permitted activity monitoring programmes for different industries

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

List of activities with tick box if yes:

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

MAKING DECISIONS ON PRIORITIES

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

Methods of determining priority and urgency for physical attendance are:

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

Assessment for appropriate action include:

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

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

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

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

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

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

STAFFING LEVELS

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

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

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

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

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

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

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

Note 1: Include contractors

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

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

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

COUNCIL FTEs IN CME ROLES

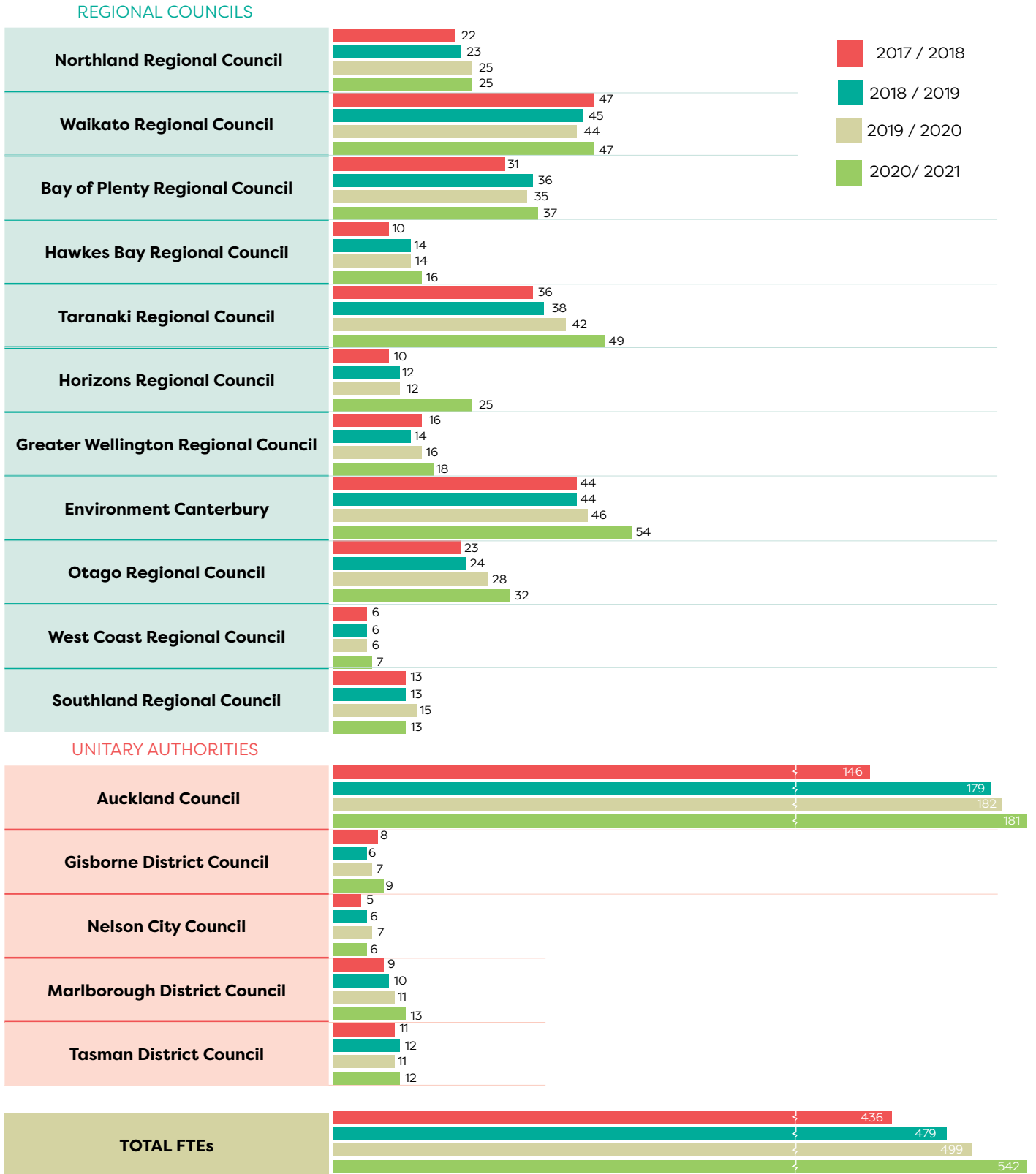


Figure 9: Council FTEs in CME roles

COUNCIL FTE'S IN SPECIFIC ROLES

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

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

COUNCIL FTE'S AND FORMAL ACTIONS BASED ON POPULATION

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

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

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

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

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

CME RESOURCING AND NUMBER OF FORMAL ENFORCEMENT ACTIONS

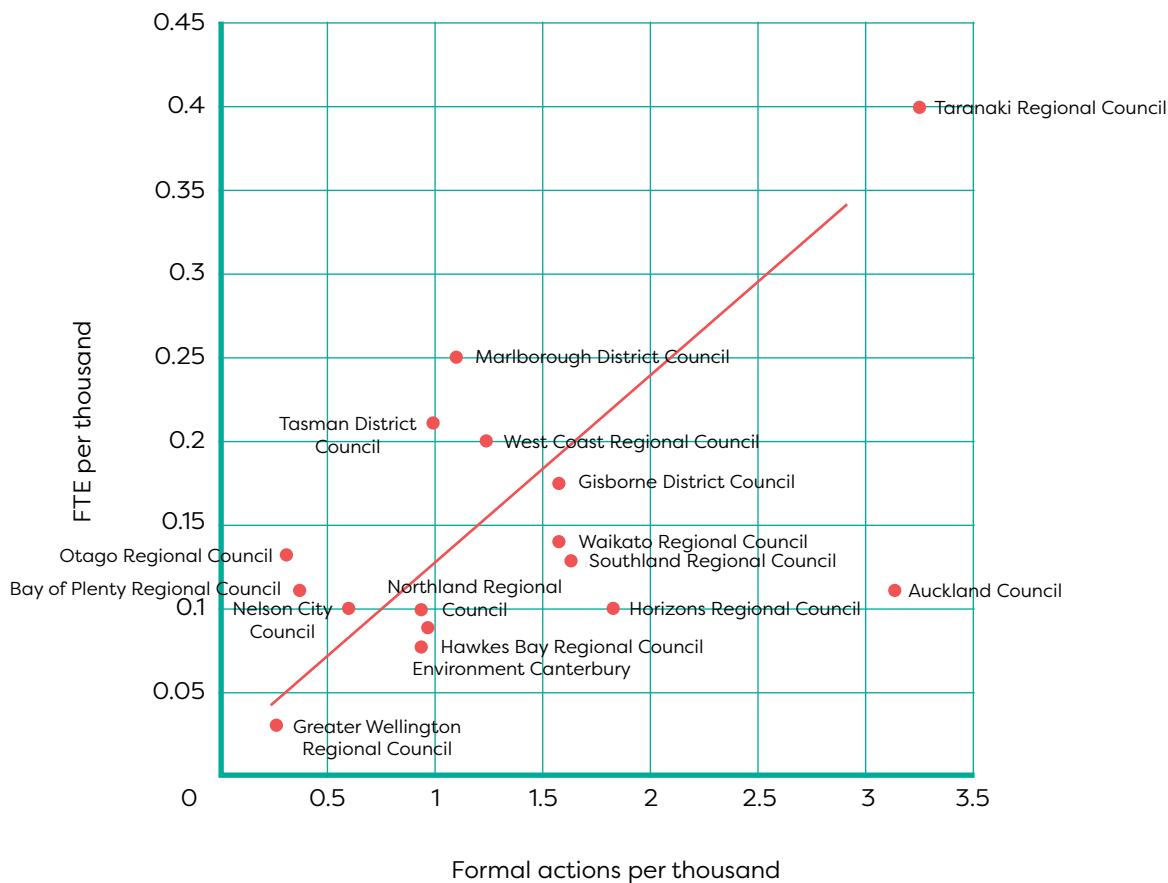


Figure 10: Comparison of CME resourcing and number of formal enforcement actions

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

COMPARISON OF CME RESOURCING AND GDP

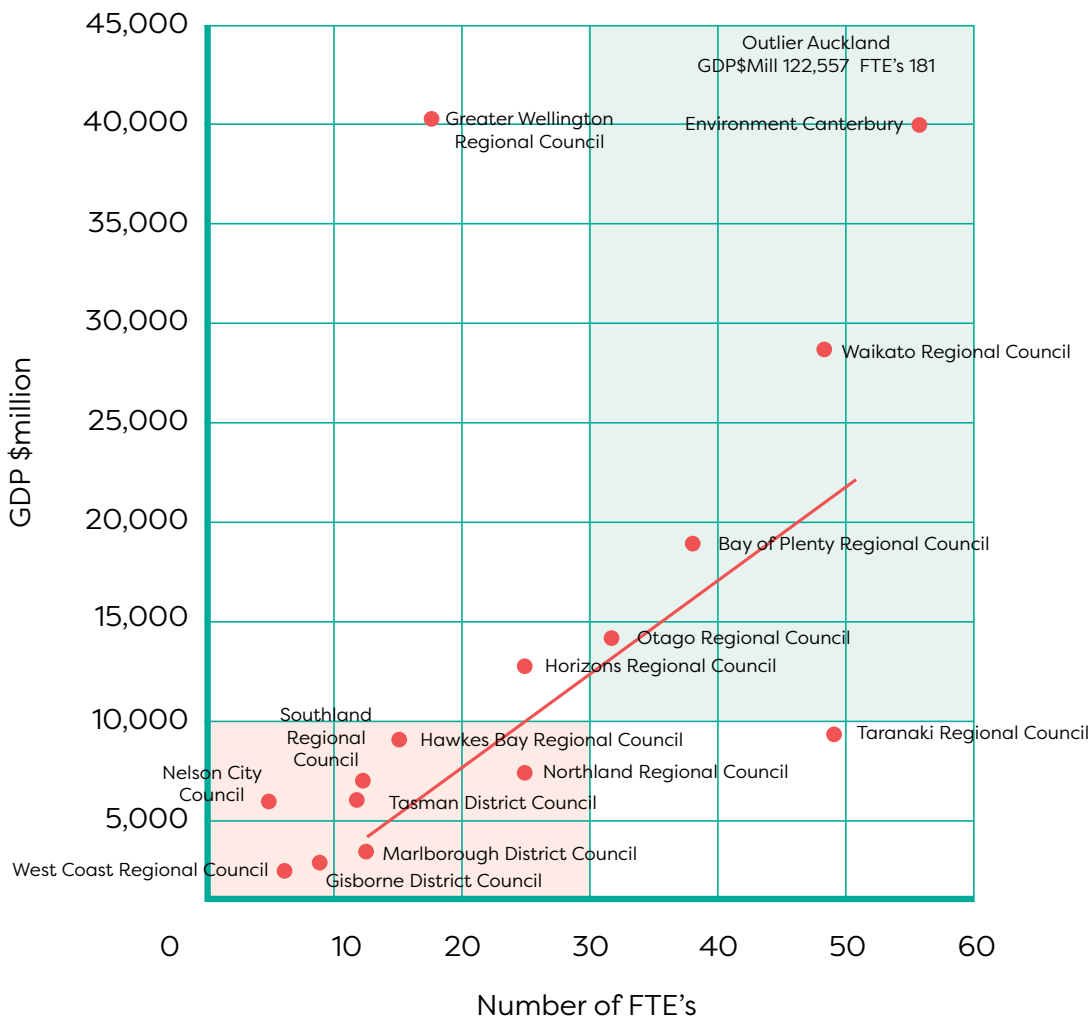


Figure 11: Comparison of CME resourcing and GDP

CME POLICIES AND PROCEDURES

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

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

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

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

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

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



**ENFORCEMENT
POLICIES**



**CONFLICT OF
INTEREST POLICIES**

* MfE Best Practice Guidelines at p73

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

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

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

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

DECISION MAKING PROCESS AND DELEGATION TO AUTHORISE FILING OF CHARGES

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

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

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

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

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

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

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

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



**HAVE OR SUPPORT
EDUCATION AND
ENGAGEMENT
PROJECTS**

Delivery methods of information include:

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

Areas covered in education or engagement projects include:

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

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

If yes, briefly describe

ACTING ON NON-COMPLIANCE

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

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

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

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

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

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

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

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

Formal warnings issued

Abatement notices issued

Infringement notices issued

Enforcement orders applied for

NATIONWIDE: ENFORCEMENT ACTIONS AND SECTIONS BREACHED





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

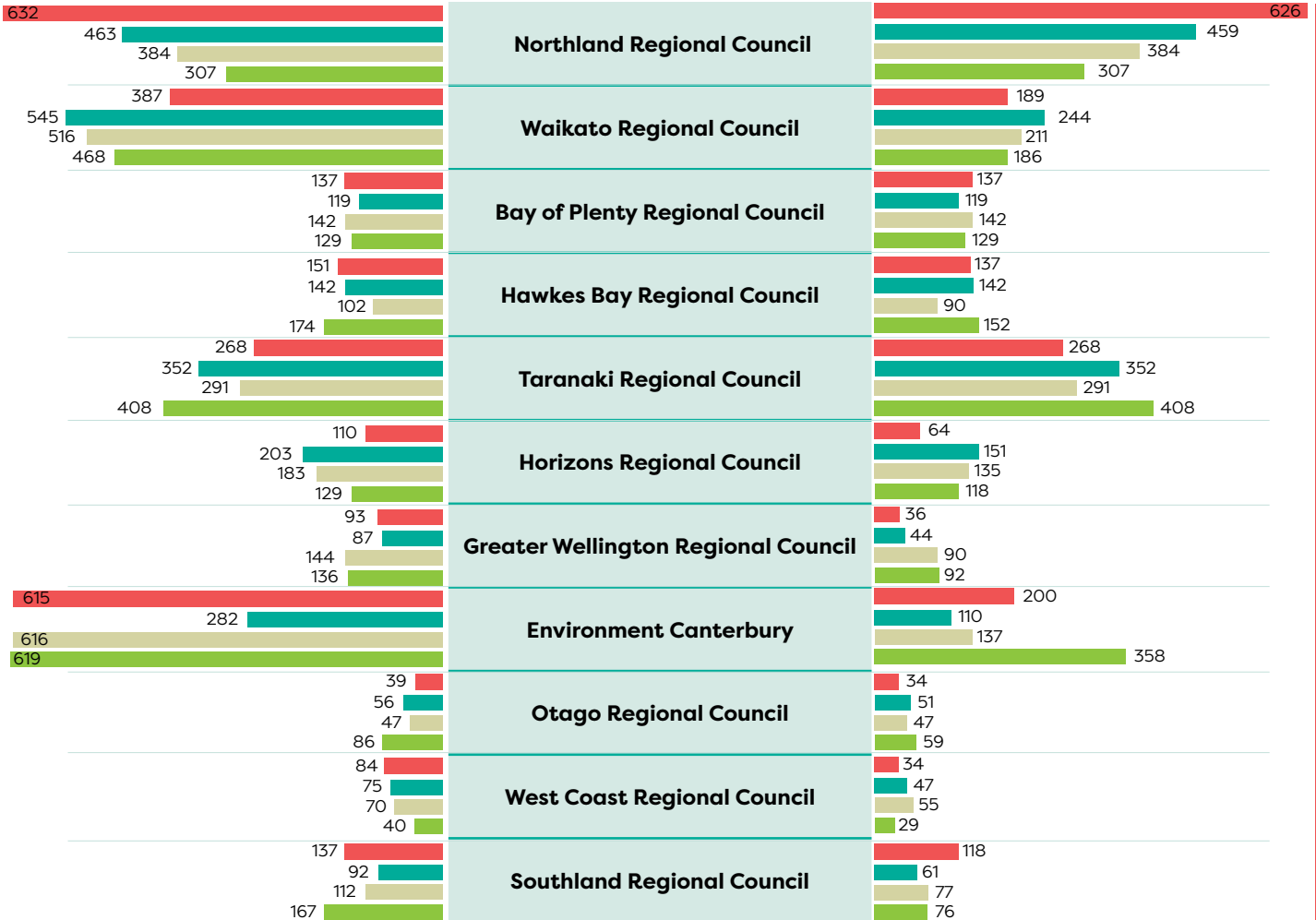
Table 6: Total use of formal instruments against relevant section of the Act (i. e., group of possible offences).

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

TOTAL USE OF FORMAL INSTRUMENTS (EXCLUDING PROSECUTION)

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

REGIONAL COUNCILS



UNITARY AUTHORITIES

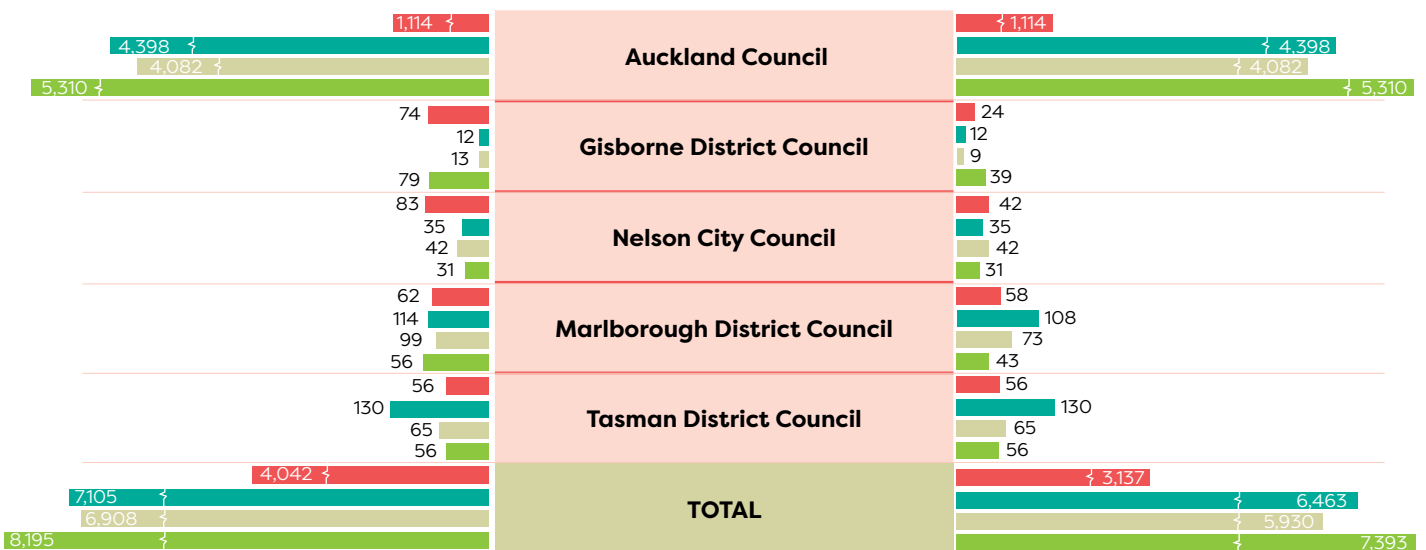
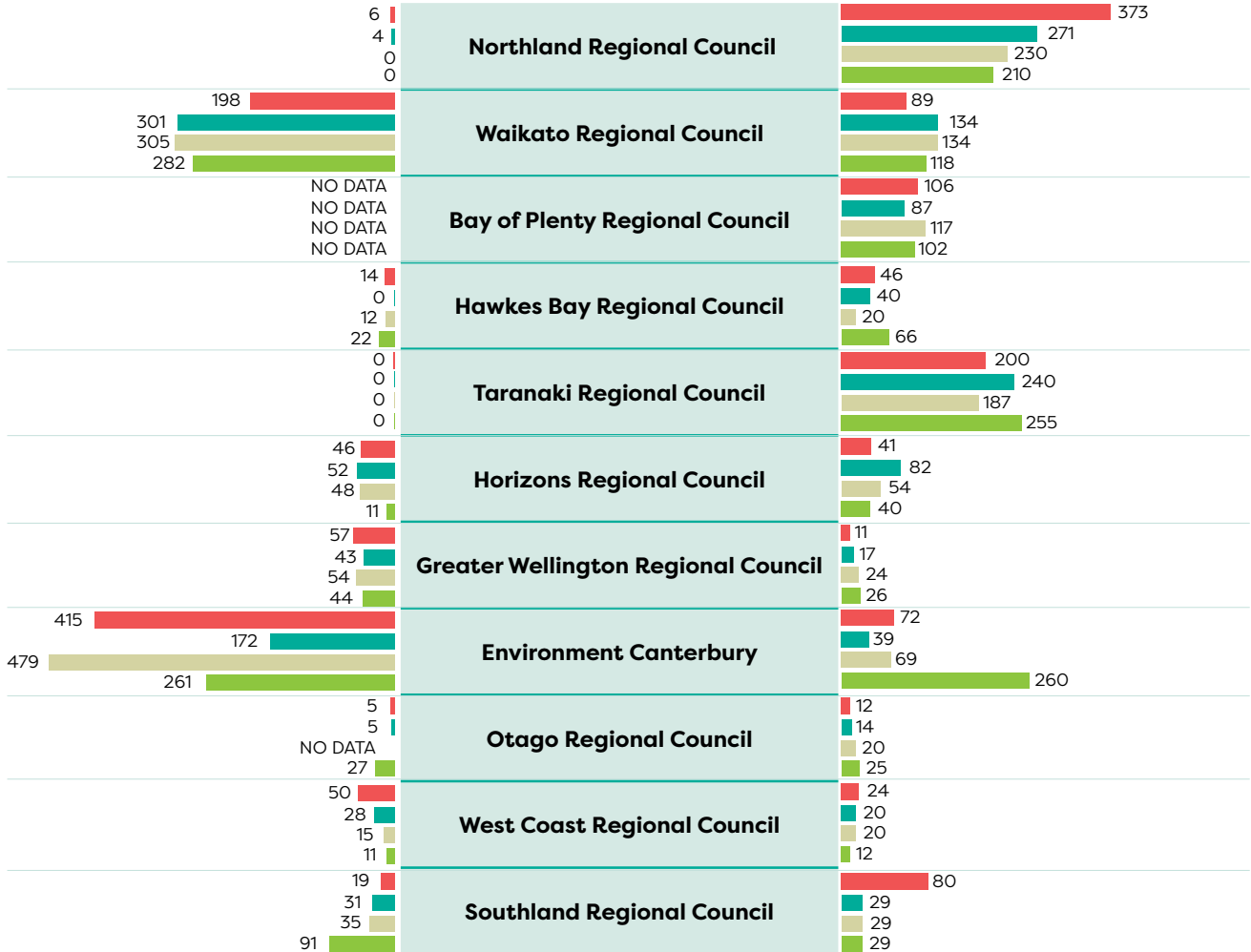


Figure 12: Total use of formal instruments (excluding prosecution)

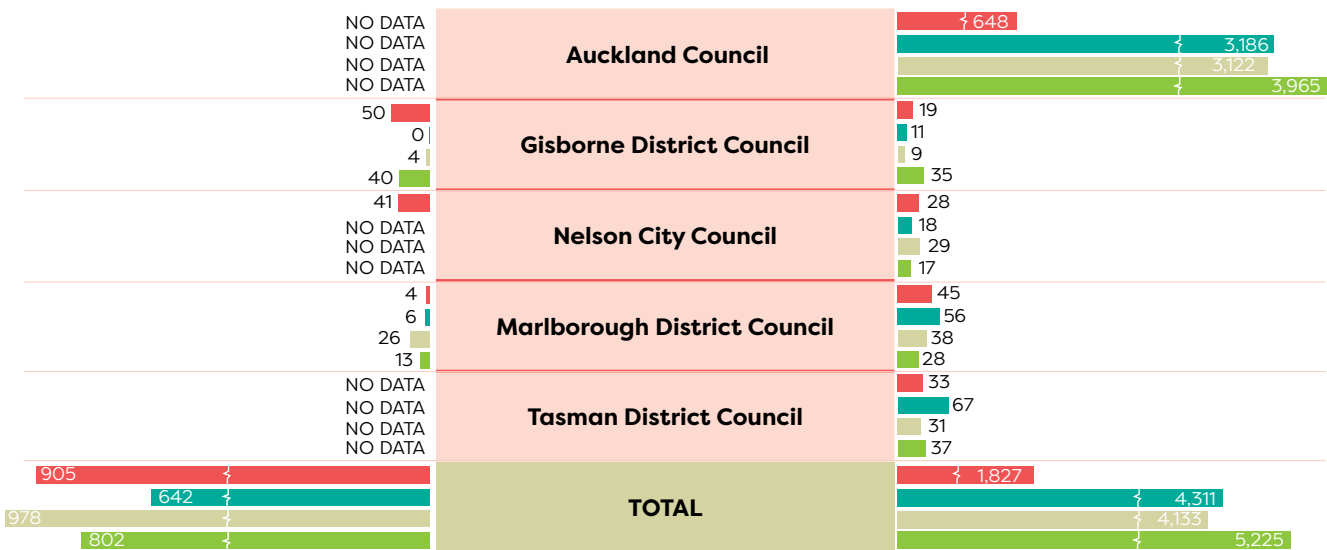
TOTAL FORMAL WARNINGS AND ABATEMENT NOTICES

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

REGIONAL COUNCILS



UNITARY AUTHORITIES



TOTAL FORMAL WARNINGS

TOTAL ABATEMENT NOTICES

Figure 13: Total formal warnings and abatement notices

TOTAL INFRINGEMENT NOTICES AND ENFORCEMENT ORDERS

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

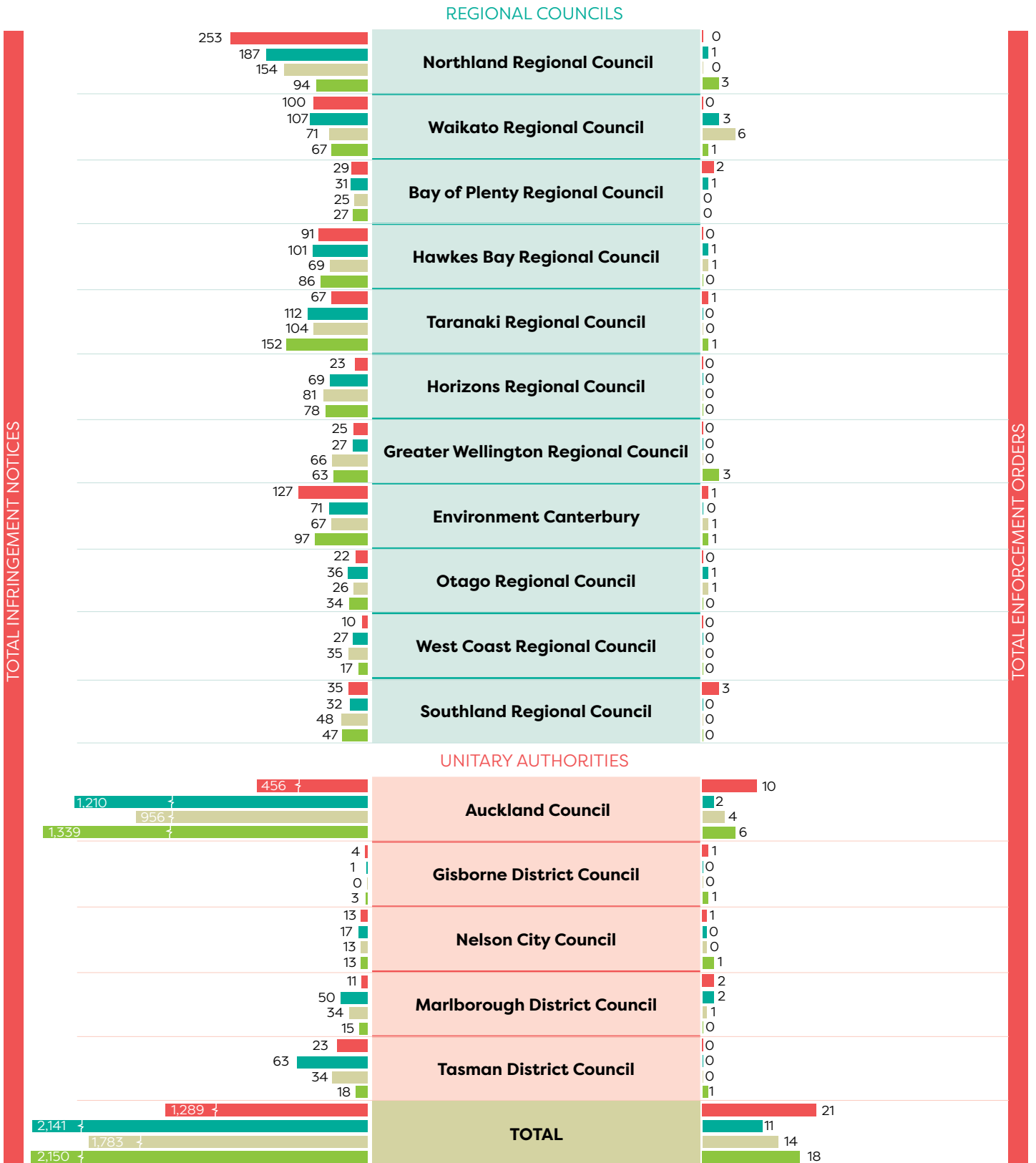


Figure 14: Total infringement notices and enforcement orders

NATIONWIDE PROSECUTIONS

CONCLUDED **95** / IN PROGRESS **71**

PROSECUTIONS

 **45**
INDIVIDUALS
ON 84 CHARGES

 **75**
CORPORATES
ON 175 CHARGES

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

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

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

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

QUESTION 32. How many RMA prosecutions were:

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

Concluded in the period?

Still in progress in the period?

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

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

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

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

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

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

NATIONWIDE PROSECUTIONS ACROSS THE REGIONAL SECTOR

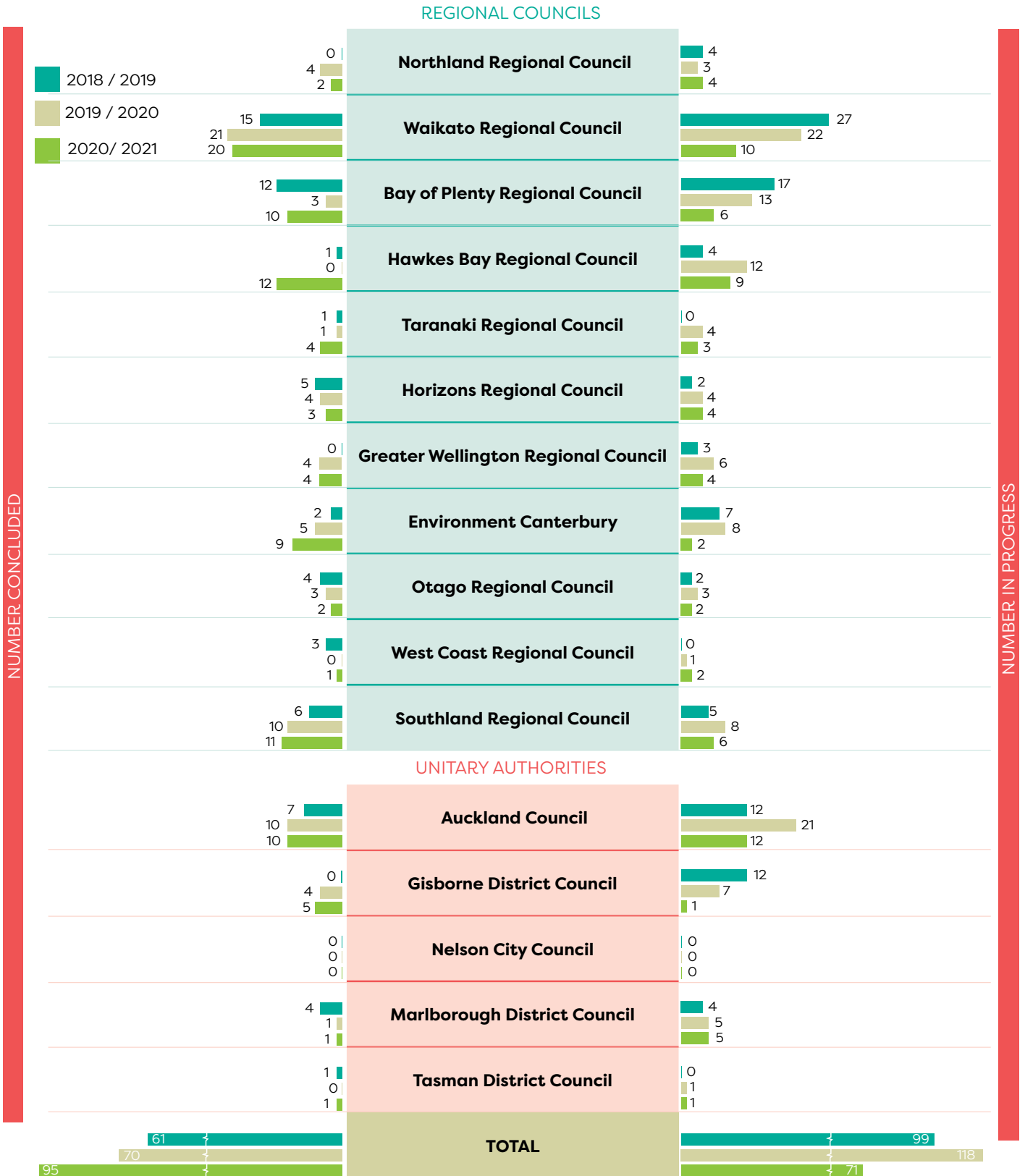


Figure 15: Prosecutions across the regional sector

INDIVIDUALS CONVICTED ACROSS THE REGIONAL SECTOR

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

REGIONAL COUNCILS

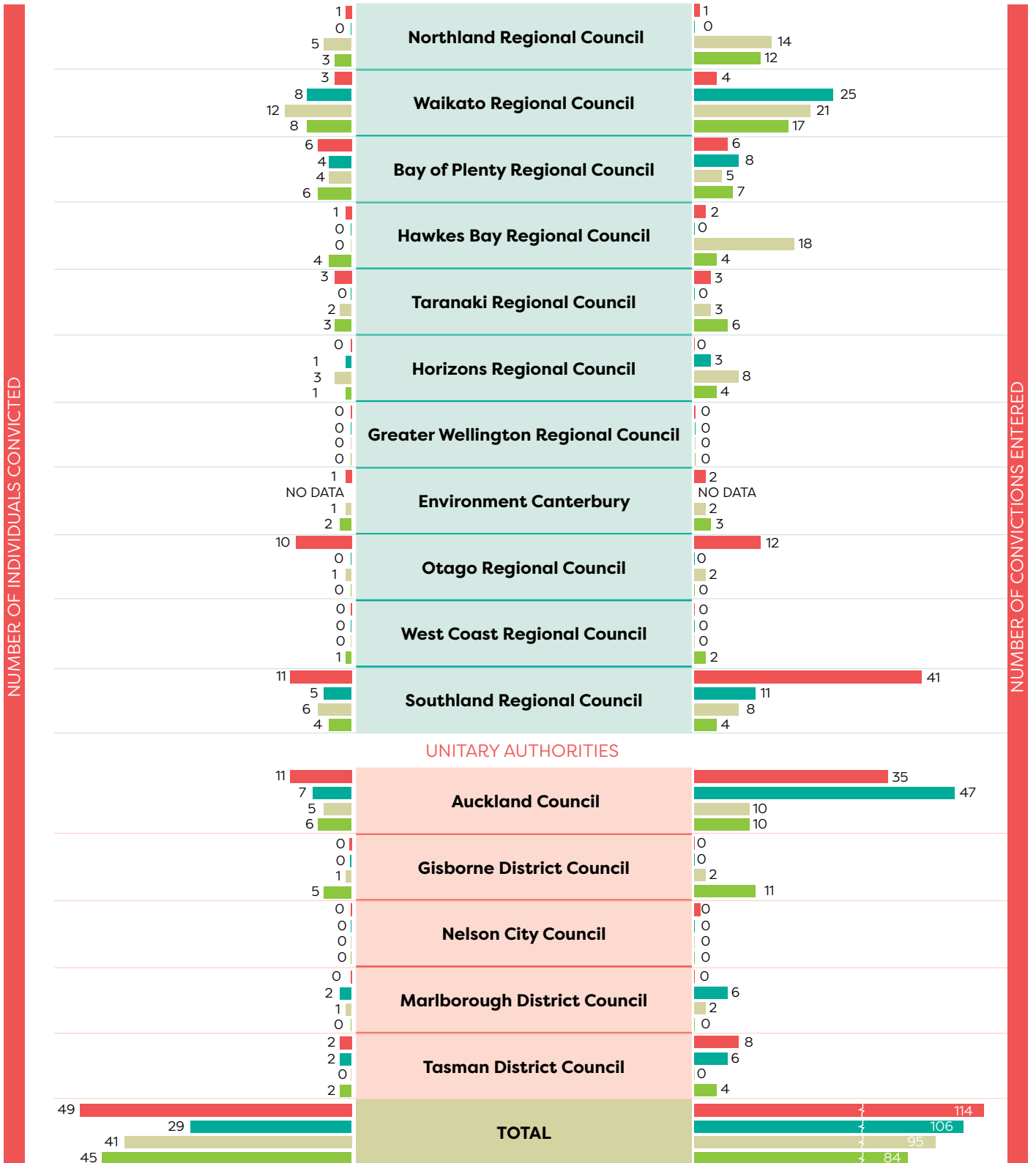


Figure 16 : Individuals convicted across the regional sector

PENALTIES

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

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

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

Table 7: Other sanctions handed down under the RMA

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

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

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

- Restorative justice
- Diversion
- Alternative justice

QUESTION 41. Describe any outcomes relating to these processes.

NATIONWIDE TOTAL FINES

\$914,540
INDIVIDUAL

\$4,273,025
CORPORATE

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

Table 8: Prosecution outcomes: fines

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

PROSECUTIONS INVOLVING OTHER SANCTIONS IMPOSED BY COURTS

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

Table 9: Prosecutions involving other sanctions imposed by courts

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

PROSECUTIONS INVOLVING RESTORATIVE JUSTICE, DIVERSION OR OTHER ALTERNATIVE JUSTICE

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

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

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

CME REPORTING

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

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

CME REPORTING CHANNELS

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

Table 11: CME reporting channels



REGIONAL SCORECARDS

PART 3

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

CME METRICS REPORT 2020 / 2021

NATIONAL SUMMARY



5,042,900
NEW ZEALAND POPULATION
ESTIMATE 2020



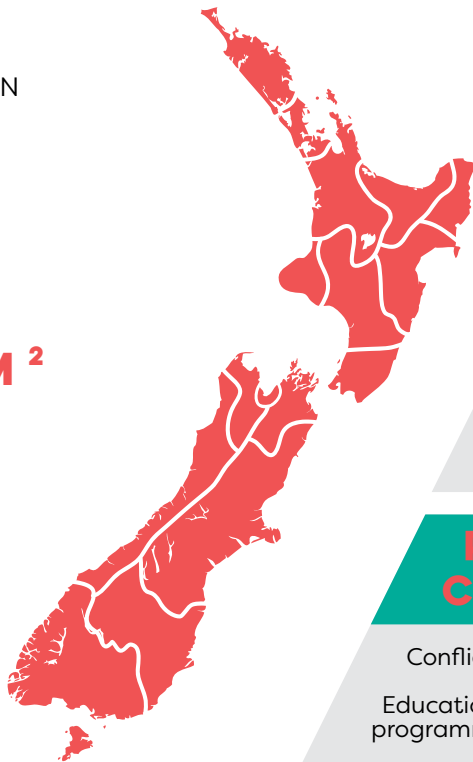
10.5%
POPULATION GROWTH
2015-2020



268,000 KM²
GEOGRAPHIC
AREA



\$323,142 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **542**

FTE/1000 **0.15**

POLICY CHECKLIST



Conflict of interest policy **16 / 16**

Education / engagement
programmes **16 / 16**

Enforcement policy **16 / 16**

CONSENTS



283,470
ADMINISTERED



38,214
REQUIRED
MONITORING



83%
CONSENTS MONITORED
OF THOSE REQUIRING IT

INCIDENTS



29,468
ENVIRONMENTAL
INCIDENTS REPORTED



99%
RESPONSE
RATE

ENFORCEMENT

802

WARNINGS
ISSUED

5,225

ABATEMENT NOTICES
ISSUED

2,150

INFRINGEMENT FINES
ISSUED

18

ENFORCEMENT ORDER
APPLICATIONS

95

PROSECUTIONS
CONCLUDED

71

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

NORTHLAND REGIONAL COUNCIL



192,500
NEW ZEALAND POPULATION
ESTIMATE 2020



13.1%
POPULATION GROWTH
2015-2020



13,778 KM²
GEOGRAPHIC
AREA



\$8,222 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **25**
FTE/1000 **0.13**

NATIONAL AVERAGE 0.15

CONSENTS



10,164
ADMINISTERED



3,505
REQUIRED
MONITORING



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

INCIDENTS



811
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

0

WARNINGS
ISSUED

210

ABATEMENT NOTICES
ISSUED

94

INFRINGEMENT FINES
ISSUED

3

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020/ 2021

WAIKATO REGIONAL COUNCIL



492,100
NEW ZEALAND POPULATION
ESTIMATE 2020



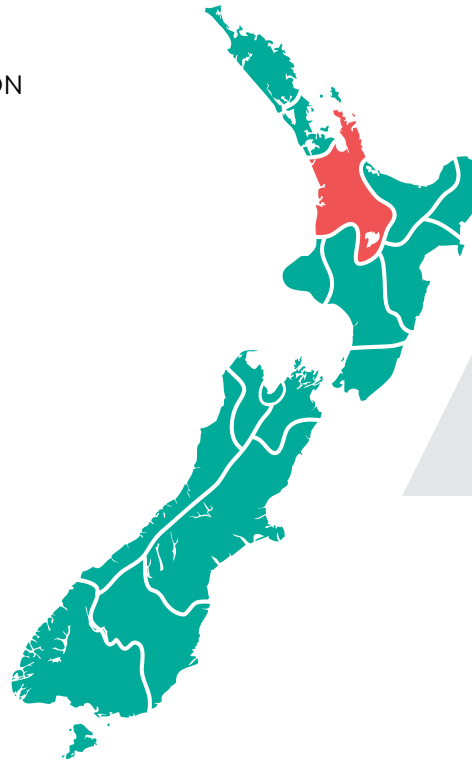
12.5%
POPULATION GROWTH
2015-2020



24,147 KM²
GEOGRAPHIC
AREA



\$27,884 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **47**
FTE/1000 **0.1**

NATIONAL AVERAGE 0.15

CONSENTS



11,839
ADMINISTERED



NO DATA
REQUIRED
MONITORING



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

INCIDENTS



2,207
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

282

WARNINGS
ISSUED

118

ABATEMENT NOTICES
ISSUED

67

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

20

PROSECUTIONS
CONCLUDED

10

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020/ 2021

BAY OF PLENTY REGIONAL COUNCIL



333,500
NEW ZEALAND POPULATION
ESTIMATE 2020



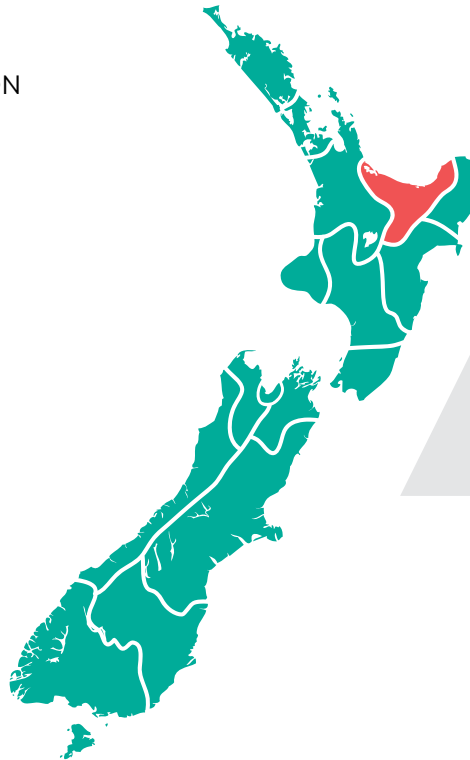
15.1%
POPULATION GROWTH
2015-2020



12,303 KM²
GEOGRAPHIC
AREA



\$18,884 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **37**
FTE/1000 **0.11**
NATIONAL AVERAGE 0.15

CONSENTS



8,407
ADMINISTERED



3,324
REQUIRED
MONITORING



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

INCIDENTS



3,771
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

102

ABATEMENT NOTICES
ISSUED

27

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

10

PROSECUTIONS
CONCLUDED

6

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

HAWKES BAY REGIONAL COUNCIL



177,200
NEW ZEALAND POPULATION
ESTIMATE 2020



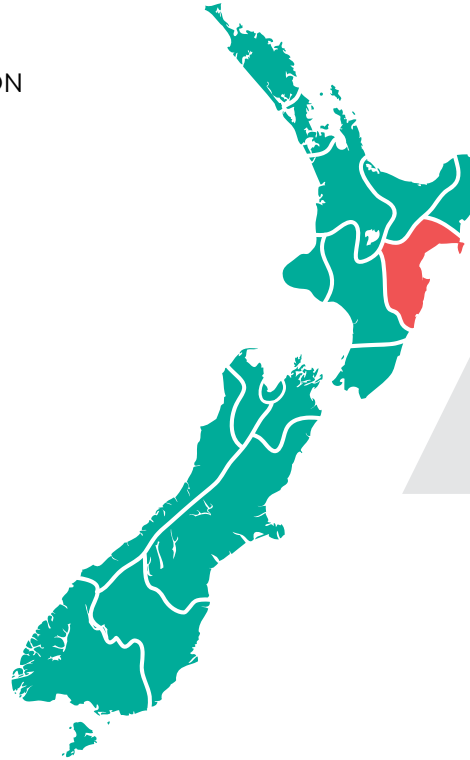
9.2%
POPULATION GROWTH
2015-2020



14,138 KM²
GEOGRAPHIC
AREA



\$9,093 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **16**
FTE/1000 **0.09**

NATIONAL AVERAGE 0.15

CONSENTS



8,452
ADMINISTERED



3,355
REQUIRED
MONITORING



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

INCIDENTS



823
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

22

WARNINGS
ISSUED

66

ABATEMENT NOTICES
ISSUED

86

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

12

PROSECUTIONS
CONCLUDED

9

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

TARANAKI REGIONAL COUNCIL



124,000
NEW ZEALAND POPULATION
ESTIMATE 2020



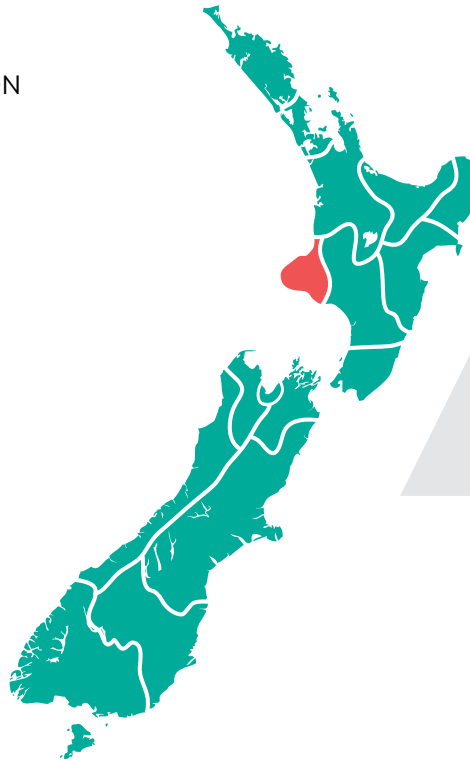
7.1%
POPULATION GROWTH
2015-2020



7,256 KM²
GEOGRAPHIC
AREA



\$9,513 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **49**
FTE/1000 **0.4**

NATIONAL AVERAGE 0.15

CONSENTS



4,517
ADMINISTERED



2,510
REQUIRED
MONITORING



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

INCIDENTS



590
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

0

WARNINGS
ISSUED

255

ABATEMENT NOTICES
ISSUED

152

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

4

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

HORIZONS REGIONAL COUNCIL



252,900
NEW ZEALAND POPULATION
ESTIMATE 2020



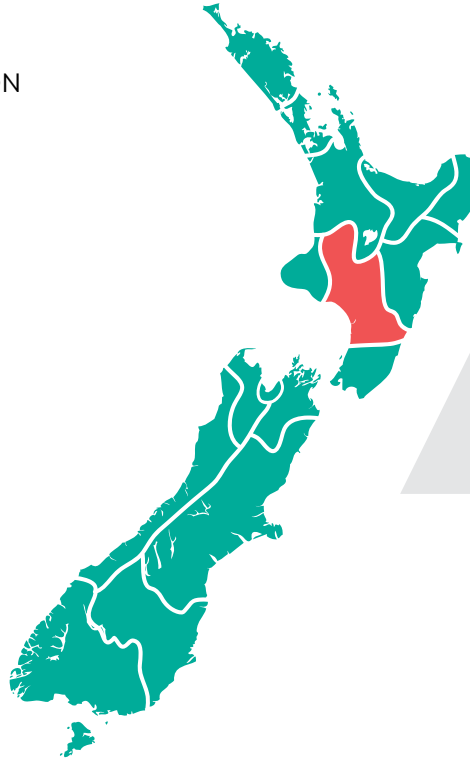
7.2%
POPULATION GROWTH
2015-2020



22,220 KM²
GEOGRAPHIC
AREA



\$12,426 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **25**
FTE/1000 **0.1**

NATIONAL AVERAGE 0.15

CONSENTS



6,619
ADMINISTERED



1,823
REQUIRED
MONITORING



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

INCIDENTS



1,226
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

11

WARNINGS
ISSUED

40

ABATEMENT NOTICES
ISSUED

78

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

3

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

GREATER WELLINGTON REGIONAL COUNCIL



538,500
NEW ZEALAND POPULATION
ESTIMATE 2020



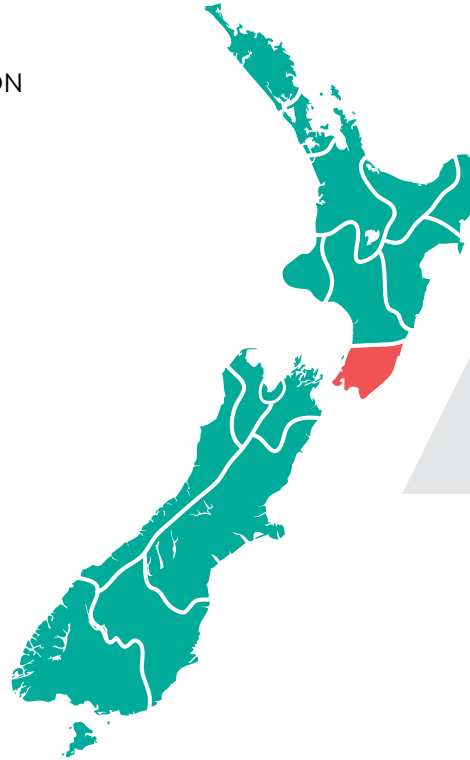
8.1%
POPULATION GROWTH
2015-2020



8,142 KM²
GEOGRAPHIC
AREA



\$40,272 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **18**
FTE/1000 **0.03**

NATIONAL AVERAGE 0.15

CONSENTS



7,138
ADMINISTERED



1,779
REQUIRED
MONITORING



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

INCIDENTS



1,140
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

44

WARNINGS
ISSUED

26

ABATEMENT NOTICES
ISSUED

63

INFRINGEMENT FINES
ISSUED

3

ENFORCEMENT ORDER
APPLICATIONS

4

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020/ 2021

ENVIROMENT CANTERBURY



641,200
NEW ZEALAND POPULATION
ESTIMATE 2020



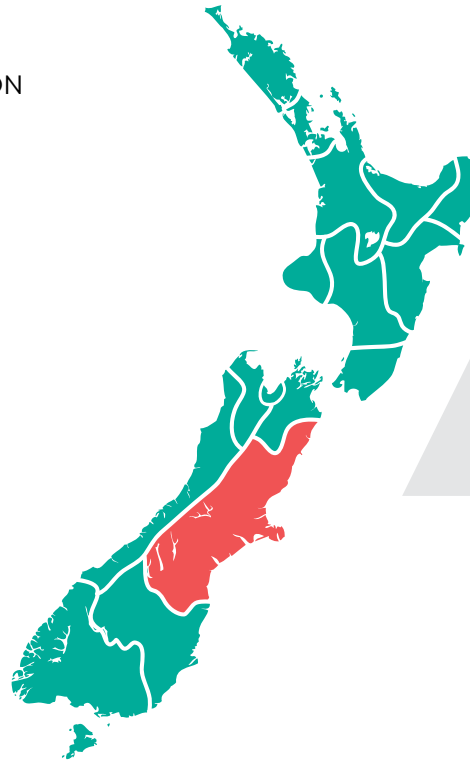
10.8%
POPULATION GROWTH
2015-2020



44,633 KM²
GEOGRAPHIC
AREA



\$39,961M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **54**
FTE/1000 **0.08**

NATIONAL AVERAGE 0.15

CONSENTS



22,648
ADMINISTERED



1,314
REQUIRED
MONITORING



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

INCIDENTS



4,441
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

261

WARNINGS
ISSUED

260

ABATEMENT NOTICES
ISSUED

97

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

9

PROSECUTIONS
CONCLUDED

2

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

OTAGO REGIONAL COUNCIL



243,000
NEW ZEALAND POPULATION
ESTIMATE 2020



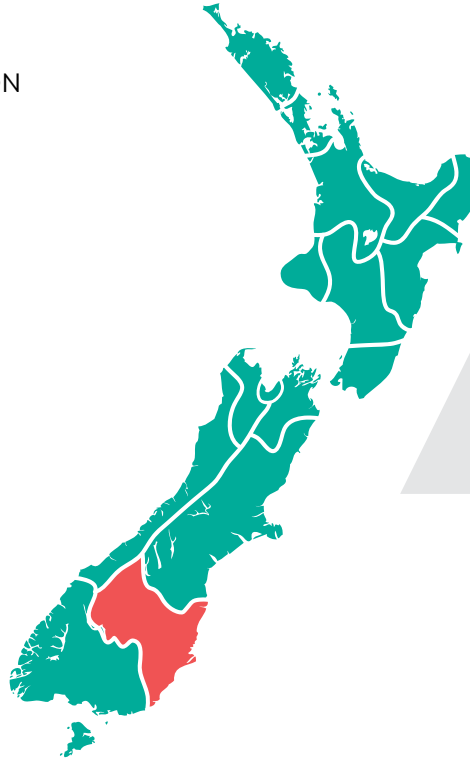
13%
POPULATION GROWTH
2015-2020



31,280 KM²
GEOGRAPHIC
AREA



\$14,180 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **32**
FTE/1000 **0.13**

NATIONAL AVERAGE 0.15

CONSENTS



5,785
ADMINISTERED



3,136
REQUIRED
MONITORING



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

INCIDENTS



1,268
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

27

WARNINGS
ISSUED

25

ABATEMENT NOTICES
ISSUED

34

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

2

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

WEST COAST REGIONAL COUNCIL



32,400
NEW ZEALAND POPULATION
ESTIMATE 2020



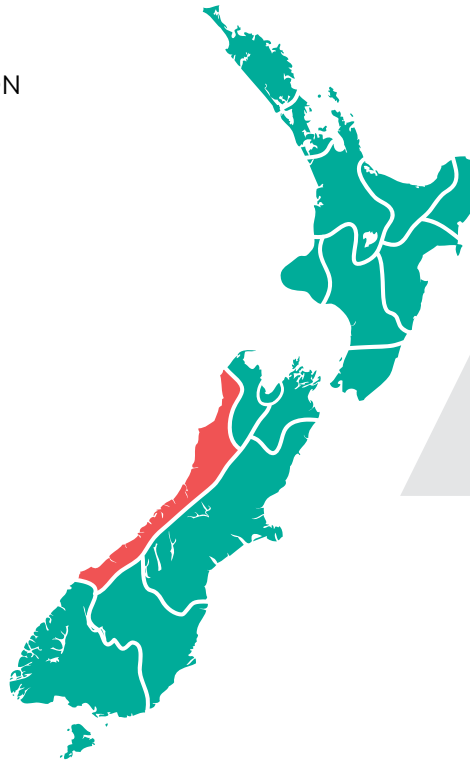
-1.5%
POPULATION GROWTH
2015-2020



23,277 KM²
GEOGRAPHIC
AREA



\$1,836 M
GDP TO MARCH
2020



CME STAFF



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

CONSENTS



5,682
ADMINISTERED



1,268
REQUIRED
MONITORING



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

INCIDENTS



131
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

11

WARNINGS
ISSUED

12

ABATEMENT NOTICES
ISSUED

17

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

2

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

SOUTHLAND REGIONAL COUNCIL



102,300
NEW ZEALAND POPULATION
ESTIMATE 2020



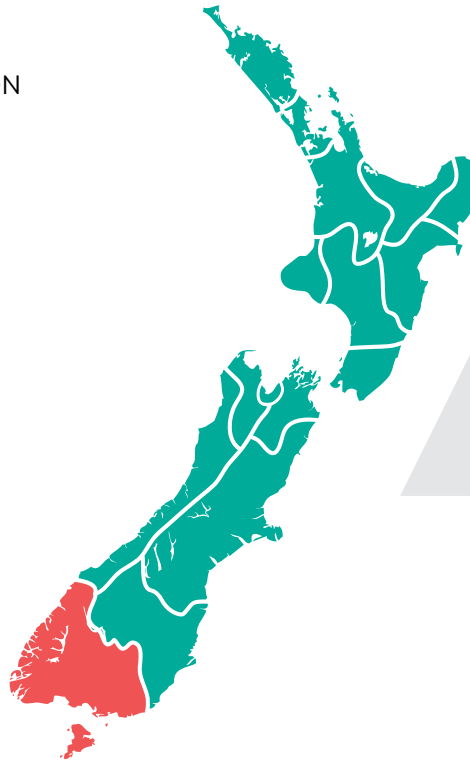
5.1%
POPULATION GROWTH
2015-2020



32,184 KM²
GEOGRAPHIC
AREA



\$6,718 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **13**
FTE/1000 **0.12**

NATIONAL AVERAGE 0.15

CONSENTS



5,995
ADMINISTERED



5,920
REQUIRED
MONITORING



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

INCIDENTS



888
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

91

WARNINGS
ISSUED

29

ABATEMENT NOTICES
ISSUED

47

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

11

PROSECUTIONS
CONCLUDED

6

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020/ 2021

AUCKLAND COUNCIL



1,702,700
NEW ZEALAND POPULATION
ESTIMATE 2020



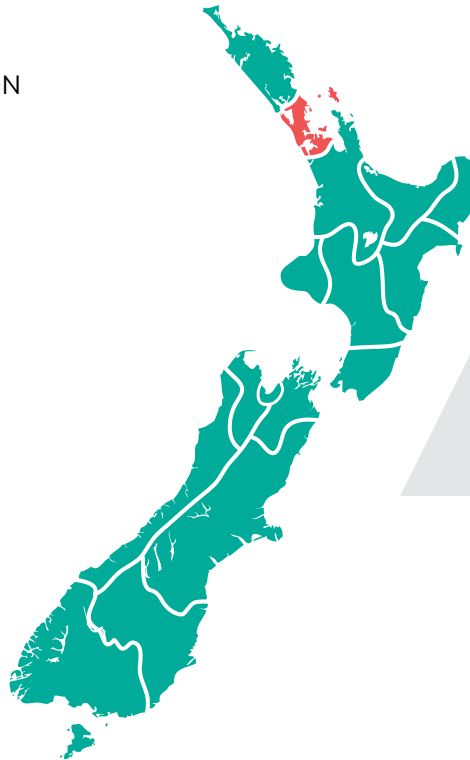
10.8%
POPULATION GROWTH
2015-2020



5,945 KM²
GEOGRAPHIC
AREA



\$122,557 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **181**
FTE/1000 **0.11**

NATIONAL AVERAGE 0.15

CONSENTS



130,371
ADMINISTERED



NO DATA
REQUIRED
MONITORING



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

INCIDENTS



9,502
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

3,965

ABATEMENT NOTICES
ISSUED

1,339

INFRINGEMENT FINES
ISSUED

6

ENFORCEMENT ORDER
APPLICATIONS

10

PROSECUTIONS
CONCLUDED

12

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

GISBORNE DISTRICT COUNCIL



50,500
NEW ZEALAND POPULATION
ESTIMATE 2020



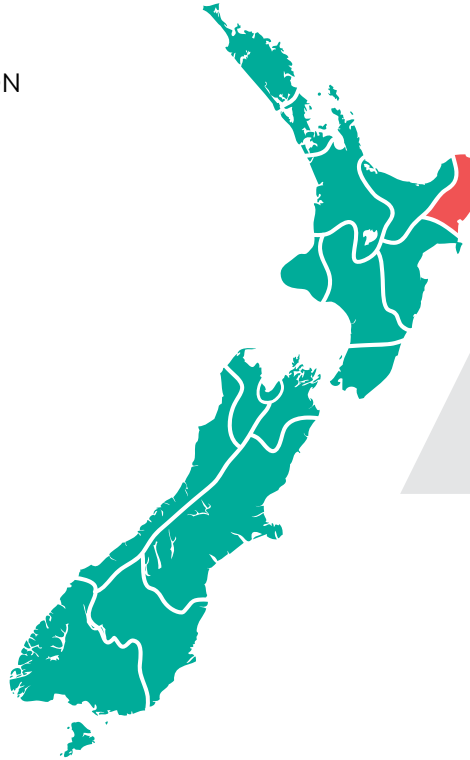
5.6%
POPULATION GROWTH
2015-2020



8,386 KM²
GEOGRAPHIC
AREA



\$2,299 M
GDP TO MARCH
2020



CME STAFF



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

CONSENTS



8,893
ADMINISTERED



1,135
REQUIRED
MONITORING



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

INCIDENTS



194
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

40

WARNINGS
ISSUED

35

ABATEMENT NOTICES
ISSUED

3

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

5

PROSECUTIONS
CONCLUDED

1

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

TASMAN DISTRICT COUNCIL



56,400
NEW ZEALAND POPULATION
ESTIMATE 2020



9.7%
POPULATION GROWTH
2015-2020



9,764 KM²
GEOGRAPHIC
AREA



\$6,005M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **12**
FTE/1000 **0.21**

NATIONAL AVERAGE 0.15

CONSENTS



16,826
ADMINISTERED



4,941
REQUIRED
MONITORING



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

INCIDENTS



1,394
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

37

ABATEMENT NOTICES
ISSUED

18

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

1

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

NELSON CITY COUNCIL



54,600
NEW ZEALAND POPULATION
ESTIMATE 2020



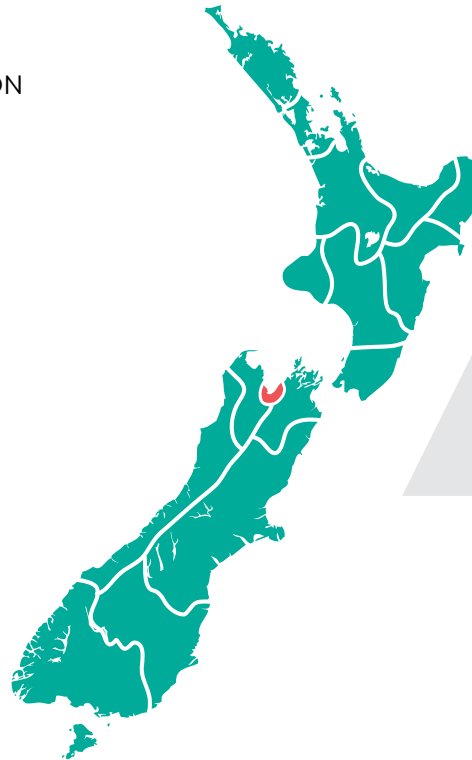
9.7%
POPULATION GROWTH
2015-2020



477KM²
GEOGRAPHIC
AREA



\$6,005M
GDP TO MARCH
2020



CME STAFF



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

CONSENTS



675
ADMINISTERED



675
REQUIRED
MONITORING



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

INCIDENTS



523
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

17

ABATEMENT NOTICES
ISSUED

13

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

0

PROSECUTIONS
CONCLUDED

0

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

MARLBOROUGH DISTRICT COUNCIL



49,900
NEW ZEALAND POPULATION
ESTIMATE 2020



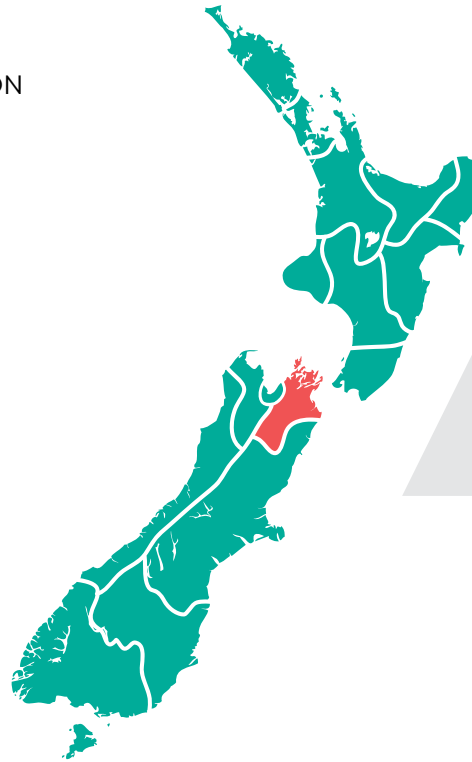
9%
POPULATION GROWTH
2015-2020



10,773 KM²
GEOGRAPHIC
AREA



\$3,290 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **13**
FTE/1000 **0.25**

NATIONAL AVERAGE 0.15

CONSENTS



29,459
ADMINISTERED



3,529
REQUIRED
MONITORING



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

INCIDENTS



559
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

13

WARNINGS
ISSUED

28

ABATEMENT NOTICES
ISSUED

15

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

5

PROSECUTIONS IN
PROGRESS

METRICS SURVEY QUESTIONS

APPENDIX 1

1. Which council are you completing this survey on behalf of? [Regional/ Unitary]

2. And this is for?

- Northland Regional Council
- Waikato Regional Council
- Bay of Plenty Regional Council
- Hawkes Bay Regional Council
- Taranaki Regional Council
- Horizons Regional Council
- Greater Wellington Regional Council
- Environment Canterbury
- Otago Regional Council
- West Coast Regional Council
- Southland Regional Council
- Auckland Council
- Gisborne District Council
- Nelson City Council
- Marlborough District Council
- Tasman District Council

3. What is your name and contact details?

COMMENTS TO IWI

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

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

Note: The report author may contact you for further information or clarification of your response.

CME OPERATIONS (MANAGING THE WORKLOAD)

COMPLAINTS

5. Does your council register/count:

- an individual “incident” per notification?
- one incident per event, regardless of the number of separate complainants?

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

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

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

MONITORING RESOURCE CONSENTS & PERMITTED ACTIVITIES

RESOURCE CONSENTS

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

COMPLIANCE GRADINGS

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

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

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

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

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

MONITORING PERMITTED ACTIVITIES

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

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

MAKING DECISIONS ON PRIORITIES

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

20. Describe how you determine which consents are monitored and how frequently?

If there is a prioritisation model or compliance strategy, add link

21. Describe the basis, which was used for determining what, if any, permitted activities were monitored.

If there is a prioritisation model or compliance strategy, add link

STAFFING LEVELS

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

Include contractors.

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

Include contractors.

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

25. How many FTEs does your council have who carry out a combination of the above roles? Note 1: Include contractors

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

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

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

CME POLICIES AND PROCEDURES

27. Does your council have an enforcement policy?

Yes/ No

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

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

30. Does your council have a conflict of interest policy?

Yes/ No

ACTING ON NON-COMPLIANCE

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

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

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

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

PROSECUTION

32. How many RMA prosecutions were:

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

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

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

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

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

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

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

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

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

- *an individual*
- *a corporate entity*

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

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

- *Individual fines*
- *Corporate fines*

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

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

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

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

41. Describe any outcomes relating to these processes.

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

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

43. If yes, briefly describe

CME REPORTING

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

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

Northland Regional Council

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

SOUTHLAND REGIONAL COUNCIL

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

WAIKATO REGIONAL COUNCIL

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

TARANAKI REGIONAL COUNCIL

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

HAWKES BAY REGIONAL COUNCIL

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

ENVIRONMENT CANTERBURY

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

WEST COAST REGIONAL COUNCIL

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

AUCKLAND COUNCIL

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

GISBORNE DISTRICT COUNCIL

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

MARLBOROUGH DISTRICT COUNCIL

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

BAY OF PLENTY REGIONAL COUNCIL

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

HORIZONS REGIONAL COUNCIL

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

GREATER WELLINGTON

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

OTAGO REGIONAL COUNCIL

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

NELSON CITY COUNCIL

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

TASMAN DISTRICT COUNCIL

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