

ANALYSIS OF THE 2019/2020
COMPLIANCE MONITORING AND
ENFORCEMENT
METRICS FOR THE REGIONAL
SECTOR



Prepared by

SPROUT



CESIG

Compliance and Enforcement
Special Interest Group

FOREWORD

Welcome to the third annual CME Metrics report, capturing performance of the regional sector as it relates to compliance, monitoring and enforcement associated with the Resource Management Act.

We continue to hone our approach to measuring our own performance. In our first two years we were fortunate enough to engage an independent subject matter expert analyse our data providing commentary on our strengths and areas for improvement. These reports attracted considerable attention and have assisted us to focus on being 'better', particularly as it relates to achieving consistency of best practice.

This year's report marks the first in a different approach, in that it collects and collates three years of data, without providing detailed analysis from the previous two reports. This provides a platform for the regional sector, and others, to focus in on particular areas of interest. It is expected that future reports will include independent analysis from time to time, in order to "check in" on trends emerging from the data set, as it builds over time.

If you have time to look at nothing else, I invite you to view the graphic representation of our sectors collective work over the 2019/2020 period (page 51). It is my view that the scope and scale of the CME related work by the regional sector is substantial and would be very interesting to compare with national regulatory agencies. I believe it would be a favorable comparison for the regional sector. Over quarter of a million resource consents are administered. More than 31,000 individual environmental incidents were reported with a response rate nationally of over 99%. There were over 7,000 individual enforcement actions taken for breaches of the RMA. All available enforcement tools in the RMA toolbox are being utilised in what appears to be a proportionate manner.

The Compliance and Enforcement Special Interest Group (CESIG) has an absolute focus on continuous improvement and will spend some time analysing the content of this report, focusing on the trends developing over the last few years to continue to inform their program of work.



Patrick Lynch

Regional Compliance Manager – Waikato Region

Lead for the CME Metrics Working Group of CESIG

TABLE OF CONTENTS

| | Page |
|--|------|
| PART 1 INTRODUCTION | 5 |
| Reading this report | 5 |
| How does this reporting process differ year on year? | 5 |
| Data limitations | 5 |
| CME under the Resource Management Act New Zealand | 6 |
| PART 2 ANALYSIS | 7 |
| Regional Context | 7 |
| Working with Iwi | 8 |
| CME Operations (managing the workload) | 9 |
| Registering notifications | 10 |
| Complaints received | 11 |
| Complaints responded to & attended | 12 |
| Confirmed breaches | 13 |
| Monitoring resource consents | 14 |
| Compliance gradings | 16 |
| Compliance assessment | 17 |
| Monitoring permitted activities | 22 |
| Making decisions on priorities | 23 |
| Staffing levels | 24 |
| CME Policies and Procedures | 30 |
| Educating and Engaging with the Regulated Community | 35 |
| Acting on Non-Compliance | 36 |
| Prosecutions | 41 |
| Penalties | 45 |
| CME Reporting | 49 |
| PART 3 REGIONAL SCORECARDS | 50 |
| APPENDIX 1 – METRICS SURVEY QUESTIONS | 68 |
| APPENDIX 2 - LONG FORM RESPONSES (QUESTION 3) | 73 |

TABLE OF CONTENTS

| | Page |
|--|-------|
| Table 1: <i>Regional context data</i> | 7 |
| Table 2: <i>Recording conventions for incoming complaints across the regional sector</i> | 10 |
| Table 3: <i>Number of individual complaints and incidents</i> | 11 |
| Table 4: <i>Number of individual complaints and incidents responded to</i> | 12 |
| Table 5: <i>Number and types of breaches</i> | 13 |
| Table 6: <i>Monitoring workload from consents</i> | 15 |
| Table 7: <i>Percentages of consents in full compliance and low risk/ technical non compliance of compliance on a per monitoring event basis</i> | 18 |
| Table 8: <i>Percentages of consents in moderate non-compliance and significant non-compliance of compliance on a per monitoring event basis</i> | 19 |
| Table 9: <i>Percentages of consents in different categories of other compliance gradings on a per monitoring event basis</i> | 20 |
| Table 10: <i>Council FTEs for different aspects of the CME role</i> | 25 |
| Table 11: <i>Council FTEs for different aspects of the CME role continued</i> | 26 |
| Table 12: <i>Comparison of council FTEs, population and number of formal actions (excluding prosecutions but including warnings)</i> | 27 |
| Table 13-16: <i>Council decision-making and delegations for prosecutions</i> | 31-34 |
| Table 17: <i>Total use of formal instruments against relevant section of the Act</i> | 37 |
| Table 18: <i>Total formal warnings and abatement notices</i> | 38 |
| Table 19: <i>Total infringement notices and enforcement orders</i> | 39 |
| Table 20: <i>Total use of formal instruments (excluding prosecution)</i> | 40 |
| Table 21: <i>Prosecutions across the regional sector for the 2018/2019 and 2019/2020 year</i> | 42 |
| Table 22: <i>Individuals convicted across the regional sector for the 2019/2020 year</i> | 43 |
| Table 23: <i>Corporates convicted across the regional sector for the 2019/2020 year</i> | 44 |
| Table 24: <i>Other sanctions handed down under the RMA</i> | 45 |
| Table 25: <i>Prosecution outcomes: fines</i> | 46 |
| Table 26: <i>Prosecution outcomes</i> | 47 |
| Table 27: <i>Prosecution outcomes continued</i> | 48 |
| Table 28: <i>CME reporting channels</i> | 49 |
| Figure 1: <i>Proportion of permitted activity monitoring programmes for different industries</i> | 22 |
| Figure 2: <i>Comparison of CME resourcing and number of formal enforcement actions</i> | 28 |
| Figure 3: <i>Comparison of CME resourcing and GDP</i> | 29 |

PART 1 INTRODUCTION

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). CME is a tool in achieving the purpose of the RMA. Monitoring and understanding that implementation is critical to understanding our nations guardianship and protection of the environment. The success of that management is largely dependent on the quality of implementation.

Improving the availability of CME functions information is a sector-led initiative, under the leadership of CESIG. This report is the third report in an annual series, acting in response to concerns over poor information availability.

The questions are designed by the regional sector to improve and complement 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 (collectively referred to as the 'regional sector') participated in this third edition.

Reading this report

Each council was sent an online survey comprising 46 questions (Appendix 1). They were given 3 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 boxed section containing the exact questions relevant to that section
- An overview of the purpose of the questions
- The tables and graphs of the information
- A short analysis of the findings, at both a regional and national scale
- 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?

There were significant learnings and improvements made to the questionnaire following the first year, the questionnaire was refined based on these improvements. To track the successes and improvements over time it is critical question consistency is maintained. Keeping this in mind, there were minimal changes between the core questions this year, allowing comparability over time.

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 previous years the report has been analysed by an independent consultant Dr Marie Doole. This year data 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.

CME under the Resource Management Act New Zealand

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.

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 third year we are starting to see trends arising, we are also starting to see the outcomes of improvements made by individual councils to improve how they implement CME.

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).

PART 2 ANALYSIS

REGIONAL CONTEXT

This section sets out the context around differences between regions. It highlights that regions are extremely variable. The population, growth rates and regional GDP vary from region to region. Auckland has almost 50 times the population of the West Coast. For some regions population growth is as high as 14%, whilst others have negative population change.

GDP is also significantly different, for some regions GDP is lower than \$2 million, for Auckland it is \$114 million. Auckland differs from others as it has a much higher GDP and population.

Table 1: Regional context data

| Regional Council | Population Estimates 2019 | % change 2014-2019 | Geographical Area (square KM) | Regional GDP (\$million) to March 2019 |
|-------------------------------------|---------------------------|--------------------|-------------------------------|--|
| Northland Regional Council | 186,700 | 13 | 13,778 | 7,861 |
| Waikato Regional Council | 477,300 | 12 | 24,147 | 25,835 |
| Bay of Plenty Regional Council | 321,100 | 14 | 12,303 | 17,243 |
| Hawkes Bay Regional Council | 172,600 | 9 | 14,138 | 8,673 |
| Taranaki Regional Council | 121,900 | 7 | 7,256 | 8,902 |
| Horizons Regional Council | 248,000 | 7 | 22,220 | 11,598 |
| Greater Wellington Regional Council | 525,200 | 7 | 8,142 | 38,997 |
| Environment Canterbury | 624,100 | 10 | 44,633 | 37,509 |
| Otago Regional Council | 234,300 | 11 | 31,280 | 13,583 |
| West Coast Regional Council | 32,600 | -1 | 23,277 | 1,861 |
| Southland Regional Council | 100,800 | 5 | 32,184 | 6,359 |
| Unitary Authorities | | | | |
| Auckland Council | 1,631,300 | 9 | 5,945 | 114,148 |
| Gisborne District Council | 49,100 | 4 | 8,386 | 2,161 |
| Nelson City Council | 52,900 | 9 | 477 | 5,458 |
| Marlborough District Council | 49,000 | 9 | 10,773 | 3,248 |
| Tasman District Council | 54,800 | 9 | 9,764 | 5,458 |

WORKING WITH IWI

Q4: 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.

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

Qualitative analysis reveals the relationship between local government and iwi and hapū continues to demonstrate a positive trend. Relationships and engagement between agencies and iwi is developing and diversifying.

We can see this through

- Iwi representation on committees and operational meetings
- Engagement with Iwi over prosecutions and victim impact statements
- Development of Iwi relationship agreements and engagement plans
- Special status
- Commitment to improved working practices with Iwi
- Joint work programmes and working parties
- Co-governance/ co-management and formalized agreements
- Collaborative strategies

Majority have a formalized commitment or working group. A full set of responses is available in appendix 2.

CME OPERATIONS (MANAGING THE WORKLOAD)

Responding to Complaints (Questions 4-9)

Q5. Does your council register/count:

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

Q6. 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.

Q7. 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

Q8. How many of these notifications were physically attended by council staff?

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

Q9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?

Q10. How many of the breaches were for:

- Breach of a resource consent?
- Breach of permitted activity rules?

Registering notifications

Complaints are registered by individual councils in one of two ways, either as individual incidents or by event. Last year the ways in which they were registered were evenly split. This year Hawkes Bay, Greater Wellington and Gisborne have all moved to recording per incident. While Otago has moved from reporting individual incidents to one incident per event. The 2017/2018 report recommends it would be optimal for the sector to work towards a standardised approach.

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

| An individual “incident” per notification | One incident per event, regardless of the number of separate complainants |
|---|---|
| Waikato | Northland |
| Bay of Plenty | Taranaki |
| Hawkes Bay | Horizons |
| Greater Wellington | Environment Canterbury |
| West Coast | Otago |
| Southland | Marlborough |
| Auckland | |
| Gisborne | |
| Nelson | |
| Tasman | |

NATIONWIDE: COMPLAINTS

99.2%

RESPONDED
TO

51.4%

PHYSICALLY
ATTENDED

27.0%

CONFIRMED
AS A BREACH

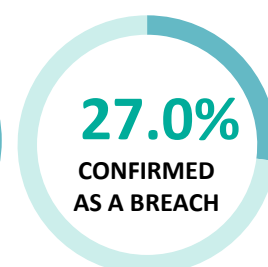
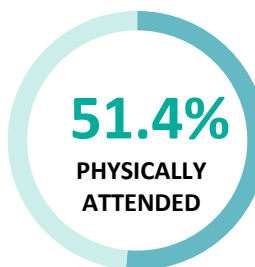
Complaints received

Nationwide complaints and incidents vary considerably. For unitary authorities the individual complaints have remained consistent. However when we look at the regional complaints they have increased year on year. Individual incidents decrease for regional councils, while they increase for unitary authorities.

Table 3: Number of individual complaints and incidents

| | Individual complaints | | | Individual incidents | | |
|-------------------------------------|-----------------------|---------------|---------------|----------------------|---------------|--------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | | | | 1,052 | 1,026 | 1,019 |
| Waikato Regional Council | 1,543 | 1,838 | 1,712 | | | |
| Bay of Plenty Regional Council | 2,834 | 3,519 | 3,862 | | | |
| Hawkes Bay Regional Council | | | 983 | 1,095 | 1,116 | |
| Taranaki Regional Council | | | | 414 | 452 | 529 |
| Horizons Regional Council | | | | 792 | 1,298 | 1,168 |
| Greater Wellington Regional Council | | 1,244 | 1,398 | 1,308 | 1,192 | 1,258 |
| Environment Canterbury | | 4,225 | 4,602 | 4,735 | 3,599 | 3,877 |
| Otago Regional Council | | | 1,936 | 1,913 | 2,056 | 1,184 |
| West Coast Regional Council | 102 | 233 | 199 | | | 13 |
| Southland Regional Council | 742 | 813 | 718 | | | |
| REGIONAL SUBTOTAL | 5,221 | 11,872 | 15,410 | 11,309 | 10,739 | 9,048 |
| Unitary authorities | | | | | | |
| Auckland Council | 9,022 | 11,743 | 11,402 | | | |
| Gisborne District Council | | | | 147 | 539 | 1,837 |
| Nelson City Council | 472 | 537 | 496 | | | |
| Marlborough District Council | | | | 557 | 633 | 587 |
| Tasman District Council | 2,562 | 2,631 | 1,135 | | | |
| UNITARY SUBTOTAL | 12,056 | 14,911 | 13,033 | 704 | 1,172 | 2,424 |

NATIONWIDE: COMPLAINTS



Complaints

responded to & attended

Nearly all complaints made to councils were responded to. Councils responded to 100% of complaints with the exception of 2 regional councils. In line with previous years unitary councils responded to 100% of complaints.

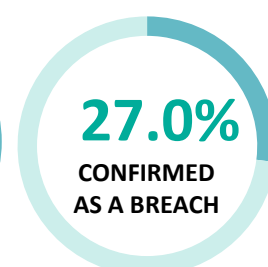
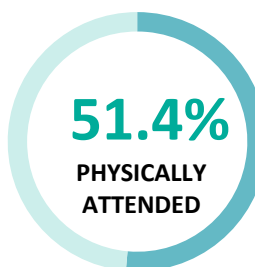
About half of all complaints are physically attended, depending on the council this varies from 1/3 to all complaints.

Table 4: Number of individual complaints and incidents responded to

| | Responded to | | | Physically attended | | | | |
|-------------------------------------|--------------|--------------|--------------|---------------------|--------------|--------------|--------------|--------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 | | |
| Regional councils | | | | | | | | |
| Northland Regional Council | 100% | 100% | 100% | 1,019 | 67% | 68% | 68% | 694 |
| Waikato Regional Council | 100% | 100% | 100% | 1,712 | 20% | 28% | 33% | 570 |
| Bay of Plenty Regional Council | 100% | 100% | 100% | 3,862 | | 48% | 39% | 1,496 |
| Hawkes Bay Regional Council | 100% | 100% | 100% | 983 | | | | |
| Taranaki Regional Council | 100% | 100% | 100% | 529 | 100% | 100% | 100% | 529 |
| Horizons Regional Council | 100% | 100% | 100% | 1,168 | 23% | 31% | 33% | 389 |
| Greater Wellington Regional Council | 83% | 100% | 100% | 1,398 | 42% | 39% | | |
| Environment Canterbury | 80% | 89% | 85% | 3,314 | 39% | 37% | 31% | 1,206 |
| Otago Regional Council | | 100% | 100% | 1,936 | | | | |
| West Coast Regional Council | 100% | 100% | 100% | 212 | | 52% | 63% | 133 |
| Southland Regional Council | 91% | 86% | 97% | 700 | 51% | 38% | 59% | 427 |
| REGIONAL SUBTOTAL | 95.4% | 97.7% | 98.5% | 16,833 | 48.8% | 49.0% | 53.3% | 5,444 |
| Unitary authorities | | | | | | | | |
| Auckland Council | 100% | 100% | 100% | 11,402 | 43% | | | |
| Gisborne District Council | 100% | 100% | 100% | 1,837 | 100% | | | |
| Nelson City Council | 100% | 100% | 100% | 496 | 70% | | | |
| Marlborough District Council | 100% | 100% | 100% | 587 | 48% | 51% | 49% | 287.0 |
| Tasman District Council | 100% | 100% | 100% | 1,135 | | | | |
| UNITARY SUBTOTAL | 100% | 100% | 100% | 15,457 | 65% | 51% | 49% | 287.0 |
| TOTAL/OVERALL AVERAGE | 97.7% | 98.9% | 99.2% | 32,290 | 57.0% | 49.8% | 51.4% | 5,731 |

* It should be noted the change in Environment Canterbury's physically attended figures, they are calculated using incidents this year.

NATIONWIDE: COMPLAINTS



Confirmed breaches

The average confirmed breaches resulting from complaints from members of the public is on par with last year. Highest validation rate is Environment Canterbury, the number of validations for Environment Canterbury was more than double previous years. West Coast Regional Council halved the number of validations. Unitary authorities remained static.

Table 5: Number and types of breaches

| | Confirmed as a breach | | | Resource consent | | Non-consented activity | | |
|-------------------------------------|-----------------------|--------------|--------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | % of breaches 2019/2020 | # of breaches 2019/2020 | % of breaches 2019/2020 | # of breaches 2019/2020 | |
| Regional councils | | | | | | | | |
| Northland Regional Council | | 48% | 42% | 426 | 6% | 25 | 90% | 385 |
| Waikato Regional Council | 24% | 7% | 26% | 443 | | | | |
| Bay of Plenty Regional Council | | 25% | 20% | 775 | | | | |
| Hawkes Bay Regional Council | | | | | | | | |
| Taranaki Regional Council | 37% | 37% | 40% | 209 | 19% | 39 | 80% | 167 |
| Horizons Regional Council | | | | | | | | |
| Greater Wellington Regional Council | 17% | 15% | 18% | 232 | | | | |
| Environment Canterbury | 23% | 29% | 68% | 2,640 | 18% | 462 | 83% | 2,178 |
| Otago Regional Council | | | | | | | | |
| West Coast Regional Council | 50% | 41% | 17% | 35 | 57% | 20 | 43% | 15 |
| Southland Regional Council | 17% | 18% | 29% | 206 | 12% | 25 | 0 | 0 |
| REGIONAL SUBTOTAL | 28.1% | 27.5% | 32.5% | 4,966 | 22% | 571 | 59% | 2,745 |
| Unitary authorities | | | | | | | | |
| Auckland Council | | 29% | 22% | 2,494 | | | | |
| Gisborne District Council | | | | | | | | |
| Nelson City Council | 70% | | | | | | | |
| Marlborough District Council | 34% | 23% | 21% | 123 | 7% | 8 | 93% | 115 |
| Tasman District Council | | | | | | | | |
| UNITARY SUBTOTAL | 52% | 26% | 21% | 2,617 | 7% | 8 | 93% | 115 |
| TOTAL/OVERALL AVERAGE | 40.0% | 26.6% | 27.0% | 7,583 | | | | |

*It should be noted that resource consents on a site do not usually cover all activities on a site. So a resource consent and a breach of a permitted rule or an unlawful activity can obviously occur in the same location. There may be subtle variation in how councils account for this which should be kept in mind, there is likely some grey area in between. In future surveys It is suggested that 'non-consented' is used in place of permitted as has been used here.



NATIONWIDE: COMPLIANCE INSPECTIONS

CONSENTS

255,142

REQUIRED MONITORING

54,488

PERCENTAGE MONITORED

79.8%

Monitoring resource consents

Q11. 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.

Q12. How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?

Q13. How many of these consents were monitored (including desktop audit) in the period?

Councils administered 255,142 consents during the 2019/2020 period, of those 54,488 required monitoring (21%). The number of consents administered continues to increase annually. Most regional councils recorded an increase in consents with the exception of Bay of Plenty, Taranaki and West Coast. Most unitary councils recorded declines (except Marlborough).

Overall the sector continues to increase, eight of eleven regional councils recorded a similar or improved proportion of consents monitored. For the unitary councils there is an overall decline, the main reason for this is Tasman District councils 39% increase in the number of consents that required monitoring. Nine of eleven regional councils and two unitary authorities monitored over 80% of consents that required monitoring.

³ Gisborne District Council is currently going through a change in how they manage information relating to compliance and enforcement. The CME function now has dedicated admin support which is helping to provide better processes to allow better capture of data. This will enable Council to respond and answer fully to this survey in coming years.

Table 6: Monitoring workload from consents

| | Total consents | | | Required monitoring | | | Number monitored | | | |
|-------------------------------------|----------------|----------------|----------------|---------------------|---------------|---------------|------------------|---------------|---------------|---------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 (%) | 2018/2019 (%) | 2019/2020 (%) | 2019/2020 |
| Regional councils | | | | | | | | | | |
| Northland Regional Council | 3,812 | 9,738 | 9,910 | 3,724 | 3,847 | 3,731 | 94 | 93 | 88 | 3,296 |
| Waikato Regional Council** | 4,500 | 4,787 | 11,419 | 1,500^ | 525 | 1,674 | 77 | 100+ | 100 | 1,674 |
| Bay of Plenty Regional Council | 5,500 | 9,057* | 8,458 | 1,900 | 2,380 | 3,316 | 69 | 70 | 85 | 2,808 |
| Hawkes Bay Regional Council | 3,144 | 5,928 | 8,300 | 3,144 | 3,446 | 3,550 | 94 | 93 | 93 | 3,304 |
| Taranaki Regional Council | 4,837 | 4,784 | 4,625 | 2,930 | 2,743 | 2,788 | 100 | 100 | 100 | 2,788 |
| Horizons Regional Council | 4,700 | 5,204 | 5,468 | 1,700 | 1,648 | 1,367 | 82 | 80 | 81 | 1,112 |
| Greater Wellington Regional Council | 6,375 | 6,604 | 6,863 | 1,544 | 1,782 | 1,633 | 94 | 95 | 94 | 1,539 |
| Environment Canterbury | 20,417 | 18,500 | 22,051 | 20,417 | 4,625 | 4,410 | 28 | 72 | 89 | 3,941 |
| Otago Regional Council | 5,984 | 5,588 | 5,656 | 3,827 | 1,161 | 3,256 | 66 | 52 | 64 | 2,069 |
| West Coast Regional Council | | 3,474 | 3,000 | | 868 | 900 | | 100+ | 87 | 782 |
| Southland Regional Council | 5,376 | 5,590 | 5,824 | 3,188 | 4,586 | 4,127 | 100 | 78 | 73 | 3,019 |
| REGIONAL SUBTOTAL | 64,645 | 79,254 | 91,574 | 43,874 | 27,611 | 30,752 | 80 | 85 | 87 | 26,332 |
| Unitary authorities | | | | | | | | | | |
| Auckland Council | 103,690 | 108,326 | 115,723 | 17,759 | 11,778 | 13,162 | 71 | 60 | 72 | 9,480 |
| Gisborne District Council | 1,250 | | 10,500 | 699 | | | 34 | | | 76 |
| Nelson City Council | 1,200 | 784 | 656 | 550 | 619 | 656 | 100 | 100 | 100 | 656 |
| Marlborough District Council | 20,802 | 21,377 | 29,459 | 2,686 | 3,261 | 3,529 | 83 | 89 | 93 | 3,270 |
| Tasman District Council | 15,764 | 13,042 | 7,230 | 4,250 | 2,478 | 6,389 | 46 | 75 | 26 | 1,691 |
| UNITARY SUBTOTAL | 142,706 | 143,529 | 163,568 | 25,944 | 18,136 | 23,736 | 67 | 81 | 73 | 15,173 |
| TOTAL | 207,351 | 222,783 | 255,142 | 69,818 | 45,747 | 54,488 | 74 | 83 | 80 | 41,505 |

* Significant increase in total consents granted by Bay of Plenty Regional Council is linked to a change in reporting and data collection.

^ Waikato Regional Council records consents and determines monitoring priority on a 'per site' basis

** The monitoring prioritisation model at Waikato Regional Council was amended after the 2017/18 year resulting in resources being focused more on high priority consented sites resulting in a reduction in the total number of sites monitored. More consents were monitored than 'required' under the new prioritisation model

Compliance gradings

Q14. In the 2018/19 year, did you use the four compliance grades as recommended by Ministry for the Environment?

- Yes
- No

Q16. When will your council be adopting the four compliance grades recommended by Ministry for the Environment?

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 has been rapid with 14 out of 16 councils integrating the framework into their recording system, an increase of 6 from the 2018/2019 reporting period. The remaining 2 councils intend to implement the framework in the coming year.



Compliance assessment

Q15. 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)

Q17. 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.

There is variation in the ways councils record compliance. This section focuses on the levels of compliance amongst those monitored based on the MfE framework. 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. It is difficult to validate and compare levels of compliance until the framework is standardised and everyone is working of the same framework.

This year there was more consent monitoring events in the regional sector, with a similar amount for unitary authorities. The regional councils are seeing a downward trend in the percentage of full compliance consents monitored, with more low risk/ technical non compliance. Although we are seeing a lower percentage of fully compliant consents monitored, they still make up 2/3 of all consents monitored in the regional sector. They make up over half of all consents for unitary authorities. Hawkes Bay and West Coast continue to report the highest levels of full compliance for regional councils. Year on year Nelson City Council are reporting a lower proportion of full compliance, with Tasman District Council reporting more. Those reporting significant non compliance remains low, with 4 councils reporting no significant non compliance. Horizons and Southland both have the highest significant non-compliance.

Table 7: Percentages of consents in full compliance and low risk/ technical non compliance of compliance on a per monitoring event basis

| | Total number of consents | | | Full compliance (%) | | | Low risk/Technical non-compliance (%) | | |
|-------------------------------------|--------------------------|---------------|---------------|---------------------|-----------|-----------|---------------------------------------|-----------|-----------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | | | | |
| Northland Regional Council | 3,803 | 3,561 | 5,833 | 73 | 76 | 70 | 0 | 0 | 12 |
| Waikato Regional Council* | 1,078 | 1,157 | 1,674 | 44 | 25 | 39 | 22 | 35 | 23 |
| Bay of Plenty Regional Council | 1,842 | 3,059 | 4,027 | 76 | 75 | 84 | 14 | 19 | 9 |
| Hawkes Bay Regional Council | 2,943 | 3,198 | 3,304 | 93 | 96 | 92 | 0 | 1 | 4 |
| Taranaki Regional Council | 4,119 | 2,743 | 6,168 | 94 | 89 | 62 | 0 | 4 | 1 |
| Horizons Regional Council | 1,131 | 916 | 1,112 | 84 | 45 | 61 | 0 | 22 | 14 |
| Greater Wellington Regional Council | 1,457 | 1,692 | 1,633 | 76 | 64 | 58 | 18 | 15 | 18 |
| Environment Canterbury | 7,274 | 3,315 | 5,339 | 63 | 85 | 64 | 5 | 4 | 3 |
| Otago Regional Council | 7,025 | 607 | 5,909 | 60 | 36 | 43 | 10 | 6 | 43 |
| West Coast Regional Council | 1,309 | 1,126 | 767 | 96 | 95 | 88 | 0 | 3 | 5 |
| Southland Regional Council | 3,188 | 3,594 | 3,019 | 71 | 77 | 62 | 0 | 8 | 17 |
| REGIONAL SUBTOTAL | 35,169 | 24,968 | 38,785 | 75 | 69 | 66 | 6 | 11 | 14 |
| Unitary authorities | | | | | | | | | |
| Auckland Council | 18,732 | 20,188 | 19,430 | 22 | 59 | 31 | 21 | 18 | 25 |
| Gisborne District Council | | | | | | | | | |
| Nelson City Council | 550 | 1,245 | 1,707 | 86 | 60 | 34 | 0 | 0 | 11 |
| Marlborough District Council | 2,219 | 2,359 | 2,212 | 65 | 64 | 78 | 2 | 3 | 2 |
| Tasman District Council | 1,940 | 1,870 | 1,691 | 63 | 65 | 83 | 7 | 28 | 10 |
| UNITARY SUBTOTAL | 23,441 | 25,662 | 25,040 | 59 | 62 | 56 | 8 | 12 | 12 |

* 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

Table 8: Percentages of consents in moderate non-compliance and significant non-compliance of compliance on a per monitoring event basis

| | Total number of consents | | | Moderate non-compliance (%) | | | Significant non-compliance (%) | | |
|-------------------------------------|--------------------------|---------------|---------------|-----------------------------|-----------|-----------|--------------------------------|-----------|-----------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | | | | |
| Northland Regional Council | 3,803 | 3,561 | 5,833 | 20 | 19 | 8 | 8 | 5 | 3 |
| Waikato Regional Council* | 1,078 | 1,157 | 1,674 | 31 | 25 | 16 | 3 | 12 | 3 |
| Bay of Plenty Regional Council | 1,842 | 3,059 | 4,027 | 7 | 5 | 6 | 2 | 1 | 1 |
| Hawkes Bay Regional Council | 2,943 | 3,198 | 3,304 | 7 | 2 | 3 | 0 | 1 | 1 |
| Taranaki Regional Council | 4,119 | 2,743 | 6,168 | 0 | 5 | 3 | 1 | 2 | 1 |
| Horizons Regional Council | 1,131 | 916 | 1,112 | 8 | 10 | 7 | 8 | 9 | 8 |
| Greater Wellington Regional Council | 1,457 | 1,692 | 1,633 | 0 | 0 | 7 | 0 | 8 | 0 |
| Environment Canterbury | 7,274 | 3,315 | 5,339 | 8 | 9 | 15 | 1 | 1 | 5 |
| Otago Regional Council | 7,025 | 607 | 5,909 | 8 | 36 | 10 | 2 | 2 | 3 |
| West Coast Regional Council | 1,309 | 1,126 | 767 | 0 | 1 | 3 | 0 | 1 | 4 |
| Southland Regional Council | 3,188 | 3,594 | 3,019 | 0 | 7 | 13 | 0 | 8 | 8 |
| REGIONAL SUBTOTAL | 35,169 | 24,968 | 38,785 | 8 | 11 | 8 | 2 | 5 | 3 |
| Unitary authorities | | | | | | | | | |
| Auckland Council | 18,732 | 20,188 | 19,430 | 3 | 3 | 5 | 1 | 1 | 1 |
| Gisborne District Council | | | | | | | | | |
| Nelson City Council | 550 | 1,245 | 1,707 | 0 | 0 | 1 | 0 | 0 | 0 |
| Marlborough District Council | 2,219 | 2,359 | 2,212 | 31 | 27 | 17 | 0 | 0 | 0 |
| Tasman District Council | 1,940 | 1,870 | 1,691 | 5 | 5 | 7 | 1 | 2 | 0 |
| UNITARY SUBTOTAL | 23,441 | 25,662 | 25,040 | 10 | 9 | 8 | 1 | 1 | 0 |

* 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

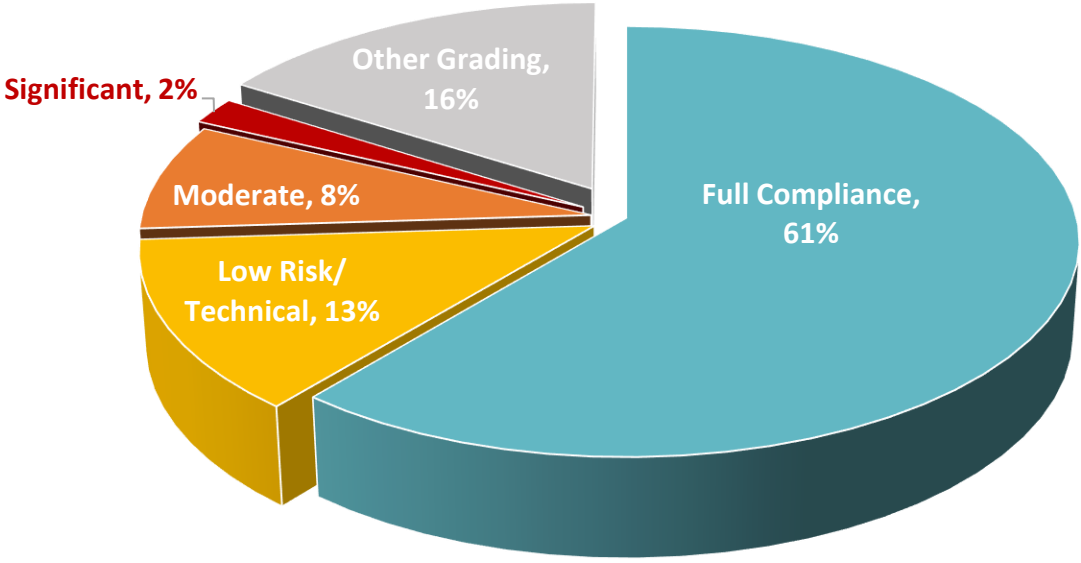
Table 9: Percentages of consents in different categories of other compliance gradings on a per monitoring event basis

| | Total number of consents | | | Other compliance grading (%) | | |
|-------------------------------------|--------------------------|---------------|---------------|------------------------------|-----------|-----------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | 3,803 | 3,561 | 5,833 | 0 | 0 | 5 |
| Waikato Regional Council* | 1,078 | 1,157 | 1,674 | 0 | 3 | 19 |
| Bay of Plenty Regional Council | 1,842 | 3,059 | 4,027 | 0 | 0 | 0 |
| Hawkes Bay Regional Council | 2,943 | 3,198 | 3,304 | 0 | 0 | 0 |
| Taranaki Regional Council | 4,119 | 2,743 | 6,168 | 5 | 0 | 34 |
| Horizons Regional Council | 1,131 | 916 | 1,112 | 0 | 14 | 10 |
| Greater Wellington Regional Council | 1,457 | 1,692 | 1,633 | 6 | 14 | 16 |
| Environment Canterbury | 7,274 | 3,315 | 5,339 | 22 | 0 | 13 |
| Otago Regional Council | 7,025 | 607 | 5,909 | 21 | 20 | 2 |
| West Coast Regional Council | 1,309 | 1,126 | 767 | 4 | 0 | 0 |
| Southland Regional Council | 3,188 | 3,594 | 3,019 | 29 | 0 | 0 |
| REGIONAL SUBTOTAL | 35,169 | 24,968 | 38,785 | 8 | 5 | 9 |
| Unitary authorities | | | | | | |
| Auckland Council | 18,732 | 20,188 | 19,430 | 52 | 19 | 37 |
| Gisborne District Council | | | | | | |
| Nelson City Council | 550 | 1,245 | 1,707 | 14 | 40 | 53 |
| Marlborough District Council | 2,219 | 2,359 | 2,212 | 2 | 5 | 3 |
| Tasman District Council | 1,940 | 1,870 | 1,691 | 23 | 0 | 0 |
| UNITARY SUBTOTAL | 23,441 | 25,662 | 25,040 | 23 | 16 | 23 |

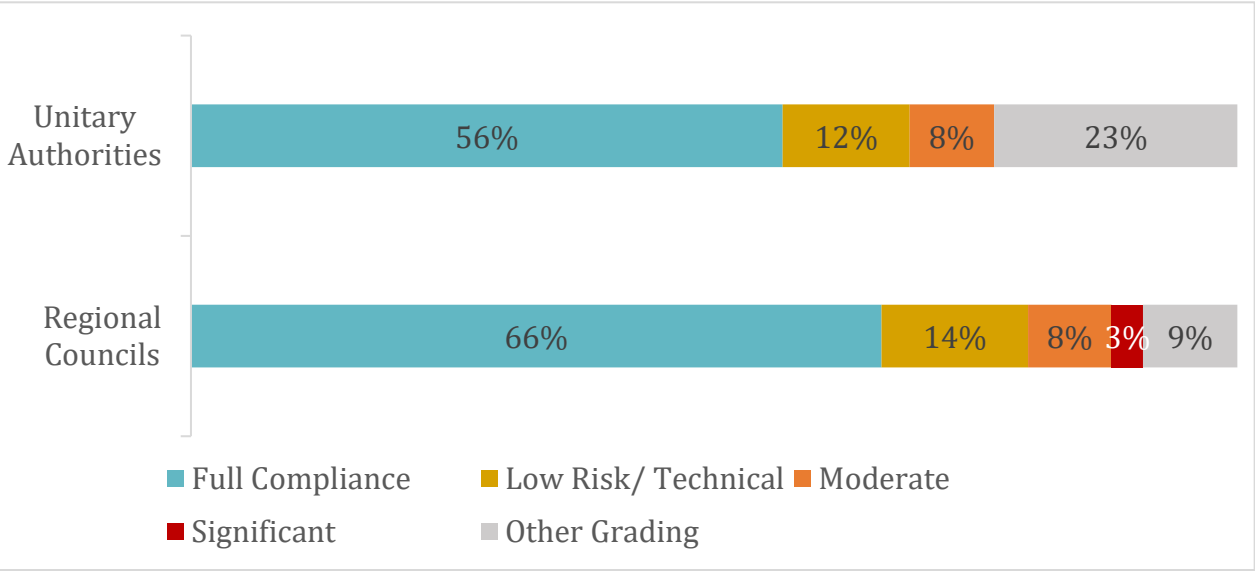
* The non-compliance rating system used at WRC considers multiple factors, and not solely whether the non-compliance results in actual significant environmental effect. As such the data is not directly comparable to those Councils that apply the MfE compliance rating system



NATIONWIDE: COMPLIANCE RATING OF CONSENTS MONITORED



TOTAL CONSENTS MONITORED
63,825



Monitoring permitted activities

Q18. 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)

Forestry and dairy made up nearly half of all permitted activities. All of the regional councils apart from Greater Wellington Regional Council and all unitary authorities have monitoring programs for forestry, which likely reflects the implementation of the National Environmental Standard for Plantation Forestry. Six regional councils and four unitary authorities had monitoring programs for dairy.

Compared to last year there is an increase in the number of permitted activities being monitored. Other permitted activities include moorings, domestic onsite effluent systems and small scale earthworks/construction/fill (erosion and sediment control).

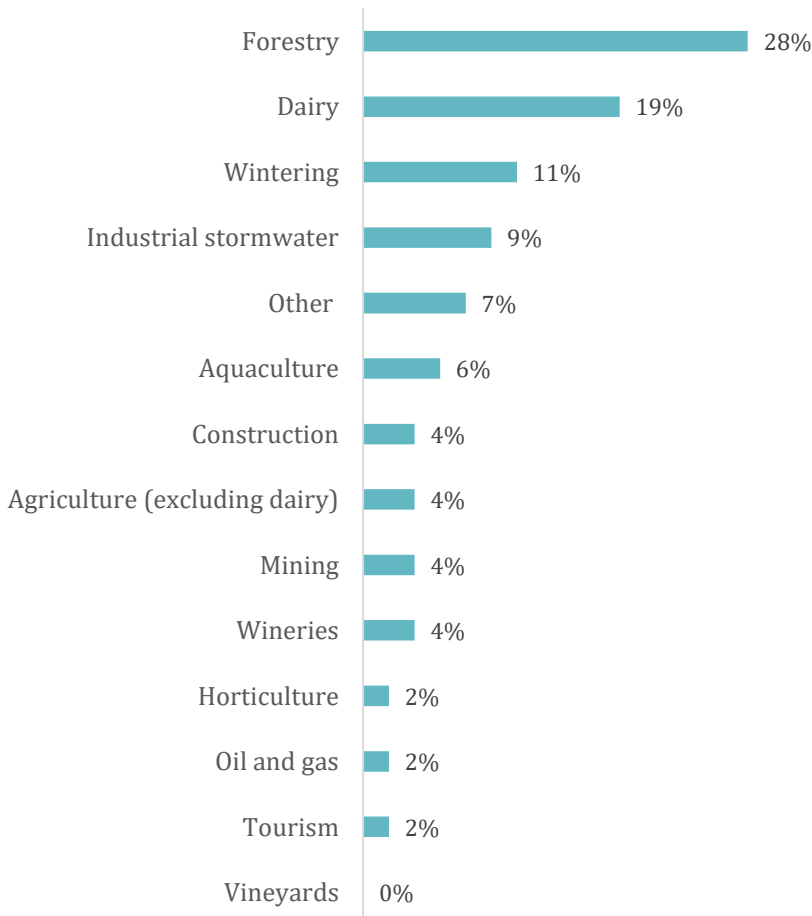


Figure 1: Proportion of permitted activity monitoring programmes for different industries

Making decisions on priorities

- Q19.** What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?
- Q20.** Describe how you determine which consents are monitored and how frequently? If there is a prioritisation model or compliance strategy, add link
- Q21.** 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

Most councils had established formalised prioritisation assessment for complaints, notifications and incidents, with many having a response time. The following factors were mentioned across different councils as part of that prioritisation assessment:

- If it was still happening/ duration
- Severeness/ adverse effect/ consequence
- Clean up/ mitigation
- Quality of the information provided
- Reliability of the source
- Frequency of notifications
- If it can be prevented

Risk based assessments, strategies and categorisation were commonly mentioned to determine which consents and permitted activities were monitored and how frequently.

Staffing levels

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.

Q22. How many FTEs does your council have who carry out monitoring roles?

Q23. How many FTEs does your council have who carry out environmental incident or pollution response roles?

Q24. How many FTEs does your council have who carry out investigation or enforcement roles?

Q25. 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

Q26. 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.

The total number of FTE's differs significantly across regions, this is to be expected given differences in population, area, development type and intensity and council funding base. Regional councils show differences in the staffing relative to population ranging between 0.03 and 0.34.

The number of FTE's has increased this year, for both regional and unitary authorities. Across the sector the number of FTE's has increased to 499, an increase of 4.2% on last year. There are no significant decreases in the number of FTE's.

FTE numbers for Auckland council remain stable following last years increase. Although Auckland has a higher overall number of staff, their numbers remain close to the national average per 1000.

Table 10: Council FTEs for different aspects of the CME role

| | Total | | | Monitoring | | Combination | |
|--|------------|------------|------------|------------|------------|-------------|------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2018/2019 | 2019/2020 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | | |
| Northland Regional Council | 22 | 23 | 25 | 0 | | 20 | 21 |
| Waikato Regional Council* | 47 | 45 | 44 | 20 | 20 | 0 | |
| Bay of Plenty Regional Council | 31 | 36 | 35 | 17 | 16 | 0 | |
| Hawkes Bay Regional Council | 10 | 14 | 14 | 9 | 9 | 0 | 0 |
| Taranaki Regional Council | 36 | 38 | 42 | 27 | 29 | 2 | 2 |
| Horizons Regional Council | 10 | 12 | 12 | 0 | | 10 | 10 |
| Greater Wellington Regional Council | 16 | 14 | 16 | 0 | 0 | 13 | 15 |
| Environment Canterbury | 44 | 44 | 46 | 31 | 31 | 0 | 0 |
| Otago Regional Council | 23 | 24 | 28 | 15 | 15 | 8 | 3 |
| West Coast Regional Council | 6 | 6 | 6 | 0 | 0 | 5 | 5 |
| Southland Regional Council | 13 | 13 | 15 | 8 | 8 | 0 | 0 |
| REGIONAL SUBTOTAL | 257 | 267 | 282 | 126 | 128 | 57 | 56 |
| Unitary authorities | | | | | | | |
| Auckland Council | 146 | 179 | 182 | 65 | 69 | 19 | 16 |
| Gisborne District Council | 8 | 6 | 7 | 4 | 0 | 0 | 7 |
| Nelson City Council | 5 | 6 | 7 | 0 | 0 | 5 | 6 |
| Marlborough District Council | 9 | 10 | 11 | 2 | 2 | 7 | 8 |
| Tasman District Council | 11 | 12 | 11 | 0 | 0 | 10 | 9 |
| UNITARY SUBTOTAL | 179 | 213 | 217 | 71 | 71 | 41 | 46 |
| UNITARY SUBTOTAL MINUS AUCKLAND | 33 | 34 | 35 | 6 | 2 | 22 | 30 |
| TOTAL | 436 | 479 | 499 | 197 | 198 | 98 | 102 |
| TOTAL MINUS AUCKLAND | 290 | 300 | 317 | 132 | 129 | 79 | 86 |

* Questionnaire changes were made following 2017/2018. Differences between 2017/2018 and other years may reflect changes in the way roles are classified.

Table 11: Council FTEs for different aspects of the CME role

| | Environmental incident or pollution | | Investigation or enforcement | | Support | |
|--|-------------------------------------|-----------|------------------------------|-----------|-----------|-----------|
| | 2018/2019 | 2019/2020 | 2018/2019 | 2019/2020 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | 0 | | 1 | 1 | 2 | 3 |
| Waikato Regional Council* | 9 | 8 | 10 | 10 | 7 | 6 |
| Bay of Plenty Regional Council | 4 | 4 | 4 | 3 | 12 | 12 |
| Hawkes Bay Regional Council | 2 | 2 | 1 | 1 | 2 | 2 |
| Taranaki Regional Council | 3 | 4 | 4 | 5 | 2 | 2 |
| Horizons Regional Council | 0 | | 1 | 1 | 1 | 1 |
| Greater Wellington Regional Council | 0 | 0 | 0 | 0 | 1 | 1 |
| Environment Canterbury | 8 | 5 | 4 | 4 | 1 | 6 |
| Otago Regional Council | 0 | 3 | 0 | 3 | 1 | 4 |
| West Coast Regional Council | 0 | 0 | 0 | 0 | 1 | 1 |
| Southland Regional Council | 1 | 1 | 2 | 3 | 3 | 3 |
| REGIONAL SUBTOTAL | 26 | 27 | 26 | 31 | 32 | 40 |
| Unitary authorities | | | | | | |
| Auckland Council | 32 | 41 | 49 | 43 | 14 | 13 |
| Gisborne District Council | 0 | 0 | 1 | 0 | 1 | 0 |
| Nelson City Council | 0 | 0 | 0 | 0 | 1 | 1 |
| Marlborough District Council | 0 | 0 | 1 | | 0 | 1 |
| Tasman District Council | 0 | 0 | 0 | 0 | 2 | 2 |
| UNITARY SUBTOTAL | 32 | 41 | 51 | 43 | 18 | 17 |
| UNITARY SUBTOTAL MINUS AUCKLAND | 0 | 0 | 2 | 0 | 4 | 4 |
| TOTAL | 58 | 68 | 77 | 74 | 50 | 57 |
| TOTAL MINUS AUCKLAND | 26 | 27 | 28 | 31 | 36 | 44 |

* Questionnaire changes were made following 2017/2018. Differences between 2017/2018 and other years may reflect changes in the way roles are classified.

Table 12: Comparison of council FTEs, population and number of formal actions (excluding prosecutions but including warnings)

| | FTE/1000 | | | FTE | Population Estimates | Formal actions per 1000 |
|-------------------------------------|-------------|-------------|-------------|--------------|----------------------|-------------------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2019/2020 | 2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | .13 | .13 | .13 | 24.50 | 186,700 | 2.06 |
| Waikato Regional Council | .10 | .10 | .09 | 44.36 | 477,300 | 1.08 |
| Bay of Plenty Regional Council | .10 | .11 | .11 | 35.00 | 321,100 | .44 |
| Hawkes Bay Regional Council | .06 | .08 | .08 | 14.40 | 172,600 | .59 |
| Taranaki Regional Council | .31 | .32 | .34 | 42.00 | 121,900 | 2.39 |
| Horizons Regional Council | .04 | .05 | .05 | 11.50 | 248,000 | .74 |
| Greater Wellington Regional Council | .03 | .03 | .03 | 16.00 | 525,200 | .27 |
| Environment Canterbury | .07 | .07 | .07 | 45.50 | 624,100 | .99 |
| Otago Regional Council | .10 | .10 | .12 | 27.80 | 234,300 | .20 |
| West Coast Regional Council | .17 | .16 | .17 | 5.50 | 32,600 | 2.15 |
| Southland Regional Council | .13 | .13 | .15 | 15.00 | 100,800 | 1.11 |
| REGIONAL SUBTOTAL/AVERAGE | .11 | .12 | .12 | 25.60 | 276,781 | 1.09 |
| Unitary authorities | | | | | | |
| Auckland Council | .09 | .11 | .11 | 182.00 | 1,631,300 | 2.50 |
| Gisborne District Council | .18 | .13 | .14 | 7.00 | 49,100 | .26 |
| Nelson City Council | .10 | .10 | .12 | 6.50 | 52,900 | .79 |
| Marlborough District Council | .20 | .20 | .21 | 10.50 | 49,000 | 2.02 |
| Tasman District Council | .15 | .22 | .20 | 11.00 | 54,800 | 1.19 |
| UNITARY SUBTOTAL | .15 | .15 | .16 | 43.40 | 367,420 | 1.35 |
| AVERAGE | 0.12 | 0.13 | 0.13 | | | |

Taranaki has the highest ratios of FTE's per thousand, this transfers through to formal actions with one of the highest per 1000.

Wellington continues to have the lowest relative resourcing. Horizons, Environment Canterbury, Hawkes Bay and Waikato all have lower ratios below 0.1.

Figure 2 shows the relationships between staffing and formal actions taken compared to population. Here we can see a trend between the number of staff and the number of formal actions taken, increased staffing levels results in an increase in formal actions.

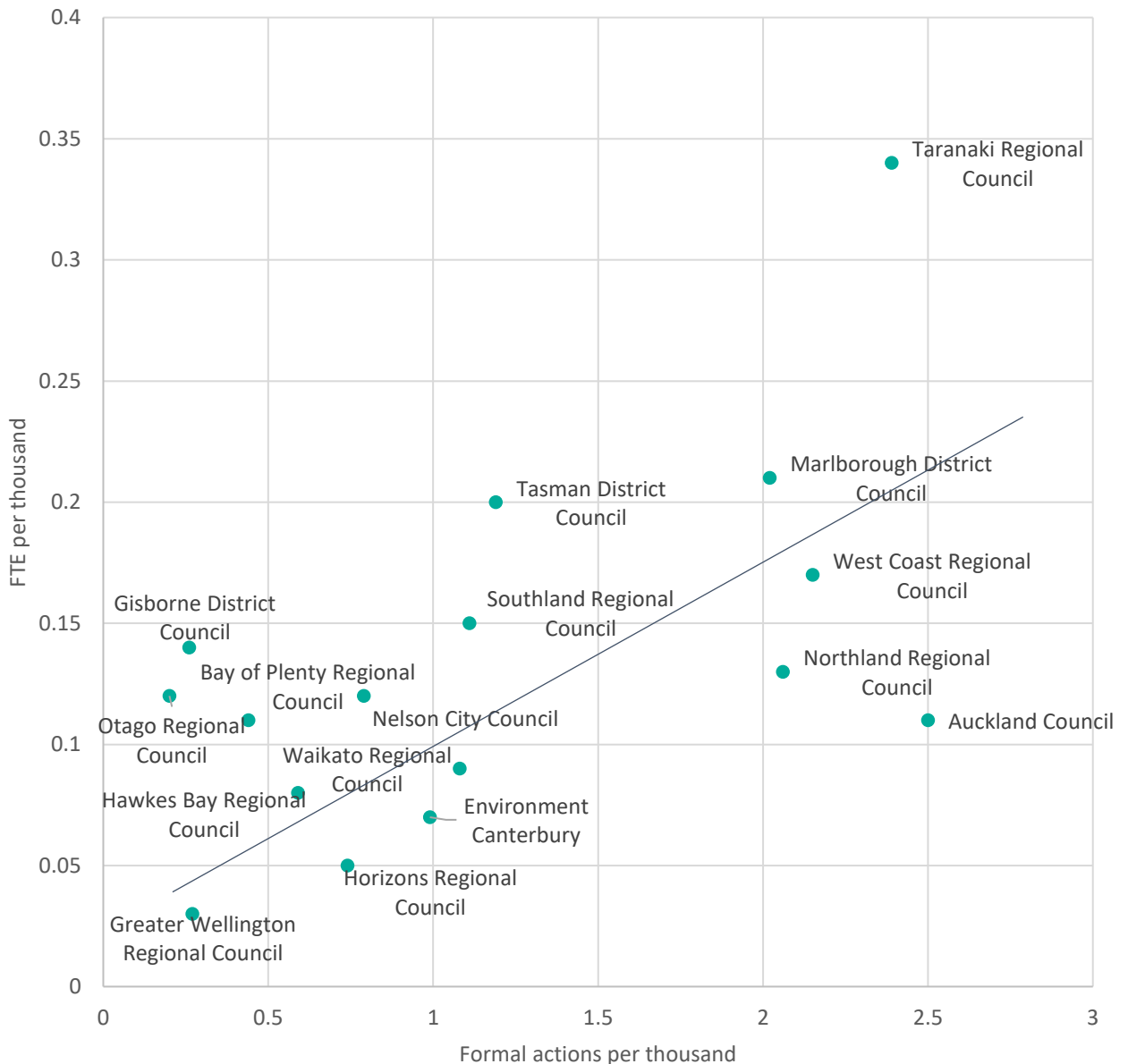


Figure 2: Comparison of CME resourcing and number of formal enforcement actions

Figure 3 shows the relationship between GDP and the number of FTE's. Five of the 6 councils with the highest GDP, also have the highest number of FTE's. Those councils with a GDP under \$10M tended to have a lower number of FTE's.

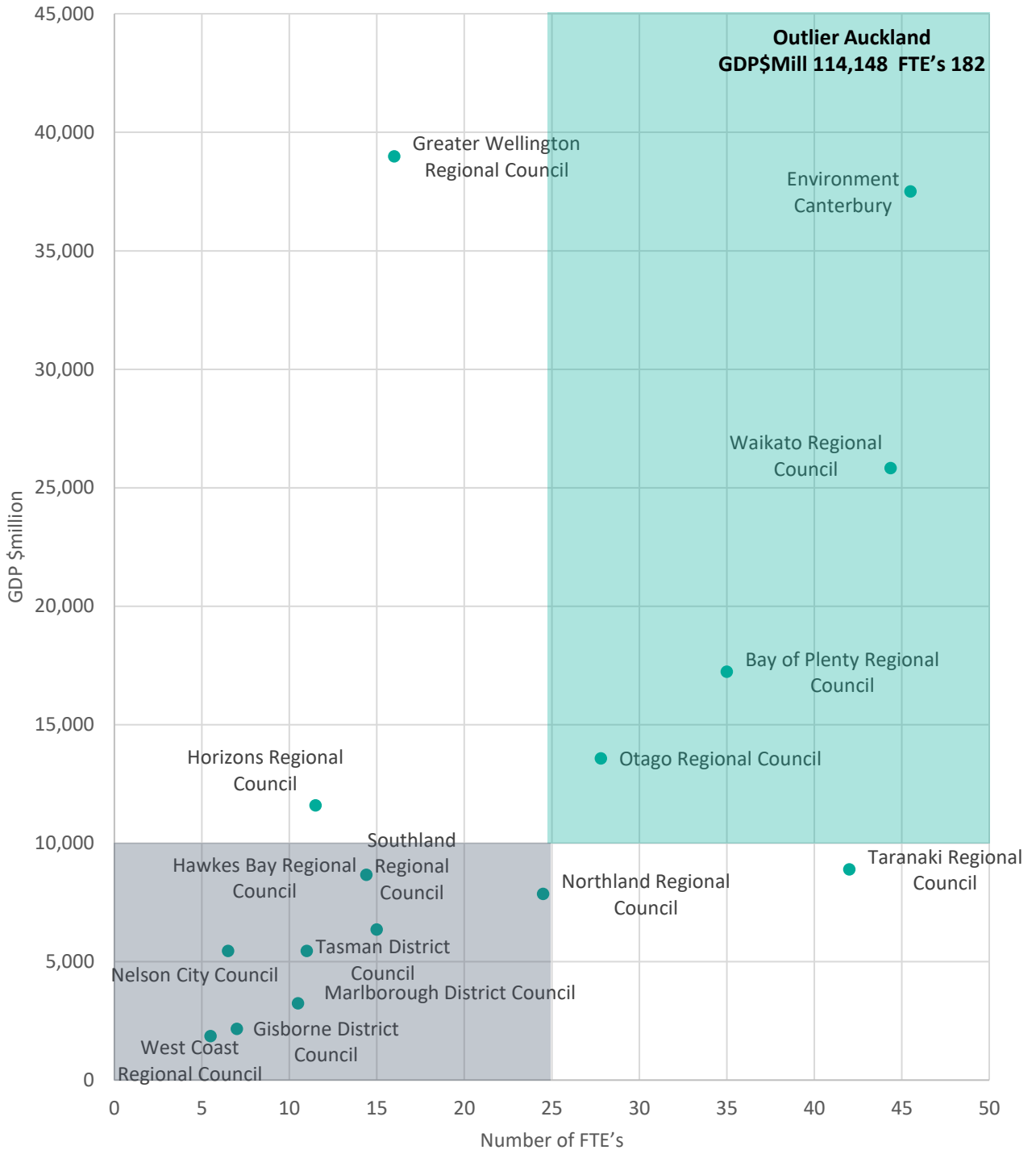


Figure 3: Comparison of CME resourcing and GDP

CME POLICIES AND PROCEDURES

Q27. Does your council have an enforcement policy? Yes No

Q28. What is your process for making decisions on prosecutions?

Q29. Who has the delegation to authorise filing of charges for a prosecution at your council?

Q30. Does your council have a conflict of interest policy? Yes No

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.

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'*.*

The need for an active enforcement policy is set out in the best practise guidelines. All councils except Gisborne and Otago had enforcement policies. 2018/2019 results report Gisborne Council is currently preparing an enforcement policy. Gisborne has implemented a conflict of interest policy this year.

All councils have more than one party considering prosecutions. Usually this is a panel or decision group.

* MfE Best Practice Guidelines at p73

Table 13: Council decision-making and delegations for prosecutions

| And, is this for | Enforcement policy | Decisions on prosecution | Delegation | Conflict of interest policy? |
|--------------------------------|--------------------|---|---|------------------------------|
| Northland Regional Council | Yes | An enforcement decision meeting is held to consider the facts and make a decision. The composition of the group changes depending on the activity which is being considered for prosecution. But the group always consists of the officer(s) who have done the investigation, at least 2 managers (one of which is the GM or the Deputy GM) and usually the enforcement specialist. | Two GMs and the Regulatory Services Deputy GM. | Yes |
| Waikato Regional Council | Yes | 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. | 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. | Yes |
| Bay of Plenty Regional Council | Yes | Investigation outcomes presented to an enforcement decision group made up of senior compliance staff and management; EDG makes recommendation to proceed (or not) pending legal review. Legal advice presented to GM for Regulatory Services for decision | General Manager for Regulatory Services | Yes |

Table 14: Council decision-making and delegations for prosecutions

| And, is this for | Enforcement policy | Decisions on prosecution | Delegation | Conflict of interest policy? |
|-------------------------------------|--------------------|---|--|------------------------------|
| Hawkes Bay Regional Council | Yes | Enforcement Decision Group makes recommendations through to Compliance Manager, then Group Manager and then to CEO. Legal review may be undertaken prior to consideration by CEO. | CEO | Yes |
| Taranaki Regional Council | Yes | Chief Executive in collaboration with Director Resource Management and Compliance Manager | Chief Executive | Yes |
| Horizons Regional Council | Yes | Upon completion of a formal investigation, staff make a recommendation to the Regulatory Manager and Strategy and Regulation Group Manager, which is also accompanied by a legal review of the file by the Crown Solicitor. The review assesses both the evidential sufficiency and public interest matters. The matter is then put to the Chief Executive, for a formal report, for consideration. | CE and Group Manager Strategy and Regulation. | Yes |
| Greater Wellington Regional Council | Yes | <p>GWRC will generally take the following steps as part of its prosecution process under the Act:</p> <ul style="list-style-type: none"> • Investigation of the incident • Correspondence with the person/s suspected of breaching the Act, during which an opportunity is provided to respond to the allegations • Incident presented to the Enforcement Decision Group • Obtaining external legal advice about the merits of prosecution • Final decision made by Prosecution Decision Group | General Manager - Environment Group in conjunction with Manager - Environmental Regulation | Yes |

Table 15: Council decision-making and delegations for prosecutions

| And, is this for | Enforcement policy | Decisions on prosecution | Delegation | Conflict of interest policy? |
|-----------------------------|--------------------|---|--|------------------------------|
| Environment Canterbury | Yes | Follow MfE CME Guidelines, and an internal enforcement Decision Panel make a recommendation | Chief Executive | Yes |
| Otago Regional Council | No | Council has an Enforcement Decision Group (EDG). The case is presented by the Team Leader Investigations with the Investigating Officer in attendance. The EDG is made up of Compliance Manager, Legal Counsel, Group Manager Regulatory and the CEO. | The CEO in consultation with the other members of the EDG. | Yes |
| West Coast Regional Council | Yes | Prosecution recommendations are made by the Compliance Team Leader and go to an Enforcement Decision Group which must include the CEO and one other delegated senior manager. | The CEO or the Consents and Compliance Manager. | Yes |
| Southland Regional Council | Yes | Incident response – investigation – enforcement decision group meeting – legal opinion – CEO approval | Chief Executive | Yes |

Table 16: Council decision-making and delegations for prosecutions

| And, is this for | Enforcement policy | Decisions on prosecution | Delegation | Conflict of interest policy? |
|------------------------------|--------------------|--|--|------------------------------|
| Auckland Council | Yes | Officer in charge presents the case to a panel consisting of Regulatory Compliance Manager, Investigations Manager and Legal Team Leader | Manager | Yes |
| Gisborne District Council | No | Enforcement Decision Group | Director - Environmental Services & Protection Chief Executive | Yes |
| Nelson City Council | Yes | Recommendation by investigating officer to team leader, manager then group manager (tier 2) for approving after receiving legal advice | Group Manager (tier 2) after receiving legal advice | Yes |
| Marlborough District Council | Yes | Stage 1 QA peer review panel Stage 2 Enforcement and Prosecution Committee Stage 3 Legal Counsel review | Officers, Compliance Manager or Consents & Compliance Group Manager following approval from the Enforcement & Prosecution Committee. | Yes |
| Tasman District Council | Yes | Investigating officer prepares a report to a decision-making group. If a recommendation meets the tests the decision to prosecute goes to group manager to approve as delegated authority. | The group manager of environment and planning (level 2). | Yes |

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

Q42. 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

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. Some of the key methods of delivery are:

- Workshops and presentations
- Industry stakeholder meetings
- Compliance meetings
- Attendance and presentations at Fielddays
- Group creation e.g. Freshwater management groups
- Attendance at industry groups
- Making staff available for meetings
- Hui
- General outreach
- Superhero programs
- Skills courses
- Advertising campaigns
- Education campaigns
- Pocket guides
- Newsletters and emails
- Factsheets
- Website

Topics covered included silt and sediment control, rural and farming activities, wetlands, fish and game, farming, air quality, forestry, building/construction, storm water, wastewater, erosion and sediment control, earthworks and the National Resources Plan.

ACTING ON NON-COMPLIANCE

Q31. 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

The following question 31 helps us 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 7,000 breaches this year, this is on par with last year. Majority of the cases were resolved with abatement notices. With 4,133 abatement notices, 978 formal warnings, 1,783 infringement fines and 14 enforcement orders.

Formal warnings are the main area of change with an increase of over 50% on last year. There was a drop in the 2018/2019 period then they increased to above 2017/2018 levels. Environment Canterbury was the main driver behind this change, between them and Waikato they made up 80% of all warnings issued. Unitary authorities had an increase in formal warnings, particularly Marlborough, however compared to the regional sector had minimal warnings issued.

Section 15-Discharges of contaminants into the environment had the most formal actions, 4,438 of the 6,908 breaches fell under this section.

Individual councils are highly variable in the number of formal actions. Auckland council being the largest council dominated the councils. Aside from Environment Canterbury's increase in formal warnings the remainder of the sector was similar to the 2018/2019 reporting period.



NATIONWIDE: ENFORCEMENT ACTIONS AND SECTIONS BREACHED





| |  Formal warnings |  Abatement notices |  Infringement fines |  Enforcement orders | TOTAL ACTIONS |
|---|--|--|---|---|---------------|
| | 978 | 4133 | 1783 | 14 | 6908 |
| SECTION 9 Use of land | 93 | 333 | 157 | 4 | 587 |
| SECTION 12 Coastal marine area | 4 | 19 | 20 | 0 | 43 |
| SECTION 13 Beds of lakes and rivers | 49 | 82 | 27 | 0 | 158 |
| SECTION 14 Water | 274 | 69 | 26 | 0 | 369 |
| SECTION 15 Discharges of contaminants | 531 | 2,914 | 983 | 10 | 4,438 |
| SECTION 17 Duty to avoid, remedy & mitigate | 0 | 3 | 0 | 0 | 3 |
| OTHER e.g. Section 22 | 27 | 713 | 570 | 0 | 1,310 |

Table 17: Total use of formal instruments against relevant section of the Act (i. e., group of possible offences - summary of Table 18-20).

Table 18: Total formal warnings and abatement notices

| | Total formal warnings | | | Total abatement notices | | |
|-------------------------------------|-----------------------|------------|------------|-------------------------|-------------|-------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | 6 | 4 | | 373 | 271 | 230 |
| Waikato Regional Council | 198 | 301 | 305 | 89 | 134 | 134 |
| Bay of Plenty Regional Council | | 0 | | 106 | 87 | 117 |
| Hawkes Bay Regional Council | 14 | 0 | 12 | 46 | 40 | 20 |
| Taranaki Regional Council | 0 | 0 | 0 | 200 | 240 | 187 |
| Horizons Regional Council | 46 | 52 | 48 | 41 | 82 | 54 |
| Greater Wellington Regional Council | 57 | 43 | 54 | 11 | 17 | 24 |
| Environment Canterbury | 415 | 172 | 479 | 72 | 39 | 69 |
| Otago Regional Council | 5 | 5 | | 12 | 14 | 20 |
| West Coast Regional Council | 50 | 28 | 15 | 24 | 20 | 20 |
| Southland Regional Council | 19 | 31 | 35 | 80 | 29 | 29 |
| REGIONAL SUBTOTAL | 810 | 636 | 948 | 1054 | 973 | 904 |
| Unitary authorities | | | | | | |
| Auckland Council | | 0 | | 648 | 3,186 | 3,122 |
| Gisborne District Council | 50 | 0 | 4 | 19 | 11 | 9 |
| Nelson City Council | 41 | 0 | | 28 | 18 | 29 |
| Marlborough District Council | 4 | 6 | 26 | 45 | 56 | 38 |
| Tasman District Council | | 0 | | 33 | 67 | 31 |
| UNITARY SUBTOTAL | 95 | 6 | 30 | 773 | 3338 | 3229 |
| TOTAL (excluding Auckland) | 905 | 642 | 978 | 1179 | 1125 | 1011 |
| TOTAL | 905 | 642 | 978 | 1827 | 4311 | 4133 |

Table 19: Total infringement notices and enforcement orders

| | Total infringement notices | | | Total enforcement orders | | |
|-------------------------------------|----------------------------|-------------|-------------|--------------------------|-----------|-----------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | 253 | 187 | 154 | 0 | 1 | 0 |
| Waikato Regional Council | 100 | 107 | 71 | 0 | 3 | 6 |
| Bay of Plenty Regional Council | 29 | 31 | 25 | 2 | 1 | |
| Hawkes Bay Regional Council | 91 | 101 | 69 | 0 | 1 | 1 |
| Taranaki Regional Council | 67 | 112 | 104 | 1 | 0 | 0 |
| Horizons Regional Council | 23 | 69 | 81 | 0 | 0 | 0 |
| Greater Wellington Regional Council | 25 | 27 | 66 | 0 | 0 | 0 |
| Environment Canterbury | 127 | 71 | 67 | 1 | 0 | 1 |
| Otago Regional Council | 22 | 36 | 26 | 0 | 1 | 1 |
| West Coast Regional Council | 10 | 27 | 35 | 0 | 0 | 0 |
| Southland Regional Council | 35 | 32 | 48 | 3 | 0 | 0 |
| REGIONAL SUBTOTAL | 782 | 800 | 746 | 7 | 7 | 9 |
| Unitary authorities | | | | | | |
| Auckland Council | 456 | 1,210 | 956 | 10 | 2 | 4 |
| Gisborne District Council | 4 | 1 | 0 | 1 | 0 | 0 |
| Nelson City Council | 13 | 17 | 13 | 1 | 0 | 0 |
| Marlborough District Council | 11 | 50 | 34 | 2 | 2 | 1 |
| Tasman District Council | 23 | 63 | 34 | 0 | 0 | 0 |
| UNITARY SUBTOTAL | 507 | 1341 | 1037 | 14 | 4 | 5 |
| TOTAL (excluding Auckland) | 833 | 931 | 827 | 11 | 9 | 10 |
| TOTAL | 1289 | 2141 | 1783 | 21 | 11 | 14 |

Table 20: Total use of formal instruments (excluding prosecution)

| | Total formal actions (including warnings) | | | Total formal actions (excluding warnings) | | |
|-------------------------------------|--|-------------|-------------|--|-------------|-------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | 632 | 463 | 384 | 626 | 459 | 384 |
| Waikato Regional Council | 387 | 545 | 516 | 189 | 244 | 211 |
| Bay of Plenty Regional Council | 137 | 119 | 142 | 137 | 119 | 142 |
| Hawkes Bay Regional Council | 151 | 142 | 102 | 137 | 142 | 90 |
| Taranaki Regional Council | 268 | 352 | 291 | 268 | 352 | 291 |
| Horizons Regional Council | 110 | 203 | 183 | 64 | 151 | 135 |
| Greater Wellington Regional Council | 93 | 87 | 144 | 36 | 44 | 90 |
| Environment Canterbury | 615 | 282 | 616 | 200 | 110 | 137 |
| Otago Regional Council | 39 | 56 | 47 | 34 | 51 | 47 |
| West Coast Regional Council | 84 | 75 | 70 | 34 | 47 | 55 |
| Southland Regional Council | 137 | 92 | 112 | 118 | 61 | 77 |
| REGIONAL SUBTOTAL | 2653 | 2416 | 2607 | 1843 | 1780 | 1659 |
| Unitary authorities | | | | | | |
| Auckland Council | 1,114 | 4,398 | 4,082 | 1,114 | 4,398 | 4,082 |
| Gisborne District Council | 74 | 12 | 13 | 24 | 12 | 9 |
| Nelson City Council | 83 | 35 | 42 | 42 | 35 | 42 |
| Marlborough District Council | 62 | 114 | 99 | 58 | 108 | 73 |
| Tasman District Council | 56 | 130 | 65 | 56 | 130 | 65 |
| UNITARY SUBTOTAL | 1389 | 4689 | 4301 | 1294 | 4683 | 4271 |
| TOTAL (excluding Auckland) | 2928 | 2707 | 2826 | 2023 | 2065 | 1848 |
| TOTAL | 4042 | 7105 | 6908 | 3137 | 6463 | 5930 |

Prosecutions

Q32. 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?

Q33. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

Q34. 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.*

Q35. 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?

Q36. 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.*

Q37. 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)

Questions 32 to 37 address prosecutions, defendants and convictions. Prosecutions work to deter offenders and the use of these tools where appropriate, is valuable in encouraging compliance and behaviour change. Where councils are unlikely to prosecute it may be perceived that non compliance is unlikely to result in consequence.

Overall this period there were 70 prosecutions concluded and 118 in progress. Both these figures have increased on last year. For most councils the number concluded is relatively similar to last year. Greater Wellington, Hawkes Bay, Southland all had an increase in more than 5 prosecutions, while Bay of Plenty and Gisborne recorded a decrease. Auckland has doubled the number of prosecutions in progress this year, however prosecutions are still less than Waikato.

There are noted differences region to region with some having one or two in progress/ concluded and others having as many as 43. This year only Nelson concluded no prosecutions, West Coast and Tasman only had 1. Understanding why these differences occur is challenging, there are many factors that may affect these figures. Reluctance to prosecute is unlikely to result in behaviour change because of the lack of consequence.

The number of individuals convicted increased, it was on par with 2017/2018. Despite the number of individuals increasing the number of convictions entered remains similar to last year, potentially this is an indicator of less serious offences. The number of corporates convicted increased to be on par with 2017/2018, convictions entered also increased.

Table 21: Prosecutions across the regional sector for the 2018/2019 and 2019/2020 year

| | Number concluded | | Number in progress | |
|-------------------------------------|------------------|-----------|--------------------|------------|
| | 2018/2019 | 2019/2020 | 2018/2019 | 2019/2020 |
| Regional councils | | | | |
| Northland Regional Council | 0 | 4 | 4 | 3 |
| Waikato Regional Council | 15 | 21 | 27 | 22 |
| Bay of Plenty Regional Council | 12 | 3 | 17 | 13 |
| Hawkes Bay Regional Council | 1 | 0 | 4 | 12 |
| Taranaki Regional Council | 1 | 1 | 0 | 4 |
| Horizons Regional Council | 5 | 4 | 2 | 4 |
| Greater Wellington Regional Council | 0 | 4 | 3 | 6 |
| Environment Canterbury | 2 | 5 | 7 | 8 |
| Otago Regional Council | 4 | 3 | 2 | 3 |
| West Coast Regional Council | 3 | 0 | 0 | 1 |
| Southland Regional Council | 6 | 10 | 5 | 8 |
| REGIONAL SUBTOTAL | 49 | 55 | 71 | 84 |
| Unitary authorities | | | | |
| Auckland Council | 7 | 10 | 12 | 21 |
| Gisborne District Council | 0 | 4 | 12 | 7 |
| Nelson City Council | 0 | 0 | 0 | 0 |
| Marlborough District Council | 4 | 1 | 4 | 5 |
| Tasman District Council | 1 | 0 | 0 | 1 |
| UNITARY SUBTOTAL | 12 | 15 | 28 | 34 |
| TOTAL | 61 | 70 | 99 | 118 |



**NATIONWIDE:
PROSECUTIONS**

**CONCLUDED
70**

**IN PROGRESS
118**

Table 22: Individuals convicted across the regional sector for the 2019/2020 year

| | Number of individuals convicted | | | Number of convictions entered | | |
|-------------------------------------|---------------------------------|-----------|-----------|-------------------------------|------------|-----------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | 1 | 0 | 5 | 1 | 0 | 14 |
| Waikato Regional Council | 3 | 8 | 12 | 4 | 25 | 21 |
| Bay of Plenty Regional Council | 6 | 4 | 4 | 6 | 8 | 5 |
| Hawkes Bay Regional Council | 1 | 0 | 0 | 2 | 0 | 18 |
| Taranaki Regional Council | 3 | 0 | 2 | 3 | 0 | 3 |
| Horizons Regional Council | 0 | 1 | 3 | 0 | 3 | 8 |
| Greater Wellington Regional Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Environment Canterbury | 1 | | 1 | 2 | | 2 |
| Otago Regional Council | 10 | 0 | 1 | 12 | 0 | 2 |
| West Coast Regional Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Southland Regional Council | 11 | 5 | 6 | 41 | 11 | 8 |
| REGIONAL SUBTOTAL | 36 | 18 | 34 | 71 | 47 | 81 |
| Unitary authorities | | | | | | |
| Auckland Council | 11 | 7 | 5 | 35 | 47 | 10 |
| Gisborne District Council | 0 | 0 | 1 | 0 | 0 | 2 |
| Nelson City Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Marlborough District Council | 0 | 2 | 1 | 0 | 6 | 2 |
| Tasman District Council | 2 | 2 | 0 | 8 | 6 | 0 |
| UNITARY SUBTOTAL | 13 | 11 | 7 | 43 | 59 | 14 |
| TOTAL | 49 | 29 | 41 | 114 | 106 | 95 |



**NATIONWIDE:
PROSECUTIONS**

**CONCLUDED
70**

**IN PROGRESS
118**

Table 23: Corporates convicted across the regional sector for the 2019/2020 year

| | Number of corporates convicted | | | Number of convictions entered | | |
|-------------------------------------|--------------------------------|-----------|-----------|-------------------------------|------------|------------|
| | 2017/2018 | 2018/2019 | 2019/2020 | 2017/2018 | 2018/2019 | 2019/2020 |
| Regional councils | | | | | | |
| Northland Regional Council | 0 | 0 | 4 | 0 | 0 | 7 |
| Waikato Regional Council | 8 | 12 | 11 | 18 | 37 | 21 |
| Bay of Plenty Regional Council | 2 | 10 | 2 | 2 | 12 | 3 |
| Hawkes Bay Regional Council | 3 | 0 | 11 | 5 | 0 | 1 |
| Taranaki Regional Council | 1 | 3 | 0 | 2 | 8 | 0 |
| Horizons Regional Council | 0 | 5 | 5 | 0 | 5 | 11 |
| Greater Wellington Regional Council | 0 | 0 | 7 | 0 | 0 | 47 |
| Environment Canterbury | 4 | | 4 | 8 | | 16 |
| Otago Regional Council | 10 | 5 | 3 | 13 | 5 | 4 |
| West Coast Regional Council | 1 | 1 | 0 | 1 | 1 | 0 |
| Southland Regional Council | 11 | 4 | 4 | 25 | 9 | 6 |
| REGIONAL SUBTOTAL | 40 | 40 | 51 | 74 | 77 | 116 |
| Unitary authorities | | | | | | |
| Auckland Council | 16 | 4 | 6 | 18 | 15 | 17 |
| Gisborne District Council | 0 | 0 | 3 | 0 | 0 | 5 |
| Nelson City Council | 1 | 0 | 0 | 3 | 0 | 0 |
| Marlborough District Council | 1 | 2 | 0 | 2 | 7 | 0 |
| Tasman District Council | 2 | 1 | 0 | 5 | 3 | 0 |
| UNITARY SUBTOTAL | 20 | 7 | 9 | 28 | 25 | 22 |
| TOTAL | 60 | 47 | 60 | 102 | 102 | 138 |



**NATIONWIDE:
PROSECUTIONS**

**CONCLUDED
70**

**IN PROGRESS
118**

Penalties

Q38. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period? Individual / Corporate

Q39. 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

Q40. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- Restorative justice
- Diversion
- Alternative justice

Q41. Describe any outcomes relating to these processes.

Nearly double the fines were handed down this year totalling over \$3.5 million. This year includes Gisborne's fine data which accounts for \$637,750, majority of those are corporate fines. Five councils had no individual fines, five councils had no corporate fines.

Waikato Regional Council collected significantly more fines than other councils accounting for for over \$1M of fines. In the regional sector Waikato accounted for around half of all individual fines, and just over 40% of corporate fines. Similar to the last reporting period several councils did not have any penalties as there were no prosecutions.

Table 24: Other sanctions handed down under the RMA

| | Number |
|------------------------------|-----------|
| Reparation | 36 |
| Enforcement order | 13 |
| Discharge without conviction | 6 |
| Restorative justice | 2 |
| Community service | 2 |
| Diversion | 0 |
| Alternative justice | 0 |
| Prison sentence | 0 |
| Other | 0 |
| TOTAL | 59 |

Table 25: Prosecution outcomes: fines

| 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 \$ |
|---|---------------------|-----------------------|
| Regional councils | | |
| Northland Regional Council | 97,650.00 | 127,800.00 |
| Waikato Regional Council | 432,254.00 | 757,137.00 |
| Bay of Plenty Regional Council | 71,837.50 | 66,837.50 |
| Hawkes Bay Regional Council | 0 | 12,555.00 |
| Taranaki Regional Council | 45,500.00 | 0 |
| Horizons Regional Council | 28,500.00 | 56,500.00 |
| Greater Wellington Regional Council | | 302,300.00 |
| Environment Canterbury | 97,000.00 | 212,725.00 |
| Otago Regional Council | 30,000.00 | 136,500.00 |
| West Coast Regional Council | | |
| Southland Regional Council | 86,950.00 | 146,200.00 |
| REGIONAL SUBTOTAL | 889,691.50 | 1,818,554.50 |
| Unitary authorities | | |
| Auckland Council | 69,675.00 | 106,412.00 |
| Gisborne District Council | 20,000.00 | 617,750.00 |
| Nelson City Council | | |
| Marlborough District Council | 18,000.00 | |
| Tasman District Council | 0 | 0 |
| UNITARY SUBTOTAL | 107,675.00 | 724,162.00 |
| TOTAL | \$997,366.50 | \$2,542,716.50 |



NATIONWIDE:
TOTAL FINES

INDIVIDUAL
\$997,366.50

CORPORATE
\$2,542,716.00

Table 26: Prosecution outcomes

| 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 |
|---|-----------------|-------------------|------------|-------------------|------------------------------|----------|
| Regional councils | | | | | | |
| Northland Regional Council | 0 | 0 | 0 | 1 | 0 | 0 |
| Waikato Regional Council | 0 | 6 | 34 | 0 | 0 | 0 |
| Bay of Plenty Regional Council | 0 | 1 | 0 | 0 | 0 | 0 |
| Hawkes Bay Regional Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Taranaki Regional Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Horizons Regional Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Greater Wellington Regional Council | 0 | 0 | 0 | 0 | 4 | 0 |
| Environment Canterbury | 0 | 1 | 1 | 0 | 0 | 0 |
| Otago Regional Council | 0 | 1 | 0 | 0 | 0 | 0 |
| West Coast Regional Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Southland Regional Council | 0 | 4 | 0 | 0 | 1 | 0 |
| REGIONAL SUBTOTAL | 0 | 13 | 35 | 1 | 5 | 0 |
| Unitary authorities | | | | | | |
| Auckland Council | 0 | 0 | 1 | 1 | 1 | 0 |
| Gisborne District Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Nelson City Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Marlborough District Council | 0 | 0 | 0 | 0 | 0 | 0 |
| Tasman District Council | 0 | 0 | 0 | 0 | 0 | 0 |
| UNITARY SUBTOTAL | 0 | 0 | 1 | 1 | 1 | 0 |
| TOTAL | 0 | 13 | 36 | 2 | 6 | 0 |

Table 27: Prosecution outcomes

| How many prosecutions involved restorative justice, diversion or other alternative justice process? | Restorative justice | Diversion | Alternative justice |
|---|---------------------|-----------|---------------------|
| Regional councils | | | |
| Northland Regional Council | 0 | 0 | 0 |
| Waikato Regional Council | 1 | 0 | 0 |
| Bay of Plenty Regional Council | 0 | 0 | 0 |
| Hawkes Bay Regional Council | 0 | 0 | 0 |
| Taranaki Regional Council | 0 | 0 | 0 |
| Horizons Regional Council | 0 | 0 | 0 |
| Greater Wellington Regional Council | 0 | 0 | 0 |
| Environment Canterbury | 0 | 0 | 0 |
| Otago Regional Council | 0 | 0 | 0 |
| West Coast Regional Council | 0 | 0 | 0 |
| Southland Regional Council | 0 | 0 | 0 |
| REGIONAL SUBTOTAL | 1 | 0 | 0 |
| Unitary authorities | | | |
| Auckland Council | 0 | 0 | 0 |
| Gisborne District Council | 0 | 0 | 0 |
| Nelson City Council | 0 | 0 | 0 |
| Marlborough District Council | 1 | 0 | 0 |
| Tasman District Council | 0 | 0 | 0 |
| UNITARY SUBTOTAL | 1 | 0 | 0 |
| TOTAL | 2 | 0 | 0 |

CME REPORTING

Q44. What mechanisms do your council use to report CME data to the public? (e.g., annual reports, reports to councillors) Provide links or examples.

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

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

Commonly most councils reported at committee meetings that were open to the public, only Northland, Waikato, Greater Wellington and Southland did not use this mechanism. Bay of Plenty, Environment Canterbury, Hawkes Bay and Marlborough report across all standard reporting approaches.

Table 28: 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 | 1 | 1 | 1 | 0 | 1 | 4 |
| Waikato Regional Council | 0 | 1 | 1 | 0 | 0 | 2 |
| Bay of Plenty Regional Council | 1 | 1 | 1 | 1 | 0 | 4 |
| Hawkes Bay Regional Council | 1 | 1 | 1 | 1 | 0 | 4 |
| Taranaki Regional Council | 1 | 1 | 0 | 1 | 1 | 4 |
| Horizons Regional Council | 0 | 0 | 0 | 1 | 0 | 1 |
| Greater Wellington Regional Council | 1 | 1 | 0 | 0 | 1 | 3 |
| Environment Canterbury | 1 | 1 | 1 | 1 | 1 | 5 |
| Otago Regional Council | 0 | 0 | 0 | 1 | 0 | 1 |
| West Coast Regional Council | 1 | 1 | 0 | 1 | 0 | 3 |
| Southland Regional Council | 0 | 0 | 0 | 0 | 1 | 1 |
| Unitary authorities | | | | | | |
| Auckland Council | 0 | 0 | 0 | 1 | 1 | 2 |
| Gisborne District Council | 1 | 1 | 0 | 1 | 0 | 3 |
| Nelson City Council | 0 | 0 | 0 | 1 | 0 | 1 |
| Marlborough District Council | 1 | 1 | 1 | 1 | 0 | 4 |
| Tasman District Council | 1 | 0 | 0 | 1 | 0 | 2 |

PART 3 REGIONAL SCORECARDS

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 2019/2020

NATIONAL SUMMARY



4,881,100

New Zealand population estimate 2019



9.1%

Population growth 2014 - 2019



268,021km²

Geographic area



\$303,436m

GDP to March 2019



CME STAFF

Full time employees **499**

FTE/1000 **0.13**

POLICY CHECKLIST

Conflict of interest policy **16/16**
 Education / engagement programmes **16/16**
 Enforcement policy **14/16**

CONSENTS



255,142

Administered



54,488

Required monitoring



Consents monitored of those requiring it

79.8%

INCIDENTS



31,979

ENVIRONMENTAL INCIDENTS REPORTED



99.2%

RESPONSE RATE

ENFORCEMENT

978

Warnings issued

4,133

Abatement notices issued

1,783

Infringement fines issued

14

Enforcement order applications

70

Prosecutions concluded

118

Prosecutions in progress

CME METRICS REPORT 2019/2020

NORTHLAND REGIONAL COUNCIL



186,700

Population estimates 2019



12.5%

Population growth 2014 - 2019



13,778 km²

Geographic area



\$7,861m

Regional GDP to March 2019



CME STAFF

Full time employees **25**

FTE/1000 **0.13**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



9,910

Administered



3,731

Required monitoring



Consents monitored of those requiring it

88.3%

National average > 79.8%

INCIDENTS



1,019

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

No data

Warnings issued

230

Abatement notices issued

154

Infringement fines issued

0

Enforcement order applications

4

Prosecutions concluded

3

Prosecutions in progress

CME METRICS REPORT 2019/2020

WAIKATO REGIONAL COUNCIL



477,300

Population estimates 2019



11.5%

Population growth 2014 - 2019



24,147 km²

Geographic area



\$25,835m

Regional GDP to March 2019



CME STAFF

Full time employees **44**

FTE/1000 **0.09**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



11,419

Administered



1,674

Required monitoring



Consents monitored of those requiring it

100%

National average > 79.8%

INCIDENTS



1,712

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

305

Warnings issued

134

Abatement notices issued

71

Infringement fines issued

6

Enforcement order applications

21

Prosecutions concluded

22

Prosecutions in progress

CME METRICS REPORT 2019/2020

BAY OF PLENTY REGIONAL COUNCIL



321,100

Population estimates 2019



13.7%

Population growth 2014 - 2019



12,303 km²

Geographic area



\$17,243m

Regional GDP to March 2019



CME STAFF

Full time employees **35**

FTE/1000 **0.11**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



8,458

Administered



3,316

Required monitoring



Consents monitored of those requiring it

84.7%

National average > 79.8%

INCIDENTS



3,862

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

No data

Warnings issued

117

Abatement notices issued

25

Infringement fines issued

No data

Enforcement order applications

3

Prosecutions concluded

13

Prosecutions in progress

CME METRICS REPORT 2019/2020

HAWKES BAY REGIONAL COUNCIL



172,600

Population estimates 2019



8.6%

Population growth 2014 - 2019



14,138 km²

Geographic area



\$8,673m

Regional GDP to March 2019



CME STAFF

Full time employees **14**

FTE/1000 **0.08**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



8,300

Administered



3,550

Required monitoring



Consents monitored of those requiring it

93.1%

National average > 79.8%

INCIDENTS



983

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

12

Warnings issued

20

Abatement notices issued

69

Infringement fines issued

1

Enforcement order applications

0

Prosecutions concluded

12

Prosecutions in progress

CME METRICS REPORT 2019/2020

TARANAKI REGIONAL COUNCIL



121,900

Population estimates 2019



6.6%

Population growth 2014 - 2019



7,256 km²

Geographic area



\$8,902m

Regional GDP to March 2019



CME STAFF

Full time employees **42**

FTE/1000 **0.34**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



4,625

Administered



2,788

Required monitoring



Consents monitored of those requiring it

100%

National average > 79.8%

INCIDENTS



529

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

0

Warnings issued

187

Abatement notices issued

104

Infringement fines issued

0

Enforcement order applications

1

Prosecutions concluded

4

Prosecutions in progress

CME METRICS REPORT 2019/2020

HORIZONS REGIONAL COUNCIL



248,000

Population estimates 2019



6.9%

Population growth 2014 - 2019



22,220 km²

Geographic area



\$11,598m

Regional GDP to March 2019



CME STAFF

Full time employees **12**

FTE/1000 **0.05**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



5,468

Administered



1,367

Required monitoring



Consents monitored of those requiring it

81.3%

National average > 79.8%

INCIDENTS



1,168

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

48

Warnings issued

54

Abatement notices issued

81

Infringement fines issued

0

Enforcement order applications

4

Prosecutions concluded

4

Prosecutions in progress

CME METRICS REPORT 2019/2020

GREATER WELLINGTON REGIONAL COUNCIL



525,200

Population estimates 2019



7.4%

Population growth 2014 - 2019



8,142 km²

Geographic area



\$38,997m

Regional GDP to March 2019



CME STAFF

Full time employees **16**

FTE/1000 **0.03**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



6,863

Administered



1,633

Required monitoring



Consents monitored of those requiring it

94.2%

National average > 79.8%

INCIDENTS



1,398

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

54

Warnings issued

24

Abatement notices issued

66

Infringement fines issued

0

Enforcement order applications

4

Prosecutions concluded

6

Prosecutions in progress

CME METRICS REPORT 2019/2020

ENVIRONMENT CANTERBURY



624,100

Population estimates 2019



9.7%

Population growth 2014 - 2019



44,633 km²

Geographic area



\$37,509m

Regional GDP to March 2019



CME STAFF

Full time employees **46**

FTE/1000 **0.07**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



22,051

Administered



4,410

Required monitoring



Consents monitored of those requiring it

89.4%

National average > 79.8%

INCIDENTS



3,877

ENVIRONMENTAL INCIDENTS REPORTED



85.5%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

479

Warnings issued

69

Abatement notices issued

67

Infringement fines issued

1

Enforcement order applications

5

Prosecutions concluded

8

Prosecutions in progress

CME METRICS REPORT 2019/2020

OTAGO REGIONAL COUNCIL



234,300

Population estimates 2019



11.3%

Population growth 2014 - 2019



31,280 km²

Geographic area



\$13,583m

Regional GDP to March 2019



**CME
STAFF**

Full time employees **28**

FTE/1000 **0.12**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy
- Education / engagement programmes
- Enforcement policy

CONSENTS



5,656

Administered



3,256

Required monitoring



Consents monitored
of those requiring it

63.5%

National average > 79.8%

INCIDENTS



1,184

ENVIRONMENTAL
INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

No data

Warnings issued

20

Abatement notices issued

26

Infringement fines issued

1

Enforcement order applications

3

Prosecutions concluded

3

Prosecutions in progress

CME METRICS REPORT 2019/2020

WEST COAST REGIONAL COUNCIL



32,600

Population estimates 2019



-0.9%

Population growth 2014 - 2019



23,277 km²

Geographic area



\$1,861m

Regional GDP to March 2019



CME STAFF

Full time employees **6**

FTE/1000 **0.17**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



3,000

Administered



900

Required monitoring



Consents monitored of those requiring it

86.5%

National average > 79.8%

INCIDENTS



199

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

15

Warnings issued

20

Abatement notices issued

35

Infringement fines issued

0

Enforcement order applications

0

Prosecutions concluded

1

Prosecutions in progress

CME METRICS REPORT 2019/2020

SOUTHLAND REGIONAL COUNCIL



100,800

Population estimates 2019



4.7%

Population growth 2014 - 2019



32,184 km²

Geographic area



\$6,359m

Regional GDP to March 2019



CME STAFF

Full time employees **15**

FTE/1000 **0.15**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



5,824

Administered



4,127

Required monitoring



Consents monitored of those requiring it

73.2%

National average > 79.8%

INCIDENTS



718

ENVIRONMENTAL INCIDENTS REPORTED



97.5%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

35

Warnings issued

29

Abatement notices issued

48

Infringement fines issued

0

Enforcement order applications

10

Prosecutions concluded

8

Prosecutions in progress

CME METRICS REPORT 2019/2020

AUCKLAND COUNCIL



1,631,300

Population estimates 2019



8.5%

Population growth 2014 - 2019



5,945 km²

Geographic area



\$114,148m

Regional GDP to March 2019



CME STAFF

Full time employees **182**

FTE/1000 **0.11**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



115,723

Administered



13,162

Required monitoring



Consents monitored of those requiring it

72%

National average > 79.8%

INCIDENTS



11,402

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

No data

Warnings issued

3,122

Abatement notices issued

956

Infringement fines issued

4

Enforcement order applications

10

Prosecutions concluded

21

Prosecutions in progress

CME METRICS REPORT 2019/2020

GISBORNE DISTRICT COUNCIL



49,100

Population estimates 2019



4.2%

Population growth 2014 - 2019



8,386 km²

Geographic area



\$2,161m

Regional GDP to March 2019



CME STAFF

Full time employees **7**

FTE/1000 **0.14**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy
- Education / engagement programmes
- Enforcement policy

CONSENTS



10,500

Administered



unknown

Required monitoring



Consents monitored of those requiring it

unknown

National average > 79.8%

INCIDENTS



1,837

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

4

Warnings issued

9

Abatement notices issued

0

Infringement fines issued

0

Enforcement order applications

4

Prosecutions concluded

7

Prosecutions in progress

CME METRICS REPORT 2019/2020

TASMAN DISTRICT COUNCIL



54,800

Population estimates 2019



9.2%

Population growth 2014 - 2019



9,764 km²

Geographic area



\$5,458m

Regional GDP to March 2019



CME STAFF

Full time employees **11**

FTE/1000 **0.20**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



7,230

Administered



6,389

Required monitoring



Consents monitored of those requiring it

26.5

National average > 79.8%

INCIDENTS



1,135

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

No data

Warnings issued

31

Abatement notices issued

34

Infringement fines issued

0

Enforcement order applications

0

Prosecutions concluded

1

Prosecutions in progress

CME METRICS REPORT 2019/2020

NELSON CITY COUNCIL



52,900

Population estimates 2019



9.2%

Population growth 2014 - 2019



477 km²

Geographic area



\$5,458m

Regional GDP to March 2019



CME STAFF

Full time employees **6.5**

FTE/1000 **0.12**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



656

Administered



656

Required monitoring



Consents monitored of those requiring it

100%

National average > 79.8%

INCIDENTS



496

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

No data

Warnings issued

29

Abatement notices issued

13

Infringement fines issued

0

Enforcement order applications

0

Prosecutions concluded

0

Prosecutions in progress

CME METRICS REPORT 2019/2020

MARLBOROUGH DISTRICT COUNCIL



49,000

Population estimates 2019



8.9%

Population growth 2014 - 2019



10,773 km²

Geographic area



\$3,248m

Regional GDP to March 2019



CME STAFF

Full time employees **11**

FTE/1000 **0.21**

National average > 0.13

POLICY CHECKLIST

- Conflict of interest policy ✓
- Education / engagement programmes ✓
- Enforcement policy ✓

CONSENTS



29,459

Administered



3,529

Required monitoring



Consents monitored of those requiring it

92.7%

National average > 79.8%

INCIDENTS



587

ENVIRONMENTAL INCIDENTS REPORTED



100%

RESPONSE RATE

National average > 99.2%

ENFORCEMENT

26

Warnings issued

38

Abatement notices issued

34

Infringement fines issued

1

Enforcement order applications

1

Prosecutions concluded

5

Prosecutions in progress

APPENDIX 1 – METRICS SURVEY QUESTIONS

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 2019/20 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 noncompliance)
 - 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 Noncompliance.

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

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

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)

APPENDIX 2 - LONG FORM RESPONSES (QUESTION 3)

| | |
|---------------------------------------|---|
| <p>NORTHLAND REGIONAL COUNCIL</p> | <p>NRC has a range of initiatives to work in partnership with Maori. A key one is the Te Tai Tokerau Maori & Council Working Party (TTMAC), which is an advisory committee established in 2014. Membership of this standing committee consists of 16 hapu/iwi representatives and all councilors. This group meet monthly. Four of councils five other working also have an equal number of Maori representatives sitting alongside councilors. This includes the Planning and Regulatory Working Party, which has oversight of CME as part of its purpose. Council has approved a Mana Whakahono ā Rohe and is progressing a programme of jointly signing with hapū groups. (Mana Whakahono ā Rohe are a binding statutory arrangement that provides for a structured relationship under the Resource Management Act 1991 between tangata whenua and councils). It includes 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. In recent years council has provided support to 'kaitiaki rangers' in some coastal communities.</p> |
| <p>WAIKATO REGIONAL COUNCIL</p> | <p>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.</p> |
| <p>BAY OF PLENTY REGIONAL COUNCIL</p> | <p>We do not currently have any formal CME focused arrangements with tangata whenua; however, 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 tangata whenua 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 Te Maru o Kaituna)</p> |

| | |
|-------------------------------|---|
| HAWKESBAY REGIONAL COUNCIL | <p>A fundamental relationship exists between HBRC and the Treaty settlement groups within Hawke's Bay. While this is tangibly demonstrated through the Regional Planning Committee (RPC) (a co-governance arrangement created by statute and responsible for the development and review of regional policy statements and regional plans) HBRC regularly meets with the Post settlement governance entities to discuss matters of concern beyond the remit of the RPC. This includes regulatory matters within the relevant rohe and CME issues. In the 2018/19 financial year HBRC created the role of Tumuaki to strengthen our knowledge of Maturanga Maori and to further enhance relationships with tangata whenua within the region on matters of importance to them. The Maori Partnerships Unit now has three fulltime staff who liaise with staff in other areas including CME. HBRC staff and councilors attend hui throughout the region involving particularly marae communities to listen to particular issues that those communities have and to assess where Council can best help. Finally since 1991 we have had a Maori Committee as a representative group of Ngati Kahungunu tangata whenua. This committee is where formal reporting on CME issues, including formal reports, are put forward for discussion and recommendations to Council.</p> |
| TARANAKI REGIONAL COUNCIL | <p>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.</p> |
| HORIZONS REGIONAL COUNCIL | <p>No formal agreements at this stage with iwi around CME, however, in the event of a major incident or comprehensive investigation iwi are advised. regarding the latter Council endeavors to obtain cultural impact statements from iwi that are then put before the court as part of the sentencing process.</p> |
| GREATER WELLINGTON | <p>As well as the items referred to in previous years responses. Introduction Chapter to our proposed Natural Resources Plan lays out the collaborative work and strategy for involving iwi. http://www.gw.govt.nz/assets/Proposed-Natural-Resources-Plan/Web-update-docs/Chapter-1-Introduction.pdf The Whaitua Committee Pages expand on the above and how we will engage and collaborate with Iwi and communities in the CME space http://www.gw.govt.nz/whaitua-committees/</p> |

| | |
|--|---|
| <p>ENVIRONMENT CANTERBURY</p> | <p>While the Local Government Act 2002 sets out provisions relating to all Māori, it is recognized that within the Canterbury region, Ngāi Tahu are the tangata whenua. They have special status in terms of Environment Canterbury's resource management activities and are not just another interest group. The Resource Management Act 1991 gives regional councils specific obligations regarding kaitiakitanga, the principles of the Treaty of Waitangi and the relationship between Māori and their culture and their traditions with their ancestral lands, sites, wāhi tapu and other taonga. 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 relations 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. Best practice examples of working with Ngāi Tahu are also included. This is especially noted in our co-governance agreement for Te Waihora and the way we implement improvements under Tuia.</p> |
| <p>OTAGO REGIONAL COUNCIL</p> | <p>We have used iwi for cultural impact assessment reports on prosecution cases.</p> |
| <p>WEST COAST REGIONAL COUNCIL</p> | <p>Iwi reps sit on Council's Resource Management Committee and CME activity is reported to this committee monthly. Iwi are provided with a list of all resource consent applications received. WCRC is working towards a Mana Whakahono a Rohe arrangement with iwi and this is close to being formalized.</p> |
| <p>SOUTHLAND REGIONAL COUNCIL</p> | <p>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.</p> |

| | |
|------------------------------|--|
| AUCKLAND COUNCIL | Regular contact with 19 Mana Whenua groups through Kaitiaki forum (hosted by AC) and more recently have held a series of wananga to workshop our CVA processes. Work specifically on CME includes assistance with impact statements in enforcement proceedings and remediation |
| GISBORNE DISTRICT COUNCIL | We are currently looking at ways in which we can work with iwi/Maori on CME issues. One area being looked at is local iwi being able to provide victim impact statements. |
| NELSON CITY COUNCIL | No formal agreements in place, iwi involved in revising Plan provisions and will request an iwi monitor be on site through resource consents when required |
| MARLBOROUGH DISTRICT COUNCIL | MDC engage with Iwi and Hapu in relation to a CME with cultural impact and priorities as required. MDC operates a Iwi working group in the development of plans. MDC currently have a draft Iwi Engagement Plan. |
| TASMAN DISTRICT COUNCIL | No formal agreements under CME responsibility at this stage but being developed. At a very early scoping stage. |