

Compliance Plan 2019



Compliance Plan 2019

One of Environment Southland's principal roles is as an environmental regulator. We are responsible for regulating a diverse range of activities, as well as monitoring compliance with a range of legislation, regional plan rules and National Environment Standards. These rules cover air emissions, effluent disposal to land and urban wastewater, water quality, water allocation and forestry. In this role, we are a leader, partner and protector for our community and the environment.

To achieve this we:

- ▶ Talk with the community about what matters
- ▶ Allocate, provide, consent and ensure the fair allocation of natural resources
- ▶ Contribute to maintaining a thriving Southland by working with our communities to improve the environment.

Environment Southland's Long-term Plan 2018-2028 outlines our strategic intent.

The strategic intent highlights the vision, mission and outcomes that guide our work.

We have identified underlying principles we intend to use to deliver on these outcomes.

Whatungarongaro te tangata toitū te whenua

*When the people are gone,
the land remains.*

For us this means: A healthy environment relies on the respect we have for it.

Rerekētanga (Innovation)

To stimulate the pace of innovation and behaviour change through the active uptake of science, technology and best practice in natural resource use.

Nga Aranui (Pathways)

To support people to take opportunities to make a living from the region's natural resource base.

Whakatakoko (Accessibility)

To enhance access to knowledge and information for Southlanders to make sound decisions.

Kaitiakitanga (Guardianship/ Stewardship)

To promote kaitiakitanga as the guiding principle that drives our actions and resource use in the region.

Whakaponono (Trust)

To retain community trust and confidence.

Whakamau (Efficiency)

To encourage the efficient use of all resources.

Whakararu mahi (Risk management)

To provide information and systems to build the region's resilience to cope with biosecurity threats and adverse natural events.

Objectives of the Compliance Plan

The Compliance Plan sets out Environment Southland's compliance priorities for the 2019 calendar year. This information will help ensure that stakeholders are informed about Environment Southland's compliance activities, raise the community's environmental awareness and encourage voluntary compliance that is both cost-effective and efficient.

Through this plan, the aim is to maintain and improve environmental outcomes associated with the activities

we regulate. The priorities in this plan have been chosen using a risk-based approach as outlined in Environment Southland's Compliance Monitoring Policy. The plan does not provide an exhaustive list of all compliance activities that will be undertaken during 2019.

Issues regularly arise which will need immediate attention, and reactive compliance activities will be necessary based on information reported by the public and industry.





Ki te kahore he whakakitenga ka ngaro te iwi
Without foresight or vision the people will be lost.

For us this means Council will continue its focus on compliance, monitoring and enforcement.

Establishing compliance priorities

Identifying the most important environmental issues allows Environment Southland to decide what compliance priorities it will focus on.

Knowledge about these issues and their associated environmental risks is established by collecting and analysing data from a range of information sources including:

- ▶ meeting with consent holders
- ▶ conversations while monitoring and attending incidents
- ▶ phone calls
- ▶ shed talks and meetings with special interest groups
- ▶ information from environmental reporting systems
- ▶ trends in non-compliances
- ▶ analysis of reports to Environment Southland 24Hr Pollution Hotline
- ▶ information from other sources such as the dairy industry, air shed exceedances, industry reports and stakeholder information and advice.

He manako te koura i kore ai

There are no crayfish if you set your heart on them (don't put all your eggs in one basket/count your chickens before they hatch).

For us this means diverse partnerships (many baskets) are the key to success.

Approach to compliance and regulation

Environment Southland's regulatory framework consists of an integrated series of components, including legislation, policy, education, incentives, administration, audit, investigation, and compliance and enforcement action.

A responsive and risk-based approach to its regulatory functions is applied to help ensure that our compliance and enforcement activities focus on the biggest risks to the environment, and target those businesses and people least likely to comply.

Environment Southland escalates its regulatory response according to the risk to the environment, the seriousness of the non-compliance, the apparent attitude to compliance, the compliance history and frequency of issues arising.

Environment Southland's Monitoring Policy

The monitoring policy (available online at www.es.govt.nz) explains Environment Southland's broad approach to monitoring compliance and enforcement methods. It sets out the environmental compliance framework and explains that compliance enforcement priorities are determined using a risk-based approach.

Resources are focused on those areas that pose the greatest risk to the environment or are of a major concern to the community. Ensuring that industry, government and the community comply with environmental legislation is fundamental to environment protection and the delivery of credible, cost-effective regulation.

Environment Southland monitors and determines levels of compliance using a range of mechanisms including annual reporting requirements, site inspections and compliance campaigns.

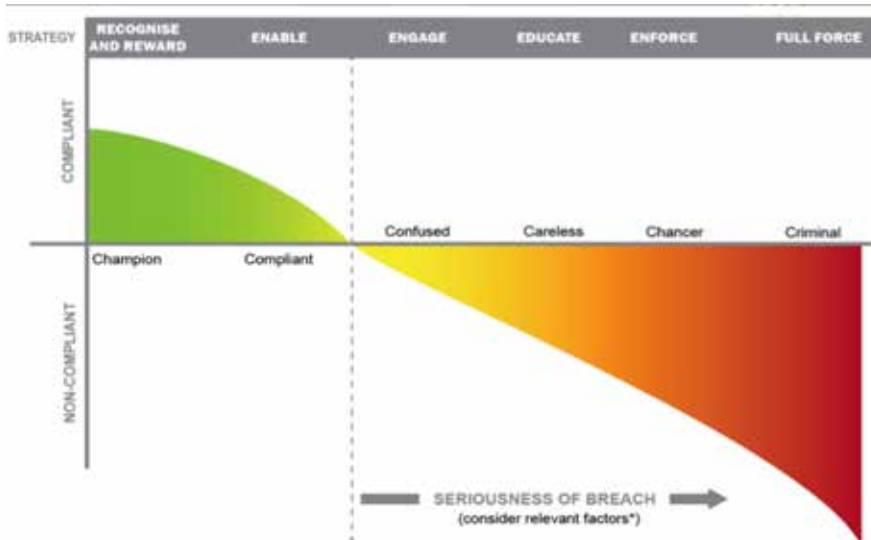
Site inspections and compliance campaigns are routinely used as a response to non-compliance or to tackle particular issues or trends of non-compliance that arise.

We raise awareness about Environment Southland requirements through campaigns and events such as Shed Talks, Community Aquifer Education sessions, contractor workshops and industry consent meetings. Environment Southland also uses various compliance audit tools to assess compliance and environmental performance.

There is no 'one-size-fits-all' response to non-compliance. The choice of approaches and regulatory tools depends on the issue and context. When compliance monitoring identifies non-compliance, its significance is evaluated to determine the most appropriate response to take.

Significance involves establishing the level of risk to the environment as a result of the non-compliance as well as other factors, such as the offender's attitude to compliance. Environment Southland uses a variety of approaches and tools to address the environmental issues and non-compliances it detects. Figure 1 below provides examples of the types of regulatory tools the Environmental Protection Authority uses to influence positive changes to attitude and behaviour.

Strategic Compliance with the RMA



The Environment Southland Enforcement Policy provides more detail about enforcement, including how we decide to prosecute offences under the Resource Management Act.

This policy is available on our website: www.es.govt.nz/Document%20Library/Plans,%20policies%20and%20strategies/Council%20policies/ES%20Compliance%20Policies.pdf

Kua takoto te Manuka

The Manuka leaves are laid down.

For us this means there is a challenge before us.

2019 Key compliance priorities

The key compliance priorities have been determined using a range of available data and information, including community complaints, non-compliance identified and monitoring information.

The priorities recognise issues important to the community and provide an opportunity for Environment Southland to focus its effort around these issues. The priority areas identified for 2019 are listed below and are presented in more detail in Table 1.

In 2019 the compliance team will focus on:

- ▶ Compliance Priority 1: Reducing discharges to water, improving water quality
- ▶ Compliance Priority 2: Reducing discharges from domestic burning, improving air quality
- ▶ Compliance Priority 3: Responding to incidents and calls for service
- ▶ Compliance Priority 4: Monitoring water quantity
- ▶ Compliance Priority 5: Reducing impacts on the Coastal Marine Areas

Compliance Priority 1

Reducing discharges to water, improving water quality

ISSUE	ACTION	REGULATORY OUTPUTS	OUTCOME
Intensive Winter Grazing			
<p>The practice of intensively grazing stock during the winter months on concentrated areas of farmland has the potential for significant amounts of contaminants to reach water</p>	<p>Undertake aerial observations of Southland's wintering practices and respond to calls for service</p>	<ul style="list-style-type: none"> • Proactive education • Complete aerial monitoring of Southland based on intelligence and previous offending • Farms prosecuted / enforced in previous year will likely attract on-site monitoring • Farms operating contrary to consent conditions will receive re-inspection and abatement notices • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> • Improved compliance with consent conditions and plan rules • Improved water quality in receiving environment
Dairy effluent irrigation			
<p>Effluent irrigation to pasture provides important nutrients for grass growth</p> <p>Incorrect irrigation can lead to the contamination of ground or surface water</p>	<p>Monitor dairy farms that have consent to irrigate effluent to ensure compliance with consent conditions</p>	<ul style="list-style-type: none"> • All consented dairy farms monitored at least once per year • Re-inspections completed of all significantly non-compliant farms • Farms prosecuted / enforced in previous year receive a minimum of three inspections • Farms operating significantly contrary to consent conditions will receive re-inspection and abatement notices • Complete twice-yearly groundwater monitoring • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified • Complete shed talks of dairy farms that have recently renewed consents 	<ul style="list-style-type: none"> • Improved compliance with consent conditions • Improved water quality in receiving environment
Urban storm and wastewater infrastructure			
<p>Storm and wastewater systems have been identified as a focus for compliance based on the risk from ageing infrastructure and constructed over flows.</p>	<p>Undertake a monitoring project with all urban waste and stormwater systems consistent with consent conditions, utilising ground inspections, auditing samples and auditing results</p>	<ul style="list-style-type: none"> • Compliance audit of monitoring and performance reports • Report performance in compliance monitoring report • Complete audit samples annually • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> • Improved compliance with consent conditions • Future planning for infrastructure

Meat processing industry

<p>Processing plants operating in this industry have been identified as undertaking high risk activities due to their size and location</p>	<p>Undertake a monitoring project with all meat processing plants consistent with consent conditions, utilising ground inspections, auditing samples and auditing results</p>	<ul style="list-style-type: none"> • Compliance audit of monitoring and performance reports • Increased monitoring of industries that have received enforcement action in previous years • Report performance in compliance monitoring report • Complete audit samples • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified • Complete audit samples annually • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> • Improved compliance with consent conditions • Increased understanding of the industry's practices to assist in regulating the industry and improving environmental performance
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Truck wash industry

<p>This industry has a poor performance history and has been part of recent enforcement actions</p>	<p>Undertake monitoring project with truck washes concentrating on companies with poor performance</p>	<ul style="list-style-type: none"> • Increased monitoring of truck wash companies that have received enforcement action in three previous years • Report performance in compliance monitoring report • Complete audit samples • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified • Complete audit samples annually • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> • Improved compliance with consent conditions • Increased understanding of the industry's practices to assist in regulating the industry and improving environmental performance
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Mining operations

<p>Mining operations have been identified as high risk due to size and location of the operations</p>	<p>Undertake monitoring project with mining operations (coal, gold etc) concentrating on companies with poor performance</p>	<ul style="list-style-type: none"> • Compliance audit reports on premises audited as part of strategic compliance review • Report performance in compliance monitoring report • Complete audit samples • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> • Improved compliance with consent conditions • Increased understanding of the industry's practices to assist in regulating the industry and improving environmental performance
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Compliance Priority 2

Reducing discharges from domestic burning, improving air quality

ISSUE	ACTION	REGULATORY OUTPUTS	OUTCOME
Domestic smoke discharges within the airshed			
Air pollution (from domestic burning) within air sheds has been identified as a major factor in health related issues	Undertake an education and enforcement programme that ensures burning is conducted in accordance with the <i>Regional Air Plan</i>	<ul style="list-style-type: none"> Proactive education of correct burning processes Information freely available on website Increase of appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> Improved compliance with plan rules Increased understanding of the domestic heating practices to assist in regulating and improving environmental performance
Large and small scale industrial discharges			
Air emissions from industrial activities are a significant community concern	Undertake a monitoring project with all industrial air discharges to ensure they are consistent with consent conditions utilising ground inspections, auditing samples and auditing results	<ul style="list-style-type: none"> Compliance audit reports on premises audited as part of strategic compliance review Increased monitoring of industries that have received enforcement action in previous years Report performance in compliance monitoring report Complete audit samples Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> Improved compliance with consent conditions Increased understanding of the industry's practices to assist in regulating the industry and improving environmental performance
Outdoor burning			
Air emissions from outdoor burning are a significant community concern	Undertake an education and enforcement programme that ensures burning is conducted in accordance with the air plan	<ul style="list-style-type: none"> Proactive education of correct burning processes Information available on website Increase appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> Improved compliance with plan rules Increased understanding of the outdoor burning practices to assist in regulating and improving environmental performance

Compliance Priority 3

Responding to incidents and calls for service

ISSUE	ACTION	REGULATORY OUTPUTS	OUTCOME
High priority incidents			
High priority incidents are those identified as having a high priority due to significant negative environmental impacts, fickleness of evidence and/or high risk of environmental impacts	Undertake to respond the incident within time frames (1 -24hrs)	<ul style="list-style-type: none"> • Appropriate regulatory action where breaches of consent conditions are identified • Notify complainants / victims of results • Educate community of plan rules 	<ul style="list-style-type: none"> • Reduction of negative impacts on the environment and community • Improved knowledge and compliance with national legislation, plan rules, national environmental standards
Medium priority incidents			
Medium priority incidents are those identified as having a medium priority due to negative environmental impacts and/ or moderate risk of environmental impacts	Undertake to respond the incident where possible within time frames	<ul style="list-style-type: none"> • Encourage and enable communities to take appropriate action to increase compliance • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified • Notify complainants / victims of results • Educate when appropriate 	<ul style="list-style-type: none"> • Reduction of negative impacts on the environment and community • Improved knowledge and compliance with national legislation, plan rules, national environmental standards
Low priority incidents			
Low priority incidents are those identified as having little to no environmental impact due to time between report and offence, little possibility of change to environmental impacts or impacts on the community	Undertake to respond to the incident if possible	<ul style="list-style-type: none"> • Encourage and enable communities to take appropriate action to increase compliance • Notify complainants / victims of results • Educate when appropriate 	<ul style="list-style-type: none"> • When attended, reduction of negative impacts on the environment and community • Improved knowledge and compliance with national legislation, plan rules, national environmental standards

Compliance Priority 4

Monitoring water quantity

ISSUE	ACTION	REGULATORY OUTPUTS	OUTCOME
Large water takes captured by RMA regulations			
All water abstraction, greater than 5 litres per second, complies with NES	Undertake a monitoring project with large water users to ensure they are consistent with consent conditions - utilising ground inspections, auditing samples and auditing results	<ul style="list-style-type: none"> • Compliance audit reports on premises audited as part of strategic compliance review • Increased monitoring of industries that have received enforcement action in previous years • Report performance in compliance monitoring report • Complete audit samples • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> • Improved compliance with NES, consents or rules • Increased understanding water usage practices to assist in regulating and improving environmental performance. • Send non-supply of data fees annually
Smaller water takes			
All consented or permitted water abstraction, less than 5 litres per second, complies with NES	Undertake a monitoring project with all consented water users to ensure they are consistent with consent conditions - utilising ground inspections, auditing samples and auditing results	<ul style="list-style-type: none"> • Compliance audit reports on premises audited as part of strategic compliance review • Complete audit or water volumes provided • Appropriate regulatory action where breaches of consent conditions, legislation, NES or plan rules are identified 	<ul style="list-style-type: none"> • Improved compliance with consent conditions or plan rules • Increased understanding of water usage practices to assist in regulating and improving environmental performance. • Send non-supply of data fees by 1 June annually

Compliance Priority 5

Reducing impacts on coastal areas

ISSUE	ACTION	REGULATORY OUTPUTS	OUTCOME
Whitebait stands			
Whitebait stands populate some of the most valued environments in the public domain of Southland. Lack of maintenance and or modification and expansion of stands is common practice	Undertake annual monitoring of whitebait stands in Southland	<ul style="list-style-type: none"> • All consented whitebait stands monitored at least once per year - All illegal whitebait stands noted and removed - Appropriate regulatory action where breaches of consent conditions are identified 	<ul style="list-style-type: none"> • Improved compliance with consent conditions or plan rules
Coastal marine structures			
Coastal marine structures populate some of the most valued environments in Southland. Lack of maintenance and or modification and expansion of structures is common practice	Undertake triennial monitoring of structures on Stewart Island, the south coast and Fiordland	<ul style="list-style-type: none"> • All consented structures monitored at least once every three year cycle - All illegal structures noted and removed - Appropriate regulatory action where breaches of consent conditions, are identified 	<ul style="list-style-type: none"> • Improved compliance with consent conditions or plan rules

Major compliance programmes

In addition to the compliance priorities for 2019, the compliance division continues to operate the 4E's projects and a range of longer term programmes including:

Shed Talks

Shed talks are targeted at new consent holders or consent holders who recently updated or changed their consent. The aim of a Shed Talk is to provide a better understanding of the conditions set out in the consent and to point out areas on the farm where there is a higher risk of effluent reaching waterways. Shed Talks are provided on-farm and free of charge.

Southland Dairy Effluent Advisory Group

A successful partnership between Environment Southland and major dairy industry players to support farmers needing to improve their effluent management practices.

Air Plan education

The compliance team is part of a cross divisional group at Environment Southland, working with ESR on a community-focused initiative to increase compliance with the Regional Air Plan 2016. The team has also worked on an educational programme that includes Free-Firewood Friday giveaways and attended the Southland Home Show to provide education.

Compliance Monitoring Report

Environment Southland recognises the need for transparency and accountability in our compliance activities. The annual publication of the Compliance Monitoring Report is an example of how the Council endeavours to achieve this in relation its compliance and enforcement responsibilities.

Other educational days

The compliance team have organised and run a number of workshops, training days and events aimed at tackling an issue that may have arisen from a complaint or incident. In 2018, the team ran the Edendale Aquifer community meeting and the Effluent Distributors Workshop.







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