



Regional and
Unitary Councils
Aotearoa

ANALYSIS OF THE
2021/2022
COMPLIANCE
MONITORING AND
ENFORCEMENT
METRICS

FOR TE URU KAHIKA REGIONAL AND
UNITARY COUNCILS AOTEAROA

PREPARED BY

SPROUT

OCTOBER 2022



FOREWORD

Kia ora,

Welcome to the fifth annual CME Metrics report capturing performance in the areas of compliance and enforcement under the Resource Management Act.

The intention of the report is to provide commentary on strengths and improvements within the CME sector, with a key focus on achieving consistency and best practice.

Designed to provide easy reference to the reader, I believe the summary of the regional CME activity on page 3 demonstrates the extensive work that goes on within the sector. Despite the number of active resource consents being down this year, the sector still administers over 216,000 active resource consents. The sector has also recouped over \$1.3 million in court-imposed fines, with 93 active prosecutions still before the courts. The regional scorecards on page 48 also help to break down the national findings further to each individual regional and unitary council.

The CME sector is currently faced with a challenging employment market that makes it difficult to recruit and retain staff. Councils have experienced a large turnover of staff, with some councils reporting a 50% turnover in teams. This not only impacts the level of resourcing, but also creates issues of continued financial costs and time associated with training new staff.

Over the past few years COVID 19 has also challenged the sector. Moving forward, we are keen to see how the scrapping of the traffic light system will assist the CME function.

Te Uru Kahika CME group (previously CESIG) is made up of representatives from regional and unitary councils in New Zealand. Its focus is on the continuous improvement of the CME function. In its fifth year, the intention is to have this, and previous year data reviewed independently to show key trends within the sector which will help update work programs.

Ngā mihi nui,



Gary McKenzie

Compliance Monitoring and Enforcement Manager – Gisborne District Council

SUMMARY


580 FTES
IN CME ROLES


216,404
ACTIVE RESOURCE
CONSENTS


DOWN
24% FROM
LAST YEAR

86% COUNCILS MONITORED AN AVERAGE
OF **86%** OF ALL CONSENTS THAT
REQUIRED MONITORING UNDER THE RMA

99%
OF COMPLAINTS
RESPONDED TO


493
FORMAL
WARNINGS


3,512
ABATEMENT
NOTICES


1,486
INFRINGEMENT
FINES


8
ENFORCEMENT
ORDERS


40 PROSECUTIONS
(93 IN PROGRESS)

 21 CORPORATES
CONVICTED

 25 INDIVIDUALS
CONVICTED


\$1,320,250
IN FINES

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INTRODUCTION

PART 1

This year marks a milestone, with this series of reports running for five years now. Accessibility of comparable information on CME functions is a sector-led effort, under the leadership of Te Uru Kahika CME group (previously CESIG). Questions have been designed by the regional sector with the aim of improving and accompanying the national monitoring system's compliance, monitoring and enforcement related questions and analysis. All 16 of New Zealand's regional councils and unitary authorities (the 'regional sector') have participated between 2018 and 2022. Each year we see three distinct groups within the regional sector; Auckland Council, the small unitary councils and the regional councils. The reports are aimed at expanding information available to the sector and tracking the sectors progression over time.

The Resource Management Act 1991 (RMA) is New Zealand's environmental legislation with the purpose of sustainably managing natural and physical resources. The success of that management is largely dependent on the quality of implementation. Regional councils, unitary authorities and territorial local authorities have the primary role in compliance, monitoring and enforcement of the RMA. CME is a tool in achieving the purpose of the RMA. Monitoring and understanding implementation remain critical to understanding our nations environmental management.

In this reporting period COVID-19 continues to challenge the sector. The Alert System was more localised compared to last year. On 2nd December 2021 the COVID-19 Alert System ended, and we moved into the COVID-19 Protection Framework (traffic light system). On the 12th of September 2022 the COVID-19 Protection Framework (traffic light system) ended.

Job security is high, 46% of employees say there is almost no chance of them losing their job in the next 12 months (The Winners and Losers in the Latest Jobs Data. Chris Renney, Feb 2022). An additional 101,000 people are in employment since last year (Businesses Falling Over Themselves for Talent in 2022, Newsroom). With this comes the challenge of recruiting and retaining staff in a highly competitive market.

READING THIS REPORT

Each council was sent an online survey comprising 40 questions (Appendix 1). Councils were given two weeks to collect and input the data into an online platform. After inputting the initial data, councils were sent a link that allowed them to log in and change their information at any time.

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

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

HOW DOES THIS REPORTING PROCESS DIFFER YEAR ON YEAR?

The main information to be collected was set out in the first year (2017/2018). Following the first year there were significant learnings and improvements to the questionnaire. The questionnaire remained the same between year two and four. Last year some of the recommendations by the Ministry for the Environment were adopted by all councils and have therefore served their purpose. These questions related specifically to compliance grades, enforcement policies, conflict of interest policies and supporting education/engagement projects. As a result of all councils action these questions have been removed. Other questions were kept consistent. Consistency allows us to track the successes and improvements over time.

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

DATA LIMITATIONS

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

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

CME UNDER THE RESOURCE MANAGEMENT ACT NEW ZEALAND

This report is a sector led effort by Te Uru Kahika CME group (previously 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. Having the ability to track trends over a five year period is a milestone. The outcomes of improvements made by individual councils to improve in how they implement CME are evident.

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

As the sector develops, formalisation and standardisation of parameters have been developed. In 2018 the Ministry released Best Practice Guidelines and this has influenced the measures we report on.

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 offenses).

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

ANALYSIS

PART 2

REGIONAL CONTEXT

Regionally New Zealand is diverse; contextually there are large differences between regions population, growth rates, areas and Gross Domestic Product (GDP). The graph below illustrates the diversity of the regions we report on.

Auckland has the highest population; it's home to 1/3 of New Zealanders, in comparison to the West Coast, home to only 1% of all New Zealanders. Northland, Waikato and BOP are seeing the largest growth rates. Population growth rates have slowed in Auckland, Canterbury and Otago this year.

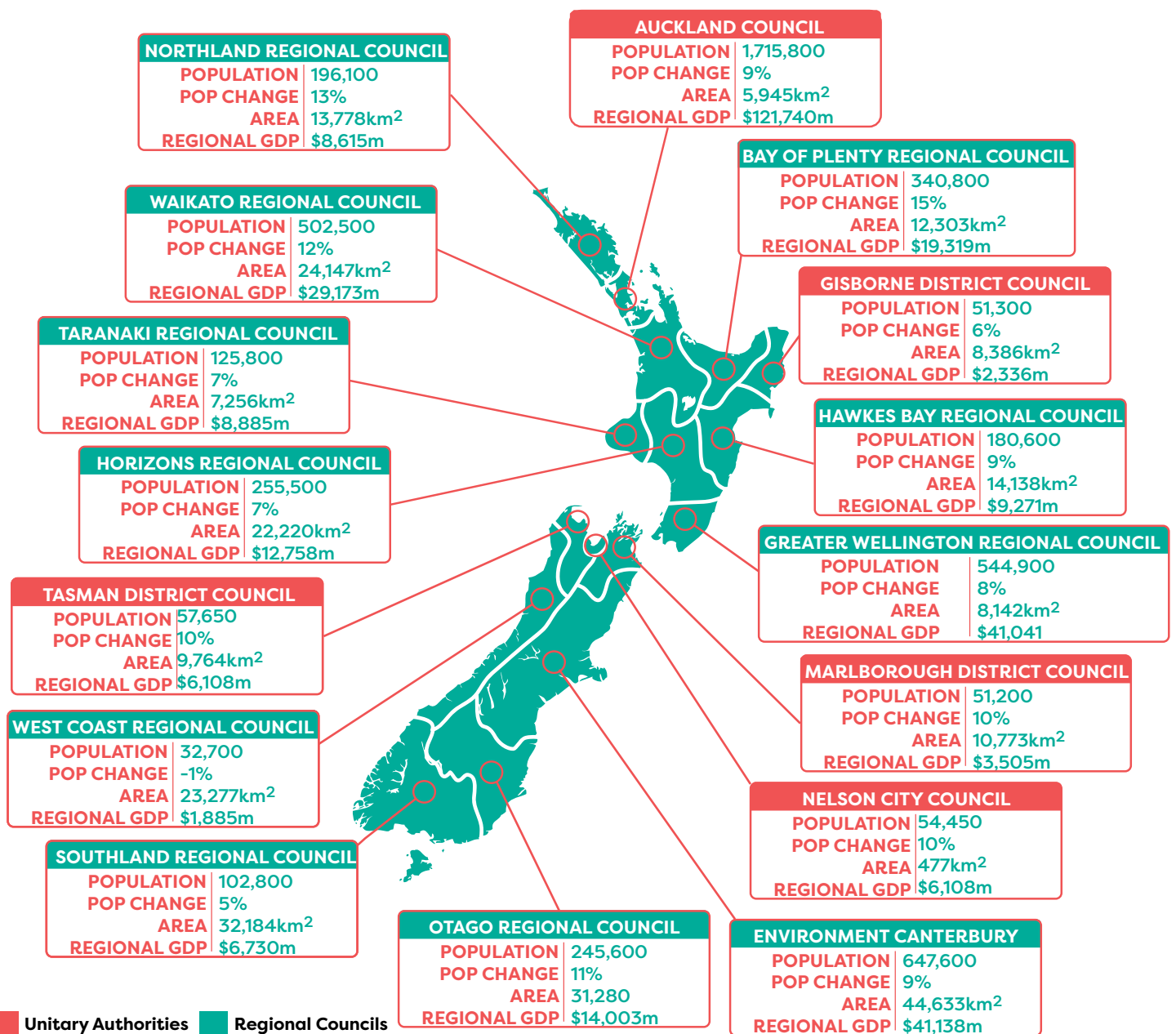


Figure 1: Regional context data

WORKING WITH IWI

Councils continue to strengthen relationships and commitments with iwi and hapū. They do this by engaging them in CME matters.

The majority of councils have formalised agreements or are actively working towards these; five councils have no formal agreements. For those who do not have a formal arrangement in place, they are working towards doing better through increased involvement and more focus at organisational level as a priority.

Key commitments include:

- Development of frameworks for iwi and council co-management.
- Strategic and leadership support within council. Involvement in strategic meetings.
- Creating working parties/ advisory committees that meet regularly. Equal representation on working parties/ committees.
- Aspirations for, or implementation of, joint management arrangements or partnerships/ development of collaborative work strategies.
- Involving mana whenua through regulatory decisions.
- Establishment of cultural health monitoring practices.
- Involvement when incidents occur/ iwi monitoring officers.
- Reporting and notifications to iwi e.g. resource applications, incidents, major incidents and investigations.
- Prosecution and victim impact or cultural impact statements.
- Council having responsibilities towards cultural and spiritual values.

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




CME OPERATIONS - MANAGING THE WORKLOAD

REGISTERING NOTIFICATIONS

Complaints are registered by individual councils as individual incidents or by event. Events may include multiple separate complaints. Individual incidents are usually higher and this needs to be taken into account when doing comparative analysis.

A standardised approach is optimal for the sector. The sector continues to be divided in its approach. Eight councils report an incident per event, nine report an incident per notification. Compared to previous years the recording convention remained consistent for majority of councils.

RECORDING CONVENTIONS FOR INCOMING COMPLAINTS

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

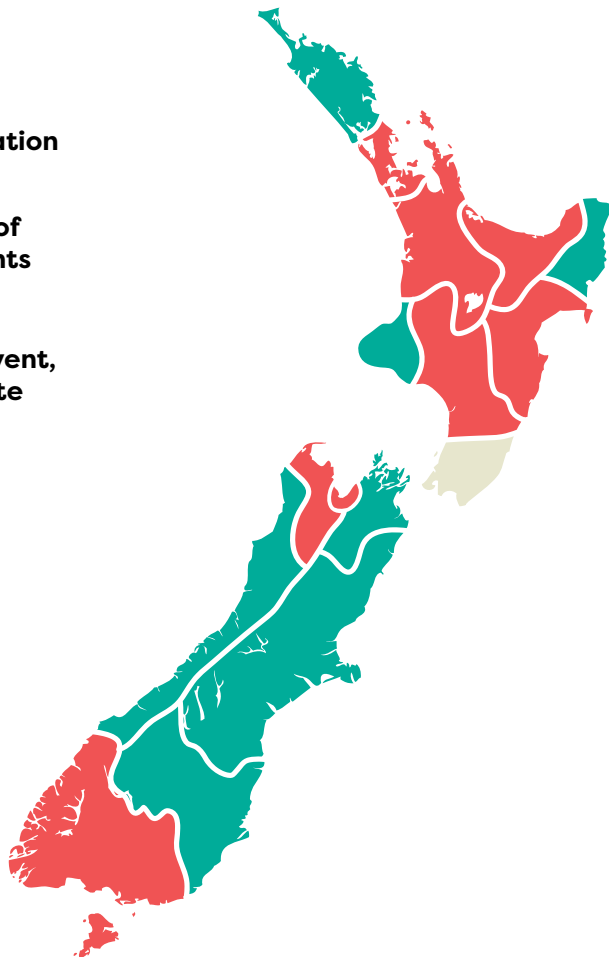
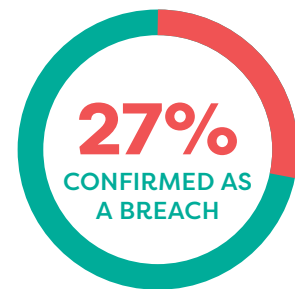
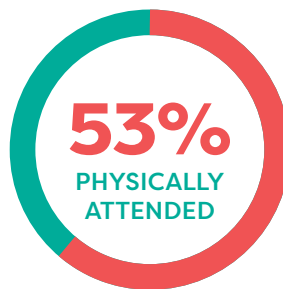


Figure 2: Recording conventions for incoming complaints across the regional sector

Question 5. Does your council register/count:

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

NATIONWIDE COMPLAINTS



COMPLAINTS RECEIVED

Each year there are a large variation in complaints caused by contextual differences of regions. Variation tends to reflect population bases; those regions with higher populations have a higher number of complaints. This year nationwide individual complaints have reduced by over four thousand, incidents have reduced by one and a half thousand.

Most councils had a decrease in complaints this year. Significant points of interest are decreases in:

- Individual complaints (-907) and (-678) incidents for Environment Canterbury.
- Individual complaints for Bay of Plenty (-602), Auckland Council (-458) and Waikato (-358).

COMPLAINTS RESPONDED TO AND ATTENDED

Almost all councils responded to 100% of complaints. Southland Regional Council responded to 94% of complaints, Environment Canterbury responded to 78% of complaints. All unitary authorities responded to 100% of complaints. Overall, the nationwide response rate was 99%.

Attending a complaint physically is the most resource-intensive response possible, but it does enable officers to assess an issue first-hand. This year the percentage of events physically attended decreased from 63% to 53%. Last year's increases were driven by increased physical attendance by Horizons Regional Council, West Coast Regional Council and Southland Regional Council. This year we see complaints physically attended reduce across all councils.

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

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

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

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

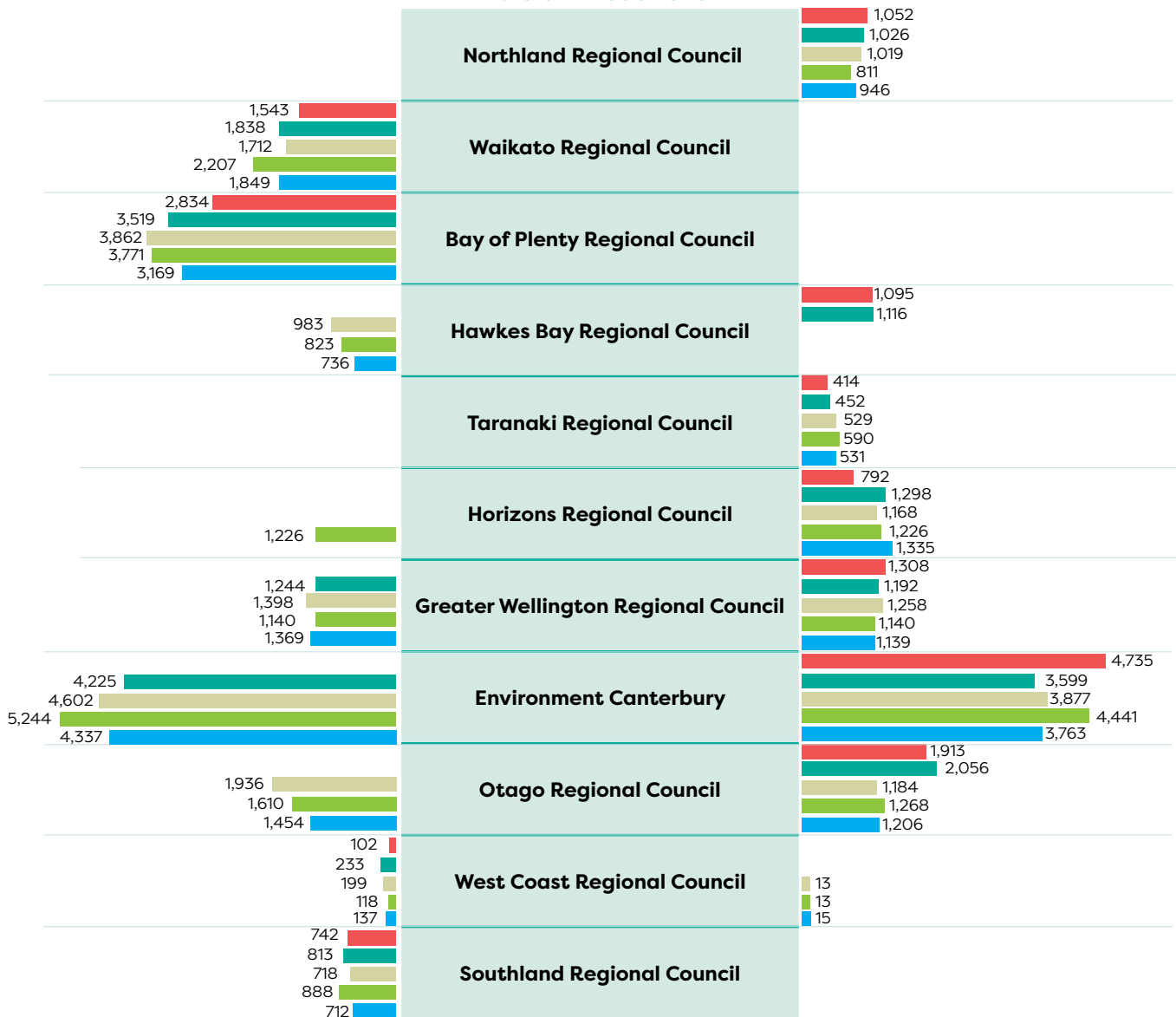
Question 8. How many of these notifications were physically attended by council staff?

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

NUMBER OF INDIVIDUAL COMPLAINTS AND INCIDENTS

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

REGIONAL COUNCILS



UNITARY AUTHORITIES

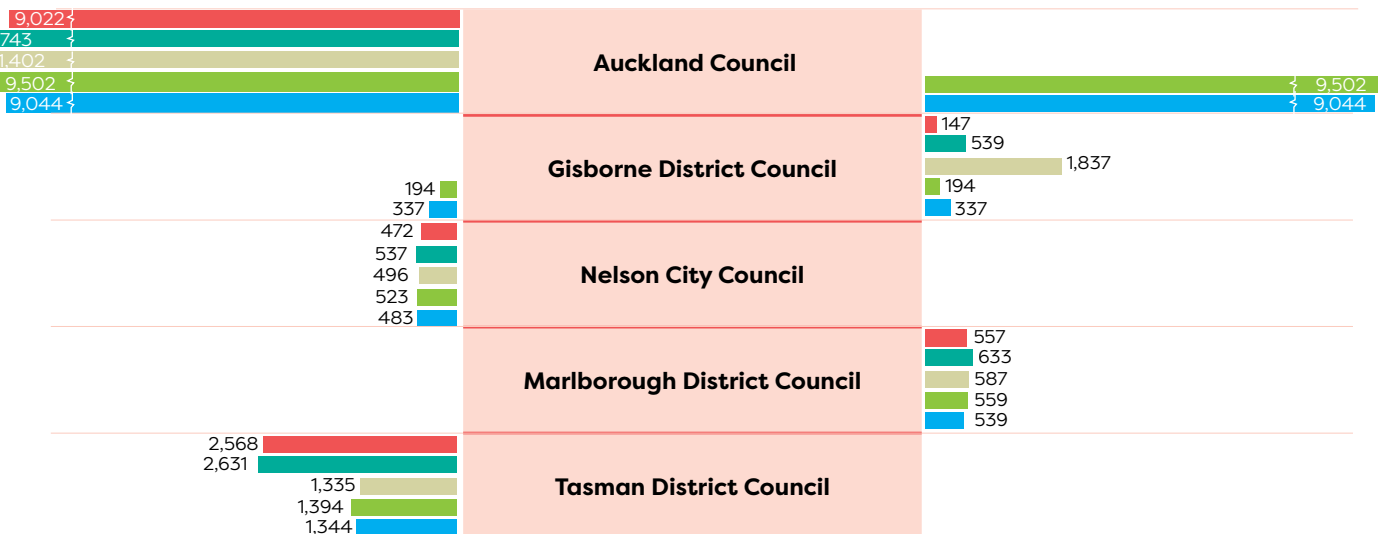


Figure 3: Number of individual complaints and incidents

NUMBER OF INDIVIDUAL COMPLAINTS RESPONDED TO AND PHYSICALLY ATTENDED

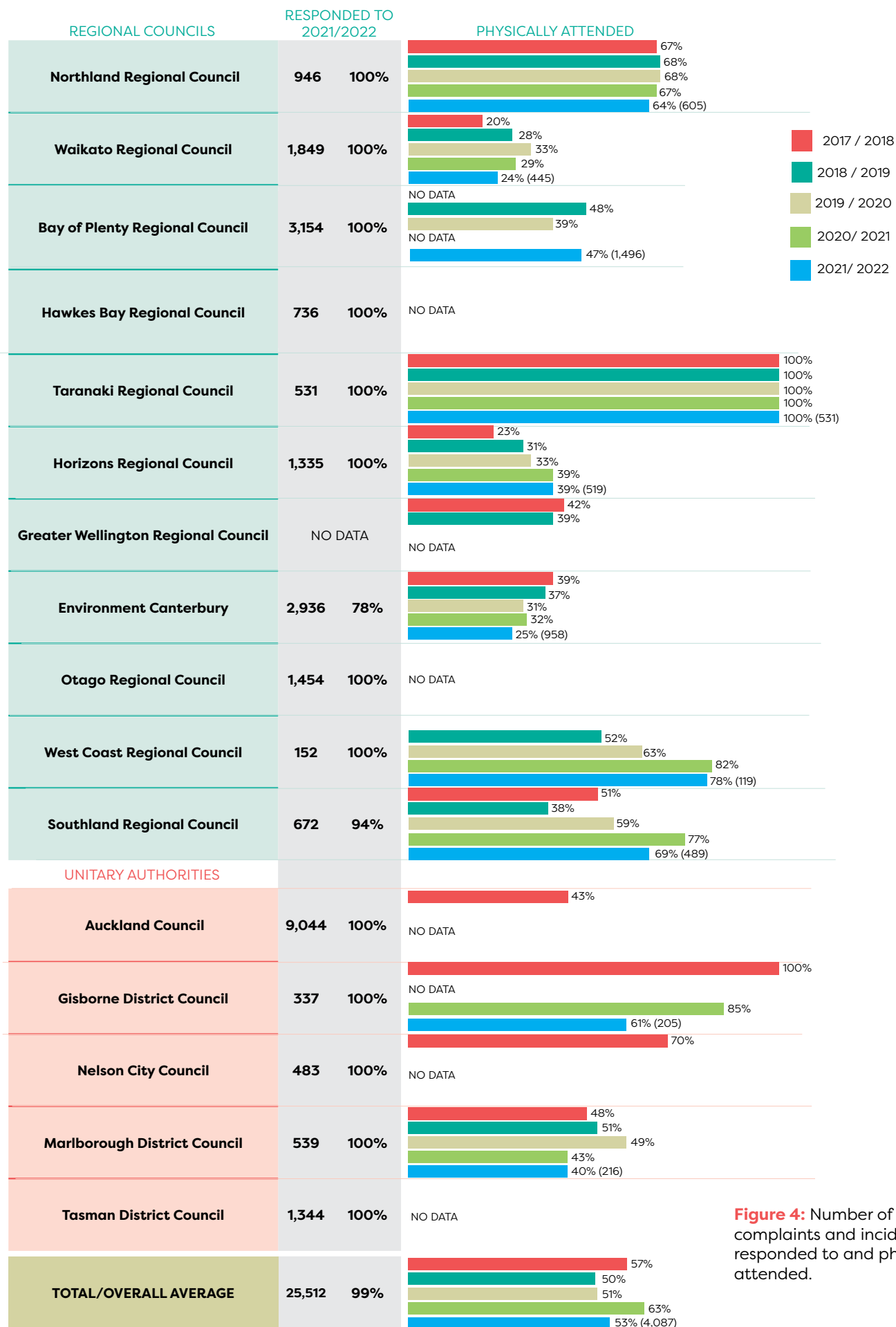


Figure 4: Number of individual complaints and incidents responded to and physically attended.

CONFIRMED BREACHES

The average confirmed breaches have remained relatively stable year on year for Unitary Authorities. At regional level there is a lower percentage of confirmed breaches this year. Environment Canterbury has the highest number of breaches, followed by Northland Regional Council. This year Waikato Regional Council had a significant decrease in confirmed breaches, putting it in-line with pre COVID figures. Percentage of breaches for Southland Regional Council reduced by half.

PERCENTAGE OF CONFIRMED BREACHES

REGIONAL COUNCIL	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2021 / 2022	Resource consent	Non-consented activity
Northland Regional Council		48%	42%	47%	46% (433)	5%	95%
Waikato Regional Council	24%	7%	26%	37%	21% (386)		
Bay of Plenty Regional Council		25%	20%	23%	25% (789)		
Hawkes Bay Regional Council							
Taranaki Regional Council	37%	37%	40%	39%	35% (186)	20%	80%
Horizons Regional Council							
Greater Wellington Regional Council	17%	15%	18%	19%	13% (148)		
Environment Canterbury	23%	29%	68%	24%	19% (732)	66%	34%
Otago Regional Council							
West Coast Regional Council	50%	41%	17%	21%	21% (32)	44%	56%
Southland Regional Council	17%	18%	29%	34%	15% (104)	54%	NA
UNITARY AUTHORITIES							
Auckland Council		29%	22%				
Gisborne District Council				35%	39% (132)	66%	2% NA
Nelson City Council	70%						
Marlborough District Council	34%	23%	21%	22%	20% (106)	19%	81%
Tasman District Council							
TOTAL/AVERAGE	40%	27%	27%	29%	27% (3,048)		

Table 1: Percentage and types of breaches

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

Question 10. How many of the breaches were for:

Breach of a resource consent?

Breach of permitted activity rules?

NATIONWIDE COMPLIANCE INSPECTIONS

CONSENTS **216,404** / REQUIRED MONITORING **35,810** / PERCENTAGE MONITORED **86%**

MONITORING RESOURCE CONSENTS

This year active resource consents reduced by 24% (67,066 consents). Auckland Council is the largest processor of consents and accounted for 55,354 less active resource consents. This year due to data integrity they have excluded tree consents (LUC) that were issued more than five years ago as these are likely to have lapsed.

For those consents that are active 17% (35,810) required monitoring. Northland Regional Council, Gisborne District Council and Horizons Regional Council have the largest increases in consents that are required to be monitored.

The number monitored was similar to last year at 86%. Waikato Regional Council continues to monitor more than is required. Gisborne District Council have a lower percentage monitored; this has decreased over this year. Tasman District Council has the largest increase in monitoring.

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

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

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

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

		TOTAL CONSENTS					REQUIRED MONITORING					NUMBER MONITORED					
		2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2021 / 2022	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2021 / 2022	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2021 / 2022	
REGIONAL COUNCILS	Northland Regional Council	3,812	9,738	9,910	10,164	10,779	3,724	3,847	3,731	3,505	4,153	94%	93%	88%	86%	95%	3,945
	Waikato Regional Council	4,500	4,787	11,419	11,839	12,511	1,500	525	1,674		575	77%	100%+	100%+		100%+	932
	Bay of Plenty Regional Council	5,500	9,057	8,458	8,407	7,608	1,900	2,380	3,316	3,324	3,398	69%	70%	85%	86%	93%	3,173
	Hawkes Bay Regional Council	3,144	5,928	8,300	8,452	8,620	3,144	3,446	3,550	3,355	3,358	94%	93%	93%	93%	91%	3,056
	Taranaki Regional Council	4,837	4,784	4,625	4,517	4,372	2,930	2,743	2,788	2,510	2,408	100%	100%	100%	100%	100%	2,408
	Horizons Regional Council	4,700	5,204	5,468	6,619	5,638	1,700	1,648	1,367	1,823	2,175	82%	80%	81%	89%	95%	2,068
	Greater Wellington Regional Council	6,375	6,604	6,863	7,138	7,259	1,544	1,782	1,633	1,779	1,843	94%	95%	94%	87%	88%	1,630
	Environment Canterbury	20,417	18,500	22,051	22,648	23,079	20,417	4,625	4,410	1,314	882	28%	72%	89%	96%	76%	674
	Otago Regional Council	5,984	5,588	5,656	5,785	5,829	3,827	1,161	3,256	3,136	3,144	66%	52%	64%	71%	77%	2,421
	West Coast Regional Council		3,474	3,000	5,682	5,809		868	900	1,268	1,275		100%+	87%	92%	92%	1,170
	Southland Regional Council	5,376	5,590	5,824	5,995	4,916	3,188	4,586	4,127	5,920	3,752	100%	78%	73%	72%	84%	3,151
	REGIONAL SUBTOTAL		64,645	79,254	91,574	97,246	96,420	43,874	27,611	30,752	27,934	26,963	80%	85%	87%	87%	96%
UNITARY AUTHORITIES	Auckland Council	103,690	108,326	115,723	130,371	75,017	17,759	11,778	13,162			71%	60%	72%			19,089
	Gisborne District Council	1,250		10,500	8,893	7,753	699			1,135	1,600	34%			60%	47%	746
	Nelson City Council	1,200	784	656	675	594	550	619	656	675	594	100%	100%	100%	100%	100%	594
	Marlborough District Council	20,802	21,377	29,459	29,459	27,817	2,686	3,261	3,529	3,529	3,326	83%	89%	93%	98%	85%	2,837
	Tasman District Council	15,764	13,042	7,230	16,826	8,803	4,250	2,478	6,389	4,941	3,327	46%	75%	26%	57%	73%	2,426
	UNITARY SUBTOTAL		142,706	143,529	163,568	186,224	119,984	25,944	18,136	23,736	10,280	8,847	67%	81%	73%	79%	76%
TOTAL		207,351	222,783	255,142	283,470	216,404	69,818	45,747	54,488	38,214	35,810	74%	83%	80%	83%	86%	50,320

Table 2: Total consents that require monitoring

COMPLIANCE ASSESSMENT

In 2018 the MfE released Best Practice Guidelines regarding compliance gradings. Last year as a sector we achieved 100% adoption of the recommended compliance categories, meaning data is now comparable on a national level. This section focuses on the levels of compliance against the framework. This data reflects the compliance gradings of over 66,000 consent monitoring events.

This is higher than the last two years, with 2,436 more consents over the categories. Auckland and Bay of Plenty having significant increases.

It must be noted that data may vary from Table 2. This is because some sites have more than one monitoring visit over the year. Figure 5 relates to the percentage of monitoring visits (not consents) within the categories.

*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.

Question 14. What grades do you apply to non-compliance? (e.g. technical non-compliance, significant non-compliance)

Fully Compliant

Technical/Low Non-Compliance

Moderate Non-Compliance

Significant Non-Compliance

Other (please specify)

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

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

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

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

- Significant Non-Compliance
- Other (please specify)

*Consistent with previous years GWRC are unable to exclude telemetered Water Takes from these figures. Their grading of compliance is over the year not per event.

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

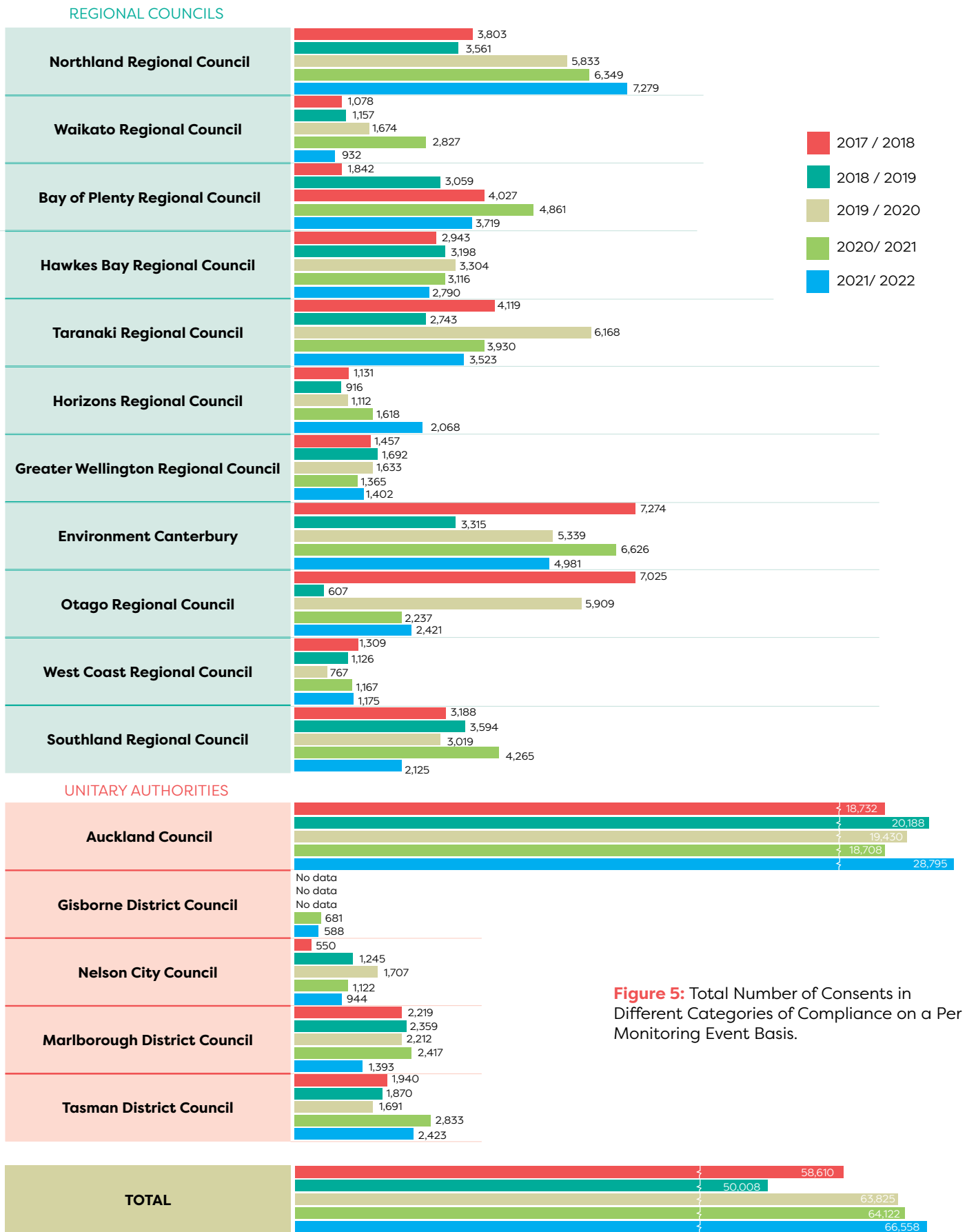
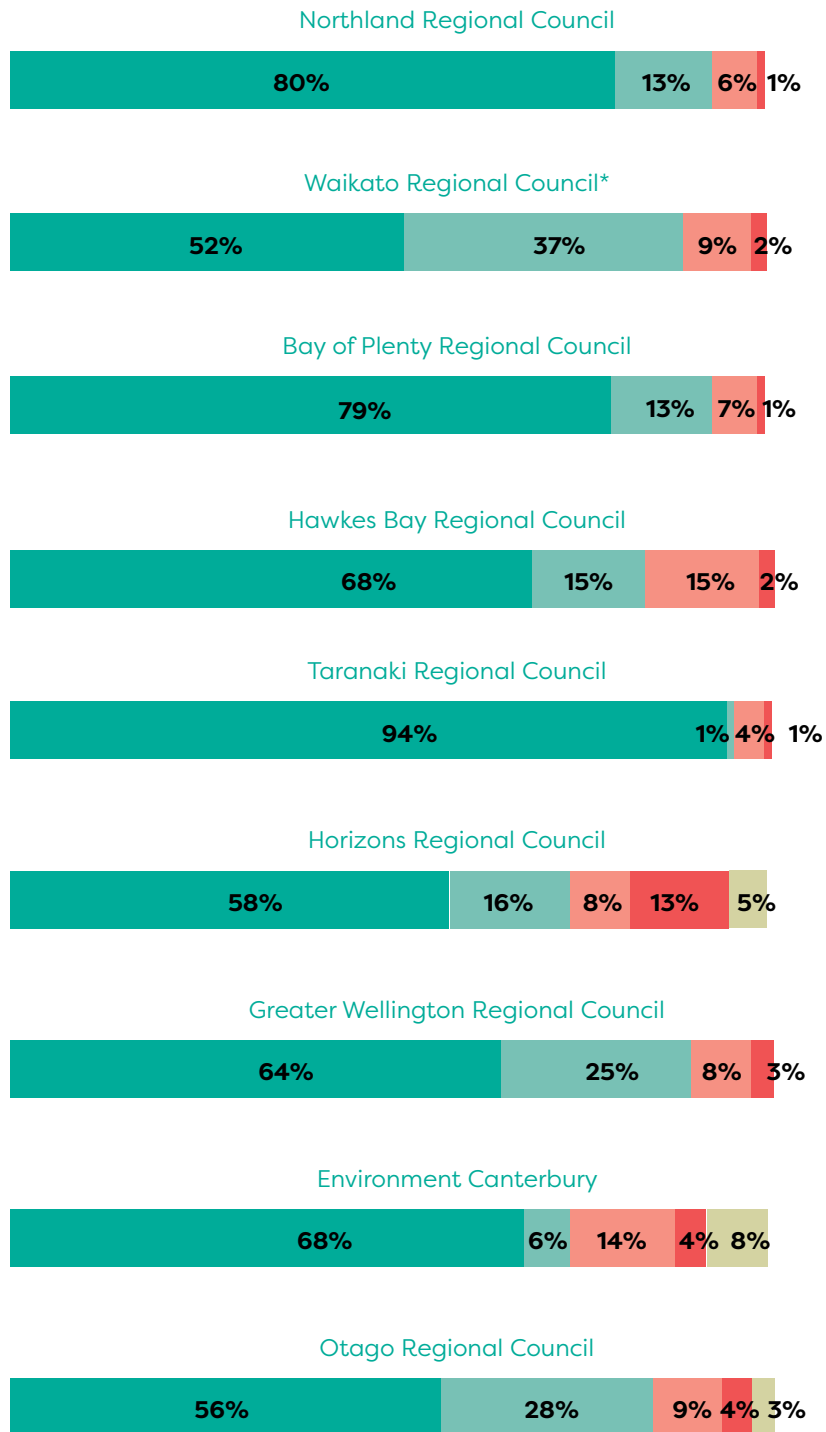


Figure 5: Total Number of Consents in Different Categories of Compliance on a Per Monitoring Event Basis.

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

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



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

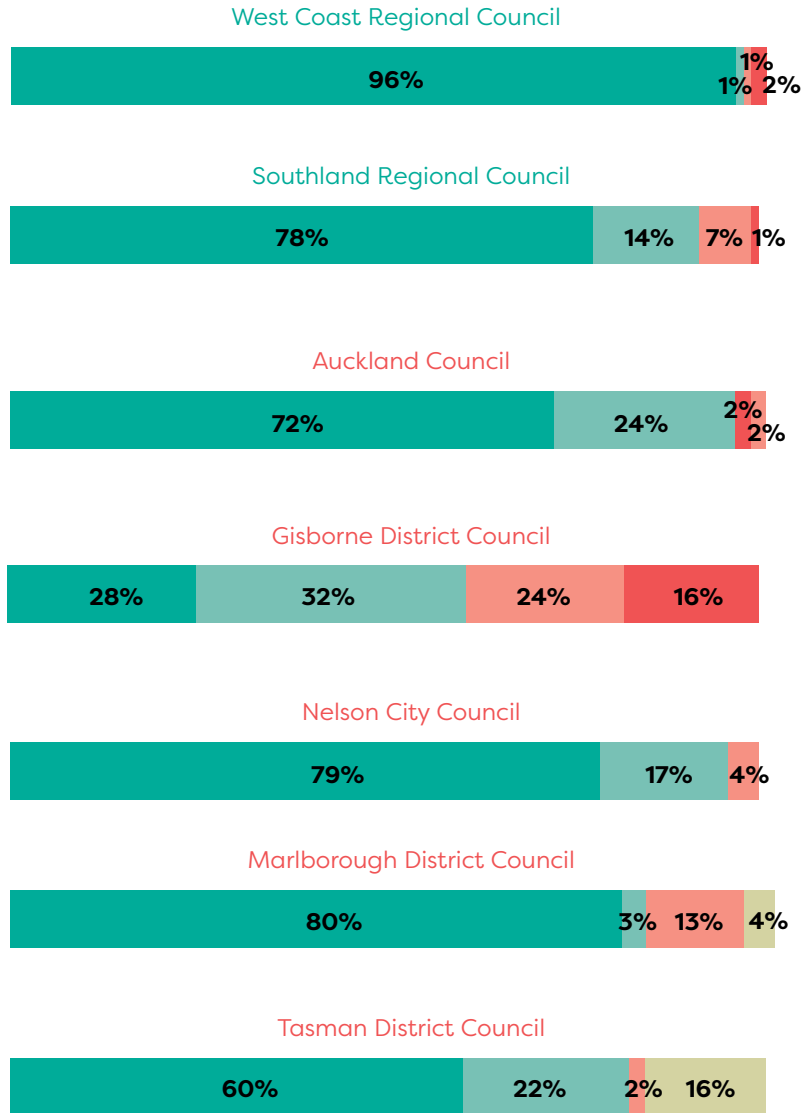


Figure 6: Percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.

NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

TOTAL CONSENTS MONITORED **66,558**

NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

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

REGIONAL COUNCILS



UNITARY AUTHORITIES



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

MONITORING PERMITTED ACTIVITIES

Permitted activities are similar to previous years. Forestry and dairy make up nearly half of permitted activities.

PERMITTED ACTIVITY MONITORING PROGRAMMES FOR DIFFERENT INDUSTRIES

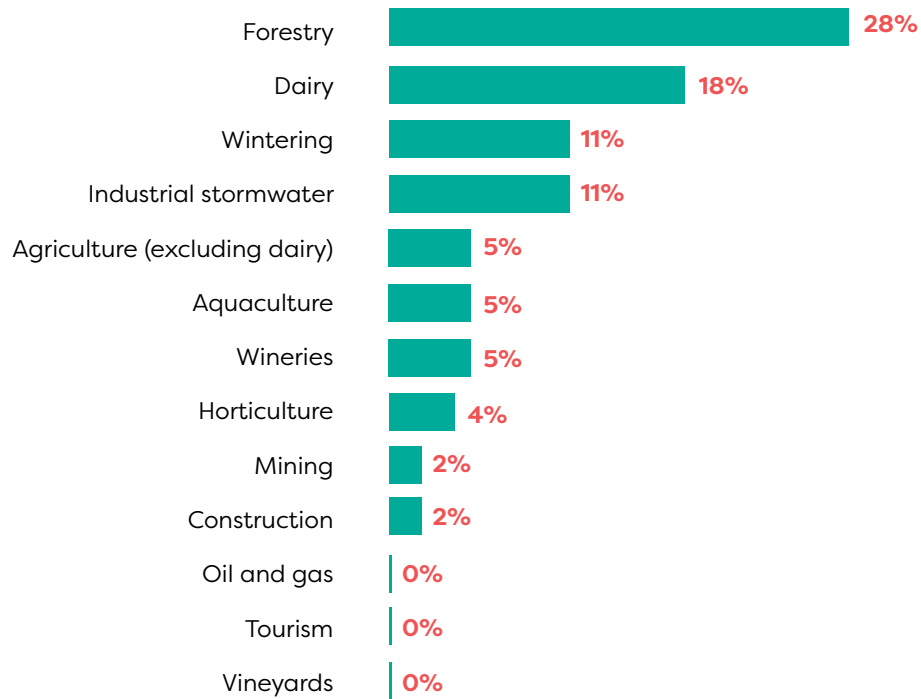


Figure 8: Proportion of permitted activity monitoring programmes for different industries

Question 16. 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)

Note: A number of the activities listed, which may be permitted in other regions, require consents in the Greater Wellington Region (e.g. Dairy).

MAKING DECISIONS ON PRIORITIES

The following questions help us understand prioritisation and the way matters are addressed; they look at the workstreams and rationale for prioritisation.

All councils have well established systems for determining prioritisation assessment for complaints, notifications and incidents. Many have a triaging system or some form of coding to prioritise. Basis for determining priority and urgency for physical attendance are:

- Scale
- Risk/ degree of adverse effect/ environmental harm
- Veracity of complaint/ quality of information
- Number and frequency of complaints
- If incident is still happening or not
- Ability/ practicality of response. For example, time of day (H&S for outside daylight hours)

Assessments included:

- Priority setting matrix
- Elevated response programs
- Risk based priority model/ assessment
- Desktop/ phone assessments
- Dedicated role for determining urgency

Risk based models were commonly the basis for determining which consents are monitored and how frequently. These were based on:

- Resource consent requirements
- Regional rules
- Consent type
- Potential adverse effects
- Compliance history
- Scale of activity
- Environmental impact
- Complaints and council science
- Iwi and community interests
- Seasonal activity

Type of activity and risk determined monitoring and frequency

QUESTION 17. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?

QUESTION 18. Describe how you determine which consents are monitored and how frequently?
If there is a prioritisation model or compliance strategy, add link

QUESTION 19. Describe the basis, which was used for determining what, if any, permitted activities were monitored. *If there is a prioritisation model or compliance strategy, add link*

STAFFING LEVELS

The number of FTEs has increased by a further seven percent this year (+38). Environment Canterbury have had the largest increase accounting for over half of all new FTEs (21). Consistent with previous years there is a large variation ranging from 6 to 178 FTEs. Resourcing does differ in the sector given the diversity of population size, area, development type/ intensity and council funding base.

This year there the largest increase is in Environmental Incident or Pollution FTEs (+41). Followed by Investigation or enforcement (+18) and Monitoring (+18). There is a decrease in Combination Roles (-42). For Unitary Councils there is a reduction in Combination Roles (-66), driven by Auckland Council (-68).

Question 20. How many FTEs does your council have who carry out monitoring roles?

Question 21. How many FTEs does your council have who carry out environmental incident or pollution response roles?

Question 22. How many FTEs does your council have who carry out investigation or enforcement roles?

Question 23. 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 20, 21 or 22

Question 24. How many FTEs does your council have in CME support roles?

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

COUNCIL FTES IN CME ROLES

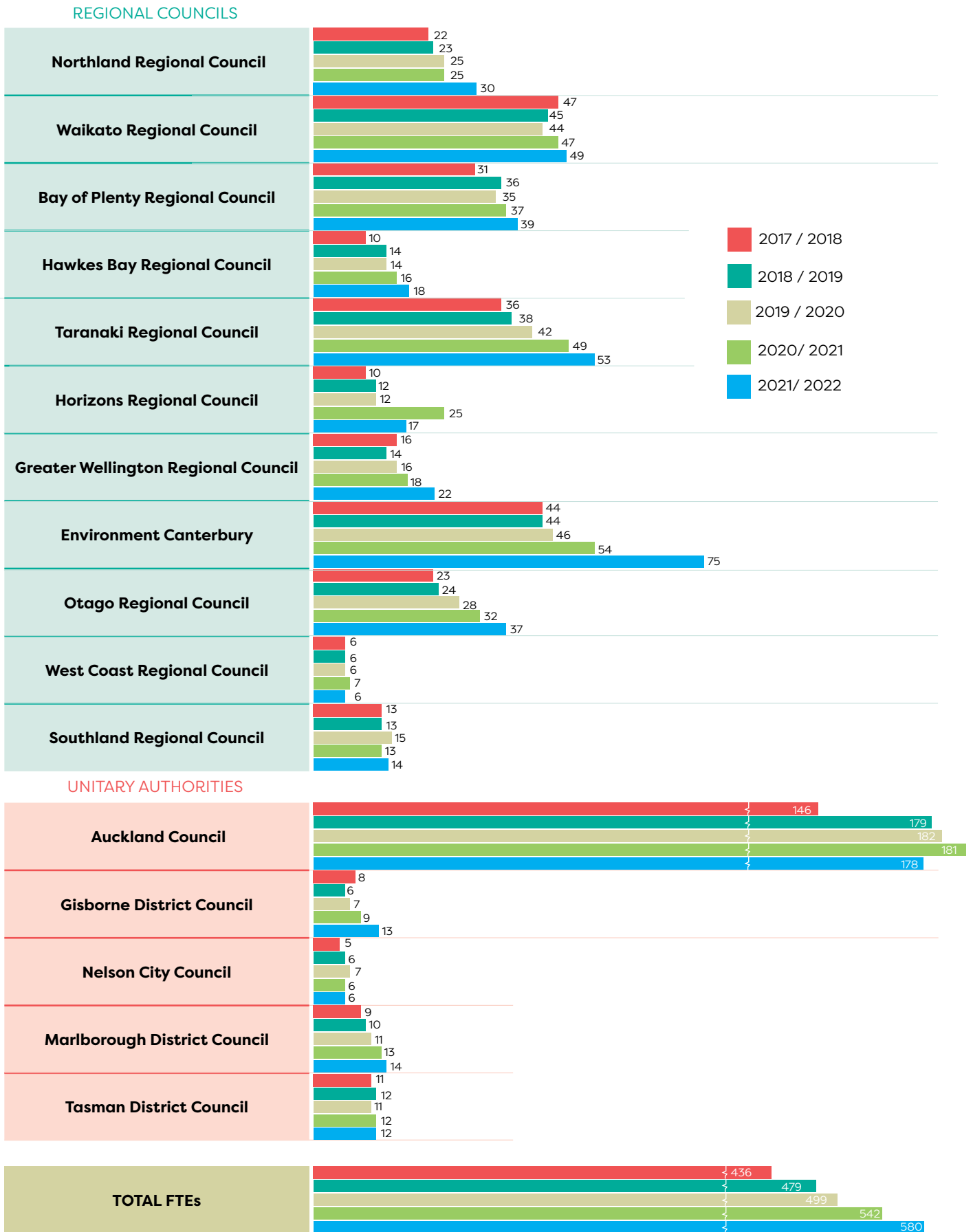


Figure 9: Council FTEs in CME roles

COUNCIL FTE'S IN SPECIFIC ROLES

		MONITORING			COMBINATION			ENVIRONMENTAL INCIDENT OR POLLUTION			INVESTIGATION OR ENFORCEMENT			SUPPORT			
		2019 / 2020	2020 / 2021	2021 / 2022	2019 / 2020	2020 / 2021	2021 / 2022	2019 / 2020	2020 / 2021	2021 / 2022	2019 / 2020	2020 / 2021	2021 / 2022	2019 / 2020	2020 / 2021	2021 / 2022	
REGIONAL COUNCILS	Northland Regional Council	0	0	0	21	22	26	0	0	0	1	1	1	3	2	3	
	Waikato Regional Council	20	22	20	0	0	0	8	9	9	10	10	13	6	6	7	
	Bay of Plenty Regional Council	16	17	20	0	0	0	4	4	4	3	4	3	12	12	12	
	Hawkes Bay Regional Council	9	10	12	0	0	0	2	3	3	1	1	1	2	2	2	
	Taranaki Regional Council	29	35	37	2	2	2	4	5	5	5	5	6	2	2	3	
	Horizons Regional Council	0	13	0	10	0	16	0	9	0	1	1	0	1	2	1	
	Greater Wellington Regional Council	0	0	0	15	17	20	0	0	0	0	0	0	1	1	2	
	Environment Canterbury	31	28	42	0	0	1	5	7	6	4	4	4	6	15	22	
	Otago Regional Council	15	18	20	3	2	4	3	4	4	3	3	4	4	5	5	
	West Coast Regional Council	0	0	0	5	6	5	0	0	0	0	0	0	1	1	1	
	Southland Regional Council	8	8	9	0	0	0	1	1	1	3	2	2	3	2	3	
REGIONAL SUBTOTAL		128	151	160	56	49	73	27	42	32	31	31	34	40	50	61	
UNITARY AUTHORITIES	Auckland Council	69	69	77	16	88	20	41	0	47	43	0	18	13	24	16	
	Gisborne District Council	0	0	0	7	8	11	0	0	0	0	0	0	0	1	2	
	Nelson City Council	0	0	0	6	5	5	0	0	0	0	0	0	1	1	1	
	Marlborough District Council	2	5	6	8	1	0	0	0	5	0	5	2	1	2	1	
	Tasman District Council	0	0	0	9	10	10	0	0	0	0	0	0	2	2	2	
	UNITARY SUBTOTAL		71	74	83	46	112	46	41	0	52	43	5	20	17	30	21
	UNITARY SUBTOTAL MINUS AUCKLAND		2	5	6	30	24	26	0	0	5	0	5	2	4	6	5
TOTAL		198	225	243	102	160	119	68	42	83	74	36	54	57	79	82	
TOTAL MINUS AUCKLAND		129	156	166	86	72	99	27	42	36	31	36	36	44	55	66	

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

COUNCIL FTEs AND FORMAL ACTIONS BASED ON POPULATION

		FTE/1000					FTE 2021/2022	Population Estimates 2021	Formal actions per 1000 2021/2022
		2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2020 / 2021			
REGIONAL COUNCILS	Northland Regional Council	.13	.13	.13	.13	0.15	30.0	196,100	1.5
	Waikato Regional Council	.10	.10	.09	.10	.10	48.6	502,500	0.6
	Bay of Plenty Regional Council	.10	.11	.11	.11	.11	39.0	340,800	0.5
	Hawkes Bay Regional Council	.06	.08	.08	.09	.10	18.0	180,600	1.2
	Taranaki Regional Council	.31	.32	.34	.40	.42	53.0	125,800	2.0
	Horizons Regional Council	.04	.05	.05	.10	.07	17.0	255,500	0.4
	Greater Wellington Regional Council	.03	.03	.03	.03	.04	21.7	544,900	0.2
	Environment Canterbury	.07	.07	.07	.08	.12	75.0	647,600	0.5
	Otago Regional Council	.10	.10	.12	.13	.15	36.5	245,600	0.5
	West Coast Regional Council	.17	.16	.17	.20	.17	5.5	32,700	0.8
	Southland Regional Council	.13	.13	.15	.12	.14	14.0	102,800	0.7
REGIONAL AVERAGE/ TOTAL		.11	.12	.12	.14	.14	32.6	288,627	0.8
UNITARY AUTHORITIES	Auckland Council	.09	.11	.11	.11	.10	178.0	1,715,800	1.9
	Gisborne District Council	.18	.13	.14	.18	.24	12.5	51,300	1.6
	Nelson City Council	.10	.10	.12	.10	.10	5.5	54,450	1.2
	Marlborough District Council	.20	.20	.21	.25	.27	13.7	51,200	1.1
	Tasman District Council	.15	.22	.20	.21	.21	12.0	57,450	2.1
	UNITARY AVERAGE/ TOTAL		.15	.15	.16	.17	.18	44.3	386,040
AVERAGE		.12	.13	.13	.15	.16			

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

The affect of resource on formal actions is shown below on the graph. We can see the relationship that higher resourcing levels tend to have more formal actions. Taranaki Regional Council has the highest resource levels also have the highest number of formal actions. This indicates better use of formal actions when there are higher staffing levels.

CME RESOURCING AND NUMBER OF FORMAL ENFORCEMENT ACTIONS

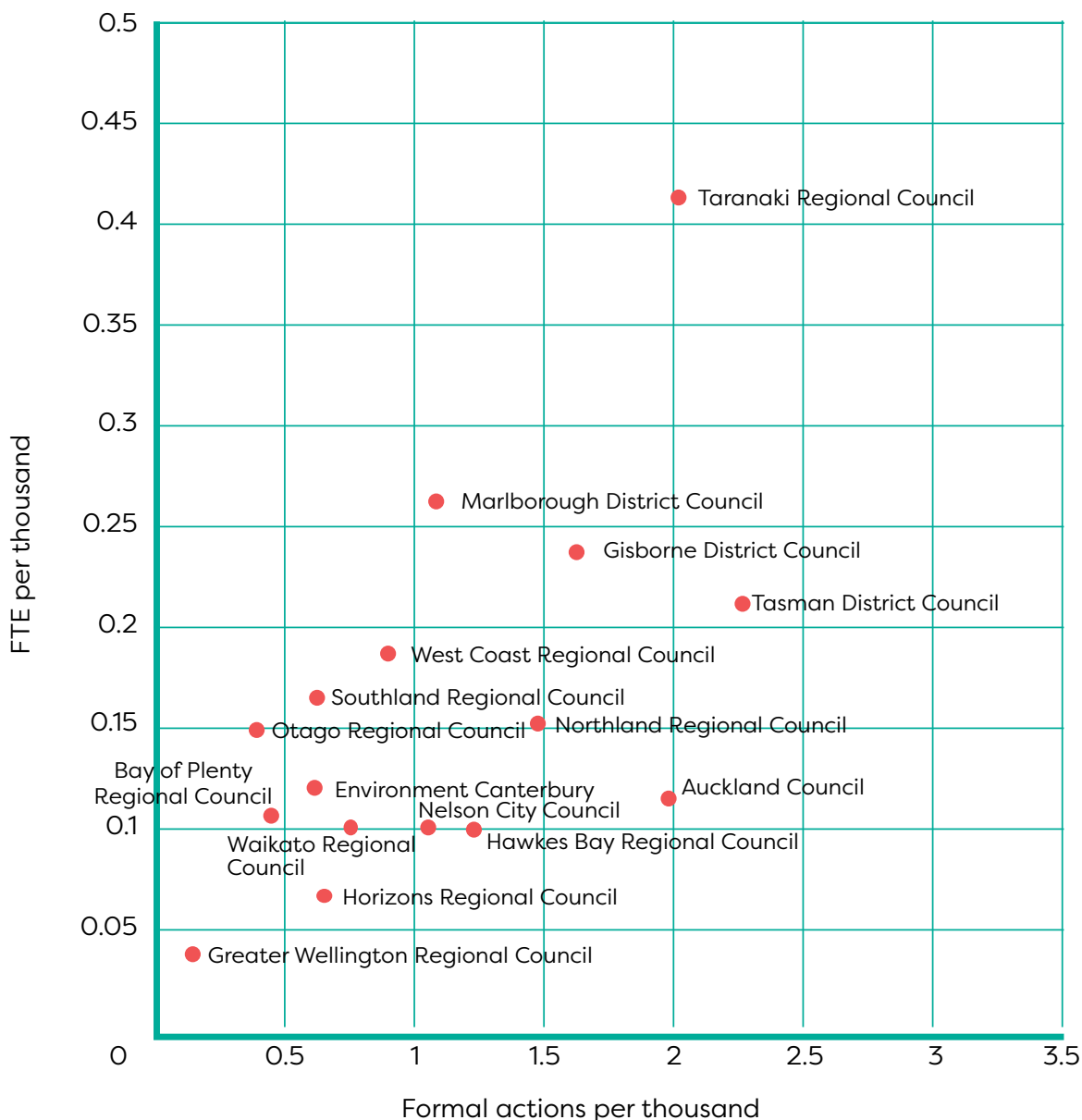


Figure 10: Comparison of CME resourcing and number of formal enforcement actions

Furthermore Figure 11 demonstrates the impact GDP has on the number of FTE's. Areas with higher GDP tend to have more FTE's, those with lower GDP have less resource.

COMPARISON OF CME RESOURCING AND GDP

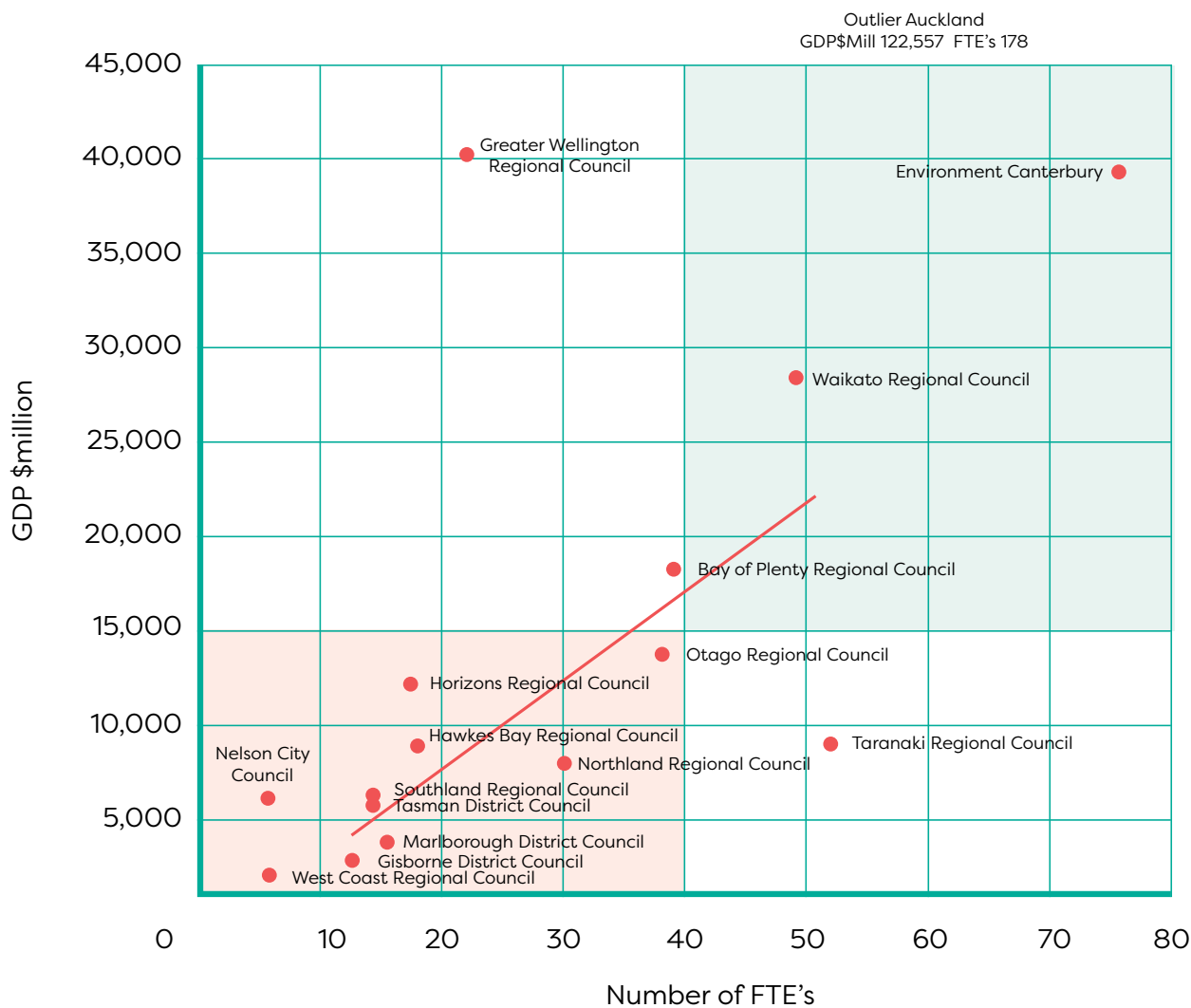


Figure 11: Comparison of CME resourcing and GDP

CME POLICIES AND PROCEDURES

Credibility and trustworthiness of regulators is sustained through having sound, transparent policies in place.

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.*'

Last year all councils had adopted both Enforcement Policies and Conflict of Interest Policies.

For all councils decisions on prosecutions were made by more than one party. Usually, it involved an enforcement decision group or panel. The following are involved in making decisions about prosecutions.

- Investigating Officer
- Investigating Officer's Manager
- Enforcement Specialist
- Compliance Monitoring Manager
- Group Manager Regulatory Services
- Legal Counsel
- Chief Executive Officer
- Manager separate from consents and compliance
- Directors and tiers of managers
- Team Leaders
- Director Resource Management
- General Manager Regulatory
- Group Manager Strategy and Regulation
- Policy and Regulation Group Manager

Final delegation to authorise filing of charges was with the Chief Executive, Group Managers, Directors, General Managers, Specific Environment Managers, Enforcement and Prosecution Committee, Senior Managers or a panel.



ENFORCEMENT
POLICIES



CONFLICT OF
INTEREST POLICIES

* MfE Best Practice Guidelines at p73

Question 25. What is your process for making decisions on prosecutions?

Question 26. Who has the delegation to authorise filing of charges for a prosecution at your council?

DECISION MAKING PROCESS AND DELEGATION TO AUTHORISE FILING OF CHARGES

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

REGIONAL COUNCILS

REGIONAL COUNCILS	Environment Canterbury	Follow MfE CME guidelines, and an internal enforcement Decision Panel to make recommendations	Chief Executive
	Otago Regional Council	Recommendations for prosecution are considered at an 'Enforcement Decision Group' with Compliance Manager, Team Leaders, in-house legal counsel and Senior officer presenting the case. If considered appropriate by EDG, the file is reviewed by legal counsel to consider whether it meets the evidential test for prosecution. If it meets the evidential test, the file is considered by a 'Prosecution Decision Group' meeting with CEO, GM Regulatory, Compliance Manager and senior officer presenting the case.	To initiate and/or withdraw a prosecution for an offence against the RMA (GM Regulatory or GM Operations). If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences (Compliance Manager).
	West Coast Regional Council	Recommendation on action report submitted to the manager. Approval given to prepare a staff report for consideration at an EGD meeting. EDG consists of the CE, another manager separate from consents and compliance, the C&C manager and officer in charge of the case. Final decision rests with the CE.	The CE and the Consents and Compliance Manager.
	Southland Regional Council	Incident response – investigation – enforcement decision group meeting – legal opinion – CEO approval	Chief Executive
UNITARY AUTHORITIES	Auckland Council	Enforcement criteria is utilised, followed by team leader discussion, then Manager discussion. Prosecution panel made up Manager(s) and legal counsel is the final step.	Manager Compliance Response and Investigations
	Gisborne District Council	Investigator prepares an internal memo based on investigation including details of offence, breaches identified, formal interview notes, supporting information (sampling results etc) and external factors (weather etc). This memo is supported with external legal advice which considers solicitor-general guidelines and litigation risk. This is considered by the Enforcement Decision Group (EDG) – membership comprises Director (2nd tier management) and four managers (3rd tier management) for decision.	Director Environmental Services & Protection. Compliance Monitoring and Enforcement Manager (after consultation with the Chief Executive).
	Nelson City Council	Recommendation by investigating officer to Team Leader, then Manager, then to two group managers (tier 2) after receiving legal advice	Authorised by two group managers after receiving legal advice
	Marlborough District Council	Stage 1: QA per review panel Stage 2: Enforcement and Prosecution Committee Stage 3: Legal Counsel Review	Enforcement and Prosecution Committee
	Tasman District Council	Utilise an enforcement decision making group that assesses the case against a set of standards and tests. Successful cases are referred to the officer holding delegated authority.	Group manager (Tier 2)

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

Question 25. What is your process for making decisions on prosecutions?

Question 26. Who has the delegation to authorise filing of charges for a prosecution at your council?

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

Giving clear direction on what is expected to the regulated community creates a robust approach. This is outlined in the 'four E approach'. The following section helps us understand the programs councils have in place.

All councils have education/ engagement projects in place and have done for several years. Digital inclusion is becoming more common as a result of Covid-19. Many have not being able to attend events due to lockdowns or self isolation. This year there is an increase in digitally inclusive delivery methods such as webinars and online trainings. Benefits to this are being able to utilise expertise nationwide.



**HAVE OR
SUPPORT
EDUCATION AND
ENGAGEMENT
PROJECTS**

DELIVERY METHODS

- Pocket guides
- Printed material (info sheets)
- Website (updated regularly)
- Advertising campaigns via social media
- Emails
- Information sessions, workshops and presentations
- Webinars/ online training
- Industry groups/ catchment groups
- Liaison/ one on one meetings/ educational visits
- Audit panels
- Attendance at industry stakeholder meetings
- Attendance at Field Days, dairy effluent forums and Shed Talk
- Superhero programs to promote behavior change within the community

TOPICS COVERED

- Erosion and sediment control
- Earthworks
- Fresh water
- Stormwater
- Wastewater
- Citizen science
- Reporting issues
- NES guidance
- Burning

INDUSTRIES/ GROUPS TARGETED

- Construction
- Farming
- Forestry
- Horticulture (Kiwifruit)
- Viticulture
- Catchment groups
- Community engagement

Question 38. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes No

If yes, briefly describe

ACTING ON NON-COMPLIANCE

The following section helps us to understand priority areas and challenges for compliance programs. It does this by identifying at a sector level what is occupying the largest proportion of resources and if that is shifting over time.

This year there were a total of 5,499 actions; this is significantly less than last year (8,195). This was lower across all action types. Typically, abatement notices take up the largest proportion of formal actions; this year follows the same trend. Waikato Regional Council, Taranaki Regional Council, Environment Canterbury and Auckland Council all had significant decreases in formal actions.

The section with the largest number of actions is Section 15: Discharges of contaminants. This section remains the section with the most breaches, however it has been decreasing. In 2018/2019 there were 4,018 breaches, last year there were 2,364 breaches this year 1,604 breaches.

QUESTION 27. Question 27 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

Note: Previously we have summed to give totals, this allows a more accurate figure where responses fall into more than one category.

NATIONWIDE: ENFORCEMENT ACTIONS AND SECTIONS BREACHED





	 FORMAL WARNINGS	 ABATEMENT NOTICES	 INFRINGEMENT ORDERS	 ENFORCEMENT ORDERS	TOTAL ACTIONS
	493	3,512	1,486	8	5,499
SECTION 9 Use of land	38	144	183	1	366
SECTION 12 Coastal marine area	7	40	14	2	63
SECTION 13 Beds of lakes and rivers	29	56	30	1	116
SECTION 14 Water	205	156	23	0	384
SECTION 15 Discharges of contaminants	192	682	727	3	1,604
SECTION 17 Duty to avoid, remedy & mitigate	0	2	0	0	2
OTHER e.g. Section 22	7	4	506	1	518
Only able to provide totals	17	2,435			

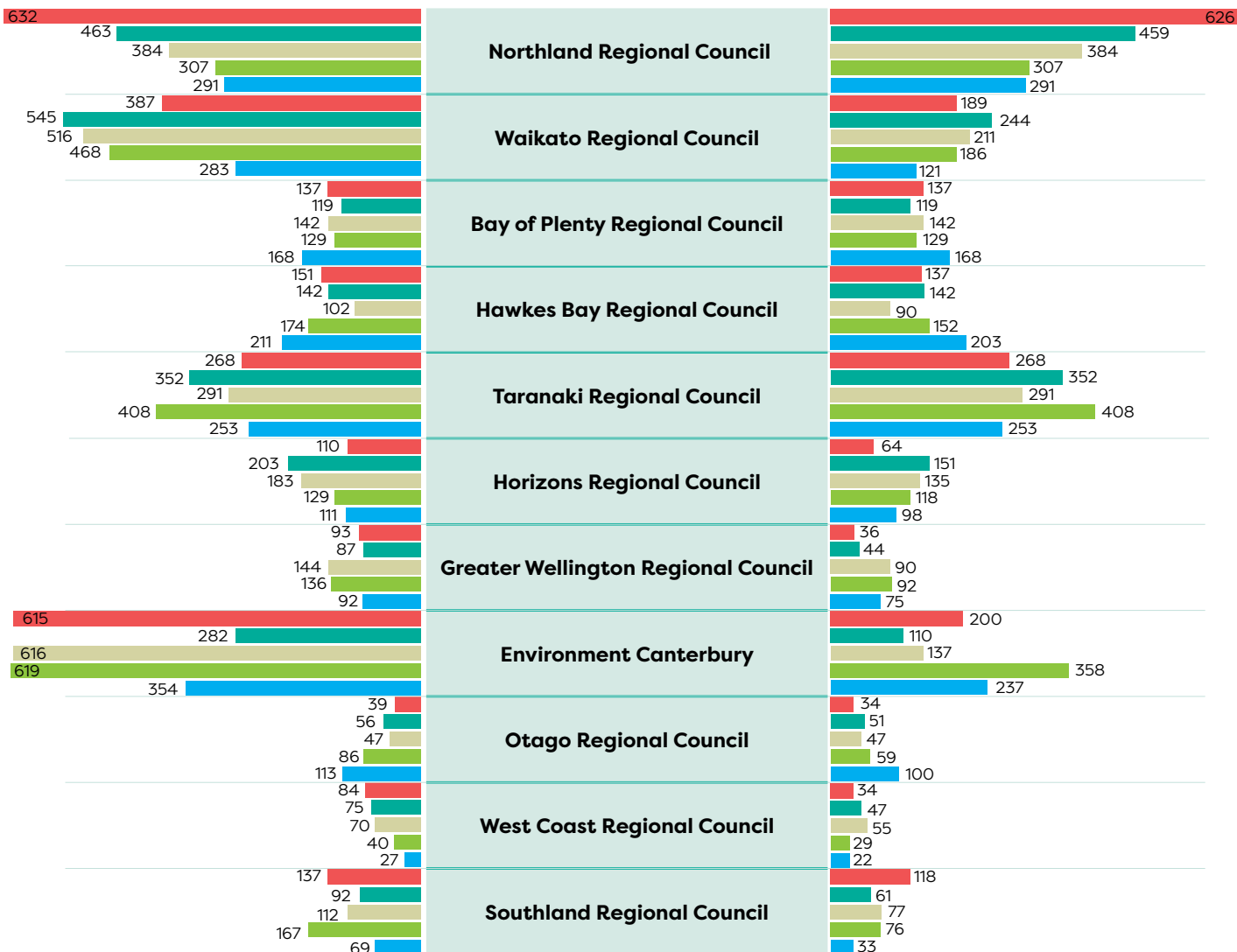
Table 6: Total use of formal instruments against relevant section of the Act (i. e., group of possible offences).

Note: Database issues mean only total Formal Warnings available for GWRC. Auckland Council can only provide total Abatement Notices

TOTAL USE OF FORMAL INSTRUMENTS (EXCLUDING PROSECUTION)

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

REGIONAL COUNCILS



UNITARY AUTHORITIES

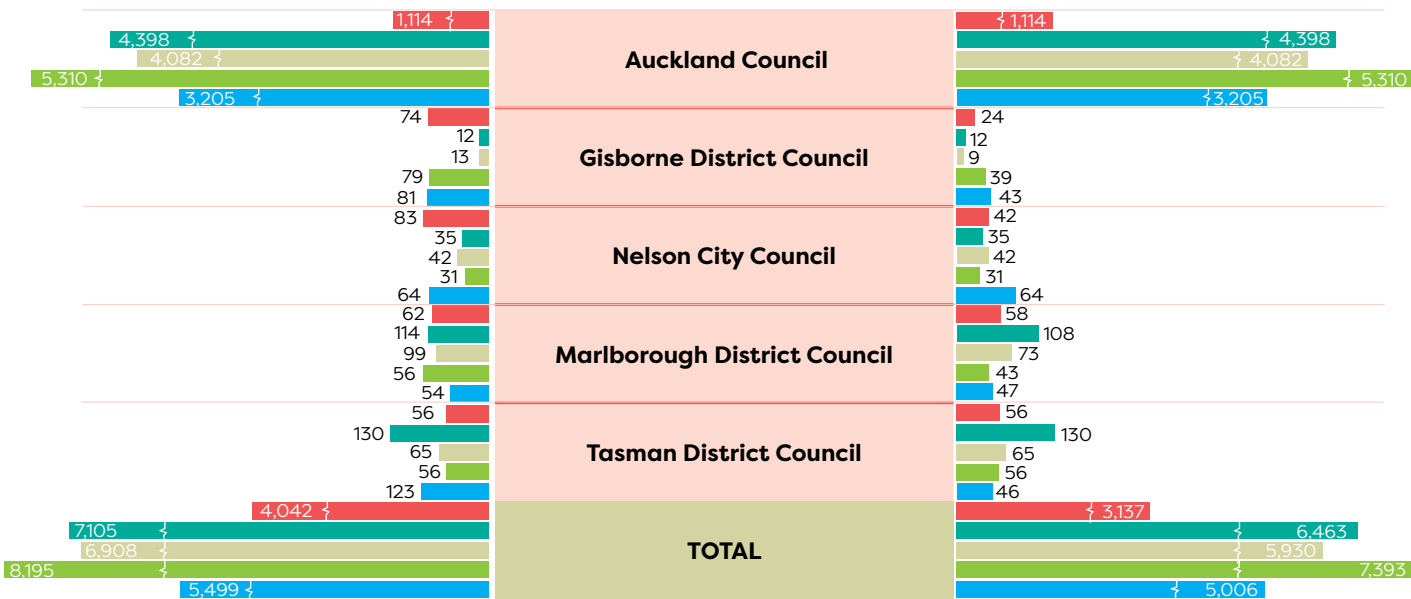
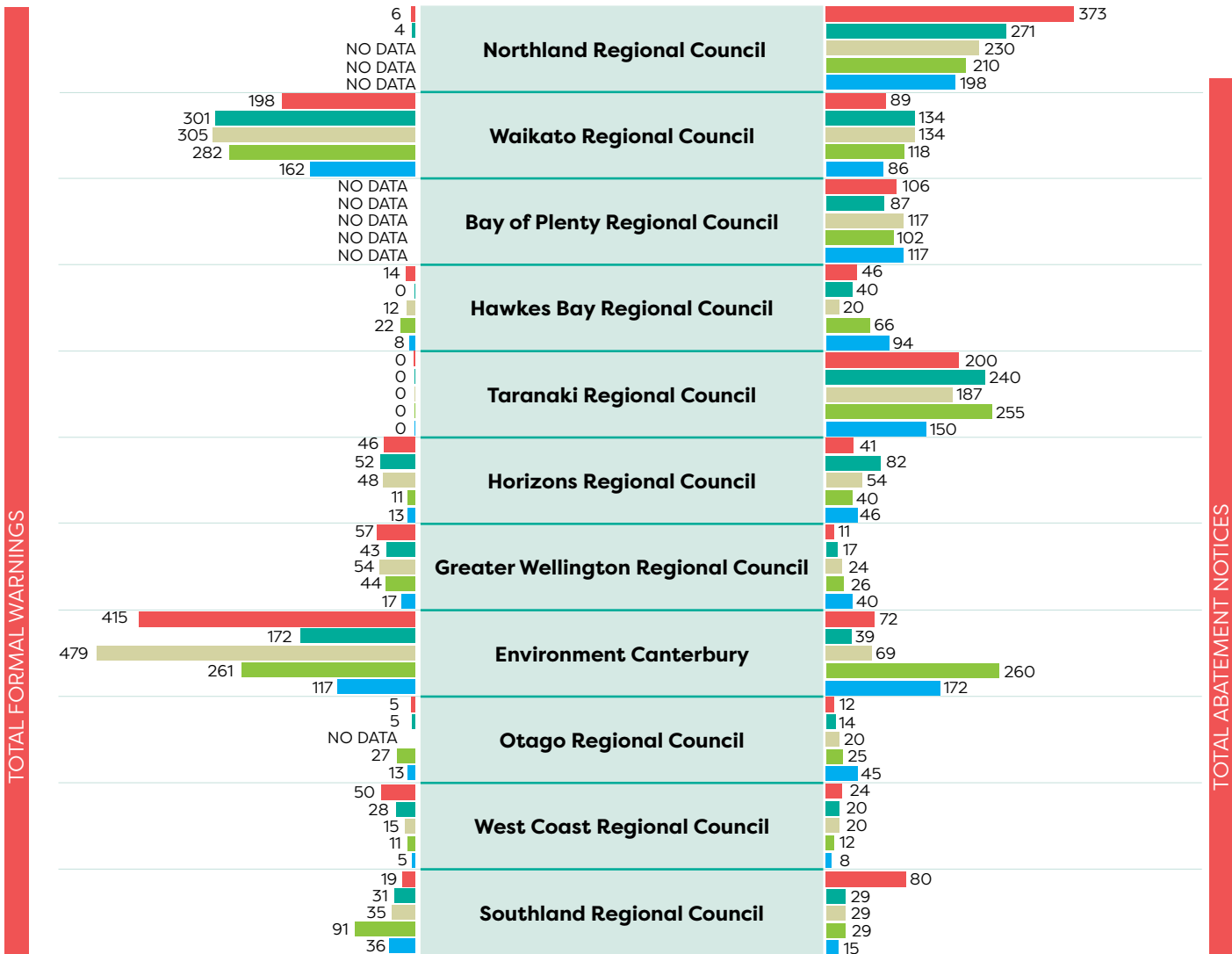


Figure 12: Total use of formal instruments (excluding prosecution)

TOTAL FORMAL WARNINGS AND ABATEMENT NOTICES

2017 / 2018 2018 / 2019 2019 / 2020 2020/ 2021 2021/ 2022

REGIONAL COUNCILS



UNITARY AUTHORITIES

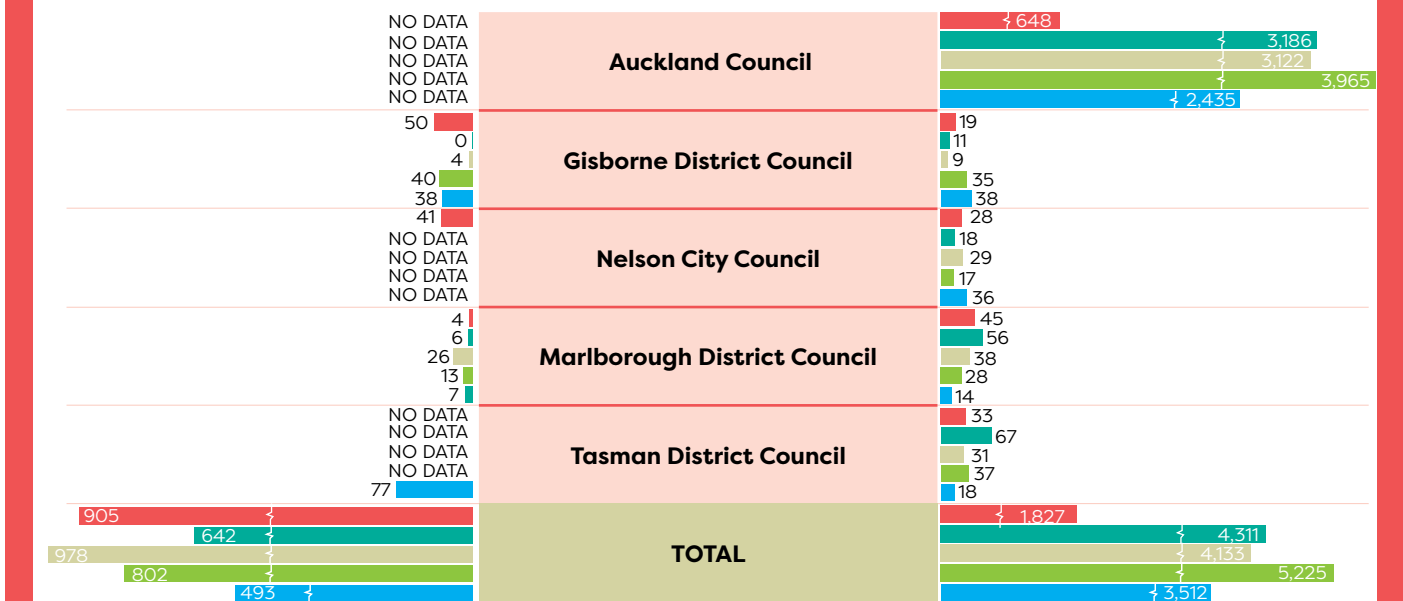


Figure 13: Total formal warnings and abatement notices

TOTAL INFRINGEMENT NOTICES AND ENFORCEMENT ORDERS

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

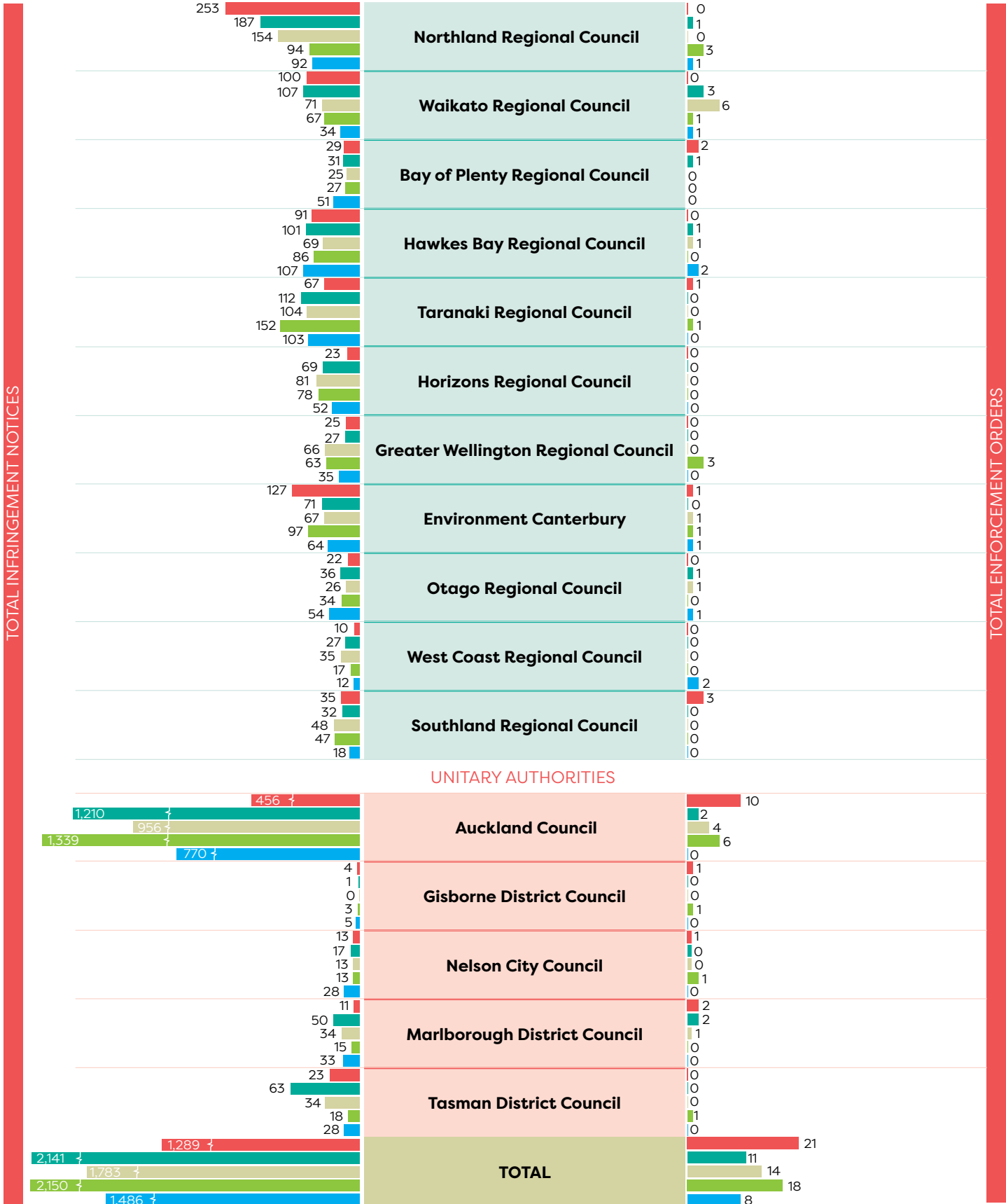


Figure 14: Total infringement notices and enforcement orders

NATIONWIDE PROSECUTIONS

CONCLUDED **40** / IN PROGRESS **93**

PROSECUTIONS

 **25**
INDIVIDUALS
ON 138 CHARGES

 **21**
CORPORATES
ON 42 CHARGES

Questions 28 to 33 address prosecutions, defendants and convictions. Use of these tools where appropriate encourages compliance and behavior change by deterring offenders. The degree to which prosecutions are used shows the willingness of agencies to use tools at the heavy end of the spectrum. Where councils are unlikely to prosecute it may be perceived that non-compliance is unlikely to result in consequence.

This year the total number (both in progress and concluded) is lower with 133 prosecutions, last year it was 166. A higher number are in progress this year, compared to last year where majority were concluded.

There are less individuals convicted, however more convictions by those individuals. For corporates there are less corporates convicted and less convictions.

QUESTION 28. How many RMA prosecutions were:

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

Concluded in the period?

Still in progress in the period?

QUESTION 29. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

QUESTION 30. For all of these (person) defendants what is the total number of convictions entered against them? For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.

QUESTION 31. What is the total number of corporate (e.g. Crown, company, body corporate etc.) defendants convicted as a result of RMA prosecutions concluded in this period?

QUESTION 32. For all of these (corporate) defendants what is the total number of convictions entered against them? For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.

QUESTION 33. Total number of convictions against an individual [see categories for sections of the Act as above]
Total fine potential (Total x \$300,000)

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

NATIONWIDE PROSECUTIONS ACROSS THE REGIONAL SECTOR

2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

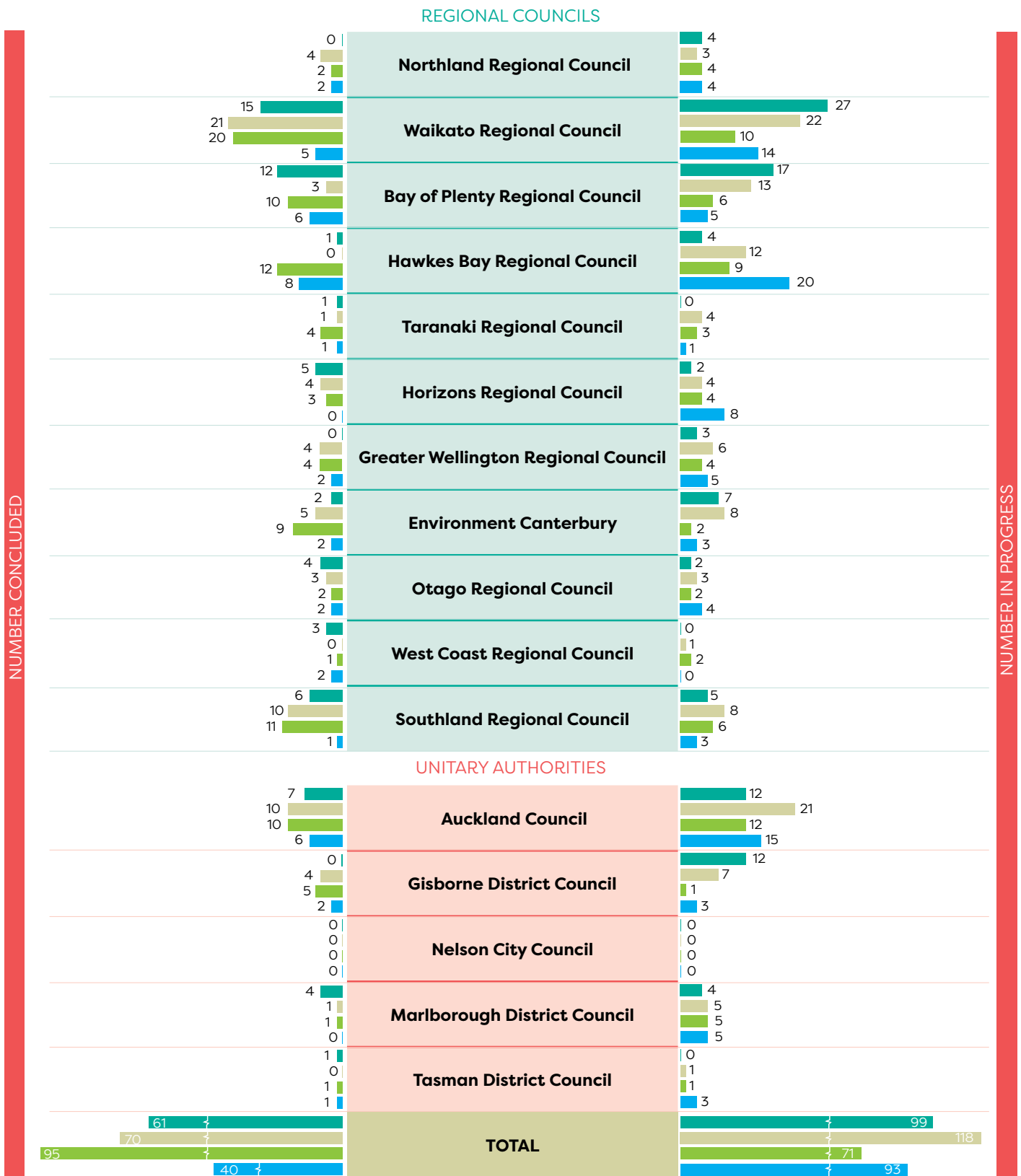
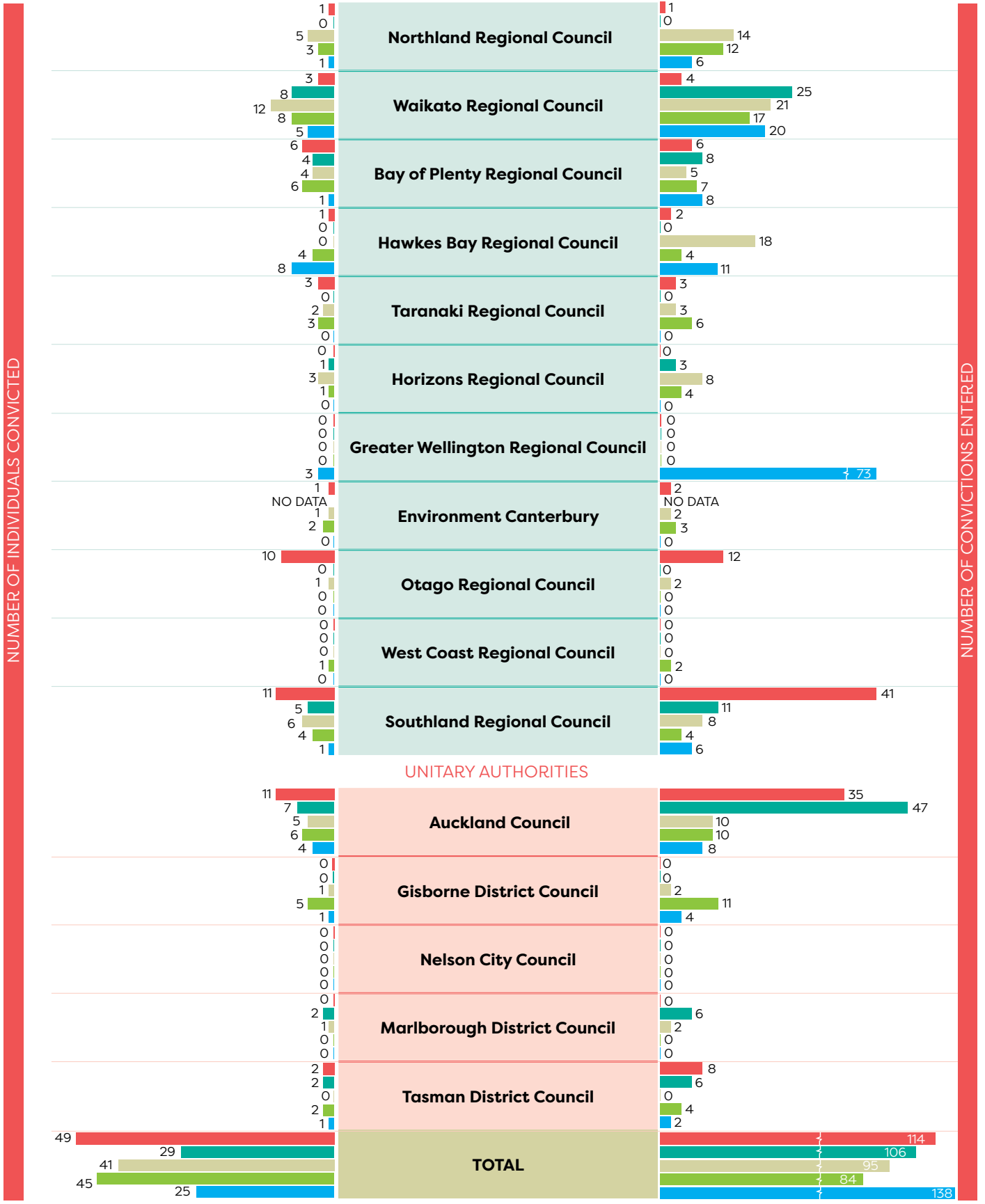


Figure 15: Prosecutions across the regional sector

INDIVIDUALS CONVICTED ACROSS THE REGIONAL SECTOR

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

REGIONAL COUNCILS



NUMBER OF INDIVIDUALS CONVICTED

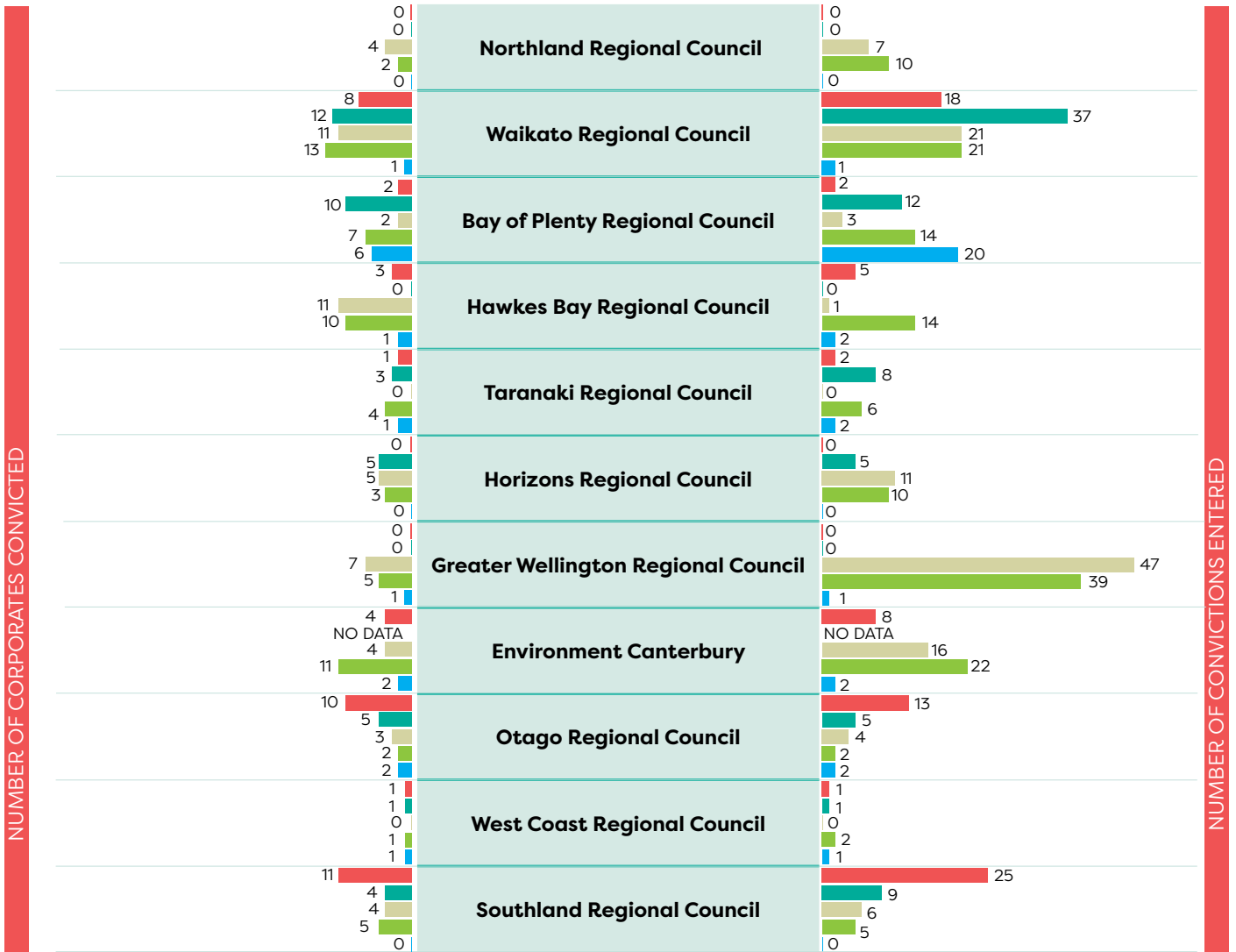
NUMBER OF CONVICTIONS ENTERED

Figure 16 : Individuals convicted across the regional sector

CORPORATES CONVICTED ACROSS THE REGIONAL SECTOR

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

REGIONAL COUNCILS



UNITARY AUTHORITIES

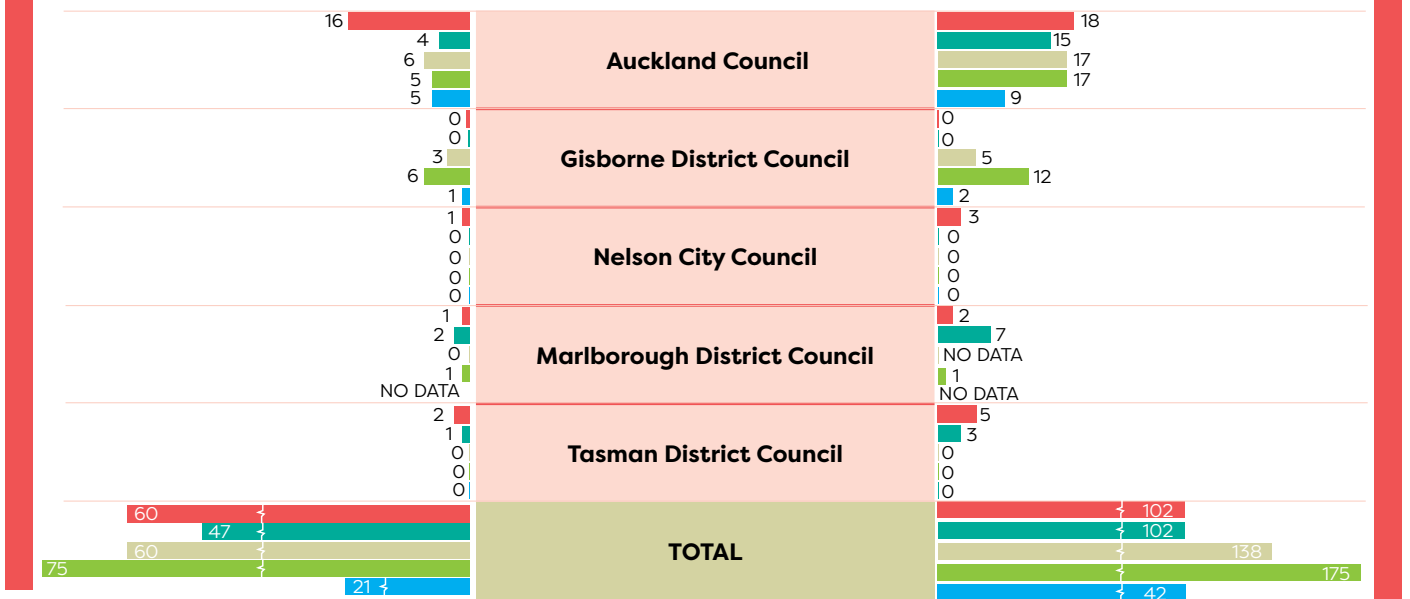


Figure 17 : Corporates convicted across the regional sector

PENALTIES

Lower concluded prosecutions impact penalties this year. Fines decreased significantly this year. In 2020/2021 corporate fines totaled just over \$4m, this year \$726k. In the 2020/2021-year individual fines totaled just over \$900k, this year \$595K.

Compared to last year many councils did not report any fines. Ten councils report no individual fines, six report no corporate fines. There were a range of sanctions handed down.

On two occasions the Courts have imposed prison sentences as a result of council prosecutions, this is rare under the RMA. Restorative justice was also less.

	NUMBER OF COUNCILS
PRISON SENTENCE	2
ENFORCEMENT ORDER	7
REPARATION	2
COMMUNITY SERVICE	3
RESTORATIVE JUSTICE	1
DIVERSION	2
ALTERNATIVE JUSTICE	1
DISCHARGE WITHOUT CONVICTION	2

Table 7: Other sanctions handed down under the RMA

QUESTION 34. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period? Individual / Corporate

QUESTION 35. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period? Prison sentence / Enforcement order / Reparation / Community Service / Discharge without conviction / Other

QUESTION 36. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- Restorative justice
- Diversion
- Alternative justice
-

QUESTION 37. Describe any outcomes relating to these processes.

NATIONWIDE TOTAL FINES

\$594,500 / **\$725,750**
INDIVIDUAL / CORPORATE

	INDIVIDUAL FINES	CORPORATE FINES
REGIONAL COUNCILS		
NORTHLAND REGIONAL COUNCIL	\$0	\$0
WAIKATO REGIONAL COUNCIL	\$185,050	\$60,000
BAY OF PLENTY REGIONAL COUNCIL	\$0	\$279,500
HAWKES BAY REGIONAL COUNCIL	\$53,000	\$18,750
TARANAKI REGIONAL COUNCIL	\$0	\$48,750
HORIZONS REGIONAL COUNCIL	\$0	\$0
GREATER WELLINGTON REGIONAL COUNCIL	\$118,750	\$50,000
ENVIRONMENT CANTERBURY	\$0	\$76,000
OTAGO REGIONAL COUNCIL	\$0	\$48,100
WEST COAST REGIONAL COUNCIL	\$0	\$28,000
SOUTHLAND REGIONAL COUNCIL	\$42,000	\$0
REGIONAL SUBTOTAL	\$398,800	\$609,100
UNITARY AUTHORITIES		
AUCKLAND COUNCIL	\$83,700	\$88,650
GISBORNE DISTRICT COUNCIL	\$112,000	\$28,000
NELSON CITY COUNCIL	\$0	\$0
MARLBOROUGH DISTRICT COUNCIL	\$0	\$0
TASMAN DISTRICT COUNCIL	\$0	\$0
UNITARY SUBTOTAL	\$195,700	\$116,650
TOTAL	\$594,500	\$725,750

Table 8: Prosecution outcomes: fines

QUESTION 34. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

PROSECUTIONS INVOLVING OTHER SANCTIONS IMPOSED BY COURTS

	PRISON SENTENCE	ENFORCEMENT ORDER	REPARATION	COMMUNITY SERVICE	DISCHARGE WITHOUT CONVICTION
REGIONAL COUNCILS					
NORTHLAND REGIONAL COUNCIL		1			1
WAIKATO REGIONAL COUNCIL		1		170 hours	
BAY OF PLENTY REGIONAL COUNCIL	1	1	1 (\$80,000)		
HAWKES BAY REGIONAL COUNCIL				2	
TARANAKI REGIONAL COUNCIL					
HORIZONS REGIONAL COUNCIL					
GREATER WELLINGTON REGIONAL COUNCIL	1	1			
ENVIRONMENT CANTERBURY		1			
OTAGO REGIONAL COUNCIL					
WEST COAST REGIONAL COUNCIL		1			
SOUTHLAND REGIONAL COUNCIL					
REGIONAL SUBTOTAL		6			1
UNITARY AUTHORITIES					
AUCKLAND COUNCIL		1	\$10,913.50		1
GISBORNE DISTRICT COUNCIL					
NELSON CITY COUNCIL					
MARLBOROUGH DISTRICT COUNCIL					
TASMAN DISTRICT COUNCIL				150 hours	
UNITARY SUBTOTAL		1			1
TOTAL		7			2

Table 9: Prosecutions involving other sanctions imposed by courts

QUESTION 35. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?

PROSECUTIONS INVOLVING RESTORATIVE JUSTICE, DIVERSION OR OTHER ALTERNATIVE JUSTICE

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

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

QUESTION 36. How many prosecutions involved restorative justice, diversion or other alternative justice process?

CME REPORTING

Reporting on councils CME functions is done through contributing to the National Monitoring System. Outside the National Monitoring System councils are responsible for determining their reporting.

Commonly reporting is done through annual reports, reports to councillors and reports to council committee meetings. There is increased uptake of reporting to the public. This is done through the annual report and reports to council committee meetings that are open to the public. Most councils use three or more reporting channels.

CME REPORTING CHANNELS

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

Table 11: CME reporting channels



REGIONAL SCORECARDS

PART 3

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

CME METRICS REPORT 2021/ 2022

NATIONAL SUMMARY



5,105,100
NEW ZEALAND POPULATION
ESTIMATE 2021



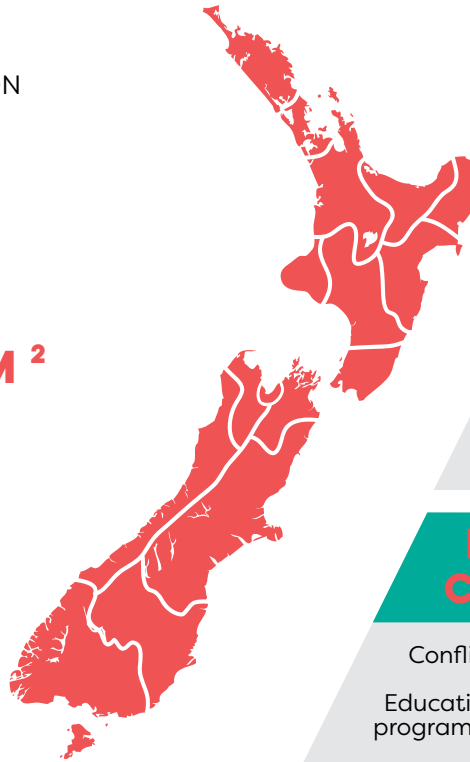
9.5%
POPULATION GROWTH
2016-2021



268,000 KM²
GEOGRAPHIC
AREA



\$326,507M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES	580
FTE/1000	0.16

POLICY CHECKLIST



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

CONSENTS



216,404
ADMINISTERED



35,810
REQUIRED
MONITORING



86%
CONSENTS MONITORED
OF THOSE REQUIRING IT

INCIDENTS



27,285
ENVIRONMENTAL
INCIDENTS REPORTED



99%
RESPONSE
RATE

ENFORCEMENT

493

WARNINGS
ISSUED

3,512

ABATEMENT NOTICES
ISSUED

1,486

INFRINGEMENT FINES
ISSUED

8

ENFORCEMENT ORDER
APPLICATIONS

40

PROSECUTIONS
CONCLUDED

93

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

NORTHLAND REGIONAL COUNCIL



196,100
NEW ZEALAND POPULATION
ESTIMATE 2021



12.5%
POPULATION GROWTH
2016-2021



13,778 KM²
GEOGRAPHIC
AREA



\$8,615 M
GDP TO MARCH
2021



CME STAFF



FULL TIME
EMPLOYEES **30**
FTE/1000 **0.15**

NATIONAL AVERAGE 0.16

CONSENTS



10,779
ADMINISTERED



4,153
REQUIRED
MONITORING



95%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



946
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

198

ABATEMENT NOTICES
ISSUED

92

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

WAIKATO REGIONAL COUNCIL



502,500
NEW ZEALAND POPULATION
ESTIMATE 2021



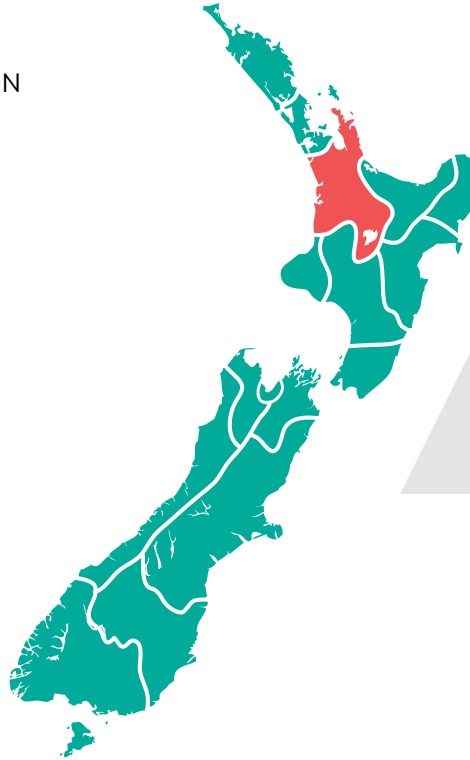
12.2%
POPULATION GROWTH
2015-2021



24,147 KM²
GEOGRAPHIC
AREA



\$29,173 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **49**
FTE/1000 **0.1**

NATIONAL AVERAGE 0.16

CONSENTS



12,511
ADMINISTERED



575
REQUIRED
MONITORING



100%+
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,849
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

162

WARNINGS
ISSUED

86

ABATEMENT NOTICES
ISSUED

34

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

5

PROSECUTIONS
CONCLUDED

14

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

BAY OF PLENTY REGIONAL COUNCIL



340,800
NEW ZEALAND POPULATION
ESTIMATE 2021



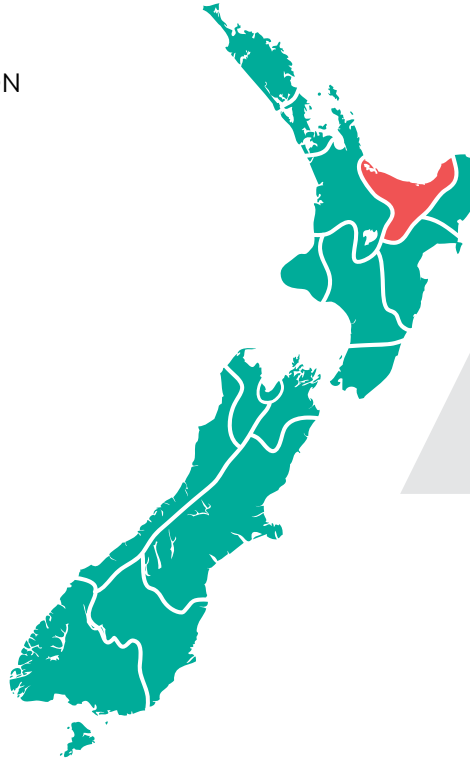
14.6%
POPULATION GROWTH
2016-2021



12,303 KM²
GEOGRAPHIC
AREA



\$19,319 M
GDP TO MARCH
2021



CME STAFF



FULL TIME
EMPLOYEES **39**
FTE/1000 **0.11**

NATIONAL AVERAGE 0.16

CONSENTS



7,608
ADMINISTERED



3,398
REQUIRED
MONITORING



93%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



3,169
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

117

ABATEMENT NOTICES
ISSUED

51

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

6

PROSECUTIONS
CONCLUDED

5

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

HAWKES BAY REGIONAL COUNCIL



186,600
NEW ZEALAND POPULATION
ESTIMATE 2021



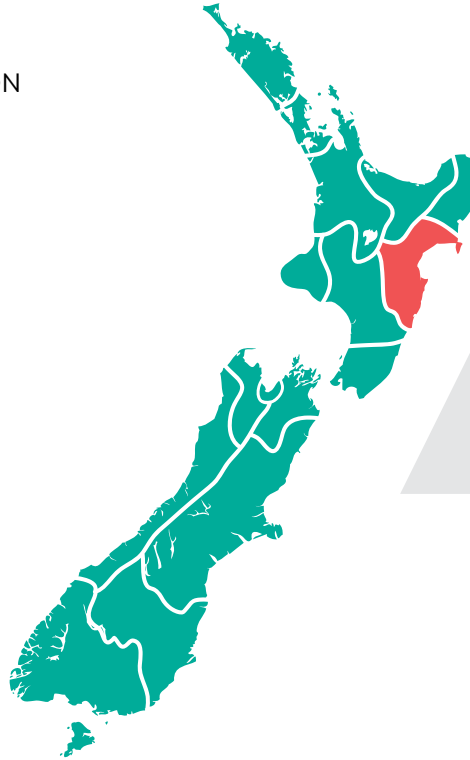
9.2%
POPULATION GROWTH
2016-2021



14,138 KM²
GEOGRAPHIC
AREA



\$9,271M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **18**
FTE/1000 **0.10**

NATIONAL AVERAGE 0.16

CONSENTS



8,620
ADMINISTERED



3,358
REQUIRED
MONITORING



91%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



736
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

8

WARNINGS
ISSUED

94

ABATEMENT NOTICES
ISSUED

107

INFRINGEMENT FINES
ISSUED

2

ENFORCEMENT ORDER
APPLICATIONS

8

PROSECUTIONS
CONCLUDED

20

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

TARANAKI REGIONAL COUNCIL



125,800
NEW ZEALAND POPULATION
ESTIMATE 2021



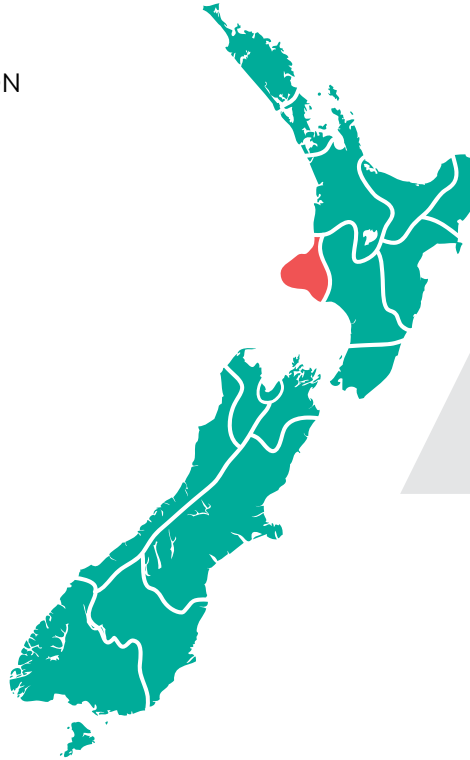
7.0%
POPULATION GROWTH
2016-2021



7,256 KM²
GEOGRAPHIC
AREA



\$8,885 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **53**
FTE/1000 **0.42**

NATIONAL AVERAGE 0.16

CONSENTS



4,372
ADMINISTERED



2,408
REQUIRED
MONITORING



100%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



531
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

0

WARNINGS
ISSUED

150

ABATEMENT NOTICES
ISSUED

103

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

1

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

HORIZONS REGIONAL COUNCIL



255,500
NEW ZEALAND POPULATION
ESTIMATE 2021



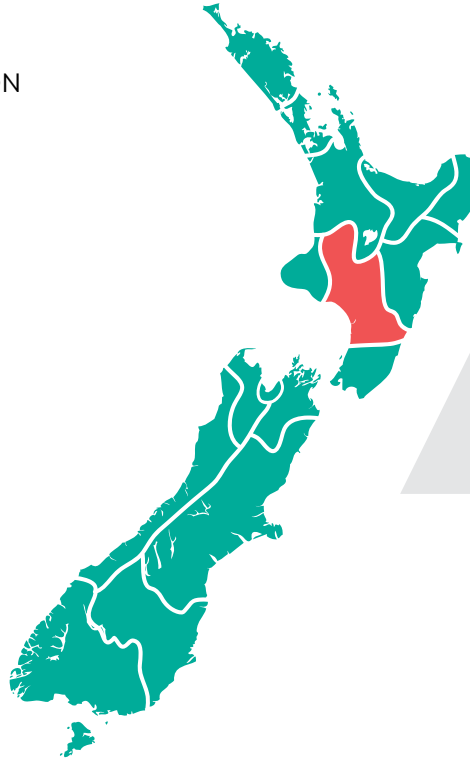
6.7%
POPULATION GROWTH
2016-2021



22,220 KM²
GEOGRAPHIC
AREA



\$12,758 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **17**
FTE/1000 **0.07**

NATIONAL AVERAGE 0.16

CONSENTS



5,638
ADMINISTERED



2,175
REQUIRED
MONITORING



95%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,335
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

13

WARNINGS
ISSUED

46

ABATEMENT NOTICES
ISSUED

52

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

0

PROSECUTIONS
CONCLUDED

8

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

GREATER WELLINGTON REGIONAL COUNCIL



544,900
NEW ZEALAND POPULATION
ESTIMATE 2021



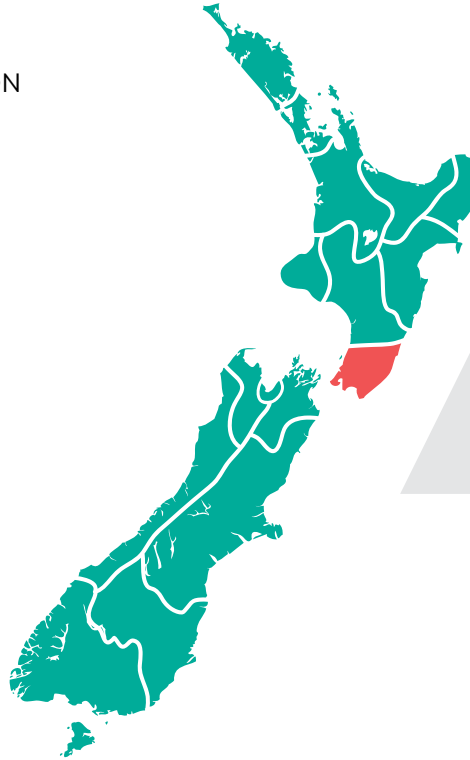
7.6%
POPULATION GROWTH
2016-2021



8,142 KM²
GEOGRAPHIC
AREA



\$41,041M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **22**
FTE/1000 **0.04**

NATIONAL AVERAGE 0.16

CONSENTS



7,259
ADMINISTERED



1,843
REQUIRED
MONITORING



88%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,139
ENVIRONMENTAL
INCIDENTS REPORTED



NO DATA
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

17

WARNINGS
ISSUED

40

ABATEMENT NOTICES
ISSUED

35

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

5

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/2022

ENVIROMENT CANTEBURY



647,600
NEW ZEALAND POPULATION
ESTIMATE 2021



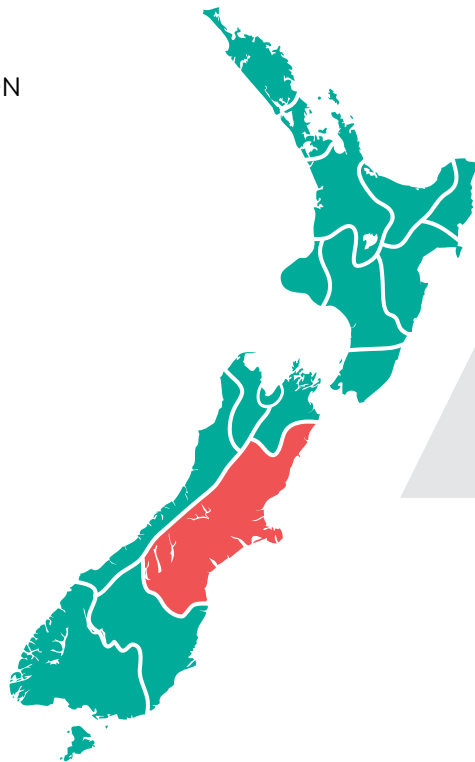
8.9%
POPULATION GROWTH
2016-2021



44,633 KM²
GEOGRAPHIC
AREA



\$41,138 M
GDP TO MARCH
2021



CME STAFF



FULL TIME
EMPLOYEES **75**
FTE/1000 **0.12**
NATIONAL AVERAGE 0.16

CONSENTS



23,079
ADMINISTERED



882
REQUIRED
MONITORING



76%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



3,763
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

117
WARNINGS
ISSUED

172
ABATEMENT NOTICES
ISSUED

64
INFRINGEMENT FINES
ISSUED

1
ENFORCEMENT ORDER
APPLICATIONS

2
PROSECUTIONS
CONCLUDED

3
PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

OTAGO REGIONAL COUNCIL



245,600
NEW ZEALAND POPULATION
ESTIMATE 2021



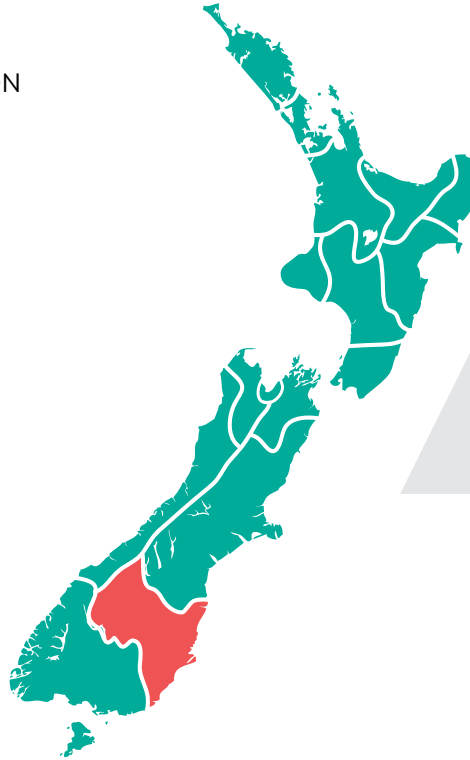
11.4%
POPULATION GROWTH
2016-2021



31,280 KM²
GEOGRAPHIC
AREA



\$14,003 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **37**
FTE/1000 **0.15**

NATIONAL AVERAGE 0.16

CONSENTS



5,829
ADMINISTERED



3,144
REQUIRED
MONITORING



77%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,206
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

13

WARNINGS
ISSUED

45

ABATEMENT NOTICES
ISSUED

54

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

WEST COAST REGIONAL COUNCIL



32,700
NEW ZEALAND POPULATION
ESTIMATE 2021



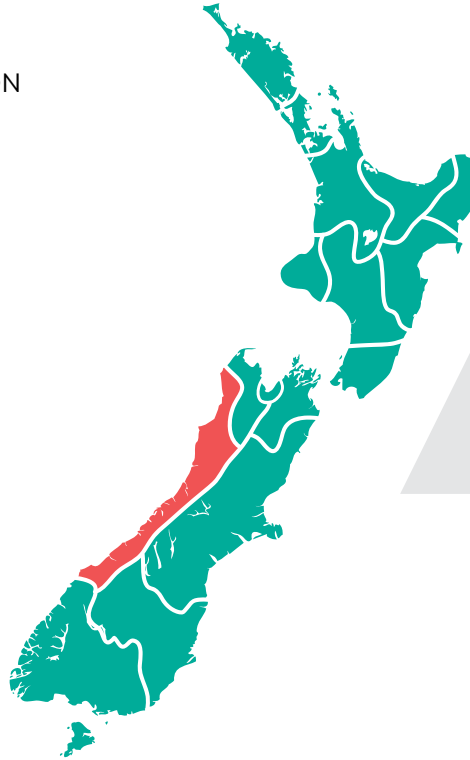
-0.6%
POPULATION GROWTH
2016-2021



23,277 KM²
GEOGRAPHIC
AREA



\$1,885 M
GDP TO MARCH
2021



CME STAFF



FULL TIME
EMPLOYEES **6**
FTE/1000 **0.17**
NATIONAL AVERAGE 0.16

CONSENTS



5,809
ADMINISTERED



1,275
REQUIRED
MONITORING



92%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



152
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

5

WARNINGS
ISSUED

8

ABATEMENT NOTICES
ISSUED

12

INFRINGEMENT FINES
ISSUED

2

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

0

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/2022

SOUTHLAND REGIONAL COUNCIL



102,800
NEW ZEALAND POPULATION
ESTIMATE 2021



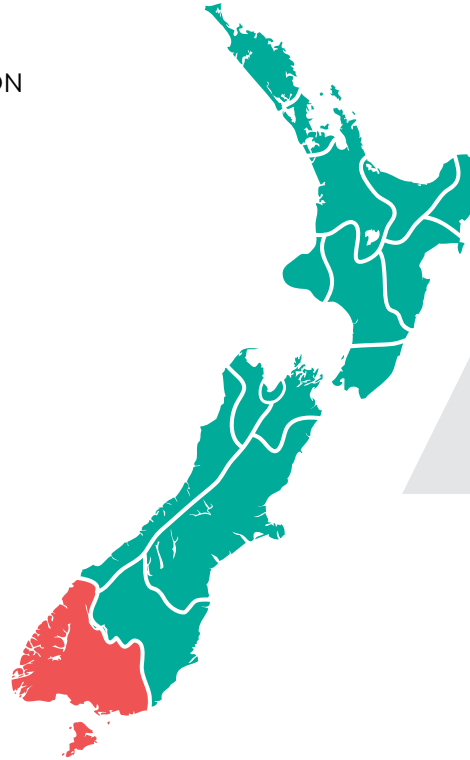
4.5%
POPULATION GROWTH
2016-2021



32,184 KM²
GEOGRAPHIC
AREA



\$6,730 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **14**
FTE/1000 **0.14**

NATIONAL AVERAGE 0.16

CONSENTS



4,916
ADMINISTERED



3,151
REQUIRED
MONITORING



84%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



712
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

36

WARNINGS
ISSUED

15

ABATEMENT NOTICES
ISSUED

18

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/2022

AUCKLAND COUNCIL



1,715,800
NEW ZEALAND POPULATION
ESTIMATE 2021



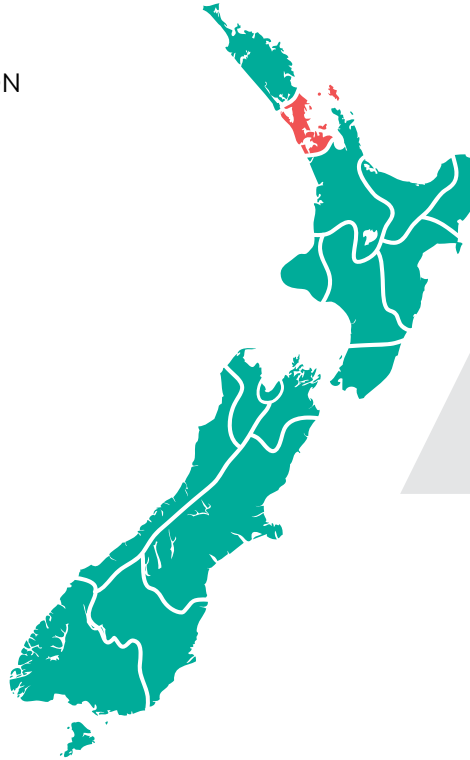
9.1%
POPULATION GROWTH
2016-2021



5,945 KM²
GEOGRAPHIC
AREA



\$121,740 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **178**
FTE/1000 **0.10**

NATIONAL AVERAGE 0.16

CONSENTS



75,017
ADMINISTERED



NO DATA
REQUIRED
MONITORING



NO DATA
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



9,044
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

2,435

ABATEMENT NOTICES
ISSUED

770

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

6

PROSECUTIONS
CONCLUDED

15

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

GISBORNE DISTRICT COUNCIL



51,300
NEW ZEALAND POPULATION
ESTIMATE 2021



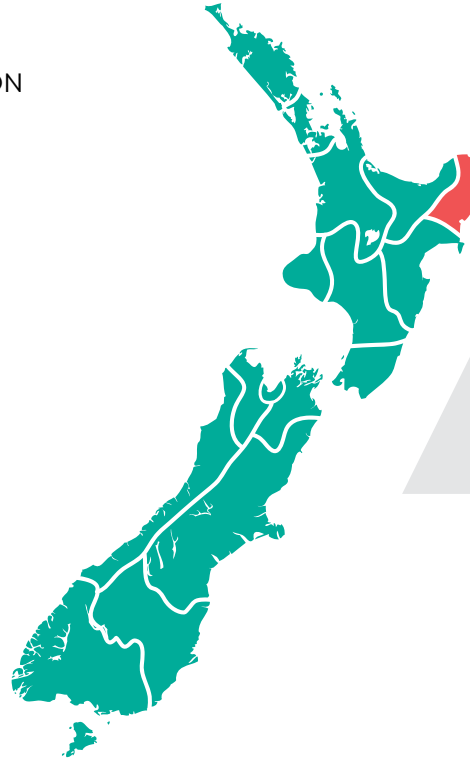
6.0%
POPULATION GROWTH
2016-2021



8,386 KM²
GEOGRAPHIC
AREA



\$2,336 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **11**
FTE/1000 **0.21**

NATIONAL AVERAGE 0.16

CONSENTS



7,753
ADMINISTERED



1,600
REQUIRED
MONITORING



47%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



337
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

38

WARNINGS
ISSUED

38

ABATEMENT NOTICES
ISSUED

5

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

TASMAN DISTRICT COUNCIL



57,450
NEW ZEALAND POPULATION
ESTIMATE 2021



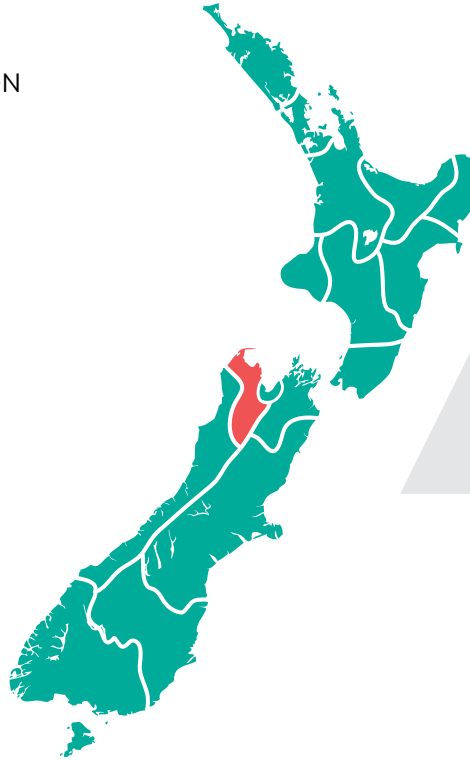
9.6%
POPULATION GROWTH
2016-2021



9,764 KM²
GEOGRAPHIC
AREA



\$6,108 M
GDP TO MARCH
2021



CME STAFF



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

NATIONAL AVERAGE 0.16

CONSENTS



8,803
ADMINISTERED



3,327
REQUIRED
MONITORING



73%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,344
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

77

WARNINGS
ISSUED

18

ABATEMENT NOTICES
ISSUED

28

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/2022

NELSON CITY COUNCIL



54,450
NEW ZEALAND POPULATION
ESTIMATE 2021



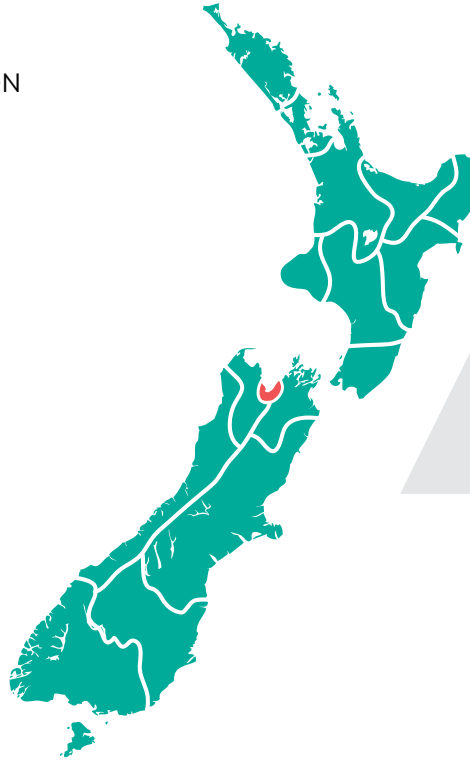
9.6%
POPULATION GROWTH
2016-2021



477KM²
GEOGRAPHIC
AREA



\$6,108M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **6**
FTE/1000 **0.1**
NATIONAL AVERAGE 0.16

CONSENTS



594
ADMINISTERED



594
REQUIRED
MONITORING



100%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



483
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

36

ABATEMENT NOTICES
ISSUED

28

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

0

PROSECUTIONS
CONCLUDED

0

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

MARLBOROUGH DISTRICT COUNCIL



51,200
NEW ZEALAND POPULATION
ESTIMATE 2021



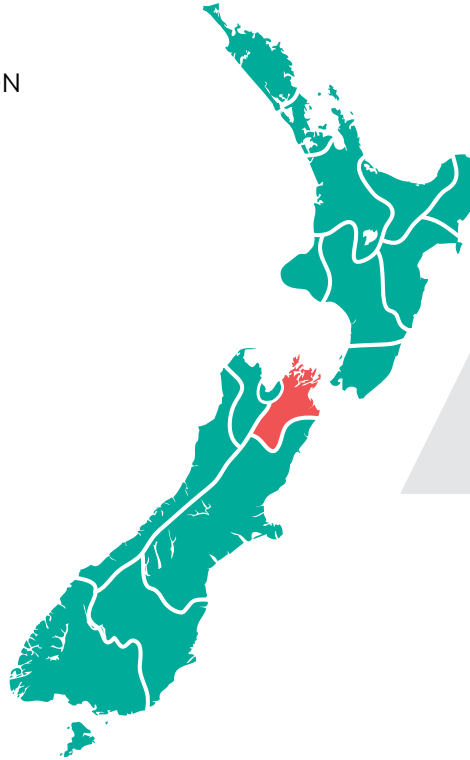
9.6%
POPULATION GROWTH
2016-2021



10,773 KM²
GEOGRAPHIC
AREA



\$3,505 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **14**
FTE/1000 **0.27**
NATIONAL AVERAGE 0.16

CONSENTS



27,817
ADMINISTERED



3,326
REQUIRED
MONITORING



85%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



539
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

7

WARNINGS
ISSUED

14

ABATEMENT NOTICES
ISSUED

33

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

0

PROSECUTIONS
CONCLUDED

5

PROSECUTIONS IN
PROGRESS

METRICS SURVEY QUESTIONS

APPENDIX 1

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

2. And this is for?

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

3. What is your name and contact details?

COMMITMENTS 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/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.

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

From 2020/2021 onwards all councils adopted the four compliance gradings, these questions were removed.

14. 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)
15. What were the levels of compliance with consents according to the grades you use?

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

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

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

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

MONITORING PERMITTED ACTIVITIES

16. 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

17. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?
18. Describe how you determine which consents are monitored and how frequently?
If there is a prioritisation model or compliance strategy, add link
19. 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

20. How many FTEs does your council have who carry out monitoring roles?
Include contractors.
21. How many FTEs does your council have who carry out environmental incident or pollution response roles?
Include contractors.
22. How many FTEs does your council have who carry out investigation or enforcement roles?
23. 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
24. 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

From 2020/2021 onwards all councils had an enforcement and conflict of interest policy, these questions were removed.

25. What is your process for making decisions on prosecutions?
26. Who has the delegation to authorise filing of charges for a prosecution at your council?

ACTING ON NON-COMPLIANCE

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

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

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

28. 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

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

30. 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.

31. 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?

32. 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.

33. 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)

34. 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

35. 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

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

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

37. Describe any outcomes relating to these processes.

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

38. 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

39. If yes, briefly describe

CME REPORTING

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

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

NORTHLAND REGIONAL COUNCIL

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

WAIKATO REGIONAL COUNCIL

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

BAY OF PLENTY REGIONAL COUNCIL

BOPRC is continuing to build relationships between council and tangata whenua, and identify opportunities to work together in the regulatory space. Māori as kaitiaki is considered in the day to day implementation of our compliance programme. In practical terms, this may include ensuring tangatawhenua are notified of incidents in their rohe ('no surprises' approach) and involved in projects 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).

HAWKES BAY REGIONAL COUNCIL

The Council has a Māori Partnership Group who advises and offers strategic support and leadership to the Council and all staff in order to enable effective partnerships, engagement, and meaningful participation with tānagata whenua. The Council has the Māori committee, which includes both elected councillors and 12 representatives of the four Ngāti Kahungunu Taiwhenua/executive in our region. Additionally, there is the Regional Planning Committee and the Post Settlement Governance Entity representatives who work closely together and make recommendations to the Council to ensure the effective implementation of plans, processes, monitoring and enforcement. The Council work closely with Iwi with significant incidents, investigations and prosecutions. The Council regularly obtains cultural impact statements from Iwi for most prosecutions.

TARANAKI REGIONAL COUNCIL

The Council has 3 Iwi appointed representatives on each of its Consents and Regulatory and Policy and Planning Committees. This provides for CME input at this level. In addition, the Council engages directly with Iwi over prosecutions and obtains victim impact statements.

HORIZONS REGIONAL COUNCIL

No formal agreements are in place at this stage with Iwi around CME; however, in the event of a major incident or comprehensive investigation, the relevant Iwi are notified. In relation to comprehensive investigations Council endeavors to obtain cultural impact statements from Iwi that are then put before the court as part of the sentencing process.

GREATER WELLINGTON REGIONAL COUNCIL

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

ENVIRONMENT CANTERBURY

While we do not currently have any CME joint management arrangements in place, there is an aspiration to do so in the future. In the meantime, we alert some of the rūnanga to incidents as they occur, to enable them to indicate those that they want to advise on, and we currently fund cultural impact statements to support decision making processes regarding enforcement decisions with those rūnanga. We have a pilot project in South Canterbury with one rūnanga regarding a co-design approach to fish screen compliance, which is progressing positively. In 2022-23 we will be extending that to other parts of the region, as rūnanga see fit. In response to concerns from a rūnanga in the northern part of the region, we have established a new CME position, and involved the rūnanga in the appointment process. In 2022-23 we plan to deliver on greater rūnanga involvement in our CME functions.

OTAGO REGIONAL COUNCIL

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

WEST COAST REGIONAL COUNCIL

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

SOUTHLAND REGIONAL COUNCIL

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

AUCKLAND COUNCIL

One of the organisational strategy focus is to give effect to Te Teriti through outcomes for Māori. For us that means involving mana whenua through regulatory decisions and help protect the history and environment of Auckland by CME and education.

GISBORNE DISTRICT COUNCIL

Council is committed to providing for the rights of Māori in decision-making processes and allowing the roles as tino-rangitiratanga and kaitiaki to be exercised. Whilst there are no specific CME agreements GDC has several relationship and management agreements with Māori stakeholder groups (iwi/hapū, land trusts and others). These include memorandums of understanding, joint management agreements, co-management and co-governance arrangements and joint protocols for a particular site or process. Internally GDC has developed a resource for staff (Te Matapihi) to develop confidence when engaging with Māori. This resource provides an interactive map of iwi/hapū groups that identifies areas of interest for hapū/iwi groups in the region and lists all engagements/projects with mana whenua to reduce duplicity of contact.

NELSON CITY COUNCIL

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

MARLBOROUGH DISTRICT COUNCIL

MDC engage with Iwi and hapū in relation to CME with cultural impact and prioritises as required. This includes the provision of cultural impacts statements, and victim impact statements for sentencing. MDC operates a Iwi working group in the development of plans.

TASMAN DISTRICT COUNCIL

No formal arrangement around CME at this stage. Strategy being developed as part of wider engagement and being given priority. Some engagement is occurring through consent monitoring where conditions allow.