

Regional sector independent analysis of the 2017/18 compliance monitoring and enforcement metrics

SUMMARY AND KEY POINTS



CME Report 2017/18 findings and recommendations

The report **Analysis of the 2017/18 compliance monitoring and enforcement metrics for the regional sector** was completed by Dr Marie Brown from The Catalyst Group, on behalf of the Regional Council Sector Compliance and Enforcement Special Interest Group. It covers all 16 regional and unitary councils.

The Resource Management Act was set up to ensure the sustainable management of New Zealand's natural and physical resources.

Implementation of the act, however, is devolved to councils and other agencies and depends on the effective compliance, monitoring and enforcement (CME) of resource consents.

Compliance, monitoring and enforcement are significant tools to ensure effective management of natural resources (air, land, water):

- Robust CME can help drive positive environmental outcomes as well as mitigate weak policy in other areas.
- Poor CME can result in environmental slippage which can erode the effectiveness of regional plans written by councils.

Analysing and reporting on compliance, monitoring and enforcement activities, and the performance of agencies charged with applying the RMA, is essential for better stewardship of New Zealand's natural environment.

However, data on the compliance, monitoring and enforcement performance of councils and other agencies has always been patchy, and councils in the past have provided little guidance and support.

The dataset - while patchy - provides insight into the conduct of CME agencies under the RMA, and it is also of value as a baseline for future surveys and reports. The data is the most comprehensive released on the compliance, monitoring and enforcement activities of councils in the 27-years the RMA has been in force.

The report was prepared from a survey sent to each council which provided data covering the year ended 30 June 2018 (the 2017-18 year).



Key findings

- 436 people were employed by councils in regional compliance, monitoring and enforcement roles.
- There were nearly 30,000 complaints about environmental issues and 87 per cent of those complaints were responded to.
- There are around 200,000 resource consents issued in New Zealand:
 - Around 50,000 of those consents needed monitoring because of possible environmental effects.
 - 92% of the consents that needed monitoring, were monitored.
 - The compliance levels of monitored consents were highly variable by region.

Enforcement actions

- 905 formal warnings
- 1844 abatement notices
- 1289 infringement fines
- 21 enforcement orders were applied for
- In total, more than 4000 formal actions.

Legal actions

- 114 convictions against 49 individuals
- 102 convictions against 60 corporate defendants
- 216 convictions of 109 defendants in total),
- \$2m in fines in addition to other sanctions and costs
NS Restorative justice initiatives

The dominant offence was the discharge of contaminants.

Key recommendations

- 1** Standardise compliance, monitoring and enforcement definitions and practices at the national level (where possible) to improve consistency and to allow better comparisons of data.
- 2** Councils with apparently low CME resourcing should review their activities to ensure they meet the minimum requirements of the Best Practice Guidelines.
- 3** Continue to develop and improve CME information collection and management.
- 4** Councils should review CME policy to ensure fair and transparent decision-making.
- 5** Continue to improve the reporting of CME data to ensure it is robust and regular.
- 6** Unitary councils should improve the separation of regional and district CME activities to make it easier to compare information across the sector, and to improve transparency for unitary councils.



RMA compliance monitoring and enforcement 2017/18



Businesses and landowners



Information from the public



50,000
active resource consents require ongoing monitoring



30,000
RMA complaints lodged



92%
have been monitored



87%
have been responded to

Regional sector



16
regional and unitary councils around the country employ

436
staff who are dedicated to RMA CME

Prosecutions

Most common serious breach:
Discharging contaminants to environment

\$2 million in fines against polluters

- 49 individuals convicted
- 60 companies convicted

RMA breaches resulted in **4000+** formal actions

Abatement notices	1844
Infringement fines	1289
Formal warnings	904
Enforcement orders	21

