



Otago Regional Council Compliance Plan 2020 - 2022

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Compliance Plan 2020-2022

Otago Regional Council (ORC) is responsible for regulating activities affecting water, air, land and the coast to promote the sustainable management of our environment. The ORC Compliance Teams help our community meet our rules and regulations through compliance monitoring, education, advice, investigations and enforcement.

The Compliance Plan is ORC's roadmap of compliance priorities for the next 18 months. The Compliance Plan informs ORC's work in accordance with our obligations under the Resource Management Act 1991, and the national compliance direction set for all regional councils under the Regional Sector Strategic Compliance Framework.

The Compliance Plan will be used to inform our work programme. By monitoring progress against our priorities, ORC is agile in responding to those issues which are the most important for Otago's environment.



Compliance Plan objectives

The Compliance Plan sets out ORC's compliance priorities to 30 June 2022. The key objectives of the Compliance Plan are:

- To improve environmental outcomes associated with the activities ORC regulates – such as discharges to land, water and air, the take and use of water, and activities which impact on our rivers, lakes, wetlands and coastal environment.
- To identify and prioritise the activities that we will focus our resources on over the next 18 months.
- To inform communities and consent holders in Otago about the compliance activities ORC undertakes to protect our environment, encourage compliance and good practice, and improve environmental performance and raise environmental awareness.

The Compliance Plan informs the direction of the ORC compliance teams and how the teams will work together to deliver good compliance and environmental outcomes. The Compliance Plan does not provide an exhaustive list of all compliance activities that will be undertaken during this period. ORC has ongoing proactive compliance programmes in place to monitor all activities we regulate. We must also reactively respond to new issues as they arise and be agile to respond to national changes which introduce new rules and regulations.



What our compliance teams do

Monitoring consented and permitted activities

ORC is responsible for monitoring compliance with resource consent conditions and permitted activities like dairy and forestry with our plans and national regulations. Our Compliance Monitoring and Regulatory Data and Systems teams receive and analyse monitoring data, conduct aerial monitoring, and undertake site visits.

Of the 2,069 consents monitored in 2019-20, most consents were compliant or had only minor or technical non-compliance recorded. Of these consents monitored, 19% required compliance team follow up to improve compliance performance. For permitted activities, 87% were compliant with the rules and 13% required compliance follow up.



5,577 consents in our system



498 activities & structures in/over waterbodies



1,727 water takes & deemed permits



251 air discharge consents



679 consents for structures in the coast



968 discharges to land, water, & coast



611 consents monitored on-site & 1,782 desktop audits



268 dairy farms monitored

Investigating incidents which impact our environment

Our Investigations Team has a key role in responding to incidents where unlawful activities impact our environment. We responded to 1,184 incidents in 2019-20 and took appropriate action where it was needed.

Compliance approach

ORC applies a proactive, responsive and risk-based approach to our regulatory functions. Our philosophy is **Education First**, and we will work proactively with groups, resource users and consent holders on good environmental practice. We are guided by the Regional Sector Strategic Compliance Framework 2019-24 operating principles:

Transparency

Providing clear information about compliance requirements, providing good information on environmental performance, and our actions to address non-compliance.

Collaborative

ORC collaborates and shares information with other regulators and stakeholders. We will engage with consent holders and communities to achieve good environmental outcomes.

Responsive

We will respond in an effective and timely manner in accordance with legislative and organisational obligations.

Evidence-based

ORC's decisions will be informed by a range of sources, including science, other regulators, the community, industry and interest groups.

Consistency

Actions are consistent with legislation and within our powers. We will strive for consistency of compliance and enforcement outcomes.

Lawful, accountable

Conducting ourselves lawfully and impartially in accordance with relevant policies and guidance. We will measure and report on our performance.

Targeted

Focusing on the most important issues to achieve the best outcomes, targeting regulatory intervention at activities that pose the greatest risk to the environment.

Fair and reasonable

Our decisions are appropriate to the circumstances and our actions will be proportionate to the risks to the environment, people, and the seriousness of the incident.



How we prioritise our compliance activities

The Compliance Plan has been prepared using a risk-based approach in accordance with the Regional Sector Strategic Compliance Framework to determine our priorities for 2020-22.

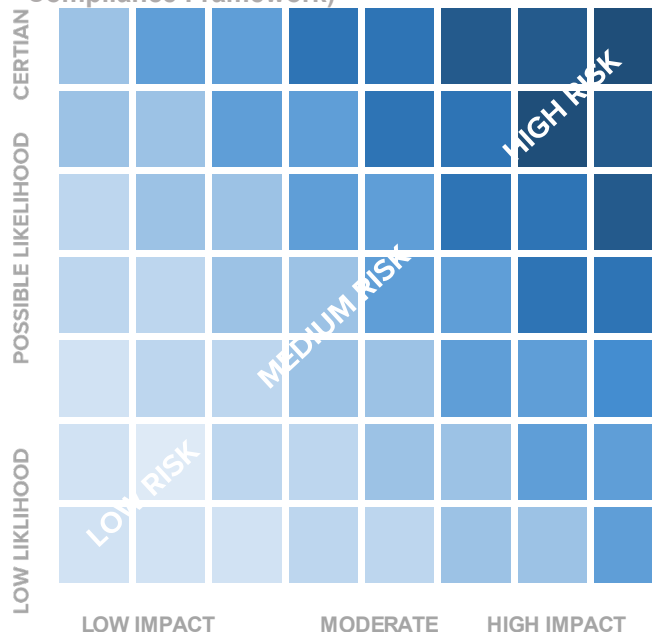
When assessing risk, the level of impact to people and the environment (environmental, social, economic and cultural effects) and the relative likelihood of the impact is considered. This informs how to prioritise compliance monitoring activities generally as well as how we respond to incidents where non-compliance is identified.

Monitoring frequency

An assessment of perceived and actual risk is used to determine the auditing frequency of resource consents and permitted activities. The history of non-compliance, the significance of potential effects, previous monitoring records, the sensitivity of the receiving environment is considered when

we determine how frequently we monitor. We also consider data available from state of environment reporting to inform our compliance monitoring programme. This means we can adapt our monitoring frequency over time, as risks to the environment change, and focus our resource to achieve the best environmental outcomes.

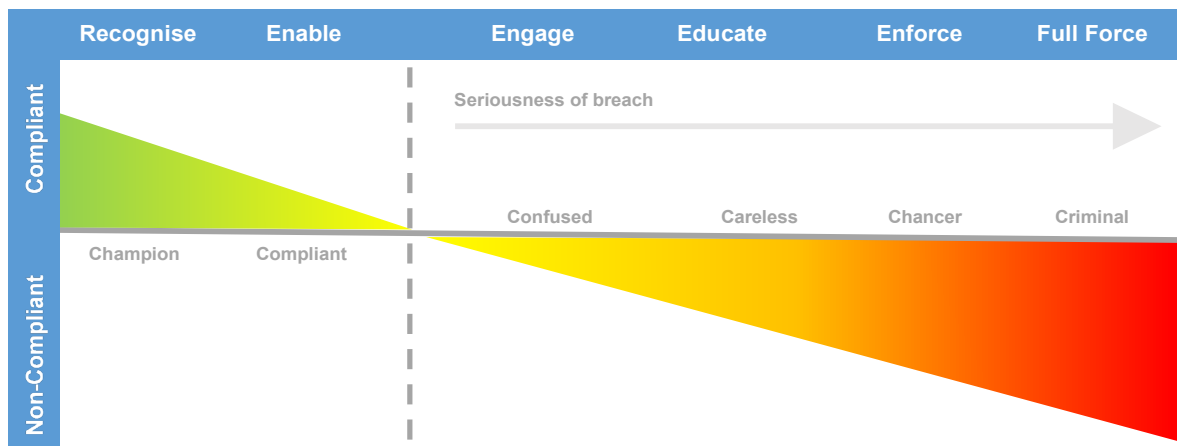
Risk Matrix (based on Regional Sector Strategic Compliance Framework)



How we respond to non-compliance

There is no 'one size fits all' approach to addressing non-compliance. ORC's approach and use of regulatory tools depends on the issue, context and seriousness of the breach as illustrated below:

Influencing behaviour change (based on Regional Sector Strategic Compliance Framework)



Incident response

Our Investigations Team respond to reports of environmental non-compliance and pollution incidents that are received through our 24-hour pollution hotline, website and email messages, or from field reports from staff.

Environmental incidents are triaged according to the level of risk and immediacy of effects. For incidents that are a high priority due to significant potential effects on the environment or people, our team responds immediately where possible, and always within 24 hours of the incident being reported. For incidents that are a lower priority, the timing of the response is dependent on the level of risk. All incidents are responded to and reported on.



**High priority
incidents response
within 24 hours**



**All incidents are
responded to and are
reported on**

Compliance tools

We use a range of compliance and enforcement tools to respond to non-compliant resource consents and incidents which breach our plans or national regulations:

Letters

Used where a minor breach has been reported and/or to educate on the relevant consent conditions, rules and regulations that apply.

Formal warnings

Used when the risk to the environment or people from a breach is low and to work proactively to improve compliance to avoid repeat incidents.

Infringement notice

Used when non-compliance with a consent condition or with rules requires a more formal approach and where a fee is required to be paid.

Abatement notices

Used when non-compliance with a consent condition or rules requires works to cease and/or where remediation is required.

Enforcement orders

Used for higher level offending, made by the Environment Court, and requires activities to cease, actions to be taken and/or costs to be paid.

Prosecution

For higher level offending, establishes the guilt or innocence of an accused party, and can include fines and/or imprisonment.

Programmes to support compliance

To support our compliance priorities, we work proactively with landowners and consent holders to **Engage** with them on compliance matters, support them to **Enable** compliance wherever possible, and **Educate** on good practices. We will do this by:

ORC website

Keeping our website up to date with best practice information, including good farming and land use practice, and good practice for water takes, water use and recording of data. We will work towards changes to our website to make it easier for communities and consent holders to report data to us in the future.

Proactive compliance

Monitoring of permitted activities to ensure compliance and working closely with consent holder to address compliance issues before they arise (such as dairy farm monitoring, working with the forestry industry on harvesting plans, and the low flow task force).

On-site advice

Providing advice when on-farm or on-site about good practice to achieve compliance with the ORC's regional plans and national regulations.

Partnerships

Continuing to form strong partnerships with industry groups such as Dairy NZ, Sheep and Beef NZ, Horticulture NZ, Federated Farmers, the Forestry Association, the Deer Association and others.

Fact sheets

Printable fact sheets on good practice supports ORC's online content and are taken on-site when monitoring is undertaken. These will provide advice about what is required in plans, and new national regulations to apply these practically for rural communities and understand consenting obligations.

Compliance correspondence

Keeping consent holders up-to-date following monitoring of their consents, keeping dairy farm and forestry operations up to date on permitted monitoring, and providing tips on good practice to improve compliance.

Farm days

Partnering with other ORC teams to host farm days for farmers to educate and discuss environmental management and explore different methods to achieve compliance.

Workshops with industry

Partnering with other ORC teams to workshop with industry groups on good practice principles and as a forum to discuss how to interpret and apply plan rules and regulations.

Compliance monitoring priorities in Otago

Identifying the priorities for compliance monitoring enables ORC to focus on those issues with the highest environmental impacts. For 2020-22, the compliance teams will focus on:

Priority 1: Reduce non-compliant discharges to improve freshwater quality

Poorly managed discharges affect the quality of water in our lakes, rivers and the coastal environment. Additionally, the 2020 NPS and NES for freshwater and Stock Exclusion Regulations have recently introduced new rules and regulations, which require a proactive and education-based approach to supporting consent holders with compliance.

Priority 2: Proactive and integrated approach to monitoring large-scale activities

For larger-scale activities, monitoring reports provided by consent holders are reviewed. In circumstances where consent conditions are not met, the compliance team takes proactive approach to working with consent holders to achieve compliance.

Priority 3: Monitor water takes and use to protect water quantity

Maintaining river flows and lake and aquifer levels in Otago's waterbodies is critical for freshwater health and working proactively with consent holders to maintain flows protects freshwater values.

Priority 4: Monitor structures and works in and adjacent to freshwater

Monitoring Otago's wetlands is an important regional priority. Poorly designed structures and works in and near freshwater can affect the habitats of freshwater species and hydrological function. Additionally, the 2020 NPS and NES for freshwater have introduced new monitoring requirements and new rules.

Priority 5: Reduce non-compliant air discharges to improve air quality

Non-compliant domestic discharges from inefficient domestic burning during winter months can affect health. Non-compliant industrial and rural air discharges which do not have a consent or do not meet consent conditions can have localised impacts on air quality.

Priority 6: Monitor coastal structures and oil spill preparedness

Monitoring activities and structures in the coastal marine area and ensuring we can respond to incidents affecting the coast.

Priority 1: Reduce non-compliant discharges to improve freshwater quality

Action	Compliance team outputs	Outcome
Sedimentation of freshwater from earthworks and in-river works Issue: Poorly managed earthworks, and in-river works can discharge sediment and affect water quality.		
Educate and advocate good sediment practices and monitor sediment discharges.	<ul style="list-style-type: none"> • Work closely with district councils and industry to promote effective sediment controls. • Educate and promote good practice for in-river works. • Monitor resource consents for earthworks and in-river works. • Appropriate action where breaches of consent conditions, NES or plan rules are identified. 	<ul style="list-style-type: none"> • Compliance with new earthworks rules. • Sedimentation of freshwater is reduced.
Plantation forestry Issue: Poorly managed forestry activities discharge sediment, disturb river habitats and affect water quality.		
Educate and advocate good forestry practices to reduce sediment discharges and monitor forestry activities.	<ul style="list-style-type: none"> • Educate and promote good practice for afforestation, harvesting and earthworks. • Monitor consents and permitted activity plantation forestry. • For higher risk activities, undertake pre-harvest inspections, monitoring during harvesting and post-harvest inspections where appropriate. • Appropriate action where breaches of consent conditions or NES are identified. 	<ul style="list-style-type: none"> • Compliance with NES rules. • Impacts of plantation forestry activities on freshwater are reduced.
Stock exclusion Issue: Stock access to freshwater degrades water quality of rivers, lakes and wetlands.		
Educate farmers on stock exclusion requirements, and monitor stock access.	<ul style="list-style-type: none"> • Apply a proactive education first approach to enabling compliance with regional and national rules and regulations for stock access before the new rules apply. • Monitor where stock access rules apply now for new pastoral and intensive farming systems. • Appropriate action where breaches of consent conditions, NES or plan rules are identified. 	<ul style="list-style-type: none"> • Farmers understand current and upcoming requirements. • Where required, stock is excluded from freshwater bodies. • Impacts on water quality are reduced.

Farm effluent management

Issue: The effects of non-compliant farm effluent discharges is a contributor to water quality degradation.

Monitor farm effluent discharges utilising a proactive education first approach.

- Apply a proactive education first approach to enabling compliance with regional rules for farm effluent discharges.
- On-site monitoring of dairy farm discharges and infrastructure based on risk with high risk farms inspected annually.
- Appropriate action where breaches of consent conditions, NES or plan rules are identified.
- Farmers understand current and upcoming requirements.
- Improved compliance with rules and consents conditions.
- Impacts on water quality are reduced.

Intensive farming

Issue: Poorly managed intensive farming can cause water quality degradation, and new rules and regulations now apply.

Monitor intensive farming practices and educate farmers on the new requirements.

- Apply a proactive education first approach to enabling compliance with regional and national rules and regulations for intensive farming – dairy farms, intensive grazing, feedlots and stockholding, agricultural intensification, synthetic nitrogen use.
- Undertake desktop, and aerial monitoring annually of known at risk catchments.
- Site inspections where risks have been observed during flyovers.
- Appropriate action where breaches of consent conditions, NES or plan rules are identified.
- Farmers understand current and upcoming requirements.
- Farmers comply with the new rules or have obtained consent. Impacts on water quality are reduced.



Priority 2: Proactive and integrated approach to monitoring large-scale activities

Action	Compliance team outputs	Outcome
District council consents Issue: District councils hold several large-scale wastewater water supply and stormwater consents and compliance with these consents is not always achieved, which can impact the receiving environment.		
Monitor all large-scale district council consents and work with councils to improve compliance.	<ul style="list-style-type: none"> • Work proactively with district councils to reduce incidents of non-compliance. • Monitor large-scale consents at least annually and based on environmental and health risk and previous records of non-compliance. • Appropriate action where breaches of consent conditions, NES or plan rules are identified. 	<ul style="list-style-type: none"> • Improved compliance with consent conditions. • Improved collaboration with district councils.
Landfills Issue: Monitoring of active and closed landfills is needed to address risk associated with leachate and odour.		
Monitor all landfills in Otago.	<ul style="list-style-type: none"> • Monitor active landfills at least annually. • Monitor closed landfills at least every 3 years, and prioritise monitoring based on level of risk to water, the coastal marine area, land, and community concern. • Appropriate action where breaches of consent conditions or plan rules are identified. 	<ul style="list-style-type: none"> • Active landfills are compliant with conditions. • Impacts from closed landfills are identified and effects are addressed.
Other large-scale activities Issue: The scale and nature of larger-scale activities in Otago requires the compliance team to take an integrated approach to monitoring consent conditions.		
Monitor large-scale activities in Otago.	<ul style="list-style-type: none"> • Monitor compliance with conditions based on the history of compliance, environmental risk and performance monitoring data for consents for large-scale activities, including mining and quarrying activities, larger private wastewater schemes, large-scale industrial and processing activities, meat works and rendering plants, and large power generation schemes. • Where non-compliance with consent conditions is identified, work proactively with consent holders to improve compliance and performance over time. 	<ul style="list-style-type: none"> • Consent holders are compliant with conditions. • Risks to the receiving environment from non-compliance are reduced.

Priority 3: Monitor water takes and use to protect water quantity

Action	Compliance team outputs	Outcome
Water takes Issue: Taking more water than is consented is unlawful and can adversely affect mauri, freshwater habitats and other water users.		
Monitor water takes in Otago.	<ul style="list-style-type: none"> Undertake desktop, aerial or on-site monitoring of water permits based on catchment risk, and policy development requirements under the NPSFM. Focus on Upper Taieri, Manuherikia, Cardrona, Pisa, Gibbston and Central Otago catchments. Work proactively with water users to reduce incidents of non-compliance. Appropriate action where breaches of consent conditions, plan rules or water measuring regulations are identified. 	<ul style="list-style-type: none"> Improved compliance with rules and consents conditions. Impacts on freshwater and habitats are reduced. Improve the reliability of data records provided by consent holders.
Deemed permits As deemed permits expire in 2021, the compliance team have a key role to support the replacement process.		
Monitor deemed permits and work proactively with permit holders to replace deemed permits.	<ul style="list-style-type: none"> Undertake desktop, aerial or on-site monitoring of deemed permits where monitoring data is required to support the assessment of renewal applications. Work proactively alongside the irrigation companies to support with the transfer of deemed permits to resource consents. Focus on Upper Taieri, Manuherikia, Cardrona, Pisa, Gibbston and Central Otago catchments. 	<ul style="list-style-type: none"> Deemed permits are replaced by resource consents. Impacts on freshwater and habitats from non-compliance are reduced. Improve the reliability of data records provided by consent holders.
Water flows and levels during dry periods Issue: During dry weather, water takes during low flows have greater impacts on freshwater.		
Ensure minimum flows are maintained during dry weather periods.	<ul style="list-style-type: none"> Establish dry weather task force prior to dry weather conditions affecting flows. Monitor low flow conditions and work proactively with permit holders to ensure minimum flows are maintained during low flow periods. Issue water shortage directions where required. Monitor residual flows on permits and prioritise this based on the level of risk. Appropriate action where breaches of consent conditions or plan rules are identified. 	<ul style="list-style-type: none"> Compliance with minimum and residual flows is improved. During low flows impacts from water takes on freshwater and habitats are reduced.

Priority 4: Monitor structures and works in and adjacent to freshwater

Action	Compliance team outputs	Outcome
Fish passage Issue: Structures in rivers can obstruct fish passage and impact habitat, particularly for migratory species.		
Educate and advocate for structures which provide fish passage, and monitor permitted, and consented structures.	<ul style="list-style-type: none"> Educate and promote good practice for fish passage for structures in rivers. Establish a new monitoring programme for permitted and consented structures. Appropriate action where breaches of consent conditions, plan rules or NES are identified. 	<ul style="list-style-type: none"> People understand current and upcoming requirements. People comply with the new regulations. Fish passage in Otago is improved.
Impacts on wetlands Issue: Non-compliant land use, discharges and water takes can impact on the hydrology, functioning and ecological values of Otago's natural wetlands.		
Educate landowners on new wetland regulations, monitor permitted, and consented activities and Regionally Significant Wetlands	<ul style="list-style-type: none"> Educate landowners on new regulations for activities in and near natural wetlands. Establish a new monitoring programme for permitted and consented activities. Monitor Regionally Significant Wetlands every 3 years by an aerial flyover and subsequent site inspections where wetland risks are identified. Appropriate action where breaches of consent conditions, plan rules or the NES are identified. 	<ul style="list-style-type: none"> People comply with the new regulations. Regionally significant wetlands retain the characteristics and qualities that have determined their significance. Impacts on natural wetlands and their values are reduced.
Dams and other structures Issue: Monitoring of dams and structures is needed to reduce the impacts of non-compliance on freshwater and habitats		
Monitor dams and other structures in Otago.	<ul style="list-style-type: none"> Prioritise the frequency and extent of monitoring of dams and structures in accordance with new NES information requirements. Appropriate action where breaches of consent conditions, NES or plan rules are identified. 	<ul style="list-style-type: none"> Compliance with rules and NES. Dam failure risk is reduced and dam impacts on freshwater are reduced.

Priority 5: Reduce non-compliant air discharges to improve air quality

Action	Compliance team outputs	Outcome
Domestic burning		
Issue: Discharges from inefficient domestic burning during the winter months can impact health.		
Educate on efficient domestic burning and monitor domestic air discharges.	<ul style="list-style-type: none"> • Apply a proactive education first approach regarding correct burning practices – particularly in Air Zone 1 Airsheds. • Appropriate action where breaches of plan rules and NES are identified. Letters are sent, and inspections are undertaken for any on-going non-compliance. 	<ul style="list-style-type: none"> • Improved compliance with rules and good burning practice. • Particulate matter levels in airsheds are reduced.
Industrial air discharges		
Issue: Localised effects from non-compliant industrial discharges can impact on health and amenity.		
Monitor industrial air discharge consents in Otago.	<ul style="list-style-type: none"> • Undertake monitoring of higher risk air discharges at least annually, and lower risk discharges less frequently. • Work proactively with consent holders to improve discharge quality over time. • Appropriate action where breaches of consent conditions, NES or plan rules are identified. 	<ul style="list-style-type: none"> • Improved compliance with conditions and rules. • Reduced localised impacts from non-compliant discharges.
Rural air discharges		
Issue: Discharges from rural activities such as outdoor burning can impact on health and amenity.		
Educate on appropriate outdoor burning.	<ul style="list-style-type: none"> • Prepare educational material regarding rural discharges and work proactively with farmers to improve outdoor burning practice. • Appropriate action where breaches of consent conditions, NES or plan rules are identified. 	<ul style="list-style-type: none"> • Improve compliance with rules. • Reduce localised impacts from discharges.

Priority 6: Monitor coastal structures and oil spill preparedness

Action	Compliance team outputs	Outcome
Coastal activities and structures Issue: Non-compliant structures and activities in the coastal environment can affect habitats and coastal amenity.		
Undertake monitoring of consented coastal structures.	<ul style="list-style-type: none"> • Monitor according to the level of risk and at least every 5 years. • Appropriate action where breaches of consent conditions or plan rules are identified. 	<ul style="list-style-type: none"> • Impacts on the coastal environment are reduced.
Oil spill response Issue: ORC must be prepared to respond in the event of oils spills under the Maritime Transport Act.		
Appropriately trained and resourced oil spill response.	<ul style="list-style-type: none"> • Undertake oil spill response training and exercises twice a year. • Always maintain spill response gear. 	<ul style="list-style-type: none"> • Effects from oil spills are reduced as a result of effective oil spill response.



Oil spill response training

