

Enforcement

2015/2016

Environmental Regulation



greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

Key points

- » 7% decrease in enforcement actions resulting from non-compliance with the RMA from 2014/15 to 2015/16
- » 23% decrease in the number of infringement notices issued (continuing downward the trend from the 2013/14 year)
- » 11% decrease in abatement notices issued, continuing the downward trend which started in 2009/10
- » Zero prosecutions initiated

Introduction

Greater Wellington Regional Council (GWRC) has a responsibility to enforce the RMA. Breaches of the RMA are identified during the investigation of environmental incidents or as a result of non-compliance with resource consents. Where there is sufficient evidence to prove those breaches, enforcement decisions are made by a panel consisting of a combination of enforcement officers, team leaders and managers to ensure a consistent approach to dealing with breaches.

Environmental Regulation staff have a range of tools available to them to deal with breaches of the RMA. Table 1 shows the different types of regulatory actions taken during the past year (NB – the recording of numbers of advice letters began this year). In determining the most appropriate form of enforcement action, GWRC officers consider factors such as the severity of environmental effects, compliance history, efforts to remediate and the likelihood of reoffending.

Type of action	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Advisory notices	58	48	60	82	76	90	56	136	95	74	75
Warning letters	15	40	85	149	134	147	236	89	76	73	64
Infringement notices	44	41	49	46	32	46	52	52	22	30	23
Abatement notices	24	29	83	91	137	74	58	46	82	29	27
Enforcement orders	0	4	2	0	1	0	1	0	0	0	0
Prosecutions	0	7	4	8	6	8	3	13	5	5	0
Totals	141	169	283	376	386	365	406	336	280	213	199

Table 1: Summary of actions taken for non-compliant activities

Enforcement history

The use of the enforcement tools available to GWRC has changed since 1999. Figure 4 shows the changes over time in the use of the different tools.

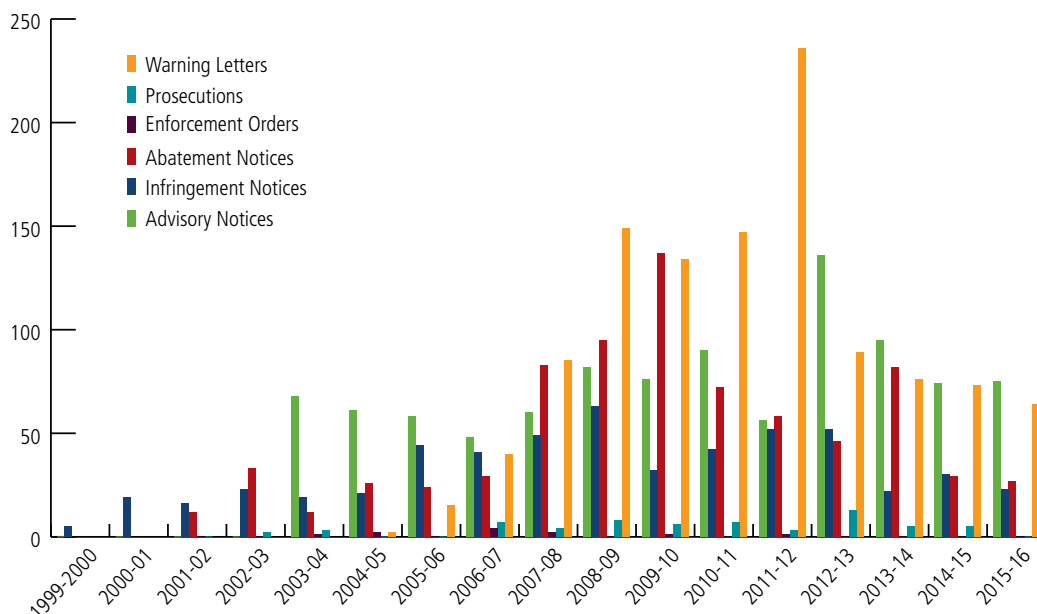


Figure 1: Enforcement action from 1999 – 2016

Informal action

Advisory notices

Advisory notices provide a non-statutory means for addressing non-compliance. Their purpose is to quickly identify the non-compliance issue and to outline the action or actions required to rectify the problem. These notices are usually issued on-site and are a fast and effective way of ensuring that adverse environmental effects are avoided or remedied. In the last year, 75 advisory notices were issued almost identical to the number in 2014/15. The number of advisory notices issued reached a peak in 2012/13 and has been decreasing since. This is likely due to the water takes compliance strategy kicking off in 2012/13 and resulting in increasing rates of compliance or escalated levels of enforcement action in subsequent years.

Formal action

Warning letters

Warning letters notify key personnel within an organisation of identified breaches of the RMA. The letters warn of potential consequences should a similar incident occur again and form part of an organisation's recorded compliance history.

In 2015/16, 64 warning letters were issued – slightly down on the previous year's 73.

Abatement notices

Abatement notices are formal instructions directing the recipient to cease or take certain actions to address an environmental effect and/or comply with regulations. During the year 29 abatement notices were issued (a slight reduction on the previous year) Of these notices, 63% required people to cease or prohibited them from undertaking activities that contravened the RMA. The remaining 37% of notices required people to take certain actions in order to comply with a rule in a regional plan or their resource consent. 75% of all notices issued during 2015/16 related to water take non-compliance including people taking too much water, taking water during periods of restriction or not providing records of volumes of water taken.

Infringement notices

Infringement notices provide a deterrence in response to minor environmental effects. Fees, set by regulations, range from \$300 to \$1000 depending on the nature of the offence. During the year, 23 infringement notices were issued with a combined value of \$13,500. Of these notices, 70% were issued for unauthorised discharges of contaminants to the environment. The other infringement notices were issued in relation to stream works and water use.

Enforcement orders

Enforcement orders are made by the Environment Court and instruct a person to resolve an environmental affect and/or comply with regulatory requirements. No enforcement orders were made during the year.

Prosecutions

Significant breaches of the RMA can result in prosecution with a maximum fine of \$600,000 for a company or \$300,000 or two years imprisonment for an individual. No charges were laid during the 2015/16 year.



Figure 2: Discharge of paint wash to a stream resulted in an infringement notice for the contractor responsible



Figure 3: The unauthorised discharge of dairy effluent from a poorly maintained system resulted in infringement notices for both consent holders



Figure 4: The unauthorised excavation of a stream which resulted in infringement

What can you do?

If you notice an environmental incident or an activity you think may have adverse environmental effects, please phone GWRC's Environment Hotline on 0800 496 734 at the time the incident is occurring. This is a 24-hour service and our duty officer will respond within the hour on most occasions.

For more information about how to avoid, reduce or respond to pollution, phone our Environmental Protection team on 0800 496 734.

For more information on GWRC's environmental regulation activities please visit our website at www.gw.govt.nz

Incident Response

2015/2016

Environmental Regulation



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Key points

» The number of environmental incidents investigated this year has increased from 1116 in 2014/15 to 1197 in 2015/16. Air continues to be the receiving environment most affected by pollution in the Wellington Region, with 23% of all incidents reported relating to odour.

» 16% of all environmental incidents reported resulted in confirmed breaches of regional rules and the Resource Management Act 1991 – a 4% decrease from last year.

Environmental incident response

Last year Greater Wellington Regional Council (GWRC) responded to 1333 notifications and 1197 environmental incidents, mainly reported through our Environment Hotline.

Figure 1 shows the total number of notifications and environmental incidents received over the last sixteen years. Reported environmental incident numbers increased in comparison to the 1116 reported incidents in 2014/15.

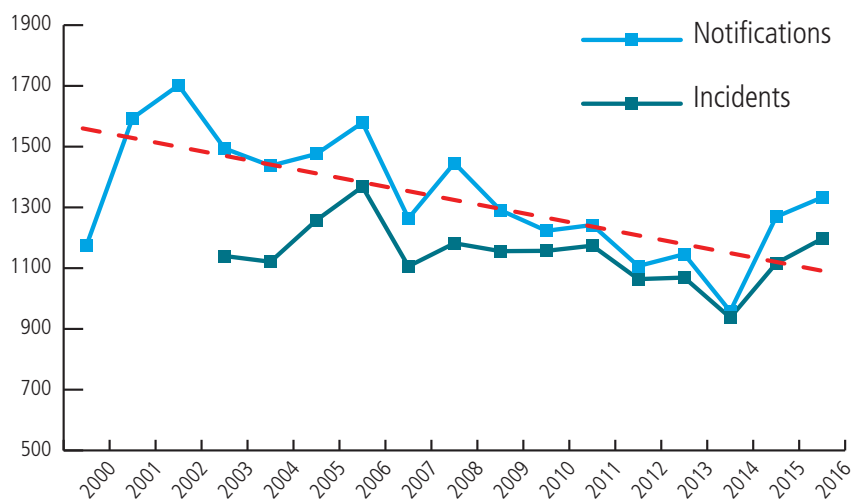


Figure 1: Incident reporting from 2000 to 2016

When GWRC is notified of an incident, the role of the on-call team (normally a nominated duty officer) is largely one of coordination and investigation. On site, the duty officer's role is to identify adverse environmental effects and direct those responsible to take any action necessary to remedy or mitigate the risk to the environment. Duty officers evaluate the environmental significance of each incident, assess compliance, determine necessary action, gather evidence and take enforcement action where appropriate.

Significance of environmental incidents

Incidents are categorised by their environmental significance and are assessed according to the severity, extent and duration of the incident.

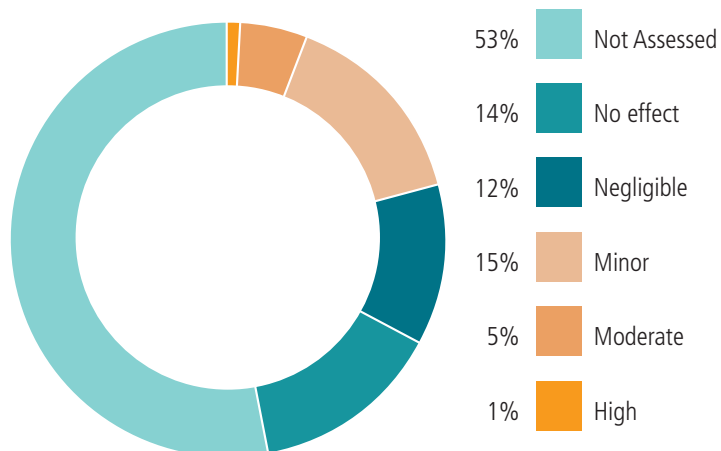


Figure 2: Significance of 1116 environmental incidents investigated during 2015/16

During the year, six incidents were rated to be of "high" environmental significance (compared to seven in 2014/2015, seven in 2013/14 and six in 2012/13). The incidents of high significance in the past year included:

- It was reported that the estuary at Makara Beach had heavily discoloured water and a strong odour and that wildlife had been affected. In consultation with our science department, the cause was determined to be natural
- A discharge of paint wash to land entered a stream in Karori causing the stream to become discoloured
- A sewage discharge to land which entered the Kaiwharawhara Stream from a leaking sewer main

For resulting enforcement action see the Enforcement 2015/16 report card.

Environmental non-compliance

Of all incidents reported during the year, 16% were not complying and 33% were complying.

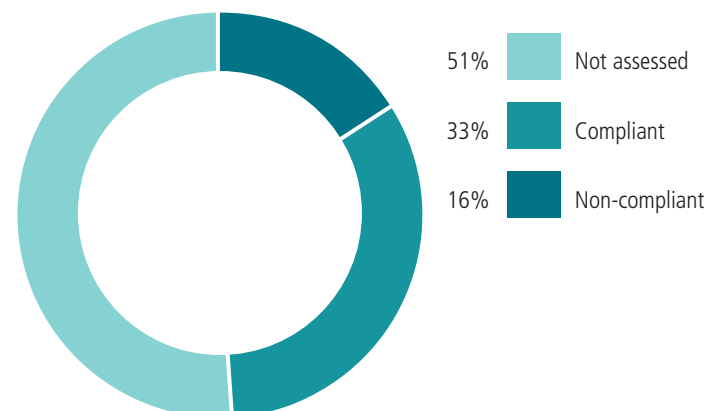


Figure 3: Compliance for incidents investigated in 2015/16

For the remaining 51% an assessment of compliance was not applicable. There were a number of reasons for this, including:

- Incidents that did not merit a site visit from the GWRC duty officer e.g. notifications received after the event and effects had ceased upon notification being received (e.g. odour notifications)
- Incidents not attended as the duty officer was at another incident at time of notification
- Incidents where the duty officer attended but the effects had gone when the officer arrived
- Incidents outside of GWRC's jurisdiction that were referred to another agency to assess, e.g. district plan issue, HAZNO related notifications

Educational material was typically provided to individuals or companies involved in investigations in which GWRC were unable to undertake an assessment of compliance.

The percentage of environmental incidents where non-compliance has been confirmed, has decreased compared to 2014/15.

Receiving environment

An incident can have an effect on one or more receiving environments. Figure 4 shows that air continued to be the most commonly affected environment, which is consistent with previous years. During the year, 34% of all air incidents reported were related to discharges to air. Common sources of odour include farms, composting facilities, meatworks, hazardous waste treatment facilities, municipal services such as landfills and wastewater treatment plants, and manufacturing and solvent use at industrial sites.

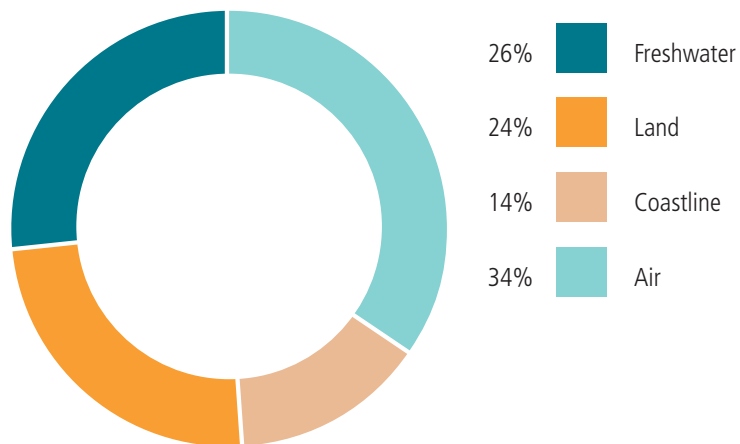


Figure 4: Receiving environments affected in 2015/16

Main types of pollution

Figure 5 shows that odour generated 23% of all incidents. Liquid waste followed at 11% of all incidents, which is a reduction from previous years. Sources of liquid waste discharges include concrete cutting or cement waste, paint residue, and vehicle wash water from residential properties. 8% of notifications related to discharges of sewage to both land and water.

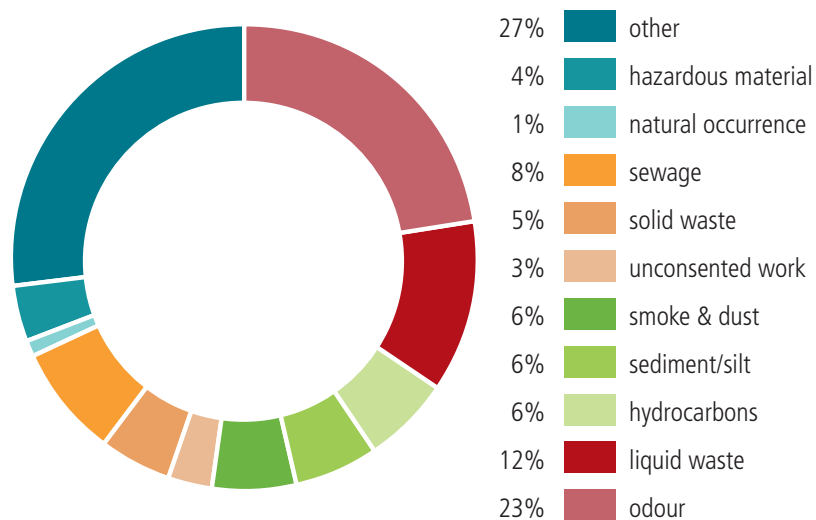


Figure 5: Main pollution types in 2015/16

Incident follow-up

Environmental incident investigations have two key drivers:

- A positive environmental outcome
- Individual and wider public deterrence

When the Environmental Regulation team responds to an incident and confirms a breach of environmental legislation, a range of formal and informal enforcement tools is available to an officer to obtain individual and wider public deterrence (see the Enforcement 2014/15 report card).

When the source of pollution can't be traced or a breach is not confirmed, educational advice may be provided to the parties involved or mailed to neighbourhoods to raise environmental awareness.



Unauthorised disturbance of stream bed from vehicle crossing



Cement washwater entering stormwater sump



Pollen dust floating in the sea



Unauthorised structure in a stream and discharge of contaminants to water

Cost Recovery

GWRC's policy is to recover costs associated with incident response. During the year cost recovery notices were issued to the value of \$12,245.73

What can you do?

If you notice an environmental incident or an activity that you think may have an adverse environmental effect, please call GWRC's Environmental Incidents Hotline on 0800 496 734. This is a 24-hour service.

If you want more information about how to avoid, reduce or respond to pollution, please call the Environment Helpdesk on 0800 496 734.

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Resource Consents

2015/2016

Environmental Regulation



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Key points

» 646 resource consent applications were processed in 2015/16. All of these applications were processed within statutory timeframes

» 97% of applications were processed on a non-notified basis

» Of the four notified consent projects processed in 2015/16, one decision was appealed to the Environment Court.

What happened in 2015/16?

During the past year, Greater Wellington Regional Council's (GWRC) consents team processed 646 resource consent applications (including one certificate of compliance). The majority (97%) of applications were processed on a non-notified basis.

Type of resource consent	Land Use	Coastal	Water	Discharge	EPA RoNS variations	Total
Total 2015/16	212 (32.8%)	50 (7.7%)	140 (21.7%)	127 (19.7%)	117 (18.1%)	646
Total 2014/15	210 (41.4%)	37 (7.3%)	160 (31.6%)	100 (19.7%)	N/A	507
Total 2013/14	282 (44.4%)	43 (6.8%)	204 (32.1%)	106 (16.7%)	N/A	635
Total 2012/13	186 (40.4%)	62 (13.5%)	132 (28.7%)	77 (16.7%)	N/A	460
Total 2011/12	202 (35%)	153 (26%)	125 (22%)	95 (17%)	N/A	575
Total 2010/11	243 (41%)	38 (6%)	210 (35%)	105 (18%)	N/A	596
Total 2009/10	216 (46%)	35 (7%)	127 (28%)	68 (18%)	N/A	467
Total 2008/09	270 (49%)	28 (5%)	129 (24%)	119 (22%)	N/A	546

Table 1: Resource consents and certificates of compliance processed since 2008/09

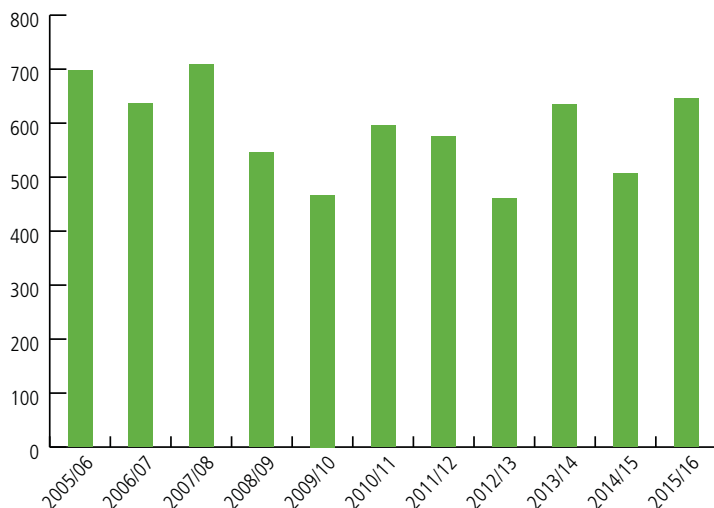


Figure 1: Resource consents processed 2005-2016

The number of consents processed during the year was above the average (588) for the period 2005-2016.

Notified applications

Fully notified applications

Four fully notified consent applications were decided during 2015/16.

The following three applications were approved (subject to consent conditions) by Hearing Panels:

- **South Wairarapa District Council** – discharge permits to discharge wastewater to water, land, and air from the operation of the Martinborough wastewater treatment plant.
- **South Wairarapa District Council** – discharge permits to discharge wastewater to water, land, and air from the operation of the Greytown wastewater treatment plant.
- **Jagger NZ Ltd** – land use consents, water permit, and discharge permit associated with a 148 lot subdivision in Whitby, Porirua.

The following application was approved (subject to consent conditions) by the Environment Court as this application was directly referred to the Environment Court:

- **Site 10 Redevelopment Ltd Partnership & Wellington City Council – City Shaper** – coastal, discharge, and water permits associated with the North Kumutoto Precinct Project, Wellington.

Limited notified applications

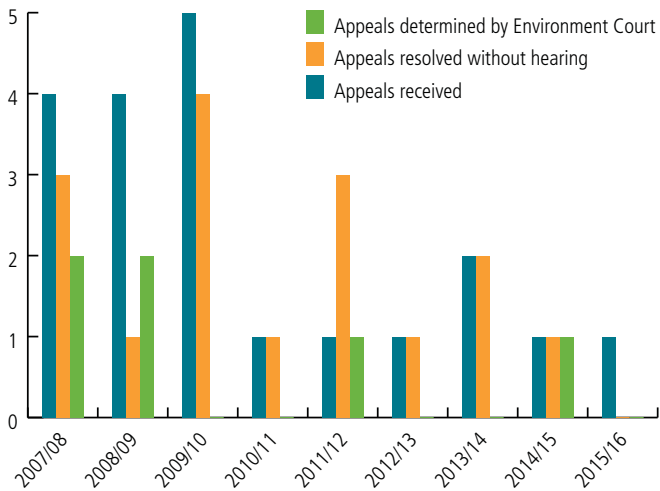
There were no limited notified applications decided during 2015/16.

Appeals and objections

Of the four notified projects completed, one decision was appealed to the Environment Court. The **Jagger NZ Ltd** decision was appealed by the applicant. The appeal was subsequently withdrawn by the applicant.

GWRC decision-making processes (including mediation and releasing draft/interim decisions) are working well as Figure 2 shows the number of appeals received and the number of appeals determined by the Environment Court remains low over the past six years.

Figure 2: Appeals 2007-2016



There was one objection under s357 of the RMA in 2015/16 relating to a decision to grant a non-notified consent. The applicant objected to consent conditions. The issues raised in the objection have not been resolved and Independent Commissioners have been appointed to hear and determine the objection.

National consenting projects

GWRC has been actively involved in national consenting projects for the NZTA including the following roading projects:

- **Transmission Gully** – A number of applications to change consent conditions and new consents were processed during 2015/16. This project is now in full operation.
- **MacKays to to Peka Peka** – A number of applications to change consent conditions and new consents were processed during 2015/16. This project is now nearing completion.
- **Peka Peka to Otaki** – There have been no applications to change consent conditions or for new consents processed during 2015/16. No site works have commenced for this project yet.

For more information on resource consents processed by GWRC, the resource consent process, or which activities may require consent, contact the Environment Helpdesk on 0800 496 734 or the Wairarapa office on 06 378 2484.

For more information on GWRC's environmental regulation activities, visit our website at www.gw.govt.nz.

Take Charge and Other Projects 2015/2016

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Key points

- » The Take Charge programme continued in the Te Awarua o Porirua Harbour Catchment.
- » Nine Take Charge audits were undertaken. Five businesses were awarded a Take Charge certificate for satisfying programme requirements.
- » A number of projects were completed that had a particular focus engaging with stakeholders and providing helpful information to the community and consent holders

Take Charge

Take Charge is GWRC's pollution prevention programme, which is aimed at improving the environmental performance of small to medium sized businesses across the Wellington region. The programme involves an assessment of an organisation's facilities, activities and management procedures, followed by a report outlining areas of non-compliance and opportunities to improve environmental performance.

Businesses are assessed to ensure they:

- Comply with our regional rules
- Have adequate equipment and the correct processes and procedures in place to minimise the risk of contaminants entering the environment



Case study:

Positive impact of Take Charge programme in Porirua

On a number of occasions over the past few years, a number of notifications were received through the Environmental Hotline of a white discharge into the Porirua Stream from the Wall Place area. The source of the discharge could not be identified at the time of the notifications. Through the interventions and relationships built with businesses in the area that had taken part in the Take Charge programme, we were able to identify potential sources. The investigation revealed a sink in a painter's storage unit that had been connected to the stormwater rather than the sewer. With the cooperation of the building owner, plumbing work took place and the sink is now connected to the sewer and the occasional white discharge to the Porirua Stream has now been removed. All this is largely thanks to the successful relationships built through the Take Charge programme.



Photo of the discharge taken from the true right bank of the Porirua Stream

Progress in the past year

As with last year, the Take Charge programme continued in the Te Awarua o Porirua Harbour Catchment focusing on the industrial/commercial area to the north of Wall Place. A walk over of the area saw twenty three businesses visited and given an information sheet on the aims of the Te Awarua o Porirua Harbour Strategy and the pollution prevention programme. Of the twenty three businesses, eight were identified as being likely to benefit from participating in the pollution prevention programme as they had yard areas, used/stored hazardous substances or carried out activities where discharges to the environment are likely to occur.

Each of the eight businesses was audited; four of which completed the programme and have been issued with a certificate. Take Charge certificates have been awarded to the following:

- Shocks Brakes 'n' Tyres
- Pit Stop
- North City Motors
- Porirua Auto Crash Repairs

Work is continuing with the remaining businesses towards completing the programme requirements.

As with previous years, the requirements of the Take Charge Programme vary between businesses, but common areas include washing of vehicles or equipment so that the wash water does not enter stormwater, ensuring hazardous substances have some degree of secondary containment, and improving spill kits and spill procedures.

One further Take Charge audit was undertaken at panel and paint business located in Petone at the request of the owner. Rolrich Panel and Spray had participated in the Take Charge Programme in 2009 and wanted to ensure they were still complying with the regional rules and were minimising their effects on the environment. After making some minor improvements Rolrich Panel and Spray were issued with a certificate.

Looking ahead to 2016/2017

- Continuation of the Take Charge Programme in the Te Awarua o Porirua Catchment
- Work collaboratively with Wellington Water Limited and Porirua City Council's on the Take Charge Programme and Trade Waste
- Production of a new series of brochures to provide best practice advice on a range of activities

Other projects

GWRC staff also contributed to wider projects that assist the Council to meet its core regulatory activities. This year a number of projects were completed or commenced including:

- Completing a Memorandum of Understanding with Department of Conservation for consent processing services
- Developing some 'Can Do' education leaflets about everyday activities that have the potential to have effects on the environment
- Engaging with the winery sector in the Wairarapa about our regulatory activities
- Making further refinements to our webpages containing information for consent holders on water restrictions when low river & streams flows conditions exist
- Developing a water allocation calculator that can provide accurate up to information on water allocation status for catchments and aquifers
- Undertaking collaborative work with some key stakeholders in relation to our regulatory activities

All these projects had a particular focus on engaging with stakeholders and providing helpful information to the community and consent holders

To advise the GWRC of environmental pollution, call the 24/7 Environmental Incidents Hotline on 0800 496 734.

To find out more about the Take Charge programme, contact the coordinator on 04 830 4089.

For more information on GWRC's environmental regulation activities, visit our website at www.gw.govt.nz