

Environment Canterbury intensive winter grazing enforcement considerations

Environment Canterbury Enforcement approach summary

- In all instances, Environment Canterbury uses the 4E Model of the regulatory spectrum (Engage, Educate, Enable and Enforce), which encourages the highest levels of compliance through behaviour change. This model is included in the Environment Canterbury “Compliance and Monitoring Enforcement guidelines” and the Ministry for the Environment’s “Best practice guidelines for compliance, monitoring and enforcement under the Resource Management Act 1991”.
- Every case will be considered on its merits. We know each property will be differently impacted by seasonal and other factors, and that this will impact on the amount of planning that farmers have been able to undertake prior to winter.
- In the event of a rule breach when considering an appropriate response, Environment Canterbury will consider:
 - The specific situation and context on the property
 - The preparation farmers have undertaken to ensure they were best placed to care for the environment (and their stock) during the winter (noting that care of livestock is not within Environment Canterbury’s remit).
- In all cases we will be mindful of the stresses that farmers and communities are under. Environment Canterbury staff will be mindful of protocols agreed with Federated Farmers when dealing with farming families facing significant stress.

The types of non-compliances that may be encountered in Canterbury would relate to:

- Environmental effects due to non-GMP practices (mainly related to soil, nutrient and waterways management); and/or
- Adherence to the Canterbury Land and Water Regional Plan (LWRP) rules relating to:
 - Requirement to have land use consent / compliance with permitted activity requirements (relating to winter grazing activities); and
 - Stock exclusion
 - Discharges of sediment or other contaminants to water

| Potential non-compliance | Considerations and approach |
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| Environmental effects due to non-GMP practices (mainly related to soil, nutrient and waterways management) | <p>Considerations:</p> <ul style="list-style-type: none"> • GMP relating to intensive winter grazing has been in place for several years <p>Approach</p> <ul style="list-style-type: none"> • Partner with Industry’s ‘three step approach’: <ul style="list-style-type: none"> ○ support industry education on good management practices (Educate) ○ Develop procedures to enable referral to industry where concerns may exist (Engage) ○ Recognise and support direct intervention by industry to address issues when they arise • Given the length of time that GMP approaches have been known and discussed, enforcement options will be considered |

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| Adherence to the LWRP rules requirement to have land use consent / compliance with permitted activity rules (relating to intensive winter grazing activities) | Considerations: <ul style="list-style-type: none"> • Some changes to LWRP regarding intensive winter grazing are recent and have not had extensive promotion • Prioritise engagement and education on requirements. |
| Adherence to the LWRP rules relating to stock exclusion and discharges of sediment or contaminants to waterways | Considerations: <ul style="list-style-type: none"> • While many of the stock exclusion rules have been in place for some time, there are some recent changes to the LWRP (relating to swimming areas, spawning sites etc). • Prioritise engagement and education where requirements are more recent • Enforcement will be considered where rules have been in place for some time. |

Decisions on any Enforcement action will include consideration of:

The nature of the environment

- Is the environment sensitive / valuable?
- Is it highly modified and degraded?

Impact on the environment of the activity

- Are the impacts limited or lasting?

Attitude of the persons potentially subject to enforcement

- Cooperative or dismissive
- Obvious willingness to co-operate with industry initiatives

Profit / commercial gain

- No commercial gain from activity versus selection of easy options / additional profits made

Deliberateness

- Accidental versus negligent versus intentional
- Have management plans been in place to avoid environmental harm – or has a lack of planning contributed to the harm?