



2 July 2021

s.7(2)(a) -

Civic House, 110 Trafalgar Street  
PO Box 645, Nelson 7040, New Zealand

P (03) 546 0200  
E LGOIMA@ncc.govt.nz  
nelson.govt.nz

s.7(2)(a) -  
protect the  
privacy of  
natural  
persons

Dear s.7(2)  
( )

### OFFICIAL INFORMATION REQUEST

I refer to your official information request dated 14 June 2021 for the following information:

*Who is the monitoring officer responsible for investigating a possible breach of permitted activity due to the failure of obtaining prior permission from the EPA of the use of a hazardous substance requiring controls under the HSNO Act, which would then contravene the compliance of the permitted activity.*

*What would be the process that N.C.C would follow, if their very own monitoring authority did not pick up on the requirement for this regulation and failed to adhere to enforcement of the HSNO Act?*

WorkSafe are responsible for enforcing the Hazardous Substances and New Organisms Act (the Act) in the workplace. Council is responsible for enforcing the Act in residential properties and public places (excluding roads). Council may enforce the Act if it is on the premises for the purpose of enforcing provisions of the Resource Management Act. The Environmental Protection Authority also have their own compliance and enforcement officers.

If Council monitoring officers were visiting a site for enforcing compliance with the Resource Management Act and failed to address any HSNO non-compliance, the process would be to first contact the agency responsible for HSNO if the activity was a workplace or a road/transport matter, and assist that agency as required. If the activity occurred on a residential property Council would commence an investigation for the HSNO non-compliance and afterwards identify why it wasn't picked up earlier.

If you have concerns about the recent spraying by Tasman Pine Limited, WorkSafe are the lead agency for any HSNO non-compliance. The spraying is a permitted activity under the Nelson Air Quality and Resource Management Plans.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or Freephone 0800 802 602. If you wish to discuss this decision with us, please feel free to contact me.

Yours sincerely

**Mandy Bishop**  
Manager Consents and Compliance

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