

Environmental compliance

Why we monitor the environment

The Northland Regional Council is responsible, under the Resource Management Act (1991), for the control of any activities that may have a negative effect on our environment.

These activities - such as discharging a substance to air or water - are controlled by rules in Regional Plans, and where necessary, by resource consents.

In order to make sure that activities are not having a negative effect on the environment, the Council monitors compliance with these rules and the conditions of resource consents.

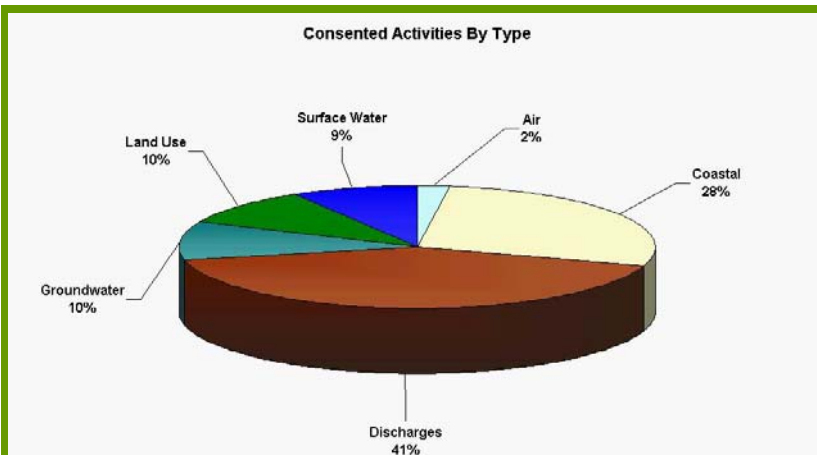
How is compliance measured?

When an activity is monitored, it is graded according to its level of compliance. Activities can:

- Be **fully compliant** — within the rules or resource consent limits;
- Have **minor non-compliance** — some evidence of minor/actual, or potential for minor effect on the environment; or
- **Significantly non-compliant** — they are having, or have the potential to have, a major or significant effect on the environment.

In cases of significant non-compliance the Council can take enforcement action to stop an activity, or fine or prosecute a serious offender.

What activities require monitoring?



During the 2008-09 monitoring year, there were a total of 4041 consented activities in the Council's database. The chart shows the percentage of activities monitored, by type.

The largest number of activities relate to the discharge of a substance — such as farm dairy effluent or stormwater — to land or to water.

Other activities include:

- Those affecting air, e.g. the discharge of smoke;
- Those affecting the coastal marine area (CMA) including moorings and marine farms;
- Those affecting ground and surface water, e.g. taking or using water; and
- Those affecting land, including earthworks and vegetation clearance.

Environmental compliance performance targets

- Monitor compliance with, and the effects of, the exercise of resource consents.
- Document monitoring programmes on the Council's consent monitoring database and report as required for each programme.
- Take appropriate enforcement action in cases of significant non-compliance.
- Report results to the relevant consent holders, and the Council, on a monthly basis.

2008-2009 consent compliance

61% fully compliant

28% minor non-compliance

11% significant non-compliance

Key points

- ◆ Monitoring showed a slight increase in non-compliance of resource consent conditions and Regional Plans.
- ◆ The Council has taken a tougher line on monitoring throughout the 2008-2009 financial year.
- ◆ During the 2008-09 financial year, the Council successfully completed one prosecution case and started one more for an incident of significant non-compliance.
- ◆ The successful prosecution was brought for a discharge of untreated farm dairy effluent to water, a prohibited activity in the Regional Water and Soil Plan (RWSP).
- ◆ The fine for this offence was set by the judge at \$68,000.



What's being done?

If a consented activity is found to be non-compliant, or is operating outside the rules in a regional plan, the Council can:

- Make an on-site agreement;
- Issue a warning letter;
- Issue an abatement notice — this will require a person to stop or not start a non-compliant action, or fix a non-compliant action;
- Issue an infringement notice — which carries a variety of fines;
- Serve an enforcement order; and
- In cases of significant non-compliance, the Council may also choose to prosecute an offender.

In 2008-09...

- ◆ 244 abatement notices and 235 infringement notices were issued by the Council.
- ◆ Just over 50% were issued for a breach of the rules in a regional plan.
- ◆ The remainder were issued as a result of a breach of resource consent.

More abatement and infringement notices were issued in 2008-09, compared to the previous three years. This was largely due to the Council taking a harder line on non-compliance, and a small rise in non-compliance during this financial year.

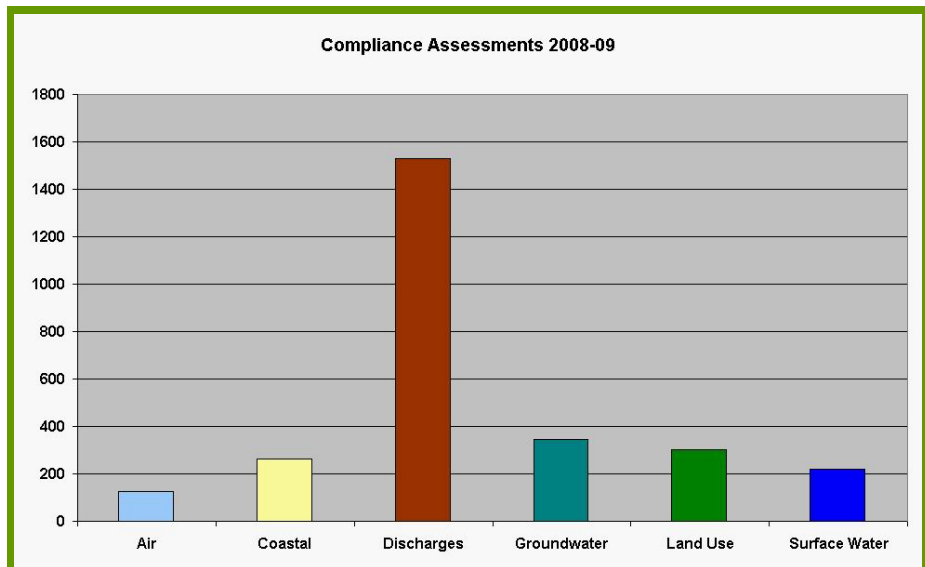


A non-compliant underpass discharge.

Compliance Assessments 2008-09

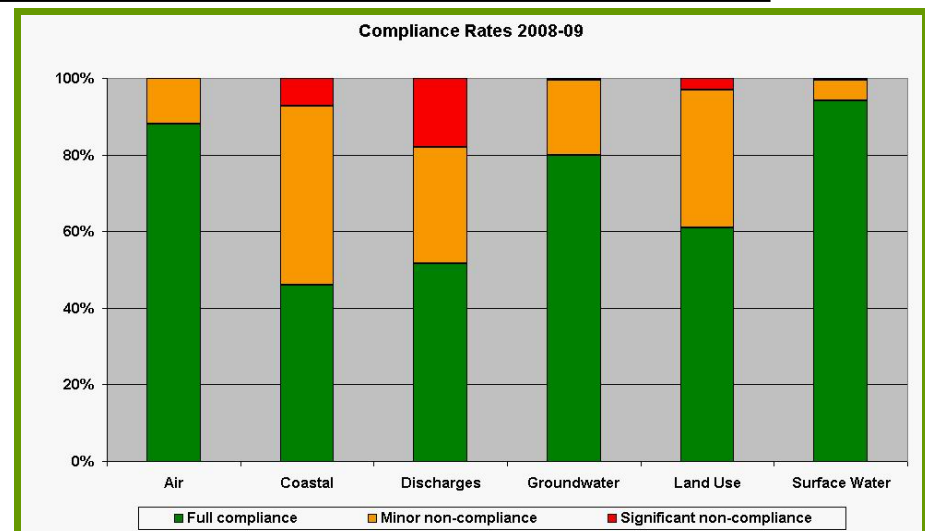
Monitoring requirements are different for each consented activity and are based on how long the activity will last for, the scale of the activity and the potential for it to affect the environment.

Not all consented activities need monitoring as some may have little or no impact on the environment. Others may only need monitoring on an occasional basis, however those with the potential to have a significant impact need to be monitored more frequently.



In 2008-09, 2784 monitoring visits were made by Regional Council staff. This graph breaks these monitoring visits down into the consented activity by type. As can be seen, the number of monitoring visits undertaken for each activity largely reflect the number of consents issued for that activity.

Compliance Assessment Results



Activities with the highest rate of significant non-compliance were those relating to the discharge of a substance into the environment. The majority of significantly non-compliant discharges (60%) were of farm dairy effluent. Coastal activities had the second highest rate of significant non-compliance. Significant non-compliance in relation to coastal activities could include a structure that is not the consented size. The third highest rate of significant non-compliance was for land-use activities and includes earthworks undertaken without sediment control.