

Environmental Compliance

The Northland Regional Council is responsible, under the Resource Management Act (1991), for the control of 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 if required, by resource consents.

In order to make sure that activities are not having an 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
- Be 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, and restore the affected area.



Paint pollutes a stream.

Compliance assessments 2009-2010

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

In 2009-2010, 3482 monitoring visits were made by Regional Council staff. This was 698 more than 2008-2009. The graph (overleaf) breaks these monitoring visits down into the consented activity by type. The number of monitoring visits undertaken for each activity largely reflects 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 contaminant into the environment (including 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.

Environmental Compliance performance targets

- Monitor and enforce compliance with resource consent conditions, regional rules and relevant statutory requirements.
- Document and implement monitoring programmes on the Council's consent monitoring database and report as required for each programme (95% achieved).
- 100% of all significant non-compliances are followed up and enforcement action taken where necessary (87% achieved).
- Report results to the Council monthly and annually in Council Annual Report.

Key points from 2009-2010

- 66% of consents monitored were fully compliant, 25% of consents monitored had minor non-compliance and 9% of consents monitored were significantly non-compliant.
- Monitoring showed a slight decrease in non-compliance of resource consent conditions and Regional Plans from 2008-2009.
- The Council has continued to take a tougher line on monitoring throughout the 2009-2010 financial year.
- During the 2009-2010 financial year, the Council instigated four prosecutions: one for a sediment discharge to the Mangawhai Harbour and three farm dairy effluent discharges.

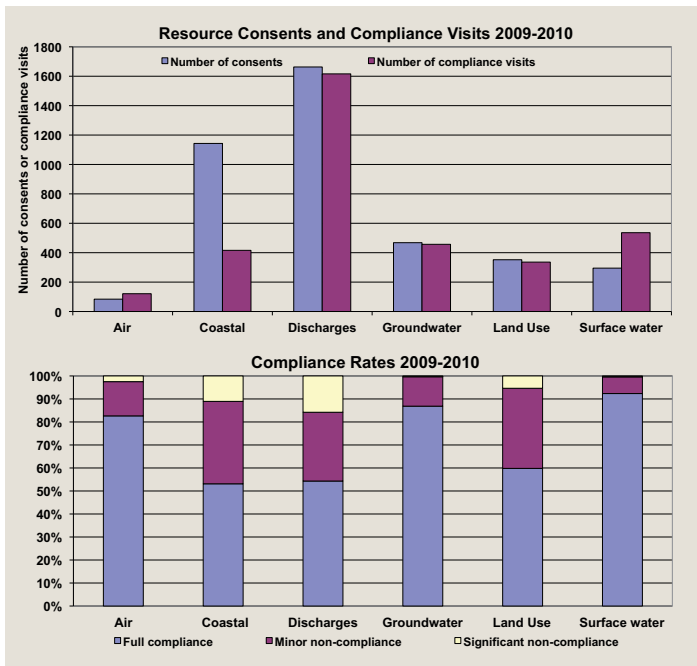
Activities requiring monitoring

During the 2009-2010 monitoring year, there were a total of 4009 consented activities in the Council's database.

The largest number of activities relate to the discharge of a contaminant – 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.



What's being done?

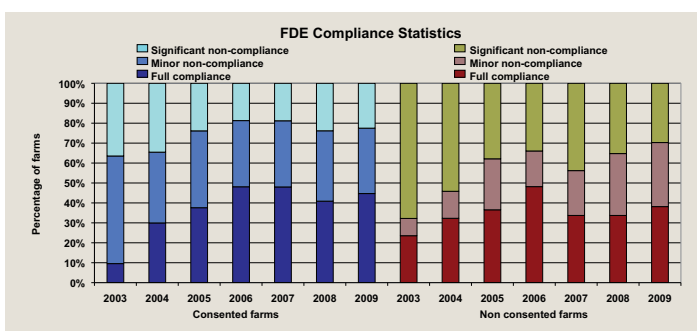
If a consented activity is found to be non-compliant, or is operating outside the rules of a Regional Plan, the Council can:

- 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 2009-2010:

- 352 abatement notices and 227 infringement notices were issued by the Council;
- Just over 50% were issued for a breach of the rules in a regional plan; and
- The remainder were issued as a result of a breach of resource consent.

The number of abatement and infringement notices issued by the Council has increased steadily over the last four years. This is largely due to the Council taking a harder line on non-compliance.



CASE STUDY: Farm dairy effluent

There are approximately 950 dairy farms in Northland creating more than 14 thousand cubic metres of farm dairy effluent (FDE) from dairies and feed pads every day. This effluent can be applied to land, or can be treated to remove contaminants and then discharged to water. It is illegal to discharge untreated FDE to water or onto or into land in any way that may contaminate water.

The Regional Water and Soil Plan (RWSP) for Northland has rules that control the disposal of FDE. The disposal of FDE to land, subject to conditions, is a 'permitted' activity and farms that use this method are termed 'non-consented' farms. There are approximately 250 non-consented farms in Northland.

The disposal of treated FDE to water is a 'discretionary' activity, which means that it requires resource consent. Farms which operate under resource consent are called 'consented' farms. There are approximately 700 consented dairy farms in Northland. Many of these routinely apply effluent to land and only discharge to water in very wet periods.

The discharge of treated animal effluent to certain important water bodies in Northland is not allowed. These water bodies are listed in the RWSP. For a copy of the RWSP go to www.nrc.govt.nz/rwsp

Performance targets

To monitor and enforce compliance with farm dairy effluent discharge standards by:

- Inspecting all FDE treatment and discharge systems at least annually, recording inspection details and reporting these to the farmers who are responsible.
- Testing effluent and receiving water quality annually, for systems with resource consents to discharge to water.
- Following up on all non-complying systems, systems that have had poor grades, or those requiring maintenance or upgrading, when needed.

Key points 2009-2010

- 249 farms were applying FDE to land under the permitted activity rule; 38% were fully compliant with the conditions of the rule; 32% had minor non-compliance and 30% were significantly non-compliant;
- 697 farms were disposing of FDE under resource consent; 45% were fully compliant with the conditions of their consent; 33% had minor non-compliance and 22% were significantly non-compliant;
- 201 abatement notices and 173 infringement notices were issued; and
- 3 prosecutions were taken.

Compliance trends

Compliance rates for the last seven years show a general decrease in the rate of significant non-compliance.