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# **17 MONITORING, REVIEW AND ENFORCEMENT**

## **17.1 ISSUES**

### **17.1.1 Monitoring and Review**

The processes of monitoring and review are integral to the Council's responsibilities under the Resource Management Act 1991.

One of the Council's functions under Section 31(a) of the Resource Management Act is to:

"...review (the) objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district."

This review is something which was carried out in relation to all resource management issues of the District prior to the preparation of this District Plan and will be carried out again in full prior to the 10 yearly review of the Plan required by the Act. In addition, throughout the life of this District Plan various resource management matters need to be subject to ongoing review to assess the extent to which the integrated management of effects of land and resource use is being achieved. At times this may require focusing on particular issues or environmental effects while at other times certain areas of the District may form the focus.

Section 35 of the Act requires the Waitaki District Council to undertake such research or gathering of information necessary to effectively carry out its functions:

"(2) Every local authority shall monitor -  
(a) the state of the whole or any part of the environment of its ... district to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and  
(b) the efficiency and effectiveness of policies, rules, or other methods in its ... plan; and  
(c) the exercise of any functions, powers, or duties delegated or transferred by it; and  
(d) the exercise of the resource consents that have effect in its ... district, as the case may be, -

Monitoring is an important mechanism for feedback inherent to the Council fulfilling its responsibilities for review or refinement of the District Plan. It is in effect the process of information collection and recording. This includes gathering information and maintaining records in respect of resource management matters and the state of the environment, and the compliance of resource consents granted by the Council. A crucial element for effective monitoring is to set objectives, policies or some other mechanism through which it is possible to evaluate both the extent to which resource management objectives and policies contained in the District Plan are being met and also whether the monitoring system is delivering sufficient information to enable this assessment to be undertaken effectively.

Section 75 of the Act sets out the matters to be included in the District Plan. This includes a requirement to state the procedures to be used to:

- i review the provisions of the District Plan; and
- ii monitor the effectiveness of the Plan as a means of achieving its objectives and policies.

The Council has a statutory obligation to undertake a complete Review of its District Plan at least every ten years (Section 79). However, monitoring procedures may indicate a necessity to refine the provisions of the District Plan prior to a full Review. Should the Council decide to take action on the basis of monitoring and review of the District Plan it may do so by way of a Plan Change, undertaken in accordance with the First Schedule of the Resource Management Act.

### **17.1.2 Enforcement**

No person may use or subdivide land in the Waitaki District in a manner that contravenes a rule in the District Plan, unless having existing use rights (Section 10) or expressly allowed by a resource consent granted by the Council (Sections 9 and 11).

Under Section 38 of the Resource Management Act the Council may authorise persons to carry out the functions and powers of an enforcement officer. Such officers may serve abatement notices against persons who are breaching the Act, a rule in the District Plan or a resource consent, or operating in a manner which is having an adverse effect on the environment. In relation to noise contravening Section 16 of the Resource Management Act, an abatement notice may require the adoption of the best practicable option of ensuring that the emission of noise from land or water does not exceed a reasonable level. If abatement notices are not acted on, the Environment Court may issue an enforcement order requiring compliance.

There are a number of environmental effects arising from activities where it is not practicable to control by performance standards at this stage. In particular odour, dust and vibration are all matters which are sufficiently complex in their effect, components and measurement to make the establishment of meaningful and effective performance standards impossible. However because these effects can be of considerable annoyance and affect health it would be quite inappropriate for the Council to take no part in controlling these effects. The Council does have available to it enforcement procedures which enable it to consider each situation and determine whether there is an effect of such intensity or character that it is likely to be objectionable, noxious, offensive or dangerous to the extent that it is likely to have an adverse effect on the environment.

## **17.2 OBJECTIVE 1 AND POLICIES**

**A District Plan which addresses relevant issues and concerns consistent with the purpose and principles of sustainable resource management.**

### **17.2.1 Policies**

- 1 *To monitor the state of the environment against the anticipated environmental outcomes stated in the Plan, as a means of determining whether the District Plan is achieving what it is intended to.*
- 2 *To use a range of monitoring procedures to monitor and review the achievement of the Plan's objectives and policies.*
- 3 *To monitor the compliance of activities or developments with their conditions of consent.*
- 4 *To monitor the consistency of the District Plan with regional and national policy statements and its effectiveness in implementing the objectives and policies of those policy statements.*

- 5 *To respond to new resource management issues and ineffectiveness in the District Plan by way of review and possible changes to the District Plan.*
- 6 *To co-operate with the Regional Council, other territorial authorities, central government agencies and scientific organisations to achieve co-ordinated and mutually beneficial monitoring information.*
- 7 *To encourage organisations to prepare and make available to the Council environmental management strategies which may form the basis for monitoring programmes.*
- 8 *To undertake public consultation in monitoring and review procedures, as a means to better understanding of resource management concerns.*

## **17.2.2 Explanation and Reasons**

These policies have been developed to meet the requirements of Sections 31, 35 and 75(1)(c) of the Resource Management Act. The Council's overall programme for monitoring will be set out in the Annual Plan. The Council will initiate and/or accept requests for Plan Changes where the need for such are demonstrated through monitoring and review procedures. Co-operation between larger organisations and the Council is seen as a means to more efficient monitoring programmes. The Council will otherwise encourage public input into monitoring and review procedures.

## **17.3 OBJECTIVE 2 AND POLICIES**

**Land (and water surface) uses that are consistent with the provisions of the District Plan and the principles of sustainable resource management.**

### **17.3.1 Policies**

- 1 *To use available powers under Part 12 of the Resource Management Act to ensure that activities comply with the Act (in particular the requirement to avoid, remedy or mitigate adverse environmental effects), the District Plan and any resource consents granted.*
- 2 *To use enforcement powers, where appropriate, in response to problems brought to the attention of the Council by both the general public and the Council's own monitoring programmes.*

### **17.3.2 Explanation and Reasons**

The Council has prepared the District Plan as a means to achieving the sustainable management of natural and physical resources, as in the purpose of the Resource Management Act. To ignore persons or interests operating in a manner which contravenes the Resource Management Act, the District Plan or a resource consent, the Council would be jeopardising the achievement of the environmental outcomes sought in respect of the District. It is anticipated that the monitoring programme undertaken by the Council will highlight situations in which abatement notices or enforcement orders may be required.

## 17.4 MONITORING PROCEDURES

The Council will review the provision of the District Plan to ensure it is effective in achieving its objectives and policies and, if necessary, undertake a Plan Change or a Review of the District Plan. The procedures to achieve such a review of the provisions of the District Plan will consist of:

- A) analysis of the results of the following monitoring procedures;
- B) assessment of requests for Changes to the Plan; and
- C) a 10 yearly review of the entire District Plan.

With the number and range of issues, objectives and policies of resource management concern in the District, the scope for gathering and analysing information is almost endless. However, the Council's financial, staffing and time constraints mean that priorities need to be set for monitoring. Monitoring needs to be targeted at:

- issues which are of most concern to the community;
- objectives and policies which are closely related to the ability of future generations to meet their needs and matters of national importance in Section 6;
- issues, objectives and policies which are new or altered from the transitional District Plan and where the effectiveness of methods to achieve such objectives and policies is less certain; and
- environmental results which provide clear and certain indicators.

For each Section of the District Plan which sets out the District's issues, objectives and policies, a set of "environmental results anticipated" has been specified. These form the basis for the monitoring specified below for each topic area, targeted according to the above priorities.

The annual monitoring programme will be specified each year in the Annual Plan. Changes in funding available, work priorities and particular circumstances will influence the specific nature of the monitoring programme each year. On-going analysis of monitoring data collected will also enable an assessment of the nature of the monitoring being undertaken to determine whether it is providing appropriate information to assess the achievement of the Plan's objectives and policies.

Monitoring will be undertaken through several different procedures:

- 1 **Council Records:** The Council is required under the Act to keep and monitor information collected through its regulatory and other responsibilities, such as resource and building consents and a register of complaints received. Analysis of these will provide information regarding development within the District and attitudes to any adverse effects of that development. Monitoring of compliance with resource consent conditions will assist in assessing the adequacy and appropriateness of Plan policies and rules.
- 2 **Department of Statistics and Valuation New Zealand Information:** The Council will continue to obtain updated data from these and other important sources of demographic, building, agricultural and business information.
- 3 **Surveys:** Every 3 to 5 years, the Council will survey the District's community regarding its attitudes towards particular resource management issues, such as landscape and conservation values, and residential amenity. The Council will also continue to undertake traffic, parking and noise level surveys and recreational user surveys.

- 4 **Long Term Council Community Plan Process:** The District's Long Term Council Community Plan provides the opportunity for the public to comment on the draft annual plan. Comments from this process are sometimes relevant to resource management issues, which can be included within the District Plan. The Council will also establish a separate programme to monitor the state of the environment generally (Section 35). The annual details of this programme will be included in the District Plan. Information for this programme will help identify new or changing issues of relevance to the District Plan, and trends between the state and health of the environment and land use activities.
- 5 **Regional Council Monitoring Programme:** The Regional Council undertakes a comprehensive monitoring programme in relation to its own areas of responsibility. Many of these are of relevance to the Council's District Plan, such as ground and surface water quality and availability, soil erosion and soil health, vegetation cover, coastal erosion rates, and flooding risks. The Regional Council's Annual Monitoring Report provides an important source of information. The Council will continue to liaise with the Regional Council regarding the mutual benefits of monitoring information and, where appropriate, will assist with financial resources for particular monitoring programmes of benefit to the District.
- 6 **Liaison with Other Councils:** Other Districts share many of the same resource management issues as Waitaki. The Council will seek to encourage liaison and co-operation between Councils of other Districts, and where possible pool resources to undertake particular jointly-funded monitoring and research.
- 7 **Government and Scientific Organisations:** The Council will maintain liaison with government and scientific organisations, particularly those undertaking research relating to resource management issues in the high country. The Council will consider opportunities that come available to support and provide assistance to research organisations undertaking relevant monitoring and research investigations; and will continue to monitor the outcomes of such research.
- 8 **Landholders:** In many instances, the most effective monitoring can be undertaken by landholders themselves, such as the monitoring of vegetation and soil condition in the high country. The Council will take an active role in providing support and assistance to landholder groups undertaking their own monitoring and in facilitating the provision of information regarding monitoring techniques to such groups. The larger organisations owning land and/or facilities within the District already undertake their own environmental monitoring programmes. The Council will seek a co-operative approach with these organisations where their information can be usefully integrated into the Council's own monitoring programme.

## 17.5 MONITORING OF KEY ENVIRONMENTAL RESULTS

Using the above range of monitoring procedures, the following topics may form the components of the Council's long term programme to monitor and review the achievement of the Plan's objectives and policies.

- 1 **Natural Environment - Natural Conservation and Landscape Values**
  - Changes in the extent and quality of indigenous ecosystems and natural habitats of indigenous plants and animals.
  - Changes in the level of protection afforded to sites of nature conservation and landscape values through public land acquisition, the use of covenants or agreements, or resource consent provisions.
  - Changes in ground and surface water quality and availability.
  - Changes to the quality of the natural character of waterway margins.

- Distribution and change of distribution of exotic species with potential to spread and naturalise.
- Community views regarding the importance of protecting nature conservation and landscape values.

## **2 Takata Whenua**

- Level of takata whenua involvement with resource management decision making.
- As for "natural environment" above, and as for "heritage values" below.

## **3 Heritage Values**

- Changes to number and condition of remaining heritage buildings.
- Residents' views regarding level of involvement of Council with heritage protection.
- Degree of implementation of protection measures - resource consents, use of incentives, conservation covenants, etc.
- Effects on and changes to archaeological sites as a result of building development and land use changes.
- Satisfaction of takata whenua with procedures instituted regarding archaeological sites.

## **4 Natural Hazards**

- Physical damage from any hazard events.
- Effectiveness of response procedures.
- Changes in levels of risks from hazards due to improved protection works or property development in areas at risk.
- Rate of coastal erosion.
- Changes in knowledge and undertaking about the likelihood of the occurrence of natural hazards.
- Effectiveness of building floor heights and locational controls in avoiding damage.

## **5 Transport**

- Traffic volumes and routes.
- Traffic activity and effects monitoring including vehicle, cycle and pedestrian surveys of any type necessary to obtain an effective measure of the performance of the transport system and the service it provides to activities.
- Pedestrian/cycle/public transport usage.
- Accident records - number and severity.
- Residents' views regarding amenity of streets, accessibility of commercial and community facilities.
- Residents' views regarding local traffic management schemes - both before and after implementation.
- Complaints regarding traffic issues.

## **6 Subdivision**

- Rate and extent of new subdivisions.
- Ability to service new subdivision and development adequately and efficiently.
- Capacity of public services to accommodate additional development.
- Efficiency of use of existing public services.
- Need for extensions to new public services.
- Nature of conditions being imposed on subdivision consents, compared with the provisions of the District Plan.
- Residents' views regarding the character of new subdivisions.
- Degree of protection achieved through subdivision of trees, natural features, margins of waterways.

## **7 Recreation and Open Space**

- Increase in the number and location of esplanade reserves and strips and access strips held by the Council.
- Change in the number of hectares of reserves held by the Council, their location, distribution and proximity to the District's population.
- Proportion of population in settlements which do not live within 400 metres of a neighbourhood park.
- Improvements to reserve development and facilities.
- Usage of recreational facilities.
- Complaints regarding adverse effects of recreational activities.
- Residents' views regarding availability of recreational opportunities and open space; and environmental effects of recreational activities.
- Surveyed noise levels.
- Surveyed traffic volumes.
- Residents' views regarding environmental effects of surface water activities.
- Usage of waterways for recreational and commercial activities.
- Reported adverse effects on natural values of activities on the surface of waterways.

## **8 Energy**

- Changes in the area of tree plantings.
- Changes in the area of indigenous tree cover.
- Changes to the extent of settlements.
- Changes to the density and distribution of residential activities within and adjoining settlements.

## **9 Utilities**

- Increase in areas served by reticulated sewer, stormwater and water supplies.
- Changes in groundwater quality.
- Ease and efficiency of servicing new subdivisions and developments.
- Proportion of settlements with electricity and telephone wires underground.
- Complaints regarding adverse effects of utilities.
- Residents' views regarding the effect of utilities on local amenity values.

## **10 Community Facilities**

- Residents' views of the availability, convenience and accessibility of community facilities.
- Complaints regarding adverse effects of community facilities.

## **11 Waste Management**

- Using the waste analysis protocol, survey of changes in the types and quantities of wastes disposed of annually.
- In conjunction with the Regional Councils, survey of the use and disposal of hazardous substances.

## **12 Hazardous Substances**

- In conjunction with the Regional Councils, the preparation and updating of an inventory of the use and manufacture of hazardous substances.
- Recording of any spillages, pollution and other incidents.
- Effectiveness of responses to spillages, pollution and other incidents.

## **13 Signs**

- Complaints received regarding adverse effects of signs.
- Changes in amenity levels in areas containing signs.
- Records of traffic accidents in rural areas and their relationship to signs.

#### **14 Residential, Rural-Residential and Township Areas**

- Changes in the density and distribution of buildings, including residential activities.
- Changes in the extent of settlements and the contrast between settlements and their surrounding rural areas.
- Changes in population size and density.
- Changes in number of residential units.
- Changes in the amount of vacant land available in each zone.
- Improvements and development of public open space.
- Complaints regarding adverse effects of non-residential activities.
- Residents' views regarding the environmental effects of non-residential activities and their perception of residential areas.
- Surveyed noise levels.
- Surveyed traffic volumes.
- Changes in the availability of services and facilities within townships.
- Number and type of non-complying activities approved by the Council.

#### **15 Business Areas**

- Changes in business floorspace quantity, distribution and type.
- Changes in the location of different types of business activity.
- Changes in the amount of vacant land available in each zone.
- Availability of public parking in business areas.
- Surveyed traffic volumes.
- Surveyed noise levels in and adjoining business areas.
- Changes in the number and location of residential units in business areas.
- Complaints regarding adverse effects of business activities on properties in neighbouring zones.
- Residents' views regarding the environmental effects of business activities and the availability, convenience and accessibility of business activities.

#### **16 Rural Areas**

- Changes in the extent and degree of subdivision of land of high class soils.
- Changes in general subdivision patterns.
- Changes in the nature and extent of non-land-based activity in the rural areas.
- Changes in the location, type and scale of intensive farming activities.
- Complaints regarding adverse effects of intensive farming and non-land-based activities in the rural areas.
- Surveyed noise levels.
- Surveyed traffic volumes.
- Residents' views regarding the nature of rural amenity values.
- Changes in the extent of settlements and the contrast between settlements and their surrounding rural areas.
- Change in the nature, scale and location of farming, forestry and other land-based rural activities.
- Number and type of non-complying activities approved by the Council.
- Changes in vegetation cover and condition and soil condition in the high country. (Further research is needed to develop cost effective techniques for such monitoring.)
- Changes in ground and surface water quality.
- Trends evident between land use practices and the state of vegetation and soil condition.



