

23 Monitoring

23.1 Introduction

Monitoring is an essential mechanism where Council obtains feedback on the environment in order to review the District Plan. Monitoring requires the gathering of information in respect of resource management matters including District Plan administration, resource management issues, the State of the Environment and compliance with the District Plan's Standards in addition to Resource Consents granted by the Council.

Monitoring is intended to determine whether the District Plan is achieving the desired Outcomes, Objectives, and anticipated environmental results identified in the District Plan, and whether the Policies and Methods employed in the District Plan are the most appropriate to achieve these. In addition, Monitoring is intended to determine whether the Policies and Methods outlined in the District Plan are actually being implemented effectively.

Monitoring requires the gathering of information on the environment and is important to inform Council on whether:

- The District Plan is achieving the Outcomes it is seeking;
- The Methods of the District Plan are the most appropriate in achieving the Outcomes of the District Plan; and
- The Methods of the District Plan are being implemented.

There are two sorts of Monitoring that are employed to inform Council on these above three matters, being State of the Environment Monitoring and Resource Consent Monitoring.

Council also needs to monitor its own decision-making processes (e.g. to confirm that decisions being made by its officers, commissioners and other delegated agents such as the Northland Regional Council are consistent).

23.2 Councils Approach to Monitoring

The District Plan has been written from the point of view that all activities are Permitted, provided they comply with the Performance Standards. Council has taken the approach that there are three strands of Monitoring required for the 'healthy' functioning of an effects based District Plan, they are: Mentoring - Monitoring - Enforcement. The three Monitoring strands required are summarised as follows:

- Mentoring** – Providing information and guidance on the Performance Standards and how they apply to specific activities, pre-lodgement meetings and advice; and
- Monitoring** – Checking activities (e.g. at Building Consent stage and Resource Consent lodgement stage) to ensure that proposed activities are either within the Performance Standards threshold or flagged for Resource Consent, and State of the Environment Monitoring; and
- Enforcement** – Monitoring and follow up of complaints. This includes identifying retrospective activities that require Resource Consent and Monitoring Resource Consent Conditions on site.

23.3 State of the Environment Monitoring

Monitoring is necessary to determine whether the environment is presenting the 'Outcomes' identified in the District Plan and further whether the Methods employed in the District Plan are the most appropriate to achieve these Outcomes.

The Outcomes of the Kaipara District Plan are presented at the end of each Chapter and these provide the anticipated results from the implementation of the Objectives, Policies and Methods. These District Plan Outcomes provide a basis for determining the effectiveness and suitability of the Kaipara District Plan.

In order to determine the District Plan effectiveness, a wider scope of Monitoring is required. This type of Monitoring is referred to as 'State of the Environment Monitoring'. This is an on-going process which measures and reflects changing environmental conditions and development pressures. It involves the Monitoring of various features in the environment which in turn determines the extent of environmental change over time. This Monitoring involves the systematic collection of data on 'key environmental indicators' (features which represent wider environments or values). An example of an indicator is 'water quality of local waterways', which can indicate changes in surrounding land use, management of discharges and environmental quality in the harbours. Another example is 'number and average lot size' in the Rural Area, which can indicate changes in land use and development of the Rural Area and whether the Outcomes for the Rural Zone are being met.

To be effective, the results of State of the Environment Monitoring must deliver enough accurate information to enable a Council to measure the performance of the District Plan. This type of Monitoring also enables Council to identify potential new Issues of significance that need to be addressed through the District Plan process.

Monitoring enables Council to measure the success of the District Plan (whether are the 'Outcomes' are being achieved)

State of the Environment Monitoring measures change to the environment over time

If the results of the Monitoring programme suggest that the 'Outcomes' of the District Plan are not being achieved, or that the District Plan is not promoting the purpose and principles of the Resource Management Act 1991, this would require a closer evaluation of the effectiveness and suitability of the Issues, Objectives, Policies and Methods contained in the District Plan. In response to this Monitoring, the planning provisions provided in the District Plan may need to be adjusted over time (or changes made to the implementation of the District Plan).

The Council will seek to undertake State of the Environment Monitoring that is integrated with the Northland Regional Council Monitoring programme to improve the efficiency of current Monitoring practices and to avoid any overlap in responsibilities between councils.

23.4 Resource Consent Monitoring

Compliance Monitoring is required to be undertaken by Council to ensure that Resource Consent Holders are complying with Conditions on their Consents. It is important that every person giving effect to their approved Resource Consent understands the practical requirements of the Resource Consent Conditions. Breaches of Consent can result in the District Plan not achieving its environmental Outcomes as well as incurring costs to Council, the Consent Holder, owners and contractors; as enforcement actions are undertaken.

In particular, activities that pose the greatest potential risk to the environment and community are given the highest priority for Consent Monitoring, as are those Consents that have applications pending or have been publicly notified. It is considered that Consents with on-going conditions, such as those imposed on Land Use Consents require key compliance focus.

An enabling plan where all activities are considered permitted provided you are within the Performance Standard thresholds also requires Mentoring, Monitoring and Enforcement of Permitted Activities.

23.5 Resource Management Act Requirements

Section 35(2) of the Resource Management Act 1991 requires local authorities to monitor the suitability and effectiveness of any policy statement or plan for its region or district.

Section 31 of the Resource Management Act requires territorial authorities to review the Objectives, Policies and Methods contained in the District Plan, and Section 75 requires that the procedures to be used to monitor the effectiveness of the District Plan be set out in the District Plan itself.

In a wider sense, Section 35 requires that territorial authorities monitor the effectiveness of the District Plan in achieving its purpose as stated in Section 72 of the Resource Management Act 1991. Here it states that the purpose of the District Plan is to assist territorial authorities in carrying out their functions to achieve the purpose of the Resource Management Act 1991. In effect, this means that Monitoring should reveal whether the District Plan is achieving the purpose and principles of the Resource Management Act as set down in Part 2 of the Resource Management Act (Sections 5, 6, 7 and 8).

23.6 How to Use This Chapter of the District Plan

This Chapter is intended to provide an overview of the direction established by the District Plan for Monitoring and identify how this will be implemented (the Methods) through the District Plan.

In this respect, this Chapter identifies significant management Issues and the Objectives, Policies, and Methods employed by Council (through the District Plan and beyond) to address these Issues.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

In summary, once you have determined the Consent requirements for your activity or subdivision, you need to look at this Chapter to confirm what Monitoring may be required for your Consent (this is Step 4 in the Process Summaries of the Zone Chapters).

23.7 Significant Issues for Monitoring

23.7.1 It is difficult to evaluate the effectiveness of the District Plan due to inadequate information in terms of accuracy and the extent of available information.

There is currently a lack of information available on Kaipara's environment to effectively monitor the effectiveness of the District Plan. In order to determine whether the District Plan is achieving the desired Outcomes, an appropriate degree of accurate information needs to be gathered on a regular basis. Council intends to commence gathering information on key environmental indicators on a regular basis to build up a database of the State of the Environment.

Compliance Monitoring assesses whether people are complying with their Consents

The "How to use this Chapter of the District Plan" figures within the Zone Chapters (e.g. Figures 12-1 and 12-2) provide a guide of where Monitoring 'fits' in the Consent process

23.7.2 There are resource constraints in undertaking efficient and effective monitoring.

Kaipara District Council has limited resources to allocate to Monitoring. However, Council is committed to improving their current Monitoring practices to meet their obligations under the Resource Management Act 1991. Integrated Monitoring will be utilised where possible e.g. with other agencies, and other areas of duties and responsibilities of Council such as Community Outcomes Monitoring and Level of Service Monitoring.

23.7.3 The Council and the Northland Regional Council have overlapping responsibilities for State of the Environment Monitoring that need to be appropriately managed to avoid unnecessary inefficiencies.

Both the Northland Regional Council and Kaipara District Council have responsibilities under the Act to undertake Monitoring. To avoid the inefficient use of resources Council is to work collaboratively with the Regional Council to determine individual Monitoring responsibilities. By doing so, a larger pool of Monitoring information can be established by both Councils which in turn will also benefit both the Regional Council and Kaipara District Council.

23.7.4 Environmental outcomes need careful monitoring and assessment in order to assess the effectiveness and efficiency of the District Plan and its Methods (e.g. between Regulatory and Non-Regulatory Methods and for Incentive Methods).

In achieving an appropriate balance for managing land use and protecting the environment, Council has identified a combination of Regulatory and Non-Regulatory Methods as well as mechanisms to provide incentives for positive environmental outcomes (such as development bonuses). Methods, other than District Plan regulation, will be adopted to respond to identified issues. These "Other Methods" will be developed and further refined over the life of the District Plan as the Council progresses its strategic and annual planning responsibilities.

23.8 Monitoring Objectives**23.8.1 To recognise Council's duties under the Act by monitoring the State of the Environment, the effectiveness of the District Plan and the exercise of Resource Consents.**

Issues 23.7.1, 23.7.2 and 23.7.4

23.8.2 To ensure that the District Plan addresses significant issues and concerns consistent with sustainable management of natural and physical resources, and that its provisions are effective in achieving it.

Issues 23.7.1 and 23.7.3

23.8.3 To manage the effects of activities on land and the effects from land to the surface of lakes and rivers so that they are consistent with the provisions of the District Plan and the sustainable management of natural and physical resources.

Issue 23.7.4

23.8.4 To carry out consistent and effective monitoring and enforcement of the District Plan.

Issue 23.7.3

23.8.5 To undertake appropriate actions to respond to trends and changes in the environment identified through monitoring (or the lack of change if the Outcomes seek change).

Issue 23.7.4

23.9 Monitoring Policies**23.9.1 By monitoring and reporting on those indicators of the State of the Environment which are within Council's responsibility under the Act.**

Objectives 23.8.1 and 23.8.2

Kaipara District Council is required to undertake Monitoring as part of their responsibilities under the Act and to assist it to determine that the District Plan is being effective and efficient.

23.9.2 By using the results of environmental and compliance monitoring to assess whether the outcomes expressed in the District Plan are being met, as a means of determining whether the District Plan is achieving its intentions.

Objectives 23.8.1, 23.8.2 and 23.8.4

This is important to inform decision-making by indicating broadly where District Plan Objectives and Policies are being met and identifying areas where implementation of the District Plan can be improved or may need review.

23.9.3 By undertaking monitoring of the compliance of activities with the conditions of Resource Consents and reporting the results regularly.

Objective 23.8.4

Compliance Monitoring of Resource Consents and Performance Standards under the District Plan is needed so that the effectiveness of the District Plan can be ascertained and policy changes made to enhance the practical implementation of the District Plan.

23.9.4 By ensuring that subdivision, land use and development activities which pose the greatest potential change in the environment contribute to State of the Environment Monitoring.

Objective 23.8.3

Kaipara District Council will impose State of the Environment Monitoring fees on those Resource Consent applications and subdivision applications that are considered to be significant in terms of their scale and nature. This will assist in contributing to the State of the Environment reporting that Council is required to undertake.

23.9.5 By updating or changing the District Plan in response to monitoring outputs.

Objective 23.8.5

It is important that Council utilises the results obtained from Monitoring undertaken within the District. In particular, Monitoring results can guide how the District Plan (or implementation of the District Plan) needs to be updated in order to achieve the sustainable management of natural and physical resources within the District.

23.10 Methods**23.10.1 District Plan Methods****23.10.1.1 Monitoring of compliance with Conditions of Resource Consents and with the Objectives and Policies of the District Plan (either by Council or as appropriate, Consent Holders undertaking self-Monitoring).****23.10.1.2 Mentoring of staff in relation to the effects based District Plan and Performance Standards.****23.10.1.3 Monitoring and follow up of complaints.****23.10.1.4 Monitoring Permitted Activities.****23.10.1.5 Monitoring of Building Consents and development compliance with District Plan.****23.10.1.6 Preparation of State of the Environment reports periodically as required to support changes to or reviews of the District Plan.****23.10.1.7 Establishment of a standard condition to be imposed on Resource Consents which outlines that a specific one-off fee is required for the purposes of undertaking compliance monitoring for that Resource Consent.****23.10.1.8 Monitoring and reporting regime for all areas of District Plan Council delegation.****23.10.1.9 Plan Changes to update schedules (e.g. heritage sites and features), reviewed every two years from the District Plan being operative and other Plan Changes required on the basis of monitoring review.****23.10.2 Other Methods****23.10.2.1 Stocktake of environmental data collected and held by the Council and its review in relation to its usefulness for monitoring of the State of the Environment of the District.****23.10.2.2 Develop short term and long term monitoring strategies to establish Council priorities and also to establish direction (including identification of policy for consent holders undertaking self-monitoring and reporting to Council).****23.10.2.3 Commission specific monitoring studies when required on aspects of the environment on which further information is required, in order to determine whether sustainable management of the natural and physical resource of the District is being achieved.****23.10.2.4 Kaipara District Council is to allocate a set yearly budget for the purposes of undertaking compliance monitoring.****23.10.2.5 Provide guidance and information to the public to raise public awareness of District Plan matters.****23.10.2.6 Establish monitoring initiatives in partnership with Northland Regional Council and other agencies to ensure overlap of responsibilities does not occur.****23.10.2.7 Establish monitoring initiatives in partnership with Tangata Whenua with regard to Kaitiakitanga.**

23.11 Outcomes

- 23.11.1 A monitoring and review regime that ensures the District Plan is administered in an effective and efficient manner. [Issue 23.7.4](#)
- 23.11.2 A Monitoring programme which effectively and efficiently monitors compliance with Resource Consent Conditions. [Issue 23.7.4](#)
- 23.11.3 A District Plan that allows significant resource management issues to be addressed in a manner consistent with the Resource Management Act 1991. [Issue 23.7.2](#)
- 23.11.4 An improved level of monitoring undertaken within the Kaipara District and complementary to the Monitoring undertaken by Northland Regional Council. [Issue 23.7.1](#)
[Issue 23.7.3](#)