

# The Resource Management Act 1991

## What is it, and how could it affect you?

### Monitoring Resource Consents

Part 7 in an 8 part series on the Resource Management Act (RMA), brought to you by the Auckland City Council. Copies of all articles in the series are available from the Council.

*Note: The information contained in these articles are intended as a general guide only. They should not be taken as textbook or legal opinion.*

The previous article looked at appealing the outcome of a resource consent application. This article examines the monitoring of resource consents – who's responsible for it, and how is it carried out?

#### Who's Responsible For Monitoring Resource Consents?

Under the terms of the Resource Management Act (RMA) local authorities such as the Auckland City Council are responsible for the monitoring of:

- Resource consents
- The effectiveness of plans (such as district plans) and policy statements
- The overall state of the environment.

The RMA doesn't specify the actual extent to which monitoring must take place. Monitoring is however, an ongoing process, which must be carried out often enough to ensure local authorities are fulfilling their duties under the Act.

#### Why Monitor Resource Consents?

Monitoring resource consents enables Council to determine whether resource consent holders are fulfilling the conditions of their consent. It also enables Council to keep tabs on the impact of development on the environment.

#### How Is Monitoring Carried Out?

Although Council is responsible for ensuring that resource consents are monitored, it isn't required to carry out the monitoring itself. Generally speaking, the nature and scale of a particular development will determine:

- Who undertakes the monitoring, and
- The extent of monitoring carried out.

Some developments, therefore, will involve routine inspections by Council officers. In other cases, Council may require the consent-holder to carry out monitoring, as a condition of the resource consent being granted.

For developments with major environmental effects (eg, a mining operation), a management plan may be required, detailing day-to-day:

- management of the operation,
- contingency and precautionary measures, and
- monitoring activities.

#### Different Consents Require Different Monitoring

Different types of resource consent typically call for different monitoring skills and technical knowledge, as well as a different monitoring strategy. A subdivision consent, therefore, will be monitored quite differently to a land use consent.

Subdivision monitoring will usually be limited to two specific stages:

- The land development stage, and
- The completion of works (when monitoring will involve checking to make sure new sections are fully serviced with water and sewer connections, etc).

A land use consent, on the other hand, may require longer-term monitoring. It may also involve ongoing sampling and/or the implementation of highly technical procedures (by skilled professionals) to avoid, lessen or remedy any adverse environmental effects.

#### What Happens If Resource Consent Conditions Aren't Met?

Various actions may be taken by local authorities if the conditions of a resource consent aren't being met. Depending on the circumstances, these include issuing:

- An abatement notice – this is essentially an official warning that the RMA is being contravened, or
- An enforcement order – a Court-backed order demanding compliance, or
- An instant fine.

Severe breaches of the RMA or the conditions of a resource consent may result in the courts prosecuting and the imposition of a heavy fine.

**Next time: A 'Summing Up' Of The Resource Consent Process** – including some topical issues connected with the RMA.

