

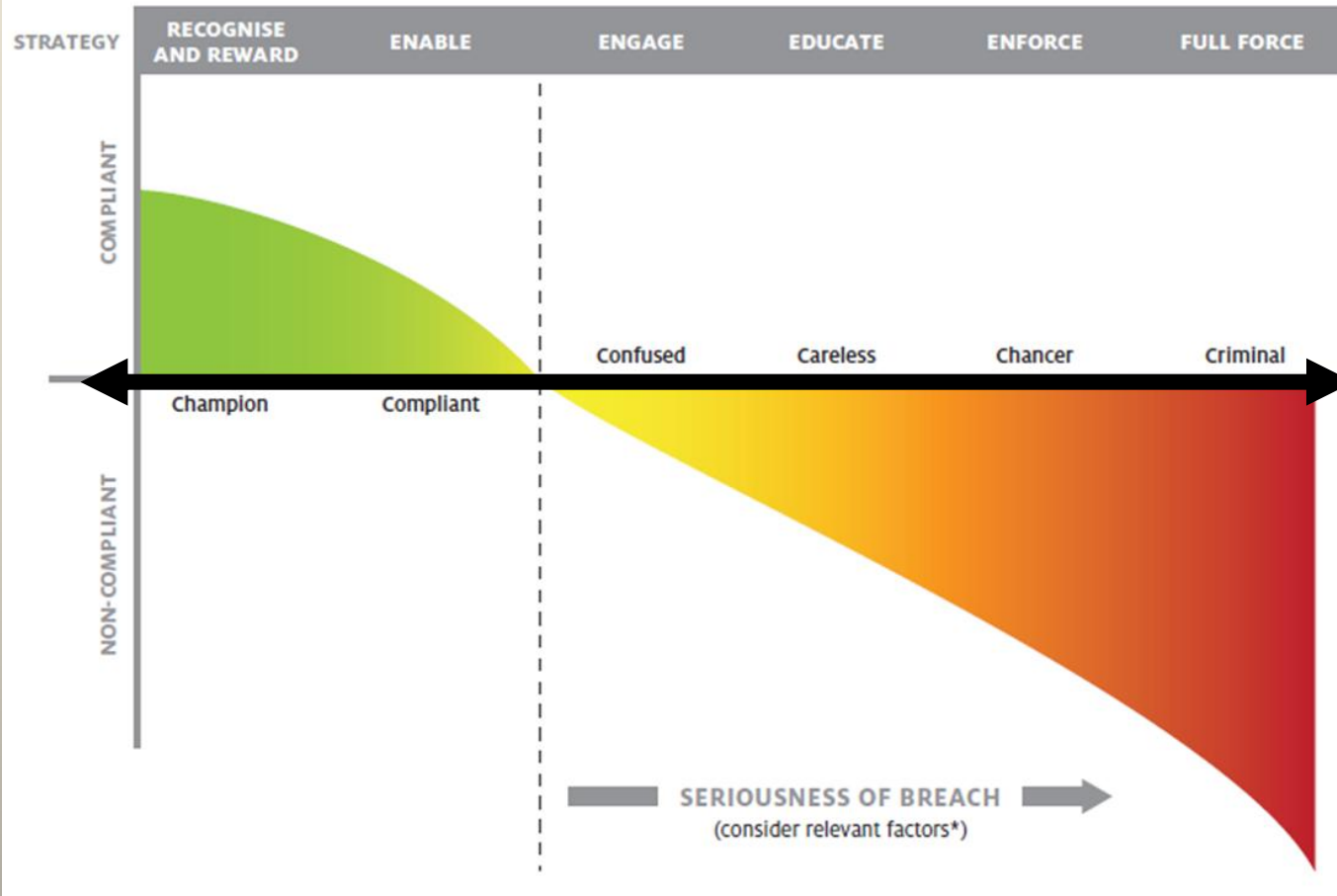
# Slides to support evidence of Patrick Lynch - Waikato Regional Council as submitter

Patrick Lynch

Manager – Investigations and Incident Response

Waikato Regional Council

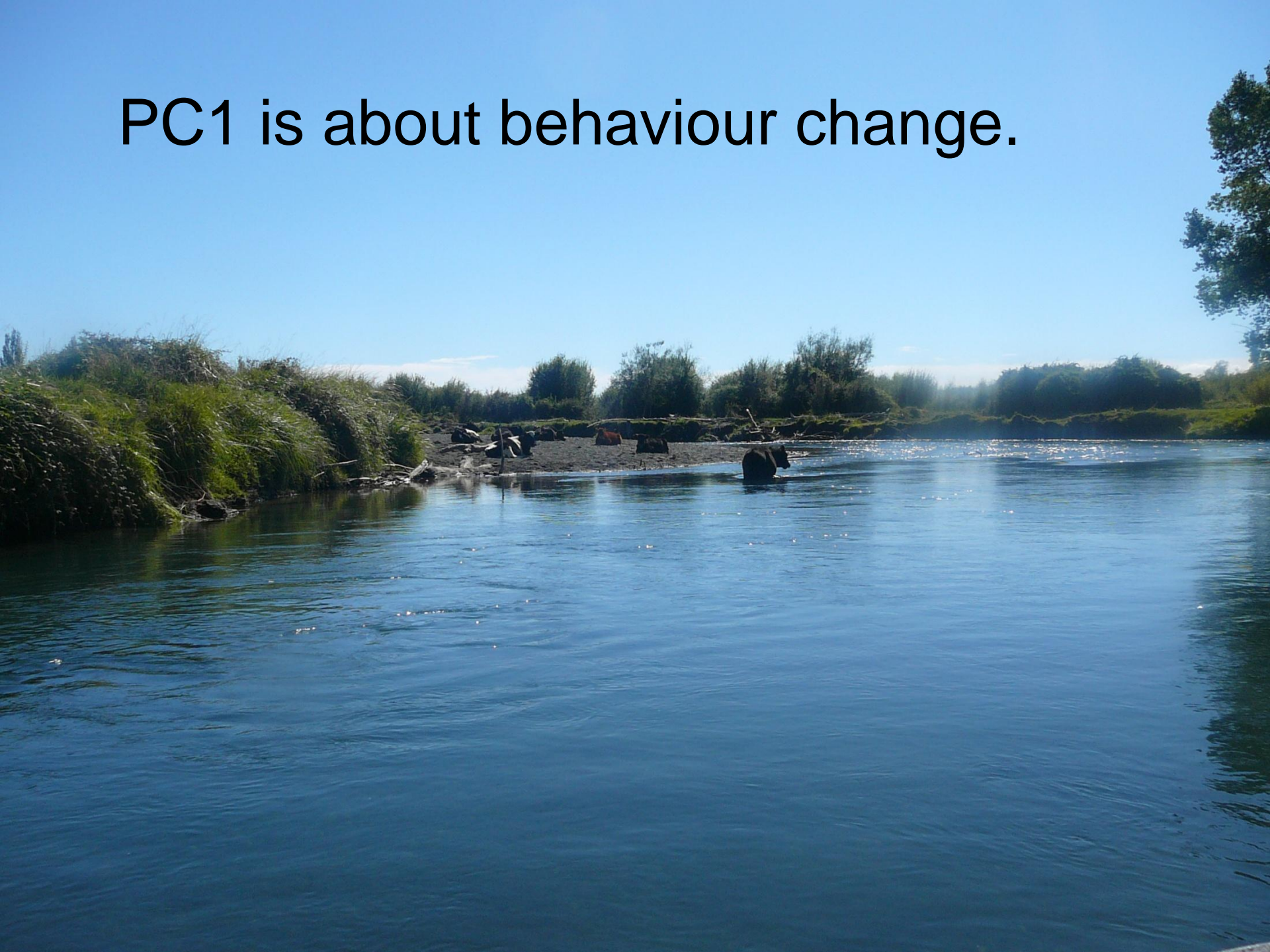
# STRATEGIC COMPLIANCE WITH THE RMA



\*Relevant factors when considering the seriousness of the breach:

- Intention (was the breach deliberate, negligent or careless?)
- Adverse environmental effect
- Lack of effective remediation
- History of non-compliance
- Profit from offending.

PC1 is about behaviour change.



# Conclusion:

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- Land use in Waikato is not environmentally sustainable.
- Behaviour change by land users is required to make activities (more) sustainable.
- PC1 is about behaviour change.
- Behaviour change will occur for different reasons.

# Reasons for behaviour change:

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Because:

- It is the right thing to do
- There is financial benefit
- It avoids financial loss
- There is reputational benefit
- It avoids reputational harm

*(For each, understanding and / or risk is increased)*

**Who is responsible for each?**

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# Resource Management Act 1991

- **National Environmental standards (Rules)**
- **Regional Plan (Rules)**
- **Coastal Plan (Rules)**
- **Resource Consents (Rules)**
- **Farm Environment plans (Rules)**



Resource Management Act 1991

Public Act 1991 No 69  
Date of assent 22 July 1991  
Commencement see section 1(2)

Contents

Part 1  
Interpretation and application

# What makes a good rule?

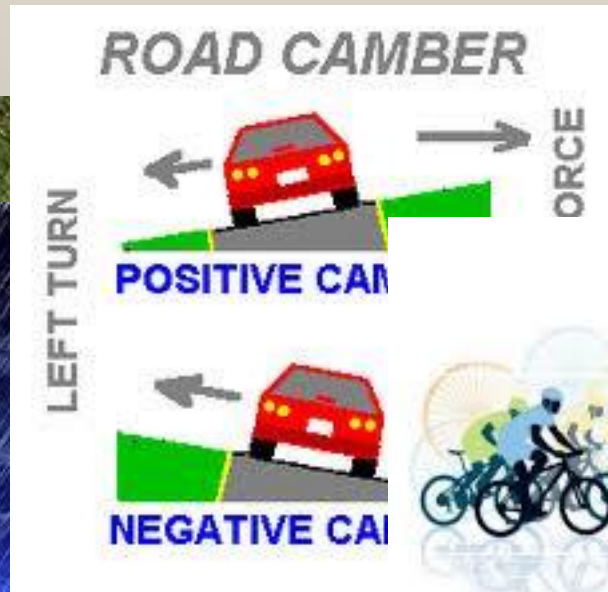
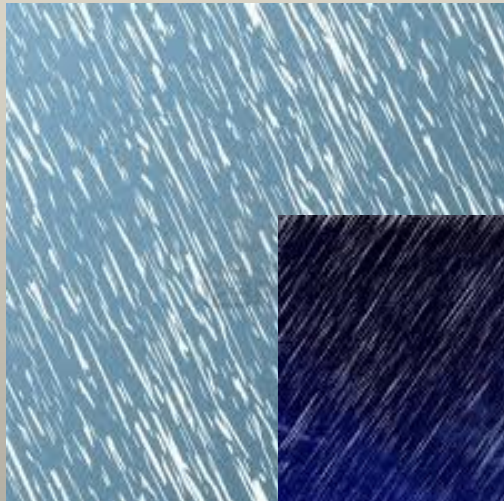






## A Rule

- Pretty clear
- Everyone knows where they stand
- Consistent
- Easy to educate on
- Easy to enforce





## A Rule

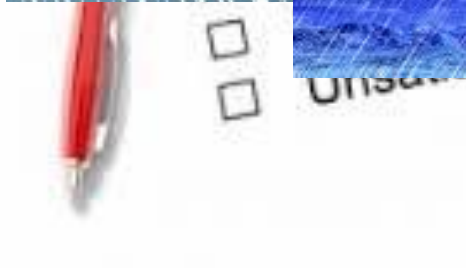
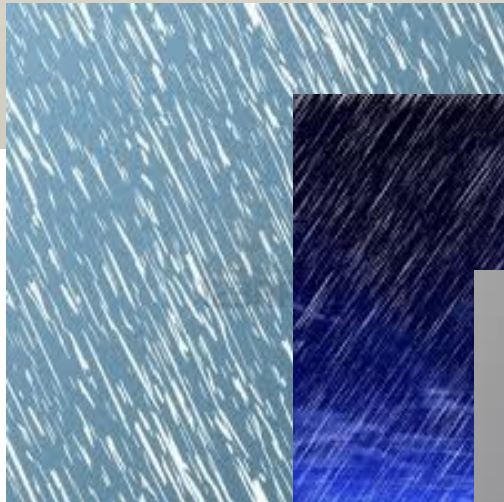
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## A Rule

- Everyone knows where they stand
- Consistent
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- Easy to enforce



# Importance of definitions



# So, good rules need to be:

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- Simple
- Clear
- Reasonable
- Enforceable
- Accessible, and
- Measurable?

**What happens when a rule is breached?**

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# How serious is the breach?

## Factors to consider

- What were, or are, the actual adverse effects?
- What were, or are, the potential adverse effects?
- What is the value or sensitivity of the receiving environment or area affected?
- What is the toxicity of discharge?
- Was the breach as a result of deliberate, negligent or careless action?
- What degree of due care was taken and how foreseeable was the incident?
- What efforts have been made to remedy or mitigate the adverse effects?
- What has been the effectiveness of those efforts?
- Was there any profit or benefit gained by the alleged offender(s)?
- Is this a repeat non-compliance or has there been previous enforcement action taken against the offender?
- Was there a failure to act on prior instructions, advice or notice?
- Is there a need for specific deterrence required in relation to the parties involved?
- Is there a need for a wider general deterrence required in respect of this activity or industry?
- Was the receiving environment of particular significance to iwi?
- How does the unlawful activity align with the purposes and principles of the RMA?

**To what standard do we need to  
establish a breach?**

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# Current example:

## 4.3.5.4 Permitted Activity Rule – Livestock on the Beds and Banks of Rivers and Lakes

Except on the beds and banks of any water body mapped in the Livestock Exclusion Layer in the Waikato Regional Plan Maps:

1. Livestock entering or crossing part of the bed or bank of a river or lake, and
2. Any associated discharge of suspended solids;

are **permitted activities** subject to the following conditions:

- a. The activity shall
  - i. comply with the suspended solids discharge standards as set out in Section 3.2.4.5 of this Plan; and
  - ii. not cause a reduction in visual clarity of more than 10 percent measured at the point of compliance specified in Section 3.2.4.5 of this Plan
- b. Any erosion occurring that leads to a breach condition a) of this Rule as a result of livestock entering or crossing the bed or banks of a river or lake shall be remedied as soon as practicable.
- c. The amount of time livestock spend crossing water bodies shall be minimised by providing crossing sites.
- d. In a grazing situation, the amount of time that livestock spend in the bed or on the banks of lakes and rivers shall be minimised.

# Understanding Compliance Theory



# Healthy Rivers / Wai Ora

Facts  
& Evidence

(Technical Alliance)



The Law:

- The Act
- Plans
- Consents

AIM



Compliance

Science

The Law:

-The Act

-Plans

-Consents

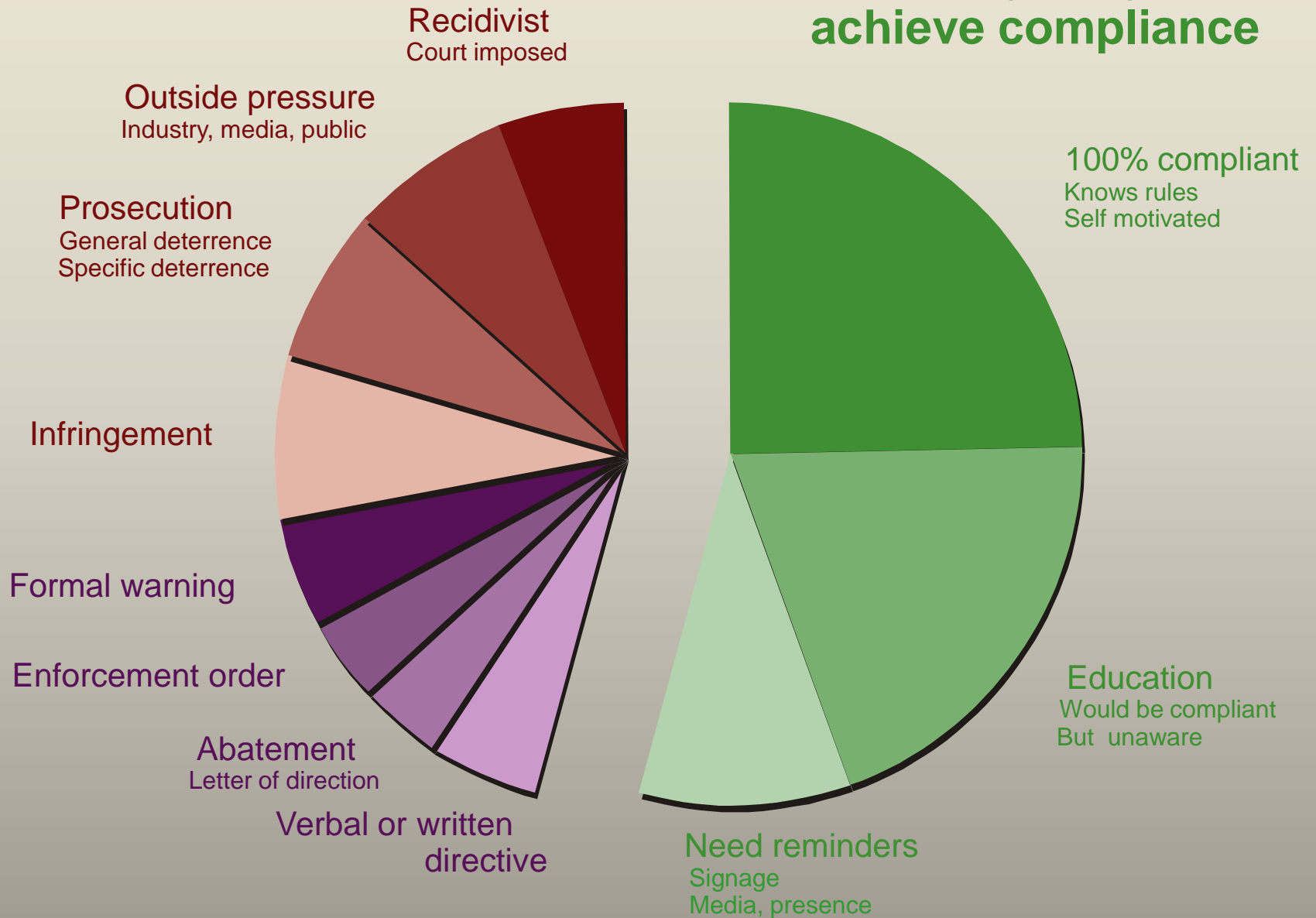
When you think about it,  
all compliance is actually voluntary

(barring total shutdown or incarceration)

Compliance

# Compliance categories

## Relatively easy to achieve compliance



# An ideal compliance world

