

ARF007 Compliance – NRC Abatements

Risk Status Progress Report December 2021

Prepared: 03/11/21

Description of risk and impact

The community expects that FNDC will manage infrastructure in a way that protects the health of people and environments. Council has KPIs requiring compliance with resource consents. One of the KPI measures is the number of abatement notices received. An abatement notice can be issued pursuant to s.322 of the Resource Management Act 1991 (RMA) if the regulator believes an activity has caused or is likely to cause a breach of the RMA. Abatement notices can lead to further enforcement action and not meeting community expectations.

Non-compliances that lead to abatement notices may be bio-physical or administrative. An example of a bio-physical non-compliance is discharge water quality. Administrative non-compliances relate to providing information or reports. Every abatement notice is unique and requires a site-specific resolution. Resolving abatement notices can take a considerable period of time if significant expenditure is required e.g. treatment plant upgrades. However, some general principles can be applied to reducing abatement notice risk.

Existing Treatments

- Maintaining an accessible register of current abatement notices in Teams
- Monthly monitoring and reporting on water and wastewater treatment to achieve early warning of compliance risks (including in the IAM business report each month)
- Monthly meetings with Northland Regional Council (NRC) and Far North Waters (FNW) to discuss monitoring results and compliance risks
- Triaging the significant and minor non-compliances recorded in CSVue and IRIS software to address compliance risks before they require abatement
- Implementing projects that improve compliance and reduce risks e.g., asset maintenance and upgrades

High level treatment plan and progress up-date:

High level treatment plan:	Progress update:
Resolve non-compliance with resource consent conditions and Regional Plan rules to clear abatement notices:	<p>The abatement notice register records that three abatement notices have been received so far this financial year. One related to water metering has been resolved. The other two relate to the Russell wastewater treatment plant upgrades and the Awanui riverbank stabilization. It will take time to carry out the physical work and monitoring required to resolve these.</p> <p>There were three abatement notices in the 2020-2021 financial year. These have all been resolved.</p> <p>There are four legacy abatement notices relating to Kaitaia reticulation and Opononi, Russell and Ahipara wastewater treatment plants. There is budget in the LTP for improvements to reticulation and treatment in order to resolve these.</p>
Monitoring and Reporting	FNDC and FNW have initiated the implementation of WaterOutlook software. WaterOutlook is a digital data platform that will provide a single source of truth for flow data, telemetry and water quality data. WaterOutlook will enable Council to quickly compile, analyse and share compliance data.
Relationship building with Far North Water	The Infrastructure Compliance Lead meets monthly with Far North Water. This is a forum to share compliance information, raise issues and problem solve.
Relationship building with NRC	<p>FNDC and NRC are actively collaborating:</p> <ul style="list-style-type: none"> • Monthly activity level compliance meetings and reporting in place.

High level treatment plan:	Progress update:
	<ul style="list-style-type: none"> Ad-hoc liaison and information sharing e.g., via IRIS software, summer bathing programme.
Triaging significant and minor non-compliances	FNDC uses CSVue software to track compliance with consent conditions. FNDC holds 195 resource consents and tracks 2677 consent conditions. There are currently 6 significant non-compliant conditions and 67 minor non-compliant conditions. These are being reviewed and monitored for action to reduce non-compliance and the chance for abatement.
Infrastructure Compliance Programme	An Infrastructure Compliance Programme will be developed with Asset Managers and FNW to formalise the prioritisation of projects that reduce compliance risks.

Where are the gaps? / what more could we be doing?

The risk trend may increase due to the legislative and regulatory change currently being faced. Recent reassessment of the inherent risk scored this risk as moderate impact. Exposure to this risk is difficult to assess due to the unknown impact of proposed Three Waters reforms, implementation of the Proposed Regional Plan and NRC increasing the use of abatement notices as a key part of their compliance strategy.

Far North Waters Alliance is responsible for operational compliance with water and wastewater resource consents. Far North Waters (FNW) take ownership of this area through having sound processes, systems and quality management in place, as well as having the technical capability to provide informed, cost effective and viable recommendations on improvements / upgrades needed to our water and wastewater assets to become and remain compliant. FNW have been actively contributing assessments that promote addressing compliance issues. The IAM Compliance Lead has been working with FNW to identify compliance risks and potential improvement projects, as well as adopting practices that increase the visibility of all known non-compliances, however minor, to minimise the chance these become the subject of an abatement notice.

Inherent Risk:	Trend	Residual Risk:	Accountable:	CEO	Date raised:	29/11/18	Report frequency:
	Increase		Responsible:	GM IAMs	Date accepted:	30/05/19	Six monthly