

Environmental Issues for Golf Clubs

Part 1: Legal Requirements

Introduction

Environmental issues are constantly being reported in the media. Rarely does a day go by without some activity being described as being damaging to the environment. Golf course managers and superintendents are not immune to this type of exposure. Therefore it is important that they meet their obligations with respect to environmental matters.

First and foremost, golf clubs are obligated to comply with all relevant environmental laws. These are summarised below in Part 1 of this Fact Sheet. Beyond their legal requirements, golf clubs are not obliged to do anything. But for moral, commercial or other reasons, many clubs will choose to implement additional environmentally beneficial initiatives, some of which are summarised in Part 2 of this Fact Sheet.

New Zealand Golf is taking these issues very seriously. One of the stated aims in their current strategic plan is to ensure that clubs are aware of their responsibilities in regard to environmental issues. NZSTI has developed an 'Introductory Guide to Environmental Law Compliance for New Zealand Golf Clubs' as part of our contract with New Zealand Golf. This is an initiative that is designed to support New Zealand Golf's aims. This resource is available to all golf clubs through New Zealand Golf.

Environmental law in New Zealand relevant to golf clubs

The main pieces of legislation that govern activities on golf courses in New Zealand are:

1. The Resource Management Act 1991 (RMA) which is designed to promote the sustainable management of natural and physical resources.
2. The Hazardous Substances and New Organisms Act 1996 (HSNO) which is designed to prevent or manage adverse effects of hazardous substances and new organisms.
3. The Local Government Act 2002 (LGA).

Golf clubs should be aware that:

- The RMA and LGA are administered and implemented at a local level via regional and district plans, rules and bylaws. As a result, the requirements of some regulations (regional rules, local government bylaws) vary between districts or regions and may even impose site specific requirements on a facility.

- The HSNO Act is implemented nationwide by several agencies. However, unlike the RMA, the requirements under this Act are consistent throughout the country. In a workplace, the majority of enforcement is undertaken by the Occupational Safety and Health (OSH) unit, of the Department of Labour.
- Legislation and regulation are continually being updated. This is best illustrated by regional rules found in regional council plans, produced as a requirement of the RMA – many of these are presently under or due for review. A regular review process is required by golf clubs to ensure on-going compliance.
- There is interaction between legislation. For example the RMA, HSNO Act, Forest and Rural Fires Act 1977 and Health and Safety in Employment Act 1992 (HSE) may all simultaneously govern certain maintenance activities.
- Ignorance of the legal requirements is not a defence. The “...I’ve always done it this way...” or “...it’s my right!” are also not an excuse.
- Failure to comply with environmental legislation and regulation can result in substantial penalties for golf clubs and/or individual staff.

Penalties:

RMA – fines of up to \$200,000 or imprisonment for up to 2 years.

HSNO – fines of up to \$500,000 or imprisonment for up to 3 months.

The main aspects of golf course turf and land management controlled or influenced by New Zealand environmental legislation are summarised in the table below.

NEW ZEALAND ENVIRONMENTAL LEGISLATION	
Legislation	Areas of Course Management Affected
Resource Management Act 1991	<ul style="list-style-type: none"> ▪ Management of fertilisers ▪ Use of water for irrigation ▪ Management of agrichemicals ▪ Earth works/construction projects ▪ Drainage discharges ▪ Fires (discharges to air) ▪ Excessive noise ▪ Management of water ways ▪ Vegetation clearance
Hazardous Substances and New Organisms Act 1996	<ul style="list-style-type: none"> ▪ Storage, transport and management of: <ul style="list-style-type: none"> ▪ fuels ▪ some fertilisers ▪ agrichemicals ▪ Storage of other “dangerous goods” (oil, welding gas, LPG, etc)
Local Government Act 2002	<ul style="list-style-type: none"> ▪ Irrigation (town supply used as a water source) ▪ On-site wastewater disposal systems ▪ Waste management - including trade wastes, solid wastes ▪ Wastewater, drainage and sanitation ▪ Flood protection and flood control
Other	<ul style="list-style-type: none"> ▪ Some clubs are subject to other obligations that are requirements under land lease agreements.
<p>Notes: There is other legislation that, although not specifically environmentally based (e.g. Health and Safety in Employment Act 1992), will overlap and impact on the environmental laws listed above.</p>	

How well do golf clubs comply with environmental law?

Unfortunately due to the complex nature of environmental laws, determining how compliant clubs are with these laws is not straight forward. The following flow chart (Figure 1) illustrates a process clubs can use to determine its environmental law compliance.

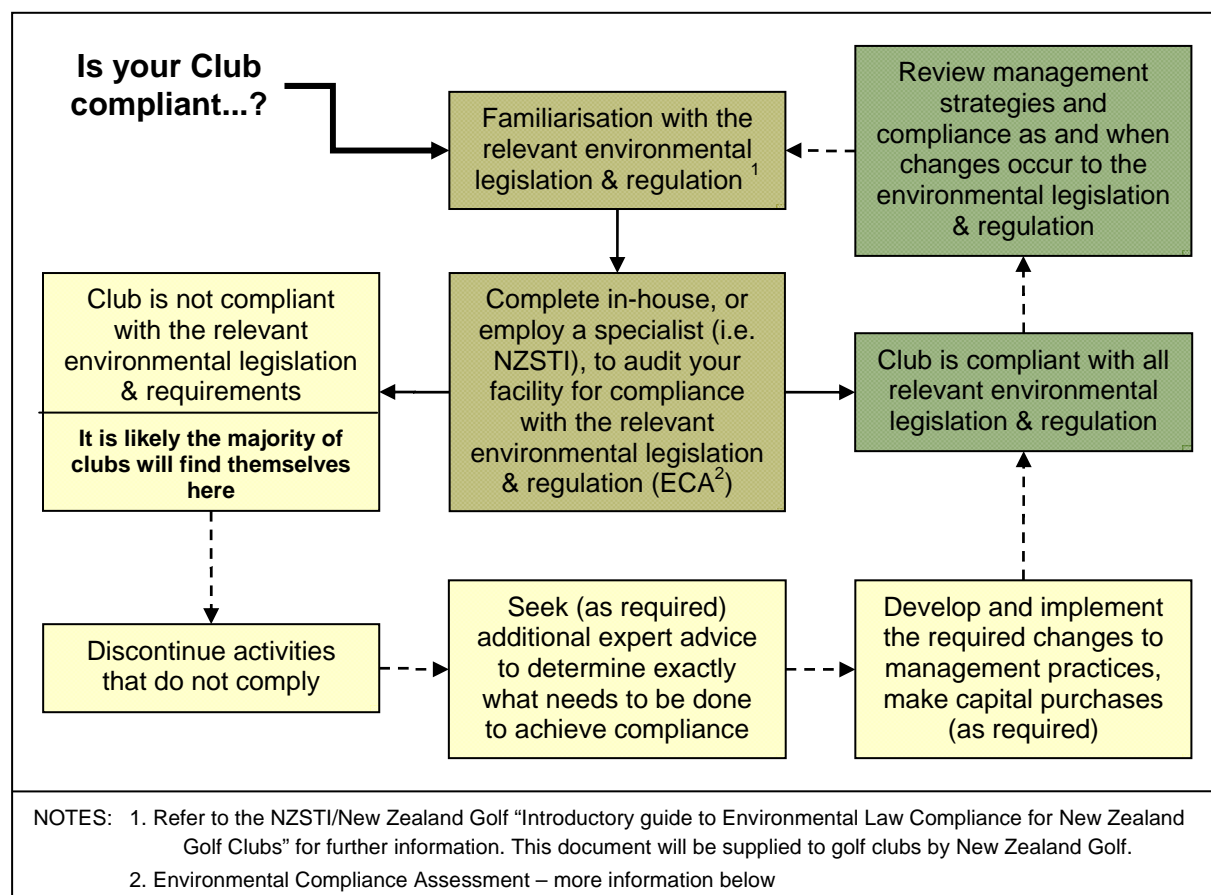


Figure 1: Process to determine how compliant golf clubs are with current environmental law.

Environmental Compliance Assessment (ECA)

One way for golf clubs to determine their environmental law compliance is to get the NZSTI to carry out an 'Environmental Compliance Assessment' (ECA). The Environmental Compliance Assessment has been developed to evaluate and identify areas where clubs are compliant or not, under current environmental legislation and regulation. ECA has four main attributes, providing benefits to golf clubs and the playing environment:

- It informs clubs, superintendents and greens staff of the environmental laws and regulation under which clubs should be operating and which ones clubs currently comply with.
- It supplies clubs with a base document for Strategic Plans (as directed by New Zealand Golf).
- It prepares clubs for a possible environmental 'compliance inspection' by their local regional council.
- It provides an additional marketing tool for clubs – club media can advertise the course as environmentally compliant. *'In many countries consumer surveys report that growing*

numbers of consumers are willing to buy green if given the choice – UNEP/Sustainable Development International publication ‘Climate Action’.

ECA involves the following process:

- 1) The club completes a survey to document their relevant current management practices.
- 2) NZSTI completes an on-site evaluation and discussion with club.
- 3) An ECA report is prepared identifying areas of compliance and non-compliance with existing legislation and regulation in the areas listed below. For those aspects that are considered areas of high priority non-compliance, the ECA report provides an action plan outlining the clubs *Options of Possible Action* required to achieve compliance.

Areas that are covered by ECA include the legislative and regulative requirements for irrigation water supply and use, the management of agrichemicals, fertilisers, fuels, wash down facilities and open fires.

Once areas of non-compliance have been identified and reported to the Club Committee, clubs will need to put in place the necessary infrastructure, systems and management processes to become compliant. NZSTI can provide further advice and guidance to clubs including:

- A review session facilitated by NZSTI (if desired) with key club personnel to discuss and prioritise the areas of non-compliance and/or improvement.
- If funding is a constraint to being compliant, NZSTI can provide assistance to clubs with applications for additional funding from sources such as Hotel Charities and Community Trusts to undertake compliance related works.
- As areas of non-compliance are addressed, clubs can request a follow up ECA review by NZSTI to re-assess the clubs level of compliance.



Above: The Resource Management Act requires that contaminants such as fertiliser and agrichemicals must not enter waterways.

ECA provides a cost effective environmental compliance report which is specific to your clubs needs.

Contact Baz Woodcock (Sales & Marketing Manager) at NZSTI for more information about our products and services and to register your clubs interest in ECA.

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