

STAFF REPORT

TO: Environment & Planning Committee

FROM: Carl Cheeseman, Co-ordinator Compliance - Monitoring

REFERENCE: C653

SUBJECT: **COMPLIANCE QUARTERLY MONITORING REPORT - 1 OCTOBER 2009 - 31 DECEMBER 2009 - REPORT EP10-02-03 - Report prepared for meeting of 25 February 2010**

1. INTRODUCTION

This report outlines the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Departments programme of work over the period 1 October - 31 December 2009.

2. COMPLAINTS

Over this reporting period a total of 460 complaints were received. Excluding the noise complaints that are reported on through Regulatory, the following table reflects the complaints responded to by the Compliance Office.

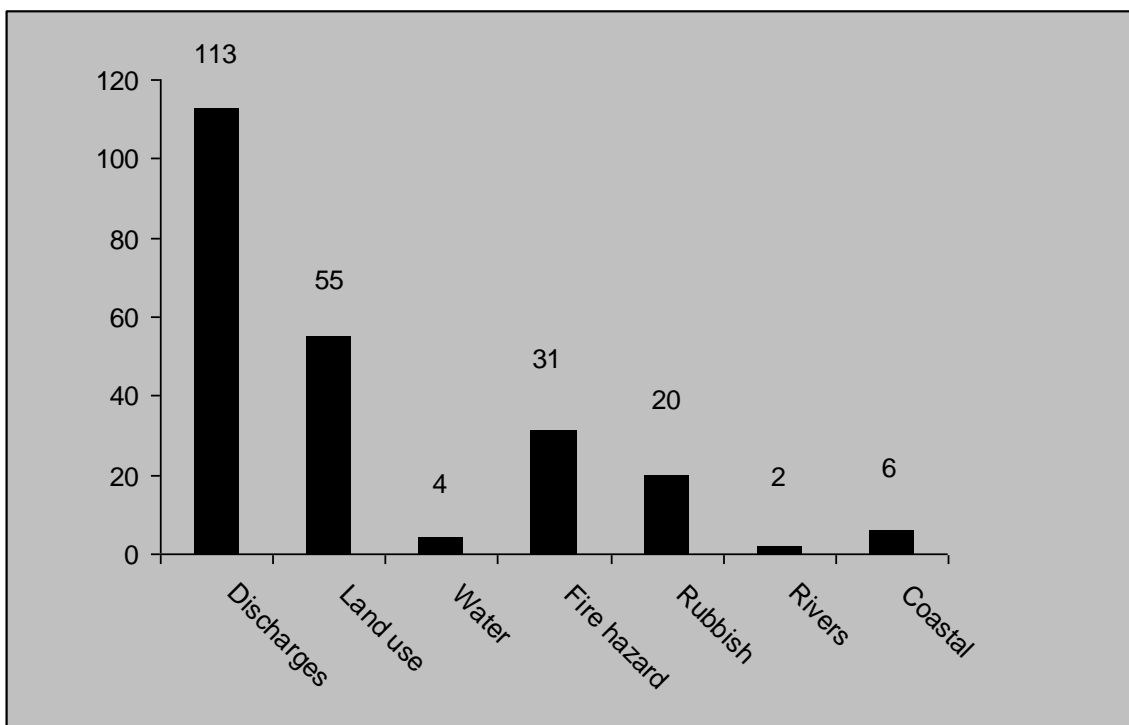


Table 1: Complaints received by type over reporting period

Complaints relating to discharges represented the greatest number of the total received and were predominantly based around smoke from outdoor burning and stormwater. Odour complaints were also well represented in the figures. Of the land use complaints the majority were spread evenly across most activities although land disturbance and consent condition breaches were the highest recorded complaint type. Some additional complaints are discussed further in the general matters section of the report.

3. ENFORCEMENT

3.1 Abatement Notices

A total of eight abatement notices were issued over the period the details of which are contained in the following table. To date all have complied with the requirements of their respective notices.

An offence against Section 9 of the Act by having a house bus situated on the property serving as a dwelling capable of being utilised independently of the principle dwelling on the property (Unauthorised second dwelling).
An offence against Section 9 of the Act by contravening a rule in the Tasman Resource Management Plan regarding remote signage (Unauthorised roadside signs).
An offence against Section 9 of the Act by failing to comply with the conditions a resource consent which authorises the establishment and operation of a commercial activity (Breach of land use consent).
An offence against Section 9 of the Act by failing to comply with conditions of a resource consent authorising the construction of a dwelling (Breach of land use consent).
An offence against Section 15 of the Act by failing to comply with the conditions a resource consent (Breach of wastewater discharge consent).
An offence against both sections 9 and 15 of the Act by installing a culvert in a stream at which was not authorised by a rule in the relevant Regional Plan, namely the Tasman Resource Management Plan (Land disturbance & Sediment discharge).
An offence against Section 15 of the Act by failing to comply with the conditions a resource consent (Breach of wastewater discharge consent).
An offence against section 9 of the Act by contravening a rule in the Tasman Resource Management Plan regarding providing sufficient parking spaces for commercial activity (Breach of section 16 - Traffic)

3.2 Infringement Fines

During the period a total of four infringement fines were issued for breaches against the Resource Management Act as outlined in the following table.

Contravention of the Tasman Resource Management Plan by pruning a protected tree.	\$300
Discharge of sediment into water from unauthorised earthworks	\$750
Discharge of a contaminant onto land where entered water	\$750
Contravention of the Tasman Resource Management Plan by displaying unauthorised signage	\$300

At time of writing only one has paid, one is defending the matter and the remainder are in the statutory process one as a reminder notice and the other lodged before the court as unpaid.

3.3 Enforcement Orders

Over the reporting period two separate enforcement orders were secured against one farmer in the Nelson Environment Court. One order was for the placement of a stock-bridge over the river to be completed by 31 March 2010. The second order was for the installment of an approved effluent containment and disposal system. The system was to be designed, installed and signed off by a suitable qualified/experienced person.

3.4 Prosecution

While several prosecutions were currently before the Courts none were finalised during this period as all matters were adjourned to future dates in the New Year for sentencing or pleas.

4. CONSENT MONITORING

During this three month period a total of 238 consents were monitored as part of targeted compliance monitoring programme. The following table provides a summary of that monitoring.

Consent Type	Number Monitored
Land use	34
Discharge	133
Water	64
Rivers	3

The overall performance against conditions were graded as follows:

Grade	Full compliance	Minor non-compliance	Significant non-compliance	Not operational at visit	Not given effect to	Not being exercised
	133	67	19	3	7	9

5. GENERAL MATTERS

5.1 Richmond Airshed Monitoring

With the appointment of Cameron Burton to the Compliance team replacing Thomas Marchant, the Richmond Airshed compliance programme was resumed with a complete review of the programmes data management and communication procedures.

Letters have now been sent out to an additional 164 new property owners, which clears the majority of the backlog from July 2008. A redrafted letter encourages the new property owners to take this opportunity to check their woodburner for compliance, and warns that thorough monitoring will be carried out and that any use of a non-compliant woodburner will be subject to enforcement action. This avoids the former series of letters being sent to the property owners and simplifies the process considerably. Several property owners have subsequently requested compliance inspections.

5.2 Outdoor Burning

Outdoor burning remained a constant issue during this period with complaints surrounding smoke nuisance continuing to be well represented in the monthly complaint totals. While the majority of complaints were associated with larger scale vegetation burn offs, a noticeable number of residential backyard burns appeared in the data. Most of these occurred in residential areas outside the designated fire ban zones.

On the 10 November 2009 Council met with rural industry representatives on the issues surrounding outdoor burning practices and improving practices. This meeting was attended by a number of orchardists and contractors.

5.3 Spray Drift

During November and early December a number of complaints were received regarding spray drift. This was a noticeable rise from previous periods and may have had a lot to do with the difficult spring conditions particularly the number of wind days. Despite this Compliance was required to reinforce with growers their obligation to adhere with the discharge rules and growsafe practices.

5.4 Ruby Bay By-Pass

Weekly monitoring continued on the earthworks occurring under New Zealand Transport Agency's suite of consents for the Ruby Bay By-pass. During this period monitoring was focussed on the performance of the detention ponds, stream diversion and box culvert installation along with overall site stabilisation processes. Council continues to work extremely closely with the consent holder, consultants and site managers to ensure compliance with conditions and adherence to best practices.

5.5 Rubbish

This period saw a lot of people contacting the council to complain about the amount of household rubbish and offal dumped along the river margins of the Waimea and Motueka River, additionally other areas also saw a lot of fly tipping. Investigations were undertaken when positive leads were available but this was limited.

5.6 Sediment & Erosion Control Workshop

In November and December three workshops were run at Council for the districts contractors, consultant and industry representatives on modern sediment and erosion control methods and best practices using a variety of speakers. These workshops were well attended and feedback was positive. This course may be held again during the 2010 year if sufficient interest is shown.

6. RECOMMENDATIONS

It is recommended that this report be received.

Carl Cheeseman
Co-ordinator Compliance - Monitoring