

Report No:	REP11-04-04
File No:	C653
Date:	7 April 2011
Information Only - no decision required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: 21 April 2011
Subject: Compliance monitoring Quarterly report 1 January - 31 March 2011
Report Author: Carl Cheeseman, Co-ordinator Compliance Monitoring

EXECUTIVE SUMMARY

Tasman District Council operates tailored monitoring programmes focussing the core of its resources on managing the range of activities seen as significant to the district either in terms of environmental resources, actual or potential adverse effects or community interest. Council also provide a 24 hour complaint response and undertakes a range of enforcement actions in response to detected non compliance.

This report outlines the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Departments programme of work over the period 1 January - 31 March 2011

RECOMMENDATION/S

That report REP11-04-04 be received

DRAFT RESOLUTION

THAT the Environment & Planning committee receives the Compliance monitoring Quarterly report 1 January- 31 March 2011 REP11-04-04

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1. Introduction

1.1 This report outlines the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Department's programme of work over the period 1 January - 31 March 2011.

2. Complaints/Enquires

2.1 Over this reporting period a total of 264 complaints or enquiries were received. Excluding noise complaints which are reported through Regulatory Services, the following table summarises the complaints or enquires received through the Compliance Office.

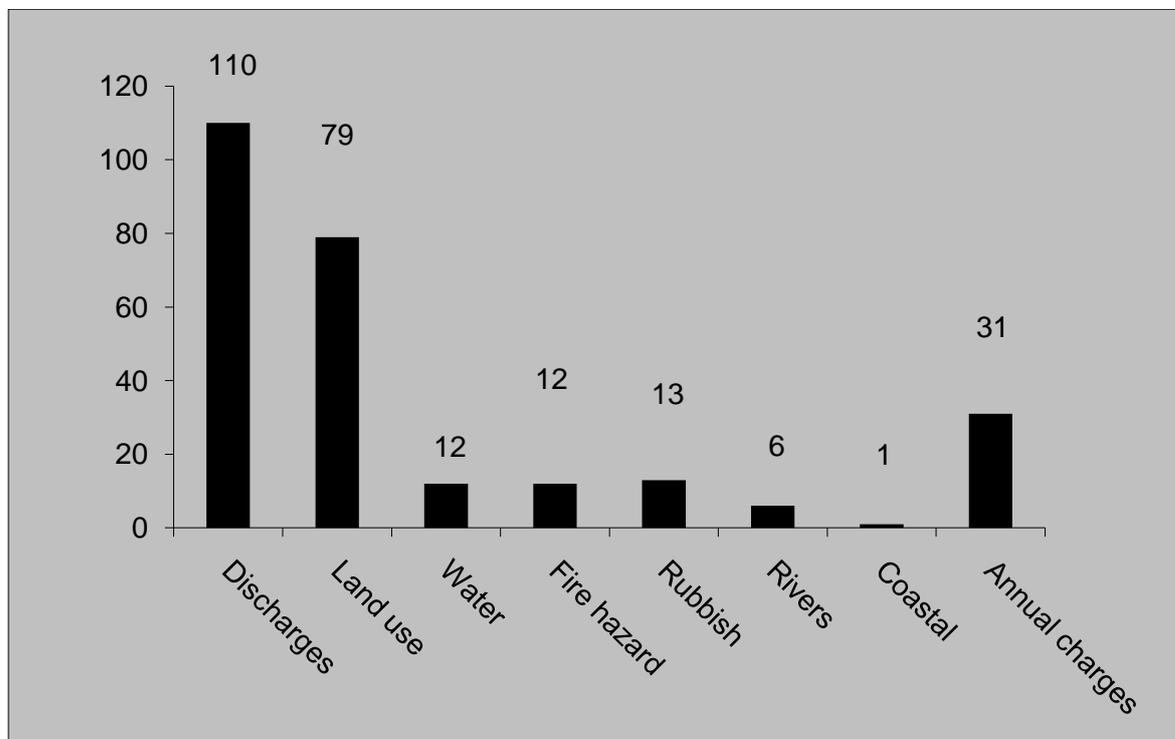


Table 1: Complaints received by type over reporting period

During the period complaints relating to discharges represented the largest category with air discharge complaints (odour and smoke) making up around 60% of all discharge complaints recorded over that period. The second largest category was land use complaints where zone rule breaches, signage and buildings made up the greatest number at around 65%. The recently new category of Annual Charges enquiries introduced late last year occupied third place as a result of the latest annual charge invoicing period and captures consent holder enquires.

3. Enforcement

3.1 Abatement Notices

A total of 26 Abatement notices were issued over the period the details of which are contained in the following table.

Section 9 - Land use
<ul style="list-style-type: none"> • Breach of the Tasman Resource Management Plan by displaying unauthorised outdoor signage (Unauthorised roadside sign SH 60, Appleby). • Breach of the Tasman Resource Management Plan by displaying unauthorised outdoor signage (Unauthorised roadside sign, Mapua) • Breach of the Tasman Resource Management Plan by displaying unauthorised outdoor signage (Unauthorised roadside sign, Motueka) • Breach of the Tasman Resource Management Plan by failing to register a covenant required by consent (Kaiteriteri) • Breach of the Tasman Resource Management Plan by failing to register a covenant required by consent (Torrent Bay) • Breach of the Tasman Resource Management Plan zone rules by undertaking a prohibited activity in residential zone (Richmond) • Breach of the Tasman Resource Management Plan zone rules by failing to comply with building requirements in commercial zone (Takaka) • Breach of the Tasman Resource Management Plan zone rules by undertaking a commercial activity in rural zone (Wakefield) • Breach of resource consent conditions for land use activity namely dance party (Takaka) • Breach of resource consent conditions for land use activity namely home occupation (Motueka valley).
Section 14 - Water takes
<ul style="list-style-type: none"> • Breach of the Tasman Resource Management Plan by taking water in contravention of permitted activity rules. (Wakefield)
Section 15 - Discharges

- Breach of resource consent conditions for industrial discharge to land (Richmond)
- Breach of resource consent conditions for industrial discharge to land (Takaka)
- Breach of resource consent conditions for industrial discharge to land (Richmond)
- Breach of resource consent conditions for animal effluent discharge (Riwaka)
- Breach of resource consent conditions for domestic wastewater discharge (Awaroa)
- Breach of resource consent conditions for domestic wastewater discharge (Murchison)
- Breach of resource consent conditions for domestic wastewater discharge (Takaka)
- Breach of resource consent conditions for domestic wastewater discharge (Murchison)
- Breach of resource consent conditions for domestic wastewater discharge (Tasman)
- Breach of resource consent conditions for domestic wastewater discharge (Richmond)
- Breach of resource consent conditions for domestic wastewater discharge (Hope)
- Breach of resource consent conditions for domestic wastewater discharge (Motueka)
- Breach of resource consent conditions for domestic wastewater discharge (Upper Moutere)
- Breach of the Tasman Resource Management Plan by creating odour in contravention of permitted activity rules (Riwaka)
- Breach of the Tasman Resource Management Plan by burning prohibited materials (Tasman)

3.2 Infringement Fines

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

Act	Offence	Fine
RMA Section 9	Used land in a manner that contravened rule in the Tasman Resource Management Plan	\$300
RMA Section 14	Take water in breach of consent	\$500
RMA Section 14	Take water in breach of consent	\$500
RMA Section 332	Breach of Abatement Notice	\$750
RMA Section 332	Breach of Abatement Notice	\$750
RMA Section 332	Breach of Abatement Notice	\$750

3.3 Enforcement Orders

No enforcement orders were applied for in this period.

3.4 Prosecutions

No prosecutions were initiated in this period.

4. Consent monitoring

During this three month period a total of 315 resource 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	31
Discharge	190
Water	85
Rivers	5
Coastal	4

The overall performance against conditions was graded as follows:

Grade	Full compliance	Minor non compliance	Significant non compliance	Not operational at visit	Not given effect to	Not being exercised
	173	96	32	7	2	5

5. Monitoring Programme Updates

Richmond Airshed Monitoring

There has been limited compliance activity in the airshed over the period although house sales are being monitored and 23 LIM requests within the Airshed received Council's notification letter. Compliance officers continue working in conjunction with Council's building inspectors processing woodburner upgrades over the summer period and have provided a lot of information in response to public enquiries.

Water Metering

The Water metering programme continues to run efficiently as the season moves towards its conclusion on the 2 May. General water meter audits were undertaken over this period with no issues. As a result of ongoing communication with consent holders the number of missing water meter readings has improved greatly this season and data is relatively complete. All overtakes have been followed up with some resulting in further enforcement action. Six consent holders have been billed for missing readings. A full report including a detailed analysis of consent holder performance and any enforcement action will be compiled and presented to the committee in August.

Dairy Effluent

Monitoring of the farm dairy effluent and Clean Streams Accord performance continued through this period as Council moves towards completing all dairy farms within its district by 1 May. As at 31 March 78% of all farms had been subject to detailed inspection. Those farms still to be visited are all within the Golden Bay area, the southern parts of the district have been completed. It is expected that most if not all farms will have been visited before the end of the milking season. A full report including a detailed analysis of farm performance and any enforcement action will be compiled and presented to the committee in August.

Land Disturbance

There have been only a limited number of larger scale earthworks occurring in the district over the recent months. Late March saw monitoring commence for a suite of consents for diverting a stream, construction of a large dam and associated re-contouring earthworks near Wakefield. Approximately 10 hectares of earthworks are open at present. Other small scale works around the district have also been monitored and compliance officers in conjunction with Council engineers are working with the resource consent holders and agents to ensure appropriate controls are in place.

Compliance are providing practical and technical input as part of a working group who are looking at best practice for managing land disturbance activity in the district. New Erosion and Sediment Control Guidelines for the district are in the process of being drafted. The guidelines will provide guidance to the public when dealing with land disturbance activities such as subdivisions and other earthworks sites.

Land Use

A large number of consented activities were monitored over this period and a range of activities both consented and permitted were the subject of public complaints.

Remote signage occupied a lot of time often as a result of complaints from the public or controlling agencies such as New Zealand Transport Agency. Sandwich boards and real estate signage featured prominently and resulted in enforcement actions to varying degrees.

Mining

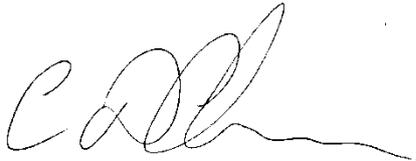
A number of mining activities have been actively monitored during this period. The principal area of focus has been in the Buller and Matakiki catchments where some of the larger scale works have been occurring although some suction dredging operations in other parts of the district have also attracted attention. Non compliance continues to be an issue with some and complaints have been recorded related to several operations.

6. RECOMMENDATION/S

It is recommended that this report be received

7. DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Compliance Monitoring Quarterly report 1 January- 31 March 2011 REP11-04-04



Carl Cheeseman
Co-ordinator Compliance Monitoring