

Report No:	REP11-07-09
File No:	C653
Date:	30 June 2011
Information Only - no decision required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: 14 July 2011
Subject: Compliance monitoring Quarterly Report 1 April - 30 June 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 April - 30 June 2011

RECOMMENDATION/S

That the report be received.

DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Compliance monitoring Quarterly report 1 April -30 June 2011 REP11-07-09.

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1. Introduction

1.1 This report outlines the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Departments programme of work over the period 1 April - 30 June 2011.

2. Complaints/Enquires

2.1 Over this reporting period a total of 177 complaints or enquiries were received. This was a decline from the first quarter of the year where 264 complaints were recorded. Excluding noise complaints which are reported through Regulatory Services, the following table summarises the complaints or enquires received through the Compliance Office for this reporting period.

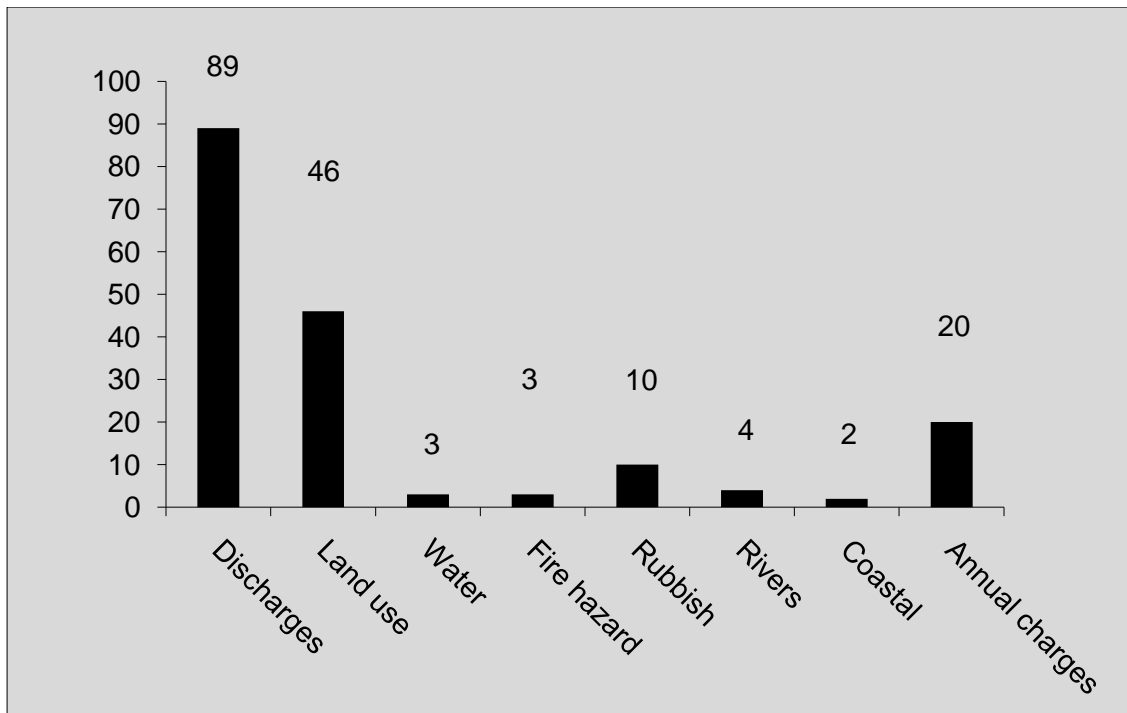


Table 1: Complaints received by type over reporting period

In general the fall in complaint numbers reflects the lead into winter and all complaint categories were lower particularly discharges and land activities although smoke from outdoor burning picked up in the period leading up to 1 May as people hastened to burn before the fire ban period started. This prompted a number of complaints particularly in the Waimea areas although not all of these sites were subject to fire restrictions. In many incidents the source of the smoke was poorly managed fires or inappropriate materials. Complaints around sediment runoff also featured in this quarter with exposed earthworks being particularly vulnerable to some heavy rainfall events and prolonged wet weather.

3. Enforcement

3.1 Abatement Notices

A total of 18 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 Takaka). • Breach of the Tasman Resource Management Plan by displaying unauthorised outdoor signage (Unauthorised roadside sign, Richmond) • Breach of the Tasman Resource Management Plan by displaying unauthorised outdoor signage (Unauthorised roadside sign, Tasman) • Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone (Motueka Valley) • Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone (Lower Moutere) • Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone (Motueka Valley) • Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone (Wakefield) • Breach of the Tasman Resource Management Plan zone rules by undertaking a commercial activity in rural zone (Motueka Valley) • Breach of the Tasman Resource Management Plan zone rules by undertaking a commercial activity in rural zone (Motueka Valley) • Breach of the Tasman Resource Management Plan rules by undertaking earthworks outside land disturbance rules (Motueka Valley).
Section 12 - Coastal
<ul style="list-style-type: none"> • Breach of the Tasman Resource Management Plan by unauthorised depositing of material in CMA (Pakawau)

Section 15 - Discharges
<ul style="list-style-type: none"> • Breach of resource consent conditions for industrial discharge to land (Stanley Brook) • Breach of resource consent conditions for animal effluent discharge (Hope) • Breach of the Tasman Resource Management Plan by burning prohibited materials (Appleby) • Breach of the Tasman Resource Management Plan by burning prohibited materials (Motueka) • Breach of the Tasman Resource Management Plan by unauthorised discharge of smoke from burning (Mapua) • Breach of the Tasman Resource Management Plan by unauthorised discharge of smoke from burning (Richmond) • Breach of the Tasman Resource Management Plan by unauthorised discharge of domestic wastewater (Patons Rock)

Table 2: Abatement Notice by type

3.2 Infringement Fines

During the period a total of 18 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 consent(Home occupation)	\$300
RMA Section 9	Used land in a manner that contravened TRMP rule (signage)	\$300
RMA Section 9	Used land in a manner that contravened TRMP rule (earthworks)	\$300
RMA Section 14	Take water in breach of consent (excessive take)	\$500
RMA Section 14	Take water in breach of consent (excessive take)	\$500
RMA Section 14	Take water in breach of consent (excessive take)	\$500
RMA Section 15(2A)	Discharge to air (smoke & prohibited materials)	\$300
RMA Section 15(2A)	Discharge to air (smoke & prohibited materials)	\$300
RMA Section 15(2A)	Discharge to air (burning prohibited materials)	\$300
RMA Section 15(2A)	Discharge to air (smoke)	\$300
RMA Section 15(2A)	Discharge to air (smoke)	\$300
RMA Section 15(2A)	Discharge to air (smoke)	\$300
RMA Section 15(2A)	Discharge to air (smoke)	\$300

RMA Section 15(2A)	Discharge to air (smoke)	\$300
RMA Section 332	Breach of Abatement Notice (land use)	\$750
RMA Section 332	Breach of Abatement Notice (land use)	\$750
RMA Section 332	Breach of Abatement Notice (land use)	\$750
RMA Section 332	Breach of Abatement Notice (discharge to air)	\$750

Table 3: Infringement Notices by type

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 305 resource consents were monitored as part of targeted compliance monitoring programme. It should be noted that due to the consented water metered takes being administered fortnightly through a purpose built database they are not reported on in this table.

Consent type	Number monitored
Land use	97
Discharge	155
Water	48
Rivers	2
Coastal	3

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
	164	83	31	13	11	3

5. Monitoring Programme Updates

Richmond Airshed Monitoring

There has been steady progress in this work programme with correspondence between Council and property owners who are subject to the rules and upgrades are occurring. A full report on the Airshed monitoring programme including achievements to date and discussion around projected targets and effectiveness of the programme is scheduled for the committee in October.

Water Metering

The Water metering programme has closed and individual reports have been sent out to consent holders. Data is now being collated and reviewed for the Annual water metering report to council due for committee meeting on the 25 August. This full report will contain detailed analysis of consent holder performance, trends and all enforcement action taken during the past season.

Dairy Effluent

Monitoring of the farm dairy effluent and Clean Streams Accord performance concluded in May and performance reports are currently being sent to all farmers. A full report including a detailed analysis of farm performance and all enforcement action is presented to the committee this same July meeting and is therefore not discussed further in this report.

Land Disturbance

Only one large scale earthworks was occurring in the district over the recent months. These earthworks near Brightwater continue to be monitored and compliance has been good. A number of small scale works around the district have also been monitored around track construction and building platforms. One ongoing issue in the Anatoki area surrounding earthworks undertaken last year are proving difficult to resolve and may require the consent holder to provide additional engineering solutions.

Compliance staff continue to provide practical and technical input into the 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. Real estate signage was the prominent signage issue and resulted in enforcement actions to varying degrees.

Mining/Gravel

A number of mining activities have been actively monitored during this period. One river gravel extraction in the Murchison area is causing some issues around breaches of conditions and this has yet to be resolved.

Coastal

The new wastewater pipeline from Monaco to Bells island and upgrades to the associated infrastructure are well under way and earthworks have begun in the estuary. Compliance Monitoring is being undertaken by both TDC and NCC officers and to date full compliance with the suite of resource consents has been achieved. Good communications between the project staff, contractors, Council staff and other agencies and interested parties is being maintained and to date no complaints have been received. Further monitoring will continue as the work progresses across the estuary.

Hazardous Facilities

A renewed round of site assessments for all the districts known hazardous sites has commenced with the first target group being the timber treatment plants. Both consented and permitted activity sites are programmed for inspection and a full report to council on performance and issues will be presented at the completion of the survey.

Wastewater

Monitoring of the numerous wastewater consents continues in earnest as non-compliance is still significantly high in this sector. Council's community wastewater consents have been critically assessed and detailed compliance reports provided to Engineering. Compliance with these systems has been generally good with the exception of Motueka and Takaka where work is continuing.

Of concern to Council has been the lack of performance or overall non-compliance found with a number of the private community wastewater schemes that are servicing subdivisions in the Rural 3 areas. The Compliance Department is assessing this situation and it is likely that a report to Committee detailing these issues will be presented in coming months.

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 April - 30 June 2011 REP11-07-09.

Carl Cheeseman
Co-ordinator Compliance-monitoring