

Report No:	REP11-11-12
File No:	S611
Date:	16November 2011
<i>Information Only - no decision required</i>	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: 23 November 2011
Report Author: Phil Doole, Acting Environment & Planning Manager
Subject: **Environment & Planning Manager's Report**

EXECUTIVE SUMMARY

This report covers a number of general matters concerning the activities of the Environment & Planning Department.

RECOMMENDATION/S

That the report be received.

DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Environment & Planning Manager's Report REP11-11-12.

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1. Animal Health Board Monthly Report for Tasman: September 2011

- 1.1 A copy of the latest monthly report for the Animal Health Board's Bovine TB programme in Tasman is attached as Appendix 1.

2. Water Metering

- 2.1 There has been a great start to the season in terms of water meter readings. For the first week we were only two readings down. Compared to previous years this start is quite remarkable and a good example of the hard work/system improvements over the last two-three years by staff. They have noted that there is still a pleasing trend of water users opting to log their meter reading via the website. This is encouraging and we will continue to get permit holders onto the more efficient webpage return method during the season.
- 2.2 Additionally there has been an increase in communication with staff initiated by the pre-season letter and a good response by many permit holders letting Council know early if they are not planning to irrigate. Staff are very pleased by the positive effort made by the irrigators.

3. Building Control Authority Accreditation

- 3.1 The Biennial accreditation of TDC's Building Consent Authority role was carried out over three days at the end of October. The accreditation identified five Corrective Actions (CARs) which need to be addressed before 1 February 2012 in order for TDC to remain accredited. Three of the CARs have already been addressed and the other two will be resolved before Christmas. This is a significant improvement on the audit two years ago.

4. Prosecution Under Dog Control Act

- 4.1 A prosecution was taken against an individual whose five pig dogs attacked two horses being ridden by women. The women were thrown from the horses during the attack and the horses sustained minor injuries requiring veterinary treatment. The owner was identified through the tracking collars of the dogs.

The dogs were found to be in very poor condition and this, combined with the aggressive nature of the lead dog, is believed to have led to the attack.

- 4.2 The prosecution was taken for the attack and also for the fact that three of the dogs were not registered at the time it occurred. The lead dog was humanely destroyed with the agreement of the owner and the remaining dogs held in the pound until the case was heard. The court awarded damages for the veterinary treatment, costs and a significant fine, totalling around \$3,000.
- 4.3 In order to assist the dog owner he has been given advice by TDC Animal Control Officers on dog welfare. He has also been made a probationary owner for five years to allow his conduct relating to his dogs welfare to be monitored.

5. Public Health

- 5.1 The Environmental Health Officers have carried out a drinking water survey of all of the registered camping grounds in the District. The results were generally encouraging and assistance is being given to two establishments to ensure that the drinking water is safe before the summer rush.
- 5.2 A snap inspection of a weekend market revealed four unlicensed food vendors operating. They were stopped from selling and information given as to what was needed in order for them to be allowed to operate. A revisit the following weekend found that they were no longer operating.

6. Harbourmaster Activities

- 6.1 Navigational buoys and lights have been checked and replaced where necessary for the summer season.

7. National Environmental Standard for assessing and managing contaminants in soil to protect human health

- 7.1 The Policy Manager reports as follows: this national environmental standard for managing contaminants in soil (NESCS) has been gazetted and takes legal effect on 1 January 2012. The NESCS seeks to deal with the legacy of land uses urban and rural that may have left amounts of contaminants in soil.
- 7.2 The NESCS focuses solely on contaminants that may be a risk to human health, with a list of 12 priority contaminants (arsenic, boron, cadmium, chromium, copper, lead, mercury, and five groups of carcinogenic or otherwise toxic hydrocarbons, including dioxin, DDT, dieldrin, PCP and PAHs). The ecotoxic or other environmental contaminant risks are not directly addressed by the NESCS. The Ministry for the Environment is producing an interpretation guide and is seeking feedback for its publication when the NESCS is in effect.

7.3 The NESCS is intended to work by:

- applying to any piece of land that is or has been the subject of a land use described in the HAIL (hazardous activities and industries list), a government publication;
- applying whenever one or more of a suite of either subdivision or land uses is to occur on that piece of land (which may be only part of any parcel), viz. affecting fuel storage systems, sampling the land, disturbing soil, subdividing the land, or changing the use that has the reasonably likely effect of harm to human health;
- requiring the person who is to undertake the activity above to establish whether the land is subject to the national rules, to either obtain information from the territorial authority's files, databases, or registers, or to carry out a preliminary site investigation (PSI) at cost, done by a suitably qualified and experienced practitioner;
- imposing permitted conditions for the above activities, and for controlled activities where conditions for some activities are contravened, and so also restricted discretionary for further contraventions:
- requiring all permitted subdivision or land use change as above, to hold a PSI that certifies that it is highly unlikely there will be a risk to human health with the activity;
- where subdivision or land use change cannot meet this requirement, a detailed site investigation (DSI) must certify that the applicable soil contamination standard (SCS) (either one of the 12 or a site specific standard for any contaminant) is not exceeded;
- where any SCS is exceeded, then the activity is restricted discretionary and the activity or site management requirements will be regulated accordingly.

7.4 Some implementation issues are:

1. The mechanics of the process whereby any landowner has to establish that any piece of land is subject to the NESCS. While the Council's site contamination register is referred to in any resource consent application or LIM request, many soil disturbance or land use changes that might be so subject, are permitted under the TRMP. Alerting landowners generally of the NESCS obligations would appear to be a responsibility on both the Crown and councils.

2. Establishing the need to amend the TRMP to better account for the NESSC. While the TRMP has no specific rules relating to soil contamination, so there is no conflict, there may be value in targeted amendments to inter-relate with the NESCS more usefully for all those activities likely to be subject to it.
3. Establishing the integrity of the process whereby the suitably qualified and experienced practitioners who provide the PSIs and DSIs are performing adequately. This appears to not have been developed in guidance or process terms by the Ministry. The Council has for eight years maintained a pool of independently evaluated contamination investigators and assessors, for ex-horticultural sites, and a site investigation and assessment methodology. These will need revision to be consistent with the referenced published Ministry guidelines that support the NESSC. The process for checking the certified investigations reports needs some consideration both by councils and the Ministry.

8. Acting Environment & Planning Manager

- 8.1 My tenure as Acting Environment & Planning Manager finishes on 4 December, with Adrian Humphries taking over from 5 December through to 8 January 2012. Steve Markham will then take on the role from 8 January.

9. DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Environment & Planning Manager's Report REP11-11-12.

Phil Doole
Acting Environment & Planning Manager

Appendices:

1. Animal Health Board Programme Monthly Report for Tasman: September 2011