

**STAFF REPORT**

**TO:** Environment & Planning Committee

**FROM:** Carl Cheeseman, Co-ordinator Compliance - Monitoring

**REFERENCE:** C653

**SUBJECT:** **ANNUAL COMPLIANCE MONITORING REPORT: 1 JANUARY 2010 - 31 MARCH 2010 - REPORT REP10-04-01** - Report prepared for meeting of 8 April 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 January - 31 March 2010.

**2. COMPLAINTS/ENQUIRES**

Over this reporting period a total of 332 complaints or enquiries were received. Excluding the noise complaints which are reported on through Regulatory, the following table reflects the type of complaints or enquires responded to by the Compliance Office.

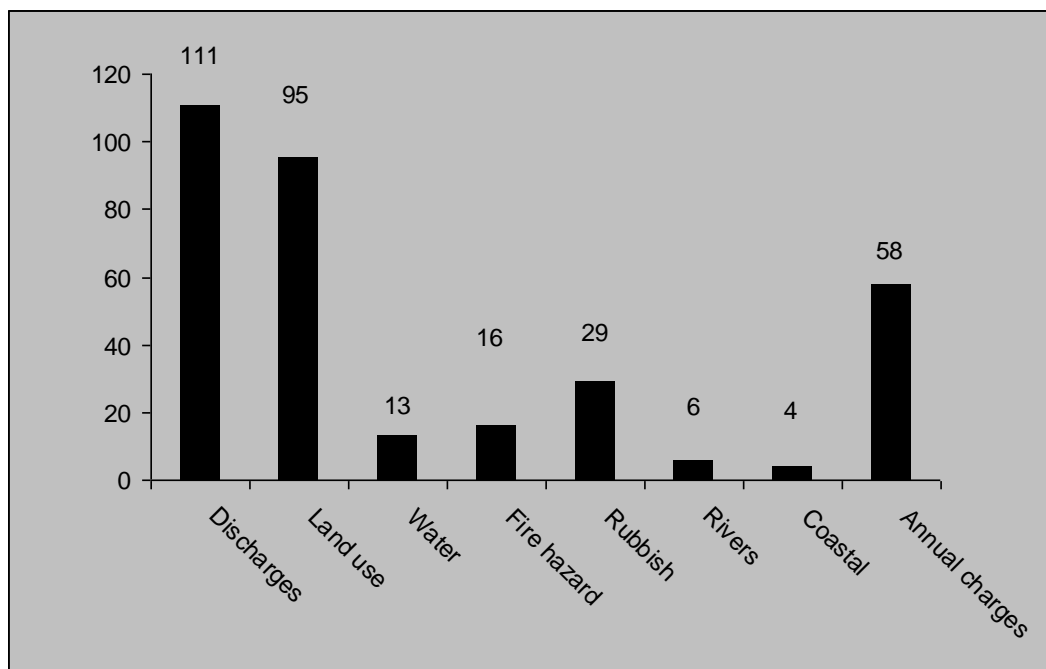


Table 1: Complaints received by type over reporting period

As usual complaints relating to discharges represented the greatest number of the total received and were predominantly based around smoke from outdoor burning. In conjunction with these were odour complaints which made up the second largest sub category. Of the land use complaints consent breaches and machinery noise were the highest recorded complaint type followed by breaches of zone restrictions. A new category has been included in this period as a result of this office co-ordinating an annual charge review. The data reported here reflects consent holder enquires surrounding annual charges.

### 3. ENFORCEMENT

#### 3.1 Abatement Notices

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

An offence against Section 9 of the Act by breaching the Tasman Resource Management Plan by displaying unauthorised outdoor signage (Unauthorised roadside signs SH 60).
An offence against Section 9 of the Act by contravening a rule in the Tasman Resource Management Plan regarding remote signage (Unauthorised roadside signs on SH 60).
An offence against Section 9 of the Act by failing to comply with the conditions of a resource consent which authorises a dwelling (Breach of land use consent by constructing self contained units).
An offence against Section 9 of the Act by failing to comply with the conditions a resource consent which authorises a dwelling (Breach of land use consent by constructing separate self contained accommodation).
An offence against Section 15 of the Act by failing to comply with the conditions of the Tasman Resource Management Plan regarding domestic wastewater discharge (Unauthorised discharge of roadside drain).
An offence against sections 9 of the Act by undertaking a land disturbance activity in breach of rules in the Tasman Resource Management Plan (Land disturbance along side coastal area at Pakawau).
An offence against Section 15 of the Act unauthorised discharge of contaminant to air from burning material from industrial premises.
An offence against section 9 of the Act by contravening a rule in the Tasman Resource Management Plan regarding setback of building in CEA (Unauthorised extension to dwelling adjacent to boundary)
An offence against section 14 of the Act by the unauthorised diversion of water in breach of the Tasman Resource Management Plan. (infilling of a watercourse causing flooding)

An offence against Section 12 of the Act by the unauthorised occupation of the seabed by placing a mooring at Tapu Bay without resource consent.

An offence against Section 15 of the Act by failing to comply with the conditions of the resource consent for domestic wastewater discharge (failed wastewater system).

### 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.

<b>Act</b>	<b>Offence</b>	<b>Fine</b>
RMA Section 13	Extract gravel in breach of consent	\$500
RMA Section 13	Extract gravel without consent	\$500
RMA Section 14	Take water in breach of consent	\$500
RMA Section 14	Take water in breach of consent	\$500
RMA Section 14	Take water in breach of consent	\$500
RMA Section 14	Take water in breach of consent	\$500
RMA Section 14	Take water in breach of consent	\$500
RMA Section 14	Take water in breach of consent	\$500
RMA Section 15	Discharge to air a contaminant - Smoke	\$750
RMA Section 15	Discharge to air a contaminant - Smoke	\$750
RMA Section 15	Discharge to air a contaminant - Smoke	\$750
RMA Section 15	Discharge to water a contaminant - motor vehicle	\$750
RMA Section 332	Breach of Abatement Notice	\$750
Litter Act	Deposit litter in public place	\$400
Litter Act	Deposit litter in public place	\$400
Litter Act	Deposit litter in public place	\$400

### 3.3 Enforcement Orders

Two enforcement orders were finalised in this period. Both related to farm dairies and the orders required the upgrades of effluent systems and the construction of a stock bridge.

### 3.4 Prosecution

Two prosecutions were finalised in the Court this period with the sentencing of two dairy farmers in January for discharge offences. Both received fines. One prosecution remains before the court with three defendants due to enter pleas in April to a raft of offences of unauthorised discharges of farm dairy effluent.

## 4. CONSENT MONITORING

During this three month period a total of 193 consents were monitored as part of targeted compliance monitoring programme. The following table provides a summary of that monitoring.

<b>Consent type</b>	<b>Number monitored</b>
Land use	45
Discharge	45
Water	93
Rivers	9
Coastal	1

The overall performance against conditions were graded as follows:

<b>Grade</b>	Full compliance	Minor non compliance	Significant non compliance	Not operational at visit	Not given effect to	Not being exercised
	83	71	31	1	4	3

## **5. GENERAL MATTERS**

### **5.1 Richmond Airshed monitoring**

This period an NCS-linked Richmond Airshed database has been constructed which provides details on all recently purchased properties within the Airshed since May 2009. This captures the letters sent to the 432 property owners so far, and details information about the woodburners present at the properties. If physical inspections have been carried out, and non-compliant woodburners sighted, a signature is also obtained to ensure that the property owners' are aware that they are personally culpable of any subsequent discharge.

Richmond Airshed has been segregated into areas which will allow for more accurate reporting of where the main air quality issues are, and subsequently more staff time can be focussed on proactive and general monitoring inspections in these areas to promote and enforce related outcomes. A communications strategy is about to commence to create further public awareness of our collective requirements to improve the air quality in Richmond.

### **5.2 Outdoor Burning**

Outdoor burning remained a constant issue during this summer period with complaints surrounding smoke nuisance continuing to be well represented in the monthly complaint totals. Again the majority of complaints were associated with larger scale vegetation burn offs predominantly in the Waimea area. Discussion has begun with the Rural Fire Network regarding issued fire permits as a number of landowners have been caught burning prohibited materials.

### **5.3 Water metering**

Council has been actively pursuing non returns particularly in the latter part of the reporting period as dry weather impacted on the district, however Council staff are still being required to go and read meters as a result of lack of response to requests. Several significant overtakes have also appeared in March and enforcement action is being taken against those consent holders. Most irrigators are now stopped or reducing their takes and the high users are those with pasture.

## **5.4 Land Disturbance**

Compliance officers have been monitoring the suite of consents granted to Tasman District Council for road upgrades and stream works around the Golden Bay and Brightwater areas respectively. Several subdivisions have also been monitored amid complaints around earthworks raising ground levels which affect existing neighbouring properties.

## **5.5 Rubbish**

Complaints have kept coming about the amount of household rubbish and offal dumped along the river margins of the Waimea and Motueka River. Several offenders have been identified and Council has made the effort to track down and issue infringement fines with limited success predominantly due to the type and transient nature of offenders.

## **5.6 Gravel**

Gravel takes and returns have been a priority focus in recent months particularly as gravel returns have failed to eventuate for two takes in the Murchison area. As a result of this staff have been actively monitoring all river and land based gravel takes and several consent holders have been subject to enforcement action.

## **5.7 Mining**

A number of existing or new mining activities have been actively monitored during this period predominantly due to the scale and nature of the activity. Additionally we have also received complaints from watchdog groups or river users. Unfortunately non compliance has been detected in some and Enforcement action is being taken at present against one consent holder in the Murchison area.

## **6. RECOMMENDATIONS**

It is recommended that this report be received.

Carl Cheeseman  
**Co-ordinator Compliance - Monitoring**