

Report No:	REP12-02-03
File No:	C653
Date:	7 February 2012
Information Only - no decision required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: Thursday, 16 February 2012
Report Author: Carl Cheeseman Co-ordinator Compliance Monitoring
Subject: **Compliance Monitoring Quarterly Report 1 October - 31 December 2011**

EXECUTIVE SUMMARY

Tasman District Council operates its tailored monitoring programmes focussing 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.

Every quarter a snapshot of these activities is presented to Council and this report outlines the complaints, incidents and general monitoring undertaken over the final quarter of the 2011year.

RECOMMENDATION/S

That the report REP12-02-03 be received.

DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Compliance monitoring Quarterly report 1 October - 30 December 2011 Report REP12-02-03

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1. INTRODUCTION

1.1 This report summarises the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Departments programme of work over the period 1 October - 31 December 2011.

2. COMPLAINTS/ENQUIRES

2.1 Over this reporting period a total of 235 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 for this reporting period.

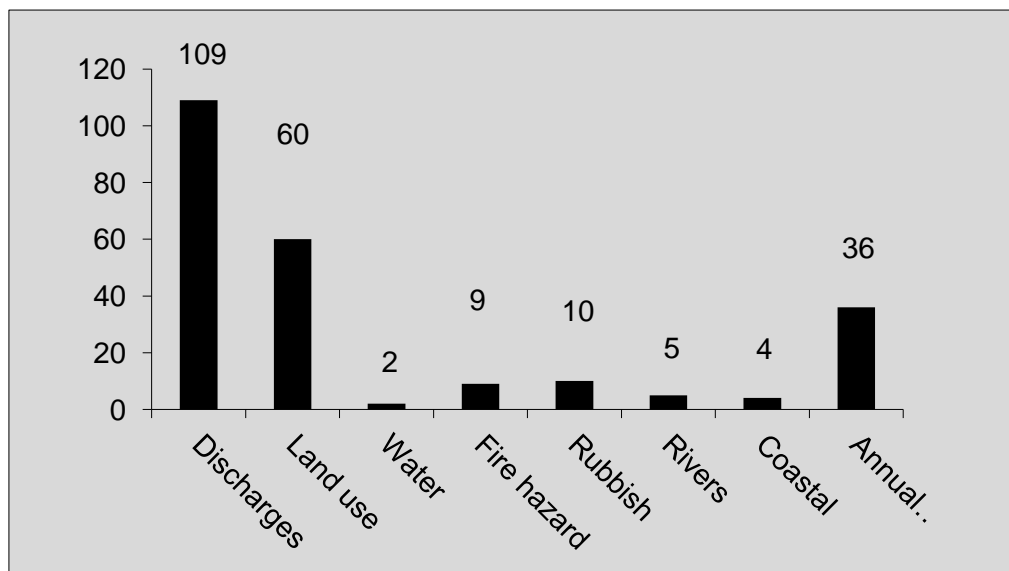


Table 1: Complaints received by type over reporting period

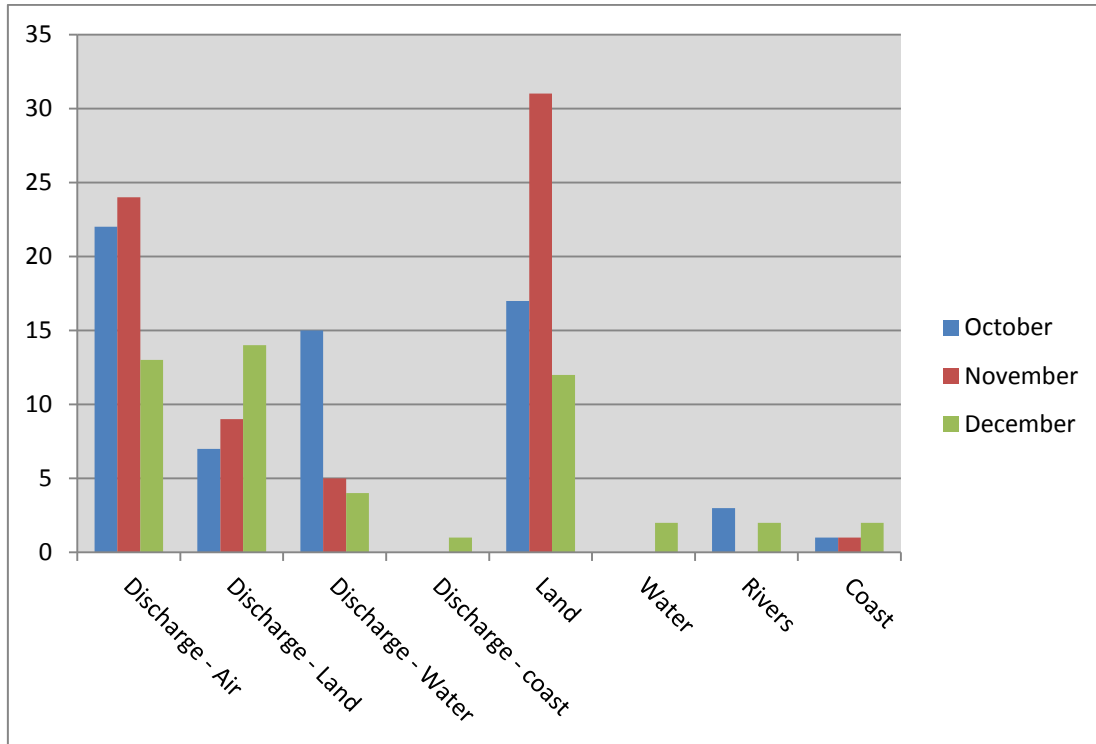


Table 2: Complaint pattern by month for major categories

General Comment

At 235 the total number of complaints received for this period was moderately down on the same time last year (261). October and November saw complaint activity mostly around smoke from outdoor burns during spring clean ups and some spray drift complaints. Spanning late October and into November a series of odour complaints associated with Talley’s, Port Motueka were investigated with the assistance of the company.

The land use complaints were far more diverse and showed no real patterns over the period including the prominent November spike.

Interestingly the December flood did not result in any direct increase in complaints to the Compliance Department with complaints logged being mostly routine in nature.

3. ENFORCEMENT

3.1 Abatement Notices

A total of seven 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 zone rules by undertaking a residential activity in light industrial zone (Wakefield) • Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone without consent (Tasman) • Breach of resource consent by undertaking a second residential activity in contravention of conditions requiring disestablishment of first dwelling (Motueka) • Breach of the Tasman Resource Management Plan by establishing a horticultural shelterbelt less than the required setback (orchard - Motueka)
Section 15 - Discharges
<ul style="list-style-type: none"> • Breach of the Tasman Resource Management Plan by unauthorised discharge of contaminated stormwater (Commercial premises - Richmond) • Breach of resource consent by unauthorised discharge of domestic wastewater in contravention of conditions (workers accommodation - Motueka) • Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(dwelling - Tasman)

Table 3: Abatement notice by type

3.2 Infringement Fines

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

Act	Offence	Fine
RMA Section 13	Disturb bed of river without consent	\$500
RMA Section 14	Take water in breach of consent (excessive take)	\$500
Litter Act Section 10	Failed to comply with a litter notice	\$400

Table 4: Infringement notices by type

3.3 Enforcement Orders

No enforcement orders were initiated in this period however two enforcement orders initiated before this reporting period are still proceeding through the courts at varying stages and Council is still awaiting a costs decision against a defendant to an earlier granted order.

3.4 Prosecutions

No prosecutions were initiated in this period. One prosecution that was initiated earlier in the year has yet to be heard before the Court as it is now a defended matter with both defendants entering not guilty pleas. This matter is next set for pre trial conference in March 2012

4. CONSENT MONITORING

During this three month period a total of 286 resource consents were monitored as part of targeted compliance monitoring programme. As with any period effort is always given to monitoring as many active consents as possible, particularly those identified as having the most significant effects. During the period the following monitoring activities were worthy of comment.

Water

The Water metering programme commenced on the first week of November. Due to the amount of rainfall received in this period little irrigation took place and many users filed nil or low use returns. As non compliance was relatively low this has allowed Council to undertake a greater number of meter audits and site inspections.

Dairy

Farm dairy effluent monitoring commenced in November in the southern farms. Compliance to date has been high in this sector and appears to be continuing on from last year's trends. In December a productive meeting was held with Westland Milk representatives in regards to compliance and industry initiatives for those Westland farms in this district.

Land

A number of higher priority hazardous facilities had site assessments in this period and some productive meetings have seen substantial site improvements and/or consents applied for otherwise unauthorised activities.

Work continued on monitoring the large scale earthworks at the Eggers property, Brightwater. Work done on ensuring adequate sediment and erosion control has been effective and the December flood had little effect on this site.

Rivers

Two companies undertaking river based gravel extractions were active and filed returns in this period, one in the Buller (Coles Contracting) and the other in the Aorere (D Lamb). In the Wangapeka the relocation of river bed material as part of the river works programme prompted a number of complaints and subsequently saw a new consent issued which has been monitored.

6. RECOMMENDATION/S

It is recommended that Report REP12-02-03 be received

7. DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Compliance monitoring Quarterly report 1 October - 31 December 2011 Report REP12-02-03



Carl Cheeseman
Co-ordinator Compliance Monitoring