

Prepared for: Regulatory Committee

Report No. EMO1864

Activity: Environmental - Investigations and Enforcement Action

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Date: 29 May 2019

PURPOSE

[1] This report details Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council during the period 13 April 2019 to 29 May 2019.

RECOMMENDATION

That the Council:

1) **Receives** this report.

RESOURCE MANAGEMENT ACT 1991

[2] Resource Consents

Table 1. Infringement Notices

Details	Period – 13 April 2019 to 29 May 2019	Total – from 1 July 2018
Taking water in breach of resource consent conditions	0	1
Discharge of contaminants (treated wastewater) to land in circumstances which may result in those contaminants entering water - in breach of resource consent conditions	0	2
Discharge of contaminants to air in breach of resource consent conditions - odour	0	2
TOTAL	0	5

Table 2. Abatement Notices

Details	Period – 13 April 2019 to 29 May 2019	Total – from 1 July 2018
To cease discharging contaminants in breach of	0	1

a resource consent		
TOTAL	0	1

[3] Complaint Response

Table 3. Infringement Notices

Details	Period – 13 April 2019 to 29 May 2019	Total – from 1 July 2018	Complaints Received [1]
Discharge of contaminants to land in circumstances which may result in those contaminants entering water - sediment	0	4	5
Discharge of contaminants to air in breach of a regional rule – burning prohibited material	0	3	2
Discharge of contaminants to air in breach of a regional rule – odour	0	3	7
Discharge of contaminants to air in breach of a regional rule – outdoor burning	0	4	7
Disturbing the bed of a river - pugging	0	6	6
Disturbing the bed of a river – mechanical excavation	0	2	1
Discharge of contaminants to land in circumstances which may result in those contaminants entering water (Coastal Marine Area) – contaminants from a truck wash	0	1	1
Discharge of contaminants to air in breach of a regional rule - odour	1	1	1
TOTAL	1	24	30

[\[1\]](#) Number of complaints received by Council for the matters that have been subject to enforcement action.

Table 4. Abatement Notices

Details	Period – 13 April 2019 to 29 May 2019	Total – from 1 July 2018	Complaints Received

To cease discharging contaminants to air from a domestic heating appliance in breach of a regional rule	0	1	1
To cease discharging contaminants in breach of a regional rule - sediment	0	2	4
To remove a dead animal from a river	0	1	1
To cease discharging contaminants from a farm landfill in breach of a regional rule	0	3	3
To remove debris / slash from the bed of a river	0	2	2
To cease diverting water in breach of a regional rule	0	1	2
To cease diverting/ discharging water which is likely to cause an adverse effect on the environment	0	1	6
To undertake routine inspections and stop any discharge of smoke/odour from the property	0	1	1
To cease discharging contaminants in breach of a resource consent	0	2	7
TOTAL	0	14	27

Table 5. Authorised Legal Proceedings

Details	Period – 13 April 2019 to 29 May 2019	Total – from 1 July 2018	Complaints Received
Discharge of contaminants to land in circumstances which may result in those contaminants entering water - sediment	0	1	3
1. Disturbing the bed of a river – pugging; and 2. Discharge of contaminants in breach of a regional rule - sediment	0	1	1
TOTAL	0	2	4

[4] Inspections

Table 6. Infringement Notices

Details	Period – 13 April 2019 to	Total – from 1 July 2018
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	29 May 2019	
Discharge of contaminants to land in breach of a regional rule – effluent	0	3
Discharge of contaminants to land in circumstances which may result in those contaminants entering water - effluent	0	2
Discharge of contaminants to land in breach of a regional rule – silage	0	1
Disturbing the bed of a river – pugging	0	1
TOTAL	0	7

Table 7. Authorised Legal Proceedings

Details	Period – 13 April 2019 to 29 May 2019	Total – from 1 July 2018
Discharge of contaminants to land in breach of a regional rule – effluent	0	1
TOTAL	0	1

INFRINGEMENT FEES

[5] Resource Management Act (“RMA”) infringement fees are set by the Resource Management (Infringement Offences) Regulations 1999. Under the Regulations, infringement fees range from \$300 to \$1,000, depending on which section of the RMA has been contravened.

[6] From 1 July 2018, Council has issued 36 infringement notices totalling \$21,300 in infringement fees.

CURRENT PROSECUTIONS

Table 8. Current Prosecutions

Matter	Next Appearance
Greg Cowley Limited and Greg Cowley	Sentencing date to be confirmed
Maruia Mining Limited and Alan Roberts	Defended hearing – date to be confirmed.

CONSIDERATIONS

Policy Considerations

A. There are no policy considerations arising from this report

Financial Considerations

B. There are no financial considerations arising from this report

Significance and Engagement

- c. No matters in this report trigger the Council's significance policy or require additional or specific consultation.

Legislative Considerations

- d. There are no legislative considerations arising from this report

Risk Considerations

- e. There are no risk considerations arising from this report.

ATTACHMENTS

Nil