

PLANNING INFORMATION SHEET 8

Resource consent monitoring

Resource consent monitoring – What is it?

Council is required to monitor the resource consents it has issued to ensure compliance with conditions of consent. Council has employed a team of specialised Monitoring Officers to oversee this role.

Why monitor?

Under the Resource Management Act 1991 (RMA) Council's are responsible for checking that consent holders/landowners comply with the conditions set out in their resource consent. The conditions are designed to protect the environment and the community from any adverse effects resulting from activities that require approval under the District Plan.

How does the process work?

The Thames-Coromandel District Plan together with the RMA, determines whether or not a person/developer, is required to obtain a resource consent for a proposed activity. The District Plan sets a framework to manage the effects of activities on natural and the cultural resources that the community wants protected and enhanced for future generations.

If an activity is required to obtain resource consent, and that consent is granted, the consent will be granted subjects to conditions. The conditions apply to anyone implementing or operating the resource consent. This may include the property owners, tenants, developers and/or their contractors and/or sub-contractors.

Essentially the consent conditions will reflect the District Plan rules, policies and objectives for e.g. the number of car-parking spaces required or noise limits in a residential area; and are usually tailored to ensure that the effects of an activity are adequately mitigated or remedied.

Monitoring measures

The Thames-Coromandel District Council has a dedicated team to monitor resource consents and they are out on site on a day to day basis.

Monitoring is focused according to the seriousness of the risk

While all resource consents are monitored, activities that pose the greatest potential risk to the environment and community are given the highest priority and are monitored more closely, as are those consents that have contributions pending or have been publicly notified.

Development Impact Analysis is important to assist with future planning for the District's environment

The Thames-Coromandel District Council's monitoring team observes and records the actual effects of development and activities on the environment and communities. The actual effects of development are compared with the objectives of the Thames-Coromandel District Plan. This enables the Council to reflect on how useful various rules and standards within the Plan are in terms of achieving its objectives and policies.

Working together

It is important that every person giving effect to their approved resource consent understands the practical requirements of the resource consent conditions. Many breaches of resource consents are avoidable, as are

(continued overleaf)

the costs to Council and the costs to the consent holder, owners and contractors involved in enforcement action. Monitoring Officers will liaise with owners and developers from the start of the monitoring process, encouraging them to educate their contractors and employees about the conditions of the consent. Council requires that copies of the resource consent, its conditions and approved plans are held on site and read by all contractors. The Monitoring Officer assigned to the consent will also act as a contact for public concerns relating to the exercise of the resource consent. This makes it easier for the public to acquire accurate information to satisfy their concerns.

It pays to comply

If a resource consent condition has been breached the Monitoring Officer will liaise with the landowner, developer or contractor to remedy or avoid the effects of the breach. If co-operation cannot be gained, then enforcement action may be undertaken. This may include application for retrospective resource consent or the issuing of an Abatement Notice, requiring certain actions to cease within a specified timeframe. The penalty for non-compliance with an Abatement Notice may result in a \$750 Infringement Notice being served. Where disputes cannot be resolved by Council they may proceed to be heard by the Environment Court.

Council also reserves the right to prosecute under the RMA for more serious matters or repeat offenders. This may involve reinstatement of a site or building to its original state.

Works on site should be planned in accordance with the resource consent conditions from the outset, as both the contractors and the clients can be liable if the conditions are breached. If contractors consider the works may be in breach of the consent, they should refuse to undertake the works until they can be sure it complies. Any queries should be directed to Council's Monitoring Officers.

A monitoring fee is payable for every resource consent. Generally, inspections are carried out on a standard basis at the commencement of works, during works and at completion. Further inspections will occur where it is reported that breaches are believed to have occurred, where the project is of large scale or where the effects of the development require intervention by Council. Council reserves the right to charge for additional inspections on a case by case basis.

What can I do if I think someone is not complying with the District Plan or with the conditions of their resource consent?

In the first instance, phone the Council's Duty Planner if you want to check the resource consent and/or the relevant District Plan rules that apply to the site. You can also ask for a copy of the approved resource consent and approved plans.

If after this enquiry you still believe activity on site is not proceeding in accordance with the approved consent, or that no resource consent has been issued, you should put your complaint in writing. You can send this letter to Thames-Coromandel Council, Private Bag, Thames or fax it to 07 868 0234, attention to the Monitoring Officer.

In your letter; please provide as much information as you can about the consent holder or the owner of the site, the road address at which the alleged infringement is occurring, and the nature of the alleged infringement. Please be advised that it is better to contact Council directly in these instances rather than trying to 'take the law into your own hands'. If you feel in any way that your personal safety is threatened by an alleged offender or by the activities they are undertaking on their site, you should contact the Police.

Once the Monitoring Officer has received your written complaint, investigation of the alleged infringement can begin and you will be advised of the outcome in due course. Sometimes this will involve an application for retrospective resource consent for the infringement, or in other cases it may involve some sort of enforcement action. The appropriate course of action will often correlate with the scale of the infringement and the seriousness of the effects the infringement may have on the environment and safety of people in the area.

Monitoring at Thames-Coromandel District Council - contact details

Please contact Customer Services in the first instance. If appropriate, you will be referred to a Monitoring Officer.

Contact details

District Office: 07 868 0200

Mercury Bay: 07 867 2010

Coromandel: 07 866 1001

Whangamata: 07 865 0060

Fax: 07 868 0234

E-mail: customer.services@tcdc.govt.nz