



STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: C653

SUBJECT: **COMPLIANCE MONITORING QUARTERLY REPORT - 1 APRIL TO 30 JUNE 2008 – Report EP08/07/05 - Report prepared for meeting of 17 July**

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 April to 30 June 2008.

2. COMPLAINTS

Over this three month reporting period a total of 261 complaints were received. Most quarterly period complaints related to a broad range of activities however complaints associated with smoke discharges were overrepresented with 62 complaints fielded during the period. Of this 44 related specifically to smoke from outdoor burning particularly in the Motueka area. As always illegal rubbish dumping around the district accounted for a number of complaints as did land disturbance activities.

3. ENFORCEMENT

3.1 Abatement notices

A total of 14 Abatement notices were issued over the period. Most recipients have complied or are working towards complying with the requirements of the notice. One stay was granted by the Environment Court in late April and is due back before the court 7 July 2008. Despite the Court's directions the recipients have done nothing and Council will be seeking to progress this matter.

3.2 Infringement fines

During the period a total of five infringement fines were issued. Of these three were for offences against the Resource Management Act with the remainder for offences of rubbish dumping or abandoned vehicles.

3.3 Enforcement Orders

No enforcement orders were sought during this period.

3.4 Prosecution

One prosecution for a dairy farmer in the Murchison area initiated earlier in the year is nearing conclusion. The defendant is due for sentence on the 11 July and a detailed summary of this will be presented to Council in a following quarterly report.

4. CONSENT MONITORING

During this three month period a total of 276 consents were monitored as part of targeted compliance monitoring programme. The following is a short summary of that monitoring.

- **Dairy Effluent Discharges**

Nine remaining farms were monitored thus completing the Farm Dairy Effluent monitoring programme for the 2007/2008 season. Details of consent performance along with the overall performance of this sector are reported fully in the annual dairy monitoring compliance report due in July.

- **Domestic Wastewater**

Over this period 23 consents underwent monitoring. A mixed result in this sector with many consent holders systems failing to meet conditions relating to discharge quality or performance standards. A range of actions are being taken with various consent holders in order to achieve compliance with some significant work being required at some sites.

- **Metered Ground and Surface Water Takes**

The start of May saw the completion of the 2007/2008 water metering programme. In general compliance was good. A comprehensive report into performance in this sector has been produced and will be presented separately to this report.

- **Marine Farming**

No marine farming inspections were undertaken this period. There is some outstanding monitoring required for all the marine farms and Council is in discussion with several consent holders for spat catching over water column monitoring and reporting

- **District and Regional Land Use**

A significant number of district and regional land use consents were monitored over this period under a proactive drive to improve monitoring in this sector and reduce the considerable backlog of outstanding consents. Many consent holders were complying with conditions although some had levels of non-compliance ranging from minor to significant which resulted in further enforcement action. Issues of concern still sit with consent holders failing to furnish reports and plans as required in their consent.

- **Gravel**

A small number of river and land based gravel extractions were monitored over the period as very few consents were granted. Performance was mixed with some issues of non-compliance and one abatement notice was issued to a Motueka consent holder as a result of several breaches of conditions. Some gravel returns are also outstanding.

- **Coastal Activities**

No coastal consents were monitored over this period.

- **Rivers**

There were 11 consented works or structures in a river monitored over this period. Most related to bridges or culverts installation and compliance was on the whole good. One hydroelectric company completed restoration of fish passage as required by an earlier abatement notice

6. GENERAL MATTERS

Richmond Airshed Monitoring

The Richmond Airshed compliance programme began in earnest in June in an effort to progress compliance with the new rules before the end of winter.

To date approximately 900 properties in the airshed have registered a transfer of ownership since 13 January 2007 when the airshed rules came into effect. Under these rules transfer of ownership is the trigger that requires a dwelling to cease the discharge from a non-complying solid fuel burner and owners may elect to either upgrade to a clean air burner or replace with another clean heat source.

At present some 500 of those properties on the transfer of ownership list have been identified as possibly having a wood burner of one type or another although Council records are not often complete. As a result a letter was sent to all affected properties early in June advising that compliance staff are visiting for the purpose of assessment. To date 75 properties have been visited or householder contact made as a result of the letter. Of those inspected 55 have either upgraded to a compliant burner or changed to an alternative clean heat source.

Compliance staff will continue to work through the list in the coming weeks including some evening work in order to contact those not at home during the day. Upon completion the next stage will be to undertake a compliance - enforcement strategy for those currently non-compliant properties.

Outdoor Burning

In the period leading up to the start of the fire sensitive period and to a certain extent post the 1 June start date a large number of complaints were received by this office regarding outdoor burning. A great number of these 40 plus complaints were to register opposition to the practice of outdoor burning and its effects as opposed to any specific fire although one notable consented burn in Tasman did receive a number of complaints from locals over smoke effects and the Motueka Community Board has also made representations on the issue. In review, there did not appear to be any co-ordination to these complaints which were received from as far afield as Nelson and Stoke. As most of the fires were conducted in accordance with rules allowing outdoor burning compliance staff had little ability to intervene or satisfy the complainants although one infringement fine was issued for an outdoor fire in the Richmond fire ban zone. It is likely that complaints will continue to increase over time with the apparent rising opposition to the activity from the public.

On Site Wastewater

With the employment of the new compliance officer for air, industrial and other related discharges, great progress has occurred in monitoring of consented wastewater systems by the compliance officer - on site wastewater. Despite this improvement considerable time is still spent on responding to issues surrounding failing domestic systems operating under permitted activity status. At present complaints from residents in the Kina area have resulted in the discovery of a cluster of non-complying systems requiring follow up. At present much of the cost of work in this sector remains unrecoverable.

It is proposed that a comprehensive report back to Council on the status and issues of compliance monitoring of wastewater in the district will be available later in the year.

Remote Signage

Complaints regarding remote signage continue around the district. Some notable incidents were complaints surrounding the anti 1080 signage appearing around the St Arnaud area in response to a consented aerial drop. These numerous signs were all non-complying and most were removed by Council although a few on private properties have yet to be resolved. Remote real estate signs are also initiating complaints and compliance staff are currently in dialogue with the regions real estate companies about the placement of their advertising signs. A Newsline article on outdoor signs and advertising is currently in draft and intended for publication in an upcoming issue in an effort to educate and dissuade persons from erecting unauthorised signage.

Rubbish Dumping

Rubbish dumping and abandoned vehicles continues to occur in the Waimea and Motueka River areas particularly in the area around the Appleby Bridge where easy access is gained. Little in the way of offender identification has been achievable in recent months. It is hoped that a recent article in Newsline on this problem may prompt better public awareness and reporting of offenders.

7. WORK PROGRAMME FORECAST

- The Richmond Air Shed solid fuel burner programme survey is to be completed and a full report presented to Council on the current status and progress.
- The dairy effluent programme for 2008/2009 will commence at the start of the milking season in early August.
- The coastal compliance programme is scheduled to start with the convening of a TDC coastal working group to identify key issues and targets for compliance and enforcement.
- A focus on Land use consent monitoring will continue in an effort to reduce the considerable back log of consents awaiting monitoring.

8. RECOMMENDATION

It is recommended that this report be received.



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