



STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: C653

SUBJECT: **COMPLIANCE MONITORING QUARTERLY REPORT 1 JULY - 30 SEPTEMBER 2008 – REPORT EP08/10/08** - Report prepared for meeting of 9 October 2008

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 July - 30 September 2008.

2. COMPLAINTS

Over this reporting period a total of 239 complaints were received. No particular activity stood out significantly although stormwater complaints did increase markedly from the last quarter with the significant rainfall periods the district received this winter. The cause of these complaints were broad and ranged from effects of recent tracking and roading through to existing structures and works. Smoke related complaints were common although down somewhat on the last period due to the winter fire restrictions being in place. Many smoke complaints related to residential properties as opposed to outdoor burns either as smoky chimneys or incinerators although several rural fires on the outskirts of Motueka and Riwaka areas prompted complaints during mid August.

3. ENFORCEMENT

3.1 Abatement Notices

A total of 11 Abatement notices were issued over the period. The majority of these were for failed or non-complying wastewater systems. Most recipients have complied or are working towards complying with the requirements of the notice. No appeals against any notice were received although one matter has become protracted due to a dispute occurring between neighbouring properties over a shared watercourse. This matter has yet to be finalised and may well result in further action.

3.2 Infringement Fines

During the period a total of three infringement fines were issued. Two were for burning in the Richmond fire ban zone within the Beach Road industrial area. The remaining offence related to unauthorised diversion of water. At the time of writing one fine is still to be settled.

3.3 Enforcement Orders

An application for an enforcement order is currently proceeding with respect to an unauthorised relocated dwelling in the Riwaka area after other enforcement mechanisms have failed to gain necessary compliance.

3.4 Prosecution

One prosecution for a dairy farmer in the Murchison area was finalised before the Environment court on 11 July. The defendant pleaded guilty to one charge of discharge of contaminants to water and was sentenced to a fine of \$13,500 plus costs.

In early September Council laid charges against a dairy farmer from the Golden Bay area for a series on unauthorised discharges of dairy effluent to water. This matter has yet to be called before the Courts.

4. CONSENT MONITORING

During this three month period a total of 143 consents were monitored as part of targeted compliance monitoring programme. The following is a short summary of that monitoring.

- Dairy effluent discharges

No dairy effluent consents have been actively monitored over the winter other than some follow up from last season. Monitoring is due to commence as the new dairy season gets into full swing.

- Domestic wastewater

45 On-site domestic wastewater consents underwent monitoring over this period. Many of these failed to meet consent conditions either in system performance or reporting. A range of actions are being taken with various consent holders in order to achieve compliance and some significant work is being required at some sites usually under abatement notice. A proactive push with installers and servicers is also underway in order to get better performance between the consent holder and the servicer.

- Metered ground and surface water takes

No active ground water monitoring occurred during this period which is outside the water metering season however 45 consents were subject to out of season monitoring for conditions of consent.

- Marine Farming

No marine farming inspections were undertaken this period. Council was formally notified of a loss of structures and navigational lights on one farm during a severe storm however the company has since repaired the farm. With the appointment of a new Harbourmaster physical inspections will recommence in the next quarter.

- District and Regional Land use

A number of district and regional land use consents were monitored over this period. Most of these complied although several had significant non-compliance which resulted in abatement notices being served.

- Gravel

A number of land based gravel extractions were actively monitored over the period. One consent holder had several incidences of non-compliance with respect to backfilling to which some enforcement action is continuing. Again due to the lack of compliance with respect to filing returns of volume and end use, eight letters were sent to consent holders requiring action be taken to comply with their consent.

- Coastal Activities

No coastal consents were monitored over this period.

- Rivers

Two Hydroelectric schemes in Golden Bay were inspected as were a small number of consented works or structures.

- Industrial/HF

A number of larger industrial and hazardous facilities sites were inspected over this period.

6. GENERAL MATTERS

Richmond Airshed Monitoring

The Richmond Airshed compliance programme continues with the initial survey now completed. At this point the 64 properties identified as currently non-complying have received letters informing them of their present non-compliance and requesting they notify council how they intend to comply. At the time of writing 21 had responded. The remainder have until the 31 December to respond at which point further enforcement action will be considered.

On Site-Wastewater

An increasing number of on site wastewater systems are being monitored in an effort to improve wastewater performance across the district. In conjunction with this a number of domestic systems operating as permitted activities have also been subject to assessment primarily following a public complaint. To date many systems have failed to meet one or more consent requirements either in wastewater quality, reporting or effective maintenance or for those operating under permitted activity, the rules for domestic wastewater discharge within the TRMP. As a result a number of property owners have received abatement notices requiring action.

As the number of issues associated with this activity is worthy of further discussion a separate and more comprehensive report is due to come before the committee in November outlining the issues encountered with this activity.

Water Metering

The water metering period is due to begin in November and over the last month a number of consent holders who have failed to exercise their allocation have been written to asking for confirmation as to their intention to use water this season. To date the response has been good. During this period considerable work has also been undertaken preparing the database and Councils records for the new season. With the ability to enter meter returns via a range of electronic formats a push has also been on for consent holders to adopt these new return mechanisms and avoid the filing of paper returns. To date the uptake has been good and more water users have agreed to use this format for this season.

Discharges

Council recently became aware of a proposal to undertake fumigation of logs for export at a site around Three Brothers Corner adjacent to a residential area. This has been determined as a discretionary activity under the TRMP. Compliance staff became involved prior to commencement and halted any further progress by the company thus preventing any breach from occurring. After discussion the company has now sought professional advice on how to proceed.

Land Use

A significant unauthorised quarry operating in the Murchison area was discovered by Council. This matter is currently under investigation for a number of offences and enquiries continue.

In the last month Compliance staff have also become involved in several unauthorised land disturbances involving tracks and roads particularly in slope instability areas. Whilst these have had varying adverse environmental effects, most have resulted in abatement notices and a cessation of works until consents have been obtained.

7. WORK PROGRAMME FORECAST

- The dairy effluent programme for 2008/2009 will commence at the start of October when most farms in the district are in full production.
- Pre season work is underway for the Water metering season which is due to begin in the first week of November.
- Land use consent monitoring will continue in an effort to reduce the considerable back log of consents awaiting monitoring.

8. RECOMMENDATIONS

It is recommended that this report be received.

A handwritten signature in black ink, appearing to read 'Carl Cheeseman', with a long horizontal flourish extending to the right.

Carl Cheeseman
Co-Ordinator Compliance - Monitoring