

STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: C653

SUBJECT: **COMPLIANCE MONITORING QUARTERLY REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2009 - REPORT EP09/07/10 - Report prepared for meeting of 16 July 2009**

1. INTRODUCTION

This report outlines the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring Department's programme of work over the period 1 April to 30 June 2009.

2. COMPLAINTS

Over this reporting period a total of 334 complaints were received. Other than the usual noisy party complaints, the greatest increase over this period was in 65 smoke complaints, predominantly associated with outdoor burning during late April and May around the urban peripheries. Rubbish dumping was the next with 36 complaints for dumping mostly around the Waimea River environs. Stormwater and a myriad of district land use complaints also made up a large part of the total complaints for the period.

3. ENFORCEMENT

3.1 Abatement Notices

A total of twelve Abatement Notices were issued over the period. Notices were issued for various offences against the Resource Management Act however non-compliance in wastewater discharges prompted the greater number of notices. At the time of writing most have complied or are currently working towards compliance.

3.2 Infringement Fines

During the period a total of twelve infringement fines were issued through the Compliance office. Four related to offences associated with rubbish dumping. Three notices were issued for contraventions of abatement notices and the remainder for water take or river offences. At the time of writing only two had been paid and the remainder either due for reminder notices or filing in the court.

3.3 Enforcement Orders

As part of a prosecution for dairy effluent discharge offences, three enforcement orders are being sought in conjunction with the prosecutions in order to deal with deficient systems currently in place and contributing to the offences. The enforcement orders are seeking upgrades to the shed effluent systems and an associated crossing as well as binding an owner to active management and upkeep of the improvements. This matter is due before the court on 7 July.

3.4 Prosecution

No prosecutions were finalised during this period however two are before the courts currently awaiting pleas, and further offences are being investigated.

4. CONSENT MONITORING

During this three month period a total of 151 consents were monitored as part of targeted compliance monitoring programme. The following is a short summary of that monitoring.

- **Dairy Effluent Discharges**

This reporting period saw the end of the 2008/2009 dairy season and by May most farms had finished for the season. No consented dairy effluent discharges were monitored having been done early in the season.

- **Domestic Wastewater**

There were 47 on-site domestic wastewater consents monitored under the wastewater programme in place since late last year. Like last period a great majority of consent holders have some form of non compliance, most notably routine sampling, furnishing of reports or servicing and maintenance contracts. Council continued to deal with these non compliances through formal letters of direction or abatement notices where adverse effects on the environment existed. Most have undertaken necessary work or are currently working towards achieving compliance which for some has required considerable upgrades.

- **Metered Ground and Surface Water Takes**

This reporting period covered the closing stages of the summer water metering season which finished in the first week of May. Compliance staff spent the greater part of this period chasing up those consent holders yet to supply final readings or validating returns through the database and field audits. During the period 38 consents received attention notably as a result of breaches of conditions or thorough compliance initiated enquiries or site audits. Non compliance was dealt with through directives and formal warnings however some breaches resulted in infringement fines or in the case of non returns, a fee for inspection. In the case of inspection fees, a total of seventeen were issued in this. Further detail of this and the general performance of water users over the season will be covered in the water monitoring annual report due before Council next month.

- **Marine Farming**

In May all Tasman Bay marine farm structures were monitored for navigational and other consent conditions. All were compliant with conditions the exception of one farm which is required to adjust its shape to ensure all lines are within cardinal marks.

- **District and Regional Land Use**

A broad range of district and regional land use consents were monitored over this period. Along with weekly monitoring of the large suite of consents relating to the construction of the Ruby Bay by-pass a number of other significant earthworks were monitored with mixed results. Most complied with conditions although one or two recorded some non compliance which resulted in enforcement action of one form or another.

- **Forestry**

Several smaller forest ventures were monitored for tracking and earthworks as part of pre harvest operations. Some work has been required around protecting waterways from sediment and erosion.

- **Gravel**

There were seven land and river based gravel extractions actively monitored over the period. All complied with conditions. One old existing quarry in the Tadmor area is in the final stages of closure with completion of the rehabilitation clauses required in consent.

- **Coastal Activities**

A very limited number of coastal consents were monitored over this period with no outstanding matters of note.

- **Rivers and Lakes**

Several New Zealand Transport Agency river works and discharge consents were monitored in the Buller River. All were compliant.

During the summer period a number of complaints were received regarding consented structures associated with water takes or diversions. A number of these have been found to be non compliant and work is continuing with specific enforcement actions.

- **Industrial/HF**

There were ten specific industrial discharges monitored over this period. Most related to air, stormwater, cooling water or waste discharges. No significant non compliance was detected however one company did report an unauthorised discharge of 20 litres of wastewater to a swale as a result of a system failure.

6. GENERAL MATTERS

Richmond Airshed Monitoring

The Richmond Airshed compliance programme continued making progress using the "Transfer of Ownership" and other relevant rules of section 36 of the TRMP.

Within the Richmond Airshed residential properties continued to transfer ownership during the reporting period. Those properties potentially subject to the 'Transfer of Ownership' rule have been or are in the process of being notified that staff will be visiting in the near future. Several have applied for building consents and a site visit will be necessary with the remainder to ascertain whether any solid fuel burning appliance within the dwelling complies with National Environmental Standard, and is an ideal opportunity to address any issues that property owners have identified and provide information on the Air Quality programme.

Of the 60-plus properties yet to respond to the questionnaire or who are electing to do nothing to replace the non-compliant burner, active monitoring over the winter period will continue to ensure the device is not being used. To date only limited monitoring has occurred in the field due to staff changes.

Outdoor Burning

As mentioned earlier in the report, smoke complaints increased markedly in late April and May as a result of many outdoor burns around Motueka and the Waimea plains. The greatest number of these complaints came from Richmond and Motueka residents as a result of smoke drifting into the urban areas. The problem seems to stem from the concentration of fires occurring in the short window between mid/late autumn and the commencement of the fire sensitive period of 1 June. This rush to burn coincides with the typically settled colder periods of late autumn where the inversion layers tend to trap smoke for considerable time. Recent fires around Peach Island have resulted in complaints from as far afield as Kaiteriteri as smoke has been trapped close to the ground. Compliance staff have attended a number of fires and a number have been directed to extinguish the fire as a result of the adverse effects occurring.

On-Site Wastewater

Compliance involvement in on-site wastewater outside of the consented activities occurred through on going response to complaints. During the period a number of complaints were received relating specifically to failed systems. Of these most were prompted through odour or overland sewerage flows and resulted in the issuing of letters or abatement notices to gain compliance. A number of these are yet to reach a satisfactory conclusion and some system owners are now required to spend considerable time and money to fix their system.

A more comprehensive report on the compliance programme for domestic wastewater is due to be presented to the Committee later in the year.

Dairy

As stated the dairy season was completed in May with generally very good compliance with the exception of three farms whose on-going non-compliance coupled with significant illegal discharges has resulted in Council prosecuting for offences against the Act. A comprehensive summary of the dairy season will be presented in the Annual report also due before Council.

Signage

A number of complaints were received during this period relating to signage particularly in the Murchison area although OPUS on behalf of the New Zealand Transport agency also instigated some complaints for signs adjacent to several State Highways. While some were authorised many were not and require compliance follow up. During this period staff also received complaints from members of the public disgruntled about sandwich boards obstructing the footpaths in the Richmond CBD. Most of these sandwich boards are compliant, however compliance officers will continue to monitor this activity.

Land Use

Of the many land use consents monitored over this period several were of note including:

- **Ruby Bay By-Pass**

Weekly monitoring has continued on the earthworks occurring under New Zealand Transport Agency's suite of consents for the Ruby Bay By-pass. During this period much work was done to bed down the exposed faces for the winter to prevent sediment run off. Work continues around Trafalgar and Higgs Reserve and most erosion and sediment control systems are working well. Some work has been required to bring some pond systems up to specifications. During this period the compliance officer responsible for monitoring facilitated several interested groups to view the site including a party from Nelson Boys College.

- **Thawley Orchards**

Significant earthworks commenced in May on land owned by Thawley Orchards between Nile and Apple Valley Roads nearby the Ruby Bay By-pass. This work consists of recontouring 10 hectares of land in the upper catchment for the purpose of orchard development. At present the site is being actively monitored by Compliance staff and some issues of non compliance has resulted in upgrades to the sediment and erosion control measures put in place.

Discharges

- **Eves Valley Landfill**

Due to continued non compliance in groundwater sampling results through apparent anomalies in the background soil water chemistry and the more recent occurrence of unauthorised leachate discharges from the toe of active stage, Engineering staff in consultation with E&P departments are working towards both short and long term

solutions. Presently work is being undertaken to prevent any immediate unauthorised discharge to surface water occurring. MWH are also working on more significant system upgrades through consent variations to tackle the longer term issues.

7. WORK PROGRAMME FORECAST

- The dairy season commences around August and the compliance programme is scheduled to begin with site visits commencing in September. Current prosecutions are expected to be wrapped up by the end of September and monitoring inspections resulting from Court directives will also form part of the work programme for the new season.
- Wrap up and full reporting of the 2008/2009 water metering will occur on 27 August with presentation to Council. Data and field monitoring systems will be fine tuned for the start of the next season in November.
- Monitoring of the Ruby Bay By-pass will continue on a weekly basis throughout the winter/spring.
- Marine farms are scheduled to undergo a follow up monitoring this next period.

8. RECOMMENDATION

It is recommended that this report be received.



Carl Cheeseman
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