

STAFF REPORT

TO: Environment & Planning Committee

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

REFERENCE: C653

SUBJECT: **COMPLIANCE MONITORING QUARTERLY REPORT - 1 JANUARY TO 31 MARCH 2009 - REPORT EP09/04/05** - Report prepared for hearing of 23 April 2009

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 January to 31 March 2009.

2. COMPLAINTS

Over this reporting period a total of 306 complaints were received. This is up on the same period in 2007 and 2008 where 229 and 226 complaints were recorded respectively. No particular activity stood out significantly although smoke complaints accelerated at the end of March. Stormwater, rubbish, long grass and land disturbance made up the bulk of the complaints received.

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. Most have complied or are working towards compliance. One notice was withdrawn upon agreement after the consent holder and complainants appealed against a variation to consent and a separate determination was sought in the Environment Court as to whether the consent could be given effect. This has yet to be resolved.

3.2 Infringement Fines

During the period a total of twelve infringement fines were issued. Four related to offences associated with water takes or diversions. Three for litter offences and the remainder for land use offences. At the time of writing only one had been paid and the remainder either due for reminder notices or filing in the court.

3.3 Enforcement Orders

No enforcement orders were sought during this period.

3.4 Prosecution

In early February a sharemilker was sentenced in the Nelson Environment Court for offences relating to discharges of dairy effluent to land. He pleaded guilty and was sentenced to a fine of \$12,500 plus costs.

In March a Mariri resident appeared in the Nelson Environment Court charged with unauthorised discharge of contaminants to air after burning prohibited materials. He pleaded guilty and the matter is set down for sentencing on the 20 April.

Also in early March Council laid charges against a dairy farmer from the Golden Bay area for a series of 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 223 consents were monitored as part of targeted compliance monitoring programme. The following is a short summary of that monitoring.

Dairy Effluent Discharges

The number of consented dairy effluent discharges are rapidly diminishing in this district with only 11 consents now active and it likely that four of these will go this year upon their expiry. All were monitored during this period however no discharge was occurring from any of these systems at the time of inspection and no sampling results were obtained. This lack of a discharge is thought to be as a result of the effectiveness of stormwater diversions now in place at most sheds and the lack of any significant rainfall over the period.

Domestic Wastewater

There were 74 on-site domestic wastewater consents monitored under the wastewater programme in place since late last year. Unfortunately increased monitoring has revealed many consent holders in non-compliance with conditions, most notably routine sampling, furnishing of reports or servicing and maintenance contracts. Council has dealt with the majority through formal letters of direction however a number have received abatement notices due to adverse effects on the environment occurring as a result of their non-compliance. 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

As this reporting period fell within the height of the water metering season Compliance officers were actively monitoring water takes and water usage returns through the database and field audits. During the period 54 consents received attention notably as a result of breaches of conditions or through compliance initiated enquiries. Like wastewater most 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 five were issued in this period however this wasn't necessarily indicative of good performance as compliance staff spent considerable time chasing users by other means and who ought to have been subject to inspection. Further detail of this and the general performance of water users over the season will be covered in the annual report due before Council at the close of the season after 1st May.

Marine Farming

No marine farming inspections were scheduled for this period.

District and Regional Land Use

A broad range of district and regional land use consents were monitored over this period most notably the large suite of consents relating to the construction of the Ruby Bay by-pass and some larger earthworks around the district. Most complied with conditions although one or two had some non-compliance which resulted in abatement notices being served. It was pleasing to note the increasing number of consent holders who are now notifying council of the intention to start work as required by their consents. This was one area where many failed to comply in the past.

Gravel

Four land based gravel extractions were actively monitored over the period. All complied with conditions however an abatement notice was issued for a gravel extraction undertaken through consent the previous year where it was subsequently determined that some fill placement now presented a risk of diversion of floodwater and required mitigation.

Coastal Activities

A limited number of coastal consents were monitored over this period with no outstanding matters of note. The maintenance of the Marahau foreshore access corridor received some complaints from residents that contractors were in breach of consent conditions relating to hours of works however no action was taken based on extenuating circumstances.

Rivers and Lakes

No active monitoring took place during this period.

Industrial / HF

Eighteen specific industrial discharges were monitored over this period. Most related to air, stormwater, cooling water or waste discharges. No significant non-compliance was detected however one company did exceed its wastewater flow restrictions in January and required specific follow up but did not result in any enforcement action.

6. GENERAL MATTERS

Richmond Airshed Monitoring

The Richmond Airshed compliance programme continues to make good progress under the "Transfer of Ownership" rule underpinning the drive for the TDC to meet the requirements of the National Environmental Standard for Air Quality.

Within the Richmond Airshed a total of 116 residential properties transferred ownership in the first three months of 2009. A desktop analysis of these properties has determined that approximately 80 are potentially subject to the 'Transfer of Ownership' rule, and all have been notified that a Compliance Officer will be visiting in the near future. Since notification ten have been issued building consents to install authorised solid fuel burners. 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.

With respect to the initial phase started in June 2008 some 58 properties have not yet responded or are electing to do nothing to replace the non-compliant burner. These properties will be subject to formal notification that they cannot use these burners this month and will be actively monitored over the winter period in order to ensure compliance.

On Site-Wastewater

Compliance involvement in on-site wastewater outside of the consented activities occurred through response to complaints or related enquiries. During the period nine complaints were received relating specifically to failed systems. Of these most were prompted through odour complaints 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

Monitoring across the permitted activity farm dairies continued throughout the period although this was disrupted somewhat by the discovery of two farms with significant non-compliance which required intervention through enforcement action. Overall monitoring has shown continued good compliance and an increasing number of farms are now implementing modernised effluent systems, particularly weeping walls and K- line systems. At present all these have been in the Golden Bay area.

As stated earlier in this report an ex-sharemilker appeared in the Nelson Environment Court in February charged with offences relating to the discharge of dairy effluent to water. In mid-March a dairy farmer from Golden Bay was charged with offences after discovery of serious breaches of section 15 of the Act. This person is due before the Court in May. Investigations are also concluding into another significant dairy effluent discharge occurring in the same catchment from another farm after direct discharges to the nearby river were detected.

Land Use

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

- **Ruby Bay By-Pass**

Work on the Ruby Bay By-pass commenced in November and compliance has been actively involved in approving best practice sediment controls plans and other conditions of the 19 consents associated with this project. The By-pass will require 10.6 kilometres of earthworks and presently, approximately 6.5 kilometres of earthworks are open. This is mainly through the forest corridor from Gardner Valley Road / Old Coach Road to Tasman Domain. Earthworks in the coastal marine areas of Tasman and Dominion Road are impending subject to approval of Sediment and Erosion Control Plans currently in this office.

While the consent holder and its contractors have worked to meet conditions and in fact agreed to implement practices beyond what is required under the consent, a localised rainfall event in mid-February resulted in a significant failure in their sediment control systems. As a result considerable sediment was discharged into the Moutere Inlet via Field Creek and the Moutere River. The result of this has been significant additional measures put in place including the latest engineering designed sediment retention ponds treated with an automated flocculation system and other state of the art erosion control measures imported from the United States. Compliance staff are presently organising a field trip for interested staff to view these control measures for future works in the district.

- **B R Reilly - Pupu Tourist Venture**

Work was proposed to begin on this site last month however after meetings between Compliance staff and site engineers this has been put on hold until further consents are obtained for proposed works in the watercourse. Applications are now in and monitoring will continue once these consents are granted and work commences.

- **Tasman District Council – Collingwood Sewerage Scheme**

During March Compliance staff monitored work associated with upgrade of the Collingwood sewerage scheme pipeline notably the suite of consents relating to coastal disturbance and occupation. While most of the work complied one matter remains outstanding and may need to be addressed through a further consent for a structure in the CMA. Resolution of this is expected to be in the next week following meetings with the consent holder.

- **Mariri Recycle Centre**

After a number of complaints and various compliance visits the problems associated with the scrap metal dealer operating on this property resulted in several notices being served under the RMA and Litter Act. It now appears that this may have been resolved with the operator electing to cease trading and the site is now being cleared up. The recycling centre also operating on this site has elected to keep his business going. Council will continue to monitor this closely to ensure appropriate clean up.

Discharges

Compliance officers have spent some time responding to complaints associated with an industry at the end of Hau Road particularly in relation to dust discharges. At present the operation is subject to an abatement notice and work is underway to prevent any further discharges from occurring from this site. The remainder of the activities occurring on site are compliant.

7. WORK PROGRAMME FORECAST

- The dairy effluent monitoring programme for 2008/2009 is due for completion end of May and a full report including Clean Streams progress will be presented to Council mid-year.
- The completion of the water metering programme occurs on 1 May and work will begin on summarising the data for presentation to Council.
- Monitoring of the Ruby Bay By-pass will continue on a weekly basis throughout the winter until earthworks are complete.
- Marine farms are scheduled to undergo a monitoring this next period.

8. RECOMMENDATIONS

It is recommended that this report be received.



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