

Report No:	REP12-09-05
File No:	C653
Date:	10 September 2012
Information Only - no decision required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: Thursday, 20 September 2012
Report Author: Carl Cheeseman, Co-ordinator Compliance & Enforcement
Subject: **Annual Compliance Monitoring Report: 1 July 2011 - 30 June 2012**

EXECUTIVE SUMMARY

Tasman District Council operates tailored Resource Management monitoring programmes focussing the core of its efforts on the range of activities seen as significant to the district either in terms of environmental resources, actual or potential adverse effects or community interest. Council also provides a 24 hour complaint response and undertakes a range of enforcement actions in response to detected non compliance.

Tasman District Council's Compliance & Enforcement section is tasked to undertake these activities and this report summarises this programme of work for the period 1 July 2011 to 30 June 2012. Noise compliance is reported through the Regulatory section of Council and is not covered in this report.

RECOMMENDATION/S

That the report REP12-09-05 be received.

DRAFT RESOLUTION

THAT the Environment & Planning Committee receives the Annual Compliance Monitoring Report 1 July 2011 - 30 June 2012 - Report REP12-09-05.

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1. Introduction

- 1.1 This report summarises Tasman District Council's Compliance & Enforcement Sections programme of work and performance for the period 1 July 2011 to 30 June 2012. The report outlines consent monitoring performance, complaint and enforcement response over the period and serves in part to meet Council's obligations under section 35 of the Resource Management Act 1991.
- 1.2 This annual report does not attempt to report on effectiveness and implementation of the Tasman Resource Management Plan (TRMP) rules, consents or state of the environment monitoring.
- 1.3 The structure of the report is as follows:
- | | |
|-----------|---|
| Section 2 | Outlines current compliance structure and programmes |
| Section 3 | Reports on performance with consent/permitted activity monitoring |
| Section 4 | Reports on complaint response for the period |
| Section 5 | Reports on enforcement activity for the period |

2. Compliance Monitoring Programmes

- 2.1 Tasman District Council has operated tailored Resource Management monitoring programmes for a number of years focussing the core of its efforts on the range of activities seen as significantly impacting on the district either in terms of resource use, potential environmental effects or community interest. Noise compliance is carried out by the Regulatory section of Council and is not covered in this report.
- 2.2 Tailored Resource Management monitoring programmes allow for structured and consistent effects based monitoring. They provide the ability to report individual compliance performance with rules or resource consents along with district wide activity performance. It also allows Council the ability to identify sector and individual trends and respond appropriately to non compliance and/or environmental effects with additional resourcing or enforcement strategies.

2.3 Currently seven warranted officers and an administration officer form the Compliance section. Compliance Officers are assigned and have direct responsibility for managing and reporting outcomes under their individual portfolios. Each Compliance Officer holds a number of portfolios.

2.4 These monitoring programmes are subject to review and are currently undergoing that process.

Table 1: Current monitoring programme in Tasman District

RMA Section	Compliance Programme
9	Land based aggregate.
	Signage
	Mining
	District Land Use
	Tracking/Earthworks
	Forestry
	Hazardous Facilities (HF)
	Bores
12	Mussel Farms
	Aquaculture
	Coastal Structures and occupations
13	Waterway structures
	River Management
	River diversions
14	Surface water
	Metered Groundwater
	Hydroelectric generation
15	Dairy Shed Effluent
	On - site Domestic Wastewater
	Air Discharges
	Timber treatment
	Stormwater discharges
	Chemicals/pesticides

Underlying each programme is a suite of monitoring strategies established to prevent or control significant actual and potential risk of adverse effect to environmental or public health. These activity targets cover both consented and permitted activities occurring in the district. Table two below outlines some of these specific targets in detail.

Table 2: Tasman District Council Compliance programme activity targets

Programme	Activity Targets
Land based Aggregate extraction	Sediment discharges, Land disturbance, Water usage
Forestry	Earthworks and Tracking , Soil management, Sediment discharge controls
Land Disturbance	Earthworks, Sediment and erosion controls
On site Wastewater Systems	Discharge quality & volumes, “special wastewater zones performance” setbacks, installation
Aerial 1080 discharges	Discharge consents

Programme	Activity Targets
Water Metering	Groundwater & surface-water metering returns, water permits and usage
Farm Dairy effluent	Dairy effluent discharges, Impact monitoring programs, Clean Streams Accord targets
Dairy processors	Air, land and water discharge consents Water Permits Land Use consents Hazardous Facility consents
Timber treatment plants	Land Use consents Air and land discharge consents Hazardous Facility consents
Fish processing plants	Water discharge consents Land use consents Permitted activities
Council Global Activities	Earthworks and roading consents River works consent Wastewater treatment plants Coastal works permits Land use permits Hazardous Facility consents Biosolids/solid waste

Compliance officers responsible for these programmes develop a comprehensive strategy of programme and data management. They are also required to develop an effective working relationship with industry and users and participate in liaison committees if set up.

2.5 Compliance Grading

At the completion of any consent monitoring a grade is assigned reflecting the status or level of compliance. This grading system provides assistance to the compliance section in determining monitoring and enforcement response strategies for individual consent holders and also across activity sectors.

Table 3: Consent compliance grading system

Grade 1	Full compliance
Grade 2	Non - compliance. Nil or minor adverse effect
Grade 3	Non - compliance. Moderate adverse effect
Grade 4	Non - compliance. Significant adverse effect
Grade 5	Not actively monitored
Grade 6	Not operational at time of visit
Grade 7	Not given effect to
Grade 8	Not being exercised

3. Summary of Consent and Permitted Activity Monitoring In Tasman District 2011/12

Over the 2011/12 year a total of 1253 resource consents and targeted permitted activities (water metered consents excluded) were monitored and reported on. Of these, 85 consents were not physically monitored, not active or had yet to be given effect to at time of inspection. Of the consents that were active at the time of inspection (1168) overall compliance was improved from last year with 78% (56% last period) complying with consent or plan rule requirements. Of the remainder 17% (33% last period) showed non compliance that had nil or minor adverse effect requiring limited enforcement action. These are the technical non compliances such as failure to submit documents or to notify according to conditions of consent and were mostly dealt with through written directives. The remaining 5% (11% last period) recorded non compliance with either moderate to significant effect that required more direct enforcement action. Again both of these categories were down on the previous year.

Table 4: Consent and targeted permitted activity compliance performance for current year including comparison to last

Compliance rating	Y11/12	Y10/11
1. Fully complying	913	639
2. Non - compliance. Nil or minor adverse effect	202	385
3. Non - compliance. Moderate adverse effect	33	84
4. Non - compliance. Significant adverse effect	20	39

3.1 Land Use

Tasman District Council processes a large number of land use consents each year. As a unitary authority it serves both as a regional and territorial authority in controlling land based activities occurring within its district. These "land use" activities are controlled through the Tasman Resource Management Plan (TRMP) either through zone based rules designed to protect and preserve the specific character of the areas or activity based sections of the plan. These rules control a wide range of activities such as buildings and structures through to land disturbance activities such as quarrying and mining.

3.1.1 District Land Use

Compliance Summary

Many of the consents monitored under this category related to building activities such as building setbacks, access ways and non residential activities such as home occupations. During the year effort has continued into clearing the backlog of outstanding consents as well as monitoring the recently issued. During this reporting period 134 resource consents were monitored with the following results.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
69 (149)*	21 (41)	3 (13)	3 (4)	32 (10)	1 (3)	4 (7)	1 (12)

* Denotes last year's figures in brackets

3.1.2 Quarries, Mining and Land Based Aggregate Extraction.

Quarrying, mining and gravel extractions disturb vegetation and landforms and have the potential to adversely affect ground and surface waters if not properly managed. Poor rehabilitation of a site once a resource has been extracted can leave a lasting impact on an area particularly if soils are lost.

In Tasman District other than the very small scale, all quarrying, mining and land based aggregate extractions require a resource consent for the land use. Consent conditions typically look to control effects such as sediment and erosion, visual impact, vehicle movements and noise. Usually a discharge permit will also be issued to deal with any discharge effects.

Compliance Summary

There are now only 32 consented quarries and land based aggregate operations in the Tasman District as many have ceased operation. As with other years the larger scale operations were regularly monitored particularly the extractions located around Douglas Road. The remainder were typically quarries or single operations spread around the district. During the period 21 consents were monitored with the following results.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
6 (11)	10 (0)	1 (4)	0 (1)	0 (0)	1 (0)	2 (2)	1 (0)

Whilst many of those inspected were fully complying some issues of non compliance were detected across this group predominantly around size of open pit, stripping of soil or providing reports when required.

3.1.3 Signage

Uncontrolled signage on roads and frontages can provide driver distraction, conflict with traffic signs or in the case of sandwich boards provide a safety hazard for pedestrians on footpaths. Further the proliferation of signs can significantly detract from the visual amenity provided by the many scenic areas of the district particularly in the rural environs. For the reasons outlined Compliance actively monitor the use of outdoor signs.

Compliance Summary

Council implemented a dedicated signs monitoring programme several years ago after the proliferation of unauthorised signage appearing across the district prompted frequent complaints. The focus of the monitoring program has been

on “remote” signs that are located away from the property or where an activity includes signage. Due to the lack of activity in this area no consented signage monitored during this period.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
0 (5)	0 (0)	0 (2)	0 (0)	0(0)	0(0)	0(0)	0(0)

3.1.4 Land Disturbance, Tracking and Earthworks

Land disturbance and earthworks can result in the loss of soil through wind or water erosion or result in significant adverse effect on fresh and coastal waters as a result of sediment transport from the disturbed site during rainfall events. This is a significant problem on certain soil classes in the Tasman district. The TRMP specifies two land disturbance areas. Land Disturbance 1 comprises all dry land in Tasman District outside of Land Disturbance Area 2 and forms the majority of the land area in the district. Land Disturbance Area 2 covers the highly erodible and vulnerable Separation Point Granite area and stricter rules apply.

In Tasman District small scale land disturbance including re-contouring, tracking and earthworks is a permitted activity subject to certain conditions. Any activity outside of these permitted rules requires a resource consent and will be monitored as part of a specific programme.

Compliance Summary

Forty-two resource consents were monitored during this period with the following results.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
35 (26)	5 (13)	0 (4)	0 (0)	1 (3)	0 (1)	0 (3)	1 (1)

No significant non-compliance in the consented activities during this period.

3.1.5 Forestry

While predominantly restricted to the rural zones, plantation forestry has the potential to adversely impact on waterways and also residential areas in some places during harvest operations. While plantation forestry is in itself a permitted activity many companies hold a suite of resource consents to undertake particular types of works and Council actively monitors this sector.

Compliance Summary

- **Nelson Forests Ltd**

Nelson Forests Ltd bought the local assets of Weyerhaeuser NZ Holdings Inc several years ago. Nelson Management Ltd holds a number of consents including global resource consent for the placement of structures in and over waterways in their forestry estates. The company operates their Separation Point Granite management plan which ensures all forest and contract operators operate to accepted standards when working on the Separation Point Granites. The company also continues with its environmental working committee to which compliance staff are a participant.

- **Hancock Forest Management (NZ) Ltd**

Hancock's Forest Management Ltd own the timber and cutting rights to timber formerly owned by Carter Holt Harvey (CHH) who still own land. Hancock's works closely with Council Compliance staff on matters such as consent compliance, best practice and environmental initiatives.

- **Tasman Bay Forests Company Ltd**

Tasman Bay Forests Company hold the cutting rights to what was Rayonier NZ Limited who administered local crown owned forest.

- **Tasman District Council**

Tasman District Council currently owns approximately 2,800 hectares of commercial plantation forest in the district. This is managed by PF Olsen. PF Olsen, as well as the other major companies listed above, employ dedicated professional contractors to form roads and work sites and associated water controls to a consistently high standard and those same contractors return to the sites after logging is complete to secure slash and maintain water controls until ground cover (revegetation) is sufficiently restored.

- **Other Forestry Companies**

There are a number of smaller forestry companies and private owners in the Tasman District. These companies (often in the form of small two or three man logging gangs) and private owners are typically more limited in their resources and as a result most complaints associated with forestry arise from their activities. Generally, independent logging gangs are aware of district plan requirements and if they are uncertain then contact is made with Council to assess whether or not resource consent is necessary. Often, the activities of these smaller companies do not come to the attention of Council staff until either a complaint is made, or passing staff identify a previously unknown activity and investigate. Often these smaller outfits are also less experienced and do not properly consider the nature of the local environment (fragility of soils) and the effects of their activities on the receiving environment.

3.1.6 Hazardous Facilities

Tasman District has a number of industries where storage and use of hazardous substances presents a clearly identified environmental risk. All hazardous sites are required to undergo a Hazardous facility Screening Procedure (HFSP) which determines if the site is a permitted activity or requires resource consent.

The HFSP is based on accepted risk management practices and scientific evidence on hazardous substances and is set out within specific rules in the TRMP on hazardous sites.

Over recent years in conjunction with Councils hazardous substance advisor, compliance officers have conducted comprehensive surveys of the hazardous sites in the district and operate a programme of monitoring including a dedicated database. Currently 59 sites operate as consented activities and 129 are recorded permitted activity sites. Site inspections continued over this period with a number of major sites targeted along with any recently consented activities.

Compliance Summary

A total of 24 resource consented sites were monitored over the period with the following results.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
15 (25)	8 (20)	1 (2)	0 (1)	0 (2)	0 (1)	0 (0)	0 (1)

A small number of sites operating as permitted activities were also monitored under the screening procedure in order to assess compliance with the HF rules, in particular spill containment, hazardous substance storage and signage, discharge and stormwater management.

3.1.7 Bores

Bore construction has the potential to adversely impact on groundwater unless controlled and managed appropriately. Shallow bores no deeper than 8 metres are a permitted activity provided they meet certain conditions such as location and construction. Any proposed activity outside of these conditions requires a resource consent.

Compliance Summary

Seventy-four resource consents were monitored in the period.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
57 (21)	12 (7)	0 (1)	0 (0)	0 (0)	0 (0)	1 (0)	4 (0)

3.2 Coastal

Aquaculture Marine Areas exist in both Tasman and Golden Bays. Tailored monitoring programs for aquaculture- spat farming and aquaculture - mussel farms have been in existence for over eight years and are routinely monitored.

Tailored projects to monitor coastal structures and coastal disturbances also exist although with current resources a fully dedicated monitoring programme is not fully operational to date and consents are monitored as and when resources permit.

3.2.1 Aquaculture

Structures associated with aquaculture can occupy significant areas of the coastal marine area and have potential to impact adversely on public amenity values through visual effects, noise, access to the coastline and the safe and unobstructed passage of vessels. The uncertainty surrounding potential effects on the regions marine ecosystems from aquaculture also provide a challenge to the management and monitoring of the activity.

In Tasman District activities relating to aquaculture such as occupation and disturbance of the bed require a resource consent. Consent holders are permitted to undertake mussel farming and mussel and scallop spat catching within the designated Aquaculture Marine Areas (AMAs) sub zones.

Compliance Summary

A number of marine farming consortiums operate farms and mussel and spat catching operations in Golden and Tasman bays. Alongside the permanent farms spat catching occurred in the three AMAs in 2011/12.

Monitoring inspections target such matters as location, layout and day and night navigational safety requirements and gear removal at end of season.

Thirty-three consents associated with the consortiums were monitored over the season as follows.

- **Tasman Mussels Limited**

Holds consents to occupy and disturb the coastal marine area for the purposes of farming green-lipped mussels within a 477.21 hectare site in Tasman Bay.

This company was operating in AMA 3 (Te Kumara) farming and spat catching in association with Challenger. Minor non-compliance with navigational lighting requirements was recorded.

- **Challenger Scallop Enhancement Company**

This company is consented to place structures and lines on the seabed seasonally in both Tasman and Golden Bays.

Operating in both Golden Bay AMA 2 (Paramakau) and Tasman Bay AMA 3 (Te Kumara) this year catching scallop spat. Fully complied with all consent conditions.

- **The Ringroad Consortium**

This consortium is consented to occupy the coastal marine areas for the purpose of marine farming in both Tasman and Golden Bays and holds a number of consents.

Operating in both Golden Bay AMA 2 (Puramakau) and Tasman Bay AMA 3 (Te Kumara) this year farming and spat catching for mussel and scallops. Minor non-compliance with navigational aids recorded

- **Golden Bay Marine Farms Consortium**

This is a consortium made up of a dozen or so individual consent holders authorised to place structures and lines individually, but in a defined block off Collingwood, Golden Bay for the purpose of farming and catching mussel spat.

Operating in AMA 1 (Waikato) this year with farms and mussel spat lines. Fully complied

- **Waitapu Fishing Company Ltd**

Waitapu Fishing Company operates a permanent mussel farm occupying 3 hectares offshore of Wainui Bay. Several site inspections occurred during the 2011/12 year. The company fully complied with their consents

3.2.2 Coastal structures and disturbances

Physical modification of the coastal marine area by structures, reclamations and disturbances can affect the natural character of the area by adversely affecting natural coastal processes, habitats and the natural scenic values the area offers.

In Tasman District certain low impact or old existing activities are permitted provided all the rules controlling that activity are met. For activities that fall outside of these a resource consent is required.

Compliance Summary

During the period a total of three coastal consents were monitored. All were significant work in the CMA being the NRSBU pipeline project from Saxton to Bells Island, Collingwood Sewerage pipe upgrade and Transpower power pole replacement on Waimea Estuary. All were fully compliant.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
3 (13)	0 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

3.3 Rivers and Lakes

Since the introduction of Part IV (Rivers and Lakes section of the Tasman Resource Management Plan lesser numbers of consents are required for certain river bed activities. While no tailored consent monitoring programme is in place for the wider activity, priority is given to monitoring identified large scale activities and maintaining the older pre-existing programmes for river based gravel extractions and dams.

3.3.1 Gravel Extraction

Gravel extraction can have significant adverse effects on such things as stability of river channels and associated river control structures, groundwater recharge, water quality, freshwater habitats and amenity values. The Compliance Department closely monitors river based gravel extraction.

Compliance Summary

In the 2011/12 year monitoring occurred on a small number of extraction sites around the district but predominantly activities within the Buller. Overall compliance with conditions was average with issues around timely gravel returns and notifications.

Of the resource consents monitored the level of reported compliance was as follows:

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
2 (1)	3 (1)	0 (1)	0 (1)	0 (0)	1 (0)	0 (0)	0 (0)

3.3.2 Tasman District Council Global River Works Consent

The Tasman District Council Asset Engineering Department holds a global resource consent which allows gravel abstraction as part of its river protection and management work. This allows abstraction of up to a maximum of 40000 m³ of gravel from Tasman District rivers in any one year. The abstraction of the gravel must be part of the river maintenance program detailed in the annual plan and made available to stakeholders at the beginning of each financial year.

The consent holder is required to supply returns and give prior notice of gravel extraction from a river beach before work occurs. This information is then supplied to key stakeholders (upon request) for comment.

3.3.3 Gold Extraction

Three active gold mining operations were monitored during the period as many have ceased operating or have relocated from the district. Of those inspected one had not been put to effect and was for sale at time, one had completed operations and was in the process of leaving the area and one was remaining operational in the Matakītaki.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
1 (4)	1 (0)	0 (2)	0 (1)	0 (0)	0 (0)	0 (1)	1 (0)

3.3.4 Structures in Watercourses

Structures and other works in the bed of a river can have significant adverse effects on the physical and ecological processes occurring in that river system. Of particular significance in this district is a loss of effectiveness or stability of river channels resulting in erosion or inundation of surrounding land in flood events. Likewise of major concern is the effect structures may present to the safety and enjoyment of recreational users. As a result a dedicated monitoring programme exists for this type of activity.

Compliance Summary

A total of three consents were monitored this period.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
1 (24)	1 (4)	0 (0)	0 (0)	0 (1)	0 (0)	1(1)	0 (1)

3.3.5 Dams

Small scale damming of fresh water is a permitted activity as the effects are usually minimal and may even provide positive benefits. Large scale damming however may create significant hydrological and ecological effects as well as provide downstream risk in the event of structural failure if poorly engineered. All large scale dams therefore require resource consent in Tasman District.

Compliance Summary

Thirteen resource consents for in stream dams were monitored over the period as part of a dedicated monitoring programme. The moderate non compliance in this area was a hydro dam where consent holders failed to comply with a number of conditions around metering and reporting.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
9(9)	2 (9)	1 (1)	0 (3)	1 (0)	0 (0)	0 (0)	0 (0)

3.4 Water

Individual and cumulative abstraction of ground and surface water has the potential to adversely affect a water body through wide ranging environmental impacts including other user’s ability to access water or enjoy the recreational values. As irrigation accounts for around 90% of water takes in the district the Council provides for sustainable use of this seasonally limited resource through

controls in the TRMP including allocation, minimum flows and rationing. These zones require metering of all water takes through resource consents. Compliance monitoring section manages this through a dedicated monitoring programme.

- **Groundwater and Surface water Metering**

At present 21 zones have a full metering requirement and subject to partial metering. For the actively metered zones consent holders are required to furnish weekly usage readings on a fortnightly basis over the water metering period. Reporting performance is on accuracy of data and frequency of return. From this information individual allocation and zone usage is monitored. Surface water takes subject to metering requirements including dam storage are included in the water management programme.

Compliance Summary

All 866 resource consents with metering as a condition of consent were monitored this year although not all of these were subject to field inspections. This is a large monitoring programme and full reporting on the water metering programme for the past season was covered in a separate report to Council in August and is not covered here in any detail.

3.5 Discharges

3.5.1 Dairy Effluent

A targeted dairy effluent discharge monitoring programme exists for all dairy farms operating in Tasman District. Compliance is assessed on conditions of resource consent for those discharging treated effluent to water and the rules controlling land application of effluent for those operating as permitted activities. Currently 143 farms operate in the district and are subject to inspection.

As Tasman District Council is a signatory to the Fonterra Clean Streams Accord this compliance monitoring programme also includes assessment of performance for Fonterra farms against the performance targets set out in the Accord document.

A full report on farm dairy effluent is covered in a separate report to Council and is not therefore reported on in depth here other than a quick summary.

Consented Discharges

Monitoring of the few consented dairy effluent discharges extended to all discharge and diversions from the dairy shed effluent pond performance and maintenance, sampling regimes around point of discharge and receiving environment, raceways, crossings and other potential point source discharges. Seven farms in the district now discharge under resource consent.

Permitted Activity Discharges

Monitoring of the 136 permitted activity dairy effluent discharges against the rules allowing the discharge under the TRMP extended to among other things discharge and diversion around the shed, contingency measures, and land application performance, Nitrogen loading, raceways, crossings and other potential point source discharges.

Over the season the entire 143 farms were subject to inspection as part of the monitoring programme and the results were as follows.

Fully Complying (1)	Minor non compliance* (2)	Significant Non compliance (4)
135 (132)	6 (11)	2 (4)

*In order to reflect the change to reporting farm dairy compliance resulting from national agreement between councils, the Ministry and industry councils now report performance against three criteria and does not differentiate non compliance other than minor or significant.

Clean Streams Accord

The number of farms in Tasman District subject to the Fonterra Clean Streams Accord currently sits at 133. The other 10 are Westland Milk suppliers and not subject to this accord. In 2011/12 performance with the targets was as follows:

Target	50% of regular crossing points have bridges or culverts by 2007	Dairy cattle excluded from 50% of streams and rivers by 2007	100% of farms to have systems in place to manage nutrient inputs and outputs by 2007	100% of farm dairy effluent discharges to comply with resource consents and regional plans	50% of regionally significant wetlands to be fenced to prevent stock access by 2009
Total	96%	95%	100%	94%	*See note

Note: The accord acknowledges that over 90% of lowland wetlands in Tasman District have been drained. Tasman District Council is currently determining the status of its remaining lowland wetlands.

3.5.2 On-Site Domestic Wastewater

The TRMP provides for small volume on-site wastewater discharges outside the main reticulated sewerage areas to operate as a permitted activity (subject to performance standards). Higher volume (>2m³/d) and all new discharges within the wastewater management areas require resource consents. A targeted monitoring programme for wastewater has now been operating for several years which include all consented and permitted activities where advanced wastewater treatment plants are in situ.

Compliance Summary

While there remained a high level of demand on staff time responding and resolving domestic wastewater related complaints, throughout the year a range of systems were subject to monitoring with the following results.

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
508 (243)	128 (95)	22 (15)	12 (10)	16 (2)	6 (7)	2 (4)	0 (2)

3.5.3 Air Discharges

Thirty-three consented air discharges were monitored over the period associated with various activities such as outdoor burning, industrial stack discharges through to dust and odour. The results of this monitoring are as follows

Fully Complying (1)	Minor non compliance (2)	Moderate non compliance (3)	Significant Non compliance (4)	Not actively monitored (5)	Not operational at visit (6)	Not given effect to (7)	Not exercised (8)
26 (32)	2 (8)	0 (3)	3 (1)	0 (1)	0 (1)	0 (1)	2 (0)

3.5.4 Richmond Air Shed

During the year monitoring of the Richmond Airshed continued for those subject to the property sales rule, or had Council verification of the presence of a woodburner.

Properties are continually being entered into the database as property sales occur and monitoring over the winter period continued to assess compliance.

During this period property owners continued to replace non-compliant woodburners with Clean-Air approved woodburners. As usual the focus during the period was on investigating those properties which clearly breach the TRMP rules to ensure that no discharges were occurring from non-compliant burners. No formal enforcement action was required over the period.

A full report to Council on this programme is scheduled for later this year.

1080: Sodium Monofluoroacetate

In Tasman District 1080 and cyanide is used to control the Australian brush tail possum. 1080 may be applied aerially or by hand and are often used in combination for control in the large tracts of conservation and private estates. The aerial discharge of 1080 to land requires a resource consent under the TRMP.

Conditions of resource consents require that waterways attached to public supply be closely monitored and sampled for 1080 residue and that applicators supply to the council a map detailing buffers and actual flight paths during the operation. This is recorded by GPS onto an overlay.

During the 2011/12 year, two 1080 operations were run in the district one in the Kohatu Tapawera area (pinchback ridge) and the other in Kaahurangi National Park. Operations were closely monitored and all flight data was supplied at the end of the operation as required by the applicator. No non-compliance was detected.

Notable Industrial and Large Scale Consents

Wastewater treatment plants (WWTP)

By far the largest wastewater treatment plant operating in Tasman district is a joint venture between Nelson City Council and Tasman District Council operating under the Nelson Regional Sewage Business Unit (NRSBU). The Business Unit controls the piping assets that take domestic and industrial effluents from parts of Nelson City, Richmond, townships around the Waimea plains including Brightwater, Wakefield and Mapua/Ruby Bay in the Moutere area to the Bells Island Treatment Plant.

Treated effluent is discharged into the Waimea Estuary and biosolids are applied onto Tasman District Council forested land on Rabbit Island. NRSBU hold a number of discharge consents to land, air and the coastal marine area. Extensive monitoring is undertaken and supplied to Council.

For the towns and smaller communities Tasman District Council's Engineering Department has resource consents to discharge treated effluent into land and into water from seven community WWTP's. The consent holder is required to monitor a broad range of conditions including effluent quality, volume, odour management, receiving environment impact assessment and performance on maintenance. Performance reporting is required and is audited by the Compliance department.

NRSBU - Bells Island Treatment Plant

The Nelson Regional Sewage Business Unit has resource consent to discharge up to 25 000 m³ of treated effluent per day via an aeration basin and treatment plant and five stage oxidation pond system, into the Waimea Estuary. They also hold a consent to discharge odour to air.

- Discharge to Water

Conditions of the resource consent requires sampling of effluent quality on a monthly basis for E.coli, faecal coliforms, total phosphorous, total nitrogen, suspended solids and BOD₅. The Council receives copies of all sampling results that the business unit carried out.

Sampling reports were received as required and all results complied with consent conditions.

- Discharge to Air

No incidents and fully complying.

NRSBU - Discharge of Biosolids on Rabbit Island

Nelson Regional Sewage Business Unit has resource consent to discharge stabilised sludge (biosolids from Bells Island treatment plant) from a sludge digester to approximately 1000 hectares of forest land on Rabbit Island.

Consent conditions require routine sampling of effluent, groundwater quality, and soil contaminant concentrations on the irrigated land. At three month intervals the dry solids are to be tested for organic matter, pH, total and ammonia nitrogen, phosphorous, potassium and the following heavy metals, arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc.

Also at three month intervals groundwater levels are monitored at eleven piezometers on Rabbit Island for pH, conductivity, nitrate-nitrogen, ammonium-nitrogen and chloride. Once a year representative samples are taken from all eleven piezometers, filtered and analysed for heavy metals including arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc and aluminium.

A full report including trends is required to be submitted every six years on anniversary of consent. The next report is due 2014.

Collingwood WWTP

The Collingwood township WWTP discharges treated effluent into the Burton Ale Stream via a two stage oxidation pond and marsh cell system. The resource consent allows for a maximum of 1070 m³/day of effluent at a rate of 12 litres per second, to be discharged into Burton Ale Creek.

Collingwood WWTP resource consent requires a range of monitoring including plant performance and surface water monitoring. This is undertaken by consultants MWH who provide sampling data and annual reports. The Annual report due date for this consent is 30 November each year.

All reports received.

Takaka WWTP

The Takaka WWTP currently serves Takaka as well as a number of smaller settlements. The system comprises two aerated oxidation ponds feeding eight marsh cells. Discharge is to groundwater via infiltration trenches. The resource consent allows for a maximum of 1680 m³ of effluent per day to be discharged into the ground.

This system is scheduled for significant upgrade and a suite of new consent applications are currently going through the consenting process. Work has been completed on an investigative rapid infiltration bed (RIB) constructed as part of that process. In the interim the old consent conditions prevail.

All reports received.

Upper Takaka WWTP

Upper Takaka Wastewater Treatment Plant is a small system that services approximately 26 households and discharges treated effluent into land via a single pond and marsh cell system. This system has recently been granted new discharge to land and air consents. All reports received.

Resource consent conditions require a range of monitoring including plant performance and surface water monitoring. This is undertaken by consultants MWH New Zealand Ltd who provide the annual reporting.

All reports received.

Motueka WWTP

The Motueka WWTP services the township of Motueka and surrounding areas and the resource consent allows for a maximum of 10,000 m³ of effluent per day to be discharged.

Historically non compliance has occurred from overflows from the northern end of the wetland into the Motueka River on high rainfall events. Resource consent has subsequently been issued to address this issue until such time as the new suite of consents is granted for this WWTP.

All reports received.

Tapawera WWTP

Tapawera Wastewater Treatment Plant is a small system servicing the township of Tapawera. This system was upgraded in 2008. The system comprises a single pond feeding into rapid infiltration basins. The consent allows a maximum discharge of up to 500 m³ per day. The site also holds discharge to air consent.

Resource consent conditions require quarterly sampling reports and a full biennial report incorporating plant performance and ground water monitoring. Biennial benthic surveys of the Motueka River are also required. This is undertaken by consultants MWH.

All reports have been received.

Murchison WWTP

The Murchison WWTP lies near the Matakaitaki River beside State Highway 6. This system was upgraded under new resource consent granted in 2006. The system comprises three aerated oxidation ponds. Discharge is to groundwater via infiltration trenches. The resource consent allows for a maximum of 500 m³ of effluent per day to be discharged into the ground. Five bores actively monitor for groundwater effects.

Resource consent conditions require a range of monitoring including plant performance and ground water monitoring. This is undertaken by consultants MWH New Zealand Ltd who provide the annual reporting.

All reports have been received.

St Arnaud WWTP

St Arnaud WWTP services the township of St Arnaud. The Councils Asset Engineering Department has resource consent to discharge up to 18.7 m³ per day of effluent at a rate of 5.2 litres per second. The system comprises a single aerated oxidation pond feeding a two stage marsh cell. Discharge is into the ground via infiltration lines.

Resource consent conditions require a range of monitoring including plant performance and ground water monitoring. This is undertaken by consultants MWH who provide the annual reporting.

All reports have been received.

Water Supply Schemes

Tasman District Council operates a number of rural reticulated water schemes supplying potable water to communities in the district. These schemes operate under a suite of consents around the abstraction of water including various intake structures and actual take. Not all Council owned schemes require annual reporting. Smaller private domestic and irrigation schemes are generally covered under the Water Meter programme.

No issues arose from the operation of these Council schemes.

Landfills and Transfer Stations

Tasman District Council Asset Engineering operates a single land fill and a number of transfer stations in the District. Tasman District Council Asset Engineering holds a suite of consents for these various sites including:

- Discharge to land;
- Discharge stormwater;
- Discharge contaminants into the air; and
- Discharge into groundwater

Eve Valley Landfill

Eves Valley has been operating as an engineered, sanitary landfill since 1989, and receives the municipal refuse from the Tasman district. Stage 1 incorporating 4.8 hectares was capped and closed in 2001. Stage 2 of the landfill covering 4.5 hectares is currently operational.

Eves Valley has resource consents to:

- Discharge up to 40000 m³ of refuse annually into the ground.
- Discharge treated stormwater from stages 1 and 2 of the landfill, via settling ponds, to an unnamed tributary of the Eves Valley Stream.
- Discharge contaminants to air including dust, odour, landfill gas, and if required, flared landfill gas.

Annual reporting is required which covers the range of performance conditions including site management and ground/surface water sampling.

Discharge to Land

Annual report received. Quarterly surface water sampling results also received as required. Exceedances of consent limits in some metals reported but is a persistent problem and attributed to high iron levels in Moutere Gravel Formation. Resolution to this problem is being sought.

Discharge Stormwater

The 2011 Annual report was received as required. Since that time there have been some issues with unauthorised leachate discharges during high rainfall and the Compliance Department is working with the Engineering Department and MWH in addressing these issues.

Discharge to Air

Annual report received. No issues.

Scott's Quarry Transfer Station: Takaka, Golden Bay

Scott's Quarry is Golden Bay's main refuse collection depot. The site is subject to two resource consents:

- Land use consent to use land for a transfer station.
- Discharge of stormwater.

Scott's quarry is subject to a comprehensive range of ground and surface water quality sampling and site management conditions.

No issues of non-compliance have been detected. All sampling received as required.

Richmond Transfer Station

Richmond transfer station is the largest of the transfer stations in the district. It services the population of Richmond and immediate surrounding areas. The land is designated as a transfer station under the Council's TRMP. The site now operates subject to the conditions of a consent allowing the discharge of stormwater to the Coastal Marine Area.

Annual report, management plan and sampling reporting requirements have been achieved. Some non compliance with sample results yet to be resolved and may require a variation.

Mariri Transfer Station: Motueka

Mariri transfer station services the area of Motueka and surrounding areas of the Moutere and Mapua/Ruby Bay. The land is designated as a transfer station under the TRMP.

This site was granted a discharge consent in September 2009. Annual report, management plan and other reporting requirements have been achieved. Some minor non compliance has been detected and resolved.

Murchison Recovery Centre

This site is on the former landfill and operates two consents for discharge to air and stormwater granted in 2008. All performance reporting and management plans were received as required.

TIMBER TREATMENT PLANTS

Nelson Pine Industries Ltd

Nelson Pine Industries Limited operates a medium density fibreboard and LVL plants at Lower Queen Street, Richmond. Nelson Pine has a suite of consents that authorise various activities including the discharge of contaminants into the

air, hazardous facility land use and a resource consent to discharge stormwater into the Waimea Estuary.

As part of Nelson Pine's air discharge conditions require a wide range of environmental reporting including three monthly reporting on ambient concentrations of formaldehyde, annual formaldehyde emissions from the factory and biannual Hi-Vol ambient monitoring for total suspended particulates concentration beyond the boundary. They are also required to provide an annual summary report.

During the 2011/12 year NPI undertook all monitoring as required under their consents and supplied the results to Council. No exceedances were recorded in concentrations of formaldehyde or the other measures required under consent.

Carter Holt Harvey

Carter Holt Harvey (CHH) operates a sawmill complex at Eves Valley. The company holds a suite of consents including air, stormwater and hazardous facility. The site operates a drainage and spillage containment system which collects all the site stormwater run-off and any significant spillages. The system directs all stormwater from the site through mixing and settling ponds into storage ponds.

Post-treatment stormwater is recycled through the hydrant or into the process water supply dam. The company holds two stormwater discharge consents which allow controlled discharges to nearby streams in high rainfall events under strict conditions.

As part of the various resource consent conditions the company supplies a range of reporting. All reporting has been complied with and regular site monitoring continues. At present a number of changes are being proposed to stormwater and site waste management and Compliance are working closely with the company.

Dynea NZ Limited

Dynea NZ Limited operates a phenol and formaldehyde resin plant at Lower Queen Street, Richmond. Dynea NZ Ltd has resource consent to discharge contaminants into the air from the production of phenol and formaldehyde resins and resource consent to discharge stormwater into the Waimea Estuary. The company also has land use consents to erect structures and store chemicals on site.

As part of the resource consent conditions authorising the discharge of contaminants into air, the company supplies quarterly sampling and an annual report to the Council detailing compliance with consent conditions, including ambient monitoring and stack testing for formaldehyde.

During the 2011/12 year the company undertook all monitoring as required under the consent and supplied the results to Council. No exceedances were recorded in concentrations of formaldehyde or the other measures required under consent.

The company also has resource consent to discharge stormwater into the Waimea Estuary. Over the 2011/12 year all stormwater was collected and recycled back into the plant and there was no discharge into the Waimea Estuary.

Goldpine Industries

Goldpine Industries operates a CCA and Alkaline Copper Quat (ACQ) timber treatment plant on the floodplain of the Upper Motueka River. The site occupies around 28 hectares. The main products are CCA treated fence posts, poles and logs. All milling and treatment occurs on site.

Goldpine Industries hold a large number of consents for this site including, discharge of stormwater, air discharge, hazardous substance and other land use consents. A number contain sampling and reporting with all results to be provided to the Council. Over this period a number of issues have arisen with regard to sampling and these matters are currently being dealt with between the company and the Compliance Department.

Hunters Laminates Nelson Limited

Hunters Laminates Nelson Limited operates a timber processing facility at Beach Road in the Richmond industrial area. The primary product is high end laminate timber products. As a timber treatment plant the company uses LOSP processes.

The company holds a resource consents to discharge of stormwater and hazardous substance storage. Resource consent conditions for this site include a comprehensive range of tiered sampling and reporting clauses. Sampling results and reports are required to be forwarded to Council as are maintenance plans.

Sampling results and other reporting requirement remained outstanding and the company was served with an abatement notice. They have subsequently been subject to additional enforcement action.

Prime Pine

Prime Pine operates a timber processing and treatment facility in the Little Sydney Valley. This site is a CCA treatment plant and holds a suite of consents associated with the operation including stormwater discharge, air and hazardous facility. Stormwater run-off and steam condensate from the kiln is currently collected on the site and channelled into a two pond system prior to discharge into the Little Sydney Valley Stream.

A summary of stormwater and sediment sampling are supplied annually and the 2011 report has been received.

This site is also a hazardous facility under the HF programme and is monitored as part of that programme. This site is fully compliant.

DAIRY PROCESSING FACTORIES

Fonterra Co-operative Group

Fonterra Co-operative Group Limited own and operate two milk processing factories located in Brightwater and Takaka.

- **Takaka Plant**

The Takaka factory is the larger of the two factories in the Tasman District. The Takaka factory holds a suite of consents related to its operation including:

- Two resource consents to discharge combustion products, odours and particulate matter into the air;
- Resource consent to discharge boiler ash onto land;
- Resource consent to discharge up to 2000 m³ per day of wastewater and whey onto land;
- Resource consent to discharge wastewater and whey into the Takaka River during flood flow; and
- A number of resource consents to take groundwater.

As part of the resource consent conditions authorising the various discharges, the company is required to supply annual reports on performance. The company has provided all compliance and monitoring reports for the 2011/12 period and is compliant.

- **Brightwater Plant**

The Brightwater factory produces milk and milk powder products and hold consents for:

- Resource consents to discharge combustion products, odours and particulate matter into the air;
- Resource consent to discharge stormwater and uncontaminated cooling water;
- Resource consent to store hazardous substances;
- Resource consent to take groundwater.

As part of the resource consent conditions authorising the various discharges, the company is required to supply annual reports on performance. The company has provided all compliance and monitoring reports for the 2011/12 period.

FISH PROCESSORS

Talley: Port Motueka

Talley's operate a fish processing, fishmeal and ice cream factory at Port Motueka. The company holds the following resource consents:

- Two resource consents to discharge factory wash down water into the Moutere Inlet;
- Two resource consent to discharge stormwater into the Moutere Inlet;
- Resource consent to discharge brine water and wash down water from cooling buildings into the Moutere inlet;
- Resource consent to discharge odour and combustion gases into the air;
- Resource consent to build a public fishing platform on Motueka wharf; and
- Resource consent to build an ice making facility on Motueka Wharf.

As part of the resource consent conditions to discharge contaminants into the Moutere Inlet, the company is required to monitor and sample the discharge on a three monthly basis for a number of contaminants. Compliance is actively monitoring this site and in discussion with the company regarding consent requirements and site improvements.

Salmon Farms

Two freshwater salmon farms operate in Golden Bay. New Zealand King Salmon is located on the banks of Waikoropupu (Pupu springs) River and Anatoki Salmon is located on the banks of the Anatoki River. Both companies have a variety of resource consents relating to:

- Diverting and taking of water;
- Structures in waterways; and
- Discharge of water and contaminants into receiving waterways.

Both salmon farms are required as part of their discharge consent conditions to supply annual reports on discharge quality. The reports are to detail what effects the discharge may be having on the receiving water quality and macroinvertebrate communities.

During the 2011/12 year both companies undertook all monitoring as required under the consent and supplied the results to Council.

4. Complaints Action 2011/2012

The Compliance Department provides twenty four hour complaint response and each year investigates a wide range of activities as a result of public complaints. During the 2011/12 year a total of 1731 complaints were received by Council related to the RMA or Litter Act. Overall this represented a 13% decrease on the previous 12 months.

Table 6: Trend in complaint numbers in Tasman district over last five years

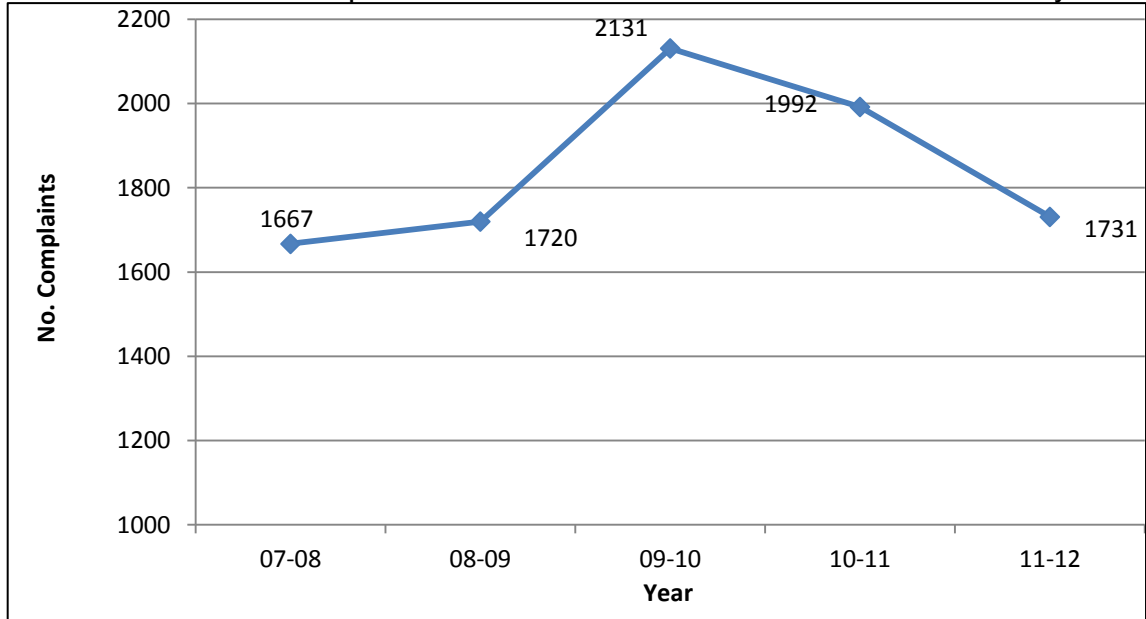
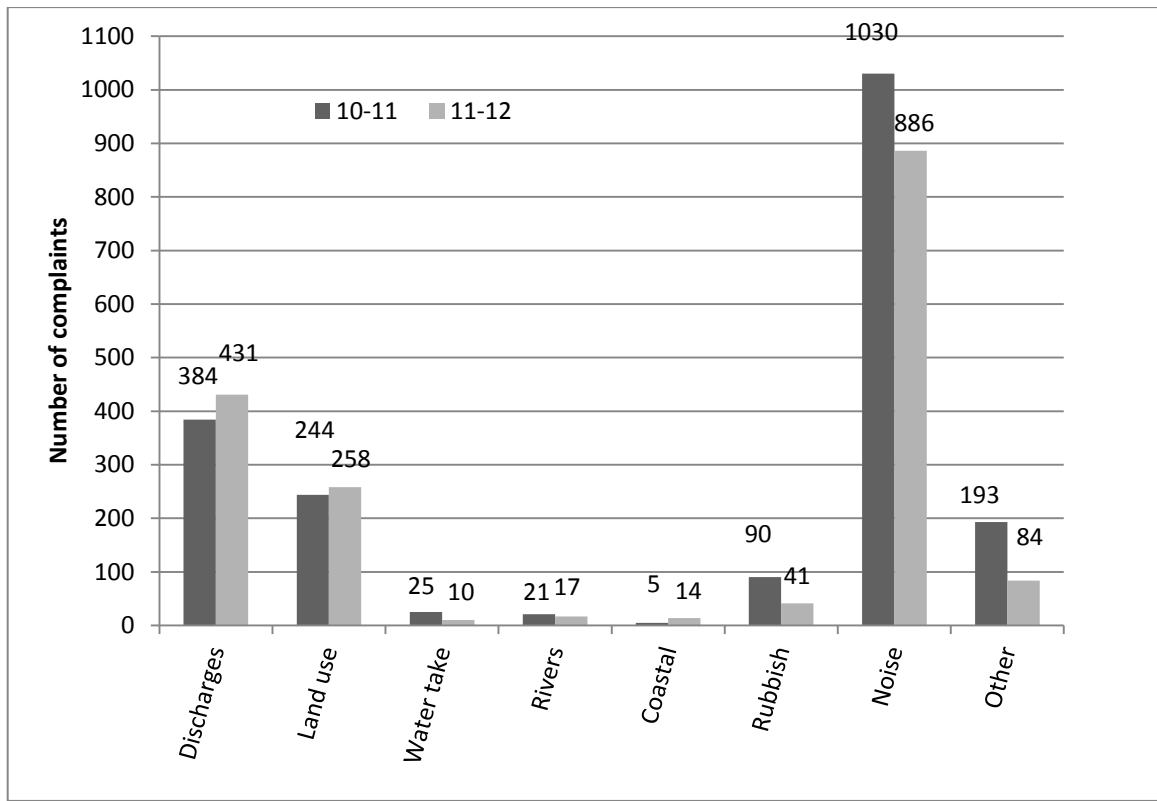


Table 7 below provides a graphical summary of these complaint numbers against the eight standardized complaint categories used in annual reporting.

Table 7: Number of complaints received in comparison to previous year by general category



Discharges

A significant increase in complaints was recorded in this category from the previous reporting year. Underlying this upward shift was the increase in complaints in the sub categories of discharge to air - smoke, discharge to air - spray drift, discharge to land - stormwater, discharge to water - sediment.

While some increase was seen in complaints surrounding residential smoky chimneys, the predominant increase was associated with outdoor burning activities across the Waimea and Motueka wards. These were mostly large orchard burns involving crops and shelter belts. Horticultural spraying also attracted increased complaints over this period predominantly spray drift during spraying in unsuitable conditions (windy). The other discharge categories of stormwater and sediment carried no particular patterns and complaints were spread across both urban and rural zones. Occasionally patterns did occur in certain catchments during this period such as Pitfure Stream as a result of several often interrelated issues occurring.

Land Use

A moderate increase in recorded complaints in this category from the previous year. Underlying this upward shift was the increase in complaints in the sub categories of Land disturbance and Zone Rule breaches. Land disturbance complaints were spread across the district ranging from subdivision works, house platform and driveway construction through to forestry harvesting

activities. As expected a slight jump in complaints around activities within Golden Bay occurred after the flood events. Zone rule breaches were also wide in nature although common themes were seen in the number of complaints associated with second residential activities in the rural areas and home occupations/commercial activities.

Water

A decrease in complaints recorded within this category. Of those received most were complaints associated with flood diversions affecting neighbours property.

Rivers

A decrease in complaints recorded within this category. Of those received the majority were associated with stock accessing and disturbing the beds and a number associated with culverts affecting water flow or fish passage.

Coastal

A significant rise in complaints associated with coastal activities was recorded this period. The increase was predominantly within the category of structures and was associated with unauthorised coastal revetments and structures around both Tasman and Golden Bays.

Noise

As noise compliance is reported through the Regulatory Section it is not covered here.

Other

The category of other includes rubbish enforcement, fire hazards (long grass) and freedom camping. A decline in numbers was recorded across the rubbish and fire hazard complaints although for rubbish this was as a result of process changes where fly tipping with no identified offender is now handled directly through Engineering's Services databases.

5. Enforcement Action

Tasman District Council has a statutory obligation to enforce observance of plan rules and consent conditions. Councils authorised enforcement officers also have powers to take action where a breach of rules or consent are found. Any enforcement action undertaken by Council is in strict accordance with Tasman District Council's Enforcement Policy and Guidelines.

During the 2011/12 year Council compliance officers undertook a range of enforcement actions in response to detected non compliance or breaches. The following table provides a summary of enforcement action taken including

against the same period last year. It should be noted that enforcement action includes response to breaches of consent conditions, non compliance with rules for a permitted activity in the TRMP, or infringements against the Litter Act.

Table 5: Summary of Enforcement action during the 11/12 year in Tasman District with comparison data

Enforcement action	Y10-11	Y11-12
Abatement notices	84	45
Infringement notices	37	34
Enforcement orders	1	3
Prosecutions	1	1

5.1 Abatement Notices

A total of 45 Abatement notices were issued by the Compliance Department over the period the details of which are contained in the following table. It should be noted that this data excludes those abatement notices issued under Section 16 (noise) by the Regulatory department but does include those issued by this department in relation to consent condition breaches where noise was the non complying factor.

The decline in numbers of notices issued this period is attributed to the concerted programme of monitoring and enforcement undertaken in the preceding period with respect to non complying wastewater.

Section 9 – Land Use
<ul style="list-style-type: none"> • Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone without consent (Tasman) • Breach of resource consent by undertaking a second residential activity in contravention of conditions requiring disestablishment of first dwelling (Motueka) • Breach of the Tasman Resource Management Plan by establishing a horticultural shelterbelt less than the required setback (orchard - Motueka) • Breach of resource consent conditions by failing to comply with consent notice imposed with subdivision (Redwood Valley) • Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone without consent (Mapua) • Breach of the Tasman Resource Management Plan by undertaking earthworks in contravention of plan rules. (tracking - Maruia) • Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone without consent (Tasman) • Breach of the Tasman Resource Management Plan zone rules by undertaking a residential activity in Light Industrial zone without consent (Wakefield) • Breach of resource consent by generating noise in contravention of conditions (Motueka) • Breach of Tasman Resource Management Plan by erecting signage in contravention of rules (Tasman) • Breach of Tasman Resource Management Plan by erecting signage in contravention of rules (Tasman) • Breach of Tasman Resource Management Plan by erecting signage in contravention of rules (Tasman) • Breach of the Tasman Resource Management Plan zone rules by undertaking a commercial

activity in rural zone without consent (Marahau)

- Breach of Tasman Resource Management Plan by erecting signage in contravention of rules (Richmond)
- Breach of resource consent by failure to comply with conditions (failure to lodge covenant and provide water tanks - Tadmor)
- Breach of resource consent by failure to comply with conditions (failure to submit earthworks plans - Kaiteiriteri)
- Breach of the Tasman Resource Management Plan zone rules by establishing shelter belt in contravention of setback rules (Waiwhero)
- Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone without consent (Takaka)
- Breach of the Tasman Resource Management Plan by undertaking earthworks in contravention of plan rules. (roadway - Motueka Valley)
- Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone without consent (Tasman)
- Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone without consent (Pohara)

Section 14 - Water

- Breach of the Tasman Resource Management Plan by taking water in contravention of the plan and without resource consent (Motueka)
- Breach of resource consent by failing to supply water meter readings as imposed by conditions (Wakefield)
- Breach of resource consent by failing to supply water meter readings as imposed by conditions (Takaka)
- Breach of resource consent by taking water in contravention of the conditions (failure to supply data and overtakes - Owen Valley)
- Breach of resource consent by failing to supply water meter readings as imposed by conditions (Motueka)

Section 15 - Discharges

- Breach of the Tasman Resource Management Plan by unauthorised discharge of contaminated stormwater (Commercial premises - Richmond)
- Breach of resource consent by unauthorised discharge of domestic wastewater in contravention of conditions (workers accommodation - Motueka)
- Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(dwelling - Tasman)
- Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(dwelling - Tasman)
- Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(dwelling - Riwaka)
- Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(dwelling - Upper Moutere)
- Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(Rural Business premises - Richmond)
- Breach of the Tasman Resource Management Plan by unauthorised discharge of dairy shed effluent (Matakitaki)
- Discharge of contaminants to land in contravention of resource consent (factory waste - Motueka)
- Breach of resource consent by discharge of odour in contravention of conditions (Upper Moutere)
- Breach of the Tasman Resource Management Plan by unauthorised discharge of dust beyond property boundary (Motueka)
- Breach of the Tasman Resource Management Plan by unauthorised discharge of sediment to water (subdivision Richmond)
- Breach of the Tasman Resource Management Plan by unauthorised discharge of sediment to water (subdivision Richmond)

- Breach of the Tasman Resource Management Plan by unauthorised discharge of sediment to water (subdivision Richmond)
- Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(dwelling - Upper Moutere)
- Breach of resource consent by discharge of domestic and industrial wastewater in contravention of conditions.(Rural Business premises - Richmond)
- Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(dwelling - Upper Moutere)
- Breach of the Tasman Resource Management Plan by unauthorised discharge to air (outdoor burning in fire ban zone Motueka)
- Breach of resource consent by discharge of domestic wastewater in contravention of conditions.(dwelling - Tasman)

5.2 Infringement Fines

During the period a total of 39 infringement fines were issued for breaches against the Resource Management Act as outlined in the following table.

Act	Offence	Fine
RMA Section 9	Unauthorised earthworks breach TRMP	\$300
	Commercial activity in rural zone without consent	\$300
	Unauthorised signage	\$300
	Unauthorised signage	\$300
	Unauthorised signage	\$300
	Unauthorised signage	\$300
	Breach of consent conditions	\$300
	Unauthorised earthworks breach TRMP	\$300
RMA Section 13	Removed gravel river without consent	\$500
	Placed structure in bed without consent	\$500
	Disturbed bed of river without consent	\$500
	Disturbed bed of river without consent	\$500
RMA Section 14	Take water in breach of consent (excessive take)	\$500
	Take water in breach of consent (excessive take)	\$500
	Take water in breach of consent (excessive take)	\$500
	Take water in breach of consent (excessive take)	\$500
RMA Section 15	Discharge of sediments to water	\$750
	Discharge to air in fire ban zone	\$300
	Discharge sediment to water	\$750
	Discharge to air - dust	\$300
	Discharge to air - smoke from outdoor burning	\$300
	Discharge to air - Odour	\$300
	Discharge to air - Odour	\$300
	Discharge to air - Prohibited materials	\$300
	Discharge to land - wastewater	\$750
	Discharge Contaminant - Industrial premises	\$1000
	Discharge to air - Prohibited materials	\$300
	Discharge Contaminant - Industrial premises	\$1000
	Discharge to air - Smoke	\$300
Discharge to land contaminants	\$750	
RMA Section 22	Failed to supply information when requested	\$300
	Failed to supply information when requested	\$300
RMA Section 338	Contravention of abatement notice	\$750
	Contravention of abatement notice	\$750
	Contravention of abatement notice	\$750
	Contravention of abatement notice	\$750

T	Litter Act Section 10	Failed to comply with a litter notice	\$400
T		Failed to comply with a litter notice	\$400
a			

Table 3: Infringement notices by type

5.3 Enforcement Orders

Four enforcement orders were initiated in this period. Three have been granted and one has yet to be heard with a hearing set down for October 2012. This is a matter of a second residential activity in contravention of the TRMP however as that matter is yet to be heard no details have been included and it will be covered in the next reporting period.

A summary of those granted is outlined below.

Respondent	The Best Berry Company
Offence	Contravention of rule 16.1.5 of the Tasman Resource Management Plan - unauthorised Signage
Date granted	11/08/2011
Action	Remove the existing signage from the property and any other property advertising the produce Prohibiting the respondents from erecting any further signage or on any other property in contravention of the TRMP.
Costs	Awarded in full
Respondent	I Jagger - J Dropper
Offence	Contravention of Rule 17.6.2.1(b)(viii) of the Tasman Resource Management Plan - residential activity
Date granted	16/07/2012
Action	That within one calendar month after service of the Court Order, and any successors in title to the property cease using the buildings on the property (within the exception of the principal dwelling) for any residential activity That within one calendar month after service of the Court Order, the respondents and any successors in title to the property, disestablish all dwellings on the property (with the exception of the principal dwelling) which contravene Rule 17.6.3.1(c) of the District Plan.
Costs	full costs sought - yet to be heard
Respondent	I Oxnam, O Oxnam, J Oxnam, M Oxnam
Offence	Discharge of contaminants to land
Date granted	12/06/2012
Action	Cease burning any items that contravene the rules of the Tasman Resource Management Plan Remove all accumulated goods, materials and refuse stored on the property

Engage a suitably qualified practitioner experienced in the investigation and management of contaminated land to undertake a detailed site investigation in accordance with the Resource Management (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES) over all areas of the property which have been used for the storage of goods (including vehicles and vehicle parts), materials and refuse and where outdoor burning of materials and refuse has been carried out;

Prepare a report to be certified by the practitioner which contains recommendations for remediation of contaminated areas

Prohibited from the storage of any goods (including vehicles and vehicle parts), materials or refuse on the property that is noxious, dangerous, offensive or objectionable to such an extent that it has an adverse effect on the environment.

Costs Not sought

5.4 Prosecutions

One prosecution was initiated in this period and it followed on from previous offences which had been placed before the Court but yet to be heard.

The charges related to the use of land at Wairoa Gorge Recreation Reserve near Brightwater for a commercial activity namely a dance party in a manner that contravened the district plan.

The defendant subsequently pleaded not guilty to this and the other charge and the matter was heard in the District court on the 24 May 2012.

The judge upon considering the evidence subsequently found the defendant not guilty on all the charges.

A copy of the full decision is available.

6. Future Changes

6.1 It has been a number of years since a review of the Compliance monitoring work programme was undertaken and over that time there is no question that Council's, Central Governments and local community needs and expectations have changed making a review timely. Obviously the principle purpose of the review is to reconfirm core activity areas in which to put resources and meet objectives but it is also an opportunity to define the framework used to identify these priority areas and thus provide a more intuitive, demand and risk focused priority strategy. The expected result from this is:

- Better delivery of resources into projects identified as significant to the environment, the community or of national importance.
- Improved flexibility and scope to change to demands and shifting expectations.

- Better delivery of outcomes in key areas by targeted efforts.
- A more robust auditable system.

6.2 It is likely that at the conclusion of this review some activities will be defined as independent programmes and be subject to separate reporting including within the annual report. Such activities as Hydroelectric and some sub categories of land use such as Rural residential activities are potential cases.

7. Conclusion

7.1 Compliance continues to progress the proactive monitoring of resource consents within the dedicated programmes of work. Over this and the previous year timely monitoring and better targeting of the limited resources has seen a much better response to non compliance and the ability to rectify issues before they become entrenched and much harder to resolve at later dates. Work still needs to be done to refine this process.

7.2 Complaint response continues to occupy a considerable amount of time and this always impacts on the consent monitoring outputs however it is essential that Council responds to public and community concerns and provides a 24 hour service. Enforcement resulting from non-compliance also impacts heavily on staff time and costs and as a result where the non-compliance was of such a scale and nature (deliberateness, significant adverse effects etc) costs were sought whenever possible from the transgressors.

7.3 With the success seen in both the dairy and water compliance programmes staff will continue to work closely with the industries to maintain the high level of compliance the district has been achieving and which is now recognised nationally.

8. Recommendation

It is recommended that this report be received

8. Draft Resolution

THAT the Environment & Planning Committee receives the Annual Compliance Monitoring Report 1 July 2011 - 30 June 2012, Report REP12-09-05.



Carl Cheeseman
Co-ordinator Compliance & Enforcement