

9.7 COMPLIANCE AND ENFORCEMENT ANNUAL REPORT 2012 / 2013**Information Only - No Decision Required**

Report To:	Environment and Planning Committee
Meeting Date:	15 August 2013
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1 Summary

- 1.1 Tasman District Council operates tailored Resource Management monitoring programmes focusing 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 2012 to 30 June 2013. Noise compliance is reported through the Regulatory section of Council and is not covered in this report.

2 Draft Resolution

That the Environment and Planning Committee receives the Compliance and Enforcement Annual Report 2012 / 2013 REP13-08-08.

COMPLIANCE AND ENFORCEMENT ANNUAL REPORT 2012 / 2013**3 Purpose of the Report**

- 3.1 This report summarises Tasman District Council's Compliance & Enforcement Sections programme of work and performance for the period 1 July 2012 to 30 June 2013. 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.
- 3.2 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.
- 3.3 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

4 Compliance Monitoring Programmes

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 These monitoring programmes are subject to review and are currently undergoing that process.

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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.

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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
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.

4.5 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.

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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

Table 3: Consent compliance grading system.

5 Summary of Consent and Permitted Activity Monitoring in Tasman District 2012/13

Over the 2012/13 year a total of 1453 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 overall compliance dipped from last year with 73% (78% last period) complying with consent or plan rule requirements. Of the remainder 18% (17% 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 9% (5% last period) recorded non-compliance with either moderate to significant effect that required more direct enforcement action. Both of these categories were slightly up on last year.

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

Compliance rating	Y12/13	Y11/12
1. Fully complying	992	913
2. Non - compliance. Nil or minor adverse effect	253	202
3. Non - compliance. Moderate adverse effect	61	33
4. Non - compliance. Significant adverse effect	64	20

5.1 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

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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.

5.1.1 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 this reporting period 62 (149)* 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)
29	9	3	2	8	1	5	5

* Denotes last year's figures in brackets

5.1.2 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 with many having ceased operation. As with other years the larger scale operations were the focus of attention. The remainder are typically small quarries or isolated operations spread around the district. In particular focus was the sport fishing for youth gravel extraction at Challies and the larger commercial extractions on the Waimea and Motueka River berms. During the period 20 (22) 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)
11	4	1	0	1	0	2	1

Whilst many of those inspected were fully complying the one issue of non-compliance was associated with use of demolition waste as backfill material in breach of consent conditions.

5.1.3 Signage

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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. No consented signage monitored during this period and complaint response the primary focus in this area.

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	0	0	0	0	0	0	0

5.1.4 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

There were 40 (42) resource consents monitored during this period. Wide ranging in their scale and nature the department monitored some significant recontouring of rural private property, various earthworks associated with subdivisions right down to industrial site redevelopment. Principal focus was on ensuring provision of erosion and sediment control plans and adequate management of effects of stormwater and sediment discharge.

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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)
21	4	0	3	3	0	8	1

5.1.5 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.

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- **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.

5.1.6 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.

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. At last count 59 sites operate as consented activities and 129 are recorded permitted activity sites however this is expected to be inaccurate given economic climate over recent years and relocations with the opening up of new industrial subdivisions. It is for that reason a new survey is scheduled for later this year.

Compliance Summary

A total of 6 (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)
5	0	0	0	0	0	1	0

5.1.7 Bores

Bore construction has the potential to adversely impact on groundwater unless controlled and managed appropriately. Shallow bores no deeper than 8m 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

There were 30 (74) resource consents monitored in the period.

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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)
23	0	0	0	0	0	5	2

5.2 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 and consents are monitored as and when resources permit.

5.2.1 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 2012/13.

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

All consortiums were monitored over the season.

- ***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.

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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 2012/13 year. The company fully complied with their consents

5.2.2 Coastal structures and disturbances

Physical modification of the coastal marine area by structures, moorings 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.

Compliance Summary

During the period a total of 31 (3) coastal consents were monitored. Moorings were the focus of attention with a significant amount of work being put into monitoring and communicating with mooring owners by the harbourmaster. Outside of this significant works such as the removal of the Motueka Groyne, the formation of the cycleway, the upgrade of the Yellow pine bridge and sewer pipe upgrades across the Waimea estuary required considerable monitoring time. The only non-compliance was associated with the replacement of the Yellow pine bridge at Pakawau where the exposed works were poorly stabilised.

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)
19	0	1	0	11	0	0	0

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5.3 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.

5.3.1 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 2012/13 year monitoring occurred on 31 consented activities around the district. A small number of extraction sites around the district but predominantly activities within the Buller, Matakītaki and Aorere River. 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)
27	1	1	0	0	0	2	0

5.3.2 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.

5.3.3 Gold Extraction

Three active gold mining operations were monitored during 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)
1 (4)	1 (0)	0 (2)	0 (1)	0 (0)	0 (0)	0 (1)	1 (0)

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5.3.4 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 16 (3) consents were monitored this period. Mostly these were associated with earthworks/subdivisions which had associated waterways however other such as NZ transport Agencies and Councils road culvert maintenance programmes also received attention.

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	0	0	0	1	0	0	0

5.3.5 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

No resource consents for in stream dams were monitored over 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)
0	0	0	0	0	0	0	0

5.4 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.

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- **Groundwater and Surface water Metering**

At present 37 water management zones in this district have either a full or partial metering requirement on abstractive takes imposed through the TRMP. For the actively metered zones consent holders are required to furnish weekly usage readings on a fortnightly basis over the water metering period. This forms the basis of the compliance monitoring programme. 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 1018 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.

5.5 Discharges

5.5.1 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 was a signatory to the then Fonterra Clean Streams Accord this compliance monitoring programme also included assessment of performance for Fonterra farms against the performance targets set out in the Accord document.

Due to the time spent in the Aorere conducting the full farm survey the programme was disrupted this year and the all farm strategy could not be achieved. However a summary report of those that did receive inspection is due to be presented in a separate report to Council and is not reported on here.

5.5.2 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 818 separate monitoring actions occurred against permitted or consented activities in the district.

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5.5.3 Air Discharges

There were 52 (33) consented air discharges monitored over the period associated with various activities such as outdoor burning, industrial stack discharges through to dust and odour. One consented outdoor burn received a grade of non-compliance and was dealt with through enforcement processes. 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)
42	4	4	1	0	0	0	1

5.5.4 Richmond Air Shed

This winter period the Compliance Department was active both in administration, education, monitoring and enforcement.

of the Airshed programme. While focus was primarily on those properties subject to the rules around use of non compliant solid fuel woodburners it also extended to excessively smokey discharges. Active patrols were undertaken during the evenings observing behavior as well as targeted monitoring of those subject to the rules.

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.

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

5.5.5 Chemical/Industrial Discharges

A number of resource consents are issued that relate to discharges to land associated with waste streams or particular land or infrastructure management activities. These can be factory wastes or such things as herbicide spray programmes on roadways, dust suppressant or de-icing. 32 Resource consents were monitored over 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)
22	3	1	5	0	0	0	1

The significant non-compliance was associated with breaches of conditions most notably exceedences in wastewater limits or failure to meet conditions associated with discharge to oil to roads as dust suppressants.

1080: Sodium Monofluoroacetate

In Tasman District 1080 and cyanide is used to control the Australian brush tail possum. These pesticides may be applied aurally 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.

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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 2012/13 year, three 1080 operation was run in the Kahurangi NP in blocks around the Anatoki, Aorere and Parapara. 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.

5.5.6 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 Councils 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.

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

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- 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. The consent holder is required to provide sampling data and annual reports.

All sampling data received. Some non-compliance recorded through exceedences in the parameters required to be measured. The Compliance Department is in liaison with the consent holder.

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. The consent holder is required to provide sampling data and annual reports.

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This system is scheduled for significant upgrade and a suite of new consents have now been granted. In the interim the old consent conditions prevail.

All reports received. Non-compliance is recorded due to exceedences in the wastewater quality parameters required to be measured. The Compliance Department is in liaison with the consent holder and will monitor the situation in light of the upgrades occurring under the new consent .

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. Non-compliance is recorded due to exceedences in the discharge volumes. The Compliance Department is in liaison with the consent holder and will monitor the situation in light of the upgrades occurring under the new consent

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. Non-compliance is recorded due to exceedences in the wastewater quality parameters required to be measured. The Compliance Department is in liaison with the consent holder

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.

All reports have been received and fully compliant.

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.

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Resource consent conditions require a range of monitoring including plant performance and ground water monitoring.

All reports have been received. Non-compliance is recorded due to exceedences in the discharge volumes. The Compliance Department is in liaison with the consent holder.

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. New consents have recently been issued for this system. All reports have been received and fully compliant.

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 ha 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.

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- 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

Sampling and reporting conditions met over the period however issues with groundwater sampling exceedences detected. The Compliance Department is working with the Engineering Department to monitor and resolve these issues.

Discharge Stormwater

Sampling and reporting conditions met over the period however issues with unauthorised leachate discharges during high rainfall recorded and some surface water sampling exceedences also detected. The Compliance Department is working with the Engineering Department to monitor and resolve 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 and quarterly sampling for a two year period required as conditions of consent. Some minor non-compliance with sample results recorded during the period and as at 30 June two quarterly samples and the annual report were outstanding. The Compliance Department is following up with the consent holder re this non-compliance.

COMPLIANCE AND ENFORCEMENT ANNUAL REPORT 2012 / 2013***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. Conditions require sampling and annual reporting. As at 30 June certain sampling and reporting conditions had not been met and the Compliance Department are following up with this non-compliance.

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. In April 2013 this company was granted a suite of new consents and monitoring and reporting processes are being set up or awaiting results under this new regime. Prior to that the company continued to operate under its old consents.

During the 2012/13 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.

COMPLIANCE AND ENFORCEMENT ANNUAL REPORT 2012 / 2013***AICA Limited***

AICA Limited operates a phenol and formaldehyde resin plant at Lower Queen Street, Richmond formerly owned by DYNA NZ Limited. The company holds 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 2012/13 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 2012/3 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 arose with regard to continuing exceedences in a number of sampling measures. As a result in May 2013 the company received a variation to their consent to address certain site limitations which were identified as contributing to their non-compliance. Council awaits the next sampling results due after site upgrades.

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.

COMPLIANCE AND ENFORCEMENT ANNUAL REPORT 2012 / 2013***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 2012 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 has now undergone even further upgrades. The company is fully compliant with its consents.

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 2012/13 period.

- **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.

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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 2012/13 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.

During this period a number of instances of non-compliance were detected both in reporting obligations and sample results. The Compliance Department has followed up with the consent holder re this non-compliance.

Salmon Farms

Two freshwater salmon farms operate in Golden Bay. New Zealand King Salmon (NZKS) 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 2012/13 year both companies undertook all monitoring as required under the consent and supplied the results to Council. NZKS recorded some single event minor non-compliances regarding notification and one sample limit exceedance. Anatoki Salmon provided bi-monthly results up until the extensive damage occurring to the operation during the extreme rainfall event of June where they were unable to complete the last sampling rounds.

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6 Complaints Action 2012/2013

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 2012/13 year a total of 1820 complaints were received by Council related to the RMA or Litter Act. Overall this represented a % increase on the previous 12 months. Table 6 displays the trend in complaint numbers in Tasman district over last five years.

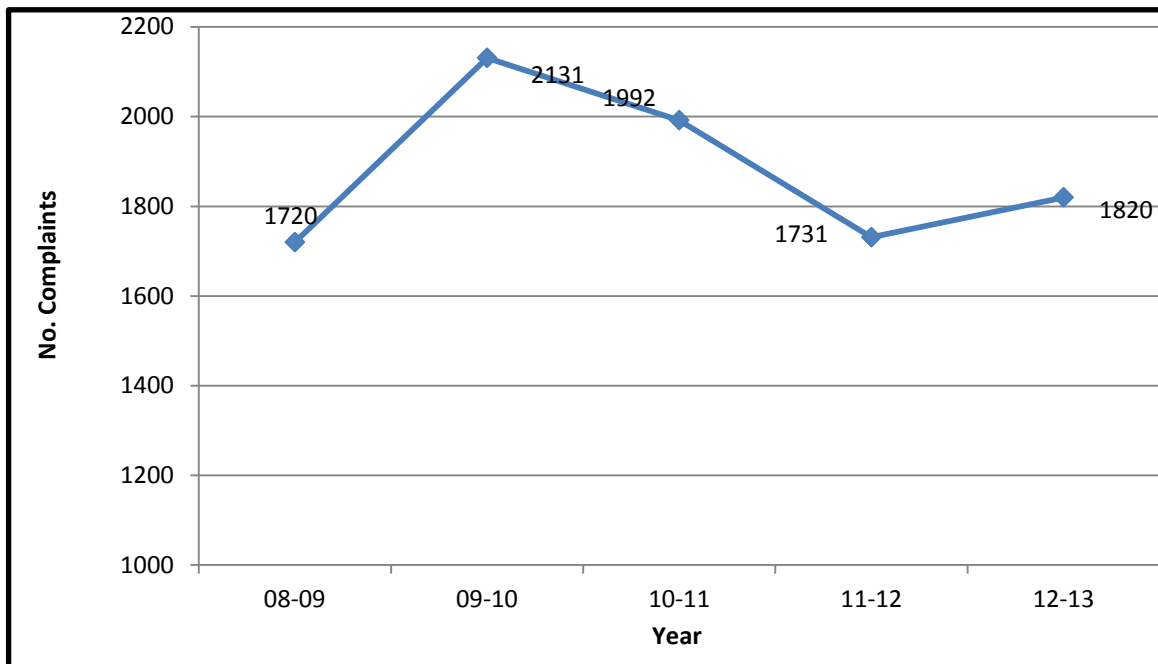


Table 6: Trend in complaint numbers in Tasman district over last five years

The following table provides a graphical summary of these complaint numbers broken down into the eight standardised complaint categories used in annual reporting.

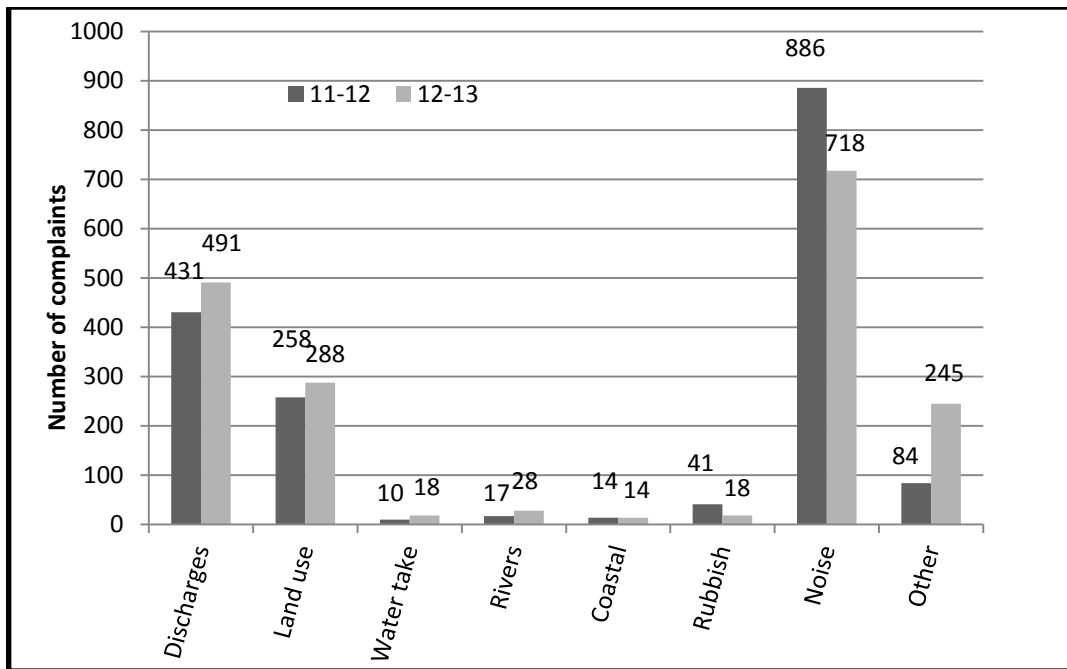
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Table 7: Number of complaints received in comparison to previous year by general category

Discharges

A significant increase in complaints was recorded in this category this year. Underlying this upward shift was the increase in complaints received regarding smoke and odour. For smoke this was a mix of things with outdoor burning, backyard burning and domestic wood burners all prompting complaints to Council. While some of the outdoor burns were from horticultural activities a number were also land owners burning slash and other materials. Backyard burning came to council's attention mostly as a result of the burning of prohibited materials. Odour complaints were also up and these were invariably associated with particular rural or commercial activities within proximity of residential areas. Most notable were a composting activity in Motueka, spreading of shells in several sites in the Waimea and Motueka, poultry farms and two mussel processing factories in Motueka and Richmond.

Land Use

Land use also saw an increase in recorded complaints. This upward shift was not attributable to any one particular complaint type and was across all types captured within the database. A moderate shift up in the breach of zone rule was evident as a result of the residential/second dwelling issues within the district. This is also typically the category that receives the largest number of complaints each year.

Water

An increase in complaints recorded within this category mostly around ground and surface water takes and associated with the drought periods.

Rivers

Overall an increase in complaints recorded within this category this year. Of those received many were associated with some form of bed disturbance, structures or dredging but no particular pattern was evident and most were not associated with the major waterways.

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Coastal

No change in the level of complaints associated with coastal activities from last year. Most complaints were associated with disturbance of foreshore or estuarine tidal areas predominantly from vehicle or motorcycle passage. Some structures or protection work also prompted complaints.

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), freedom camping or other requests for service. A sharp increase here is as a result of various actions over annual charge invoicing, wider implementation of regulations or monitoring programmes such as the Airshed programme.

7	Enforcement Action
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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.

One of Council's key measures of performance is timely resolution of non significant compliance with respect to breach of consent conditions. Significant non-compliance is grade as 4. Timely resolution is defined as 80% resolved within 9 months and 95% resolved with 12 months.

During the 2012/13 reporting year a total of 64 grades were assigned for various consented activities where non-compliance had been detected.

Of the 64 the following is recorded.

	Number	Resolved	9 months
Formal actions such as warning, directions,	57	57	100%
Formal action such as abatement notices and fines	6	5	84%
Prosecution	1	0	
Total	64	62	97%

During the 2012/13 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.

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Enforcement action	Y12-13	Y11-12
Abatement notices	54	45
Infringement notices	46	34
Enforcement orders	2	3
Prosecutions	4	1

Table 5: Summary of Enforcement action during the 12/13 year in Tasman District with previous year comparison data

Abatement Notices

A total of 54 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.

Section 9 – Land use	
Breach of the Tasman Resource Management Plan zone rules by undertaking a second residential activity in rural zone without consent	6
Breach of resource consent by undertaking a second residential activity in contravention of conditions	3
Breach of the Tasman Resource Management Plan residential zone rules (animals)	2
Breach of resource consent by failure to comply with conditions of consent (Buildings)	4
Breach of TRMP permitted activity land disturbance (earthworks)	1
	Total 16
Section 13 – Rivers/Lakes	
Disturbance of the bed of a river in breach of Tasman Resource Management Plan	1
	Total 1
Section 14 - Water	
Breach of resource consent by overtaking water	3
Breach of the TRMP by over taking water (domestic use)	1
	Total 4

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Section 15 - Discharges	
Breach of resource consent by unauthorised discharge of domestic wastewater in contravention of conditions	11
Breach of the Tasman Resource Management Plan by unauthorised discharge of dairy shed effluent	3
Breach of the Tasman Resource Management Plan by unauthorised discharge of sediment to water	1
Breach of Tasman Resource Management Plan by discharge of odour in of rules	5
Breach of the Tasman Resource Management Plan by unauthorised discharge to air (burning prohibited materials)	8
Breach of the Tasman Resource Management Plan by unauthorised discharge to air (smoke)	1
Breach of the Tasman Resource Management Plan by unauthorised discharge of storm-water	3
Breach of the consent conditions by unauthorised discharge of chemical/wastewater	1
	Total 33

Infringement Fines

During the period a total of 46 infringement fines were issued for breaches against the Resource Management Act as outlined in the following table.

Resource Management Act 1991	Number	\$	Paid	\$	Withdrawn
Contravention of section 9 - (Land use)	7	2,100	4	1200	2
Contravention of section 13 - (Rivers)	3	1,500	1	500	1
Contravention of section 14 - (Water)	15	7,500	12	5962	3
Contravention of section 15(2A) - (Discharge Air - breach regulation)	6	1,800	4	1170	1
Contravention of section 15(1)(c) - (Discharge Air - Industrial premises)	1	1,000	1	1000	0
Contravention of section 15(1)(d) - (Discharge Land - Industrial premises)	3	3,000	3	3000	0
Contravention of section 15(2) - (Discharge Air - Contravene NES)	1	300	1	300	0
Contravention of an abatement notice	9	6,750	4	2956	3
Litter Act 1979					
Deposit and Leave Litter	1	400	0	0	0
Total	46	24,350	30	16,088	10

Table 3: Infringement notices by type

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Two enforcement orders initiated in the preceding year were finalised in this period. A summary of those matters is outlined below.

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 **Required** That within one calendar month after service of the Court Order, owners ceased using the buildings on the property (within the exception of the principal dwelling) for any residential activity and 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. Compliance was finally achieved in June and all matters were closed on the 26th of that month.

Costs Full costs of \$30,000 were awarded and subsequently paid

Respondent I Oxnam, O Oxnam, J Oxnam, M Oxnam

Offence Discharge of contaminants to land

Date granted 12/06/2012

Action Orders required no burning in contravention of the TRMP and the removal of all accumulated goods, materials and refuse stored on the property. Orders also required a suitably qualified practitioner experienced in the investigation and management of contaminated land to undertake a detailed site investigation and prepare a report.

All orders were ultimately complied with and the matter was finalised on 4 July before the Court. Council will now continue to monitor ground water bores in the area for any evidence of contamination of the next couple of years at which point the matter will be closed entirely.

Costs Not sought

Prosecutions

Four prosecutions were either initiated or finalised in this period.

Finalised

- TDC v Matakitaki Dairy Limited & D Thurlow

Charges: 2 x Unauthorised discharge of contaminants (dairy effluent)

1 x Breach of Abatement notice

Plea: Defendants pleaded guilty on 11 Feb 2013 on all charges

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Sentencing: 28 June 2013 sentenced \$30,000 after disputed sentencing on ability of defendants to pay.

Pending

- TDC v Highlander Trusts Limited & MacLachlan
Charges: 2 x Unauthorised discharge of sediment
2 x Breach of Abatement Notice
Plea: Not guilty on all charges
Court date: 14 October 2013

- TDC v Awarua Farms & Woolley
Charges: 11 x Unauthorised discharge contaminants to land
2 x Breach of Enforcement Order
Plea: Not guilty
Court date: 8 August 2013

One matter is currently before the court on charges of taking water in contravention of Section 14 of the Act. This matter has not had its first call and no details can be provided at this stage but the matter will be reported on in full in the next report.

8 Future Strategies

8.1 A review of the Compliance monitoring work programme, data management and reporting processes continues as Central Government, the Council itself and local community needs and expectations change. This is particularly relevant in light of the increasing demand for more reporting and performance measures. Obviously the principal 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 identify and thus provide a more intuitive, demand, and risk focussed 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.

8.2 It is hoped that this can be completed before the end of the year and that this will be reported on as a separate report in early 2014.

9 Conclusion

9.1 Compliance continues to progress the proactive monitoring of resource consents within the defined programmes of work and bring in additional where time and staff resource allow

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Continued improvements in internal procedures and database processes combined with employing a defined enforcement response has seen much quicker resolution to non-compliance and the ability to rectify issues before they become entrenched and much harder to resolve at later dates. This is expected to free up more time for proactive monitoring but is always dependant on the nature of the case as non-compliance is inevitably time consuming and expensive. Where the non-compliance is of such as scale and nature (deliberateness, significant adverse effects etc) costs were sought whenever possible from transgressors. To date the prosecutions and enforcement orders Council has instigated have been successful in achieving compliance, providing an appropriate response to offending and a deterrent effect.

- 9.2 As always complaint response continues to occupy a considerable amount of time and this again impacts on the consent monitoring outputs however it is essential that Council responds to public and community concerns and provides a 24 hour service.
- 9.3 Dominant also this year were issues such as the Aorere farm surveys as a result of the marine farms issues and the ensuing investigations and the continuing roll out of the Water Meter Regulations and their demand on the water metering programme.

10 Attachments

Nil