

**9.4 ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT****Information Only - No Decision Required**

**Report To:** Environment and Planning Committee

**Meeting Date:** 27 August 2015

**Report Author:** Carl Cheeseman, Co-ordinator Compliance Monitoring

**Report Number:** REP15-08-07

**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.
- 1.2 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 2014 to 30 June 2015. 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**

1. receives the Annual Compliance and Enforcement Summary Report REP15-08-07

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**
**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 2014 to 30 June 2015. 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 targeted 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 Targeted monitoring programmes allow for structured and consistent effects based monitoring and efficient use of available resources. 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 trends and issues and respond appropriately with additional resourcing or enforcement strategies
- 4.3 Currently seven warranted officers and an administrator are under the direction of a Co-ordinator from 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.

<b>RMA Section</b>	<b>Compliance Programme</b>
<b>9</b>	Land based aggregate extractions.
	Remote Signage
	Mining
	District Land Use
	Tracking/Earthworks

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

RMA Section	Compliance Programme
	Forestry
	Hazardous Facilities (HF)
	Bores
<b>12</b>	Aquaculture
	Moorings
	Coastal Structures and occupations
<b>13</b>	Waterway structures
	River maintenance works
	Diversions/flood protection
<b>14</b>	Surface water
	Metered Groundwater takes
	Hydroelectric generation
<b>15</b>	Dairy Shed Effluent
	On - site Domestic Wastewater
	Air Discharges
	Timber treatment
	Stormwater discharges
	Chemicals/pesticides

Table 1: Current monitoring programme in Tasman District

- 4.5 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.

Programme	Activity Targets
Land based Aggregate extraction	Working extraction size, discharges, backfill, Water usage
Forestry	Earthworks and Tracking, Soil management, Sediment discharge controls and structures
Land Disturbance	Earthworks, Sediment and erosion controls
On site Wastewater Systems	Discharge quality and volumes, "special wastewater zones performance" setbacks, installation
Aerial 1080 discharges	Boundary restrictions, reporting
Water Metering	Groundwater and 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

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

Programme	Activity Targets
	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

Table 2: Tasman District Council Compliance programme activity targets

- 4.6 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.

**Compliance Grading**

- 4.7 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

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: Compliance grading bands

**5 Summary of Consent and Permitted Activity Monitoring in Tasman District 2014/15**

- 5.1 Over the 2014/15 year a total of 1,339 (818 previous year) resource consents and targeted permitted activities (water metered consents excluded) were monitored and reported on. This was a decent increase on last year's numbers as a result of more concerted push on proactive monitoring. Of these, 161 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 increased from last year with 66% (60% last period) complying with consent or plan rule requirements. Of the remainder 18% (22% last period)

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

showed non-compliance that had nil or minor adverse effect requiring no or 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 16% (17% last period) recorded non-compliance with either moderate to significant effect that required more direct enforcement action. Both of these categories were down on last year.

<b>Compliance Rating</b>	<b>2014/15</b>	<b>2013/14</b>
1. Fully complying	772	526
2. Non-compliance. Nil or minor adverse effect	219	198
3. Non-compliance. Moderate adverse effect	152	65
4. Non-compliance. Significant adverse effect	35	79

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

**Land Use**

5.2 As a unitary authority, Council serves both as a regional and territorial authority in controlling land based activities occurring within its district. Council issues a large number of land use consents each year which control a wide range of activities such as buildings and structures through to land disturbance activities such as quarrying and mining. The following is a quick summary of the main land use consented activities the compliance department monitors.

**District Land Use**

5.2 Monitoring is associated mostly with consent conditions controlling building locations, setbacks, building height, accessory buildings and non-residential activities such as home occupations. During this reporting period 99 (51) 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)
77	19	0	0	1	2	0	0

**Quarries, Mining and Land Based Aggregate Extraction**

5.4 In Tasman District other than the very small scale (<50 m<sup>3</sup>), 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.

5.5 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

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

operations spread around the district. During the period 5 (13) 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)
2	1	0	0	0	0	2	0

**Land Disturbance, Tracking and Earthworks**

- 5.6 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.
- 5.7 There were 44 (40) resource consents monitored during this period. Subdivision earthworks and council activities were the principal areas of work this year ensuring provision of erosion and sediment control plans and adequate management of effects of stormwater and sediment discharge were occurring.

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	19	3	0	0	0	0	0

**Forestry**

- 5.8 While establishment and harvest is in itself a permitted activity many companies hold resource consents to undertake particular types of activities such as tracking, culverts and bridging and Council actively monitors this sector. The main companies are:

- Nelson Forests Ltd
- Hancock Forest Management (NZ) Ltd
- Tasman Bay Forests Company Ltd
- Tasman District Council

The individual consented activities monitored are reported in the land section of the report.

**Hazardous Facilities**

- 5.9 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.
- 5.10 This year the new survey of sites commenced and will extend into the 2015/16 year. To date 16 consented sites were monitored with the following results.

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

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)
4	2	1	0	0	1	2	6

**Bores**

- 5.11 Shallow bores no deeper than 8m are a permitted activity provided they meet certain conditions and these are not monitored under the compliance programme. Any activity outside of these conditions requires a resource consent and is subject to monitoring.

There were 16 (25) resource consents 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)
16	0	0	0	0	0	0	0

**Coastal**

- 5.12 Aquaculture Marine Areas exist in both Tasman and Golden Bays. Tailored monitoring programs for spat farming and mussel farms have been in existence for many years and are routinely monitored. Coastal structures and disturbances are monitored as and when these activities are put to effect.

**Aquaculture**

- 5.13 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 2014/15. Monitoring inspections target such matters as location, layout and day and night navigational safety requirements and gear removal at end of season
- 5.14 A summary of the monitoring over the season is 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. No issues during the year and fully complied.

- **Challenger Scallop Enhancement Company**

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

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

Challenger placed gear in Golden Bay but not in Tasman Bay this reporting period due to poor results around scallop enhancement. 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. Fully complied with all conditions.

- **Golden Bay Marine Farms Consortium**

This is a consortium made up of twenty individual consent holders authorised to place structures and lines separately, but in a defined block off Collingwood, Golden Bay for the purpose of farming and one further consented site divided into twelve discrete areas for spat catching and which is jointly managed by the consortium.

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

- **Waitapu Fishing Company Ltd**

Waitapu Fishing Company own two of the six Wainui Bay sites where they operate a permanent mussel farm occupying 3 hectares offshore of Wainui Bay. Several site inspections occurred during the 2014/15 year. The company fully complied with their consents

- **MacLabs**

Company has consent to farm in AMA3 (Tasman Bay) as well as one of the six sites in Wainui Bay.

General maintenance of navigational aids and tidying up of navigation hazards such as loose buoys or ropes is carried out by Kevin Primmer (Apple Buoys Ltd) on all sites except those in Wainui Bay where maintenance is carried out by the individual consent holders as required. All companies were quick to respond to on site compliance where issues were identified during monitoring which occurs three times per year, at the beginning of the summer season, midsummer, and at the beginning of the winter season

#### Coastal Structure and Disturbance

5.15 During the period a total of three (16) coastal consents were monitored.

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)



**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

3	0	0	0	0	0	0	0
---	---	---	---	---	---	---	---

**Rivers and Lakes**

5.16 Priority is given to monitoring large scale activities such as the gravel takes and river maintenance works occurring under consent.

## Gravel Extractions

5.17 In the 2014/15 year monitoring occurred on three (2) consented activities around the district. There are only a few active river based extraction sites around the district, predominantly within the Buller River. Overall compliance with conditions was good 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)
3	0	0	0	0	0	0	0

## Gold extraction

5.18 No river based gold mining operations were active or 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)
0	0	0	0	0	0	0	0

## Structures

5.19 A total of eleven (8) 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)
3	7	1	0	0	0	0	0

## Dams

5.20 Four (0) resource consents for in stream dams were monitored over the period.

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

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	1	0	0	0	0	0	0

**Water**

5.21 At present 37 water management zones in this district have either a full or partial metering requirement on abstractive takes imposed through the TRMP.

5.22 The number of consents administered under the water metering project in the 2014-2015 season increased from 1125 to 1458. This number of meters comprises the following:

- 1,351 Consented meter takes
- 107 Moutere domestic (permitted activity) metered takes

5.23 Of the consented metered takes:

- There were 766 deemed to be active and required to file weekly returns. These were the consent holders irrigating that season.
- There were 111 deemed to be non-active and not required to file weekly returns. These were consent holders not irrigating that season
- There are 474 on future implementation

5.24 As this is a targeted monitoring programme full reporting on the water metering programme for the past season is covered in a separate report to Council (27 August) and is not covered further here.

**Discharges**
**Dairy Effluent**

5.25 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.

5.26 In the 2014/2015 season a total of 143 dairy sheds had active discharges in the Tasman District. Of those 137 farm dairies operated as Permitted Activities and the remaining six held Resource Consents to discharge treated effluent to water

5.27 At these inspections each farm was assessed against Resource Consent conditions for the discharge of treated dairy effluent to water, or against the Permitted Activity Rule 36.1.2.3 (the discharge of animal to land). The final compliance results for all 143 farms were:

- 96% - Fully Compliant
- 4% - Non-Compliant
- 0% - Significantly Non-Compliant

5.28 The full report is presented to the Environment & Planning committee on the 27 August meeting and is not covered any further here.

**On-site domestic wastewater**

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

- 5.29 A targeted monitoring programme for wastewater has now been operating for several years which include all consented and those permitted activities where advanced wastewater treatment plants are in situ.
- 5.30 While there remained a high level of demand on staff time responding and resolving domestic wastewater related complaints, throughout the year a lot of effort went into monitoring, with 599 separate monitoring actions occurring against these consented discharges throughout the year.

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)
339	119	108	33	0	0	6	4

**Air Discharges**

- 5.31 There were 43 (26) consented air discharges 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)
36	3	4	0	0	0	0	0

**Richmond Air Shed**

- 5.32 The Compliance Department operates a targeted monitoring programme for the Richmond Airshed and this winter period continued to provide education, monitoring and enforcement.
- 5.33 While focus was primarily on properties subject to the rules around use of non-compliant woodburners it also extended to excessively smokey discharges. Active patrols were undertaken during the evenings for this purpose. Very few issues of non-compliance were detected during these inspections.
- 5.34 A detailed summary report to Council on this programme is scheduled for later this year

**Chemical/Industrial Discharges**

- 5.35 Consents associated with waste streams or particular land or infrastructure management activities such as industrial wastes, herbicide spray programmes, bridge maintenance, dust suppressant or de-icing form a large part of the wider discharges monitoring programme. There were 125 (24) resource consents 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)

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

102	16	7	0	0	0	0	0
-----	----	---	---	---	---	---	---

1080: Sodium Monofluoroacetate

5.36 During the 2014/15 reporting period five 1080 aerial operations were run in the district. The season commenced with an operation in the Lockett/Cobb area of Kahurangi NP in July undertaken by T.B Free NZ. These consent holders also undertook operations in a number of blocks in the Baton Mt Arthur and Pearse area and also the “Newport Area” in the Whangapeka Baton Valley.

Project Janzoon also undertook an operation within the Abel Tasman National park and Awaroa areas in August 2014.

The Department of Conservation undertook a series of 1080 operations throughout the conservation estate, predominantly in the Kahurangi National Park area. The operations were undertaken in blocks defined as Anatoki, Gouland, Wangapeka, Cobb and Glenroy.

All these operations were actively monitored by the Compliance Department with officers on hand to ensure compliance with conditions. With the exception of the first operation in the Lockett area all other operations went without incident and were fully compliant. The non-compliance identified in the first operation was application of bait outside control area. The in-depth enquiry that followed identified that misapplication of bait was the result of a combination of unusual satellite drop out, coupled with adverse terrain at a critical point.

**Notable Industrial and Large Scale Consents**
**Wastewater Treatment Plants (WWTP)**

5.37 The largest wastewater treatment plant operating in Tasman district is on Bells Island managing effluent from Nelson and Tasman. The consent holder is the Nelson Regional Sewage Business Unit (NRSBU), a joint venture between Nelson City Council and Tasman District Council. 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 required and results supplied to Council.

- NRSBU Bells Island - Discharge to Waimea Estuary

5.38 Resource consent allows the discharge of up to 25,000 m<sup>3</sup> of treated effluent per day into the Waimea Estuary. Conditions of the resource consent require sampling of effluent quality on a monthly basis. The Council receives copies of all sampling results that the business unit carried out.

Routine sampling reports were received as required and results were compliant with consent limits.

- NRSBU Bells Island - Discharge to Air

5.39 No incidents and fully complying with consent limits.

---

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

- NRSBU - Discharge of Biosolids on Rabbit Island

5.40 Resource consent allows the discharge of stabilised sludge to approximately 1000 hectares of forest land on Rabbit Island on a rotational basis. Consent conditions require sampling of effluent, groundwater quality, and soil contaminant concentrations on the irrigated land.

5.41 A full report including trends is required to be submitted every six years on anniversary of consent. The six yearly report was received in 2014 and nothing is due this year. One incident reported prior to Christmas 2014 when bio solids were discharged across a road when equipment failed. This was resolved at the time and no further action required.

#### Collingwood WWTP

5.42 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 allowing this requires a range of monitoring including plant performance and surface water monitoring. The consent holder is required to provide sampling data and annual reports.

5.43 All sampling data and annual reports for this period received. Minor to moderate non-compliance recorded on some sampling results over the period. The non-compliance has been noted and matters have been followed with the consent holder. No formal enforcement action has been required.

#### Takaka WWTP

5.44 The Takaka WWTP currently serves Takaka. A consent allows the discharge of 700 m<sup>3</sup> of effluent via rapid infiltration basins.

5.45 All sampling data and annual reports received as required. No non-compliance recorded during this period.

#### Upper Takaka WWTP

5.46 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. All sampling data and annual reports for this period received as required.

5.47 Consistent minor to moderate non-compliance recorded due to exceedances in the discharge volumes and wastewater quality. This system continues to be highly susceptible to inflow and infiltration from the private lateral connections during rainfall events, and when the groundwater table is high. The Compliance Department is in discussion with the consent holder on achieving compliance. Environmental effects are deemed to be minor and no formal enforcement action has been required.

#### Motueka WWTP

5.48 The Motueka WWTP services the township of Motueka and surrounding areas and the resource consent allows for a maximum of 10,000 m<sup>3</sup> of effluent per day to be discharged through a wetland system. The current consent has a short duration (expiring in 2018) and allows for the discharge while redesign and upgrades are implemented.

5.49 All reports and sampling results received as required. Consistent minor to moderate non-compliance recorded through exceedances in the discharge volumes and some quality measures. The Compliance Department has been following these issues up with the consent holder but recognises that there are underlying problems with the system that can

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

only be properly addressed with the planned upgrade. No formal enforcement action was undertaken during this period.

**Tapawera WWTP**

5.50 Tapawera Wastewater Treatment Plant is a small system servicing the township of Tapawera. The consent allows a maximum discharge of up to 500 m<sup>3</sup> per day.

5.51 All reports and sampling results received as required. One minor non-compliance recorded around odour and a sample measure, otherwise consistent compliance. Non-compliance thought to be caused by an event occurring in the area and the suspected disposal of chemical toilets.

**Murchison WWTP**

5.52 The resource consent allows for a maximum of 500 m<sup>3</sup> of effluent per day to be discharged into the ground via infiltration trenches. Five bores monitor for groundwater effects and consent conditions require a range of monitoring including plant performance and ground water monitoring.

5.53 All reports and sampling results received as required. Consistent minor to moderate non-compliance recorded due to exceedances in *E.coli* in groundwater bore sample results throughout the year. The consent holder is currently undertaking additional investigative work to determine the potential source as upstream bores are also elevated. The Compliance Department is monitoring this progress.

**St Arnaud WWTP**

5.54 The resource consent allows the discharge of up to 290 m<sup>3</sup> per day of effluent from a single aerated oxidation pond feeding a two stage marsh cell. Discharge is into the ground via infiltration lines.

5.55 The annual report and sampling results have been received and are compliant.

**Landfills and Transfer Stations**

5.56 Tasman District Council operates a single land fill and a number of transfer stations in the District under various resource consents.

**Eve Valley Landfill**

5.57 Eves Valley has been operating as an engineered, sanitary landfill since 1989. Stage 1 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 40,000 m<sup>3</sup> 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.

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

- Discharge to Land

5.58 Reports received. All sampling and reporting conditions met over the period. Some minor exceedances in certain measures detected in some ground water bore results. No follow up required.

- Discharge Stormwater

5.59 Report received. Sampling and reporting conditions met over the period. Some minor issues occurred in respect to the leachate pond but matter resolved with no adverse effect occurring and no follow up required.

- Discharge to Air

5.60 Annual report received. No issues.

**Scott's Quarry Transfer Station: Takaka, Golden Bay**

5.61 Scott's is subject to two resource consents:

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

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

5.63 All sampling received as required. Elevated metals detected in one sample round from the silt pond. This non-compliance noted but no requirement for further action.

**Richmond Transfer Station**

5.64 Richmond transfer station is the largest of the transfer stations in the district. The site is subject to the conditions of a consent allowing the discharge of stormwater to the Coastal Marine Area.

5.65 Quarterly sampling results and annual report received as required. Full compliance achieved.

**Mariri Transfer Station: Motueka**

5.66 Mariri transfer station services the area of Motueka and surrounding areas of the Moutere and Mapua/Ruby Bay. The site is subject to a discharge of stormwater consent with conditions requiring sampling and annual reporting. All reporting has been provided as required. Non-compliance recorded on two occasions where septic tank overflow occurred during heavy rain. This was responded to at the time by consent holder with pump out and containment.

**Murchison Recovery Centre**

5.67 This site is on the former landfill and operates two consents for discharge to air and stormwater. Full compliance achieved.

**TIMBER TREATMENT PLANTS****Nelson Pine Industries Ltd**

5.68 Nelson Pine Industries Limited operates a MDF and LVL plants at Lower Queen Street, Richmond and holds a suite of consents including air, stormwater and hazardous facility



**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

During the 2014/15 year NPI undertook all monitoring as required under their consents and supplied the results to Council.

- 5.69 Air discharge - No exceedances were recorded in concentrations of formaldehyde or the other measures required under consent.
- 5.70 Stormwater discharge - Sampling has detected exceedances in particular measure. The Compliance Department has subsequently followed up with the consent holder.

**Carter Holt Harvey**

- 5.71 Carter Holt Harvey (CHH) operates a sawmill complex at Eves Valley. The company holds a suite of consents including air, stormwater and hazardous facility. All reporting has been complied with and no issues of non-compliance.

**AICA Limited**

- 5.72 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. During the 2014/15 year the company undertook all air 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 consents.

**Goldpine Industries**

- 5.73 Goldpine Industries operates a CCA and Alkaline Copper Quat (ACQ) timber treatment plant on the floodplain of the Upper Motueka River. Goldpine Industries hold a large number of consents for this site including, discharge of stormwater, air discharge, hazardous substance and other land use consents.
- 5.74 All reports and sample data received as required. Samples at one monitoring sites have shown elevated levels of some metals above the consent limits. This non-compliance has resulted in the consent holder engaging a consultant to ascertain why this is occurring despite upgrades, and report findings to Council. Council has noted the non-compliance and will await results and no formal enforcement action required at this stage.

**Hunters Laminates 2014 Limited**

- 5.75 Hunters Laminates 2014 Limited is the new owner of this business which operates a timber processing facility at Beach Road in the Richmond industrial area. The primary product is laminate timber products.
- 5.76 The company holds resource consents to discharge stormwater and hazardous substance storage. Resource consent conditions for this site include a comprehensive range of tiered sampling and reporting clauses.
- 5.77 Sampling results and reports are required to be forwarded to Council as are maintenance plans.
- 5.78 Earlier sampling results and other reporting requirement were achieved however they are now in non-compliance with the latest monitoring outstanding and the Compliance



**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

Department is following up with the new owners and further enforcement action may be forthcoming.

**Prime Pine**

5.79 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.

5.80 A summary of stormwater and sediment sampling are supplied annually and the 2014 report is overdue. The Compliance Department is following up with the consent holder regarding this matter.

**DAIRY PROCESSING FACTORIES****Fonterra Co-operative Group**

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

**Takaka Plant**

The Takaka factory holds a suite of consents related to its operation including:

- Consent to discharge combustion products, odours and particulate matter into the air;
- Consent to discharge wastewater and whey onto land;
- Consent to discharge wastewater and whey into the Takaka River during flood flow;
- Consent to take groundwater.

5.82 As part of the resource consent conditions authorising the various discharges, the company is required to supply various reports on performance at specified periods. The company has complied with reporting during the 2014/15 period.

**Brightwater Plant**

5.83 The Brightwater factory produces 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.

5.84 As part of the resource consent conditions authorising the various discharges, the company is required to supply various reports on performance at specified periods and the company has provided the required reports. Some non-compliance was recorded with respect to the discharge consent. This non-compliance is associated with the data keeping and Compliance does not propose further enforcement action.

**FISH PROCESSORS****Talley: Port Motueka**

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

5.85 Talley's operate a fish processing, fishmeal and ice cream factory at Port Motueka. The company holds a suite of consents including:

- 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;

5.86 These consents are all up for renewal and applications have been lodged which are currently being processed. In the interim the existing conditions prevail.

5.87 During this period all reporting was achieved as required however a number of instances of non-compliance were detected around sample results and discharges to air and the Compliance Department is currently in discussion with the consent holder.

**Salmon Farms**

5.88 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.

5.89 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.

5.90 During the 2014/15 year both companies undertook all monitoring as required under the consent and supplied annual reports.

5.91 NZKS fully complied with the consent conditions of the discharge permit.

5.92 Anatoki Salmon is currently in non-compliance with their resource consent having failed to supply any monitoring data in the last six months. As a result the compliance Department is following up with this consent holder with a view to further enforcement action.

**6 Complaints Action 2014/2015**

6.1 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 2014/15 year a total of 1.860 complaints were received by Council related to the RMA or Litter Act. Overall this represented a 2% decrease on the previous 12 months. Figure 1 displays the trend in complaint numbers in Tasman district over last five years.

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

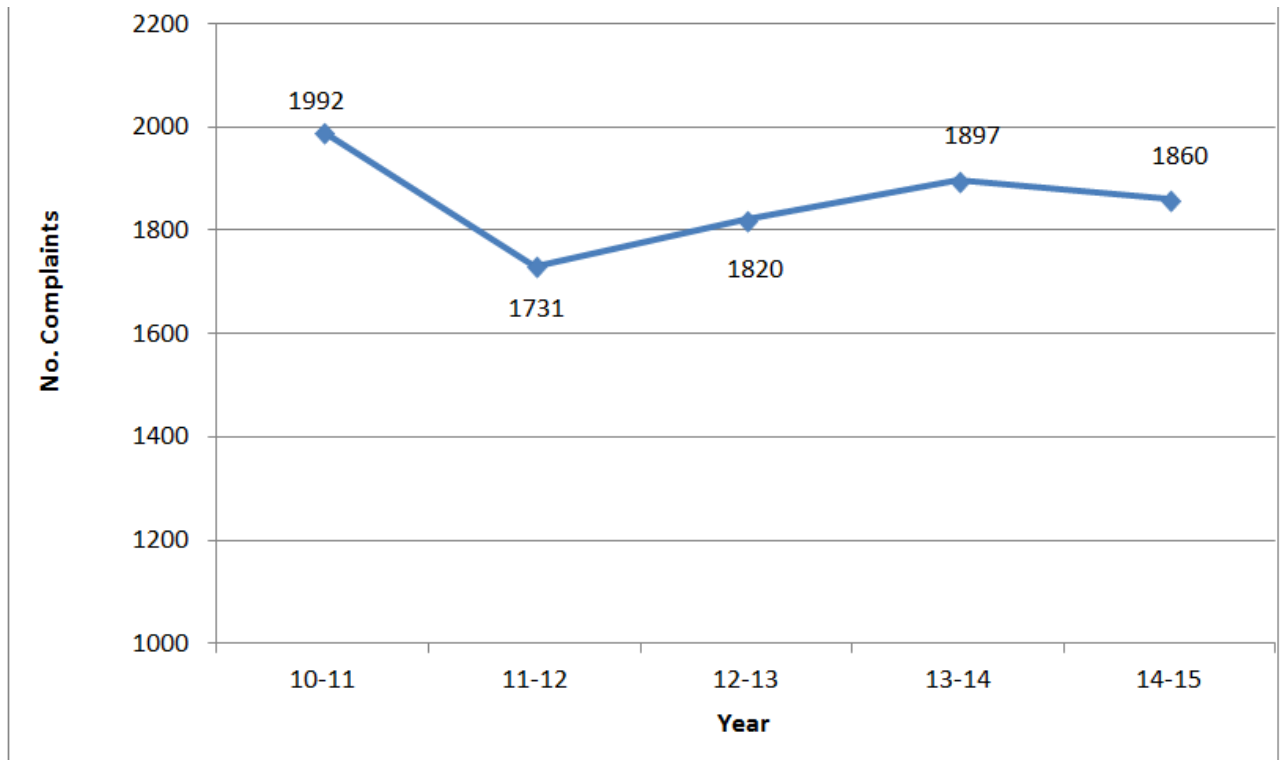


Figure 1: Trend in complaint numbers in Tasman district over last five years

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

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

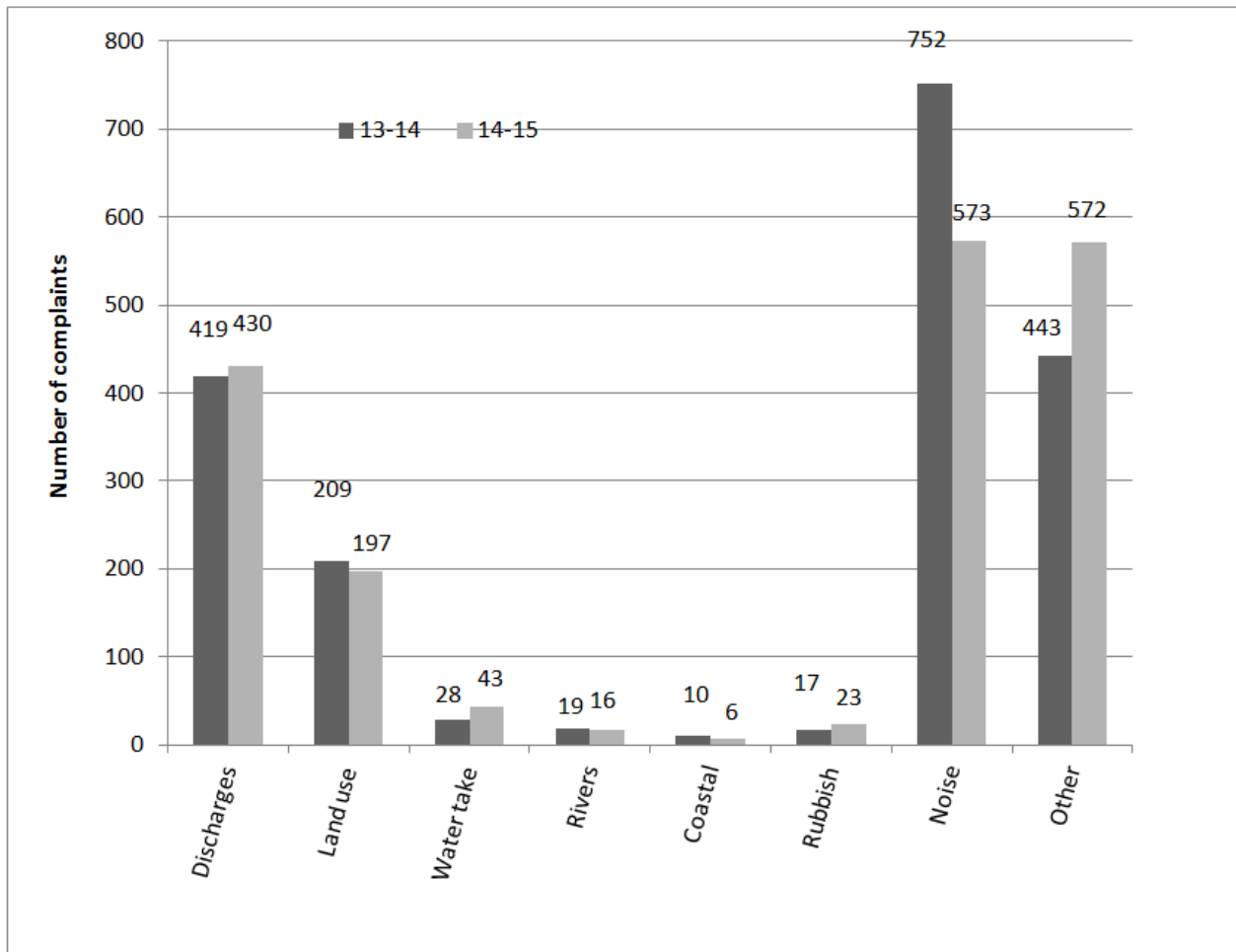


Figure 2: Number of complaints received in comparison to previous year by general category  
Discharges

6.3 There was an overall increase in total number received compared to last year and by far the largest contributor was in the complaints around smoke and smoke effects. The complaints were predominantly associated with outdoor fires in the rural areas with the greater number being around the Motueka and Riwaka horticultural areas and typically in the colder months of autumn and winter. The other significant contributor was odour mostly from a couple of particular activities and together these two comprised over half of the 420 total complaints received for the category of discharge.

Land Use

6.4 Land use saw a small decrease in complaints over this year compared to last. This nature of the complaints received were varied with the greatest number being recorded under the category of breach of zone rule and related to a wide range of activities mostly in the Rural 1 and Residential zones perceived as not complying with permitted activity rules. In the latter part of the year a reasonable number of complaints were also received regarding signage in the Richmond area.

Water

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

6.5 A prominent increase in complaints recorded within this category mostly around ground water takes. The majority of these complaints came in around the lead up to Christmas and were associated with restrictions and the various communications from council over these periods and all but a few were initiated by consent holders around effect or activities on their own takes.

## Rivers

6.6 Overall decrease in complaints recorded within this category this year. Of those received many were associated with some bed disturbance and diversions however no particular pattern was evident and most were minor in nature not associated with the major waterways but small watercourses and drains on private lands.

## Coastal

6.7 Not many complaints received for coastal activities or structures during the year. Of the six received most were associated with some small scale disturbance of foreshore or estuarine tidal areas particularly in the Golden Bay areas and were not an issue.

## Noise

6.8 While there was an increase in noise complaints this activity is reported through the Regulatory Section it is not covered here.

## Other

6.9 The category of other includes rubbish enforcement, fire hazards, abandoned vehicles, freedom camping or other requests for service. A sharp increase here is as a result of various activities and requests for service. Also during this period the posting out of Annual charges for consent holders prompted a number of enquiries or complaints regarding processes and fees which were attended to at the time.

<b>7 Enforcement Action</b>
-----------------------------

7.1 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 graded as 4. Timely resolution is defined as 80% resolved within nine months and 95% resolved with 12 months.

7.2 During the 2014/15 reporting year a total of 79 incidents of significant non-compliance were subject to this measure either as carry over from the last period or detected within this current year (see Table 6)

	Number of actions	Resolved (9 months)	Resolved (12 months)
Non-compliances recorded and resolved this current period	35	33	2
Non-compliances carried over from the previous year subject to	44	41	2

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

measure*			
Non-compliances with 9 and 12 month deadline beyond this reporting period**	12	N/A	N/A
Total	79	94%	99%

Table 6: Resolution of non-significant compliance with respect to breach of consent conditions

**NOTE**

\*Significant non-compliances carried over from the previous year report where those non-compliances were identified in that period but resolution dates fell beyond.

\*\*Represents significant non-compliances recorded in the reporting period, not yet resolved and where the 9 and 12 month measures fall beyond this current reporting period. These will be reported on in the next annual report.

- 7.4 During the 2014/15 year Council compliance officers undertook a range of enforcement actions in response to detected non-compliance or breaches. Table 7 provides an overall 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.

<b>Enforcement action</b>	<b>2014-15</b>	<b>2013-14</b>
Abatement notices	32	136
Infringement notices	42	50
Enforcement orders	0	0
Prosecutions	0	2

Table 7: Summary of Enforcement action during the 14/15 year including comparison data for previous year

**Abatement Notices**

- 7.3 A total of 32 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.
- 7.4 Due to last year's focus on gaining wider compliance from consent holders of discharge permits associated with domestic wastewater, a decrease in the number of notices issued compared to last year is notable. With compliance generally gained in that area the numbers have returned to a relatively normal level.

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

<b>Section 9 – Land use</b>	
Breach condition of resource consent	4
Breach of TRMP rules	10
<b>Section 13 – Rivers/Lakes</b>	
Breach TRMP - Wetland	1
<b>Section 14 - Water</b>	
Breach of resource consent conditions to take water	1
<b>Section 15 - Discharges</b>	
Discharge to air	2
Discharge to land - Domestic Wastewater	11
Discharge to land - industrial effluent	2
Discharge to land - Chemical	1
<b>Total</b>	<b>32</b>

Table 8: Number of Abatement Notices relative to each section of the RMA (Sec 9 – 15)

**Infringement Fines**

7.5 During the period a total of 42 infringement fines were issued for breaches against the Resource Management Act or Litter Act as outlined in the following table including method of recovery

<b>Resource Management Act 1991</b>	<b>Number issued</b>	<b>Paid</b>	<b>On receipt</b>	<b>Court recovery</b>	<b>Withdrawn</b>	<b>Fine Total</b>
Contravention of section 9 - (Land use)	3	3	3	N/A	N/A	\$900
Contravention of section 12 - Coastal	0	N/A	N/A	N/A	N/A	N/A
Contravention of section 13 - (Rivers)	0	N/A	N/A	N/A	N/A	N/A
Contravention of section 14 - (Water)	8	6	4	2	2	\$3,000
Contravention of section 15(1) (a) (Discharge contaminant into water)	1	1	1	N/A	N/A	\$750
Contravention of section 15(1) (b) (Discharge Land - May enter water)	2	2	2	N/A	N/A	\$1,500
Contravention of section 15(1)(d) (Discharge Land - Industrial premises)	1	1	1	N/A	N/A	\$1,000
Contravention of section 15B(1) - (Discharge contaminant into CMA)	1	1	N/A	1	N/A	\$500
Contravention of section 15(2A) - (Discharge Air - breach regulation)	4	4	3	1	N/A	\$1,200
Contravention of an abatement notice	11	9	7	2	2	\$6,750
<b>Litter Act 1979</b>						
Deposit and Leave Litter	11	10	6	4	1	\$4,000
<b>Total</b>	<b>42</b>	<b>37</b>	<b>27</b>	<b>10</b>	<b>5</b>	<b>\$19,600</b>

---

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

Table 9: Infringement notices by type, payment and value

**Enforcement Orders**

- 7.5 One enforcement order was finalised during this period. This was an action against Motueka based company CJ Industries operating on Hau Road, Motueka. The action was brought about by the uncontrolled dust discharges from crusher operations crossing their boundaries and to which Council had not been able to gain satisfactory compliance through other enforcement means.
- 7.6 As a result of application to the Environment Court on the 19 November 2014 the Court made the following final orders by consent of the parties
1. An order requiring the respondent to cease the discharge of dust to air by 30 November 2014;
  2. An order requiring the respondent to engage a suitably qualified and experienced specialist in dust control management to:
    - Undertake a detailed inspection of the site and the current dust management systems in place;
    - Prepare a dust management plan and establish ongoing appropriate monitoring requirements and
    - To submit the dust management plan to the Environment & Planning Manager for approval by 30 November 2014.
  3. An order requiring the respondent to implement the recommendations set out in the dust management plan by 30 November 2014.

These orders were complied with as required and monitoring continues.

**Prosecutions**

- 7.7 No prosecutions were initiated in this period. One matter was finalised as follows;
- TDC v Awarua Farms and Woolley  
Charges: 11 x Unauthorised discharge contaminants to land  
Two x Breach of Enforcement Order
- 7.8 This matter went to trial on 29 September and was heard over two days where the defendants were subsequently found guilty on all but two charges. Sentencing occurred on 30 October 2014 where the company and Mr Woolley were sentenced to the following:
- *Sentencing of Awarua (the Company):* Awarua was sentenced to a total of \$60,000 in fines (three charges) plus costs.



**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

- *Sentencing of Mr Woolley:* Mr Woolley as director and owner was remanded and sentenced on 4 March in the Blenheim District Court to a fine of \$80,000. Woolley subsequently appealed conviction and sentence and the matter was ultimately heard in the Nelson High Court on the 12 May 2015 where the appeals were dismissed and the original sentence imposed.

**8 Future Strategies**

- 8.1 A comprehensive review of the Compliance monitoring work programme is due for finalisation in the next few months. The principle purpose of the review is to confirm that we have identified the right core activity areas in which to put our limited resources and are meeting defined objectives using correct measures. It is also an opportunity to better 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 mechanism to define appropriate monitoring regimes
  - A more robust auditable system
  - A monitoring strategy that is consistent with the regional council national initiative and the guidelines within Australasian Modern Regulator Improvement Tool (MRT)
- 8.2 Emphasis is also on improving our data capture and reporting processes in order to meet increasing needs for central government reporting, particularly in the area of water management and a lot of work is going into this administrative role at present. A project has been established to achieve this with assistance from council's I.T group.

**9 Conclusion**

- 9.1 As with every year complaint response continues to be first priority and a considerable amount of time is spent responding to the public on matters affecting them in as timely a manner as possible. As always this does have an impact on the more proactive consent monitoring work however it is essential that Council responds to public and community concerns and provides a 24 hour service. Some of the issues this year have been complex and take time to resolve as they often involve multiple complainants.
- 9.2 Only one prosecution and enforcement order were finalised this year and no new ones initiated. A very good result was had with the completion of the Woolley and Awarua Farms Limited prosecution, not only in the court outcome but the subsequent upgrades that occurred on the farm to gain compliance.
- 9.3 On the monitoring side the water metering and Dairy programme along with the wastewater have continued to advance and the work going into these significant monitoring programmes has seen continuing improvement in compliance performance and environmental outcomes.

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

- 9.4 Worthy of note also this year has been the continuing roll out of the Water Meter Regulations and the Richmond Airshed programme and very good progress can also be seen in these programmes as we move towards increasing compliance.
- 9.5 As stated work will continue in developing the databases, not only to aid in managing and improving the compliance work outputs but also to improve reporting functionality both for internal reporting but also the ever increasing demands for national reporting.

<b>10 Attachments</b>
-----------------------

Nil