

## 9.1 ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Information Only - No Decision Required

<b>Report To:</b>	Environment and Planning Committee
<b>Meeting Date:</b>	31 August 2017
<b>Report Author:</b>	Carl Cheeseman, Co-ordinator Compliance Monitoring
<b>Report Number:</b>	REP17-08-10

### 1 Summary

- 1.1 To make the best use of available resources, Tasman District Council operates tailored Resource Management monitoring programmes. These focus efforts on the range of activities seen as significant to the district, either in terms of environmental resources or because of actual or potential adverse effects, or community interest. Council also provides a 24-hour complaint response service 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. This report summarises this programme of work for the period 1 July 2016 to 30 June 2017. Noise compliance is reported through the Regulatory section of Council and is not covered in this report.
- 1.3 As with every year, complaint response continues to be first priority and a considerable amount of time is spent responding to the public's concerns. Complaints were up 12% on the same period last year at 2,389, the increase was predominantly due to a rise in abandoned vehicles. The other significant increase was in smoke and odour complaints.
- 1.4 Despite the substantial impact complaint response has on the section, we continue to operate the targeted monitoring programmes that focus efforts on the range of activities seen as significantly impacting on the district.
- 1.5 Over the 2016/17 year a total of 2,340 resource consents and targeted permitted activities were monitored. Compliance with conditions or plan rules was reasonably high this year, with 2,022 (86%) recorded as being fully compliant. Of the 318 that failed to achieve full compliance with one or more consent conditions, 247 (78%) were graded as having only nil or minor adverse effect and required no further enforcement action. The remaining 71 recorded non-compliances were of a level sufficient to require some type of action and were scaled as moderate or significant depending on the level of offending and environmental effects. These were all addressed using some form of enforcement action commensurate to the level of adverse effect and need for deterrence.
- 1.6 Unfortunately, the Compliance section does have another 2,022 resource consents that have outstanding monitoring requirements and these have to be picked up as and when possible.

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- 1.7 During the year Council undertook a number of enforcement actions for breaches of consent, plan rules, or regulations, with 54 abatement notices, 68 infringements notices, two enforcement orders and four prosecutions initiated or finalised during the period. Much like complaint response, the requirement to undertake enforcement actions to remedy or mitigate adverse effects and provide a suitable deterrence does in itself, have a direct impact on our resources and ability to proactively monitor and provide other key services. This is due to the fact that gaining compliance and ensuring the appropriate response to the offending can take a considerable amount of staff time.
- 1.8 It is pleasing to report that the Compliance section had a great deal of success in its enforcement actions over the period, particularly with the serious matters that went before the Environment Court either as prosecutions or enforcement orders.

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**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

<b>2 Draft Resolution</b>
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**That the Environment and Planning Committee receives the Annual Compliance and Enforcement Summary Report REP16-09-03**

**ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**
**3 Purpose of the Report**

- 3.1 This report summarises Tasman District Council's Compliance section programme of work and achievements for the period 1 July 2016 to 30 June 2017. The report outlines consent monitoring performance and compliance 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, resource 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 continues to operate targeted monitoring programmes, which focus efforts on the range of activities seen as significantly impacting on the district either in terms of resource use, environmental effects or community interest. While noise and associated monitoring falls within these programmes it is carried out by another department of Council and is not covered in this report.
- 4.2 Targeted monitoring programmes allow for structured and consistent effects based monitoring and more efficient use of limited resources. They also provide the ability to report on individual compliance performance with rules or resource consents along with district wide activity performance. This gives us the ability to better identify trends and issues and respond flexibly with additional resourcing or enforcement strategies as required.
- 4.3 Currently the section consists of seven warranted officers and an administrator under the direction of a Co-ordinator. Additional administrative resource is provided from the regulatory department and amounts to approximately 0.6 FTE. 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 periodic review and this is happening now. The current suite of monitoring programmes are listed below in Table 1:

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

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RMA Section	Compliance Programme
	District Land Use
	Land disturbance
	Forestry
	Hazardous Facilities (HF)
	Bores
<b>12</b>	Aquaculture
	Moorings
	Coastal Structures and occupations
<b>13</b>	Waterway structures
	River works/gravel extractions
	Diversions/flood protection
<b>14</b>	Consented surface water takes
	Groundwater takes
	Hydroelectric generation
<b>15</b>	Dairy Shed Effluent - Permitted/Consented
	On - site Domestic Wastewater
	Consented air discharges
	Richmond Airshed
	Stormwater discharges
	Chemicals/pesticide discharges

Table 1: Current monitoring programme in Tasman District

- 4.5 Underlying each programme is a subset of targeted monitoring areas based on their environmental risk, performance history, community interest or need for wider data reporting. These activity targets cover both consented and permitted activities occurring in the district. Table 2 below outlines some of these specific targets in detail.

Programme	Activity Targets
Land based Aggregate extraction	Working extraction size, discharges, backfill compliance
Forestry	Earthworks and tracking, sediment discharge controls and structures in waterways
Land Disturbance	Earthworks, sediment and erosion controls, plan approvals
On-site wastewater	Discharge quality, installation and maintenance requirements
Aerial 1080 discharges	All consent conditions
Water Metering	Groundwater and surface-water meter returns, meter regulations, Dry Weather Task Force (DWTF) data inputs
Farm Dairy effluent	Dairy effluent disposal - TRMP rules and consent conditions

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Programme	Activity Targets
Hazardous Facilities Sites	Consent and permitted activity rules performance
Fish processing plants	Water and air discharge consents, land use consents
Council Global Activities	River works, Wastewater treatment plants Coastal works permits, 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 across activity sectors.

1	<b>Full compliance</b>	Compliance with all relevant consent conditions achieved at time of inspection or audit.
2	<b>Non Compliance: No action</b>	Non-compliance with consent conditions with no or minor actual environmental effects and no action required.
3	<b>Non Compliance: Action</b>	Non-compliance with consent conditions with minor to moderate adverse effects and where action is required.
4	<b>Significant Non-compliance</b>	Non-compliance with conditions where there is actual or potential <u>significant</u> adverse effects and action is required.
5	<b>Not Monitored</b>	Consent not monitored at time of being exercised and compliance with conditions unable to be determined or not required.

Table 3: Compliance grading bands

**5 Summary of Consent and Permitted Activity Monitoring in Tasman District 2016/17**

- 5.1 Over the 2016/17 year a total of 2,340 resource consents and targeted permitted activities were monitored. This is down on previous years and is a result of staff having to respond to complaints and enforcement actions that resulted from non-compliances that were detected throughout the period.
- 5.2 Compliance with conditions or plan rules was relatively high for those activities that were monitored. Of the consents and permitted activities that were graded, 2,022 (86%) were graded as fully compliant. Of the 318 that failed to achieve full compliance with one or more consent conditions, 247 (78%) were graded as having nil or minor adverse effect (grade 2) and required no further enforcement action. Many of these are technical non-compliances such as failure to submit documents or to notify according to conditions of consent. The remaining 71 recorded non-compliances were of a level sufficient to require some type of

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action and were scaled as moderate or significant (Grade 3 & 4) depending on the level of offending and environmental effects. These were all addressed using some form of enforcement action commensurate to the level of adverse effect and need for deterrence.

<b>Compliance Rating</b>	<b>2016/17</b>
1. Fully complying	2,022
2. Non-compliance. Nil or minor adverse effect	247
3. Non-compliance. Moderate adverse effect	65
4. Non-compliance. Significant adverse effect	6

Table 4: Consent and targeted permitted activity compliance performance for monitoring period

- 5.3 The following table is a breakdown of the number of consents monitored per consent type under the agreed programme.

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Consent Type	# Consents
Land Use	99
Land Use Controlled	2
District: Land Use Discretionary	8
Land Use: Restricted Discretionary	2
District: Land Use Non-complying	5
Land Use: Non Notified Non-complying	2
Coastal Disturbance	3
Coastal Marine Farm	1
Coastal Occupation/Structure	4
Coastal Reclaim - Drain	1
Coastal discharge	2
Discharge - Air	11
Discharge - Land	484
Discharge - Water	27
Discharge - Dairy Effluent	139
Land Use - Bore	16
Land Use - Disturbance	29
Land Use - Excavate	2
Land Use - Gravel Extraction	8
Land Use - Hazardous Facilities	9
Bed - Activity on Surface	2
Bed - Culvert/Bridge/Ford Structures	4
Bed - Dam & Weir Structures	1
Bed - Entering & Passing Across	2
Bed - Gravel Extraction	2
Bed - Other Activities	2
Bed - Other Structures	3
Land Use - Watercourse	3
Water - Divert	4
Water - Dam	2
Water Take	1461

Table 5: Consent numbers monitored per consent type.

- 5.4 Unfortunately, the Compliance section has 2,022 additional resource consents that have outstanding monitoring requirements and these will have to be picked up as and when possible. These are consents controlling a broad range activities, with many in the land use categories. They do not include water take consents or consented dairy activities, which are absorbed into those specific monitoring programmes.

**Notable Industrial and Regional Consents**

- 5.5 The following section outlines the monitoring of some of the larger or more notable consented activities that occurred around the district during the period.



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5.6 The Resource Management (Exemption) Regulations 2017 came into effect on 1 April 2017 and now has an influence on the monitoring programme. These Regulations exempt pest control operations discharging 1080, brodifacoum and rotenone from regional council controls under the Resource Management Act 1991 (RMA). The monitoring obligations still fall to Council and the Compliance section will continue to monitor aerial applications in the future. During the year a series of operations were carried out by the Department of Conservation and Project Janzoon in the Kahurangi and Abel Tasman National Parks, as well as an operation in the Mokihinui area. There were no recorded non-compliances from these operations.

**Herbicide Spraying Programmes**

5.7 Both Tasman District Council and NZ Transport Agency undertook a range of roadside vegetation spraying operations around the districts roads. These areas are identified through resource consents that carry a sweeping range of conditions in regards to the undertaking and reporting of operations.

Both consent holders exercised these consents over the period and met all conditions.

**Wastewater Treatment Plants (WWTP)**

5.8 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.

**5.8.1 NRSBU Bells Island - Discharge to Waimea Estuary.**

This 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. Routine sampling reports were received as required. Minor non-compliance was recorded with a series of exceedances in the BOD limits in the sample sets over the period. No action required.

**5.8.2 NRSBU Bells Island - Discharge to Air.**

No incidents and fully complying with consent limits.

**5.8.3 NRSBU - Discharge of Biosolids on Rabbit Island.**

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.

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.

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The Collingwood township WWTP discharges treated effluent into the Burton Ale Stream. The resource consent requires a range of monitoring including discharge quality and periodic surface water monitoring. The consent holder is required to provide sampling data and annual reports.

All sampling data and annual reports for the period were received. Minor non-compliance was recorded on some sampling results and also macro invertebrate sampling of streambed. The non-compliance has been noted and matters have been followed with the consent holder however, no formal enforcement action has been required for the level of issues detected.

**5.8.5 Takaka WWTP**

The Takaka WWTP currently serves Takaka Township and surrounds. A consent allows the discharge of 700 m<sup>3</sup> of effluent via rapid infiltration basins. All sampling data and annual reports were received as required. Some minor non-compliance was recorded during this period as a result of some technical faults but required no action from Compliance other than noting.

**5.8.6 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. The annual report is overdue. All sampling data for this period received as required.

Consistent minor non-compliance recorded due to exceedances in the discharge volumes. 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 section is monitoring the situation but environmental effects are considered to be minor and no formal enforcement action has been required at this stage.

**5.8.7 Motueka WWTP**

The Motueka WWTP services the township of Motueka and surrounding areas, 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 finalised.

The annual report is overdue. Sampling results have been received as required. Consistent moderate non-compliance recorded through exceedances in the discharge volumes and some quality measures. The Compliance section has been following these issues up with the consent holder but recognises that there are underlying problems with the system that can only be properly addressed with the planned upgrade. No formal enforcement action was undertaken during the period.

**5.8.8 Tapawera WWTP**

Tapawera's wastewater treatment plant is a small system servicing the township. The consent allows a maximum discharge of up to 500 m<sup>3</sup> per day. The annual report is overdue. Sampling results have been received as required. Minor non-compliance has been identified through the sampling in the groundwater monitoring bores where E.coli has been

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found to be greater than <1 cfu/100ml. As this is also evident in the upstream bores it is likely that this is the influence of surrounding agriculture. Noted, but no further action and sampling continuing.

**5.8.9 Murchison WWTP**

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.

The annual report is overdue. All sampling results have been received as required. Consistent minor to moderate non-compliance recorded due to exceedances in *E.coli* and some other measures in groundwater bore sample results throughout the year, also some flow exceedances in high rainfall. As upstream sample bores are also elevated it is likely that agricultural activity is having an influence on sampling results and no action is anticipated at this stage, however, the Compliance section is monitoring this.

**5.8.10 St Arnaud WWTP**

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 and discharge to land. The annual report is overdue. Sampling results have been received and are compliant.

**Landfills and Transfer Stations**

5.9 Tasman District Council operates a single landfill and a number of transfer stations in the District under various resource consents.

**5.9.1 Eve Valley Landfill**

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 was operational up until 30 June 2017 when it was closed.

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

**5.9.2 Eve Valley Discharge to Land**

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.

**5.9.3 Eve Valley Discharge Stormwater**

Report received. All sampling and reporting conditions met over the period. Issues of non-compliance with respect to several leachate discharges into the Eves Valley stream during high rainfall events with minor effects. Additional work was subsequently undertaken which is expected to resolve this matter. Also issues with silt from the stormwater settling pond during high rainfall events with some minor effects. Compliance Officers continue to work with the consent holder on this matter.

**5.9.4 Eve Valley Discharge to Air**

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Annual report received. No issues.

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

Scott's is subject to two resource consents for the land use for a transfer station and discharge of stormwater. Consents require a comprehensive range of ground and surface water quality sampling and site management.

All sampling received as required although Annual Report received late. No issues of non-compliance in sampling results.

**5.9.6 Richmond Transfer Station**

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

Quarterly sampling results and annual report received albeit late. No discharge exceedances however some minor non-compliances detected regarding maintenance of the flume.

**5.9.7 Mariri Transfer Station: Motueka**

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 has been recorded where septic tank overflow occurred during heavy rain. This was addressed at the time by the consent holder with pump out and containment.

**5.9.8 Murchison Recovery Centre**

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

**TIMBER TREATMENT PLANTS**

5.10 There are a number of timber treatment plants in the district.

**5.10.1 Nelson Pine Industries Ltd**

Nelson Pine Industries (NPI) Limited operates MDF and LVL plants at Lower Queen Street, Richmond; they hold a suite of consents including air, stormwater and hazardous facility. During the 2016/17 year, NPI undertook all monitoring as required under their consents and supplied the results to Council. No issues of non-compliance recorded.

**5.10.2 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. All reporting has been complied with. All compliant with the exception of sampling bores established with consent to discharge to Eves Valley Stream from Woodshed Creek, have recorded an instance of elevated Aluminium above consent limits.

**5.10.3 AICA Limited**

AICA Limited operates a phenol and formaldehyde resin plant at Lower Queen Street, Richmond. The company holds resource consent to discharge contaminants into the air

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from the production of phenol and formaldehyde resins and resource consent to discharge stormwater into the Waimea Estuary. During 2016/17, no stormwater discharges occurred from the site and there were no exceedances recorded in concentrations of formaldehyde or the other measures required under consents.

**5.10.4 Goldpine Industries**

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.

All reports and sample data received. Some issues with exceedances in the sediment sampling at one site has required the Company to take some action address the issue. No other action required by the Council who are monitoring the progress.

**5.10.5 Hunters Laminates 2014 Limited**

Hunters Laminates 2014 Limited operates a timber processing facility at Beach Road in the Richmond industrial area. Their primary product is laminate timber products.

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.

In the latter part of 2016, the Council had detected a range of offences in relation to activities occurring on this site and the company is now facing charges in the Environment Court. More details are available in the following section of this report entitled enforcement.

**5.10.6 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.

A summary of stormwater and sediment sampling received. No issues.

**DAIRY PROCESSING FACTORIES**

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

**5.11.1 Fonterra - 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.

As part of the resource consent conditions authorising the various discharges, the company is required to supply reports on performance at specified periods. The company has complied with reporting during 2016/17.

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Of note is that due to the levels of rainfall occurring in this area over the year, saturated soils have meant the Company has been required to exercise its consent to discharge process water to the Takaka River on a number of occasions. The Company has provided all necessary pre and post data and sampling as imposed by the conditions of that consent and no non-compliance has been detected.

It is also worth noting the Takaka Factory is currently undergoing significant upgrades to its waste and stormwater infrastructure.

### 5.11.2 **Brightwater Plant**

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.

As part of the resource consent conditions authorising the various discharges, the company is required to supply reports on performance at specified periods and the company has provided the required reports in 2016/17. Some minor non-compliance was recorded with respect to the discharge consent around soil probe data and one incident of the boiler stack discharge breaching opacity restrictions over specified period. These non-compliances have not required any enforcement action.

## FISH PROCESSORS

5.12 There are two types of fish processors operating within the district:

### 5.12.1 **Talley's: Port Motueka**

Talley's operate a fish processing, fishmeal and ice cream factory at Port Motueka. The company holds a suite of consents and is going through the renewals process at present. In the interim the existing conditions prevail.

During this period, a significant number of non-compliances were detected around the consented discharges to the coastal marine environment and to air. The Compliance section is following this up with the consent holder. This includes various enforcement actions and these matters are yet to be resolved.

### 5.12.2 **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.

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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 2016/17 year both companies undertook all monitoring as required under the consent and supplied annual reports.

NZKS fully complied with their reporting although the company is unable to report on one consent condition due to the transmissometry measuring being inaccurate. This is due to the clarity of springs water being clearer than the calibration coefficient for pure water. Experts are grappling with this at present and Council is being kept informed.

Anatoki Salmon has supplied results and annual reports for the various consents they hold. The discharge of water from the salmon pond continues to fail quality measures due to the slips in the upstream catchment from the flood event in 2011 having an ongoing influence. The consent renewal process will need to address the issues that are encountered on this site.

**6 Complaints Action 2016/2017**

6.1 The Compliance section provides 24-hour complaint response, each year it investigates a wide range of activities as a result of public complaints. During the 2016/17 year, 2389 complaints were received by Council that related to the RMA or Litter Act. This was up from 2,141 recorded in the previous year. Overall, this represented a 12% increase on the previous year. Figure 1 displays the current year’s data as part of the trend in complaint numbers in Tasman district over last five years.

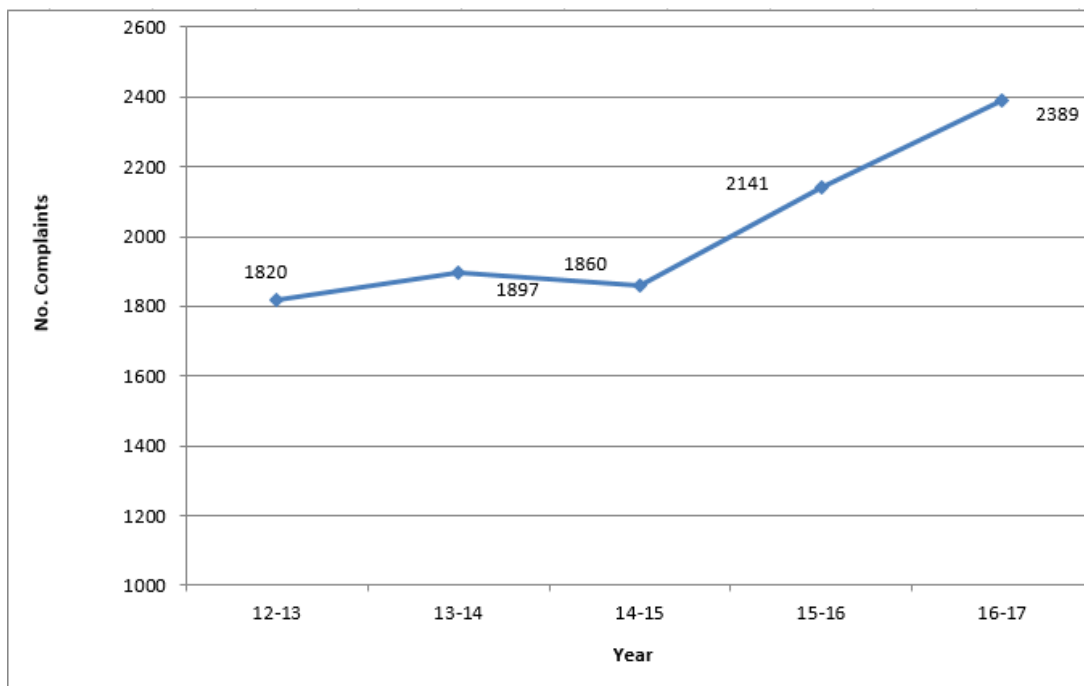


Figure 1: Trend in complaint numbers in Tasman district over last five years



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6.2 The following graph provides a simple breakdown summary of these complaint numbers against the eight standardised complaint categories used in this annual report summary.

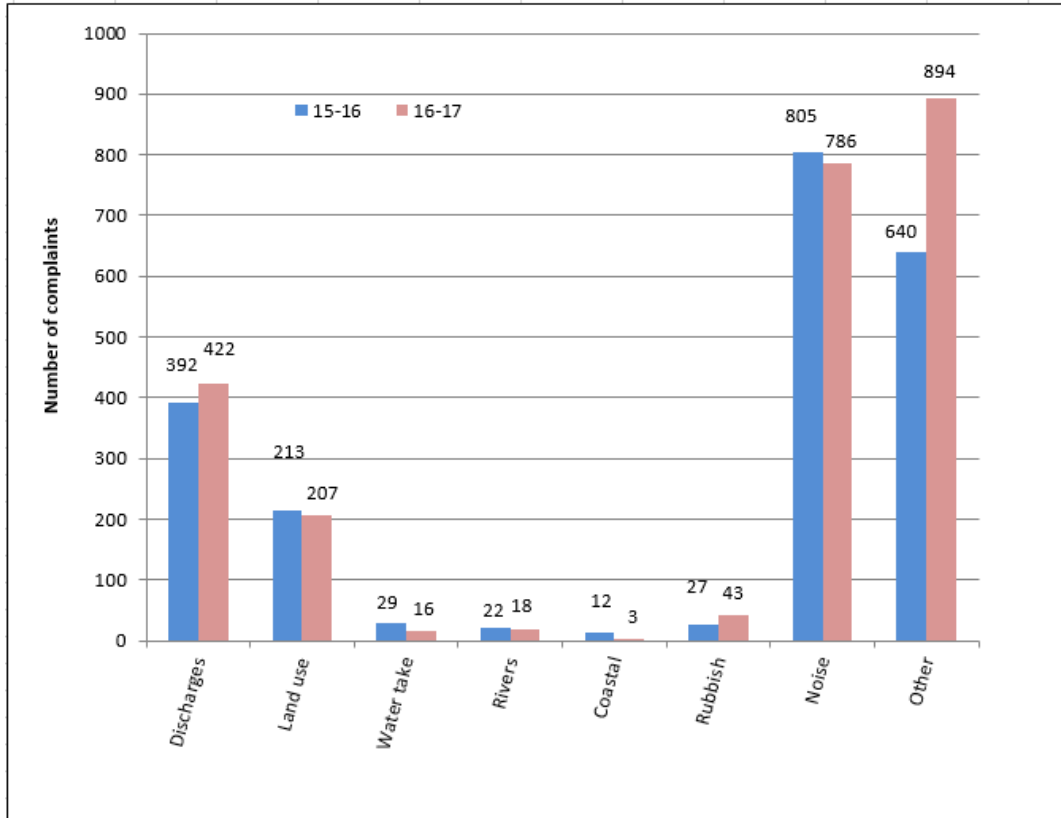


Figure 2: Number of complaints received in comparison to previous year by general category

6.3 The results show an increase of 248 (12%) in overall complaints from the previous year.

6.4 The most significant increase was in the category of “other”, and was associated with abandoned vehicles. In the previous year, Council responded to 174 notifications around abandoned vehicles, whereas this year that figure was 277. This represents a 37% increase on last year, creating the spike seen in the graph.

6.5 Across the remainder of the groups the category “discharges” was the only other that saw any significant increase. Most years, outdoor burning is one of the biggest contributors to the discharge complaints category and this year was no different. Smoke effects from outdoor burning in and around Lower Moutere, Motueka and the Riwaka area were common complaints and were attributed to burning on the horticultural blocks around the outskirts of these areas during the winter months. Burning in the Brightwater and Waimea plains also prompted many to complain. It was not uncommon for people in the urban areas to complain about the visual effects and the impact on the airshed and their own restrictions. Complaints were dealt with on a case-by-case basis and action taken as and when it could be established that a breach had occurred.

6.6 Rubbish dumping notifications also saw an increase this year, along with abandoned vehicles. It is likely that this problem is underrepresented in the figures as some members of the community clean sites up. Additionally, the Engineering Services department and its



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contractors respond to similar complaints and this action may not always be captured through this data set. The river berms of the Waimea and Motueka Rivers were typical hot spots, but a number of laybys and reserves around the district were also subject to fly tipping. The Compliance section issued a number of infringement fines when it could identify offenders but many of these went unpaid and were ultimately filed with the collections department of the Ministry of Justice for recovery.

**7 Enforcement Action**

- 7.1 One of Council's key measures of performance is timely resolution of significant non-compliance with respect to breach of consent conditions. Significant non-compliance is graded as a 4. Timely resolution is defined as 80% resolved within nine months and 95% resolved with 12 months.
- 7.2 During the 2016/17 year a total of six consents were subject to this measure in the reporting year. There were no carryovers from the last period (see Table 6). All were resolved within six months.

	Number of actions	Resolved (nine months)	Resolved (12 months)
Non compliances recorded and resolved this current period	6	6	N/A
Non compliances carried over from the previous year subject to measure*	N/A	N/A	N/A
Non compliances with nine and 12 month deadline beyond this reporting period**	N/A	N/A	N/A
Total	6	100%	N/A

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

**NOTES**

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

\*\*This 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 would be reported on in the next annual report.

- 7.3 During the 2016/17 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 and compares this to the same period in the previous 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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<b>Enforcement action</b>	<b>2016-17</b>	<b>2015-16</b>
Abatement notices	54	41
Infringement notices	68	49
Enforcement orders	2	0
Prosecutions	3	0

Table 7: Summary of Enforcement action during the 16/17 year including comparison data for previous year

**Abatement Notices**

- 7.4 54 Abatement notices were issued by the Compliance section 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 section in relation to consent condition breaches where noise was the non-complying factor if applicable.
- 7.5 Abatement notices for unauthorised discharges featured highly in this year's data and the majority of these were associated with domestic wastewater non-compliance with conditions of consent. Typically, these were failures in undertaking sampling, servicing or providing documents required through consent conditions. Abatement Notices issued for unauthorised sediment discharges and discharges to air associated with certain activities also featured in this group.

The second biggest group was activities around land use, these were for a broad range of non-compliances with either resource consents or plan rules.

<b>RMA Section</b>	<b>Number issued</b>
Section 9 - Land use	21
Section 12 - Coastal	1
Section 13 - Rivers/Lakes	1
Section 14 - Water	3
Section 15 - Discharges	28
<b>Total</b>	<b>54</b>

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

**Infringement Fines**

- 7.6 During the period 68 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>Court for recovery</b>	<b>Withdrawn</b>
Contravention of section 9 - (Land use)	3	2	1	-

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Contravention of section 12 - Coastal	1	-	1	-
Contravention of section 13 - (Rivers)	-	-	-	-
Contravention of section 14 - (Water)	8	6	1	1
Contravention of section 15(1) (a) (Discharge contaminant into water)	3	2	1	-
Contravention of section 15(1) (b) (Discharge contaminant to Land)	1	1	-	-
Contravention of section 15(1)(c) (Discharge - Industrial Premises into air)	1	1	-	-
Contravention of section 15(1) (d) (Discharge - Industrial Premises to land)	2	2	-	-
Contravention of section 15 (2) (Discharge to air in contravention of NES)	3	2	1	-
Contravention of section 15(2A) - (Discharge Air - breach rule or regulation)	8	7	1	-
Contravention of an abatement notice	14	9	5	-
Contravention of an excessive noise direction	1	-	1	-
<b>Litter Act 1979</b>				
Deposit and Leave Litter	22	8	14	-
Fail to comply with Litter Notice	1	-	1	-
<b>Total</b>	<b>68</b>	<b>40</b>	<b>27</b>	<b>1</b>

Table 9: Infringement notices by type and outcome

**Enforcement Orders**

7.7 Two enforcement orders were before the court during this reporting period, the details of which are summarised below:

**7.7.1 E A & J A Ashton**

The Council sought Enforcement Orders in the Nelson Environment Court as a result of the increasing use of the subject property for the storage of old cars and other waste materials. The respondents contested the Orders and the matter was heard in Court in late May 2017. Evidence was heard from both sides and a site visit made to the property by the Judge. As a result, the Judge delivered a decision in the favour of the council. In essence, the orders required the respondents to:

- Cease bringing on and storing any further vehicles on the subject property,
- All vehicles identified and listed under the schedule to the order to be removed by the specified date.

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- Apply for resource and building consents for those buildings identified as requiring authorisation.
- Ensure that no sheds are used for storage of vehicles, unless for vehicles identified in schedule presented to Court or unless resource consent obtained.
- Ensure the perimeter fence complies with the Tasman Resource Management Plan rules.

**7.7.2 Tree Top Estate Limited & R A Gardner.**

The Council sought enforcement Orders in the Environment Court after it became aware of significant effluent discharges occurring as a result of intensive farming practices on a property. The Orders were agreed and came into force in late May 2017. These orders contained a comprehensive set of conditions imposed around controlling the land use. Some of the key conditions were:

- Cease housing any cattle (or any other animals) on the farm in any existing or new shed or building, until a Council approved Effluent Management Plan, including a recommended effluent management system, is in place
- Cease disposing of cattle effluent generated from the indoor housing of cattle and cattle carcasses to the existing effluent mounds on the farm and the farmland generally.
- Ensure that the farm is managed and maintained so that effluent from cattle housed in the sheds and the existing effluent mounds is prevented from entering any water body located on the farm by containing run off from these areas.
- Engage a suitably qualified and experienced advisor experienced in animal effluent management to;
  - undertake a detailed inspection over all areas of the farm,
  - prepare a plan which sets out the findings of the inspection, addresses the management of effluent and recommends an effluent management system for the housing of cattle in the sheds (or any other animals the Respondents plan to house in the sheds) in order to achieve compliance with the Tasman Resource Management Plan (TRMP) and the Act.
  - prepare a plan recommending measures to remove and dispose of the existing waste (cattle effluent mixed with cattle carcasses and other materials)

**Prosecutions**

7.8 Three prosecutions was initiated or resolved in this period.

7.8.1 **Defendant:** Brett Edward Mytton

**Charge:** Contravention of section 15(2A) of the Act by discharging contaminants into air in a manner which breached a Regional Rule, namely Rule 36.3.7.1 of the Tasman Resource Management Plan (TRMP) by the open combustion of prohibited materials, namely plastic products, when the discharge was not expressly allowed by the national environmental standard or other regulations, or by a resource consent or was not an activity allowed

**Sentence:** The defendant appeared in Court on the 11 May 2017 and was sentenced to \$8000 after discounts for early plea, actions he undertook including a public apology,

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community work plus the voluntary payment of \$5000 to the local library and \$1000 to rural fire as part of restorative justice.

**7.8.2 Defendant:** Hunter Laminates 2014 Limited

**Charge:** Hunter Laminates 2014 Limited did commit an offence against section 338(1)(a) of the Resource Management Act 1991 ("the RMA") in that it contravened section 15(1)(c) of the RMA in that it discharged contaminants, namely combustion products from the burning of timber impregnated with metals, from industrial or trade premises, namely a factory manufacturing timber products, into air, when the discharge was not expressly allowed by a national environmental standard or other regulations, a rule in a regional plan, or a resource consent

The defendant entered guilty pleas on the 28 June 2017 and the matter is adjourned.

**7.8.3 Defendant:** Amberglen Farm Limited & Hayden John Pomeroy & one other

**Charges:** Nine charges for offences against Section 338(1)(a) of the Resource Management Act 1991 for contravention of Section 15(1)(b) of the Act by the discharge of contaminants namely dairy effluent onto land in circumstances which may have resulted in that effluent entering water.

Two of the defendants - Amberglen Farms and H J Pomeroy entered guilty pleas to eight of the charges on 8 March 2017 and the matter has been adjourned. The third defendant has pleaded not guilty and a reserve trial date has been set for November 2017.

**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 correct core activity areas in which to put our limited resources and are meeting defined objectives using appropriate 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's national strategic compliance framework.

8.2 Emphasis continues on improving our data capture and reporting processes where we can, in order to meet increasing needs for central government reporting, particularly in the area of

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water management. A lot of work is going into this administrative role at present. A new database for water is being rolled out and will be operational by the start of the new water season.

- 8.3 The Stock exclusion regulations that are currently being worked on at a national level will have a direct impact on us when they are implemented at the regional level. The draft regulations are still being finalised and we have had input into these through our dairy monitoring officer who has been on the MfE working group. It is anticipated that once these Regulations are implemented, our current resourcing will not enable us to effectively monitor and enforce them. Additional resourcing and utilising other technologies such as drones will be required.

**9 Conclusion**

- 9.1 Complaint response continues to be our first priority and a considerable amount of time is spent responding to the public and their concerns. This does have a negative impact on the more proactive consent monitoring work; however, it is essential that Council responds to public and community concerns first and foremost.
- 9.2 Non-compliance by consent holders has a direct impact on our resources. The time spent ensuring that adverse effects are mitigated and that offenders are held to account, particularly in significant cases, can divert officers away from other work for considerable periods. Enforcement is a critical function of Council in ensuring the integrity of its rule framework and for protecting our natural resources, however, discharging this function does have a knock on effect with other critical objectives.
- 9.3 This year enforcement actions undertaken by the section have included five matters that have been, or are soon going to be, before the Court. While we have had highly successful outcomes, but it has taken away the ability to get on the front foot with resource consent monitoring, which is down as a result.
- 9.3 On the monitoring side, the water metering and Dairy effluent programme along with the wastewater and industrial programmes have continued and the work going into these has seen reasonable compliance performance. Worryingly, increasing numbers of consent holders in both water and wastewater have slipped in their performance in recent times and this has required a much stiffer enforcement response to obtain compliance with conditions. This targeted response is expected to continue next year in order to improve performance in these sectors.
- 9.4 Finally, a strategic review of the current work programmes will be completed by the end of this year. This will provide us with a renewed understanding of our key priority areas and where we can put our resources to best effect.

**10 Attachments**

Nil

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