

REP19-09-6 ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**Information Only - No Decision Required**

Report To:	Environment and Planning Committee
Meeting Date:	5 September 2019
Report Author:	Carl Cheeseman, Co-ordinator Compliance Monitoring
Report Number:	REP19-08-03

1 Summary

- 1.1 Tasman District Council has a statutory obligation to monitor and enforce its legal duties and responsibilities under the Resource Management Act and other Acts it administers.
- 1.2 The council operates a tailored monitoring programme which is underpinned by a strategic risk based priority-setting framework. This identifies the range of activities seen as significant to the district and where the monitoring effort should be directed.
- 1.3 These tailored monitoring programmes not only allow for structured and consistent effects based monitoring but also allows Council the ability to identify trends and respond appropriately to non-compliance and/or environmental effects with appropriate resources or enforcement strategies.
- 1.4 The need to take enforcement action may arise following routine monitoring or through complaint investigation. In either case, the need to take enforcement action will arise because a breach of rules or conditions of consent has occurred.
- 1.5 The process of undertaking enforcement is a staged one of promoting awareness and providing assistance, warnings, issuing of enforcement notices and in serious cases, prosecution, depending on the nature of the offending. The purpose of this spectrum approach is to encourage positive behaviour change but also a strong deterrent message where appropriate.
- 1.6 This report summarises the Council's monitoring and enforcement activities for the period 1 July 2018 to 30 June 2019
- 1.7 Council responded to 2,631 complaints in the year. Complaints were up 3% on the same period last year (2,562). While some complaint categories decreased these were offset by the increase in water and discharges complaints. The summer drought was responsible for the increase in water issues as severe restrictions began to bite and the public became sensitive to what they considered inappropriate water usage or poor irrigation practices. Discharges was the other category seeing an increase and this has been the trend in recent years. Complaints were mostly associated with smoke effects from late autumn outdoor burning. Odour complaints also featured highly in Motueka. As always complaint response continues to be first priority and a considerable amount of time is spent responding to public concerns.

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- 1.8 Despite the impact complaint response has on Council, effort is still put into consent and permitted activity monitoring and a total of 1870 resource consents and targeted permitted activities were recorded as monitored. This was up on the 1505 last year. The actual number may have been higher but our current system does not count all district land use consents where monitoring occurs through the building consent process.
- 1.9 Compliance was reasonably high this year, with 1216 (64%) of the activities monitored found fully complying with consent conditions. Of the 645 activities that failed to achieve full compliance, 79% were minor and required no further action. Generally, in these cases the approach was to provide some education or a warning where that was appropriate. The remaining 21% had non-compliance at a level sufficient to require some type of action. These were addressed through a formal enforcement process depending on the circumstances and included either a written direction or abatement notice and associated fines.
- 1.10 While none of the significant non-compliances this period was of a level that warranted prosecution or enforcement orders before the court during the year, Council undertook a number of other enforcement actions for breaches of consent conditions, plan rules or regulations. The type of response depended on the circumstances behind the offending and the level of adverse effect caused by those actions. Over the year, 67 abatement notices and 79 infringement notices were issued. This was up sharply on last year and is attributed to the enforcement response during the drought.
- 1.11 Much like complaint response, the requirement to undertake enforcement actions to remedy 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 offending can take a considerable amount of staff time.
- 1.12 Despite that and the impacts of the two emergency events encountered this summer, it is pleasing to report that the Compliance section had a great deal of success in executing its monitoring and enforcement responsibilities this period.

2 Draft Resolution

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 2018 to 30 June 2019. 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 4 Outlines current compliance structure and programmes
 - Section 5 Reports on performance with consent/permitted activity monitoring
 - Section 6 Reports on complaint response for the period
 - Section 7 Reports on enforcement activity for the period.

4 Compliance Monitoring Programmes

- 4.1 Tasman District Council's monitoring programme is delivered using a strategic risk based priority-setting framework. This focuses monitoring efforts according to the activities risk to our natural resources and community wellbeing.
- 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 the individual's compliance performance with rules or resource consents as well as the behaviour of the sector as a whole.
- 4.3 This programme is reviewed every two years to allow us the ability to identify and respond to trends with either a reduction or additional resourcing or enforcement strategies as required.
- 4.4 Currently the section consists of nine warranted officers and an administrator under the direction of a Team Leader. Additional administrative resource is provided from the regulatory department and amounts to approximately 0.6 FTE. Compliance Monitoring Officers have direct responsibility for managing and reporting outcomes under their individual portfolios. Each Compliance Officer holds a number of portfolios.
- 4.5 The current suite of monitoring programmes under their priority settings are listed below in Table 1:

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Compliance Monitoring Activity Area 2018/2020

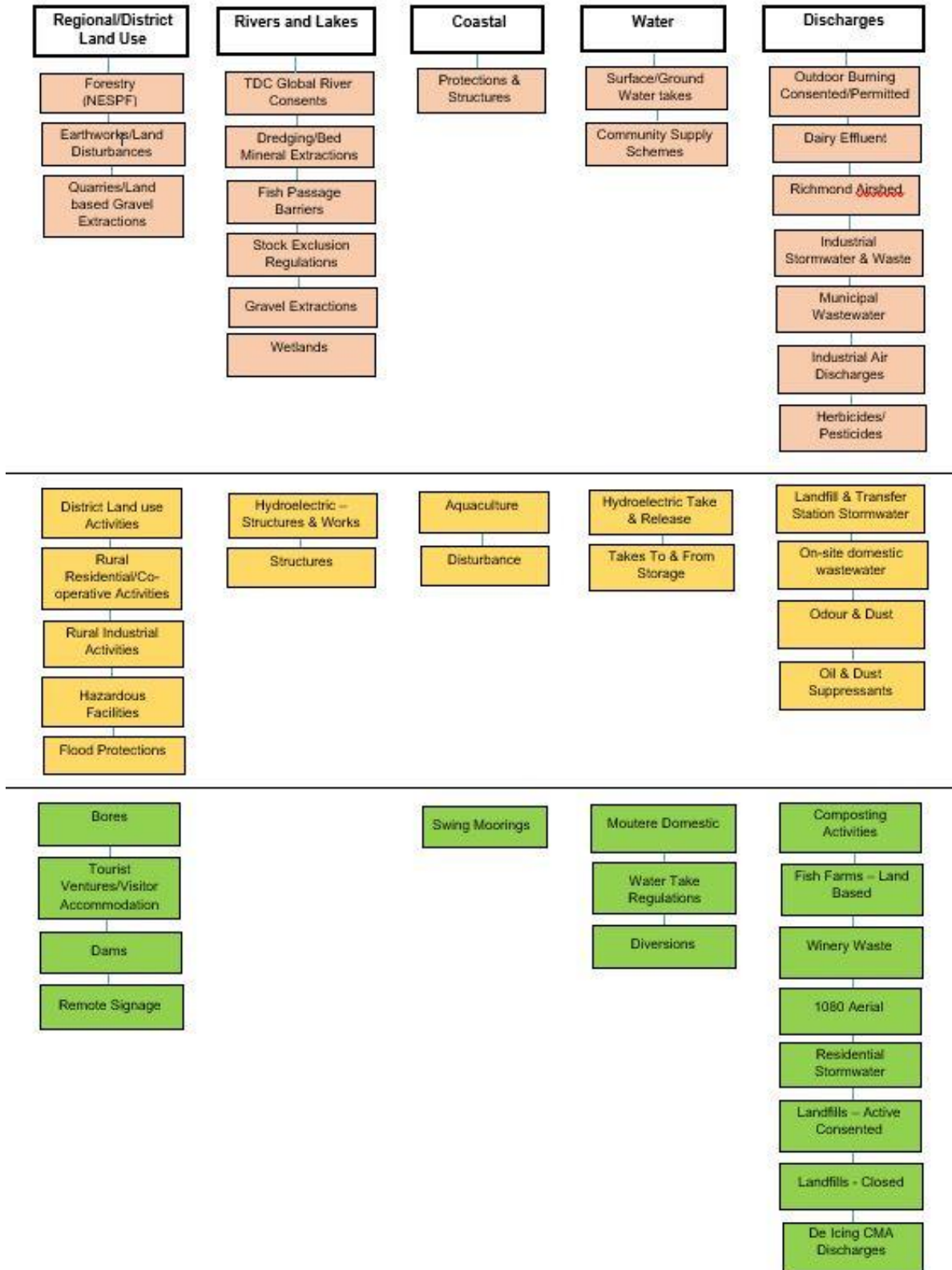


Table 1: Current monitoring programme in Tasman District

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- 4.6 The colour coding in the above table represents where the activity sits in the priority-setting matrix. Monitoring intensity is determined by this priority status and associated monitoring policy.

Aggregate total score	Priority *
Total score of 30 - 50	1 - High
Total score of 20 -29	2 - Moderate
Total score of 0 - 19	3 - Low

Compliance officers responsible for these programmes develop a strategy of programme and data management in accordance with these settings. 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 inspection a grade is assigned to each condition monitored reflecting the level of compliance achieved at that time. This grading determines the level of enforcement response for those non-complying and also assists in mapping future monitoring through our monitoring strategy.

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

Table 3: Compliance gradings

5 Summary of Consent and Permitted Activity Monitoring in Tasman District 2018/19

- 5.1 Over the 2018/19 year a total of 1,870 resource consents and targeted permitted activities were monitored. Due to the unique set of circumstances occurring over the summer with the Tasman wildfire and region wide drought consent monitoring was affected as staff were diverted into response to these events. Despite this, monitoring of consents in the key programme areas was higher than the previous year where 1505 were monitored.

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5.2 As stated, all consents monitored are assigned a performance grade against their conditions. A summary of the compliance monitoring outcomes for the consents that received monitoring is contained in the following graph.

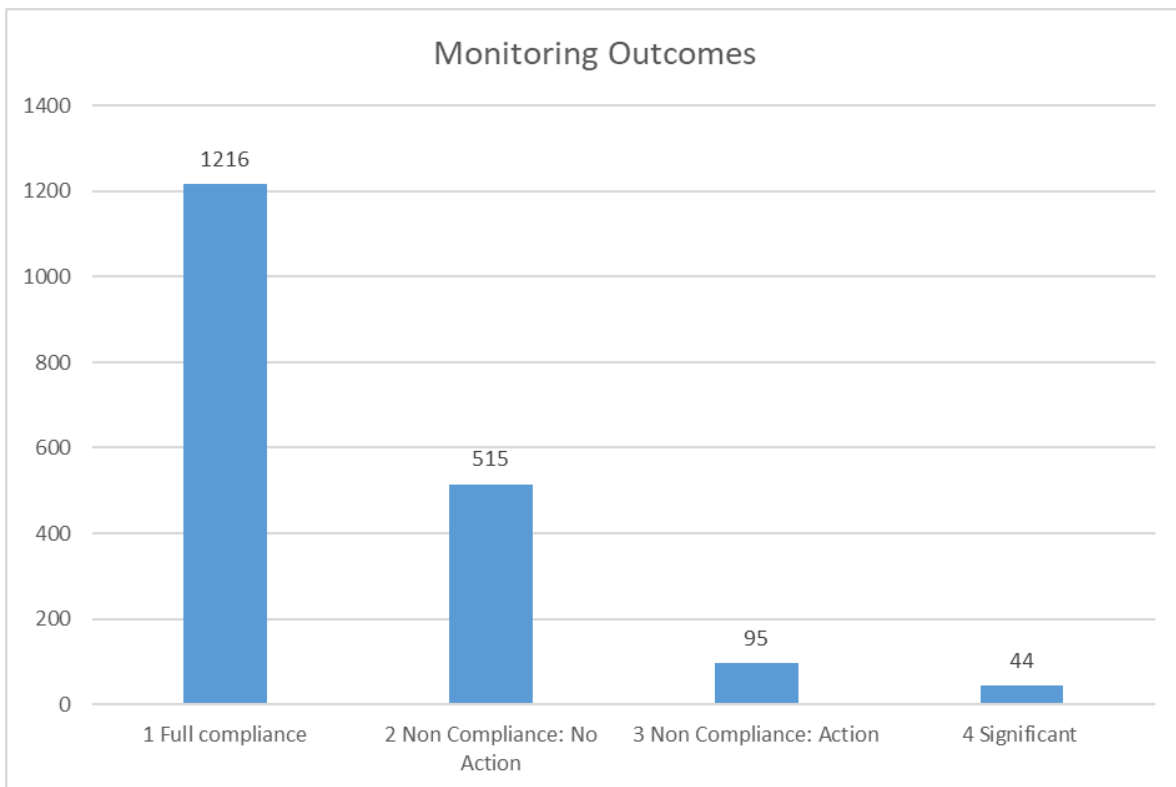


Figure 1: Consent and targeted permitted activity compliance performance for monitoring period

5.3 Compliance with conditions or plan rules was relatively high with 65% being recorded as fully compliant at time of inspection. Of the 645 that failed to achieve full compliance with one or more consent conditions, 79% of these were minor and required no further action. In most of these cases, the approach was to provide some education around the need to comply or a warning issued where that was appropriate. The remaining 21% had non-compliance at a level sufficient to require some type of action given the circumstances and actual or potential for adverse environmental effects. These were often addressed through a formal enforcement process depending on the circumstances and were likely to include a written direction or abatement notice and associated fines. None of the significant non-compliances this period was of a level that led to initiation of a prosecution or enforcement orders before the court although some are on final warnings.

Notable Regional Consents

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

ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**Herbicide Spraying Programmes**

- 5.5 Both Tasman District Council and NZ Transport Agency undertook a range of roadside vegetation spraying operations around the districts roads. Both consent holders exercised these consents over the period and met all conditions.

Wastewater Treatment Plants (WWTP)

- 5.6 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 Bells Island - Discharge to Waimea Estuary

- 5.6.1 This resource consent allows the discharge of up to 25,000 m³ 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 and full compliance achieved.

NRSBU Bells Island - Discharge to Air

- 5.6.2 All reports received. Some complaints have been received over the period from residents of Best's Island with regard to odour. These have been dealt with at the time and no action is forthcoming.

NRSBU - Discharge of Biosolids

- 5.6.3 Resource consent allows the discharge of stabilised sludge to approximately 1000 hectares of forest land on Moturoa/Rabbit Island on a rotational basis. Consent conditions require sampling of effluent, groundwater quality, and soil contaminant concentrations on the irrigated land. This activity met all its conditions in the 2018/119 period.

A full report including trends is required to be submitted every six years of the anniversary of consent. The next report is due 2020.

Collingwood WWTP

- 5.6.4 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. An annual report is required by 30 November each year covering the period 1 September to 31 August.

All sampling data and annual reports for the period received. Non-compliance was recorded over the reporting period due to a failure of the UV system. No formal enforcement action has been required as the matter was rectified quickly.

Takaka WWTP

- 5.6.5 The Takaka WWTP currently serves Takaka Township and surrounds. A consent allows the discharge of 700 m³ of effluent via rapid infiltration basins. An annual report is required by 30 November each year covering the period 1 September to 31 August.

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All sampling data and annual reports for the period received. Fully compliant.

Upper Takaka WWTP

5.6.6 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 consent holder is required to provide sampling data and report non-compliance. An annual report is required by 30 November each year covering the period 1 September to 31 August.

Single event of non-compliance recorded due to rainfall causing exceedance in daily flow limits. Given the work going into upgrades on this system to prevent storm water intrusion no action required.

Motueka WWTP

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

Annual reports and sampling results received. Some non-compliance recorded during this period mostly associated with dissolved oxygen levels and E.Coli above consent limits.

Tapawera WWTP

5.6.8 Tapawera's wastewater treatment plant is a small system servicing the township. The consent allows a maximum discharge of up to 500 m³ per day. Annual report and all sampling results received. Fully compliant.

Murchison WWTP

5.6.9 The resource consent allows for a maximum of 500 m³ 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 and all sampling results have been received as required. Non-compliant E Coli readings from bore testing. Additional testing has been done in the area which indicates source not from WWTP but more from the agricultural run off. Monitoring continuing.

St Arnaud WWTP

5.6.10 The resource consent allows the discharge of up to 290 m³ per day of effluent from a single aerated oxidation pond feeding a two-stage marsh cell and discharge to land.

Annual report and all sampling results received. Fully compliant.

Landfills and Transfer Stations

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

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- 5.7.1 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 and the site moved to a maintenance programme.

Monitoring continues with respect to discharges and covers the range of performance conditions including ground, leachate and surface water sampling.

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 were recorded although carrying minor effects in the receiving environment. No action required.

Scott's Quarry Transfer Station: Takaka, Golden Bay

- 5.7.2 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. Technical non-compliance with receipt of a late report. All discharges were compliant.

Richmond Transfer Station

- 5.7.3 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. Fully compliant.

Mariri Transfer Station: Motueka

- 5.7.4 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. Full compliance achieved.

5.7.5 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

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

Nelson Pine Industries Ltd

- 5.8.1 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 2018/19 year, NPI undertook all monitoring as required under their consents and supplied the results to Council in reports. Fully Compliant.

ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**Carter Holt Harvey**

- 5.8.2 Carter Holt Harvey (CHH) operates a sawmill complex at Eves Valley. The company holds a suite of consents including air, stormwater and hazardous facility. These consents are due for renewal and applications are now in with Council.

All monitoring and reporting has been complied with and sampling programmes have shown all discharges are within the consent parameters. Fully compliant.

AICA Limited

- 5.8.3 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 from the production of phenol and formaldehyde resins and resource consent to discharge stormwater into the Waimea Estuary. During 2018/19 fully complied.

Goldpine Industries

- 5.8.4 Goldpine Industries operates a CCA and Alkaline Copper Quat (ACQ) timber treatment plant in the Golden Downs area. The company holds a suite of consents for this site including, discharge of stormwater, air discharge, hazardous substance and other land use consents.

All reports and sample data received. No non-compliance reported for this period.

Halswell Timbers

- 5.8.5 This site was previously Hunters Laminates 2014 Limited until that company went into liquidation last year. The site is still a timber processing facility now run by Halswell Timbers.

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. The site is currently under abatement notice and the timber treatment is undertaken off-site. Compliance staff continue to deal with the new owners towards full compliance.

Prowood Limited

- 5.8.6 Prowood Limited now operates the timber processing and treatment facility in the Little Sydney Valley previously owned by Primepine.

This site is a CCA treatment plant and holds a suite of consents associated with the operation including stormwater discharge, air and hazardous facility. New consents were granted for this site in 2017.

All monitoring and reporting requirements have been met however the site has been subject to a series of complaints from local residents in the last year associated with noise and hours of operation. These matters are being worked through with Council, the consent holder and complainants.

Dairy Processing Factories

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

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5.9.1 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 2018/19.

Non-compliance recorded in the stormwater discharge consent as a result of dissolved Zinc levels exceeding the trigger value specified in the consent. Further assessment and remedial being undertaken by the company.

Brightwater Plant

5.9.2 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.

The company is required to supply reports on performance at specified periods and has provided the required reports in 2018/19. Fully compliant.

Fish Processors

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

Talley's: Port Motueka

5.10.1 Talley's operate a fish processing, fishmeal and ice cream factory at Port Motueka under a new suite of resource consents including to discharge to the Coastal Marine area and air.

During this period, the company undertook a range of plant upgrades and implemented changes to recognise the new consent conditions. This work is continuing.

Unfortunately, during this period the Council has been required to respond to a range of non-compliance with respect to discharges to air and the Motueka estuary. There has also been a raft of public complaints around odour from the fishmeal plant.

While Council continues to work with the company on its environmental obligations it is also now subject to final warnings.

Salmon Farms

5.10.2 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

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Salmon is located on the banks of the Anatoki River. Both companies have a suite of resource consents relating to:

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

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

During the 2018/19 year both companies undertook all monitoring as required under the consent and supplied annual reports.

NZKS fully compliant. Anatoki Salmon continue to have problems meeting water quality measures and several complaints have been received from the public regarding discharge effects.

The compliance department is working with the farm to resolve these issues and they have renewal and a new consent application with Council.

Other Industries**Higgins Contractors Limited**

5.11 Higgins operates a concrete and hot mix asphalt plant on Beach Road, Richmond. The company holds a number of resource consents including discharge to air associated with the manufacture of asphalt.

The company is currently under abatement notice due to non-compliance as a result of odours from the manufacture of asphalt creating adverse effects on the local community.

The company has now engaged its national advisers to resolve this matter and new plant is in the process of being secured for this site.

6 Complaints Action 2018/2019

- 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.
- 6.2 During the reporting period, 2631 complaints were received relating to environmental incidents or rubbish dumping. This was an increase of 69 complaints on the previous year or a 3% increase. This continues the trend of steadily climbing numbers since 2014.
- 6.3 Figure 2 charts the current year's complaint numbers in Tasman district against the last six years.

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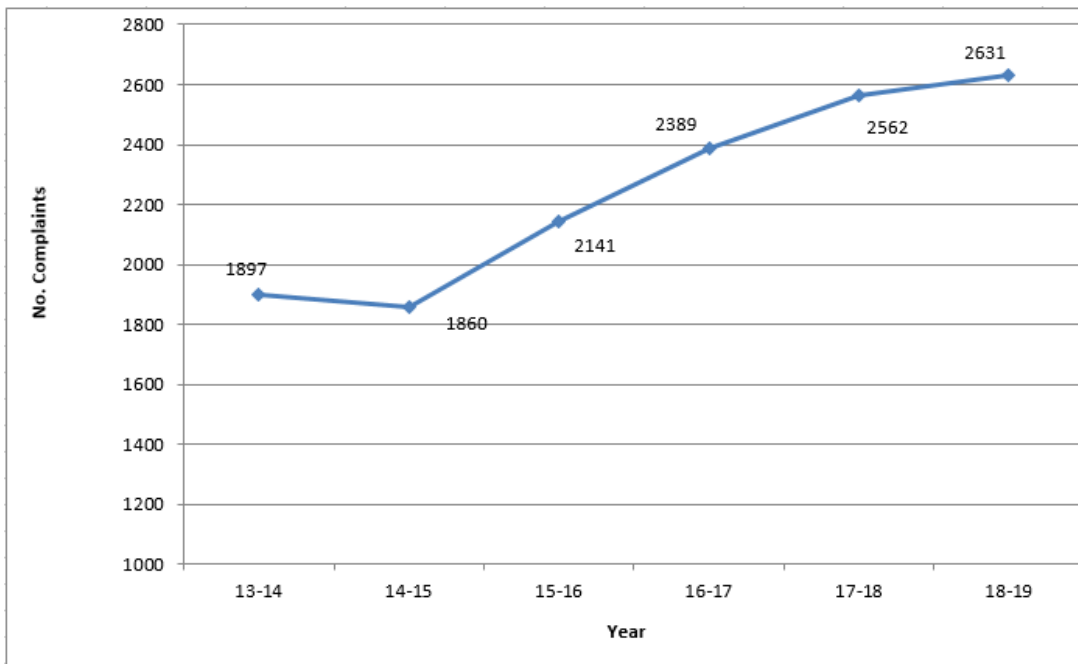


Figure 2: Trend in complaint numbers in Tasman district over last six years

6.4 The following graph provides a breakdown summary of complaints against the eight broad complaint categories used in this annual report summary.

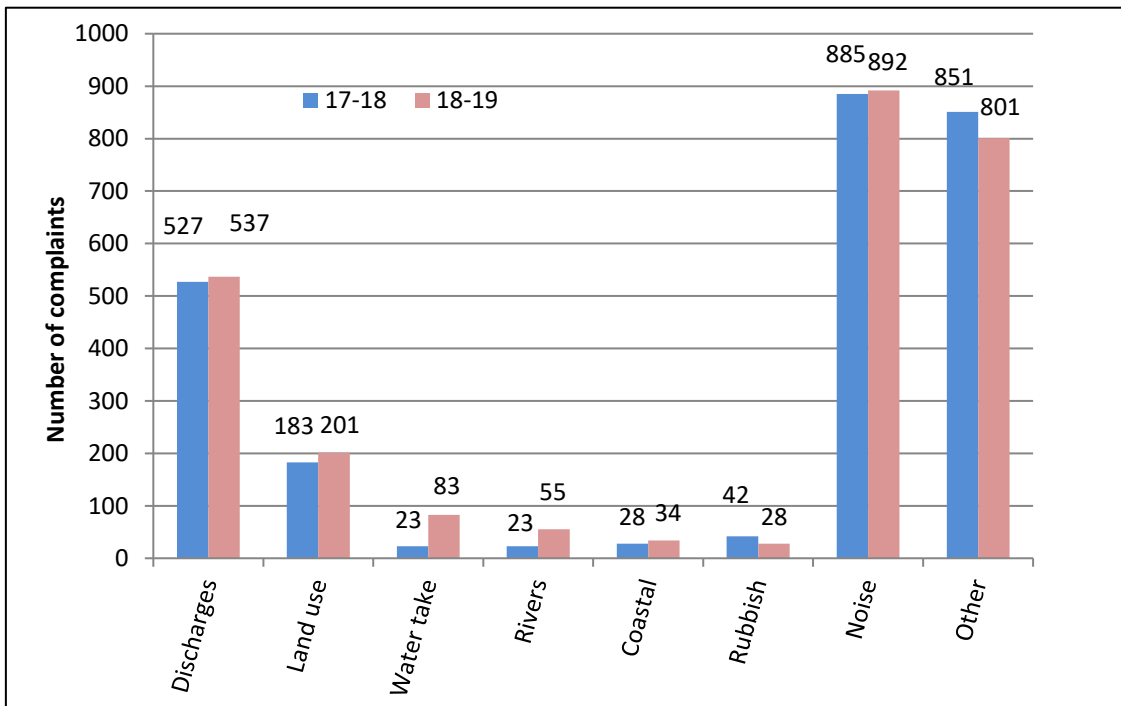


Figure 3: Number of complaints received in comparison to previous year by general category

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- 6.5 Generally, this year saw most categories record a small to moderate increase in complaint numbers, however significant increases were seen in two categories those being rivers and water takes.
- 6.6 Given the summer saw the district under a severe drought, the increase in complaints around water were associated more or less solely with the severe rationing and cease takes that were imposed. The majority of these complaints were from the public observing irrigation occurring in rural areas while urban watering bans were in place or where they felt the irrigation practice was inefficient.
- 6.7 The complaints with regard to rivers were to a certain extent also associated with drought with some concerns on surface water extractions and associated river works. There was however a number of enquires or contacts associated with gravel extractions over the year although these were not complaint based.
- 6.8 As is common in Tasman district, Council did receive a high number of complaints in the autumn and early winter as outdoor burning of orchard waste and other vegetation clearance began. Outdoor burning along with storm water and odour make up a significant proportion of all the complaints Councils receives each year.
- 6.9 Complaints were dealt with on a case-by-case basis and any action taken as and when it could be established that a breach had occurred.

7 Enforcement Action

- 7.1 One of Council's measures of performance is timely resolution of significant non-compliance with respect to breach of resource consent conditions. Significant non-compliance is graded as a four. Timely resolution is defined as 80% of all significant non-compliance resolved within nine months and 95% resolved with 12 months.
- 7.2 During the 2018/19 year, a total of 44 resource consents were subject to this measure in the reporting year. There were no carryovers from the last period (see Table 6).
- 7.3 The vast majority of these significant non-compliances were associated with water takes and occurred during the drought when rationing restrictions were at their greatest. All were resolved within nine months mostly through abatement notices and infringement fines. Some of the abatement notices remain in force.

	Number of actions	Resolved (nine months)	Resolved (12 months)
Non compliances recorded and resolved this current period	44	44	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	N/A	N/A	N/A

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deadline beyond this reporting period**			
Total	44	44 (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.

- 7.4 During the 2018/19 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.

Enforcement action	2018-19	2016-17
Abatement notices	67	33
Infringement notices	79	46
Enforcement orders	0	0
Prosecutions	0	1

Table 7: Summary of Enforcement action during the 18/19 year including comparison data for previous year

Abatement Notices

- 7.5 67 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 of the RMA (noise), but does include those issued by this section in relation to consent condition breaches where noise was the non-complying factor if applicable.
- 7.6 Abatement notices for unauthorised extraction of ground and surface water dominated the statistics this year. During the months of January and February when the drought was reaching critical stages Council was responding to numerous incidents of overtakes. As a result abatement notices and infringement fines were issued where that was appropriate to manage the effects and get the message out.

As with previous years a reasonable number of abatement notices were also issued for non-complying discharges over this period either as consented or permitted activities. Again, the causes varied widely without any particular pattern and ranged from failure to comply

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with wastewater conditions, poor outdoor burning practices through to unauthorised discharge of sediment from land disturbance.

Finally, the only other area of enforcement action was land use breaches mostly associated with failure to comply with resource consent conditions and where an adverse effect occurring. Earthworks, people using their property for activities outside of zone rule restrictions and breach of resource consents associated with building were predominant themes.

RMA Section	Number issued
Section 9 - Land use	18
Section 12 - Coastal	-
Section 13 - Rivers/Lakes	2
Section 14 - Water	25
Section 15 - Discharges	21
Section 17	1
Total	67

Table 8: Number of Abatement Notices relative to each section of the RMA (Sec 9 - 17)

Infringement Fines

7.7 During the period 51 infringement fines were issued for breaches against the Resource Management Act or Litter Act as outlined in the following table including method of recovery. The column headed outstanding shows those fines not paid in the statutory time frame and subsequently lodged in the Court for recovery.

Resource Management Act 1991	Number issued	Paid	Outstanding	Withdrawn
Contravention of section 9 - (Land use)	2	2	-	-
Contravention of section 13 - (Rivers)	1	-	1	-
Contravention of section 14 - (Water)	51	35	1	15
Contravention of section 15(1) (a) or (b) (Discharge contaminant to water or land)	2	2	-	-
Contravention of section 15(1) (d) (Discharge - Industrial Premises to land)	1	1	-	-
Contravention of section 15(2A) - (Discharge Air - breach rule or regulation)	3	2	1	-
Contravention of an abatement notice	2	-	2	-

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Contravention of a water shortage direction	1	1	-	-
Contravention of an excessive noise direction	1	-	1	-
Litter Act 1979				
Deposit and Leave Litter	15	3	8	4
Total	79	46	14	19

Table 9: Infringement notices by type and outcome

Enforcement Orders

7.8 No enforcement orders were initiated during this period however, one granted enforcement order went back before the Court as a result of a high court appeal.

7.8.1: Tasman District Council v Gary Baigent

The Council had sought and been granted Enforcement Orders in the Nelson Environment Court to address damage to two mapped wetlands in Golden Bay as a result of illegal drainage work. The respondent subsequently appealed the decision to the High Court where after hearing the appeal was dismissed. The orders are now in effect and require compliance.

Costs applications in favour of the Council have been allowed in both Courts and these await settlement.

Prosecutions

7.9 No prosecutions were initiated in this period. One prosecution carried over from the previous year was finalised.

Amberglen Farms and H J Pomeroy were sentencing in the Nelson District Court on 30 November 2018.

Amberglen Farms was sentenced to a total fine of \$76,500.

Mr Pomeroy was convicted and discharged.

8 Future Strategies

8.1 The topic of winter grazing has reared its head in this district and Council is being questioned over its strategies to deal with the environmental effects from this practice. Compliance is developing a strategy to incorporate this into its monitoring programmes for the future. The shape of it including how we engage is yet to be developed however, it will need to be in co-ordination with other agencies and industries groups. A working group of key players is meeting to scope this strategy for the top of the south.

8.2 The Essential Freshwater NPS changes and potential NES for farm management plans will have a direct impact on us at the regional level. Depending on the final shape, resourcing including use of technologies are factors we will need to consider in order to put these to

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effect on the ground. Once it becomes clear what these regulations will impose, a revision to the monitoring and enforcement strategy will need to be developed.

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 detrimental impact on the more proactive consent monitoring work; however, it is essential that Council responds to community concerns first and foremost.
- 9.2 This year complaints continued to track upwards as they have done over the last six years. This year we received a lot of complaints during the summer drought which helped to push up the total numbers despite a drop in some of the other categories we record. As with every year smoke and odour complaints dominate, particularly as the outdoor burning starts late autumn. Odour from Talley's fish meal processing was also prominent in complaint data.
- 9.3 Council has a defined pathway in respect to monitoring and enforcement to provide for a consistent, fair and proportional approach. Fundamentally, that pathway is to promote awareness and encourage positive behavioural change through a process of engagement, education and assisting wrongdoers to achieve best practice to meet their obligations. Enforcement, while an important part of this process is usually reserved for those unwilling or unable to change. Council's approach in this area is designed to be entirely objective and consistent with national regulatory enforcement protocols and practices
- 9.4 This year we were very busy in the area of enforcement particularly as a response to drought where many water consent holders were facing severe restrictions. While we spent a great deal of time over the year working with individuals to resolve issues, abatement and infringement notices were also employed to good effect gaining compliance, addressing adverse environmental effect and providing low level deterrence in the more minor cases. There were no significant enforcement responses initiated in this period, which was pleasing.
- 9.5 On the monitoring side despite the effects of the two emergency events that occurred over the summer the Compliance Department managed to achieve an increased level of consent and permitted activity monitoring in the key programme areas. While full compliance was lower than last year, the non-compliance was mostly of a minor nature and did not require any further action or significant enforcement response.

10 Attachments

Nil