

8.3 COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Report To:	Regulatory Committee
Meeting Date:	9 September 2021
Report Author:	Carl Cheeseman, Team Leader - Monitoring and Enforcement
Report Number:	RRC21-09-3

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 the 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, infringements, 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 2020 to 30 June 2021. It does not include details of subdivision compliance monitoring as that happens through the issue of Section 224 certificates and some land use monitoring is dealt with through the issue of building consents or the issue of Section 37 Notices under the Building Act.
- 1.7 Tasman District Council responded to 2,375 complaints or requests for service in the year. Compared to last years reported 2894 complaints, this end of year total indicates an 18% decrease in numbers. Unfortunately, this is not the case rather, it is the result of improved data reporting that has allowed the broader customer enquiry requests to be refined to only those directly linked to environmental matters. However, when a comparison was made to an equally corrected figure for last year it still shows an increase in total complaints or request for service under the environmental area.
- 1.8 For the main categories, water use, noise and discharges to land did see some increases in complaint numbers over the period and accounted for the upward trend. This was however,

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

offset somewhat by a decrease in others. Abandoned vehicles, rubbish enforcement and discharges to air were examples. The decline in complaints around air was driven principally by a lower level of outdoor burning over the early winter. This was thought to be because of a reduction in orchard replacements as well as alternative methods of disposal being employed. The decrease in the other categories is more difficult to quantify, particularly the rubbish.

- 1.9 Despite the demands on providing a 24 hour complaint response, effort is still put into consent and permitted activity monitoring. A total of 3,091 resource consents and targeted permitted activities received one or more inspections. This compares to 2,733 monitored last year.
- 1.10 This year a programme to deliver on compliance monitoring and enforcement under the National Environment Standard for Freshwater was developed and is now being implemented. The initial phase has been to identify key areas of action, information gathering and database requirements. The first direct on ground activity has been around intensive winter grazing surveying the district and direct on farm inspections.
- 1.11 Compliance with conditions or plan rules was generally high with 73% identified as fully compliant at time of inspection. Of those that failed to achieve a full compliance score at time of inspection, 47% of those were breaches determined as minor and not requiring further action. In these cases, the approach was to provide education or direction. The remaining 53% had non-compliance at a level sufficient to require some type of action given the circumstances and/or need to address actual or potential for adverse environmental effects.
- 1.12 The Council undertook a number of 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 last year 37 abatement notices and 31 infringement notices were issued. This was down on last year's total.
- 1.13 Much like complaint response, the requirement to undertake enforcement actions to remedy adverse effects and address poor behavior does, in itself, have a direct impact on our resources and ability to proactively monitor and provide other key services. This is mainly due to the effort required to achieve compliance in many cases which can take a considerable amount of staff time.

2 Draft Resolution

That the Regulatory Committee receives the Compliance and Enforcement Summary Report.

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

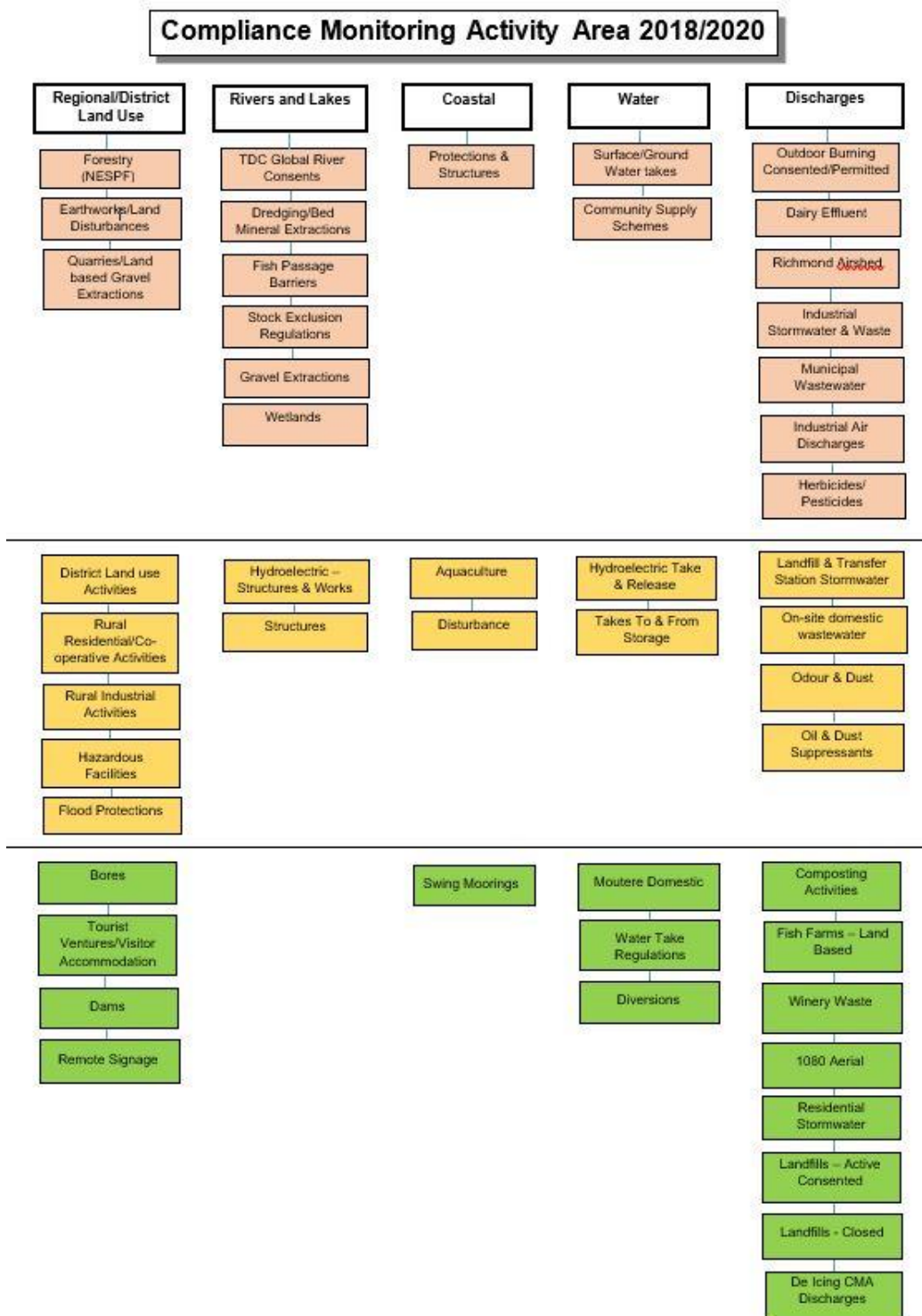
- 3.1 This report summarises Tasman District Council's programme of work in the area of compliance monitoring and enforcement under the resource management act for the period 1 July 2020 to 30 June 2021. The report serves in part to meet the Council's obligations under section 35 of the Resource Management 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 determined using a strategic priority-setting framework to identify those activities that present the greatest risk to our environment and natural resources.
- 4.2 Targeting monitoring based on risk profile provides the strongest environmental outcomes and ensures effective use of our staff resources. It also provides ability to assess and understand not just an individual's compliance performance with rules or resource consents, but a particular sector as a whole.
- 4.3 This programme is reviewed every two years to allow us the flexibility to respond to trends with either a reduction or additional resourcing or enforcement strategies as required.
- 4.4 The current suite of prioritised monitoring programmes are listed below in Table 1: The review scheduled in 2020 was deliberately delayed to allow the changes coming through the essential freshwater reforms to be incorporated. This review is now underway and will be completed and published in the first quarter of this year.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Table 1: Current monitoring programme in Tasman District



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

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT
Table 2: monitoring priority setting matrix

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

- 4.6 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.

Table 3: Compliance gradings

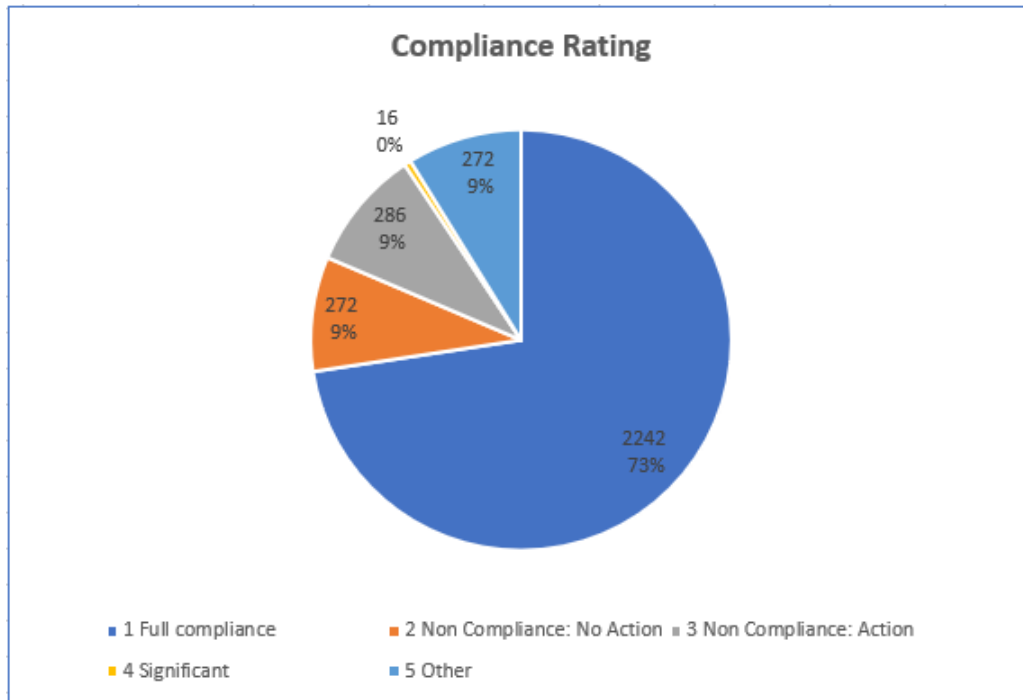
1	Full compliance	Compliance with all relevant consent conditions achieved at time of inspection or audit.
2	Non Compliance: No action	Non-compliance with consent conditions with no or minor actual environmental effects and no action required.
3	Non Compliance: Action	Non-compliance with consent conditions 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 Summary of Consent and Permitted Activity Monitoring in Tasman District 2020/21

- 5.1 Over the 2020/21 year, a total of 3,091 resource consents and targeted permitted activities were monitored. This compares to the 2,733 of the previous year.
- 5.2 All consents monitored receive a grade depending on compliance with conditions at time of inspection. A summary of the compliance monitoring outcomes for consents that received monitoring is contained in the following graph.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

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



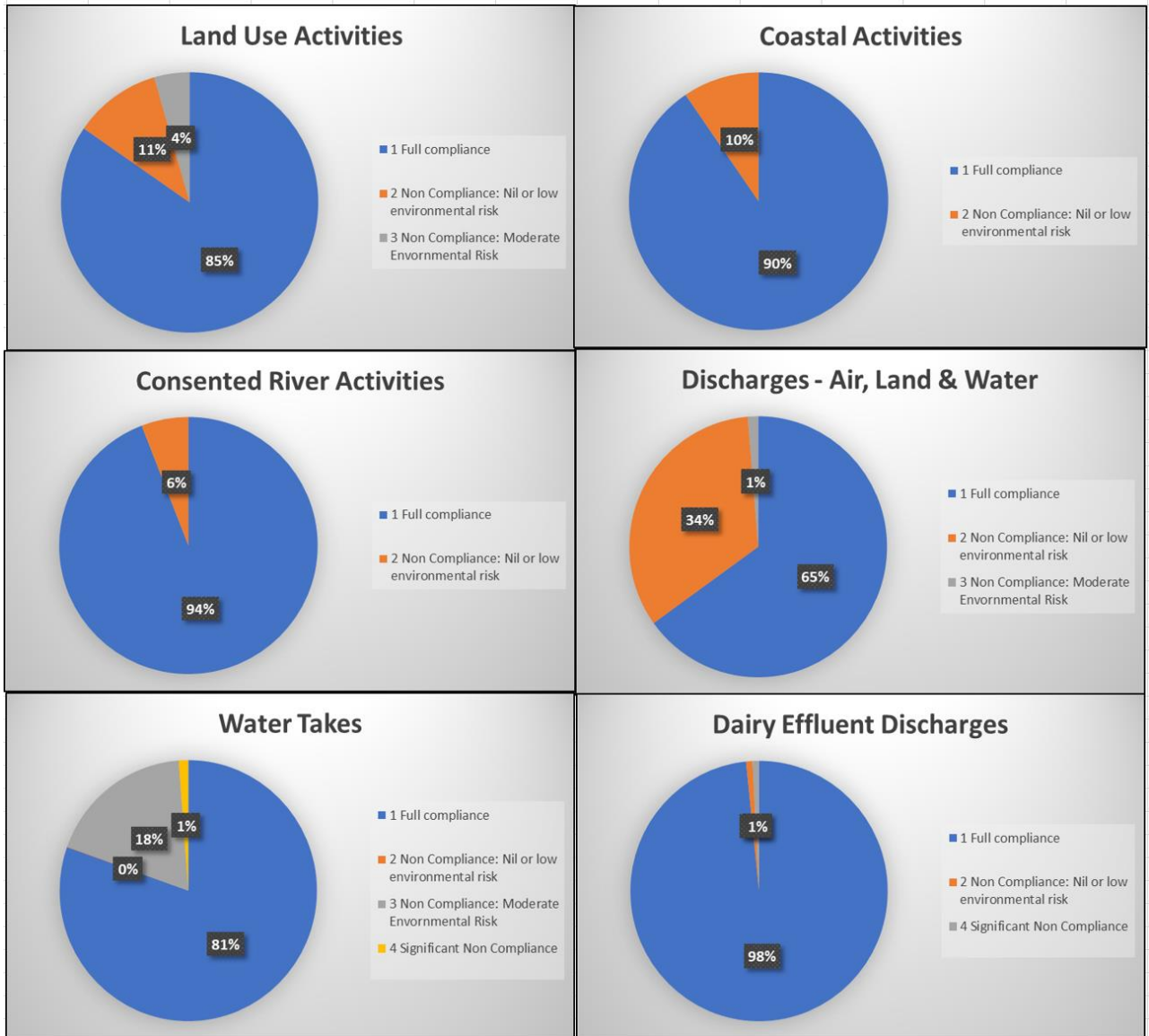
5.3 Compliance with conditions or plan rules was generally high, with 73% identified as fully compliant at time of inspection. Of those that failed to achieve a full compliance score at time of inspection, 47% of those were assigned a non-compliance grade, two having breaches determined as minor and not requiring further action. In these cases, the approach was to provide education or direction. The remaining 53% had non-compliance at a level sufficient to require some type of action given the circumstances and/or need to address actual or potential for adverse environmental effects. These activities received either a grade three or four. Depending on the circumstances, those receiving these grades were usually required to take action under a formal written direction or an abatement notice to address effects. They also received either a written formal warning and/or infringement fines where appropriate. Finally, there were also occasions where the activity was not operational at time of inspection or partially monitored. These were assigned grade five.

Monitoring Outcome summary for specific activity classes

5.4 The following graphs provide a visual representation of the compliance performance of key activity classes.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Figure 2: Monitoring activity for specific classes of consents



Summary of some Notable Regional Activities

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

Forestry under National Environment Standard Plantation Forestry (NES-PF)

5.6 Forest companies continue to provide notifications and harvest plans as required under the regulations. During the period the following number of notices were received relating to activities controlled by the regulations.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT
Table 4: Summary of notifications received relating to activities where notices are required under regulations.

Activity	Earthworks	Forestry quarrying	Harvesting	Afforestation	River crossings	Slash traps
Number of notices	76	4 (*)	118	4	24	3

- 5.7 Monitoring was also undertaken on harvest and post-harvest activities around the district, with emphasis on those occurring on the Separation Point granites. 76 site audits were undertaken.
- 5.8 Compliance was generally high and no operators required formal enforcement action to address issues. A number of minor breaches required action mostly associated with surface water controls and slash within waterways.

Land Use under the National Environment Standard – Freshwater (NES – F)

- 5.9 The Council's compliance department is currently implementing the Freshwater regulations. At this stage the main focus has been on identifying the key tasks and developing a strategy to implement the various parts of the regulations as they take effect. A big part of this strategy is developing communications packages, connecting with the affected landowners and industry representatives. The following table demonstrates a summary of the strategy in relation to the various regulations.

Feedlots	Stockholding	Land conversion	Farming Activities				Farm Plans	Wetlands	Fish Passage
			Irrigation of dairy	Dairy support land	Intensive Winter Grazing	Synthetic Nitrogen			
Aerial flights are occurring, and a monitoring strategy has been developed. Targeted monitoring coming from that assessment. Developing a system to manage the information and data obtained. Liaison with industry to get engagement and key messaging out.	Aerial flights are occurring, and a monitoring strategy has been developed. Targeted monitoring coming from that assessment. Developing a system to manage the information and data obtained. Liaison with industry to get engagement and key messaging out.	Unlikely to be a significant activity as afforestation is occurring here. Key strategy is establishing a baseline understanding and get info on website and liaison with industry to ensure a consistent message is going out. Utilise our existing knowledge and resources.	Most already consented for water take and require irrigation management plans. Use this data to assess baseline. It is anticipated an issue in this district given decline in dairy and water allocation regime. Liaise with industry to get key messages out.	Requirement to gather information and identify land used for this. Aerial surveys and information from the dairy monitoring programme to assist. Get any key info on website. Liaise with industry to ensure a consistent message is going out	Aerial flights undertaken and an on the ground follow up inspection has been occurring. Strategy of education and advice for the 20/21 winter. Web based information being developed and active liaison with industry to get message out.	Currently assessing what relevant data we already have and continue developing a strategy. Liaison with industry groups to ensure consistent messaging and comms going out. Develop capability in database to capture information. Web information and FAQ's	Waiting the final set of regulations before scoping and development of the comms package and strategy.	Enforcement follow up from site assessments where issues identified. Review of current data systems and opportunities to develop additional reporting/data capture requirements.	Enforcement follow up where issues are already identified. Comms update on web being developed to reflect NES requirements. I.T upgrades scoping occurring to allow additional reporting/data capture requirements.

- 5.10 While the intensive winter grazing regulations are themselves deferred until 2021/22 winter under ministerial direction, there was commitment by regional councils to use this season as an opportunity for engagement and education with the industry to prepare for the next season when the rules take effect
- 5.11 Two aerial flights were conducted in early winter covering approximately 70,000 hectares across the northern and southern areas of the district to observe intensive winter grazing practices and respond on the ground where issues were identified. Workshops were also set up for the various sectors affected by these rules.
- 5.12 Overall, the monitoring showed most farms that practiced winter grazing were doing well and staff have visited 8 properties to discuss their on farms activities. There was no evidence of any significant discharges to waterways. Pugging is looking like the main issue, the feeding of swede crop showed the worst pugging, as the removal of the swede root automatically

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

leaves a large 'hole' in the soil which a cow hoof will drop into. Discussions centred around Intensive Winter Grazing (IWG) alongside the use of sacrifice paddocks and standoff areas as well as stock utilising both crop and grassed areas within a 24hr period. Slope has also been raised as an issue in some areas and farmers have approached Tasman District Council to discuss this and the consenting processes that may need to be considered. There is also evidence that a number of farmers have stopped IWG for alternative methods. Compliance staff will continue to engage with farmers and attend workshops to provide advice and assistance.

Waimea Community Dam

- 5.13 The consent holder Waimea Water Limited holds 20 plus consents authorising the construction and operation of the Waimea Community Dam. There are over 120 conditions attached to the main suite of consents as well as associated resource consents for construction of the new access road, new forestry tracks and two bridges across the Lee River. As summary of the key activities monitored over this period is as follows;
- 5.14 All nine overarching environmental management plans, including a Biodiversity Management Plan (BMP) are now certified. This includes a further 15 Supplementary Construction Environmental Management Plans (SCEMPs) required for the construction phase. Biodiversity offset mitigation required in conditions including salvage, propagation and replanting of rare plants and the enhancement of a coastal wetland at Rough Island have been reviewed annually by the Biodiversity Technical Advisory Group while this has been implemented.
- 5.15 Regular monitoring of the site has occurred over the year. Attention has been on ensuring sediment retention ponds and associated chemical treatment processes are functional prior to discharge to the Lee River. Rapid stabilisation methods such as hydro-seeding and application of polymers along with traditional straw and bark mulching has been applied and maintained.
- 5.16 Fortnightly water quality environmental monitoring (above and below the construction zone) has been taking place. To date, monitoring of water clarity, turbidity, sediment bed, macro invertebrates, dissolved oxygen and pH all indicates the Lee River remains in good health.
- 5.17 To ensure fish migration is not interrupted, or in the case where not originally provided for, all culverts (including temporary crossings of the Lee River and tributaries) were required to be assessed by a freshwater ecologist and certified as providing for fish passage. These structures and their functioning are monitored and reported on annually. Fish migration up and downstream of the dam structure during the construction phase has also been undertaken via an approved fish trap and transfer process which is supervised by a suitably qualified ecologist. Reports are provided to Compliance. Ecologists supported by the Department of Conservation are currently devising a permanent fish trap and transfer process for when the dams becomes operational.

Global Herbicide Spraying Programmes

- 5.18 Both Tasman District Council and New Zealand Transport Agency undertook a range of roadside and river vegetation spraying operations around the district's roads. Both consent holders exercised these consents over the period and met all conditions.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT
Wastewater Treatment Plants (WWTP)

5.19 There are eight wastewater treatment plants operating in Tasman District. The largest is 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. The reminder are Tasman District Council controlled community systems.

Table 4: Wastewater Treatment Plants compliance summary

Site (WWTP)	Consents	Fully Compliant	Comment if applicable
NRSBU Bells Island	Discharge to Waimea Estuary	N	Operated under Section 330 during high rainfall event in May when inflows overwhelmed capacity.
	Discharge to air	Y	
	Discharge of biosolids (Rabbit Island)	Y	
Collingwood	Discharge to land	N	Problems with UV treatment has meant consent holder failed to meet discharge quality measures
	Discharge to air	Y	
Takaka	Discharge to land	Y	
	Discharge to air	Y	
Upper Takaka	Discharge to land	Y	
	Discharge to air	Y	
Motueka	Discharge to Coast	N	Operating under section 330 emergency works to discharge
	Discharge to air	Y	

Timber Treatment Plants

5.20 There are a number of timber treatment plants in the district. All carry a suite of consents that impose discharge limits, environmental testing and reporting.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT
Table 6: Timber treatment site compliance summary

Site	Consents	Fully Compliant	Comment
Nelson Pine Industries Ltd	Discharge Air	Y	
	Discharge Stormwater	Y	
	Hazardous Facility	Y	
Carter Holt Harvey	Discharge Air	Y	
	Discharge Stormwater	Y	
	Hazardous Facility	Y	
AICA Limited	Discharge Air	N	One incident of vapour emission from site resulting from an operational incident recorded. Fugitive formaldehyde vapour was emitted from a vent as a result. Monitoring of the area immediately following the incident showed no high readings of formaldehyde.
	Discharge Stormwater	Y	
Goldpine Industries	Discharge Air	Y	Issue with Arsenic in sediment at one sampling site exceeding consent limits. Not elevated further down or at other sites. Not source from current treatment processing.
	Discharge Stormwater	N	
	Hazardous Facility	Y	
Prowood Limited	Discharge Air	Y	
	Discharge Stormwater	Y	
	Hazardous Facility	Y	

Dairy Processing Factories

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

Table 7: Dairy Factory compliance summary

Site	Consents	Fully Compliant
Takaka Plant	Discharge wastewater to land	Y
	Discharge wastewater to Takaka River	Y
	Discharge to air	Y
Brightwater Plant	Discharge Air	Y
	Discharge stormwater	Y
	Hazardous facility	Y

Fish Processors

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

5.22 There are several fish farming or fish processors operating within the district:

Talley's Port Motueka

Talley's operate a fish processing, fishmeal and ice cream factory at Port Motueka. They hold a suite of resource consents including to permits discharge to the coastal marine area and air. The consent holder met all conditions during the year

Anatoki Salmon

This company holds a raft of consents associated with the hatchery and fish farm as well as the associated onsite commercial business. The consents include discharge to land and to the river. The discharge of water from the farm is still in the renewal process. In the interim they operate under the existing consents. Non-compliance noted but no other action required at this stage.

New Zealand King Salmon Company Limited

This company holds a raft of consents associated with salmon farming adjacent to the Waikoropupu River. The consents include water takes and discharges from the farming operation. The consent holder has provided all required reporting however, there are issues identified with monitoring and reporting as required under certain conditions of these consents. The compliance department is currently working with the company to resolve these issues. No formal enforcement action has been required.

Aquaculture

5.23 There were 43 consents (including four seasonal spat consents) active in Golden Bay, in three aquaculture management zones. Each zone is divided into subzones which may hold more than one resource consent. The zones are:

- AMA1 – Waikato (off Collingwood) (1270ha divided into 4 subzones)
- AMA2 – Puramakau (4850ha divided into 16 subzones)
- Wainui (23.5ha)

5.24 In Tasman Bay there were 12 consents within the one zone.

- AMA3 (4230ha divided into 12 subzones)

5.25 Programmed monitoring occurred after seasonal gear was installed, and again after it came out (seasonal gear being spat catching structures over summer). Monitoring also occurred where permanent gear was installed, and/or after storm events.

5.26 Monitoring was predominantly to confirm farms were within permitted areas, properly indicated with appropriate coloured buoys, cardinal marks identified and visible at required distances, and all lights working, visible, and flashing in correct sequence. While onsite it was also necessary to confirm no loose rope, gear or other navigation hazards were present.

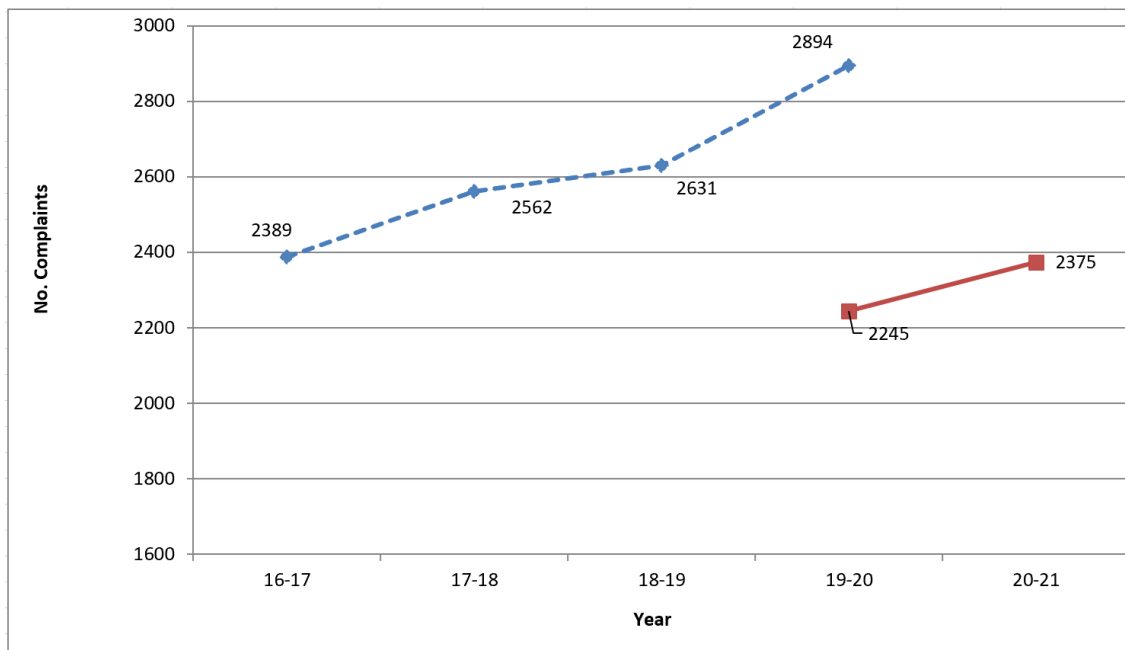
5.27 Over the period only small matters were identified, and these were responded to by the contractor, once notified. No other issues arose that required any enforcement action.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

6 Complaints Action 2020/2021

- 6.1 The Compliance section provides 24-hour environmental complaint and incident response. Each year it investigates a wide range of activities as a result of complaints or public enquiries.
- 6.2 During the reporting period, 2,375 complaints or requests for service were received. Compared to last year’s reported 2894, this end of year total indicates an 18% decrease. Unfortunately, this is not the case, rather it is the result of improved data reporting incorporated this year that has allowed the broader customer enquiry requests to be refined. However, when a comparison was made to an equally corrected set of data for last year, it still revealed an increase in complaints or requests for service under the environmental area.
- 6.3 In the following graph, this year’s data has been plotted against an equally corrected data set of last year. As stated even with refined data it can be seen that there was still an overall increase in environmental complaints, from 2245 to 2375. This continues the trend of increasing numbers of complaints and requests around environmental matters seen in recent years. Also included in the graph is the old unrefined data (blue line) previously reported on, for reference.

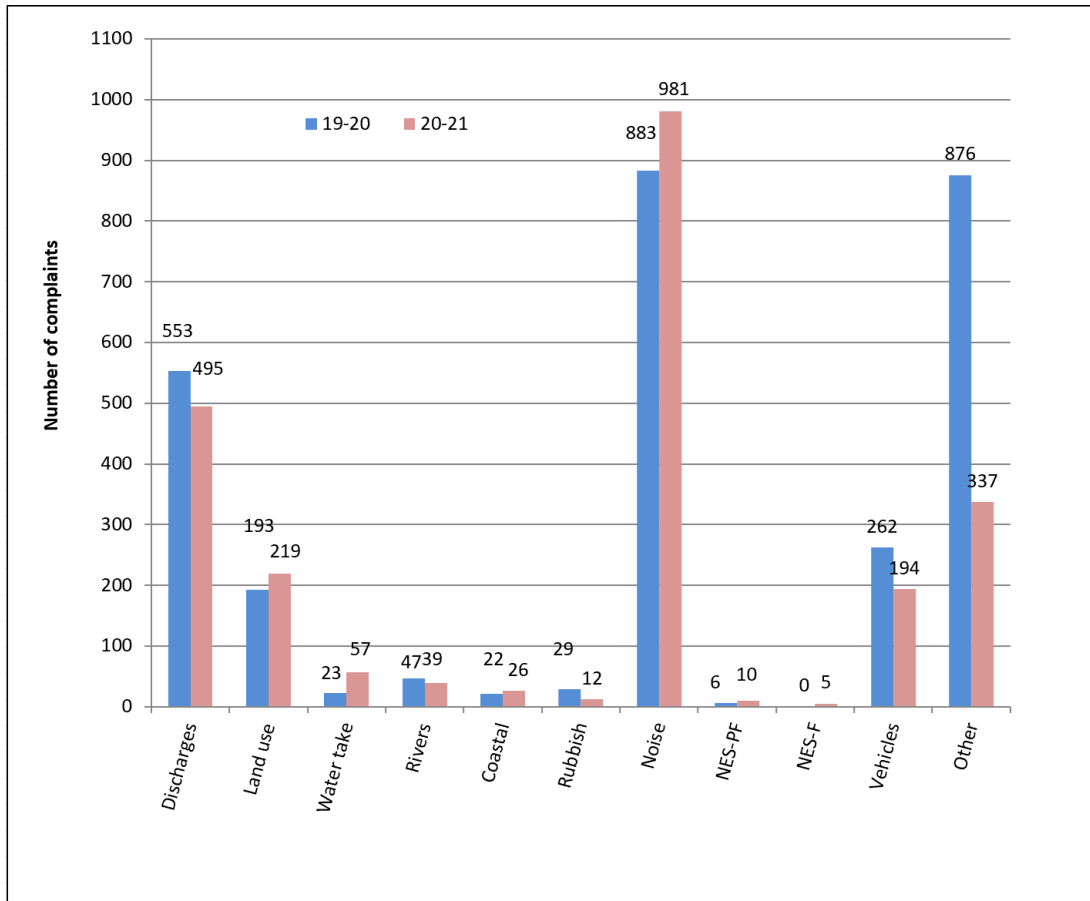
Figure 3: Trend in complaint numbers in Tasman district over last 5 years



- 6.4 The following graph (figure 4) provides a breakdown summary of complaints against the eight broad complaint categories used in this annual report summary.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Figure 4: Number of complaints received in comparison to previous year by general category



- 6.5 For the main categories, water use, noise and discharges to land, did see some increases in complaint numbers over the period, however this was offset by equally noticeable decreases in others. Abandoned vehicles, rubbish enforcement and discharges to air were examples. The decline in complaints around air was driven principally by a lower level of outdoor burning over the early winter. This was thought to be because of a reduction in orchard replacements as well as alternative methods of disposal being employed. The decrease in the other categories is more difficult to quantify, particularly the rubbish.
- 6.6 Within the graph can be seen a new category of NES-F. With the enactment of the freshwater regulations and increasing public awareness of their obligations, this category has been included to capture and report on complaints associated with these activities. To date five have been recorded, mostly with regard to stock access to riverbeds but also one case about winter grazing practices.
- 6.7 All 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.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT
7 Enforcement Action

- 7.1 One of the Council’s measures of performance is timely resolution of significant non-compliance, with respect to breach of resource consent conditions or rules. 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 2020/21 year, a total of sixteen significant non-compliance grades were assigned to activities. Of these, fifteen were for water takes with a history of failing to provide water meter use returns. The other was a permitted activity dairy farm with an overland effluent discharge. There were no carryovers from the previous year that required calculation in this year’s data. See note for definition.
- 7.3 All these matters were resolved within nine months with action being taken via warnings and abatement notices.

Table 8: Resolution of non-significant compliance with respect to breach of consent conditions

	Number of actions	Resolved (nine months)	Resolved (12 months)
Non compliances recorded and resolved this current period	16	16	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	16	16 (100%)	N/A

NOTES:

**Significant non-compliances carried over from the previous year report. These are non-compliances identified in that period but resolution dates fell beyond period of reporting.*

***This represents significant non-compliances recorded in this reporting period, not yet resolved and where the 9 and 12 month measures will be captured in the next annual report.*

- 7.4 During the 2020/21 year, Tasman District Council compliance officers undertook a range of enforcement actions in response to detected non-compliance or breaches. Table 9 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 Tasman Resource Management Plan (TRMP), or infringements against the Litter Act.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT
Table 9: Summary of Enforcement action during the 20/21 year including comparison to previous year.

Enforcement action	2019-20	2020-21
Abatement notices	30	37
Infringement notices	69	31
Enforcement orders	0	1
Prosecutions	1	0

Abatement Notices

7.5 There were 37 abatement notices issued by the over the period. A summary of these is contained in the following table 10. It should be noted that this data excludes those abatement notices issued under Section 16 of the Resource Management Act (RMA), (unreasonable noise), but does include those issued in relation to consent condition breaches where noise was the non-complying factor if applicable.

7.6 Abatement notices for outdoor fires creating adverse effects made up the majority of those issued under the category of discharge.

Land use breaches resulting in abatement notice responses were mostly associated with failure to comply with resource consent conditions where an adverse effects were occurring. Land owners using their property for activities outside of zone rule restrictions and breach of resource consents associated with building were predominant themes.

Table 10: Number of Abatement Notices relative to each section of the RMA (Sec 9 - 17).

RMA Section	Number issued
Section 9 - Land use	11
Section 12 - Coastal	0
Section 13 - Rivers/Lakes	0
Section 14 - Water	17
Section 15 - Discharges	8
Total	37

Infringement Fines

7.7 During the period, 31 infringement fines were issued for breaches against the RMA or Litter Act as outlined in the following table 11. The table includes a summary of the outcome of the fines process. The column headed outstanding are fines not paid in the statutory time frame and subsequently lodged in the Court for recovery.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT
Table 11: Infringement notices by type and outcome

Resource Management Act 1991	Number issued	Paid	Outstanding	Withdrawn
Contravention of section 9 - (Land use)	3	3	-	-
Contravention of section 12 - (Coastal)	2	1	-	1
Contravention of section 13 - (Rivers)	1	1	-	-
Contravention of section 14 - (Water)	1	1	-	-
Contravention of section 15(1) (a) or (b) (Discharge contaminant to water or land)	1	1	-	-
Contravention of section 15(2A) - (Discharge Air - breach rule or regulation)	3	2	1	-
Contravention of section 15(2) (a) or (b) - (Discharge Air - breach of NES)	1	1	-	-
Contravention of an abatement notice	5	3	-	2
Contravention of an excessive noise direction	1	1	-	-
Litter Act 1979				
Deposit and Leave Litter	13	3	3	7
Total	31	17	4	10

Enforcement Orders

7.8 One enforcement order was initiated during this period as part of a prosecution detailed in the next section. The enforcement order followed on the back of a prosecution for breaches of the RMA for discharges of a contaminant to land, namely dairy effluent.

7.9 The order required an upgraded dairy effluent system to be designed, installed and commissioned.

Prosecutions

7.10 No prosecutions were initiated in this period. One matter was resolved relating to a discharge of dairy effluent. This is associated with a farm in the southern area of the district in the Matakītaki Valley. Charges were laid against both the owner and the worker who faced two charges each.

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

This matter was heard in the Nelson District Court on 15 November 2020 where the two defendants pleaded guilty to the charges and were sentenced to fines of \$21,000 and \$5,000 respectively.

8 Future Strategies

- 8.1 The Resource Management (National Environment Standard – Freshwater) Regulations (NES-FW), and associated regulations are having a direct impact as we assess and implement the staged approaches of the regulations on the ground. It is already highlighted that data management systems are a requirement as we receive and manage required information, and report on achievements. Incorporating a compliance monitoring and enforcement strategy for some key regulations into its monitoring programmes where early action is required is essential, but the final shape of it can only be determined when all the regulations and amendments are landed. Engaging with Iwi to develop a strategic approach to delivery of the regulatory role under the freshwater regulations is also at scoping stage.
- 8.2 The review of the National Environmental Standards for Air Quality (NES-AQ) still looms as a potential for increased work demand around air quality for compliance and enforcement at some point in the future. Given what may eventuate, it is likely that additional resources will be required to effectively implement and monitor this.
- 8.3 The outcomes of the Three Waters, Resource Management and Local Government reforms will potentially all have future bearing on delivery of compliance monitoring and enforcement and/or the structure of role.

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 the Council responds to community concerns first and foremost.
- 9.2 This year, complaints (even with refinements in reporting), continued to track upwards as they have done over the last five years.
- 9.3 Tasman District Council has a defined pathway in respect to monitoring and enforcement to provide 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. Tasman District 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 busy in the area of enforcement, particularly as a response to those persisting with poor practice or showing complete disregard for the rules. For those where it was appropriate, abatement and infringement notices were used to try and gain compliance and provide deterrence where other methods had proven unsuccessful. Fortunately,

COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Tasman District Council did not detect many cases of significant non-compliance and did not have to initiate any prosecutions. One enforcement order was granted at the conclusion of a prosecution from the previous year, which required significant system upgrades to an effluent disposal system to prevent any future breaches.

- 9.5 On the monitoring side, staff continued to inspect the consent and permitted activities identified as high risk through the strategic monitoring programme. Full compliance was generally high again this year, and where non-compliance was detected, it was largely of a minor nature and did not require any further action enforcement response. Where it did, the Council used the range of enforcement options available to gain compliance and remedy any adverse effects resulting from the breach.

Attachments

Nil