

8.3 ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Report To:	Regulatory Committee
Meeting Date:	8 September 2022
Report Author:	Carl Cheeseman, Team Leader - Monitoring and Enforcement
Report Number:	RRC22-09-2

1 Summary

- 1.1 This report summarises the Council's environmental monitoring and enforcement activities under this programme for the period 1 July 2021 to 30 June 2022.
- 1.2 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. We also have a broader expectation across our community that our environment is not adversely affected by human activity, regardless of whether it is specifically authorised or not.
- 1.3 The Council operates a tailored environmental compliance monitoring programme where activity has been consented or otherwise authorised, that is underpinned by a risk-based priority setting framework. We also support a complaint response strategy, whereby complaints are an indicator of wider concerns, including where permitted activity thresholds may be breached.
- 1.4 Tailored environmental monitoring programmes allow for structured and consistent effects-based monitoring, and for the Council to identify trends. This assists with directing monitoring effort and allows us to respond appropriately. It also means that the information gathered by resource users can be fed back into the policy development process.
- 1.5 Where there is evidence of inappropriate behaviour, including adverse effects arising from resource use, enforcement may be required. We administer a staged approach of promoting awareness and providing assistance, warnings, issuing of enforcement notices, infringements, and in serious cases, prosecution, depending on the nature of the offending. This allows us to encourage positive behaviour change, while providing a strong deterrent message where appropriate.
- 1.6 In the area of incident response, staff responded to 1,792 environmental complaints over the year. This is similar to the previous year's figure of 1,832.
- 1.7 The slight reduction in numbers is predominately found within the discharges category and is indicative of a lower number of complaints regarding air quality. This likely corresponds with reduced level of outdoor burning and is reflective of alternative methods of disposal and better fire techniques.
- 1.8 The focus of our monitoring services went into consented and permitted activities. A total of 3,323 resource consents and targeted permitted activities received one or more inspections this year. This compares to 3,091 monitored last year and continues the pattern of a steady increase in consent monitoring (in particular) seen over recent years.

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- 1.9 Overall, those achieving full compliance at time of first inspection was moderate at 72%. Of those that failed to achieve a full compliance at time of inspection, 22% were identified as minor breaches and not requiring further action. In these cases, the approach was to provide education or direction.
- 1.10 The remaining inspections had non-compliance at a level sufficient to require some type of action given the circumstances and/or need to address the actual, or potential for, adverse environmental effects. This normally resulted in notices and fines. There were six instances of significant non-compliance that were resolved.
- 1.11 In total, 18 abatement notices and 39 infringement notices were issued to resolve issues and promote future compliance. One prosecution was also initiated for a significant air discharge as a result of a non-compliant outdoor fire in Motueka. This matter is still before the Court.
- 1.12 Of note is that during the year the extent of national regulation increased. The Resource Management (National Environment Standard – Freshwater) Regulations (NES-F) and associated regulations continue to mature with staged deadlines and amendments landing. These are having a direct impact as we set up and implement the various requirements on the ground. We continue to push forward on this to deliver objectives. Focus has primarily been on delivering advice and information to stakeholders and industry, as well as developing web and other information portals to users.
- 1.13 The patten of increased national regulation looks set to continue during the current year. As an example, the regulations requiring freshwater farm plans are close to being promulgated. They will come into effect sometime after promulgation, but it will be important for Council to front end the discussions with our rural sector. These discussions are likely to occur in the context of a greater focus being placed on catchment-based management.

2 Draft Resolution

That the Regulatory Committee receives the Environmental Compliance and Enforcement Summary Report, **RRC22-08-XX.**

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

- 3.1 The Environmental Compliance Monitoring and Enforcement team at Tasman District Council sits within the Environmental Assurance Group.
- 3.2 The team's primary focus is on ensuring that the use of our environment is within acceptable limits. We use a range of strategies to monitor, encourage and, if necessary, enforce compliance to achieve this objective. Our preferred approach is to provide guidance to the public on regulatory requirements and encourage observance of those requirements. Where rules and regulations are not observed, a range of enforcement approaches are available to achieve compliance.
- 3.3 This report summarises the team's activities in these areas of work for the period 1 July 2021 to 30 June 2022. The report serves in part to meet the Council's obligations under section 35 of the Resource Management Act 1991.
- 3.4 This report does not examine effectiveness and implementation of the Tasman Resource Management Plan (TRMP) rules, resource consents, or state of the environment monitoring. However, by ensuring reporting obligations associated with the authorisation of resource use are met, evaluations of plan effectiveness are better informed.
- 3.5 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 Environmental Compliance Monitoring Programmes

- 4.1 Tasman District has many thousands of resource consents active at any one time. There are also a range of activities that, while permitted, require some level of structured monitoring. These types of activities are increasingly subject to National Environment Standards (NES) restrictions.
- 4.2 Recognising that we have limited resources and cannot achieve everything, prioritising what the compliance team monitors is critical to ensuring that risks to human health and the environment are minimised. The Council's monitoring programme is therefore based on a priority-setting framework that identifies those activities that present the greatest risk to adversely affecting our environment and natural resources.
- 4.3 Targeting monitoring based on risk assists with ensuring effective use of scarce staff resources. It also provides the opportunity to understand the changes that are occurring and respond with either a reduction, or additional resourcing or enforcement as required.
- 4.4 The programme is reviewed every two years and the current suite of prioritised monitoring programmes is listed below in Table 1.

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Compliance Monitoring Activity Area 2022/2024

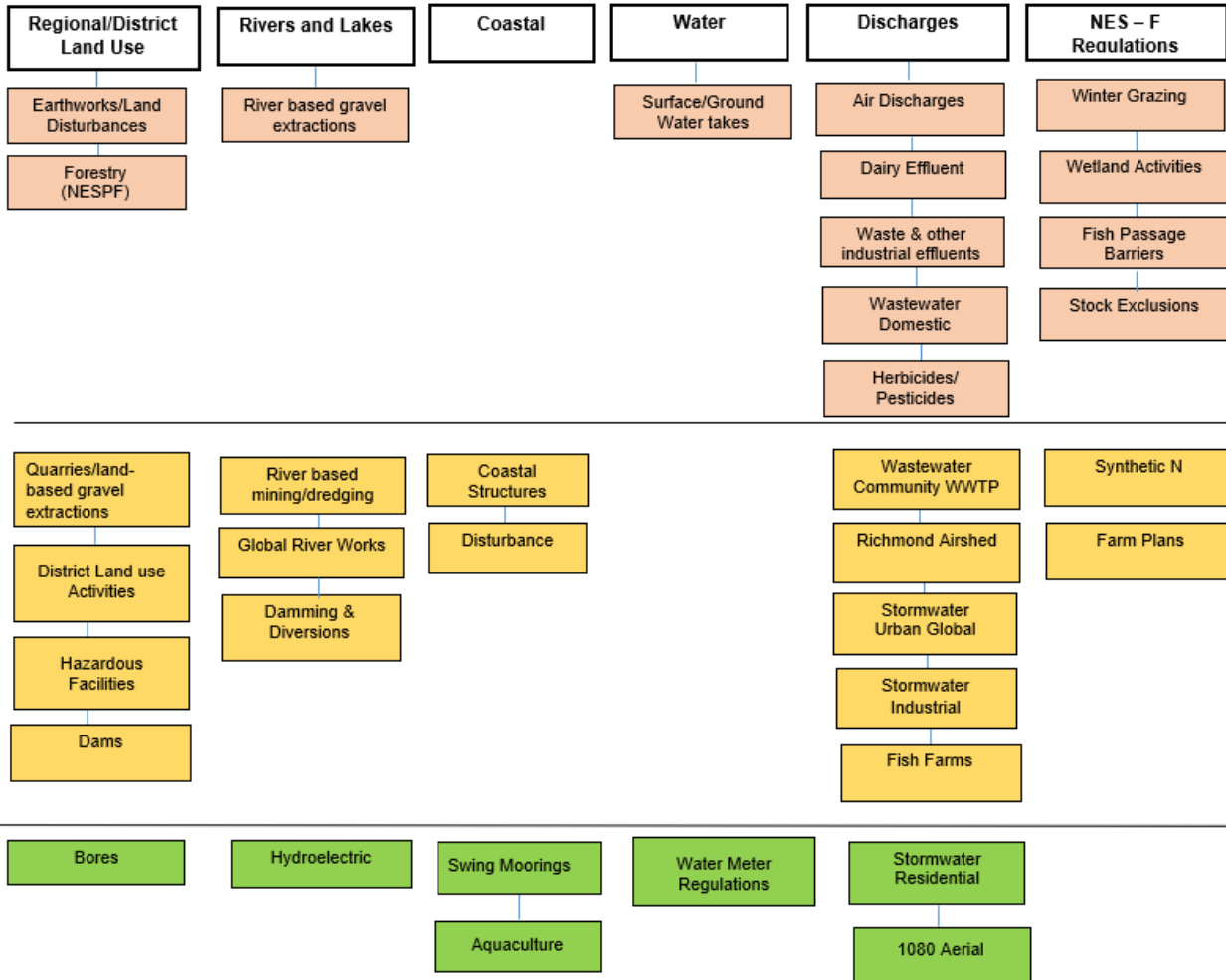


Table 1: Current monitoring programme in Tasman District

4.5 The above matrix uses a colour coded scale to reflect priority. This provides a simple quick reference of where the activity sits in the current priority-setting matrix.

Priority
1 - High
2 - Moderate
3 - Low

Table 2: Monitoring priority Classes

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- 4.6 Monitoring intensity is determined by this priority setting level and compliance officers responsible for these programmes develop and maintain a bespoke monitoring and reporting strategy to reflect the settings and nature of the activity being monitored.
- 4.7 As part of this, officers are also required to develop an effective working relationship with stakeholders and, where practical, set up and or participate in dedicated environmental working groups and information sharing portals. The key purpose of this is to promote compliance through opportunities to advise and assist, share information and drive towards sustainable good practice to ensure best environmental outcomes.

Compliance Grading

- 4.8 At the completion of an inspection, a grade is assigned reflecting the level of compliance achieved at that time.
- 4.9 The following Table 3 displays the four performance grades used in consent monitoring. These four grades are consistent with the Ministry for the Environment’s recommended compliance grades contained in its Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991.

1	Full compliance	<ul style="list-style-type: none"> Full compliance with all relevant consent conditions, plan rules, regulations, and national environmental standards
2	Non-Compliance: No action	<ul style="list-style-type: none"> Low risk non-compliance. Compliance with most of the relevant consent conditions, plan rules, regulations, and national environmental standards. Non-compliance with nil or minor actual environmental effects and no action required
3	Non-Compliance: Action	<ul style="list-style-type: none"> Moderate non-compliance with some of the relevant consent conditions, plan rules, regulations, and national environmental standards, where there are some environmental consequences and/or there is a moderate risk of adverse environmental effects
4	Significant Non-compliance	<ul style="list-style-type: none"> Significant non-compliance with many of the relevant consent conditions, plan rules, regulations, and national environmental standards, where there are significant environmental consequences and/or a high risk of adverse environmental effects.

Table 3: Compliance gradings

- 4.10 Where non-compliance is detected, the grading reflects the level of enforcement response expected depending on the circumstances and effects from that non-compliance. Grading also assists in mapping future monitoring strategies, particularly if sector wider poor performance is identified.

5 Summary of Consent and Permitted Activity Monitoring in Tasman District 2021/22

- 5.1 Over the 2021/22 year, a total of 3,323 resource consents and targeted permitted activities were monitored.

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5.2 This is higher than previous year’s output as seen in Figure 1 and reflects the targeted effort recently put into consent monitoring.

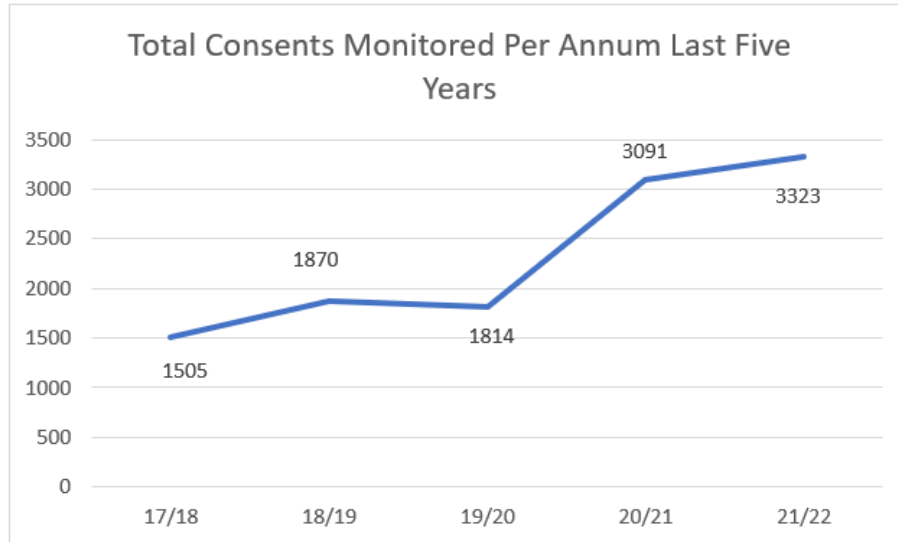


Figure 1: Total consents monitored per annum last five years

5.3 All consents monitored received a grade depending on compliance with conditions at time of inspection. A summary of the compliance monitoring outcomes for consents that received a performance grade is contained in the following graph in Figure 2. Those that received a monitoring inspection but were not active or able to be assigned a compliance grade, are not shown in this graph but are included in the total monitoring data. These consents are graded 5 in the system.

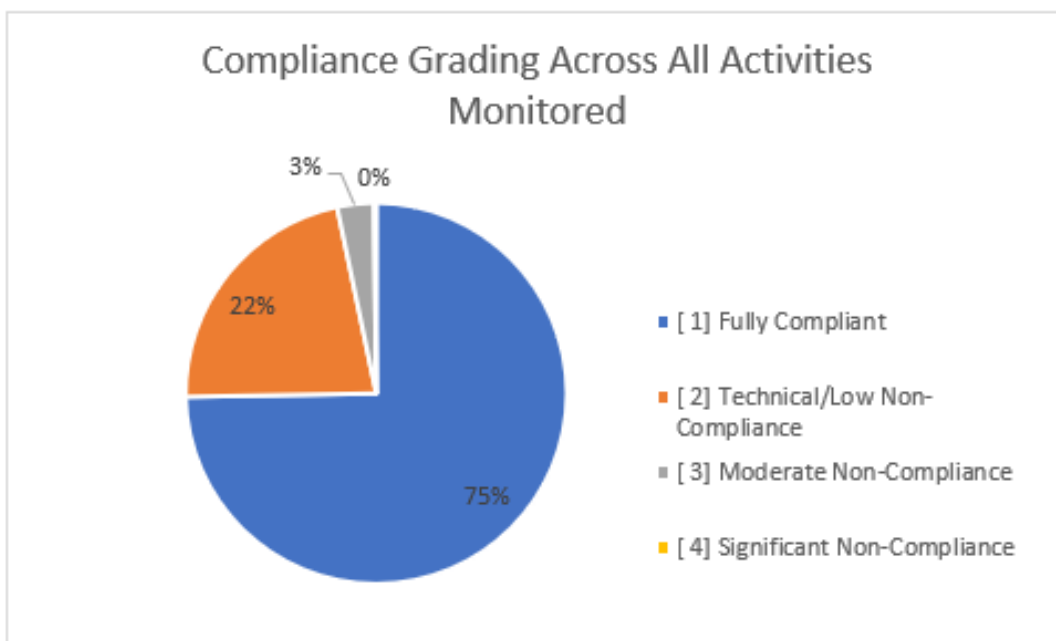


Figure 2: Summary of performance grades assigned across all consent and permitted activities over year

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- 5.4 Overall compliance was positive with 75% recorded as fully compliant at time of inspection. Of those that failed to achieve full compliance, 22% were identified as non-compliant at a minor level and not requiring further action. In these cases, the approach was to provide education or advice. The remaining 3% had non-compliance at a level sufficient to require some type of action given the circumstances and/or need to address actual or potential adverse environmental effects. Those receiving these grades were usually required to act 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.
- 5.5 Significant non-compliance was associated with six activities that received a grade four. These were limited to four land use activities and two consented water takes.

Monitoring Outcome summary for specific activities

- 5.6 The following section summarises the compliance performance of key activity areas.

Land Use

- 5.7 This incorporates both the district and regional (11 hazardous facility sites) activities monitored across the year. This monitoring relates to consented activities only as permitted land use are only monitored because of public complaints. Plantation forestry is also dealt with as a separate subject in this report given its control under the National Environment Standard for Plantation Forestry (NES-PF).

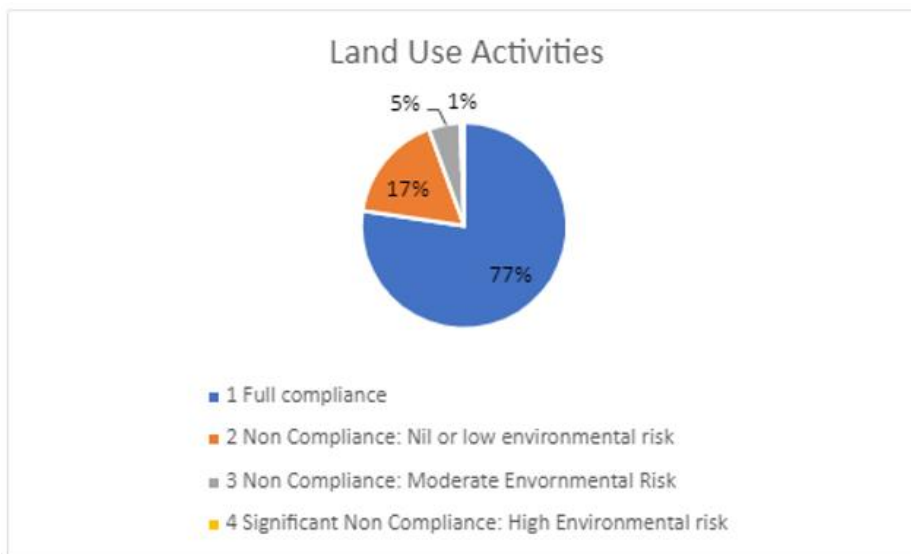


Figure 3 Summary of land use compliance gradings

- 5.8 Most of the consents monitored under this category related to residential and industrial development and associated land disturbance and bulk earthworks. Compliance in this area was reasonably high however, four out of the total of six significant non compliances found this year were in this area. All breaches were responded to following enforcement action and issues rectified appropriately.

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

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- 5.9 Forestry harvest activity continued across the District during the year. Forestry companies provided notifications and harvest plans as required under the regulations and these were actioned accordingly.
- 5.10 During the period, the following number of notices were received relating to activities controlled by the regulations. This data is reported to the Ministry for the Environment under its National Monitoring Systems (NMS) information process.

Activity	Earthworks	Forestry quarrying	Harvesting	Afforestation	River crossings	Slash traps
Number of notices	62	1*	102	6	13**	1

*Does not included consented forestry quarry activities of which there are six active and monitored under the consent programme.

**Does not include global consents held by OFO, TFM/Merrill and Ring, and TPFL

Table 4: Summary of notifications received relating to activities where notices are required under regulations

- 5.11 Monitoring was undertaken on harvest and post-harvest activities around the District with a focus on those situated on the fragile steep land areas such as western hill granites, Murchison area and Bryant Ranges.
- 5.12 Approximately 106 site inspections were carried out over the year and compliance was high with no formal enforcement being taken. During inspections no significant failures were observed and potential risks were dealt with through directions to managers.
- 5.13 Some mid-slope failures in fragile steep areas such as Marahau forest continue to be observed. The officers note these sites are typically three to seven years post-harvest and in transition where old root structures have decayed, and replacement trees not gained sufficient root structure to perform that purpose.
- 5.14 The officer's comment that at an increasing number of sites planted in permanent species such as native, or coppicing exotics is occurring.

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

- 5.15 The team is currently tasked with implementing the monitoring framework of the freshwater regulations. To date, a key part of the journey has been identifying the essential requirements on landowners and the Council and developing strategies to engage with those affected. This has included the development of communications packages, connecting with affected landowners and industry representatives through workshops and farm visits. A lot of time has also been spent working alongside the science and policy team, on submissions to the Ministry on the legislation as well as input into regional council collaborations.
- 5.16 The following is a snapshot summary of activity under key regulations affecting this district.

Intensive Winter Grazing

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- 5.17 Intensive winter grazing (IWG) regulations are themselves deferred until 1 November 2022. During the 2021/22 winter season however, all regional councils committed to using the deferment as an opportunity for monitoring and engagement with the industry to prepare for when the rules take effect. The focus has been on identifying landowners undertaking IWG, engaging with them to ensure they understand the revised regulations and to encourage best management practice. On-farm site visits have and will continue and have highlighted common questions and concerns which has allowed for more targeted communications
- 5.18 To meet that commitment, officers undertook aerial flights and responded on the ground where issues were identified. The team also facilitated and participated in workshops where they presented advice and fielded questions. This then extended to individual meetings with affected farmers where requested and where potential issues have been identified.
- 5.19 During the year and as part of that national commitment we also contributed to the regional sector collaboration with primary industry groups to provide quarterly report summaries on regional effort to the Minister during the 2021/2022 year. The final report was submitted in May 2022.

Synthetic Nitrogen

- 5.20 On grazed pasture, farmers may no longer apply more than 190kg/ha/yr of synthetic nitrogen without resource consent. Dairy farmers must also record their synthetic nitrogen fertiliser use and report it to the Council by 31 July each year. The deadline date was removed for 2022. The Council is encouraging farmers to wait until the new national portal systems for collecting this data are available and has asked that information for the 2021-2022 year be submitted by 31 October, however there will be no action taken for late submission this year. All dairy farmers and associated industry groups within Tasman have been made aware of this and will be updated with information once the portals are 'live'.

Farm Plans

- 5.21 The Freshwater Farm Plan legislation is under consultation with the detailed implementation rules due to be published late 2022. It is expected to take several years to phase in the Farm Plans, and we will be working closely with the related farm industry groups and various support organisations through this process

Wetlands

- 5.22 Currently work revolves around further development of guides and information packages for landowners. The team has also been developing an improved system for notifications and reporting. On the ground, some consented activity has been monitored and staff have provided on-site advice to landowners with issues or concerns regarding obligations. Where site assessments have identified issues, some early enforcement has occurred.

Fish Passage

- 5.23 Staff have spent a significant amount of time developing web-based information packages. This includes development of enhanced reporting systems to assist affected landowners meet their reporting obligations under the regulations. The team has also spent a lot of time with owners of structures discussing requirements and providing support and advice where needed.

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- 5.24 A dedicated coastal monitoring programme exists as marine farming structures can occupy significant areas of the coastal marine area and have potential to impact adversely on public amenity values through visual effects, noise, and the safe and unobstructed passage of vessels.
- 5.25 Aquaculture occurred within both Tasman and Golden Bay this season.
- 5.26 In Golden Bay, there are three aquaculture management areas: AMA1 (off Pūponga) which is divided into four subzones (a), (b), (c), and (d). AMA1(a) contains 23 resource consents authorising approximately 210 lines. This subzone has been fully occupied since about 2010. AMA1(b), (c) & (d) are staged developments currently authorising a total of 320 lines under three consents. The total area occupied by AMA1 is approximately 600ha.
- 5.27 AMA2 (off Milnthorpe to Patons Rock) is divided into 17 sub-zones, four of which are for scallop spat, seven are mussel spat and the remainder mussel farm. In all cases the spat catching infrastructure is seasonal and is required to be removed from 1 May until 31 October. The total area of AMA2 is approximately 5,210ha.
- 5.28 Wainui Bay is technically part of AMA2 (sub-zone (r) and occupied 16ha divided into eight consent areas. This area is entirely mussel farming, and the structures stay in the water permanently.
- 5.29 In Tasman Bay, there are 14 effective resource consents, one of which is for seasonal mussel spat catching, and one is for seasonal scallop spat catching. The remainder is for mussel farming. They are all in one aquaculture management zone (AMA3) which is divided into 12 sub-zones. Total area approximately 5,325 ha.
- 5.30 Programmed monitoring of all sites started at the beginning of the summer season after spat gear was installed, and again after its scheduled removal. Further monitoring was undertaken after storm events or as otherwise deemed necessary.
- 5.31 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 the officers also checked no loose rope, gear or other navigation hazards were present.

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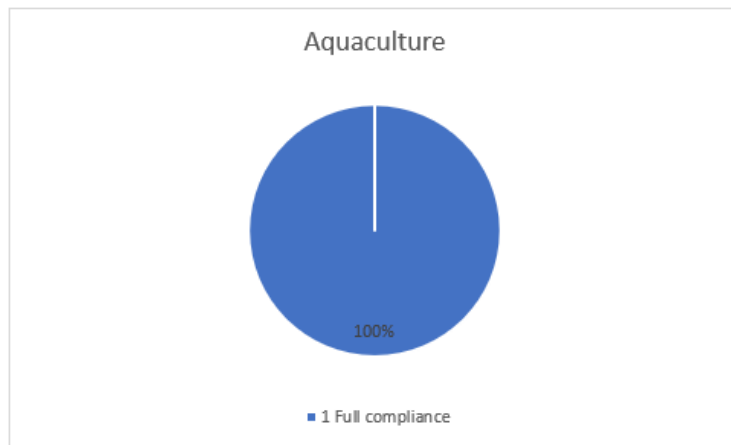


Figure 4: Summary of aquaculture compliance gradings

Other structures and disturbances

- 5.32 Like marine farming, physical modification of the coastal marine area by structures, reclamations and disturbances can also affect the natural character of the area by adversely affecting natural coastal processes, habitats, and the natural scenic values the area offers. These consented activities also receive dedicated monitoring.
- 5.33 Overall, a high number were fully compliant at time of inspection. Those not meeting full compliance were considered minor and did not require further action. This year these were consents associated with seabed and foreshore disturbances.

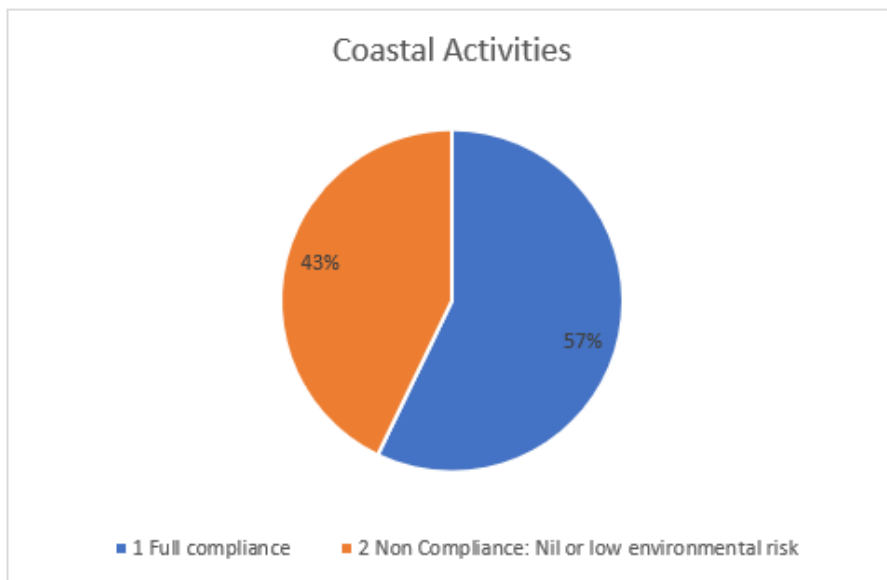


Figure 5: Summary of costal activities compliance gradings

Rivers and Lakes

- 5.34 Ensuring the health and wellbeing of water and the balance between the environment, stakeholders, and the community are important principles of Te Mana O Te Wai. In this District gravel extraction, structures and diversions can have significant adverse effects on stability of river channels and associated river control structures, groundwater recharge,

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water quality, freshwater habitats and the amenity values the river provides to the community.

- 5.35 The compliance team can assist meeting our commitments under Te Mana O Te Wai by maintaining a tailored monitoring programme for river-based activities including Councils global works consents. This extends not just to ensuring compliance with conditions of consent but delivering advice and assistance to consent holders to achieve the best possible outcomes.
- 5.36 This year, activities monitored were predominantly gravel extractions and instream protection works. Overall, the compliance with those consents monitored at the time was exceptionally high.

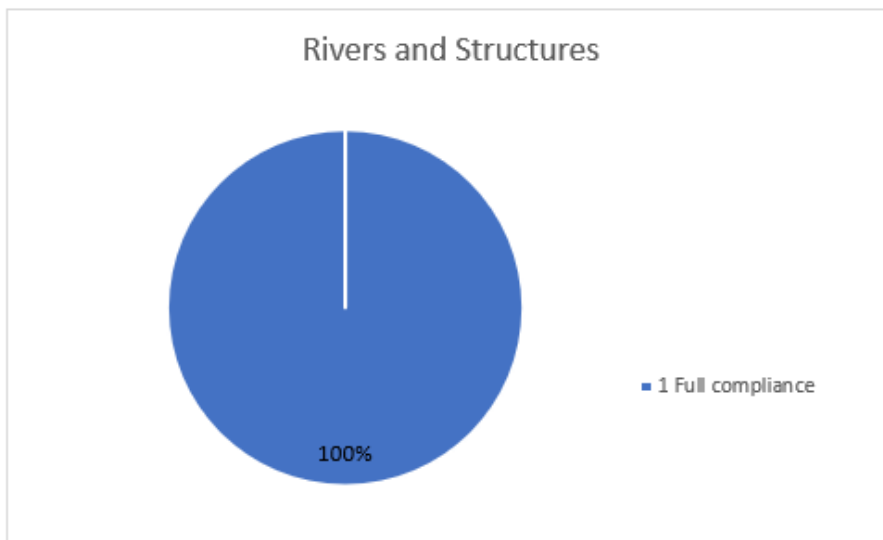


Figure 6: Summary of river-based activities compliance gradings

Sewage Discharges

Onsite domestic wastewater

- 5.37 The TRMP provides for small volume on-site wastewater discharges outside the main reticulated sewerage areas to operate as a permitted activity (subject to performance standards). Higher volume (>2m³/d) and all new discharges within the wastewater management areas, however, require resource consents.
- 5.38 A targeted monitoring programme for consented wastewater operates because of the potential impacts of contaminant discharges by individual and cumulative systems in a catchment.
- 5.39 This year a considerable amount of monitoring and discussion was held with stakeholders. Overall compliance was moderate, but consent holders meeting reporting requirements remains an issue.

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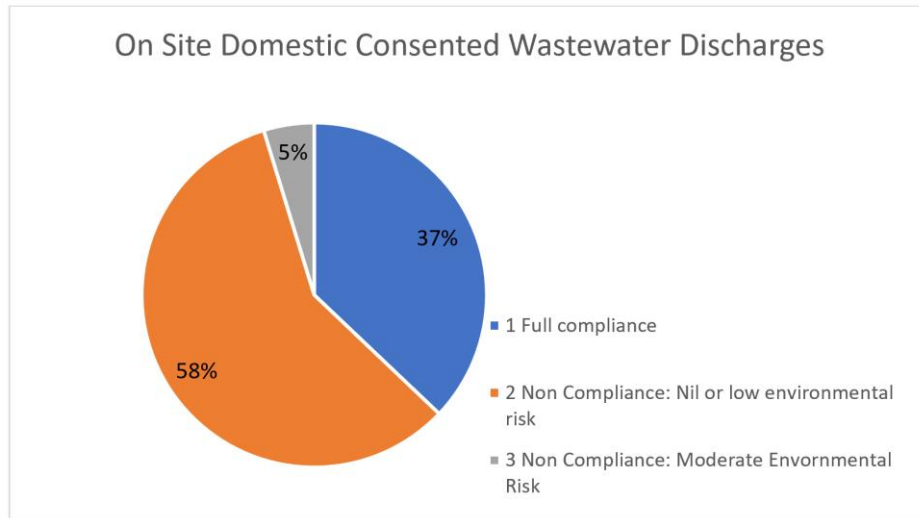


Figure 7: On site Domestic Wastewater consent compliance summary

Municipal Wastewater Treatment Plants (WWTP)

- 5.40 There are eight wastewater treatment plants operating in Tasman District. The largest is Bell Island, managing effluent from Nelson and Tasman. The consent holder is the Nelson Regional Sewerage Business Unit (NRSBU), a joint venture between Nelson City Council and Tasman District Council. The reminder are Tasman District Council controlled systems.
- 5.41 The following graph is an overall consent compliance summary for the discharge from the District’s community wastewater schemes.

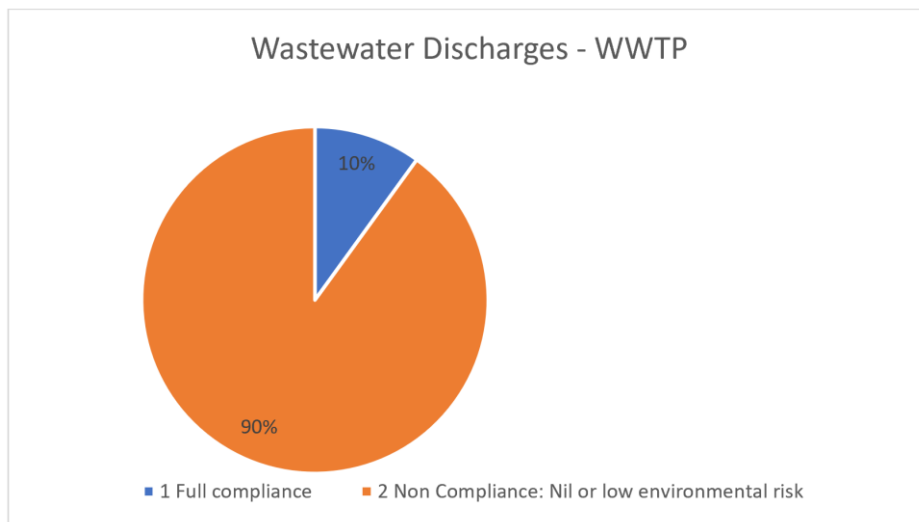


Figure 8: Community Wastewater Treatment Plants Overall compliance summary

Nelson Regional Sewerage Business Unit

Consents – Bell Island Treatment Plant

Resource consent to discharge up to 25 000 m³ of treated effluent per day via an aeration basin and treatment plant and five stage oxidation pond system, into the Waimea Estuary.

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Resource consent to discharge odour to air.
Consent Performance Summary
Non-compliant due to several odour issues reported over the year and a breach of conditions of their consent on 13 May 2022 resulting in a discharge outside of the permitted tide timing
Consent – Rabbit Island Biosolids
Resource consent to discharge stabilised sludge (biosolids from Bells Island treatment plant) from a sludge digester to approximately 1000 hectares of forest land.
Consent Performance Summary
Fully compliant with conditions.

Tasman District Council - Collingwood WWTP

Consents
Resource consent to discharge a maximum of 1070 m ³ /day of effluent into Burton Ale Creek
Consent Performance Summary
Non-compliant due to faults with the UV disinfection system and turbidity flows resulting in discharges not receiving the consented UV treatment

Tasman District Council - Takaka WWTP

Consents
Resource consent to discharge a maximum of 700m ³ / day treated wastewater to land via Rapid Infiltration basins
Consent Performance Summary
Non-compliant due to work needing to be done to the Rapid Infiltration Basins as these had clogged up over time. This resulted in the need to over-pump the ponds to a set of old sand filters and one of the old wetland areas in June

Tasman District Council - Upper Takaka WWTP

Consents
Resource consent to discharge a maximum of 35m ³ /day of treated effluent into land via a single pond and marsh cell system
Consent Performance Summary
Non-Compliant because of a couple of discharge volume exceedances in the year. All these occurred in adverse weather events.

Tasman District Council - Motueka WWTP

Consents
Resource consent to discharge a maximum of 10,000 m ³ treated effluent into the costal marine area via an outfall pipe.

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Consent Performance Summary
Non-compliant due to the WWTP needing to undertake remedial action on the primary pond. This resulted in a need to discharge partly treated wastewater to the old wetlands for an extended period. A section 330 was issued to address this matter.

Tasman District Council – Tapawera WWTP

Consents
Resource consent to discharge of up to 500 m ³ per day. The system comprises a single pond feeding into rapid infiltration basins The site also holds discharge to air consent.
Consent Performance Summary
Fully compliant with conditions.

Tasman District Council – St Arnaud WWTP

Consents
Resource consent to discharge up to 18.7 m ³ per day of effluent. The system comprises a single aerated oxidation pond feeding a two-stage marsh cell. Discharge is into the ground via infiltration lines.
Consent Performance Summary
Fully compliant with conditions

Tasman District Council – Murchison WWTP

Consents
Resource consent to discharge a maximum of 500 m ³ of effluent per day to ground. The system comprises three aerated oxidation ponds discharging to groundwater via infiltration trenches. Five bores monitored for groundwater effects.
Consent Performance Summary
Non-Compliant due to sample bore test results being outside the consented limits in certain bores. This is a historic issue and related to land use activities surrounding the wastewater treatment plant.

Dairy Effluent

- 5.42 A targeted dairy effluent discharge monitoring programme exists for all dairy farms operating in Tasman District. Compliance is assessed on conditions of resource consent for those discharging treated effluent to water and the rules controlling land application of effluent for those operating as permitted activities. Currently 121 farms operate in the District, and are subject to inspection
- 5.43 A full report on farm dairy effluent was covered in a separate report to the Regulatory Committee on 28 July 2022 (Report RRC22-07-3) and is not therefore reported on in-depth here.

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- 5.44 A total of 121 farm dairies had active discharges in the Tasman District. Of those, 118 farm dairies operated as permitted activities and the remaining three held resource consents to discharge treated effluent to water although these three farms principally apply effluent to land under the permitted activity regime.
- 5.45 All farms were inspected at least once during the 2021/2022 season. At these inspections, each farm was assessed against the permitted activity rules and where applicable, against resource consent conditions for the discharge of treated dairy effluent to water.
- 5.46 The final compliance results were constantly very high with previous seasons. Non-compliance was dealt with through a range of enforcement mostly associated with advice and education for minor breaches. The two more serious and related to ponding were dealt with by formal warnings and written directions. No significant offending was found this season.

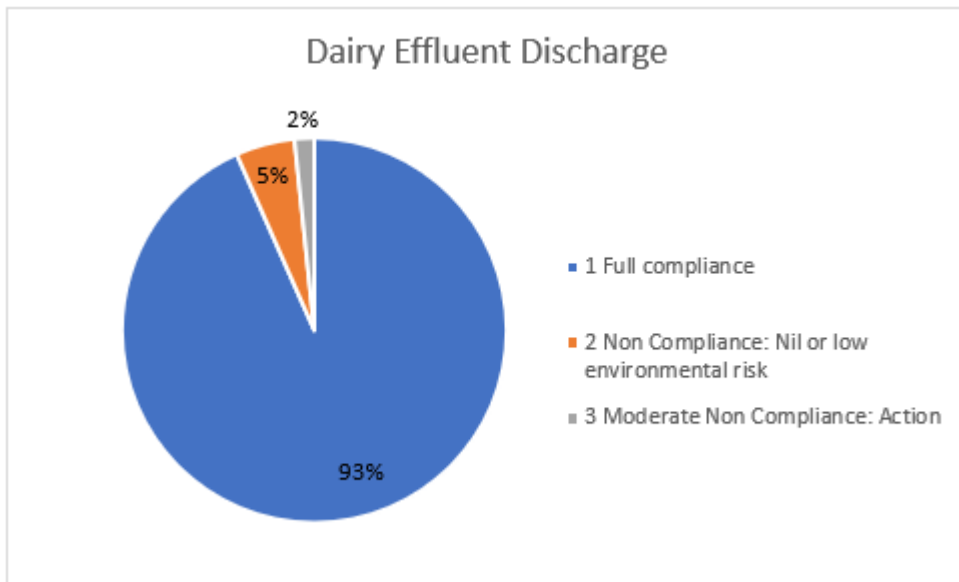


Figure 9: Dairy effluent overall compliance grading for permitted and consented activities

Ground & Surface Water Abstractions

- 5.47 Individual and cumulative abstraction of ground and surface water has the potential to adversely affect a water body through wide ranging environmental impacts including other user’s ability to access water or enjoy the recreational values. As irrigation accounts for around 90% of water takes in the District, the Council provides for sustainable use of this seasonally limited resource through controls in the TRMP including allocation, minimum flows, and rationing. These zones require metering of all water takes through resource consents.
- 5.48 The compliance monitoring team manages this through a dedicated monitoring programme. A full report on the 2021/2022 season was covered in a separate report to the Regulatory Committee on 28 July 2022 (Report RRC22-07-4) and is not, therefore, reported on in-depth here.

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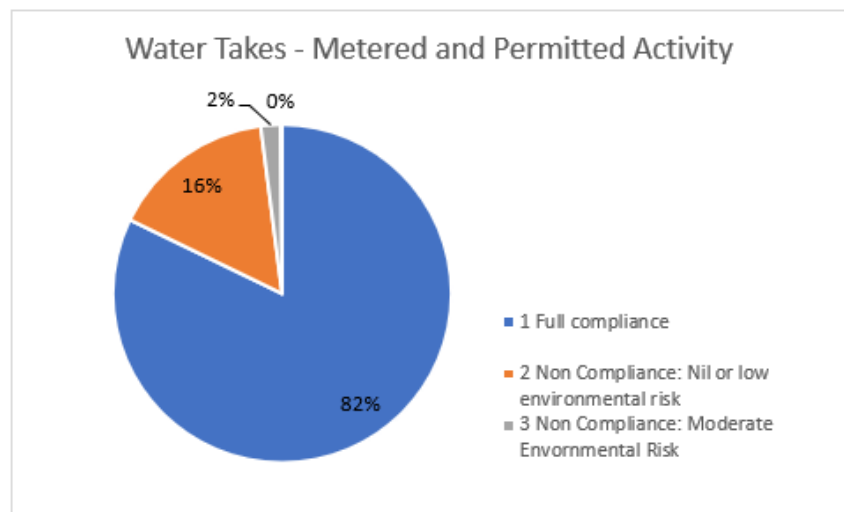


Figure 10: Water take overall compliance grading for permitted and consented activities

- 5.49 One thousand, four hundred and thirty-two (1,432) consented and permitted activity water takes were managed and monitored through the database in the 2021-2022 season. This was a decrease from 1,478 the previous year. Of these, 1,297 were resource consents and 135 permitted activity domestic takes subject to the Moutere Domestic Zones rules. Of the 1,297 consented takes 1,033 were active and required to provide weekly water use readings.
- 5.50 The predominant issue this season was the number of meter readings missed. Providing meter readings is a consent condition requirement. There were also 143 confirmed actual water overtakes detected within the season.
- 5.51 In response to non-compliance 34 formal warnings, three abatement notices and two fines were issued. Alongside these, 27 audit fees were imposed for sustained missing readings periods that required subsequent Council audit.

Waimea Community Dam

- 5.52 Over the year, the team watched the construction work undertaken on the dam embankment and spillway which is now close to completion.
- 5.53 Fortnightly water quality environmental monitoring (above and below the construction zone) has been taking place as required and shows excellent taxa in the macroinvertebrate sampling results for the Lee River. Sampling of fine sediment on the bed was also within prescribed limits. The annual report detailing all environmental monitoring outcomes and other performance measures was supplied.
- 5.54 Environmental management plans have been certified for Stage 4 diversion works to enable the excavation and construction of the plunge pool at the base of the spillway, construction of the environmental pipe and other apparatus in preparation for filling. These works are anticipated to take several months and only be completed after the 2022/23 summer.
- 5.55 The team is currently working with the consent holder on finalising agreed methodologies in other environmental management plans required for post construction and before filling

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occurs, such as the River and Reservoir Water Quality plans as well as Flushing Plan and Emergency Action Plan and Operational Management Plan.

- 5.56 To date 20 site inspections have occurred. All but one were fully compliant at time of inspection. The one non-compliance was dealt with via a formal warning for discharging ponded water at the base of the spillway to the river without recording pH and clarity for several hours. Adverse effects were considered no more than minor.

Industrial audits – major industries
Timber Treatment Plants

- 5.57 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.

Nelson Pine Industries Ltd

Consented Activity
Nelson Pine Industries Limited operates a medium density fibreboard and LVL plant at Lower Queen Street, Richmond. Nelson Pine has a suite of consents that authorise various activities including the discharge of contaminants into the air, hazardous facility land use and a resource consent to discharge stormwater into the Waimea Estuary
Consent Performance Summary
Fully compliant with all conditions.

AICA Limited

Consented Activity
AICA Ltd operates a phenol and formaldehyde resin plant at Lower Queen Street, Richmond. The company has resource consent to discharge contaminants into the air from the production of phenol and formaldehyde resins and resource consent to discharge stormwater into the Waimea Estuary. The company also has land use consents to erect structures and store chemicals on site.
Consent Performance Summary
Fully compliant with all conditions.

Carter Holt Harvey - Eves Valley

Consented Activity
Carter Holt Harvey operates a sawmill complex at Eves Valley. The company holds a suite of consents including air, stormwater and hazardous facility. The site operates a drainage and spillage containment system which collects all the site stormwater run-off and any significant spillages.
Consent Performance Summary

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Minor non-compliance from June inspection regarding management of fuel spills at the mobile fuel station situated in the log processing yard and the discharge of contaminated stormwater from the log processing yard into the Woodman Stream.

Goldpine Industries
Consented Activity

Goldpine Industries operates a CCA and Alkaline Copper Quat (ACQ) timber treatment plant on the floodplain of the Upper Motueka River. The site occupies around 28 hectares. The main products are CCA-treated fence posts, poles and logs. All milling and treatment occur on site. The company hold a suite of consents for this site including, discharge of stormwater, air discharge, hazardous substance, and other land use consents.

Consent Performance Summary

Fully compliant with conditions

Prowood
Consented Activity

Prowood (formerly PrimePine) 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 including stormwater and air discharge and hazardous facility.

Consent Performance Summary

Non-compliant with resource consent to discharge to air because of outdoor burning in breach of conditions.

Dairy Processing Factories

5.58 Fonterra Co-operative Group Limited own and operate two milk-processing factories in Tasman District.

Fonterra Co-operative Group – Takaka Plant
Consented Activity

The Takaka factory holds a suite of consents related to its operation including consents to discharge combustion products, odours and particulate matter into the air and consents to discharge wastewater onto land and into the Takaka River during flood flow.

Consent Performance Summary

Fully compliant with all conditions.

Fonterra Co-operative Group – Brightwater Plant
Consented Activity

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The Brightwater factory holds a suite of consents related to its operation including consents to discharge combustion products, odours and particulate matter into the air and consents to discharge stormwater and cooling water onto land.

Consent Performance Summary

Non-compliant due to intermittent milk powder & soot discharges from boiler/dryer via stack onto neighbouring properties. Plant to be shut down permanently from April 2023. Temporary measures are to be installed which include modified flue extension.

Fish Processors
Talleys - Port Motueka
Consented Activity

Talleys operate a fish processing, fishmeal and ice cream factory at Port Motueka. They hold a suite of resource consents including permits to discharge wastewater to the coastal marine area and air.

Consent Performance Summary

Reports received as required. Some minor non-compliances in sample results and during inspections officers identified some on-site discharge management issues. The upgrade of infrastructure handling the discharge of treated wastewater to coastal outfalls was fully commissioned in May. Odour complaints have also reduced greatly due to the installation of a biofilter.

Anatoki Salmon
Consented Activity

Anatoki Salmon 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.

Consent Performance Summary

Fully compliant with conditions

New Zealand King Salmon Company Limited
Consented Activity

This company holds a raft of consents associated with salmon farming adjacent to the Waikoropupū River. The consents include water takes and discharges from the farming operation.

Consent Performance Summary

Non-compliant. Annual reports not submitted on time in accordance with conditions.

Hydroelectric
Trustpower

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Consented Activity
The Cobb hydroelectric power facility sits on the Cobb River Takaka. It has been owned and operated by Trustpower since 2003. The company holds a large suite of consents associated with damming, associated structures, and various discharges from the generation of electricity as well as ancillary activities.
Consent Performance Summary
Fully compliant with conditions

6 Complaint and Incident Response

- 6.1 Each year compliance officers respond to a wide range of activities because of complaints or requests for assistance from the public. The team also maintain a 24-hour environmental complaint and incident response service to allow the public to lodge complaints at any time of the day or night.
- 6.2 This year 1,792 environmental complaints or incidents were responded to by the compliance team. It is worth noting that this is only part of customer service and the team this year also resolved at least 678 additional customer enquiries or request for information outside complaints.
- 6.3 This year saw a dip in total numbers of complaints received compared to last year. This continues the erratic pattern seen over recent years as depicted in Figure 11. This is likely a reflection of global events that have affected the community and its activities in one way or another.

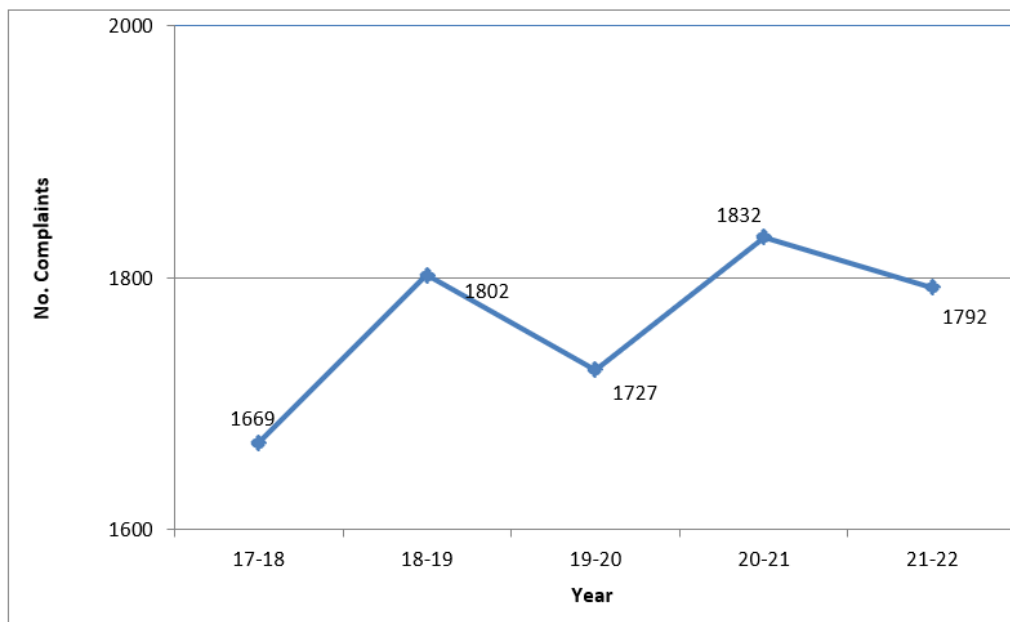


Figure 11: Trend in complaint numbers in Tasman district over last 5 years

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- 6.4 As with every year, the nature of complaints can be extremely broad. While some are reasonably simple and can be completed in a short timeframe, many require more significant investigation that takes months to arrive at a resolution.
- 6.5 The following information in Figure 12 filters the number of complaints received into the broader environmental categories used in reporting. It also compares these numbers with the previous four years.

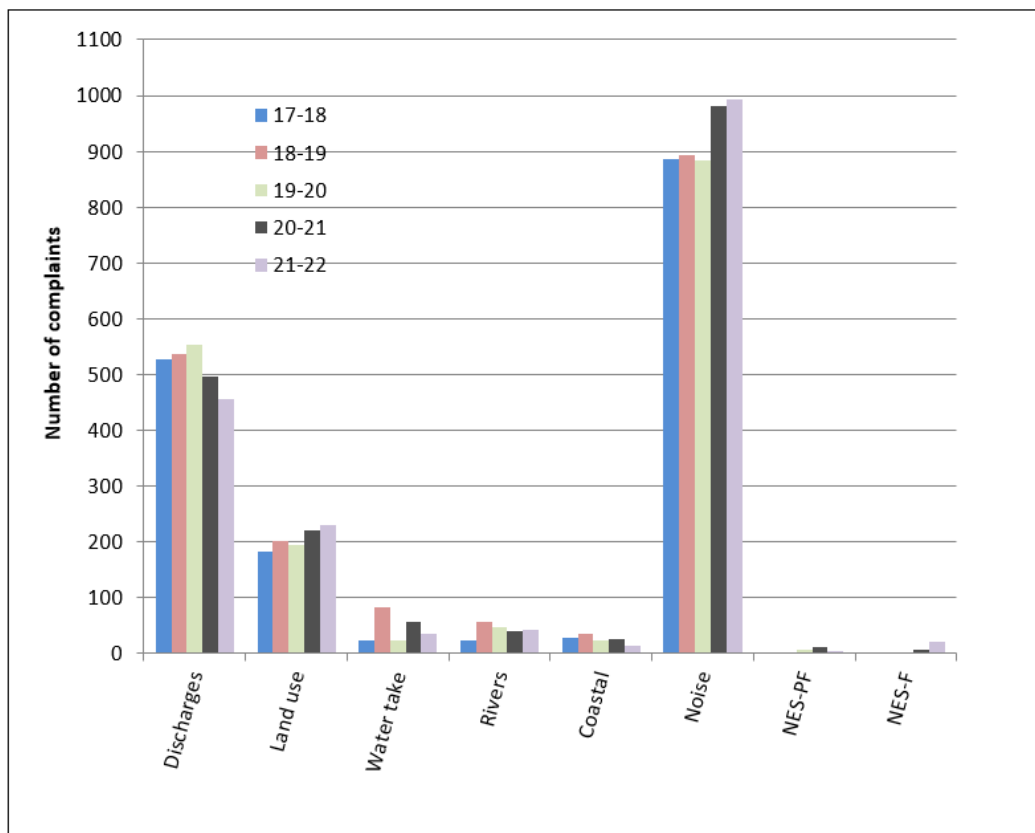


Figure 12: Complaint levels recorded against the broader environmental activities over last five years.

- 6.6 Overall, there were 40 less complaints recorded this year compared to the previous year.
- 6.7 This drop in numbers is thought to correlate to a lower level of outdoor burning activity this year as this is an activity that generates a lot of complaints captured in the discharges category. This also repeats last year’s observations and given the evidence that the practice of outdoor burning is changing with alternative disposal methods and better managed fires, there is hope that a downward trend will continue.
- 6.8 The graph also shows a steady increase in complaints regarding land use activities. While these are typically broad ranging in nature, there is no doubt that the increasing level of development and land use change coupled with the public’s willingness to raise issues will

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see this continue. As a result, extra staff resourcing has been put into this area to provide more timely response and resolution as well as more proactive monitoring.

- 6.9 This is the second year with the new complaint category to capture activities related to NES-Freshwater areas. This year a lift was seen mostly associated with stock access to riverbeds but some wetland activities as well. This is a complaint area where numbers are likely to increase in future as the public becomes more aware and when the stock exclusion regulations take effect.
- 6.10 This year all complaints were dealt with on a case-by-case basis and any action taken when a breach had occurred in accordance with the Council's enforcement procedures and guidelines.

7	Enforcement Action
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- 7.1 Tasman District Council has a statutory obligation to enforce observance of plan rules and consent conditions and authorises specific officers with powers to act where a breach of rules or consent is found
- 7.2 The need to take enforcement action may arise following routine monitoring or complaint investigation. In both instances, the need to take enforcement action will arise because a breach has occurred.
- 7.3 When Council staff act using available enforcement mechanisms, they are primarily concerned with three interrelated outcomes, these are:
- Avoidance, mitigation or remedying of adverse effects;
 - Compliance promotion; and
 - Deterrents and restitution
- 7.4 Officers may use one or more enforcement tools to achieve desired outcomes. Any enforcement undertaken will always be in accordance with the Council's procedure and guidelines.
- 7.5 One of the 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.
- 7.6 This year, six significant non-compliance grades were assigned to consented activities.

	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	N/A	N/A	N/A

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deadline beyond this reporting period**			
Total	6	6 (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 the period of reporting.

**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.

Table 5: Resolution of non-significant compliance with respect to breach of consent conditions

7.7 During the year, enforcement officers undertook a range of enforcement actions in response to detected non-compliance or breaches. Table 6 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.

Enforcement action	2021-22	2020-21
Abatement notices	18	37
Infringement notices	39	31
Enforcement orders	0	1
Prosecutions	1	0

Table 6: Summary of Enforcement action during the 21/22 year including comparison to previous year.

Abatement Notices

7.8 There were 18 abatement notices issued the over the period. This is well down on the number issued last year which was dominated by the response to a level of non-compliance in the areas of water and land use. Over that previous year a lot of effort was put into addressing poor performance in those areas and abatement notices were one enforcement tool used to address behaviour and to promote better compliance.

7.9 A summary of activities where notices fell is contained in the following Table 7. It should be noted that this data excludes those abatement notices issued under Section 16 of the Resource Management Act (RMA), (unreasonable noise), but would include those issued in relation to consent condition breaches where noise was the non-complying factor if applicable.

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RMA Section	2021-22	2020-21
Section 9 - Land use	4	11
Section 12 - Coastal	1	0
Section 13 - Rivers/Lakes	1	0
Section 14 - Water	3	17
Section 15 - Discharges	9	8
Total	18	37

Table 7:

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

- 7.10 Abatement notices for outdoor fires creating adverse effects made up the majority of those issued under the category of discharge. These were for activities that usually involved burning inappropriate material.
- 7.11 Land use breaches resulting in abatement notice responses were mostly associated with failure to comply with resource consent conditions where adverse effects were occurring. Landowners using their property for activities outside of zone rule restrictions and breach of resource consents associated with building were predominant themes.

Infringement Fines

- 7.12 Over the year, 39 infringement fines were issued for breaches against the RMA or Litter Act as outlined in Table 8. This was an uplift on last year and reflected the stronger approach taken to poor burning practices in the District.
- 7.13 The following table includes a summary of the outcome of the fines process. The column headed outstanding are fines not paid in the statutory timeframe and subsequently lodged in the Court for recovery.

Resource Management Act 1991	Number issued	Paid	Outstanding	Withdrawn
Contravention of section 9 - (Land use)	3	3	-	-
Contravention of section 12 - (Coastal)	3	-	-	3
Contravention of section 13 - (Rivers)	1	1	-	-
Contravention of section 14 - (Water)	-	-	-	-
Contravention of section 15(1) (a) or (b) (Discharge contaminant to water or land)	3	3	-	-
Contravention of section 15(1) (c) (Discharge contaminant from industrial or trade premises into air)	1	1	-	-

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Resource Management Act 1991	Number issued	Paid	Outstanding	Withdrawn
Contravention of section 15(1) (d) (Discharge contaminant from industrial or trade premises onto or into land)	1	1	-	-
Contravention of section 15(2A) - (Discharge Air - breach rule or regulation)	14	12	2	-
Contravention of section 15(2) (a) or (b) - (Discharge Air - breach of NES)	-	-	-	-
Contravention of an abatement notice	2	1	1	-
Other offences	1	-	-	1
Litter Act 1979				
Deposit and Leave Litter	10	3	7	-
Total	39	25	10	4

Table 8: Infringement notices by type and outcome

Enforcement Orders

7.14 No enforcement orders were sought.

Prosecutions

7.15 One prosecution was initiated in this period. Charges now before the Court relate to activities on a 6.1ha bare block of land in Motueka. This land is registered to a company who is one of the defendants as is its sole director. This director also has responsibility for another company active on this site that is also facing these charges. The charges relate to the discharge to air from outdoor burning and breach of abatement notice.

7.16 First call for this case is now set down for 28 September 2022 in the Nelson District Court.

7.17 One prosecution sitting before the court was resolved. This related to charges against a landowner Mr Arron James Dunlop and his company Bruiser Inc for the burning of prohibited materials in contravention of an abatement notice.

7.18 This matter was finalised on 5 May 2022 where the defendant Arron James Dunlop was sentenced to 150 community service. The Company Bruiser Inc at time of sentence was insolvent and delisted from the companies register and was not sentenced.

8 Future Strategies

8.1 The Resource Management (National Environment Standard – Freshwater) Regulations (NES-F) and associated regulations continue to mature with staged deadlines and amendments landing. These are having a direct impact as we set up and implement the various requirements on the ground. It is already highlighted that data management systems

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are critical as well as intuitive and informative web and other information portals. We are currently developing information hubs and improved data systems where we can but this is a work in progress and we are limited in certain systems at present.

- 8.2 Embedding the purpose and principles of Te Mana o te Wai in compliance monitoring and enforcement is an important next step given the importance of water in Tasman District. This will require the team to understand and build effective, positive, and enduring relationships with mana whenua and kaitiaki who will determine tikanga and mātauranga which underpin Te Mana o te Wai within their rohe. To achieve this, we will need to strategically review and refine our policies and programmes of work as well as identify and develop those key relationships in a meaningful way. Fortunately, we have a lot of in-house knowledge and experience within our policy and science teams as they work towards their own strategic goals. Harnessing that and working with these teams will be key to assisting us putting meaningful effect to our vision.
- 8.3 The proposed amendments to the National Environmental Standards for Air Quality (NES-AQ) have not been finalised and these loom as a significant work demand for compliance and enforcement at some point in the future with the introduction of additional airsheds and a stricter regime. Given what may eventuate, additional resources will be required to effectively implement and monitor this. During the last Long Term Plan round a Compliance and Investigations Officer - Air Quality for the 2023/2024 year was identified to respond to this legislative change.
- 8.4 The outcomes of the Three Waters, Resource Management and Local Government reforms will potentially all have a bearing on delivery of compliance monitoring and enforcement. and/or the structure of role. It is uncertain to what extent; however, we will need to be adaptive and ready to respond.

9 Conclusion

- 9.1 Complaint and incident response will continue to be our 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 Complaints have fluctuated over recent years and may continue to do so because of wider external drivers. While it is pleasing to see some good practices occurring in some sectors now reflecting in less complaints, the compliance team must continue pursuing compliance promotion by assisting people to achieve good practice and taking action where they are failing or disengaged.
- 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. The compliance team works to ensure we are consistent with regulatory good practice and actively participates in development of good practice at a national level.

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- 9.4 This year enforcement was undertaken as a response to those persisting with poor practice or needing to address the effects of their actions. For those where it was appropriate, formal warnings, abatement and infringement notices were used to gain compliance and provide deterrence where other methods had proven unsuccessful. Fortunately, Tasman District Council did not detect many cases of significant non-compliance however, did have to resort to a prosecution for one particularly aggravated breach of our air discharge rules.
- 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 reasonable this year, and where non-compliance was detected, it was largely of a minor nature and did not require any further action enforcement response. As we put more effort into monitoring it is likely we will uncover more non-compliance which will reflect in the statistics however, it is anticipated that the long-term outcomes will be better and more informed compliance behaviour in the community and ultimately a corresponding reduction in complaints over time.
- 9.6 With the myriad changes signalled by the Government and new regulations coming into play, there will be increasing pressure on compliance monitoring and enforcement during the next few years. We will need to remain adaptive, and this requires a constant review of how functions are carried out in order to achieve the most efficient and effective results and meet increasing expectations.

Attachments

Nil