

Hawke's Bay Regional Council Compliance Annual Report 2017-2018

September 2018
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External Relations Group

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Compliance

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signed



External Relations Group

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INTRODUCTION

The Hawke’s Bay Regional Council’s Compliance Annual Report provides an overview of resource consent compliance monitoring and pollution response activities across the region for the 2017/18 year.

The Compliance team is responsible for the following areas of HBRC business:

- Resource consent monitoring
- Pollution response
- Low flow monitoring
- Enforcement
- Hazardous sites
- Building Act [dams]
- Oil spill response

Activities with similar parameters, particularly enforcement, incidents, and dairy discharge consents have been combined rather than reporting on individual conditions or circumstances.

In this report, the dairy industry is reported as a collective as the consent conditions for each farm are similar and compliance with these can be easily compared.

Other industries reported are either the only one of their type in Hawke’s Bay, or differences exist between them that would make comparison of their consent conditions too difficult.

Major industrial consents, or those of special interest to Hawke’s Bay, have been identified and are included in the report.

For most of the major industry reports, a table has been included to assess how well the company or industry has performed. This is displayed in the form of a traffic light system and a comparison between the current year and the preceding year [see below].




Key

Industry, Site or consent holders name	15/16	16/17	17/18
Description of any noteworthy event			

Background denotes overall results for the year shown in box

Year

Grading

Good to excellent: Consent holder has excellent communication with HBRC; they have contingency measures in place; reports supplied on time and compliant; minor to no exceedances with no environmental impact	
Moderate to Technical Issues: Consent holder reports late; has minor exceedances over period of time; moderate exceedances with minor environmental impact	
Significant non-compliance: Consent holder has exceedances with measurable impact on the environment; reports not supplied; negligent or intentional non-compliance	

Also considered in the grading are the completeness and quality of the results, evidence of contingency planning, prompt notification of events, completion of full and thorough investigations, maintenance of good communications with HBRC, proactive in addressing or highlighting potential issues and evidence of environmental ethics.

This report, as appropriate, is separated into three main parts, Inspection and Audit activities, Incident Response, and Enforcement.

Inspection and Audit Activities

AGRICULTURAL AUDITS

Dairy Inspection Overview

The compliance dairy monitoring team consists of two experienced staff who undertake inspections of dairy farms to ensure that there is compliance with the conditions of discharge consents. All 79 dairy farm operations in Hawke's Bay are consented activities. Discharge consents allow farms to irrigate dairy shed effluent to land.

Dairy shed effluent is created from the cleardown of the milking shed and platform and is a combination of water and effluent. It is regarded as an excellent natural liquid fertiliser. It contains nitrogen, phosphorus, potassium, magnesium, sulphur and trace elements essential for grass growth.

However, pasture can only use so much effluent at a time. It is important to match the irrigation depth to the capability of the pasture to utilise the nutrients. Over-application of effluent can result in the following outcomes:

- Kill pasture – especially where effluent has 'ponded' on the soil surface;
- Pollute groundwater – by seeping too deep into the soil;
- Pollute nearby waterways – where it runs off paddocks and into streams and rivers;
- Be an ineffective use of nutrients – by seeping past the root zone before the plant can utilise it.

There are 3 outcomes following an inspection that determine a dairy farm's performance against the conditions of their resource consent.

1. Full Compliance – means a farm complies with all conditions of its consent.
2. Non Compliance - means a farm has some noncompliance but the environmental effect does not warrant any more action than advice and education.
3. Significant Non Compliance – means a farm has some noncompliance that results in significant adverse environmental effect, requires a re-inspection and may lead to punitive measures being taken.

Council facilitates a *Dairy Industry Liaison Group*. This group has adopted a goal of achieving 100% full compliance across all dairy farms in Hawkes Bay. Recognising those achieving this over a long period is one way to promote reaching this goal.

Farms must achieve full compliance at all inspections; both water take consents and farm dairy effluent discharge consents are included.

Bronze certificates are awarded for 3 consecutive years of full compliance

Silver certificates are awarded for 4 consecutive years of full compliance

Gold certificates are awarded for 5 consecutive years of full compliance

The count of compliant years is reset to zero at a change in farm ownership or noncompliance.

Current Gold certificate holders are:

- ❖ Anacott Farms Limited Partnership
- ❖ Ashton Family Trust
- ❖ Barry P M & A C
- ❖ Brylee Farm Limited
- ❖ Cameron Dairies – Boyle Road
- ❖ Chrystal C J J
- ❖ Cooper Del Este Limited
- ❖ Feather Holdings [Epic Agriculture Limited –Springfield]
- ❖ Franklin P C
- ❖ Galloway Enterprises Limited
- ❖ Gibson GR & BE
- ❖ Great Glen Farm Limited
- ❖ Hayward Standing Trust
- ❖ HB Pastoral
- ❖ Hedley J H & J
- ❖ Incline Farm Limited
- ❖ Ingleton Farms Limited
- ❖ Knauf I J & S M
- ❖ Lansdown Family Trust
- ❖ Lyon Family Trust
- ❖ Lyons Family Partnership
- ❖ Maungatutu Station Limited
- ❖ Newman Family Trust
- ❖ Opoiti Limited
- ❖ Perthshire Farms Land Company Limited
- ❖ Pine Estate Limited
- ❖ Plantation Road Dairies Limited
- ❖ Seven Oaks Partnership
- ❖ Spring Valley Holdings Limited
- ❖ Te Repo Farms Limited
- ❖ Tuki Tuki Awa Limited
- ❖ Waikare Dairy Company Limited
- ❖ Watts & Son Limited
- ❖ Wilson GP

Over time, compliance rates have improved considerably. 54 dairy farms out of the 79 in Hawke’s Bay have been fully compliant for a minimum of 3 years, compared to 2012 when only 23 out of 92 farms could claim that.

		2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Gold		12	19	21	28	31	34
Silver		8	3	7	4	6	13
Bronze		3	8	4	7	13	7
Total		23	30	32	39	50	54

HB Dairy Award holders 2012 to 2018

Across the whole dairy industry, full compliance rates have dropped a little, although the number of both Gold and Silver award winners have increased. This would suggest that higher performing operators are maintaining and improving standards while others may require further scrutiny from monitoring officers

	2014/15	2015/16	2016/17	2017/18
Full Compliance	85%	89%	85%	80%
Non compliance	15%	7%	12.5%	20%
Significant non-compliance	0%	4%	2.5%	0%

HB Dairy compliance rate percentages 2014 to 2017

Dairy Farming			
Enforcement action as follows: 17/18 – 11 infringement notices [1 each in the 2 previous years] 4 relating to excess water takes by Maxwell Farms 4 relating to discharge of dairy effluent by Te Repo Farms, Feather Holdings, de Malmanche and an individual manager. Rates of compliance are down and the number of infringement notices are up. Better performance is required from the industry and increased emphasis from Council on compliance.	15/16	16/17	17/18

There has been wide commentary on the subject of **feedlots** and **winter grazing**. In 2017, HBRC clarified its position on what constituted a feedlot and considerable effort was made to work with the farming sector in this regard. This resulted in 16 operations that had previously operated as permitted activities applying for and obtaining resource consents to operate. There are other operations that continued to operate as permitted activities through complying with the requirements under the Regional Plan rules.

Additionally, a number of operators have since reassessed their farming practices and ceased the activity altogether. Whether consented or not, winter grazing operations are monitored by the compliance team as a priority during the year.

Feedlots			
In the 2017/18 year, 2 operators have received infringement notices for offences connected to feedlot/winter grazing operations. Apatu Farms have received 2 infringement notices for the discharge of stock effluent to waterways and the NZ Rural Property Trust, 1 infringement for the same offence.	15/16	16/17	17/18

Pastoral Farming			
Pastoral farming is a permitted activity and not subject to resource consent monitoring. The issue of feedlots is covered elsewhere.	15/16	16/17	17/18

Irrigation Water Consents			
There has been a significant improvement this year, largely through an increase in monitoring resources. There were 12 infringement notices issued, an improvement on the 22 issued the previous year. No matters have progressed to prosecution.	15/16	16/17	17/18

INDUSTRIAL AUDITS

Meat Industry

There is a mixture of discharge and water take consents associated with the meat industry. Premises within the Hastings and Napier City boundaries discharge into the respective trade waste systems, others have their own consents to discharge to land or water after treatment.

Progressive Meats			
This company discharges into the Hastings trade waste system and only holds water take consents with HBRC. No recent pollution incidents reported.	15/16	16/17	17/18
AFFCO Wairoa			
<p>There are a number of issues that need to be addressed at the site.</p> <p>There have been a number of occasions where the wastewater has not been treated sufficiently well and exceeded consented limits. This resulted in an infringement notice being issued on 2/8/17.</p> <p>Additionally there has been an increase of complaints of odour which had not been received by HBRC before. There is a degree of acceptance of odour by the community given the company's importance to the town. However odour has been identified as an issue for some and the company has restarted the community odour working group that may help the situation.</p> <p>A recent monitoring inspection has identified some pipework that does not appear on available plans and its purpose is unclear. This is being further investigated by Council.</p>	15/16	16/17	17/18
Fresh Meats			
<p>A discharge of green food dye [Hexacol Green] from the site that could have entered water.</p> <p>There was also a discharge to water from their plant in Pandora, to water in 2017. There have been ongoing issues at the site where management have not ensured staff are aware of their environmental obligations.</p>	15/16	16/17	17/18
Hawke's Bay Protein			
<p>There were complaints of odour being emitted from the site and this has been remedied through structural changes and installation of a misting system. No odour complaints have been received since.</p> <p>There is a requirement to obtain a change of consent condition to formalise the removal of an emergency ventilation stack.</p>	15/16	16/17	17/18
Silver Fern Farms			
<p>No issues in 2017/18.</p> <p>Operations at locations in Frasertown and Takapau.</p> <p>The Takapau plant has no issues and the Frasertown plant is now closed. Frasertown historically had issues with exceeding their allowable discharge from effluent ponds.</p>	15/16	16/17	17/18
Whakatu Wool Scours.			
This plant has been closed and no longer operating on the site.	15/16	16/17	17/18
Graeme Lowe Tannery			
No issues since 2015.	15/16	16/17	17/18

Cavalier Bremworth			
No issues in 2017/18 In October 2016, discharged oil onto land at their property in Awatoto. Enforcement action taken.	15/16	16/17	17/18

Food processing

Bostock Group			
Their property at 309 Ngatarawa Road, Hastings has a resource consent for a wastewater effluent disposal system. They are non-compliant with the consent in that they have equipment and machinery stored on and driving over the effluent disposal field that can impact on the operation of the system. They were required to fence the area off to prevent this. Now compliant. In late 2016, exceeded the consented water take volumes at 3 of their properties. Enforcement action taken.	15/16	16/17	17/18

Heinz Wattie's			
No issues in 2017/18. In January 2017, one of their growing operations exceeded a volume of water take. Enforcement action taken.	15/16	16/17	17/18

Frucor [Simply Squeezed]			
No issues in 2017/18. In February 2017, they discharged blue dye from their premises into stormwater. Enforcement action taken.	15/16	16/17	17/18

T&G Global			
No issues in 2017/18. In October 2016, enforcement action taken for the discharge of smoke from a property in Moteo Pa Road.	15/16	16/17	17/18

HORTICULTURE

Mushroom Farming

Te Mata Mushroom Company			
Ongoing odour complaints from the composting process at the facility. In 2017/18 the company was issued 3 infringement notices for the discharge of odour beyond the property boundary and was also prosecuted for a further 2 discharges of the same. They pleaded guilty and were fined \$26,000 and an Enforcement Order issued to ensure they lodged a resource consent with Hastings District Council by 1 October 2018. The Prosecution and Enforcement Order in 2015 has resulted in a new consent application being submitted but it had been put on hold until the company had applied for the Hastings District Council resource consent. With the Court ordering them to make the HDC application by 1 October 2018 or cease making compost at the site, the new HBRC consent will now be able to be progressed. During this year, the company was also prosecuted for the discharge of effluent to land where it may enter water and was fined \$5,000. The Havelock North water supply contamination revealed a number of unconsented and breaches of earthwork operations. The current owner of this company does not appear to have a high level of commitment to their environmental obligations.	15/16	16/17	17/18

Orchard Operations

Mr Apple			
No issues in 2017/18. Illegal burning in May 2015. Enforcement action taken.	15/16	16/17	17/18

Johnny Appleseed			
No issues in 2017/18. In December 2016, a breach of water take volume at one of their orchards. Enforcement action taken.	15/16	16/17	17/18

Wine Growing and Processing

Hawke's Bay is the second largest wine growing region in the country. Wineries and vineyards generally have two forms of consent; consents to take water and consents to discharge winery waste or treated effluent from associated buildings. Unless water take exceedances are excessive or warrant enforcement action, they will not be highlighted in this report. The wine industry does not generally pose a significant risk in the region but a number of properties reside over the Heretaunga Aquifer and require specific attention. Companies that have remained compliant since 2016/17, do not appear on the list below.

World's Best Wine Company			
Infringement notice issued for an illegal fire on the property.	15/16	16/17	17/18

Redmetal			
No issues in 2017/18. In 2016/17, pH recorded as being too high on one sample occasion.	15/16	16/17	17/18

Yealands			
No issues in 2017/18. In 2016/17, Ponding of wastewater in the effluent disposal field – remedied.	15/16	16/17	17/18

Unison			
No issues in 2017/18. In 2016/17, Not treating effluent to the required level – remedied.	15/16	16/17	17/18

Links			
No issues in 2017/18. In 2016/17, Effluent field is situated too close to a bore – remedied.	15/16	16/17	17/18

Craggy Range			
No issues in 2017/18. Discharge volumes were exceeded in 2015. Nitrogen levels were too high in one sampling run in 2015. Remedied.	15/16	16/17	17/18

Sileni			
No issues in 2017/18. In 2016/17, pH too high - remedied	15/16	16/17	17/18

Elephant Hill			
No issues in 2017/18. In 2016/17, No meter readings received or samples taken for a period – remedied.	15/16	16/17	17/18

T P Donovan			
No issues in 2017/18. In 2016/17, Suspended solids exceeded - remedied	15/16	16/17	17/18

Villa Maria			
No issues in 2017/18.	15/16	16/17	17/18
In 2016/17, Reservoir liner needs repair/replacement – underway.			

Ngatarawa			
No issues in 2017/18.	15/16	16/17	17/18
In 2016/17, Sprinkler not rotating - remedied			

Forestry

For the period covered by this report, most forestry operations operate as a permitted activity. Resource consents are required for road, tracking and culvert works. While there are a number of operators within the region, PanPac are the largest and hold the largest number of resource consents, mainly associated with their plant at Whirinaki.

Pan Pac			
No issues in 2017/18.	15/16	16/17	17/18
Discharge of sediment into a stream while installing forestry track in 2015.			
Ongoing issues with the colour of the discharge into Hawke Bay, while the contaminants were reduced, the change in colour was more evident, resulting in complaints. This was addressed with a new resource consent. Significant publicity and public concern over the operation of the new TMT kiln that failed on a number of occasions. There was no breach of the Pan Pac resource consent and Pan Pac have ceased operating the kiln until they have fixed the problem. To date the kiln has not been used.			

LOCAL GOVERNMENT

Local Government agencies undertake a wide range of activities that have an impact on the environment and all hold numerous resource consents for activities including storm water, municipal effluent discharge and land fill, water takes, and associated activities.

The stormwater and sewage network in all cities and towns are old and under significant stress especially during periods of heavy rainfall. This causes sewage overflows that are both an environmental and health risk. All councils are aware of this and recognise that fixing this is a major priority. The Havelock North water contamination event has raised drinking water security and infrastructure to the top of the priority list and so no quick solution is expected in the short to medium term.

Wairoa District Council			
We are experiencing issues with this Council in that they have not been advising us of discharges or potential discharges from their infrastructure that either enter or have potential to enter the Wairoa River and estuary. Additionally they have undertaken works without consultation with this Council and obtained the necessary resource consents to carry out the work.	15/16	16/17	17/18
In August 2017, there was an alarm at one of their wastewater pump stations where it, highly likely, resulted in a discharge into the Wairoa River. WDC did not report this at the time. An infringement notice has been issued but WDC are disputing it at the time this report was prepared.			
On the 2/8/17, an infringement notice was issued for an authorised discharge of contaminants to the Wairoa Estuary.			
In April 2017, WDC made alterations to their discharge pipe to the Wairoa			

River without obtaining a resource consent. Subsequently it failed resulting in discharge to land. Enforcement action taken.

In March 2017, QRS [owned by WCC] discharged sediment into the Awatere Stream while undertaking works. Enforcement action taken.

During heavy rainfall events, substantial stormwater enters the Wairoa sewage network, periodically causing effluent overflow.

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Napier City Council

We are experiencing issues with this Council in relation to their reluctance to respond in a timely manner consistently to breakdowns in their wastewater infrastructure. While it is accepted that breakdowns will occur and while acknowledging that NCC is taking steps to upgrade and repair their infrastructure there have been occasions where they failed to take immediate steps to prevent discharges from entering waterways, especially around the Pandora Pond area.

There were 2 occasions in 2017/18 where the NCC sewer overflowed in the Pandora area where effluent was discharged in a manner where it may have entered water. Infringement Notices were issued that were disputed by NCC.

On the 10th March 2017, while undertaking road maintenance, staff discharged sediment directly into the gutter that led to the Plantation Drain. Enforcement action taken.

There has been a long history of failing to meet consented timeframes for the provision of sampling data, reports and records to such a degree that dialogue has been necessary at executive level between NCC and HBRC in an effort to rectify the situation. This has been successful.

During heavy rainfall events, substantial stormwater enters the Napier sewage network, periodically causing effluent overflow with one significant controlled discharge by NCC in 2017.

15/16	16/17	17/18
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Hastings District Council

There are no substantial concerns regarding our dealings with this Council, with the exception of the one incident outlined below. HDC has performed well in its environmental obligations and resource consent compliance. Both Councils are working together on a stormwater steering group in preparation for a new stormwater consent being applied for.

In 2017/18, maintenance staff used a toxic red dye to colour the central city fountain to commemorate breast cancer awareness week. They then discharged the dyed water to stormwater where it made its way into the Ruahapia Drain and Karamu Stream. An infringement notice was issued for this offence.

As a result of the investigation into the Havelock North water supply contamination event, it was established that HDC had not carried out proper maintenance of the Brookvale bores in breach of their resource consent. A prosecution was initiated but withdrawn on request of the Government Inquiry Chair and two infringement notices were issued in its stead.

During heavy rainfall events, substantial stormwater enters the Hastings sewage network, periodically causing effluent overflow.

15/16	16/17	17/18
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Central Hawke's Bay District Council

There are no concerns relating to our engagement with this Council. Both Councils are working together in a group that contains CHB residents, interest groups and consultants to evaluate new wastewater options for the district.

In 2016/17 there were ongoing problems with the operation of their wastewater treatment plants at Waipawa and Waipukurau. A prosecution was initiated and an Enforcement Order made for an independent review and recommendations to be made to make the plants compliant. That review caused CHBDC to realise they had a major issue with their wastewater system and they have secured funding and are now preparing to build an alternative system that is fit for purpose.

It has taken some time to get to this point and a change of CHBDC management and elected leadership. We consider our approach to these issues to have been successful and helped CHBDC and the community to realise that a new approach to wastewater and stormwater management was required in the district.

15/16

16/17

17/18

Hawke's Bay Regional Council

There have been no regulatory issues in 2017/18. On the 11th May 2017, contractors working on instruction of HBRC undertook burning of vegetation within the air shed in breach of the burning rules. An infringement notice was issued.

15/16

16/17

17/18

COASTAL MARINE AREA**Hawke's Bay Seafoods**

No issues in 2017. In November 2016, discharges of paint flakes and other materials from their slipway on Meeanee Quay.

15/16

16/17

17/18

CROWN AGENCIES**Department of Conservation**

DOC hold a small number of consents that relate to activities including the discharge of effluent from camps and huts, the disposal of whales in Northern HB and the removal of invasive weed from Lake Waikaremoana.

In 2017/18 at the Te Urewera camping ground, there were leaks discovered in the effluent disposal piping and sprinkler, through lack of maintenance. This has now been remedied.

There was a minor breach of consent condition this year by not supplying discharge records within consented timeframes. Now remedied.

15/16

16/17

17/18

SMALL CONSENTED ACTIVITIES**Composting Sites**

In 2017/18 BioRich [Awatoto] was issued an infringement notice for the discharge of offensive odour.

A small number of composting activities, the largest being Bio Rich at Awatoto and Maraekakaho, Phoenix at Whakatu and Sprayfree at Bennett Road.

In June 2016, Sprayfree undertook illegal burning at their site that was not related to the composting process. Enforcement action was taken.

15/16

16/17

17/18

Concrete Industry

Angus McMillan Concrete			
In 2017/18 the company received an infringement notice for discharging concrete material to water.	15/16	16/17	17/18

Ian Dick Concrete Contractors			
In 2017/18 the company received an infringement notice for an illegal discharge from their truck washing facility. No issues in 2016/17. In June 2017, company was discharging truck wash water into the stormwater drains at their yard in Onekawa. Enforcement action taken.	15/16	16/17	17/18

Private Landfill Sites

There are 6 consented private landfill sites in Hawke's Bay, with all operating well.

Phoenix Contracting – Middle Road			
No issues in 2017/18. In 15/16, while sampling was being carried out, the full suite of contaminants was not being tested. Remedied.	15/16	16/17	17/18

Truck Wash Inspections

Four transport operators and one concrete contractor feature on our list this year for unlawful discharges from their truck wash operations. We have discovered generally poor approaches from these companies in dealing with the harmful contaminants they produce from their daily operations.

Stephenson Transport - Irongate			
In 2017/18 we were forced to issue an abatement notice to ensure compliance with their resource consent. They have been unable to satisfy those conditions and are no longer operating the truck wash at this site. The company were slow to take action and were not very cooperative. Stephenson's took over this yard in 2013 and expanded to the extent that the consent needs to be replaced to reflect the increased use and subsequent level of discharge to the land. In process of being remedied.	15/16	16/17	17/18

Tasman Harvester Contractors – Omahu Road			
No issues in 2017/18. In 2016/17, sampling was not been carried out as required by their resource consent. Remedied.	15/16	16/17	17/18

Farmers Transport			
2017/18 - Infringement notice issued for an illegal discharge from their truck wash operation.	15/16	16/17	17/18

Ben Allen Transport			
2017/18 - Infringement notice issued for an illegal discharge from their truck wash operation.	15/16	16/17	17/18

Tyre storage [Whakatu]

Retired Tyre Company & Sun Properties Ltd			
<p>No issues in 2017/18.</p> <p>These companies are engaged in the collection and storage of end of life tyres at a property in Whakatu. There are no regional rules specifically preventing the storage of tyres but an abatement notice was served on the company last year to stop the storage on the grounds of potential fire risk [section 17 of the RMA]. The company was subsequently served an infringement notice for breach of the abatement notice. Liaison with Hastings District Council has resulted in HDC continuing the enforcement process as the storage of tyres is governed by a new bylaw. Changes have been made at the site which satisfy RC concerns regarding fire risk. The matter is now completely in the hands of Hastings District Council.</p>	15/16	16/17	17/18

Hydro Electricity

Eastland Network			
<p>No issues since 2015.</p> <p>The sediment discharge of October 2015, from the Waihi Dam, was a major event with severe impacts on the Waiau, Waihi and Wairoa Rivers. Enforcement action taken.</p>	15/16	16/17	17/18

Pollution Response

The Regional Council operates a 24 hour, 7 days a week Pollution Hotline for the purpose of receiving calls from members of the public reporting pollution events and other incidents of an environmental nature. During office hours, calls are directed to Environmental Officers who attend 100% of all calls received. Outside of office hours a duty roster is operated where calls are directed to the duty Environmental Officer via a call centre.

A wide range of incidents are reported that will generally be responded to within 12 hours of receipt and dealt with appropriately. The bulk of the Council's enforcement work arises as a result of incidents or complaints reported via the hotline. Often Council will receive notice of incidents occurring even before those involved know themselves.

The Resource Use team contains several trained maritime oil spill responders that not only respond to marine spills but put that expertise towards dealing with other contaminant spills, often in liaison with other Councils and the District Health Board.

Each team vehicle holds equipment and tools to use in the event of most pollution events, supplemented by a Pollution Response van and trailer that holds larger equipment including generators, skimmers, booms and protective equipment.



Staff operating containment booms during pollution event



Sampling the Waihi river: Waihi Dam sediment discharge

Complaints & Enforcement

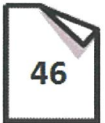
KEY POINTS



1095
complaints



64%
air related



46
abatement notices
issued



92 infringement notices
issued worth \$28,156



4 prosecutions
resulting in conviction

Enforcement summary

Abatement notices are formal instructions. They are a direction to either cease doing something. Take action to address an environmental effect, or to comply with consent conditions.

Infringement notices [fines] are issued for serious non-compliance offences that don't warrant prosecuting. The fines are set by the Government and range from \$300 to \$1000 depending on the offence type.

Prosecutions are generally reserved for the most serious of offending. This can be for offences where significant environmental effects have resulted, or where repeated, serious offending has occurred.

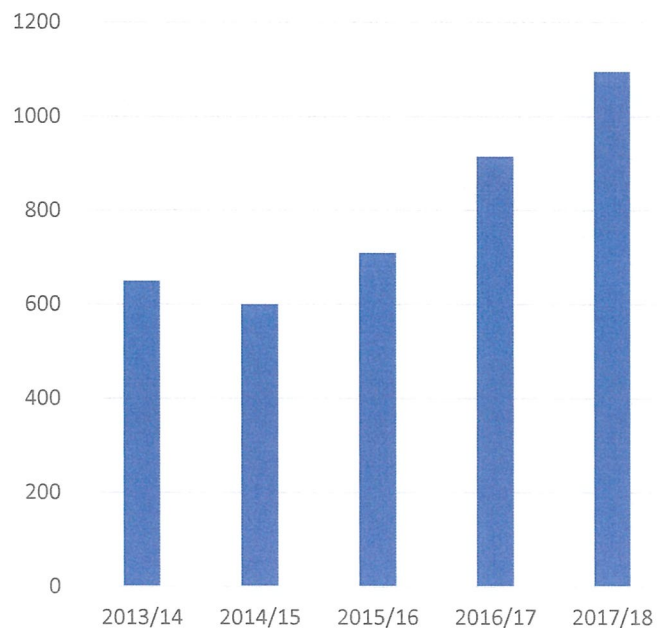
What happened in 2017/18?

From 1 July 2017 to 30 June 2018, 1095 complaints were received, a 20% increase on last year, that was a 116% increase over the previous 5 years. The largest majority of those related to air discharge complaints with the bulk of those related to burning.

The number of abatement notices and infringement notices increased substantially on last year with 46 [LY14] and 92 [LY55] issued respectively. The average amount of infringement fine is \$306 per notice.

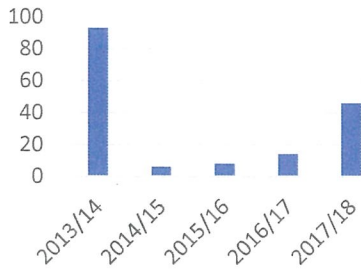
There were 4 prosecutions initiated during the year, all were successful and resulted in convictions.

COMPLAINTS ANNUAL SUMMARY

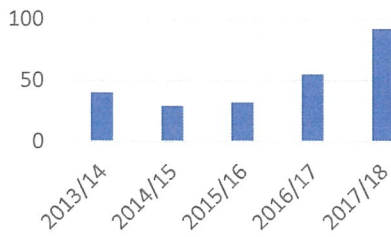


Annual statistics comparison

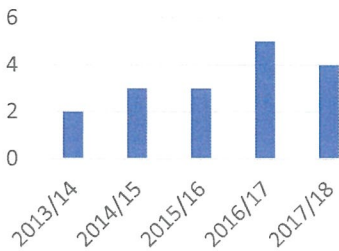
Abatement Notices issued



Infringement Notices issued



Prosecutions Initiated



Prosecutions



Area: Pandora
Penalty: \$3,000
Nature of Offence: Discharge to water



Area: Takapau
Penalty: \$5,000
Nature of Offence: Discharge to water [feedlot]

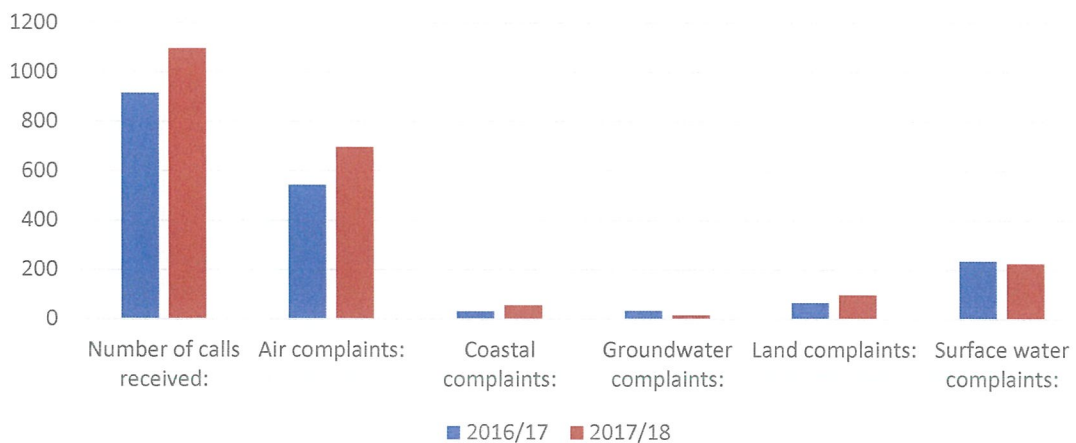


Area: Brookvale
Penalty: \$5,000
Nature of Offence: Discharge to water



Area: Brookvale
Penalty: \$26,000
Nature of Offence: Odour

INCIDENT BY TYPE



Navigational Safety

Navigational Safety in the Hawke Bay and Hawke's Bay rivers and waterbodies are overseen by the Regional Council. Council employs a full time Harbourmaster, with office at Napier Port, and a part time Harbourmaster, they operate within the Resource Use Group.

The Harbourmaster is a statutory appointment; the powers of the harbourmaster are legislated in the Maritime Transport Act 1994.

The Regional Council issues a set of Navigational Safety Bylaws that it is responsible for enforcing through the Harbourmaster's role with assistance from the wider Resource Use team.

Boating Education is the most important function of the Harbourmaster and he achieves that in a number of different ways. Through support from Maritime New Zealand, local business and the Region's ratepayers, he runs a school safe boating programme, targeting primary and intermediate school children. It is envisaged that Hawke's Bay school children will receive 2 to 3 days of instruction in boating safety, through this programme, before they leave school. While the programme is voluntary, it is offered to all schools and uptake has been increasing over the 3 years it has been running. Further education programmes are run via private providers who we offer assistance in boating and water safety programmes at public swimming pools in Wairoa, Flaxmere and Central Hawke's Bay.

For the adult boating community, education is delivered via a network of voluntary Boating Advisors who interact with boaties in all beachfront communities and launch areas and through local and national media campaigns funded jointly with Maritime New Zealand.

The past year has seen the Harbourmaster heavily involved in the RocketLab rocket launches on the Mahia Peninsular.



RocketLab launch, Mahia 2017

Hazardous Sites

Regional councils have the role of investigating land for the purposes of identifying and monitoring contaminated land. Councils maintain a contaminated site register for this purpose.

Until the end of 2016, Council employed a full time advisor for this task as well as managing an unwanted agrichemical collection and disposal. With the retirement of that person, the agrichemical collection was contracted out to the 3R Group, in line with how other Regional Councils were operating. Council has retained the role of monitoring contaminated land and maintaining the hazardous sites register [HAIL List].

The bulk of the work involves providing information to land developers and the real estate industry, with an ability to charge for the time spent providing this service.

Building Act

Regional Councils have responsibility under the Building Act in relation to dams. The consenting of dams is contracted to the Waikato Regional Council but the monitoring remains with this Council.

Central Government introduced legislation 3 years ago in relation to dangerous and large dams but withdrew it before it came into effect. Since then, Central Government has been undecided on what form new legislation will take, initial thoughts were it would remain under the Building Act but most recently indications are it will come as part of the rewriting of the Resource Management Act. We are entirely in Central Government's hands on this but will be expected to carry out our legislative functions as quickly as Central government makes its final decision on what form the legislation will take. We have already collated data on the number and size of all large dams within the Region and expect that will be information we will be required to collate under future law.



Edwards Dam – Maraekakaho 2016

Oil Spill Response

The New Zealand Marine Oil Spill Response Strategy is overseen by Maritime New Zealand. Successful implementation of the Strategy is dependent upon effective partnerships between the maritime and oil industries, and regional and national government.

The response system is comprised of three 'Tiers', each having the ability to escalate in an integrated manner to the next, depending on the scale of the event. Each Tier is required to prepare contingency plans and a response capability appropriate to their respective levels of responsibility.

- Tier 1 – Industry
- Tier 2 – Regional Councils and Unitary Authorities
- Tier 3 – Maritime New Zealand and International Partners

In real terms, this means that at Tier 1 level, the industries involved must have response plans prepared and these are audited by the Regional Council for suitability. Should a spill occur, that industry will have the capability to deal with it in some way and report the matter to the Regional Council who will assist as and when necessary. Depending on the cause, location, or environmental effect, Regional Council involvement may include enforcement action.

Tier 2 are larger events where the Regional Council will always be involved. Examples may include a substantial oil leak from a fishing vessel or a large discharge of oil identified at sea or on the shoreline. Presently the role of Regional On-Scene Commander for Tier 2 spills sits with 3 members of the Regional Council, one of those is a member of the Resource Use team and he is also responsible for the day to day running of the project. Other members of the response team are the complete Resource Use team and many others across all parts of Council including the Works Group. On-Scene Commanders and other high level planning staff undergo national training with Maritime New Zealand and can be utilised in national emergencies like the Rena disaster, which is a Tier 3 type of emergency where Maritime New Zealand take the lead.

Council has a significant amount of oil spill response equipment and access to vessels and expertise from across the region. The equipment is housed at the Napier Port. A number of training exercises, both desk top and actual are carried out throughout the year.



Inyago sinking – Iron Pot 2016

