

Executive summary

This report reviews the Taranaki Regional Council's performance and achievements in its Resource Management Act 1991 consent processing, administration and enforcement functions for the 2008/2009 year. The report also reviews the exercise of functions under the Building Act 2004 for dams.

The report fulfils the Council's statutory obligation under Section 35 of the Act to report to the regional community on the performance of its resource consenting functions.

Throughout the 2008/2009 financial year the Council's consent processing and administration functions continued to achieve high standards in respect to the processing and administering of resource consent applications within the statutory timeframes.

The Council also responded to all pollution incidents and other complaints within the required timeframes.

Set out below is a summary of the main activities carried out in 2008/2009:

- The Council granted 355 consents during the year; of which 235 (66%) were for discretionary activities, 112 (32%) were for controlled activities, and 8 (2%) were for non-complying activities. In addition, 7 certificates of compliance were issued during the year.
- Compliance with Resource Management Act 1991 timelines for consent processing in 2008/2009 was 100% for notified consents, 100% for limited-notified consents, and 100% for non-notified consents. This is the ninth consecutive year of 100% compliance.
- Of the 355 consents granted, 339 (95%) were processed as non-notified consents; 7 (2%) consents were limited-notified, and 9 consents (3%) were publicly notified.
- Of the consents notified (limited and publicly notified), 12 attracted submissions. Three of the applications attracting submissions were resolved via the pre-hearing process.
- One hearing was held during the year. It related to the re-consenting of the Patea Hydro-Electric Power Scheme by TrustPower Limited [consents 0488-2, 0489-2, 0491-2, 7188-1, 7189-1, 7190-1]. The applications relate to the damming of water, taking and use of water, discharging of water, and the use and ongoing maintenance, repair, alteration and reconstruction of the existing dam and associated infrastructure on the Patea River for hydroelectric generation purposes.
- There were three appeals lodged with the Environment Court in 2008/2009 relating to the recommissioning of the Normanby Hydro scheme by Normanby Power Limited [consents 2299-3, 6558-1, 7078-1]. For all three applications the

Council hearing was held last financial year but as the decision was not released to July 2008, the statistics relating to those applications appear in this financial year.

- Council officers served 120 abatement notices, 26 infringement notices, and successfully resolved three prosecutions (from the 2007/2008 financial year), one prosecution from the 2007/2008 is still before the courts. The Council also resolved to pursue seven prosecutions in 2008/09.
- The Council received a commendation from the Minister for the Environment for compliance with statutory timelines and efficient systems for resource consent processing. The Council also compared well with the national results published in the Ministry for the Environment's *Resource Management Act Survey of Local Authorities* released in early June 2009.
- On 8 July 2008 the Council transferred its building authority functions for dams under the Building Act 2004 to Environment Waikato. The exercise of these functions is included in this report. Minimal activity occurred with only two queries for information about Act requirements and a code of compliance certificate for an existing dam being declined because of insufficient and old documentation.
- The above performance contributed to a prosperous and sustainable Taranaki.

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1. Introduction

1.1 Purpose

This report reviews the Taranaki Regional Council's performance and achievements in its consent processing, administration and enforcement functions for the 2008/2009 year.

1.2 Background

The Taranaki Regional Council has responsibility under the Resource Management Act 1991 for consent processing, administration and enforcement in the Taranaki region for air, coastal waters, fresh water, and soil.

1.2.1 Objective

The overall objective for consent processing, administration and enforcement activities, as set out in the 2008/2009 Annual Plan is to:

"Process all applications for resource consents and administer resource consents in an efficient and effective manner that places the Council at the forefront of national best practice".

The overall objective for pollution incidents and response, as set out in the Taranaki Regional Council 2008/2009 Annual Plan is to:

"Respond effectively to pollution incidents, reduce the occurrence and effects of pollution and other unauthorised incidents and, where necessary, undertaken enforcement action".

1.2.2 Performance measures

In response to the above objective, the following performance measures were adopted by the Council for the 2008/2009 programme:

- Provide appropriate and timely information in response to 100% of requests for assistance in undertaking or complying with the consents process under the Resource Management Act 1991.
- Process, issue and report upon 100% of accepted resource consent applications in compliance with the Resource Management Act 1991 and the Council's *Resource Consents Procedures* document. The expected number for 2008/2009 is 400 applications for resource consents.
- Successfully defend all consent decisions appealed to the Environment Court.
- Process and administer not less than 99% of accepted resource consent applications in compliance with statutory timeframes prescribed in the

Resource Management Act 1991 and the Council's *Resource Consents Procedures* document.

- Resolve, through the pre-hearing process, at least 50% of all submissions received on resource consent applications.

In response to the objective for pollution incidents and response, the Taranaki Regional Council adopted the following performance measures in the 2008/2009 Annual Plan:

- Maintain and publicly report on 100% of pollution incidents in the Council's *Unauthorised Incidents Register*.
- Respond to 100% of pollution and other complaints within four hours of receipt, instigating control, clean up and enforcement procedures where appropriate.
- Administer and implement the Taranaki *Regional Oil Spill Response Plan* as agreed with Maritime New Zealand.

2. Report on progress

2.1 Consent processing

During the year 355 consents were granted (see Figure 1), a decrease of 11% from the 401 consents granted in 2007/2008 (see Table 1). The types of consents granted in 2008/2009 are summarised in Appendix I, and the trends are identified below (see Table 1). Of the total consents granted in 2008/2009, 227 (64%) were for discharges, a decrease of 13% from the 260 discharge consents granted in 2007/2008.

The number of consents issued during the year varied, with an average of 30 consents issued per month as shown in Figure 1.

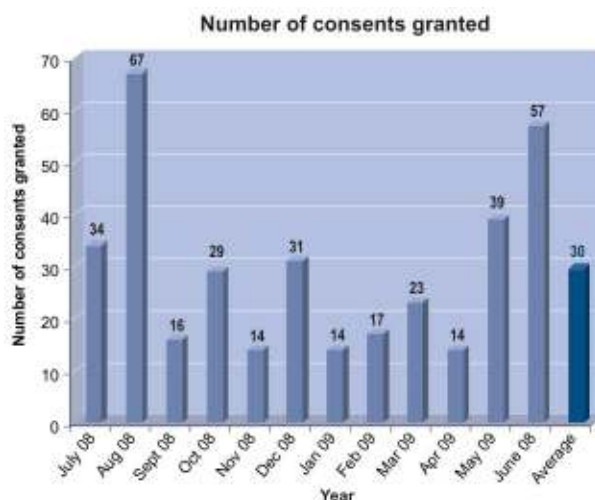


Figure 1 Number of consents granted in 2008/2009

Table 1 Trends in the number of consents granted over the last 10 years

Period	Notified				Limited-notified				Non-notified				Totals
	Land use	Coastal	Water	Discharge	Land use	Coastal	Water	Discharge	Land use	Coastal	Water	Discharge	
1999/00	7	3	5	12	n/a	n/a	n/a	n/a	59	13	22	198	319
2000/01	4	7	7	9	n/a	n/a	n/a	n/a	73	6	22	294	422
2001/02	3	5	13	4	n/a	n/a	n/a	n/a	73	23	26	335	482
2002/03	7	5	3	14	n/a	n/a	n/a	n/a	45	15	13	409	511
2003/04	0	0	3	3	0	0	0	0	63	13	26	460	568
2004/05	1	14	8	12	2	0	0	0	62	14	28	481	622
2005/06	0	4	1	0	4	0	3	2	79	18	30	292	433
2006/07	1	2	0	5	0	0	0	2	95	42	29	223	399
2007/08	0	3	2	1	1	0	2	5	87	21	25	254	401
2008/09	3	0	4	2	1	0	1	5	72	25	22	220	355

The number of consents granted has continued to fluctuate over the years [refer Table 1]; this is due to a number of factors, such as the buoyancy of the rural economy, the hydrocarbon exploration business and the number of consents scheduled for renewal.

The number of consents granted in 2008/09 is the lowest recorded level since 1999/00; the decrease is due largely to the current economic climate.

2.1.1 Certificates of compliance

Along with the consents issued during the year, the Council also issued 7 certificates of compliance in 2008/2009.

The certificates issued were for the following activities:

- to erect, place and maintain four culverts in an unnamed tributary of the Makahu Stream [four certificates issued to New Zealand Forest Managers Ltd];
- to maintain, repair and reconstruct three bridges in three unnamed tributaries of the Waitara River [one certificate issued to Transpower New Zealand];
- to spread organic and inorganic fertiliser onto and into land at various locations throughout the Taranaki region [one certificate issued to Osflo] ; and
- to discharge contaminants from an onsite domestic wastewater treatment system onto and into land at the Stratford Power Station [one certificate issued to Contact Energy Ltd].

Certificates of compliance are issued for activities that can be lawfully carried out without a resource consent [i.e. it is a permitted activity in a regional plan and/or does not require a consent under the Resource Management Act]. The Council issues the certificates upon request under section 139 of the Resource Management Act.

A certificate of compliance is generally requested by an applicant for the purposes of certainty to confirm that at the time of the certificate being issued an activity can lawfully be carried out without a resource consent.

The number of certificates of compliance issued each year continues to remain relatively low, with an average of four certificates issued each year over the last 10 years (see Figure 2).

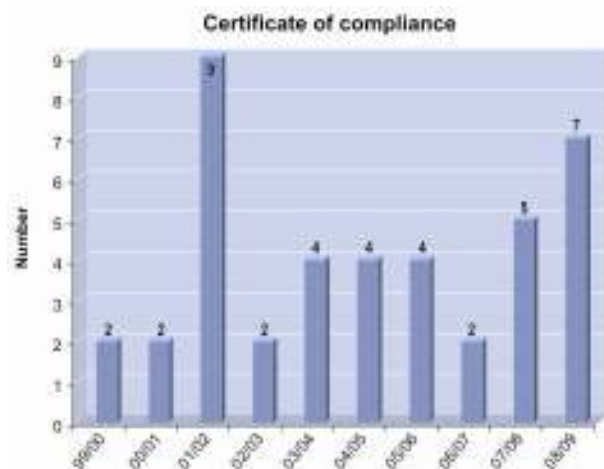


Figure 2 Certificates of compliance issued (1999/00 – 2008/09)

2.1.2 Notification of consent applications

A total of 339 (95%) consent applications were non-notified in accordance with a relevant plan and/or because there were minor adverse environmental effects and/or because affected party approvals had been obtained. A total of 9 (3%) applications were notified. A total of 7 (2%) consent applications were processed in accordance with the “limited notification” provisions contained in the Resource Management Amendment Act 2003, which came into force on 1 August 2003. Table 2 (on page 5) shows the trends in processing consents issued over the last 10 years.

Table 2 Trends in consent processing over the last 10 years

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Total consents granted	319	422	482	511	568	622	433	399	401	355
Notified	27	27	25	29	6	35	5	8	6	9
Limited-notified	N/A	N/A	N/A	N/A	0	2	9	2	8	7
Non-notified	292	395	457	482	562	585	419	389	387	339
Applications submitted on (in opposition and to be heard)	27	21	23	27	6	32	9	8	12	12
Application Pre-hearing resolution (%)	14 [52%]	18 [86%]	13 [57%]	8 [30%]	5 [83%]	8 [25%]	8 [89%]	1 [13%]	11 [92%]	3 [25%]
Hearings (no. of applications)*	1 (13)	1 (3)	4 (10)	3 (19)	1 (1)	4 (24)	1 (1)	5 [7]	3 [5]	1 [6]
Appeals (applications)	1 (11)	0 (0)	2 (1)	30 (17)	0 (0)	1 (1)	2 (6)	5 [4]	0 (0)	3* [3]
Total current consents	3894	3964	4037	3976	4015	4061	4206	4330	4310	4334

NB: * The decision for one hearing – the Normanby Power Limited Hearing involved three applications, of which the hearing was held 2007/2008 financial year and the decision released 2008/2009 financial year.

2.1.3 Total current consents

As at 30 June 2009, there were 4,334 current consents. Consent types are shown below in Figure 2. The consents are dominated by discharge consents, with 2,929 (68%) discharge consents, of which 1,960 are for agriculture discharges (45%).

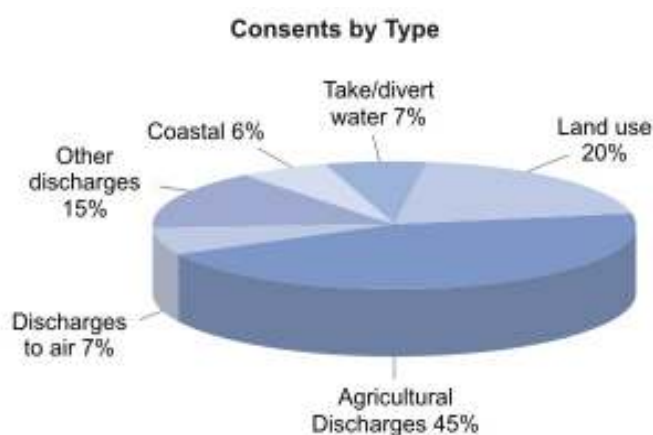


Figure 3 Current consents by type as at 30 June 2009

2.1.4 Consent processing timeline compliance

The Resource Management Act 1991 sets out timelines under which, applications for resource consents should be processed by local authorities. For notified and limited-notified applications without a hearing, it is 50 working days, while for notified and limited-notified applications with a hearing it is 70 working days. The time for processing a non-notified application is 20 working days. However, these times can be extended for further information requests (section 92(1) and 92 (2)); waiting for affected party approvals (section 94); and/or other reasons, with or without the approval of the applicant (sections 37A(2)(b) and 37A(2)(a)).

The Council's use of section 92(1) and 92(2) of the Resource Management Act 1991 to request further information occurred for 13% of applications. This compared with 10% of consent applications in 2007/2008.

The percentages of consents processed by the Council within the Resource Management Act's statutory timelines are shown by consent type in Table 3 below.

Table 3 Consent processing within statutory timelines (%)

Period	Notified (%)					Limited-notified (%)					Non-notified (%)					All Total (%)
	Land use	Coastal	Water	Discharge	Total	Land use	Coastal	Water	Discharge	Total	Land use	Coastal	Water	Discharge	Total	
1997/98	100	67	50	38	60	n/a	n/a	n/a	n/a	n/a	95	100	94	84	93	88
1998/99	100	100	100	42	56	n/a	n/a	n/a	n/a	n/a	99	93	100	92	95	91
1999/00	100	100	100	100	100	n/a	n/a	n/a	n/a	n/a	100	100	100	97	98	98
2000/01	100	100	100	100	100	n/a	n/a	n/a	n/a	n/a	100	100	100	100	100	100
2001/02	100	100	100	100	100	n/a	n/a	n/a	n/a	n/a	100	100	100	100	100	100
2002/03	100	100	100	100	100	n/a	n/a	n/a	n/a	n/a	100	100	100	100	100	100
2003/04	n/a	n/a	100	100	100	n/a	n/a	n/a	n/a	n/a	100	100	100	100	100	100
2004/05	100	100	100	100	100	100	n/a	n/a	n/a	100	100	100	100	100	100	100
2005/06	n/a	100	100	100	100	100	n/a	100	100	100	100	100	100	100	100	100
2006/07	100	100	n/a	100	100	n/a	n/a	n/a	100	100	100	100	100	100	100	100
2007/08	n/a	100	100	100	100	100	n/a	100	100	100	100	100	100	100	100	100
2008/09	100	n/a	100	100	100	100	n/a	100	100	100	100	100	100	100	100	100

As outlined in Table 3, performance in 2008/2009 was 100% for notified consents, 100% for limited-notified consents, and 100% for non-notified consents. The Council has now recorded 100% compliance for the ninth consecutive year.

Equally important, the Council received no complaints from applicants regarding the time taken to process their applications. Indeed, many applicants for consent renewals sought to extend timelines to allow valued pre-hearing meeting processes to run their course.

2.1.5 Significant consents granted

The following applications for significant activities were processed during the year. The number of consents involved is noted in brackets.

Table 4 Significant consents granted in 2008/2009

	Consents under appeal after a hearing process
▪	Normanby Power Ltd - to dam the Waingongoro River - renewal
▪	Normanby Power Ltd - to take and use water from Waingongoro River - new
▪	Normanby Power Ltd - to erect, place, maintain & use concrete weir - new
▪	Trustpower Ltd - to use existing Patea Dam & associated infrastructure - renewal
▪	Trustpower Ltd - to dam Patea River & divert water from Lake Rotorangi - new
▪	Trustpower Ltd - to take and use water from Lake Rotorangi - renewal
▪	Trustpower Ltd - to maintain, repair, alter & reconstruct structures - new
▪	Trustpower Ltd - to discharge water from the Patea Power House - new
▪	Trustpower Ltd - to discharge water from the Patea Hydro-electric schemes auxiliary spillway - new
	Consents granted via the limited process with no hearing required
▪	Dorn - to take and use water from Pūnehu Stream - change
▪	Goodwin - divert a section of Matanehunehu Stream for land improvement - new
▪	Hurlstones Earthmoving Ltd- air discharge from abrasive blasting operations - renewal
▪	Lepper DH Trust - air discharge from piggery - renewal
▪	Ravensdown Fertiliser Co-op - air discharge from storage, blending, distribution of fertiliser - renewal
▪	Waste Management - discharge greenwaste to land - new
▪	Waste Management - discharge to air from green waste composting facility - new
	Local Authority/Industry/Recreation
▪	AML Ltd - discharge stormwater & wastewater from truck washing at concrete batching plant - renewal
▪	Dow Agrosience - discharge stormwater from agrichemical manufacturing - renewal
▪	Fletcher Concrete - stormwater discharge from concrete product manufacturing/storage site- renewal
▪	Fonterra Co-op Group Ltd - air discharge from combustion of waste wood packaging
▪	GD Marsh - discharge stormwater from speedway track - renewal
▪	Jones - discharge wastewater to land and emissions to air from stock killing operation - renewal
▪	MCK Metals Pacific- discharge air emissions from extrusion/remelting of aluminum - renewal
▪	MCK Metals - discharge stormwater from metal extrusion plant - renewal
▪	NPDC - stormwater discharge into Coastal marine area - renewal
▪	NPDC - surface water take for Inglewood Urban Water supply - renewal
▪	O'Leary - discharge domestic green waste for land stabilisation - new
▪	Prestidge Trust - discharge stormwater from earthmoving contractor & concrete products manufacturing site - new
▪	Schlumberger Seaco Inc - discharge wastewater/stormwater from storage and maintenance premises- review
▪	Shaycar Trust - discharge stormwater from a transport depot - review
▪	Shell Todd Oil Services - stormwater discharge from tank de-watering - change
▪	STDC - discharge membrane backwash water and cleaning wastewater from water treatment plant - new
▪	STDC - stormwater and leachate discharge from former landfill and composting operations - change
▪	STDC - take and use water for municipal water supply - change
▪	STDC - take groundwater for water supply purposes - change
▪	Tasman Oil Tools - discharge stormwater from storage and maintenance yard - review
▪	Te Ngutu Golf Club - take surface water from Dam for green irrigation - change

▪ Tegel Foods Ltd - discharge stormwater from poultry processing plant - renewal
▪ Tegel Foods Ltd - discharge stormwater from poultry processing plant via wetland - new
▪ Tegel Foods Ltd - discharge stormwater from stock/poultry feed manufacturing site - renewal
▪ Todd Taranaki Ltd - stormwater discharge from construction of LPG Plant - new
▪ Transpacific Industrial Solutions- discharge stormwater from truck depot premises - review
▪ Trustpower - take groundwater for Patea Electric-Hydro Power Scheme - new
▪ Trustpower Ltd - air discharge from Patea Electric-Hydro Power Scheme - new
▪ Trustpower Ltd - air discharge from Patea Electric-Hydro Power Scheme - new
▪ Value Timber Supplies Ltd - discharge woodwaste onto and into land - new
▪ Vector Ltd - take surface water for operation of gas processing facility - change
▪ Waverley Sawmills - discharge leachate and stormwater from sawmill waste disposal site - new
▪ Weatherford NZ Ltd- discharge stormwater from an oilfield engineering services premises onto land - review
Hydrocarbon exploration and production
▪ Various pipeline installations - new [6]
▪ CD Boyd - discharge drillings wastes, etc onto land via land farming - change
▪ Chevron NZ Ltd - discharge stormwater and hydrotest water from hydrocarbon storage facility - new [6]
▪ Greymouth Petroleum Ltd - Waimanu wellsite - new
▪ Greymouth Petroleum Ltd - Turangi-A wellsite- new
▪ Greymouth Petroleum Ltd - Salisbury wellsite - new [3]
▪ Greymouth Petroleum Ltd - Ngatoro-B wellsite - renewal
▪ Origin Energy Resources - Rimu-A wellsite - change
▪ Origin Energy Resources - Ahuroa-B wellsite - new
▪ Origin Energy Resources - construction of condensate storage facility - new [4]
▪ Origin Energy Resources - discharge waste drilling cuttings - change
▪ Origin Energy Resources - Manutahi-E, F, H wellsites - change [12]
▪ Petrochem Ltd - Kowhai wellsite - new
▪ Todd Taranaki Ltd - McKee-A, B, E wellsites - new, change [4]
▪ Todd Taranaki Ltd - Mystone-A wellsite - new, change [8]
▪ Todd Taranaki Ltd - Makara-B wellsite - renewal
▪ Todd Taranaki Ltd - Mangahewa-A, D wellsites - new, renewal [10]
Coastal disturbance, structures, erosion control & discharges [excluding hydrocarbon exploration]
▪ AJW Trust - boat jetty - new
▪ Bolton - boat jetty - new
▪ Brankin - erosion protection - new
▪ EDI Downer Works - discharge stormwater - renewal [2]
▪ Glennie - boat jetty - new
▪ NPDC - boat ramp - renewal [2]
▪ NPDC - bridge - renewal
▪ NPDC - disturb foreshore - new, renewal [3]
▪ NPDC - erosion protection - renewal
▪ NPDC - groynes and riprap - renewal
▪ NPDC - stormwater outlet structure - renewal [2]
▪ Patea & Districts Boating Club - jetty - new
▪ Seed - jetty - new
▪ Taranaki Regional Council - erosion protection - renewal
▪ Vector Ltd - seawalls - renewal
▪ Wakefield Trust- jetty - new

	Road works, bridges, culverts, weirs, dams, river erosion and flood control, intake/outtake structures
▪	STDC bridges, culverts, erosion protection, outfall structures, bore, intake structures - new [10]
▪	NPDC bridges, culverts, erosion protection, pipeline, ford, weir, wharf, intake structure - new, renewal [8]
▪	Various other realignments, bores, bridges, culverts, weirs, dams, river erosion and flood control, intake/outtake structures - new, renewal, change [20]
	Agricultural
▪	Various farm dairy discharges - new, renewal, change [115]
▪	Various poultry discharges - new, renewal [2]
▪	Various pasture irrigation surface water takes - new, change [4]
▪	Various pasture irrigation groundwater takes - new, change [2]
▪	Various farm dams, bridges, culverts, bores - new [11]
▪	Various farm realignments/diversions/piping/earthworks for land improvement purposes - new [16]
▪	Various stormwater discharges from earthworks for farm land improvement purposes - new [2]
	Various
▪	Various earthworks from subdivisions/land improvement purposes -new [4]
▪	Various abrasive blasting air emissions - new, renewal, change [7]
▪	Various quarry activities - new, change [2]
▪	Various cleanfill activities - new, review [16]
▪	Various realignments/excavations/piping/earthworks for land improvement purposes [excluding farms] - new [4]



Normanby weir



Water bore drilling in South Taranaki

2.1.6 Application type

Forty five percent (160) of the consents granted in 2008/2009 were for new activities, 31% (111) were for consent renewals, 19% (67) were for changes to consent conditions, and 5% (17) were for consent reviews.

2.1.7 Implications of regional plans

The Council has four operative regional plans as follows:

- Regional Coastal Plan for Taranaki (1997);
- Regional Air Quality Plan for Taranaki (1997);
- Regional Fresh Water Plan for Taranaki (2001);
and
- Regional Soil Plan for Taranaki (2001).

The Council also has one proposed regional plan as follows:

- Proposed Regional Air Quality Plan for Taranaki (2009).

Ninety nine per cent (353) of the consents in 2008/2009 were processed under the Council's operative plans. One percent (2) of the consents were processed under both an operative and proposed plan (the Regional Air Quality Plan for Taranaki and the Proposed Regional Air Quality Plan for Taranaki).



The Proposed Regional Air Quality Plan for Taranaki

Of the 355 consents granted:

- One hundred and twelve consents (32%) were processed as controlled activities. The Council must grant a consent for a controlled activity as long as the application meets the standards prescribed in the plan.
- Two hundred and thirty five consents (66%) were processed as discretionary activities. The Council may grant or decline a consent for a discretionary activity, having particular regard to the policies in the plan and other matters listed in Section 104 of the Act.
- Eight (2%) were processed as a non-complying activities. A consent cannot be granted for a non-complying activity unless the effects are minor or are not contrary to the objectives and policies in the plan.



Operative Regional Plans for Taranaki

2.1.8 Hearings

One hearing was held during the year. It related to:

- The re-consenting of the Patea Hydro-Electric Power Scheme by TrustPower Limited [consents 0488-2, 0489-2, 0491-2, 7188-1, 7189-1, 7190-1]. The applications relate to the damming of water, taking and use of water, discharging of water,

and the use and ongoing maintenance, repair, alteration and reconstruction of the existing dam and associated infrastructure on the Patea River for hydroelectric generation purposes.

2.1.9 Pre-hearings

The Council continues to use the pre-hearing provisions of the Resource Management Act 1991 to avoid and/or reduce the length of costly hearings. The Council strongly supports the use of this process and requires that for all limited-notified/notified consent applications with submissions such pre-hearing meetings are held. Similar meetings can also be successfully held to resolve issues associated with obtaining affected party approvals for non-notified applications.

A total of 81 submissions to be heard in opposition on all notified applications were received by the Council, with a total of 9 (11%) resolved prior to a hearing.



Patea Dam

As shown in Table 2 (page 4), pre-hearing meetings resolved all the issues for three (25%) of the applications which attracted submissions in opposition. The three applications related to a discharge of emissions to air from a pig farming operation by D H Lepper Trust, a water take for pasture irrigation purposes by G A & R J Dorn, and a stream diversion by D J & R E G Goodwin. The applications attracted a total of three submissions [one submission for each activity].

Nine applications, attracting 78 submissions to be heard in opposition or neutral, were not resolved via the pre-hearing process. The nine applications related to the Normanby Hydro Scheme by Normanby Power [3 applications] and Patea Hydro-Electric Power Scheme by Trust Power [6 applications]. The Normanby Power applications attracted 31 submissions to be heard and the TrustPower applications attracted 47 submissions to be heard.

The key outcome of the pre-hearing process was that 3 potential hearings were not required as a result of successful pre-hearing meetings, considerably reducing the costs to all parties.

2.1.10 Appeals

There were no Environment Court appeals outstanding at the beginning of the 2008/2009 year. There were three appeals lodged with the Environment Court in 2008/2009 relating to the recommissioning of the Normanby Hydro scheme by Normanby Power Limited [consents 2299-3, 6558-1, 7078-1].

For all three Normanby Power Limited applications the hearing was held last financial year but as the decision was not released to July 2008, the statistics relating to those applications appear in this financial year.

2.1.11 Consent processing charges

The fixed minimum charges for processing consents increased in 2008/2009. The following are the fixed minimum charges which were applied during the 2008/2009 financial year:

	\$
• New consent	
- notified	1,000
- limited-notified	400
- non-notified	400
• Renewal, change or review of consent	
- notified	1,000
- limited-notified	400
- non-notified	400
• Extension of consent which would lapse due to non-exercise	300
• Certificate of compliance	300
• Transfer of consent to another party	50

The above charges all exclude GST. The Ministry for the Environment surveys show the Council's charges are some of the lowest in New Zealand reflecting the use of technology and prudent financial management. In accordance with Council policy, applicants are required, where necessary, to pay actual and reasonable charges for staff time, consultants, hearing costs, plant and laboratory analyses over and above the fixed application fee.

Accordingly, additional time recorded against the job was charged out at the appropriate rate from the schedule of charges in the Taranaki Regional Council 2008/2009 Annual Plan.

2.2 Resource consent applicants survey

A survey of the 355 applicants who were granted consents between 1 July 2008 and 30 June 2009 is being conducted to gauge the level of service the Council is providing. Although the survey has not yet been completed, to date there has been a high overall high level of satisfaction recorded. Once the survey has been completed, the final results will be presented to Council.

2.3 Public and iwi involvement in non-notified consents

During the period an assessment was made of the level of public and iwi involvement in the non-notified consent process.

The assessment excludes routine farm dairy discharge consents, as there are generally no affected parties or iwi consultation for these. This is because the effects

of the discharge are well understood and the Regional Fresh Water Plan provides for these activities to be treated as controlled activities that may be non-notified (i.e. consent must be issued if certain minimum environmental standards are met).

Table 5 provides an overview of the number of parties and iwi consulted with in 2008/2009 as a result of the resource consenting process.

Table 5 Number of parties/iwi consulted with and written approval provided

	Consultation	Affected Party Approvals [written]	Statutory Acknow. consultation	Statutory Acknow. Written Approvals	Totals
District Councils	2	8			10
DOC	18	17			35
Environmental/Recreational Groups	0	1			1
Fish & Game	10	4			14
Individuals/Neighbours/Landowners	53	121			174
Network Utilities	2	0			2
Non Govt Organisations	24	26			50
Other Govt Departments	21	1			22
Iwi/Hapu	76	8	9	3	96
Totals	206	186	9	3	404

The conclusions of the assessment are set out below:

- Based on the results of this assessment there is considerable public involvement in the non-notified consent process. Two hundred and twenty four consents [excluding farm dairy discharges] were processed on a non-notified basis and included consultation and/or written approvals with 404 potentially affected parties and iwi/hapu which is an average of 1.9 affected parties per consent.
- Iwi/Hapu were consulted by either applicants or Council officers on 45 applications, being 39% of all resource consents processed (excluding routine dairy shed discharge consent applications).
- There were more written approvals for discretionary activities [134] than for controlled activities [45] which is not surprising given the different status afforded to such activities in the Resource Management Act 1991 and Council plans. It also confirms senior council officer's discretion in identifying affected parties for the different types of application under the Council's plans. The types of application where certain affected parties are identified is also reasonably consistent confirming the consistency of discretion, exercised by consent staff, in identifying such parties.
- The number of affected parties per consent varied from 0 to 8. Senior council officers have a process to determine who are affected parties based on extensive compliance monitoring and other information. The data show the number of affected parties on consents varies and that council officers are exercising appropriate discretion. The range in affected party involvement also shows applicants are often required to consult and gain the written approval from a large number of the public.

- In addition to the non-notified consents in 2008/2009 there were 81 submissions on 16 notified and limited-notified applications.
- A larger number of parties receive notification of notified applications due to them being potentially affected and as part of the Council's extensive notification list required by regulation. But as shown by the number of submissions not all choose to be involved in the submission process.
- It is considered based on this information the Council's plans are being implemented successfully by consents officers and providing applicants and the community with a high level of certainty through appropriate involvement in the process. The non-notified consent process also generally costs less than that for notified applications and, if successful, involves less time, both of which assist applicants.

2.4 Resource Management Act: Bi-Annual Survey of local authorities 2007/2008

The Ministry for the Environment regularly surveys all local authorities on their performance under the Resource Management Act 1991. The Ministry for the Environment released its report on the 2007/2008 Resource Management Act survey in June 2009. The main purpose of the survey is to help the Minister for the Environment monitor the effect and implementation of the Resource Management Act as required by Section 24 of the Act.

The survey is a useful indicator of current local authority Resource Management Act practice. It allows Councils to compare their results allowing benchmarking to occur, which in turn encourages good practice, and is a basis for improved performance.

Taranaki Regional Council's performance compares very well within the national picture presented in the report. In summary, the report outlined that:

- Nationally, pre-hearing meetings were held for only 11% of all notified/limited notified consent applications. Within this Council, all notified/limited notified consent applications on which submissions are received are the subject of the pre-hearing process.
- Council staff decided on 97% of resource consent applications, compared to 85% nationwide;
- 39% of consents were for controlled activities, showing the Councils plans are working for the community, and above the 20% national figure;
- the number of consents processed within the statutory time limits established by the Resource Management Act was 100%, compared to 69% nationwide; and
- the Council's charges are generally lower than other councils. For example non-notified discharge consents application costs, which comprise a large portion of applications processed by the Council were 55% below the national median.

The results reflect the overall effectiveness of the Council's regional plans, staff competence, and processing efficiencies.

2.5 Enforcement

In 2008/2009, Council officers responded to all pollution incidents and other complaints within the required timeframe. All incidents/complaints were investigated by Council officers and, where appropriate, officers instigated control, clean-up or appropriate enforcement action. There were three significant pollution events in the Taranaki region in 2008/2009:

- **Alfred Road Wetland** – On 23 January 2009 during unrelated monitoring it was found that unauthorised earthworks, drainage and clear felling of native bush had been undertaken in a protected wetland area at Alfred Road, New Plymouth. An extensive investigation was undertaken at the site. As a result of the investigation an enforcement order was sought and granted by the court, requiring the occupiers to undertake remedial works at the site.

- **Marfell Park (historical dump site)** – On 7 May 2009 notification was received from the New Plymouth District Council regarding a chemical odour at Marfell Park, New Plymouth. An inspection found that during excavation works to install stormwater pipes, the remains of two drums had been dug up. Samples of soil and groundwater were taken as a precaution. The drum remnants and soil were removed from the site. A monitoring programme was set up for this site following extensive consultation with local community leaders and representatives and residents. A review of the programme was undertaken by the Ministry of Environment, Ministry of Health, New Plymouth District Council and the Taranaki District Health Board.



The Marfell Park cleanup operation

- **Caltex discharge of hydrocarbons to a stream** – On 19 May 2009, in response to a complaint, it was found that diesel from the Caltex Service Station, Broadway, Stratford was discharging into an unnamed tributary of the Kahouri Stream. Council staff undertook the initial cleanup in the Stream and prevented large scale contamination in the Kahouri catchment. Abatement notices were issued requiring Chevron New Zealand (the owner of the Service Station) to undertake cleanup work. After a period of one week Chevron New Zealand took over the cleanup operations in the stream. Chevron decided to close the site. The site has since reopened and monitoring of the stream and site will continue.



The cleanup of the discharge from Caltex, Stratford

As a result of investigating unauthorised incidents, Council officers can take enforcement action in the form of an abatement notice, infringement notice or prosecution. Council officers also require a letter of explanation from consent holders and others to explain why enforcement action should not proceed as a result of a non-compliance. The letters are called "14-day letters", because there are 14 days to respond, the letters are an important component of the enforcement system. An enforcement procedures guide, adopted by the Council, assists senior officers in their assessment of the 14-day letters and other information.

During the year sixty four 14-day letters were sent to consent holders and others. The number of infringement notices and prosecutions are much lower than the number of letters showing that there can be defences under the Resource Management Act and reasonable circumstances where non-compliance can occur. In 42% (27) of cases the 14-day letters were accepted.

Abatement notices

Council officers served 120 abatement notices in 2008/2009 year in relation to unauthorised incidents (104 served in 2007/2008). Of the abatement notices issued, 101 were in relation to freshwater, 14 to air and five to land. Dairy farming continues to dominate the issue of abatement notices. There were no appeals lodged against any Council abatement notices in 2008/2009.

Infringement notices

Infringement notices provide the Council with the ability to serve an instant fine for relatively minor offences. Infringement notices can also provide an alternative to prosecution. There were 26 infringement notices served in relation to unauthorised incidents in the year, with no requests for hearings (30 served in 2007/2008).

Prosecutions

Three prosecutions from 2007/2008 were successfully resolved in August and November 2008, all three prosecutions related to the discharge of dairy effluent. One prosecution from 2007/2008 is still before the courts.

In 2008/2009 the Council resolved to pursue seven prosecutions relating to the following:

- an unconsented landfill;
- discharge of objectionable odour;
- unconsented earthworks;
- phosphoric acid discharge to water;
- dairy effluent and silage leachate discharge to water;
- drainage of a wetland; and
- dairy effluent discharge to water.

The prosecution pertaining to the drainage of the wetland was later changed to an enforcement order, which was sought and granted by the court, requiring the occupiers to undertake remedial works at the site.

The remaining six prosecutions from 2008/2009 are before the courts.

The strategic use of enforcement in resource management to modify attitudes and encourage positive environmental outcomes has been long recognised by this Council. Data for farm discharge enforcement tools is shown in Table 6.

Table 6 Farm discharge enforcement tools used and compliance rate

Enforcement tools used	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Abatement notices	105	117	108	73	74	71
Infringement notices	2	4	14	11	7	15
Prosecutions	1	0	2	4	3	2
Consent non compliance rate	5%	4.2%	4.9%	2.7%	4.1%	4.3%

Anecdotal feed back and the above data show that generally as the use of enforcement tools increases the compliance rate increases. The higher fines now set by the Environment Court also sends a strong message to those in breach of their consents. The strategic use of the enforcement tools available to the Council is contributing to achieving community outcomes.

The Ministry for the Environment's Local Authority Survey presented data on enforcement (Table 7). This Council's enforcement data for the period 2007/2008 is shown in the table in brackets. While the Council comprises only 1.2% of local authorities, it uses 10% of abatement notices, 3% of infringement notices and undertakes 8% of prosecutions. The appropriate use of enforcement tools has been a long established practice in resource management in Taranaki.

Table 7 Number and percentages of enforcement options used to formally resolve breaches of consent

Enforcement option	2007/2008			2005/2006		
	Number	Percentage	Number of local authorities providing data	Number	Percentage	Number of local authorities providing data
Enforcement orders	7 (0)	0.4%	76	6 (0)	0.4%	74
Abatement notices	881 (83)	47.3%	79	615 (95)	45.6%	79
Excessive noise directions	351	18.8%	73	80 (0)	5.9%	68
Prosecutions	48 (4)	2.6%	77	26 (2)	1.9%	76
Infringement notices	576 (19)	30.9%	78	621 (20)	46.1%	78
Total	1,863 (106)	100%	80	1,348 (117)	100%	79

3. Building Act Activities for Dams

3.1 Background

The Building Act 2004 (the Act) prescribes a regulatory regime for building control in relation to dams and other buildings. The Act gives regional authorities (regional councils and unitary authorities) several functions and powers in relation to dams and their associated structures.

Councils have acted collaboratively to reduce costs and establish an effective regulatory regime to address the responsibilities for dams imposed by the Act. This has involved all North Island regional councils transferring building control authority functions to Environment Waikato and developing procedure manuals for those functions that have been retained.

Following the special consultative procedure outlined in the Act, the Taranaki Regional Council resolved to transfer certain Building Act 2004 functions, powers and duties to Environment Waikato. The formal transfer deed and memorandum of understanding were signed by Taranaki Regional Council on 20 June 2008 and Environment Waikato on 1 July 2008 with an effective date of 30 June 2008.



Dam builders leaflet produced by Environment Waikato

Taranaki Regional Council transferring these functions enables Environment Waikato to process all building consent applications for dams on behalf of Taranaki Regional Council. Environment Waikato will also undertake the inspections required during the construction phase and issue the final code of compliance certificate once the dam has been completed. Environment Waikato will engage technical specialists to advise and recommend whether a building consent should be granted, undertake the inspections and advise on code of compliance certificates. The Taranaki Regional Council will be required to play a very limited role in the process.

The functions, powers and duties transferred were:

- all of the building consent authority functions (as identified in section 3 of the Building Act (Accreditation of Building Consent Authorities Regulations 2006, and including any amendments or any enactment made in substitution); and
- the non-Building Consent Authority functions identified in the 27 June 2007 Council agenda item and subsequently included in the transfer deed.

3.2 Application processing

In terms of the building authority functions transferred to Environment Waikato there was minimal activity in the region. There were no building consent applications processed but two queries were received about Building Act requirements for two dairy farm pasture irrigation dams in southern Taranaki. The only application (Waireka Properties Ltd) that was received was for a code of compliance certificate for an existing dam that was passed to this Council from the New Plymouth District Council (NPDC), essentially under transitional arrangements. The dam owner had made an application to NPDC in late 2004 and an inspection was undertaken in March 2005. As a result of the inspection a producer statement for dam construction review (PS4) was required. This is a statement from a suitably qualified independent person who monitored the building work and can note this was completed in accordance with the appropriate standards. This could not be obtained by the dam owner due to issues with the engineer supervising the contractor who built the dam. Upon inspection of all information and in accordance with section 95A of the Act the application was declined. When the Dam Safety Scheme becomes law in July 2010 dams will be required to be assessed and a dam owner will be required to obtain a certificate stating the dam's potential impact classification from a registered engineer. This will mitigate the impact of the dam owner not having the code of compliance certificate.

3.3 Procedure manual

User pays systems and procedure manuals, for those functions that have been retained, are being developed and will be in place for the 2009/2010 year onwards.

4. Conclusion

The Council has addressed all the performance measures for the consents processing, administration and enforcement activities for 2008/2009, as detailed in the Taranaki Regional Council 2008/2009 Annual Plan:

Performance measures

1. The Council has provided timely information and assistance which allowed the processing of 355 resource consent applications, comprising 9 notified, 7 limited-notified, and 339 non-notified applications, in accordance with the requirements of the Resource Management Act 1991.
2. All resource consents were processed in accordance with the statutory procedures of the Resource Management Act 1991, and the Council's *Resource Consents Procedure Document*.
3. Pre-hearing meetings were held for all notified consent applications which attracted submissions in opposition, fully resolving 25% of applications without recourse to a formal hearing. Eleven percent of submissions received were resolved. As a consequence three potential hearings did not proceed. One hearing occurred to consider outstanding submissions against consent renewal applications.
4. There were three appeals lodged with the Environment Court. There were no appeals outstanding from the previous financial year.
5. Council officers responded to all pollution incidents and other complaints generally within the required timeframe.
6. All pollution incidents were recorded on the Council's *Unauthorised Incidents Register* and publically reported.

The report will be forwarded to key interested stakeholders for consent processing and administration.

The work carried out contributed to the desired outcomes of a prosperous and sustainable Taranaki.

Appendix I

Summary of resource consents granted 1 July 2008 to 30 June 2009

2008/2009		coastal				disch non-air							disch air			land use				water				grand totals
		disch	structure-etc	take	total coastal	agri-water	agri-land	total agri	non-agri-water	non-agri-land	total non-agri	total non-air	agri-air	non-agri-air	total air	dam/weir	bridge	structure etc	total land use	take-surface	take-ground	divert/dam	total water	
July	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	0	1	2	3
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	non-notif	0	0	0	0	16	4	20	4	2	6	26	1	2	3	0	1	0	1	1	0	0	1	31
August	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	non-notif	0	1	0	1	16	6	22	11	14	25	47	0	5	5	1	1	9	11	0	3	0	3	67
September	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	non-notif	0	4	0	4	3	3	6	1	2	3	9	0	0	0	1	1	1	3	0	0	0	0	16
October	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	1	1	1	0	1	1	0	0	0	0	0	0	0	0	2
	non-notif	0	1	0	1	5	1	6	5	0	5	11	0	0	0	0	0	13	13	2	0	0	2	27
November	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	1
	non-notif	2	0	0	2	1	0	1	0	2	2	3	0	0	0	1	1	4	6	1	1	0	2	13
December	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1
	non-notif	0	0	0	0	5	4	9	3	7	10	19	0	3	3	0	0	5	5	0	3	0	3	30
January	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	non-notif	0	1	0	1	1	2	3	3	3	6	9	0	0	0	0	0	4	4	0	0	0	0	14
February	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
	non-notif	0	1	0	1	0	0	0	0	1	1	1	0	3	3	1	0	9	10	0	1	0	1	16
March	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	1
	non-notif	0	0	0	0	5	3	8	6	2	8	16	0	2	2	0	0	2	2	1	1	0	2	22
April	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	non-notif	0	0	0	0	3	1	4	2	0	2	6	0	3	3	0	0	5	5	0	0	0	0	14
May	notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1
	non-notif	0	10	0	10	4	2	6	5	3	8	14	0	2	2	3	0	6	9	3	0	0	3	38
June	notif	0	0	0	0	0	0	0	2	0	2	2	0	0	0	1	0	1	2	1	0	1	2	6
	limit-notif	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	non-notif	1	3	1	5	20	11	31	1	4	5	36	0	2	2	1	1	1	3	2	3	0	5	51
Yearly totals	notif	0	0	0	0	0	0	0	2	0	2	2	0	0	0	2	0	1	3	2	0	2	4	9
	limit-notif	0	0	0	0	0	0	0	0	1	1	1	1	3	4	0	0	1	1	1	0	0	1	7
	non-notif	3	21	1	25	79	37	116	41	40	81	197	1	22	23	8	5	59	72	10	12	0	22	339
	total	3	21	1	25	79	37	116	43	41	84	200	2	25	27	10	5	61	76	13	12	2	27	355