

Executive summary

This report reviews the Taranaki Regional Council's performance and achievements in its consent processing, administration and enforcement functions for the 2006/2007 year.

The Council's consent processing and administration functions continue to achieve high standards in respect to the processing and administering of resource consent applications within the statutory timeframes.

Set out below is a summary of the main activities carried out in 2006/2007:

- The Council granted 399 consents; 389 (97%) were processed as non-notified in accordance with the relevant plan.
- During the year an assessment was made of the level of public involvement in non-notified consents for 2005/2006. A separate report by the Council provides a detailed breakdown and showed 978 parties were involved in the non-notified process.
- As at June 2007 there were 4,330 current consents; 3,033 (70%) are discharge consents dominated by 1,918 (44%) farm dairy discharges.
- Compliance with Resource Management Act 1991 timelines for consent processing in 2006/2007 was 100% for notified consents, 100% for limited-notified consents, and 100% for non-notified consents. This is the seventh consecutive year of 100% compliance.
- All consents granted in 2006/2007 were processed under the Council's operative plans and 42% were for controlled activities.
- The Council continued to use the pre-hearing provisions of the Resource Management Act 1991 to avoid and/or reduce the length of costly hearings. 13% of notified applications attracting submissions were fully resolved via the pre-hearing process.
- Five hearings were held during the year. They related to the discharge of air emissions from the proposed Turangi Production Station by Greymouth Petroleum Ltd; a variation to coastal permit 1450 to increase the maximum discharge volume from the Whareroa Dairy Factory Complex by Fonterra Co-operative Group Ltd; two applications for air emissions from the manufacture and processing of milk products and from gas-fired co-generation plants by Fonterra Co-operative Group Ltd; a variation to coastal permit 5079 to increase the discharge volume of municipal wastes via a marine outfall by South Taranaki District Council to accommodate the Eltham township discharge; and two applications for the discharge of treated stormwater and a river control structure for the proposed Bedrock Quarry by RA Wallis Ltd.
- Five appeals on 4 applications were lodged with the Environment Court. One

appeal on one application has since been withdrawn. There were no outstanding appeals from the previous financial year.

- During the year the four Council consent processing guidelines were reviewed and presented to the Council.
- Council officers responded to all pollution incidents and other complaints within the required timeframe.
- Council officers served 118 abatement notices, 40 infringement notices and resolved to pursue five prosecutions in 2006/2007.
- The above resource consent performance contributed to a prosperous and sustainable Taranaki.

Table of contents

1.	Introduction	1
1.1	Purpose	1
1.2	Background	1
1.2.1	Objective	1
1.2.2	Performance measures	1
2.	Report on progress	2
2.1	Consent processing	2
2.1.1	Consent processing timeline compliance	4
2.1.2	Significant consents granted	5
2.1.3	Implications of regional plans	8
2.1.4	Hearings	9
2.1.5	Pre-hearings	9
2.1.6	Appeals	10
2.1.7	Consent processing charges	10
2.2	Resource consent applicants survey	11
2.3	Public involvement in Non-notified consents	11
2.4	Enforcement	12
2.5	Consent Processing Guideline Review	14
3.	Conclusion	16
Appendix I	Summary of resource consents granted 1 July 2006 to 30 June 2007	17

List of tables

Table 1:	Recent trends in numbers of consents granted	2
Table 2:	Trends in consent processing (1996/1997-2006/2007)	3
Table 3:	Consent processing within statutory timelines (%)	4
Table 4:	Farm dairy discharge enforcement tools used and compliance rate	14

List of figures

Figure 1:	Number of consents granted in 2006/2007	2
Figure 2:	Current consents by type as at 30 June 2007	4
Figure 3:	Trends in consent processing timeline compliance	5

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 2006/2007 year.

1.2 Background

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

1.2.1 Objective

The overall objective for consent processing, administration and enforcement activities for 2006/2007 as contained in the Taranaki Regional Council's 2006/2016 Long-Term Council Community 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".

1.2.2 Performance measures

In response to the above objective, the following performance measures were adopted by the Council for the 2006/2007 programme:

- Provide appropriate and timely information in response to all requests for assistance in undertaking or complying with the consents process under the Resource Management Act 1991.
- Process, issue and report 100% of accepted resource consent applications in compliance with the Resource Management Act 1991 and the Council's *Resource Consents Procedures Document*.
- Successfully defend all consent decisions appealed to the Environment Court.
- Process and administer not less than 98% 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.

2. Report on progress

2.1 Consent processing

During the year 399 consents were granted (see Figure 1), down 7.85% on last year. The types of consents are summarised in Appendix I, and the trends are identified below (see Table 1). Of the total consents granted 230 (58%) were for discharges, a decrease of 22% from the 294 discharge consents granted in 2005/2006. The decrease is attributed to the decrease in dairy effluent discharge consent renewals that were scheduled for the year.

The workload during the year was variable with an average of 33 consents issued per month as shown in Figure 1.

Figure 1: Number of consents granted in 2006/2007

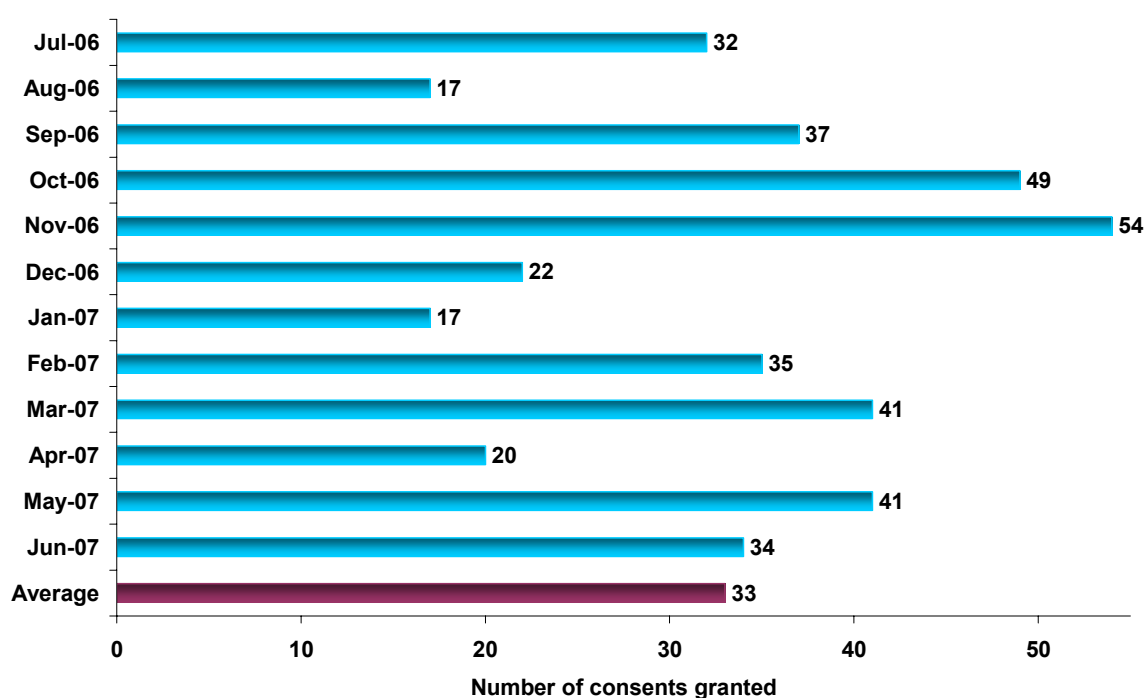


Table 1: Recent trends in numbers of consents granted

Period	Notified				Limited-notified				Non-notified				Totals
	Land use	Coastal	Water	Discharge	Land use	Coastal	Water	Discharge	Land use	Coastal	Water	Discharge	
1998/99	3	1	2	19	n/a	n/a	n/a	n/a	81	14	17	145	282
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

A key point was that a total of 389 (97%) 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 8 (2%) applications were notified. A total of 2 (0.5%) 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 shows the trends in processing consents issued since 1996/1997. The number of consents granted has continued to fluctuate over the years; 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.

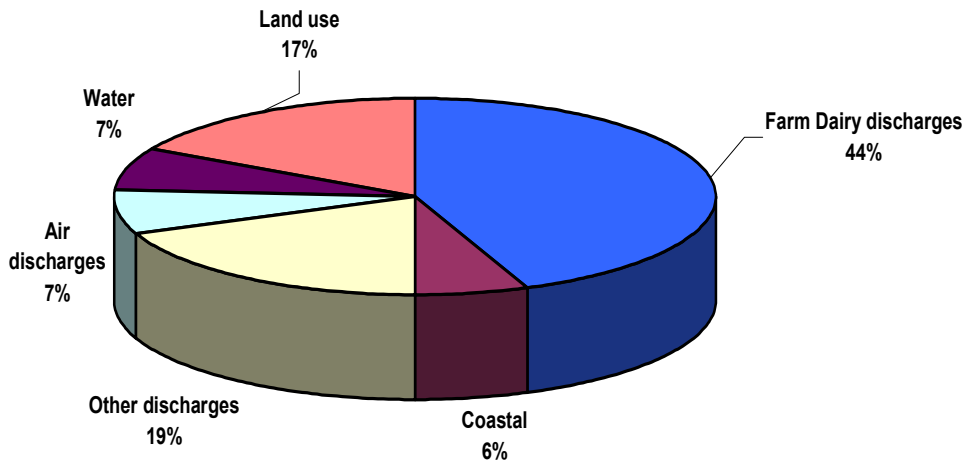
Table 2: Trends in consent processing (1996/1997-2006/2007)

	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
Total consents granted	298	322	282	319	422	482	511	568	622	433	399
Notified	68	35	25	27	27	25	29	6	35	5	8
Limited-notified	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	2	9	2
Non-notified	230	287	257	292	395	457	482	562	585	419	389
Applications submitted on (in opposition and to be heard)	25	24	23	27	21	23	27	6	32	9	8
Application Pre-hearing resolution (%)	24 (96%)	10 (36%)	15 (65%)	14 (52%)	18 (86%)	13 (57%)	8 (30%)	5 (83%)	8 (25%)	8 (89%)	1 [13%]
Hearings (no. of applications)*	1 (1)	11 (14)	4 (8)	1 (13)	1 (3)	4 (10)	3 (19)	1 (1)	4 (24)	1 (1)	5 [7]
Appeals (applications)	0	2 (3)	1 (2)*	1 (11)	0	2 (1)	30 (17)	0 (0)	1 (1)	2 (6)	5 [4]
Total current consents	3668	3792	3919	3894	3964	4037	3976	4015	4061	4206	4330

[NB:* Some hearings/appeals involved a number of applications]

As at 30 June 2007 there were 4,330 current consents. Consent types are shown below in Figure 2. They are dominated by 3,033 (70%) discharge consents, 1,918 (44%) of which are farm dairy discharges.

Figure 2: Current consents by type as at 30 June 2007



2.1.1 Consent processing timeline compliance

The Resource Management Act 1991 sets down 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 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 9% of applications. This compared with 11.5% of consent applications in 2005/2006.

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.

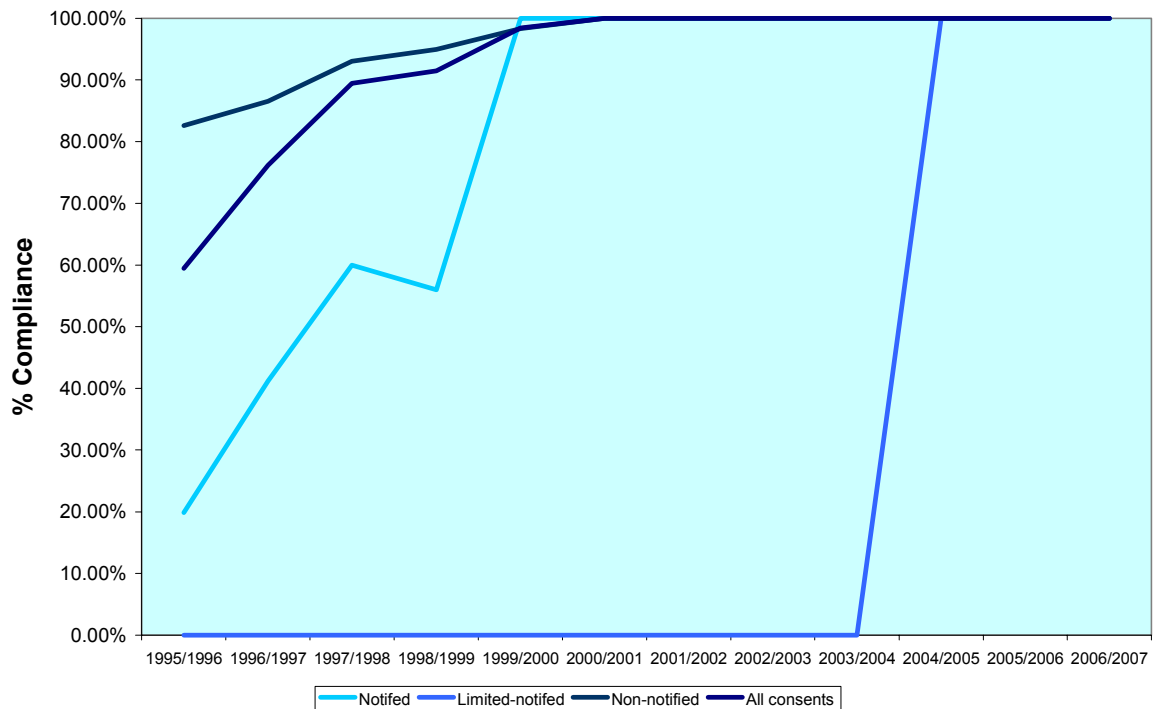
Table 3: Consent processing within statutory timelines (%)

Period	Notified				Limited-notified				Non-notified			
	Land use	Coastal	Water	Discharge	Land use	Coastal	Water	Discharge	Land use	Coastal	Water	Discharge
1998/99	100	100	100	42	n/a	n/a	n/a	n/a	99	93	100	92
1999/00	100	100	100	100	n/a	n/a	n/a	n/a	100	100	100	97
2000/01	100	100	100	100	n/a	n/a	n/a	n/a	100	100	100	100
2001/02	100	100	100	100	n/a	n/a	n/a	n/a	100	100	100	100
2002/03	100	100	100	100	n/a	n/a	n/a	n/a	100	100	100	100
2003/04	n/a	n/a	100	100	n/a	n/a	n/a	n/a	100	100	100	100
2004/05	100	100	100	100	100	n/a	n/a	n/a	100	100	100	100
2005/06	n/a	100	100	n/a	100	n/a	100	100	100	100	100	100
2006/07	100	100	n/a	100	n/a	n/a	n/a	100	100	100	100	100

Performance in 2006/2007 was 100% for notified consents, 100% for limited-notified consents, and 100% for non-notified consents.

There has been an increasing level of performance over the last 13 years as shown in Figure 3. The overall compliance with timelines has continued to increase and the 100% compliance in 2006/2007 for the seventh time is very pleasing.

Figure 3: Trends in consent processing timeline compliance



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.

2.1.2 Significant consents granted

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

Consents granted after a hearing process

- Greymouth Petroleum Limited - air emissions Turangi Production Station - new [1]
- Fonterra - coastal discharge - vary [1]
- Fonterra - air discharge from Co-gen I and II - new [1]
- Fonterra - air discharge - renewal [1]

Consents under appeal after a hearing process

- STDC - coastal discharge - treated municipal wastes - change [1]
- R A Wallis Ltd - structure for erosion control - new [1]
- R A Wallis Ltd - stormwater discharge from quarry - new [1]

Local Authority/industry/Recreation

- NPDC - discharge air - Inglewood Landfill - renewal [1]
- NPDC - discharge cleanfill and refuse [1]
- NPDC - discharge filter backwash, Oakura Water Treatment Plant - renewal [1]
- NPDC - groundwater take for bore development - new [1]
- NPDC - surface water take for Waitara industrial water supply- renewal [1]
- NPDC - surface water take for public water supply - renewal [1]
- SDC - stormwater discharge from earthworks - new [1]
- STDC - discharge to land - Patea landfill - renewal [1]
- STDC - discharge settling pond supernatant - change [1]
- STDC - discharge wastewater Kaponga - renewal [1]
- STDC - discharge wastewater Manaia - renewal [1]
- STDC - groundwater take for rural supply - new [1]
- STDC - groundwater take for Waverley municipal supply purposes - change [1]
- STDC - groundwater take for Waverley municipal supply purposes - change [1]
- STDC - surface water take for Inaha water supply - renewal [1]
- STDC -surface water take for Inaha water supply - renewal [1]
- Awatea Hawkes Bay Trust - groundwater take for potable community supply - new [1]
- Ballance Agri Nutrients Ltd - discharge stormwater - renewal [1]
- Central Taranaki Employment Trust - discharge green waste and stormwater - new [1]
- Contact Energy Ltd - various - change to lapse period [3]
- Evans BJ - holes for seismic surveying - renewal [1]
- Fonterra Co-operative Group Ltd - discharge from Lactose manufacturing plant - change [1]
- Freight & Bulk Transport Ltd- discharge truck washing wastewater - renewal [1]
- Fulton Hogan - air discharge from mobile asphalt plant - renewal [1]
- Hooker Bros - stormwater discharge - new [1]
- Huikama School - air discharge from incinerator - new [1]
- Nankervis Family Trust - discharge truck washwater - new [1]
- Ngamatoupouri School - air discharge from incinerator - new [1]
- NZ Energy Ltd - surface water take for Opunake Hydro Power scheme - renewal [2]
- NZ Forest Managers - stormwater discharge - new [1]
- NZ Forest Managers - vegetation disturbance - new [1]
- Okato Bus Lines - washwater discharge - new [1]
- PEL Environmental - discharge from worm farming - renewal [3]
- Pungarehu Community Committee - discharge swimming pool water - renewal [1]
- Pungarehu Farmers Group - take surface water - renewal [1]
- Riverlands Eltham Ltd- surface water take for stock/ washdown - reviewed [1]
- Rotokare Scenic Reserve Trust - discharge stormwater from fence line excavation - new [1]
- Taranaki By-Products Ltd - discharge into air from rendering operations - review [1]
- Taranaki By-Products Ltd - discharge treated wastewater - change, review [2]
- Taranaki Sawmills - discharge wastewater and cooling water - renewal [1]
- Top Turf - water take for grass turf irrigation - new [1]
- Vector Gas Ltd- discharge sludge from stormwater retention ponds - new [1]
- Vector Gas Ltd - take water for operation of natural gas treatment plant - change [1]
- Vickers & Church - take surface water for horticultural purposes - renewal [1]

Hydrocarbon exploration and production

- Austral Pacific Energy NZ Ltd - Ratanui wellsite - new [6]
- Bridge Petroleum Ltd - Radnor-B wellsite - air discharge- change [1]
- Greymouth Petroleum Ltd - Ngatoro-E wellsite - renewal, new [4]
- Greymouth - Ohanga-A wellsite - new [2]
- Greymouth Petroleum Ltd - Omoana-1 wellsite - new [7]
- Origin Energy Resource [Kupe] Ltd - bore installation - new [1]
- Origin Energy Resource [Kupe] Ltd - surface water take - change [1]
- Origin Energy Resource [Kupe] Ltd - groundwater take for HDD - new [1]
- Origin Energy Resource [Kupe] Ltd Energy - Kupe Project - change [4]
- Shell Todd Oil Services - wellsite blow down pit discharges - new [3]
- Swift Energy NZ Ltd - Kauri-E wellsite - air discharge - change [1]
- Swift Energy NZ Ltd - deepwell injection discharges - various wellsites- change [4]
- Tag Oil NZ Ltd - Mangamingi wellsite - new [8]
- Todd Taranaki Ltd - deepwell injection discharges- various wellsites - change [2]
- Todd Taranaki Ltd - Mangahewa-3 wellsite - new, change [7]
- Various - discharge stormwater from installation of pipelines - new [4]
- Various - change to extend lapse period [5]
- Various - discharge drilling wastes via landfarming new, change [4]
- Various - discharges from pipeline hydrotesting - new [1]
- Various - pipeline installations - new, change [7]

Coastal disturbance, structures, erosion control & discharges

- Contact Energy Ltd - discharge cooling water & Processing water - change [1]
- Department of Conservation - structure - bouys - new [1]
- Evans BJ - seismic surveying - renewal [1]
- Fonterra Co-operative Group Ltd- discharge factory wastewater - change [1]
- NPDC - disturb - new [2]
- NPDC - sewer main at Oakura Bridge - new [1]
- Transit NZ - extension to seawall, Tongaporutu - new [1]
- Vector Gas Ltd- geobags to cover pipeline - new [1]
- Vickers LB & CJ - rip rap toe protection - change [1]
- Various - Oakura seawall - new [14]
- Various - Tongaporutu estuary seawall - renewal [18]

Road works, bridges, culverts, weirs, dams, river erosion and flood control, intake/outake structures

- SDC erosion protection - new [1]
- STDC bridges, culverts, erosion, realign - new, change [13]
- NPDC bridges, culverts, erosion, outlet structure, flood control -new [16]
- Various other bridges, culverts, weirs, dams, river erosion, flood control, intake structures - change, new [27]

Agricultural

- various farm dairy discharges - new, renewal, change [116]
- various goat discharges - change [1]
- various poultry discharges - new [1]
- various farm dams, bridges, culverts, bores - new, renewal [25]
- various farm realignments/diverts/earthworks for land improvement purposes - new [7]

Various

- Various cleanfill activities - new [2]
- various quarry activities - new, change [4]
- various abrasive blasting air emission - new, renewal [2]
- various earthworks from subdivisions/land improvement purposes [excluding farms] - new [12]
- various septic tank discharges - new [1]



A council officer completing a site inspection for a dairy discharge consent renewal using a Tablet to record the data

2.1.3 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).

One hundred per cent of the consents in 2006/2007 were processed under the Council's operative plans. 166 (42%) were processed as controlled activities where the Council must grant the consent as long as the application meets the standards prescribed in the plan.

Under the regional plans, there are a number of activities identified that can be undertaken as permitted activities. Certificates of compliance requested by the applicants can be issued under section 139 of the Resource Management Act 1991 for these activities. In addition, applications can be made for certificates of compliance

for activities that, under the Resource Management Act, do not require a resource consent (e.g. taking water from rivers or streams for stock and domestic use). There are considerable advantages in some situations for resource users to hold certificates of compliance. The Council adopted procedures for the processing of certificates of compliance in April 2000, and appropriate changes were made to the Council's *Resource Consents Procedure Document*.

Certificates of compliance were issued for two activities during the year.

2.1.4 Hearings

Five hearings were held during the year. They related to:

- the discharge of air emissions from the proposed Turangi Production Station by Greymouth Petroleum Ltd;
- a variation to coastal permit 1450 to increase the maximum discharge volume from the Whareroa Dairy Factory Complex by Fonterra Co-operative Group Ltd;
- two applications for air emissions from the manufacture and processing of milk products and from gas-fired co-generation plants by Fonterra Co-operative Group Ltd;
- a variation to coastal permit 5079 to increase the discharge volume of municipal wastes via a marine outfall by South Taranaki District Council to accommodate the Eltham township discharge; and
- two applications for the discharge of treated stormwater and a river control structure for the proposed Bedrock Quarry by RA Wallis Ltd.

Normally there are on average three hearings a year.

2.1.5 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. This Council strongly supports the use of this process and requires that for all 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.

As shown in Table 2, pre-hearing meetings resolved all of the issues for 13% of applications which attracted submissions in opposition. Out of a total of 37 submissions to be heard in opposition, 16 (43%) were resolved prior to the hearing.

2.1.6 Appeals

There were no Environment Court appeals outstanding at the beginning of the 2006/2007 year. Five appeals on the following four applications were lodged during the year. One [Greymouth Petroleum air emission] has since had the appeal withdrawn.

- STDC - discharge treated municipal wastes to include the Eltham township discharge [coastal];
- R A Wallis Ltd - Bedrock Quarries structure for erosion control;
- RA Wallis Ltd - Bedrock Quarries stormwater discharge; and
- Greymouth Petroleum Limited - air emissions Turangi Production Station .

2.1.7 Consent processing charges

Charges for processing consents remained at the same level as in 2005/2006. The following are the charges which were applied during the 2006/2007 financial year:

	\$
• New consent	
- notified	500
- limited-notified	350
- non-notified	350
• Renewal, change or review of consent	
- notified	500
- limited-notified	350
- non-notified	350
• Extension of consent which would lapse due to non-exercise	250
• Certificate of compliance	250
• Transfer of consent to another party	40

The above charges all exclude GST and Ministry for the Environment surveys show these are some of the lowest in New Zealand reflecting the use of technology and prudent financial management. They cover the administrative costs of processing a consent application as well as some allowance for the site visiting and reporting of the activity. 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 2006/2016 Long-Term Council Community Plan. As regards hearings, a budget was first provided to the applicant, indicating what the likely costs would involve.

2.2 Resource consent applicants survey

A survey of the 422 applicants who were granted consents between 1 July 2000 and 30 June 2001 was conducted to gauge the level of service the Council was providing. Given the overall high level of satisfaction recorded, this survey has not been repeated to date.

2.3 Public involvement in Non-notified consents

During the period an assessment was made of the level of public involvement in the non-notified consent process. The assessment analysed 2005/2006 data. The findings were compared to the 2004/2005 research carried in the last financial year.

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).

The conclusions of the research are set out below:

- Nationally 95% of resource consent applications are processed on a non-notified basis yet there is virtually no information available about who is involved in this process with national reporting focusing on cost and time.
- Based on the results of this assessment there is considerable public involvement in the non-notified consent process. Two hundred and seventy nine consents were processed on a non-notified basis and included 978 affected party approvals and consultation with iwi/hapu which is an average of 3.50 affected parties per consent. In the 2004/05 period 313 consents were processed on a non-notified basis and included 1,235 affected party approvals and consultation with iwi/hapu which is an average of almost 4 affected parties per consent.
- On average there were more written approvals (2.72) for discretionary activities than for controlled activities (1.77) 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. In the 2004/2005 period there were an average of 5 written approvals for discretionary activities and 0.9 for controlled activities.
- The number of affected parties per consent varied from 0 to 33. In 2004/2005 the number of affected parties per consent varied from 0 to 28. 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 2005/2006 there were 35 submissions on 14 notified applications. In 2004/2005 there were 150 submissions on 37 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.
- The policy effectiveness review provides information to better manage the consent and plan development process, and should assist councils and stakeholders in the process of developing second generation policy documents and plans. The information shows the type of consent and the frequency of involvement for key categories of stakeholders in the 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.
- The assessment has provided some useful information on public involvement in the non-notified consent process for Council plan effectiveness and consent implementation purposes. The information will also be useful to other stakeholders to the consent process at a regional and national level and demonstrates that the RMA is effective in engaging the community in the consent process.

2.4 Enforcement

In 2006/2007, 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 was one significant pollution event in the Taranaki region in 2006/2007:

- A discharge of approximately 4,000 litres of drilling mud and sediment from the Swift Energy Ltd Kowhai wellsite at Tikorangi to an unnamed tributary of the Waiiau Stream. A prosecution was pursued as a result of the investigation into this incident. The prosecution was successful.

As a result of investigating unauthorised incidents, Council officers can take enforcement action in the form of an abatement notice, infringement notices 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", because there are 14 days to respond, letters and 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.

During the year sixty six 14-day letters were sent to consent holders and others. It should be noted the number of infringement notices and prosecutions are much lower than the number of letters showing that there can be reasonable circumstances where non-compliance can occur.

Abatement notices

Council officers served 118 abatement notices in 2006/2007 year in relation to unauthorised incidents (143 served in 2005/2006). Of the abatement notices issued, 103 were in relation to fresh water, three to coastal resources, 10 to air and two to land. Dairy farming continues to dominate the statistics as shown below. There were no appeals lodged against any Council abatement notice in 2006/2007.

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 40 infringement notices served in relation to unauthorised incidents in the year, with no notices appealed (26 served in 2005/2006).

Prosecutions

In August 2006, two prosecutions from the 2005/2006 year were successfully resolved. They related to the discharge of cream to the coast by Fonterra (\$25,000 fine); and the discharge of objectionable odour off-site from Taranaki Abattoirs Ltd (\$2,000 fine). In December 2006 a third prosecution from the 2005/2006 year concerning B Cudby and his company was successfully resolved (\$40,000 fine). This related to a cleanfill site non-compliance of an enforcement order and resource consent.

In 2006/2007, the Council resolved to pursue five prosecutions. Four of these related to the discharge of dairy effluent to water and land and one related to discharge of drilling mud and sediment to water. Four of these prosecutions were successfully resolved and the final prosecution is to be resolved in 2007/2008.

Given the large number of farm dairy discharges and the comprehensive consenting and monitoring programme in place enforcement data for this industry is summarised in Table 4. The Farm Dairy Monitoring Strategy was presented to the 26 April 2007 Consents and Regulatory meeting and adopted by the Council.

Table 4: Farm dairy discharge enforcement tools used and compliance rate

Enforcement tools used	2003/04	2004/05	2005/06	2006/07
Abatement notices	105	117	108	73
Infringement notices	2	4	14	11
Prosecutions	1	0	2	4
Consent non compliance rate	5%	4.2%	4.9%	2.7%

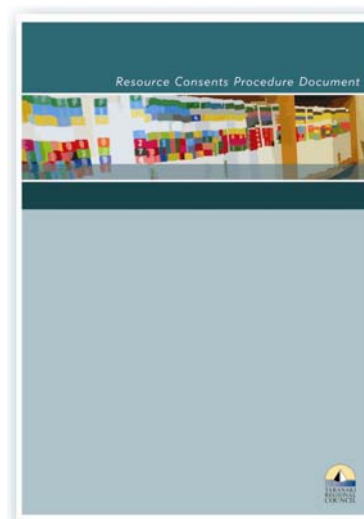
Anecdotal feed back and the above data show that as the use of enforcement tools increases the compliance rate increases. The higher fines now set by the Environment Court also sends a strong message to those in breach of their consents. The strategic use of the enforcement tools available to the Council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

2.5 Consent Processing Guideline Review

Staff reviewed the following documents relating to the processing of resource consents applications during the year:

- *Resource consent procedures document;*
- *Conducting hearing under the Resource Management Act: A guide for committee members;*
- *Conducting hearings under the Resource Management Act: A guide for applicants and submitters; and*
- *Conducting hearings under the Resource Management Act: A guide for Regional Council staff.*

The *Resource consent procedures document* was last reviewed in 2003, and the *guides* were reviewed in 2004. Since that time there have been amendments to the Act and minor practice changes.



The most substantial changes to the guides reflect changes in legislation introduced late 2005. These include:

- documenting the need for hearing committee members to be accredited and how accreditation is obtained;
- recognising that the Council has the option to require hearing evidence to be pre-circulated;
- documenting the more prescriptive process associated with requesting further information under section 92;
- recognising the new requirement to report on pre-hearing meetings;

- recognising the Council may require attendance at pre-hearing meetings and may refuse to process an application or consider a submission from anybody who fails to attend when required;
- recognising that when considering an application for a renewal that the Council must have regard to the value of the existing investment; and
- recognising the specific items that now must be document in a hearing decision.

3. Conclusion

The Council has achieved the performance measures for the Consents and Regulatory activities for 2006/2007, as detailed in the 2006/2016 Long-Term Council Community Plan as follows:

Performance measures

1. The Council has provided timely information and assistance which allowed the processing of 399 resource consent applications, comprising 8 notified, 2 limited-notified, and 389 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 13% of applications without recourse to a formal hearing. 43% of submissions received were resolved. As a consequence one potential hearing did not proceed. Five hearings occurred to consider outstanding submissions against consent renewal applications.
4. Five appeals on four applications were lodged with the Environment Court. Three Environment Court decisions are still outstanding, while the fourth had the appeal withdrawn. There were no outstanding appeals from the previous financial year.

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 2006 to 30 June 2007

2006/2007		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	total water	
July	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	2	0	2	8	14	22	3	0	3	25	0	1	1	0	0	3	3	0	0	1	1	32
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	1	1	1	0	1	1	0	0	0	0	0	0	0	0	2
	non-notif	1	0	0	1	1	0	1	1	4	5	6	0	0	0	0	0	3	3	2	3	0	5	15
September	notif	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	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	18	0	18	6	2	8	2	3	5	13	0	1	1	0	1	3	4	0	0	0	0	36
October	notif	1	0	0	1	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	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	1	2	0	3	4	2	6	6	14	20	26	0	6	6	0	1	6	7	1	2	1	4	46
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	0	0	0	0	0	0	0	0	0	0	0	0
	non-notif	0	14	0	14	2	1	3	2	10	12	15	0	4	4	0	2	11	13	5	3	0	8	54
December	notif	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	0	1	1	0	0	0	0	2
	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	6	2	8	3	3	6	14	0	1	1	0	1	4	5	0	0	0	0	20
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	2	0	2	1	2	3	1	3	4	7	0	0	0	1	0	7	8	0	0	0	0	17
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	0	0	0	0	0
	non-notif	0	1	0	1	7	1	8	4	1	5	13	0	3	3	2	1	14	17	1	0	0	1	35
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	0	0	0	0	0	0	0	0	0	0	0	0
	non-notif	0	0	0	0	10	3	13	2	6	8	21	0	2	2	0	2	13	15	1	1	1	3	41
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	4	4	8	0	1	1	9	0	3	3	0	1	7	8	0	0	0	0	20
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	0	0	0	0	0	0	0
	non-notif	0	0	0	0	16	3	19	1	7	8	27	0	3	3	0	0	6	6	4	1	0	5	41
June	notif	0	0	0	0	0	0	0	2	0	2	2	0	0	0	0	0	0	0	0	0	0	0	2
	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	0	0	1	15	4	19	1	3	4	23	0	0	0	0	2	4	6	2	0	0	2	32
Yearly totals	notif	2	0	0	2	0	0	0	3	0	3	3	0	2	2	0	0	1	1	0	0	0	0	8
	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	3	39	0	42	80	38	118	26	55	81	199	0	24	24	3	11	81	95	16	10	3	29	389
	total	5	39	0	44	80	38	118	29	56	85	203	0	27	27	3	11	82	96	16	10	3	29	399