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12 November 2008

**Chairperson and Members
Consents and Regulatory Committee**

Notice of Meeting

Notice is hereby given that a meeting of the **Consents and Regulatory Committee** will be held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford on:

Tuesday 18 November 2008 commencing at 10.30am.

B G Chamberlain
Chief Executive

**THE TARANAKI REGIONAL COUNCIL REQUESTS THAT THIS
AGENDA REMAINS EMBARGOED UNTIL COMMENCEMENT OF THE
MEETING**

Agenda for the meeting of the Consents and Regulatory Committee of the Taranaki Regional Council to be held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford on Tuesday 18 November 2008 commencing at 10.30 am.



Councillors

D L Lean (Chairperson)
 M J Cloke
 M G Davey
 M A Irving
 B R Jeffares
 M P Joyce
 B J Marsh
 R F H Maxwell
 N W Walker

D N MacLeod (ex officio)

In attendance

Messrs	B G Chamberlain	(Chief Executive)
	M J Nield	(Director-Corporate Services)
	G K Bedford	(Director-Environment Quality)
	A D McLay	(Director-Resource Management)
	C H McLellan	(Consents Manager)
	B E Pope	(Compliance Manager)
	P Ledingham	(Information Officer)
Mrs	K van Gameren	(Committee Administrator)

Apologies

Notification of Late Items

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THAT the Taranaki Regional Council:

resolves that the public be excluded from the following part of the proceedings of this Consents and Regulatory Committee of the Taranaki Regional Council, namely:

**Item 10: Confidential Minutes
Consents & Regulatory Committee
3 September 2008**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under section 48(1) for the passing of this resolution
Item 10 – Confidential Minutes	Where the disclosure of the information would likely prejudice the maintenance of the law, including the prevention, investigation and detection of offences, and the right to a fair trial.	NZS9202:2003 Incorporating Amendment No. 1 A1(a)



Pages

Item 10

**Confirmed Confidential Minutes:
Consents and Regulatory Committee –
3 September 2008**

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Minutes of the Consents and Regulatory Committee Meeting of the Taranaki Regional Council, held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford, on Tuesday 14 October 2008 at 10.30 am.

ITEM ONE

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Present	Councillors	D L Lean M J Cloke M A Irving M P Joyce M B Marsh R F H Maxwell N W Walker	(Chairperson)
		D N MacLeod	(ex officio)
In attendance	Messrs	A D McLay G K Bedford C H McLellan B E Pope P Ledingham J Kitto C Fowles	(Director-Resource Management) (Director-Environment Quality) (Consents Manager) (Compliance Manager) (Information Officer) (Scientific Officer) (Scientific Officer)
	Mrs	K van Gameren	(Committee Administrator)

One member of the media

Apologies The apologies received from Councillor M G Davey and Councillor B R Jeffares were received and sustained.

Notification of Late Items General Business – Taranaki sawmill sites contamination update

1. Confirmed Minutes: Consents and Regulatory Committee - 3 September 2008

Recommended

THAT the Taranaki Regional Council

1. receives the confirmed minutes of the Consents and Regulatory Committee meeting held on Wednesday 3 September 2008 at 10.30 am.

Matters Arising

There were no matters arising.

2. Non- notified resource consents and exercise of delegations

- 2.1 The Committee considered and discussed the memorandum advising the Committee of non-notified consents/certificates of compliance granted under delegated authority and of consent processing actions since the last meeting.
- 2.2 The exercise of delegations under the Resource Management Act 1991 was reported for information.

Recommended

THAT the Taranaki Regional Council

1. receives the schedule of non-notified resource consents/certificates of compliance granted under delegated authority
2. receives the schedule of consent processing delegations.

08/231

MacLeod/Joyce

3. Resource consents from other consent authorities

- 3.1 The Committee received and considered the schedule of notified and limited-notified resource consent applications forwarded to the Taranaki Regional Council from district councils. A submission was not made on the Dawson Developments Limited coastal apartment block application given the Council's statutory responsibilities.

Recommended

THAT the Taranaki Regional Council

1. receives the schedule of notified and limited-notified applications for resource consents forwarded from other consent authorities.

08/232

Lean/Cloke

4. **Delegations for Limited Notified applications:-
DH Lepper Trust – application 4714 to renew consent 5206 to discharge emissions into the air from a pig farming operation and associated practices**

including solids composting, effluent treatment and other waste management activities

GA & RJ Dorn – application 4933 to change consent 5876 to take and use water from the Punehu Stream for pasture irrigation purposes

Waste Management – application 6042 for consent 7343 to discharge emissions into the air from green waste mulching/composting operations

Waste Management – application 6053 for consent 7352 to discharge green waste to land for the purpose of composting and to discharge leachate and contaminated stormwater from the composting process onto and into land

- 4.1 The Committee received and noted the memorandum recommending that the Taranaki Regional Council delegates to a Hearing Committee the authority to determine application 4714, 4933, 6042 and 6053, if a hearing is necessary, and to delegate to Council staff the authority to determine the applications if no hearing is required.

Resolved

THAT the Taranaki Regional Council

1. receives the memorandum
2. notes that two Hearings may be held late 2008 or early 2009
3. subject to hearings being necessary, in accordance with section 34A(1) of the Resource Management Act appoints Cr D Lean [Chairman] Cr M Davey and Cr T Cloke as hearing commissioners and delegates to them the power to hear and determine the resource consent applications lodged by DH Lepper Trust [4714]
4. subject to hearings being necessary, in accordance with section 34A(1) of the Resource Management Act appoints Cr D Lean [Chairman] Cr M Irving and Cr M Joyce as hearing commissioners and delegates to them the power to hear and determine the resource consent applications lodged by GA & RJ Dorn [4933]
5. If no hearing is necessary, delegates staff the authority to determine the following resource consent applications as if they were non-notified applications:
 - DH Lepper Trust [application 4714]
 - GA & RJ Dorn [application 4933]
 - Waste Management – A division of Transpacific Group NZ Ltd [applications 6042 and 6053]

08/233

MacLeod/Walker

5. Consent monitoring annual reports

- 5.1 Mr G K Bedford, Director Environment Quality, spoke to the memorandum outlining 19 tailored monitoring programme annual reports for the 2006-2007, 2007-2008, 2004-2007, 2005-2007 and 2006-2008 monitoring periods. The reports generally indicated a high or good level of environmental performance.
- 5.2 In conjunction with Mr C Fowles and Mr J Kitto, Scientific Officers, Members sought discussion on the South Taranaki District Council Eltham Wastewater Treatment Plant Monitoring Programme Annual Report and Taranaki By-Products Monitoring Programme Triennial Report.

Recommended

THAT the Taranaki Regional Council

1. receives the New Plymouth District Council Wastewater Treatment Plant Marine Outfall and Sludge Lagoon Monitoring Programme Biennial Report 2007-2008 and adopts the specific recommendations therein
2. receives the NPDC – Colson Rd Landfill Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
3. receives the New Plymouth District Council Inglewood, Okato, Okoki, Waitara, Oakura and Marfell Park Landfills Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
4. receives the Lower Waiwhakaiho Catchment Monitoring Programme Biennial Report 2006-2008 and adopts the specific recommendations therein
5. receives the New Plymouth Power Station Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
6. receives the Port Taranaki Limited and Downer EDI Works Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
7. receives the Hongihongi and Herekawe Streams Joint Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
8. receives the New Plymouth District Council Crematorium Monitoring Programme Report 2004-2007 and adopts the specific recommendations therein
9. receives the Inglewood Metal Limited Quarry Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
10. receives the Egmont National Park Septic Tank Discharges Joint Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein

11. receives the Swift Energy NZ Limited Waihapa & Rimu Production Stations Joint Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
12. receives the Swift/Origin Mix-Bury-Cover and Land Treatment Sites Monitoring Programme Biennial Report 2006-2008 and adopts the specific recommendations therein
13. receives the South Taranaki District Council Eltham Wastewater Treatment Plant Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
14. receives the Riverlands Eltham Limited Monitoring Programme Biennial Report 2005-2007 and adopts the specific recommendations therein
15. receives the Ballance Agri-Nutrients (Kapuni Ltd Monitoring Programme Annual Report 2006-2007 and adopts the specific recommendations therein
16. receives the Winstone Aggregates Ltd Quarry Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein
17. receives the Taranaki By-Products Ltd Monitoring Programme Triennial Report 2004-2007 and adopts the specific recommendations therein
18. receives the PPCS Limited (Hawera) Monitoring Programme Annual Report 2006-2007 and adopts the specific recommendations therein
19. receives the Fonterra Whareroa Compliance Monitoring Programme Annual Report 2006-2008 and adopts the specific recommendations therein.

08/234

Walker/Irving

6. Unauthorised Incident Register 18 August 2008 to 26 September 2008

- 6.1 The Committee received and considered the Unauthorised Incidents Register for the period of 18 August 2008 to 26 September 2008.
- 6.2 Councillor N W Walker noted a number of incidents relating to dead stock in a watercourse or beach and asked if any enforcement action was able to be taken against the owners of the dead stock. It was explained that only where stock ear-tag identification was available that staff were able to take any action against the dead stock owners.
- 6.3 Members noted and commented on the number of incidents from Fonterra Limited (Whareroa site). Staff advised the Committee that a meeting with Fonterra will be held to discuss the incidents.

Recommended

THAT the Taranaki Regional Council

1. receives the Unauthorised Incidents Register for the period of 18 August 2008 to 26 September 2008 and adopts the recommendations therein.

08/235

Lean/Joyce

7. General Business

Mr G K Bedford, Director Environment Quality, provided an update to the Committee on the Council's response to the Ministry for the Environment's report on sawmill sites where PCPs may have been used to treat timber.

8. Public Excluded

THAT the Taranaki Regional Council

resolves that the public be excluded from the following part of the proceedings of the Consents and Regulatory Committee meeting of the Taranaki Regional Council, held on Tuesday 14 October 2008, namely:

- Item 9: Confidential Minutes
Consents & Regulatory Committee
3 September 2008**
- Item 10: Unauthorised Incident**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

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Item 10 –
Unauthorised
Incident

Where the disclosure of the
information would likely prejudice
the maintenance of the law, including
the prevention, investigation and
detection of offences, and the right to
a fair trial.

NZS9202:2003
Incorporating Amendment No. 1
A1(a)

08/236

Lean/MacLeod

There being no further business, the Chairperson Mr D L Lean declared the Consents and Regulatory Committee meeting closed at 11.25 am.

Confirmed

Chairperson: _____
D N MacLeod

Date: **4 November 2008**

18 November 2008

ITEM TWO

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**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

**Unauthorised Incident Register
27 September 2008 to 2 November 2008**

Purpose

1. This memorandum has been prepared to allow the Council to consider and receive the Unauthorised Incident Register for the period of 27 September 2008 to 2 November 2008.

Background

2. The Council receives and responds to pollution events throughout the year. These are recorded in the Unauthorised Incident Register together with the results of investigations and any follow-up actions. All unauthorised incidents are publicly reported to the Council through the Consents and Regulatory Committee.
3. Attached is the Unauthorised Incident Register for the period of 27 September 2008 to 2 November 2008.

Unauthorised Incidents

4. There are 44 unauthorised incidents reported. Of these, 3 relate to land, 10 incidents relate to air and 31 relate to water.
5. Seven of the incidents reported relate to the annual dairy round inspections.

Recommendation

THAT the Taranaki Regional Council:

1. receives the Unauthorised Incident Register for the period of 27 September 2008 to 2 November 2008 adopts the recommendations therein.

Approved:

A D McLay
Director – Resource Management

B G Chamberlain
Chief Executive

UIR NO: 09-035, **Update**
INVESTIGATED BY: Andres Jaramillo
DATE: Monday, 30 June 2008
INCIDENT: Water Take
SOURCE: Kaitake Golf Club Inc
P O Box 7
OAKURA
CATCHMENT: Waimoku
TYPE OF EVENT: Complaint

COMMENTS: During routine monitoring it was found that a water intake flow meter had not been installed as previously instructed at the Kaitake Golf Club. Abatement Notice No.11331 was issued requiring a flow meter to be installed. Reinspection found that the notice was being complied with.

RECOMMENDATION: Investigation Continuing

UIR NO: 09-094, **Update**
INVESTIGATED BY: Tim Payne
DATE: Tuesday, 16 September 2008
INCIDENT: Milk Spill
SOURCE: Fonterra Co-operative Group Limited, Whareroa
P O Box 444
HAWERA
CATCHMENT: Tasman Sea
TYPE OF EVENT: Self-Notification

COMMENTS: Self-notification was received concerning a discharge of cream via the marine outfall at Fonterra Whareroa site in Hawera. An inspection of the marine outfall found that there was a white plume in the Tasman Sea beyond the mixing zone and heading southward. Investigation found that the separator balance tanks had overflowed because of valve faults on the separator and cream pump, causing approximately 15,000 to 20,000 litres of product to discharge via the outfall. A letter of explanation was received and accepted.

RECOMMENDATION: No Further Action/Costs Recovered

UIR NO: 09-101, **Update**
INVESTIGATED BY: Michael Nager
DATE: Sunday, 21 September 2008
INCIDENT: Milk Spill
SOURCE: Fonterra Co-operative Group Limited, Whareroa
P O Box 444
HAWERA
CATCHMENT: Tasman Sea
TYPE OF EVENT: Self-Notification

COMMENTS: Notification was received regarding a cream discharge from the Fonterra Site on Whareroa Road, Hawera. Inspection found that 10,000 litres of cream had been discharged through the marine outfall. This resulted in the discharge being visible beyond the mixing zone. The local beaches were checked and no product was found washed up on the beaches. A letter of explanation was received. As a result of the investigation an Infringement Notice (\$750.00) was issued under section 338(1)(a) of the Resource Management Act 1991 and Council's delegated authority.

RECOMMENDATION: No Further Action

UIR NO: 09-102, **Update**
INVESTIGATED BY: Michael Nager
DATE: Sunday, 21 September 2008
INCIDENT: Milk Spill
SOURCE: Fonterra Co-operative Group Limited, Whareroa
P O Box 444
HAWERA
CATCHMENT: Tasman Sea
TYPE OF EVENT: Self-Notification

COMMENTS: Notification was received regarding a milk discharge into the Tasman Sea, via the marine outfall from the Fonterra Whareroa site at Hawera. Investigation found that the factory had lost power supply which had resulted in a full site shut down and milk products were diverted to the marine outfall. Inspection of the outfall found a large white plume visible beyond the mixing zone drifting to the south. An inspection was undertaken of the shoreline and no product was found on the beaches. Fonterra also notified Council the following day that there had been a mechanical breakdown and further milk product had been diverted to the marine outfall. A further inspection of the marine outfall found that there was a visible plume of product beyond the mixing zone. A letter of explanation has been received and accepted.

RECOMMENDATION: No Further Action/Costs Recovered

UIR NO: 09-119
INVESTIGATED BY: Bart Jansma
DATE: Saturday, 20 September 2008
INCIDENT: Dam/Diversion
SOURCE: TrustPower Limited
Private Bag 12023
TAURANGA 3143
CATCHMENT: Waitara
TYPE OF EVENT: Self-Notification

COMMENTS: Notification was received from a power company that the residual flow in the Manganui River dropped below consent conditions, on Tariki Rd, Tariki. Due to a power failure the fish pass was closed, resulting in a drop in residual flow. Alarms systems in place notified staff of the incident. They were then able to respond quickly. As a result, the incident was minor, as it was of a relatively short time, and the flows were not excessively low. Therefore no enforcement action is warranted.

RECOMMENDATION: No Further Action/Costs Recovered

UIR NO: 09-112
INVESTIGATED BY: Glen Candy
DATE: Saturday, 27 September 2008
INCIDENT: Coastal Disturbance
SOURCE: A Coplestone
Awakau Road
AWAKINO
CATCHMENT: Rapanui
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding tree branches on the beach at Tongaporutu. Investigation found the landowner had cut a tree down and left branches on beach. He agreed to remove the vegetation and dispose in an appropriate manner. This was done.

RECOMMENDATION: No Further Action

UIR NO: 09-110
INVESTIGATED BY: Glen Candy
DATE: Saturday, 27 September 2008
INCIDENT: Rendering Plant Odour
SOURCE: Taranaki By-Products Limited
P O Box 172
HAWERA
CATCHMENT: Inaha
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding odour emanating from a rendering plant at Ahipaipa Road, Okaiawa. Investigation found only a noticeable cooking odour was present off-site. An inspection of the plant found that at the time of inspection all consent conditions were being complied with.

RECOMMENDATION: No Further Action

UIR NO: 09-111
INVESTIGATED BY: Catherine Law
DATE: Tuesday, 30 September 2008
INCIDENT: General air emissions
SOURCE: Kiley Family Trust (Okaiawa Farm)
P O Box 429
HAMILTON
CATCHMENT: Inaha
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received concerning odour which was thought to be emanating from a rendering plant in Okaiawa. Investigation found that the source of the noticeable odour was in fact a dairy effluent irrigation system with a canon type irrigator. At the time of inspection this dairy effluent disposal system was operating within resource consent conditions.

RECOMMENDATION: No Further Action

UIR NO: 09-113
INVESTIGATED BY: Catherine Law
DATE: Friday, 3 October 2008
INCIDENT: General air emissions
SOURCE: Unsourcesd
Unsourcesd
CATCHMENT: Inaha
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received, at 11.50pm, concerning an odour emanating from a rendering plant in Okaiawa. An odour survey was undertaken around the Okaiawa township and the vicinity of the plant, immediately after the complaint was received, and no odour could be detected off-site.

RECOMMENDATION: No Further Action

UIR NO: 09-114
INVESTIGATED BY: Catherine Law
DATE: Saturday, 4 October 2008
INCIDENT: General air emissions
SOURCE: Taranaki By-Products Limited
P O Box 172
HAWERA
CATCHMENT: Inaha
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received concerning cooking odours emanating from a rendering plant at Okaiawa. Investigation found that there were only noticeable odours detectable beyond the boundary of the plant. During the inspection the Duty Manager at the plant was spoken to and he explained that there had been a mechanical failure of a boiler which meant that feather product was not fresh when it was cooked, resulting in odours. The Duty Manager undertook to immediately cease cooking any unfresh feather product as a precaution. The complainant was advised of the outcome.

RECOMMENDATION: No Further Action

UIR NO: 09-115
INVESTIGATED BY: Catherine Law
DATE: Saturday, 4 October 2008
INCIDENT: General air emissions
SOURCE: Coastguard Taranaki
P O Box 6097
Moturoa
NEW PLYMOUTH
CATCHMENT: Tasman Sea
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received concerning dust from helicopter operations at the reclamation site at Port Taranaki. Investigation found that during a coastguard training exercise an Iroquois helicopter had been used. At the time of inspection the exercise had ceased. In a subsequent newspaper article Coastguard Taranaki issued an apology for any dust that may have occurred as a result of the exercise. Port Taranaki are in the process of undertaking works to minimise dust discharging off-site.

RECOMMENDATION: No Further Action

UIR NO: 09-117
INVESTIGATED BY: Catherine Law
DATE: Sunday, 5 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: V & D Cleaver
South Rd
HAWERA
CATCHMENT: Waihi 1 (Waihi)
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received about effluent having been pumped from a stock underpass and onto a road at Ketemarae Road, Hawera. Investigation found that during pumping operations a hose coupling had disconnected and effluent had discharged onto a road reserve. The owner remedied the problem immediately.

RECOMMENDATION: No Further Action

UIR NO: 09-116
INVESTIGATED BY: Catherine Law
DATE: Sunday, 5 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: JF & B Buhler
411 Glover Road
R D 15
HAWERA
CATCHMENT: Waihi 1 (Waihi)
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received about dairy effluent being irrigated onto a road at Glover Road, Hawera. Investigation found that an irrigator may have been too close to the road but was not operating at the time of inspection. The consent holder was advised to shift the irrigator and that consent conditions require that dairy effluent is to be irrigated only onto the consented property only.

RECOMMENDATION: No Further Action

UIR NO: 09-118
INVESTIGATED BY: John Cooper
DATE: Monday, 6 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: McKie M & IA Family Trust
575 Kina Road
R D 31
OPUNAKE
CATCHMENT: Heimama
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions. Abatement Notice No.11343 was issued requiring both ponds to be cleaned out and a baffle to be installed on the pipe between ponds. Reinspection will take place after 8 December 2008.

RECOMMENDATION: No Further Action At This Stage/Costs Recovered

UIR NO: 09-124
INVESTIGATED BY: Glen Candy
DATE: Wednesday, 8 October 2008
INCIDENT: Tree - Waterbody
SOURCE: PJ Ayles
395 Tarata Road
R D 7
INGLEWOOD
CATCHMENT: Waitara
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: A complaint was received regarding a tree in the Maketawa Stream, at Tarata Road, Inglewood. The landowner was spoken to and he had arranged a digger to pull tree out. This was done.

RECOMMENDATION: No Further Action

UIR NO: 09-125
INVESTIGATED BY: Glen Candy
DATE: Wednesday, 8 October 2008
INCIDENT: Dead Stock in Watercourse
SOURCE: Powell Family Trust
454 Upper Norfolk Road
R D 8
INGLEWOOD
CATCHMENT: Waitara
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: A complaint was received regarding a dead cow in the Maketawa Stream, at Tarata Road, Inglewood. Investigation found a dead cow in the stream and the owner was traced. The owner had no knowledge of the dead cow being in the stream and undertook to dispose of the carcass in an appropriate manner. This was done.

RECOMMENDATION: No Further Action

UIR NO: 09-120
INVESTIGATED BY: Rik Caskey
DATE: Thursday, 9 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Cradles Farm Trust No 2
30 Octavius Place
NEW PLYMOUTH
CATCHMENT: Waikaikai
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions. Abatement Notice No.11344 was issued requiring the first and second ponds to be cleaned out and the second pond to be enlarged. Reinspection will take place after 9 November 2008.

RECOMMENDATION: No Further Action At This Stage/Costs Recovered

UIR NO: 09-121
INVESTIGATED BY: Bill Crowskey
DATE: Friday, 10 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Unsourced
CATCHMENT: Waitara
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding dairy effluent entering a duck pond at Durham Road, Inglewood. Investigation found that the tributary above the duck pond was running clear and no source for any contamination could be found.

RECOMMENDATION: No Further Action

UIR NO: 09-132
INVESTIGATED BY: Bill Crowskey
DATE: Monday, 13 October 2008
INCIDENT: Wastewater
SOURCE: Unsourcesd
CATCHMENT: Herekawe
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding the quality of a stormwater discharge into the Herekawe Stream at Centennial Drive, New Plymouth. A survey was conducted in the catchment area that feeds into the relevant stormwater drain. No source of any unauthorised discharges could be found. This stream is the subject of a monitoring programme and is inspected regularly through the year.

RECOMMENDATION: No Further Action

UIR NO: 09-123
INVESTIGATED BY: Gethin Thomas
DATE: Tuesday, 14 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: JR & BR Murdoch
342 Hukatere Road
R D 1
PATEA
CATCHMENT: Patea
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions. Abatement Notice No.11345 was issued requiring the first and second ponds to be cleaned out, to enlarge the first and second ponds or to change to a landbased system. Reinspection will be undertaken after 15 January 2009.

RECOMMENDATION: No Further Action At This Stage/Costs Recovered

UIR NO: 09-126
INVESTIGATED BY: Bill Cropskey
DATE: Tuesday, 14 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: GD & VK Robinson
615 Upper Dudley Road
R D 6
INGLEWOOD
CATCHMENT: Waitara
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding dairy effluent entering a duck pond at Durham Road, Inglewood. Inspection found that the duck pond had been contaminated with dairy effluent. Inspections upstream found that dairy effluent run off had occurred from an irrigator over land into an open drain which flowed into the tributary discharging to the pond. Samples and photographs were taken. The consent holder moved the irrigator to another paddock to prevent a reoccurrence. As a result of the investigation an Infringement Notice (\$750) was issued under section 338(1)(a) of the Resource Management Act 1991 and Council's delegated authority.

RECOMMENDATION: No Further Action

UIR NO: 09-139
INVESTIGATED BY: Rawiri Mako
DATE: Wednesday, 15 October 2008
INCIDENT: Rendering Plant Odour
SOURCE: Graeme Lowe Protein Limited
P O Box 505
HAWERA
CATCHMENT: Tangahoe
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received concerning an odour emanating from a rendering plant at Tawhiti Road, Hawera. Investigation found that there was no odour emanating from the site. The complainant was visited and she confirmed that there was no odour.

RECOMMENDATION: No Further Action

UIR NO: 09-128
INVESTIGATED BY: Bill Crofskey
DATE: Wednesday, 15 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Unsources
CATCHMENT: Waiongana
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding dairy effluent in the Manganaeia Stream, Main Road North, Inglewood. Investigation found that the stream was running clear. Inspection upstream could find no source for any contamination.

RECOMMENDATION: No Further Action

UIR NO: 09-131
INVESTIGATED BY: Tim Payne
DATE: Wednesday, 15 October 2008
INCIDENT: Sewage Discharge
SOURCE: Sabarr Trusts Partnership
2139 Egmont Road
R D 6
INGLEWOOD
CATCHMENT: Waiongana
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received concerning untreated sewage discharging to an unnamed tributary of the Waiongana Stream at Upper Egmont Road, Egmont Village. Inspection found that a sewage discharge was occurring from a septic tank attached to a workers cottage. The landowner was instructed to clean out the septic tank. Reinspection found that this had been done.

RECOMMENDATION: No Further Action

UIR NO: 09-129
INVESTIGATED BY: Bill Crowskey
DATE: Wednesday, 15 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Seconi Trusts Partnership
1220 Upland Road
R D 6
INGLEWOOD
CATCHMENT: Waiongana
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions. It was found that dairy effluent had been overflowing from the sump and entering a waterbody. Samples and photographs were taken. A letter of explanation was received. As a result of the investigation an Infringement Notice (\$750) was issued under section 338(1)(a) of the Resource Management Act 1991 and Council's delegated authority.

RECOMMENDATION: No Further Action

UIR NO: 09-127
INVESTIGATED BY: Michael Nager, Samantha Bull
DATE: Wednesday, 15 October 2008
INCIDENT: Dumping rubbish
SOURCE: South Taranaki District Council
Private Bag 902
HAWERA 4640
CATCHMENT: Tasman Sea
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding domestic waste being dumped at the Patea Beach. A phone call was made to the South Taranaki District Council and they were instructed to remove the rubbish and dispose of it at a licensed landfill. Reinspection found that the unauthorised materials had not been removed. Abatement Notice No.11349 was issued requiring the unauthorised materials be removed. Reinspection found that the rubbish had been removed and the notice was being complied with. However, further domestic rubbish had been dumped and is to be removed.

RECOMMENDATION: No Further Action At This Stage/Costs Recovered

UIR NO: 09-138
INVESTIGATED BY: Bill Cropskey
DATE: Wednesday, 15 October 2008
INCIDENT: Chicken Shed Litter
SOURCE: Unsourcesd
CATCHMENT: Inaha
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding an odour at Tempsky Road, Okaiawa. Investigation found that the source of the noticeable odour was the spreading of a poultry based fertiliser being spread on nearby paddocks.

RECOMMENDATION: No Further Action

UIR NO: 09-130
INVESTIGATED BY: Michael Nager, Samantha Bull
DATE: Thursday, 16 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: McCallum GR & DS Family Trust
758 Skeet Road
R D 15
HAWERA
CATCHMENT: Inaha
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During the annual dairy inspection round it was found that the spray irrigation system was not operating within consent conditions. Abatement Notice No.11346 was issued requiring an area of not less than 10.5 hectares be irrigated to annually, irrigation does not occur within 25 metres of any waterbody and to ensure that no dairy effluent enters any waterbody. Reinspection found that the notice was being complied with at the time of inspection.

RECOMMENDATION: No Further Action At This Stage/Costs Recovered

UIR NO: 09-133
INVESTIGATED BY: Bill Cropskey
DATE: Thursday, 16 October 2008
INCIDENT: Rendering Plant Odour
SOURCE: Graeme Lowe Protein Limited
P O Box 505
HAWERA
CATCHMENT: Tangahoe
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received concerning an odour emanating from a rendering plant at Tawhiti Road, Hawera. An odour survey was carried out in the vicinity of the plant and only noticeable odour could be found offsite. An inspection of the plant found all resource consent conditions being complied with.

RECOMMENDATION: No Further Action

UIR NO: 09-134
INVESTIGATED BY: Bill Crowskey
DATE: Thursday, 16 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Unsourced
CATCHMENT: Waiongana
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding dairy effluent in the Waiongana Stream, at Rewa Street, Inglewood. At the time of inspection, undertaken with the complainant, the stream was running clear and no source of any contamination could be found.

RECOMMENDATION: No Further Action

UIR NO: 09-137
INVESTIGATED BY: Glen Candy
DATE: Thursday, 16 October 2008
INCIDENT: Dead Stock On Beach
SOURCE: Unsourced
CATCHMENT: Waitara
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding a dead cow on the beach at Waitara. Investigation found that there was a dead cow on the beach and New Plymouth District Council were contacted and undertook to remove it. This was done.

RECOMMENDATION: No Further Action

UIR NO: 09-135
INVESTIGATED BY: Michael Nager
DATE: Friday, 17 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Killarney No 1 Pastoral Trust
113 Katene Road
R D 15
HAWERA
CATCHMENT: Waingongoro
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During the annual dairy inspection round it was found that the spray irrigation system was not operating within resource consent conditions. Abatement Notice No.11346 was issued requiring that an area of not less than 5.4 hectares is irrigated to annually and works are undertaken to ensure that no ponding is visible three hours after application. Reinspection found that the notice was being complied with at the time of inspection.

RECOMMENDATION: No Further Action At This Stage/Costs Recovered

UIR NO: 09-136
INVESTIGATED BY: Bill Crowskey
DATE: Friday, 17 October 2008
INCIDENT: General air emissions
SOURCE: Ryman Healthcare Limited
P O Box 771
CHRISTCHURCH
CATCHMENT: Huatoki
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding dust being generated and travelling off site from a retirement complex development at Barrett Road, New Plymouth. Investigation found that there was no dust discharging from the site at the time of inspection. However there was potential for a minor amount of dust to be generated off a track adjacent to Barrett Road. Staff on-site were advised to increase the frequency of road sweeping and to undertake dust suppression works on the track.

RECOMMENDATION: No Further Action

UIR NO: 09-140
INVESTIGATED BY: Bill Crowskey
DATE: Sunday, 19 October 2008
INCIDENT: Unauthorised Discharge
SOURCE: DG & JA Dravitzki
136 Lepper Road
R D 6
INGLEWOOD
CATCHMENT: Waiongana
TYPE OF EVENT: Self-Notification

COMMENTS: A self notification was received regarding a molasses spill into the Manganaeia Stream, at Lepper Road, Inglewood. At the time of inspection the stream was running clear. Investigation found that a cow had knocked the tap open causing the discharge of molasses. The landowner has undertaken works to the system to prevent reoccurrence.

RECOMMENDATION: No Further Action

UIR NO: 09-141
INVESTIGATED BY: Bill Cropskey
DATE: Sunday, 19 October 2008
INCIDENT: Sewage Discharge
SOURCE: Unsourced
CATCHMENT: Herekawe
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding a sewage discharge into the Herekawe Stream at Centennial Drive, New Plymouth. At the time of inspection the mouth of the stream was running clear. The mouth of the stream has been the subject a number of complaints. A survey was undertaken of the sewage pumping station on this stream and a number of other businesses that have stormwater discharges that go to the stream. One possible source for an unauthorised discharge was found at a backpackers lodge on the corner of Herekawe Street and Centennial Drive. The operators of this site have had a number of problems with their sewage disposal system blocking over the previous six weeks. The system has now been repaired. Further monitoring of this site will occur during a compliance monitoring programme carried out on this stream.

RECOMMENDATION: No Further Action

UIR NO: 09-143
INVESTIGATED BY: John Cooper
DATE: Monday, 20 October 2008
INCIDENT: General air emissions
SOURCE: A Parry
170 Manaia Rd
R D 28
MANAIA
CATCHMENT: Motumate
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding dust emissions from a farm track at Normanby Rd, Manaia. Inspection found that dust was discharging from a farm race onto a neighbouring property. That landowner was spoken to and agreed to apply oil to the race to suppress the dust before the next dry period.

RECOMMENDATION: No Further Action At This Stage

UIR NO: 09-142
INVESTIGATED BY: Tim Payne
DATE: Tuesday, 21 October 2008
INCIDENT: Dead Stock in Watercourse
SOURCE: G Taylor
720 Alfred Road
NEW PLYMOUTH
CATCHMENT: Waiwhakaiho
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received concerning dead cows being dumped adjacent to an unnamed tributary of the Kaiuaahi Stream at Alfred Road, New Plymouth. Investigation found that there were eight dead cows on the bank of the tributary. Abatement Notice No.11350 was issued requiring the dead animals be removed by 28 October 2008. Reinspection found that the dead animals had been removed. As a result of the investigation an Infringement Notice (\$750) was issued under section 338(1)(a) of the Resource Management Act 1991 and Council's delegated authority.

RECOMMENDATION: No Further Action

UIR NO: 09-144
INVESTIGATED BY: John Cooper
DATE: Tuesday, 21 October 2008
INCIDENT: Drainage
SOURCE: Unsourcesd
CATCHMENT: Herekawe
TYPE OF EVENT: Complaint

COMMENTS: A complaint was received regarding a sewage discharge into the Herekawe Stream at Centennial Drive, New Plymouth. Inspection of the site was undertaken with the complainant and a plume of orange substance was discharging into the stream. Samples were taken and analysed in the lab. The results of the analysis showed that no sewage was present and only background levels of faecal coliforms were present in the stream. The discharge is considered to be iron oxide and the bacteria that feeds on iron oxide. Iron oxide occurs naturally in Taranaki soils and is particularly prevalent in this area.

RECOMMENDATION: No Further Action

UIR NO: 09-147
INVESTIGATED BY: Michael Nager
DATE: Wednesday, 22 October 2008
INCIDENT: Chemical spill
SOURCE: Fonterra Co-operative Group Limited, Whareroa
P O Box 444
HAWERA
CATCHMENT: Tasman Sea
TYPE OF EVENT: Self-Notification

COMMENTS: Notification was received regarding a chemical spill at the Fonterra Whareroa factory on Whareroa Road, Hawera. Investigation found that a valve in the milk receiving area had been manually switched on during routine maintenance. This resulted in an unknown quantity of Resolv-Plus contaminating 60,000 litres of skim milk. Due to the plant being at full capacity and the Lactose Kapuni plant being shut down due to a break down, authorisation was given by this Council, as per the contingency plan for the site, to discharge the 60,000 litres of contaminated skim milk to the marine outfall. An inspection of the outfall was undertaken the following day and no visible effects were found. The beaches west and south of the outfall were also checked. A letter of explanation was requested.

RECOMMENDATION: Investigation Continuing

UIR NO: 09-145
INVESTIGATED BY: Samantha Bull
DATE: Wednesday, 22 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Geebee Family Trust
742 Fraser Road
R D 13
HAWERA
CATCHMENT: Tangahoe
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During the annual dairy inspection round it was found that the spray irrigation system was not operating within resource consent conditions. Abatement Notice No.11348 was issued requiring work to be undertaken to ensure that the spray irrigation system operates within resource consent conditions. Reinspection found that the abatement notice had not been complied with. A letter requesting explanation has been sent.

RECOMMENDATION: No Further Action At This Stage/Costs Recovered

UIR NO: 09-146
INVESTIGATED BY: Samantha Bull
DATE: Wednesday, 22 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Thompson R & D Family Trust
Fraser Road
R D 13
HAWERA
CATCHMENT: Tangahoe
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions. Abatement Notice No. 11342 was issued requiring the second pond to be cleaned out, the second pond to be enlarged and the wetland area to be fenced off. Reinspection will take place after 15 January 2009.

RECOMMENDATION: No Further Action At This Stage/Costs Recovered

UIR NO: 09-148
INVESTIGATED BY: John Cooper
DATE: Wednesday, 22 October 2008
INCIDENT: Chemical spill
SOURCE: Korff
108 Smart Road
NEW PLYMOUTH
CATCHMENT: Waiwhakaiho
TYPE OF EVENT: Third Party Notification

COMMENTS: Notification was received concerning a nitric acid spill at a residential property at Smart Road, New Plymouth. At the time of inspection the Fire Brigade had already been on site and diluted and diverted the spill into a novaflow drain which flowed to land. No adverse environmental effects were found.

RECOMMENDATION: No Further Action

UIR NO: 09-149
INVESTIGATED BY: Samantha Bull
DATE: Tuesday, 28 October 2008
INCIDENT: Dairy Effluent Discharge
SOURCE: Taranaki By-Products Limited
P O Box 172
HAWERA
CATCHMENT: Inaha
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During routine monitoring it was found that the farm dairy effluent system was not operating within resource consent conditions. Inspection found that the sump had overflowed onto land and was likely to enter the Inaha Stream. Samples and photos were taken. A letter seeking explanation has been sent.

RECOMMENDATION: Investigation Continuing

UIR NO: 09-150
INVESTIGATED BY: Bill Crofskey
DATE: Thursday, 30 October 2008
INCIDENT: Sediment Discharge
SOURCE: NJ & RJ Chilcott
Ngatimaru Road
R D 43
WAITARA
CATCHMENT: Waihi 2 (Waihi)
TYPE OF EVENT: TRC Staff Compliance Monitoring

COMMENTS: During a monitoring inspection of a culvert installation and associated earthworks at the corner of Main North Road (SH3) and Upper Epiha Road, Motonui, it was found that silt/sediment controls were not adequate. Abatement Notice No.11351 was issued requiring silt/sediment controls to be installed and maintained. Reinspection found that the notice was being complied with at the time of inspection.

RECOMMENDATION: No Further Action/Costs Recovered

ITEM THREE

18 November 2008

[Back to index](#)

**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

Environment Court decision on Fabish Brothers Ltd, B J Fabish, B J Harris, and K B Smith – unauthorised dairy shed discharges

Purpose

1. The purpose of this memorandum is to advise Members of the outcome of the prosecution of Fabish Brothers Ltd and B J Fabish and also B J Harris for the contravention of their resource consents and the Resource Management Act 1991. It is normal practice to report the results of enforcement action to the Consents and Regulatory Committee, given the delegation to initiate such enforcement proceedings rests with the Committee. It is also important to assess and report on the Court's considerations in each case so future enforcement action can be amended.
2. The Court made the judgements in August but the written sentencing notes were only released recently.
3. The sentencing hearing for K B Smith is to occur on 14 November and officers will give a verbal report on Judge Dwyer's decision at the committee meeting.

Fabish Brothers

4. Members may recall that at the Consents and Regulatory Committee on 12 February 2008, it was recommended that the Council, subject to legal advice, proceed to prosecute Fabish Brothers Ltd and B J Fabish.
5. The prosecution related to a discharge of dairy effluent to an unnamed tributary of the Waitepuke Stream. The incident occurred on 4 January 2008.
6. The defendants pleaded guilty to the charges and a sentencing hearing was held on Monday 18 August 2008. Following brief submissions, his Honour Judge Dwyer delivered the sentence of the Court.
7. Judge Dwyer convicted and fined Fabish Brothers Ltd \$10,000 plus court costs and fined B J Fabish \$10,000 plus court costs. The sentencing notes are attached.

Harris

8. Members may recall that at the Consents and Regulatory Committee on 12 February 2008, it was recommended that the Council, subject to legal advice, proceed to prosecute B J Harris.

9. The prosecution related to a discharge of dairy effluent to an unnamed tributary of the Waitotaroa Stream. The incident occurred on 30 October 2007.
10. The defendant pleaded guilty to one charge and a sentencing hearing was held on Monday 18 August 2008. Following brief submissions, his Honour Judge Dwyer delivered the sentence of the Court.
11. Judge Dwyer convicted and fined B J Harris \$13,500 plus court costs. The sentencing notes are attached.

Assessment

12. The fines imposed by the Court are high for first offences and represents about a 33% increase over previous similar fines in Taranaki indicating the Court is continuing to increase fines and make them more relevant. An assessment of both judgements finds the Court notes:
 - Consent holders are responsible for wastewater system maintenance and management, and failure to do this resulting in pollution is considered careless and a serious matter;
 - The history of non compliance recorded by way of inspection notice, abatement notice and infringement notice is taken into account when setting the quantum of the penalty, and is reduced by an early guilty plea and the level of cooperation by the defendant with the Council;
 - A minority of dairy farmers are responsible for pollution of waterways and they need to get the message that clean dairying is not an optimal target, it is a mandatory requirement; and
 - There is a need for a general deterrence and that non compliance will carry significant penalties.

National Survey

13. The Council's enforcement lawyer, Ms Karenza de Silva, recently completed an assessment on the effectiveness of the prosecution and enforcement provisions of the Resource Management Act and its implementation by local authorities and the Courts. She looked at each enforcement mechanism (e.g. infringement notice and prosecution) identified some problems and provided possible solutions. While the work was commissioned by the Ministry for the Environment the views expressed are those of the author. A part of this assessment involved analysing farm dairy discharge fines and a section from her draft report (pages 23-35) is attached to this memorandum for Members information. The majority of prosecutions are from the Waikato, Otago and Southland regions.
14. From the 1 October 2001 to 30 June 2008 there have been 146 prosecutions (about 21 per year) for the illegal discharge of dairy effluent of which (6%) have been undertaken in this region. The level of fines has increased over the years as has the number of prosecutions (see graphs 1 & 2).
15. Based on inflation the maximum fine under the RMA could be increased from \$200,000 to \$288,000 Ms de Silva asserts. She also notes the fines were too low in the first place to act as an effective deterrent and the increase does not take the fines to a high enough

level. The average fine imposed for the period 1 May 2005 to 30 June 2008 is \$12,463 which is only 6% of the maximum fine of \$200,000.

16. Some of the fines are at levels similar to an instant fine under an infringement notice (\$1000) and do not represent an effective deterrent.
17. Ms de Silva notes that in most cases the fine imposed does not cover the local authority's costs and in some cases only covers a fraction of the costs. In her view as a general rule the costs of a prosecution should be considered in terms of the "polluter pays" principle and that rate payers should not have to be put to the expense of a prosecution.
18. The Taranaki Regional Council takes enforcement action to maintain the integrity of its policies and plans developed with the community, and the resource consents issued under these plans. In submitting to the Court on fine levels the Council argues for the polluter pays principle and it is pleasing to see the fine levels increase to cover a higher percentage of Council costs.
19. The culpability of the defendant data is also interesting in that for 50% of prosecutions the Court has found that there is an aspect of deliberateness or carelessness, which is certainly the case for the three Taranaki cases referred to earlier and other Taranaki cases.
20. It is over to individual councils to determine the consent monitoring and enforcement regime they wish to adopt for farm dairy discharges. The experience in this region, through the implementation of the Farm Dairy Discharge Monitoring Programme, is that comprehensive monitoring, working with farmers and appropriate use of the available enforcement tools is achieving our resource management water quality objectives.

Recommendations

THAT the Taranaki Regional Council:

1. receives this memorandum; and
2. notes the fines imposed by the Court represent an increase over similar previous incidents.

AD McLay
Director-Resource Management

Approved:

B G Chamberlain
Chief Executive

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

CRI 2008-043-002139

ORIGINAL

BETWEEN

TARANAKI REGIONAL COUNCIL
Informant

AND

BOYD J HARRIS
Defendant

Hearing: 18 August 2008

Appearances: K de Silva for the Informant
N Harding for the Defendant

Judgment: 18 August 2008

SENTENCING NOTES OF JUDGE B DWYER

[1] This is my decision in your matter Mr Harris. You have pleaded guilty to one charge of discharging dairy effluent in contravention of s 15(1)(b) of the Resource Management Act. You are hereby convicted of that offence accordingly.

[2] The agreed summary of facts establishes the following. Since June 2006 you have been manager and sharemilker of a dairy farm at Pungarehu where about 700 cows are now milked.

[3] A resource consent allows disposal of dairy effluent to land by travelling irrigator. The conditions of that resource consent prohibit discharge to surface water and ponding of effluent for more than three hours. The consent also requires regular maintenance of the system.

[4] Inspections of the farm on 20th March 2007 and 1st October 2007 identified discharges in breach of the resource consent and led to the issue of inspection notices and an infringement notice.

[5] On 30th October 2007, a Council officer inspected the farm again in response to a complaint. The officer found that the travelling irrigator had stopped near the manhole of a buried drain, that the effluent pipe had come off the irrigator and that effluent from the pipe had flowed onto the ground and into the manhole and drain and then out into tributaries of the Waitotara Stream. There was a significant volume of effluent solids in the first tributary and solids were being washed downstream. The tributaries were green and discoloration was evident for up to 5 kilometres downstream.

[6] An analysis of samples taken over 400 metres from the point of discharge showed high levels of contaminants. Both counsel have referred me to the following matters which they considered are relevant, pursuant to the Sentencing Act and *Machinery Movers* case in your particular instance.

[7] Firstly, there is the nature of the environment affected and the extent of damage to that environment. The streams or tributaries which were polluted were both tributaries of the Waitotara Stream which flows from Mount Taranaki to the coast. Discoloration extended for up to 5 kilometres. Uniodised ammonia was at a level where it might have been toxic to aquatic life and the discharge had the potential to cause nuisance biological growths.

[8] There is no suggestion of any long term damage from the discharge but again, as I pointed out in the previous matter on which I undertook sentencing this morning, it is the potential for cumulative effects from numbers of discharges within a particular catchment with which the Court is concerned.

[9] Secondly, the matters of attitude, deliberateness and extent of attempts to comply. Ms de Silva for the Council contends that past history is a relevant matter for the Court to consider. You took over management of this particular farm in June 2006 and an inspection notice was issued in that season due to the irrigator not being

shifted regularly enough. An inspection the next season found effluent ponding and discharge and again, an inspection notice was received followed by an infringement notice. Within a month of that incident, the discharge giving rise to the offence before the Court occurred.

[10] Mr Harding has explained that this farm had performed poorly in meeting its environmental obligations in previous seasons. That may well be the case. There may be inherent difficulties with this property and infrastructure problems. However, it is clear that inadequate maintenance and supervision of the dairy effluent disposal system, for which you were responsible, gave rise to the particular charge in this instance.

[11] I refer to here and repeat the comments which I made in the previous Fabish sentence this morning which you may well have heard. That goes to the matter of maintenance of travelling irrigators.

[12] It is apparent that travelling irrigators break down for any number of reasons. They are a feature of dairy effluent discharge prosecutions. Many are brought about by the breakdown of travelling irrigators. Whatever the causes of breakdown might be, it is apparent that the use of travelling irrigators requires two things. Firstly, a high degree of maintenance to ensure that they are kept in good operating order and secondly, diligent supervision of the irrigators and, more particularly, regular inspection while they are in use. If staff are involved, staff training in such matters is equally important.

[13] Your counsel's submissions quite properly acknowledge that there were failures of plant and inattention over a period of time. I consider that failure to properly maintain and supervise the system involved a high degree of carelessness. Although you did not deliberately allow the system to break down and did not intend, no doubt, the discharge which has happened to occur, such an outcome is an inevitable consequence of poor management and supervision.

[14] I consider that in this case it was foreseeable that there could be a discharge as a result of poor maintenance and that such discharge was avoidable. Accordingly, there is a reasonably high degree of culpability which regrettably must attach to you.

[15] Reference has been made to s 40 of the Sentencing Act. By current dairy farm standards, you are a smaller operator. You are sharemilking somewhere in the order, I understand, of 650 cows. Nothing in the financial information provided led me to any conclusion that you could not meet a fine which would otherwise be appropriate but I do not intend to consider any increase in penalty in your particular case.

[16] I note that you have no previous convictions for environmental offending. That there has been a high level of co-operation by you with the Council staff and substantial attendance by both yourself and the property owner to environmental protection since the offending.

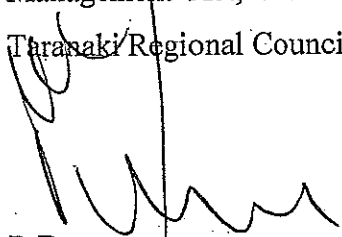
[17] Taking all of those foregoing matters into account, I consider that this offending falls into the moderately serious category identified by this Court in the *Chick* case. *Chick* identifies general levels of offending and the guidelines set out in it are intended to be flexible. I consider that the offending in your particular case can be categorised in these terms and I quote from *Chick* and this level of offending.

Level 2 – Moderately Serious. This range of offending reflects unintentional but careless discharges usually of a recurring nature over a period of time or incidents arising from the malfunction of different parts of the system. The offending is often manifested by a reluctance to address the need for a safe system of effluent disposal, resulting in delays and taking restorative action. It also reflects little, or at the most, a moderate effect on the environment.

[18] Whilst not all of those comments might apply in your particular case, I think that your offending can be properly categorised as unintentional but careless and that any effect on the environment was moderate.

[19] Accordingly I have determined that in your instance, the starting point for consideration of penalty ought to be the sum of \$20,000. After taking into account your prompt guilty plea and co-operation with the Council, the subsequent remedial and improvement work carried out on the property, but also the fairly high degree of

carelessness involved, I have determined that the appropriate penalty in your instance is the sum of \$13,500 and you are fined that amount accordingly. You will pay solicitor costs as per the Costs in Criminal Cases Regulations, fixed by the Registrar if need be. You will pay Court costs \$130. Pursuant to s 342 Resource Management Act, the fine, less 10 per cent Crown deduction, is to be paid to Taranaki Regional Council.



B Dwyer
Environment Court Judge

[3] You are a director of the company and you manage the Inglewood farm which is one of four farms owned by the company which milks about 1,100-1,200 cows in all.

[4] On the Inglewood farm, dairy effluent is dealt with by way of sump and travelling irrigator. The company holds a resource consent authorising discharge of untreated effluent to land, subject to conditions. Amongst other things, the conditions preclude the discharge of contaminants to surface water, preclude ponding on the surface remaining for more than three hours and require appropriate operation and maintenance of the system.

[5] Prior to October 2007, there appear to have been no problems with your operation of the effluent system. However, visits by the Council on 22nd October and 1st November both identified unlawful discharges. These discharges gave rise to inspection notices, correspondence and an infringement notice from the Council. However, they were not the incidents which led to the charges now before the Court.

[6] The first incident leading to a charge was identified during a visit on 28th October 2007 when Council officers inspected the Inglewood property in response to a complaint.

[7] The inspection discovered that your travelling irrigator had stalled in a paddock, probably as a result of having inadequate pipe length. The left hand tyre of the irrigator was off its rim. Effluent was flowing over land to a concrete pipe, about 150 metres away from the irrigator and the concrete pipe was discharging the effluent into a stream tributary.

[8] Discoloration of the stream was very noticeable within 50 metres of the point of discharge and still visible 600 metres downstream. Samples of stream water were taken for analysis and an inspection notice was issued by the Council.

[9] The circumstances relating to the 4th January visit by the Council are these. A Council officer inspected the property, again in response to a complaint on that date. The officer found that the effluent pipe had become detached from the irrigator

and effluent from the pipe was discharging onto the ground, flowing into a neighbour's property and then into a stream.

[10] The stream, which was a tributary of a larger water body, was still discoloured 230 metres downstream.

[11] The Council says that their inspection indicated that the wrong type of clamp was being used to connect the effluent hose to the irrigator and a flat tyre on the irrigator was again coming off its rim. Your counsel contends that this particular clamp had been used for some time previously.

[12] In any event, once again, samples of the stream water were taken and again an inspection notice was issued.

[13] Following the incident on 4th January 2008, the Council officer revisited the farm on 8th January to serve abatement notices. At the same time the Council officer again inspected the spray irrigation system. The officer discovered that the irrigator had run into a hedge and that effluent was ponding there which might run into water. You were directed to switch off the system which you did and the Council issued an abatement notice.

[14] Finally, I note that an inspection by the Council on 9th January found that improvements required by the Council had been complied with and that the system was operating properly.

[15] Counsel for the Council and your own counsel have identified the following factors to be taken into account when fixing the appropriate penalty in these cases. They are factors identified in what is known as the *Machinery Movers* case and contained in the Sentencing Act and I refer to the relevant factors identified by counsel.

[16] The first of these is the nature of the environment affected. The stream into which the effluent was discharged is a tributary of the Waitepuke Stream which is about 2.4 kilometres downstream from the point of discharge. That stream in turn

enters the Manganui River about 1,400 metres downstream again. The Manganui River is noted in the Regional Freshwater Plan as having excellent to good water quality and being very highly rated for angling, recreational uses, aesthetic and scenic values.

[17] There is no suggestion of any discernible impact on the Manganui River from these discharges. Doubtless by the time contaminants entered the main river system, they would have been considerably diluted.

[18] As the Court has regularly noted however, that is not the point. The concern is with potential for cumulative pollution of the river system from various properties.

[19] Within a catchment, it is concern about overall pollution, not just impacts from one pollution incident to which regard must be had. Judge Bollard pointed that out in the *Ofsoske* decision as long ago as 1997. Ms de Silva has referred me to the *Yates* matter in this Court in 2007 which similarly involved discharge to a tributary of the Manganui River and reference was made then to the potentially catastrophic cumulative effects of discharges to tributaries.

[20] In terms of the extent of the damage, each discharge resulted in substantial discoloration of the tributary for various distances, discoloration which was apparently sufficiently noticeable to give rise to complaints leading to the Council's visits. Highly elevated levels of contaminants, particularly BOD5 were identified in the samples taken. The agreement statement of facts records that the discharges would have had some adverse affects on aquatic life and had the potential to promote growth such as sewage fungus which smothers habitat.

[21] There is no suggestion of long term, ongoing damage from this one discharge but again it is the potential for cumulative effects from individual discharges from separate properties which is the Court's concern.

[22] The matters of attitude, deliberateness and extent of attempts to comply have been dealt with together by both counsel. Ms de Silva for the Council refers to the number of incidents involving yourself and your company on this property over the

period October 2007 to January 2008. She points out that the incidents which led the Council to prosecute occurred after one and three warnings respectively. She says that on both occasions the most cursory inspection would have identified problems with the irrigator, the ponding of effluent and discoloration of the tributary.

[23] Ms Wallace offers a number of explanations for the problem experienced with the spray irrigation system. The explanations extend to staff failure, irrigating at times of high rainfall, failing to make a routine check of the irrigator and unexpected heavy rain.

[24] The defences offered on your behalf simply highlight to the Court the difficulties which can arise through the operation of travelling irrigators.

[25] A regular feature of dairy effluent prosecutions is that many of them have been caused by the breakdown of travelling irrigators leading to ponding and overland effluent flow. The causes of such breakdowns vary. In this instance, at least four different causes have been identified.

[26] Whatever the causes of breakdowns might be, what is absolutely apparent is that the use of travelling irrigators requires two things. Firstly, a high degree of system maintenance to ensure that the irrigators are kept in good operating order and secondly, diligent supervision of the irrigators and, more particularly, regular inspection while they are in use. Where staff are involved, their training in these matters is equally if not more important.

[27] No doubt these things are well known to yourself as well as other dairy farmers and Council officers.

[28] Travelling irrigators are widely used in the dairy industry for effluent dispersal. Most farmers apparently manage them as they should be. Those who do not adequately attend to maintenance and supervision will, however, inevitably encounter problems.

[29] In this case it is suggested that the offending was not deliberate and I accept that. However, I consider that failure to properly maintain and supervise the system involves a high degree of carelessness. Although you may not have deliberately allowed the system to break down leading to the discharge to water, that outcome was a consequence of poor management. It was foreseeable and avoidable and a high degree of culpability must attach to yourself and to the company.

[30] Next I refer to the provisions of s 40 of the Sentencing Act and, in particular, the requirement that I am to have regard to a defendant's financial position in imposing a fine. As noted previously, yourself and your company are involved in a farming operation which incorporates four farms and was milking nearly 1,200 cows at the time of the offending.

[31] The Council points to the capital value of the farm properties which it says is in the order of \$12.4 million plus. The estimated value of its cows is in excess of \$2.3 million and estimated milk income of \$3 million plus. I do not understand those figures to be challenged. Ms Wallace advises that at the time of the offending the company may have only owned three farms. I understand that separate family members were responsible for management of the individual properties.

[32] The effect of s 40(2) of the Sentencing Act is that fines may be increased in the case of defendants of substantial means. There are at least two obvious reasons for that. Firstly, fines imposed must be meaningful to the particular defendants. Fines are intended to penalise. If they are set at a level which is of little consequence, they fail to penalise adequately. Secondly, penalties are intended to have a deterrent effect on defendants and on other people involved in similar enterprises. Again, if they are set at a level which might simply be seen as part of the cost of doing business, then they fail to deter.

[33] I think there are at least two other factors which need to be taken into account when having regard to the defendants' financial position. The first is that this offending has occurred in the course of the defendants' incoming generating operations. Although the offending in this case may not have produced any additional income for the defendants, I consider that it is incumbent on those in the

dairy industry to undertake their business in a manner which does not pollute the environment.

[34] The second factor is that I consider there should be some proportionality between the seriousness of the offending and the penalty imposed. A defendant's strong financial position is not a licence to impose penalties which might otherwise be manifestly excessive. However, in determining what is manifestly excessive, I consider that regard must be had to the matters of meaningfulness and deterrence and regard should be had to the particular defendant's financial position in that respect as well as the seriousness of the offence itself.

[35] I note that these particular defendants have no previous convictions for environmental offending and have entered prompt guilty pleas. They have co-operated with Council officers in relation to their investigations. They have complied with the abatement notice served on them and there have been apparently no further complaints received about discharges from the Inglewood farm.

[36] No direct profits were realised by the offending although I have noted that the offending took place in the course of the defendants' substantial business operations. I consider the appropriate penalties in light of those considerations.

[37] Ms de Silva has referred to the following matters specifically in that regard. She refers to the steadily increasing number of prosecutions for dairy effluent offending throughout New Zealand. That concern needs to be considered in the context of high numbers of dairy farms in the industry. In Taranaki, according to Ms de Silva, there are nearly 1,900 dairy farms in the region. The number of prosecutions in Taranaki cannot be said to be high in that context.

[38] I think that what the statistics demonstrate is that a small minority of dairy farmers continue to pollute our waterways.

[39] I refer to Judge Thompson's comment in the *Hawkes Bay Dairies* case that this minority needs to get the message that clean dairying is not an optional target, it is a mandatory requirement.

[40] I agree that there is a need for general deterrence and that non-compliance will carry significant penalties.

[41] I refer to the analysis of levels of seriousness of offending identified by the Court in the *Chick* decision. The Court made it clear in that case that its analysis was a guide only and was intended to be flexible. It is frequently noted that no two cases of environmental offending are the same and *Chick* must be considered in that light. However, it provides helpful general guidance.

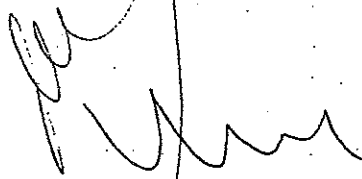
[42] I consider that the incidents in this case fall into the moderately serious category identified in *Chick*. There has been a pattern of unsatisfactory management of the effluent disposal system by these defendants over the October 2007 - January 2008 period which led to the issue of various inspection notices, an infringement notice and an abatement notice. Ultimately it led to prosecution. Damage was done to the environment which might be characterised as moderate.

[43] Having regard to all of the above matters, I have determined that the starting point for consideration of penalty in this instance ought to be the sum of \$27,500. Allowing the appropriate reduction for a prompt guilty plea and for the defendants' previous good record and co-operation, but also taking into account the degree of carelessness, I determine that the appropriate overall penalty ought to be the sum of \$20,000 divided equally between the two defendants.

[44] Accordingly I determine as follows.

- The defendant Bryant John Fabish is fined the sum of \$10,000. He will pay solicitor costs as per the Costs in the Criminal Cases Regulations fixed by the Registrar if need be. He will pay Court costs \$130.
- The company, Fabish Bros Farms Limited is fined the sum of \$10,000. It will pay solicitor costs as per the Costs in the Criminal Cases Regulations fixed by the Registrar if need be. It will pay Court costs \$130.

Pursuant to the provisions of s 342 Resource Management Act, I direct that 90 per cent of the fines in each case be paid to Taranaki Regional Council.

A handwritten signature in black ink, appearing to read 'B Dwyer', is written over the printed name and title below it.

B Dwyer
Environment Judge

18 November 2008

ITEM FOUR

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**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

Non-notified resource consents and exercise of delegations

Purpose

1. This memorandum advises the Committee of non-notified consents / certificates of compliance granted and of consent processing actions since the last meeting.

Background

2. The following resource consent / certificate of compliance applications have been investigated by technical officers of the Taranaki Regional Council and reported to be activities with minor adverse effects on the environment. In accordance with sections 104 to 108 and section 139 of the Resource Management Act 1991, and pursuant to delegated authority to make decisions on non-notified consent applications, the Chief Executive or the Director—Resource Management has granted the consents / certificates of compliance.
3. The exercise of delegations under the Resource Management Act 1991 is reported for Committee Members' information. Under the delegations, consent processing actions are to be reported to the Consents and Regulatory Committee.

Recommendations

THAT the Taranaki Regional Council:

1. receives the schedule of non-notified resource consents / certificates of compliance granted under delegated authority; and
2. receives the schedule of consent processing delegations.

Approved:

A D McLay
Director—Resource Management

B G Chamberlain
Chief Executive

Non-notified consents (and certificates of compliance where applicable) issued by the Taranaki Regional Council between 3 October 2008 and 6 November 2008

Consent	Holder	Subtype
Coastal Permit		
7366-1	Wakefield Trust	Structure - Wharf/Marina/Jetty (Coastal)
Discharge Permit		
0631-2	Whitehead Family Trust	Discharge Agricultural
0841-3	IA & RJ Finer	Discharge Agricultural
1379-3	B & J McKenzie Trust	Discharge Agricultural
1483-3	Phillips F I Limited	Discharge Agricultural
2091-2	Riverstone Lands Limited	Discharge Agricultural
3952-2	South Taranaki District Council	Discharge Nonagricultural
4365-2	Manganui Trust	Discharge Agricultural
5499-1	Hurley/Fowler Partnership	Discharge Agricultural
7267-1	Lot 17 Limited	Discharge Nonagricultural
7363-1	Baldock Wayne Trust	Discharge Nonagricultural
7388-1	GJ & AL Hill	Discharge Nonagricultural
7390-1	Greymouth Petroleum Limited	Discharge Nonagricultural
Land Use Consent		
7364-1	Baldock Wayne Trust	Disturb
7375-1	Mercade Properties	Structure - Pipeline
7380-1	Pohokura Farms	Disturb
7381-1	Bourke EM Trust	Structure - Culvert
7386-1	PG O'Rorke PG Family Trust	Disturb
7387-1	GJ & AL Hill	Disturb
7393-1	Lot 17 Limited	Structure - Pipeline
7394-1	Stevenson MI & PM Family Trust	Disturb
7397-1	ID & RA Fredrickson	Disturb
7399-1	Patiki Ranch Trust	Structure - Culvert
7412-1	Esternwest Farms Limited	Structure - Culvert
7415-1	Brittany Trust Partnership	Dam/Weir
7416-1	New Plymouth District Council	Structure - Erosion Control
7418-1	South Taranaki District Council	Structure - Culvert
7419-1	South Taranaki District Council	Structure - Culvert

Water Permit		
0146-2	South Taranaki District Council	Take and Use Surface Water
1125-3	Vector Limited	Take and Use Surface Water

Non-notified consents (and certificates of compliance where applicable) issued by the Taranaki Regional Council between 3 October 2008 and 6 November 2008

7366-1 6068

Wakefield Trust □ RW & MT Pearce
450 Bedford Road R D 6 INGLEWOOD

Location: Batch 3, Onaero Domain, Onaero

Purpose: To erect, place and maintain a jetty in the Onaero River, including the related occupation of the coastal marine area, for recreational purposes

Granted: 8 October 2008

Expiry Date: 1 June 2027

Review Date: June 2015, June 2021

0631-2 6146

Whitehead Family Trust
438 Tikorangi Road R D 43 WAITARA 4383

Location: Tikorangi Road, Waitara

Purpose: To discharge treated farm dairy effluent from an oxidation pond treatment system into an unnamed tributary of the Waiau Stream and/or to discharge partially treated farm dairy effluent by an oxidation pond and spray irrigation onto and into land...also
1714847E-5678003N

Changed: 4 November 2008

Expiry Date: 1 June 2015

Review Date: June 2003, June 2009

Change from oxidation ponds to oxidation ponds and spray irrigation

0841-3 5133

IA & RJ Finer
481 Otaraoa Road R D 43 WAITARA

Location: 182 Inland North Road, Tikorangi, Waitara

Purpose: To discharge treated farm dairy effluent from an oxidation pond treatment system into an unnamed tributary of the Waiau Stream

Renewal: 20 October 2008

Expiry Date: 1 December 2027

Review Date: June 2015, June 2021

1379-3 5152

B & J McKenzie Trust
126 Turangi Road R D 43 WAITARA

Location: Turangi Road, Motunui

Purpose: To discharge treated farm dairy effluent from an oxidation pond treatment system into an unnamed tributary of the Parahaki Stream

Renewal: 24 October 2008

Expiry Date: 1 December 2027

Review Date: June 2015, June 2021

1483-3 5160

Phillips F I Limited □ J F & M J Phillips
2 Sutton Road R D 43 WAITARA

Location: Pukearuhe Road, Mimi, Urenui

Purpose: To discharge treated farm dairy effluent from an oxidation pond treatment system into an unnamed tributary of the Mimi Stream

Renewal: 24 October 2008

Expiry Date: 1 December 2027

Review Date: June 2015, June 2021

Non-notified consents (and certificates of compliance where applicable) issued by the Taranaki Regional Council between 3 October 2008 and 6 November 2008

2091-2 4958

Riverstone Lands Limited □ RJ & RH Cartwright
155 Kaimata North Rd R D 8 INGLEWOOD

Location: Kaimata North Road, Inglewood

Purpose: To discharge treated farm dairy effluent from an oxidation pond treatment system and a constructed drain into the Makara Stream in the Waitara catchment

Changed: 8 October 2008

Expiry Date: 1 December 2021

Review Date: June 2009, June 2015

Increase discharge volume from: 20.4 m³/day
to: 27.2 m³/day

3952-2 6084

South Taranaki District Council
Private Bag 902 HAWERA 4640

Location: Cemetery Road, Manaia

Purpose: To discharge leachate and stormwater from the closed Manaia landfill and from composting operations into the Waiokura Stream

Changed: 29 October 2008

Expiry Date: 1 June 2023

Review Date: June 2011, June 2017

Change to conditions to include composting operations

4365-2 6095

Manganui Trust □ R D Lilley
129 Manganui Road R D 24 STRATFORD 4394

Location: 129 Manganui Road, Stratford

Purpose: To discharge treated farm dairy effluent from an oxidation pond treatment system and a constructed drain into the Manganui Stream in the Waitara catchment

Changed: 9 October 2008

Expiry Date: 1 December 2021

Review Date: June 2009, June 2015

Increase discharge volume from: 24.48 m³/day
to: 34.00 m³/day

5499-1 6116

Hurley/Fowler Partnership □ B Hurley
Hurley Road R D 2 PATEA

Location: Wilford Road, Patea

Purpose: To discharge untreated farm dairy effluent by holding pond and spray irrigation onto and into land

Changed: 10 October 2008

Expiry Date: 1 June 2016

Review Date: June 2004, June 2010

Increase discharge volume from: 10.2 m³/day
to: 20.4 m³/day

Non-notified consents (and certificates of compliance where applicable) issued by the Taranaki Regional Council between 3 October 2008 and 6 November 2008

7267-1 4930
Lot 17 Limited
P O Box 63 OREWA

Granted: 29 October 2008
Expiry Date: 1 June 2010
Review Date:

Location: Glover Road, Hawera

Purpose: To discharge stormwater and sediment associated with earthworks onto and into land and into an unnamed tributary of the Waihi Stream for residential subdivision purposes

7363-1 6065
Baldock Wayne Trust
504 Mangaehu Rd R D 22 STRATFORD
Location: 504 Mangaehu Road, Stratford

Granted: 16 October 2008
Expiry Date: 1 June 2028
Review Date: June 2016, June 2022

Purpose: To discharge stormwater and sediment onto and into land and into water from earthworks associated with the piping and realigning of five unnamed tributaries of the Mangaehu Stream in the Patea catchment for land improvement purposes

7388-1 6102
GJ & AL Hill
P O Box 254 HAWERA 4640

Granted: 6 October 2008
Expiry Date: 1 June 2028
Review Date: June 2016, June 2022

Location: 115 Meremere Road, Mokoia

Purpose: To discharge stormwater and sediment associated with earthworks in three unnamed tributaries of the Tangahoe River for land improvement purposes...also 1717850E-5613211N and 1718523E-5613697N to 1717850E-5613213N and 1717910E-5613448N to 1717897E-5613329N

7390-1 6105
Greymouth Petroleum Limited
P O Box 3394 NEW PLYMOUTH 4341

Granted: 10 October 2008
Expiry Date: 1 June 2027
Review Date: June 2009, June 2011, June 2015, June 2021

Location: Turangi-A wellsite, Upper Turangi Road, Waitara [Property owner: BA & JM McKenzie]

Purpose: To discharge produced water from hydrocarbon exploration and production operations by deepwell injection at the Turangi-A wellsite (via Turangi-3 well)

7364-1 6066
Baldock Wayne Trust
504 Mangaehu Rd R D 22 STRATFORD
Location: 504 Mangaehu Road, Stratford

Granted: 16 October 2008
Expiry Date: 1 June 2028
Review Date: June 2016, June 2022

Purpose: To realign two unnamed tributaries and to pipe three further unnamed tributaries of the Mangaehu Stream in the Patea catchment for land improvement purposes...also 1736524E-5644516N, between 1736866E-5644278N and 1736696E-5644376N, between 1736496E-5644270N and 1736335E-5644394N between 1736363E-5644264N and 1736292E-5644333N between 1736306E-5644263N and 1736265E-5644305N

Non-notified consents (and certificates of compliance where applicable) issued by the Taranaki Regional Council between 3 October 2008 and 6 November 2008

7375-1 6079

Mercade Properties □ Brent Dodunski
P O Box 319 STRATFORD

Location: Esk Road, Stratford

Purpose: To erect, place and maintain a water mains pipeline in the bed of an unnamed tributary of the Kahouri Stream in the Patea catchment

Granted: 6 October 2008

Expiry Date: 1 June 2028

Review Date: June 2016, June 2022

7380-1 6090

Pohokura Farms □ S & A Brebner
5188 Ohura Road R D 26 STRATFORD

Location: 5188 Ohura Road, Stratford

Purpose: To divert water and realign the Pohokura Stream for land drainage and general land improvement purposes...between 1744818E-5665597N

Granted: 31 October 2008

Expiry Date: 1 June 2028

Review Date: June 2016, June 2022

7381-1 6091

Bourke EM Trust
239 Inaha Road R D 11 HAWERA

Location: 424 Tempusky Road, Okaiawa

Purpose: To pipe approximately 45 metres of an unnamed tributary of the Inaha Stream for land improvement purposes..and 1701424E-5626576N

Granted: 24 October 2008

Expiry Date: 1 June 2023

Review Date: June 2011, June 2017

7386-1 6098

PG O'Rorke PG Family Trust
Main South Road R D 32 OPUNAKE

Location: 130 Waiteika Road, Opunake

Purpose: To divert a section of the Waiteika Stream for land improvement purposes...also 1676966E-5631177N

Granted: 7 October 2008

Expiry Date: 1 June 2024

Review Date: June 2012, June 2018

7387-1 6101

GJ & AL Hill
P O Box 254 HAWERA 4640

Location: 115 Meremere Road, Mokoia

Purpose: To pipe a section of three unnamed tributaries of the Tangahoe River for land improvement purposes... also 1717850E-5613211N and 1718523E-5613697N to 1717850E-5613213N and 1717910E-5613448N to 1717897E-5613329N

Granted: 6 October 2008

Expiry Date: 1 June 2028

Review Date: June 2016, June 2022

7393-1 6108

Lot 17 Limited
P O Box 63 OREWA

Location: Glover Road, Hawera

Purpose: To erect, place and maintain a stormwater outfall structure and to pipe a section of an unnamed tributary of the Waihi catchment for residential subdivision purposes

Granted: 6 November 2008

Expiry Date: 1 June 2023

Review Date: June 2011, June 2017

Non-notified consents (and certificates of compliance where applicable) issued by the Taranaki Regional Council between 3 October 2008 and 6 November 2008

7394-1 6109 Granted: 13 October 2008
Stevenson MI & PM Family Trust □ MI & PM Expiry Date: 1 June 2023
Stevenson Review Date: June 2011, June 2017
P O Box 14 OPUNAKE
Location: Kearin Road, Manaia
Purpose: To pipe a section of an unnamed tributary of the Inaha Stream for land improvement purposes...to 1699133E-5621311N

7397-1 6112 Granted: 21 October 2008
ID & RA Fredrickson Expiry Date: 1 June 2028
299 Cheal Road R D 23 STRATFORD Review Date: June 2016, June 2022
Location: Sole Road, Ngaere
Purpose: To realign approximately 230 metres of an unnamed tributary of the Ngaere Stream in the Patea catchment for land improvement purposes...and 1715273E-5640391N

7399-1 6115 Granted: 23 October 2008
Patiki Ranch Trust □ S M & M J Poole Expiry Date: 1 June 2023
1312 Skeet Road R D 28 MANAIA Review Date: June 2011, June 2017
Location: Skeet Road, Hawera
Purpose: To erect, place and maintain a box culvert in the Waiokura Stream for farm access purposes

7412-1 6130 Granted: 17 October 2008
Esternwest Farms Limited □ VR & HM Jones Expiry Date: 1 June 2028
933 East Road R D 22 STRATFORD Review Date: June 2016, June 2022
Location: 933 East Road, Stratford
Purpose: To erect, place and maintain a culvert in the Manawawiri Stream in the Patea catchment for land improvement purposes

7415-1 6134 Granted: 3 November 2008
Brittany Trust Partnership □ Dean J Smith Expiry Date: 1 June 2023
145 Cardiff Road R D 21 STRATFORD Review Date: June 2011, June 2017
Location: Opunake Road, Stratford
Purpose: To erect, place and maintain a dam and to divert water from the service spillway for up to 100 metres downstream into an unnamed tributary of the Tuikonga Stream in the Waingongoro catchment

7416-1 6135 Granted: 16 October 2008
New Plymouth District Council Expiry Date: 1 June 2026
Private Bag 2025 NEW PLYMOUTH 4342 Review Date: June 2014, June 2020
Location: Watson Street, New Plymouth
Purpose: To erect, place and maintain a rock rip-rap, on the left bank of the Te Henui Stream for erosion protection purposes

Non-notified consents (and certificates of compliance where applicable) issued by the Taranaki Regional Council between 3 October 2008 and 6 November 2008

7418-1 6138

South Taranaki District Council

Private Bag 902 HAWERA 4640

Location: Wiremu Road, Opunake

Purpose: To erect, place and maintain a box culvert in the Cold Stream in the Taungatara catchment, replacing an existing bridge

Granted: 28 October 2008

Expiry Date: 1 June 2024

Review Date: June 2012, June 2018

7419-1 6139

South Taranaki District Council

Private Bag 902 HAWERA 4640

Location: Wiremu Road, Opunake

Purpose: To erect, place and maintain a box culvert in the Black Creek in the Taungatara catchment, replacing an existing bridge

Granted: 28 October 2008

Expiry Date: 1 June 2024

Review Date: June 2012, June 2018

0146-2 6128

South Taranaki District Council

Private Bag 902 HAWERA 4640

Location: Kapuni Stream, Palmer Road, Kapuni

Purpose: To take and use water from the Kapuni Stream for municipal water supply purposes

Change to conditions to allow change to location

Changed: 28 October 2008

Expiry Date: 1 June 2020

Review Date: June 2005, June 2011

1125-3 6129

Vector Limited

P O Box 593 HAWERA

Location: Palmer Road, Kapuni

Purpose: To take water from the Kapuni Stream for the operation of a gas processing facility, co-generation plant steam exporting pipeline and other related on-site and off-site ancillary purposes

Change to conditions to allow change to location

Changed: 28 October 2008

Expiry Date: 1 June 2011

Review Date: June 1994, June 1999, June 2005

**Exercise of consent processing delegations under the Resource
Management Act 1991 between 3 October 2008 and 6 November 2008**

Section 37A(2)(a) consent processing time extensions

7267-1 Lot 17 Limited

To discharge stormwater and sediment associated with earthworks onto and into land and into an unnamed tributary of the Waihi Stream for residential subdivision purposes

7389-1 Tegel Foods Limited

To discharge stormwater from a poultry farm via wetlands into the Mangati Stream

7403-1 Todd Taranaki Limited

To take groundwater that may be encountered as produced water during hydrocarbon exploration and production operations at Mangahewa-D wellsite

7404-1 Todd Taranaki Limited

To take water from an unnamed tributary of the Manganui Stream in the Waitara catchment for wellsite drilling activities associated with the Mangahewa-D wellsite

Section 37(1) consent processing time extensions

None

Section 37A(2)(b) pre-hearing meeting and other time extensions

0841-3 IA & RJ Finer

To discharge treated farm dairy effluent from an oxidation pond treatment system into an unnamed tributary of the Waiiau Stream

1134-2 South Taranaki District Council

To take and use water for the Cold Creek rural supply from Cold Stream a tributary of the Taungatara Stream...change to allow increase of take

1379-3 B & J McKenzie Trust

To discharge treated farm dairy effluent from an oxidation pond treatment system into an unnamed tributary of the Parahaki Stream

1483-3 Phillips F I Limited

To discharge treated farm dairy effluent from an oxidation pond treatment system into an unnamed tributary of the Mimi Stream

2157-3 New Plymouth District Council

To discharge leachate and stormwater from the Waitara landfill site into the Waitara River and/or groundwater in the immediate vicinity of the landfill site

2269-2 JR & BR Murdoch

To discharge treated farm dairy effluent from an oxidation pond treatment system into the Urekawa Stream in the Patea catchment...change to conditions increase cow numbers to 260

Exercise of consent processing delegations under the Resource Management Act 1991 between 3 October 2008 and 6 November 2008

4109-2 HM & PM Forbes

To maintain two dams for stock watering and wildlife habitat purposes in an unnamed tributary of the Waitara River

4423-2 RB Middleton Family Trust

To dam an unnamed tributary of the Waitara River to provide water for stock and possible domestic use

4514-2 Taranaki Regional Council

To use and maintain the existing boat ramp on the true left bank of the Waitara River

4572-2 Taranaki Regional Council

To erect, place and maintain rock rip rap river bank protection works on both banks of the lower Waitara river within the coastal marine area

5139-2 Independent Blast Services

To discharge various emissions into the air from mobile abrasive blasting operations at various locations within the Taranaki Region and from abrasive blasting operations at a permanent site at Orlando Street, Stratford

7363-1 Baldock Wayne Trust

To discharge stormwater and sediment onto and into land and into water from earthworks associated with the piping and realigning of five unnamed tributaries of the Mangaehu Stream in the Patea catchment for land improvement purposes

7364-1 Baldock Wayne Trust

To realign two unnamed tributaries and to pipe three further unnamed tributaries of the Mangaehu Stream in the Patea catchment for land improvement purposes...also 1736524E-5644516N, between 1736866E-5644278N and 1736696E-5644376N, between 1736496E-5644270N and 1736335E-5644394N between 1736363E-5644264N and 1736292E-5644333N between 1736306E-5644263N and 1736265E-5644305N

7384-1 PJ & MD Wood

To construct, place and maintain on an unnamed tributary of the Waitepuke Stream for the purpose of creating a wildlife pond

7398-1 Te Miro Limited

To discharge untreated farm dairy effluent by spray irrigation onto and into land

7402-1 Todd Taranaki Limited

To erect, place, maintain and use six culverts in an unnamed tributary of the Manganui Stream in the Waitara catchment for wellsite access purposes

7405-1 Todd Taranaki Limited

To discharge emissions to air during flaring from well workovers and in emergency situations and miscellaneous emissions associated with productions activities at the Mangahewa-B wellsite

Exercise of consent processing delegations under the Resource Management Act 1991 between 3 October 2008 and 6 November 2008

7406-1 Todd Taranaki Limited

To discharge emissions to air from flaring of hydrocarbons and miscellaneous emissions associated with drill stem testing, well clean-up, well testing and production testing at the Mangahewa-D wellsite

7407-1 Todd Taranaki Limited

To discharge treated stormwater from hydrocarbon exploration and production operations at the Mangahewa-D wellsite into an unnamed tributary of the Manganui Stream in the Waitara catchment

7408-1 Todd Taranaki Limited

To discharge stormwater and sediment from earthworks associated with the construction of the Mangahewa-D wellsite onto and into land in the vicinity of an unnamed tributary of the Manganui Stream in the Waitara catchment

7409-1 Todd Taranaki Limited

To discharge treated produced water from hydrocarbon exploration and production operations at the Mangahewa-D wellsite onto and into land in the vicinity of an unnamed tributary in the Manganui Stream of the Waitara catchment

7410-1 Todd Taranaki Limited

To discharge drilling muds, drilling cuttings and drilling wastes from hydrocarbon exploration activities at the Mangahewa-D wellsite onto and into land via mix-bury-cover

7420-1 AFT Group

To discharge treated farm dairy effluent from an oxidation pond treatment system and a wetland into an unnamed tributary of the Pungaereere catchment

Section 91 for further application time extensions

None

Section 92 further information

7256-1 Saxton P & M Family Trust

To erect, place and maintain a culvert in an unnamed tributary of the Manawapou River for access purposes

7393-1 Lot 17 Limited

To erect, place and maintain a stormwater outfall structure and to pipe a section of an unnamed tributary of the Waihi catchment for residential subdivision purposes

7396-1 Saxton P & M Family Trust

To discharge stormwater and sediment to water from earthworks associated with the building of a new culvert crossing

Exercise of consent processing delegations under the Resource Management Act 1991 between 3 October 2008 and 6 November 2008

7401-1 Faull Bros (Holdings) Limited

To discharge stormwater and sediment associated with earthworks in two unnamed tributaries of the Waipapa Stream for land improvement purposes

7411-1 Fulton Hogan Ltd

To discharge cleanfill onto and into land in the vicinity of the Mangatete Stream

7413-1 South Taranaki District Council

To erect, place, use and maintain a water intake structure on the bed of the Kapuni Stream for water abstraction purposes

7414-1 Faull Bros (Holdings) Limited

To erect, place and maintain culverts in two unnamed tributaries of the Waipapa Stream for land improvement purposes

Section 94 awaiting affected party approvals

7394-1 Stevenson MI & PM Family Trust

To pipe a section of an unnamed tributary of the Inaha Stream for land improvement purposes...to 1699133E-5621311N

7395-1 Roper DP & JH Family Trusts
Partnership

To pipe water along a gully to an existing culvert for land reclamation purposes

7397-1 ID & RA Fredrickson

To realign approximately 230 metres of an unnamed tributary of the Ngaere Stream in the Patea catchment for land improvement purposes...and 1715273E-5640391N

7401-1 Faull Bros (Holdings) Limited

To discharge stormwater and sediment associated with earthworks in two unnamed tributaries of the Waipapa Stream for land improvement purposes

7413-1 South Taranaki District Council

To erect, place, use and maintain a water intake structure on the bed of the Kapuni Stream for water abstraction purposes

7414-1 Faull Bros (Holdings) Limited

To erect, place and maintain culverts in two unnamed tributaries of the Waipapa Stream for land improvement purposes

7417-1 DJ & REG Goodwin

To divert a section of the Mantanehunuhu Stream for land improvement purposes

7418-1 South Taranaki District Council

To erect, place and maintain a box culvert in the Cold Stream in the Taungatara catchment, replacing an existing bridge

Exercise of consent processing delegations under the Resource Management Act 1991 between 3 October 2008 and 6 November 2008

7419-1 South Taranaki District Council

To erect, place and maintain a box culvert in the Black Creek in the Taungatara catchment, replacing an existing bridge

7422-1 New Zealand Railways Corporation

To maintain an existing weir and install a fish pass structure in the Kapuni Stream

7423-1 New Zealand Railways Corporation

To maintain an existing weir and install a fish pass structure in the Te Popo Stream of the Waitara catchment

Declined

None

Renewal applications within 3-6 months of expiry (section 124)

None

Surrendered consents

1296-2 FJ & JA Mullan

To discharge treated farm dairy effluent from an oxidation pond treatment system and a constructed drain into the Heimama Stream

1591-2 PJ & RE Robinson

To discharge up to 7.48 cubic metres/day of treated dairymshed effluent by oxidation ponds into an unnamed tributary of the Oaonui Stream

2007-2 Hurley/Fowler Partnership

To discharge treated farm dairy effluent from an oxidation pond treatment system by spray irrigation onto and into land

2635-2 GR Henwood

To discharge untreated farm dairy effluent by spray irrigation onto and into land

6945-1 Ngamatapouri School

To discharge contaminants to air from the operation of a school incinerator for the purposes of paper and cardboard combustion

Cancelled consents

None

Lapsed consents

None

**Exercise of consent processing delegations under the Resource
Management Act 1991 between 3 October 2008 and 6 November 2008**

Applications currently under appeal

2299-3 Normanby Power Limited

To dam the Waingongoro River with a 6 metre high concrete weir for hydroelectric power generation purposes

6558-1 Normanby Power Limited

To take and use water from the Waingongoro River for hydroelectric power generation purposes

7078-1 Normanby Power Limited

To erect, place, use and maintain a concrete weir and ancillary structures in the Waingongoro River, and to undertake excavation and disturbance of the river bed that is directly associated with that activity, for hydroelectric power generation purposes

ITEM FIVE

18 November 2008

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**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

Resource consents from other consent authorities

Purpose

1. This memorandum advises the Committee of notified and limited-notified resource consent applications forwarded to the Taranaki Regional Council from District Councils.

Background

2. The following notified and limited-notified resource consent applications were received by District Councils and have been forwarded to the Taranaki Regional Council in accordance with section 90 of the Resource Management Act 1991.
3. Although this section of the Act was repealed as from 1 August 2003, Committee Members are being kept informed of all applications that continue to be forwarded from District Councils to this Council.

Recommendation

THAT the Taranaki Regional Council:

1. receives the schedule of notified and limited-notified applications for resource consents forwarded from other consent authorities.

Approved:

A D McLay
Director—Resource Management

B G Chamberlain
Chief Executive

Pursuant to section 90 of the Resource Management Act 1991, the following notified applications for resource consents have been forwarded to the Taranaki Regional Council by District Councils for comment. Submissions where made are attached.

DCC-0813

Name New Zealand Transport Agency Limited
Site location State Highway3, Normanby between Te Roti Road and Ketemarae Road.
Purpose To realign, operate and maintain State Highway 3 at Normanby between Te Roti Road and Ketemarae Road. The intersections with Te Roti Road, Austin Road and Onewhaia Road would also be reconfigured.

STDC

Submission nil

ITEM SIX

18 November 2008

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**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

Forthcoming Hearing:

Taranaki By-Products Limited – Application to change the conditions of consent 3941-2 to increase the amount of land to be irrigated

Purpose

1. This memorandum has two purposes. Firstly, to recommend that the Taranaki Regional Council delegates to a Hearing Committee the authority to determine the application if a hearing is necessary, and secondly, to delegate to staff the authority to determine the application if no hearing is necessary.

Background

2. The application is to change the conditions of discharge consent 3941-1 to allow the wastewater to be discharged over additional areas of land. There will be no change to the volume of wastewater discharged.
3. The application was limited-notified on 25th January 2008 and the closing date for submissions was 26th February 2008. A total of 21 parties were giving an opportunity to make a submission.
4. A total of three submissions were received. All three were in opposition and wish to be heard in support of their submission.
5. Agreement on consent conditions may not be met through the pre-hearing process so a hearing may be necessary.
6. The Consents and Regulatory Committee is now required to decide whether or not a Hearing Committee should be delegated the power to determine the applications.

Decision-making obligations

7. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendation(s) made in this item comply with the decision-making obligations of the Act.

Policy considerations

8. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Biosecurity Act 1993.

Financial considerations

9. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Council Community Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Legal considerations

10. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Recommendations

THAT the Taranaki Regional Council:

1. receives this memorandum;
2. notes that a hearing is expected to be held early in 2009;
3. subject to a hearing being necessary, in accordance with section 34A(1) of the Resource Management Act appoints Cr D Lean [Chairman] Cr M Irving and Cr M Joyce as hearing commissioners and delegates to them the power to hear and determine the resource consent application lodged by Taranaki By-Products Limited [4866];
4. if no hearing is necessary, delegates staff the authority to determine the resource consent application lodged by Taranaki By-Products Limited [4866] as if it was a non-notified application.

AD McLay
Director-Resource Management

Approved:

B G Chamberlain
Chief Executive

18 November 2008

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**Memorandum to
Chairperson and Members
Consents and Regulatory Committee**

Consent monitoring annual reports

Purpose

1. Set out below is a report with respect to 13 tailored monitoring programme annual reports for the 2003-2006, 2005-2008, 2006-2008, and 2007-2008 monitoring periods. Recommendations pertaining to each site are set out in the report. The attention of Committee members is drawn to the Executive Summary at the front of each report.

Background

2. There are 13 reports available for presentation to Council.

Discussion

3. One report relates to 2003-2006, 1 for 2005-2008, 3 for 2006-2008 and 8 for 2007-2008. Two reports cover multiple consent holders – the report on miscellaneous operations for application of drilling wastes to land (6 companies); and the report on emissions within the Waiwhakaiho airshed (7 companies).
4. Each report has been submitted to the consent holder for comment prior to publication. The reports have been prepared by staff of the Technical Services section.
5. The reports generally indicate a high (5) or good (6) level of environmental performance.
6. The Council continues to increase its understanding of the management of deep well re-injection activities in the region, to ensure this activity is conducted appropriately.
7. Monitoring of land application sites for the disposal of drilling wastes now includes soil ecological studies, to determine the effects of drilling, spreading of hydrocarbon wastes, and re-instatement practices.
8. A new annual maximum number of elvers were transferred upstream of the Patea Dam (Lake Rotorangi).
9. Improvements to the sewerage system at Opunake over the last few years have contributed to its improved performance.

Swift Energy New Zealand Limited Deep Well Injection Monitoring Programme Triennial Report 2003-2006

10. Swift Energy New Zealand Limited (the Company) has been engaged in oil and gas exploration and development in the onshore areas of the Taranaki Basin since 1999. The Company holds resource consents to dispose of liquid wastes from oil and gas exploration and production activities by deep well injection.
11. This triennial report for the period July 2003-June 2006 covers the Company's deep well injection activities, and describes the monitoring programmes implemented by the Taranaki Regional Council to assess the Company's environmental performance during the period under review, and the results and environmental effects of the Company's activities.
12. Swift Energy NZ Ltd holds a total of sixteen resource consents to cover the disposal of wastes by deep well injection via sixteen wells, at sixteen wellsites. These consents include a total of eighty-eight special conditions setting out the requirements that the Company must satisfy.
13. During the monitoring period, the Company exercised one consent for deep well injection. This consent licensed the discharge of wastes (produced waters) via the Waihapa-7A well at the Waihapa production station, Stratford. This well discharges into a saline aquifer within the Matemateaonga Formation at a depth of approximately 1126 to 1176 m below ground level. The Matemateaonga Formation contains a regionally significant freshwater resource which is recharged in the eastern hill country. At Waihapa, the Matemateaonga Formation contains freshwater to a depth of approximately 1029 m below ground level. The Company did not discharge waste by deep well injection in any other wells during the monitoring period.
14. Compliance monitoring of the Company's sixteen deep well injection sites in 2003-2006 included a total of fifty-seven inspections, and the collection of eight discharge samples for laboratory chemical analyses. The consent holder has provided complete records of the discharge for the monitoring period. Analysis of these records formed the bulk of the monitoring by the Council.
15. The records showed that a total volume of 671,013 m³ of waste material was discharged via Waihapa-7A during the three-year monitoring period. The records also showed that maximum injection pressures, and the concentration of contaminants in the injectate, were significantly higher than the levels originally applied for by Petrocorp under consent 4094 in 1992. The Company will therefore need to either apply to change the conditions of consent 4094 to accommodate these changed circumstances, or exercise this consent in a manner consistent with the information that the original application was based on.
16. Analysis of the discharge records indicated that hydro-fracturing of the injection zone is likely to have occurred. Discharging at pressures sufficient to cause fracturing of the receiving environment is considered an acceptable method of discharging waste but only provided the seals in the disposal well and injection zone remain secure.
17. The Company has provided satisfactory information to show that the integrity of the seals in the disposal well and the injection zone have remained sound. On the basis of this information, and the fact that no adverse effects on freshwater aquifers have

been recognised or reported to date, it is inferred that the waste material discharged by Waihapa-7A has been confined to the injection zone, and has not contaminated overlying freshwater aquifers.

18. In 2003-2006, the Company achieved a good standard of environmental performance with the resource consent for deep well injection via Waihapa-7A, even though compliance with management/operational conditions was not satisfactory.
19. The Council has no record of consents 5732, 5627, 5503 and 4473 having ever been exercised. These consents are now subject to the lapsing provisions of Section 125(1) of the Resource Management Act 1991.
20. During the period under review no unauthorised incidents were associated with any of the Company's sixteen deep well injection sites. This report includes recommendations for the 2006-2007 year.

Shell Todd Oil Services Ltd Maui and Kapuni Production Stations Joint Monitoring Programme Annual Report 2007-2008

21. Shell Todd Oil Services Ltd operates the Maui Production Station located at Oaonui in the Ngapirau catchment, and the Kapuni Production Station located on Palmer Road in the Kapuni catchment. The Company holds resource consents to allow it to discharge into the Ngapirau, Oaonui and Kapuni Streams, to discharge emissions into the air, and to erect and maintain various structures associated with the production stations.
22. This report for the period July 2007-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess the Company's environmental performance during the period under review, and the results and environmental effects of the Company's activities.
23. For the Maui Production Station, the Company holds a total of four resource consents; two relating to discharges to water, one consent to discharge emissions to the air, and one to maintain a structure in the coastal marine area. The consents include a total of 34 conditions setting out the requirements that the Company must satisfy. Quantum Safety Limited also holds one consent relating to the Maui Production Station site. The consent is for a discharge to water, and has seven conditions setting out requirements that must be satisfied.
24. For the Kapuni Production Station, the Company holds a total of four resource consents; one relating to discharges to water, one to discharge emissions to the air, and two relating to structures in the Kapuni Stream. The consents include a total of 31 conditions setting out the requirements that the Company must satisfy. The Company also holds a further 30 resource consents relating to wellsites and pipelines associated with the Kapuni Production Station.
25. The Council's monitoring programme for the year under review included six inspections of the Kapuni Production Station and five inspections of the Maui Production Station, six water samples from Kapuni Production Station and ten samples from the Maui Production Station collected for physicochemical analysis, and two biomonitoring surveys of receiving waters.

26. During the year, Shell Todd Oil Services Ltd demonstrated a high level of environmental performance and compliance with the resource consents. There were no significant adverse environmental effects and only one unauthorised incident resulting from activities at the Maui Production Station. There were no significant adverse environmental effects and no unauthorised incidents at the Kapuni Production Station. The sites were well managed and maintained.
27. This report includes recommendations for the 2008-2009 year.

Todd Taranaki Ltd McKee Production Station Monitoring Programme Annual Report 2007-2008

28. Todd Taranaki Ltd operates a hydrocarbon production station located on Otaraoa Road at Tikorangi, bridging the Waitara and Onaero catchments. This site includes the McKee and adjacent Mangahewa Production Stations. This report for the period July 2007-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess the Company's environmental performance during the period under review, and the results and environmental effects of the Company's activities.
29. The Company holds a total of eleven resource consents for this site, which include a total of 92 conditions setting out the requirements that the Company must satisfy. The Company holds two consents to allow it to take and use water, three consents to discharge treated stormwater and wastewater, one consent to discharge emissions into the air, one consent to allow it to divert unnamed tributaries of the Mangahewa Stream, two land use consents relating to this site, and two consents related to an electricity generation plant at the site.
30. The Council's monitoring programme for the year under review included six inspections, nine water samples collected for physicochemical analysis and two biomonitoring surveys of receiving waters were undertaken. Ambient air quality analysis was undertaken on two occasions.
31. The monitoring showed that, as in the previous year, the Company achieved compliance with the conditions for all of the consents and that there were no significant adverse environmental effects resulting from activities at the McKee Production Station.
32. During the year, the Company demonstrated a high level of environmental performance and compliance with the resource consents. The McKee Production Station was well managed and maintained, and there were no unauthorised incidents in relation to the site.
33. This report includes recommendations for the 2008-2009 year.

GR & LJ Jones Quarry Monitoring Programme Biennial Report 2006-2008

34. GR & LJ Jones operates a quarry located on Mahoetahi Road at Brixton, Waitara, in the Waiongana catchment. The quarry has been operating at this site since 2004. This report for the period July 2006-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess the Company's

environmental performance during the period under review, and the results and environmental effects of the Company's activities.

35. The Company holds one resource consent, which includes a total of sixteen conditions setting out the requirements that the Company must satisfy. The resource consent allows discharge of stormwater and washwater into and onto land, and into an unnamed tributary of the Mangaoraka Stream.
36. The Council's monitoring programme for the period under review included six inspections, and collection of one stormwater and washwater sample for physicochemical analysis.
37. The monitoring showed that the site was generally well managed. There had been no washing undertaken at the site in the period under review.
38. During the 2006-2008 monitoring period, the Company demonstrated a high level of environmental performance and compliance with the resource consents. There were some concerns regarding the control of stormwater at the site. The operator addressed the problems during the monitoring period under review.
39. During the 2006-2008 monitoring period there were no incidents reported and no adverse effects on the environment were observed.
40. This report includes recommendations for the 2008-2010 monitoring period.

Miscellaneous Mix-Bury Cover Monitoring Programme Triennial Report 2005-2008

41. Austral Pacific Energy (NZ) Limited, Bridge Petroleum Limited, Discovery Geo (Australia) Corporation, GEL Exploration Inc, GM Symons, Greymouth Petroleum Acquisition Company Limited, NZOG Services Limited, Santos Petroleum (NZ) Limited, TAG Oil (NZ) Limited and Tap (NZ) Pty Limited hold and/or have held, a number of resource consents relating to the disposal of drilling wastes in the Taranaki region by burial, mix-bury-cover and land treatment. This report for the period July 2005-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess the companies' environmental performance during the period under review, and the results and environmental effects of the companies' activities. In particular, this report focuses on those resource consents that have been exercised.
42. Austral Pacific Energy (NZ) Limited has exercised five resource consents, which include a total of 113 conditions setting out the requirements that the Company must satisfy. Bridge Petroleum Limited has exercised three resource consents, which include a total of 81 conditions setting out the requirements that the Company must satisfy. Discovery Geo [Australia] Corporation has exercised one resource consent, which includes 20 conditions setting out the requirements that the Company must satisfy. GM Symons has exercised one resource consent, which includes 5 conditions setting out the requirements that must be satisfied. TAG Oil (NZ) Limited has exercised one resource consent, which includes 27 conditions setting out the requirements that the Company must satisfy. Tap (NZ) Pty Limited has exercised four resource consents, which include a total of 108 conditions setting out the requirements that the Company must satisfy.

43. GEL Exploration Inc, Greymouth Petroleum Acquisition Company Limited, NZOG Services Limited and Santos Petroleum (NZ) Limited have not exercised resource consents held for the disposal of drilling wastes during the period under review.
44. A number of resource consents held by these companies have either lapsed or been surrendered during the period under review.
45. The Council's monitoring programme for the monitoring period under review included 27 site inspections and the collection of 24 soil samples from 9 individual MBC areas.
46. Austral Pacific Energy (NZ) Limited's environmental performance and compliance with the resource consents has changed from improvement desirable at the beginning of the period under review to a good level towards the end.
47. An improvement is desirable for Bridge Petroleum Limited's environmental performance and compliance with the resource consents during the period under review.
48. During the period under review, GM Symons demonstrated a good level of environmental performance and compliance with the resource consent.
49. During the period under review, TAG Oil (NZ) Limited demonstrated a good level of environmental performance and compliance with the resource consent.
50. This report includes recommendations for the 2008-2009 year, including a recommendation relating to an optional review of consents 6603, 6714, 6959, 6588 and 7069.

STDC Coastal Structures Monitoring Programme Annual Report 2007-2008

51. South Taranaki District Council hold coastal permits for various structures along the South Taranaki coast. This report for the period July 2007-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess South Taranaki District Council's environmental performance during the period under review.
52. South Taranaki District Council holds a total of 12 coastal permits relating to coastal structures, which include a total of 64 conditions setting out the requirements that the STDC must satisfy. STDC holds three coastal permits relating to boat ramps/wharves/jetties, two permits relating to access structures and seven permits relating to coastal protection from erosion. A further two coastal permits are held for outfall structures, these are the subject of other monitoring programmes and are not discussed in this report.
53. The Council's monitoring programme for the period under review included an annual inspection of the various structures.
54. Most of the structures were found to be well maintained, and there did not appear to be any adverse environmental effects. However, some issues were noted with regards to the seawalls at Bayly Road and Middleton Bay.

55. During the year, STDC demonstrated a good level of environmental performance and compliance with the resource consents. The seawalls at Bayly Road and Middleton Bay will require maintenance work in the near future.
56. This report includes recommendations for the 2008-2009 year.

NPDC Coastal Structures Monitoring Programme Report 2007-2008

57. New Plymouth District Council is responsible for various coastal permits around the New Plymouth area. This report for the period July 2007-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess NPDC's environmental performance during the period under review, and the results and environmental effects of the coastal structures.
58. New Plymouth District Council hold a total of 44 coastal permits covering structures, which include a total of 203 conditions setting out the requirements that NPDC must satisfy. New Plymouth District Council holds 21 permits relating to coastal protection, nine permits relating to stormwater outlets, four permits each for boat ramps and outfall structures, three permits covering stream outlet structures, and two permits each for bridges and pipelines.
59. The Council's monitoring programme for the period under review included an annual inspection of the structures.
60. The monitoring showed that there were very few problems noted in relation to activities licensed by coastal permits held by NPDC. However, a more robust monitoring programme is recommended.
61. During the period under review, NPDC demonstrated a good level of environmental performance and compliance with the resource consents. During the period under review there were no major incidences of non-compliance with consent conditions which resulted in any adverse environmental effects.
62. This report includes recommendations for the 2008-2009 year.

TrustPower Ltd – Lake Rotorangi Monitoring Programme Water quality and biological programmes Annual Report 2007-2008

63. Consents 0488 and 0489, originally granted to Egmont Electricity Ltd (then held by Powerco Ltd and more recently transferred to TrustPower Ltd) for the Patea Dam, require water quality and biological monitoring of Lake Rotorangi and lake level monitoring. Monitoring performed in the lower Patea River downstream of the dam is the subject of a separate programme and report. At the time of granting the consents (1978) a Tribunal recognised that a recreational lake resource of regional importance would be formed but at the same time the potential existed for a range of adverse environmental impacts to occur. Monitoring programmes and reports have continued since 1984, with this report covering the 2007-2008 period.
64. During the 2000-2001 year changes were made to Consent 0488 in order to provide for existing fish passage at the dam and time for further investigations into other native fish passage requirements prior to consents renewal procedures in June 2008.

These investigations were reported to Council during the 2001-2002 monitoring year.

65. The consent holder lodged renewal applications in late 2007 and the renewal process has continued during the 2007-2008 period.
66. Operational lake levels compliance was excellent throughout the period. The consent holder maintained lake levels above 76 m asl for the majority of the period and throughout the summer.
67. Four water quality sampling surveys were performed during the period, one of which (winter) followed recent freshes in the catchment which impacted on aspects of water clarity along the lake.
68. Lake condition, in terms of lake productivity, continued to fall within the category of mesotrophic to possibly mildly eutrophic (mildly nutrient enriched). Thermal stratification was recorded during late summer - autumn at the mid and lower lake sites, with dissolved oxygen depletion measured in the lower waters of the hypolimnion at these two sites (in the middle and lower reaches of the lake) on both these occasions extending into winter at the lower lake site in particular, over the monitoring period. Lake overturn had not occurred completely at the lower lake site by the time of the winter survey although water temperatures were relatively uniform throughout the water column. These conditions have been typical of this reservoir-type lake to date.
69. A NIWA consultant's report concerning trends in Lake Rotorangi water quality, commissioned by Council during the 1995-96 monitoring year, confirmed earlier monitoring reports' conclusions and identified minor adjustments and additions to future programmes to enable long term trend monitoring to be performed in accordance with State of the Environment monitoring requirements. The 2007-2008 programme continued to incorporate these changes. A later consultant's report (in 2000) re-confirmed trends (using up-dated methodology) that the lake was phosphorus limited and remained mesotrophic. Further trend reporting for the period 1990-2006 was provided as a component of the consents renewal process and suggested that while there has been a very slow rate of increase in trophic level, the lake would be classified as mesotrophic in terms of its biological condition.
70. TrustPower Generation concentrated elver transfer efforts on the modified elver trapping at the base of the dam and the manual transfer of elvers over the dam (by the consent holder). This was very successful with about 1,100,000 elvers transferred mainly over a three-month summer to early autumn period. The timing of the elver run during the period was slightly later than that of the previous year while number of elvers transferred manually was higher than the previous maximum of the range of annual numbers recorded over the eight periods to date.
71. Water was released over the spillway of the Patea dam on eight occasions, coincident with the first freshes in autumn following a very dry summer, to allow for the downstream migration of adult eels within the catchment. A relatively large number of adult eels was observed passing over the spillway. No further releases of spillway water were required as no other migratory eels were seen in the vicinity of the dam.
72. Throughout the monitoring year, recorded phytoplankton densities were moderate to low. The main limiting factors for communities within the lake probably continue

to be plant nutrient availability and frequency of river freshes. A very sparse macroinvertebrate fauna was found amongst the fine sediments of the deeper lake sites where only those taxa able to tolerate periods of very low dissolved oxygen levels continued to be recorded.

73. The summer, three-yearly macrophyte survey identified the oxygen weed *Lagarosiphon major* as the dominant macrophyte particularly in the mid to lower reaches of the lake, with another oxygen weed (*Egeria densa*) dominant in smaller patches particularly in the upper reaches of the lake. Both these macrophytes are classified as 'surveillance plants' and only a few, short (steeper) sections of the lake margins did not support either of these oxygen weeds. However, aquatic macrophytes were restricted to the margins of the lake except on the insides of shallower, large wide bends.
74. A further sedimentation survey was performed by the consent holder. This survey indicated no significant sedimentation or erosion, particularly in the lake's upper reaches over the one year period since the previous survey.
75. During the year, the Company demonstrated a high level of compliance with resource consents.
76. As a result of the monitoring programme, various recommendations are provided for the formulation of a suitable 2008-2009 monitoring programme which will continue to provide for long-term trend monitoring capabilities.

South Taranaki District Council Opunake Wastewater Treatment System Monitoring Programme Annual Report 2007-2008

77. The South Taranaki District Council operates the Opunake Wastewater Treatment System located to the west of Opunake, in the Heimama catchment. The South Taranaki District Council holds resource consents to allow it to discharge treated wastewater to land and natural water, and (coastal permit) to discharge comminuted wastewater via an ocean outfall into the Tasman Sea. The consent to discharge treated wastewater to land allows for a limited discharge to natural water in recognition of improved reticulation to capture highly treated overland flow and discharge this in a controlled manner. The coastal permit was renewed in August 2004 for a period of 14 years. A consent is also held to place and maintain the outfall within the coastal marine area at Middleton Bay. This report for the period July 2007-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess the environmental performance during the period under review, and the results and effects of the consent holder's activities.
78. South Taranaki District Council holds three resource consents, which include a total of 32 special conditions setting out the requirements that the South Taranaki District Council must satisfy in respect of the Opunake Wastewater Treatment Plant.
79. The Council's monitoring programme included four inspections, physicochemical and bacteriological sampling of wastewaters, bacteriological surveys of the coastal receiving waters, and recreational bacteriological surveys of the receiving waters of the Tasman Sea (at Opunake Beach and Middleton Bay).

80. The monitoring showed that very few operational problems were associated with this wastewater treatment scheme during the monitoring period. No overland flows from the trench disposal system occurred with the upgraded reticulation from the trench system operating as designed although some maintenance work was required on the trench system. The trend of a reduction in the use of the ocean outfall continued following stormwater infiltration reduction and the installation of a separation chamber prior to the pump station in the sewerage reticulation, to such an extent that no overflows to the ocean outfall occurred over the period. This also reflected work by the consent holder to further eliminate a number of illegal stormwater connections to the sewerage reticulation in the township. The renewed coastal permit incorporates proposals for a much reduced frequency of usage and involves reticulation upgrades which were completed by late 2006.
81. The treatment system was well maintained and operated during the period with a high standard of treated wastewater discharged and minimal measurable impacts on coastal receiving waters. Bacteriological contact recreational water quality at Opunake Beach and Middleton Bay was very high during the summer continuing the trend of the last fifteen summers at these popular recreational sites. Increased recreational usage of Middleton Bay was noted during summer months. The microfloral component of the pond-wetland system indicated a well-performing system, generally with moderate to low richnesses and lower abundances of taxa. Overall, the consent holder demonstrated a high level of environmental performance and compliance with resource consents particularly since completion of the pump station upgrade.
82. Appropriate monitoring programmes are proposed for both the discharge consent and the coastal permit. There is a requirement for increased bacteriological monitoring of ocean outfall discharges, should usage of this outfall occur during the bathing season. However, in recognition of completion of the significant reticulation upgrade (to reduce the frequency of usage), and the successful operation of this upgrade, aspects of the programme have been lessened in intensity. No reviews of the coastal permit or discharge consent are scheduled at present.

AB & DM Sybrandy Contracting Limited Inaha Road Quarry Monitoring Programme Biennial Report 2006-2008

83. AB and DM Sybrandy Contracting Limited operated a quarry located off lower Inaha Road, Hawera, in the Kapuni catchment. The consent was transferred to Origen Energy Resources (Kupe) Limited as the new property owner in March 2008. This report for the period July 2006-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess the operator's environmental performance during the period under review, and the results and environmental effects of the Company's activities.
84. The operator of the site holds one resource consent, which includes a total of thirteen conditions setting out the requirements that the Company must satisfy. This consent licenses the discharge stormwater and washwater into the Kapuni stream. AB and DM Sybrandy Limited successfully applied to change the conditions of this consent to include the discharge of treated washwater on 17 August 2006 and to temporarily increase the allowed actively quarried area in March of 2007.
85. The Council's monitoring programme for the two-year period under review included four inspections and four follow-up inspections subsequent to an unauthorised

incident. The monitoring showed that the resource consent was being complied with during three of the four inspections. On the occasions where non-compliance was found, abatement notices were issued which were not immediately complied with.

86. Overall during the two year period under review the operator demonstrated a poor level of environmental performance and compliance with its resource consent. The issues of non-compliance detected by Council officers and discussed in this report occurred before the consent was transferred to Origen Energy Resources (Kupe) Limited on 11 April 2008.
87. This report includes recommendations for the 2008-2010 monitoring period.

Waiwhakaiho Airshed Monitoring Programme Annual Report 2007-2008

88. The Waiwhakaiho airshed in the Fitzroy area of New Plymouth is the location of several industries that include two abrasive blasting operations, a feed mill, a fertiliser storage and distribution depot, timber yards, a pallet and drum recycling operation, and an asphalt plant. The companies hold resource consents to allow them to discharge emissions into the air. This report for the period July 2007-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess the companies' environmental performance during the period under review, and the results and effects of the companies' activities in relation to emissions to the air.
89. The companies monitored in the period were Clelands Timber Limited, Fitzroy Engineering Group Limited, Katere Surface Coatings Limited, PCL Industries Limited, Ravensdown Fertiliser Co-op Limited, Taranaki Drum & Pallet Recycling, and Works Infrastructure Limited.
90. The companies held a total of 7 resource consents, which include a total of 136 special conditions setting out the requirements that the companies must satisfy.
91. The Council's monitoring programme included 30 inspections, including point source and ambient suspended particulate monitoring, 2 deposition gauge surveys, and review of a stack test report.
92. In relation to dust resulting in deposited particulates, ambient air quality (SEM sites) in the airshed during the year under review was generally good. During the 2007-2008 year only 16% of the "TRC SEM" samples collected exceeded the 4g/m²/30days. However 37% of the total number of gauges collected in the area as a whole exceeded this guideline at least once. The air quality in the airshed as a whole was generally good during the October-November gauging with only 14% of gauges higher than 4g/m²/30days, but quite poor in the January- February gauging period with 64% above this guideline. Most of the exceedances were at monitoring locations in close proximity to industrial sites, and along Colson Road. It is noted that there was again a lot of earthwork occurring in the airshed as a result of site developments on Rifle Range Road, Hurlstone Drive and the Bell Block bypass, and drier weather over summer (which was unusually dry in 2007-2008) probably contributed to dust potential..
93. During the year, Taranaki Drum and Pallet Recycling demonstrated a high level of environmental performance and compliance with the resource consents.

94. Clelands Timber Limited, PCL Industries Limited, Fitzroy Engineering Group Limited and Works Infrastructure Limited generally demonstrated a good level of environmental performance and compliance with their resource consent for air discharges from the site.
95. An improvement in Katere Surface Coatings Limited's environmental performance was desirable as a substantiated complaint was received during the year under review. Upgrades in the treatment system resulted in the Company's environmental performance in the latter part of the monitoring period being good.
96. An improvement in the Ravensdown Fertiliser Co-operative Limited's environmental performance is desirable. There was one discovery of unauthorised discharges occurring. Although it was related to the activities of the lessee (FBT Limited), this Company's activities are still covered by the consent held by Ravensdown Fertiliser Co-operative Limited.
97. Overall, the companies monitored in this airshed programme generally demonstrated a good level of environmental performance.
98. This report includes recommendations for the 2008-2009 year.

New Plymouth District Council Crematorium Monitoring Programme Annual Report 2007-2008

99. The New Plymouth District Council (NPDC) operates a crematorium located on Junction Road, New Plymouth. Two gas-fired cremators are run. This report for the period July 2007-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess NPDC's environmental performance during the period under review, and the results and environmental effects of NPDC's activities.
100. NPDC holds one resource consent relating to the crematorium which includes a total of 24 conditions setting out the requirements that the Company must satisfy.
101. The Council's monitoring programme for the period under review included 6 inspections focussing on process control and possible visible emissions and odours, and a burn test on a new casket laminate finish.
102. The monitoring showed that, generally, consent compliance has been good. However, there is a need to reduce the number of visible emission events. During 2007-2008, no complaint was registered with regard to visible or odorous emissions being discharged from the crematorium site, though visible emissions were observed on a number of occasions by staff of the Regional Council and NPDC. Due to the nature of activities at a crematorium site, the visible discharge of smoke or odours from the cremator may be found to be offensive.
103. A major upgrade of the main Newton cremator was undertaken in November 2007, which improved its efficiency and is expected to extend its life until 2018.
104. An issue with the increasing use of PVC laminated caskets, in breach of the consent, was addressed when the major local supplier replaced the vinyl with a polyethylene

covering which does not contain chlorine, a precursor of persistent organic pollutants. A burn test in the Elecfurn cremator showed the new covering to be acceptable.

105. A review of the consent condition controlling visible emissions was initiated in June 2006 to deal with differences in methods of measuring smoke intensity between the two cremators. Information on the relationship between smoke intensity and obscuration readings continued to be gathered at the end of the reporting period.
106. An improvement to NPDC's performance is desirable, in respect of visible emissions.
107. This report includes recommendations for the 2008-2009 year.

Greenwaste 2008 Monitoring Programme Biennial Report 2006-2008

108. Greenwaste 2008 operates a green waste collection and composting operation located on Victoria Road at Stratford, in the Patea catchment. The catchment area for the operation is the Stratford Township, servicing wheelie bins to domestic dwellings for the purpose of collecting the green waste only. The principal component of green waste collected is lawn clippings and garden prunings. This report for the period July 2006-June 2008 describes the monitoring programme implemented by the Taranaki Regional Council to assess the consent holders' environmental performance during the period under review, and the results and environmental effects of the activities undertaken on the site.
109. The Greenwaste 2008 Company currently holds consent 6876-1, which includes a total of 11 conditions setting out the requirements that the consent holder must satisfy. This consent covers the discharge of green waste, stormwater and leachate to land. The consent was originally held by the Central Taranaki Employment Trust. It was subsequently transferred to Greenwaste 2007 and then to Greenwaste 2008 during the period under review.
110. The Council's monitoring programme for the period under review included 8 inspections that focussed on site operation, stormwater/leachate control, and odour. The monitoring showed that the site was generally well managed and would pose no threat of adverse environmental effects.
111. During the period, the consent holders demonstrated a good level of environmental performance and compliance with the resource consent. During the period under review there was one incident recorded in regards to the composting operation.
112. This report includes recommendations for the 2008-2009 year and a recommendation to not exercise the optional review provided for in special condition 11 of consent 6876-1

Decision-making obligations

113. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendation(s) made in this item comply with the decision-making obligations of the Act.

Policy considerations

114. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Biosecurity Act 1993.

Financial considerations

115. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Council Community Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Legal considerations

116. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Recommendations

THAT the Taranaki Regional Council:

1. receives the Swift Energy New Zealand Limited Deep Well Injection Monitoring Programme Triennial Report 2003-2006 and adopts the specific recommendations therein;
2. receives the Shell Todd Oil Services Ltd Maui and Kapuni Production Stations Joint Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein;
3. receives the Todd Taranaki Ltd McKee Production Station Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein;
4. receives the GR & LJ Jones Quarry Monitoring Programme Biennial Report 2006-2008 and adopts the specific recommendations therein;
5. receives the Miscellaneous Mix-Bury Cover Monitoring Programme Triennial Report 2005-2008 and adopts the specific recommendations therein;
6. receives the STDC Coastal Structures Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein;
7. receives the NPDC Coastal Structures Monitoring Programme Report 2007-2008 and adopts the specific recommendations therein;
8. receives the TrustPower Ltd – Lake Rotorangi Monitoring Programme Water quality and biological programmes Annual Report 2007-2008 and adopts the specific recommendations therein;
9. receives the South Taranaki District Council Opunake Wastewater Treatment System Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein;

10. receives the AB & DM Sybrandy Contracting Limited Inaha Road Quarry Monitoring Programme Biennial Report 2006-2008 and adopts the specific recommendations therein;
11. receives the Waiwhakaiho Airshed Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein;
12. receives the New Plymouth District Council Crematorium Monitoring Programme Annual Report 2007-2008 and adopts the specific recommendations therein;

13. receives the Greenwaste 2008 Monitoring Programme Biennial Report 2006-2008 and adopts the specific recommendations therein;

GK Bedford
Director—Environment Quality

Approved:

B G Chamberlain
Chief Executive