

Malandra Downs Limited
Monitoring Programme
Annual Report
2015-2016

Technical Report 2016-67

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Executive summary

Malandra Downs Limited (the Company) holds one resource consent to discharge green waste to land for the purposes of dune stabilisation at Albany Road, Patea in the Patea catchment.

Green waste from a Hawera based contractor is transported to the site and discharged over areas of sandy pasture that have undergone aeolian erosion. The green waste helps trap soil and sand and, upon decomposition, adds nutrients and condition to the sandy soils.

This report for the period July 2015 to June 2016 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental performance during the period under review, and the results and environmental effects of the consent holder's activities. This is the eighth annual report for this site.

Malandra Downs Ltd holds one resource consent to discharge green waste to land. This consent has 10 conditions setting out the requirements that the consent holder must satisfy, and was varied during the period under review to allow the use of tomato green house green waste from a specified neighbouring property.

During the monitoring period, Malandra Downs demonstrated an overall good level of environmental performance and compliance with consent conditions.

The Council's monitoring programme for the year under review was comprised of three inspections, assessing the types of materials being received and how the discharge to land was being managed.

During the year, the consent holder demonstrated a good level of environmental performance and a high level of administrative performance. During the year under review severe coastal erosion resulted in small amount of green waste entering the sea along with an eroded section of cliff.

For reference, in the 2015-2016 year, 71% of consent holders in Taranaki monitored through tailored compliance monitoring programmes achieved a high level of environmental performance and compliance with their consents, while another 24% demonstrated a good level of environmental performance and compliance with their consents.

In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a good or high level.

This report includes recommendations for the 2016-2017 year.

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1. Introduction

1.1 Compliance monitoring programme reports and the Resource Management Act 1991

1.1.1 Introduction

This report is the Annual Report for the period July 2015 to June 2016 by the Taranaki Regional Council (the Council) on the monitoring programme associated with the resource consent held by Malandra Downs Limited (the Company). The consent holder accepts domestic green waste from two specified suppliers for discharge to land for dune stabilisation purposes at Albany Road, Patea in the Patea catchment.

The report covers the results and findings of the monitoring programme implemented by the Council in respect of the consent held by Malandra Downs Limited. This is the eighth annual report to be prepared by Council to cover the Company's discharges to land and their effects.

1.1.2 Structure of this report

Section 1 of this report is a background section. It sets out general information about:

- consent compliance monitoring under the *Resource Management Act 1991* (RMA) and the Council's obligations;
- the Council's approach to monitoring sites through annual programmes;
- the resource consents held by the Company;
- the nature of the monitoring programme in place for the period under review; and
- a description of the activities and operations conducted on the Company's site.

Section 2 presents the results of monitoring during the period under review, including scientific and technical data.

Section 3 discusses the results, their interpretations, and their significance for the environment.

Section 4 presents recommendations to be implemented in the 2016-2017 monitoring year.

A glossary of common abbreviations and scientific terms, and a bibliography, are presented at the end of the report.

1.1.3 The Resource Management Act 1991 and monitoring

The RMA primarily addresses environmental 'effects' which are defined as positive or adverse, temporary or permanent, past, present or future, or cumulative. Effects may arise in relation to:

- (a) the neighbourhood or the wider community around an activity, and may include cultural and social-economic effects;
- (b) physical effects on the locality, including landscape, amenity and visual effects;
- (c) ecosystems, including effects on plants, animals, or habitats, whether aquatic or terrestrial;

- (d) natural and physical resources having special significance (for example, recreational, cultural, or aesthetic); and
- (e) risks to the neighbourhood or environment.

In drafting and reviewing conditions on discharge permits, and in implementing monitoring programmes, the Council is recognising the comprehensive meaning of 'effects' inasmuch as is appropriate for each activity. Monitoring programmes are not only based on existing permit conditions, but also on the obligations of the RMA to assess the effects of the exercise of consents. In accordance with Section 35 of the RMA, the Council undertakes compliance monitoring for consents and rules in regional plans, and maintains an overview of the performance of resource users and consent holders. Compliance monitoring, including both activity and impact monitoring, enables the Council to continually re-evaluate its approach and that of consent holders to resource management and, ultimately, through the refinement of methods and considered responsible resource utilisation, to move closer to achieving sustainable development of the region's resources.

1.1.4 Evaluation of environmental and administrative performance

Besides discussing the various details of the performance and extent of compliance by the consent holder during the period under review, this report also assigns a rating as to the Company's environmental and administrative performance.

Environmental performance is concerned with actual or likely effects on the receiving environment from the activities during the monitoring year. **Administrative performance** is concerned with the Company's approach to demonstrating consent compliance in site operations and management including the timely provision of information to Council (such as contingency plans and water take data) in accordance with consent conditions.

Events that were beyond the control of the consent holder and unforeseeable (that is a defence under the provisions of the RMA can be established) may be excluded with regard to the performance rating applied. For example loss of data due to a flood destroying deployed field equipment.

The categories used by the Council for this monitoring period, and their interpretations, are as follows:

Environmental Performance

- **High:** No or inconsequential (short-term duration, less than minor in severity) breaches of consent or regional plan parameters resulting from the activity; no adverse effects of significance noted or likely in the receiving environment. The Council did not record any verified unauthorised incidents involving significant environmental impacts and was not obliged to issue any abatement notices or infringement notices in relation to such impacts.
- **Good:** Likely or actual adverse effects of activities on the receiving environment were negligible or minor at most. There were some such issues noted during monitoring, from self reports, or in response to unauthorised incident reports, but these items were not critical, and follow-up inspections showed they have been

dealt with. These minor issues were resolved positively, co-operatively, and quickly. The Council was not obliged to issue any abatement notices or infringement notices in relation to the minor non-compliant effects; however abatement notices may have been issued to mitigate an identified potential for an environmental effect to occur.

For example:

- High suspended solid values recorded in discharge samples, however the discharge was to land or to receiving waters that were in high flow at the time;
 - Strong odour beyond boundary but no residential properties or other recipient nearby.
- **Improvement required:** Likely or actual adverse effects of activities on the receiving environment were more than minor, but not substantial. There were some issues noted during monitoring, from self reports, or in response to unauthorised incident reports. Cumulative adverse effects of a persistent minor non-compliant activity could elevate a minor issue to this level. Abatement notices and infringement notices may have been issued in respect of effects.
 - **Poor:** Likely or actual adverse effects of activities on the receiving environment were significant. There were some items noted during monitoring, from self reports, or in response to unauthorised incident reports. Cumulative adverse effects of a persistent moderate non-compliant activity could elevate an 'improvement required' issue to this level. Typically there were grounds for either a prosecution or an infringement notice in respect of effects.

Administrative compliance

- **High:** The administrative requirements of the resource consents were met, or any failures to do this had trivial consequences, and were addressed promptly and co-operatively.
- **Good:** Perhaps some administrative requirements of the resource consents were not met at a particular time, however this was addressed without repeated interventions from the Council staff. Alternatively adequate reason was provided for matters such as the no or late provision of information, interpretation of 'best practical option' for avoiding potential effects, etc.
- **Improvement required:** Repeated interventions to meet the administrative requirements of the resource consents were made by Council staff. These matters took some time to resolve, or remained unresolved at the end of the period under review. The Council may have issued an abatement notice to attain compliance.
- **Poor:** Material failings to meet the administrative requirements of the resource consents. Significant intervention by the Council was required. Typically there were grounds for an infringement notice.

For reference, in the 2015-2016 year, 71% of consent holders in Taranaki monitored through tailored compliance monitoring programmes achieved a high level of

environmental performance and compliance with their consents, while another 24% demonstrated a good level of environmental performance and compliance with their consents.

1.2 Process description

The site is a mixed sheep, beef and dairy hold-over farm located north east of Patea (Figure 1). The south-western boundary of the farm runs along the edge of the sea cliffs (Figure 2). The land adjacent to the cliff has a high sand content and is prone to scouring and erosion from the high winds experienced in the area.

Green waste is sorted at Ingram's Contracting yard in Hawera to remove any unacceptable material before being transported to the site via truck. The weekly volume of the green waste discharged varies from season to season; the peak volume was projected to be approximately 150 cubic metres of uncompressed green waste per week. A variation to the consent in the 2014-2015 year also provided for the discharge of tomato green waste from greenhouses on a nearby property.

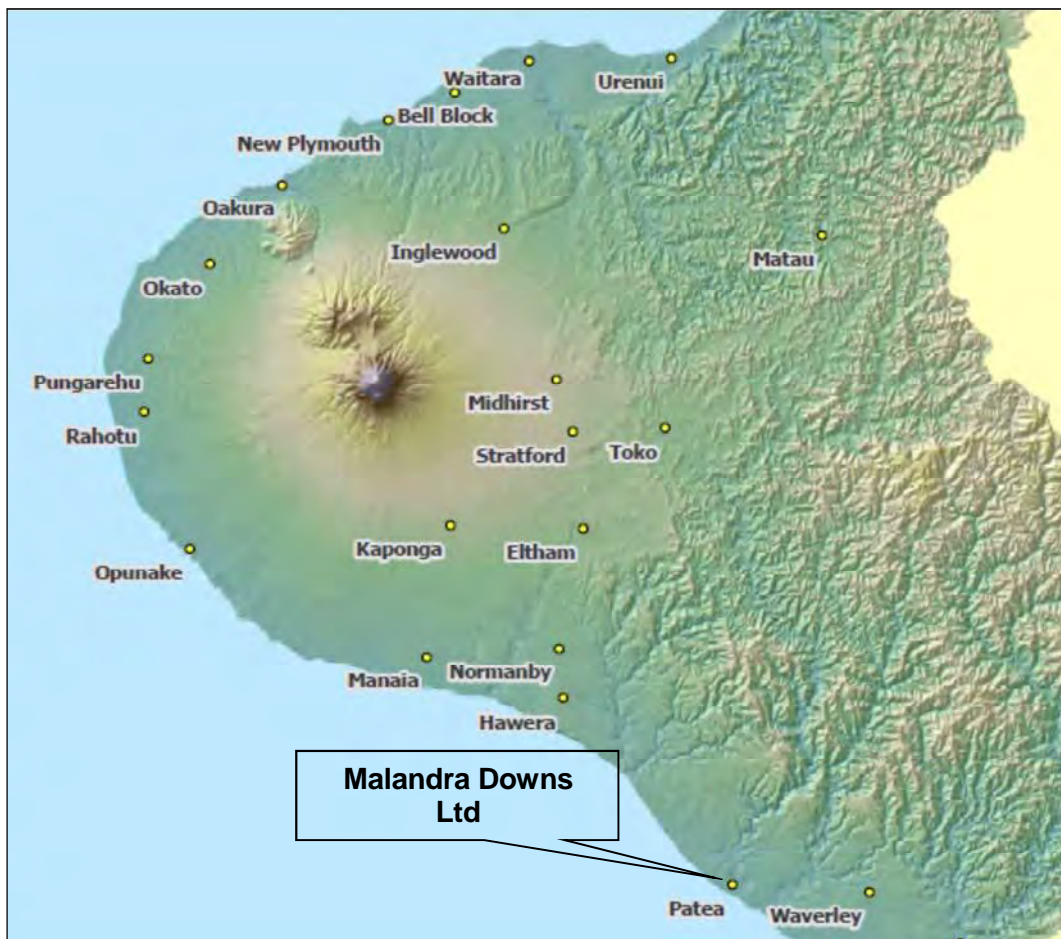


Figure 1 Regional map showing the location of the site

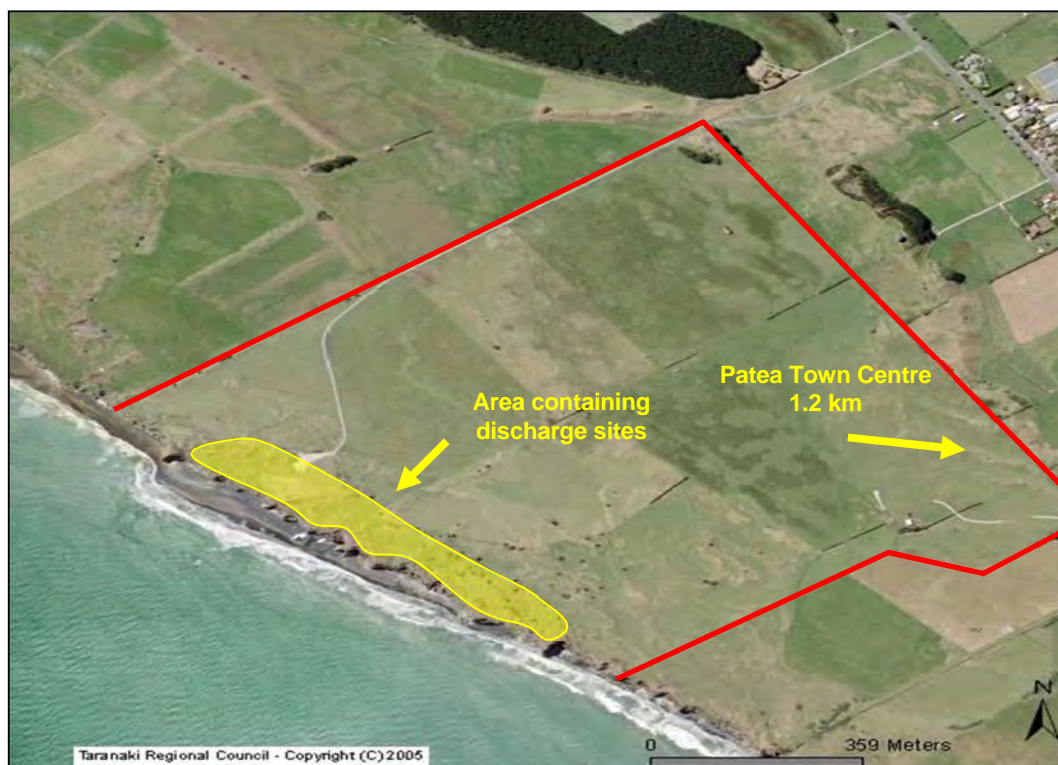


Figure 2 Aerial image of the Malandra Downs property disposal area

1.3 Resource consents

1.3.1 Discharges of wastes to land

Sections 15(1)(b) and (d) of the RMA stipulate that no person may discharge any contaminant onto land if it may then enter water, or from any industrial or trade premises onto land under any circumstances, unless the activity is expressly allowed for by a resource consent, a rule in a regional plan, or by national regulations.

The Company holds discharge permit **7374-1** to cover “the discharge of domestic green waste onto and into land for land stabilisation purposes and to discharge associated stormwater and leachate onto and into land”. This permit was issued by the Council on 15 September 2008 under Section 87(e) of the RMA to KP and BA O’Leary and it was transferred to Malandra Downs Limited on 2 May 2011. The consent was varied on 29 October 2014 to provide for the inclusion of ‘tomato green waste’ from greenhouses on a nearby property. This consent is due to expire on 1 June 2028, and has an optional review date of June 2022.

The consent has ten special conditions;

Conditions 1, 3 and 4 deal with the source and nature of acceptable green waste, and specify that:

- tomato plants be sourced directly from greenhouses located at 246 Egmont Street, Patea, and
- Ingram’s Contracting be the sole source of domestic green waste.

Condition 2 requires the consent holder to adopt the best practicable option as defined by Section 2 of the RMA to minimise adverse effects.

Condition 5 requires that the site complies with the *Pest Plant Strategy for Taranaki; Plants*.

Conditions 6 and 7 prohibit contaminants being allowed to directly enter surface water or the marine area.

Condition 8 deals with discharge site reinstatement.

Conditions 9 and 10 define the lapse period and review dates.

The permit is attached to this report in Appendix I.

1.4 Monitoring programme

1.4.1 Introduction

Section 35 of the RMA sets obligations upon the Council to gather information, monitor and conduct research on the exercise of resource consents within the Taranaki region. The Council is also required to assess the effects arising from the exercising of these consents and report upon them.

The Council may therefore make and record measurements of physical and chemical parameters, take samples for analysis, carry out surveys and inspections, conduct investigations, and seek information from consent holders.

The monitoring programme for Company's site consisted of two components.

1.4.2 Programme liaison and management

There is generally a significant investment of time and resources by the Council in:

- ongoing liaison with resource consent holders over consent conditions and their interpretation and application;
- in discussion over monitoring requirements;
- preparation for any reviews;
- renewals;
- new consents;
- advice on the Council's environmental management strategies and content of regional plans; and
- consultation on associated matters.

1.4.3 Site inspections

There are two inspections per year scheduled under this programme, with the provision for a third inspection if required. The site was visited on three occasions during the year under review. The inspections focussed on the presence or absence of unacceptable materials, the stability of the green waste stacks (against wind), and the management of any stormwater and leachate.

2. Results

2.1 Inspections

26 August 2015

The site was inspected in fine weather with a slight northerly wind. It was noted that surface flooding had occurred in some low lying areas, and this was likely to have been caused by the heavy rainfall that had been occurring since May 2015. Some ponding was still evident, however there was no ponding present in the areas that were known to have been used for the discharge of green waste.

There appeared to have been no activity at the disposal site since the last inspection carried out in June 2015, possibly due to access issues through the wet low lying areas.

The Company was advised that the inspecting officer would make contact shortly for an update on the anticipated level of use of the discharge area.

26 January 2016

The weather was fine and dry at the time of inspection (only 39 mm of rain had fallen over the past month). The Company was contacted prior to the inspection.

It was again found that, there did not appear to have been much activity at the site since the last inspection. However, the stock pile area did contain several loads of green waste ready for spreading. No unacceptable wastes were found at the site.

It was noted that previously discharged green waste had settled down and appeared to be stable. An area of previously windrowed green waste had fallen into the sea due to severe coastal erosion.

The following action was to be taken:

Ensure that the discharges of green waste are far enough away from the cliffs to prevent any discharged green waste entering the sea, as this is prohibited by special condition 7 of consent 7374-1.1.

18 May 2016

A follow up inspection was undertaken to check on the green waste material that had been deposited close to the cliff face a number of years ago, in an area that was now being affected by severe coastal erosion.

A small amount of green waste material was still in situ, however it was found that no further material had been placed in this location. Farm workers were levelling the sand dunes close to the coastal boundary at the time of inspection.

It was noted that the coastal erosion of the cliff face and land above this area has been very severe, however at the time of inspection it was not considered that there was any green waste currently in a location where the cliff is likely to be eroded from under it in the near future.

The consent holder was reminded to continue to monitor the area as the discharged green waste is prohibited from entering the sea under condition 7 of consent 7374-1.1.

2.2 Investigations, interventions, and incidents

The monitoring programme for the year was based on what was considered to be an appropriate level of monitoring, review of data, and liaison with the Company. During the year matters may arise which require additional activity by the Council, for example provision of advice and information, or investigation of potential or actual courses of non-compliance or failure to maintain good practices. A pro-active approach that in the first instance avoids issues occurring is favoured.

The Council operates and maintains a register of all complaints or reported and discovered excursions from acceptable limits and practices, including non-compliance with consents, which may damage the environment. The incident register includes events where the company concerned has itself notified the Council. The register contains details of any investigation and corrective action taken.

Complaints may be alleged to be associated with a particular site. If there is potentially an issue of legal liability, the Council must be able to prove by investigation that the identified company is indeed the source of the incident (or that the allegation cannot be proven).

In the 2015-2016 period, the Council was not required to undertake significant additional investigations and interventions, or record incidents, in association with the Company's conditions in resource consents or provisions in Regional Plans.

3. Discussion

3.1 Discussion of site performance

Overall the site was well managed, the discharge sites were all fenced off to exclude stock and the green waste was largely free of unacceptable wastes. No unacceptable wastes were found at the inspections undertaken during the year under review.

There was very little activity at the site during the monitoring period in regards to the discharge of new green waste. Some of the existing discharge sites showed improvement in stabilisation evidenced by sand and soil building up in and around the green waste. However, it was found that some previously discharged green waste close to the cliff tops had fallen into the sea, due to the severe coastal erosion that had been taking place. The consent holder needs to continue to monitor this to ensure that there are no further discharges of green waste into the sea.

3.2 Environmental effects of exercise of consents

The potential effects of the activity arise from the generation of leachate from the decomposition of green waste, and stormwater run-off from the discharge areas. Neither of these will be likely to have significant effects, as there is no fresh water body near any of the disposal sites, and on the whole the soil is very sandy and drains well.

The volume of leachate generated would have been small and likely to contain only moderate amounts of ammoniacal nitrogen and free ammonia. Any leachate generated percolates through the sandy soil and mixes with other subsurface waters. These waters eventually make their way to the sea either via springs in the cliff face or at the base of the cliffs. As this coastal area is considered 'high energy', and also that there is only a very narrow strip of beach (at low tide only), any waters emerging from the cliff would be swiftly mixed and dispersed. Any effects on groundwater quality or coastal water quality would be negligible. In general, the creation of stable interlocked layers of green waste ensures that it does not fall off, or get blown off the cliffs and down onto the coastal marine area or into the sea. However, during the year under review an area of cliff was eroded by wave action resulting in a small amount of green waste entering the sea. At a follow up inspection close to the end of the period under review it was considered that there was not any green waste currently in a location where the cliff is likely to be eroded from under it in the near future, and the consent holder was asked to continue to monitor the situation to ensure consent compliance.

From observations made during the inspections of the site, and the conditions prevailing at the time of the cliff erosion, no adverse environmental effects were found, or expected to have been occurring, as a result of the activity authorised by consent 7374.

3.3 Evaluation of performance

A tabular summary of the consent holder's compliance record for the year under review is set out in Table 1.

Table 1 Summary of performance for consent 7374-1.1

Purpose: To discharge domestic green waste onto and into land for land stabilisation purposes and to discharge associated stormwater and leachate onto and into land		
Condition requirement	Means of monitoring during period under review	Compliance achieved?
1. Defines green waste and supplier of tomato green waste	Inspections	Yes
2. Adopt best practicable option	Inspections	Yes
3. Ingram's Contracting is the sole supplier of domestic green waste	Programme management and liaison	Yes
4. Unacceptable materials removed	Inspections-none found	Yes
5. Compliance on pest plant matters	Inspections-no viable pest plants seen	Yes
6. No contaminants to directly enter surface water	Inspections-no discharges found	Yes
7. Green waste not to enter marine area	Inspections	Severe coastal erosion resulted in small amount of green waste entering the sea with the eroded section of cliff
8. Reinstatement of sites prior to surrender or expiry of consent	N/A	N/A
9. Lapse of consent	Consent exercised	Yes
10. Review condition	No review option this period	N/A
Overall assessment of environmental performance in respect of this consent		Good
Overall assessment of administrative performance in respect of this consent		High

N/A = not applicable

During the year, Malandra Downs Limited demonstrated a good level of environmental performance and a high level of administrative performance. During the year under review severe coastal erosion resulted in small amount of green waste entering the sea along with an eroded section of cliff.

3.4 Recommendations from the 2014-2015 Annual Report

The 2014-2015 Annual Report recommended;

THAT monitoring of discharges at the Malandra Downs Ltd site in the 2015-2016 period continue at the same level as in the 2014-2015 period.

THAT the option for a review of resource consent 7374-1 in June 2014, as set out in condition 10 of the consent, not be exercised, on the grounds that on the grounds that historical monitoring has found that the existing conditions are adequate at this time.

These recommendations were implemented.

3.5 Alterations to monitoring programmes for 2016-2017

In designing and implementing the monitoring programmes for water discharges in the region, the Council has taken into account:

- the extent of information made available by previous authorities;
- its relevance under the RMA;
- its obligations to monitor discharges and their effects under the RMA; and
- to report to the regional community.

The Council also takes into account the scope of assessments required at the time of renewal of permits, and the need to maintain a sound understanding of industrial processes within Taranaki discharging to the environment.

It is proposed that the programme for the 2016-2017 period remains unchanged from that undertaken in the 2015-2016 period.

4. Recommendation

1. THAT monitoring of consented activities at the Malandra Downs Ltd site in the 2016-2017 year continues at the same level as in 2015-2016.

Glossary of common terms and abbreviations

The following abbreviations and terms may be used within this report:

Aeolian	Pertaining wind or wind action.
Incident	An event that is alleged or is found to have occurred that may have actual or potential environmental consequences or may involve non-compliance with a consent or rule in a regional plan. Registration of an incident by the Council does not automatically mean such an outcome had actually occurred.
Green Waste	Domestic green waste is defined as: leaves, grass clippings, hedge trimmings, sticks/branches/logs with a diameter no greater than 100 mm. Specifically excluded from the definition are: sticks/branches/logs with a diameter greater than 100 mm; timber (treated or not); and any viable plant identified in the Pest Management Strategy for Taranaki: Plant.
Intervention	Action/s taken by Council to instruct or direct actions be taken to avoid or reduce the likelihood of an incident occurring.
Investigation	Action taken by Council to establish what were the circumstances/events surrounding an incident including any allegations of an incident.
Incident register	The incident register contains a list of events recorded by the Council on the basis that they may have the potential or actual environmental consequences that may represent a breach of a consent or provision in a Regional Plan.
Resource consent	Refer Section 87 of the RMA. Resource consents include land use consents (refer Sections 9 and 13 of the RMA), coastal permits (Sections 12, 14 and 15), water permits (Section 14) and discharge permits (Section 15).
RMA	<i>Resource Management Act 1991</i> and including all subsequent amendments.
Temp	Temperature, measured in °C (degrees Celsius).
Turb	Turbidity, expressed in NTU.

For further information on analytical methods, contact the Council's laboratory.

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- Taranaki Regional Council (2007): Pest Management Strategy for Taranaki: Plants.

Appendix I

Resource consent held by Malandara Downs

**(For a copy of the signed resource consent
please contact the TRC Consents department)**

Discharge Permit
Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council

Name of
Consent Holder: Malandra Downs Limited
68 Livingstone Lane
RD 2
Patea 4598

Decision Date
(Change): 29 October 2014

Commencement Date
(Change): 29 October 2014 (Granted Date: 15 September 2008)

Conditions of Consent

Consent Granted: To discharge 'domestic green waste' and 'tomato green waste' onto and into land for land stabilisation purposes, and to discharge the associated stormwater and leachate onto and into land

Expiry Date: 01 June 2028

Review Date(s): June 2016, June 2022

Site Location: 23 Albany Street, Patea

Legal Description: Lot 1 DP 6479 Lot 1 DP 6934 Secs 55, 677 & Pt Sec 19
Patea Sbrn

Grid Reference (NZTM) 1724660E-5598330N

Catchment: Patea

*For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document*

General condition

- a. The consent holder shall pay to the Taranaki Regional Council all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

Special conditions

1. This consent authorises the discharge of 'green waste', which is comprised of :
 - (a) 'domestic green waste', which is defined as: leaves, grass clippings, hedge trimmings, sticks/branches/logs with a diameter no greater than 100 mm. Specifically excluded from the definition are: sticks/branches/logs with a diameter greater than 100 mm; timber (treated or not); and any viable plant identified in the *Pest Management Strategy for Taranaki: Plant*; and
 - (b) 'tomato green waste', which is defined as tomato plants sourced directly from greenhouses located at 246 Egmont Street, Patea.
2. The consent holder shall at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects on the environment from the exercise of this consent.
3. Ingram's Contracting of Hawera shall be the sole supplier of the domestic green waste for discharge. No other external sources of domestic green waste are permitted to discharge at the site.
4. The consent holder shall remove any dumped material from the site that is not green waste (as defined by condition 1).
5. The consent holder shall comply with the requirements of the *Pest Management Strategy for Taranaki: Plants* at the site.
6. The discharge of green waste to land shall not result in any contaminant entering surface water.
7. The exercise of this consent shall not result in any green waste, either by wind action, gravity, or any other process leaving the discharge sites and entering the sea or any part of coastal marine area adjacent to the property.
8. Prior to the expiry or surrender of this consent, the consent holder shall reinstate and revegetate the discharge areas to the satisfaction of the Chief Executive of the Taranaki Regional Council.
9. This consent shall lapse on the expiry of five years after the date of issue of this consent, unless the consent is given effect to before the end of that period or the Taranaki Regional Council fixes a longer period pursuant to section 125(1)(b) of the Resource Management Act 1991.

Consent 7374-1.1

10. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2016 and/or June 2022, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Signed at Stratford on 29 October 2014

For and on behalf of
Taranaki Regional Council

A D McLay
Director - Resource Management

