

Consents and Regulatory Committee

Tuesday 2 May 2017

9.30am

Taranaki Regional Council, Stratford



Agenda for the meeting of the Consents and Regulatory Committee to be held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 2 May 2017 commencing at 9.30am.

Members	Councillor M P Joyce	(Committee Chairperson)
	Councillor M J Cloke	
	Councillor M G Davey	
	Councillor C L Littlewood	
	Councillor M J McDonald	
	Councillor B K Raine	
	Councillor N W Walker	
	Councillor D L Lean	(ex officio)
	Councillor D N MacLeod	(ex officio)

Apologies

Notification of Late Items

Item	Page	Subject
Item 1	3	Confirmation of Minutes
Item 2	10	Resource consents issued under delegated authority and applications in progress
Item 3	34	Incident Register - 20 February 2017 to 13 April 2017
Item 4	62	Environment Defence Society Report into Compliance, Monitoring and Enforcement

Agenda Memorandum

Date 2 May 2017



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

Subject: Confirmation of Minutes – 14 March 2017

Approved by: G K Bedford, Director-Environment Quality

B G Chamberlain, Chief Executive

Document: 1852986

Resolve

That the Consents and Regulatory Committee of the Taranaki Regional Council:

1. takes as read and confirms the 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 March 2017 at 9.30am
2. notes the recommendations therein were adopted by the Taranaki Regional Council on 3 April 2017.

Matters arising

Appendices

Document #1832744 -Minutes Consents and Regulatory Committee

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 March 2017 at 9.30am.



Members	Councillors	M P Joyce	(Committee Chairperson)
		M J Cloke	
		C L Littlewood	
		M J McDonald	
		B K Raine	
		N W Walker	
		D L Lean	(ex officio)(from 9.40am)
		D N MacLeod	(ex officio)
Attending	Messrs	B G Chamberlain	(Chief Executive)
		G K Bedford	(Director-Environment Quality)
		A D McLay	(Director-Resource Management)
		M J Nield	(Director-Corporate Services)
		B E Pope	(Compliance Manager)
		S Tamarapa	(Iwi Communications Officer)
	Mrs	V McKay	(Science Manager)
	Mrs	K van Gameren	(Committee Administrator)
Mr	P Ledingham	(Communications Officer)	
Mr	R Ritchie	(Communications Manager)	

One Member of the public.

Apologies The apology from Councillor M G Davey was received and sustained.

Notification of Late Items There were no late items of general business.

1. Confirmation of Minutes - 31 January 2017

Resolved

THAT the Consents and Regulatory Committee of the Taranaki Regional Council

1. takes as read and confirms the 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 31 January 2017 at 10.30am

2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 20 February 2017.

MacLeod/Cloke

Matters Arising

There were no matters arising.

2. Resource consents issued under delegated authority and applications in progress

- 2.1 The Committee considered and discussed the memorandum advising of consents granted, consents under application and of consent processing actions since the last meeting of the Committee.

Recommended

THAT the Taranaki Regional Council

1. receives the schedule of resource consents granted and other consent processing actions, made under delegated authority

Littlewood/Raine

3. Appointment of Hearing Committee - Jimian Limited

- 3.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum recommending delegating to a Hearing Committee the authority to determine an application by Jimian Limited to renew consent 5571 to take water from the Kohi Stream for pasture irrigation purposes.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum
2. subject to a hearing being necessary, in accordance with section 34A(1) of the Resource Management Act, appoints Councillor D L Lean (Chairperson) and Councillor N W Walker as hearing commissioners, and delegates them the power to hear and determine the application lodged by Jimian Limited (Renewal of consent 5571).

MacLeod/Cloke

4. Consent monitoring annual reports

Councillor D N MacLeod declared an interest in Item 4 (Consent monitoring annual reports) in relation to Fonterra Co-operative Group Limited (Whareroa) and took no part in the discussions or deliberations.

- 4.1 Mrs V McKay, Science Manager, spoke to the memorandum and answered questions concerning 26 tailored compliance monitoring reports covering the monitoring periods 2015-2016, and provided an overview on environmental performance and consent compliance for each report.
- 4.2 The Committee noted and discussed the annual reports relating to McKechnie Aluminium, Fonterra Whareroa, Taranaki By-Products Limited and Remediation NZ Limited.
- 4.3 It was noted to the Committee that Council staff have met their KPI's resulting in annual monitoring compliance reports being presented to the Committee for the current reporting period/year (2015/2016). This presents an up-to-date overview of consent compliance monitoring. The Committee thanked the efforts of Council staff in achieving their set targets.

Recommended

THAT the Taranaki Regional Council

1. receives the 16-15 McKechnie Aluminium Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
2. receives the 16-16 Dow AgroSciences NZ Compliance Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
3. receives the 16-18 Greymouth Petroleum Kaimiro Production Station Annual Report 2015-2016 and adopts the specific recommendations therein
4. receives the 16-24 STOS Kapuni Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
5. receives the 16-28 Stratford District Council Wastewater Treatment Plant Monitoring Programme Annual report 2015-2016 and adopts the specific recommendations therein
6. receives the 16-30 STDC Waverly, Kaponga, Manaia and Patea Municipal Wastewater Treatment Plant Systems Compliance Monitoring Programmes Annual Report 2015-2016 and adopts the specific recommendations therein
7. receives the 16-31 STDC Opunake WWTP Compliance Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
8. receives the 16-39 Port Taranaki Limited Dredging Compliance Monitoring Annual Report 2015-2016 and adopts the specific recommendations therein
9. receives the 16-40 Fonterra Whareroa Compliance Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein

10. receives the 16-43 NPDC NPWWTP Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
11. receives the 16-44 NPDC Coastal Structures Monitoring Annual Report 2015-2016 and adopts the specific recommendations therein
12. receives the 16-53 Riverlands ANZCO Eltham Compliance Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
13. receives the 16-54 Silver Fern Farms - Waitotara Compliance Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
14. receives the 16-55 Ballance Agri-Nutrients Compliance Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
15. receives the 16-70 Regional Cleanfills Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
16. receives the 16-80 Taranaki By-Products Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
17. receives the 16-83 Remediation NZ Limited Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
18. receives the 16-84 Vector Kapuni GTP Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
19. receives the 16-85 CD Boyd Drilling Waste Stockpiling Landfarm/Landspreading Compliance Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
20. receives the 16-89 Origin Energy Landfarms Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
21. receives the 16-91 Waste Remediation Services Ltd Waikaikai Landfarm Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
22. receives the 16-97 Port Area Industrial Catchments Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
23. receives the 16-98 Lower Waiwhakaiho Catchment Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
24. receives the 16-106 Todd Energy Limited Mangahewa D (Hydraulic Fracturing) Monitoring Programme Annual Report 2014-2016 and adopts the specific recommendations therein
25. receives the 16-115 Contact Energy Stratford Power Station Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein
26. receives the 16-117 STOS Maui Production Station Monitoring Programme Annual Report 2015-2016 and adopts the specific recommendations therein

Joyce/MacLeod

5. Incident Register – 13 January 2017 to 19 February 2017

Councillor D N MacLeod declared an interest in Item 5 (Incident Register 13 January 2017 to 19 February 2017) in relation to Fonterra Co-operative Group Limited and took no part in the discussions or deliberations.

Councillor M P Joyce declared an interest in Item 5 (Incident Register 13 January 2017 to 19 February 2017) in relation to the Taranaki Agricultural Research Station Trust and took no part in the discussions or deliberations.

- 5.1 The Committee received and noted the summary of the Council's Incident Register for the period 13 January 2017 to 19 February 2017.
- 5.2 Mr B E Pope, Compliance Manager, provided an overview to the Committee on the reported incidents and answered questions concerning officer assessments of the incidents.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum
2. receives the summary of the Incident Register for the period from 13 January 2017 to 19 February 2017, notes the action taken by staff and adopts the recommendations therein.

McDonald/Littlewood

6. General Business

Members of the Committee, that are also Members of the Council's Policy and Planning Committee, agreed to address the start time of the Policy and Planning Committee to help cut down the length of time between the Consents and Policy committee meetings. It was agreed to retain 9.30am start for the Consents Committee and introduce a new start time of 10.30am for the Policy and Planning Committee. The two meetings will continue to be held on the same day.

There being no further business, the Committee Chairperson Councillor M P Joyce, declared the Consents and Regulatory Committee meeting closed at 9.55am.

Confirmed

Chairperson _____
M P Joyce

Date **2 May 2017**

Agenda Memorandum

Date 2 May 2017



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

**Subject: Resource consents issued under
delegated authority and applications in
progress**

Approved by: A D McLay, Director – Resource Management
B G Chamberlain, Chief Executive

Document: 1852977

Purpose

The purpose of this memorandum is to advise the Committee of consents granted, consents under application and of consent processing actions since the last meeting. This information is summarised in figures at the end of this report.

Executive summary

Memorandum to advise the Committee of recent consenting actions made under regional plans and the Resource Management Act, in accordance with Council procedures and delegations.

Recommendation

That the Taranaki Regional Council:

1. receives the schedule of resource consents granted and other consent processing actions, made under delegated authority.

Background

The following resource consent applications have been investigated by officers of the Taranaki Regional Council. They are activities with less than minor adverse effects on the environment or minor effects and affected parties have agreed to the activity. 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 consent applications, the Chief Executive or the Director – Resource Management has granted the consents/certificates of compliance.

The exercise of delegations under the Resource Management Act 1991 is reported for Committee Members' information. Under the delegations manual, consent processing actions are to be reported to the Consents and Regulatory Committee.

The attached appendices (consent applications in progress) show the total number of applications in the consent processing system over the last twelve months. The number of applications for the renewal of resource consents is also shown. The difference between the two is the number of new applications, including applications for a change of conditions. New applications take priority over renewal applications. Renewal applications are generally put on hold, with the agreement of the applicant, and processed when staff resources allow. A consent holder can continue to operate under a consent that is subject to renewal. The above approach is pragmatic and ensures there are no regulatory impediments to new activities requiring authorisation.

Also attached are the following:

- Applications in progress table - the number of applications in progress at the end of each month (broken down into total applications and the number of renewals in progress) for this year and the previous two years.
- Consents issued table - the number of consents issued at the end of each month for this year and the previous two years.
- Potential hearings spreadsheet outlining the current status of limited/notified applications where hearing committees have been appointed.
- Breakdown of consents issued. This is the number of consents issued broken down by purpose – new, renewals, changes or review.
- Types of consents issued, further broken down into notification types – non-notified, limited notified or public notified.
- Public and iwi involvement in non-notified consents. This assessment excludes routine farm dairy discharges as generally affected party approval and iwi consultation is not required for these.
- Application processing time extensions used compared to the previous years.
- Consent type process shows the notification type including applications submitted on and the pre-hearing resolution numbers.

Discussion

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 recommendations made in this item comply with the decision-making obligations of the Act.

Decision-making considerations

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 recommendations made in this item comply with the decision-making obligations of the Act.

Financial considerations—LTP/Annual plan

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

Policy considerations

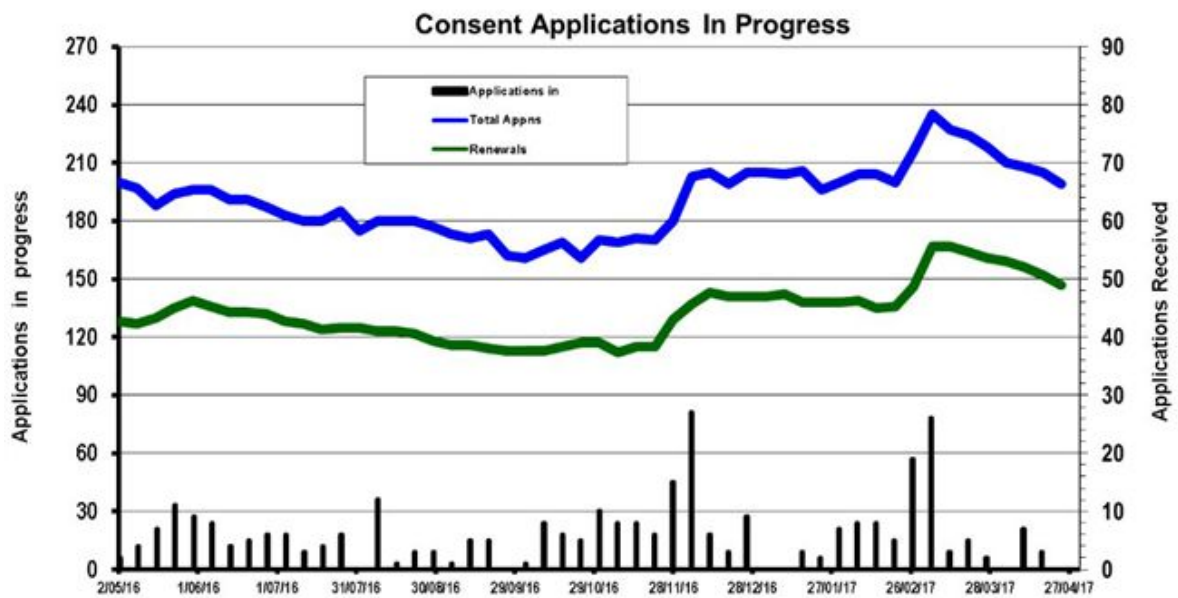
This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Biosecurity Act 1993*.

Legal considerations

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

Appendices/Attachments

- List of non-notified consents (document #1852884)
- List of limited notified consents (document #1852876)
- Schedule of non-notified consents (document #1852951)
- Schedule of limited notified consents (document #1852892)
- Consents processing charts for Agenda (document #1853011)



Applications in progress

Month Ending

	July		Aug		Sept		Oct		Nov		Dec		Jan		Feb		Mar		Apr		May		Jun	
	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R
2016/2017	175	125	175	118	161	113	169	117	179	129	204	143	200	138	226	160	210	159	199	147				
2015/2016	206	129	183	125	178	116	173	114	169	117	181	121	186	125	169	120	178	126	200	128	194	135	180	128
2014/2015	181	117	167	107	175	99	160	88	181	116	183	120	182	118	254	171	229	187	225	167	216	148	208	141

R = Renewals

Note: April 2017 incomplete month

Potential Hearings

Applicant	Description	Notification date	Status	Date Issued
Fonterra Ltd & South Taranaki District Council	X 8 renewal applications for Whareroa plant and outfall	30/01/2016	Pre-hearing process underway	
Jimian Limited	To take water from the Kohi Stream for pasture irrigation - renewal	22/03/2016	Hearing Committee to be appointed	

Consents Issued (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2016-2017	18	36	57	76	104	122	138	161	193	213		
2015-2016	35	64	104	133	171	187	204	257	282	307	340	382
2014/2015	41	80	106	154	184	212	235	262	312	332	366	400

Note: April 2017 incomplete month

Breakdown of consents issued

	New	Renewal	Change	Review	Totals
2014-2015 Total	164	133	98	5	400
2015-2016 Total	156	124	92	10	382
2016-2017 YTD	98	64	51	0	213

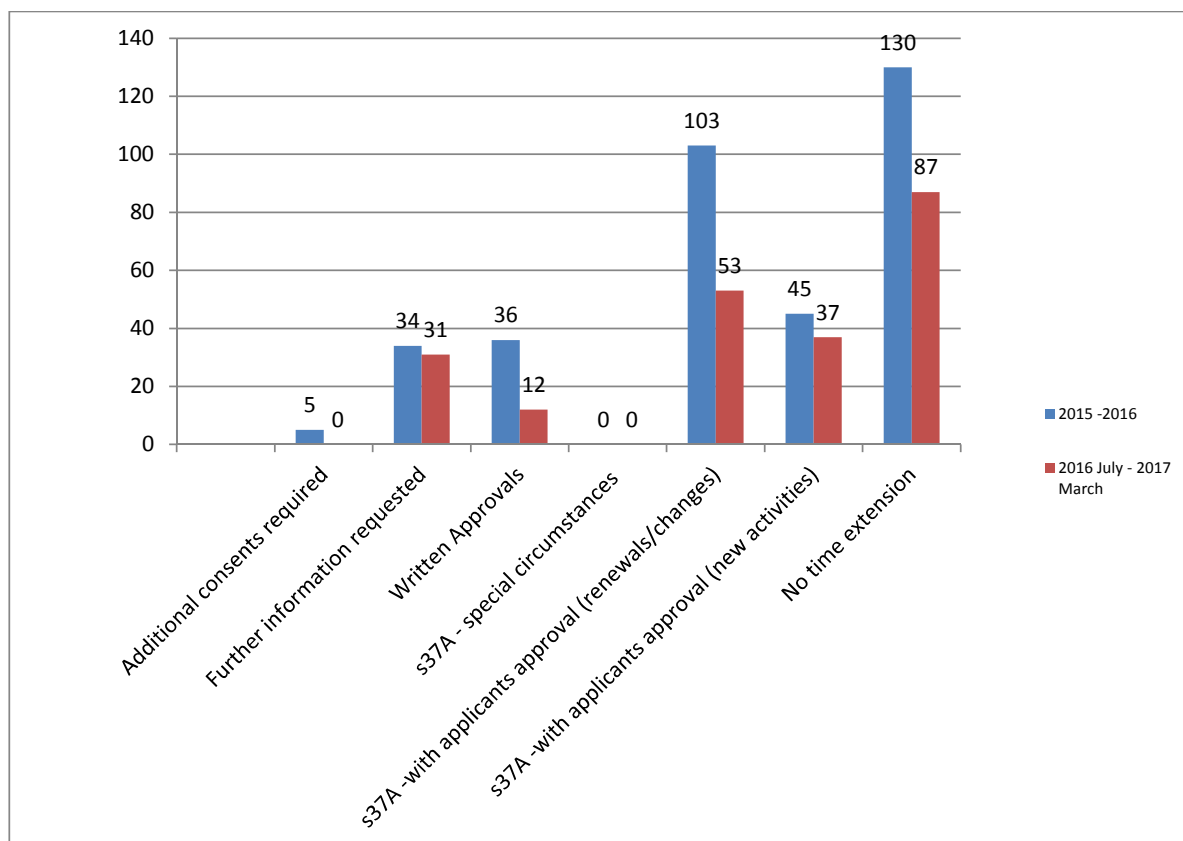
Types of consents issued - year to date comparison

	Publicly Notified						%		Limited					%		Non Notified					%		Grand Total
	Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other	Total publicly notified	Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other	Total Limited Notified	Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other	Total Non-notified					
July 2014 to June 2015	0	0	0	0	1	0.3%	1	1	3	4	3	0	2.8%	11	35	151	26	86	90	97.0%	388	400	
July 2015 to June 2016	0	0	0	0	0	0.0%	0	2	2	0	0	7	3.2%	11	55	82	20	71	101	96.8%	329	340	
July 2016 to April 2017	0	0	0	0	0	0.0%	0	0	0	0	2	6	3.8%	8	13	76	4	42	70	96.2%	205	213	

Non notified number of parties consulted and written approval provided – 2016-2017

	Consultation/Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
District Councils	16	4	20
DOC	15	5	20
Environmental/Recreational Groups	1	6	7
Fish & Game	2	0	2
Individuals/Neighbours/Landowners	2	437	439
Network Utilities	2	0	2
Non Govt Organisations	0	3	3
Other Govt Departments	18	0	18
Iwi/hapu involvement	131	5	136
Totals - as at end March 2017	187	460	647

Application processing time extensions used 2015-2016 versus 2016-2017



Consent type process

	Last 10 year average 2007 - 2016	July 2015 to June 2016	July 2016 to March 2017
Total consents granted	409	382	193
Publically Notified	5	0	0
Limited-notified	11	12	5
Non-notified	394	370	188
Applications submitted on (in opposition and to be heard)	10	7	2
Application Pre-hearing resolution (%)	7 68%	7 100%	2 100%
Hearings (no. of applications)	2 (3)	0 (0)	0 (0)
Appeals (no. of applications)	1 (2)	0 (0)	0 (0)
Total current consents	4519	4841	4926

**Limited Notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

Consent	Holder	Subtype
Coastal Permit		
R2/5662-1.2	Vodafone New Zealand Limited	Structure - Other (Coastal)

**Limited Notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

Doc #1852876

**Limited Notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/5662-1.2](#)

Vodafone New Zealand Limited
Private Bag 92161, Auckland 1142

Commencement Date: 30 Mar 2017

Expiry Date: 14 Feb 2036

Review Dates:

Activity Class: Discretionary

Location: Taranaki Foreshore & Coastal
Marine Area

Application Purpose: Change

To erect, place and maintain a submarine fibre optic cable, by burial under the foreshore and seabed of the Taranaki coastal marine area from adjacent to the northwest of the Te Henui Stream, running to the northwest for approximately 12 km, and then 21 km to the northeast to the outer limit of the territorial sea, for telecommunication purposes

Change of consent conditions to remove the requirement to undertake representative sample monitoring on parts of the cable route

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

Consent	Holder	Subtype
Discharge Permit		
R2/10409-1.0	New Zealand Transport Agency	Water - Misc
R2/10402-1.1	Airport Farm Trustees Limited	Land - stormwater
R2/10292-1.1	Petrochem Limited	Air - Industry
R2/10293-1.1	Petrochem Limited	Air - Industry
R2/0626-3.0	Willica Farms Limited	Water - Animal Waste
R2/10400-1.1	Airport Farm Trustees Limited	Land - animal waste
R2/10401-1.1	Airport Farm Trustees Limited	Air - odour
R2/1398-3.1	Riplin Land Company Limited	Land - animal waste
R2/2962-2.2	DP & SM Hurley Trust	Water - Animal Waste
R2/2282-3.0	Beardmore Family Trust No 2	Land - animal waste
R2/3041-2.1	Page Dairies Limited	Land - animal waste
R2/5509-2.0	Leatherleaf Limited	Land - animal waste
R2/6579-1.2	Brimelow Grazing Limited	Land/Water Animal Waste
R2/7152-1.2	Port Taranaki Limited	Water - Stormwater
R2/10415-1.0	Tree Awareness Management Limited	Land/Water Industry
R2/0609-3.0	New Plymouth District Council	Water - Stormwater
R2/5210-2.0	Shell Exploration NZ Limited	Land - stormwater
R2/7374-1.4	Malandra Downs Limited	Land - Industry
R2/3528-3.0	KiwiRail Holdings Limited	Water - Stormwater
R2/3259-3.0	Clifford Shearer	Land - animal waste
R2/9386-1.1	Nova Energy Limited	Land/Water Industry
R2/0730-3.0	Coldstream Partnership Trust	Water - Animal Waste
R2/5645-2.0	David Pease Family Trust	Land - animal waste
R2/1983-3.0	John Bevins Family Trust	Land - animal waste
R2/10392-1.0	Greymouth Petroleum Turangi Limited	Land - stormwater
R2/4659-3.1	Eltham Sandblasting Limited	Air - Abrasive Blasting
R2/1987-3.0	PKW Farms LP	Land - animal waste
R2/3106-3.0	LJ Symes Trust	Land - animal waste
R2/2020-3.0	Sharpe Family Trust	Land - animal waste
R2/1914-3.0	Garry Bourke Trust	Land - animal waste
R2/1953-3.0	Palmerdell Trust	Water - Animal Waste
R2/5956-2.0	Waste Remediation Services Limited	Land - Land Farming
R2/2023-3.0	AG & LC Hofmans Family Trust	Water - Animal Waste
R2/1976-3.0	Taranaki Community Rugby Trust	Land - animal waste
R2/0706-3.0	J & C Hutterd Family Trust Partnership	Water - Animal Waste

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

Land Use Consent		
R2/10412-1.0	Fonterra Limited	Structure - Culvert
R2/10410-1.0	Styger Rotokare Trust	Structure - Culvert
R2/10397-1.0	Christopher Herd	Structure - Erosion Control
R2/10403-1.0	New Zealand Transport Agency	Pipe Waterway
R2/5366-2.0	TWN Limited Partnership	Structure - Pipeline
R2/5784-2.0	New Zealand Transport Agency	Structure - Culvert
R2/10358-1.0	Roger Dickie Family Trust	Dam/Weir
R2/10416-1.0	Tree Awareness Management Limited	Structure - Culvert
R2/10411-1.0	Schorn Trust	Pipe Waterway
R2/10417-1.0	Mr Ian Oliver	Structure - Bridge
R2/9384-1.1	Nova Energy Limited	Structure - Outlet
R2/10419-1.0	Bushmills Trust	Structure - Culvert
Coastal Permit		
R2/5485-2.0	Shell Exploration NZ Limited	Structure - Pipeline (Coastal)

Non-notified authorisations issued by the Taranaki Regional Council between 03 Mar 2017 and 20 Apr 2017

[R2/10409-1.0](#)

New Zealand Transport Agency
Private Bag 11777, Palmerston North 4440

Location: Road reserve, Mountain Road,
Inglewood

To discharge contaminants into the Ngatoro Stream incidental to water blasting and
cleaning of a bridge

Commencement Date: 06 Mar 2017

Expiry Date: 01 Jun 2033

Review Dates: June 2021, June 2027

Activity Class: Discretionary

Application Purpose: New

[R2/10402-1.1](#)

Airport Farm Trustees Limited
58 Airport Drive, RD 3, New Plymouth 4373

Location: 3326 Mountain Road, Midhirst

To discharge stormwater and sediment arising from earthworks onto land in the vicinity of
the Kahouri and Piakau Streams

Commencement Date: 06 Mar 2017

Expiry Date: 01 Jun 2022

Review Dates:

Activity Class: Controlled

Application Purpose: New

[R2/10292-1.1](#)

Petrochem Limited
PO Box 3394, New Plymouth 4341

Location: Kowhai-D wellsite, 17 Manganui
Road, Everett Park (Property owner:
Clonakillity Farms Limited)

To discharge contaminants to air from hydrocarbon exploration at the Kowhai-D wellsite,
including combustion involving flaring or incineration of petroleum recovered from
natural deposits, in association with well development or redevelopment and testing or
enhancement of well production flows

Change of consent conditions to change the flare pit location

Commencement Date: 07 Mar 2017

Expiry Date: 01 Jun 2033

Review Dates: June 2021, June 2027

Activity Class: Discretionary

Application Purpose: Change

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/10293-1.1](#)

Petrochem Limited
PO Box 3394, New Plymouth 4341

Commencement Date: 07 Mar 2017

Expiry Date: 01 Jun 2033

Review Dates: June 2021, June 2027

Activity Class: Discretionary

Location: Kowhai-D wellsite, 17 Manganui Road, Everett Park (Property owner: Clonakillity Farms Limited)

Application Purpose: Change

To discharge emissions to air associated with hydrocarbon producing wells at the Kowhai-D wellsite

Change of consent conditions to change the flare pit location

[R2/0626-3.0](#)

Willica Farms Limited
781 Mangawhero Road, RD 29, Hawera 4679

Commencement Date: 07 Mar 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029, June 2035

Activity Class: Controlled

Location: 731 Mangawhero Road, Kaponga

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 June 2020 after treatment in an oxidation pond system into an unnamed tributary of the Mangawhero Stream

[R2/10400-1.1](#)

Airport Farm Trustees Limited
58 Airport Drive, RD 3, New Plymouth 4373

Commencement Date: 09 Mar 2017

Expiry Date: 01 Jun 2034

Review Dates: June 2022, June 2028

Activity Class: Controlled

Location: 3326 Mountain Road, Midhirst

Application Purpose: New

To discharge washdown water from the cleaning of four broiler chicken sheds onto and into land

[R2/10401-1.1](#)

Airport Farm Trustees Limited
58 Airport Drive, RD 3, New Plymouth 4373

Commencement Date: 09 Mar 2017

Expiry Date: 01 Jun 2034

Review Dates: June 2022, June 2028

Activity Class: Discretionary

Location: 3326 Mountain Road, Midhirst

Application Purpose: New

To discharge emissions into the air from a poultry farming operation and associated practices including waste management activities

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/1398-3.1](#)

Riplin Land Company Limited
219 Patiki Road, RD 32, Opunake 4682

Location: 219 Patiki Road, Pihama
To discharge farm dairy effluent onto land

Change of conditions so the discharge is to land only

Commencement Date: 09 Mar 2017

Expiry Date: 01 Dec 2030

Review Dates: June 2018, June 2024

Activity Class: Discretionary

Application Purpose: Change

[R2/10412-1.0](#)

Fonterra Limited
PO Box 444, Hawera 4640

Location: 1319 Skeet Road, Kapuni

To install a dual culvert in the Waiokura Stream, including the associated disturbance of the stream bed

Commencement Date: 10 Mar 2017

Expiry Date: 01 Jun 2035

Review Dates: June 2023, June 2029

Activity Class: Discretionary

Application Purpose: New

[R2/10410-1.0](#)

Styger Rotokare Trust
PO Box 123, Eltham 4353

Location: 124 Rotokare Road, Eltham

To install a culvert in an unnamed tributary of the Tawhiti Stream, including the associated disturbance of the stream bed

Commencement Date: 10 Mar 2017

Expiry Date: 01 Jun 2034

Review Dates: June 2022, June 2028

Activity Class: Discretionary

Application Purpose: New

[R2/10397-1.0](#)

Christopher Herd
11 Adam Lile Drive, New Plymouth 4312

Location: 18 Wills Road & 1165A Devon Road, Bell Block

To place a stormwater conveyance structure and erosion protection measures in an unnamed tributary of the Waitaha Stream, including associated stream bed disturbance and reclamation

Commencement Date: 10 Mar 2017

Expiry Date: 01 Jun 2032

Review Dates: June 2020, June 2026

Activity Class: Discretionary

Application Purpose: New

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/10403-1.0](#)

New Zealand Transport Agency
Private Bag 11777, Palmerston North 4440

Commencement Date: 15 Mar 2017

Expiry Date: 01 Jun 2034

Review Dates: June 2022, June 2028

Activity Class: Discretionary

Location: Ketemarae Road, Normanby

Application Purpose: New

To install piping in the bed of an unnamed tributary of the Tawhiti Stream, including associated stream bed disturbance and reclamation

[R2/2962-2.2](#)

DP & SM Hurley Trust
DP & SM Hurley, 1074 Upper Palmer Road,
RD 29, Hawera 4679

Commencement Date: 15 Mar 2017

Expiry Date: 01 Dec 2023

Review Dates: June 2017, June 2021,
June 2023

Activity Class: Discretionary

Location: 1074 Palmer Road, Kaponga

Application Purpose: Change

To discharge farm dairy effluent:

- onto land, and after treatment in an oxidation pond system and a wetland, into the Kapuni Stream if the land area is unsuitable for effluent disposal; and
- until 1 June 2020 to discharge farm dairy effluent after treatment in an oxidation pond system and a wetland into the Kapuni Stream

Change of conditions to include discharge to land and to increase the herd size

[R2/2282-3.0](#)

Beardmore Family Trust No 2
B Beardmore, 6790 Main Road, RD 37, Okato
4381

Commencement Date: 15 Mar 2017

Expiry Date: 01 Dec 2043

Review Dates: June 2025, June 2031,
June 2037

Activity Class: Controlled

Location: 174 Newall Road, Warea

Application Purpose: Replace

To discharge farm dairy effluent onto land

[R2/3041-2.1](#)

Page Dairies Limited
254 Bayley Road, RD 7, Te Awamutu 3877

Commencement Date: 15 Mar 2017

Expiry Date: 01 Dec 2022

Review Dates:

Activity Class: Discretionary

Location: 1172 Meremere Road, Ohangai

Application Purpose: Change

To discharge farm dairy effluent onto land

Change of conditions so the discharge is to land only and to increase the herd size

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/5366-2.0](#)

TWN Limited Partnership
PO Box 8440, New Plymouth 4342

Commencement Date: 16 Mar 2017

Expiry Date: 01 Jun 2034

Review Dates: June 2022, June 2028

Activity Class: Discretionary

Location: Toko-2 wellsite to Ngaere-3 wellsite, **Application Purpose:** Replace
Between Standish & East Roads, Stratford

To use a pipeline under the bed of three unnamed tributaries of the Manawawiri Stream to convey hydrocarbons

[R2/5509-2.0](#)

Leatherleaf Limited
C/- H Jordan, 81 Hauroto Road, RD 14,
Hawera 4674

Commencement Date: 16 Mar 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029,
June 2035

Activity Class: Controlled

Location: 81 Hauroto Road, Hawera

Application Purpose: Replace

To discharge farm dairy effluent onto land

[R2/6579-1.2](#)

Brimelow Grazing Limited
IJ & DM Brimelow, 599 Kaweora Road, RD 32,
Opunake 4682

Commencement Date: 17 Mar 2017

Expiry Date: 01 Dec 2024

Review Dates: June 2018, June 2020,
June 2022, June 2024

Activity Class: Discretionary

Location: 599 Kaweora Road, Opunake

Application Purpose: Change

To discharge farm dairy effluent from milking once a day, onto land, and after treatment in an oxidation pond system and a wetland, into an unnamed tributary of the Waiaua Stream if the land disposal area is unsuitable for effluent disposal

Change of conditions to increase the herd size

[R2/7152-1.2](#)

Port Taranaki Limited
PO Box 348, New Plymouth 4340

Commencement Date: 17 Mar 2017

Expiry Date: 01 Jun 2026

Review Dates: June 2020

Activity Class: Discretionary

Location: Omata Tank Farm, Centennial
Drive, New Plymouth

Application Purpose: Change

To discharge treated stormwater and hydrotest water from a hydrocarbon storage facility into the Herekawe Stream

Change of consent conditions to increase the size of the stormwater discharge area

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

<p>R2/5784-2.0 New Zealand Transport Agency Private Bag 11777, Palmerston North 4440</p>	<p>Commencement Date: 21 Mar 2017 Expiry Date: 01 Jun 2034 Review Dates: June 2020 and 2 yearly thereafter</p>
<p>Location: South Road, SH3, Hawera To use a culvert in an unnamed tributary of the Tawhiti Stream</p>	<p>Activity Class: Discretionary Application Purpose: Replace</p>
<p>R2/10415-1.0 Tree Awareness Management Limited PO Box 120, Hawera 4640</p>	<p>Commencement Date: 21 Mar 2017 Expiry Date: 01 Jun 2021 Review Dates: June 2019 Activity Class: Controlled</p>
<p>Location: Tangahoe Valley Road, Ohangai To undertake vegetation disturbance activities and to discharge stormwater and sediment arising from soil disturbance activities associated with harvesting of forest, including roading and tracking onto land and into unnamed tributaries of the Patete Stream</p>	<p>Application Purpose: New</p>
<p>R2/0609-3.0 New Plymouth District Council Private Bag 2025, New Plymouth 4342</p>	<p>Commencement Date: 22 Mar 2017 Expiry Date: 01 Jun 2032 Review Dates: June 2018, June 2020, June 2023, June 2026, June 2029 Activity Class: Discretionary</p>
<p>Location: Auster Place, Connett Road East, De Havilland Drive, Hudson Road, and Mustang Drive, Bell Block, New Plymouth To discharge stormwater from industrial land in the Waitaha catchment via multiple outfalls between De Havilland Drive and State Highway 3 into the Waitaha Stream and various unnamed tributaries of the Waitaha Stream</p>	<p>Application Purpose: Replace</p>
<p>R2/5210-2.0 Shell Exploration NZ Limited Private Bag 2035, New Plymouth 4342</p>	<p>Commencement Date: 22 Mar 2017 Expiry Date: 01 Jun 2033 Review Dates: June 2021, June 2027 Activity Class: Discretionary</p>
<p>Location: Pohokura-A wellsite, Epiha Road, Motunui (Property owner: Honeyfield Farms Limited) To discharge uncontaminated stormwater and treated stormwater from hydrocarbon exploration and production operations onto and into land</p>	<p>Application Purpose: Replace</p>

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/5485-2.0](#)

Shell Exploration NZ Limited
Private Bag 2035, New Plymouth 4342

Commencement Date: 22 Mar 2017

Expiry Date: 01 Jun 2033

Review Dates: June 2021, June 2027

Activity Class: Discretionary

Location: Pohokura-A wellsite, Epiha Road,
Motunui (Property owner: Gillingham Downs
Trustee Company Limited)

Application Purpose: Replace

To occupy the coastal marine area with a pipeline (well casing) from the Pohokura-A wellsite for hydrocarbon exploration and production purposes

[R2/10358-1.0](#)

Roger Dickie Family Trust
PO Box 43, Waverley 4544

Commencement Date: 27 Mar 2017

Expiry Date: 01 Jun 2034

Review Dates: June 2020 and 3 yearly
thereafter

Activity Class: Discretionary

Location: Waipipi Road, Waverley

Application Purpose: New

To dam water in the Wairoa Stream for irrigation water storage purposes

[R2/7374-1.4](#)

Malandra Downs Limited
63 Livingstone Lane, RD 2, Patea 4598

Commencement Date: 27 Mar 2017

Expiry Date: 01 Jun 2028

Review Dates: June 2019 and 3 yearly
thereafter

Activity Class: Discretionary

Location: 23 Albany Street, Patea

Application Purpose: Change

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

Change of consent conditions to allow green waste to be supplied from additional sources

[R2/10416-1.0](#)

Tree Awareness Management Limited
PO Box 120, Hawera 4640

Commencement Date: 28 Mar 2017

Expiry Date: 01 Jun 2021

Review Dates: June 2019

Activity Class: Discretionary

Location: Tangahoe Valley Road, Ohangai

Application Purpose: New

To install a modified shipping container culvert in the bed of the Patete Stream within the Tangahoe Forest to provide temporary access for forest harvesting purposes

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/10411-1.0](#)

Schorn Trust

122 New Road, RD 22, Stratford 4392

Location: 122 New Road, Douglas

To install piping in an unnamed tributary of the Makuri Stream, including associated stream bed disturbance and reclamation

Commencement Date: 28 Mar 2017

Expiry Date: 01 Jun 2034

Review Dates: June 2022, June 2028

Activity Class: Discretionary

Application Purpose: New

[R2/10417-1.0](#)

Mr Ian Oliver

135 Flint Road, RD 24, Stratford 4394

Location: 256 Flint Road, Stratford

To construct a bridge over the Piakau Stream, including associated disturbance of the stream bed

Commencement Date: 28 Mar 2017

Expiry Date: 01 Jun 2034

Review Dates: June 2022, June 2028

Activity Class: Discretionary

Application Purpose: New

[R2/3528-3.0](#)

KiwiRail Holdings Limited

PO Box 593, Wellington 6140

Location: Smart Road, New Plymouth

To discharge stormwater into the Waiwhakaiho River

Commencement Date: 31 Mar 2017

Expiry Date: 01 Jun 2026

Review Dates: June 2020

Activity Class: Controlled

Application Purpose: Replace

[R2/3259-3.0](#)

Clifford Shearer

433 Ketemarae Road, RD 15, Hawera 4675

Location: 433 Ketemarae Road, Normanby

To discharge farm dairy effluent onto land

Commencement Date: 31 Mar 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029,
June 2035

Activity Class: Controlled

Application Purpose: Replace

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/9384-1.1](#)

Nova Energy Limited
PO Box 10141, Wellington 6143

Location: Junction Road Power Plant, 688
Junction Road, New Plymouth

To install and use a stormwater outlet structure in the Mangorei Stream

Change of consent conditions to change the outlet pipe design

Commencement Date: 03 Apr 2017

Expiry Date: 01 Jun 2033

Review Dates: June 2020, June 2026

Activity Class: Discretionary

Application Purpose: Change

[R2/9386-1.1](#)

Nova Energy Limited
PO Box 10141, Wellington 6143

Location: Junction Road Power Plant, 688
Junction Road, New Plymouth

To discharge stormwater and sediment onto and into land and into the Mangorei Stream from earthworks associated with the construction of the Junction Road Power Plant

Change of consent conditions to increase the area of earthworks

Commencement Date: 03 Apr 2017

Expiry Date: 01 Jun 2018

Review Dates:

Activity Class: Discretionary

Application Purpose: Change

[R2/0730-3.0](#)

Coldstream Partnership Trust
268 Cardiff Road, RD 21, Stratford 4391

Location: 203 Opunake Road, Cardiff

To discharge farm dairy effluent:

- onto land, and after treatment in an oxidation pond system into an unnamed tributary of the Tuikonga Stream if the land disposal area is unsuitable for effluent disposal, and
- until 1 June 2020 to discharge farm dairy effluent after treatment in an oxidation pond system into an unnamed tributary of the Tuikonga Stream

Commencement Date: 04 Apr 2017

Expiry Date: 01 Dec 2029

Review Dates: June 2019 and at 2-yearly intervals

Activity Class: Controlled

Application Purpose: Replace

[R2/5645-2.0](#)

David Pease Family Trust
Simon Pease, 10 Kapu Grove, Whalers Gate,
New Plymouth 4310

Location: 289 Denby Road, Hawera

To discharge farm dairy effluent onto land

Commencement Date: 07 Apr 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029,
June 2035

Activity Class: Controlled

Application Purpose: Replace

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/1983-3.0](#)

John Bevins Family Trust
82 Arawhata Road, RD 31, Opunake 4681

Location: 1392 Normanby Road, Manaia
To discharge farm dairy effluent onto land

Commencement Date: 07 Apr 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029,
June 2035

Activity Class: Controlled

Application Purpose: Replace

[R2/10392-1.0](#)

Greymouth Petroleum Turangi Limited
PO Box 3394, Fitzroy, New Plymouth 4341

Location: Turangi-H wellsite, Epiha Road
Lower, Motunui

To discharge stormwater and sediment, deriving from soil disturbance undertaken for the purpose of constructing the Turangi-H wellsite onto land

Commencement Date: 12 Apr 2017

Expiry Date: 01 Jun 2022

Review Dates:

Activity Class: Controlled

Application Purpose: New

[R2/4659-3.1](#)

Eltham Sandblasting Limited
PO Box 151, Kaponga 4642

Location: 5 Castle Street, Eltham

To discharge emissions into the air from abrasive blasting and associated activities at a permanent site at Castle Street, Eltham

Commencement Date: 12 Apr 2017

Expiry Date: 01 Jun 2035

Review Dates: June 2020 and every 3 years
thereafter

Activity Class: Controlled

Application Purpose: Replace

[R2/1987-3.0](#)

PKW Farms LP
PO Box 241, New Plymouth 4340

Location: 390 Hastings Road, Matapu
To discharge farm dairy effluent onto land

Commencement Date: 13 Apr 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029,
June 2035

Activity Class: Controlled

Application Purpose: Replace

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/3106-3.0](#)

LJ Symes Trust
187 Rowan Road, RD 29, Hawera 4679

Location: 403 Rowan Road, Kaponga
To discharge farm dairy effluent onto land

Commencement Date: 13 Apr 2017
Expiry Date: 01 Dec 2041
Review Dates: June 2023, June 2029,
June 2035
Activity Class: Controlled
Application Purpose: Replace

[R2/2020-3.0](#)

Sharpe Family Trust
Andrew Sharpe, 165B Dalziell Road, RD 18,
Eltham 4398

Location: 129/165 Dalziell Road, Eltham
To discharge farm dairy effluent onto land

Commencement Date: 13 Apr 2017
Expiry Date: 01 Dec 2041
Review Dates: June 2023, June 2029,
June 2035
Activity Class: Controlled
Application Purpose: Replace

[R2/1914-3.0](#)

Garry Bourke Trust
C/- Brendan Attrill, PO Box 177, Stratford
4352

Location: 40 Sutherland Road, Manaia
To discharge farm dairy effluent onto land

Commencement Date: 13 Apr 2017
Expiry Date: 01 Dec 2041
Review Dates: June 2023, June 2029,
June 2035
Activity Class: Controlled
Application Purpose: Replace

[R2/10419-1.0](#)

Bushmills Trust
SB & TM Matthews, 1056 Opunake Road, RD
21, Stratford 4391

Location: 1056 Opunake Road, Mahoe
To install a culvert in the Mangatoki Stream, including the associated disturbance of the
stream bed

Commencement Date: 18 Apr 2017
Expiry Date: 01 Jun 2035
Review Dates: June 2023, June 2029
Activity Class: Discretionary
Application Purpose: New

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/1953-3.0](#)

Palmerdell Trust

NL & KS Bailey, 1303 Palmer Road, RD 21,
Stratford 4391

Location: 1910 Opunake Road, Mahoe

To discharge farm dairy effluent:

- onto land and, after treatment in an oxidation pond system into an unnamed tributary of the Mangatoki Stream if the land disposal area is unsuitable for effluent disposal; and
- until 1 June 2018 to discharge farm dairy effluent after treatment in an oxidation pond system into an unnamed tributary of the Mangatoki Stream

Commencement Date: 18 Apr 2017

Expiry Date: 01 Dec 2029

Review Dates: June 2019, June 2021,
June 2023, June 2025, June 2027

Activity Class: Controlled

Application Purpose: Replace

[R2/5956-2.0](#)

Waste Remediation Services Limited

PO Box 7150, New Plymouth 4341

Location: Lower Manutahi Road, Manutahi
(Property owner: Waikaikai Farms Limited)

To discharge drilling wastes from hydrocarbon exploration and production activities, oily wastes from wellsites, and contaminated soil onto and into land via landfarming

Commencement Date: 19 Apr 2017

Expiry Date: 01 Jun 2034

Review Dates: Annually for three years
and then every three years thereafter

Activity Class: Discretionary

Application Purpose: Replace

[R2/2023-3.0](#)

AG & LC Hofmans Family Trust

AG & LC Hofmans, 170 Upper Stuart Road,
RD 13, Hawera 4673

Location: 170 Upper Stuart Road, Eltham

To discharge farm dairy effluent onto land, and until 1 June 2019 after treatment in an oxidation pond system into an unnamed tributary of the Waingongoro River

Commencement Date: 20 Apr 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029,
June 2035

Activity Class: Controlled

Application Purpose: Replace

[R2/1976-3.0](#)

Taranaki Community Rugby Trust

C/- Brendan Attrill, PO Box 177, Stratford
4352

Location: 191 Lower Inaha Road, Manaia

To discharge farm dairy effluent onto land

Commencement Date: 20 Apr 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029,
June 2035

Activity Class: Controlled

Application Purpose: Replace

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2017 and 20 Apr 2017**

[R2/0706-3.0](#)

J & C Hutterd Family Trust Partnership
326 Finnerty Road, RD 21, Stratford 4391

Location: 326 Finnerty Road, Stratford

Commencement Date: 20 Apr 2017

Expiry Date: 01 Dec 2041

Review Dates: June 2023, June 2029,
June 2035

Activity Class: Controlled

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 June 2020 after treatment in an oxidation pond system into an unnamed tributary of the Waingongoro River

Agenda Memorandum

Date 2 May 2017



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

**Subject: Incident Register – 20 February 2017 to
13 April 2017**

Approved by: A D McLay, Director Environment Quality
B G Chamberlain, Chief Executive

Document: 1852123

Purpose

The purpose of this memorandum is to allow the Council to consider and receive the summary of the Incident Register for the period 20 February 2017 to 13 April 2017.

Executive summary

There are 76 incidents reported.

34 of the incidents were found to be compliant and 32 were found to be non-compliant. Ten of the incidents reported relate to non-compliance from previous periods (updates). The action taken is set out for Members information.

There were 14 non-compliant incidents reported as a result of the 2016/2017 annual dairy inspection round, from 516 monitoring inspections. Arising from the oxidation pond system non-compliance some farms are moving to land based discharge systems before their resource consents expire.

Recommendations

That the Taranaki Regional Council:

1. receives this memorandum
2. receives the summary of the Incident Register for the period from 20 February 2017 to 13 April 2017, notes the action taken by staff and adopts the recommendations therein

Background

The Council receives and responds to pollution events and public complaints throughout the year. Compliance monitoring undertaken can also identify non-compliance. This information is recorded in the Incident Register together with the results of investigations and any follow-up actions. Incidents are publicly reported to the Council through the Consents and Regulatory Committee via the Incident Register or the Annual Compliance Monitoring Reports.

Attached is the summary of the Incident Register for the period from 20 February 2017 to 13 April 2017.

Disclosure Restrictions

The incident register information presentation was reviewed in 2014-2015 to increase reader understanding. The first section addresses compliant incidents and can be publically discussed. The second section provides an update on non-complaint incidents from previous meetings and where an incident has been resolved it can be publically discussed. The third section provides information on non-compliant incidents during the period that are still under investigation and staff are limited in terms of public disclosure of information while the investigation is ongoing and enforcement responses have not been determined. The incident register flow chart and definition of terms provide further detail.

Discussion

Council responds to all complaints received with most complaints responded to within four hours. Responses to complaints and non-compliances with rules in the Council's regional plans, resource consents and the Resource Management Act 1991 are recorded in the Incident Register. Where necessary, appropriate advisory or enforcement actions are implemented. The latter may include issuing an inspection, abatement or infringement notice, or initiating a prosecution. Where an infringement notice or prosecution is possible, details of the incident in the Incident Register and staff comment will be restricted for legal reasons. Further information will be provided at a later date to the Council and for prosecutions a detailed report will be provided, in the confidential section of the agenda.

A summary of incidents for the period 20 February 2017 to 13 April 2017 is attached. The 'compliant' incidents are presented first in a table and the 'non-compliant' incidents are presented after in a more detailed summary.

Generally incidents in the 'compliant' table have a recommendation of 'no further action'. However, an incident is considered 'compliant' until such time as a non-compliance is found. Therefore occasionally an incident in the 'compliant' table will have a recommendation of 'investigation continuing', if an ongoing investigation is still underway to confirm compliance.

A series of graphs are also attached comparing the number of incidents between 2015-2016 and 2016-2017, and also showing how the incidents are tracking in 2016-2017 in relation to environment type and compliance status. There is also a graphs showing enforcement action taken to date during 2016-2017.

Decision-making considerations

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 recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

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

Policy considerations

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*.

Legal considerations

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

Appendices/Attachments

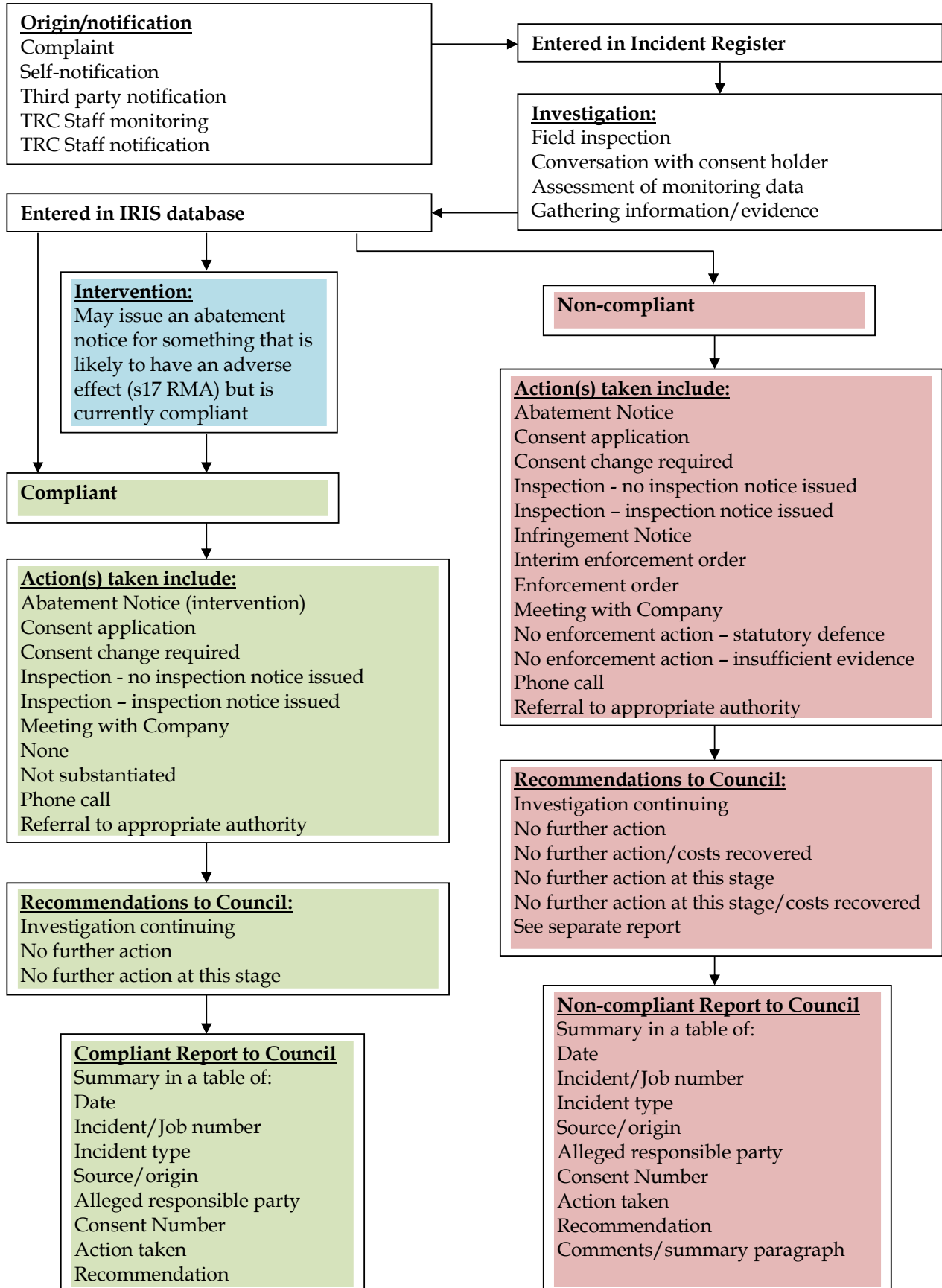
Incident Register flowchart and terms explained (document #1081324).

Incidents - Agenda graphs 13 April 2017 (document #1852121).

Incident Summary - 20 Feb 2017 to 13 Apr 2017 (document #1852188).

Incident Register 2015

Doc # 1081324



Terms explained

Compliance rating

Compliant	After investigation the incident was found to be <u>compliant</u> with environmental standards or other regulations, permitted rules in a regional plan (e.g. RFWP, RAQP, RCP allowed), a resource consent and/or the Resource Management Act 1991.
Non-compliant	After investigation the incident was found to be <u>non-compliant</u> with environmental standards or other regulations, rules in a regional plan, a resource consent and/or the Resource Management Act 1991

Origin/Notification:

Complaint	Notification of incident received from public.
Self notification	Notification of incident received from the responsible party.
Third Party Notification	Notification of incident received from third party such as New Zealand Fire, District Council etc.
TRC Staff monitoring	Notification of incident found during routine compliance monitoring.
TRC Staff notification	Notification of incident found during unrelated monitoring/field work.

Action/s Taken:

14 day Letter	A letter was sent requesting an explanation for the non-compliance and why enforcement action should not be considered. The recipient is given 14 days to reply.
Abatement Notice	A notice was issued requiring something to be undertaken or something to cease to ensure compliance with Rules in the regional plans, resource consent or Resource Management Act 1991. Notice must be complied with or further enforcement action can be considered.
Consent application	A consent application has been received as a result of the investigation.
Consent change required	During the investigation it was found that a consent change was required.
Emergency Works	Emergency works was allowed under section 330 of the RMA. Often a subsequent resource consent is required.
Enforcement Order	An enforcement order has been issued by the Environment Court requiring action to be undertaken or something to cease. Notice must be complied with or further enforcement action can be

	considered.
Infringement Notice (\$xxx.xx)	An infringement notice was issued under Section 338(1)(a) of the Resource Management Act 1991 and Councils delegated authority.
Inspection Notice	An inspection was undertaken and a notice of advice/instruction was issued to landowner/alleged offender.
Inspection/no notice issued	An inspection was undertaken, however no inspection notice was issued as there was no alleged offender/landowner to issue one to (natural event, unsourced etc).
Interim Enforcement Order	An interim enforcement order has been issued by the Environment Court requiring action to be undertaken or something to cease. Notice must be complied with or further enforcement action can be considered.
Meeting with Company	A meeting was held with the Company to discuss the incident and ways to resolve any issues.
None	No action was required.
Not Substantiated	The incident could not be substantiated (i.e. it is not likely/possible/probable that the alleged incident could have taken place).
Phone call	A phone call was made to the alleged offender/authority.
Prosecution	A prosecution is being initiated for this incident.
Referral to Appropriate Authority	The incident was referred to the appropriate authority (District Council, Department of Conservation etc).

Recommendations to Council

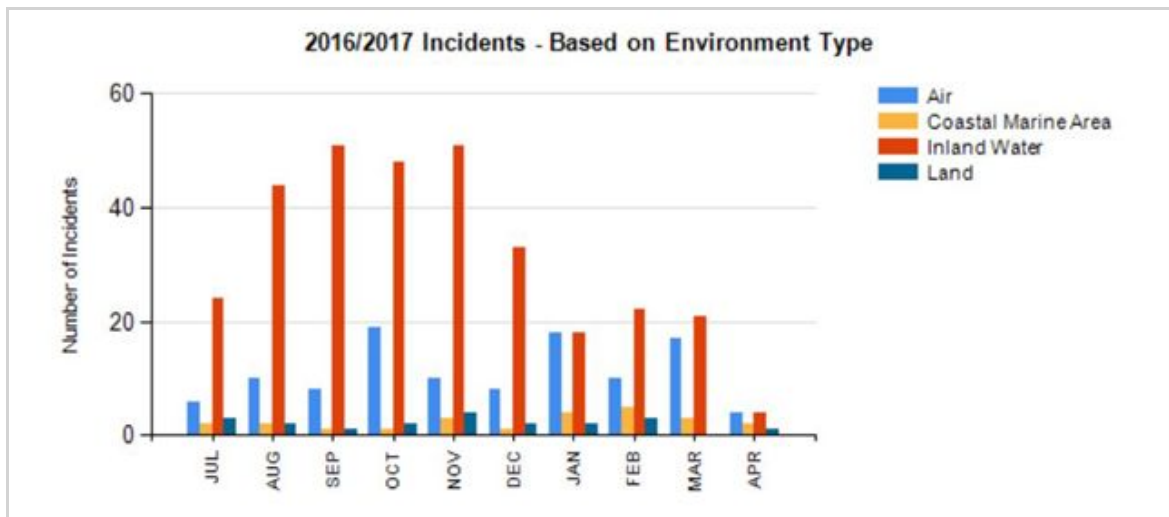
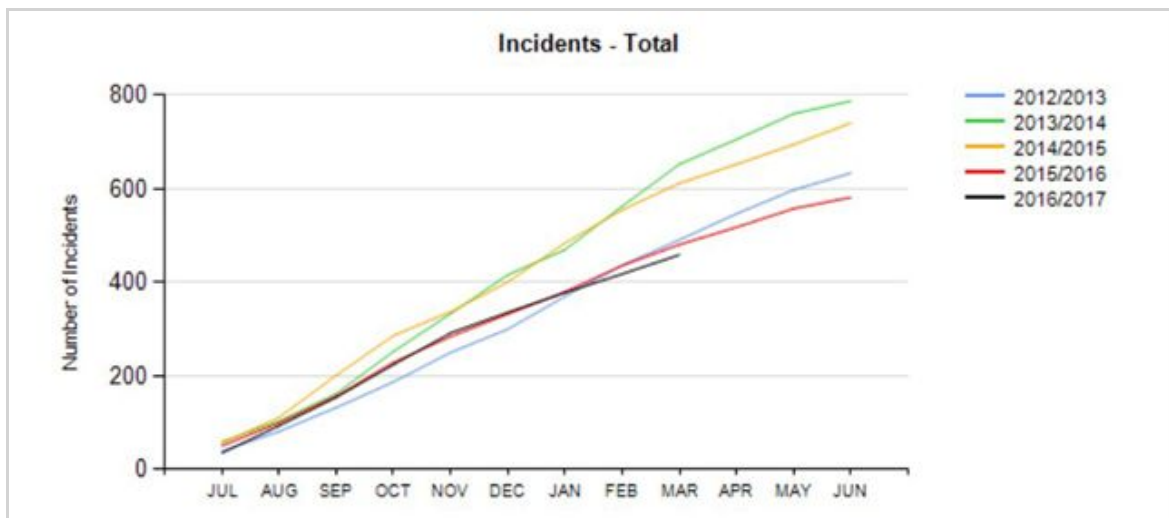
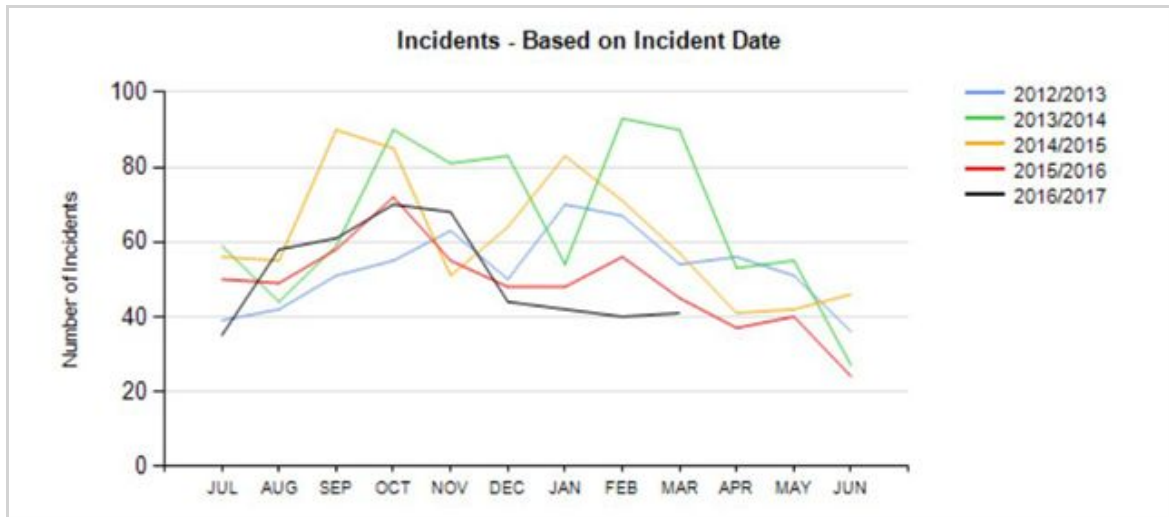
Investigation continuing	Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents will continue to be reported as updates in the following agendas.
No Further Action	Investigation is completed, any required enforcement action has been undertaken and no further action is required.
No Further Action At This Stage	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date.
No Further Action/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and no further action is required. Costs will be recovered from the alleged offender for the investigation.

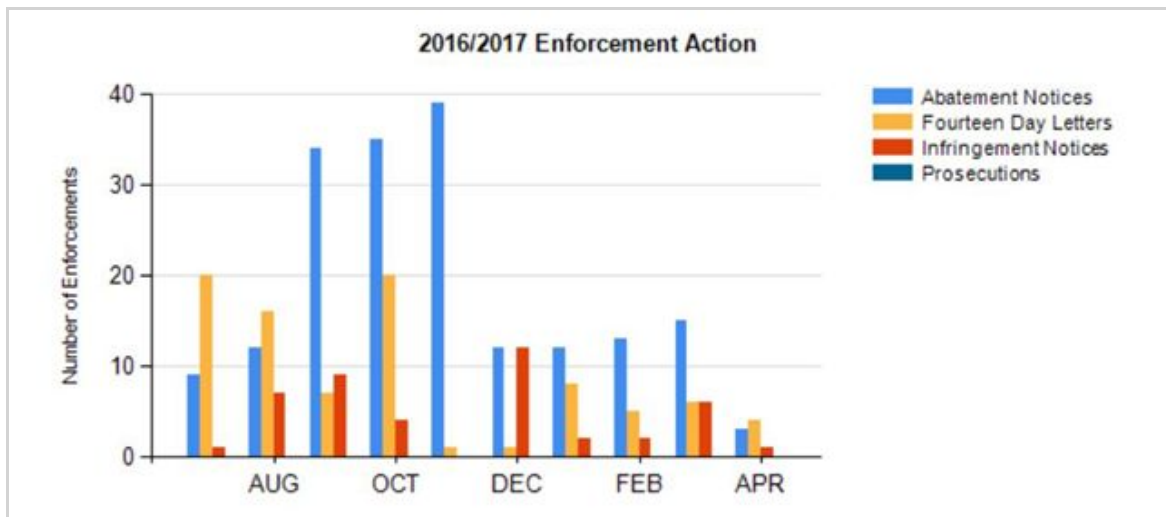
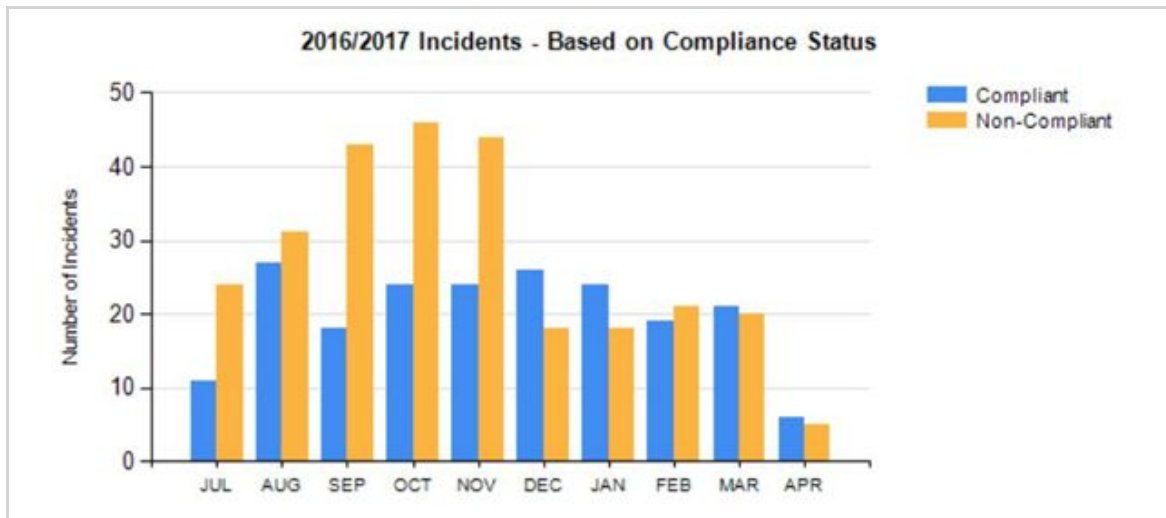
No further Action at this Stage/Costs Recovered Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.

Defences under Sections 340 and 341 of the Resource Management Act 1991

Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

- the defendant can prove that he or she did not know, and could not reasonably be expected to have known that the offence was to be or was being committed, or
- that he or she took all reasonable steps to prevent the commission of the offence, or
- the action or event could not reasonably have been foreseen or been provided against by the defendant.





Compliant Incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Compliance Status	Recommendation
20 Feb 2017	3301-17-406 IN/34338	Alleged Oil on Ngamotu Beach - New Plymouth	Complaint	Unsourced		Inspection - No Notice Issued	Not Applicable/ Natural Event	No Further Action
21 Feb 2017	3301-17-407 IN/34342	Alleged Dairy effluent - Kinatai Farms Ltd - Kina Road	Complaint	Kinatai Farms Limited	R2/0257-2	Inspection Notice	Consent Compliance	No Further Action
25 Feb 2017	3301-17-414 IN/34386	Alleged Paint Odour - Paintworks - Seaview Road, NP	Complaint	Paintworks		Inspection - No Notice Issued	RAQP Allowed	No Further Action
28 Feb 2017	3301-17-418 IN/34383	Alleged Smoke - Miles - Inglewood	Complaint	Warren Bernard & Carolyn Maria Miles		Inspection Notice	RAQP Allowed	No Further Action
01 Mar 2017	3301-17-417 IN/34381	Alleged Smoke - Fairfield Road - Hawera	Complaint	Unsourced		Inspection - No Notice Issued	RAQP Allowed	No Further Action
01 Mar 2017	3301-17-423 IN/34387	Alleged Discoloured stream - Opunake Road - Kaponga	Complaint	Unsourced		Inspection - No Notice Issued	RFPW Allowed	No Further Action
02 Mar 2017	3301-17-419 IN/34384	Alleged Smoke - Corbett Road, Bell Block	Complaint	Jon & Jennifer Dowman		Inspection Notice	RAQP Allowed	No Further Action
02 Mar 2017	3301-17-420 IN/34385	Alleged Odour - TBP - Okaiawa.	Complaint	Taranaki By-Products Limited		Inspection Notice	RFPW Allowed	No Further Action
02 Mar 2017	3301-17-421 IN/34404	Alleged Smoke - Hawera	Complaint	Dean & Alison Smith		Inspection - No Notice Issued	RAQP Allowed	No Further Action
05 Mar 2017	3301-17-425 IN/34392	Alleged Dust - Karina Road - Merrilands	Complaint	Brent Cockerill		Inspection - No Notice Issued	RAQP Allowed	No Further Action

Compliant Incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Compliance Status	Recommendation
06 Mar 2017	3301-17-428 IN/34407	Alleged Paint odour - Paintworks - Seaview Road, NP	Complaint	Paintworks		Inspection Notice	RAQP Allowed	No Further Action
09 Mar 2017	3301-17-431 IN/34408	Alleged Odour - Dead animal carcass - Manaia Road, Kaponga	Complaint	Johnson DB & KM Farms Limited		Inspection Notice	RAQP Allowed	No Further Action
09 Mar 2017	3301-17-434 IN/34411	Alleged Odour - Murray Street, Bell Block	Complaint	Unsourced		Inspection - No Notice Issued	RAQP Allowed	No Further Action
09 Mar 2017	3301-17-435 IN/34412	Alleged Smoke - Corbett Road - Bell Block	Complaint	Unsourced		Inspection - No Notice Issued	RAQP Allowed	No Further Action
09 Mar 2017	3301-17-436 IN/34413	Alleged Milk spill - Manawapou Road - Hawera	Self-Notification	Fonterra Co-operative Group Limited, Whareroa - Hawera		Inspection - No Notice Issued	Consent Compliance	No Further Action
18 Mar 2017	3301-17-441 IN/34438	Alleged Smoke - Otaraoa Road - Waitara	Complaint	Unsourced		Inspection - No Notice Issued	RAQP Allowed	No Further Action
18 Mar 2017	3301-17-449 IN/34484	Alleged Consent breach - NPDC WWTP - NP	Self-Notification	New Plymouth District Council	R2/0882-3 R2/0882-4	Inspection - No Notice Issued	Consent Compliance	No Further Action
20 Mar 2017	3301-17-444 IN/34465	Alleged Underpass odour - East Road	Complaint	Gerald & Maree Collins		Inspection - No Notice Issued	RAQP Allowed	No Further Action
23 Mar 2017	3301-17-446 IN/34466	Alleged Smoke - Otaoroa Road, Waitara	Complaint	Unsourced		Inspection - No Notice Issued	RAQP Allowed	No Further Action
23 Mar 2017	3301-17-445 IN/34468	Alleged Truck accident - Mountain Road, Inglewood	Third Party Notification	Waste Management NZ Ltd		Inspection - No Notice Issued	RFWP Allowed	No Further Action

Compliant Incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Compliance Status	Recommendation
26 Mar 2017	3301-17-447 IN/34469	Alleged Smoke - Lepper Piggery - Lepperton	Complaint	Steve Lepper		Inspection Notice	RAQP Allowed	No Further Action
27 Mar 2017	3301-17-452 IN/34478	Alleged Discoloration - Kurapete Stream	Complaint	Un sourced		Inspection Notice	RFPW Allowed	No Further Action
28 Mar 2017	3301-17-454 IN/34479	Alleged Effluent odours - Mountain Road, Eltham	Complaint	South Taranaki District Council	R2/2544-2	Inspection Notice	RFPW Allowed	No Further Action
28 Mar 2017	3301-17-455 IN/34482	Alleged Poultry odour - Shadel Poultry - Manutahi Road, Bell Block	Complaint	Shadel Poultry Limited		Inspection - No Notice Issued	Consent Compliance	No Further Action
29 Mar 2017	3301-17-457 IN/34483	Alleged Poultry Odours	Complaint	Shadel Poultry Limited		Inspection Notice	RAQP Allowed	No Further Action
30 Mar 2017	3301-17-458 IN/34503	Alleged Odour - Waste Management - Waiwhakaiho	Complaint	Waste Management - A division of Transpacific Industries Group NZ Limited		Inspection Notice	RAQP Allowed	No Further Action
01 Apr 2017	3301-17-459 IN/34487	Alleged Odour - Tegel Foods - Paraiti Road, NP	Complaint	Tegel Foods Ltd	R2/4026-3.0	Inspection Notice	Consent Compliance	No Further Action
03 Apr 2017	3301-17-462 IN/34501	Alleged Consent breach - NPDC WWTP - NP	Self-Notification	New Plymouth District Council	R2/0882-4	Inspection Notice	Consent Compliance	No Further Action
03 Apr 2017	3301-17-461 IN/34507	Alleged Dumping prohibited material - Horton - Dorset Road, NP	Complaint	Horton Family Trust		Inspection Notice	RAQP Allowed	No Further Action

Compliant Incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Compliance Status	Recommendation
04 Apr 2017	3301-17-463 IN/34500	Alleged Fertiliser spill to land - Sandford Bros Ltd - Onewhaia Road, Hawera	Third Party Notification	Sandford Bros Limited		Inspection Notice	RFWP Allowed	No Further Action
07 Apr 2017	3301-17-472 IN/34546	Alleged Fonterra-Cream spill-Whareroa-Hawera	Self-Notification	Fonterra Co-operative Group Limited, Whareroa - Hawera	R2/3902-3.0 R2/4977-1	Inspection - No Notice Issued	Consent Compliance	No Further Action
10 Apr 2017	3301-17-466 IN/34519	Alleged Odour - Paintworks - Seaview Road, NP	Complaint	Paintworks		Inspection Notice	RAQP Allowed	No Further Action
10 Apr 2017	3301-17-468 IN/34528	Alleged Smoke - New Plymouth Crematorium - Junction Road, NP	Complaint	New Plymouth District Council	R2/5205-2.0	Inspection Notice	Consent Compliance	No Further Action
13 Apr 2017	3301-17-470 IN/34540	Alleged Sewage overflow - STDC - York Street, Patea	Self-Notification	South Taranaki District Council	R2/0145-2	Inspection Notice	Consent Compliance	No Further Action

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Oct 2016 <u>Update</u>	3301-17-231 IN/34154	Consent breach - Renewable Power - Normanby	Self-Notification	Renewable Power Limited (52541)	R2/6558-1		Investigation Continuing
<p>Comments: Self-notification was received concerning a possible breach of residual flow levels at the Normanby Power Station. Investigation found that the residual flow may not have been breached, however this can not be confirmed until residual flow data is received from the consent holder. The data was well overdue and was requested. The data has since been received. However, there are a number of on-going issues with compliance at this site and enforcement action is being considered.</p>							
21 Nov 2016 <u>Update</u>	3301-17-255 IN/33965	Dairy effluent discharge - Manawapou Road, Hawera	Complaint	Taranaki Agricultural Research Station Trust No 3 (53441)	R2/3035-2.2	Inspection Notice Infringement Notice (\$750) 14 Day Letter	No Further Action/Costs Recovered
<p>Comments: A complaint was received regarding dairy effluent spraying across Manawapou Road over passing traffic, near Hawera. Investigation found that the travelling irrigator had stopped travelling adjacent to Manawapou Road and had continued to spray effluent across the Manawapou and onto passing traffic. A letter of explanation was received.</p>							
19 Jan 2017 <u>Update</u>	3301-17-359 IN/34225	Milk spill - Fonterra - Rahotu	Self-Notification	Fonterra Limited (50606)		Inspection Notice Infringement Notice (\$750) 14 Day Letter	No Further Action
<p>Comments: Self-notification was received regarding a spill from a milk tanker on Kahui Road, Rahotu. Investigation found that despite containment measures being undertaken, due to heavy rain, milk had discharged over land and into an unnamed tributary. A vacuum truck was used to clean up the spill. A letter of explanation was received.</p>							

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Jan 2017 <u>Update</u>	3301-17-360 IN/34226	Odour - Taranaki By-Products - Okaiawa	Complaint	Taranaki By-Products Limited (9197)	R2/4058-4	Inspection Notice Infringement Notice (\$1,000) Abatement Notice 14 Day Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: A complaint was received regarding an odour emanating from a meat rendering plant on Kohiti Road, Okaiawa. An odour survey found constant noticeable odour and intermittent objectionable odour beyond the boundary of the property. Abatement Notice EAC-21490 was issued requiring work to be undertaken to improve the systems. Reinspection will be undertaken after 1 November 2017. A letter of explanation was received.</p>							
22 Jan 2017 <u>Update</u>	3301-16-365 IN/34240	Grounding of Catenary Anchor Leg Mooring Buoy - Ngamotu Beach, NP	Third Party Notification	New Plymouth Underwater Ltd (36840)	R2/10357-1.0	Inspection Notice 14 Day Letter No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
<p>Comments: Notification was received regarding the grounding of the newly constructed Catenary Anchor Leg Mooring (CALM) buoy on Ngamotu Beach, New Plymouth. Investigation found that the buoy that had been anchored in Port Taranaki prior to being transported to the Taharoa sand loading facility, had broken free of its mooring and washed ashore on Ngamotu Beach due a storm event. Works were undertaken under section 330 of the Resource Management Act 1991 (emergency works), to refloat the buoy later in the week. Repairs have been undertaken. The moorings have been re-engineered to a higher standard to withstand harsher environmental conditions. Letters of explanation were received and accepted.</p>							
22 Jan 2017 <u>Update</u>	3301-17-368 IN/34241	Grounded vessel - Port Taranaki	Complaint	Matthew Lyons (54348)		Inspection - No Notice Issued Infringement Notice (\$500)	No Further Action
<p>Comments: Notification was received regarding the grounding of the fishing vessel Roulette against the reclamation within Port Taranaki. Investigation found that the Roulette was secured to a mooring during a large storm event. The vessel had broken free of the mooring and had drifted in a dangerous manner and ended up against the reclamation where it grounded. The vessel was quickly removed to a place of safety by port staff. The grounding resulted in breaches to the hull of the vessel, however no hydrocarbons or other contaminants were discharged as a result. Further investigation found that the vessel had broken free from the mooring due to it being tied off with a rope rather than chain.</p>							

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
02 Feb 2017 <u>Update</u>	3301-17-382 IN/34284	Pipeline installation earthworks - Tikorangi	TRC Staff Compliance Monitoring	Darcy Keene Earthmoving Limited (4298) Petrochem Limited (30382) Warner Construction Ltd (52425)	R2/10264-1.0	Inspection Notice 14 Day Letter 14 Day Letter 14 Day Letter No Enforcement Action - Insufficient evidence	No Further Action/Costs Recovered

Comments: During routine monitoring of earthworks associated with the installation of a pipeline, it was found that silt controls had not been installed as required by resource consent conditions at a property near Tikorangi. An inspection of the site found that untreated sediment laden stormwater was discharging offsite. Letters of explanation were received. A meeting was held with Petrochem Ltd and they have undertaken to improve processes around the installation of silt and sediment control measures.

05 Feb 2017 <u>Update</u>	3301-17-380 IN/34286	Dairy effluent - Waitoetoe Beach - Urenui	Complaint	Brett Maurice & Raewyn Maree Sarten (19416) Ashbrook Partnership Limited (53751)	R2/1465-3	Inspection Notice 14 Day Letter No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
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Comments: A complaint was received regarding dairy effluent on Waitoetoe Beach, near Urenui. Investigation of dairy systems upstream found that a spray irrigator hose had broken allowing dairy effluent to discharge across land and into an unnamed tributary of Waitoetoe Stream, which flowed to the Waitoetoe Beach. A letter of explanation was received and accepted.

08 Feb 2017 <u>Update</u>	3301-17-384 IN/34314	Oil discharge - Piko Road, Urenui	Complaint	Douglas Ian & Wendy Esther Wood (13477)		Inspection Notice Infringement Notice (\$750) 14 Day Letter	No Further Action
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Comments: A complaint was received regarding oil discharging into a roadside drain at Piko Road, Urenui. Investigation found that a hydraulic ram had been removed from a digger. Oil from the ram had discharged onto the ground where spring water was entraining the contaminant and discharging it into a roadside drain. Sorbent materials were applied by Council staff at the time of inspection. A letter of explanation was received.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Feb 2017 <u>Update</u>	3301-17-395 IN/34325	Dairy effluent - Gordon - Inglewood	TRC Staff Compliance Monitoring	DJ & K Gordon (52424)	R2/2273-2	Inspection Notice Infringement Notice (\$750) Abatement Notice	No Further Action/Costs Recovered

Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions at Norfolk Road, Inglewood. Abatement Notice EAC-21487 was issued requiring works to be undertaken to the farm dairy effluent treatment and disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Feb 2017	3301-17-410 IN/34358	Dairy Effluent - Kaiper Pt - Inglewood	TRC Staff Compliance Monitoring	Kaiper Partnership (51670)	R2/2677-2	Inspection Notice Abatement Notice	Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent system was not operating within resource consent conditions on Richmond Road, Waitoriki. Abatement Notice EAC-21493 was issued requiring works to be undertaken to ensure all dairy effluent on the entry/exit race is directed to the effluent sump. Reinspection found that the required works had been undertaken. Further enforcement action is being considered.</p>							
28 Feb 2017	3301-17-465 IN/34520	Structure - Tataraimaka - South Road, Okato	Complaint	Opus International Consultants Limited (9742) New Zealand Transport Agency (14205) Whitaker Civil Engineering Limited (14442)	R2/10399-1.0	Inspection Notice Abatement Notice Abatement Notice 14 Day Letter 14 Day Letter 14 Day Letter	Investigation Continuing
<p>Comments: A complaint was received concerning works being carried out in an unnamed tributary of the Timaru stream on South Road, Tataraimaka, Okato. Investigation found that work had commenced without notification as required by resource consent conditions. Gabion baskets previously installed to stabilise stream banks had fallen into stream. Partial collapse of a bank downstream of the bridge was evident. In-stream works had commenced upstream of a bridge to facilitate dewatering of the gabion wall to allow for remedial work. Abatement notices were issued to all alleged offenders requiring evidence that the works being undertaken were in accordance with design plans submitted. The abatement notices must be complied with by 18 April 2017. Letters requesting explanation were also sent.</p>							
01 Mar 2017	3301-17-426 IN/34393	Consent breach - NZTA - SH3 Uruti	TRC Staff Compliance Monitoring	New Zealand Transport Agency (14205) Intergroup Limited (50186)	R2/10373-1.0	Inspection Notice 14 Day Letter	Investigation Continuing
<p>Comments: During routine compliance monitoring it was found that abrasive blasting works had been carried out in a manner which breached resource consent conditions with regards to failing to notify this council prior to works commencing on a bridge on SH3 near Uruti. A letter requesting explanation has been sent.</p>							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
07 Mar 2017	3301-17-429 IN/34397	Dairy effluent - Sandstone Farms - Inglewood	TRC Staff Compliance Monitoring	Sandstone Farms (16964)	R2/1964-2	Inspection Notice Abatement Notice 14 Day Letter	Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions at Lepper Road, Inglewood. It was found that the discharge from the pond system was having deleterious effects in the receiving waters with regards to discolouration and foaming. Abatement Notice EAC-21500 was issued requiring the discharge to comply with resource consent conditions. Reinspection found the discharge had ceased and the effluent was being applied onto land using a honey-wagon. A letter requesting explanation was sent.</p>							
10 Mar 2017	3301-17-433 IN/34415	Green stream - Kaipera Pt - Inglewood	Complaint	Kaipera Partnership (51670)	R2/2677-2	Inspection Notice	Investigation Continuing
<p>Comments: A complaint was received concerning a stream become discoloured at Richmond Road, Inglewood. Investigation found that a dairy effluent treatment system was not operating within resource consent conditions. The sand trap had blocked causing effluent to overflow onto land and there was evidence that effluent had entered water. Enforcement action is being considered.</p>							
20 Mar 2017	3301-17-448 IN/34470	Water abstraction - Armstrong - Opunake	TRC Staff Compliance Monitoring	Ian Douglas & Judith Ann Armstrong (13071)	R2/5990-1	14 Day Letter	Investigation Continuing
<p>Comments: During analysis of data from a water abstraction it was found that the rate and volume of water abstracted exceeded the limits set by resource consent 5990-1. The exceedance also contravened Abatement Notice EAC-21261 (issued as a result of a previous incident) which required the consent holder to cease the contravention of special condition 2 (volume & rate limits) of resource consent 5990-1 at Opunake Road, Opunake. A letter of explanation was received. Further information has been requested.</p>							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
27 Mar 2017	3301-17-450 IN/34471	Dairy effluent - Altitude Farms - New Plymouth	TRC Staff Compliance Monitoring	Altitude Farms Ltd (53303)	R2/3773-3	Inspection Notice Abatement Notice 14 Day Letter	Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the oxidation pond treatment system was in breach of Abatement Notice EAC-20904 (issued as a result of a previous incident) and was not operating within resource consent conditions on Maude Road, New Plymouth. Inspection found that the oxidation ponds were discharging to surface water in breach of the requirements of the abatement notice. A letter requesting explanation was sent. Further enforcement is being considered.</p>							
28 Mar 2017	3301-17-451 IN/34524	Water quality - State Highway 45, Oakura	Complaint	Un sourced (9768)		Inspection Notice	Investigation Continuing
<p>Comments: A complaint was received regarding concerns over water quality in a small pond adjacent to State Highway 45, Oakura. Investigation found that moderate levels of fecal coliform contamination was present within the pond. Further sampling is being undertaken to establish the source of the contaminants.</p>							
29 Mar 2017	3301-17-456 IN/34481	Methanol Leak - Port Taranaki	Self-Notification	Methanex New Zealand Limited (10050)		Inspection Notice	Investigation Continuing
<p>Comments: Self-notification was received from Methanex that during routine monitoring, of a ground water bore, elevated Methanol levels were found at Port Taranaki, New Plymouth. The Company are undertaking works to expose pipework, to find a suspected leak. The investigations into finding the leak are on-going at this stage.</p>							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Apr 2017	3301-17-469 IN/34541	Cement Discharge - SH45, Tartaraimaka	Self-Notification	Opus International Consultants Limited (9742) New Zealand Transport Agency (14205) Whitaker Civil Engineering Limited (14442)	R2/10399-1.0	Inspection Notice 14 Day Letter 14 Day Letter 14 Day Letter	Investigation Continuing
<p>Comments: Self-notification was received from Opus International Consultants Ltd regarding an unauthorised discharge of cement into an unnamed tributary of the Timaru Stream on State Highway 45, Tataraimaka, Okato. Investigation found that during works being undertaken in the unnamed tributary, a temporary water diversion system was overwhelmed and some cement had been washed downstream. Letters requesting explanation were sent.</p>							
21 Feb 2017	3301-17-409 IN/34359	Oil spill - Cyrus Street - New Plymouth	Complaint	Latchman & Savita Gounden (33399)		Inspection Notice Abatement Notice	No Further Action
<p>Comments: A complaint was received regarding an oil spill on Cyrus Street, New Plymouth. Investigation found waste oil from a drum was seeping into land and it was likely that oil would discharge to water. Abatement Notice EAC-21494 was issued requiring works to be undertaken to remove the waste oil and contaminated soil in an approved manner to ensure no discharge of contaminants to water. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
21 Feb 2017	3301-17-408 IN/34364	Dairy effluent - Cairns - Omata	TRC Staff Compliance Monitoring	Robert Bruce & Sally Cairns (3503)	R2/7836-1.1	Inspection Notice Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that an oxidation pond system was not operating within resource consent conditions at Hurford Road, Omata. Abatement Notice EAC-21495 was issued requiring a sandtrap and stormwater diversion system to be installed at the farm dairy and a pond size calculation to be submitted to Council to ensure compliance with resource consent conditions. Reinspection to be undertaken after 18 April 2017.</p>							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Feb 2017	3301-17-412 IN/34362	Burning - Taranaki Building Removers - Devon Road, Bell Block	TRC Staff Compliance Monitoring	Taranaki Building Removers (2000) Ltd (24508)		Inspection Notice Infringement Notice (\$300)	No Further Action
<p>Comments: During routine compliance monitoring within the Bell Block industrial area it was found that open air burning activities were being carried out on an industrial premise on Devon Road, Bell Block. Investigation found that waste material generated from the building removal process was being burnt on site in contravention of the Regional Air Quality Plan for Taranaki. The activity was also found to be causing adverse effects off-site.</p>							
22 Feb 2017	3301-17-411 IN/34382	Dairy Effluent - Bucman - Everett Park	TRC Staff Compliance Monitoring	Bucman Trust (29134)	R2/3648-2	Inspection Notice Abatement Notice	No Further Action /Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions on Everett Road, Inglewood. Abatement Notice EAC-21501 was issued requiring works to be undertaken to clean the drain below the farm dairy sand trap by removing all dairy effluent, to ensure that long term leaching of untreated effluent to surface water ceases. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
23 Feb 2017	3301-17-413 IN/34394	Dairy Effluent - Riverstone Lands Ltd - Inglewood	TRC Staff Compliance Monitoring	Riverstone Lands Limited (30005)	R2/1700-3	Inspection Notice Abatement Notice	No Further Action/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions on Bristol Road, Inglewood. Abatement Notice EAC-21502 was issued requiring the consent holder to cease the contravention of special condition 8 of Resource Consent 1700-3. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Feb 2017	3301-17-416 IN/34399	Dairy Effluent - Rowe - Inglewood	TRC Staff Compliance Monitoring	Stewart & Elaine Rowe (1935)	R2/1582-3	Inspection Notice Abatement Notice	No Further Action/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions on Everett Road, Inglewood. Abatement Notice EAC-21506 was issued requiring the consent holder to undertake works to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
28 Feb 2017	3301-17-415 IN/34398	Dairy Effluent - Bublitz - Hawera	TRC Staff Compliance Monitoring	Ivan Bublitz (2843)	R2/3018-2	Inspection Notice Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the spray irrigation system was not operating within resource consent conditions on Matangara Road, Hawera. Abatement Notice EAC-21503 was issued requiring the consent holder to undertake works to ensure compliance with resource consent conditions. Reinspection will take place after 1 August 2017.</p>							
01 Mar 2017	3301-17-437 IN/34418	Tegel - breach of resource consent	Complaint	Tegel Foods Limited (9844)	R2/3470-4.0	Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During the analysis of samples (7 March 2017) taken during a compliance monitoring inspection (1 March 2017) it was found that concentrations of contaminants, in the stormwater discharge, exceeded parameters set by resource consent 3470-4 at a poultry processing plant on Paraita Road, Bell Block. Sample results found the concentration of Biological Oxygen Demand exceeded 15gm3 at two discharge points from the site. Abatement notice EAC-21510 was issued requiring the discharge of contaminants in the stormwater discharge to cease. Further sampling will take place during the monitoring year to ascertain compliance.</p>							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
03 Mar 2017	3301-17-422 IN/34401	Dairy Effluent - Bourke - Hawera	TRC Staff Compliance Monitoring	David & Leonie Bourke (1780)	R2/1344-3	Inspection Notice Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions on Mountain Road, Hawera. Abatement Notice EAC-21507 was issued requiring the consent holder to undertake works to ensure compliance with resource consent conditions. Reinspection will take place after 1 May 2017.</p>							
06 Mar 2017	3301-17-424 IN/34402	Dairy Effluent - Muir Farms Limited - Eltham	TRC Staff Compliance Monitoring	Muir Farms Limited (20155)	R2/4733-2	Inspection Notice Abatement Notice	No Further Action/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions on Rawhitiroa Road, Eltham. Abatement Notice EAC-21508 was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
07 Mar 2017	3301-17-427 IN/34403	Dairy Effluent - Niaruo Trust Partnership - Normanby	TRC Staff Compliance Monitoring	Niaruo Trust Partnership (19344)	R2/3181-3.0	Inspection Notice Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operation within resource consent conditions on Fraser Road, Normanby. Abatement Notice EAC-21509 was issued requiring the consent holder to undertake works to ensure compliance with resource consent conditions. Reinspection will take place after 1 May 2017.</p>							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
09 Mar 2017	3301-17-430 IN/34406	Dairy Effluent - Hintz - Egmont Village	Complaint	Kevin Hintz (1907)	R2/1530-3	Inspection Notice Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions on Mangawara Road, Egmont Village. Abatement Notice EAC-21504 was issued requiring works to be undertaken to clean out the solids in the first (anaerobic) and second (aerobic) oxidation ponds. Reinspection to take place after 01 May 2017.

09 Mar 2017	3301-17-432 IN/34410	Dairy Effluent - Mantey - Tariki	TRC Staff Compliance Monitoring	Frederick & Sally Mantey (2467) Estate Ian Mantey Family Trust & Sally Mantey Family Trust (35214)	R2/2845-2	Inspection Notice Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the dairy effluent disposal system was not operating within resource consent conditions on Mountain Road (SH3), Tariki. Abatement Notice EAC-21505 was been issued requiring works to be undertaken, and for the system to be operated and regularly maintained to ensure compliance with resource consent conditions. Reinspection will take place after 1 June 2017.

14 Mar 2017	3301-17-438 IN/34432	Sewage overflow - NPDC - Bell Block	Self-Notification	New Plymouth District Council (9565)	R2/0882-4	Inspection Notice 14 Day Letter No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
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Comments: Notification was received regarding a sewage overflow from a manhole on Dillon Drive, Bell Block. Investigation found that sewage had overflowed across land and into the Waihowaka Stream. The discharge had been stopped and there was no visual effect in the receiving water at the time of inspection. However, there was still sewage present on the stream bank, which was cleaned up the following day. Signs had been erected in the area. A letter of explanation was received and accepted.

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Mar 2017	3301-17-442 IN/34443	Dinghy within restricted area - Port Taranaki	Complaint	Olivia Hammond (54515) Liam Creavy (54516)		Inspection Notice	No Further Action
<p>Comments: Notification was received from the Port Taranaki Harbour Master regarding a small inflatable dinghy that had entered the restricted area at Port Taranaki and was sitting adjacent to a methanol tanker docked at the Newton King Tanker Terminal. Investigation found that the dinghy had broken down and drifted into the restricted area. The vessel was removed by a port vessel and persons on board spoken to by Police and the Harbour Master. The occupants were co-operative and their explanation was accepted. A warning letter was issued by the Harbour Master.</p>							
15 Mar 2017	3301-17-439 IN/34435	RFWP breach - Waste Management - New Plymouth	TRC Staff Compliance Monitoring	Waste Management NZ Ltd (25000)	R2/8263-0	Inspection Notice Abatement Notice	No Further Action At This Stage
<p>Comments: During unrelated monitoring it was found that a site was not operating within the rules of the Regional Fresh Water Plan for Taranaki on Katere Road, New Plymouth. Investigation found that a resource consent was required for the discharge of stormwater from the site. Abatement Notice EAC-21513 was issued requiring compliance with Rule 23 of the Regional Fresh Water Plan for Taranaki. Reinspection to be undertaken after 15 May 2017.</p>							
15 Mar 2017	3301-17-440 IN/34449	RFWP breach - Return 2 Earth - New Plymouth	TRC Staff Compliance Monitoring	Return2Earth (34230)		Inspection Notice Abatement Notice	No Further Action At This Stage
<p>Comments: During unrelated monitoring it was found that a site was not operating within the rules of the Regional Fresh Water Plan for Taranaki on Egmont Road, New Plymouth. Investigation found that a resource consent is required for the discharge of stormwater from the site. Abatement Notice EAC-21516 was issued requiring compliance with Rule 23 of the Regional Fresh Water Plan for Taranaki. Reinspection to be undertaken after 31 July 2017.</p>							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Mar 2017	3301-17-443 IN/34461	Dairy effluent - Wataroa Farms Tst - Pungarehu	TRC Staff Compliance Monitoring	Wataroa Farms Trust (24466)	R2/3526-2	Inspection Notice Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During the annual dairy inspection round it was found that the oxidation pond system was not operating within resource consent conditions on Wataroa Road, Pungarehu. Abatement Notice EAC 21518 was issued requiring works to be undertaken to remove the effluent solids from the second (aerobic) pond to ensure compliance with special condition 5 of Resource Consent 3526-2. Reinspection will be undertaken after 1 May 2017.							
28 Mar 2017	3301-17-453 IN/34477	Oil spill - FBT - Kaimata Road South	Third Party Notification	Spreading FBT Ltd (54519)		Inspection Notice	No Further Action
Comments: Notification was received that a fertiliser spreading truck had overturned on a property at Kaimata Road South and oil was leaking from the motor. Investigation found that a minor amount of oil had discharged onto land. Absorbent material was used to contain the spill. At the time of inspection Work Safe NZ were the lead authority in regards to the response, therefore the vehicle could not be removed from the site until their investigation was complete. No oil entered any surface waterbody.							
02 Apr 2017	3301-17-460 IN/34495	Sewage overflow - STDC - Stanners St, Eltham	Complaint	South Taranaki District Council (9623)	R2/7521-1	Inspection Notice No Enforcement Action - Statutory defence	No Further Action
Comments: A complaint was received concerning sewage overflowing on Stanners Street, Eltham. Investigation found that fat had built up in the sewage system and caused the overflow. The blockage was being cleared at the time of inspection.							
03 Apr 2017	3301-17-467 IN/34526	Structure on East Beach, Waitara	Complaint	Kevin Moore (54634)		Inspection Notice	No Further Action At This Stage
Comments: A complaint was received regarding a small structure that had been erected on East Beach, Waitara. Investigation found that the structure made from plastic drums and loose rocks had been erected to minimise erosion. Council officers are currently working with the responsible party to ensure that any action taken to minimise coastal erosion are within Council rules.							

Non-Compliant incidents for the period 20 Feb 2017 to 13 Apr 2017

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
06 Apr 2017	3301-17-464 IN/34513	Sewage overflow - Sutherland Road - Manaia	Complaint	South Taranaki District Council (9623)	R2/1204-4	Inspection Notice	No Further Action At This Stage

Comments: A complaint was received about a possible sewage overflow to a roadside drain on Sutherland Road, Manaia. An inspection found a large discharge from two sources on the roadside of Sutherland Road, Manaia. Samples and photos taken. Further action may be taken pending sample results.

Agenda Memorandum

Date 2 May 2017



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

**Subject: Environment Defence Society Report
into Compliance, Monitoring and
Enforcement**

Approved by: A D McLay, Director – Resource Management
B G Chamberlain, Chief Executive

Document: 1828325

Purpose

The purpose of this memorandum is to present the findings of a recent Environment Defence Society (EDS) survey report *Last Line of Defence- Compliance, monitoring, and enforcement of New Zealand's environmental law*.

A copy of the Executive Summary and Key Recommendations is attached separate to this Agenda. A copy of the report can be provided to Members upon request.

Executive summary

- This memorandum presents the Council and MFE sections of an assessment of a recent EDS survey into compliance, monitoring, and enforcement of New Zealand's environmental law;
- EDS is an independent, not-for-profit, self appointed environmental group that was established in 1971. It is considered an activist organisation that represents the environment before councils and the courts.
- The purpose of the report was to explain the role and importance of enforcing environmental compliance, to provide an empirical snapshot of how it is practiced, and to identify issues that enforcement raises;
- The report noted: there are varying degrees of attention to CME ranging from professional and generally adequate to demonstrably inadequate or virtually absent; regional and unitary councils have generally improved significantly over the past decade in the way they administer their CME role, with increasing capacity, professionalisation and monitoring and reporting processes evident; however, despite these improvements efforts were being undermined in some cases by the sometimes politicised nature of environmental enforcement at a regional level; and MfE lacks the capacity and expertise to provide appropriately qualified oversight and stewardship of CME by Councils and the long-running lack of focus has had national scale implications because it has contributed to 78 different versions of enforcement for a single Act;

- This Council's compliance, monitoring and enforcement regime is well established, sophisticated and effective, and does not experience the political and operational issues identified at other regional councils in the survey.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum and Environmental Defence Society report *Last Line of Defence- Compliance, monitoring, and enforcement of New Zealand's environmental law*;
2. notes that this Council's compliance, monitoring and enforcement regime is well established and effective and does not experience the political and operational issues identified at other council's surveyed.

Background

EDS is a independent, not-for-profit self appointed environmental group that was established in 1971 and is committed to improving environmental outcomes for all New Zealanders. EDS brings together the disciplines of science, planning, landscape and the law. It is considered an activist organisation that represents the environment before councils and the courts. Mr Gary Taylor is the Chairman and Executive director.

The purpose of the EDS report is to explain the role and importance of enforcing environmental compliance and to provide an empirical snapshot of how it is practiced in New Zealand. The report has three key aims to:

- outline the role and the importance of compliance, monitoring and enforcement (CME) of environmental law;
- demonstrate empirically the current state of play in CME around the country and access several agencies and several regimes;
- identify key issues and solutions that will assist in strengthening regulatory outcomes.

The report was completed following an extensive mixed-method research approach involving a literature review; the author being embedded within several councils for a day to observe CME practices; in person informal interviews with more than 200 persons involved in CME, including barristers, solicitors, agency staff, regulated communities, environmental organisations, and other experts; an original survey of councils, comprising 10 key questions to combine with MFE's existing national monitoring survey data (all 78 councils replied); and official information requests from central government regulators.

For the purpose of the report, the definition of CME (usually joint) functions is set out below:

- **compliance** means adherence to the law
- **monitoring** means the activities carried out by authorities to assess compliance with the law, and respond to complaints from the public about potential breaches (ie compliance monitoring)

- **enforcement** means the actions taken by agencies to respond to non-compliance with the law with the aim of ensuring compliance.

Members may recall at their November 2016 meeting a memorandum was tabled on a recent survey undertaken by MFE on compliance, monitoring and enforcement by localities under the RMA. The survey was limited to thirteen councils and nine stakeholders and iwi. This council was not part of the survey.

The MfE survey report identified a number of key trends and issues, including:

- There is significant variation in the way councils carry out CME. Council approaches vary in terms of the priorities and resources given to CME activities, monitoring and investigation practice, enforcement decision-making processes and use of enforcement actions.
- Resources for CME activities are very limited in some councils. As a result, many activities which require monitoring are not able to be monitored. For example, most councils carry out very little or no monitoring of plan rules (permitted activities).
- There is a lack of data on council CME practices. As a result, it is difficult to assess the effect of CME on environmental outcomes.

CME is critical in implementing the RMA and providing for improved environmental outcomes. Hence, the survey was a positive step in an area of resource management where MFE has traditionally not had a great presence.

The survey provides some insight into council CME in New Zealand and a number of issues were identified, few of which exist in this region. A response to the issues is provided below.

At this Council :

- There is a political will to effectively implement the RMA, using CME, to detect and penalise non-compliance and to recognise and acknowledge compliant behaviour
- There is no political interference in enforcement activities, which have been delegated to senior staff who act professionally even when dealing with members of their community they may know
- CME is appropriately resourced
- CME is mainly funded through user charges and polluter pays principles
- There is no warning of a compliance inspection (i.e. "cold calling" is used)
- There is a risk based approach to monitoring , with more intensive monitoring at sites which pose a greater environmental risk based on past performance or nature of the activities, but a wide range of other activities are also monitored regularly (annually)
- Given the capability and systems in place most prosecutions are cost neutral
- A transparent regime is in place with non-compliance publically reported via the Consents and Regulatory Committee and in the annual compliance monitoring reports
- Territorial compliance staff are invited to Council enforcement training and assist each other
- Iwi are involved in prosecutions and provide cultural impact statements
- Permitted activities receive some monitoring
- The Council holds itself to the same standard as the public in terms of compliance.

This Council has long recognised appropriate CME as an important resource management tool and has well established and sophisticated systems and processes in place.

The EDS Report

The report provides a summary of local government (council) compliance, monitoring and enforcement (CME) under the Resource Management Act 1991 (RMA & EEZ) and other environmental law administered by the Department of Conservation, Ministry for the Environment (RMA), Fish and Game New Zealand, Ministry for Primary Industries (indigenous forestry), Land Information NZ (high country consents), The Overseas Investment Office (sensitive land purchase) and QEII National Trust. Only the findings on councils and MfE are considered in this memorandum.

The survey findings were:

- Councils have, overall, received little support and guidance in undertaking their CME role
- Councils appear to pay varying degrees of attention to this role and practice ranges from professional and generally adequate to demonstrably inadequate or indeed virtually absent
- Regional and unitary councils have generally improved significantly over the past decade in the way they administer their CME role, with increasing capacity, professionalisation and monitoring and reporting processes evident
- However, despite these improvements efforts were being undermined by in some cases by the sometimes politicised nature of environmental enforcement at a regional level
- The dual economic development and environmental protection roles of councils appear to underpin the above issues and general recommendations for all councils are set out in the executive summary concerning the: link between policy and CME for rules and consent conditions, adequacy of staff training, use of cost recovery approaches, establishment of clear enforcement policy, and establishment of a clear culture of a separation of governance and operations
- MfE lacks the capacity and expertise to provide appropriately qualified oversight and stewardship of CME by Councils. The long-running lack of focus has had national scale implications because it has contributed to 78 different versions of enforcement for a single Act.

Discussion

CME is critical in implementing the RMA and providing for improved environmental outcomes. This Council has long recognised appropriate CME as an important resource management tool and has well established and sophisticated systems and processes in place.

The survey plus that undertaken by MfE late in 2016 are useful in identifying trends and issues. Given MfE helped fund the EDS both surveys are a positive step in an area of resource management where they have traditionally not had a great presence. EDS are critical of this and MfE has employed appropriate resources to implement the recommendations of the survey report.

There is significant variation in the way councils carry out CME. Council approaches vary in terms of the priorities and resources given to CME activities, monitoring and investigation practice, enforcement decision-making processes and use of enforcement actions.

However, the report notes there has been significant improvement in the last ten years in the way regional and unitary councils administer their CME role, with increasing capacity, professionalisation and monitoring and reporting processes evident. This Council has long understood the importance of CEM in resource management and has appropriately resourced this activity and developed some sophisticated and transparent CEM processes.

The regional council sector has a Compliance and Enforcement Special Interest Group and has developed the Regional Sector Strategic Compliance Framework 2016–18, which aims to improve consistency in councils' CME practices.

The survey provides some insight into council CME in New Zealand and a number of issues were identified, none of which exist in this region. A response to the issues is provided below. At this Council:

- There is a political will to effectively use CME as part of implementing the RMA to penalise non-compliance and change attitudes
- There is no political interference in enforcement activities, which have been delegated to senior staff, and CME guides are in place to professionally manage processes.

The wider general recommendations made in the report concern: enhancing capacity and resources for an oversight of the activities of environmental enforcement agencies; continuing to improve the monitoring and reporting processes of environmental agencies; developing training for local body elected officers to clarify that CME is an operational matter and a clear separation from governance is required; examining institutional frameworks to consider whether they are fit for purpose; developing enhanced protocols and procedures to enable regulatory stewardship by environmental agencies; and developing more robust career pathways for natural environmental based enforcement officers in councils and other agencies to increase recognition, demonstrate capacity and reduce turnover rates.

The report recommendations and those of the earlier MfE report are similar and should improve CME outcomes.

A review of the Council's enforcement policy and guidelines is currently underway and will be presented to the next meeting for consideration. The review takes account of changes in the RMA and Council practices and basically represents a fine tuning of current approaches.

Decision-making considerations

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 recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

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

Policy considerations

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.

Legal considerations

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

Appendices/Attachments

Document number: 1828544 - Executive Summary and recommendations from *Last Line of Defence- Compliance, monitoring, and enforcement of New Zealand's environmental law* report.

EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

Enforcement of environmental law is a growing field throughout the world and one which is rapidly changing.¹ In recent times, New Zealand too has undergone a swift evolution in practice. The purpose of this report is to explain the role and importance of enforcing environmental compliance and to provide an empirical snapshot of how it is practised in New Zealand. The report explores the difficult and concerning issues that enforcement raises, identifies promising areas of innovation, and proposes some potential further solutions.

Poor compliance and weak enforcement can result in regulatory failure and serious environmental harm. Evaluating environmental enforcement practice provides valuable insights into the strengths and weaknesses of a regime and helps to better target expenditure and effort to areas most likely to reduce risk of harm. This report has three key aims:

1. To outline the role and the importance of compliance, monitoring and enforcement (CME) of environmental law
2. To demonstrate empirically the current state of play in CME around the country and across several agencies and several regimes
3. To identify key issues and solutions that will assist in strengthening regulatory outcomes

The report was completed following an extensive mixed-method research approach (discussed in more detail in Chapter One). Chapter One provides context and an overview for the reader, including briefly canvassing key background material for those unfamiliar with environmental law enforcement. Chapter Two presents an empirical account of the workings of several (although not all) environmental law regimes around New Zealand. Chapter Three summarises that information and distils the highlights and the lowlights, the latter of which are attended to in Chapter Four. The section below summarises the report's key recommendations, grouped by agency for quick reference.

The enforcement of environmental legal requirements is generally fraught with complexities, sometimes severely under-resourced and often vulnerable to dissuasion for political ends. In order to achieve the purpose of our legislation, maintain the public's confidence in our agencies and protect our natural heritage, systemic issues in CME must be resolved, with significant improvement required across four key areas:

- a. Enhancing the legal basis of enforcement
- b. Bolstering capacity and capability of agencies
- c. Ensuring regulator independence
- d. Tracking progress and auditing outcomes

For each agency, key observations are summarised and recommendations are set out in brief. While these recommendations are specific, it is likely that they represent only a subset of the improvements that would be desirable under the relevant topic. Agencies are encouraged to further contribute towards the development of strategic solutions where possible, and to promulgate practical approaches to improve resource efficiency and overall outcomes. Recommendations for wider change are also highlighted.

Wider recommendations

Some recommendations, particularly those that are strategic in nature, require the participation of more than one agency and are instead the domain of external parties. Where agencies are specifically suggested, their names appear in bold type. Key wider recommendations include:

1. Develop enhanced capacity and resources to provide oversight of the activities of environmental enforcement agencies, including investigating public concerns regarding administration of the function and the independence of decision-making.
2. Continue to improve the monitoring and reporting processes of environmental enforcement agencies, including through the reporting programme of **Crown Law's** Public Prosecution Unit.
3. Develop training for local body elected officials on the CME role to clarify that CME is an operational matter and that there needs to be a clear separation from governance. Perhaps **Local Government New Zealand** could coordinate training of councillors (possibly including Chief Executives) along with other courses they already provide. The purpose of such training is to make clear that CME should be free of political interference and reduce the incidence of inappropriate involvement.
4. Examine institutional frameworks across all environmental legislation to consider whether or not they are fit for purpose. Most institutional arrangements have been in place for more than two decades and there is evidence that many are sub-optimal. In the context of ongoing reform, institutional arrangements should be revisited on an evidence basis and recalibrated to strengthen regulatory outcomes. This process should involve *all relevant regulators and overarching government departments*, in addition to experts and other relevant stakeholders.
5. Develop enhanced protocols and procedures to enable regulatory stewardship by environmental enforcement agencies. Many deficiencies in legislation are well known by implementing officers

and departments, but progress on addressing them through regulatory change is slow. More support for the regulatory stewardship role, combined with stronger expectations of all environmental enforcement agencies, would enable legislation to remain fit for purpose for longer.

6. Develop more robust career pathways for natural environment-based enforcement officers in councils and other agencies to increase recognition, demonstrate capacity and reduce turnover rates. The establishment of a continuing professional development scheme could be of use, similar to ones presently in place for planners and engineers. **The New Zealand Planning Institute, the Resource Management Law Association** or a bespoke body could coordinate such a scheme. The Government Regulatory Practice Initiative (G-REG) is likely to be material to this sort of endeavour. Any scheme should be designed and led by persons with particular CME expertise in the relevant regimes.

Department of Conservation (DOC)

DOC's substantial CME role is presently poorly designed and inadequately executed, despite some very capable staff and an excellent training initiative. DOC's CME role also lacks visibility and is presently allocated very limited resources. Key recommendations are:

1. Develop a national strategy to guide CME throughout the country, ensuring consistency and equity at that scale. The strategy should cover the use of powers such as revocation of permits, set up clear procedures, and put in place a robust accountability regime coordinated at a national level.
2. Invest in a compliance database to enable the coherent and consistent management of CME-related tasks, including enhanced national oversight and reporting.
3. Continue the present work programme to consolidate and refine legislative instruments, including standardisation of powers and the development of an infringement fine regime where appropriate.
4. Ensure that the national training course is delivered to all warranted officers in the short term and that refresher training is developed to maintain knowledge and refine practice.
5. Develop a robust cost-recovery framework that alleviates the burden of CME on the taxpayer as much as possible, directing it to resource users (in the main, but not entirely).

6. Bolster frontline resources and ensure all district offices have and use compliance resources, directed at areas of greatest risk to the environment.

Ministry for the Environment (MfE)

MfE currently lacks capacity and expertise to provide appropriately qualified oversight and stewardship of CME by councils. This long-running lack of focus has had national-scale implications because it has contributed to 78 different versions of enforcement of a single Act proliferating (i.e. one for each council). The Ministry is encouraged to sharpen efforts in this area, most particularly through the development of up-to-date national guidance, more effective coordination of national reporting on council activity, and the development of thought leadership on performance evaluation. Given that CME is an operational role not undertaken by MfE, it is likely to be beneficial for the Ministry to engage more staff with a CME background and perhaps establish a dedicated unit to provide guidance and oversight of this function under the RMA. Tasks for such a unit could include:

1. Develop national direction for CME under the RMA, perhaps in the form of guidance, regulation or potentially a National Policy Statement or National Environmental Standard (including refining provisions for cost recovery etc.).
2. Develop and implement a comprehensive best practice framework for measuring environmental enforcement agency performance to inform the questions in the National Monitoring System (NMS) survey (and potentially for export to other regimes, such as the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act 2012).
3. Develop, in the context of long-term reform of environmental legislation, thought leadership on present-day institutional arrangements across our environmental law within the scope of MfE's role under the Environment Act 1986.
4. Participate in sector capacity building including by supporting training initiatives and national and regional CME conferences

The development of all thought leadership and guidance should be in consultation with relevant stakeholders including regulators, non-government organisations, enforcement experts and the general public.

Councils

Councils have, overall, received little support and guidance in undertaking their CME role. Councils also appear to pay varying degrees of attention to this role.

The result of this is highly variable practice that ranges from professional and generally adequate through to demonstrably inadequate or indeed virtually absent. There is a clear divergence in capability and capacity between regional and unitary councils and district and city councils that is not solely attributable to a difference in statutory responsibilities.

Regional and unitary councils have generally improved significantly over the past decade in the way they administer their CME role. Increasing capacity, professionalisation and monitoring and reporting processes are evident. A recent trend of engaging experienced enforcement officers from other domains (e.g. the police) appears to have had a very positive impact on the capability of these councils to undertake complex enforcement tasks. However, despite these improvements, efforts are being undermined in some instances by the sometimes politicised nature of environmental enforcement at a regional level. However, this is not uniform, suggesting that putting the right people and procedures in place can minimise such interference.

Although district and city councils enforce the same legislation as regional and unitary councils, their RMA statutory focus is quite different, being primarily directed at land development issues at a local scale, including planning controls. District and city councils generally dedicate fewer resources to the enforcement role and tend to deploy them less effectively. Political involvement in enforcement decision-making is more likely to be formally enabled by district councils and this must be urgently remedied.

The dual economic development and environmental protection roles of councils appears to underpin these issues. General recommendations for all councils include the following:

1. Enhance and maintain the linkages between policy and planning functions and CME functions to ensure rules and consent conditions are coherent and compliance can be clearly determined. This includes providing for ongoing feedback loops, where cases of unenforceable conditions being attached to consents can be raised to ensure they are not 'recycled'.
2. Ensure staff are adequately trained in basic investigative skills and contribute to the development of more formalised training options over time. Consider providing clear development pathways for staff and sending senior officers on more advanced training to improve their skillset and bolster agency capability.
3. Where a comprehensive cost-recovery approach for CME is not already in place, this should be developed to alleviate the burden on ratepayers and enable increased resourcing.

4. Where a clear and publicly available prosecution or enforcement policy is not already present and adhered to, this should be developed and incorporate best practice approaches such as risk-based responses.
5. Establish and cultivate clear expectations regarding the separation of governance and operations for CME functions, such as through implementing engagement protocols between staff and elected representatives.

Regional and unitary councils are encouraged to:

6. Continue to coordinate at a national level and provide leadership to territorial authorities as resources allow by providing advice, guidance and coordinating networking.
7. Provide comprehensive input to initiatives at a national scale, most particularly to the development of a coherent suite of performance indicators to be included in the NMS.

District and city councils are encouraged to:

8. Acquire dedicated staff members that are appropriately trained to undertake CME.
9. Continue to seek opportunities to network with other councils, participate in sector initiatives and share resources wherever possible.

Fish and Game New Zealand

Fish and Game's distributed structure and heavy reliance on honorary rangers presents a challenge to maintaining a coherent and consistent enforcement regime at a national level. However, Fish and Game generally resources and coordinates its role effectively and conducts a significant proportion of the overall enforcement of two key Acts (Wildlife Act 1953 and Conservation Act 1987) as a result. Information technology (IT) and national-scale coordination and reporting are relatively sound. Key recommendations include:

1. Continue to refine the use of the honorary ranger scheme to reduce agency exposure and maintain regulator credibility.
2. Continue to contribute to national-scale legislative reform processes (where the opportunity is provided) to bolster the array of statutory tools available.
3. Continue to refine the basis of the National Reparation Policy, particularly its extrajudicial administration and improve transparency of its implementation.

Ministry for Primary Industries (MPI) – indigenous forestry

The Sustainable Forest Management Team is a relatively small subset of a super-ministry and works with the overall Compliance Directorate of MPI in managing privately owned indigenous forestry. Overall MPI is well prepared for a CME role, with a comprehensive and dedicated database to manage activities across different regimes, strong working relationships with other regulatory agencies, solid in-house training systems, and significant capacity to report on the outcomes of efforts. Key recommendations include:

1. Develop more comprehensive national-scale reporting on the implementation of CME in relation to indigenous forestry.
2. Develop proposals for the addition of an infringement fine system to the Forestry Act 1949 to better equip officers to address lower level offending in a cost-effective manner.
3. Revisit cost-recovery arrangements set down at the time of the 1993 amendment, enabling a more equitable spread of the cost burden between public and private interests.

Land Information New Zealand (LINZ) – high country consents

LINZ appears to have an only limited focus on CME on high country pastoral leases. More capacity for oversight and audit, and more enthusiastic engagement with DOC, would likely enhance regulatory outcomes. Key recommendations include:

1. Develop clear and fair standards of engagement with DOC to develop coherent and workable conditions to impose on high country lease holders.
2. Obtain further staff to audit information submitted and undertake random inspections.
3. Undertake clearer and more comprehensive reporting on CME of discretionary consent conditions.

The Overseas Investment Office (OIO) – sensitive land purchase

Like LINZ, the OIO has significant discretion in the operation of its regulatory role, but is ill-equipped to ensure agreed outcomes are being achieved on the ground. Further resource has been sought for 2017, which should help. Key recommendations include:

1. Develop clear and fair standards of engagement with DOC to develop coherent and workable conditions to impose on overseas purchasers, preferably prior to permissions being issued to enhance the incentive to strike an agreement.
2. Develop further capacity to undertake proactive compliance checks including random inspections.
3. Develop clear reporting on CME and the use of administrative penalties (including details of how the amounts are arrived at and how often they are used).

QEII National Trust

The QEII National Trust administers the most comprehensive and transparent covenant management scheme in the country, something that other covenant administrator agencies (i.e. councils and DOC) would do well to emulate. CME of a voluntary covenant regime does not on the face of it sound challenging. However, changes in landownership and the people managing the covenanted land can present a significant enforcement challenge. A long-running and robust covenant monitoring programme sets the Trust up well to undertake formal enforcement where necessary. Key recommendations include:

1. Continue to invest in and maintain IT systems that enable efficient management of covenant compliance, national oversight and coherent reporting.
2. Provide specific training to staff on regulatory enforcement practices such as evidence gathering and interview techniques to enhance capability and reduce the risk of failed actions.
3. Continue to invest in transparent national reporting to provide the public with confidence that the role is being undertaken efficaciously.