

Consents and Regulatory Committee

Tuesday 5 February 2019

9.30am

Taranaki Regional Council, Stratford

Whakataka te hau

Karakia to open and close meetings

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Agenda Memorandum

Date 5 February 2019

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



**Subject: Confirmation of Minutes – 20 November
2018**

Approved by: G K Bedford, Director-Environment Quality

B G Chamberlain, Chief Executive

Document: 2191434

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 20 November 2018 at 9.30am
2. notes the recommendations therein were adopted by the Taranaki Regional Council on 11 December 2018.

Matters arising

Appendices

Document #2160025 – Minutes Consents and Regulatory Committee

3. Compliance monitoring annual reports

- 3.1 Mr R Phipps, Science Manager, spoke to the memorandum advising the Committee of 12 tailored compliance monitoring reports that have been prepared since the last meeting of the Committee and highlighted the *water temperature monitoring sites in Taranaki* case study.

Recommended

THAT the Taranaki Regional Council

1. receives the 18-18 Tawhiti Catchment Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
2. receives the 18-24 Oaonui Water Supply Limited Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
3. receives the 18-27 NPDC Coastal Structures Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
4. receives the 18-31 NPDC Inglewood WWTP Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
5. receives the 18-34 SDC Stratford WWTP Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
6. receives the 18-36 STDC Opunake WWTP Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
7. receives the 18-40 Ample Group Ltd Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
8. receives the 18-41 CD Boyd Drilling Landfarm Landspreading Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
9. receives the 18-46 BTW Wellington Landfarm Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
10. receives the 18-51 DH Lepper Trust (Piggery) Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
11. receives the 18-57 Todd Energy Limited DWI Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
12. receives the 18-59 STDC Patea Beach Green Waste Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
13. receives the 18-64 Groundworkx Taranaki Limited Monitoring Programme Biennial Report 2016-2018 and adopts the specific recommendations therein.
14. receives the 18-67 Malandra Downs Ltd Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
15. receives the 18-68 Stratford District Council Landfills Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

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.

**Non-notified authorisations issued by the Taranaki Regional Council
between 09 Nov 2018 and 24 Jan 2019**

R2/10279-1.2	Tararua Wind Power Limited	Structure - Culvert	Power Generation - Wind
R2/10280-1.2	Tararua Wind Power Limited	Structure - Culvert	Power Generation - Wind
R2/10281-1.2	Tararua Wind Power Limited	Structure - Culvert	Power Generation - Wind
R2/10282-1.2	Tararua Wind Power Limited	Structure - Culvert	Power Generation - Wind
R2/10594-1.0	New Plymouth District Council	Structure - Culvert	Building Construction/Drainage/Flood Control
R2/10595-1.0	New Plymouth District Council	Dam/Weir	Building Construction/Drainage/Flood Control
R2/10697-1.0	NZ Transport Agency	Structure - Culvert	Road/Bridge Construction or Maintenance
R2/10695-1.1	Candyman Trust	Reclamation	Cleanfill
R2/10707-1.0	Todd Petroleum Mining Company Limited	Structure - Bridge	Hydrocarbon Exploration
Water Permit			
Consent	Holder	Subtype	Primary Industry Purpose
R2/2055-3.1	New Plymouth District Council	Take Surface Water	Water Supply or Treatment
R2/10694-1.0	Waitomo Energy Limited	Take Groundwater	Service Station

**Limited Notified authorisations issued by the Taranaki Regional Council
between 09 Nov 2018 and 24 Jan 2019**

Discharge Permit			
Consent	Holder	Subtype	Primary Industry Purpose
R2/10561-1.1	Hintz Family Trust Partnership	Air - odour	Poultry Farm
Water Permit			
Consent	Holder	Subtype	Primary Industry Purpose
R2/5887-2.0	Croftwest Trust	Take Surface Water	Dairy Farm

**Non-notified authorisations issued by the Taranaki Regional Council
between 09 Nov 2018 and 24 Jan 2019**

[R2/10699-1.0](#)

Oscar4U
27 Albert Street, Hawera 4674

Commencement Date: 27 Nov 2018
Expiry Date: 01 Jun 2035
Review Dates: June 2020 and every 3 years
thereafter
Activity Class: Controlled

Location: 27 Albert Street, Hawera & various
locations throughout the Taranaki region

Application Purpose: New

To discharge contaminants to air from abrasive blasting activities at a permanent site, and
from mobile abrasive blasting activities at various locations throughout the Taranaki
Region

[R2/3177-3.0](#)

Crosbig Trusts Partnership
D & A Gibson, 265 Ihaia Road, RD 31,
Opunake 4681

Commencement Date: 28 Nov 2018
Expiry Date: 01 Dec 2042
Review Dates: June 2024, June 2030,
June 2036
Activity Class: Controlled

Location: 265 Ihaia Road, Opunake

Application Purpose: Replace

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

[R2/0526-4.0](#)

South Taranaki District Council
Chief Executive, Private Bag 902, Hawera 4640

Commencement Date: 28 Nov 2018
Expiry Date: 01 Jun 2029
Review Dates: June 2024
Activity Class: Discretionary

Location: Whitcombe Road, Opunake

Application Purpose: Replace

To discharge stormwater and leachate from the closed Opunake landfill into the Otahi
Stream

[R2/1181-3.0](#)

Forrit Farms Limited
716 Watino Road, Te Kiri, Opunake 4682

Commencement Date: 29 Nov 2018
Expiry Date: 01 Dec 2042
Review Dates: June 2024, June 2030,
June 2036
Activity Class: Controlled

Location: 682A Watino Road, Te Kiri

Application Purpose: Replace

To discharge farm dairy effluent onto land

**Non-notified authorisations issued by the Taranaki Regional Council
between 09 Nov 2018 and 24 Jan 2019**

[R2/1378-3.1](#)

Ross J Sinclair Family Trust

R & P Sinclair, 750 Opuia Road, RD 31,
Opunake 4681

Commencement Date: 22 Jan 2019

Expiry Date: 01 Dec 2030

Review Dates: June 2024

Activity Class: Discretionary

Location: 750 Opuia Road, Opunake

Application Purpose: Change

To discharge farm dairy effluent onto land and, until 1 December 2020 after treatment in an oxidation pond system, into the Heimama Stream if the land disposal area is unsuitable for effluent disposal

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

**Publicly Notified authorisations issued by the Taranaki Regional Council
between 09 Nov 2018 and 24 Jan 2019**

R2/10642-1.0	Commencement Date: 22 Jan 2019
New Zealand Transport Agency	Expiry Date: 22 Jan 2054
C/- Mt Messenger Alliance, Level 4, 180 Taranaki St, Wellington 6011	Review Dates: June annually Activity Class: Discretionary
Location: Mt Messenger Bypass route, SH3, Uruti-Ahititi	Application Purpose: New
To install and use a culvert (#10) in an unnamed tributary of the Mangapepeke Stream	
<hr/>	
R2/10643-1.0	Commencement Date: 22 Jan 2019
New Zealand Transport Agency	Expiry Date: 22 Jan 2054
C/- Mt Messenger Alliance, Level 4, 180 Taranaki St, Wellington 6011	Review Dates: June annually Activity Class: Discretionary
Location: Mt Messenger Bypass route, SH3, Uruti-Ahititi	Application Purpose: New
To install and use a culvert (#11) in an unnamed tributary of the Mangapepeke Stream	
<hr/>	
R2/10640-1.0	Commencement Date: 22 Jan 2019
New Zealand Transport Agency	Expiry Date: 22 Jan 2054
C/- Mt Messenger Alliance, Level 4, 180 Taranaki St, Wellington 6011	Review Dates: June annually Activity Class: Discretionary
Location: Mt Messenger Bypass route, SH3, Uruti-Ahititi	Application Purpose: New
To install and use a culvert (#8) in an unnamed tributary of the Mangapepeke Stream	
<hr/>	
R2/10644-1.0	Commencement Date: 22 Jan 2019
New Zealand Transport Agency	Expiry Date: 22 Jan 2054
C/- Mt Messenger Alliance, Level 4, 180 Taranaki St, Wellington 6011	Review Dates: June annually Activity Class: Discretionary
Location: Mt Messenger Bypass route, SH3, Uruti-Ahititi	Application Purpose: New
To construct, use and maintain a bridge over an unnamed tributary of the Mangapepeke Stream, including associated disturbance of the stream bed	
<hr/>	

Publicly Notified authorisations issued by the Taranaki Regional Council between 09 Nov 2018 and 24 Jan 2019

<p>R2/10649-1.0 New Zealand Transport Agency C/- Mt Messenger Alliance, Level 4, 180 Taranaki St, Wellington 6011</p>	<p>Commencement Date: 22 Jan 2019 Expiry Date: 22 Jan 2054 Review Dates: June annually Activity Class: Discretionary</p>
<p>Location: Mt Messenger Bypass route, SH3, Uruti-Ahititi To install and use a culvert (#17) in an unnamed tributary of the Mimi River</p> <hr/>	<p>Application Purpose: New</p>
<p>R2/10650-1.0 New Zealand Transport Agency C/- Mt Messenger Alliance, Level 4, 180 Taranaki St, Wellington 6011</p>	<p>Commencement Date: 22 Jan 2019 Expiry Date: 22 Jan 2054 Review Dates: June annually Activity Class: Discretionary</p>
<p>Location: Mt Messenger Bypass route, SH3, Uruti-Ahititi To install and use a culvert (#18) in an unnamed tributary of the Mimi River</p> <hr/>	<p>Application Purpose: New</p>
<p>R2/10652-1.0 New Zealand Transport Agency C/- Mt Messenger Alliance, Level 4, 180 Taranaki St, Wellington 6011</p>	<p>Commencement Date: 22 Jan 2019 Expiry Date: 22 Jan 2054 Review Dates: June annually Activity Class: Discretionary</p>
<p>Location: Mt Messenger Bypass route, SH3, Uruti-Ahititi To install and use a culvert (#20) in an unnamed tributary of the Mimi River</p> <hr/>	<p>Application Purpose: New</p>
<p>R2/10653-1.0 New Zealand Transport Agency C/- Mt Messenger Alliance, Level 4, 180 Taranaki St, Wellington 6011</p>	<p>Commencement Date: 22 Jan 2019 Expiry Date: 22 Jan 2054 Review Dates: June annually Activity Class: Discretionary</p>
<p>Location: Mt Messenger Bypass route, SH3, Uruti-Ahititi To install and use a culvert (#21) in an unnamed tributary of the Mimi River</p> <hr/>	<p>Application Purpose: New</p>

**Publicly Notified authorisations issued by the Taranaki Regional Council
between 09 Nov 2018 and 24 Jan 2019**

[R2/10658-1.0](#)

New Zealand Transport Agency

C/- Mt Messenger Alliance, Level 4, 180
Taranaki St, Wellington 6011

Commencement Date: 22 Jan 2019

Expiry Date: 22 Jan 2054

Review Dates: June annually

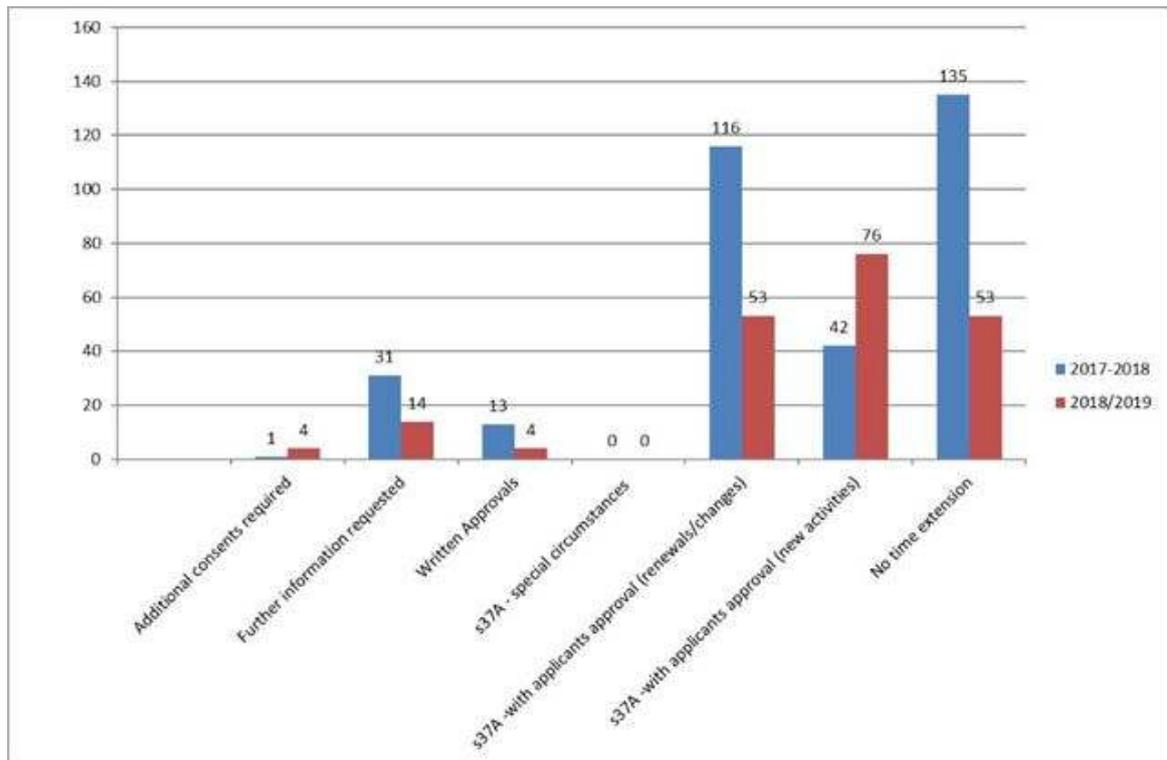
Activity Class: Discretionary

Location: Mt Messenger Bypass route, SH3,
Uruti-Ahititi

Application Purpose: New

To undertake riverbed planting for restoration of diverted stream beds associated with the establishment of the Mt Messenger Bypass

Application processing time extensions used 2017-2018 versus 2018-2019



Consent type process

	Last 10 year average 2009 - 2018	July 2017 to June 2018	July 2018 to June 2019 YTD
Total consents granted	386	308	192
Publically Notified	4	6	57
Limited-notified	12	3	5
Non-notified	371	299	130
Applications submitted on (in opposition and to be heard)	9	8	62
Application Pre-hearing resolution (%)	78%	100%	8%
Hearings (no. of applications)	1 (2)	0 (0)	1 (57)
Appeals (no. of applications)	1 (1)	0 (0)	3 (57)
Total current consents	4579	4837	4913

3. Notice of the decision was received on:

10 December 2018.

(Email from Julie Straka, New Plymouth District Council).

4. The decision was made by:

An independent commissioner, who jointly made:

- (a) a decision on the resource consent applications; and
- (b) a recommendation on a notice of requirement to alter a designation

under delegation from the Taranaki Regional and New Plymouth District Councils.

This Notice relates to the part of the decision made on behalf of the **Taranaki Regional Council**.

("the Decision")

5. Right to appeal:

I have a right to appeal this decision under section 120 of the Resource Management Act 1991. The decision to which this appeal relates is not one of those activities excluded by section 120(1A) or (1B) of that Act.

6. Trade Competition:

I am not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.

7. The specific part of the decision that I am appealing is:

7.1. General Conditions (applying to all regional consents granted):

7.1.1. GEN 24A; and

7.1.2. Schedule 1 including clauses 6(j) [fish passage] and 6(k) & (l) [sedimentation].

7.2. Condition SED 11 on Consent No. 10655-1.0 (Discharge of stormwater and sediment onto and into land and into the Mangapepeke Stream and Mimi River and their tributaries from earthworks associated with the construction of the Mt Messenger Bypass).

8. The land affected is:

The applications by NZTA involve the construction, operation and maintenance of a new section of SH3, north of New Plymouth, to bypass the existing steep, narrow and winding section of highway at Mt Messenger. The new section of state highway would comprise two lanes, approximately 6km in length (including tie-ins), located to the east of the existing SH3 alignment.

9. The reasons for the appeal are as follows:

9.1. The positive effects on the environment to compensate for the adverse ecological effects were a key component of the Decision. Positive effects offered by the Applicant and imposed in the Decision include:

- 9.1.1. Intensive pest management in perpetuity over an area of 3,650ha (referred to as the Pest Management Area or "PMA");
- 9.1.2. 6ha of kahikatea swamp forest planting;
- 9.1.3. 9ha of mitigation planting;
- 9.1.4. The fencing, retirement (from stock) and riparian planting of 10,738m² of stream area, with an additional 798m² of restoration associated with remediating stream diversions; and
- 9.1.5. The planting of 200 seedlings of the same species for each significant tree felled (presently 3,400 seedlings for 17 trees).

9.2. Whereas construction of the road is expected to take approximately four years, these positive effects are required to endure for much longer. Ecological evidence of the Applicant at the Council-level hearing assumed these compensation sites would be protected/managed 'in perpetuity'.

9.3. While I acknowledge the positive effects offered by the Applicant to compensate for adverse effects, my remaining concerns are:

9.3.1 Certainty and long-term security for the riparian and restoration planting, and for the PMA: Under the conditions, this planting and pest management may be over private land. More clarity is needed around what documentation is required to be in place prior to commencement of the works authorised under the Consents. Although condition GEN 24A(b) states an intention for "ongoing" restoration and riparian planting, there is no minimum term on the agreements/authorisations required under GEN 24A(a).

9.3.2 Processes for the annual freshwater ecological assessment/response and 'event-based'¹ sediment monitoring/assessment/response place inappropriate reliance on the opinions of the consent holders' Project Ecologist, and do not reflect the Ecological and Landscape Management Plan ("ELMP"). The choice of mitigation measure(s), the quantity of mitigation, and the timeframe within which it will be implemented, should be the subject of review by an independent ecologist, as is stated in the ELMP October 2018 approved through the Council-level hearing process,² because:

9.3.2.1 The resource consents authorise earthworks, vegetation clearance, access tracking, temporary and permanent culvert installations, temporary and permanent stream diversions, a large scale tunnelling operation and a large bridge installation. The aquatic receiving environment includes largely intact, natural state water bodies with good riparian cover (from mature native forest) and significant biodiversity values.

9.3.2.2. Although best practice erosion and sediment control measures are required, this will be very challenging in the central portion of the route (approx. CH2000-4550) due to topographical and hydrological constraints.

¹ Event-based monitoring' includes monitoring in response to an event such as heavy rainfall, exceedance of a trigger (25mm of rainfall within 24 hours and/or 15mm of rainfall within 1 hour) as defined in the Construction Water Management Plan, an unscheduled event like a failure of sediment control devices, or a chemical spill or construction accident" (ELMP Section 8.4.4, page 115).

² ELMP at Section 8.5, page 119 states: "The annual freshwater ecology reporting and event-based reporting shall be reviewed by a freshwater ecology expert who has been appointed to the Ecological Review Panel. The freshwater ecology expert shall review monitoring reports, any identified effects and any additional mitigation proposed to address effects. Recommendations shall be presented to Taranaki Regional Council for agreement of an appropriate course of action."

9.3.2.3. Depending on the seriousness of the effects of sedimentation, mitigation or remedial actions could be significant and include sediment removal procedures and/or additional biodiversity compensation e.g. additional riparian planting.

9.3.2.4 A freshwater ecology expert appointed to the Ecological Review Panel should review the reports on sedimentation effects and present independent recommendations to the consent authority on appropriate courses of action.

9.3.3. Monitoring fish passage performance should be extended to culverts 11 and 17 which are higher gradient culverts and pose a greater risk of impeding fish passage. Schedule 1 clause 6(j) of the General Conditions provides only for monitoring of culverts 9, 15 and 18.

10. I seek the following relief:

10.1. Rectify the ambiguity in condition GEN 24A, so that all necessary documentation securing the positive effects at the compensation sites must be provided to the Chief Executive, Taranaki Regional Council prior to Project Works commencing. This includes documentation showing that NZTA has the ability to ensure protection of the riparian and restoration planting, and the necessary rights to manage the pest management area, on an ongoing basis.

10.2. Amend consent conditions, including Consent No. 10655-1.0 SED 11 and clauses 6(k) & (l) of Schedule 1 to the General Conditions (GEN), so that the consent-holder's assessment of effects, and the proposed actions to respond to an adverse effect observed in event-based sediment monitoring and annual freshwater ecological monitoring, must be reviewed by a freshwater ecology expert appointed to the Ecological Review Panel.

Address for service of Appellant:

Sarah Ongley, Barrister

Bank Chambers

3rd Floor, Brougham House

50 Devon Street West

New Plymouth, PO Box 8213.

Telephone: 06 7699400 (ext 6)

Email: sarah@ongley.co.nz

**BEFORE THE ENVIRONMENT COURT
IN WELLINGTON**

IN THE MATTER OF the Resource Management Act
1991

AND

IN THE MATTER OF Applications for resource consent,
and a Notice of Requirement by
the New Zealand Transport
Agency ("NZTA") for an alteration
to the State Highway 3 designation
in the New Plymouth District Plan to
construct and operate the Mt
Messenger Bypass

**Notice to Environment Court of appeal on decision on application concerning
resource consents**

22 January 2018

Address for service:
Te Runanga o Ngati Tama
Chair Paul Slich
109 Ninia Road, RD3
New Plymouth

To: The Registrar
Environment Court
Wellington

Introduction

1. Te Runanga o Ngati Tama Trust ("**Runanga**") appeals against parts of a decision in the matter of applications for resource consent, and a Notice of Requirement by the New Zealand Transport Agency ("NZTA") for an alteration to the State Highway 3 designation in the New Plymouth District Plan to construct and operate the Mt Messenger Bypass.
2. The Runanga made a submission on the above matter.
3. The Runanga received notice of the decision on 10 December 2018.
4. The decision was made by an independent commissioner acting under delegated authority from the New Plymouth District Council ("NPDC") and Taranaki Regional Council ("TRC").
5. The Runanga has the right to appeal this decision under section 120 of the Resource Management Act 1991. The decision to which this appeal relates is not one of those activities excluded by section 120(1A) or (1B) of that Act.
6. The Runanga is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

Parts of decisions appealed

7. The Runanga is appealing against the following parts of the decision:
 - a. The Runanga seeks provision to avoid, remedy or mitigate the adverse cultural effects of the proposal on Ngati Tama.
 - b. The Runanga seeks clarification of the provisions relating to the Kaitiaki and Stewardship Reference Group ("**KSRG**").

Reasons for appeal

8. The reasons for the appeal are as follows:

Cultural effects

- a. The Runanga has been in discussions with NZTA on reaching a final agreement on measures to address the adverse cultural effects of the proposal.
- b. The Runanga and the Transport Agency have not yet reached a final agreement.

- c. Accordingly, in order to preserve the position of the Runanga, the Runanga seeks provisions to address the adverse cultural effects of the proposal.

KSRG

- d. The commissioner's decision provide for Mr and Mrs Pascoe to be represented on the KSRG. The Runanga understands that the input of Mr and Mrs Pascoe is limited to the land block owned by Mr and Mrs Pascoe and does not prevent or inhibit the kaitiaki role of Ngati Tama in respect of the land block owned by Mr and Mrs Pascoe.
 - e. The Runanga seeks provisions to clarify the scope of the role of Mr and Mrs Pascoe on the KSRG.
9. The Runanga seeks the following relief:
- a. Conditions / provision to provide measures to avoid, remedy, mitigate, offset or compensate for the adverse cultural effects of the proposal on Ngati Tama.
 - b. Amendment to the conditions or inclusion of an advice note to clarify the role of Mr and Mrs Pascoe on the KSRG.
10. I attach the following documents* to this notice:
- a. a copy of my application (or submission or further submission (with a copy of the submission opposed or supported by my further submission));
 - b. a copy of the relevant decision (or part of the decision);
 - c. any other documents necessary for an adequate understanding of the appeal;
 - d. a list of names and addresses of persons to be served with a copy of this notice.
11. These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to copies of this notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

Signature of appellant
(or person authorised to sign
on behalf of appellant)



Date: 22 January 2019

Address for service of appellant:

Telephone: 06 755 0240

Fax/email: silich@slingshot.co.nz

Contact person: Paul Silich, Chair, Te Runanga o Ngati Tama Trust

Form 16

Notice to Environment Court of appeal on decision on application concerning resource consent, transfer of water permit or discharge permit, certificate of compliance, or esplanade strip

Sections 121, 127(3), 132(2), 136(4)(b), 137(5)(c), 139(12), and 234(4), Resource Management Act 1991

To the Registrar
Environment Court
Auckland, Wellington, or Christchurch

I, Russell Victor Gibbs as trustee of the Poutama Kaitiaki Charitable Trust (the "Trust"), appeal a decision on behalf of the Trust and also on behalf of Tony and Debbie Pascoe on the following matter:

Resource Management Act 1991 and the Applications for resource consent, and a Notice of Requirement by the New Zealand Transport Agency ("NZTA") for an alteration to the State Highway 3 designation in the New Plymouth District Plan to construct and operate the Mt Messenger Bypass.

I am an authorized representative of the applicants.

I received notice of the decision on 10 December 2018.

The decision was made by New Plymouth District Council ("NPDC") and Taranaki Regional Council ("TRC")

I am not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.

The decision (*or* part of the decision) I am appealing is:

The Recommendation and Decisions Report of Hearing Commissioner of Stephen Graeme Daysh dated 8 December 2018

The land (*or* resource) affected is:

The area affected by the Mt Messenger Bypass project

The reasons for the appeal are as follows:

Introduction

- a) Poutama is tangata whenua. Poutama is a tūturu iwi. Ngā Hapū O Poutama is an iwi authority. Poutama have mana whenua.

- b) The project falls within the rohe of Poutama. Te Whakapuakitanga o Poutama (the Poutama Iwi Plan) applies to the entire project area.
- c) Mrs Pascoe has whakapapa to Poutama through her Grandmother Hera (Sarah) Stockman. Mr & Mrs Pascoe own and are Kaitiaki for their land, including Mangapepeke Valley, within the Poutama rohe. All of the options identified early on impacted in some way on Pascoes land.
- d) Therefore, Pascoes and Poutama should have been central to engagement by NZTA from the beginning of the process, including assessment of alternative routes and methods, design meetings, etc.
- e) NZTA throughout their planning and application processes, determined that Ngāti Tama hold mana whenua, and therefore by default Pascoes and Poutama do not hold mana whenua.
- f) As a result, NZTA have refused and denied Pascoes and Poutama full and active participation as kaitiaki in the planning process. NZTA has refused and failed to recognise and provide for the relationship of Pascoes and Poutama and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- g) The option identified late in the process by NZTA, for the bypass to go through the Pascoes land in the Mangapepeke Valley, meant that Pascoes as Poutama hapū/landowners, potentially had around half of the entire project footprint on their land. Pascoes and Poutama should have been central to the engagement by NZTA, especially with regard to their relationship with their land and environment.
- h) The proposed conditions do not recognise and provide for the relationship of Pascoes and Poutama and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- i) Environmental and ecological values are a fundamental part of Pascoes and Poutama cultural values.
- j) NZTA refused and denied Pascoes and Poutama input into the planning, participation and outcomes of the management plans and review panels which form part of the conditions.
- k) Mitigation and compensation for cultural and environmental effects has been denied to Pascoes and Poutama. The Environmental Landscape Management Plan (ELMP) is the delivery mechanism for the restoration package.
- l) NZTA's failure to meaningfully engage with Pascoes and Poutama as kaitiaki, resulted in the outcomes proposed by NZTA being deficient. The proposed

conditions do not provide for Pascoes and Poutama full and active participation in the project as Kaitiaki and landowners.

- m) The commissioner accepted that it is not his role to acknowledge or recognise one Māori person or a group of Māori people who claim to have a section 6(e) relationship with an area over and above another person or group.

The Commissioner

1. The commissioner erred in that after finding that Pascoes are Kaitiaki, that Pascoes and Poutama Kaitiakitanga would be limited to an invitation to participate in the Kaitiaki and Stewardship Forum Group (KFG), subject to the mana and influence to those who affiliate with Te Runanga o Ngāti Tama (TRoNT). The KFG is a product of negotiation between NZTA and Ngāti Tama.
2. The commissioner erred in failing to provide for Pascoes and Poutama to be included in the planning, participation and outcomes of the management plans and review panels, including the Ecological Review Panel.
3. The commissioner erred in determining that the KFG would **recognise** Pascoes and Poutama cultural values, which are different to Ngāti Tama cultural values.
4. The commissioner erred in determining that the KFG would **provide** for Pascoes and Poutama cultural values, which are different to Ngāti Tama cultural values.
5. The commissioner has erred in summarising the primary matters in contention ¹ by stating “Whether there has been appropriate recognition of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, (Section 6(e) matters) and provision for Kaitiakitanga, (section 7(a))”.
6. The commissioner erred in excluding the statutory obligation to **provide** for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, from the list of substantive matters still in contention.
7. The commissioner erred in failing to accept and recognise that the relationship of Pascoes and Poutama and their culture and traditions with their ancestral lands, water,

¹ Page 58 para 135

- sites, waahi tapu, and other taonga, is such that they historically, currently and actively exercise kaitiakitanga and mana over their land.
8. The commissioner erred in failing to provide for NZTA to pay for all reasonable costs associated with Pascoes and Poutama providing kaitiakitanga inputs across the entire project.
 9. The commissioner erred in finding that Pascoes and Poutama, and the relationship of Pascoes and Poutama and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, including kaitiakitanga, should be subservient to the mana and influence of those who affiliate with TRoNT.
 10. The commissioner has erred in using this process to diminish and reduce the relationship of Pascoes and Poutama and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, including kaitiakitanga, where instead he had an obligation to recognise and provide for Pascoes and Poutama and that relationship.
 11. The commissioner has erred in finding that NZTA has completed a considered and fair attempt to undertake meaningful consultation with Pascoes and Poutama in the wider project area in order to understand and recognise the key relationships under Section 6(e).
 12. The commissioner erred in failing to recognise and provide for Pascoes and Poutama interests under S6, 7 & 8 when NZTA had given evidence that having control of the land, as the landowner, is the primary cultural party.
 13. The commissioner erred in failing to ensure significant recognition is provided to Pascoes and Poutama, given they have significant land areas involved in the greater project area.
 14. The commissioner has erred in determining that creating a position on the KFG for Māori who identify with Poutama, would provide for Pascoes and Poutama cultural interest including kaitiakitanga.
 15. The commissioner has erred in determining that by Mr and Mrs Pascoe having a position on the KFG would provide for Pascoes or Poutama cultural interest including kaitiakitanga.
 16. The commissioner has erred in determining who should represent the Pascoes.
 17. The commissioner has erred in determining who should represent Poutama.
 18. The commissioner has erred in determining that representation of Poutama be limited to one position, and that being one specified individual.

19. The commissioner erred in determining Pascoes and Poutama should be in a forum group beneath the mana and influence of those who affiliate with TRoNT.
20. The commissioner erred in determining Pascoes and Poutama should be excluded from chairmanship and the ability to invite others to a forum group.
21. The commissioner erred in failing to give full weight to matters raised by Pascoes and Poutama in relation to the potential effects on them by the proposal.
22. The commissioner erred in failing to recognise and provide for the effects of the project on Pascoes home and where they live as cultural effects.
23. The commissioner erred in failing to address the effects of the project including S6, 7 & 8 cultural, environmental and social effects on Pascoes and Poutama, such as on Pascoes home, diminishing the value of Pascoe's home to them, and uncertainties collectively.
24. The commissioner erred in failing to recognise that the effects on ecology, biodiversity and amenity values, are a fundamental part of Pascoes and Poutama cultural assets, values and kaitiakitanga.
25. The commissioner erred in excluding Pascoes and Poutama, their evidence, submissions, including kaitiakitanga, from the combined expert view relating to effects on ecology, biodiversity and amenity values.
26. The commissioner erred in finding that the effects on ecology, biodiversity and amenity values are appropriately mitigated and offset/compensated.
27. The commissioner erred in failing to provide specific outcomes in relation to Te Whakapuakitanga o Poutama.
28. The commissioner erred in failing to recognise the impact of the NZTA decision to deny Pascoes and Poutama meaningful input from the beginning, including at a governance level, has effectively meant that the planning, design, management plans, etc., are deficient with regard to the effects of the project on Pascoes and Poutama. This is a fatal flaw to the determination that the engagement by NZTA with Pascoes and Poutama has been meaningful.
29. The commissioner has failed to recognise, provide for, have regard to, or take into account, the concept in the McGuire case which states "if an alternative route not significantly affecting Māori land which the owners desire to retain were reasonably acceptable, even if not ideal, it would accord with the spirit of the legislation to prefer that route. So, too, if there were no pressing need for a new route to link with the motorway[road] because other access was reasonably available."

30. The commissioner erred in declining the request for Pascoes and Poutama to speak and submit to the amended consent conditions, on the basis that Ngā Hapū o Poutama had not filed any evidence by the 5 October 2018 due date in response to the documentation provided by NZTA on 28 September 2018 relating to updated conditions and the ELMP.
31. The commissioner erred in explaining the justification to decline the request for Pascoes and Poutama to speak and submit to the amended consent conditions, as based on his own thinking but also an email Mr Roan sent, that there isn't an opportunity for submitters to enter the hearing again and make further submissions, other than on evidence presented in relation to the further information that NZTA has supplied associated with the conditions and management plans. So the commissioner declined the request from Poutama to appear.
32. The commissioner erred in asserting or implying that the request by Pascoes and Poutama to speak at the hearing on 9 October 2018, was for anything other than for the specific purpose of speaking to the further information that NZTA has supplied on 28 September 2018, associated with the amended conditions and management plans.
33. The commissioner erred in declining a request to adjourn the hearing due to bereavement in Mr Gibbs family on the basis of fairness and reasonableness.
34. The commissioner erred in failing to accept that Poutama is an Iwi authority.
35. The commissioner erred in determining that work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.
36. The commissioner has erred in determining that positive effects on the environment offset or compensate for any adverse effects on the environment.
37. The commissioner has erred in finding that adequate consideration has been given to alternative sites, routes, or methods of undertaking the work, when the effects on Pascoes and Poutama had been excluded from any assessment and process.
38. The commissioner erred in failing to ensure that project selection and refinement will reduce, avoid, remedy and mitigate potential effects on Pascoes and Poutama S6, 7 & 8 relationships.
39. The commissioner has erred, with regard to the significant cultural effects on Pascoes and Poutama that remain, by failing to provide for Pascoes and Poutama to be included in the design of the package to mitigate, offset and compensate, for those effects.

40. The commissioner erred by creating new rights for Ngāti Tama, over and above Pascoes and Poutama by giving undue weight to The Ngāti Tama treaty settlement.
41. The commissioner erred by not applying the concept to Pascoes and Poutama, that an agreement of an undertaking not to compulsorily acquire land, constitutes an effective way of dealing with the recompense of cultural affects.
42. The commissioner erred in failing to accrue the positive effects on the environment to the Pascoes and Poutama after finding that the positive effects on the environment are a key component of this Notice of Requirement (NOR) and resource consent application.²
43. The commissioner erred in failing to accrue the compensation and offset measures offered by NZTA in regard to ecological effects to the Pascoes and Poutama.³
44. The commissioner erred in failing to include Poutama and Pascoes in the Joint Witness Statements (JWS)⁴
45. The commissioner erred in failing to include Poutama and Pascoes in the joint legal submissions of the need of the requiring authority to secure full legal right for land associated with offsetting and compensation proposals offered⁵
46. The commissioner erred in finding that NZTA focussed extensively on cultural and ecological effects, when the cultural and ecological effects on the Pascoes and Poutama were not provided for.
47. The commissioner erred in finding that NZTA focussed extensively on cultural and ecological effects, when this was done without the benefit of input from Poutama and Pascoes.⁶
48. The commissioner erred in finding that a key platform in addressing cultural effects is the decision and commitment from NZTA not to compulsorily acquire any land from Ngāti Tama for the purposes of the project and then denying this key platform to the Pascoes.

49.

² Page 14 para 29

³ Page 16 para 33

⁴ Page 20 para 43-46

⁵ Page 21 para47

⁶ Page 24 para 58

50. The commissioner erred in finding that pest control on Pascoes property is a positive effect or mitigation for adverse effects of the project.
51. The commissioner erred in failing to recognise that NZTA haven't consulted with Pascoes and Poutama in good faith from the beginning which is evidenced by lack of information and inclusion.
52. The commissioner erred by not ensuring that Pascoes and Poutama had an opportunity to participate in determining their own compensation and mitigation.

I seek the following relief:

1. That the statutory rights of the Pascoes and Poutama under the Resource Management Act be recognised and provided for;
2. That the resource consent approvals be revoked;
3. That the recommendation to issue the NOR is revoked;
4. That the project be put on hold so that Poutama and the Pascoes can have meaningful input into sites, routes, or methods of undertaking the work.
5. That the project is put on hold to allow time (at least one full year) to effectively monitor the Mt. Messenger long-tailed bat colony to gain better understanding on the effect to the wider district that the potential extinction of that colony would have.
6. Should the project go ahead that acceptable compensation and mitigation for damage to cultural (including environmental and social) values on the Pascoes and Poutama property to be provided for, to Pascoes and Poutama.
7. Should the project go ahead that the conditions be amended to provide for compensation and mitigation for damage to cultural (including environmental and social) values on the Pascoes and Poutama property to be provided for, to Pascoes and Poutama.
8. Should the project go ahead that the conditions be amended to provide for the full and active participation of Pascoes and Poutama across the entire project, from a governance level, through to work fronts.

I attach the following documents* to this notice:

- (a) a copy of my application (*or* submission *or* further submission (with a copy of the submission opposed or supported by my further submission));
- (b) a copy of the relevant decision (*or* part of the decision);
- (c) any other documents necessary for an adequate understanding of the appeal:

- (a) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* [form 38](#)).

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the relevant application (*or* submission) and (*or or*) the relevant decision (*or* part of the decision). These documents may be obtained, on request, from the appellant.

*Delete this paragraph if these documents are attached to copies of the notice served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Schedule 1 form 16 heading: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 16: amended, on 3 March 2015, by [regulation 10](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 16: amended, on 10 October 2013, by [regulation 4](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 16: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 16: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

Schedule 1 form 16: amended, on 1 June 2006, by [regulation 10\(8\)\(b\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

Agenda Memorandum

Date 5 February 2019



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

Subject: Consent monitoring annual reports

Approved by: G K Bedford, Director-Environment Quality

B G Chamberlain, Chief Executive

Document: 2161589

Purpose

The purpose of this memorandum is to advise the Committee of 15 tailored compliance monitoring reports that have been prepared since the last Committee meeting.

Executive summary

The Council considers the regular reporting of comprehensive and well-considered compliance monitoring is vital to undergird-

- community standing and reputation enhancement for companies that consistently attain good or high levels of environmental performance. Informed feedback is appropriate and valuable, and assists a proactive alignment of industry's interests with community and Resource Management Act expectations. Reporting describes the effective value of investment in environmental systems;
- a respectful and responsible regard for the Taranaki region's environment and our management of its natural resources. Reporting allows evaluation and demonstration of the overall rate of compliance by sector and by consent holders as a whole, and of trends in the improvement of our environment; and
- the Council's accountability and transparency. Reporting gives validity to investment in monitoring and to assessments of effective intervention.

These Council reports have been submitted to the consent holder for comment and confirmation of accuracy prior to publication. All reports provide environmental performance and administrative compliance ratings for each consent holder in relation to their activities over the period being reported and provide recommendations for the following monitoring year.

There are 15 reports, together with a case study outlining the historical progression and improvements in the regulation, treatment and environmental performance of wastewater collection and treatment systems in the New Plymouth District, for presentation to the meeting. Within the reports 20 high, 4 good, and 2 improvement required environmental gradings were assigned (Table 1).

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76 % of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20 % of the consents, a good level of environmental performance and compliance was achieved.

Recommendations pertaining to each site or programme are set out in the relevant report. The attention of Committee members is directed to the Executive Summary at the front of each report.

Historical environmental and compliance performance ratings

FOR 2012-2013 REPORTS - For reference, in the 2012-2013 year, 59 % of consent holders in Taranaki monitored through tailored compliance monitoring programmes achieved a high level of environmental performance and compliance with their consents, while another 35 % demonstrated a good level of environmental performance and compliance with their consents.

FOR 2013-2014 REPORTS For reference, in the 2013-2014 year, 60 % of consent holders in Taranaki monitored through tailored compliance monitoring programmes achieved a high level of environmental performance and compliance with their consents, while another 29 % demonstrated a good level of environmental performance and compliance with their consents.

FOR 2014-2015 REPORTS For reference, in the 2014-2015 year, 75 % of consent holders in Taranaki monitored through tailored compliance monitoring programmes achieved a high level of environmental performance and compliance with their consents, while another 22 % demonstrated a good level of environmental performance and compliance with their consents.

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

FOR 2016-2017 REPORTS For reference, in the 2016-2017 year, consent holders were found to achieve a high level of environmental performance and compliance for 74 % of the consents monitored through the Taranaki tailored monitoring programmes, while for another 21 % of the consents, a good level of environmental performance and compliance was achieved.

FOR 2017-2018 REPORTS For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76 % of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20 % of the consents, a good level of environmental performance and compliance was achieved.

Recommendations

That the Taranaki Regional Council:

1. receives the 18-11 TAG Oil (NZ) Ltd Vanner Landfarm Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
2. receives the 18-20 McKechnie Aluminium Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
3. receives the 18-22 Dow AgroSciences Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
4. receives the 18-35 STDC Eltham WWTP Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
5. receives the 18-42 Westside Rimu Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
6. receives the 18-43 TWN Partnership Limited Waihapa Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
7. receives the 18-44 Cheal Petroleum Ltd Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
8. receives the 18-45 TAG Oil (NZ) Ltd Sidewinder Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
9. receives the 18-49 NPDC Crematorium Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
10. receives the 18-50 Stratford Power Station (Contact Energy Ltd) Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
11. receives the 18-54 Shell Exploration NZ Limited Pohukura Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
12. receives the 18-69 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
13. receives the 18-75 Beach Energy Kupe Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
14. receives the 18-77 Waitaha Catchment Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
15. receives the 18-90 Irrigation Water Compliance Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

Table 1 List of annual reports with overall environmental performance rating

Report Name	Overall environmental performance
18-11 TAG Oil (NZ) Ltd Vanner Landfarm Monitoring Programme Annual Report 2017-2018	High
18-20 McKechnie Aluminium Monitoring Programme Annual Report 2017-2018	High
18-22 Dow AgroSciences Monitoring Programme Annual Report 2017-2018	High
18-35 STDC Eltham WWTP Monitoring Programme Annual Report 2017-2018	High
18-42 Westside Rimu Production Station Monitoring Programme Annual Report 2017-2018	High
18-43 TWN Partnership Limited Waihapa Production Station Monitoring Programme Annual Report 2017-2018	High
18-44 Cheal Petroleum Ltd Production Station Monitoring Programme Annual Report 2017-2018	High
18-45 TAG Oil (NZ) Ltd Sidewinder Production Station Monitoring Programme Annual Report 2017-2018	High
18-49 NPDC Crematorium Monitoring Programme Annual Report 2017-2018	Improvement reqd
18-50 Stratford Power Station and Ahuroa Gas Storage (Contact Energy Ltd) Monitoring Programme Annual Report 2017-2018	High
18-54 Shell Exploration NZ Limited Pohukura Production Station Monitoring Programme Annual Report 2017-2018	High
18-69 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2017-2018	High
18-75 Beach Energy Kupe Production Station Monitoring Programme Annual Report 2017-2018	High
18-77 Waitaha Catchment Monitoring Programme Annual Report 2017-2018	8xHigh, 4xGood and 1xImprovement reqd
18-90 Irrigation Water Compliance Monitoring Programme Annual Report 2017-2018	N/A

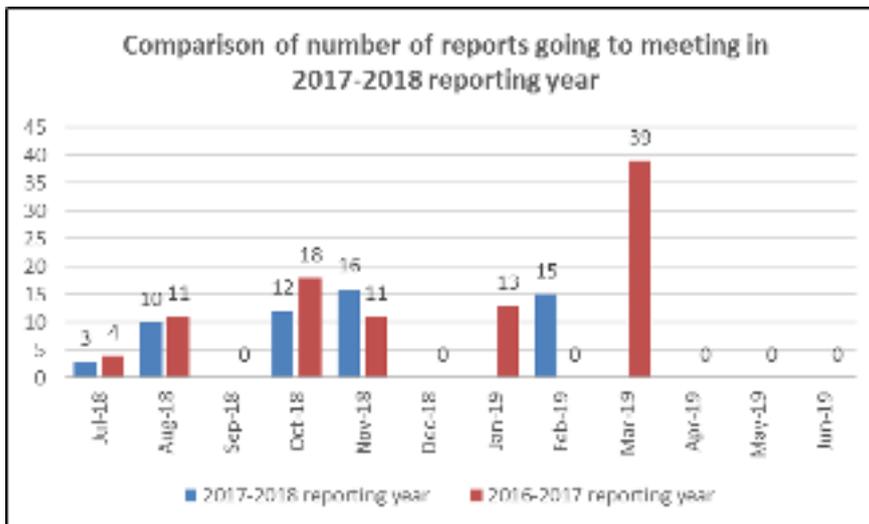


Figure 1 Comparison between 2016-2017 and 2017-2018 reporting years

Case Study – NPDC Wastewater performance and improvement

Part of the Council’s approach to compliance and enforcement is the encouragement of consent holders to proactively improve environmental performance and protection, rather than just react to incidents as they occur or accept the status quo between consent renewal occasions. This approach is evident in the treatment of municipal wastewater across the region, where there have been major advances in treatment performance at facilities such as the New Plymouth and Waitara wastewater treatment plants, the Bell Block, Inglewood, Hawera, and Stratford oxidation ponds, and the Eltham wastewater treatment plant. The case study below sets out the continuing investment in improved wastewater treatment by NPDC.

Figure 2 (left below) shows the decreasing number of unauthorised incidents in the reticulation and from sewer pump stations (SPS) over the last four compliance years.

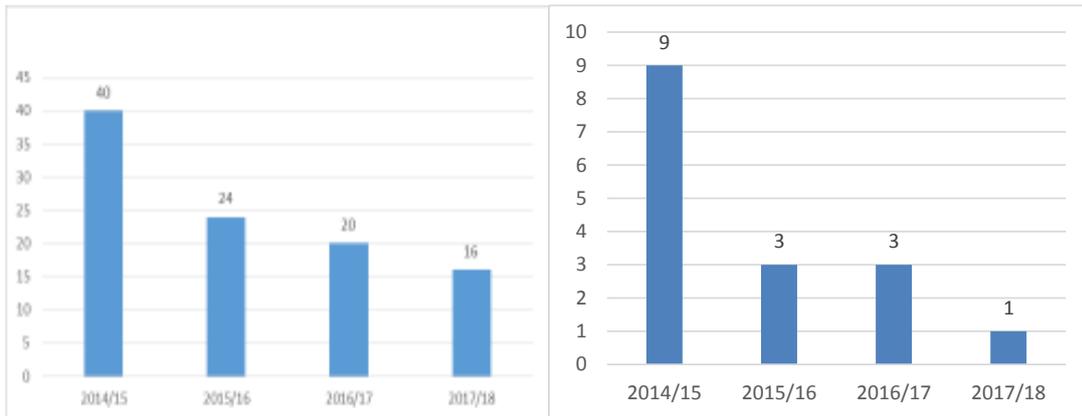


Figure 2 Unauthorised Incidents from reticulation & SPS **Figure 3** Unauthorised Incidents from the NP WWTP

Figure 3 (right above) shows the decreasing number of unauthorised incidents from the New Plymouth WWTP for the last four compliance years.

Inflow & Infiltration Reduction

In order to reduce the loading entering the sewerage system and thus minimise wastewater overflows and discharge of partially treated wastewater to the environment, NPDC has an extensive programme to minimise inflow & infiltration (I&I) of stormwater into the sewer network. These works includes pipe lining, pipe renewals, and smoke testing and Distributed Temperature Sensing (DTS) for identification of illegal connections. In the last three years NPDC has spent over \$2m on I&I works, with \$1m being spent in the last financial year. Table 1 shows the breakdown of I&I spend on the reticulation network over the last few years.

	2015/2016		2016/2017	2017/2018		
	Pipe Lining	Smoke Testing	Pipe Lining	Pipe renewals	Pipe Lining	DTS*
New Plymouth	\$ 400,505	\$ -	\$ 309,617	\$ 404,268	\$ 79,496	\$ -
Bell Block	\$ 13,530	\$ 638	\$ -	\$ 6,326	\$ -	\$ -
Inglewood	\$ 49,542	\$ 1,022	\$ 30,530	\$ -	\$ 101,961	\$ 62,760
Waitara	\$ 203,643	\$ 33,912	\$ 118,222	\$ 287,107	\$ 79,496	\$ -
Total	\$ 667,220	\$ 35,572	\$ 458,369	\$ 697,701	\$ 260,953	\$ 62,760
Annual total	\$702,792		\$ 458,369	\$1,021,414		
3 year total	\$2,182,575					

Infrastructure upgrades & operational improvements

Sewer Pump Stations

Upgrades of eleven SPSs were undertaken in order to minimise wastewater overflows. This includes the construction of a new SPS to allow for the new subdivisions between Wills Road and Airport Drive.

Reticulation Improvements and Pipeline Construction

Construction of a new wastewater pipeline from Waitara to the New Plymouth WWTP in 2014 eliminated the continuous discharge of partially treated wastewater into the Tasman Sea via the Waitara Marine Outfall. The original discharge line between the Waitara Transfer Pump Station to the Marine Outfall pump station is now used to provide gravity storage for unexpected overflows from SPSs in Waitara. Since the implementation of this storage 4 years ago there have only been four overflows down the Waitara Outfall, two in 2016, one in 2017 and one in 2018.

Construction of a new wastewater reticulation network in Oakura and a pipeline to transfer wastewater through to the New Plymouth wastewater reticulation network in 2010 has reduced the number of septic tanks in Oakura and therefore reduced any potential seepage into streams.

Wastewater Treatment

During 2018 NPDC completely replaced the disinfection system at the New Plymouth WWTP with state of the art technology. The NP WWTP site has always had a back-up generator capable of sustaining limited operations (preliminary treatment & disinfection), however it did not kick in with the two power outages in the 2014/2015 compliance year. NPDC then implemented a regular routine to inspect and run all back-up power generators on all sites and there have since been zero incidents related to power outages to the NP WWTP site.

Inglewood Oxidation Ponds and Sewer Pump Station

In late 1999 major upgrades allowed for the wastewater from Inglewood to be transferred to the NP WWTP. Since then discharges to the Kurapete Stream are minimal and occur only after extreme rainfall events.

Reporting and communications

NPDC has implemented new processes for reporting of wastewater overflows to all interested parties in the last three years, including but not limited to TRC, TDHB-PHU, iwi/hapu, surf clubs, river users, councillors, and community boards. These groups receive written notification via email within 24 hours of any overflow, and NPDC staff and/or Contractors verbally warn any beach or river users in the vicinity immediately.

New permanent signage has also been installed at popular swimming and kai gathering spots, which has improved public awareness and understanding of the warnings in place. NPDC together with TRC and TDHB has made major changes to public communications on their websites. All organisations now have a “Can I Swim” webpage which shows on a map where any warnings are in place, and NPDC also has a ‘Wastewater Overflow’ webpage. The Wastewater Overflow webpage also has a link to the MPI Toxic Shellfish Warning webpage. NPDC have also improved internal communications between the environmental health and three waters teams and communications with MPI and TRC to ensure that there is no conflicting signage out in the community.

Planned works

Inflow & Infiltration Reduction

A total budget of approximately \$700K has been allocated to pipe lining, CCTV (for detection of leaks and breakages, blockages such as debris and tree roots, and illegal connections) and other inflow and infiltration investigation measures for the 2018/2019 financial year.

Infrastructure upgrades & operational improvements

For 2018/2019 NPDC have doubled the preventative maintenance budget which is now approximately \$600K annually.

Sewer Pump Stations

Wastewater overflow prevention at SPSs is a key objective in NPDC’s Long Term Plan (LTP), with \$17m earmarked over the next 10 years for upgrade works. The plan includes installing storage where practicable or other alternative options where storage is not practicable and back-up generators (do deal with power outages) where practicable.

Reticulation Improvements

NPDC plans to install more durable and long lasting PVC wastewater pipes with approximately \$60m earmarked for wastewater network pipeline renewals over next 10 years.

Wastewater Treatment

To date the focus on reducing unauthorised incidents from the New Plymouth WWTP has been on plant and equipment upgrades, which has been highly successful. Going forward, NPDC plans to complement upgrade works with development of an Operational Excellence Framework which will include implementation of management systems that comply with the requirements of ISO14001 – Environmental management systems – requirements with guidance for use.

National and Government perspective

The Ministry for the Environment at the end of last calendar year presented a paper to the Cabinet that was highly critical of regional councils for deemed failures to set appropriate environmental performance requirements, failure to require consents to be current, failure to enforce consents, and failure to report publicly on consent holder performance and compliance. The paper stated that municipal wastewater plants were poorly funded and managed, and were having unacceptable effects upon receiving environments. A response to the Cabinet paper is being presented at today's Policy and Planning Committee meeting. Council officers reject the sweeping propositions set out in the Cabinet paper as lacking an evidential basis, at least from this region's perspective. The above case study is part of the evidence to the contrary.

18-11 TAG Oil (NZ) Ltd Vanner Landfarm Monitoring Programme Annual Report 2017-2018

TAG Oil (NZ) Ltd (the Company) holds consent for the Vanner Landfarm. The landfarm is located on Lower Ball Road, Kakaramea, in the Mangaroa catchment. This site has been operated since 2012 with the consent granted in October 2011. The consent allowed the facility to discharge drilling wastes (consisting of cuttings and fluids from drilling operations with water based muds and synthetic based muds) onto and into land via landfarming.

This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

The Company holds one resource consent, which includes 26 conditions setting out the requirements that the Company must satisfy.

During the monitoring period, the Company demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included three inspections. These inspections were primarily aimed at assessing the compliance with the final condition which required satisfying for consent 7942-1.1 which related to the re-vegetation of areas F9 and F10. This was achieved at the end of the monitoring period. As a result all consent conditions have been satisfied at the Vanner Landfarm.

There were no incidents recording non-compliance in respect of this consent holder during the period under review.

During the year, the Company demonstrated a high level of environmental and administrative performance with the resource consents.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76 % of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20 % of the consents, a good level of environmental performance and compliance was achieved.

In terms of overall environmental and compliance performance by the consent holder over the last several years remains at a high level.

18-20 McKechnie Aluminium Monitoring Programme Annual Report 2017-2018

McKechnie Aluminium Solutions Ltd (MASL) operates an aluminium foundry and extrusion plant located at Bell Block, in the Mangaone and Mangati catchments. Processing of copper and brass (copper/zinc) at the plant ceased in June 2002 and January 2003, respectively. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess MASL's environmental and consent compliance performance during the period under review. The report details the results of the monitoring undertaken and assesses the environmental effects of MASL's activities.

MASL holds two resource consents that are covered within this particular report: consent 1857 to discharge stormwater into an unnamed tributary of the Mangaone Stream, and

consent 4034 to discharge emissions into the air, which together include a total of 22 conditions setting out the requirements that they must satisfy.

During the monitoring period, McKechnie Aluminium Solutions Ltd demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included four inspections, 12 water samples collected for physicochemical analysis, two biomonitoring surveys of receiving waters, and one deposition gauge survey in the vicinity of the foundry site.

As in the previous monitoring period, sampling showed slight improvements in water quality in relation to dissolved copper and dissolved zinc concentrations. This supports the trend from previous sampling of an improvement in water quality within the receiving environment. Biomonitoring results have also continued to indicate a slight improvement in water quality and ecological conditions in the stream over the last few years. MCI and SQMCI_s scores indicated that treated stormwater discharged from the site was not having a detrimental effect on the macroinvertebrate communities of the unnamed tributary of the Mangaone Stream.

The results from deposition gauging indicated that there was an environmentally acceptable level of particulate deposition in the vicinity of the foundry site. No visible emissions or odour issues were noted during inspections and no complaints were received during the period under review.

During the year, MASL demonstrated a high level of both environmental performance and administrative compliance with the resource consents.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendations for the 2018-2019 year.

18-22 Dow AgroSciences Monitoring Programme Annual Report 2017-2018

Dow AgroSciences (NZ) Ltd (DAS) operates an industrial agrichemical formulating and packaging facility located at Paritutu Road, New Plymouth, in the Herekawe catchment. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

The Company holds two resource consents, which include a total of 24 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to discharge stormwater into the Herekawe Stream, and one consent to discharge emissions into the air at the plant site.

During the monitoring period, Dow AgroSciences (NZ) Ltd demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included four inspections, four sets water samples collected for pesticide analysis, and two biomonitoring surveys of receiving waters. The Company provided groundwater and air quality data from monitoring carried out by independent consultants.

The monitoring showed that DAS has had no significant impact on air quality in the vicinity of the plant or on water quality in the Herekawe Stream. No complaints in relation to DAS's activities were registered by the Council. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.

During the year, the Company demonstrated a high level of both environmental performance and administrative compliance with the resource consents.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved

In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remained at a high level in the year under review.

This report includes recommendations for the 2018-2019 year.

18-35 STDC Eltham WWTP Monitoring Programme Annual Report 2017-2018

The South Taranaki District Council (STDC) operates a municipal wastewater treatment plant (WWTP) located on Castle Street at Eltham, in the Waingongoro catchment. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess STDC's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of STDC's activities.

STDC holds one resource consent to discharge treated wastewater into an unnamed tributary of the Mangawhero Stream only in the event of high rainfall. This consent includes nine conditions setting out the requirements that they must satisfy.

During the monitoring period, South Taranaki District Council demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included four inspections and associated odour surveys, four pond effluent and 36 downstream water samples collected for physicochemical analysis, and two biomonitoring surveys of receiving waters.

The monitoring showed that activities at the Eltham WWTP were well managed. There were no issues with operation of the plant or odour associated with plant processes. The level of the primary pond was well managed by the diversion pumping system to Hawera, and the holding pond was not required to be used as short-term storage. As a result of this, no consented overflows to the unnamed tributary of the Mangawhero Stream were recorded.

As in previous years, the monitoring indicated a continual improvement in water quality and the biological health of the downstream environment associated with the diversion of wastes out of the Mangawhero Stream to the Hawera WWTP in the 2010-2011 period. There were no unauthorised incidents in relation to the operation of the WWTP during the year.

During the year, STDC demonstrated a high level of environmental and administrative performance with the resource consent. During the year under review there were no overflows from the system or odour complaints relating to operation of the plant. STDC maintained excellent communication with the Council, regularly informing on the state of the primary pond and what, if any, action was being undertaken to maintain optimal operating conditions.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved

In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance is improving.

This report includes recommendations for the 2018-2019 year.

18-42 Westside Rimu Production Station Monitoring Programme Annual Report 2017-2018

WestSide New Zealand (WestSide) operates a petrochemical production station located on Mokoia Road at Mokoia, in the Manawapou catchment. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

The Company holds two resource consents, which include a total of 26 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to discharge treated stormwater onto and into land and into an unnamed tributary of the Manawapou River, and one consent to discharge contaminants into the air at this site.

During the monitoring period, WestSide New Zealand demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included four inspections and two ambient air quality analyses.

The monitoring showed that the site was well managed. All consent conditions relating to site operations and management were complied with. There was one unauthorised incident relating to the Rimu Production Station during the period under review.

During the monitoring period, the Company demonstrated a high level of both environmental performance and administrative compliance with respect to their resource consents.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendations for the 2018-2019 year.

18-43 TWN Partnership Limited Waihapa Production Station Monitoring Programme Annual Report 2017-2018

TWN Limited Partnership (the Company) operates a petrochemical production station located on Bird Road at Stratford, in the Patea catchment. The Waihapa Production Station processes oil and gas from numerous associated wellsites. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

The Company holds three resource consents in relation to the Waihapa Production Station, which include a total of 41 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to discharge treated impounded stormwater from the Waihapa Production Station into the Ngaere Stream and to discharge treated stormwater from perimeter drains to land where it may enter the Ngaere Stream, one consent to abstract water from the Ngaere Stream, and one consent to discharge emissions related to production activities into the air at the site.

During the monitoring period, TWN Limited Partnership demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included five inspections, five water samples collected for physicochemical analysis, two biomonitoring surveys of receiving waters, and two ambient air quality surveys.

Stormwater system inspections showed that discharges from the site at the time complied with consent conditions. Receiving water inspections and sampling showed that the discharges were not causing any adverse effects on the Ngaere Stream at the time of monitoring.

There were no adverse effects on the environment resulting from the exercise of the air discharge consent. Ambient air quality monitoring at the site showed that levels of carbon monoxide, combustible gases, PM₁₀ particulates and nitrogen oxides were all below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections and there were no complaints in relation to air emissions from the site.

During the year, the Company demonstrated an overall high level of both environmental performance and administrative compliance with the resource consents. There were no unauthorised incidents recorded by the Council in relation to the Company's activities. The Waihapa Production Station and associated wellsites were well managed and maintained.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendations for the 2018-2019 year, including a recommendation relating to an optional review of consent 3767-3.

18-44 Cheal Petroleum Ltd Production Station Monitoring Programme Annual Report 2017-2018

Cheal Petroleum Ltd (the Company), a subsidiary of TAG Oil New Zealand Ltd, operates a petrochemical production station located on Mountain Road at Ngaere, in the Waingongoro catchment. The Cheal Production Station processes oil and gas from the Cheal group of wellsites. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

The Company holds three resource consents in relation to the Cheal Production Station, which includes a total of 42 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to take and use groundwater for water flooding purposes, one consent to discharge stormwater and treated waste water onto land in circumstances where it may subsequently enter an unnamed tributary of the Mangawharawhara Stream, and one consent to discharge emissions related to production activities into the air at the site.

During the monitoring period, Cheal Petroleum Ltd demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included six inspections and two ambient air quality analyses.

Stormwater system inspections showed that discharges from the sites complied with consent conditions. No adverse effects were observed in the tributary of the Mangawharawhara Stream at the time of inspections.

There were no adverse effects on the environment found as a result of the exercise of the air discharge consent. Ambient air quality monitoring at the site showed that levels of carbon monoxide, combustible gases, PM₁₀ particulates and nitrogen oxides were all below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections, and there were no complaints in relation to air emissions from the site.

During the year, the Company demonstrated a high level of both environmental performance and administrative compliance with the resource consents.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remained at a high level in the year under review.

This report includes recommendations for the 2018-2019 year.

18-45 TAG Oil (NZ) Ltd Sidewinder Production Station Monitoring Programme Annual Report 2017-2018

TAG Oil (NZ) Limited (the Company) holds consents for a petrochemical production station located on Upper Durham Road at Inglewood, in the Waitara catchment. The Sidewinder

Production Station processes oil and gas from the Company's adjacent Sidewinder wellsite. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

The Company holds three resource consents in relation to the Sidewinder Production Station, which include a total of 43 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to discharge treated stormwater and production water from hydrocarbon exploration and production operations at the Sidewinder site into the Piakau Stream, and two consents to discharge emissions related to production activities into the air at this site.

During the monitoring period, TAG Oil (NZ) Limited demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included six inspections and two ambient air quality analyses.

Monitoring of water discharges from the site was not undertaken during the year, however no adverse effects were observed in the receiving waters of the Piakau Stream during inspections.

There were no adverse effects on the environment resulting from the exercise of the air discharge consent. The ambient air quality monitoring at the site showed that levels of carbon monoxide, combustible gases, PM₁₀ particulates and nitrogen oxides were all below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections and there were no complaints in relation to air emissions from the site.

During the year, the Company demonstrated an overall high level of both environmental performance and administrative compliance with the resource consents. There were no unauthorised incidents recorded by the Council in relation to the Company's activities.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendations for the 2018-2019 year.

18-49 NPDC Crematorium Monitoring Programme Annual Report 2017-2018

The New Plymouth District Council (NPDC) operates a crematorium located on Junction Road, New Plymouth. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess NPDC's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of NPDC's activities.

NPDC holds one resource consent, which includes a total of 22 conditions setting out the requirements that they must satisfy.

During the monitoring period, NPDC demonstrated an overall improvement required level of environmental performance.

The Council's monitoring programme for the year under review included five inspections, focusing on process control and possible visible emissions and odours.

The monitoring showed that, generally, compliance with consent conditions has been good. In the 2017-2018 monitoring period, there were six unauthorised incidents recording non-compliance in respect of NPDC's activities during the period under review. Two of these incidents were unforeseeable and unpreventable, and resulted in a power cut while a cremation was taking place. The remainder of the incidents were the result of visual smoke being observed.

During the year, NPDC demonstrated Improvement required level of environmental performance and a high level of administrative performance with the resource consent.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendations for the 2018-2019 year.

18-50 Stratford Power Station and Ahuroa Gas Storage (Contact Energy Ltd) Monitoring Programme Annual Report 2017-2018

Contact Energy Ltd operates the Stratford Power Station (SPS) located on State Highway 43 near Stratford in the Patea catchment. Contact Energy also operate the associated Ahuroa B Gas Storage facility (AGS). This facility is located 7.5 km away in the Waitara catchment. Contact Energy hold resource consents that provide for the power station, gas storage, and connecting pipeline. The consents allow Contact Energy to abstract water from the Patea River and Kahouri Stream, to discharge to the Patea River and the Kahouri Stream, and onto and into land, to provide for several structures across streams, and to discharge emissions into the air.

This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Contact Energy's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Contact Energy's activities.

Contact Energy in relation to SPS hold 27 resource consents, which include a total of 232 conditions setting out the requirements that they must satisfy. The consents provide for three gas-fired plants, these are a combined cycle plant (TTC1), a smaller open cycle peaking plant (SP1), and a yet to be built facility which will comprise of a copy of either of the two existing facilities.

During the monitoring period Contact Energy demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included five inspections, 10 water samples collected for physicochemical analysis and three biomonitoring surveys of receiving waters. In addition, monthly emission results and abstraction records are provided to the Council and are reviewed.

The monitoring showed that the Stratford Power Station continued to be well managed with negligible environmental effects. Of note was the cessation of a particular cooling tower product which was found to have resulted in sporadic odour complaints over time.

During the year, the Company demonstrated a high level of environmental and administrative performance with respect to their resource consents.

For the Ahuroa B Gas Storage facility, Contact holds 10 resource consents, this includes 135 conditions setting out the requirements that Contact must satisfy. For the associated pipeline which connects to two establishments of SPS and AG, a total of 17 consents are held, with a total of 170 conditions.

The Council's annual monitoring programme included two inspections and one stormwater sample collected for physico-chemical analysis. Data on gas injection, well pressure data and flaring volumes were provided by Contact to the Council monthly and an annual report was also provided.

Monitoring of the stormwater indicated compliance with consent derived conditions, inspections remarked that the site appeared well managed, secure, with housekeeping prevalent across the site. Review of the monthly reports indicated that during April 2018, an irregular pressure reading of injection wells Ahuroa 3 and 4 was reported. This was the result of a failure in the monitoring equipment which was soon rectified by the consent holder.

During the year, Contact demonstrated a high level of environmental and administrative performance with respect to their resource consents held for Ahuroa B Gas storage facility.

In similarity to SPS, there was also ongoing consultation between the Council and Contact throughout the monitoring period to liaise around matters of interest.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendations for the 2018-2019 year.

18-54 Shell Exploration NZ Limited Pohukura Production Station Monitoring Programme Annual Report 2017-2018

Shell Exploration NZ Ltd (SENZL) operates a petrochemical production station and associated wellsites, located on Lower Otaraoa Road at Motunui in the Waipapa and Manu catchments. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

The Company holds 17 resource consents, which include a total of 249 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to take and use water, three consents to discharge stormwater, three consents to discharge emissions into the air, six consents for various structures, two consents relating to deep well injection, and one consent each to disturb and occupy the coastal marine area.

During the monitoring period, Shell Exploration NZ Limited demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included seven inspections, one water sample collected for physicochemical analysis and two ambient air quality analyses. The consent holder also collected various data as required by consent conditions and for self-monitoring purposes.

The monitoring showed that the stormwater sample complied with the limits prescribed by the consents. No adverse effects were noted on the receiving environment as a result of the discharge.

There were no adverse effects on the environment resulting from the exercise of the air discharge consent. Ambient air quality monitoring at the site showed that levels of carbon monoxide, combustible gases, PM₁₀ particulates and nitrogen oxides were all below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections and there were no complaints in relation to air emissions from the site. Monitoring commissioned by the Company showed that there were no exceedances of the relevant New Zealand Workplace Exposure Standards for BTEX constituents at any of the monitored locations.

Ecological assessments voluntarily commissioned by SENZL of the intertidal coastal area surrounding the Pohokura site found high species diversity and abundance across two of the three studied reefs, indicating a stable and healthy reef environment with high water quality. Sand inundation across the third reef had resulted in a decrease in both species diversity and abundance. Sand inundation is a common occurrence around the Taranaki coastline, with the reef usually recovering fairly quickly once the sand moves on. The ongoing ecological surveys have shown that the health of the reefs in the vicinity is comparable to other reefs around the Taranaki coastline that are subjected to sand inundation. SENZL activities in the area do not appear to have had any adverse effect on the coastal environment.

During the year, the Company demonstrated a high level of both environmental performance and administrative compliance with the resource consents.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remained at a high level in the year under review.

This report includes recommendations for the 2018-2019 year.

18-69 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2017-2018

Methanex New Zealand Ltd (Methanex) operates methanol production facilities located at Motunui and Waitara Valley, in the Manu, Waihi and Waitara River catchments. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess Methanex's environmental performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of Methanex's activities.

Methanex holds 11 resource consents, which include a total of 111 special conditions setting out the requirements that Methanex must satisfy. Methanex holds two consents to allow it to take and use water from two abstraction points on the Waitara River. Six consents allow the discharge of effluent/stormwater into the Manu and Waihi Streams and the Tasman Sea via the Waitara marine outfall. Methanex also holds two consents to discharge emissions into the air at its sites. Finally, one consent provides for a structure in the Waitara River associated with the water take.

During the monitoring period, Methanex demonstrated an overall High level of environmental performance at its Motunui site and a High level of environmental performance at its Waitara Valley site.

The Council's monitoring programme for the year under review included four inspections, continuous self-monitoring by Methanex (specifically involving collection of water samples for physicochemical analysis), review of regularly provided consent holder data and two inter-laboratory comparisons.

The monitoring showed that Methanex operated both sites in accordance with the requirements of their resource consents. As in previous years, the facilities were well managed and a high level of housekeeping was maintained.

There was one unauthorised incident recording non-compliance in respect of Methanex's activities at their Motunui site during the period under review. The incident was received as a self-notification from the consent holder. It related to the discharge of a small quantity of wastewater to the Waitara stormwater network, following maintenance work on Methanex's wastewater pipeline. The incident was considered by the Council to be reasonably unforeseeable and related to mechanical/installation failure. The event was appropriately responded to by Methanex. For this reason no enforcement response was considered suitable or necessary.

During the year, Methanex demonstrated a high level of environmental and administrative performance and compliance with the resource consents at both facilities.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendations for the 2018-2019 year.

18-75 Beach Energy Kupe Production Station Monitoring Programme Annual Report 2017-2018

Beach Energy Resources NZ (Kupe) Ltd (Beach Energy) operates a petrochemical production station located on Inaha Road at Manaia, in the Inaha and Kapuni catchments. The Kupe Production Station processes oil and gas from the offshore Kupe wells. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

Beach Energy holds 14 resource consents in relation to the Kupe facilities, which include a total of 154 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to take and use groundwater, one consent to discharge stormwater into the Kapuni Stream, one consent to install groundwater bores, two consents to discharge emissions into the air from the production station, four coastal consents relating to the offshore facilities, and five consents which covered activities during the development phase of the Kupe project.

During the monitoring period, Beach Energy Resources NZ (Kupe) Ltd demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included seven inspections, two biomonitoring surveys of receiving waters, and two ambient air quality analyses. The consent holder provided data on flaring, water abstraction and stormwater discharges.

Site inspections found that the stormwater systems were constructed and maintained in accordance with consent conditions and were operating effectively.

Biomonitoring of the receiving waters did not indicate that the stormwater discharges from the Kupe Production Station had caused adverse effects on the water quality of the Kapuni Stream.

There were no adverse effects on the environment resulting from the exercise of the air discharge consents. The ambient air quality monitoring at the site showed that levels of carbon monoxide, combustible gases, PM₁₀ particulates and nitrogen oxides were all below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections and there were no complaints in relation to air emissions from the site.

During the year, the Company demonstrated an overall high level of both environmental performance and administrative compliance with the resource consents. There were no unauthorised incidents recorded by the Council in relation to the Company's activities. The Kupe Production Station was well managed and maintained.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the

Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendations for the 2018-2019 year.

18-77 Waitaha Catchment Monitoring Programme Annual Report 2017-2018

This 2017-2018 annual compliance monitoring report is the 24th report by the Taranaki Regional Council (the Council) to be prepared for the monitoring programme in the Waitaha Stream catchment. Twelve industrial premises were monitored under this programme during the year under review. The monitoring reflects an on-going process of identifying and improving discharges into the catchment in a similar manner to the management of those in the neighbouring Mangati Stream catchment.

A total of 17 consents were included in the monitoring programme during the 2017-2018 monitoring period. Of these, 10 licence discharges to water, 1 licence a discharge to land, and 6 licence discharges to air. These consents include a total of 203 special conditions.

Overall, a good level of environmental performance was achieved by the consent holders in the industrial area of the Waitaha Stream catchment.

The Council's monitoring included 42 inspections, 37 discharge samples and nine receiving water samples collected for physicochemical analysis, a review of consent holder monitoring data, odour surveys, ambient air quality analyses, ambient PM₁₀ monitoring, and deposition gauging.

During the year under review, inspections found that the sites were generally well managed, with only transient non-compliances found at some sites, most of which were addressed in a timely manner. Non-compliant levels of suspended solids continue to be a persistent issue but to a lesser extent than the previous monitoring year. There was one unauthorised discharge into the Waitaha Stream whereby enforcement action was taken to resolve this event.

Chemical monitoring of the stream found that although there were measurable changes in some parameters, most of these would have resulted in only minor transient effects at most. In terms of guidelines, no exceedances of guidelines copper, ammoniacal nitrogen, or biochemical oxygen demand were noted.

Five of the six wet weather samples taken in the Waitaha Stream system were found to be below the USEPA acute guideline for zinc, however all the dissolved copper results were below the USEPA chronic and acute guidelines.

Overall the consented discharges in the Waitaha catchment achieved a good level of environmental compliance and Council is continuously working with consent holders to apply best practice. The Council, in co-operation with New Plymouth District Council (NPDC) as the consented reticulation owners, is also educating and engaging with non-consent holders in the catchment who may be unaware of their environmental and regulatory obligations.

During the year, AICA (NZ) Ltd demonstrated an overall high level of environmental performance and a high level of administrative performance and compliance.

During the year, C&O Concrete Products Ltd demonstrated a high level of environmental performance and a high level administrative performance.

During the year, Energyworks Ltd demonstrated a high level of environmental performance and a high level of administrative performance.

During the year, Greymouth Facilities Ltd demonstrated a high level of environmental performance and a high level of administrative performance.

During the year, Intergroup Ltd demonstrated a good level of environmental performance and a high level of administrative performance.

During the year, Meredith Metals Ltd demonstrated a high level of environmental performance and a high level of administrative performance.

During the year, NPDC demonstrated a good level of environmental performance and high level of during the year, NPDC demonstrated a good level of environmental performance and a high level of administrative performance. Although one suspended solids result exceeded RFWP guidelines, there were no significant increases of turbidity found in the receiving waters.

During the year an improvement is required in Symons Property Development Ltd (Symons) level of environmental performance. An illegal discharge of vehicle washing agent was found to be occurring on one occasion and an infringement notice was issued. Symons demonstrated a good level of administrative performance.

During the year, Taranaki Sawmills demonstrated a good level of environmental performance and high level of administrative performance.

During the year, TBS Coatings Ltd demonstrated a high level of environmental performance and a high level of administrative performance.

During the year, Weatherford New Zealand Ltd demonstrated a good level of environmental performance and a high level of administrative performance.

During the year, Woodwards 2008 Ltd demonstrated a high level of environmental performance and a high level of administrative performance.

During the year, Zelum Ltd demonstrated a high level of environmental performance and a high level of administrative performance.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

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

This report includes recommendation for the 2018-2019 year.

18-90 Irrigation Water Compliance Monitoring Programme Annual Report 2017-2018

This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the environmental and consent compliance performance of irrigation consent holders across the Taranaki region. The assessment covers resource consents held for pasture irrigation, horticultural and

golf course irrigation. This is the 15th Annual Report issued by the Council to report on compliance monitoring programmes for consents authorising the abstraction of freshwater for irrigation purposes in Taranaki.

At 30 June 2018, a total of 70 resource consents to take and use freshwater for irrigation purposes were registered in the Council's database. Of these, 52 were for pasture irrigation, 8 for horticultural activities and 10 for recreational purposes (golf clubs). Fifty-nine of these consents authorised the abstraction of surface water (84%) while 11 (16%) allow for abstraction from a groundwater source.

A total of 58 irrigation consents were exercised during the 2017-2018 monitoring year, with most commencing irrigation in November or December and concluding in February. Rainfall recorded at the Council's monitoring locations over the summer irrigation period ranged between 55 % and 111% of historical mean values. A particularly dry November and December lead to a drought being declared in Taranaki during 23 December 2017. As a result, irrigation water demand was high during the 2017-2018 irrigation season, with a total water use across all exercised irrigation consents of 7,204 ML. This was significantly higher than that used during the preceding 2016-2017 monitoring year, when only 42 irrigation consents were exercised, and a total usage of 4,246 ML.

The Council's monitoring of irrigation water permits comprises a range of various components, including liaison with consent holders, site inspections, the collection as assessment of abstraction data, residual flow monitoring, water quality analysis, data review and compliance assessments. The specific range of monitoring carried out for each consent is dictated by the water source, weather and flow conditions, and system design.

The Council carried out compliance monitoring inspections at 62 sites during the 2017-2018 irrigation season, with 100% of all of the active consents being visited. The inspections included visual checks of the intake structures, screens, staff gauges, pumping infrastructure, downloading of data and, in some cases, stream flow measurements. Compliance with residual flow conditions for surface water abstractions was assessed by the Council on 62 separate occasions, across 29 waterways.

Consent holder performance for the year was assessed based on compliance with their authorised abstraction rates/volumes, maintenance of minimum residual flows, provision of abstraction records and all other general conditions of their consent(s).

The Council was required to enter a total of eight incidents over the course of the 2017-2018 period in relation to irrigation consents. These incidents were reported to Council and staff implemented appropriate responses as they were identified, which included the issuing of three abatement notices and two infringement notices.

During the 2017-2018 year, 86% of exercised irrigation consents in Taranaki achieved a high level of environmental performance and compliance with their consents, 5% achieved a good level of performance, while 7% are required to improve their compliance performance.

For reference, in the 2017-2018 year, consent holders were found to achieve a high level of environmental performance and compliance for 76% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 20% of the consents, a good level of environmental performance and compliance was achieved.

In terms of overall environmental and compliance performance by the irrigation water consent holders over the last several years, this report shows that consent holder performance has improved in the year under review.

This report includes recommendations for the 2018-2019 year.

Stakeholder and iwi interests

Please Note:

Information regarding the date of consultation can be found within each individual Monitoring Programme Annual Report.

18-11 TAG Oil (NZ) Ltd Vanner Landfarm Monitoring Programme Annual Report 2017-2018

Consent 7942-1: TAG Oil Vanner Landfarm

The activity is adjacent to a statutory acknowledgement area of Ngati Ruanui. The consent holder engaged an archaeologist to undertake an archaeological survey and assessment of the proposed site. As a result of consultation with Iwi it was confirmed that any cultural/spiritual effects of the proposed activity will be no more than minor.

The consent holder consulted with the landowners, neighbouring landowners, Department of Conservation and Ngati Ruanui Iwi and all parties provided written approval. The consent was processed on a non-notified basis as the adverse effects of the activity would not be more than minor and nobody was adversely affected.

18-20 McKechnie Aluminium Monitoring Programme Annual Report 2017-2018

Consent 1857-6

The consent was non-notified because the adverse effects of the activity were no more than minor and nobody was adversely affected.

Consent 4034-3

The consent was non-notified because the adverse effects of the activity were no more than minor. Although monitoring has not shown any effects beyond the site boundary, the Council obtained written approval from eight landowners/occupiers surrounding the site.

18-22 Dow AgroSciences Monitoring Programme Annual Report 2017-2018

Consent 4108-2: discharge stormwater

Notification of the original application received three submissions (from Royal Forest and Bird Protection Society of New Zealand, the Taranaki Environment Action Group and Greenpeace New Zealand). After discussions with the Council and the Company these submissions were withdrawn.

When renewing the consent the applicant consulted with three local hapu regarding the activity - Ngati Tairi, Ngati Te Whiti Ahi Kaa and Ngati Te Whiti Hapu Society. The consent was processed on a non-notified basis because the adverse effects of the activity were considered to be no more than minor and nobody was considered to be adversely affected.

Consent 4020-4: discharge contaminants to air

The applicant undertook comprehensive consultation prior to lodging the application. This included phone calls, letter drops (including distribution of information sheets), introductory meetings, detailed meetings, and a public notice in the newspaper. The applicant also set up a dedicated telephone number and email address which were made publicly available to try and encourage and facilitate contact from interested and potentially affected parties.

The consent was publically notified with notice served on New Plymouth District Council, Taranaki District Health Board (TDHB), Te Te Atiawa Iwi Authority, Ngati Te Whiti, Ngati

Te Whiti Ahi Kaa, Ngati Tairi, Taranaki Iwi Trust, and 24 adjacent property occupiers. One submission was received from the TDHB and a prehearing meeting took place after which the TDHB withdrew its wish to be heard.

18-35 STDC Eltham WWTP Monitoring Programme Annual Report 2017-2018

Consent 7521-1: to discharge wastewater into a tributary of the Mangawhero Stream

The application was notified on a limited basis as it was determined that there was potential for any discharge to have adverse effects. Notice was served to all persons who may be adversely affected by the activity being adjacent and downstream landowners, Fish & Game, Department of Conservation, Okahu Hapu, Kanihi Hapu, Ngati Tu Hapu and Te Runganga o Ngati Ruanui. No submissions were received.

18-42 Westside Rimu Production Station Monitoring Programme Annual Report 2017-2018

Consents 5744-2 and 5746-2: Westside Rimu Production Station

The applicant consulted with the landowners at the site and representatives of Ngati Ruanui.

The consent was processed on a non-notified basis because the adverse effects of the activities would not be more than minor and nobody is adversely affected. Written approval was obtained from landowners and adjacent landowners/occupiers.

18-43 TWN Partnership Limited Waihapa Production Station Monitoring Programme Annual Report 2017-2018

Consent 3457-2: discharge stormwater

The consent was processed on a non-notified basis as the adverse effects of the activity would not be more than minor and nobody is adversely affected.

Consent 3767-3: water take

The activity is in, adjacent to, or directly impacting on a statutory acknowledgement area of Ngati Ruanui and Ngaa Rauru. In accordance with legislation the Council sent a copy of the application to both Iwi and invited them to comment. Ngati Ruanui were happy with the consent to proceed, while Ngaa Rauru did not comment.

Consent 4049-3: discharge emissions to air

The consent was processed on a non-notified basis as the adverse effects of the activity would not be more than minor and written approval was obtained from everybody who may be adversely affected.

18-44 Cheal Petroleum Ltd Production Station Monitoring Programme Annual Report 2017-2018

Consents 4727-2, 7906-1, 10290-1: Cheal Production Station

The consents were processed on a non-notified basis as the adverse environmental effects of the activities were considered to not be more than minor and nobody was adversely affected.

18-45 TAG Oil (NZ) Ltd Sidewinder Production Station Monitoring Programme Annual Report 2017-2018

Consents 7595-1, 7777-1, 7822-1

The consents were processed on a non-notified basis as the adverse effects of the activities would not be more than minor. Written approval was obtained from the landowner.

18-49 NPDC Crematorium Monitoring Programme Annual Report 2017-2018

Consent 5205-2: NPDC crematorium

The original consent application was processed on a non-notified basis. Written approval for the application to be processed on a non-notified basis was obtained from immediate neighbours to the crematorium site and residences with a direct view of the crematorium. Approval was also obtained from the New Plymouth District Council Public Health Water Treatment Plant and the local Ngati Te Whiti Iwi.

18-50 Stratford Power Station and Ahuroa Gas Storage (Contact Energy Ltd) Monitoring Programme Annual Report 2017-2018

Stratford Power Station

Consents 4022-2, 4454-1, 4456-1, 5633-1, 7247-1, 7248-1, 7250-1, 7605-1, and 7653-1

These consents were processed on a non-notified basis because the adverse effects of the activities were considered to be no more than minor and nobody was adversely affected.

Consent 4455-1, 4458-1, and 4462-1

The original consents were notified, with submissions received from the Department of Conservation, Fish & Game, Roger Morris, New Plymouth Alliance, and Kiritahi Takiari. The consents were granted after a hearing. Subsequent changes to the consents have proceeded on a non-notified basis.

Consents 4459-1, 4460-1, 4461-1, 4804-1, 5063-1,

The consents were processed on a non-notified basis because the adverse effects of the activities were considered to be no more than minor and nobody was adversely affected. The company consulted with neighbouring landowners, Ngati Ruanui and Ngati Maru, this included meetings and site visits.

Consent 5848-1

The original consent was notified with submissions received from the Department of Conservation, Fish & Game, several individuals, various clubs, Trustpower, Taranaki Energy water, Te Runanganui O Te Pakakohi and Ngati Ruanui Iwi Authority. The consents were granted after a hearing. Subsequent changes to the consents have proceeded on a non-notified basis.

Consents 3681-2, 7432-1 and 7746-1: Contact Energy Ahuroa-B Gas Storage

The consents were processed on a non-notified basis because the adverse effects of the activities were considered to be no more than minor and nobody was adversely affected. Written approval was obtained from the site landowner and adjacent landowners. The consent holder also consulted with Ngati Maru and Ngati Ruanui (3681-2).

18-54 Shell Exploration NZ Limited Pohukura Production Station Monitoring Programme Annual Report 2017-2018

Consents 5991-1, 5992-1, 5993-1, 5994-1, 5997-1, 6002-1, and 6003-1

Prior to lodging the applications STOS undertook two stages of consultation. The first stage was undertaken with key organisations, tangata whenua, and landowners. The second stage

involved the wider community through open days, cottage meetings, newspaper articles, information pamphlets and project team contacts. Due to the wide public interest in the development of the Pohokura gas field the consents were processed on a notified basis. Numerous submissions were received, the majority in opposition. While no outcomes were reached during two pre-hearing meetings it was not considered that any issues were raised in the submissions that would give weight to refusing to grant the applications.

Consents 6176-1, 6269-1, 10096-1

These consents were non-notified because the adverse effects of the activities were no more than minor and nobody was adversely affected. Written approval was obtained from Methanex and Ngati Rahiri hapu (6269-1)

Consents 10450-1 and 10477-1

The Council sent a copy of the applications to Te Atiawa and they made no comment. As the activities are within an area covered by applications under the Marine and Coastal Area (Takutai Moana) Act 2011 the applicant sought comments from the relevant Iwi prior to lodging the applications, which included liaison with Ngati Rahiri (on behalf of Te Atiawa), Te Runanga o Ngati Mutunga, and Ngati Mutunga o Wharekauri Iwi Trust. The consents were processed on a non-notified because the adverse effects of the activity were no more than minor and nobody was considered to be adversely affected.

18-69 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2017-2018

Consents 0820-2, 3400-2

The consents were publicly notified, including notice being served on 70 potentially adversely affected parties. Otaraua Hapu submitted in opposition of the proposed activities, however this was withdrawn after consultation with Methanex.

Consent 0822-2

The Company consulted with Te Atiawa Iwi Authority. The consent was non-notified because the adverse effects of the activity were no more than minor and nobody was adversely affected.

0825-3, 0827-3, 3960-2

The consent was non-notified because the adverse effects of the activity were no more than minor and nobody was adversely affected.

Consents 0801-2 and 3399-2

The consents were publicly notified. The Council also served notice on 70 parties who they considered to be potentially adversely affected by the applications. Two submissions were received, from Otaraua Hapu and Puketapu Hapu (this was late and therefore void). Following consultation with Methanex Otaraua Hapu withdrew their request to be heard.

Consent 0802-2

The Company consulted with the Otaraua Hapu Management Committee. The consent was non-notified because the adverse effects of the activity were no more than minor and nobody was adversely affected.

Consent 4042-3

Although monitoring had not showed effects beyond the site boundary, the Council identified potentially affected parties as landowners or occupiers within a 1.5 km buffer zone

of the site. Written approval for non-notification was unable to be obtained from all potentially affected parties, therefore the consent was processed on a limited notified basis. Notice was served on 58 neighbouring properties and various Iwi. Three submissions were received, from J&K Weston, Poutonu Whanau Trust and Shell Todd Oil Services Ltd (STOS). Both Poutonu Whanau Trust and STOS withdrew their submissions after consultation with Methanex. While the third submitter withdrew their request to be heard following a pre-hearing meeting.

Consent 4045-3

Although monitoring had not showed effects beyond the site boundary, the Council identified potentially affected parties as landowners or occupiers within a buffer zone around the site. Written approval for non-notification was unable to be obtained from all potentially affected parties, therefore the consent was processed on a limited notified basis. Notice was served on 25 parties, being landowners or occupiers within the immediate vicinity of the plant. No submissions were received.

18-75 Beach Energy Kupe Production Station Monitoring Programme Annual Report 2017-2018

Consent 6543-1

This consent was non-notified because the adverse effects of the activity were no more than minor and nobody was adversely affected. As the activity is in the rohe of Ngāruahine the Council sent a copy of the application to Te Korowai o Ngāruahine Trust.

Consents 6531-1, 6532-1, and 6533-1

The consents were processed on a notified basis given the discretionary and restricted coastal activity classifications within the Regional Coastal Plan, and the strong public interest in the proposed activities. The five applications were publicly notified. The Maritime Safety Authority, Minister of Conservation and Department of Conservation were also sent copies of the applications. Four submissions were received in opposition, from the Department of Conservation; Snapper 8 Company Limited; Inuawai/Okahu Hapu, Rangatapu Reserve, Ohawe Beach, and Kanihi/Umutahi Hapu; and Whanau/Hapu O-Mangapourua, Ngatihawe, Ngati-Tonga, Ngati-Whare, Ngati-Tu, Mo Te Iwi-O-Hamate. Two pre-hearing meetings along with several other hui, meetings, and various consultation was undertaken by Council and the applicant.

Consents 6545-1 and 6546-1

Due to the wide public interest in the development of the Kupe field the consents were publicly notified. Four submissions were received, all in opposition of the activities. These were from: Inuawai/Okahu Hapu, Rangatapu Reserve, Ohawe Beach, and Kanihi/Umutahi Hapu; Whanau/Hapu O-Mangapourua, Ngatihawe, Ngati-Tonga, Ngati-Whare, Ngati-Tu, Mo Te Iwi-O-Hamate; Christina Green and Patricia Green; and Fish and Game. Two pre-hearing meetings were held to discuss the proposal, along with two hui and further informal meetings.

Consents 6979-1 and 7010-1

These consents were non-notified because the adverse effects of the activity were no more than minor and nobody was adversely affected.

18-77 Waitaha Catchment Monitoring Programme Annual Report 2017-2018

Consents 2333-4 and 2367-3

The consents were processed on a non-notified basis as the adverse effects of the activities would not be more than minor and nobody was adversely affected. The activities are in, adjacent to, or directly affecting a statutory acknowledgement of Te Atiawa and consultation was undertaken with the iwi.

Consents 0609-3, 4021-3, 4775-2, 9606-1, and 9911-1

The consents were processed on a non-notified basis as the adverse effects of the activities would not be more than minor and nobody was adversely affected.

Consents 4776-2, 4777-2, 7805-1, 9912-1, 9962-1, and 9968-1

The consents were processed on a non-notified basis as the adverse effects of the activities would not be more than minor. NPDC provided written approval for non-notification.

Consents 4056-2 and 4096-2

The consents were processed on a non-notified basis as the adverse effects of the activities would not be more than minor. Written approval was obtained from neighbouring properties as affected parties.

18-90 Irrigation Water Compliance Monitoring Programme Annual Report 2017-2018

Unlike the other reports being presented today, which examine and describe the annual environmental performance of each consent holder on an individual and specific basis, this report provides a general overview and summary of compliance within the irrigation sector as a whole, across the whole region (70 consents). Given this generalised approach, staff have not prepared an analysis of iwi and other stakeholder engagement for every consent, for presentation to today's meeting, but are happy to respond to any requests for particular information.

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 *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan

and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

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

Appendices/Attachments –15 separate reports

Report Name	PDF Number	Reporting period
18-11 TAG Oil (NZ) Ltd Vanner Landfarm Monitoring Programme Annual Report 2017-2018	2132957	2017-2018
18-20 McKechnie Aluminium Monitoring Programme Annual Report 2017-2018	2148397	2017-2018
18-22 Dow AgroSciences Monitoring Programme Annual Report 2017-2018	2149323	2017-2018
18-35 STDC Eltham WWTP Monitoring Programme Annual Report 2017-2018	2092417	2017-2018
18-42 Westside Rimu Production Station Monitoring Programme Annual Report 2017-2018	2147138	2017-2018
18-43 TWN Partnership Limited Waihapa Production Station Monitoring Programme Annual Report 2017-2018	2149830	2017-2018
18-44 Cheal Petroleum Ltd Production Station Monitoring Programme Annual Report 2017-2018	2146990	2017-2018
18-45 TAG Oil (NZ) Ltd Sidewinder Production Station Monitoring Programme Annual Report 2017-2018	2147089	2017-2018
18-49 NPDC Crematorium Monitoring Programme Annual Report 2017-2018	2133679	2017-2018
18-50 Stratford Power Station and Ahuroa Gas Storage (Contact Energy Ltd) Monitoring Programme Annual Report 2017-2018	2178872	2017-2018
18-54 Shell Exploration NZ Limited Pohukura Production Station Monitoring Programme Annual Report 2017-2018	2149226	2017-2018
18-69 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2017-2018	2179748	2017-2018
18-75 Beach Energy Kupe Production Station Monitoring Programme Annual Report 2017-2018	2162565	2017-2018
18-77 Waitaha Catchment Monitoring Programme Annual Report 2017-2018	2139104	2017-2018
18-90 Irrigation Water Compliance Monitoring Programme Annual Report 2017-2018	2171068	2017-2018

Agenda Memorandum

Date 5 February 2019



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

Subject: Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 2 November 2018 to 17 January 2019

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

Document: 2193584

Purpose

The purpose of this memorandum is to allow the Council to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 2 November 2018 to 17 January 2019.

Executive summary

Incidents

There are 114 incidents reported.

59 of the incidents were found to be compliant and 38 were found to be non-compliant. 17 of the incidents reported relate to non-compliance from previous periods (updates). The action taken on the incidents are set out for Members information.

Compliance monitoring non-compliances

There are 80 compliance monitoring non-compliances reported. 16 of the compliance monitoring non-compliances reported are updates from previous periods.

58 of the non-compliances reported are as a result of the annual dairy inspection round.

Recommendations

That the Taranaki Regional Council:

1. receives this memorandum
2. receives the summary of the incidents, compliance monitoring non-compliances and Enforcement for the period from 2 November 2018 to 17 January 2019, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Background

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

Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 2 November 2018 to 17 January 2019.

Staff have been delegated by the Council to undertake enforcement actions. The enforcement policy and procedures are approved by the Council and then implemented and reported on by staff.

Disclosure Restrictions

The incident register information presentation was reviewed in 2014-2015 to increase reader understanding in this complex area. The first section addresses compliant incidents and can be publically discussed. The second section provides an update on non-compliant incidents from previous meetings and where an incident has been resolved it can be publically discussed. The third and fourth sections provide information on non-compliant incidents and non-compliances found during compliance monitoring 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 flow chart and definition of terms provide further operational detail.

Discussion

Council responds to all complaints received with most complaints responded to within four hours. This usually involves a site visit. 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 IRIS database. Where necessary, appropriate advisory or enforcement actions are undertaken. 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 information in the Incidents, Compliance Monitoring Non-compliances and Enforcement agenda item and staff comment will be restricted for legal disclosure reasons. Further information will be provided at a later date to the Council and for prosecutions a detailed report will be provided for information purposes, in the confidential section of the agenda.

A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 2 November 2018 to 17 January 2019 is attached. The 'compliant' incidents are presented first in a table and the 'non-compliant' incidents are presented after in a more detailed summary, followed by the compliance monitoring non-compliances.

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 2014-2015 and 2018-2019, and also showing how the incidents are tracking in 2018-2019 in relation to environment type and compliance status. There is a graph showing the non-compliances found during compliance monitoring. There is also a graphs showing enforcement action taken to date during 2018-2019.

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 *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

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

Appendices/Attachments

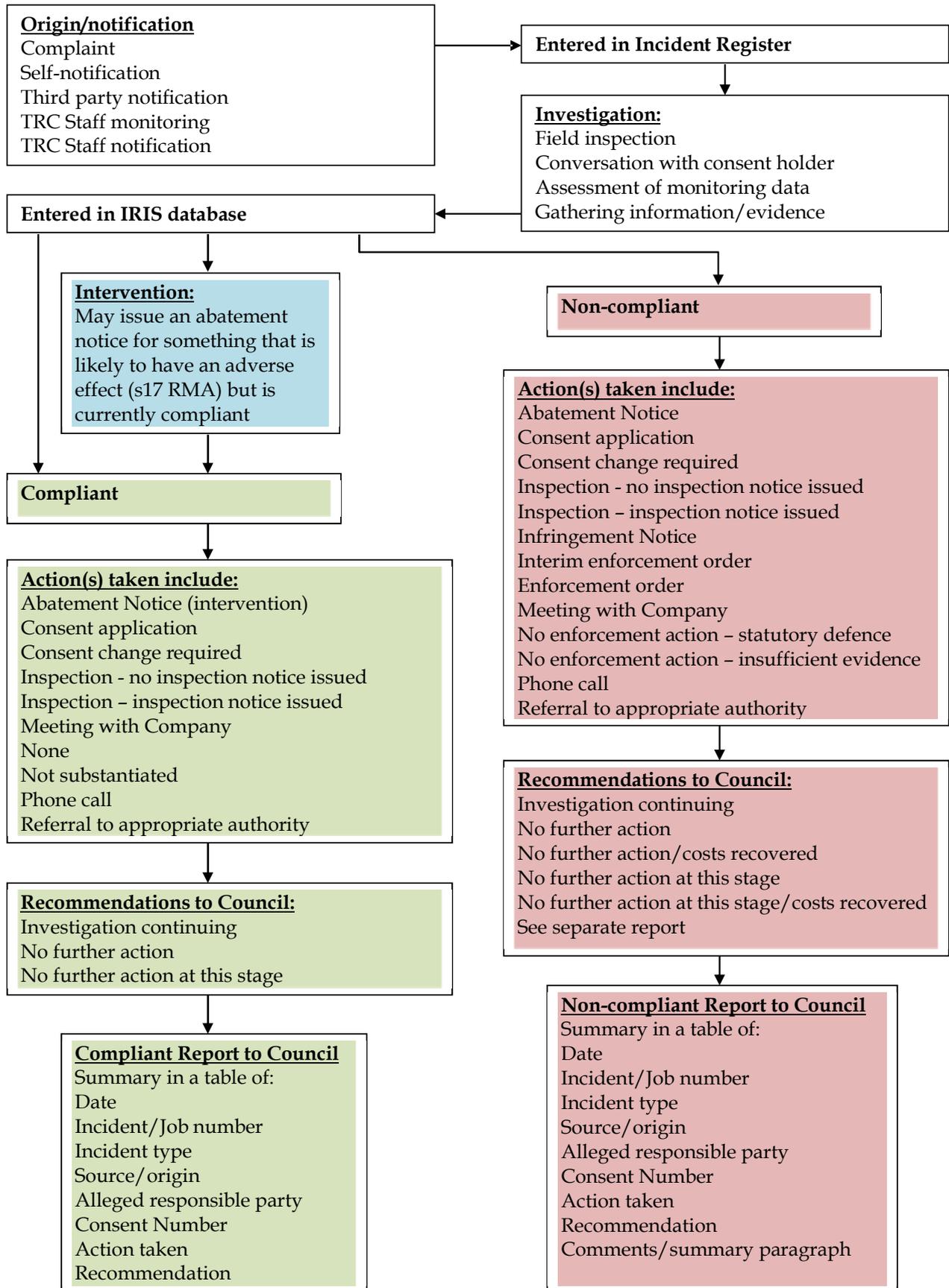
Incident flowchart and terms explained (document #1081324).

Incidents and consent non-compliance - Agenda Graphs to 31 Oct 2018 (document #2192399).

Incidents and Enforcement Summary 2 Nov 2018 to 17 Jan 2019 (document #2193408).

Incident flow chart

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, un sourced 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

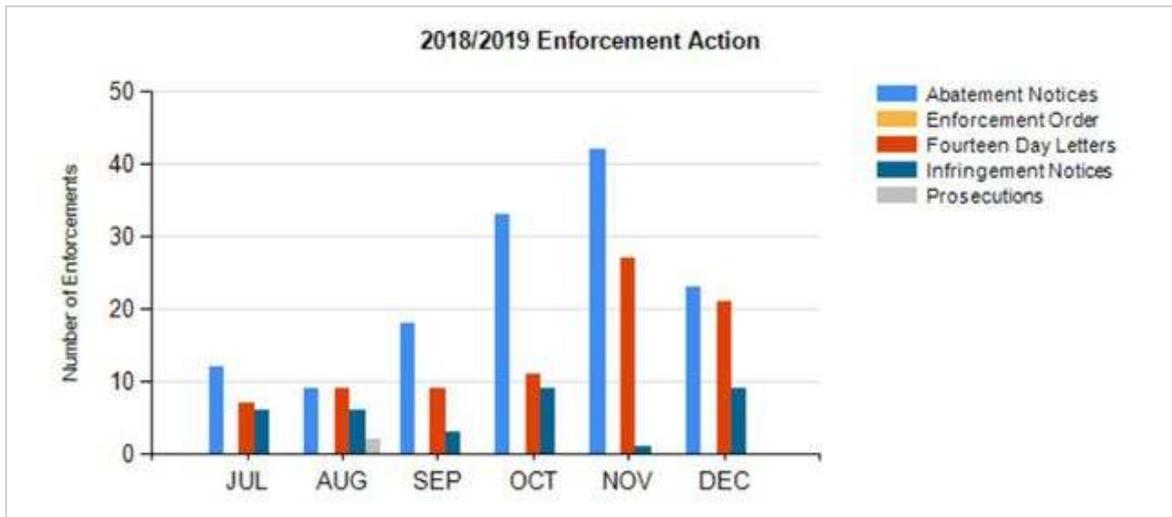
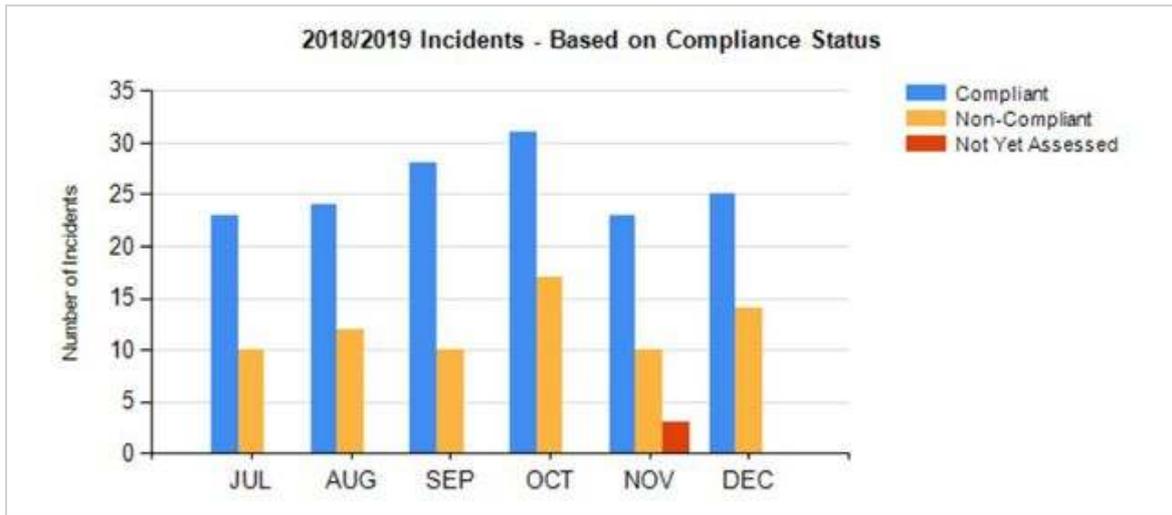
Investigation continuing	Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents 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.

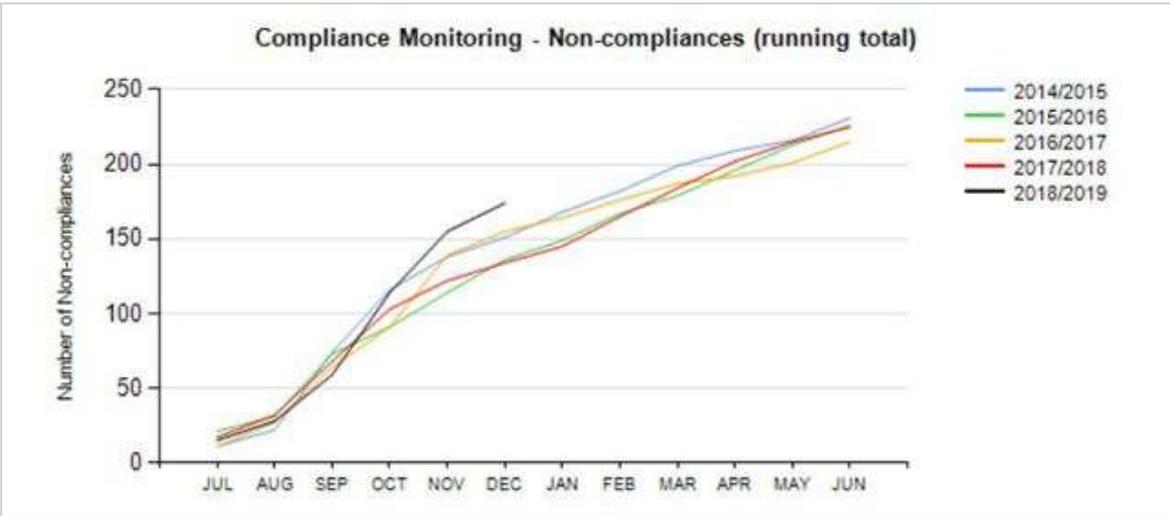
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
---	---

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 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
05 Nov 2018	3301-19-162 IN/37199	Alleged Contaminated soil - Waverley Motors - Waverley	Complaint	Waverley Motors Limited		RFWP Allowed	No Further Action
07 Nov 2018	3301-19-168 IN/37451	Alleged Sewage odour - Lepper Road, Inglewood	Complaint	Unsourced		RFWP Allowed	No Further Action
08 Nov 2018	3301-19-167 IN/37216	Alleged Blocked drain - Shaldon Crescent, New Plymouth	Complaint	Unsourced		RFWP Allowed	No Further Action
09 Nov 2018	3301-19-164 IN/37214	Alleged Odour - Whiteley Street, New Plymouth	Complaint	Regal Haulage		RAQP Allowed	No Further Action
11 Nov 2018	3301-19-165 IN/37215	Alleged Dust - Soda Blast - New Plymouth	Complaint	Soda Blast	R2/6779-1	Consent Compliance	No Further Action
12 Nov 2018	3301-19-195 IN/37283	Alleged Earthworks - Herengawe Road, Waverly	Complaint	Kenneth Lupton /Warwick Lupton		RFWP Allowed	No Further Action
13 Nov 2018	3301-19-171 IN/37453	Alleged Smoke - Ramanui Road, Hawera	Complaint	John Pease		RAQP Allowed	No Further Action
15 Nov 2018	3301-19-170 IN/37235	Alleged Coffee odour - Queen Street, New Plymouth	Complaint	Wildcat Coffee Roasting		RAQP Allowed	No Further Action
16 Nov 2018	3301-19-176 IN/37257	Alleged Odour - Brixton	Complaint	Brian Crow		RAQP Allowed	No Further Action

Compliant Incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
19 Nov 2018	3301-19-179 IN/37253	Alleged Chemical odour - Corbett Road, Bell Block	Complaint	Peter Faigan		RAQP Allowed	No Further Action
20 Nov 2018	3301-19-180 IN/37254	Alleged Molasses Spill - Corbett Road, Bell Block	Self-Notification	J Swap Contractors Limited		RFPW Allowed	No Further Action
21 Nov 2018	3301-19-181 IN/37258	Alleged Shed fire - Hastings Road, Stratford	Complaint	Jason Lewis Leslie Bunn		RFPW Allowed	No Further Action
23 Nov 2018	3301-19-184 IN/37262	Alleged Odour - Tegel Feed Mill - Paraita Road, Bell Block	Complaint	Tegel Foods Limited		RAQP Allowed	No Further Action
24 Nov 2018	3301-19-185 IN/37267	Alleged Odour - Bedford Street, Patea	Complaint	Jackson Transport		RAQP Allowed	No Further Action
26 Nov 2018	3301-19-188 IN/37266	Alleged Foam in Whenuakura River - Patea	Complaint	Un sourced		Not Applicable/Natural Event	No Further Action
26 Nov 2018	3301-19-187 IN/37287	Alleged Odour - Queen Street, New Plymouth	Complaint	Ozone Coffee Co.		RAQP Allowed	No Further Action
27 Nov 2018	3301-19-192 IN/37269	Alleged Dust - Ainslee Street, New Plymouth	Complaint	Brian Marsden		RAQP Allowed	No Further Action

Compliant Incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
27 Nov 2018	3301-19-193 IN/37274	Alleged Dust - Oropuriri Street, New Plymouth	Complaint	Christopher Herd		RAQP Allowed	No Further Action
27 Nov 2018	3301-19-189 IN/37309	Alleged Discoloured Waiongana Stream - Brixton	Complaint	Un sourced		Not Applicable/Natural Event	No Further Action
27 Nov 2018	3301-19-190 IN/37311	Alleged Discoloured stream - Hempton Street, New Plymouth	Complaint	Un sourced		RFWP Allowed	No Further Action
27 Nov 2018	3301-19-191 IN/37363	Alleged Dust - Victor Street, New Plymouth	Complaint	Westown Haulage Limited		RAQP Allowed	No Further Action
28 Nov 2018	3301-19-194 IN/37271	Alleged Dust - James Drive, Bell Block	Complaint	NAJ Contracting		RAQP Allowed	No Further Action
03 Dec 2018	3301-19-197 IN/37294	Alleged Odour - Junction Road, Inglewood	Complaint	Jason Richard Duffy		RAQP Allowed	No Further Action
04 Dec 2018	3301-19-199 IN/37295	Alleged Green stream - Rewa Street, Inglewood	Complaint	Un sourced		Not Applicable/Natural Event	No Further Action
04 Dec 2018	3301-19-169 IN/37296	Alleged Green Managapapa Stream - Watino Road, Kaponga	TRC Staff Notification	Cameron Ardern		RFWP Allowed	No Further Action

Compliant Incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
05 Dec 2018	3301-19-200 IN/37299	Alleged Odour - East Road, Stratford	Complaint	Contact Energy Limited		RAQP Allowed	No Further Action
05 Dec 2018	3301-19-201 IN/37306	Alleged Dust - Ainslee St, New Plymouth	Complaint	Brian Marsden		RAQP Allowed	No Further Action
10 Dec 2018	3301-19-207 IN/37318	Alleged Cows in Stream - Normanby	Complaint	John Gane		RFWP Allowed	No Further Action
10 Dec 2018	3301-19-215 IN/37321	Alleged Discoloured sea and odour - Paora Road, Warea	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
10 Dec 2018	3301-19-206 IN/37348	Alleged Dust - Ainslee Street, New Plymouth	Complaint	Brian Marsden		RAQP Allowed	No Further Action
11 Dec 2018	3301-19-216 IN/37327	Alleged Odour - Tegel Feedmill - Paraita Road, New Plymouth	Complaint	Tegel Foods Limited		RAQP Allowed	No Further Action
11 Dec 2018	3301-19-212 IN/37425	Alleged Leaking effluent pond - Hoani Road, Okato	Complaint	Dermot & Kathleen Lawn	R2/0777-2	Consent Compliance	No Further Action
12 Dec 2018	3301-19-210 IN/37432	Alleged Odour - Tegel Feedmill - Paraita Road, New Plymouth	Complaint	Tegel Foods Limited		RAQP Allowed	No Further Action

Compliant Incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
14 Dec 2018	3301-19-224 IN/37362	Alleged Odour - Finnerty Road, Stratford	Complaint	Perrett OR & JM Trust	R2/3486-2	Consent Compliance	No Further Action
16 Dec 2018	3301-19-217 IN/37340	Alleged Poultry odour - Henwood Road, Lepperton	Complaint	Shane & Adele Ward		RAQP Allowed	No Further Action
17 Dec 2018	3301-19-218 IN/37431	Alleged Chemical Spill - Tarata Road, Tarata	Third Party Notification	Agtrans Ltd		RFWP Allowed	No Further Action
18 Dec 2018	3301-19-219 IN/37433	Alleged Odour - TBP - Okaiawa	Complaint	Taranaki By-Products Limited	R2/4058-2	Consent Compliance	No Further Action
19 Dec 2018	3301-19-220 IN/37349	Alleged Sediment controls - Junction Street, New Plymouth	Complaint	Ian Johnston		RFWP Allowed	No Further Action
20 Dec 2018	3301-19-223 IN/37387	Alleged Tree in river - Cardiff Road, Stratford	Complaint	Robert Henry & Audrey Bernadine Thompson		RFWP Allowed	No Further Action
21 Dec 2018	3301-19-226 IN/37436	Alleged Smoke - Richmond Road, Brixton	Complaint	Dene Sigley		RAQP Allowed	No Further Action
21 Dec 2018	3301-19-227 IN/37437	Alleged Hydraulic spill - Devon Street East, Fitzroy	Self-Notification	Tasman Toyota		RFWP Allowed	No Further Action
21 Dec 2018	3301-19-229 IN/37439	Alleged Bovine carcass - Junction Rd, Inglewood	Complaint	Gas & Plumbing Ltd		RFWP Allowed	No Further Action

Compliant Incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
23 Dec 2018	3301-19-230 IN/37440	Alleged Green stream - Watino Road, Opunake	Complaint	Ian Douglas Armstrong		Consent Compliance	No Further Action
24 Dec 2018	3301-19-231 IN/37372	Alleged Water quality - South Road, Hawera	Complaint	Un sourced		RFWP Allowed	No Further Action
26 Dec 2018	3301-19-233 IN/37374	Alleged Algae in stream - Upper Lepper Road, Inglewood	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
28 Dec 2018	3301-19-234 IN/37375	Alleged Odour - Rowan Road, Kaponga	Complaint	Un sourced		RAQP Allowed	No Further Action
29 Dec 2018	3301-19-235 IN/37376	Alleged Stormwater discharge - Scott Street, Hawera	Complaint	SMB Recyclers Ltd		RFWP Allowed	No Further Action
03 Jan 2019	3301-19-236 IN/37377	Alleged Piggery odour - South Road, Opunake	Complaint	Stanley Bros Trust		RAQP Allowed	No Further Action
04 Jan 2019	3301-19-237 IN/37379	Alleged Dust - Smart Road, New Plymouth	Complaint	Rocky Bay Holdings Limited		RAQP Allowed	No Further Action
04 Jan 2019	3301-19-240 IN/37386	Alleged Dust - Ainslee Street, New Plymouth	Complaint	Brian Marsden		RAQP Allowed	No Further Action

Compliant Incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
04 Jan 2019	3301-19-238 IN/37398	Alleged Odour - Mokau Road, Urenui	Complaint	Greenmantle Farm Limited /Keith Harvey		RAQP Allowed	No Further Action
07 Jan 2019	3301-19-239 IN/37385	Alleged Odour - Queen Street, New Plymouth	Complaint	Ozone Coffee Co.		RAQP Allowed	No Further Action
08 Jan 2019	3301-19-246 IN/37409	Alleged Stream bank collapse - Young Street, New Plymouth	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
09 Jan 2019	3301-19-244 IN/37402	Alleged Odour - TBP - Okaiawa	Complaint	Taranaki By-Products Limited	R2/4058-4	Consent Compliance	No Further Action
10 Jan 2019	3301-19-247 IN/37401	Alleged Sewage discharge - Cornwall Street, Patea	Complaint	Unsourced		RFWP Allowed	No Further Action
11 Jan 2019	3301-19-250 IN/37422	Alleged Roadside spraying - Kaka Road, Uruti	Complaint	Unsourced		RAQP Allowed	No Further Action
11 Jan 2019	3301-19-249 IN/37424	Alleged Unconsented truck wash - Kelly Street, Midhurst	Complaint	Ian and Sandra Crawford		RFWP Allowed	No Further Action
14 Jan 2019	3301-19-251 IN/37420	Alleged Sediment in drain - South Road, Pungarehu	Complaint	Geoffrey Charles & Julianna Margaret Knowles		Not Applicable/Natural Event	No Further Action

Compliant Incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
14 Jan 2019	3301-19-253 IN/37435	Alleged Green Kaupokonui Stream - Kaupokonui campground	Complaint	Unsourcd		RFWP Allowed	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
16 Mar 2018 <u>Update</u>	3301-19-047 IN/36779	PFAS investigation - NP Airport - New Plymouth	Self-Notification	New Plymouth District Council (9565)			No Further Action/Costs Recovered

Comments: Self-notification was received concerning the results of an investigation into the discharge of PFAS based fire fighting foams at the New Plymouth Airport, New Plymouth. Investigation undertaken has shown the area is compliant with the relevant provisions in the Resource Management Act 1991.

20 Jun 2018 <u>Update</u>	3301-19-043 IN/36776	PFAS investigation - Maui Production Station - Oaonui	Self-Notification	Shell Taranaki Limited (55084)	R2/0245-3		No Further Action At This Stage
------------------------------	---	---	-------------------	--------------------------------	-----------	--	------------------------------------

Comments: Self-notification was received concerning the results of an investigation into the discharge of PFAS based fire fighting foams at the Maui Production site at Oaonui. The investigation is ongoing.

20 Jun 2018 <u>Update</u>	3301-19-044 IN/36777	PFAS investigation - Oaonui Fire Training Centre - Oaonui	Self-Notification	M & O Pacific Limited trading as Wood Group Training (31375)	R2/1228-4		No Further Action At This Stage
------------------------------	---	---	-------------------	--	-----------	--	------------------------------------

Comments: Self-notification was received concerning the results of an investigation into the discharge of PFAS based fire fighting foams at the Oaonui Fire Training Centre at Oaonui. The investigation is ongoing.

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 Jun 2018 <u>Update</u>	3301-19-045 IN/36778	PFAS investigation - Paritutu Tank Farm - Omata	Self-Notification	Shell Taranaki Limited (55084)	R2/5542-2.0		No Further Action/Costs Recovered
Comments: Self-notification was received concerning the results of an investigation into the discharge of PFAS based fire fighting foams at the Paritutu Tank Farm at Omata. Investigation undertaken has shown the area is compliant with the relevant provisions in the Resource Management Act 1991.							
20 Jun 2018 <u>Update</u>	3301-19-046 IN/36780	PFAS investigation - Omata Tank Farm - Omata	Self-Notification	Shell Taranaki Limited (55084) Beach Energy Resources NZ (Kupe) Limited (56722) Methanex Motunui Limited (13448) New Zealand Oil Services Ltd (14707)	R2/1316-3.5		No Further Action/Costs Recovered
Comments: Self-notification was received concerning the results of an investigation into the discharge of PFAS based fire fighting foams at the Omata Tank Farm at Omata. Investigation undertaken has shown the area is compliant with the relevant provisions in the Resource Management Act 1991.							

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
01 Aug 2018 <u>Update</u>	3301-19-032 IN/36683	Produced water discharge - Waihapa Production Station - Pukengahu	Self-Notification	NZEC Waihapa Limited (37448) TWN Limited Partnership (50084)	R2/4094-2	EAC-22113 - Abatement Notice EAC-22109 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: Self-notification was received concerning a possible unauthorised discharge of produced water at the Waihapa Production Station at Pukengahu. An initial inspection was undertaken and it was found that produced water appeared to be coming to the surface on the site. A series of inspections have been undertaken. Photographs were taken. Samples of the discharge, surface waters, groundwater seeps and nearby groundwater monitoring wells were taken. Abatement notices were issued requiring the deep well injection activities at the site to cease, an investigation into the source of the discharge to be undertaken, and for action be taken to minimise potential adverse effects on the environment. Investigation into the source of the discharge is being undertaken. Onsite site investigations below ground have found no contamination as a result of the discharge. Ongoing monitoring is occurring.</p>							
20 Aug 2018 <u>Update</u>	3301-19-051 IN/36840	Stormwater discharge - SMB Recyclers - Scott St, Hawera	Complaint	SMB Recyclers Ltd (55474) Jason Churchill (56830)		EAC-22395 - Infringement Notice (\$750)	No Further Action/Costs Recovered
<p>Comments: A complaint was received concerning contaminated stormwater discharging from a scrap metal yard, into neighbouring residential properties on Burns Street, Hawera. Investigation found that there were contaminants discharging from the site which were likely to reach surface water. Samples and photographs were taken. The site was already the subject of an abatement notice. Analysis of samples found contravention of allowable limits in the Regional Fresh Water Plan for Taranaki. Staff were directed to stop the discharge from the site and the discharge was immediately stopped. A stormwater interceptor has since been installed.</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
04 Oct 2018 <u>Update</u>	3301-19-114 IN/37075	Earthworks in stream - State Highway 45, Pungerehu	Complaint	Geoffrey Charles & Julianna Margaret Knowles (11014) Grant Phillips (67945) Parihaka 24A Trust (67946)		EAC-22396 - Infringement Notice (\$500) EAC-22397 - Infringement Notice (\$500) EAC-22268 - Explanation Requested - Letter EAC-22270 - Explanation Requested - Letter EAC-22246 - Explanation Requested - Letter	No Further Action
<p>Comments: A complaint was received regarding earthworks being undertaken in an unnamed tributary of the Waitekaure Stream at South Road, Pungerehu. Investigation found that a significant amount of works had been undertaken in two unnamed tributaries of the Waitekaure Stream. The works consisted of clearing the stream, including the stream bed, in contravention of Rule 69 of the Regional Fresh Water Plan for Taranaki. Letters requesting explanation were sent.</p>							
11 Oct 2018 <u>Update</u>	330119-128 IN/37096	Groundwater discharge - NPDC - Wairau Stream	Self-Notification	New Plymouth District Council (9565)	R2/6114-1	EAC-22323 - Abatement Notice EAC-22325 - Abatement Notice EAC-22320 - Explanation Requested - Inspection Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: Self-notification was received, advising that during recommissioning of a groundwater bore approximately 12 cubic meters of rust coloured groundwater had discharged to a wetland at the headwaters of an unnamed tributary of the Wairau Stream at Oakura. An explanation was received. There was no evidence of environmental effects. New Plymouth District Council was advised to review procedures to ensure no further occurrences. Further information was received which showed that the condition of the bore could not be classified as secure as defined in the Drinking Water Standards for NZ 2005. Abatement notices were issued requiring any taking of ground water from the affected bore to cease and for testing to be undertaken and a report to be supplied to this Council. A suitably qualified person was engaged by NPDC to undertake an investigation of the groundwater bore and assess the integrity of the bore.</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
14 Oct 2018 <u>Update</u>	3301-19-132 IN/37178	Stock in stream - Puketapu E Block - Mahoetahi Road, Brixton	Complaint	Puketapu E Block Reserve (17456) Anaru Wilkie (67501)			No Further Action At This Stage

Comments: A complaint was received regarding stock in the Waiongana Stream at the end of Mahoetahi Road, Brixton. Investigation found that cattle had unrestricted access to the Waiongana Stream. Dairy effluent adjacent to the stream was likely to discharge into the stream. Photographs were taken. Abatement Notice EAC-22124 had previously been issued to the landowner requiring works to be undertaken to prevent stock entering the stream. At the time of inspection no measures had been put in place to prevent stock entering the stream, therefore the abatement notice was not being complied with. Further enforcement action is being considered.

15 Oct 2018 <u>Update</u>	3301-19-133 IN/37106	Burning Tyres - Bracegirdle - Rugby Road, Tariki	TRC Staff Notification	Stu Bracegirdle (67128)		EAC-22406 - Infringement Notice (\$300) EAC-22238 - Abatement Notice	No Further Action
------------------------------	---	--	---------------------------	-------------------------	--	---	-------------------

Comments: During unrelated monitoring it was found that tyres were being burnt on a fire at Rugby Road, Tariki. Approximately 15-20 car tyres, plastic and other unauthorised materials were in the fire burning in a pit. Photographs were taken. An abatement notice was issued requiring contaminants to be removed and disposed of appropriately. Reinspection found that the abatement notice was being complied with at the time of inspection.

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 Oct 2018 <u>Update</u>	3301-19-135 IN/37107	Stock in stream - Puketapu E Block - Mahoetahi Road, Brixton	Complaint	Puketapu E Block Reserve (17456) Anaru Wilkie (67501) Fern Brand (67990)		EAC-22263 - Abatement Notice	No Further Action At This Stage

Comments: A complaint was received regarding stock in the Waiongana Stream at the end of Mahoetahi Road, Brixton. At the time of inspection no stock were in the Waiongana Stream. However, it was evident that stock had been on the stream banks and within the stream recently. Abatement Notice EAC-22124 had previously been issued to the landowner requiring works to be undertaken to prevent stock entering the stream. At the time of inspection no measures had been put in place to prevent stock entering the stream, therefore the abatement notice was not being complied with. A further abatement notice was issued to the lessee requiring the same works.

20 Oct 2018 <u>Update</u>	3301-19-137 IN/37127	Green stream - Ihaia Road, Opunake	Complaint	Simon Drought (54037) Anura Subasanghe (68165) Kintyre Limited (27188)	R2/1641- 3.1	EAC-22291 - Explanation Requested - Letter EAC-22290 - Explanation Requested - Letter	Investigation Continuing
------------------------------	---	---------------------------------------	-----------	--	-----------------	--	-----------------------------

Comments: A complaint was received regarding the Otahi Stream running discoloured at Ihaia Road, Opunake. Investigation found partially treated dairy effluent discharging into the stream via a pipe from a dairy effluent holding pond. The discharge had resulted in discolouration of the stream. Immediate action was taken to cease the discharge and lower the level of the holding pond. Enforcement action is being considered.

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
24 Oct 2018 <u>Update</u>	3301-19-148 IN/37143	Unauthorised stream works - Stonehaven Farm - Pungarehu	Complaint	Bernard James & Raewynne Ann Lawn (1700) Stonehaven Farms Limited (24806) Brendon Gibson (67982)		EAC-22258 - Abatement Notice EAC-22259 - Abatement Notice	No Further Action/Costs Recovered

Comments: A complaint was received concerning unauthorised earthworks being undertaken at a property on Pungarehu Road, Pungarehu. Investigation found that the earthworks were in contravention of rules in the Regional Fresh Water Plan for Taranaki. Abatement notices were issued requiring works to cease and for rules to be complied with. Reinspection found that the abatement notices were being complied with at the time of inspection. A resource consent has been granted.

26 Oct 2018 <u>Update</u>	3301-19-151 IN/37155	Sewage odour - Wills Road, Bell Block	Complaint	New Plymouth District Council (9565)		EAC-22283 - Abatement Notice	No Further Action
------------------------------	---	---------------------------------------	-----------	--------------------------------------	--	------------------------------	-------------------

Comments: A complaint was received regarding sewage odour at Wills Road, Bell Block. An odour survey was undertaken and objectionable odour was found to be discharging from a bio-filter used to treat the odour generated at a sewage pumping station. New Plymouth District Council were already aware of the odour issue and were working with engineers to find a solution. An abatement notice was issued requiring works to be undertaken to ensure no objectionable odour discharges beyond the boundary of the site. Reinspection found that the abatement notice was being complied with at the time of inspection.

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
26 Oct 2018 Update	3301-19-152 IN/37189	Fire - Molten Metals - Centennial Drive, New Plymouth	Third Party Notification	Ian Roebuck Crane Hire Ltd (24490) Molten Metals Limited (24944)		EAC-22332 - Abatement Notice EAC-22299 - Explanation Requested - Letter EAC-22302 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered

Comments: Notification was received regarding an accidental fire at the Molten Metals scrap metal recycling facility on Centennial Drive, New Plymouth. Investigation found that a crane had collided with high voltage power wires while working at the site. This resulted in arcing and the ignition of scrap metal and associated material at the site. The fire resulted in the discharge of acrid black smoke across New Plymouth. The fire service were in attendance and applied water to the fire to extinguish it over a 16 hour period. Fire fighting water was directed to a single discharge point and a series of booms were deployed to control the discharge and recover hydrocarbons that were discharged. Soil and water samples were taken and are being analysed to assess any adverse effects as a result of the fire and associated activities. An abatement notice was issued requiring and investigation to be undertaken to determine the extent of soil contamination and to undertake works to remediate the area. Reinspection will be undertaken after 27 November 2019.

01 Nov 2018 Update	3301-19-155 IN/37186	Smoke - Crematorium - New Plymouth	TRC Staff Notification	New Plymouth District Council (9565)	R2/5205-2.0	EAC-22337 - Abatement Notice EAC-22274 - Explanation Requested - Inspection Notice	No Further Action At This Stage/Costs Recovered
------------------------------------	--------------------------------------	------------------------------------	------------------------	--------------------------------------	-------------	---	---

Comments: While driving past, a Council Officer noticed that black smoke was discharging from the New Plymouth Crematorium. Investigation found that the black smoke was being emitted during a cremation. The obscuration meter showed levels climbing to beyond 55%, in contravention of allowable consent levels of 2% at the Newton Cremator. Obscuration levels reduced to within resource consent limits after approximately 20 minutes, during the inspection. Smoke had dissipated by the end of inspection. An explanation was received. An abatement notice was issued requiring works to be undertaken to ensure compliance with Resource Consent 5205-2.0. Major works will be required to replace one of the cremators to comply with the notice. Ongoing monitoring will be undertaken to ensure compliance.

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
06 Nov 2018	3301-19-166 IN/37201	Green creek - Rowan Road, Kaponga	Complaint	Peter Denham (50706)	R2/1214-2	EAC-22288 - Abatement Notice EAC-22314 - Explanation Requested - Letter	Investigation Continuing

Comments: A complaint was received regarding Little Dunns Creek running green at Rowan Road, Kaponga. Inspection found the creek to be running green and odorous. The discharge was traced upstream to an oxidation pond system. Samples and photographs were taken. An abatement notice was issued requiring the discharge to cease. Reinspection the following day found the outlet pipe had been blocked and contractors were booked to pump out the oxidation ponds. The abatement notice was complied with. Further enforcement action is being considered.

06 Dec 2018	3301-19-203 IN/37310	Culvert consent breach - NPDC - New Plymouth	TRC Staff Notification	New Plymouth District Council (9565)	R2/7055-1		Investigation Continuing
-------------	---	--	------------------------	--------------------------------------	-----------	--	--------------------------

Comments: During unrelated monitoring it was found that fish passage was restricted on a culvert in an unnamed tributary of the Te Henui Stream, in New Plymouth. Enforcement action is being considered.

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
04 Jan 2019	3301-19-241 IN/37392	House fire debris - Turangi Road, Motonui	Complaint	Iris Ward (19337) Watson Irving (56203)		EAC-22446 - Abatement Notice EAC-22442 - Abatement Notice EAC-22443 - Abatement Notice EAC-22444 - Abatement Notice	Investigation Continuing

Comments: Notification was received concerning two abandoned derelict houses at the end of Turangi Road, near the coastal marine area, that had been burnt down the previous week. Investigation found that the two buildings had been burnt to the ground and there were parts of asbestos sheeting dispersed around the site. Abatement notices were issued to the owners of the properties requiring the burnt material that was likely to discharge to the coastal marine area to be removed. This was done and the abatement notices were complied with. A meeting was held between New Plymouth District Council (NPDC) and this Council. NPDC undertook to spray a polymer over the loose material and then remove all of the material within five days. Reinspection found that the site has been cleared of all materials.

08 Jan 2019	3301-19-242 IN/37391	Dust - STDC - Waina Road, Normanby	Complaint	South Taranaki District Council (9623)		EAC-22475 - Abatement Notice	Investigation Continuing
-------------	---	---------------------------------------	-----------	---	--	---------------------------------	-----------------------------

Comments: A complaint was received concerning dust from the roadway on Waina Road, Normanby. Investigation found that dust from the roadway was mobilising during wind and traffic movements. The dust was deemed to be objectionable and impacting on neighbouring properties. Evidence was gathered. An abatement notice was issued requiring the discharge of offensive or objectionable dust beyond the boundary of the road to cease. Reinspection will be undertaken after 20 February 2019.

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
08 Jan 2019	3301-19-243 IN/37396	Dust - SDC - Manganui Road, Stratford	Complaint	Stratford District Council (10048)			Investigation Continuing
<p>Comments: A complaint was received concerning dust discharging from a roadway on Manganui Road, Midhirst. Investigation found that dust from the roadway was mobilising during wind and traffic movements. The dust was deemed to be objectionable and impacting on a neighbouring property. Evidence was gathered. Enforcement action is being considered.</p>							
17 Jan 2019	3301-19-254 IN/37461	Green stream - Ardern - Eltham Road, Opuake	Complaint	Jonathan Ardern (55259)	R2/1382-3	EAC-22467 - Abatement Notice EAC-22465 - Explanation Requested - Inspection Notice	Investigation Continuing
<p>Comments: A complaint was received concerning the green discolouration of a stream flowing through a property on Eltham Road, Auroa. Investigation found that effluent from a farm irrigator had flowed into an unnamed tributary of the Otakeho Stream. A letter requesting explanation was sent. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 1 February 2019.</p>							
17 Jan 2019	3301-19-257 IN/37465	Palm kernel odour - Katere Road, New Plymouth	Complaint	Walker Group Partnership (12852) Freight & Bulk Transport Limited (9982)		EAC-22470 - Explanation Requested - Letter EAC-22471 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: A complaint was received regarding odour and dust from a grain storage facility on Katere Road, New Plymouth. Odour surveys were undertaken and an objectionable odour was found beyond the boundary of the property. The objectionable odour was in contravention of Abatement Notice EAC-22188 issued as a result of a previous incident. Letters requesting explanation were sent. Further enforcement action is being considered.</p>							

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
---------------	----------------------	---------------	--------	---------------------------	----------------	--------------	----------------

17 Sep 2018	3301-19-221 IN/37350	Water take breach - Trustpower - Inglewood	Self-Notification	TrustPower Limited-Taranaki Generation (9694)	R2/3369-2	EAC-22410 - Explanation Requested - Letter	No Further Action/Costs Recovered
-------------	---	--	-------------------	---	-----------	--	-----------------------------------

Comments: Self-notification was received concerning a breach of flow rate at watertake in the Manganui River, Inglewood. The flow was recorded at 5546 l/s (above the consented limit of 5200 l/s. A letter of explanation was received and accepted. The flow exceedance was for a very short duration (4 minutes), with no environmental impact.

06 Nov 2018	3301-19-163 IN/37209	Oil in Huatoki Stream - New Plymouth	Complaint	Jason Peacock (52842) Laughing Buddha (68467)		EAC-22296 - Abatement Notice	No Further Action
-------------	---	--------------------------------------	-----------	--	--	------------------------------	-------------------

Comments: A complaint was received regarding oil discharging into the Huatoki Stream at Huatoki Plaza, New Plymouth. Investigation found that there was an oily substance present in the stream. A discharge pipe was located and sampled. The contaminant was identified as grease and cooking oil, and was traced back through the reticulation system to a grease trap discharge associated with a restaurant. An abatement notice was issued to the building owner to undertake works to prevent the discharge of oil and grease into the Huatoki Stream. Reinspection found the abatement notice was being complied with at the time of inspection.

07 Nov 2018	3301-19-169 IN/37452	Green tributary - Finnerty Road, Cardiff	Complaint	Un sourced (9768)			No Further Action
-------------	---	--	-----------	-------------------	--	--	-------------------

Comments: A complaint was received regarding an unnamed tributary running 'green' near Finnerty Road, Cardiff. Investigation found the unnamed tributary was slightly discoloured. Inspections of upstream dairy farms were undertaken and no unauthorised discharges could be found. The tributary cleared during the inspection.

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
08 Nov 2018	3301-19-177 IN/37210	PKE discharge - De Havilland Drive, Bell Block	TRC Staff Compliance Monitoring	ADM New Zealand Limited (68465)			No Further Action At This Stage
<p>Comments: During unrelated monitoring it was found that best practise was not being undertaken at a grain storage facility site at Vampire Place, Bell Block. Product was being tracked from the shed into the yard where it was likely to discharge into stormwater drains. The Company is investigating/considering their options to determine whether they can operate under Rule 23 of the Regional Fresh Water Plan for Taranaki or require a resource consent. In the meantime, operations within the shed have been changed to minimise tracking of product from the shed.</p>							
11 Nov 2018	3301-19-172 IN/37234	Cows in stream - Mahoetahi Road, Brixton	Complaint	Gavin & Linda Jones (1800)		EAC-22309 - Abatement Notice EAC-22310 - Explanation Requested - Letter	No Further Action
<p>Comments: A complaint was received concerning cows in the Mangaoraka Stream at Mahoetahi Road, Brixton. Investigation found that cows were on the stream bank and likely to enter the stream. An abatement notice was issued requiring works to be undertaken to prevent stock from entering the stream. Reinspection found that the notice was being complied with at the time of inspection.</p>							

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Nov 2018	3301-19-182 IN/37260	Soil contamination - Connett Road, Bell Block	Complaint	Bloore & Piller (68371) ICE Properties (68428)		EAC-22390 - Abatement Notice EAC-22393 - Abatement Notice EAC-22398 - Explanation Requested - Letter EAC-22399 - Explanation Requested - Letter	No Further Action At This Stage

Comments: Notification was received regarding chemicals being disposed of onto land at a site at Connett Road, Bell Block. Investigation found that some chemicals had been discharged onto land and contamination was evident. A series of samples of the soil were taken. Analysis of samples found that the soil was contaminated above allowable limits. An abatement notice was issued requiring the area of contaminated soil to be banded, the containers of chemicals on the contaminated soil to be relocated to a banded area and for stormwater from within the banded areas to be captured and tested and disposed of in an approved manner. Reinspection found that the abatement notice was being complied with at the time of inspection.

14 Nov 2018	3301-19-173 IN/37236	Stock in stream - Mahoetahi Road, Brixton	Complaint	Fern Brand (67990) Gary Nagel (68319)			No Further Action At This Stage
-------------	---	---	-----------	--	--	--	------------------------------------

Comments: A complaint was received concerning stock accessing the Waiongana Stream at the end of Mahoetahi Road, Brixton. Investigation found that there were no stock on the stream bank and no evidence of any contaminants in the stream at the time of inspection. However, works required in Abatement Notice EAC-22263, issued as a result of a previous incident, had not yet been undertaken (refer IN/37236 below)

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Nov 2018	3301-19-174 IN/37238	Stock in stream - Mahoetahi Road, Brixton	TRC Staff Notification	Fern Brand (67990) Gary Nagel (68319)		EAC-22408 - Infringement Notice (\$750)	No Further Action
Comments: A complaint was received concerning stock in a Waiongana Stream at the end of Mahoetahi Road, Brixton. Investigation found stock were on the river bank and had unimpeded access to the Waiongana Stream. There was evidence that stock had been in the stream and contaminants were likely to discharge to the stream. Works required by Abatement Notice EAC-22263 had not been undertaken Photographs and videos were taken.							
15 Nov 2018	3301-19-175 IN/37239	Sewage discharge - NPDC - Bell Block	Complaint	New Plymouth District Council (9565)		EAC-22316 - Explanation Requested - Letter	No Further Action/Costs Recovered
Comments: A complaint was received concerning a sewage discharge from a sewage pump station into the Mangati Stream. Investigation found that a power outage had caused the sewage pump station to fail causing a discharge of untreated sewage into the stream. New Plymouth District Council did not notify this Council at the time and notification was received the following day. At the time of inspection there was no evidence of any discharge and signs had been erected as per the contingency plan.							
15 Nov 2018	3301-19-183 IN/37462	Hydrocarbon spill - Pendarves Street, New Plymouth	Self-Notification	Envirowaste Services Limited (51916)		No Enforcement Action - Statutory defence	No Further Action
Comments: Self-notification was received concerning a hydrocarbon spill on Pendarves Street, New Plymouth. Investigation found that hydraulic fluid had discharged from a damaged hose on a rubbish truck. The hydraulic oil was contained and recovered by the Company. There were no effects on the receiving environment.							

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Nov 2018	3301-19-178 IN/37247	Sewage discharge - Harris Street, Waitara	Complaint	City Care (31230)			No Further Action
<p>Comments: Notification was received concerning a sewage overflow that had occurred at a residential property on Harris Street, Waitara, where untreated sewage had entered water. Investigation found that a blockage had occurred causing an overflow of sewage into a small body of water behind the residential property. City Care had contracted a company to unblock and clean excess sewage. At the time of inspection the waterbody was running clear and no discharge was occurring. The contingency plan was being followed.</p>							
26 Nov 2018	3301-19-186 IN/37268	Backyard burning - Egmont Street, Hawera	Complaint	Peter Cox (68372)			No Further Action
<p>Comments: A complaint was received concerning backyard burning at a property at Egmont Street, Hawera. Investigation found that a very small fire of lavender bush cuttings was occurring. The property owners were an elderly couple and were unaware of the rules around back yard burning. Advice was given and there were no off-site effects. The fire was extinguished at the time of inspection.</p>							
01 Dec 2018	3301-19-202 IN/37307	Sewage overflow - Mangati Road - Bell Block	Self-Notification	New Plymouth District Council (9565)	R2/0882-4		No Further Action/Costs Recovered
<p>Comments: Self-notification was received from New Plymouth District Council that a sewage overflow from a pumping station had occurred at Mangati Road, Bell Block. The notification was not received until well after the event. Inspection undertaken well after the event found no signs of any discharge and signs had been erected, as per the contingency plan.</p>							

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
03 Dec 2018	3301-19-196 IN/37288	Dairy effluent - DB Farms - SH3, Normanby	TRC Staff Notification	DB Farms (22803)			No Further Action/Costs Recovered
Comments: During unrelated monitoring it was found that a dairy effluent travelling irrigator was discharging effluent beyond the boundary of the property at State Highway 3, Normanby. No contaminants discharged to any waterbody. Advice and information was given around best practice. A copy of the resource consent and photos were sent to consent holder. Reinspection later in the day found that the irrigator had been moved.							
06 Dec 2018	3301-19-204 IN/37312	Green stream - Arawhata Road, Opunake	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received about a 'green' stream on Arawhata Road, Opunake. Investigation found that the stream was slightly discoloured. However, despite extensive investigation no unauthorised discharges could be found.							
06 Dec 2018	3301-19-205 IN/37313	Sewage discharge - STDC - High Street, Hawera	Self-Notification	South Taranaki District Council (9623)			No Further Action
Comments: Self-notification was received concerning a sewage overflow from the High Street Pump Station in Hawera. Investigation found that due to a power outage a discharge had occurred for a small duration of time. Clean up had been undertaken by the time of inspection and signs had been erected.							

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Dec 2018	3301-19-208 IN/37320	Culvert installation - Beaconsfield Road, Stratford	TRC Staff Compliance Monitoring	Craig Hicks (28293)		EAC-22400 - Abatement Notice	No Further Action At This Stage
<p>Comments: During an advice and information inspection it was found that a culvert had been installed without the required resource consent being obtained, at a property on Beaconsfield Road, Stratford. Investigation found that best practicable option had not been taken to ensure that no sediment discharged into any waterbody. A significant amount of sediment was deposited into two tributaries. A retrospective consent is being applied for. An abatement notice was issued requiring the sediment to be removed from the tributaries, and silt and sediment controls need to be installed to prevent reoccurrence. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
11 Dec 2018	3301-19-209 IN/37325	Dust - Smart Road, New Plymouth	Complaint	Rocky Bay Holdings Limited (55082)		EAC-22380 - Abatement Notice	No Further Action
<p>Comments: A complaint was received concerning dust discharging from a clean fill site on Smart Road, New Plymouth. An investigation into the complaint found offensive levels of dust discharging beyond the boundary of a clean fill and affecting a neighbouring property. An abatement notice was issued requiring works to be undertaken to ensure no objectionable or offensive dust discharges beyond the boundary of the property. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
11 Dec 2018	3301-19-211 IN/37326	Stock crossing stream - Opua Road, Hawera	Complaint	John O'Rorke (2724)			No Further Action
<p>Comments: A complaint was received regarding stock crossing the Okawe Stream at Opua Road. Investigation found there was no stock in the stream at the time of inspection, however there was evidence that stock were crossing through the stream. The lease holder was spoken to and agreed to use an alternative race further down the road to access paddocks on the southern side of the stream.</p>							

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
13 Dec 2018	3301-19-214 IN/37339	Oil in Huatoki Stream - New Plymouth	Complaint	Jason Peacock (52842) Laughing Budda (68467)		EAC-22409 - Abatement Notice	No Further Action At This Stage/ Costs Recovered

Comments: A complaint was received concerning a bad smell and oil discharging into the stream at Huatoki Plaza, New Plymouth. Investigation found that grease trap waste was discharging into the Huatoki Stream from a grease trap belonging to a restaurant in the area. The cause was due to inappropriate disposal of food waste, causing the exit pipe within the trap to block with bones. An abatement notice was issued to the lease holder requiring works to be undertaken to ensure that no contaminants discharge to any waterbody. Reinspection found the abatement notice was being complied with at the time of inspection.

13 Dec 2018	3301-19-213 IN/37388	Green Waiwhakaiho River - Egmont Village	Complaint	Unsourced (9768)			No Further Action
-------------	-------------------------	--	-----------	------------------	--	--	-------------------

Comments: A complaint was received concerning the Waiwhakaiho River running 'green'. Extensive investigation could not locate the source of discolouration. It is possible that the discoloration was not dairy effluent as it appeared as a grey colour with no odour.

19 Dec 2018	3301-19-222 IN/37353	Rubbish in Tongaporutu River - Ahititi.	Complaint	Unsourced (9768)			No Further Action
-------------	-------------------------	---	-----------	------------------	--	--	-------------------

Comments: A complaint was received concerning rubbish bags being dumped in the Tongaporutu River at Oakau Road, Ahititi. Investigation found that one rubbish bag had been removed and the other was in the process of being removed.

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
21 Dec 2018	3301-19-225 IN/37429	Bovine carcass - Waiau River - Opunake	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received concerning a bovine carcass in the Waiau River behind the lake near State Highway 45, Opunake. Investigation found the carcass was in the stream, downstream of the road bridge. However, during the course of tracing the owner the carcass had either washed away or was removed and could not be traced.							
21 Dec 2018	3301-19-228 IN/37438	Hydrocarbon spill - Methanex - Port Taranaki, New Plymouth	Self-Notification	Methanex New Zealand Limited (10050)		No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
Comments: Notification was received from Port Taranaki concerning a spill of hydraulic oil on the Newton King Tanker Terminal at Port Taranaki, New Plymouth. Investigation found that during a loading operation of methanol, a hydraulic hose had burst and discharged approximately 30 litres of hydraulic oil onto the tanker terminal. Approximately 20 litres had discharge into the sea. The spill was contained using sorbent booms and recovered.							
25 Dec 2018	3301-19-232 IN/37373	Green stream - Omuturangi Road, Oeo	Complaint	Unsourced (9768)			No Further Action
Comments: A compliant was received regarding the Rawa Stream running 'green' at Omuturangi Road, Oeo. Investigation found that the stream was beginning to clear up during the inspection. Despite extensive investigation no unauthorised discharges could be found.							

Non-Compliant incidents for the period 02 Nov 2018 to 17 Jan 2019

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
08 Jan 2019	3301-19-245 IN/37403	Smoke - Westown Horticultural - Westown, New Plymouth	Complaint	Westown Horticulture Ltd (15091)		No Enforcement Action - Statutory defence	No Further Action
Comments: Multiple complaints were received concerning smoke discharging from a fire at a horticultural site at Westown, New Plymouth. Investigation found that a pile of bark had caught fire through spontaneous combustion or sabotage and smoke was discharging beyond the boundary of the site affecting neighbouring properties. After several days of trying to extinguish it the fire was eventually brought under control by the New Zealand Fire Service.							
10 Jan 2019	3301-19-248 IN/37400	Backyard burning - South Road, New Plymouth	Complaint	Un sourced (9768)			No Further Action
Comments: A complaint was received concerning plastics being burnt at a property on South Road, New Plymouth. Investigation found that the property was a residential property smaller than 5000m2 in the urban defined area and therefore NPDC were advised to follow this up.							
16 Jan 2019	3301-19-252 IN/37428	Dairy effluent - Denby Road, Hawera	Complaint	Dean & Alison Smith (10807)	R2/5645-2.0	EAC-22457 - Explanation Requested - Letter	No Further Action/Costs Recovered
Comments: A complaint was received regarding a travelling irrigator discharging onto Denby Road, Hawera. Investigation found that at the time of inspection the travelling irrigator was not operating and the conditions were extremely windy. However, there was evidence that effluent had discharged beyond the boundary onto Denby Road. A letter requesting an explanation was sent. The response outlined the discharge occurred due to increasing wind conditions and the irrigator was stopped as soon as the problem was discovered.							

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
02 Aug 2018 Update	332119-021 ENF-21642	Office Assessment	Non-compliance	Ample Group Limited (52845)	R2/7662-1	EAC-22137 - Explanation Requested - Letter	No Further Action/Costs Recovered
Comments: During analysis of data during routine monitoring it was found that there was a four month gap in data received in relation to date, time, pumping and rate of discharge, and the volume of discharge. Also no staff gauges readings were received for the monitoring year, as required by special condition 22 of Resource Consent 7662-1. A letter of explanation was received and accepted. There was no environmental effects.							
13 Aug 2018 Update	332119-041 ENF-21672	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/9282-1	EAC-22277 - Explanation Requested - Inspection Notice	No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that a dam had not been constructed within resource consent conditions, at Brooklands Road, New Plymouth. The spillway was not constructed in accordance with the drawing supplied with the consent application, erosion had occurred at the downstream face of the dam and at the downstream end of the fish pass. A letter of explanation was received and accepted. They have undertaken to carry out works to ensure consent compliance.							
05 Sep 2018 Update	332119-044 ENF-21673	Compliance Monitoring Insp.	Non-compliance	Tania Jenna Brown (16070)	R2/5473-1		Investigation Continuing
Comments: During a consent renewal inspection it was found that a weir was not operating within resource consent conditions at State Highway 45, Tataraimaka. Fish passage had not been maintained as required by resource consent conditions.							

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Sep 2018 Update	332119-050 ENF-21685	Annual Inspection	Significant non-compliance	SJ & JL Fevre Trusts Partnership (23156)	R2/1132-3	EAC-22411 - Infringement Notice (\$750) EAC-22218 - Explanation Requested - Inspection Notice	No Further Action At This Stage/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Auroa Road, Manaia and was also in contravention of Abatement Notice EAC-21292 issued as a result of a previous non-compliance. A letter requesting explanation was sent.

12 Sep 2018 Update	332119-047 ENF-21686	Annual Inspection	Significant non-compliance	Allan & Gael Muller (3331)	R2/3508-2	EAC-22413 - Infringement Notice (\$750) EAC-22196 - Abatement Notice EAC-22294 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
------------------------------------	--------------------------------------	-------------------	----------------------------	----------------------------	---------------------------	---	---

Comments: During analysis of samples (21 September 2018), taken during the annual dairy inspection round (12 September 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Hukatere Road, Patea. An abatement notice was issued requiring works to be undertaken to the dairy effluent disposal system to ensure compliance with conditions of Resource Consent 3508-2. Reinspection found that the abatement notice was being complied with at the time of inspection. A letter requesting explanation was sent.

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
25 Sep 2018 Update	332119-090 ENF-21751	Compliance Monitoring Insp.	Non-compliance	Freight & Bulk Transport Limited (9982)	R2/10008-1.0		No Further Action At This Stage/Costs Recovered

Comments: During a compliance monitoring inspection it was found that a significant amount of palm kernel product had been tracked into the yard and various stormwater collection points in breach of special condition 1 of the resource consent at a freight yard at Katere Road, New Plymouth. Also at the time truck loading was occurring resulting in a significant amount of palm kernel discharge to air and beyond the site boundary. Abatement notices were issued requiring compliance at all time with Resource Consent 10008-1.0 and the Regional Air Quality Plan for Taranaki. Reinspection found that the resource consent and abatement notices were being complied with at the time of inspection.

26 Sep 2018 Update	332119-089 ENF-21742	Compliance Monitoring Insp.	Non-compliance	Waverley Sawmills Limited (4249)	R2/7342-2.1 R2/6412-1 R2/6413-2.1		No Further Action/Costs Recovered
------------------------------------	--------------------------------------	-----------------------------	----------------	----------------------------------	---	--	-----------------------------------

Comments: During a routine monitoring inspection at a wood waste disposal site in Waverley, it was found that the water in the tributary was impounded upstream of the weir with the water level above the base of the wood waste fill. This results in the potential for leachate generation and is non-compliant with resource consent 6412-1. It was also found that approximately half of the fill area had been returned to agricultural use despite not having been capped to the requirements of the resource consent 6413-2.1. Significant pugging was observed resulting in the potential for ponding and leachate generation, which is non-complaint with resource consent 6413-2.1 and resource consent 7342-2.1. An explanation was received. Extensive works have been undertaken at the site to ensure consent compliance.

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
03 Oct 2018 Update	332119-060 ENF-21711	Annual Inspection	Significant non-compliance	Phillip & Adrienne Kensington (1991)	R2/1681-3	EAC-22414 - Infringement Notice (\$750) EAC-22237 - Abatement Notice EAC-22295 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (17 October 2018), taken during the annual dairy inspection round (3 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Nopera Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with Resource Consent 1681-3. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
04 Oct 2018 Update	332119-052 ENF-21695	Compliance Monitoring Insp.	Non-compliance	Intergroup Limited (50186)	R2/7468-1.4	EAC-22401 - Infringement Notice (\$1,000) EAC-22216 - Abatement Notice EAC-22215 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During compliance monitoring it was found that resource consent conditions were not being met at a dry blasting site at Colson Road, New Plymouth. A build up of blasting media was found on the ground and beyond the boundary of the property. The scrubber appeared to be not working and lacked maintenance. An abatement notice was issued requiring works to be undertaken to comply with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
08 Oct 2018 Update	332119-075 ENF-21726	Annual Inspection	Non-compliance	Neville Lynsay & Beverley Louisa Ardern (3462)	R2/0419-3.2	EAC-22261 - Explanation Requested - Letter	No Further Action/Costs Recovered
Comments: During analysis of samples (23 October 2018), taken during the annual dairy inspection round (08 October 2018), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Kiri Road, Te Kiri and was also in contravention of Abatement Notice EAC-21391 issued as a result of a previous non-compliance. A letter requesting explanation was sent. Reinspection found that the abatement notice was being complied with at the time of inspection.							
08 Oct 2018 Update	332119-087 ENF-21729	Annual Inspection	Significant non-compliance	Mr Simon O'Sullivan (28324)	R2/0854-2.1	EAC-22416 - Infringement Notice (\$750) EAC-22264 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Dalziell Road, Eltham and was also in contravention of Abatement Notice EAC-21990 issued as a result of a previous non-compliance. A letter requesting explanation was sent.							
09 Oct 2018 Update	332119-056 ENF-21703	Annual Inspection	Significant non-compliance	Watino Limited (51147)	R2/1922-3.0	EAC-22402 - Infringement Notice (\$750) EAC-22230 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Kiri Road, Te Kiri and was also in contravention of Abatement Notice EAC-21391 issued as a result of a previous non-compliance. A letter requesting explanation was sent.							

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
09 Oct 2018 Update	332119-062 ENF-21724	Annual Inspection	Significant non-compliance	Jeffrey Jane (67977)	R2/0574-2	EAC-22417 - Infringement Notice (\$750) EAC-22254 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During analysis of samples (24 October 2018), taken during the annual dairy inspection round (9 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Turu Road, Oaonui. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with Resource Consent 0574-2. Reinspection found that the abatement notice was being complied with at the time of inspection.

10 Oct 2018 Update	332119-076 ENF-21740	Annual Inspection	Significant non-compliance	Eric Graham & Diane Mary Ardern (2150)	R2/1917-3.0	EAC-22418 - Infringement Notice (\$750) EAC-22280 - Abatement Notice EAC-22292 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
------------------------------------	--------------------------------------	-------------------	----------------------------	--	-----------------------------	---	---

Comments: During analysis of samples (2 November 2018), taken during the annual dairy inspection round (10 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Kiri Road, Te Kiri. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with Resource Consent 1917-3.0. Reinspection will be undertaken after 15 January 2019.

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Oct 2018 Update	332119-063 ENF-21725	Annual Inspection	Significant non-compliance	ON Estate & RI Johns (2967)	R2/1445-3	EAC-22420 - Infringement Notice (\$750) EAC-22255 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Watino Road, Opunake and was also in contravention of Abatement Notice EAC-21450 issued as a result of a previous non-compliance. A letter requesting explanation was sent.

29 Oct 2018 Update	332119-072 ENF-21738	Annual Inspection	Significant non-compliance	Mr Ross John Sinclair (16328)	R2/1378-3	EAC-22278 - Abatement Notice	Investigation Continuing
------------------------------------	--------------------------------------	-------------------	----------------------------	-------------------------------	---------------------------	------------------------------	--------------------------

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Opua Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with Resource Consent 1378-3 and to comply with Rule 35 of the Regional Fresh Water Plan for Taranaki. Reinspection found that the abatement notice was only partially being complied with and further works were to be undertaken. A further inspection will be undertaken after 1 February 2019. Further enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Sep 2018	332119-074 ENF-21763	Annual Inspection	Non-compliance	Michael D Burr Trust (34606)	R2/3956-2	EAC-22311 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21289 issued as a result of a previous non-compliance at Salisbury Road, Midhurst. A letter requesting explanation was sent.</p>							
04 Oct 2018	332119-093 ENF-21760	Annual Inspection	Non-compliance	Langlands Farms Limited (2811)	R2/2969-2	EAC-22307 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21425 issued as a result of a previous non-compliance at Waiteika Road, Te Kiri. A letter requesting explanation was sent. Further enforcement action is being considered.</p>							
09 Oct 2018	332119-091 ENF-21758	Riparian Inspection	Non-compliance	TPJ Partnership (12834)	R2/10209-1.0		Investigation Continuing
<p>Comments: During routine monitoring, it was found that the riparian planting required by resource consent conditions had not been completed. Special conditions 8 requires that 3000 metres of the stream bank be fenced and planted by June 2018. It was found that 2475 metres had been completed. There is a further 1140 metres (in addition to the 525 metres outstanding) required by June 2019. An explanation has been requested. Enforcement action is being considered.</p>							

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
16 Oct 2018	332119-132 ENF-21764	Annual Inspection	Significant non-compliance	Mr John O'Rorke (2724)	R2/2249-3.0	EAC-22421 - Infringement Notice (\$750) EAC-22312 - Abatement Notice EAC-22313 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (16 November, 2018), taken during the annual dairy inspection round (16 October, 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Lower Kina Road, Oaonui. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 16 January, 2019.</p>							
17 Oct 2018	332119-097 ENF-21769	Annual Inspection	Non-compliance	Graeme & Kathryn Zimmerman (2620)	R2/2659-2	EAC-22322 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (23 November, 2018) taken during the annual dairy inspection round (19 October, 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating with resource consent conditions at New Road, Huinga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 20 February 2018</p>							
17 Oct 2018	332119-095 ENF-21776	Annual Inspection	Non-compliance	Washer & Co Limited (1629)	R2/4479-2	EAC-22427 - Infringement Notice (\$750) EAC-22330 - Explanation Requested - Letter	No Further Action/Costs Recovered

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
-----------------	--------------------	-----------------	-------------------	---------------------------	----------------	--------------	----------------

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21478 issued as a result of a previous non-compliance at Turu Road, Oanui. A letter requesting explanation was sent.

17 Oct 2018	332119-111 ENF-21774	Annual Inspection	Non-compliance	Mr Bryce Savage (52069)	R2/1660-3	EAC-22327 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	-------------------------	-----------	------------------------------	---

Comments: During analysis of samples (23 November 2018), taken during the annual dairy inspection round (17 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Bird Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 28 January 2019.

17 Oct 2018	332119-096 ENF-21765	Annual Inspection	Non-compliance	Clinton & Karen Roberts (17061)	R2/3590-2	EAC-22315 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	---------------------------------	-----------	------------------------------	---

Comments: During analysis of samples (19 November 2018), taken during the annual dairy inspection round (17 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Raupuha Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 28 January 2019.

18 Oct 2018	332119-120 ENF-21777	Annual Inspection	Non-compliance	BR Bevan Trust No 1 (35815)	R2/1107-3	EAC-22331 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	-----------------------------	-----------	------------------------------	---

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
-----------------	--------------------	-----------------	-------------------	---------------------------	----------------	--------------	----------------

Comments: During analysis of samples (26 November 2018) taken during the annual dairy inspection round (18 October 2018) it was found that farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Ihaia Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 20 February 2019.

19 Oct 2018	332119-116 ENF-21768	Annual Inspection	Non-compliance	David Ralph & Ann Janette Gibson (2935)	R2/3177-2	EAC-22317 - Abatement Notice EAC-22318 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	---	-----------	--	---

Comments: During analysis of samples (13 November 2018), taken during the annual dairy inspection round (19 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Ihaia Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 20 February 2019. A letter requesting explanation was sent.

19 Oct 2018	332119-101 ENF-21783	Annual Inspection	Non-compliance	Kuklinski Family Trusts Partnership (12659)	R2/0675-3	EAC-22338 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	---	-----------	------------------------------	---

Comments: During analysis of samples (27 November 2018), taken during the annual dairy inspection round (19 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Lower Lepper Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 27 February 2019.

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Oct 2018	332119-133 ENF-21781	Annual Inspection	Significant non-compliance	Roger & Colleen Burr (9791)	R2/4321-2	EAC-22422 - Infringement Notice (\$750) EAC-22334 - Abatement Notice EAC-22335 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (26 November 2018), taken during the annual dairy inspection round (19 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Wingrove Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 26 February 2018. A letter requesting explanation was sent.</p>							
24 Oct 2018	332119-100 ENF-21784	Annual Inspection	Non-compliance	Bryan Jon & Leanne Maree Bailey (10534)	R2/1052-3.0	EAC-22339 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (27 November 2018), taken during the annual dairy inspection round (24 October 2018) it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Poto Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertake after 27 February 2019.</p>							

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
-----------------	--------------------	-----------------	-------------------	---------------------------	----------------	--------------	----------------

25 Oct 2018	332119-106 ENF-21789	Annual Inspection	Significant non-compliance	Mary Campbell (3725)	R2/1768-3	EAC-22425 - Infringement Notice (\$750) EAC-22342 - Explanation Requested - Letter	No Further Action/Costs Recovered
-------------	-------------------------	-------------------	----------------------------	----------------------	-----------	---	-----------------------------------

Comments: During analysis of samples (27 November 2018), taken during the annual dairy inspection round (25 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating with resource consent conditions and was also in contravention of an abatement notice issued as a result of a previous non-compliance at Junction Road, Inglewood. A letter requesting explanation was sent.

25 Oct 2018	332119 - 134 ENF-21790	Annual Inspection	Significant non-compliance	Kevin James & Helen Lorraine Uhlenberg (2452)	R2/1806-3.0	EAC-22424 - Infringement Notice (\$750) EAC-22344 - Explanation Requested - Letter	No Further Action/Costs Recovered
-------------	---------------------------	-------------------	----------------------------	---	-------------	---	-----------------------------------

Comments: During analysis of samples (28 November 2018), taken during the annual dairy inspection round (25 October 2018), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21801 issued as a result of a previous non-compliance at Rugby Road, Inglewood. A letter requesting explanation was sent.

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
26 Oct 2018	332119-107 ENF-21792	Annual Inspection	Significant non-compliance	Stephen & Janet Andrews (9328)	R2/2408-2	EAC-22423 - Infringement Notice (\$750) EAC-22346 - Abatement Notice EAC-22347 - Explanation Requested - Letter	No Further Action At This Stage/ Costs Recovered
<p>Comments: During analysis of samples (28 November 2018), taken during the annual dairy inspection round (26 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Upland Road, Egmont Village. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 22 January 2019. A letter requesting explanation was sent.</p>							
29 Oct 2018	332119-103 ENF-21793	Annual Inspection	Significant non-compliance	Mr Richard J Uhlenberg (22085)	R2/0688-3.0	EAC-22428 - Infringement Notice (\$750) EAC-22348 - Explanation Requested - Letter	No Further Action/ Costs Recovered
<p>Comments: During analysis of samples (28 November 2018), taken during the annual dairy inspection round (29 October 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at York Road, Stratford. A letter requesting explanation was sent.</p>							

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
30 Oct 2018	332119-104 ENF-21794	Annual Inspection	Non-compliance	Neil Laurence & Kim Stephanie Bailey (4484)	R2/4398-2	EAC-22349 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Upper Duthie Road, Mahoe. A letter requesting explanation was sent. Enforcement action is being considered.</p>							
31 Oct 2018	332119-117 ENF-21797	Annual Inspection	Non-compliance	Stephen Colin & Kaye Marie Mourie (2506)	R2/2467-3.0	EAC-22350 - Abatement Notice EAC-22351 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (28 November 2018) taken during the annual dairy inspection round (31 October 2018) it was found that the farm dairy effluent oxidation pond disposal system was not operating with resource consent conditions at Opua Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 20 January 2019.</p>							
02 Nov 2018	332119-113 ENF-21803	Annual Inspection	Significant non-compliance	Ian William & Kay Denise Shearer (3557)	R2/0756-3.0	EAC-22430 - Infringement Notice (\$750) EAC-22360 - Abatement Notice EAC-22362 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
-----------------	--------------------	-----------------	-------------------	---------------------------	----------------	--------------	----------------

Comments: During analysis of samples (4 December 2018), taken during the annual dairy inspection round (2 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at East Road, Toko. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 1 February 2019. A letter requesting explanation was sent.

02 Nov 2018	332119-123 ENF-21817	Annual Inspection	Significant non-compliance	Oud-Ade Farms Limited (24792)	R2/1457-3	EAC-22431 - Infringement Notice (\$750) EAC-22374 - Abatement Notice EAC-22373 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------------------	-------------------------------	-----------	---	---

Comments: During analysis of samples (4 December 2018), taken during the annual dairy inspection round (2 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Lower Parihaka Road, Pungarehu. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 7 February 2019. A letter requesting explanation was sent.

02 Nov 2018	332119-099 ENF-21785	Annual Inspection	Non-compliance	Iain Craig & Katherine Anne Sextus (19252)	R2/0796-2	EAC-22340 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	--	-----------	------------------------------	---

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
-----------------	--------------------	-----------------	-------------------	---------------------------	----------------	--------------	----------------

Comments: During analysis of samples (28 November 2018), taken during the annual dairy inspection round (2 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at East Road, Toko. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 28 January 2019.

05 Nov 2018	332119-121 ENF-21807	Annual Inspection	Significant non-compliance	Catherine Maude Mullin (51933) John Richard & Catherine Maude Mullin (52487) John Richard Mullin (51932)	R2/1842-3	EAC-22433 - Infringement Notice (\$750) EAC-22364 - Abatement Notice EAC-22365 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------------------	--	-----------	---	---

Comments: During analysis of samples (4 December 2018), taken during the annual dairy inspection round (5 November 2018) it was found that the farm dairy effluent oxidation pond disposal system was not operating with resource consent conditions at 150 Opua Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 30 January 2018. A letter requesting explanation was sent.

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
05 Nov 2018	332119-122 ENF-21815	Annual Inspection	Significant non-compliance	Daniel Kennedy (68424)	R2/2087-2	EAC-22434 - Infringement Notice (\$750) EAC-22371 - Abatement Notice EAC-22405 - Abatement Notice EAC-22370 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered

Comments: During analysis of samples (5 December 2018), taken during the annual dairy inspection round (2 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Durham Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 7 February 2019. A letter requesting explanation was sent.

05 Nov 2018	332119-119 ENF-21802	Annual Inspection	Significant non-compliance	Kevin Riley (15624)	R2/3858-2	EAC-22359 - Explanation Requested - Letter	Investigation Continuing
-------------	-------------------------	-------------------	----------------------------	---------------------	-----------	--	--------------------------

Comments: During analysis of samples (3 December 2018), taken during the annual dairy inspection round (5 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21681 issued as a result of a previous non-compliance at Tarata Road, Inglewood. A letter requesting explanation was sent. Enforcement action is being considered.

06 Nov 2018	332119-156 ENF-21814	Annual Inspection	Non-compliance	Craig William & Michelle Ann Jonas (2625)	R2/3507-2	EAC-22369 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	---	-----------	------------------------------	---

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<p>Comments: During analysis of samples (4 December 2018), taken during the annual dairy inspection round (6 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Kaimata South Road, Kaimata. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 7 February 2018.</p>							
06 Nov 2018	332119-124 ENF-21818	Annual Inspection	Non-compliance	Anthony Jerome & Denise Isobel Dravitzki (29604)	R2/1689-3	EAC-22378 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (4 December 2018), taken during the annual dairy inspection round (6 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Kaimata Road South, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure resource consent compliance. Reinspection will be undertaken after 07 February 2019.</p>							
07 Nov 2018	332119-128 ENF-21823	Annual Inspection	Significant non-compliance	Opuu Dairies Limited (53455)	R2/1787-3	EAC-22432 - Infringement Notice (\$750) EAC-22388 - Abatement Notice EAC-22389 - Abatement Notice EAC-22391 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<p>Comments: During analysis of samples (4 December 2018), taken during the annual dairy inspection round (7 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Opua Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 7 February 2019. A letter requesting explanation was sent.</p>							
07 Nov 2018	332119-131 ENF-21816	Annual Inspection	Significant non-compliance	Mr Daniel Patrick Hurley (27771)	R2/2962-2.2	EAC-22438 - Infringement Notice (\$750) EAC-22375 - Abatement Notice EAC-22377 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (10 December 2018) taken during the annual dairy inspection round (7 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Palmer Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 28 February 2018. A letter requesting explanation was sent.</p>							
08 Nov 2018	332119-115 ENF-21805	Annual Inspection	Significant non-compliance	John Roland Bevins (1672)	R2/0984-2	EAC-22435 - Infringement Notice (\$750) EAC-22363 - Explanation Requested - Letter	No Further Action/Costs Recovered
<p>Comments: During analysis of samples (4 December 2018), taken during the annual dairy inspection round (8 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Arawhata Road, Opunake. A letter requesting explanation was sent.</p>							

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
08 Nov 2018	332118-036 ENF-21676	Compliance Monitoring Insp.	Non-compliance	South Taranaki District Council (53005)	R2/4248-2		Investigation Continuing
<p>Comments: During routine monitoring it was found that ponding of partially treated sewage was occurring in the trench disposal area at the Opunake municipal treatment facility. The site is the subject of an Abatement Notice EAC-22064, which was issued requiring works to be undertaken by 29 June 2018. An extension was granted to allow works to be completed when weather allows. Reinspection on 24 January 2019 found that no works had been undertaken and therefore the abatement notice was not being complied with. Further enforcement action is being considered.</p>							
09 Nov 2018	332119-129 ENF-21821	Annual Inspection	Significant non-compliance	Desmond Patrick & Kay Christine Fleming (2024)	R2/1745-3	EAC-22436 - Infringement Notice (\$750) EAC-22387 - Explanation Requested - Letter	No Further Action/Costs Recovered
<p>Comments: During analysis of samples (10 December 2018), taken during the annual dairy inspection round (8 November 2018), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21311 issued as a result of a previous non-compliance at Arawhata Road, Opunake. A letter requesting explanation was sent. Enforcement action is being considered.</p>							
09 Nov 2018	332119-092 ENF-21759	Compliance Monitoring Insp.	Non-compliance	Barton Holdings Limited (56677)	R2/7707-1	EAC-22304 - Abatement Notice EAC-22305 - Explanation Requested - Letter	Investigation Continuing

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
-----------------	--------------------	-----------------	-------------------	---------------------------	----------------	--------------	----------------

Comments: During routine compliance monitoring it was found that the consent holder was not operating the site as required by conditions of Resource Consent 7707-1 at a industrial site on Paraiti Road, New Plymouth. Product was found to be stored unbanded and stormwater sump filters were not being maintained. A letter of explanation has been requested. An abatement notice was issued requiring works to be undertaken to ensure consent compliance. Reinspection will be undertaken after 1 February 2019. A letter requesting explanation was sent.

09 Nov 2018	332119-130 ENF-21826	Annual Inspection	Significant non-compliance	Washer & Co Limited (1629)	R2/2433-2	EAC-22437 - Infringement Notice (\$750) EAC-22404 - Abatement Notice EAC-22403 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------------------	----------------------------	-----------	---	---

Comments: During analysis of samples (11 December 2018), taken during the annual dairy inspection round (9 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Rahotu Road, Rahotu. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 14 February 2019. A letter requesting explanation was sent.

12 Nov 2018	332119-127 ENF-21820	Annual Inspection	Non-compliance	Paul Michael Gilmour (52537)	R2/2818-3.0	EAC-22381 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	------------------------------	-------------	------------------------------	---

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<p>Comments: During analysis of samples (12 November 2018), taken during the annual dairy inspection round (12 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Wawiri Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 14 February 2019.</p>							
12 Nov 2018	332119--126 ENF-21822	Annual Inspection	Significant non-compliance	Noel Leonard & Gillian Mary Caskey (1992)	R2/3160-3.0	EAC-22439 - Infringement Notice (\$750) EAC-22384 - Explanation Requested - Letter	No Further Action/Costs Recovered
<p>Comments: During analysis of samples (13 December 2018), taken during the annual dairy inspection round (12 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at East Road, Toko. A letter requesting explanation was sent.</p>							
14 Nov 2018	332118-199 ENF-21582	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/2370-3	EAC-22057 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During routine monitoring it was found that capping, compaction and vegetative cover in the Stage 2 area was insufficient to comply with resource consent conditions at the Colson Road Landfill site, New Plymouth. A letter was sent requesting explanation and advising that capping, contouring and compaction in the area needs to be addressed. A letter was received advising measures to be undertaken to address the issue, including investigating the cap depth. Their investigation found that the cap depth did not meet the management plan requirements in some places.</p>							

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Nov 2018	332118-111 ENF-21295	Compliance Monitoring Insp.	Non-compliance	Renewable Power Limited (52541)	R2/6558-1.1	EAC-21836 - Enforcement Order EAC-22306 - Infringement Notice (\$500)	No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that resource consent conditions were not being complied with in relation to water being taken and data being supplied. This is an ongoing issue at the site and an Enforcement Order has been granted to address issues at the site.							
20 Nov 2018	332119-136 ENF-21850	Annual Inspection	Non-compliance	Mark & Nicola Van Der Poel (12656)	R2/1837-3	EAC-22460 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During analysis of samples (11 December 2018), taken during the annual dairy inspection round (20 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Mid-Parihaka Road, Rahunu. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 25 March 2019.							
21 Nov 2018	332119-143 ENF-21852	Annual Inspection	Non-compliance	Anne-Marie Watson (52178) Jeffery Paul Watson (32836)	R2/2060-2	EAC-22462 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During analysis of samples (11 December 2018), taken during the annual dairy inspection round (21 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Mid Parahaki Road, Rahunu. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 14 February 2019.							

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Nov 2018	332119-140 ENF-21843	Annual Inspection	Significant non-compliance	Goodin Farms Limited (1692)	R2/0400-3	EAC-22452 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered

Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (22 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and also in contravention of Abatement Notice EAC-21821 issued as a result of a previous non-compliance at Kahui Road, Rahoitu. A letter requesting explanation was sent.

22 Nov 2018	332119-154 ENF-21840	Annual Inspection	Significant non-compliance	LJ Fleming & Co Limited (12607)	R2/0487-3	EAC-22447 - Explanation Requested - Letter	Investigation Continuing
-------------	-------------------------	-------------------	----------------------------	---------------------------------	-----------	--	--------------------------

Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round 22 November 2018), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21793 issued as a result of a previous non-compliance at Oporurapa Road, Rahoitu. A letter requesting explanation was sent. Enforcement action is being considered.

23 Nov 2018	332119-145 ENF-21853	Annual Inspection	Non-compliance	Donna Maria Coupe (53098) Mr Dawson Coupe (11418)	R2/2326-2	EAC-22463 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-------------------	----------------	--	-----------	------------------------------	---

Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (23 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Douglas Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 20 February 2019.

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Nov 2018	332119-137 ENF-21844	Annual Inspection	Non-compliance	George & Jacqueline Thony (15523)	R2/3462-2	EAC-22453 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (19 December 2018), taken during the annual dairy inspection round (23 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Mid Parihaka Road, Rahotu. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 22 February 2019.</p>							
23 Nov 2018	332119-138 ENF-21845	Annual Inspection	Non-compliance	Nelson & Ruth Morgan (1612)	R2/0732-2	EAC-22454 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (23 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Wiremu Road, Rahotu,. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 22 February 2019.</p>							
23 Nov 2018	332119-142 ENF-21851	Annual Inspection	Non-compliance	Carrol & Diane Coulton (1903)	R2/1523-3	EAC-22461 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<p>Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (23 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Ohura/Brewer Road, Strathmore,. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 20 February 2019.</p>							
23 Nov 2018	332119-141 ENF-21842	Annual Inspection	Significant non-compliance	Kristin Maree Lourie (53411) Mr Samuel Digby Lourie (31257)	R2/1688-3	EAC-22448 - Abatement Notice EAC-22449 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (23 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Douglas Road, Douglas. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 28 January 2019. A letter requesting explanation was sent.</p>							
23 Nov 2018	332119-139 ENF-21846	Annual Inspection	Non-compliance	Wayne Murray & Sharon Rose Fisher (2474)	R2/2619-2	EAC-22455 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (23 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Wiremu Road, Rahotu. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent condition. Reinspection will be undertaken after 28 February 2019.</p>							

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Nov 2018	332119-094 ENF-21778	Annual Inspection	Non-compliance	John & Sarah Crawford (3896)	R2/3436-2	EAC-22333 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During annual dairy inspection round (23 November 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Otauto Road, Whenuakura, Patea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 26 February 2019.

26 Nov 2018	332119-098 ENF-21788	Compliance Monitoring Insp.	Non-compliance	Colin David Boyd (3013) Mi Swaco (52444)	R2/7591-1.1 R2/7559-1.3	EAC-22343 - Abatement Notice	Investigation Continuing
-------------	-------------------------	-----------------------------	----------------	---	----------------------------	------------------------------	--------------------------

Comments: During routine monitoring it was found that hydrocarbons were discharging from a land farming area and into a nearby waterbody. An abatement notice was issued requiring the discharge to cease. Reinspection found that the abatement notice was being complied with. Further enforcement action is being considered.

26 Nov 2018	332119-135 ENF-21847	Annual Inspection	Non-compliance	Tim M Hurley & Sarah C Walker (3835)	R2/0951-3	EAC-22456 - Explanation Requested - Letter	Investigation Continuing
-------------	-------------------------	-------------------	----------------	--------------------------------------	-----------	--	--------------------------

Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (26 November 2018), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21820 issued as a result of a previous non-compliance at Ngariki Road, Rahoitu. A letter requesting explanation was sent. Enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
28 Nov 2018	332118-199 ENF-21582	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/2370-3	EAC-22057 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During routine monitoring it was found that capping, compaction and vegetative cover in the Stage 2 area was insufficient to comply with resource consent conditions at the Colson Road Landfill site, New Plymouth. A letter was sent requesting explanation and advising that capping, contouring and compaction in the area needs to be addressed. A letter was received advising measures to be undertaken to address the issue, including investigating the cap depth. Their investigation found that the cap depth did not meet the management plan requirements in some places.</p>							
28 Nov 2018	332119-109 ENF-21799	Annual Inspection	Significant non-compliance	Allan & Margaret Ryan (2551)	R2/2494-2	EAC-22355 - Abatement Notice EAC-22356 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Egmont Road, Hillsborough. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 19 December 2018. A letter requesting explanation was sent.</p>							
03 Dec 2018	332119-110 ENF-21800	Chemical Sampling Survey	Non-compliance	Tegel Foods Limited - Poultry Processing Plant (9844)	R2/7389-1	EAC-22468 - Abatement Notice EAC-22357 - Explanation Requested - Inspection Notice	Investigation Continuing

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
-----------------	--------------------	-----------------	-------------------	---------------------------	----------------	--------------	----------------

Comments: During analysis of stormwater samples taken during routine compliance monitoring it was found that BOD was above allowable resource consent limits at a poultry processing plant on Paraita Road, New Plymouth. An abatement notice was issued requiring works to be undertaken to ensure consent compliance. Reinspection to be undertaken after 28 February 2019. An explanation was requested.

03 Dec 2018	332119-108 ENF-21798	Chemical Sampling Survey	Non-compliance	Barton Holdings Limited (56677)	R2/7707-1	EAC-22469 - Abatement Notice EAC-22354 - Explanation Requested - Inspection Notice	Investigation Continuing
-------------	-------------------------	--------------------------	----------------	---------------------------------	-----------	---	--------------------------

Comments: During a review of data from a wet weather run undertaken on 21 November 2018, it was found the discharge from Baton Holdings Ltd exceeded the limit for suspended solids. The discharge was found to have 138 g/m³ suspended solids (consent limit is 100 g/m³). A letter requiring an explanation was sent. An abatement notice was issued requiring works to be undertaken to ensure compliance with the resource consent. Reinspection will be undertaken after 1 February 2018. A letter requesting explanation was sent.

04 Dec 2018	322119-118 ENF-21808	Compliance Monitoring Insp.	Non-compliance	Weatherford New Zealand Limited (19408)	R2/4775-2.0		Investigation Continuing
-------------	-------------------------	-----------------------------	----------------	---	-------------	--	--------------------------

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<p>Comments: During compliance monitoring it was found that the site was not operating within resource consent conditions. An interceptor on the site was discharging from the third chamber in contravention of resource consent conditions. The discharge was stopped at the time of inspection. The site is going through a change of ownership and Council is working the companies involved to ensure compliance. Enforcement action is being considered.</p>							
04 Dec 2018	332119-112 ENF-21804	Compliance Monitoring Insp.	Non-compliance	Intergroup Limited (50186)	R2/4776-2.0	EAC-22361 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: During routine monitoring it was found that contaminants had been discharged into the stormwater system. Enforcement action is being considered.</p>							
04 Dec 2018	332119-114 ENF-21806	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/0609-3.0	No Enforcement Action - Statutory defence	No Further Action
<p>Comments: During routine monitoring it was found that there was foam discharge into the Waitaha Stream from the New Plymouth District Council stormwater system as a result of an unauthorised discharge from Intergroup site (see ENF-21804). Therefore no further action is warranted.</p>							
05 Dec 2018	332119-144 ENF-21849	Annual Inspection	Non-compliance	Mrs Louise Buhler (50118) Peter Buhler (2827)	R2/1822-3	EAC-22459 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<p>Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (5 December 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Rowan Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 8 March 2019.</p>							
05 Dec 2018	332119-146 ENF-21854	Annual Inspection	Non-compliance	Graeme King (68629)	R2/2264-2	EAC-22464 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (14 December 2018), taken during the annual dairy inspection round (5 December 2018), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Lower Rowan Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 15 March 2019.</p>							
07 Dec 2018	332119-125 ENF-21813	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565) Warner Construction Ltd (52425)	R2/10688-1.0	EAC-22379 - Abatement Notice EAC-22376 - Abatement Notice	No Further Action/Costs Recovered
<p>Comments: During routine compliance monitoring of earthworks associated with the construction of the new car parking facility for the Mangorei track, it was found that sediment had discharged from the site resulting in a layer of fine silt smothering the streambed below the works at Mangorei Road, New Plymouth. An abatement notice was issued requiring the sediment in the stream to be removed and sediment controls to be installed. Reinspection found that the abatement notice was being complied with.</p>							
11 Dec 2018	332119-166 ENF-21867	Compliance Monitoring Insp.	Non-compliance	Taranaki Sawmills Limited (10015)	R2/3491-2		Investigation Continuing

Compliance Monitoring - Non-compliances for the period 02 Nov 2018 to 17 Jan 2019

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
-----------------	--------------------	-----------------	-------------------	---------------------------	----------------	--------------	----------------

Comments: During analysis of samples taken during routine monitoring it was found that the BOD level was slightly above the allowable limit for a timber treatment site at Katere Road, New Plymouth. Investigation found that the results may have been influenced by discharges from a neighbouring property. Operations on the site appeared to be within resource consent conditions. Further sampling will be undertaken to ascertain compliance.

17 Dec 2018	332118-199 ENF-21582	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/2370-3	EAC-22057 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-----------------------------	----------------	--------------------------------------	-----------	--	---

Comments: During routine monitoring it was found that capping, compaction and vegetative cover in the Stage 2 area was insufficient to comply with resource consent conditions at the Colson Road Landfill site, New Plymouth. A letter was sent requesting explanation and advising that capping, contouring and compaction in the area needs to be addressed. A letter was received advising measures to be undertaken to address the issue, including investigating the cap depth. Their investigation found that the cap depth did not meet the management plan requirements in some places.

16 Jan 2019	332118-199 ENF-21582	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/2370-3	EAC-22057 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
-------------	-------------------------	-----------------------------	----------------	--------------------------------------	-----------	--	---

Comments: During routine monitoring it was found that capping, compaction and vegetative cover in the Stage 2 area was insufficient to comply with resource consent conditions at the Colson Road Landfill site, New Plymouth. A letter was sent requesting explanation and advising that capping, contouring and compaction in the area needs to be addressed. A letter was received advising measures to be undertaken to address the issue, including investigating the cap depth. Their investigation found that the cap depth did not meet the management plan requirements in some places.

Agenda Memorandum

Date 5 February 2019



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

**Subject: Prosecution Sentencing Decision
Appeal – AL & JS Vernon**

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

Document: 2184237

Purpose

The purpose of this memorandum is to update Members on the appeal of AL & JS Vernon against the prosecution decision for a breach of the Regional Fresh Water Plan and the Resource Management Act 1991.

Background

The non-compliance was associated with the discharge of dairy effluent into unnamed tributary of Rum Keg Creek in September 2017.

The decision to prosecute was made by the Chief Executive, acting under delegated authority from the Council, and the decision to prosecute was presented to Council on 30 January 2018.

The defendants pleaded guilty and were subsequently ordered, on 10 July 2018, by Judge Dwyer to pay a total of \$45,000 in fines.

The decision was appealed to the High Court and heard by Judge Ellis in November.

A decision was released on 13 December 2018.

Incident

In summary, the prosecution relates to the defendant failing to take all practicable steps to prevent and mitigate against the discharge of farm dairy effluent from a spray irrigation system onto land and into water in contravention of resource consent conditions. Appropriate system maintenance and regular consent holder monitoring to ensure compliance with the consent conditions were not undertaken.

Appeal outcome

The decision of Judge Ellis is attached. There were three grounds for appeal. The:

- a) ability to pay the fine;
- b) error by the Judge in his assessment of the seriousness of the offending; and

- c) failure to take into account remorse and remediation.

The appellants and the Council presented written and verbal submissions to the court.

The Judge noted only the first ground was seriously arguable and her decision is set out from paragraph 33.

The majority of the Council's submissions were accepted by the Court and the fine upheld and the appeal dismissed. The decision noted in law fines could be paid over a period of 5 years (which was within the means of the appellant based on financial information supplied).

Recommendation

That the Taranaki Regional Council:

1. receives this report and notes the High Court appeal, by AL & JS Vernon on their sentence, was not upheld and was dismissed.

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.

Iwi considerations

This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

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 # 2184197 - Vernon - Sentencing appeal judgement

**IN THE HIGH COURT OF NEW ZEALAND
NEW PLYMOUTH REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
NGĀMOTU ROHE**

**CRI 2018-443-14
CRI 2018-443-15
[2018] NZHC 3287**

BETWEEN JOHN SPENCER VERNON AND
ALISON LAURA VERNON
Appellants

AND TARANAKI REGIONAL COUNCIL
Respondent

Hearing: 20 November 2018 (via AVL)

Counsel: P J Mooney for Appellants
K J L De Silva for Respondent

Judgment: 13 December 2018

JUDGMENT OF ELLIS J

[1] Since the 1990s, dairy cow numbers in New Zealand have increased by 69 per cent.¹ For every 10 New Zealanders there are now 13 dairy cows, and each cow has the potential to produce nine times the amount of effluent (by weight) as the average person. More particularly:

- (a) the average dairy cow produces 70 litres of faeces and urine per day;
- (b) ten per cent of this is generated during milking; and

¹ All information in this paragraph comes from Forest & Bird *Cleaning Up: Fixing compliance, monitoring and enforcement in the dairy sector* (August 2018) at 2 - 3 citing Peter Gluckman *New Zealand's fresh waters: Values, state, trends and human impacts* (Office of the Prime Minister's Chief Science Advisor, 12 April 2017).

- (c) depending on the efficiency of the wash down system, the total effluent generated in a cow shed is between 35-100 litres per cow per day.

[2] Farm dairy effluent (FDE) contains contaminants that can have adverse effects on water quality.² Although FDE management is a high-risk activity carrying significant consequences for human and environmental health if not handled properly, FDE is also the most easily managed pollution source.³

[3] In New Zealand, Regional Councils and Unitary Authorities are responsible for monitoring FDE and for related compliance and enforcement matters. The Resource Management Act 1991 (the RMA) contains four compliance and enforcement mechanisms - abatement and infringement notices, applications for enforcement orders and prosecution.⁴

[4] Mr and Mrs Vernon, who are dairy farmers from Taranaki, were the subject of such enforcement action. The Taranaki Regional Council (the Council) charged each of them with an offence under s 338(1)(a) of the RMA. The charge was framed in the following terms:

... on dates between and inclusive of 3 September and 11 September 2017, at Midhurst ... did commit a continuing offence against s 338(1)(a) of the Resource Management Act 1991 ("the RMA") in that [they] contravened section 15(1)(b) of the RMA in that [they] intermittently discharged a contaminant, namely farm dairy effluent from a pipe, onto land in circumstances which may have resulted in that contaminant:

- and any other contaminant emanating as a result of natural processes from that contaminant, entering water, namely ground water; and

- entering water, namely an unnamed tributary of the Rum Keg Creek,

when the discharge was not expressly allowed by a national environmental standard or other regulations, a rule in a regional plan, or a resource consent.

² The contaminants of primary concern are various forms of nitrogen and pathogenic (disease causing) micro-organisms (such as faecal coliforms, E. coli and campylobacter). Farm dairy effluent (FDE) also contains concentrations of organic carbon, phosphorous, potassium and sulphur.

³ Above, n 1.

⁴ Resource Management Act 1991, pt 12.

[5] Notwithstanding the contingent expression of the charge (“may have resulted”) there is no doubt that in the Vernons’ case, the discharge of FDE *did* result in contaminant entering water.

[6] The Vernons pleaded guilty to the charge and were subsequently ordered by Judge Dwyer to pay (between them) a \$45,000 fine.⁵ The maximum penalty for such an offence (if it is committed by an individual) is two years imprisonment or a \$300,000 fine, together with further fines of up to \$10,000 per day if the offence is a continuing one, as it was here.⁶

[7] The Vernons now appeal the fine imposed on them. They say that the Judge wrongly failed to take into account their ability to pay, as required by s 40 of the Sentencing Act 2002 (the Act). They also say that the Judge erred in his assessment of the seriousness of the offending, and in failing to consider remorse and remediation. The submission is that one or more of these errors rendered their sentence manifestly excessive.

[8] Before turning to that issue, however, it is necessary to say a little more about the offending itself. The following account is largely taken from the agreed summary of facts.

Background

[9] The Vernons’ dairy farm is situated at an altitude of approximately 400 metres above sea level, in Midhurst, close to the park boundaries of Mount Taranaki. It comprises approximately 144 hectares of flat to undulating contour, of which around 120 hectares is effective pasture land. The Vernons live and work on the farm; they are responsible for the day-to-day management of the farming operation.

⁵ *Taranaki District Council v Vernon* [2018] NZDC 14037.

⁶ Resource Management Act, s 339. For bodies corporate, the maximum fine is \$600,000 and \$10,000 per day.

[10] Running through the farm, in an easterly direction, are a number of natural streams and constructed farm drains. They discharge into the Rum Keg Creek within the Waitara catchment. The tributaries have been described as small rocky mountain streams of varying size up to approximately two metres in width.

[11] At the time of the offending, approximately 100 cows were being milked once daily, in a herringbone dairy shed on the farm.⁷ The volume of effluent and wash water produced from 100 cows per day on the yard is approximately 1800 litres.

The Resource Consent

[12] The Regional Fresh Water Plan for Taranaki requires that a resource consent be held for the discharge of untreated FDE onto or into land. The Vernons had been granted such a resource consent on 28 February 2003 and was renewed subsequently. It permits them to discharge untreated FDE by spray irrigation onto the land, subject to what are usual conditions prohibiting the ponding of effluent and any discharge into surface water.

The Effluent System

[13] At the relevant time, the Vernons' effluent system comprised:

- (a) a sand trap to capture sand/grit from the yard and farm dairy;
- (b) a small sump and pump which captures effluent directed from the sand trap; and
- (c) a travelling irrigator that is designed to discharge the pumped untreated effluent to land in a controlled manner.

[14] There was no storm water diversion in place.

⁷ This was less than the usual number of cows milked, which was between 230–240.

Compliance history

[15] Council officers undertake annual inspections of dairy farms in the Taranaki Region. The officers record the outcome of each inspection in an inspection report.

[16] Between 2003 and 2017, inspection reports for the Vernons' farm identified a number of issues about the capture, containment and controlled disposal of untreated FDE. Of particular note, non-compliance was recorded on 25 January 2006 and significant non-compliance was found on 3 December 2009 and on 6 December 2013. This latter finding resulted in the issue of an abatement notice on 17 December 2013 requiring works to be undertaken to ensure all FDE was captured and applied to land in an appropriate manner.

The offending

[17] On 11 September 2017 two Council officers undertook the annual inspection of the effluent system on the Vernons' farm. They found:

- (a) a travelling irrigator which had been disconnected from its hose in a paddock;
- (b) the travelling irrigator had grass growth around the wheels indicating that it had not been moved for an extended period of time;
- (c) untreated FDE had been discharged from a pipe onto a paddock;
- (d) this discharge had resulted in significant ponding in at least two places;
- (e) the ponding was of varying depths up to 20 cm, and covered a total combined area of approximately 200 square metres;
- (f) FDE from the ponded areas had flowed, and was still flowing, into a tributary of Rum Keg Creek which was located approximately 35 metres from the end of the open pipe;

- (g) the tributary was approximately one metre wide, 20 cm deep at the point of discharge and flowed at a slow rate;
- (h) there was significant discolouration at the point of discharge into the tributary with discolouration and odour extending for approximately 400 metres downstream; and
- (i) the tributary flowed for approximately 2.2 km until it entered the Rum Keg Creek.

[18] The officers took photos and video footage of what they had found and collected samples during the inspection. An in-stream sample was taken at the point of discharge and a further sample was taken approximately 360 metres downstream of the discharge point into the tributary. The samples were later tested and the results recorded in a report.

[19] A card advising of the inspection was left at the farm dairy after the inspection and an inspection notice was posted to Mr and Mrs Vernon on 12 September 2017. The next day the Vernons were served with an abatement notice requiring them to undertake works to ensure compliance with their resource consent.

[20] By 18 September 2017, there had been compliance with the abatement notice.

The Vernons' explanation

[21] Council sent a letter to the Vernons giving them an opportunity to provide an explanation. By letter dated 25 October 2017, Mr Vernon advised (inter alia):

- (a) The Vernons had been concerned with the effluent management on the farm prior to the Council inspection due to a busy calving schedule and unusually wet weather.
- (b) Wood chip bedding used in the calf shed was found to be tracking onto the yard and subsequently into the effluent disposal system. This had caused blockages with the effluent pump and irrigator nozzles.

- (c) To prevent blockages the pipe was removed from the irrigator and effluent was discharged directly onto the ground from the open pipe.
- (d) The pipe was moved on a regular basis.
- (e) Planning was underway to upgrade the effluent system to ensure on-going compliance.

Adverse Effects

[22] Reports on were subsequently prepared by:

- (a) Mr Garv Bedford, the Council's Director-Environment Quality on the results of analyses of the samples and the adverse effects resulting from the discharge; and
- (b) Ms Jane Harvey, the Council Environmental Scientist (Hydrogeology), explaining the likely effects on groundwater resulting from the ponding of effluent.

The sentencing

[23] After summarising the facts, Judge Dwyer noted that Mr Mooney had, on the Vernons' behalf, taken issue with a number of the adverse effects which had been asserted in the Council reports. In particular, he submitted that it was not possible fairly to measure those effects because there had been no sampling of the creek or the estuary *before* the discharge had occurred. The Judge said:

[9] It is apparent that the area where your farm is situated is a particularly wet area and was receiving high levels of rainfall in the period leading up to the offending. I accept that stormwater likely contributed to the ponding seen by Council officers and would have had a diluting effect on the ponded effluent, that seems apparent. Accordingly, I accept that the effluent on the paddock would have been diluted and that the precise effects of this particular discharge cannot be determined with any precision.

[24] But then he went on:

[10] What we also have to accept however, is that dairy effluent is rich in nutrients from animal faeces, urine and milk. It contains a range of contaminants including organic matter, nitrogen, phosphorous, suspended solids and pathogens which are seriously detrimental to the health of the waterways they enter and the aquatic life that lives in them, the stock which may drink it and humans who come into contact with it.

[11] It is commonly the case that adverse effects from any one effluent discharge cannot be established with certainty. As you have heard me discuss this morning the matter of concern to the Court is the cumulative effect of many possibly insignificant discharges whose individual effects might be minimal if they can be identified at all. But in combination they lead to the deterioration of our water bodies.

[25] After noting the clear deterrent purpose of the high maximum penalty for the offending, the Judge noted that Ms de Silva for the Council had submitted that there should be a joint starting point of a \$70,000 fine.⁸ Mr Mooney had said somewhere in between \$30,000 to \$40,000 was appropriate. He referred to categories of seriousness identified by the District Court in *Chick*,⁹ noting that Mr Mooney had suggested the Vernons' offending fell within the least serious category, or lay between the least and the moderately serious end of the spectrum. Ms de Silva had submitted the offending fell somewhere between the moderately and most serious categories.

[26] I set out the remainder of the Judge's reasoning more or less in full. He said:

[15] I make the point that both the least and moderately serious categories require that there be no, little or at the worst a moderate adverse effect on the environment. If serious adverse impact of dairy effluent pollution is established that almost automatically lifts the offending into the most serious category. I accept that has not been shown to have happened here. Level 1 offending where Mr Mooney has put the offence encompasses accidental or one off offences and I have to tell you that I do not consider that is what has happened in this case.

⁸ As to this "joint" approach, the Judge said "I agree with counsel's approach of taking a joint starting point of the two of you. You are a married couple, farming in partnership so that what comes out of the pocket of one, comes out of the pocket of the other. So, effectively I am going to impose one fine."

⁹ *Waikato Regional Council v GA and BG Chick Ltd* (2007) 14 ELRNZ 291 (DC).

[16] What the information before the Court establishes is that your farm is situated in a high rainfall area where there are obvious issues and potential problems in managing effluent. The farm had no effluent storage capacity at all, as we have heard. The need for significant upgrades had been identified by the Regional Council as long ago as 2013 and was known to you, but you did not have the money to fix things and your bank at that time would not advance sufficient funds to you to enable an adequate effluent storage system to be established.

[17] Accordingly the farm was totally dependent on effluent irrigation, notwithstanding the obvious difficulties in a wet area. As we have heard the effluent pipe had got blocked with wood chips from the calf sheds. I think that raises a management issue as to how well things were being run. The pump was cleared but the irrigator could not work. You continued to use the effluent pipe to discharge effluent directly to land without the benefit of it being spread by irrigation and that had the consequences we have heard about. Those consequences were foreseeable and inevitable.

[18] This is a high rainfall area where rain not only dilutes effluent as Mr Mooney has pointed out, but also mobilises it and carries it into the water courses where rain water goes. That is precisely what happened here. Mr Mooney's defence of your actions is essentially that you could not do anything else because of your financial circumstances at the time. I accept that is true but carrying on farming without an adequate effluent storage and irrigation system in place can only be described as reckless. Whatever the cause of that situation might be, the reality is that you took the risk that things would be okay and they were not.

[19] I accept that the Council took a liberal attitude towards you to the extent that it did not require you to close down straight away when it became apparent that you had difficulties. The point that I made during my discussions with counsel is imagine what would have been said if the Council told you to stop farming tomorrow because you cannot meet the terms of your resource consent. It would have been regarded as acting very harshly. The fact is the Council enabled you to keep going without trying to make you stop and you effectively ran the risk that things would be okay.

[20] In my view this offending clearly falls into the moderately serious band. It involved a delay in rectifying an inadequate effluent system over a period of three or four years and a discharge which caused little or at the most a moderate identifiable effect on the environment. Penalty starting points for offending in this band range between \$40,000 and \$80,000.

[21] Counsel have referred me to a number of comparative cases as a reference to fix starting point. I am aware of the need to be consistent in sentencing and the Court endeavours to achieve that, but it must be recognised that the myriad of circumstances which come before the Court make it difficult to draw precise comparisons. It also needs to be recognised that there has been a gradual but ongoing rise in starting points and fines as regional authorities and the Court endeavour to deter dairy effluent offending which continues to come before the Court.

...

[23] Having regard to all of those factors I consider that the sum of \$60,000 is the appropriate starting point in this case. I acknowledge that you recently obtained funding from your bank which will enable an upgrade of your effluent systems. I understand that is going to cost in the order of \$250,000. I am not going to give any credit for that in my sentencing calculations as what that does is bring the farm up to the standard at which it should have been. That need was identified some years ago. I am making no allowance for past good character. Although you had no previous convictions you have a past history of non-compliance and the issue of an abatement notice in 2013. I am making a reduction from starting point of 25 per cent on account of your prompt guilty pleas.

[24] Accordingly, I determine as follows. Each of you is fined \$22,500. ...

The appeal

[27] As noted earlier, Mr Mooney advanced three grounds of appeal against this sentence:

- (a) the Vernons' inability to pay a fine in the amount ordered;
- (b) error by the Judge in his assessment of the seriousness of the offending;
and
- (c) failure to take account of remorse and remediation.

[28] As I indicated to Mr Mooney at the hearing, my clear view is that only the first of these grounds is seriously arguable. I therefore address the second and third only briefly.

[29] As to the relative gravity of the offending, Mr Mooney said that the offending was less serious than the Judge found, because:

- (a) this was a "one off" incident which resulted from an unhappy combination of machinery failure and excessive rainfall;
- (b) there was only a limited impact on the environment;
- (c) it was not offending of a recurring nature and the Vernons were not reluctant to address the need for a safe system of effluent disposal; and

- (d) it was wrong to suggest that the wood chips raised a management issue.

[30] But I agree with Ms de Silva that the Judge made no obvious error in any of these respects. More particularly, and in turn:

- (a) regardless of whether it was a “one off” incident, as the Judge held, it involved recklessness on the part of the Vernons, the results of which were (as he said) inevitable;
- (b) the Judge expressly recognised the difficulties around assessing the impact on the environment and did not take environmental impact into account as an aggravating factor;¹⁰
- (c) the offending was, in fact, reoccurring; it was charged as a continuing offence over a nine-day period (despite the fact that no daily fine was imposed) and occurred in the wake of past breaches;
- (d) regardless of how it was that the Vernons had come to use the woodchips,¹¹ the Judge’s view that their use (in combination with the Vernons’ other acts and omissions) raised a management issue was one that was plainly open to him on the facts.¹²

[31] As far as remorse is concerned, Mr Mooney’s point was that, in accordance with s 10(1)(d)(iii) or s 10(1)(e) of the Act, there should have been some recognition of the money subsequently spent by the Vernons on upgrading their effluent system. But as Ms De Silva said, the focus of the first of those provisions is on measures that “make good the harm that occurred”. And fixing the cause of the harm does not remediate its effects, at least in the present case. And while it is arguable that the new system could (in terms of s 10(1)(e)) constitute “remedial action ... in relation to the

¹⁰ *Taranaki District Council v Vernon*, above n 5, at [15].

¹¹ Originally, the calf shed had wooden grating which became slippery if wet and so the Vernons used sawdust to mitigate that. They were advised by the Ministry of Primary Industries that the sawdust was adhering to the calves and damaging their pelts and it was suggested that they try wood chips. The Vernons subsequently decided to replace the wood chips with a fibreglass grating which had been ordered but had yet to be cut to size to be installed.

¹² *Taranaki District Council v Vernon*, above n 5, at [17].

circumstances of the offending”, that ignores the point made by the Judge at [20] of his decision, namely that it was merely compliance action which was (regardless of the offending) required and should have been undertaken much earlier.¹³

[32] More globally, the reality is that the \$60,000 starting point adopted by Judge Dwyer was only 20 per cent of the maximum available penalty (or 10 per cent if account is had to the fact that the Vernons were individually charged). He imposed no daily fine. The massive damage done to New Zealand waterways by FDE, and the environmental and financial ramifications of it, should not need to be repeated. In setting the sentencing levels as it has, Parliament has expressly recognised a particular need for deterrence and the Courts must act accordingly. The fine here was well within the available range.

Ability to pay

[33] Although Judge Dwyer noted in the course of his sentencing that it was the Vernons’ financial difficulties which had caused them to delay undertaking the necessary work on their effluent system, it appears that the issue of their ability to pay the fine imposed was not directly canvassed in the District Court. There was certainly no statement of means provided to the Judge.

[34] In light of the Vernons’ signalled intention to appeal on this ground, however, the Council sought leave to adduce expert financial evidence on the appeal. Leave was granted by consent by Churchman J on 19 September 2018, on the condition that the Vernons could call rebuttal evidence. Accordingly, I received and heard evidence from both Mr Dennis Parsons (a forensic accountant engaged by the Council) and from Mr Valdimar Einarsson (who is the Vernons’ accountant and is the independent trustee of their family trusts).¹⁴

¹³ See the discussion in *Thurston v Manawatu-Wanganui Regional Council* HC Palmerston North, CRI 2009-454-024, 27 August 2010 at [66] – [70].

¹⁴ For those reasons (and without for one moment doubting his integrity) it would not be right to view Mr Einarsson as an independent expert.

[35] But I do not intend to go into their evidence in any significant detail here. The outcome of this appeal cannot sensibly depend on the Court examining the minutiae of the Vernons' accounts, the fluctuations in milk solid pay-outs or making calls about whether they might conceivably spend less money on stock feed. It is necessary, I think, to deal with the issue at a higher level of generality.

[36] The starting point is that the Vernons run a moderate sized dairy operation; a business and it is that business that is at the heart of their offending. They are not, for example (and by contrast with many of the offenders in the relevant "fines" cases) beneficiaries.

[37] That said, however, I accept that the Vernons are (as Mr Parsons described it) effectively on a "credit watch" with their bank. I also accept that, having just loaned them over \$200,000 to bring their effluent system up to scratch, the bank has declined to lend them further funds to pay the fine. There was no direct evidence, however, that they are unable to borrow from a second or third tier lender, or that their bank would not release some of their security for that purpose.¹⁵ But I acknowledge that it may well not be easy for the Vernons to pay the full amount of the fine immediately.

[38] As I have said, s 40 of the Act makes ability to pay is (if raised) a mandatory (although not necessarily controlling)¹⁶ consideration when determining the amount of a fine. The underlying policy is obvious.

[39] There is, however, a distinction to be drawn between cases in which a fine is, by dint of the relevant statute, the only sentencing option and those where other sentences are available.¹⁷ In the former kind of case, the Court may have no real choice but to impose a fine in a lesser amount that is otherwise available. But in the latter kind, the possibility of some alternative sentence may well be in play.¹⁸

¹⁵ Although Mr Einarsson's view was that the bank would not do so.

¹⁶ *Difarn v Commerce Commission* (1994) 6 TCLR 80 (HC).

¹⁷ Such as *Ministry of Agriculture v Finn* (1994) 12 CRNZ 127 (HC).

¹⁸ Bearing in mind, of course, the obligation to impose the least restrictive sentence that is appropriate in the circumstances: Sentencing Act 2002, s 8(g).

[40] Here, a fine was not the only sentencing option. The other possibilities range from a sentence of up to two years imprisonment down through the various types of sentence that rank below imprisonment in terms of the hierarchy in s 10A of the Act. Mr Mooney was at pains to stress, however, that none of those options was suitable as they would involve taking the Vernons away from their farm which (he said) would adversely affect their already shaky farming enterprise. And so, he said, this was a case where a lower level of fine should simply be imposed.

[41] It must be said that this proposition is an unattractive one. The Court below was required to sentence the Vernons for regulatory offending of a very serious kind. The principal cause of that offending was (it seems) their financial inability to maintain their effluent system to the required standard. The offending was, necessarily, of some benefit to their farming business, because it involved deferring the capital outlay required to operate lawfully. And now they seek to argue both that a fine is the only appropriate penalty (because it is the only penalty that enables them to keep running their farm) but also that it cannot be set at the otherwise appropriate level because of the same impecuniosity that caused them to offend in the first place.

[42] In my view, the answer cannot lie in that direction. Reducing the fine imposed here runs a real risk that it becomes no more than a licence fee. And as Ms de Silva said, arrangements can be made to pay fines by instalment. Although, historically, it was thought that it was unduly burdensome to require that such instalments to continue for more than a year, the law now allows for up to an instalment period of up to five years.¹⁹ If (for example) the \$45,000 fine were able to be paid over five years that would require an additional monthly outgoing expenditure of only \$750. And I bear in mind Mr Mooney's acceptance (both before Judge Dwyer and before me) that a fine in the order of \$20,000 to \$25,000 would be manageable.

[43] In my view, the fine imposed in the District Court was appropriate and should not be reduced on account of the Vernons' financial circumstances. While it is open to me to make an order now under s 81 of the Summary Proceedings Act 1957 allowing payment of the fine to be made by instalments I think it prudent to allow the Vernons

¹⁹ Summary Proceedings Act 1957, s 86.

time to explore their preferred options with their accountant and, potentially, with possible lenders. I think the appropriate course is simply to make a direction under s 81(1)(b) that the Registrar of the District Court at New Plymouth is to determine whether to enter into an arrangement with the Vernons allowing them greater time to pay the fine or to pay it by instalments and I do so now.

[44] Subject only to that order, the appeal is dismissed.

Rebecca Ellis J

Agenda reports

Consents & Regulatory Committee, February 2019

Item 4 - consent monitoring reports

[Irrigation consent-holders](#) (880 KB)

[Stratford Power Station & Ahuroa Gas Storage](#) (3.7 MB)

[Dow AgroSciences](#) (1.6 MB)

[McKechnie Aluminium Solutions](#) (1 MB)

[Methanex Motunui and Waitara Valley](#) (2.6 MB)

[NPDC Crematorium](#) (460 KB)

[Waitaha Catchment](#) (4 MB)

[Kupe Production Station](#) (1.3 MB)

[Pohokura Production Station](#) (1.1MB)

[Cheal Production Station](#) (760 KB)

[TAG Oil Sidewinder Production Station](#) (900 KB)

[TWN LP Waihapa Production Station](#) (1 MB)

[WestSide Rimu Production Station](#) (670 KB)

[TAG Oil Vanner Landfarm](#) (2.4 MB)

[Eltham WWTP](#) (3 MB)