

Consents and Regulatory Committee

Tuesday 9 October 2018

9.30am

Taranaki Regional Council, Stratford



Agenda for the meeting of the Consents and Regulatory Committee to be held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 9 October 2018 commencing at 9.30am.

Members	Councillor M P Joyce	(Committee Chairperson)
	Councillor M J Cloke	
	Councillor M G Davey	
	Councillor C L Littlewood	
	Councillor M J McDonald	
	Councillor B K Raine	
	Councillor N W Walker	
	Councillor D L Lean	(ex officio)
	Councillor D N MacLeod	(ex officio)
Representative Members	Mr H Eriwata	(Iwi Representative)
	Mr K Holswich	(Iwi Representative)
	Ms F Mulligan	(Iwi Representative)

Opening Karakia

Apologies

Notification of Late Items

Item	Page	Subject
Item 1	5	<u>Confirmation of Minutes</u>
Item 2	11	<u>Resource consents issued under delegated authority and applications in progress</u>
Item 3	26	<u>Consent monitoring annual reports</u>
Item 4	49	<u>Incident, Compliance, Monitoring Non-compliances and Enforcement Summary</u>
Item 5	92	<u>Prosecution Sentencing Decision - Block 8 Farm Limited</u>

Item 6	104	<u>Prosecution Sentencing Decision - AL & JS Vernon</u>
Item 7	112	<u>Regional Council dairy effluent compliance, monitoring and enforcement assessment report</u>

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 9 October 2018

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



Subject: Confirmation of Minutes – 28 August 2018

Approved by: G K Bedford, Director-Environment Quality
B G Chamberlain, Chief Executive

Document: 2131836

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 28 August 2018 at 9.30am
2. notes the recommendations therein were adopted by the Taranaki Regional Council on 18 September 2018.

Matters arising

Appendices

Document #2112235 – Minutes Consents and Regulatory Committee

Minutes of the Consents and Regulatory Committee Meeting of the Taranaki Regional Council, held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford, on Tuesday 28 August 2018 at 9.30am.



Members	Councillors	M P Joyce M J Cloke C L Littlewood M J McDonald B K Raine N W Walker	(Committee Chairperson)
		D L Lean D N MacLeod	(ex officio) (ex officio)
Representative Members	Mr	H Eriwata	(Iwi Representative)
Attending	Messrs	B G Chamberlain	(Chief Executive)
		G K Bedford	(Director-Environment Quality)
		A D McLay	(Director-Resource Management)
		S Tamarapa	(Iwi Communications Officer)
		B E Pope	(Compliance Manager)
		C L McLellan	(Consents Manager)
	Mrs	K van Gameren	(Committee Administrator)
	Mr	R Ritchie	(Communications Manager)
	Mrs	V MacKay	(Science Manager)
	Mr	C Pickford	(Team Leader Hydrology)

Two Members of the public.

One Member of the media.

Opening Karakia Mr H Eriwata (Iwi Representative) gave the opening Karakia to the Consents and Regulatory Committee.

Apologies The apologies from Councillor M G Davey, Ms F Mulligan (Iwi Representative) and Mr K Holswich (Iwi Representative) were received and sustained.

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

1. Confirmation of Minutes - 17 July 2018

Resolved

THAT the Consents and Regulatory Committee of the Taranaki Regional Council

1. takes as read and confirms the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 17 July 2018 at 9.35am
2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 7 August 2018.

Raine/Cloke

Matters Arising

Mana Whakahono a Rohe (Iwi Relationship agreements - MFE guidance and update on relationship discussions)

Mr A D McLay, Director-Resource Management, updated the Committee on a meeting held 31 August 2018 with Te Kaahui o Rauru and Te Korowai o Ngāruahine Trust representatives on developing a Mana Whakahono a Rohe agreement. The Council is moving towards responding to the matters raised and feedback will be brought back to the Committee in due course.

Mr H Eriwata, Iwi Representative, noted the wording on the approved recommendation five concerning pan iwi approaches and it was noted this was not an accurate description.

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

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

Recommended

THAT the Taranaki Regional Council

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

Joyce/McDonald

3. Compliance monitoring annual reports

- 3.1 Mrs V MacKay, Science Manager, spoke to the memorandum advising the Committee of 10 tailored compliance monitoring reports that have been prepared since the last meeting of the Committee.

Recommended

THAT the Taranaki Regional Council

1. receives the 18-08 Todd Energy Aquatic Centre Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein
2. receives the 18-10 STDC Coastal Structures Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein
3. receives the 18-12 Petrochem Limited Kowhai D Wellsite Monitoring Programme 2016-2018 and adopts the specific recommendations therein
4. receives the 18-13 Urenui and Onaero Beach Camps Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein
5. receives the 18-14 Todd Petroleum Mining Company Limited KA1/7/19/20 Hydraulic Fracturing Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein
6. receives the 18-16 Hickman JD 1997 Family Trust Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein
7. receives the 18-23 Concrete Batching Plants Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein
8. receives the 18-25 Stratford District Council Water Treatment Plants Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein
9. receives the 18-29 Central Greenwaste and Firewood Monitoring Programme Annual Report 2016-2018 and adopts the specific recommendations therein
10. receives the 18-32 Osflo Fertiliser Ltd Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

MacLeod/Lean

4. Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 1 July 2018 to 10 August 2018

- 4.1 The Committee received and noted the summary of the Council's Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 1 July 2018 to 10 August 2018.

- 4.2 Mr B E Pope, Compliance Manager, provided an overview to the Committee on the reported incidents and answered questions concerning officer assessments of the incidents.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum
2. receives the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 18 May 2018 to 30 June 2018, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Raine/McDonald

5. Taiao Taiora Taranaki Iwi Management Plan

- 5.1 Mr S Tamarapa, Iwi Communications Officer, spoke to the memorandum presenting, for Members' information, an Iwi management plan recently produced by the Te Kāhui o Taranaki Trust *Taiao, Taiora an Iwi Environmental Management Plan for the Taranaki iwi Rohe*.
- 5.2 The Committee noted the quality of the Te Kāhui o Taranaki Trust's publication providing congratulations on the readability and presentation of the report. The Council welcomes the release of the Plan as a positive step forward in clarifying the policy position of the Te Kāhui o Taranaki Trust on a range of environmental and other matters. The Plan remains flexible and will be updated and reviewed as appropriate by the Trust.

Recommended

THAT the Taranaki Regional Council:

1. receives the memorandum and the Taiao, Taiora an Iwi Environmental Management Plan for the Taranaki iwi Rohe (2018)
2. notes that the Plan outlines the expectations and the position of Taranaki Iwi on matters relating to the environment in their rohe
3. notes that the Plan will be taken into account during the review of the Council's Resource Management Act policy documents concerning air, freshwater, soil and coastal resources
4. recognises that the Plan is a positive step forward in clarifying the policy position of Taranaki Iwi on environmental matters.

Littlewood/McDonald

There being no further business, the Committee Chairperson Councillor M P Joyce, declared the Consents and Regulatory Committee meeting closed at 10.10am.

Confirmed

Chairperson

M P Joyce

Date

9 October 2018

Agenda Memorandum

Date 9 October 2018



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

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

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

Document: 2130138

Purpose

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

Executive summary

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

Recommendation

That the Taranaki Regional Council:

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

Background

The following resource consent applications have been investigated by officers of the Taranaki Regional Council. They are activities with less than minor adverse effects on the environment or minor effects and affected parties have agreed to the activity. In accordance with sections 104 to 108 and section 139 of the Resource Management Act 1991, and pursuant to delegated authority to make decisions on consent applications, the Chief Executive or the Director – Resource Management has granted the consents/certificates of compliance.

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

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

Also attached are the following:

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

Discussion

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

Decision-making considerations

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

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

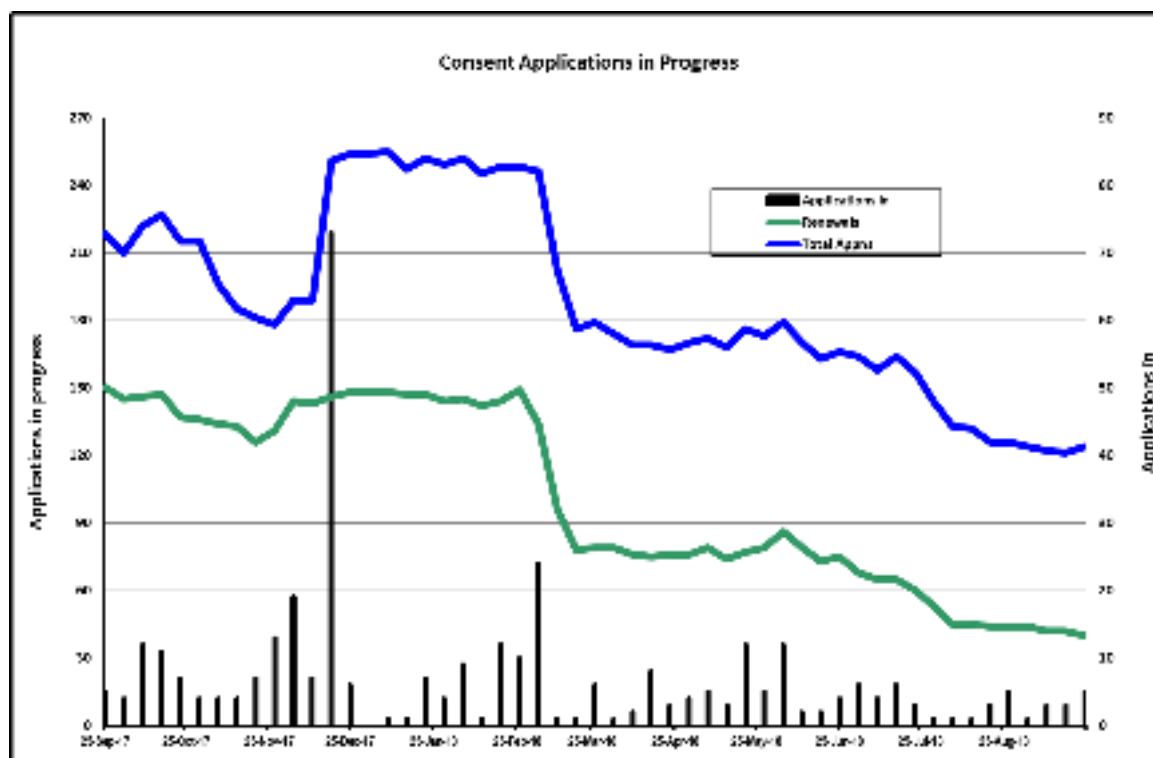
Legal considerations

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

Appendices/Attachments

List of non-notified & limited notified consents (document #2130086)
Schedule of non-notified consents (document #2130125)
Schedule of limited-notified consents (document #2130568)
Consents processing charts for Agenda (document #2130444)

Applications in progress



Month Ending

	July		Aug		Sept		Oct		Nov		Dec		Jan		Feb		Mar		Apr		May		Jun	
	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R
2018/2019	144	53	124	44	127	43																		
2017/2018	209	149	218	151	210	145	210	136	189	144	253	146	249	144	248	149	174	79	170	76	176	77	164	68
2016/2017	175	125	175	118	161	113	169	117	179	129	204	143	200	138	226	160	210	159	204	149	211	150	208	147

R = Renewals

Potential Hearings

Applicant	Description	Notification date	Status	Date Issued
New Zealand Transport Agency	Consents relating to the Mt Messenger Bypass	27/01/2018	Hearing to reconvene 09 October 2018	

Consents Issued (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2018-2019	32	55	66									
2017-2018	15	38	72	116	160	176	195	217	236	253	279	308
2016-2017	18	36	57	76	104	122	138	161	193	216	235	263

Breakdown of consents issued

	New	Renewal	Change	Review	Totals
2016-2017 Total	112	93	58	0	263
2017-2018 Total	134	106	61	7	308
2018-2019 YTD	19	37	10	0	66

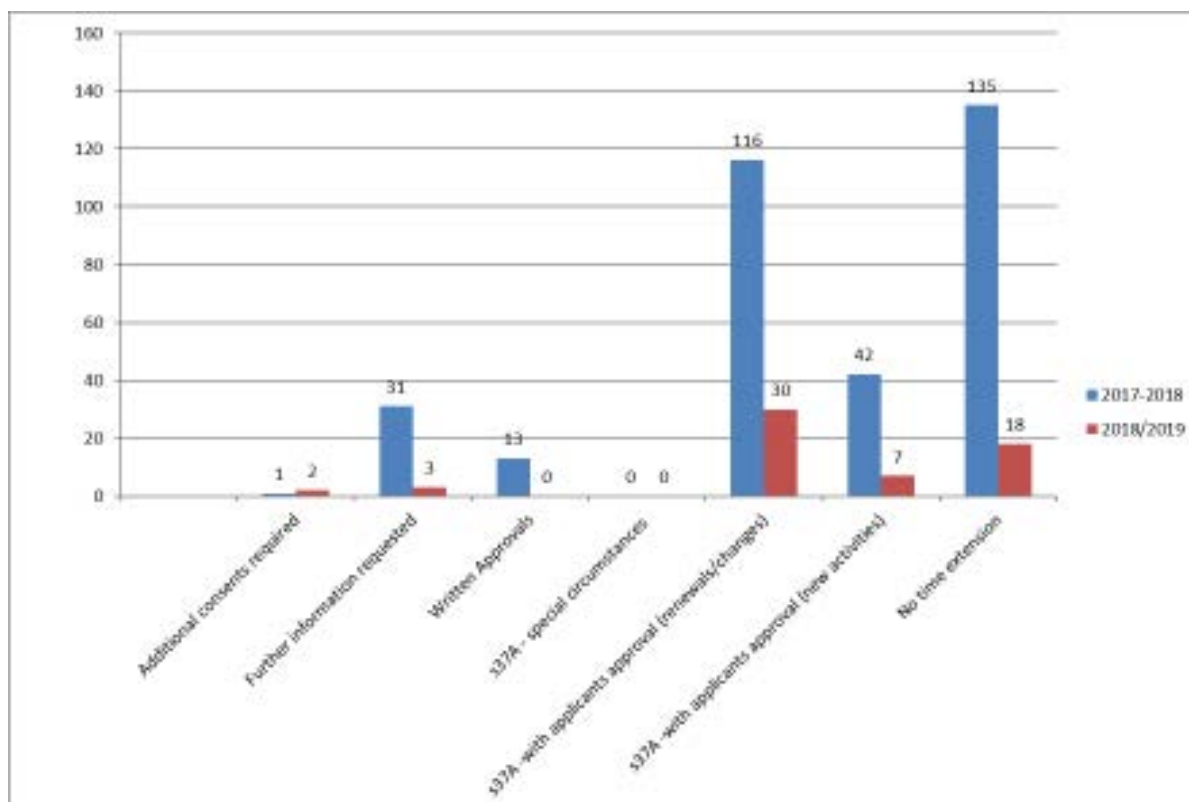
Types of consents issued - year to date comparison

	Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other	Total publically notified		Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other	Total Limited Notified		Local Authority	Dairy Farm	Poultry Farm	Oil & Gas	Other	Total Non-notified		Grand Total	
	Publically Notified					%		Limited					%		Non Notified					%			
July 2016 to June 2017	0	0	0	0	0	0.0%	0	0	0	0	2	7	3.4%	9	19	102	4	44	85	96.6%	254	263	
July 2017 to June 2018	1	0	0	0	5	1.9%	6	2	1	0	0	0	1.0%	3	29	103	6	71	90	97.1%	299	308	
September 2018 YTD	0	0	0	0	0	0.0%	0	0	1	0	0	1	3.0%	2	1	34	2	11	16	97.0%	64	66	

Non notified number of parties consulted and written approval provided

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
District Councils	2	0	2
DOC	0	0	0
Environmental/Recreational Groups	0	0	0
Fish & Game	0	0	0
Individuals/Neighbours/Landowners	12	1	13
Network Utilities	0	0	0
Non Govt Organisations	0	0	0
Other Govt Departments	0	0	0
Iwi/hapu	60	0	60
Totals - 2018-2019 August YTD	74	1	75

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	66
Publically Notified	4	6	0
Limited-notified	12	3	2
Non-notified	371	299	64
Applications submitted on (in opposition and to be heard)	9	8	2
Application Pre-hearing resolution (%)	78%	100%	100%
Hearings (no. of applications)	1 (2)	0 (0)	0 (0)
Appeals (no. of applications)	1 (1)	0 (0)	0 (0)
Total current consents	4579	4837	4835

Deemed Permitted Activities Issued

None issued

Applications returned incomplete under Section 88

For the 2018-2019 year, 6 applications have been returned incomplete under S88 of the RMA for insufficient information. Of those 6, 1 application has since been returned by the applicant and accepted by Council.

Non-notified authorisations issued by the Taranaki Regional Council between 17 Aug 2018 and 27 Sep 2018

Coastal Permit				
Consent	Holder	Subtype	Primary Industry Purpose	Activity Purpose
R2/10598-1.1	Shell Exploration NZ Limited	Air Discharge - Industry (CMA)	Hydrocarbon Exploration	New
Discharge Permit				
Consent	Holder	Subtype	Primary Industry Purpose	Activity Purpose
R2/10578-1.0	Oslo Fertiliser Limited	Air - Industry	Fertiliser Storage or Distribution	New
R2/10579-1.0	Oslo Fertiliser Limited	Land - Industry	Fertiliser Storage or Distribution	New
R2/10580-1.0	Oslo Fertiliser Limited	Land - stormwater	Fertiliser Storage or Distribution	New
R2/9744-2.0	Greymouth Petroleum Acquisition Company Limited	Land - Hydraulic Fracturing	Hydrocarbon Exploration	Replace
R2/9632-2.0	Greymouth Petroleum Turangi Limited	Land - Hydraulic Fracturing	Hydrocarbon Exploration	Replace
R2/9970-1.2	Todd Petroleum Mining Company Limited	Land - DWI	Hydrocarbon Exploration	Change
R2/10669-1.0	Todd Energy Limited	Air - Industry	Hydrocarbon Exploration	New
R2/2584-3.0	Kovo Farms	Land - animal waste	Dairy Farm	Replace
R2/2093-3.0	Brydon Trust	Land - animal waste	Dairy Farm	Replace
R2/4224-3.0	C and A Putt Trust	Land - animal waste	Dairy Farm	Replace
R2/3126-3.0	PKW Farms LP	Land - animal waste	Dairy Farm	Replace
R2/5432-2.0	Lindsay & Cindy Field	Water - Animal Waste	Dairy Farm	Replace
R2/1887-3.0	Kahurangi Trust	Water - Animal Waste	Dairy Farm	Replace
Land Use Consent				
Consent	Holder	Subtype	Primary Industry Purpose	Activity Purpose
R2/10672-1.0	Molten Partnership	Pipe Waterway	Dairy Farm	New
R2/10675-1.0	New Plymouth District Council	Structure - Outlet	Building Construction/Drainage/Flood Control	New
Water Permit				
Consent	Holder	Subtype	Primary Industry Purpose	Activity Purpose
R2/7964-1.1	Burgess Crowley Partnership	Take Groundwater	Industry - Other	Change

Limited Notified authorisations issued by the Taranaki Regional Council between 17 Aug 2018 and 27 Sep 2018

Water Permit				
Consent	Holder	Subtype	Primary Industry Purpose	Activity Purpose
R2/5797-2.0	Pihama Farms Limited	Take Surface Water	Irrigation	Replace
Land Use Consent				
Consent	Holder	Subtype	Primary Industry Purpose	Activity Purpose
R2/5546-2.0	New Zealand Transport Agency	Structure - Culvert	Road/Bridge Construction or Maintenance	Replace

Non-notified authorisations issued by the Taranaki Regional Council between 17 Aug 2018 and 27 Sep 2018

Doc #2130086

**Limited Notified authorisations issued by the Taranaki Regional Council
between 17 Aug 2018 and 27 Sep 2018**

[R2/5797-2.0](#)

Pihama Farms Limited

C/- P Stevenson, 3024A South Road, RD 32,
Opunake 4682

Commencement Date: 27 Sep 2018

Expiry Date: 01 Jun 2036

Review Dates: June 2024 and at 3-yearly
intervals thereafter

Activity Class: Discretionary

Location: 3024A South Road, Opunake

Application Purpose: Replace

To take and use water from the Oeo Stream for pasture irrigation purposes

[R2/5546-2.0](#)

New Zealand Transport Agency

Private Bag 11777, Palmerston North 4442

Commencement Date: 09 Oct 2018

Expiry Date: 01 Jun 2036

Review Dates: June 2020 and every 2 years
thereafter

Activity Class: Discretionary

Location: Road reserve, South Road, SH45,
Kaupokonui

Application Purpose: Replace

To use an existing culvert and associated erosion protection works in the bed of the
Otakeho Stream

Non-notified authorisations issued by the Taranaki Regional Council between 17 Aug 2018 and 27 Sep 2018

R2/10578-1.0	Commencement Date: 17 Aug 2018
Osflo Fertiliser Limited	Expiry Date: 01 Jun 2032
PO Box 761, New Plymouth 4340	Review Dates: June 2020 and at 2-yearly intervals thereafter
	Activity Class: Discretionary
Location: 1319 Mountain Road, Inglewood	Application Purpose: New
To discharge emissions to air from the storage, blending and distribution of fertiliser	
R2/10579-1.0	Commencement Date: 17 Aug 2018
Osflo Fertiliser Limited	Expiry Date: 01 Jun 2032
PO Box 761, New Plymouth 4340	Review Dates: June 2020 and at 2-yearly intervals thereafter
	Activity Class: Discretionary
Location: 1319 Mountain Road, Inglewood	Application Purpose: New
To discharge washwater from truck wash facilities into land via soakage pits	
R2/10580-1.0	Commencement Date: 17 Aug 2018
Osflo Fertiliser Limited	Expiry Date: 01 Jun 2032
PO Box 761, New Plymouth 4340	Review Dates: June 2020 and at 2-yearly intervals thereafter
	Activity Class: Discretionary
Location: 1319 Mountain Road, Inglewood	Application Purpose: New
To discharge stormwater from a fertiliser storage facility and associated yard to land where it may enter an unnamed tributary of the Waiongana Stream	
R2/10672-1.0	Commencement Date: 21 Aug 2018
Molten Partnership	Expiry Date: 01 Jun 2034
C/- Balance Chartered Accountants, PO Box 670, Whanganui 4541	Review Dates: June 2022, June 2028
	Activity Class: Discretionary
Location: 2073 South Road, Kakaramaea	Application Purpose: New
To install piping in an unnamed tributary of the Oroua Stream, including associated stream bed disturbance and reclamation	

Non-notified authorisations issued by the Taranaki Regional Council between 17 Aug 2018 and 27 Sep 2018

[R2/9744-2.0](#)

Greymouth Petroleum Acquisition Company
Limited
PO Box 3394, New Plymouth 4341

Commencement Date: 22 Aug 2018

Expiry Date: 01 Jun 2033

Review Dates: June annually
Activity Class: Discretionary

Location: Ngatoro-E wellsite, 561 Dudley
Road Upper, Inglewood (Property owner: GD
& VK Robinson)

Application Purpose: Replace

To discharge water based hydraulic fracturing fluids into land at depths greater than 3,375
mTVDss beneath the Ngatoro-E wellsite

[R2/9632-2.0](#)

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

Commencement Date: 22 Aug 2018

Expiry Date: 01 Jun 2033

Review Dates: June annually
Activity Class: Discretionary

Location: Urenui-1 wellsite, 259 Ohanga Road, Onaero (Property owner: Bullock Creek
Trustee Ltd & RB Honeyfield)

Application Purpose: Replace

To discharge water based hydraulic fracturing fluids into land at depths greater than 2,930
mTVDss beneath the Urenui-1 wellsite

[R2/9970-1.2](#)

Todd Petroleum Mining Company Limited
PO Box 802, New Plymouth 4340

Commencement Date: 23 Aug 2018

Expiry Date: 01 Jun 2029

Review Dates: June annually
Activity Class: Discretionary

Location: KA-09 wellsite (KW-2/KA-16), 83
Lower Duthie Road & KA-1/7/19/20 wellsite
(KA-01/KA-07/KA-20A), 360 Palmer Road,
Kapuni

Application Purpose: Change

To discharge waste fluids, associated with hydrocarbon exploration and production by
deep well injection, into the Matemateaonga Formation via the KW-2 and KW-16 wells, or
into the Mangahewa Formation via the KA-1 and/or KA-7 wells or Moki and
Matemateaonga Formations via the KA-20A well as a contingency

Change of consent conditions to add the KA-20A well to the consent

Non-notified authorisations issued by the Taranaki Regional Council between 17 Aug 2018 and 27 Sep 2018

[R2/10669-1.0](#)

Todd Energy Limited
PO Box 802, New Plymouth 4340

Commencement Date: 24 Aug 2018
Expiry Date: 01 Jun 2019
Review Dates:
Activity Class: Restricted discretionary

Location: Toe Toe-A wellsite, Bristol Road, Inglewood

Application Purpose: New

To discharge emissions to air associated with maintenance of a well at the Toe Toe-A wellsite

[R2/2584-3.0](#)

Kovo Farms
132 Stanley Road, RD 24, Stratford 4394

Commencement Date: 06 Sep 2018
Expiry Date: 01 Dec 2045
Review Dates: June 2027, June 2033, June 2039
Activity Class: Controlled

Location: 172 Stanley Road, Stratford
To discharge farm dairy effluent onto land

Application Purpose: Replace

[R2/2093-3.0](#)

Brydon Trust
B & D Sharpe, 449 Warea Road, RD 37, New Plymouth 4381

Commencement Date: 07 Sep 2018
Expiry Date: 01 Dec 2043
Review Dates: June 2025, June 2031, June 2037
Activity Class: Controlled

Location: 449 Warea Road, Warea
To discharge farm dairy effluent onto land

Application Purpose: Replace

[R2/7964-1.1](#)

Burgess Crowley Partnership
PO Box 150, Inglewood 4347

Commencement Date: 11 Sep 2018
Expiry Date: 01 Jun 2028
Review Dates: June 2019, June 2022
Activity Class: Discretionary

Location: 526 East Road, Stratford

Application Purpose: Change

To take and divert groundwater in the vicinity of the Patea River and the 'Toko Wetland' incidental to quarrying activities

Change of consent conditions to remove the requirement to install piezometers

Non-notified authorisations issued by the Taranaki Regional Council between 17 Aug 2018 and 27 Sep 2018

[R2/4224-3.0](#)

C and A Putt Trust
2189 South Road, RD 28, Hawera 4678

Commencement Date: 11 Sep 2018
Expiry Date: 01 Dec 2042
Review Dates: June 2024, June 2030,
June 2036
Activity Class: Controlled

Location: 2189 South Road, Otakeho
To discharge farm dairy effluent onto land

Application Purpose: Replace

[R2/3126-3.0](#)

PKW Farms LP
PO Box 241, New Plymouth 4340

Commencement Date: 13 Sep 2018
Expiry Date: 01 Dec 2042
Review Dates: June 2024, June 2030,
June 2036
Activity Class: Controlled

Location: 146 Little Oeo Road, Manaia
To discharge farm dairy effluent onto land

Application Purpose: Replace

[R2/10598-1.1](#)

Shell Exploration NZ Limited
Private Bag 2035, New Plymouth 4342

Commencement Date: 13 Sep 2018
Expiry Date: 01 Jun 2033
Review Dates: June 2021, June 2027
Activity Class: Discretionary

Location: Coastal Marine Area, Tasman Sea,
Pohokura Platform B
To discharge emissions to air from flaring of hydrocarbons and miscellaneous emissions on
Pohokura Platform B

Application Purpose: New

[R2/5432-2.0](#)

Lindsay & Cindy Field
757 Arawhata Road, RD 31, Opunake 4681

Commencement Date: 21 Sep 2018
Expiry Date: 01 Dec 2020
Review Dates:
Activity Class: Controlled

Location: 779 Arawhata Road, Opunake
To discharge farm dairy effluent after treatment in an oxidation pond system and
constructed drain, into an unnamed tributary of the Oaonui Stream

Application Purpose: Replace

**Non-notified authorisations issued by the Taranaki Regional Council
between 17 Aug 2018 and 27 Sep 2018**

[R2/1887-3.0](#)

Kahurangi Trust
PO Box 615, Hawera 4640

Commencement Date: 24 Sep 2018

Expiry Date: 01 Dec 2042

Review Dates: June 2024, June 2030,
June 2036

Activity Class: Controlled

Location: 385 Auroa Road, Otakeho, Manaia **Application Purpose:** Replace

To discharge farm dairy effluent onto land, and until 1 December 2020 after treatment in an oxidation pond system, into the Kuporaho Stream

[R2/10675-1.0](#)

New Plymouth District Council
Private Bag 2025, New Plymouth 4342

Commencement Date: 25 Sep 2018

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Discretionary

Location: Rifle Range Road, New Plymouth **Application Purpose:** New

To repair and use a stormwater outlet structure in the Waiwhakaiho River and to install a floodgate and rock riprap

Agenda Memorandum

Date 9 October 2018

**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: 2119213

Purpose

The purpose of this memorandum is to advise the Committee of 12 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 12 reports for presentation to the meeting. Within the reports 9 high and 3 good 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.

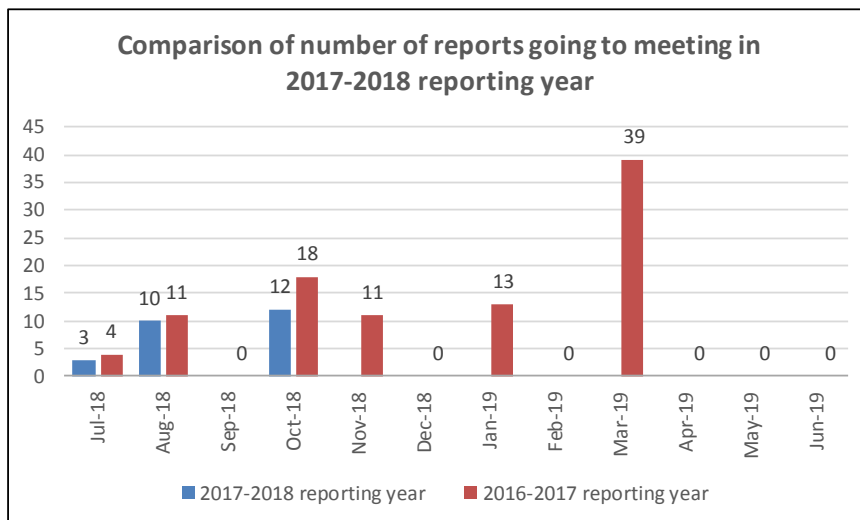
Recommendations

That the Taranaki Regional Council:

1. receives the 18-04 Wai-iti Beach Retreat Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
2. receives the 18-15 Dimar Partnership Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
3. receives the 18-17 Taranaki Galvanizers Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
4. receives the 18-19 RKM Farms Ltd Piggery Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
5. receives the 18-26 NPDC Water Supplies Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
6. receives the 18-28 Greymouth Petroleum Limited Turangi-C Wellsite Monitoring Programme Report 2016-2018 and adopts the specific recommendations therein.
7. receives the 18-30 STDC Closed Landfills Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
8. receives the 18-37 Value Timber Ltd Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
9. receives the 18-38 NPDC Landfills Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
10. receives the 18-48 Cold Creek Water Supply Limited Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
11. receives the 18-52 South Taranaki Water Supplies Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
12. receives the 18-60 Cheal Petroleum Limited DWI Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

Table 1

Report Name	Overall environmental performance
18-04 Wai-iti Beach Retreat Monitoring Programme Annual Report 2017-2018 .	Good
18-15 Dimar Partnership Monitoring Programme Annual Report 2017-2018 .	High
18-17 Taranaki Galvanizers Monitoring Programme Annual Report 2017-2018 .	High
18-19 RKM Farms Ltd Piggery Monitoring Programme Annual Report 2017-2018 .	High
18-26 NPDC Water Supplies Monitoring Programme Annual Report 2017-2018 .	Good
18-28 Greymouth Petroleum Limited Turangi-C Wellsite Monitoring Programme Report 2016-2018 .	High
18-30 STDC Landfills (closed) Monitoring Programme Annual Report 2017-2018 .	High
18-37 Value Timber Ltd Monitoring Programme Annual Report 2017-2018 .	High
18-38 NPDC Landfills Monitoring Programme Annual Report 2017-2018 .	High
18-48 Cold Creek Water Supply Limited Monitoring Programme Annual Report 2017-2018 .	Good
18-52 South Taranaki Water Supplies Monitoring Programme Annual Report 2017-2018 .	High
18-60 Cheal Petroleum Limited DWI Monitoring Programme Annual Report 2017-2018 .	High



Case Study

Compliance monitoring of industrial consent holders throughout Taranaki

Taranaki Regional Council undertakes considerable work every year to monitor the effect that Taranaki industries may have on our environment. The details of this work are presented to the community in the annual compliance monitoring reports attached to the agenda memorandums of each Consents and Regulatory Committee meeting. The creation of these reports represent just over a hundred of the 15 hundred compliance monitoring activities that the Council undertakes each year. The Council officers who undertake this work offer a variety of specialised skills to ensure that the monitoring is scientifically robust and effective in its application.

The tables below have been extracted from the Council's database. These present a breakdown of the activities that the officers have scheduled for the period from July 2018 to June 2019. The number of each of these activities is also provided, however it should be noted that the duration (allocated hours) and resources (officers and equipment) required for each activity type may vary significantly. This represents the basic programmes: any detection of potentially non-compliant events may involve considerable further investigative actions by Council staff. In addition, the activities below represent just over half of the work programmes of the Science Services section. The Council makes a major investment in this work, to reflect how important the sustainable management of natural and physical resources is to the Taranaki community.

Air Monitoring	96
Deposition Gauges	15
Inspection	20
Multigas monitoring	15
NOx and SOx Monitoring	1
NOx monitoring	12
Odour Survey	5
PM10 ambient	14
Reporting	14
Hydrological Monitoring	150
Calibration Test	4
Consent holder submitted data	1
Electronic Abstraction Data	12
Flow Gauging	52
Flow Gauging (Low Flow)	4
Inspection	31
Instream Temperature Loggers	14
Logger Data	16
Maintenance	2
Reporting	1
Telemetry	13



Site Inspection	403
Annual Inspection	23
Inspection	269
Inspection with sampling	111
Freshwater Biological Surveys	96
Biological Inspection	8
Fish Survey - Electric Fishing	3
Fish Survey - Netting/Trapping	3
Fish Survey - Spotlighting	2
Macroinvertebrate Survey	57
Reporting	23
Marine Biological Surveys	31
Intertidal Survey - Hardshore	14
Marine Inspection	6
Mussel Run	9
Reporting	2
Physicochemical / Bacteriological Monitoring	271
Discharge	32
Discharge / Surface Water	55
Groundwater	69
Marine Chemical/Bacto	53
Sediment sampling	3
Soil	13
Surface Water	46
Programme Supervision	209
Financial & record administration	9
Job Management	157
Meetings / Iwi Liaison	5
Programme review	38
Office Assessment / Administration	123
Consent holder submitted data	48
Consent holder submitted report	25
Data assessment	36
Plan / report assessment	12
Receipt of data / report	1
Report compliance	1

Technical Report	110
Annual Report	106
Biennial Report	3
Project Report	1



18-04 Wai-iti Beach Retreat Monitoring Programme Annual Report 2017-2018

Wai-iti Motor Camp Ltd (the Company) operates the Wai-iti Beach Retreat (the Retreat), located in North Taranaki. The Company holds resource consents to discharge septic tank treated sewage to groundwater via soakage trenches and to erect, place and maintain a rock wall along the front of the accommodation on the Wai-iti Beach foreshore. 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 they must satisfy. The Company holds one consent to allow them to discharge treated septic tank effluent to groundwater, and one consent for a boulder rip rap toe protection in the coastal marine area.

During the monitoring period, the consent holder demonstrated an overall good level of environmental performance.

The Council's monitoring programme for the year under review included three routine inspections of the wastewater system, one inspection of the rock wall, and routine bacteriological water sampling of the Wai-iti Stream and Wai-iti Beach on one occasion.

Two additional bacteriological water sampling rounds were also undertaken to monitor any impacts of the unnamed tributary on the Wai-iti Stream, following recommendations made in the 2016-2017 monitoring report.

The monitoring showed that the Retreat was well maintained during the period under review, overall, and that it did not appear to affect the water quality of the Wai-iti Stream. These results were supported by the faecal source tracking analyses carried out in January 2018 in response to elevated results recorded in recent years. One of the three soakage trenches was disconnected prior to Christmas, due to previous issues with the structure. This has raised concerns that the remaining two trenches could become overloaded. The Company is currently investigating options for reinstating the trench and expects to have the issue resolved in the coming months.

By comparison with previous years, the monitoring indicated an improvement in the Retreat's compliance performance. 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 an overall good level of environmental and a high level of administrative performance in relation to their 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 Company over the last several years, this report shows that their performance is improving.

This report includes recommendations for the 2018-2019 year.

18-15 Dimar Partnership Monitoring Programme Annual Report 2017-2018

Dimar Partnership (the consent holder) previously operated a refuse dump located on Ararata Road, Hawera, in the Tangahoe catchment. The site was investigated in June 2013, and it was found that it was accepting household rubbish and other refuse from off-site. It was also found that the edge of the disposal site was closer than 25 metres to a waterway. As this did not comply with the permitted activity rule for on farm domestic refuse disposal, an abatement notice was issued, and the site owner then applied for a resource consent to discharge leachate into the Mangimangi Stream.

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 consent holder'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 consent holder's activities.

The consent holder held one resource consent, which included a total of five conditions setting out the requirements that they were required to satisfy. The consent allowed the consent holder to discharge contaminants (leachate) from a closed farm refuse dump into land where it may enter the Mangimangi Stream. The consent was allowed to expire on 1 June 2018 as the site is now considered to meet the standards required for closed landfills under the permitted activity in the *Regional Fresh Water Plan* (Rule 28).

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

The Council's monitoring programme for the year under review included one inspection.

The monitoring showed that no environmental impacts were found. The site was capped, contoured, and vegetated appropriately. The stability of the cap was ensured by the permanent fencing erected during the year under review to protect the area from stock. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.

During the year, the consent holder demonstrated a high level of environmental and 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 since 2013, this report shows that the consent holder's performance remained at a high level.

This report includes recommendations for the 2018-2019 year.

18-17 Taranaki Galvanizers Monitoring Programme Annual Report 2017-2018

Taranaki Galvanizers Ltd (the Company) operate a zinc galvanising plant located on Monmouth Road, approximately 1 kilometre north of Stratford in the Kahouri Stream catchment. The Company utilises a hot-dip galvanising process to provide a protective coating for steel materials. 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 16 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to discharge stormwater into an unnamed tributary of the Kahouri Stream, and one consent to discharge emissions into the air at this site.

During the monitoring period, Taranaki Galvanizers Ltd demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included two inspections and eight water samples collected for physicochemical analysis during the reported period.

Elevated zinc concentrations were recorded in the receiving waters upstream and downstream of the Company's discharge. The historical disposal of galvanising waste materials into a bore on the Company's site is considered to be the most likely source of zinc contamination in this discharge, and in the unnamed tributary of the Kahouri Stream. Results from the current monitoring period suggest that zinc levels continue to remain relatively stable and are decreasing over time in the receiving environment.

In the reported period, no effect of emissions to air from the galvanising site was detected at or beyond the boundary of the site during inspections.

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 to high level during the year under review.

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.

This report includes recommendations for the 2018-2019 year, including a recommendation that the monitoring programme continue on the same basis as that in the previous monitoring period. It is recommended that deposition gauging only occur if circumstances warrant it, such as complaints from neighbours or visible smoke extending beyond the Company's boundary.

18-19 RKM Farms Ltd Piggery Monitoring Programme Annual Report 2017-2018

RKM Farms Ltd (the Company) operates a piggery located on 599A South Road at Hawera in the Tangahoe, catchment. The piggery is a breeder grower and finishing operation with up to 5,000 pigs and piglets at any one time, employing between five and six full time staff.

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 assess the environmental effects of the Company's activities.

The Company holds two resource consents, which include a total of 13 conditions setting out the requirements that they must satisfy. Resource consent 5108-2 allows the discharge of treated effluent into the Tawhiti Stream, and consent 5266-2 relates to the discharge of emissions into the air at this site.

During the monitoring period, RKM Farms Ltd demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included two inspections and the collection of two wastewater and receiving water samples collected for physicochemical analysis.

The monitoring showed that the wastewater and receiving water samples were well within the consented limits. No non-compliant odour incidents were recorded 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, 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.

18-26 NPDC Water Supplies Monitoring Programme Annual Report 2017-2018

New Plymouth District Council (NPDC) operates four water supply schemes in the New Plymouth District. 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 performance and consent compliance during the period under review.

NPDC holds 19 resource consents, relating to those water supply systems which include a total of 149 conditions setting out the requirements that the consent holder must satisfy. There are seven consents to take and use water, four consents to discharge to water, seven consents to maintain structures, and one consent to discharge filter backwash onto and into land.

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

The Council's monitoring programme for the year under review included an annual inspection of each water supply scheme, four samples collected for water quality analysis, two fish surveys, and an assessment of the abstraction and discharge data provided by NPDC.

The monitoring showed that overall the NPDC water schemes are well operated and maintained and appeared to be having no adverse effects on the environment.

NPDC provided all the abstraction data required under consent conditions and the data showed that all daily volume limits and instantaneous abstraction rates were complied with. Self-monitoring of the Inglewood discharge showed minor non-compliances with suspended solids limits, however this was rectified by de-sludging the treatment system.

During the period under review, a main supply line from the New Plymouth water treatment plant suffered major damage as a result of cyclone Gita. This however, did not impact NPDC's performance in relation to compliance with the consents covered by this report.

During the year, NPDC demonstrated a good level of environmental and a high level of 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, this report shows that NPDC has maintained a high to good level of performance.

This report includes recommendations for the 2018-2019 year.

18-28 Greymouth Petroleum Limited Turangi-C Wellsite Monitoring Programme Report 2016-2018

Greymouth Petroleum Ltd (the Company) established a hydrocarbon exploration site located on Turangi Road Upper at Motunui in the Parahaki catchment. This report for the period June 2016 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. During this period, one well was drilled, tested, hydraulically fractured and is now producing (Turangi 6). The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

The Company holds four resource consents, which include a total of 40 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to take and use water, two consents to discharge effluent/stormwater into an unnamed tributary of the Parahaki Stream, and one consent to discharge emissions into the air at this site.

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

The Council's monitoring programme for the monitoring period under review included 12 inspections, one water sample collected for physicochemical analysis, and one biomonitoring survey of receiving waters.

The monitoring showed that all samples obtained were in compliance with consent conditions. The monitoring indicated there was no effect on the receiving environment from the activities at the Turangi-C wellsite. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.

During the monitoring period, the Company demonstrated a high level of environmental and administrative performance with the resource consents. There were no significant issues observed by Council officers concerning silt or sediment controls, and stormwater discharges from the site. Site staff were cooperative with requests made by Council officers, with any required works being completed in a timely and satisfactory manner.

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 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 in the monitoring period under review.

This report includes recommendations for the 2018-2019 year.

18-30 STDC Landfills (closed) Monitoring Programme Annual Report 2017-2018

South Taranaki District Council (STDC) holds consents to cover the discharge of leachate and stormwater from seven closed landfills. The landfills are at Kaponga and Manaia in the Waiokura catchment, Patea in the Patea catchment, Opunake in the Otahi catchment, Hawera in the Tangahoe catchment, Otakeho in the Taikatu catchment and 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 at the Eltham, Hawera, Kaponga, Manaia, Opunake and Patea landfills. Triennial monitoring of the Otakeho closed landfill was not scheduled to take place during the year under review.

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

STDC holds 10 resource consents, consisting of eight discharge of stormwater and/or leachate to water consents, one discharge to air consent, and one land use consent. These consents include a total of 63 conditions setting out the requirements that STDC must satisfy.

To monitor compliance with these conditions during the 2017-2018 year, Council staff conducted 11 inspections, took 26 discharge and receiving environment samples, and conducted two biomonitoring surveys.

One incident was recorded by the Council in regards to these landfill sites during the monitoring year. This was in relation to the closed Opunake landfill. At an inspection, water troughs were found to be overflowing, causing ponding on the cap. This non-compliance with consent was resolved promptly.

During the year, STDC demonstrated a high level of environmental and administrative performance in relation to the Kaponga, Manaia, Patea and Eltham closed landfill consents as defined in Section 1.1.5.

During the year, STDC demonstrated a good level of environmental and good level of administrative performance in relation to the Hawera and Opunake closed landfill consents as defined in Section 1.1.5.

During the year, the environmental performance and administrative performance of STDC was not assessed in relation to the Otakeho closed landfill 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 in the year under review.

This report includes recommendations for the 2018-2019 year.

18-37 Value Timber Ltd Monitoring Programme Annual Report 2017-2018

Value Timber Ltd (the Company) operates an untreated wood waste landfill located on Bristol Road at Inglewood, in the Waitara catchment. The sole source of the wood waste is from the Company's sawmilling operation in Inglewood. The Company sells most of its woodchip and sawdust as calf litter. The remaining material consisting of bark, soil and soiled woodchip/sawdust is sent to the Bristol Road site for disposal.

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, to discharge wood waste to land, which includes a total of 14 conditions setting out the requirements that the Company must satisfy.

During the monitoring period, Value Timber Ltd demonstrated an overall high level of environmental performance.

The Council's monitoring programme for the year under review included three inspections, two water samples collected for physicochemical analysis, and one wood waste sample collected for copper, chromium, arsenic, and boron (CCAB) analysis.

The monitoring showed that the site discharges were compliant with consent conditions and that the control of silt from the associated earthworks continued to be managed effectively. The grass cover in the large pre-fill gully was maintained and the silt controls were well maintained. There were no discharges of unauthorised wood waste or other materials found at inspection. 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 environmental and 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 has improved from a good to a high level.

This report includes recommendations for the 2018-2019 year, including a recommendation relating to an optional review of consent 7338-1.

18-38 NPDC Landfills Monitoring Programme Annual Report 2017-2018

The New Plymouth District Council (NPDC) maintains two reinstated landfills, one at Inglewood and one at Okato. Both of these sites are now used as transfer stations and are held in reserve to accept refuse, if required, as a contingency. The Inglewood landfill is an active cleanfill site; located on King Road at Inglewood, in the Waiongana catchment. The Okato landfill is an active cleanfill and green waste disposal site; located on Hampton Road at Okato, in the Kaihihi catchment.

NPDC also maintains a closed landfill, Marfell Park (Marfell) landfill in the Huatoki catchment. This landfill does not accept any waste for disposal and has been fully reinstated.

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 seven resource consents in relation to these landfills, which include a total of 59 conditions setting out the requirements that they must satisfy. NPDC holds three consents to discharge leachate and stormwater into various streams, two consents to discharge contaminants onto and into land, and two consents to discharge emissions into the air.

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

The Council's monitoring programme for the year under review included six inspections, one discharge sample, 14 receiving water samples, two biomonitoring surveys of receiving waters, and one ambient air quality analysis. The biennial monitoring scheduled for the Marfell landfill site will next be implemented during the 2018-2019 year.

During the monitoring year there were no incidents logged by Council associated with NPDC's landfills covered in this report.

Overall during the year, NPDC demonstrated a good level of environmental performance and a high level of administrative performance in relation to the Inglewood landfill consents as defined in Section 1.1.5. Although no significant environmental effects were found due to the operation of the site, the recent trend of increasing concentrations of nitrogen compounds prior to the remediation of the cap and the increasing trend in acid soluble manganese indicate that there may be the potential for environmental effects to emerge in the future.

During the year, NPDC demonstrated a high level of environmental performance and a high level of administrative performance in relation to the Okato landfill resource consents as defined in Section 1.1.5.

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 in the year under review.

This report includes recommendations for the 2018-2019 year, including a recommendation relating to an optional review of consents 3860-3, 4528-3 and 4529-3.

18-48 Cold Creek Water Supply Limited Monitoring Programme Annual Report 2017-2018

The Cold Creek Community Water Supply Ltd (CCCWSL) operates a rural water supply scheme located on Cold Creek¹, Kiri Road, in the Taungatara catchment. The report for the period July 2017 to June 2018 describes the monitoring programme implemented by the

¹ Cold Creek is otherwise known as Cold Stream. For the purposes of this report all references to the water body in question will be using the former, or 'Cold Creek'.

Taranaki Regional Council (the Council) to assess CCCWSL'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 their activities.

CCCWSL holds three resource consents, which include a total of 27 conditions setting out the requirements that they must satisfy. CCCWSL holds one consent to allow it to take and use water, one consent to discharge filter back wash and one consent to maintain a weir.

During the monitoring period CCCWSL demonstrated a good level of environmental performance.

The Council's monitoring programme for the year under review included one inspection, one discharge sample, four river gaugings, and a review of water abstraction and stream flow data.

The monitoring showed that CCCWSL complied with consent conditions in regards to discharge standards and abstraction rates, however during the monitoring period it was noted that instream stage and flow data was not being recorded as per consent conditions. A review of the data found that there had been significant issues in regards to data accuracy, equipment management, and equipment failure. An abatement notice was issued in regard to the CCCWSL not notifying the Council of equipment failure and an infringement notice was issued for breaches in regards to missing stream flow data and the inaccuracies in the data provided. There were also some minor issues in regards to missing data from the abstraction record.

During the year, CCCWSL demonstrated a good level of environmental and a poor level of 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, this report shows that the consent holder's performance has reduced.

This report includes recommendations for the 2018-2019 year.

18-52 South Taranaki Water Supplies Monitoring Programme Annual Report 2017-2018

The South Taranaki District Council (STDC) operates a total of 11 water treatment plants (WTP's) throughout the district. STDC holds 34 resource consents which include 317 conditions setting out the requirements that must be satisfied. STDC holds 15 consents to take water, ten consents to discharge to both land and water, and nine consents to construct and maintain in-stream structures.

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 performance of STDC during the period under review, and the results and environmental effects of their activities.

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

During the 2017-2018 monitoring period the Council's monitoring programme included nine inspections, the collection of six water samples for physicochemical analysis, three

biomonitoring surveys of receiving water, and two fish surveys. Abstraction, stream flow and discharge data, provided by the consent holder, was analysed and reviewed.

Chemical sampling of discharges and receiving waters, macroinvertebrate surveys and fish surveys, all indicated that the water supply schemes were not causing any adverse environmental effects.

During the monitoring period, STDC demonstrated an overall high level of environmental performance and a good level of administrative performance. There were some minor issues in regards to the transmission of bore abstraction data and stream flow data during the period under review.

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 STDC over the last several years, this report shows that the consent holder's performance remains at a good or high level.

During the monitoring period no incidents were recorded in relation to activities covered by this report.

This report includes recommendation for the 2018-2019 year.

18-60 Cheal Petroleum Limited DWI Monitoring Programme Annual Report 2017-2018

Cheal Petroleum Limited (the Company) operate a number of wellsites within the Taranaki Region, most notably their Cheal wellsites located south of Stratford. Each wellsite contains varying numbers of producing wells and associated production infrastructure. This report for the period July 2017 to June 2018 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) in relation to the Company's deep well injection (DWI) activities. The report details the results of the monitoring undertaken, assesses the Company's environmental performance during the period under review and the environmental effects of their DWI activities.

The Company held four resource consents for DWI activities during the review period, which included a total of 68 conditions setting out the requirements that the Company must satisfy. All four consents were exercised during the period.

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 15 site inspections, two injectate samples and nine groundwater samples collected for physicochemical analysis. The monitoring programme also included a significant data review component, with all injection data submitted by the Company assessed for compliance on receipt.

The monitoring showed that the Company's DWI activities were being carried out in compliance with the conditions of the applicable resource consents. There is no evidence of any issues with any injection well currently in use, or the ability of the receiving formation to accept injected fluids. The results of groundwater quality monitoring undertaken show no adverse effects of the activity at monitored locations. Inspections undertaken during the monitoring year found sites being operated in a professional manner and there were no unauthorised incidents in relation to any of the Company's DWI consents.

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 Company over the last several years, this report shows that the Company's performance remains at a high level.

This report includes recommendations to be implemented during the 2018-2019 monitoring period.

Stakeholder and iwi interests

18-04 Wai-iti Beach Retreat Monitoring Programme Annual Report 2017-2018

Consent 1971-3

Discharge septic tank sewage effluent at Wai-iti Beach

Written approval for non-notification was not considered necessary as there were no affected parties to the application.

Consent 6462-1

Boulder rip rap on the Wai-iti Beach foreshore

The consent was processed as non-notified as the adverse effects on the environment of the activity were considered to be minor, and written approval was obtained from every person who may have been adversely affected by the granting of the resource consent.

The Maritime Safety Authority was informed of the application. The Minister of Conservation and the Department of Conservation were forwarded a copy of the application and DOC provided written approval.

The two local iwi in the area, Ngati Tama and Ngati Mutunga Iwi Authority were also forwarded a copy of the application.

The New Plymouth District Council were forwarded a copy of the application and written approval was provided.

The adjoining neighbour to the proposal received a copy of the application and completed a non-notification approval form.

18-15 Dimar Partnership Monitoring Programme Annual Report 2017-2018

Consent 9640-1

The applicant consulted with the landowner of the adjacent site. It was considered that the adverse effects of the activity would be no more than minor and nobody would be adversely affected, so the application was being processed on a non-notified basis.

18-17 Taranaki Galvanizers Monitoring Programme Annual Report 2017-2018

Consents 4064-3 and 4657-2

These consents were non-notified because the adverse effects of the activities were no more than minor and nobody was considered to be adversely affected. Written approval was obtained from adjacent landowners/occupiers.

18-19 RKM Farms Ltd Piggery Monitoring Programme Annual Report 2017-2018

Consents 5108-2 and 5266-2

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 adjacent landowners and occupiers in regard to consent 5266-2.

18-26 NPDC Water Supplies Monitoring Programme Annual Report 2017-2018

New Plymouth

Consents 0672-3, 0673-3

These consents were non-notified because the adverse effects of the activities will not be more than minor and nobody was adversely affected.

Consents 2055-3

This consent was non-notified because the adverse effects of the activity would not be more than minor. Written approval was obtained from TrustPower Limited as affected parties to the application.

Consents 5699-1 and 5700-1

This consent was non-notified because the adverse effects of the activity would not be more than minor. Written approval was obtained from adjacent landowners, Department of Conservation, Fish & Game and the New Plymouth Kayak Club as affected parties to the application.

Consents 6643-1

This consent was non-notified because the adverse effects of the activity would not be more than minor. Written approval was obtained from Department of Conservation and Fish & Game as affected parties to the application.

Inglewood

Consents 3934-3 and 5869-2

Consultation was undertaken with Department of Conservation, Puketapu hapu, Pukerangiora hapu, Te Kotahitanga o Te Atiawa Trust, Fish & Game, and a neighbouring landowner. The consent was processed on a non-notified basis because the adverse effects of the activities would not be more than minor and nobody was adversely affected.

Consents 4509-2 and 4510-2

These consents were non-notified because the adverse effects of the activities would not be more than minor and nobody was adversely affected.

Oakura

Consents 1277-3

This consent was non-notified because the adverse effects of the activity would not be more than minor and nobody was adversely affected.

Consents 1278-4 and 5713-2

Consultation was undertaken with Department of Conservation, Fish & Game, Ngati Tairi Hapu, downstream and neighbouring landowners. Written approval was obtained from Department of Conservation and Fish & Game. As the adverse effects of the activity would not be more than minor and nobody was adversely affected, the applications were processed on a non-notified basis.

Consents 6114-1

The consent was processed on a notified basis. One submission was received in support of the application.

Okato

Consents 0026-3

This consent was non-notified because the adverse effects of the activity will not be more than minor and nobody was adversely affected.

Waitara

Consents 0126-5

Consultation was undertaken with Fish & Game, Puketapu Hapu (Te Atiawa Iwi), Department of Conservation and a downstream water user. It was considered that the

consent would have no more than minor adverse effects on the environment, so did not need to be notified if everybody who is adversely affected had given their written approval. Puketapu hapu did not provide written approval and was therefore served notice of the application, however no submission was received.

Consents 4816-2 and 4817-2

The consents were non-notified as the environmental effects were considered to be minor and written approval was obtained from Te Atiawa Tribal Council and Fish & Game.

Urenui

Consents 5989-1

Processed on a non-notified basis as the landowner and Fish & Game signed non-notified approval forms.

18-28 Greymouth Petroleum Limited Turangi-C Wellsite Monitoring Programme Annual Report 2016-2018

Consent 9415-1, 9416-1, 9419-1, 9422-1

Consultation was undertaken with the landowners and Ngati Rahiri. The application was processed on a non-notified basis because the adverse effects of the activity would not be more than minor and nobody was adversely affected. The landowners of the site provided written approval.

18-30 STDC Landfills (closed) Monitoring Programme Annual Report 2017-2018

Eltham

Consent 3387-3

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

Hawera

Consent 0444-4

This consent was non-notified because the adverse effects of the activity were no more than minor and written approval was obtained from all parties considered to be adversely affected (an adjacent landowner).

Consent 5831-2

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

Kaponga

Consent 3459-3

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

Manaia

Consent 3952-2

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

Patea

Consent 0427-3

This consent was non-notified because the adverse effects of the activity were no more than minor and written approval was obtained from all parties considered to be adversely affected (an adjacent landowner).

Consents 4636-2 and 7268-1

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

Opunake

Consent 0526-3

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

Otakeho

Consent 3953-3

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

18-37 Value Timber Ltd Monitoring Programme Annual Report 2017-2018

Consent 7338-1

The consent was processed as non-notified as the adverse effects on the environment of the activity were considered to be minor, and written approval was obtained from every person who may have been adversely affected by the granting of the resource consent.

18-38 NPDC Landfills Monitoring Programme Annual Report 2017-2018

Inglewood

Consents 3954-2, 4526-3 and 4527-3

These consents were non-notified because the adverse effects of the activity were no more than minor and written approval was obtained from parties who may be adversely affected.

Okato

3860-3, 4528-3 and 4529-3

These consents were non-notified because the adverse effects of the activity were no more than minor and written approval was obtained from parties who may be adversely affected.

Marfell Park

Consent 4902-2

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

18-48 Cold Creek Water Supply Limited Monitoring Programme Annual Report 2017-2018

Consent 1134

Consultation was undertaken with potentially affected and interested parties including: Cold Creek Water Supply Committee, Fish & Game, the Department of Conservation and Nga Ruahine. As a result of the consultation, STDC agreed to pay Council \$40,000 per year over three years for riparian planting in the Cold Stream catchment.

It was considered that the consent would have no more than minor adverse effects on the environment, so it did not need to be notified if everybody who is adversely affected had given their written approval. However written approval could not be obtained therefore notice was served on Fish & Game, Department of Conservation, Ngaruahine Iwi Authority, and owners of a downstream water take. Two submissions were received – from Fish & Game and the Department of Conservation. Pre-hearing discussions were held between the parties and the conditions of the consent were agreed upon and accepted.

Consents 5454 and 6077

The activities are in, adjacent to, or directly affecting a Statutory Acknowledgement of Taranaki Iwi and Ngāruahine. The Council sent a copy of the applications to the Iwi. Ngāruahine and Taranaki Iwi commented that they commended CCWS for the well run water scheme and did not oppose the renewal of the consents subject to an increase in fish surveys on the stream and enhanced riparian planting at the site.

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

**18-52 South Taranaki Water Supplies Monitoring Programme Annual Report 2017-2018
Eltham WTP**

Consent 0213-3

A submission was received on the application from Fish & Game. A pre-hearing meeting was held to discuss the conditions of the consent and following from this the draft officer's report was prepared and accepted by all parties.

Consent 0989-3

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.

Consent 1811-4

The proposed activity is in, adjacent to, or directly affecting a Statutory Acknowledgement of Ngāruahine. The Council sent a copy of the application to the Iwi and they made no comment. 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 parties considered to be adversely affected.

Hawera WTP

Consents 0933-3, 0146-2, 7002-1 and 9473-1

These 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 7413-1, 7446-1, and 7447-1

These consents were processed on a non-notified basis as the adverse effects of the activities would not be more than minor and written approval was obtained from parties considered to be adversely affected being adjacent landowners, Fish & Game, Department of Conservation, Iwi (Ngāti Manuhia and Ngāti Tu Hāpū).

Inaha WTP

Consents 1185-3, 1186-3, 5365-2, and 4102-2

These consents were processed on a non-notified basis as the adverse effects of the activities would not be more than minor and written approval was obtained from parties considered to be adversely affected being Fish & Game.

Consents 3927-3 and 3928-3

The activity is in, adjacent to, or directly affecting a Statutory Acknowledgement of Ngāruahine. The Council sent a copy of the application to the Iwi and they visited the site they commented that they do not oppose the application but would like to see riparian planting around the two dams. Council also consulted with Fish & Game. 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 parties considered to be adversely affected.

Opunake WTP

Consent 0232-4

While it was considered that the environmental effects would be no more than minor, written approval was not obtained by from all affected parties. Notice was served on Fish & Game, the Department of Conservation and Taranaki Iwi Trust. Submissions were received from Fish & Game and the Department of Conservation. After discussion with the parties, conditions were agreed to and the consent was granted.

Consent 5574-2

Consultation was undertaken with a range of parties regarding the application, including Department of Conservation, Fish & Game NZ, Taranaki Iwi Trust, Orimupiko Trustees and the Taranaki District Health Board. 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.

Patea groundwater

Consent 3388-3

The consent was processed as 'limited notified' with one party considered to be adversely affected. A submission was received by the party (an adjacent bore user), however after reviewing the recommended conditions the submitter withdrew their wish to be heard.

Rahotu WTP

Consent 3696-3

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.

Consent 6038-1

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 parties considered to be adversely affected.

Wai-inu Beach supply

Consent 3770-3

The existing bore was located in a statutory acknowledgement area of Nga Rauru Kiitahi and a copy of the application was sent to Te Kaahui o Rauru, no comment was received. 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.

Waimate West WTP

Consent 0129-3

This 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 parties considered to be adversely affected being Fish & Game. Council sent a copy of the application to Tekorowai O Ngāruahine Trust for their information.

Consent 4446-2

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.

Consents 4826-3, 5451-2, and 5452-2

The activities are in, adjacent to, or directly affecting a Statutory Acknowledgement of Ngāruahine. The Council sent a copies of the applications to the Iwi, they visited the sites and had no objections to the applications. Council also consulted with Fish & Game regarding the activities. 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 0634-3, 0635-3, and 3911-2

The environmental effects of the consents could be more than minor therefore they had to be publicly notified. Notice was served on 70 parties t that the Council determined may be adversely affected by the applications, including the Department of Conservation, Fish & Game and Iwi. Several submissions were received both in opposition and support. Pre hearing meetings were held with submitters and an agreement was reached on consent conditions, although the Department of Conservation and Fish & Game did so with reluctance.

Consent 10370-1

The activity is in the rohe of Ngāruahine and the Council has an agreement to send a copy of any application in the rohe to Te Korowai o Ngāruahine Trust (TKONT) for their information. TKONT requested that the consent include a range of cultural mitigations to ensure the te mana o te wai, and given its volcanic origins, the mana of Maunga Taranaki, is properly acknowledged and reciprocated. The applicant agreed to a number of cultural commitments related to the taking of groundwater that the as a result of consultation with TKONT.

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.

Waverley groundwater supply

Consent 3313-3

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.

Waverley Beach

Consent 9563-1

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.

18-60 Cheal Petroleum Limited DWI Monitoring Programme Annual Report 2017-2018

Consents 9545-2, 10254-1, 10304-1, 10354-1: Cheal Petroleum Limited – Deep Well Injection

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

The applicant undertook consultation with adjacent landowners and occupiers and as a result changes to the site were proposed to address their key concerns. Written approval for the activities was obtained from adjacent landowners.

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 –12 separate reports

Report Name	PDF Number	Reporting period
18-04 Wai-iti Beach Retreat Monitoring Programme Annual Report 2017-2018 .	2092543	2017-2018
18-15 Dimar Partnership Monitoring Programme Annual Report 2017-2018 .	2088163	2017-2018
18-17 Taranaki Galvanizers Monitoring Programme Annual Report 2017-2018 .	2083553	2017-2018
18-19 RKM Farms Ltd Piggery Monitoring Programme Annual Report 2017-2018 .	2107052	2017-2018
18-26 NPDC Water Supplies Monitoring Programme Annual Report 2017-2018 .	2088589	2017-2018
18-28 Greymouth Petroleum Limited Turangi-C Wellsite Monitoring Programme Report 2016-2018 .	2089813	2016-2018
18-30 STDC Landfills (closed) Monitoring Programme Annual Report 2017-2018 .	2111921	2017-2018
18-37 Value Timber Ltd Monitoring Programme Annual Report 2017-2018 .	2094052	2017-2018
18-38 NPDC Landfills Monitoring Programme Annual Report 2017-2018 .	2115583	2017-2018
18-48 Cold Creek Water Supply Limited Monitoring Programme Annual Report 2017-2018	2106774	2017-2018
18-52 South Taranaki Water Supplies Monitoring Programme Annual Report 2017-2018.	2109326	2017-2018
18-60 Cheal Petroleum Limited DWI Monitoring Programme Annual Report 2017-2018 .	2115846	2017-2018

Agenda Memorandum

Date 9 October 2018



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

**Subject: Incident, Compliance Monitoring Non-compliances and Enforcement Summary
– 11 August 2018 to 20 September 2018**

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

Document: 2130218

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 11 August 2018 to 20 September 2018.

Executive summary

Incidents

There are 67 incidents reported.

40 of the incidents were found to be compliant and 17 were found to be non-compliant. 10 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 40 compliance monitoring non-compliances reported. 13 of the compliance monitoring non-compliances reported are updates from previous periods

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 11 August 2018 to 20 September 2018, 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 11 August 2018 to 20 September 2018.

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 11 August 2018 to 20 September 2018 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

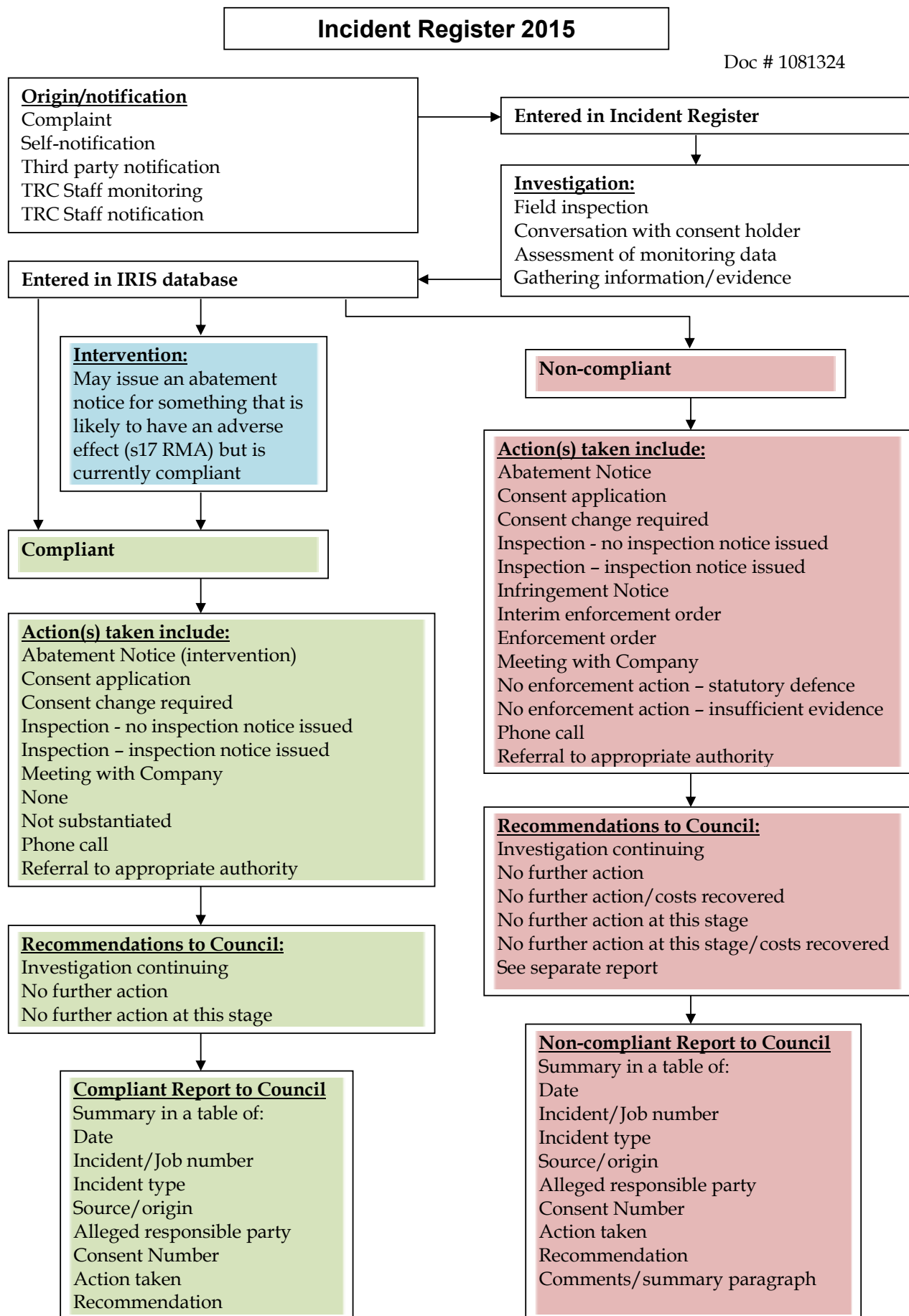
This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Incident flowchart and terms explained (document #1081324).

Incidents and consent non-compliance – Agenda Graphs to 31 Aug 2018 (document #2129893).

Incidents and Enforcement Summary 11 Aug 2018 to 20 Sept 2018 (document #2130173).



Terms explained

Compliance rating

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

Origin/Notification:

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

Action/s Taken:

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

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

Recommendations to Council

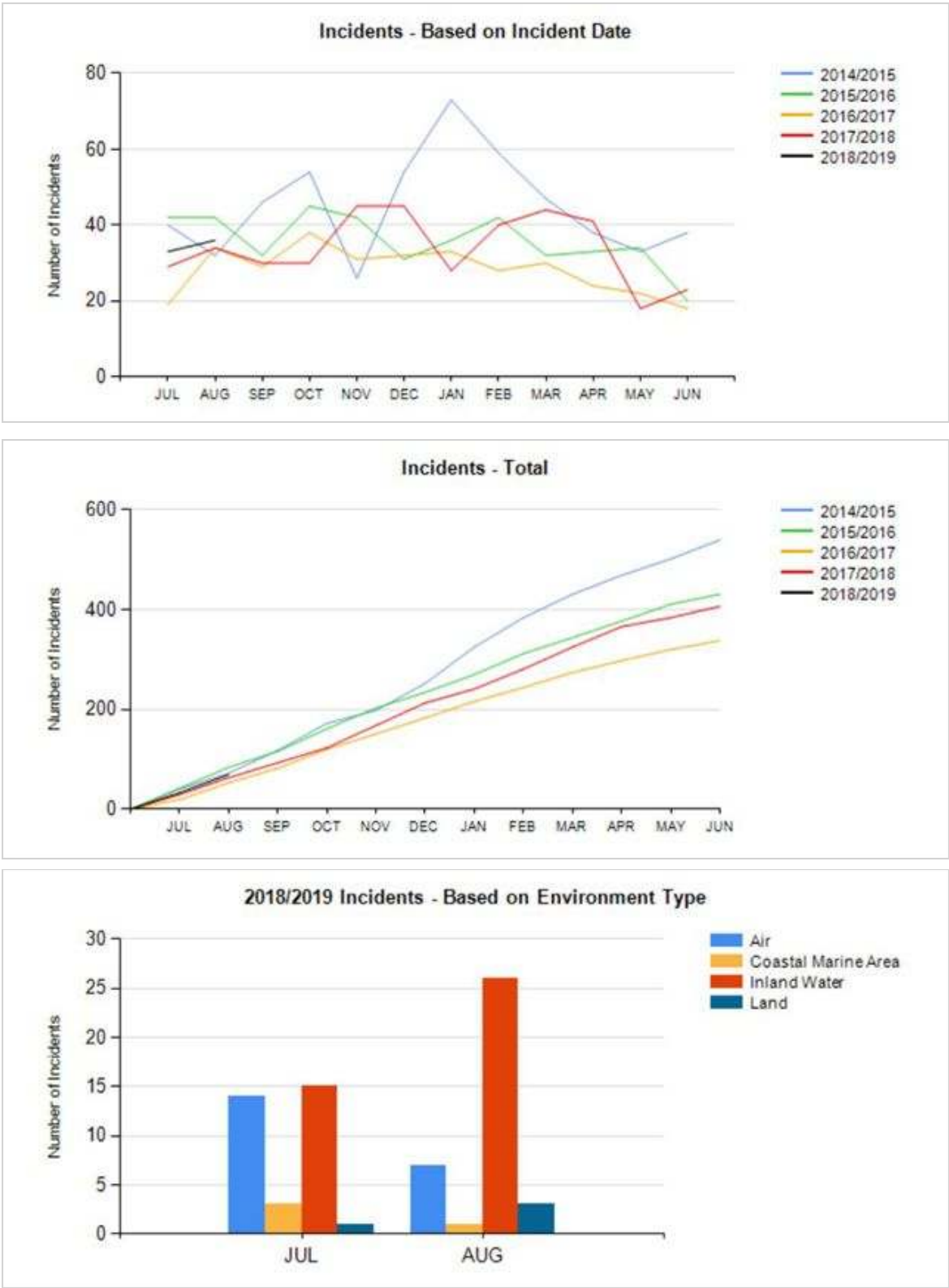
Investigation continuing	Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents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

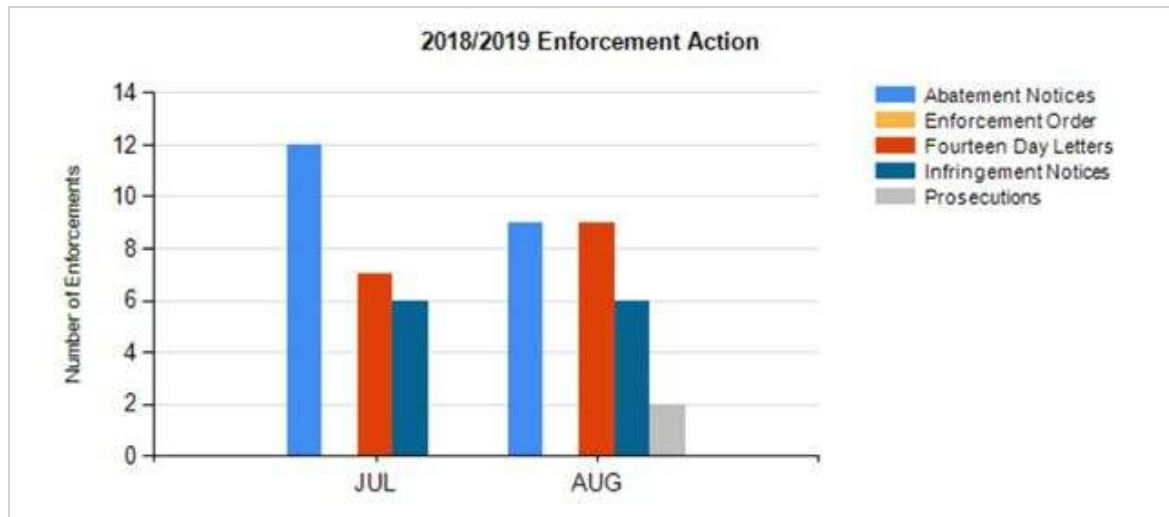
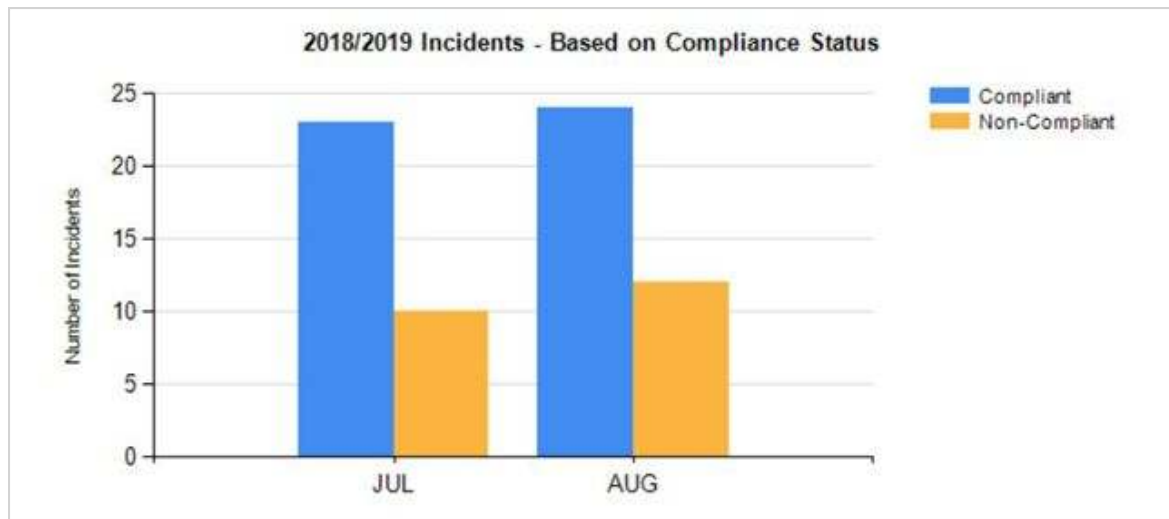
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
---	---

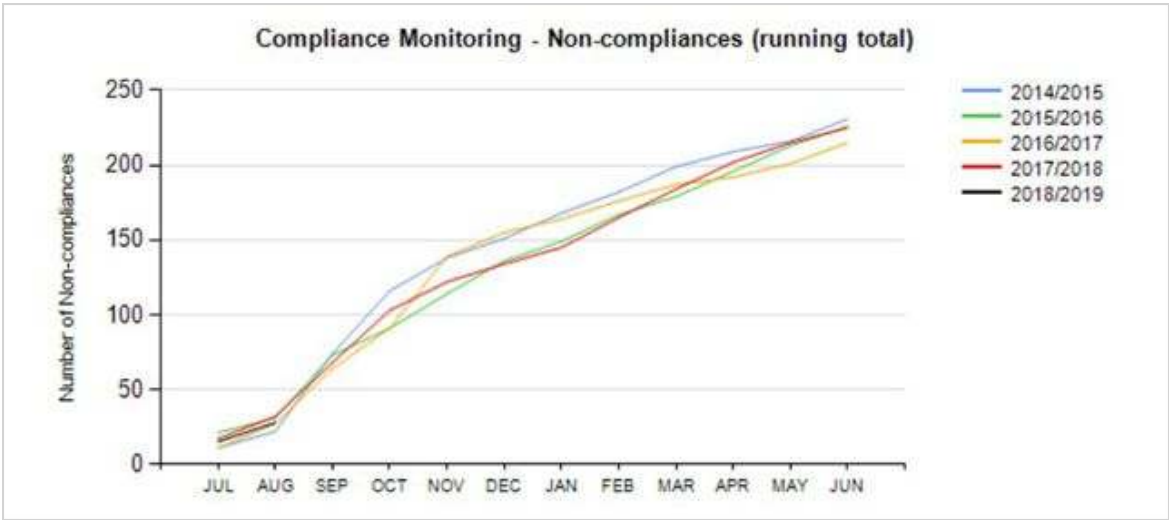
Defences under Sections 340 and 341 of the Resource Management Act 1991

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

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







Compliant Incidents for the period 11 Aug 2018 to 20 Oct 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
10 Aug 2018	6301-19-085 IN/36916	Alleged Smoke - Backyard burning - New Plymouth	Complaint	Grant Vosseler		RAQP Allowed	No Further Action
14 Aug 2018	6301-19-034 IN/36771	Alleged Contaminated waterbody - Stafford Street, Waitara	Complaint	Unsourced		RFWP Allowed	No Further Action
17 Aug 2018	6301-19-049 IN/36796	Alleged Pine planting - Honeyfield - Mataro Road	Complaint	Roger Honeyfield		RFWP Allowed	No Further Action
17 Aug 2018	6301-19-048 IN/36797	Alleged Rubbish - Old Patea Freezing Works - Patea	Complaint	Unsourced		RFWP Allowed	No Further Action
17 Aug 2018	6301-19-056 IN/36798	Alleged Hydrocarbon discharge - Carrington St, New Plymouth	Third Party Notification	Natural Event		RFWP Allowed	No Further Action
17 Aug 2018	6301-19-057 IN/36799	Alleged Rubbish - Tarata Road, Inglewood	Complaint	Unsourced		RFWP Allowed	No Further Action
17 Aug 2018	6301-19-059 IN/36825	Alleged Backyard burning - Norfolk St, Patea	Complaint	Peter Holdem		RAQP Allowed	No Further Action
18 Aug 2018	6301-19-060 IN/36811	Alleged Landfill odour - Colson Road, New Plymouth	Complaint	New Plymouth District Council	R2/4779-1.1	Consent Compliance	No Further Action

Compliant Incidents for the period 11 Aug 2018 to 20 Oct 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
20 Aug 2018	3301-19-050 IN/36809	Alleged Spill - Devon St, New Plymouth	Complaint	Unsourced		Not Applicable/Natural Event	No Further Action
21 Aug 2018	3301-19-052 IN/36815	Alleged Flooding - NPDC - Seymour Street, Waitara	Complaint	New Plymouth District Council		RFWP Allowed	No Further Action
21 Aug 2018	3301-19-054 IN/36817	Alleged Dumped bottles - Rifle Range Road, Waiwhakaiho	Complaint	Unsourced		RFWP Allowed	No Further Action
21 Aug 2018	3301-19-058 IN/36821	Alleged Stormwater discharge - Pembroke Road, Stratford	Complaint	Nicoline Breems		RFWP Allowed	No Further Action
22 Aug 2018	3301-19-062 IN/36858	Alleged Smoke - Korff - Waipapa Road, Waitara	Complaint	Craig Korff		RAQP Allowed	No Further Action
23 Aug 2018	3301-19-061 IN/36970	Alleged Sediment discharge - Dreaver Quarry - Kairau Road, Lepperton	Complaint	Richard Dreaver	R2/9526-1	Consent Compliance	No Further Action
25 Aug 2018	3301-19-063 IN/36859	Alleged Sediment discharge - Firth - Twin Lane, Hurworth	Third Party Notification	Firth Industries Limited		RFWP Allowed	No Further Action
27 Aug 2018	3301-19-066 IN/36863	Alleged White stream - Antonio Street, Stratford	Complaint	Unsourced		RFWP Allowed	No Further Action

Compliant Incidents for the period 11 Aug 2018 to 20 Oct 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
29 Aug 2018	6301-19-070 IN/36889	Alleged Fire - Max Pennington - Molesworth Street, New Plymouth	Third Party Notification	Max Pennington's Auto City		RFWP Allowed	No Further Action
30 Aug 2018	6301-19-069 IN/36881	Alleged Cows in Waiongana Stream - Brixton	Complaint	Unsourced		RFWP Allowed	No Further Action
30 Aug 2018	6301-19-071 IN/36890	Alleged Odour - Hawera oxidation ponds - Fairfield Road, Hawera	Complaint	South Taranaki District Council		RAQP Allowed	No Further Action
01 Sep 2018	6301-19-073 IN/36892	Alleged Poultry odour - Henwood Road, Bell Block	Complaint	Shadel Poultry Limited	R2/5280-1	RAQP Allowed	No Further Action
10 Sep 2018	6301-19-094 IN/36913	Alleged Smoke - Manawapou Road, Hawera	Complaint	Campbell Contracting Ltd		RAQP Allowed	No Further Action
10 Sep 2018	6301-19-095 IN/36919	Alleged Discoloured stream - Calgher Ave, Waitara	Complaint	Craig Korff		RFWP Allowed	No Further Action
10 Sep 2018	6301-19-093 IN/36921	Alleged Odour- Eustace - Colson Road, New Plymouth	Complaint	Wayne Eustace		RAQP Allowed	No Further Action
10 Sep 2018	6301-19-077 IN/36923	Alleged Taking of rocks - Motukara Stream, Onaero	Complaint	Peter Patu		RFWP Allowed	No Further Action

Compliant Incidents for the period 11 Aug 2018 to 20 Oct 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
10 Sep 2018	6301-19-096 IN/36964	Alleged Forestry - Opunake Road, Kaponga	Complaint	Neil Schuler		RFWP Allowed	No Further Action
12 Sep 2018	6301-19-097 IN/36924	Alleged Composting odour - Mokau Road, Uritu	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
12 Sep 2018	6301-19-090 IN/36966	Alleged Blocked drain - Kina Road, Oaonui	Complaint	Michael & Ingrid Mckie		RFWP Allowed	No Further Action
12 Sep 2018	6301-19-089 IN/36967	Alleged Dead cow odour - Cemetery Road, Manaia	Complaint	Ian Robert & Lynette Gail Diack		RAQP Allowed	No Further Action
13 Sep 2018	6301-18-083 IN/36933	Alleged Smoke - Forestry Operations - Waiweka Road West, Omata	Complaint	R & S Dreaver Contractors Limited		RAQP Allowed	No Further Action
14 Sep 2018	6301-19-087 IN/36932	Alleged Helicopter spraying - Tarata Road, Tarata	Complaint	Matthew Eggers /Roger & Lynne Leake		RAQP Allowed	No Further Action
17 Sep 2018	6301-19-088 IN/36962	Alleged Dumping green waste - Frankley Road, New Plymouth	Complaint	Norma Bryce		RFWP Allowed	No Further Action
17 Sep 2018	6301-19-098 IN/36986	Alleged Rubbish - South Road, Mokoia	Complaint	Unsourced		RFWP Allowed	No Further Action

Compliant Incidents for the period 11 Aug 2018 to 20 Oct 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
18 Sep 2018	3301-10-086 IN/36952	Alleged Burning/Smoke - Castle St, Eltham	Complaint	James Burnett		RAQP Allowed	No Further Action
19 Sep 2018	3301-19-087 IN/36946	Alleged Earthworks - Turangi Road Upper, Tikorangi.	TRC Staff Compliance Monitoring	Craig Bradley		RFPW Allowed	No Further Action
21 Sep 2018	3301-19-099 IN/36958	Alleged Hydrocarbon sheen, Port Taranaki, New Plymouth.	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
21 Sep 2018	3301-19-097 IN/36963	Alleged Orange discharge into Herekawe- Back beach- New Plymouth	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
24 Sep 2018	3301-19-100 IN/36972	Alleged Stone cutting sediment into roadside drain.	Complaint	Kerrin Toa		RFPW Allowed	No Further Action At This Stage
26 Sep 2018	3301-19-102 IN/36978	Alleged Stream earthworks - Michael Cowley - Finnerty Road, Ngaere	Complaint	Michael Cowley Family Trust /Stratford District Council		RFPW Allowed	No Further Action
27 Sep 2018	3301-19-105 IN/37008	Alleged Green stream - Eltham Road - Oeo	Complaint	Robert Wilson Gargan CES Nominees Limited		RFPW Allowed	No Further Action At This Stage
27 Sep 2018	3301-19-106 IN/37015	Alleged Odour - Parklands Ave - Bell Block	Complaint	Un sourced		RAQP 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>	6301-19-047 IN/36779	PFAS investigation - NP Airport - New Plymouth	Self-Notification	New Plymouth District Council (9565)			Investigation Continuing
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. An investigation is being undertaken.							
24 May 2018 <u>Update</u>	6301-18-390 IN/36083	Green stream - Whitely - Mountain Road, Midhirst	TRC Staff Notification	Edward Whiting (51784) Airport Farm Trustees Limited (54363)	R2/1011-2.1	EAC-22158 - Infringement Notice (\$750) EAC-22050 - Abatement Notice	No Further Action/Costs Recovered
Comments: During unrelated monitoring it was found that an unnamed tributary of the Piakau Stream was running green at Mountain Road, Midhirst. Investigation found that effluent being applied by a travelling irrigator had ponded on land and discharged into a stormwater drain and the unnamed tributary of the Piakau Stream. The application of effluent appeared to have been excessive for the weather conditions at the time. The discharge was immediately stopped by consent holder when he was notified. An abatement notice was issued requiring the effluent system to be operated and maintained to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.							
20 Jun 2018 <u>Update</u>	6301-19-043 IN/36776	PFAS investigation - Maui Production Station - Oaonui	Self-Notification	Shell Taranaki Limited (55084)	R2/0245-3		Investigation Continuing
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. An investigation is being undertaken.							

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>	6301-19-044 IN/36777	PFAS investigation - Oaonui Fire Training Centre - Oaonui	Self- Notification	M & O Pacific Limited trading as Wood Group Training (31375)	R2/1228-4		Investigation Continuing
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. An investigation is being undertaken.							
20 Jun 2018 <u>Update</u>	6301-19-045 IN/36778	PFAS investigation - Paritutu Tank Farm - Omata	Self- Notification	Shell Taranaki Limited (55084)	R2/5542- 2.0		Investigation Continuing
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. An investigation is being undertaken.							
20 Jun 2018 <u>Update</u>	6301-19-046 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		Investigation Continuing
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. An investigation is being undertaken.							

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
07 Jul 2018 <u>Update</u>	6301-19-004 IN/36566	Odour - Parkvue Drive, Bell Block	Complaint	New Plymouth District Council (9565)		EAC-22129 - Infringement Notice (\$300) EAC-22073 - Explanation Requested - Letter	No Further Action

Comments: A complaint was received concerning odour from fertiliser spread on nearby paddocks at Parkvue Drive, Bell Block. An odour survey was undertaken and a noticeable odour was found. The odour was like a chicken manure odour and at times was objectionable. Inspection along the walkway located a number of paddocks which had fertiliser spread in the form of small black granules. There was a substantial amount of this fertiliser on the walkway. Photographs and videos were taken. A letter of explanation was received.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
24 Jul 2018 <u>Update</u>	6301-19-023 IN/36648	Unauthorised stream works - Aramaunga Farms - Standish Road	TRC Staff Notification	Marc Jackson Trust (51463) Robert Mark & Sheila Masters (9297) Don Buchanan (67377) Aramaunga Farms Limited (55045)		EAC-22099 - Abatement Notice EAC-22102 - Abatement Notice EAC-22103 - Abatement Notice EAC-22095 - Abatement Notice EAC-22097 - Abatement Notice EAC-22098 - Abatement Notice EAC-22094 - Explanation Requested - Letter EAC-22100 - Explanation Requested - Letter EAC-22101 - Explanation Requested - Letter	Investigation Continuing

Comments: Notification was received concerning some stream works being undertaken on a property at Standish Road, Stratford. Investigation found that earthworks were being undertaken to pipe a stream. The works were in contravention of Rules 57 and 74 of the Regional Fresh Water Plan (RFP) for Taranaki. Photographs were taken. The landowner has been advised that a resource consent is required for the works. Abatement notices were issued requiring works to cease, for sediment controls to be installed and to comply with Rules 57 and 74 of the RFP. Letters requesting explanation were sent. Reinspection found that works had ceased, and silt and sediment controls had been installed. A resource consent will be applied for. Further 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
25 Jul 2018 <u>Update</u>	6301-19-022 IN/36700	Tyres in waterbody - Waitara Tyres - Kaka Road, Waitara	Complaint	Hayden MacDonald (54078)		EAC-22185 - Abatement Notice	No Further Action At This Stage
Comments: A complaint was received concerning tyres being dumped in a waterbody at Kaka Road, Waitara. Investigation found that approximately 1500 end of life tyres had been discarded in a small ephemeral stream. An abatement notice was be issued requiring the tyres to be removed from the stream. Reinspection will be undertaken after 7 January 2018.							
01 Aug 2018 <u>Update</u>	6301-19-032 IN/36683	Produced water discharge - Waihapa Production Station - Pukengahu	Self- Notification	NZEC Waihapa Limited (37448) TWN Limited Partnership (50084)	R2/4094-2	EAC-22109 - Abatement Notice EAC-22113 - Abatement Notice	Investigation Continuing
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. Further monitoring will be undertaken.							

Non-Compliant incidents for the period 11 Aug 2018 to 20 Sep 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Aug 2018	6301-19-051 IN/36840	Stormwater discharge - SMB Recyclers - Scott St, Hawera	Complaint	SMB Recyclers Ltd (55474) Jason Churchill (56830)			Investigation Continuing
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. Further enforcement action is being considered.							
24 Aug 2018	6301-19-065 IN/36862	Green Stream - Farquhar Property Trust - Eltham Road, Auroa	Complaint	Farquhar Property Trust (20109)	R2/0778-2	EAC-22133 - Explanation Requested - Letter	Investigation Continuing
Comments: Complaints were received regarding a tributary running green on Auroa Road, Auroa. Investigation found that dairy effluent was overflowing from an unused oxidation pond system and discharging into a waterbody. The holding ponds were too full and therefore the consent holder was using the old oxidation ponds as backup storage. Samples and photographs were taken. The consent held is for discharge to land only. A letter requesting explanation was sent. Enforcement action is being considered.							
30 Aug 2018	6301-19-075 IN/36888	Trees in river - Gatenby - Eltham Road	Complaint	RM & AS Gatenby (28061)			Investigation Continuing
Comments: A complaint was received concerning two trees which had fallen into the Taungatara Stream at Eltham Road, Opunake. Investigation found that the trees across the stream were likely to block the stream or get washed down into/under a nearby farm bridge. Enforcement action is being considered.							

Non-Compliant incidents for the period 11 Aug 2018 to 20 Sep 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Sep 2018	6301-19-078 IN/36920	Green Mangati Stream - Chislehurst Farm Ltd - Corbett Road, Bell Block	TRC Staff Notification	Chislehurst Farms Limited (1835)	R2/0629-4.0	EAC-22166 - Abatement Notice EAC-22162 - Explanation Requested - Inspection Notice	Investigation Continuing

Comments: During unrelated monitoring it was found that the Mangati Stream was odorous and discoloured near the mouth of the stream. Investigation found that, on the only dairy farm in the catchment, it was evident that dairy effluent had discharged from an irrigator across land into the stream. At the time of inspection no discharge to water was occurring and the stream was running clear. Samples and photographs were taken. 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 15 October 2018. Further enforcement action is being considered.

14 Sep 2018	6301-19-080 IN/36931	Reclaiming lake - Manutahi Road, Bell Block	Complaint	Bruce Candy (34840)		EAC-22173 - Abatement Notice EAC-22174 - Abatement Notice	Investigation Continuing
-------------	---	---	-----------	---------------------	--	--	--------------------------

Comments: A complaint was received regarding fill being used to reclaim a portion of lake on private property, Manutahi Road, Bell Block. Investigation found that fill material (soil and rock) was being received on site and used to reclaim an area of lake/wetland on the property in breach of Rule 76 of the Regional Fresh Water Plan for Taranaki (RFPW). Abatement notices were issued requiring the activity to cease and for works to be undertaken to ensure compliance with Rule 76 of the RFPW. Reinspection will be undertaken after 31 October 2018. Further enforcement action is being considered.

Non-Compliant incidents for the period 11 Aug 2018 to 20 Sep 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Aug 2018	6301-19-041 IN/36776	Cattle in Waiongana Stream - Brown Road, Brixton	Complaint	Anaru Wilkie (67501)		EAC-22124 - Abatement Notice	No Further Action
Comments: A complaint was received regarding cattle being in the Waiongana Stream, near Brixton. Investigation found there were no cattle in a the stream, or adjacent paddocks, at the time of inspection. However the existing stream side fence was inadequate to keep stock out of the stream and there was evidence cattle had grazed to the stream edge and there was dairy effluent within the riparian margin. An abatement notice was issued requiring works to be undertaken to prevent stock from entering any waterbody. Reinspection found that the abatement notice was being complied with at the time of inspection.							
21 Aug 2018	6301-19-055 IN/36818	Hydrocarbon discharge - Saltash Street, New Plymouth	Complaint	Allan & Pamela Davies (1983) Anonymous (22726)			No Further Action
Comments: A complaint was received regarding hydrocarbons discharging into a stormwater drain at Saltash Street, New Plymouth. Investigation found that there was diesel on an unsealed area of an industrial site and there was evidence that a small amount of diesel may have discharged into the stormwater system during earlier rain. A cloth had been used to contain the hydrocarbons on site and the diesel was recovered. At the time of inspection there was no evidence of any hydrocarbons in any waterbody.							
21 Aug 2018	630119-053 IN/36820	Branches in stream - Unknown - Waihowaka Stream, Bell Block	Complaint	Unsourced (9768)			No Further Action

Non-Compliant incidents for the period 11 Aug 2018 to 20 Sep 2018

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

Comments: A complaint was received concerning large cut branches being left in and around the Waihowaka Stream, in Bell Block. Investigation found a small number of branches were in the stream. The responsible party was unable to be traced and the branches were removed at the time of inspection.

27 Aug 2018	6301-19-064 IN/36860	Dead calves - Flint Road, Stratford	Complaint	Liam Jansen (67521)		No Further Action
-------------	---	-------------------------------------	-----------	---------------------	--	-------------------

Comments: A complaint was received about dead calves dumped down a bank at an unnamed tributary of the Patea River. An inspection found some dead calves down a bank near the tributary. The landowner was instructed to remove the dead animals. Reinspection found that this had been done.

28 Aug 2018	6301-19-067 IN/36969	Rubbish burning - Derby and York Road, Stratford	TRC Staff Notification	Jessica Wheeler (67662)		No Further Action
-------------	---	--	------------------------	-------------------------	--	-------------------

Comments: During unrelated monitoring it was found that there was a large rubbish/burning pile on Stratford District Council owned rural land, on the corner of Derby and York Roads, Stratford, and there was concern about unauthorised materials being burnt. Investigation found that a large pile of rubbish had been partially burnt and contained a small amount of unauthorised materials. The fire was extinguished at the time of inspection and no off site effects were occurring. The lease holder was advised of the prohibited materials and they were removed from the fire pile.

29 Aug 2018	6301-19-068 IN/36968	Trees in Stony River - Okato	Complaint	New Plymouth District Council (9565)		No Further Action At This Stage
-------------	---	------------------------------	-----------	--------------------------------------	--	---------------------------------

Non-Compliant incidents for the period 11 Aug 2018 to 20 Sep 2018

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

Comments: A complaint was received regarding large trees falling into the Stony River upstream of the State Highway 45 bridge at Okato. Inspection found three large pine trees had fallen in due to bank erosion. There was some concern about the trees blocking the stream or affecting the integrity of the downstream bridge. New Plymouth District Council were made aware of the issue and are currently assessing the works required.

30 Aug 2018	6301-19-072 IN/36891	Dead sheep - Patea Beach, Patea.	Complaint	Unsourced (9768)		No Further Action
-------------	---	----------------------------------	-----------	------------------	--	-------------------

Comments: A complaint was received regarding a dead sheep on the Patea Beach, Patea. Investigation found there was a dead sheep on the beach. South Taranaki District Council were contact and the carcass was removed.

01 Sep 2018	6301-19-074 IN/36893	Sewage overflow - Mangorei Road, NP	Third Party Notification	New Plymouth District Council (9565)	R2/10406-1.0	No Further Action/Costs Recovered
-------------	---	-------------------------------------	--------------------------	--------------------------------------	--------------	-----------------------------------

Comments: Self-notification was received concerning a sewage overflow at Mangorei Road. New Plymouth. Investigation found that sewage had discharged into stormwater, however there was no evidence of any sewage discharge to the nearby waterbody. New Plymouth District Council followed the contingency plan for the discharge and signs were erected.

09 Sep 2018	6301-19-076 IN/36911	Backyard burning - Selwyn Whiteman - Patea	Complaint	Selwyn Whiteman (55127)		No Further Action
-------------	---	--	-----------	-------------------------	--	-------------------

Non-Compliant incidents for the period 11 Aug 2018 to 20 Sep 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
Comments: A complaint was received concerning backyard burning in Cornwall Street, Patea. Investigation found that a small fire had been lit. The occupant was advised that burning was not permitted in an urban defined area and the fire was immediately extinguished.							
11 Sep 2018	6301-19-092 IN/36965	Green stream - Arawhata Road, Opunake	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding an unnamed tributary running green at Arawhata Road, Opunake. Investigation found that the tributary was running slightly discoloured. The tributary cleared during the inspection and no unauthorised discharges could be found. Dairy effluent disposal systems upstream were found to be operating within resource consent conditions at the time of inspection.							
13 Sep 2018	6301-19-079 IN/36927	Dust discharge - Whittakers - James Drive, Bell Block	Complaint	Whitaker Civil Engineering Limited (14442) Mangati Properties (2301)		EAC-22167 - Abatement Notice EAC-22168 - Abatement Notice	No Further Action
Comments: A complaint was received regarding ongoing dust issues from large piles of dirt on a subdivision development site at the end of James Drive, Bell Block. Investigation found there was evidence that dust had previously discharged beyond the boundary of the site and affected nearby properties. Abatement notices were issued requiring that no objectionable or offensive dust discharges beyond the boundary of the site. Reinspection found that the abatement notices were being complied with at the time of inspection.							

Non-Compliant incidents for the period 11 Aug 2018 to 20 Sep 2018

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
13 Sep 2018	6301-19-084 IN/36934	Dumped rubbish - Rawhitiroa Road, Moeroa	Complaint	Unsourced (9768)			No Further Action At This Stage

Comments: A complaint was received regarding rubbish being dumped at Rawhitiroa Road, Moeroa. Investigation found rubbish had recently been dumped at a site which appeared to be regularly used as a dumpsite. No clear evidence could be found to trace a responsible party. A camera has been placed adjacent to the dumpsite to gather further evidence.

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
15 May 2018 Update	632118-187 ENF-21566	Compliance Monitoring Insp.	Significant non-compliance	Osflo Fertiliser Limited (36015) Taranaki Civil Construction Limited - Inglewood (33867)	R2/10522-1.0	EAC-22024 - Abatement Notice EAC-22027 - Abatement Notice EAC-22029 - Abatement Notice EAC-22147 - Infringement Notice (\$750) EAC-22026 - Abatement Notice EAC-22157 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During routine monitoring it was found that there were multiple breaches of resource consent conditions at the new fertiliser storage site on Mountain Road, Inglewood. There were silt and erosion controls in place however the majority of the sites stormwater run off was bypassing the controls and discharging into surrounding surface water. The culvert on site was not constructed to the required resource consent specifications. Samples were taken of the stormwater discharge and allowable limits were significantly exceeded. Abatement notices were issued requiring works to be undertaken to the culvert and stormwater controls to ensure compliance with resource consent conditions. Reinspections found that the abatement notices were being complied with.

22 Jun 2018 Update	632118-206 ENF-21603	Compliance Monitoring Insp.	Non-compliance	Fitzroy Engineering Group Limited (9482)	R2/4025-3.2	EAC-22070 - Abatement Notice EAC-22071 - Explanation Requested - Letter	Investigation Continuing
------------------------------------	--------------------------------------	-----------------------------	----------------	--	-----------------------------	--	--------------------------

Comments: During routine monitoring it was found that sandblasting garnet had discharged onto land and into the Waiwhakaiho River. Abatement Notice was issued requiring works to be undertaken to ensure compliance with consent conditions. Reinspection found that the abatement notice is in the process of being complied with. Enforcement action is being considered.

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
28 Jun 2018 Update	632119-013 ENF-21628	Annual Inspection	Non-compliance	Ohawe Farm Limited (35148)	R2/7895-1	EAC-22117 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
Comments: During analysis of water abstraction data it was found that some abstraction data was not available. The consent holder is in the process of upgrading his system with a new flow meter and data logger. Council has recommended that the data is telemetered in the future. A letter of explanation was received and accepted.							
04 Jul 2018 Update	632119-014 ENF-21629	Annual Inspection	Non-compliance	Awatea Hawkes Bay Trust (27019)	R2/6903-1	EAC-22125 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During analysis of data for water abstractions, it was found that the rate of water abstraction had been continuously contravened from 22 September 2017 to 29 June 2018. An abatement was issued requiring special condition 2 of Resource Consent 6903-1 be complied with at all times. Compliance will be ascertained during routine monitoring.							
09 Jul 2018 Update	632119-001 ENF-21609	Incident	Non-compliance	McKechnie Aluminium Solutions Limited (33575)	R2/1857-6		Investigation Continuing
Comments: Self-notification was received advising that a hole had been discovered in the floor of a bund in the Anodising Plant at an industrial site on Paraite Road, Bell Block. Rinse water and possibly other solutions were flowing into the hole. The Company immediately undertook works to cease the discharge and look into effects from the discharge. Further sampling has indicated that contamination remains at the same level, within drinking water standards. It is likely that the tanks will be replaced over the Christmas/New year holiday period. Further information has been received. Enforcement action is being considered.							

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
12 Jul 2018 Update	632119-003 ENF-21621	Annual Inspection	Non-compliance	Inglewood Golf Club Inc (18974)	R2/10369 1.0		No Further Action/Costs Recovered
Comments: During routine monitoring it was found that the data logger was not recording accurately in contravention of resource consent conditions, at the Inglewood Golf Club. A meeting was held with the golf club representatives to discuss the compliance issues and works have been undertaken to ensure compliance.							
17 Jul 2018 Update	632119-002 ENF-21618	Annual Inspection	Non-compliance	Waitara Golf Club Inc (3579)	R2/4450 2.1	EAC-22110 - Explanation Requested - Inspection Notice EAC-22138 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that the abstraction rate was being contravened, on numerous occasions between 13 November 2017 and 7 April 2018, at a water take at the Waitara Golf club. A letter of explanation was received. An abatement notice was issued requiring all special conditions of the resource consent to be complied with at all times. Reinspection will be undertaken after 1 December 2018.							
17 Jul 2018 Update	632119-004 ENF-21620	Annual Inspection	Non-compliance	Kaitake Golf Club Inc (1731)	R2/0124 5.0	EAC-22112 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that the a contravention of daily abstraction volume had occurred on multiple occasions between 6 December 2017 and 5 February 2018, at the Kaitake Golf Club. Abatement Notice EAC-22112 was issued requiring compliance with resource consent conditions. A meeting was held with the golf club representatives, who undertook to comply. Compliance will be assessed during routine monitoring.							

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
17 Jul 2018 Update	632119-003 ENF-21619	Annual Inspection	Non-compliance	Manukorihi Golf Club Inc (2018)	R2/1721-3.1	EAC-22126 - Explanation Requested - Letter No Enforcement Action - Statutory defence	No Further Action/Costs Recovered

Comments: During routine monitoring it was found that the water take flow meter was not operational and the data logger was depowered at the Manukorihi Golf club. A meeting was held with the golf club representatives who explained that manual records had been kept, which meant that the non-compliance was a technicality only. They have undertaken to complete all works to ensure compliance. A letter of explanation was received and accepted.

18 Jul 2018 Update	632119-011 ENF-21626	Annual Inspection	Non-compliance	Jimian Limited (28737)	R2/5571-2.0	EAC-22115 - Explanation Requested - Letter	Investigation Continuing
------------------------------------	--------------------------------------	-------------------	----------------	------------------------	-----------------------------	--	--------------------------

Comments: During analysis of water abstraction data it was found that no abstraction data was available in contravention of resource consent conditions and Abatement Notice EAC-21687 (issued for a previous non-compliance on 18 July 2017). A letter of explanation was received. Enforcement action is being considered.

18 Jul 2018 Update	632119-012 ENF-21627	Annual Inspection	Non-compliance	James Robert & Donna Maree Baker (2846)	R2/6026-1	EAC-22116 - Explanation Requested - Letter	Investigation Continuing
------------------------------------	--------------------------------------	-------------------	----------------	---	---------------------------	--	--------------------------

Comments: During analysis of water abstraction data it was found that the abstraction rate had been contravened on numerous occasions from 31 January 2018 to 21 April 2018. The site is the subject of an abatement notice. A letter of explanation was received. Enforcement action is being considered.

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 Jul 2018 Update	632119-008 ENF-21622	Annual Inspection	Non-compliance	Manaia Golf Club (2229)	R2/00174 3.1	EAC-22127 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During routine monitoring it was found that the data logger was not operational and manual records had not been kept for the period of 17 Nov 2017 to 19 Jan 2018 at the Manaia Golf Club. A meeting was held with the golf club representatives to discuss the non-compliances. Works are being undertaken to remedy the situation. An abatement notice was issued requiring works to be undertaken to ensure consent compliance at all times. Reinspection will be undertaken after 1 October 2018.

31 Jul 2018 Update	632119-009 ENF-21616	Compliance Monitoring Insp.	Non-compliance	McKechnie Aluminium Solutions Limited (33575)	R2/3139-3	EAC-22108 - Explanation Requested - Inspection Notice	Investigation Continuing
------------------------------------	--------------------------------------	-----------------------------	----------------	---	---------------------------	---	--------------------------

Comments: During routine compliance monitoring it was found that hazardous substances were not banded, as required by resource consent 3139-3 at an industrial site on Paraiti Road, Bell Block. The Company already had plans in place to remove the hazardous substances from the site and this was done. Enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Jun 2018	632119-017 ENF-21638	Annual Inspection	Non-compliance	DP & JH Roper Family Trusts Partnership (15029)	R2/97474 1.1	No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
Comments: During analysis of data during routine monitoring it was found that water abstraction had contravened allowable volume limits. A letter of explanation was received, which explained that during maintenance works a contractor had accidentally severed the water line. The water line was immediately repaired. The explanation was accepted.							
28 Jun 2018	632119-019 ENF-21630	Annual Inspection	Non-compliance	Te Rua O te Moko 2B Ahuwhenua Trust (31494)	R2/7497-1	EAC-22119 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring abstraction records were requested for a water abstraction site. The consent holder advised that some abstraction records were not available for the last monitoring year. The consent holder has an excellent history of supplying data and had some issues with farm staff during the season. A letter of explanation was received and accepted. Procedures have been put in place to prevent reoccurrence.							
02 Jul 2018	632119-019 ENF-21640	Annual Inspection	Non-compliance	Norwood Farm Partnership (12547)	R2/7783-1	No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
Comments: During analysis of data during routine monitoring it was found that the rate of abstraction had exceeded allowable consented limits. An explanation was received that a contractor had incorrectly set the abstraction rate due to bad practices. Reinspection found that the rate of abstraction was within the limits.							

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
03 Jul 2018	632119-018 ENF-21639	Annual Inspection	Non-compliance	Nukumaru Water Scheme Society Inc (23418)	R2/6451-2.0		No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that the water abstraction was not being undertaken in compliance with resource consent conditions. There were inaccuracies in abstraction data. This is a new resource consent and the Council is working with the consent holder to achieve compliance. Further monitoring will occur during routine monitoring.							
02 Aug 2018	632119-016 ENF-21633	Advice & Information	Non-compliance	Graeme Lowe Protein Limited (10349)	R2/7610-2		No Further Action At This Stage/Costs Recovered
Comments: During analysis of data during routine monitoring it was found that there was inaccuracies in the abstraction data at a meat processing facility on Tawhiti Road, Hawera. The Company has undertaken to verify the accuracy of equipment as soon as possible. Further monitoring will occur to ascertain consent compliance.							
02 Aug 2018	632119-021 ENF-21642	Office Assessment	Non-compliance	Ample Group Limited (52845)	R2/7662-1	EAC-22137 - Explanation Requested - Letter	Investigation Continuing
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. Enforcement action is being considered.							

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
03 Aug 2018	632119-022 ENF-21646	Compliance Monitoring Insp.	Non-compliance	Shell Taranaki Limited (55084)	R2/5542-2.0		No Further Action/Costs Recovered
Comments: Self-notification was received that stored tank water was to be released via the stormwater system to the Hongihongi Stream as New Plymouth District Council would not accept the volume involved. Initial sampling showed that it would not comply with consent conditions. To minimise contaminant levels, water from the top and bottom of the tank was sent to trade waste with the rest discharging to the stormwater system. Sampling showed that the discharge did not meet consent condition in regards to lead and zinc, however the levels were very low and minimal effects were likely. An explanation was received and accepted and the consent holder is planning to apply to change the consent conditions to allow for future discharges of this type.							
13 Aug 2018	632119-041 ENF-21672	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/9282-1		Investigation Continuing
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. Enforcement action is being considered.							
13 Aug 2018	632118-111 ENF-21293	Compliance Monitoring Insp.	Non-compliance	Renewable Power Limited (52541)	R2/7078-1	EAC-21836 - Enforcement Order	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.							

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Aug 2018	932118-036 ENF-21676	Compliance Monitoring Insp.	Non-compliance	South Taranaki District Council (53005)	R2/4248-2		No Further Action At This Stage/Costs Recovered
<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 ponds. The site is the subject of an Abatement Notice EAC-22064, which was issued requiring works to be undertaken to ensure compliance. Reinspection will be undertaken after November 2018.</p>							
15 Aug 2018	932119-024 ENF-21648	Annual Inspection	Significant non-compliance	Mathew Ian Eliason (50613)	R2/2142-2	EAC-22148 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (24 August 2018), taken during the annual dairy inspection round (15 August 2018), it was found that the oxidation pond system was not operating within resource consent conditions and in contravention of Abatement Notice EAC-21402, at Palmer Road, Kaponga. A letter of explanation has been requested and further enforcement action is being considered.</p>							
17 Aug 2018	932119-023 ENF-21643	Annual Inspection	Non-compliance	Fitzgerald AG & EE Trusts Partnership (10546)	R2/1665-3	EAC-22143 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
Comments: During analysis of samples (28 August 2018), taken during the annual dairy inspection round (17 August 2018), it was found that the oxidation pond system was not operating within resource consent conditions at Eltham Road, Kaponga. Abatement Notice EAC-22143 was issued requiring works to be undertaken to the effluent disposal system to ensure compliance with special condition 4 of Resource Consent 1665-3. Reinspection to take place after 12 November 2018.							
21 Aug 2018	632119-042 ENF-21670	Incident	Non-compliance	Mount Egmont Farm Limited (30741)	R2/1353-3	EAC-22186 - Explanation Requested - Letter	Investigation Continuing
Comments: Self-notification was received advising that the second (aerobic) pond wall had failed, resulting in the contents of the pond discharging into the third (aerobic) pond on Brooks Road, Stratford. Investigation found that the pond system discharge was visually compliant at the time of inspection. However in the current condition, the oxidation pond system would not cope with peak loading of dairy effluent. A letter requesting explanation has been sent and further enforcement action is being considered.							
23 Aug 2018	632119-026 ENF-21652	Annual Inspection	Non-compliance	Rodney & Maree Goldsworthy (2492)	R2/0696-2	EAC-22163 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During analysis of samples (09 September 2018), taken during the annual dairy inspection round (23 August 2018), it was found that the oxidation pond system was not operating within resource consent conditions at Lower Duthie Road, Matapu. An abatement notice was been issued requiring works to be undertaken to the effluent disposal system to ensure compliance with Resource Consent 0696-2. Reinspection to take place after 17 November 2018.							
23 Aug 2018	632119-027 ENF-21653	Annual Inspection	Non-compliance	Raymond Mervyn & Helen Ruth Whyte (2691)	R2/2783-3.0	EAC-22165 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
Comments: During analysis of samples (07 September 2018), taken during the annual dairy inspection round (23 August 2018), it was found that the oxidation pond system was not operating within resource consent conditions at Hastings Road, Mangatoki. An abatement notice was been issued requiring works to be undertaken to the effluent disposal system to ensure compliance with Resource Consent 2783-3.0. Reinspection to take place after 17 November 2018.							
27 Aug 2018	632119-020 ENF-21641	Office Assessment	Non-compliance	Ample Group Limited (52845)	R2/5221-2	EAC-22135 - Explanation Requested - Letter EAC-22136 - Abatement Notice	No Further Action/Costs Recovered
Comments: During routine monitoring it was found that no flow metre verification certificate had been provided as required by resource consent condition. An abatement notice was issued requiring the verification certificate to be supplied. The abatement notice was complied with. A letter of explanation was received and accepted.							
31 Aug 2018	632119-037 ENF-21677	Compliance Monitoring Insp.	Non-compliance	Stratford District Council (10048)	R2/3889-3		Investigation Continuing
Comments: During routine monitoring it was found that the site was not operating within resource consent conditions, at the Stratford landfill site, Victoria Road, Stratford. There was noticeable damage from vehicles in areas on the landfill cap. Two of the four water troughs on the cap, were found to be overflowing causing ponding. Enforcement action is being considered.							
04 Sep 2018	632119-043 ENF-21680	Compliance Monitoring Insp.	Non-compliance	R & S Dreaver Contractors Limited (53304)	R2/10309-1.1		No Further Action At This Stage/Costs Recovered

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
Comments: During routine monitoring it was found that notification had not been received regarding sludge deliveries from the New Plymouth District Council's Water Treatment Plant, to a disposal site at Kairau Road, Brixton. At the time of inspection no works had begun to spread any sludge. Subsequent notification was received. An explanation was received and accepted.							
05 Sep 2018	632119-044 ENF-21673	Compliance Monitoring Insp.	Non-compliance	Ms 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. Enforcement action is being considered.							
05 Sep 2018	632119-030 ENF-21663	Annual Inspection	Non-compliance	Anthony John Main (9285)	R2/1393-3.0	EAC-22177 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During the annual monitoring round it was found that the farm dairy eluent disposal system was operating within resource consent conditions on Lower Kaipikari Road, Urenui. An abatement was issued requiring works to be undertaken to install stormwater diversion on the pipes conveying dairy effluent to the first oxidation pond. Reinspection to take place after 20 October 2018.							
07 Sep 2018	632119-029 ENF-21662	Annual Inspection	Non-compliance	Derek Brian & Suzanne Michelle Vickery (1746)	R2/0561-3.0	EAC-22175 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
Comments: During the annual dairy round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Ngatimaru Road, Waitara. An abatement notice was issued requiring works to be undertaken to install stormwater diversion on the pipes conveying dairy effluent to the first oxidation pond. Reinspection to take place after 20 October 2018.							
07 Sep 2018	632119-038 ENF-21678	Compliance Monitoring Insp.	Non-compliance	South Taranaki District Council (9623)	R2/0072-3.1		No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that there was a hole in the wave band which was likely to be allowing partially treated sewage to discharge into land at the Waverley municipal ponds, South Road, Waverley. No discharge was evident at the time of inspection, however it was highly likely to occur due to the high water line. An explanation was received. The Council have undertaken to complete works to repair the hole in the 2018/2019 summer period. Reinspection will be undertaken during routine monitoring.							
07 Sep 2018	632119-025 ENF-21649	Compliance Monitoring Insp.	Non-compliance	Oaonui Water Supply Limited (14982)	R2/0231-4.0	EAC-22159 - Explanation Requested - Inspection Notice	Investigation Continuing
Comments: During routine monitoring and analysis of data it was found that the sites abstraction flow meter was measuring reservoir outflow not the rate at which water is taken from the Oaonui Stream, as required by resource consent conditions and national regulations at the Oaonui Water Supply. This was confirmed by visual observation of the plant, data review and discussion with the plant operator. A letter requesting explanation was sent. Enforcement is being considered.							

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Sep 2018	632119-028 ENF-21656	Office Assessment	Non-compliance	Cold Creek Community Water Supply Limited (50581)	R2/1134-3.2	EAC-22169 - Explanation Requested - Inspection Notice EAC-22180 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: Self-notification was received on 14 September 2018 that the internet service provider that transmits Cold Creek water abstraction data to Council ceased to operate on 31 August 2018. A review of compliance monitoring data confirmed this. Resource consent conditions required data to be recorded at all times and notification to be received immediately recording or transmission fails. A letter requesting explanation was sent. It was advised that the data was not backed up and could not be sent in manually, therefore there is no data for that period. An abatement notice was issued requiring works to be undertaken to ensure compliance with Resource Consent 1134-3.2. Compliance will be assessed after 22 October 2018.							
15 Sep 2018	632119-031 ENF-21664	Office Assessment	Non-compliance	Todd Energy Limited (36724)	R2/1315-1	EAC-22178 - Abatement Notice EAC-22181 - Explanation Requested - Letter	Investigation Continuing

Compliance Monitoring - Non-compliances for the period 11 Aug 2018 to 20 Sep 2018

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
Comments: During routine monitoring it was found that deepwell injection activities had been continuing post 1 June 2018 in breach of special condition 3 of Resource Consent 1315-1 at the Tuhua-B wellsite, Otaraoa Road, Tikorangi. An abatement notice was issued requiring all deepwell injection activities at the wellsite to cease to ensure compliance with resource consent conditions. The abatement notice has been complied with. A letter requesting explanation was sent. Further enforcement action is being considered.							
19 Sep 2018	332119-032 ENF-21663	Annual Inspection	Non-compliance	Robert William Swindlehurst (1639)	R2/0334 3.1	EAC-22183 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During that annual dairy inspection round it was found that the dairy effluent disposal system was not operating within resource consent conditions at Kaiapoi Road, Stratford. An abatement notice was issued requiring the second and third ponds be cleaned out. Reinspection will be undertaken after 26 October 2018.							
24 Sep 2018	332119-033 ENF-21667	Office Assessment	Non-compliance	New Plymouth District Council (9565)	R2/6114-1	EAC-22182 - Explanation Requested - Inspection Notice	Investigation Continuing
Comments: During analysis of abstraction data on 24 September 2018 it was found that one of the bores was regularly exceeding the consent limit since 10 September 2018 at the Oakura water Treatment Plant. A letter requesting explanation was sent. Enforcement is being considered.							

Agenda Memorandum

Date 9 October 2018



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

**Subject: Prosecution Sentencing Decision –
Block 8 Farm Limited**

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

Document: 2128044

Purpose

The purpose of this memorandum is to update Members on the prosecution of Block 8 Farm Limited for a breach of the Regional Fresh Water Plan for Taranaki for the discharge of dairy effluent into an unnamed tributary of the Moumahaki Stream in August 2017.

Background

The incident report was considered by the Chief Executive, acting under delegated authority from the Council, and the decision to prosecute was presented to Council on 25 July 2017.

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 oxidation ponds into water in contravention of resource consent conditions. Appropriate pond maintenance and regular consent holder monitoring to ensure compliance with the consent conditions were not undertaken.

Prosecution update

Two charges were laid against Block 8 Farm Limited for offences against section 15(1)(b) of the RMA in December 2017.

The Judge found the offending to be serious (paragraphs 25-26) and relied on good Council evidence (paragraphs 13-16).

Block 8 Farm Limited pleaded guilty to the charges. Sentencing was passed on 10 July 2018 and notes of Judge BP Dwyer on sentencing are attached. The rationale for the decision is set out in the judgement and a number of factors are considered in determining the sentence. The fine reflects the seriousness of the incident.

Block 8 Farm Limited were fined \$40,500 for one charge and \$13,500 for the other charge, \$54,000 in total.

Recommendation

That the Taranaki Regional Council:

1. receives this report and notes the successful outcome of the prosecution against Block 8 Farm Limited.

Decision-making considerations

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

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

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.

Ngaa Rauru Kītahi iwi provided a victim impact statement for the Council's sentencing submissions.

Legal considerations

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

Appendices/attachments

Document # 2106672 – Block 8 Farm Ltd – Sentencing notes 10 July 2018

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

**CRI-2018-083-000010
[2018] NZDC 14215**

TARANAKI REGIONAL COUNCIL
Prosecutor

v

BLOCK 8 FARM LIMITED
Defendant

Hearing: 10 July 2018
Appearances: K de Silva for the Prosecutor
R Flinn for the Defendant
Judgment: 10 July 2018

NOTES OF JUDGE B P DWYER ON SENTENCING

[1] Block 8 Farm Limited (the Defendant) appears for sentence on two charges of breach of s 15(1)(b) Resource Management Act 1991 relating to the discharge of contaminants (partially treated or untreated dairy farm effluent) in circumstances where the effluent may have entered water. We know that in one of these cases it did enter water. The charges are contained in charging documents ending 0003 and 0004.

[2] A guilty plea has been entered. I am told by counsel that s 24A Sentencing Act 2002 is not applicable. There is no suggestion that the Defendant should be discharged without conviction so it is hereby convicted on both charges.

[3] The Defendant owns a farm property at Block 8 Road near Waverley. The farm comprises about 344 hectares on which about 540 cows were milked at the time of the offending.

[4] Mr M Wright is employed as contract milker. He had been on the farm for about 14 months prior to the offending and was responsible for day-to-day management. The directors of the Defendant company live off the farm and one of the directors (Mr K Goble) would visit sometimes weekly, sometimes fortnightly.

[5] The farm effluent system directs effluent to ponds. Pond one is an anaerobic pond and pond two, aerobic. Effluent contained in pond one is spray irrigated onto paddocks with some flow being maintained into pond two. There are a pump and stirrer in pond one. The Defendant holds a resource consent which permits the discharge of some effluent to water in certain limited circumstances but not the uncontrolled overflow discharge which occurred in this case.

[6] On 10 August 2017 a Council officer undertook an annual inspection of the farm. The officer found a large pile of sand trap cleanings, including untreated dairy effluent and stock food waste and residue adjacent to pond one and within 40 metres of an unnamed tributary of the Moumahaki Stream. It was apparent that effluent and other contaminants contained in the pile might run off into the stream although there was no evidence of that actually having happened.

[7] That is the basis of the offence contained in charging document ending 0003.

[8] It was also discovered that there was a crust of solids on pond one which had caused the pump to stop working. Pond one was full and effluent had overflowed into an adjacent low-lying area.

[9] Effluent solids were visible on the surface of pond two whose overflow or discharge pipe was partially blocked. Pond two was overflowing and a dark, odorous discharge was entering the tributary which was clear above the point of discharge but dark green and turbid below that point. This conspicuous change in the water quality was apparent along the entire length of the tributary (somewhere in the order of about 2.3 kilometres).

[10] That is the basis of the charge contained in charging document ending 0004.

[11] The environment affected by this offending was initially and primarily the tributary into which it was discharged. I have read the biomonitoring report and the explanation of the analyses which form part of the summary of facts and have reached a number of conclusions based on those documents.

[12] Samples of the water in the tributary were taken by a Council scientist at three sites. One was 20 metres upstream from the point of discharge (site one), one 20 metres downstream (site two) and a third just above the confluence of the tributary with the Moumahaki Stream about 2.3 kilometres downstream (site three).

[13] I recite the conclusions of the biomonitoring report which are as follows:

This August 2017 biological survey of an unnamed tributary of the Moumahaki Stream indicated that the macroinvertebrate communities of the unnamed tributary had been adversely affected by the discharge of partially treated dairy effluent observed at the time. The effects recorded are considered to be significantly adverse.

The presence of widespread 'undesirable heterotrophic growths' of bacteria on the streambed downstream of the discharge indicate a source of significant nutrient enrichment in the stream as a result of the discharge. Water quality monitoring confirmed the presence of elevated biological oxygen demand in the stream, and elevated concentrations of ammonia, sufficient to be toxic to a number of invertebrate species. This discharge resulted in macroinvertebrate communities with low taxa richness, and the presence of taxa characteristic of organically polluted water.

Although there were no clear impacts on the biological communities located approximately 2.3km downstream of the discharge, it is likely that the impacts would have extended many hundreds of meters downstream of the discharge. It was only due to a lack of time and the inaccessible nature of the stream that this was not further quantified. It was also clear by the degree of bacterial growth on the stream bed that this discharge had been occurring for quite some time, estimated at at least two to three weeks.

When compared to other similar sites across Taranaki, the sites 1 and 3 contained communities in average to above average health, while site 2 contained a community in significantly poorer health, reflective of very poor water quality. This degradation can be directly attributed to the discharge of partially treated effluent.

[14] To the extent that the Defendant's submissions claim that there was a relatively limited adverse effect from the discharge, I can only say that that contention substantially depends on disregarding or writing down the effects in the tributary itself which the Council's scientific officer considered to be significantly adverse. I do accept that the effects were temporary and possibly short-lived.

[15] As the Council analyst's report noted, the tributary is a headwater stream. These water bodies perform a vital function in catchment health, notwithstanding their sometimes apparent insignificance in terms of size particularly when considered individually. The Court has previously recognised the importance of these streams.¹

[16] The Council analyst and ecologist both concluded that the adverse effects of the discharge on the stream would be significant, albeit as I have noted, probably temporary.

[17] As well as the significant adverse effects on the tributary, the discharge had the potential to affect both the Moumahaki Stream and the Waitotara River into which it flows. The Waitotara River is described in the Regional Water Plan as a catchment with high natural ecological and amenity values.

[18] As Mr Flinn noted in his submissions, the analysis indicates that adverse effects had substantially diminished if not disappeared by the time the tributary reached the main stream. He makes the point that the Moumahaki Stream is itself not a pristine waterway. I accept that, but that simply drives home the point which the Court makes time after time - that our water bodies are often degraded as a cumulative adverse effect of many discharges, each of which may be insignificant in itself.

¹ *Taranaki Regional Council v Inwood* DC New Plymouth CRI-2013-021-414, 5 November 2013

[19] I note that the photograph 16 of annexure three of the agreed summary shows an obvious green discolouration flowing in the tributary within 20 metres of its confluence with the Moumahaki Stream. Further in this regard, in terms of effects, I note the adverse cultural effects set out in the cultural reports provided to the Court.

[20] Those observations bring me to consider the appropriate penalty in this case. In doing so I will have regard to the various principles and purposes of sentencing set out in the appendix to Ms de Silva's submissions for the Council. I do not understand Mr Flinn to take issue with those and I certainly do not. I commence my considerations by identifying an appropriate penalty starting point. Ms de Silva has suggested a total figure of \$85,000 for both offences. Mr Flinn suggests a figure of between \$30,000 and \$40,000.

[21] Starting points for dairy effluent offending are generally set by reference to bands of seriousness identified in what is known as the *Chick*² case. In the least serious band, starting points range up to \$40,000 (I understand that is where Mr Flinn has assessed the level of seriousness). In the moderately serious band, starting points range from \$40,00 to \$80,000 and in the most serious band, starting points are \$80,000 and upward. That is where Ms de Silva has put the offending.

[22] Before settling that issue, I make two general observations.

[23] Firstly, that the starting points in all of the bands are at the low end of the scale of potential penalties. The maximum penalty for the offences before the Court today is \$600,000 for each offence. The \$80,000 starting point for the most serious band is 13.3 per cent of maximum penalty for one offence and the other starting points for the less serious bands are correspondingly lower. It is sometimes suggested that the Court is harsh in its penalising for these sorts of offences. Taken as a percentage of potential penalty and having regard to the seriousness of some of the offences, I do not consider that to be the case. In my view, the regularity with which dairy effluent offending continues to come before the Court suggests that the current levels of starting points and fines are too low to provide an adequate level of deterrence, particularly in the most serious cases.

² *Waikato Regional Council v G A and B G Chick Ltd* (2007) 14 ELRNZ 291

[24] Secondly, I observe that I will adopt a similar process as both counsel have done in this case and adopt a global or single starting point for both offences. They were both identified on the same day and both have what, in my opinion, is a similar root cause, namely inadequate management of the farm effluent system on the day the offending was discovered.

[25] I consider that the charge contained in charging document ending 0004 and relating to the overflow discharge is substantially the more serious of the two and accordingly will apportion 75 per cent of the penalty which I will ultimately impose against that offence.

[26] I consider that the offence and charging document ending 0004 is sufficiently serious that I would have adopted a similar starting point as I am going to, even if that was the only charge before the Court.

[27] Turning to the issue of appropriate starting points, I do not accept Mr Flinn's submission that this offending is in the least serious band. That band encompasses unintentional one-off offences, which have little or no effect on the environment. I accept that the offending was unintentional in the sense that the Defendant or its worker did not deliberately discharge the effluent. Rather the discharge occurred due to what Mr Flinn somewhat generously described as failure to adequately maintain the system and take timely action to lower the level of the ponds. This was not one-off offending. There were two separate offences which persisted over a period of time, even accepting that one of the offences might be regarded as minor because, among other things, there was no evidence of entry to water. Nor was there little or no effect on the environment. There was significant adverse effect on the tributary recognising that it is a small waterway with what appears to be average values. Those effects were discernible 2.3 kilometres downstream.

[28] The offending does have some aspects of the moderately serious band. I have accepted that the discharge was unintentional. It was obviously careless and I will return to that matter in due course. It cannot be said that the discharge had little or, at the most, a moderate effect on the environment. As I have noted previously, the

adverse effect on the tributary was significant. For these reasons I put this offending into the most serious category.

[29] In that regard, I find that it was occasioned by real want of care. I make that finding while recognising that since it took over this farm in June 2012, the Defendant has undertaken significant improvements to the effluent system. However even the best systems require diligent supervision and management, particularly in the many dairying regions (like Taranaki) where the combination of high rainfall and heavy soils make effluent disposal potentially problematic.

[30] In this case the degree of supervision and management, as it was discovered by the Council on the day in question, was seriously inadequate. I say that for a number of reasons:

- The longstanding practice of accumulating sand trap cleanings in a position where they can be washed towards a water body is obviously unsatisfactory;
- Mr Wright, who was responsible for the day-to-day management of the farm was given no training, advice or instruction as to operation of the effluent system. He did not know the theory of how the two-pond system worked or the consequences of solids getting into the second pond;
- Mr Wright was not informed by the Defendant as to his obligations when discharging effluent to surface water. He was never shown the resource consent relating to the ponds and their operation;
- The unsatisfactory nature of what was happening in the ponds on 10 August 2017 (and had been for some days previously) should have been obvious to anyone undertaking even a cursory check of the effluent system. The crusting and vegetation in the ponds which is shown in the photographs attached to the summary of facts did not happen overnight. The overflow into the tributary was immediately apparent to the Council inspector as was the state of the thick effluent in the tributary (I am referring to photographs 11 and 12 of annexure 3 to the summary);

- Mr Wright advised that he never walked around the ponds to check them, nor did he ever check the quality or colour of the discharge from the ponds. It seems that he had never been instructed to do so. I would have thought that common sense indicated this was a simple, basic check to be undertaken from time to time;
- Mr Goble had undertaken a check of the ponds by walking around them on 29 May but that was the last time this was done prior to the Council officer's visit over two months later.

[31] The Court is not qualified to tell busy farmers how to manage their farms on a day-to-day basis and it is easy to be wise in hindsight. However the failure to undertake a simple walk around and visual check of the pond system every couple of days to make sure that everything was satisfactory seems staggering, particularly in a situation where the pump had not been working for four days and there was heavy crusting on the number one pond.

[32] The Defendant advances an explanation for this situation which it suggests was due to formalin used for treating lame cows and fibrous material from silage getting into the ponds. No hard evidence is provided to establish this hypothesis but even if it was accepted as being correct, that does not explain or excuse the failure to check the ponds to make sure they were working properly.

[33] I consider that the failures to give the person responsible for day-to-day management of the ponds any training in the theory or practice of their management or the terms of the resource consent allowing their operation, combined with the failure to undertake a simple visual check to ensure that everything was in order with the ponds (particularly at a time with pump failure and obvious crusting) involved a high degree of carelessness. I have no hesitation in determining that this offending sits in the most serious category of dairy effluent offending for that reason. The absence of any identified specific values (such as the tributary being an important fish habitat) means that the offending falls at the bottom end of the most serious band.

[34] In determining an appropriate starting point, I have had regard to comparative cases referred to by counsel. I repeat the observation that I made in the Vernon sentencing earlier today that comparisons in resource management cases are difficult because of the myriad of circumstances which come into play.

[35] To some extent that is reflected in the quite wide bands of starting points in the various *Chick* bands. It is also true that there have been incremental lifts in penalty levels with the passage of time so that cases six or seven years old do not necessarily reflect current reality. That said, I note Ms de Silva's reference to the *Goble* case and agree with the number of comparisons she makes.

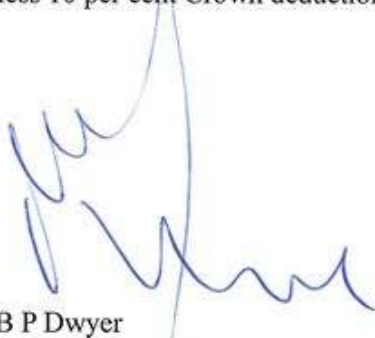
[36] As with all the cases there are similarities and dissimilarities. Ultimately, because I have determined that this offending falls into the most serious level of dairy offending, I find that the appropriate starting point for penalty considerations is the sum of \$80,000 which is at the lower end of the starting point range at that level. If the tributary was shown to have had higher ecological or other values than have been demonstrated in this case, I would have increased that starting point.

[37] I note that the Defendant cooperated with the Council, through its directors and employee. Since the offending it has expended considerable funds in upgrading its effluent system but with respect that appears to fall into the category of putting things into the order they should have been. To some extent the Defendant may have gone beyond that however. I accept that it was fully co-operative and has been diligent in the past. The Defendant does have an excellent past record including very substantial improvements on the effluent system which it took over and further improvements since. I am going to reduce starting point by 10 per cent to reflect that.

[38] The Defendant is entitled to a further reduction from that point of 25 per cent on account of its prompt guilty pleas giving an end penalty outcome of \$54,000 which I will apportion between the two charges on the basis I have indicated. On the charge in charging document ending 0004 it will be fined \$40,500 and on that ending 0003, \$13,500.

[39] In addition, on each charge it will pay solicitor costs in accordance with the Costs in Criminal Cases Regulations (to be fixed by the Registrar if need be) and Court costs \$130.

[40] Finally, pursuant to s 342 Resource Management Act, I direct that the fines less 10 per cent Crown deduction are to be paid to Taranaki Regional Council.



B P Dwyer
Environment Judge

Agenda Memorandum

Date 9 October 2018



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

Subject: Prosecution Sentencing Decision – AL & JS Vernon

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

Document: 2128067

Purpose

The purpose of this memorandum is to update Members on the prosecution of AL & JS Vernon for a breach of the Regional Fresh Water Plan for Taranaki for the discharge of dairy effluent into unnamed tributary of Rum Keg Creek in September 2017.

Background

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

Prosecution update

Two charges were laid against AL Vernon and JS Vernon for offences against section 15(1)(b) of the RMA in March 2017.

AL & JS Vernon pleaded guilty to the charges. Sentencing was passed on 10 July 2018 and notes of Judge BP Dwyer on sentencing are attached. The rationale for the decision is set out in the judgement and a number of factors are considered in determining the sentence. The fine reflects the seriousness of the incident and was considered reckless (paragraph 18) and moderately serious (paragraph 20).

AL Vernon was fined \$22,500 for one charge and JS Vernon was fined \$22,500 for one charge, \$45,000 in total.

The fines imposed on the AL & JS Vernon have been appealed by the defendants. A date for a further hearing in the High Court is yet to be set.

Recommendation

That the Taranaki Regional Council:

1. receives this report and notes the successful outcome of the prosecution against AL & JS Vernon.

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 # 2109075 – Vernon – Sentencing notes 10 July 2018

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

**CRI-2018-043-000270
[2018] NZDC 14037**

TARANAKI REGIONAL COUNCIL
Prosecutor

v

**ALISON LAURA VERNON
JOHN SPENCER VERNON**
Defendants

Hearing: 10 July 2018
Appearances: K de Silva for the Prosecutor
P Mooney for the Defendants
Judgment: 10 July 2018

NOTES OF JUDGE B P DWYER ON SENTENCING

[1] Mr and Mrs Vernon you each appear for sentence on one charge of breach of Resource Management Act 1991 by intermittently discharging dairy effluent to land between 3 and 11 September 2017 in circumstances where it may have entered water. As we all know it did in fact enter water.

[2] In your case Mr Vernon the charge is contained in amended charging document ending 0099 and in your case Mrs Vernon ending 0102.

[3] You have both pleaded guilty to the charge against you. I am advised by counsel that s 24A Sentencing Act 2002 which requires a restorative justice process is not applicable. There has been no suggestion made that you should be discharged without conviction and I hereby convict both of you accordingly.

[4] You own a farm at Midhurst in Taranaki. It is a modestly sized farm by current standards. At the time of the offending only about 100 cows were being milked although the normal number of cows is 230, 240 or something in that sort of range.

[5] You hold a resource consent allowing the discharge of untreated dairy effluent to land subject to what are pretty common conditions right across the country which prohibit ponding of effluent and prohibit the discharge to surface water. I can say to you that those conditions or similar are basically standard across the country. Just about every dairy effluent discharge permit I see has those requirements in it.

[6] On 11 September 2017 Council officers went to your farm to undertake an annual inspection of the effluent system which at that time comprised a sand trap to capture sand and grit, a small sump and a pump connected to a travelling irrigator. The officers found the travelling irrigator had been disconnected from the irrigator hose and was sitting in a paddock. Untreated effluent had been discharged from the hose or pipe directly onto the paddock rather than by the irrigator so that it was not spread. Effluent had ponded in the paddock over an area of about 200 square metres and was flowing from where it was ponded into a tributary of Rum Keg Creek which was about 35 metres away from the end of the pipe. The creek at that time carried only a small volume of water. It was about a metre wide and 20 centimetres deep and it was flowing at a slow rate.

[7] The Council officers found what was described as significant discolouration of the creek at the point where the discharge entered it and there was discolouration and odour for about 400 metres downstream. The tributary flows into Rum Keg Creek itself which I am told is about 2.3 kilometres below the point of discharge. It was apparent to the Council officers that the irrigator had not been moved for a pretty long period of time.

[8] The environment affected by the offending was primarily the tributary into which the effluent entered, although it should be recognised that ponding in itself has potentially adverse effects on soil, pasture and animal health. The effects of the discharge on the tributary are difficult to discern with any certainty. There is no dispute that effluent entered the tributary and that discolouration and odour were observed by Council officers as I have described. But other than those facts Mr Mooney on your behalf takes issue with a number of the estimates made and

generic assertions as to effects contained in the Council reports. He is entitled to do that because if push comes to shove the Council has to prove these things beyond reasonable doubt. So you are entitled to raise these things and say we do not really know what the adverse effects ultimately were. In this case I note that we do not have any sampling in the creek or the estuary before the point of discharge so that we do not know what the condition of the water you were discharging into was.

[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.

[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.

[12] In sentencing you for this offending I have to have regard to various purposes and principles of sentencing which are summarised in Ms de Silva's submissions for the Council and you may have read those. I note that the maximum fine for the offence with which you have each been charged is \$300,000, that is a total of \$600,000. No one is suggesting that a fine in that amount is appropriate in this case but the size of the maximum penalty shows the seriousness which Parliament has attached to environmental offending. It has set very heavy penalties in an attempt to discourage such offending.

[13] As part of the sentencing process I have to identify a starting point for my considerations. You have heard this morning that Ms de Silva suggested an overall starting point for the two of you for both offences of \$70,000. Mr Mooney suggested somewhere in the \$30,000 to \$40,000 range. 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.

[14] The key to determining starting point is assessing what category of seriousness identified in what is known as the *Chick*¹ case is applicable in this instance. Mr Mooney suggested the offending is at the least serious or somewhere between the least and moderately serious levels and Ms de Silva has submitted it is between moderately and most serious.

[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.

[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

¹ *Waikato Regional Council v G A and B G Chick Ltd* (2007) 14 ELRNZ 291 (DC)

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.

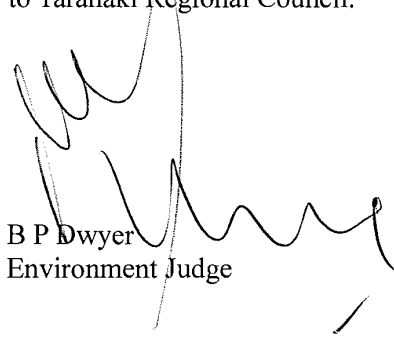
[21] Counsel have referred me to a number of comparative cases as a reference to fix starting point. I am aware of the need to be consistent in sentencing and the Court endeavours to achieve that, but it must be recognised that the myriad of circumstances which come before the Court make it difficult 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.

[22] I concur with Ms de Silva's submission that this offending was less serious than the *Mead*² case that you have heard us talk about due to the duration of the offending and the extent of ponding in that case if nothing else. The Court adopted a starting point of \$80,000 in *Mead*.

[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. Each of you will pay solicitor costs in accordance with the Costs in Criminal Cases Regulations (to be fixed by the Registrar if need be) and Court costs \$130.

[25] Finally, I direct that the fines less 10 per cent Crown deduction are to be paid to Taranaki Regional Council.


B P Dwyer
Environment Judge

² *Taranaki Regional Council v Mead* [2016] NZDC 16588

Agenda Memorandum

Date 9 October 2018



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

**Subject: Regional council dairy effluent
compliance, monitoring and
enforcement assessment report**

Approved by: AD McLay, Director – Resource Management
BG Chamberlain, Chief Executive

Document: 2130039

Purpose

The purpose of this memorandum is to introduce a report prepared by Forest and Bird entitled *Cleaning Up: Fixing compliance, monitoring and enforcement in the dairy sector*.

A copy of the report and a media release from Forest and Bird can be found on Forest and Bird's website at <https://www.forestandbird.org.nz/resources/major-report-highlights-failure-councils-protect-environment-dairying>

Executive summary

Forest and Bird have released a report into compliance, monitoring and enforcement in the dairy sector. It has followed much debate nationally on the impact of dairying on fresh water, particularly in those regions experiencing rapid land use change and expansion of dairy farming.

The report rates every regional council and unitary authority's performance in relation to detecting and responding to dairy effluent serious non-compliance and presents an individual 'report card' for each region. Forest and Bird considers that the report serves as an audit of all regional council and unitary authority performance on dairy effluent compliance, monitoring and enforcement for 2016-17.

The report presents a very positive picture for Taranaki.

Taranaki has a long established and compliance monitoring and enforcement programme in place for all industries, including dairying, which have contributed to improved environmental attitudes and environmental quality. The cost of the farm dairy effluent monitoring programme is recovered from the consent holder.

Taranaki was one of only three out of 16 regions which received an 'A' grade – the others being Hawkes Bay and Wellington, which have very low numbers of dairy cattle. The

Council meet all the criteria to achieve this grading including monitoring all dairy farms annually for effluent management compliance, conducting inspections with minimal warning and taking enforcement action in every case of serious non-compliance.

The report summarises the findings for all councils, makes recommendations for improvements to regional council performance and also makes recommendations to central government so that it can better monitor council performance nationally.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum *Regional council dairy effluent compliance, monitoring and enforcement report*;
2. notes that the Taranaki Regional Council was one of only three councils nation-wide to receive an 'A' grading, and the only major dairy region to receive such a rating; and
3. notes that the Council is a member of the Compliance, Monitoring and Enforcement Special Interest Group and currently leads a subgroup to audit regional council's farm dairy effluent compliance monitoring programmes.

Background

Late in 2017, Forest and Bird began an investigation into regional councils' performance of dairy effluent compliance, monitoring and enforcement. It followed much debate nationally on the impact of dairying on fresh water, particularly in those regions experiencing rapid land use change and expansion of dairy farming.

Between November 2017 and June 2018, Forest and Bird requested information from all regional councils and unitary authorities (except the Chatham Islands) on the results of their annual dairy farm monitoring, compliance and enforcement programmes for the 2016-17 monitoring year. The information sought included questions about instances of serious non-compliance in that year and what enforcement action councils took in response.

According to Forest and Bird, most councils (with some notable exceptions) were able to provide all the information requested. Some councils provided raw data that required further processing by Forest and Bird with follow-up communications and questions.

Forest and Bird were also able to access information from the Ministry for the Environment's (MfE) National Monitoring system, which reports annually on all councils' compliance monitoring and enforcement performance. MfE's 2016-17 report was not formally complete and Forest and Bird agreed to include a disclaimer that the information provided had yet to be validated.

The report rates every regional council and unitary authority's performance in relation to detecting and responding to dairy effluent serious non-compliance and presents an individual 'report card' for each region. Forest and Bird considers that the report serves as an audit of all regional council and unitary authority performance on dairy effluent compliance, monitoring and enforcement for 2016-17.

The report was officially released on 13 August 2018.

Discussion

The report presents a very positive picture for Taranaki.

Taranaki has a long established compliance monitoring and enforcement programme in place for all industries, including dairying, which have contributed to improved environmental attitudes and environmental quality. The cost of the farm dairy effluent monitoring programme is recovered from the consent holder.

In the report cards for individual regions, Taranaki was one of only three out of 16 regions which received an 'A' grade – the others being Hawkes Bay and Wellington which have very low numbers of dairy cattle. Gradings ranged from 'A' representing a perfect score to 'F' representing the worst score. The ratings were given according to whether councils met the following five criteria:

- monitored 100 percent of their dairy farms annually for effluent management compliance;
- conducted inspections with minimal warning (cold calling), less than 24 hours;
- conducted a follow-up visit to most serious non-compliant dairy farms in the same year;
- took an enforcement action in every case of serious non-compliance; and
- freely provided all relevant data.

The Council fully meet all criteria, and cold calls giving no warning of its compliance staff monitoring visits.

With respect to the findings for Taranaki, the only point that we would take issue with is the statement on page 34 of the report that in Taranaki, four farms had the same serious non-compliance but received three different types of enforcement actions. This in Forest and Bird's view, was 'indication of inconsistent compliance and enforcement action'.

On this point, we note that the Council has an extensive Enforcement Policy, supported by comprehensive guidelines, which it applies rigorously and appropriately in all cases. This involves a careful assessment of individual circumstances, which is applied on a case-by-case basis, and cannot sensibly and practically be applied equally across the board. For example, among the relevant considerations in taking enforcement action is the actual and potential adverse effects on the environment, the sensitivity of the receiving environment, whether the non-compliance was deliberate, negligent or careless, efforts made to remedy or mitigate adverse effects, whether the non-compliance was a repeat occurrence and whether a degree of specific deterrence is required in the particular case.

Rather than being seen 'inconsistent', this approach to enforcement has meant the Council's reputation as a firm but fair resource management enforcement agency has been widely accepted in the community.

The main overall conclusion from the Forest and Bird study was that there is an 'extraordinary' amount of variability in the way that regional councils fulfil their dairy farm compliance, monitoring and enforcement responsibilities. Among the findings for all regional councils and unitary authorities are the following main points.

Not all councils monitor all of the dairy farms in their area. Three-quarters of New Zealand's dairy farms are in the eight regions that do not monitor 100 percent of their farms. According to Forest and Bird, this means that many instances of serious non-compliance are likely to have gone undetected. Poor monitoring means that some councils are not meeting their statutory requirement to manage adverse effects on water quality.

Some councils have very poor information management. Some councils had to manually search all dairy farm records to find which farms were seriously non-compliant and some could not tell Forest and Bird how many dairy farms they had in their region.

Councils are inconsistent in their enforcement response. There was often variability within a council as well as between councils in the levels of enforcement for the same types of serious non-compliance (see above for explanation of Taranaki's approach). In 21 % of cases no enforcement action was taken at all and only 55% of cases of serious non-compliance had a follow-up visit.

Workload of compliance staff is highly variable. Considerable differences in the overall workloads of council compliance, monitoring and enforcement staff were found. However, these differences did not explain the differences in the ability of councils to annually monitor all or only some of their dairy farms.

Collection and reporting of national compliance, monitoring and enforcement data is inadequate. The Ministry for the Environment's collection of regional council compliance, monitoring and enforcement performance for all RMA consent conditions in the National Monitoring System does not contain enough detail to identify the inconsistencies in dairy sector performance found in the report.

The recommendations for regional councils arising out of the report are for regional councils to:

- identify all dairy farms;
- carry out annual inspections of all dairy farms;
- give minimal notice (cold calling) of inspections (less than 24 hours);
- enforcement action should result for all serious cases of non-compliance;
- digital databases of all compliance monitoring and enforcement actions should be kept; and
- report on compliance, monitoring and enforcement actions by sector.

The Council satisfies all of these recommendations and gives no notice of an inspection visit.

For the Government, the report contains five recommendations:

- establish the RMA Oversight Unit with terms of reference that allow it to properly monitor, audit and report on councils' performance, including ensuring councils are complying with the recommendations above;
- analyse and report on all serious non-compliance;
- identify and investigate inconsistencies and review tools;
- develop and enforcement decision support tool for serious non-compliance; and
- establish a recommended ratio of compliance staff to consents requiring monitoring.

Members should note that regional councils have a Compliance, Monitoring and Enforcement Special Interest Group (CME SIG). This is a group of senior managers from all regional councils and unitary authorities who meet regularly to discuss common approaches, exchange information and develop solutions to problems. One of the special projects of this group is to conduct an audit of regional council's farm dairy effluent compliance monitoring programmes to see where regional councils might look to benchmark their efforts in future in this area. This quality control and peer review process has and will continue to increase

consistent decision making between councils. The structural programme issues around percent of farms monitored and cold calling are for Councils and their governors to address.

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.

Agenda reports

Consents & Regulatory Committee, October 2018

Item 3: Consent monitoring reports

[RKM Farms Ltd Piggery](#) (380 KB)

[Taranaki Galvanizers](#) (530 KB)

[Dimar Partnership Landfill](#) (465 KB)

[NPDC landfills](#) (1.7 MB)

[STDC landfills](#) (2 MB)

[Value Timber](#) (1 MB)

[Greymouth Petroleum Turangi-C Wellsite](#) (570 KB)

[Cheal Deep Well Injection](#) (1.2 MB)

[Wai-iti Beach Retreat](#) (760 KB)

[Cold Creek Community Water Supply](#) (1 MB)

[NPDC Water Supplies](#) (1.6 MB)

[South Taranaki Water Supplies](#) (1.6 MB)