



AGENDA

Consents & Regulatory

Tuesday 27 April 2021, 9.30am



Purpose of Consents and Regulatory Committee meeting

This committee attends to all matters in relation to resource consents, compliance monitoring and pollution incidents, biosecurity monitoring and enforcement.

Responsibilities

Consider and make decisions on resource consent applications pursuant to the *Resource Management Act 1991*.

Ensure adequate compliance monitoring of resource use consents and receive decisions on enforcement actions in the event of non-compliance, pursuant to the *Resource Management Act 1991*.

Consider and make decisions on monitoring and enforcement matters associated with plant and animal pest management.

Other matters related to the above responsibilities.

Membership of Consents and Regulatory Committee

Councillor D L Lean (Chairperson)	Councillor C S Williamson (Deputy Chairperson)
Councillor M J Cloke	Councillor M G Davey
Councillor C L Littlewood	Councillor D H McIntyre
Councillor E D Van Der Leden	Councillor D N MacLeod (ex officio)
Councillor M P Joyce (ex officio)	

Representative Members

Ms E Bailey	Mr M Ritai
Mr K Holswich	

Health and Safety Message

Emergency Procedure

In the event of an emergency, please exit through the emergency door in the committee room by the kitchen.

If you require assistance to exit please see a staff member.

Once you reach the bottom of the stairs make your way to the assembly point at the birdcage. Staff will guide you to an alternative route if necessary.

Earthquake

If there is an earthquake - drop, cover and hold where possible.

Please remain where you are until further instruction is given.

Consents and Regulatory Committee Copy

27 April 2021 09:30 AM

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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 Secure it!
Tina!	Draw together! Affirm!
Hui ē! Tāiki ē!	



Date 27 April 2021

Subject: **Confirmation of Minutes - 16 March 2021**

Approved by: G K Bedford, Director - Environment Quality
S J Ruru, Chief Executive

Document: 2751142

Recommendations

That Consents and Regulatory Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Consents and Regulatory Committee of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on 2 February 2021 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 6 April 2021.

Matters arising

Appendices/Attachments

Document 2730730: Minutes Consents and Regulatory Committee - 16 March 2021



Date 16 March 2020, 9.30am
Venue: Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document: 2730730

Members	Councillors	D L Lean C S Williamson M J Cloke M G Davey C L Littlewood D H McIntyre E D Van Der Leden D N MacLeod	Committee Chairperson Committee Deputy Chairperson via Zoom ex officio
Representative Members	Mr Ms	M Ritai E Bailey	Iwi Representative Iwi Representative via Zoom
Attending	Ms Mr Miss	M J Nield G K Bedford A D McLay C McLellan B Pope V McKay P Ledingham L Davidson	Director - Corporate Services Director - Environment Quality Director - Resource Management Consents Manager Compliance Manager Science Manager - Biology Communications Adviser Committee Administrator One member of the media and four members of the public.
Opening Karakia	The meeting opened with a group karakia.		
Apologies	Apologies were received from Councillor M P Joyce, and Mr K Holswich - Iwi Representative. Cloke/Littlewood		
Notification of Late Items	Update on pollution at Back Beach.		

1. Confirmation of Minutes – 2 February 2021

Resolved

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

- a) takes as read and confirms the minutes and resolutions of the Consents and Regulatory Committee of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 2 February 2020 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 23 February.

Davey/MacLeod

Matters Arising

There were no matters arising.

2. Resource Consents Issued Under Delegated Authority and Applications in Progress

- 2.1 Mr C McLellan, Consents Manager, spoke to the memorandum advising of consents granted, consents under application and of consent processing actions since the last meeting. Mr McLellan provided clarification around the Council's determination of consenting requirements for seismic surveys.

Recommended

That the Taranaki Regional Council:

- a) receives the schedule of resource consents granted and other processing actions made under delegated authority.

Cloke/Littlewood

3. Consent Monitoring Annual Reports

- 3.1 Ms V McKay, Science Manager – Chemistry, spoke to the memorandum advising of 13 tailored compliance monitoring reports that have been prepared since the last meeting.
- 3.2 Councillor D H McIntyre declared an interest in relation to Fonterra.

Recommended

That the Taranaki Regional Council:

- a) receives the 20-03 Todd Kapuni Gas Treatment Plant (KGTP) Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- b) receives the 20-11 CD Boyd Landfarming and Landspreading Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- c) receives the 20-16 Trustpower Mangorei HEP Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.

- d) receives the 20-20 STDC Kaponga, Manaia, Patea and Waverley WWTP's Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- e) receives the 20-44 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- f) receives the 20-63 Fonterra Kapuni Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- g) receives the 20-65 Cold Creek Community Water Supply Ltd Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- h) receives the 20-66 New Plymouth District Council Water Supplies Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- i) receives the 20-87 ANZCO Eltham Ltd Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- j) receives the 20-92 Civil Quarries Ltd - Everett Road Quarry Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- k) receives the 20-96 Silver Fern Farms Waitotara Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- l) receives the 20-97 Taranaki By-Products Air and Water Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- m) receives the 20-98 Groundworkx Taranaki Ltd Monitoring Programme Biennial Report 2018-2020 and adopts the specific recommendations therein.

Lean/Williamson

4. Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 11 January 2021 to 22 February 2021

- 4.1 Mr B Pope, Compliance Manager, spoke to the memorandum allowing the Committee to consider and receive the summary of incidents, compliance monitoring non-compliances and enforcement for the period 11 January 2021 to 22 February 2021.
- 4.2 It was noted that there are a number of complaints coming through for Remediation NZ and that there is a hearing coming up for the renewal of their consent.
- 4.3 There have been a number of complaints concerning the Osflo depot. On one of those occasions an objectionable odour was detected beyond the boundary. A meeting was held with Osflo manager to consider changes to site operations, and no complaints have been received since.
- 4.4 It was clarified that Fire and Emergency NZ are provided with training in regards to spills and how to prevent them from entering waterways etc.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum *Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 11 January 2021 to 22 February 2021*
- b) receives the summary of incidents, compliance monitoring non-compliances and enforcement for the period 11 January 2021 to 22 February 2021, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Lean/MacLeod

5. Prosecution Sentencing Decision – New Plymouth District Council and City Care

- 5.1 Mr McLay, Director – Resource Management, spoke to the memorandum updating the Committee on the prosecution of New Plymouth District Council and City Care Limited, for a breach of the Regional Fresh water Plan for Taranaki, involving the discharge of industrial wastewater and untreated sewage from the Mangati Sewer Pump Station, Bell Block, into the Mangati Stream in January 2019.

Recommended

That the Taranaki Regional Council:

- a) receives this report and notes the successful outcome of the prosecution against New Plymouth District Council and City Care Limited.

Williamson/Davey

6. Prosecution Sentencing Decision – GrainCorp Liquid Terminals NZ Limited

- 6.1 Mr McLay, Director – Resource Management, spoke to the memorandum updating the Committee on the prosecution of GrainCorp Liquid Terminals NZ Limited, for a breach of the Regional Fresh Water Plan for Taranaki, involving a discharge of tallow and untreated wastewater into the Hongihongi Stream and onto Ngamotu Beach, in September 2019.

Recommended

That the Taranaki Regional Council:

- a) Receives this report and notes the successful outcome of the prosecution against GrainCorp Liquid Terminals NZ Limited.

Williamson/Davey

7. General Business

- 7.1 Update on Pollution at Back Beach

It was noted that during routine sampling of coastal water at Back Beach an unusually high result of enterococci was detected. It is unclear why the result was high as there are no known factors that explain why. Further testing has now resulted in normal and safe levels for Back Beach.

It was clarified that public notification is under the direction of the Medical Officer of Health via the New Plymouth District Council and is not the responsibility of the Taranaki Regional Council.

8. Public Excluded

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Consents and Regulatory Committee meeting on Tuesday 16 March 2021 for the following reasons:

Item 9 – Confirmation of Public Excluded Minutes – 2 February 2021

THAT the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Lean/Williamson

There being no further business the Committee Chairman, Councillor D L Lean, declared the public meeting of the Consents and Regulatory Committee closed at 10.15am.

Confirmed

Consents and Regulatory

Committee Chairperson: _____

D L Lean

27 April 2021



Date: 27 April 2021

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

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2755230

Purpose

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

Executive summary

2. Memorandum to advise the Council of recent consenting actions made under regional plans and the Resource Management Act 1991, in accordance with Council procedures and delegations.

Recommendation

That the Taranaki Regional Council:

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

Background

3. The attachments show resource consent applications, certificates of compliance and deemed permitted activities that have been investigated and decisions made by officers of the Taranaki Regional Council. They are activities having less than minor adverse effects on the environment, or having minor effects where affected parties have agreed to the activity. In accordance with sections 87BB, 104 to 108 and 139 of the Resource Management Act 1991, and pursuant to delegated authority to make these decisions, the Chief Executive or the Director – Resource Management has allowed the consents, certificates of compliance and deemed permitted activities.

4. The exercise of delegations under the Resource Management Act 1991 is reported for Members' information. Under the delegations manual, consent processing actions are to be reported to the Consents and Regulatory Committee.
5. In addition to the details of the activity consented, the information provided identifies the Iwi whose rohe (area of interest) the activity is in. If the activity is in an area of overlapping rohe both Iwi are shown. If the activity is within, adjacent to, or directly affecting a statutory acknowledgement (area of special interest), arising from a Treaty settlement process with the Crown, that is also noted.
6. Also shown, at the request of Iwi members of the Council, is a summary of the engagement with Iwi and Hapū, undertaken by the applicant and the Council during the application process. Other engagement with third parties to the consent process is also shown. The summary shows the highest level of involvement that occurred with each party. For example, a party may have been consulted by the applicant, provided with a copy of the application by the Council, served notice as an affected party, lodged a submission and ultimately agreed with the consent conditions. In that case the summary would show only 'agreed with consent conditions', otherwise reporting becomes very complicated.
7. The attachment titled 'Consent Processing Information' includes the figure 'Consent Applications in Progress' which shows 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 consent 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.
8. The attachment also includes:
 - 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
 - Potential hearings table outlining the status of applications where a hearing is anticipated and the decision maker(s) (e.g. a hearing panel) has been appointed
 - Consents issued table - the number of consents issued at the end of each month for this year and the previous two years
 - 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
 - Number of times that the public and iwi were involved in an application process for the year so far
 - Application processing time extensions compared to the previous years
 - Consent type process shows the notification type including applications submitted on and the pre-hearing resolution numbers
 - Applications that have been returned because they are incomplete

Decision-making considerations

9. 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

10. 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

11. 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

12. 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.

Community considerations

13. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

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

Appendices/Attachments

- Document 2755015: List of non-notified consents
- Document 2755021: List of limited-notified consents
- Document 2755120: Schedule of non-notified consents
- Document 2755222: Schedule of limited-notified consents
- Document 2754762: Consents processing charts for Agenda

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

Discharge Permit							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
R2/0542-4.0	AM & LJ Bridgeman Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/2106-3.0	Sturkenboom Farms Limited	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/2167-3.0	Richard & Margaret Joyce	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/2169-3.0	William & Valerie Donald	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/2818-4.0	PM & AM Gilmour Trusts No 1 & 2	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/2863-3.0	Jamze Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/3025-3.0	Oberwil Farms Limited	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/3222-3.0	Gregory & Deborah How	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/3279-3.0	Nigel King Developments Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/3481-3.0	Neil & Megan Barnes	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/3491-3.0	Taranaki Sawmills Limited	Water - Stormwater	Manufacturing and Processing	Timber Processing			Replace
R2/4667-3.0	D & S Hancock Trusts	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
R2/4679-4.1	Hinton Contracting Limited	Land - Animal Waste	Agricultural Services	Farming - Dairy	Effluent disposal		Change
R2/4706-2.1	AJM Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Change
R2/5139-3.0	Mervyn Hooper	Air - Abrasive Blasting	Engineering		Abrasive Blasting		Replace
R2/5352-3.1	Lloyd Gernhoefer Contractor Limited	Land - Animal Waste	Agricultural Services	Farming - Dairy	Effluent disposal		Replace
R2/6274-2.0	Jones Quarry Limited	Land/Water Industry	Mining Extraction (excl. hydrocarbon)	Quarry			Replace
R2/10200-1.1	Greymouth Petroleum Central Limited	Land - Hydraulic Fracturing	Energy	Wellsite	Exploration and Production		Extension of Lapse
R2/10322-2.0	Christopher Aaron Herd	Land/Water Industry	Property Development		Subdivision		New
R2/10847-1.0	Manor Properties Limited	Water - Stormwater	Property Development		Subdivision		New
R2/10908-1.1	Mahcoll Investments Limited	Land - Stormwater	Property Development		Commercial Development		New
Land Use Consent							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
R2/5971-2.0	New Plymouth District Council	Structure - Culvert	Local Government	Transport	Roading		Replace
R2/10868-1.1	Department of Conservation	Structure - Wetland Utility	Central Government	Recreational			Change
R2/10911-1.0	Hebdon Bridge Limited	Structure - Culvert	Agriculture	Farming - Dairy	Access		New
R2/10913-1.0	Dustys Hill Co Limited	Structure - Culvert	Agriculture	Farming - Dairy	Access		New
R2/10914-1.0	South Taranaki District Council	Structure - Culvert	Local Government		Roading	Access	New
R2/10918-1.0	Fresh Milk New Zealand Limited	Structure - Culvert	Agriculture	Farming - Dairy	Access		New
R2/10919-1.0	Fresh Milk New Zealand Limited	Structure - Culvert	Agriculture	Farming - Dairy	Access		New
Water Permit							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
R2/10916-1.0	Waitotara Kiwifruit Limited Partnership	Take Groundwater	Horticulture		Irrigation - Crops		New

**Limited Notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

Water Permit							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
R2/0213-4.0	South Taranaki District Council	Take Surface Water	Local Government		Water Supply - Municipal		Replace

#2755021

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/10911-1.0](#)

Hebdon Bridge Limited

C/- DK Bolton, 3 Murray Becroft Avenue,
Henderson Valley, AUCKLAND 0614

Location: 81 Kaiapoi Road, Stratford

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

Commencement Date: 05 Mar 2021

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Application Purpose: New

Rohe:

Ngati Maru

Ngati Ruanui

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *Application lacks sufficient details*
- *Neither support nor oppose*

Te Runanga o Ngati Maru (Taranaki) Trust

Provided with application

Te Runanga O Ngāti Ruanui Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/5352-3.1](#)

Lloyd Gernhoefer Contractor Limited
PO Box 31, Eltham 4353

Commencement Date: 09 Mar 2021

Expiry Date: 01 Jun 2029

Review Dates: June 2022, June 2025, June 2028

Activity Class: Discretionary

Application Purpose: Replace

Location: Various locations throughout Taranaki region

To discharge the contents of dairy effluent treatment ponds, dairy effluent storage ponds, and solids from herd homes to land throughout the Taranaki region

Rohe:

Ngaa Rauru Kiiitahi (Statutory Acknowledgement)

Ngaruahine (Statutory Acknowledgement)

Ngati Maru

Ngati Mutunga (Statutory Acknowledgement)

Ngati Ruanui (Statutory Acknowledgement)

Ngati Tama (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Stratford District Council

Comment on application received

- *Do not oppose, subject to conditions*

Te Kaahui o Rauru

Comment on application received

- *Application lacks sufficient details*

Te Kahui o Taranaki Trust

Provided with application

Te Korowai O Ngaruahine Trust

Comment on application received

- *Application lacks sufficient details*
- *Neither support nor oppose*

Te Kotahitanga o Te Atiawa Trust

Provided with application

Te Runanga o Ngati Maru (Taranaki) Trust

Provided with application

Te Runanga o Ngati Mutunga

Comment on application received

- *Application lacks sufficient details*
- *Neither support nor oppose*

Te Runanga O Ngāti Ruanui Trust

Provided with application

Te Runanga O Ngati Tama

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/3025-3.0](#)

Oberwil Farms Limited

David Werder, 444 Wilson Road, RD 2, Patea
4598

Location: 444 Wilson Road, Kakaramea

To discharge farm dairy effluent onto land, and until 1 December 2021 after treatment in an oxidation pond system and wetland, into the Ohio Stream

Commencement Date: 09 Mar 2021

Expiry Date: 01 Dec 2046

Review Dates: June 2022, June 2028, June
2034, June 2040

Activity Class: Non-complying

Application Purpose: Replace

Rohe:

Ngati Ruanui

Engagement or consultation:

Te Runanga O Ngāti Ruanui Trust

Comment on application received

- *General opposition*
- *Application incomplete*

[R2/3222-3.0](#)

Gregory & Deborah How

1838 Egmont Road, RD 6, Kaimiro, Inglewood
4386

Location: 1838 Egmont Road, Kaimiro

To discharge farm dairy effluent onto land

Commencement Date: 09 Mar 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June
2038

Activity Class: Controlled

Application Purpose: Replace

Rohe:

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Provided with application

Te Kotahitanga o Te Atiawa Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/3279-3.0](#)

Nigel King Developments Limited
509 Upland Road, RD 2, New Plymouth 4372

Location: 65 Awai Road, Tarurutangi
To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Commencement Date: 09 Mar 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June 2038

Activity Class: Controlled

Application Purpose: Replace

Provided with application

[R2/0542-4.0](#)

AM & LJ Bridgeman Partnership
61 Rutland Road, RD 24, Stratford 4394

Location: 61 Rutland Road, Midhirst
To discharge farm dairy effluent onto land

Rohe:

Ngaruahine (Statutory Acknowledgement)

Ngati Ruanui

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai O Ngaruahine Trust

Te Kotahitanga o Te Atiawa Trust

Te Runanga O Ngāti Ruanui Trust

Commencement Date: 10 Mar 2021

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Provided with application

Comment on application received

- *Application lacks sufficient details*

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/4679-4.1](#)

Hinton Contracting Limited
PO Box 155, Stratford 4352

Commencement Date: 11 Mar 2021

Expiry Date: 01 Jun 2029

Review Dates: June 2022, June 2025, June 2028

Activity Class: Discretionary

Location: Various locations throughout the Taranaki region

Application Purpose: Change

To discharge the contents of dairy effluent treatment ponds, dairy effluent storage ponds and solids from herd homes to land throughout the Taranaki region

Change of consent conditions to remove a specific method of effluent discharge and incorporate the discharge of solid effluent

Rohe:

Ngaa Rauru Kiihahi (Statutory Acknowledgement)

Ngaruahine (Statutory Acknowledgement)

Ngati Maru

Ngati Mutunga (Statutory Acknowledgement)

Ngati Ruanui (Statutory Acknowledgement)

Ngati Tama (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kaahui o Rauru

Provided with application

Te Kahui o Taranaki Trust

Provided with application

Te Korowai O Ngaruahine Trust

Provided with application

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *Application lacks sufficient details*
- *Do not oppose, subject to conditions*

Te Runanga o Ngati Maru (Taranaki) Trust

Provided with application

Te Runanga o Ngati Mutunga

Provided with application

Te Runanga O Ngati Ruanui Trust

Provided with application

Te Runanga O Ngati Tama

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/5139-3.0](#)

Mervyn Hooper
143 Orlando Street, Stratford 4332

Commencement Date: 11 Mar 2021

Expiry Date: 01 Jun 2038

Review Dates: June 2023, June 2026, June 2029, June 2032, June 2035

Activity Class: Controlled

Location: 143 Orlando Street, Stratford

Application Purpose: Replace

To discharge emissions into the air from abrasive blasting processes

Rohe:

Ngati Ruanui

[R2/6274-2.0](#)

Jones Quarry Limited
29 Mahoetahi Road, RD 42, Waitara 4382

Commencement Date: 11 Mar 2021

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Discretionary

Location: 29 Mahoetahi Road, Waitara

Application Purpose: Replace

To discharge treated stormwater and treated washwater from quarrying and rock crushing operations onto and into land and into an unnamed tributary of the Mangaoraka Stream

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *Application lacks sufficient details*

[R2/3491-3.0](#)

Taranaki Sawmills Limited
PO Box 7145, Fitzroy, New Plymouth 4341

Commencement Date: 12 Mar 2021

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Discretionary

Location: 47 & 53 Katere Road, Waiwhakaihō

Application Purpose: Replace

To discharge stormwater from a timber treatment site into the Mangaone Stream

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/2167-3.0](#)

Richard & Margaret Joyce
624 Hurford Road, RD 4, Hurford, New
Plymouth 4374

Location: 594 Hurford Road, Omata

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system, into an unnamed tributary of the Paopaohaonui Stream

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Commencement Date: 12 Mar 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June
2038

Activity Class: Controlled

Application Purpose: Replace

Provided with application

[R2/10322-2.0](#)

Christopher Aaron Herd
40 Ocean View Parade, Moturoa, New
Plymouth 4310

Location: 45 Ainslee Street, Highlands Park

To discharge stormwater and sediment arising from works associated with a residential subdivision onto land and into an unnamed tributary of the Te Henui Stream

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Commencement Date: 15 Mar 2021

Expiry Date: 01 Jun 2022

Review Dates:

Activity Class: Controlled

Application Purpose: New

Comment on application received

- *Application lacks sufficient details*
 - *Neither support nor oppose*
-

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/2169-3.0](#)

William & Valerie Donald
682 Surf Highway 45, RD 4, New Plymouth
4374

Location: 682 Surf Highway 45, Omata

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system, into the Wairere Stream

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Commencement Date: 15 Mar 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June 2038

Activity Class: Controlled

Application Purpose: Replace

Provided with application

[R2/2863-3.0](#)

Jamze Trust
C/- M & Z Barrett, 241 Barrett Road, RD 4,
New Plymouth 4374

Location: 209 Barrett Road, Whalers Gate
To discharge farm dairy effluent onto land

Rohe:

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Te Kotahitanga o Te Atiawa Trust

Commencement Date: 15 Mar 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June 2038

Activity Class: Controlled

Application Purpose: Replace

Provided with application

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/5971-2.0](#)

New Plymouth District Council
Private Bag 2025, New Plymouth 4342

Commencement Date: 16 Mar 2021

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Discretionary

Location: Road reserve, Upland Road, Egmont Village

Application Purpose: Replace

To use a culvert in an unnamed tributary of the Mangaoraka Stream for roading purposes

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Department of Conservation
Fish & Game New Zealand
Te Kotahitanga o Te Atiawa Trust
Te Kotahitanga o Te Atiawa Trust

Applicant provided application
Applicant provided application
Provided with application
Consulted by applicant

[R2/4706-2.1](#)

AJM Trust
H Van Der Poel, 92 Ruakere Road, RD 37, New Plymouth 4381

Commencement Date: 16 Mar 2021

Expiry Date: 01 Dec 2037

Review Dates: June 2025, June 2031

Activity Class: Discretionary

Location: 92 Ruakere Road, Warea

Application Purpose: Change

To discharge effluent from a farm dairy onto and into land

Change of conditions to change the herd size

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/10200-1.1](#)

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

Location: Ngatoro-A wellsite, 561 Dudley
Road Upper, Inglewood

To discharge water based hydraulic fracturing fluids into land at depths greater than 3,600
mTVDss beneath the Ngatoro-A wellsite

Commencement Date: 17 Mar 2021

Expiry Date: 01 Jun 2030

Review Dates: June 2021, June 2022, June
2023, June 2024, June 2025, June 2026, June
2027, June 2028, June 2029

Activity Class: Discretionary

Application Purpose: Extension of Lapse

Rohe:

Taranaki
Te Atiawa

Engagement or consultation:

Te Kahui o Taranaki Trust
Te Kotahitanga o Te Atiawa Trust

Provided with application

Comment on application received

- *General opposition*

[R2/10908-1.1](#)

Mahcoll Investments Limited
24 Fitzgerald Lane, Hawera 4673

Location: Fitzgerald Land, Hawera

To discharge stormwater and sediment arising from earthworks associated with the
development of a proposed industrial/commercial site onto and into land

Commencement Date: 18 Mar 2021

Expiry Date: 01 Jun 2023

Review Dates:

Activity Class: Controlled

Application Purpose: New

Rohe:

Ngati Ruanui

Engagement or consultation:

Te Runanga O Ngāti Ruanui Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/10914-1.0](#)

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

Commencement Date: 22 Mar 2021

Expiry Date: 01 Jun 2040

Review Dates: June 2028, June 2034

Activity Class: Discretionary

Location: 2900 Waitotara Valley Road,
Waitotara

Application Purpose: New

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

Rohe:

Ngaa Rauru Kiihahi (Statutory Acknowledgement)

Engagement or consultation:

Calvin Gerald White
Te Kaahui o Rauru

Consulted by applicant
Provided with application

[R2/10913-1.0](#)

Dustys Hill Co Limited
604 Finnerty Road, RD 21, Stratford 4391

Commencement Date: 29 Mar 2021

Expiry Date: 01 Jun 2035

Review Dates: June 2023, June 2029

Activity Class: Discretionary

Location: 604 Finnerty Road, Cardiff

Application Purpose: New

To replace an existing culvert in an unnamed tributary of the Waingongoro River, including the associated disturbance of the stream bed

Rohe:

Ngaruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai O Ngaruahine Trust

Provided with application

[R2/10916-1.0](#)

Waitotara Kiwifruit Limited Partnership
93 First Avenue, Tauranga 3110

Commencement Date: 29 Mar 2021

Expiry Date: 01 Jun 2040

Review Dates: June 2028, June 2034

Activity Class: Controlled

Location: 2976 State Highway 3, Waitotara

Application Purpose: New

To take groundwater from a bore for horticultural irrigation purposes

Rohe:

Ngaa Rauru Kiihahi

Engagement or consultation:

Te Kaahui o Rauru

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/4667-3.0](#)

D & S Hancock Trusts
492 Pembroke Road, RD 21, Stratford 4391

Location: 492 Pembroke Road, Stratford
To discharge farm dairy effluent onto land

Rohe:

Ngaruahine (Statutory Acknowledgement)
Ngati Maru
Ngati Ruanui

Engagement or consultation:

Te Korowai O Ngaruahine Trust

Te Runanga o Ngati Maru (Taranaki) Trust
Te Runanga O Ngāti Ruanui Trust

Commencement Date: 30 Mar 2021

Expiry Date: 01 Dec 2046

Review Dates: June 2022, June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Comment on application received

- *Do not oppose, subject to the specific conditions they request*

Provided with application

Provided with application

[R2/3481-3.0](#)

Neil & Megan Barnes
675 Mangorei Road, RD 1, New Plymouth 4371

Location: 675 Mangorei Road, Mangorei
To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Commencement Date: 08 Apr 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June 2038

Activity Class: Controlled

Application Purpose: Replace

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/2818-4.0](#)

PM & AM Gilmour Trusts No 1 & 2
186 Wawiri Road, RD 22, Stratford 4392

Commencement Date: 08 Apr 2021

Expiry Date: 01 Dec 2022

Review Dates:

Activity Class: Controlled

Location: 186 Waiwiri Road, Toko

Application Purpose: Replace

To discharge farm dairy after treatment in an oxidation pond system into an unnamed tributary of the Toko Stream

Rohe:

Ngati Maru

Ngati Ruanui

[R2/10847-1.0](#)

Manor Properties Limited
59 Rimu Street, Strandon, New Plymouth 4312

Commencement Date: 09 Apr 2021

Expiry Date: 01 Jun 2023

Review Dates:

Activity Class: Controlled

Location: 30 Junction Street, Welbourn

Application Purpose: New

To discharge stormwater and sediment from earthworks associated with the subdivision of land for residential development into the New Plymouth District Council stormwater network which enters an unnamed tributary of the Te Henui Stream

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council
Te Kotahitanga o Te Atiawa Trust

Written approval provided

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/10868-1.1](#)

Department of Conservation
PO Box 462, New Plymouth 4340

Commencement Date: 14 Apr 2021

Expiry Date: 01 Jun 2022

Review Dates:

Activity Class: Discretionary

Location: Taranaki Mounga - Te Papakura o
Taranaki

Application Purpose: Change

To upgrade and construct two elevated boardwalks within the Ahukawakawa Wetland and the Pouakai Tarns Wetland for public access

Change of consent conditions to extend the length of boardwalk to be upgraded in the Ahukawakawa Wetland

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Kurahaupo Waka

Consulted by applicant

Te Kahui o Taranaki Trust

Provided with application

Te Kotahitanga O Nga Mahanga A Tairi
Society Incorporated

Consulted by applicant

Tokomaru Waka

Consulted by applicant

[R2/10918-1.0](#)

Fresh Milk New Zealand Limited
2654 Skeet Road, RD 28, Hawera 4678

Commencement Date: 14 Apr 2021

Expiry Date: 01 Jun 2036

Review Dates: June 2024, June 2030

Activity Class: Discretionary

Location: 311 Nopera Road, Pihama

Application Purpose: New

To replace an existing culvert in the Wahoungakino Stream with an open bottom box culvert, including the associated disturbance of the stream bed

Rohe:

Ngaruahine (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Provided with application

Te Korowai O Ngaruahine Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

[R2/10919-1.0](#)

Fresh Milk New Zealand Limited
2654 Skeet Road, RD 28, Hawera 4678

Commencement Date: 14 Apr 2021

Expiry Date: 01 Jun 2036

Review Dates: June 2024, June 2030

Activity Class: Discretionary

Location: 2705 Skeet Road, Auroa

Application Purpose: New

To replace an existing culvert in an unnamed tributary of the Oeo Stream, including the associated disturbance of the stream bed

Rohe:

Ngaruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai O Ngaruahine Trust

Provided with application

[R2/2106-3.0](#)

Sturkenboom Farms Limited
1167 Upland Road, RD 6, Inglewood 4386

Commencement Date: 14 Apr 2021

Expiry Date: 01 Jun 2044

Review Dates: June 2026, June 2032, June 2038

Activity Class: Controlled

Location: 1167 Upland Road, Egmont Village

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system, into an unnamed tributary of the Mangaoraka Stream

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Provided with application

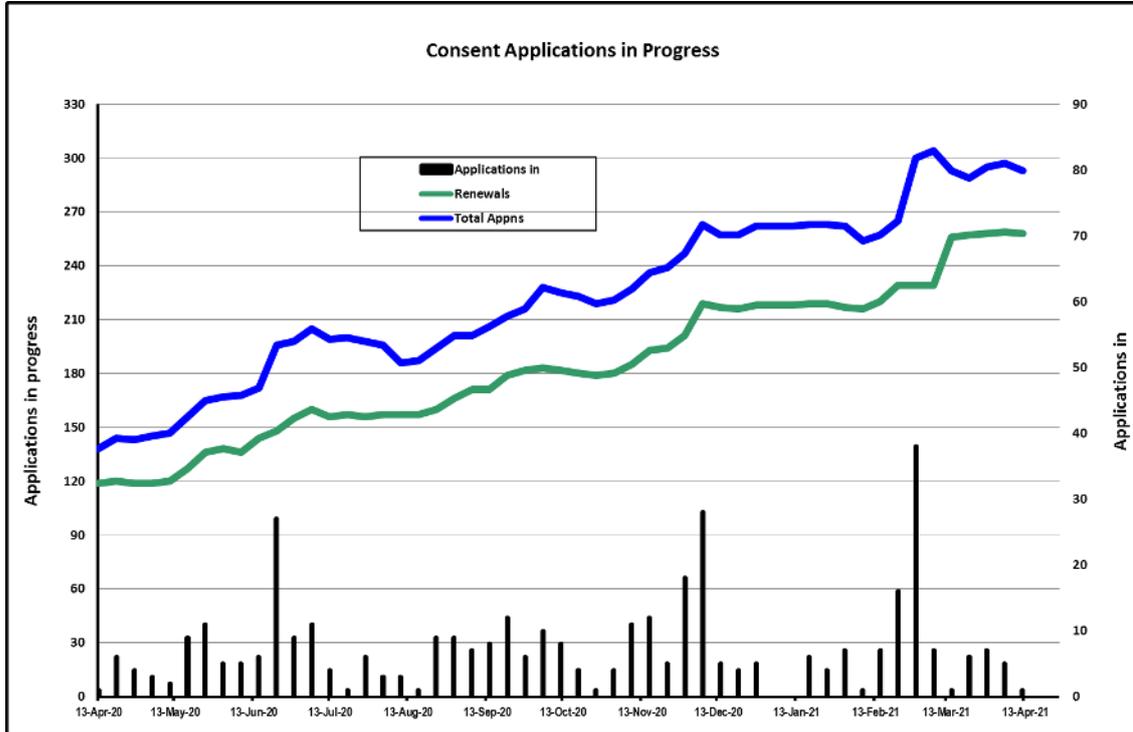
**Limited Notified authorisations issued by the Taranaki Regional Council
between 03 Mar 2021 and 14 Apr 2021**

Water Permit							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
R2/0213-4.0	South Taranaki District Council	Take Surface Water	Local Government		Water Supply - Municipal		Replace

#2755021

Consent Processing Information

1) Applications in progress



2) Month Ending

	July		Aug		Sept		Oct		Nov		Dec		Jan		Feb		Mar		Apr		May		Jun	
	Total	R																						
2020/2021	196	157	187	157	221	182	221	180	263	219	257	216	262	217	300	229	297	259	293	258				
2019/2020	136	107	126	101	136	103	129	101	130	101	136	103	135	100	152	130	139	119	142	119	165	136	205	160
2018/2019	144	53	124	44	127	43	143	43	142	45	91	58	94	61	98	73	107	70	105	69	105	67	129	92

R = Renewals

Note: April part month

3) Potential Hearings

Nil

4) Consents Issued (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2020-2021	20	38	53	75	94	116	131	154	178			
2019-2020	26	51	72	102	148	162	188	218	239	245	248	263
2018-2019	32	55	66	84	109	186	195	211	225	242	265	286

5) Breakdown of consents issued

	New	Renewal	Change	Review	Totals
2020-2021 to end March	59	77	31	11	178
2019-2020 Total	81	138	44	0	263
2018-2019 Total	148	93	45	0	286

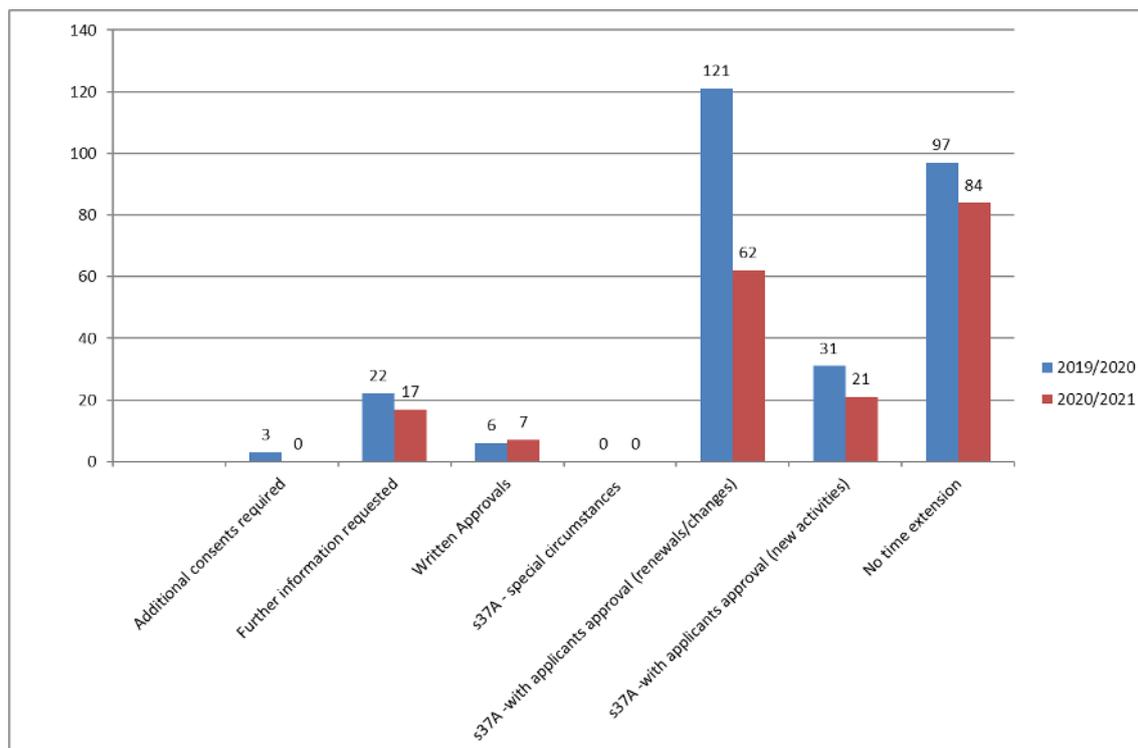
6) Types of consents issued - year to date comparison

	Publically Notified					%		Limited					%		Non Notified					%		Grand Total
	Agricultural	Central/Local Government	Energy	Forestry	Other	Total publically notified	%	Agricultural	Central/Local Government	Energy	Forestry	Other	Total Limited Notified	%	Agricultural	Central/Local Government	Energy	Forestry	Other	Total Non-notified	%	
July 2018 to June 2019	0	57	0	0	0	19.9%	57	6	2	0	0	1	3.1%	9	103	32	41	10	34	76.9%	220	286
July 2019 to June 2020	0	1	0	0	0	0.4%	1	1	4	0	0	2	2.7%	7	147	30	28	8	42	97.0%	255	263
July 2020 to 31 March 2021	0	0	0	0	0	0.0%	0	0	1	0	0	0	0.6%	1	71	18	39	4	45	99.4%	177	178

7) Involvement with third parties for applications granted year to date

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
District Councils	11	3	14
DOC	7	3	10
Environmental/Recreational Groups			0
Fish & Game	3	0	3
Individuals/Neighbours/Landowners	3	9	12
Network Utilities			0
Non Govt Organisations	9	2	11
Other Govt Departments	3	0	3
Iwi/hapu	292	6	298
Totals - July 2020 - March 2021	328	23	351

8) Application processing time extensions used 2019-2020 versus 2020-2021



9) Consent type process

	Last 10 year average 2009 - 2018	July 2019 to June 2020	July 2020 to March 2021
Total consents granted	371	263	178
Publically Notified	9	1	0
Limited-notified	12	7	1
Non-notified	352	255	177
Applications submitted on (in opposition and to be heard)	14	5	1
Application Pre-hearing resolution (%)	8 82%	5 100%	1 100%
Hearings (no. of applications)	1 (6)	0 (0)	0 (0)
Appeals (no. of applications)	1 (6)	0 (0)	0 (0)
Total current consents	4708	4622	4634

10) Applications returned incomplete under Section 88

For the 2020-2021 year, 10 applications have been returned incomplete under S88 of the RMA for insufficient information. Five of those applications have since been resubmitted by the applicant.

11) Deemed Permitted Activities issued

Nil



Date 27 April 2021

Subject: **Consent Monitoring Annual Reports**

Approved by: G K Bedford, Director - Environment Quality
S J Ruru, Chief Executive

Document: 2750221

Purpose

1. The purpose of this memorandum is to advise the Council of 10 tailored compliance monitoring reports that have been prepared since the last meeting.

Executive summary

2. 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 1991 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
 - The Council's accountability and transparency. Reporting gives validity to investment in monitoring and to assessments of effective intervention
3. 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.
4. There are 10 tailored compliance monitoring reports. Within the reports 9 high and 2 good, and 5 improvement required were assigned (Table 2).
5. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.

6. In 2018 the Ministry for the Environment published Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991. These guidelines include the following recommendation: “It is good practice for councils to provide regular (e.g. annual) reports to the public on Compliance Monitoring and Enforcement (CME) activities. Council public reporting on CME gives assurance to the public that rules/policies are being enforced, and educates the public on how the council responds to non-compliance.” (MfE, 2018). The Council has been providing annual compliance reports to consent holders and the public for over three decades.
7. Recommendations pertaining to each site or programme are set out in the relevant report. Recommendations pertain generally to the continuation of existing monitoring programmes in the case of acceptable environmental performance, or alternatively amendments as appropriate. Where there is an option for a review of conditions on a consent, officers make a further recommendation as to whether a review is justified. The attention of Committee members is directed to the Executive Summary at the front of each report.
8. In the past, memoranda presenting the compliance annual reports have also included a section outlining the stakeholder and iwi engagement within the consenting assessment process for the existing consents covered by the reports. With the completion of a full annual reporting cycle, this material on existing consents will no longer be included, as the Committee have now been fully appraised of this historical information and its inclusion would simply be repetitive. Information on iwi and stakeholder engagement in new consents will be presented separately to the Committee, within the agenda report on consenting activity.

Table 1 Historical environmental and compliance performance ratings

Year	High	Good
2012-2013	59%	35%
2013-2014	60%	29%
2014-2015	75%	22%
2015-2016	71%	24%
2016-2017	74%	21%
2017-2018	76%	20%
2018-2019	83%	13%
2019-2020	81%	17%

Table 2 List of annual reports with overall environmental performance rating

Report Name	Overall environmental performance
20-08 Stanley Bros Trust (Piggery) Monitoring Programme Annual Report 2019-2020	1 X improvement req
20-22 Concrete Batching Plants Monitoring Programme Annual Report 2019-2020	2 X high, 1 X good
20-23 Hickman JD 1997 Family Trust Monitoring Programme Annual Report 2019-2020	1 X improvement req
20-55 Fonterra Whareroa Monitoring Programme Annual Report 2019-2020	1 X improvement req

Report Name	Overall environmental performance
20-86 NPDC Mangapouri Cemetery Monitoring Programme Annual Report 2019-2020	1 X high
20-89 SDC Water Supplies Monitoring Programme Annual Report 2019-2020	1 X high
20-93 Contact Energy Stratford Power Station Monitoring Programme Annual Report 2019-2020	1 X high
20-95 Flexgas Ahuroa-B Storage Facility Monitoring Programme Annual Report 2019-2020	1 X good
20-99 Port Taranaki Industries Monitoring Programme Annual Report 2019-2020	4 X high, 1 X improvement req
20-100 Oaonui Water Supply Ltd Monitoring Programme Annual Report 2019-2020	1 X improvement req

Recommendations

That the Taranaki Regional Council:

- a) receives the 20-08 Stanley Bros Trust (Piggery) Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- b) receives the 20-22 Concrete Batching Plants Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- c) receives the 20-23 Hickman JD 1997 Family Trust Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- d) receives the 20-55 Fonterra Whareroa Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- e) receives the 20-86 NPDC Mangapouri Cemetery Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- f) receives the 20-89 SDC Water Supplies Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- g) receives the 20-93 Contact Energy Stratford Power Station Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- h) receives the 20-95 Flexgas Ahuroa-B Storage Facility Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- i) receives the 20-99 Port Taranaki Industries Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- j) receives the 20-100 Oaonui Water Supply Ltd Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.

20-08 Stanley Bros Trust (Piggery) Monitoring Programme Annual Report 2019-2020

9. The Stanley Bros Trust (the Company) operates a piggery located on the corner of 4833 South Road and 24 Arawhata Road, Opunake in the Arawhata catchment. The piggery is a breeder, grower, and finishing operation with the capacity of up to 5,381 pigs and piglets at any one time. The Company holds resource consents which allow the Company to discharge effluent to land via spray irrigation, and the discharging of effluent emissions to air from related practices.

10. This report for the period July 2019 to June 2020 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.
11. The Company holds two resource consents, which include a total of 22 conditions setting out the requirements that the Company must satisfy. Resource consent 10671-1 allows for the discharge of piggery effluent onto land, and consent 5251-2 relates to the discharge of emissions to air from associated practices of effluent treatment and waste management activities at this site.
- 12. During the monitoring period, the Company demonstrated an overall improvement required level of environmental performance.**
13. The Council's monitoring programme for the year under review included three inspections and duplicate effluent samples collected for physicochemical analysis.
14. The Company's monitoring was limited to a desktop estimate of the likely concentrations of effluent put to land in this monitoring period. It was noted that no effluent testing was undertaken by the Company this monitoring period, and so the estimate was extrapolated from the duplicate sample collected by the Council from the Company effluent pond. The estimate indicated the concentrations of nitrogen and potassium put to land within the consent holder's irrigation areas were compliant with consent defined limits.
15. The Company did not submit an Effluent Irrigation Management Plan (EIMP), as required by consent, which also requires assessment of effluent.
16. The Company have since engaged expert opinion in the form of agKnowledge to undertake the creation of the EIMP. This document, as well as effluent testing is proposed to be undertaken during the 2020-2021 monitoring.
17. As part of the consent to discharge to land the Company must install a minimum of three groundwater monitoring wells. These wells are proposed to monitor the quality of the groundwater within the irrigation areas. The Company requested that the installation date for these wells be deferred for a period of time to allow for greater stability within the pork industry. The Council has since deferred the installation of these wells till 31 August 2021. In the interim the Council will commence surface water monitoring of the Arawhata Stream.
18. The Company irrigated to 100 ha as required by consent, however, they only recovered 60 ha of cut and carry while the consent determined that 100 ha should be recovered.
19. There were four unauthorised incident/s recording non-compliance in respect of this consent holder during the period under review. These are presented above.
20. During the year, the Company demonstrated an improvement required level of environmental and administrative performance with the resource consents.
21. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
22. In terms of overall environmental and compliance performance by the consent holder in this monitoring year. This report, which is the first report by the Council for the Company, demonstrates that there is room for improvement by the Company.

23. This report includes recommendations for the 2020-2021 year.

20-22 Concrete Batching Plants Monitoring Programme Annual Report 2019-2020

24. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the environmental performance and consent compliance of three concrete batching plants within the Taranaki Region. The report also details the results of the monitoring undertaken and assesses the environmental effects of their activities. The three concrete batching plants covered by this programme are located in Waitara, Hawera and Stratford.
25. AML Ltd trades under the name of Allied Concrete Ltd and is hereafter referred to as Allied Concrete. They operate a concrete batching plant located on Mould Street, Waitara, in the Waitara catchment. The site operation includes the storage and mixing of cement, aggregate, sand, and builders mix.
26. Allied Concrete holds one resource consent which includes a total of 10 conditions setting out the requirements that they must satisfy. The consent allows for the discharge of stormwater and washwater into an unnamed tributary of the Waitara River.
27. During the year, Allied Concrete demonstrated a high level of environmental and administrative performance with their resource consent.
28. **During the monitoring period, Allied Concrete demonstrated an overall high level of environmental performance.**
29. Firth Industries is a division of Fletcher Concrete and Infrastructure Ltd and is hereafter referred to as Firth Industries. They operate a concrete batching plant located on Glover Road, Hawera in the Tangahoe catchment. The site operation involves mixing of cement, aggregate, water and additives in concrete mixing trucks for delivery to end users, and recently it has been used only as a satellite plant. The site is also used for the storage of aggregate, sand and builders mix for retail sale.
30. Firth Industries holds one resource consent, which includes a total of seven conditions setting out the requirements that they must satisfy. The consent allows for the discharge of treated wastewater onto and into land and into an unnamed tributary of the Tawhiti Stream.
31. During the year, Firth Industries demonstrated a high level of environmental and administrative performance with their resource consent.
32. **During the year under review, Firth industries demonstrated an overall high level of environmental performance.**
33. Fletcher Concrete and Infrastructure Ltd (Fletcher Concrete) operates a concrete batching plant and pre-cast manufacturing plant on a site just north of Stratford on State Highway 3 in the Kahouri catchment. Activities at the site include the storage and mixing of aggregate, cement, water and additives, as well as the manufacturing of pre-cast drainage soak-hole liners and lids, offal hole lids and troughs. The concrete batching plant is operated by their subsidiary Firth Industries, and the pre-cast facility and sales depot is operated by their subsidiary Humes Pipeline Systems (Humes).
34. Fletcher Concrete holds one resource consent, which includes a total of 13 conditions setting out the requirements that the consent holder must satisfy. The consent allows for the discharge of stormwater and wastewater onto and into land and into an unnamed tributary of the Kahouri Stream.

35. During the year, Fletcher Concrete demonstrated a good level of environmental and a high level administrative performance with their resource consent.
36. **During the year under review, Fletcher Concrete and Infrastructure Ltd demonstrated an overall good level of environmental performance.**
37. The Council's monitoring programme for the year under review included two inspections at each site, and sampling of the site discharges and of the receiving waters in the vicinity of each site.
38. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
39. In terms of overall environmental and compliance performance by the consent holders over the last several years, this report shows that the consent holders' performance remains at a high level in the year under review.
40. This report includes recommendations for the 2020-2021 year.

20-23 Hickman JD 1997 Family Trust Monitoring Programme Annual Report 2019-2020

41. The Hickman JD 1997 Family Trust (the Trust) operates a road transport depot located on Waitara Road at Brixton, Waitara, in the Waiongana catchment. The operations at this site mainly involve packaged dairy related products. Goods are stored under roofed catchments with the remaining areas being paved or gravel. The site also has a parts wash facility with wastewater draining to sumps and then to the stormwater system. There is a truck wash onsite that the Trust had advised drains to trade waste. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Trust'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 Trust's activities.
42. The Trust holds one resource consent, which includes a total of 9 conditions setting out the requirements that the Trust must satisfy. The consent allows the Trust to discharge stormwater from their road transport depot and washwater from a parts wash on their site into an unnamed tributary of the Waiongana Stream.
43. **During the monitoring period, an improvement in the Trust's level of environmental performance was required.**
44. The Council's monitoring programme for the year under review included two inspections and four water samples collected for physicochemical analysis.
45. The monitoring showed that although the products transported through the site were well managed, the sediment control systems were not maintained to the standard required to ensure consent compliance, as demonstrated by the results of the physicochemical sampling. By comparison with previous years, the monitoring indicated a decline over the previous 2 monitoring years. There was one unauthorised incident recording non-compliance in respect of this consent holder during the period under review due to an exceedance of the suspended solids discharge limit on the consent.
46. An improvement in the Trust's environmental and administrative performance is required. During the year under review inadequate maintenance of the treatment

systems on the discharges resulted in a breach of the suspended solids limit on the consent. The unauthorised discharges caused a conspicuous change in the visual clarity of the tributary below the site.

47. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
48. This report includes recommendations for the 2020-2021 year.

20-55 Fonterra Whareroa Monitoring Programme Annual Report 2019-2020

49. Fonterra Co-operative Group Ltd (Fonterra) operates a dairy processing complex located on Whareroa Road at Hawera, between the Tangahoe catchment and another small unnamed catchment. Fonterra holds a total of 18 resource consents related to activities undertaken at the Whareroa site to allow for the abstraction of water from the Tawhiti Stream and Tangahoe River; the discharge of river silt and sand back to those two streams; the discharge of stormwater to unnamed tributaries of the Tawhiti Stream, the Tangahoe River and an unnamed coastal stream; the discharge of stormwater and sediment to land; the discharge of dairy factory wastewater to the Tasman Sea; the discharge of laboratory waste and unprocessable wastes to waste pits; the discharge of dairy liquids to land and the discharge of emissions to air. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess Fonterra's environmental and consent compliance performance during the period under review. This report also details the results of the monitoring undertaken and assesses the environmental effects of their activities.
50. **During the monitoring period, Fonterra demonstrated an overall level of environmental performance which required improvement.**
51. The Council's monitoring programme for the year under review included 10 scheduled site inspections; three composite samples from the outfall discharge for inter-laboratory comparison; 30 samples of stormwater pond discharges collected for physicochemical analysis; 10 grab samples of the outfall discharge for physicochemical and microbiological analysis; freshwater inspections and biomonitoring surveys downstream of the stormwater pond discharge points; two intertidal surveys; 30 deposition gauging samples; four nitrogen oxide (NO_x) samples and two periods of fine airborne particulate (PM₁₀) monitoring in relation to air emissions, and auditing of monitoring data collected by Fonterra.
52. Monitoring found that the site was generally maintained in a satisfactory condition, with only minor chemical storage issues occasionally identified. However, one significant pollution event was discovered during a routine inspection, where contaminated stormwater was discharging to a tributary of the Tangahoe River. This resulted in discoloured water and sewage fungus on the stream bed. The event highlighted a number of issues around the plant that required immediate attention. Damaged wastewater infrastructure was identified as the primary source of stormwater contamination, as well as some unexpected faults with the newly commissioned stormwater monitoring and diversion system. Significant investigative and remedial works were subsequently undertaken. This incident resulted in Fonterra receiving a 14-day letter, an abatement notice and an infringement notice.

53. During the year, Fonterra demonstrated a level of environmental performance which required improvement, and a good level of administrative performance with the resource consents monitored in this programme.
54. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
55. In terms of overall environmental and compliance performance by the consent holder over the last five years, this report shows that the consent holder's performance has declined in the period under review.
56. This report includes recommendations for the 2020-2021 year.

20-86 NPDC Mangapouri Cemetery Monitoring Programme Annual Report 2019-2020

57. New Plymouth District Council (NPDC) operates the Mangapouri Cemetery (the Cemetery) located on Junction Road (SH3) between New Plymouth and Egmont Village, in the Waiwhakaiho catchment. The Cemetery site is gated and includes an access road, landscaped greens, storage buildings and washroom facilities. This report covers the reporting period July 2019 to June 2020 and describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess NPDC's environmental performance during the period under review. This report details the results of the monitoring undertaken in relation to the site, and any potential environmental impacts.
58. **During the monitoring period, NPDC demonstrated an overall high level of environmental performance.**
59. NPDC held one resource consent that allows for the discharge of contaminants into land where it may enter water. The consent included a total of 8 conditions setting out the requirements that they must satisfy.
60. The Cemetery opened to the public in May 2019 and the compliance monitoring programme commenced following the first internment in July 2019. The monitoring programme for the period under review included an annual site inspection, water quality sampling of the receiving waters (groundwater and surface water) and continuous groundwater level monitoring. The monitoring programme also included a significant data review component, with all data submitted by NPDC assessed for compliance upon receipt.
61. The monitoring showed that the activities were being carried out in compliance with the conditions of the resource consent. The results of surface and groundwater quality monitoring undertaken show no adverse effects of the activity on local fresh water resources. The annual inspection undertaken found the site to be tidy and well managed and there were no Unauthorised Incidents in relation to the consent.
62. During the period under review, NPDC demonstrated a high level of environmental and administrative performance with the resource consent.
63. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.

64. This report includes recommendations to be implemented during the 2020-2021 monitoring period.

20-89 SDC Water Supplies Monitoring Programme Annual Report 2019-2020

65. The Stratford District Council (SDC) operates three water treatment plants (WTPs) in the Stratford District that supply water to Stratford, Midhirst, and Toko. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess SDC's environmental performance during the period under review, and the results and environmental effects of SDC's activities.
66. SDC currently holds nine resource consents in relation to water supplies, which include a total of 59 conditions setting out the requirements that the consent holder must satisfy. SDC holds three consents to allow it to take and use water, three consents to discharge filter backwash, and three consents to maintain an in-stream structure.
- 67. During the monitoring period, SDC demonstrated an overall high level of environmental performance.**
68. The Council's monitoring programme for the year under review included an annual inspection of all of SDC's plants, weirs and discharges, a review of abstraction and discharge data, and collection of a sample from the Stratford WTP backwash pond.
69. During the monitoring period SDC attained 100% compliance with all abstraction and discharge limits, and all data was provided in a timely manner.
70. During the year, SDC demonstrated a high level of environmental performance. An improvement was required in regards to administrative performance. Reports required by consent conditions have not been submitted despite multiple requests for these.
71. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
72. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remained at a high level in the year under review.
73. This report includes recommendations for the 2020-2021 year including a recommendation relating to an optional review of consent 1331-3.

20-93 Contact Energy Stratford Power Station Monitoring Programme Annual Report 2019-2020

74. Contact Energy Ltd (the Company) operates the Stratford Power Station (SPS) located on State Highway 43 near Stratford in the Patea catchment. This report for the period July 2019 to June 2020 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 activities.
75. The Company in relation to SPS holds 25 resource consents, which include a total of 229 conditions setting out the requirements that they must satisfy. The consents provide for three gas-fired plants. These are a combined cycle plant (TTC1), a smaller open cycle

peaking plant (SPP), and a yet to be built facility which will comprise of a copy of either of the two existing facilities.

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

77. The Council's monitoring programme for the year under review included three inspections, 12 water samples collected for physicochemical analysis and three biomonitoring surveys of receiving waters. In addition, monthly emission results and abstraction records were provided to the Council which were reviewed.
78. The monitoring showed that the Stratford Power Station continued to be well managed with negligible environmental effects as a process of the exercise of their consents.
79. Surface water abstraction was compliant with daily rate and volume. Process water discharges were compliant with consent defined parameters.
80. Surface water monitoring indicated negligible impacts from the discharge of process waters.
81. The thermal tolerances within the receiving waters were not exceeded for the duration of the monitoring period. However, during the summer low flows, the temperature increase within the Patea River, post the discharge, was close to the 2°C increase limit.
82. Inter-laboratory comparisons indicated reasonable agreement for the majority of parameters assessed this monitoring period. A slight variation of dissolved reactive phosphorus analysis was noted and communicated to the Company.
83. Emissions monitoring results from the Taranaki Combined Cycle (TCC) were within consent defined specifications for the full duration of the monitoring period.
84. The Stratford Peaker Plants (SPP) were assessed by General Electric for nitrous oxide (NOx) remapping. This was undertaken in the 2018-2019 monitoring period. This was proposed to extend the service life of both units. It also allowed for emission data to be provided, with supporting rationale, to the Council.
85. The Company has also confirmed they will continue with biennial stack testing of both these units, with stack testing commissioned for December 2020.
86. No odours were noted or communicated during the monitoring period.
87. During the year, the Company demonstrated a high level of environmental and a high level of administrative performance with respect to their resource consents.
88. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
89. 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.
90. This report includes recommendations for the 2020-2021 year.

20-95 Flexgas Ahuroa-B Storage Facility Monitoring Programme Annual Report 2019-2020

91. The Ahuroa-B Gas Storage Facility (Ahuroa B / AGS) is owned and operated by Flexgas Ltd (the Company). Ahuroa-B is located on the corner of Barleymans Road and Croydon

Road, east of Midhirst, in the Waitara catchment. Ahuroa-B supplies natural gas to one of its main customers, Contact Energy, for use in their Stratford Power Station.

92. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess Ahuroa-B'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.
93. The Company holds 12 resource consents, with requirements that they must satisfy. The Company holds two consents to discharge effluent /stormwater into unnamed Makara Stream tributaries, two consents to discharge emissions into the air, three consents to discharge natural gas, stormwater and drilling waste into/onto land, and three consents to use land for installation of pipes and culvert framework. In addition, two consents are held for land use associated with the pipeline route to their nearest customer.
- 94. During the monitoring period, the Company demonstrated an overall good level of environmental performance.**
95. The Council's monitoring programme for the year under review included two inspections, and two water samples collected for chemical analysis. Data on gas injection, well pressure, and flaring volumes were provided by the Company to the Council monthly, and an annual report was also provided.
96. Inspections noted that maintenance was required at the site with regards to silt control and containment of stormwater. The Company propose to undertake a number of measures to remedy these issues. Monitoring of the stormwater indicated compliance with consent derived conditions.
97. Review of the monthly reports indicated that Ahuroa-B was compliant with consent limits and conditions for regular reporting. The monthly reports indicated that there were no issues during flaring. Down-hole and top-hole pressure in the reservoirs complied with consent conditions. However a blockage within well 5ST1 remains unresolved, with the Company currently exploring remedial options.
98. During the year Ahuroa-B Gas storage facility demonstrated a good level of environmental performance and a high level of administrative performance with respect to the resource consents held by the Company.
99. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.
100. There was also ongoing consultation between the Council and the Company to liaise around matters of interest throughout the monitoring period.
101. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
102. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a good level in the year under review.
103. This report includes recommendations for the 2020-2021 year, including a recommendation relating to an optional review of consents 3681-2 and 7432-1.

20-99 Port Taranaki Industries Monitoring Programme Annual Report 2019-2020

104. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the environmental and consent compliance performance of the various companies operating in and around Port Taranaki, New Plymouth. Port Taranaki Ltd operates Port Taranaki. Downer New Zealand Ltd (Downer) and Technix Bitumen Technologies Ltd (Technix) operate bitumen plants within the bounds of the port. Methanex New Zealand Ltd (Methanex) operates a methanol storage facility at the port, and New Zealand Oil Services Ltd (NZOSL) provides terminal operation services involving the storage and distribution of fuel.
105. The companies hold a total of nine resource consents, which include 66 conditions setting out the requirements that they must satisfy. The companies hold six consents to discharge effluent/stormwater into the Tasman Sea, and two consents to discharge emissions into the air. In addition, Port Taranaki also holds a Certificate of Compliance with regards to air discharges.
- 106. During the monitoring period, Downer, Technix, NZOSL and Methanex demonstrated an overall high level of environmental performance. Port Taranaki demonstrated an overall level of environmental performance which required improvement.**
107. The Council's monitoring programme for the period under review included five site inspections of Port Taranaki, Downer, Technix and Methanex, and two site inspections of NZOSL. Water samples were collected for physicochemical analysis on selected inspections. Consent data was also supplied to the Council for review.
108. The monitoring showed that there were ongoing stormwater management issues at Port Taranaki during the year, which resulted in non-compliant discharges on three occasions. However, these discharges occurred during times of inclement weather and sea conditions and as such there were no obvious visual effects in the receiving waters beyond reasonable mixing. By comparison with the previous year, the monitoring indicated an improvement in environmental performance at Port Taranaki (although further improvement is still required).
109. There were three unauthorised incidents that occurred at Port Taranaki during the year. One of which involved a tallow spill from the GrainCorp Liquid Terminals NZ Ltd (GrainCorp) site within Port Taranaki, which led to discharges of tallow and untreated wastewater into the Port Taranaki Harbour. The Council are proceeding with a prosecution over the incident.
110. During the year, Downer, Technix, NZOSL and Methanex obtained a high rating for environmental and high rating for administrative performance and compliance with the resource consents. Port Taranaki's environmental performance and compliance required improvement, however their administrative performance and compliance was high.
111. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
112. In terms of overall environmental and compliance performance by the consent holders over the last several years, this report shows that, with the exception of Port Taranaki, the performance of the Port Industries has remained at a high level.

113. This report includes recommendations for the 2020-2021 year, including changes to the structure of the monitoring programme.

20-100 Oaonui Water Supply Ltd Monitoring Programme Annual Report 2019-2020

114. The Oaonui Water Supply Ltd (OWSL) operates a rural water supply scheme located on Arawhata Road, Oaonui in the Oaonui catchment. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess OWSL'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 OWSL's activities.

115. The Oaonui Water Supply Ltd holds three resource consents, which include a total of 26 conditions setting out the requirements that OWSL must satisfy. OWSL holds one consent to allow it to take and use water, one consent to maintain a weir, and one consent to discharge contaminants from intake sluicing.

116. During the monitoring period, Oaonui Water Supply Ltd demonstrated an overall level of environmental performance that required improvement.

117. The Council's monitoring programme for the year under review included one inspection, a review of water abstraction data, two macroinvertebrate surveys, one fish survey and various stream gaugings. A significant amount of time was also spent liaising with the consent holder via meetings, phone calls, and emails.

118. An improvement was required in OWSL's level of environmental and administrative performance with the resource consents as defined in Section 1.1.4. The abstraction rate of 50 L/s as set by consent 0231-4 was breached multiple times. OWSL made adjustments to the rate of take and were compliant by the end of the monitoring period. There were also multiple breaches of consent 10314-1 whereby OWSL continued to operate when flows were less than 151 L/s downstream of the weir. This low water flow generally occurred as a result of sluicing. An abatement notice was issued directing OWSL to undertake measures to address this issue and they are currently working with a consultant to find a solution. Reporting requirements of consent 10314-1 were not met by 1 June 2020, despite OWSL having three years to prepare the required report (Note: this report has subsequently been submitted).

119. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.

120. 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 continues to require improvement.

121. This report includes recommendations for the 2020-2021 year.

Financial considerations—LTP/Annual Plan

122. 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

123. 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

124. 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 consenting and subsequent adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

125. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

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

Appendices/Attachments

Report Name	PDF Number	Reporting period
20-08 Stanley Bros Trust (Piggery) Monitoring Programme Annual Report 2019-2020	2707054	2019-2020
20-22 Concrete Batching Plants Monitoring Programme Annual Report 2019-2020	2708080	2019-2020
20-23 Hickman JD 1997 Family Trust Monitoring Programme Annual Report 2019-2020	2707531	2019-2020
20-55 Fonterra Whareroa Monitoring Programme Annual Report 2019-2020	2665251	2019-2020
20-86 NPDC Mangapouri Cemetery Monitoring Programme Annual Report 2019-2020	2669103	2019-2020
20-89 SDC Water Supplies Monitoring Programme Annual Report 2019-2020	2723248	2019-2020
20-93 Contact Energy Stratford Power Station Monitoring Programme Annual Report 2019-2020	2673442	2019-2020
20-95 Flexgas Ahuroa-B Storage Facility Monitoring Programme Annual Report 2019-2020	2687197	2019-2020
20-99 Port Taranaki Industries Monitoring Programme Annual Report 2019-2020	2677835	2019-2020
20-100 Oaonui Water Supply Ltd Monitoring Programme Annual Report 2019-2020	2733094	2019-2020



Date 27 April 2021

Subject: **Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 23 February 2021 to 25 March 2021**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2750747

Purpose

1. 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 23 February 2021 to 25 March 2021.
2. The annual inspection for farm dairy effluent monitoring programme commences in September each year and usually finishes around March, however follow up inspections and winter milking inspections are also carried out during the rest of the year.

Executive summary

Incidents

3. There are ninety one (91) incidents reported.
4. Fifty three (53) of the incidents were found to be compliant and twenty six (26) were found to be non-compliant. Twelve (12) of the incidents reported relate to non-compliances from previous periods (updates). The action taken on the incidents is set out for Members information.
5. For the third reporting period in row there continues to be a high number of incidents found to be compliant.

Compliance monitoring non-compliances

6. There are thirty one (31) compliance monitoring non-compliances reported. Fourteen (14) of the compliance monitoring non-compliances reported are updates from previous periods.
7. Eighteen (18) of the non-compliances reported are as a result of the annual dairy inspection round.

Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 23 February 2021 to 25 March 2021
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 23 February 2021 to 25 March 2021, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Background

8. 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. Such 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.
9. Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 23 February 2021 to 25 March 2021.
10. Staff have been delegated by the Council to undertake enforcement actions. The enforcement policy and procedures are approved by the Council and then consistently implemented and reported on by staff.

Disclosure Restrictions

11. 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

12. 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.

13. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 23 February 2021 to 25 March 2021 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.
14. 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.
15. A series of graphs are also attached comparing the number of incidents between 2016-2017 and 2020-2021, and also showing how the incidents are tracking in 2020-2021 in relation to environment type and compliance status. There is a graph showing the non-compliances found during compliance monitoring. There is also a graph showing enforcement action taken to date during 2020-2021.
16. The data in the graphs for 2020-2021 to date is showing that there are more incidents but less compliance monitoring non-compliances.

Decision-making considerations

17. 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

18. 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

19. 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

20. 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.

Community considerations

21. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

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

Appendices/Attachments

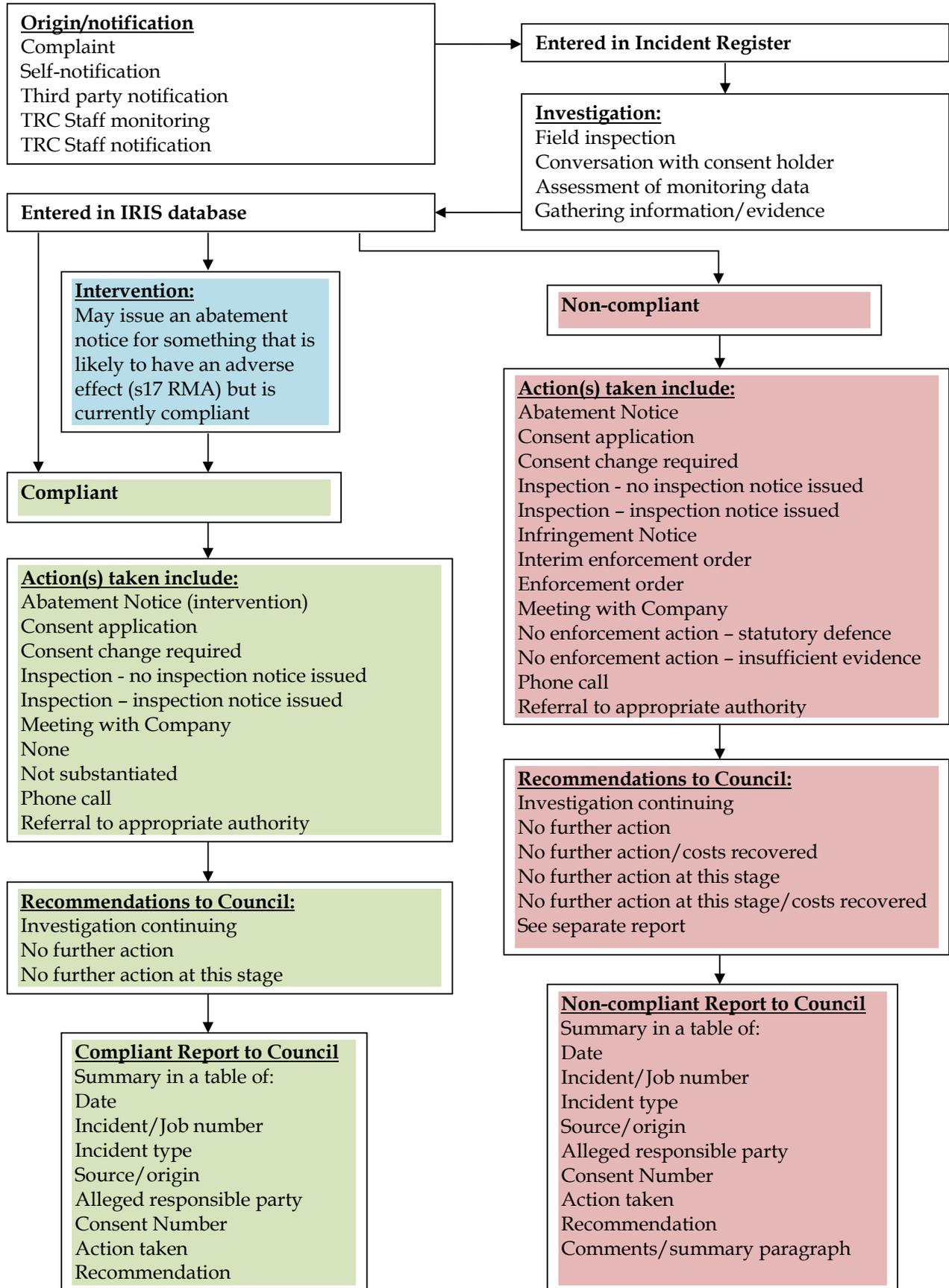
Document 1081324: Incident flowchart and terms explained

Document 2750764: Incident and Enforcement Graphs to 28 February 2021

Document 2749521: Incidents and Enforcement Summary 23 February 2021 to 25 March 2021

Incident flow chart

Doc # 1081324



Terms explained

Compliance rating

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

Origin/Notification:

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

Action/s Taken:

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

	considered.
Infringement Notice (\$xxx.xx)	An infringement notice was issued under Section 338(1)(a) of the Resource Management Act 1991 and Councils delegated authority.
Inspection Notice	An inspection was undertaken and a notice of advice/instruction was issued to landowner/alleged offender.
Inspection/no notice issued	An inspection was undertaken, however no inspection notice was issued as there was no alleged offender/landowner to issue one to (natural event, 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.

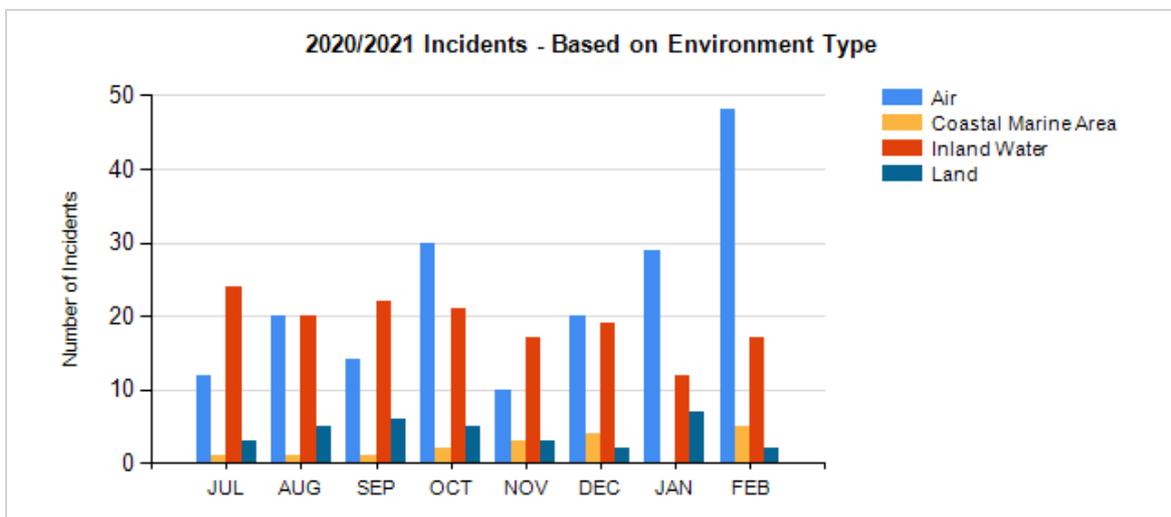
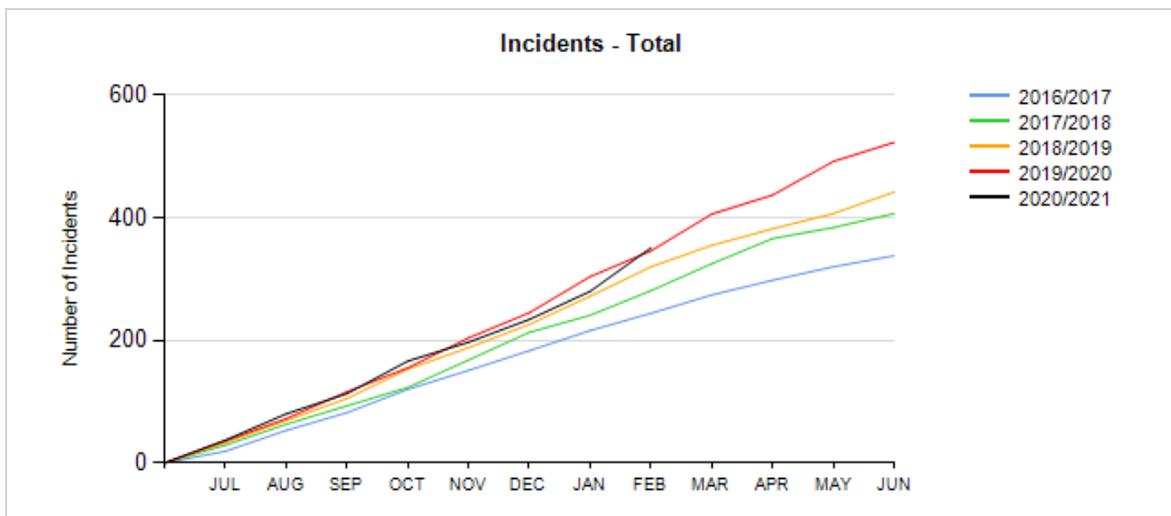
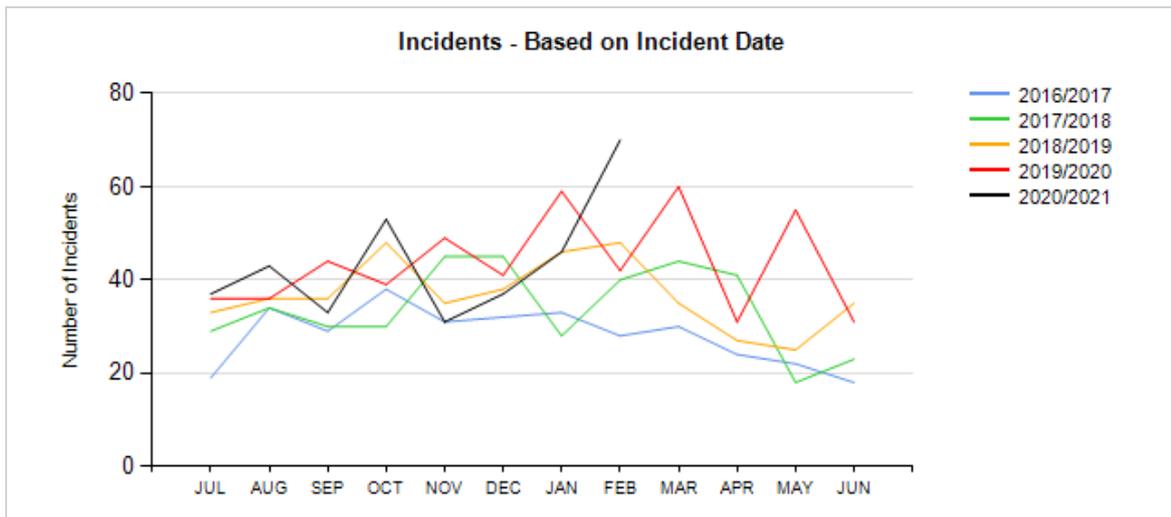
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
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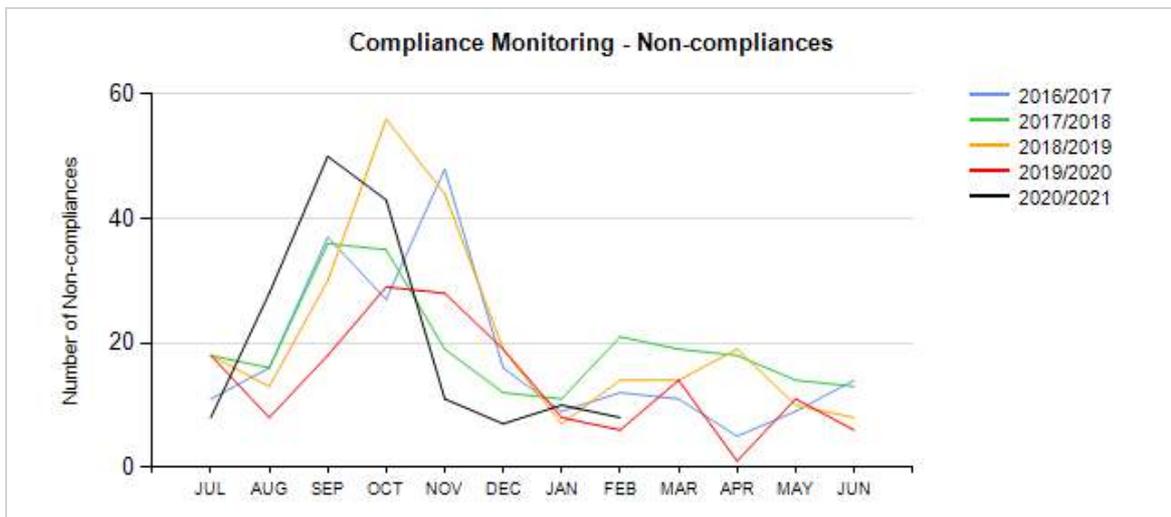
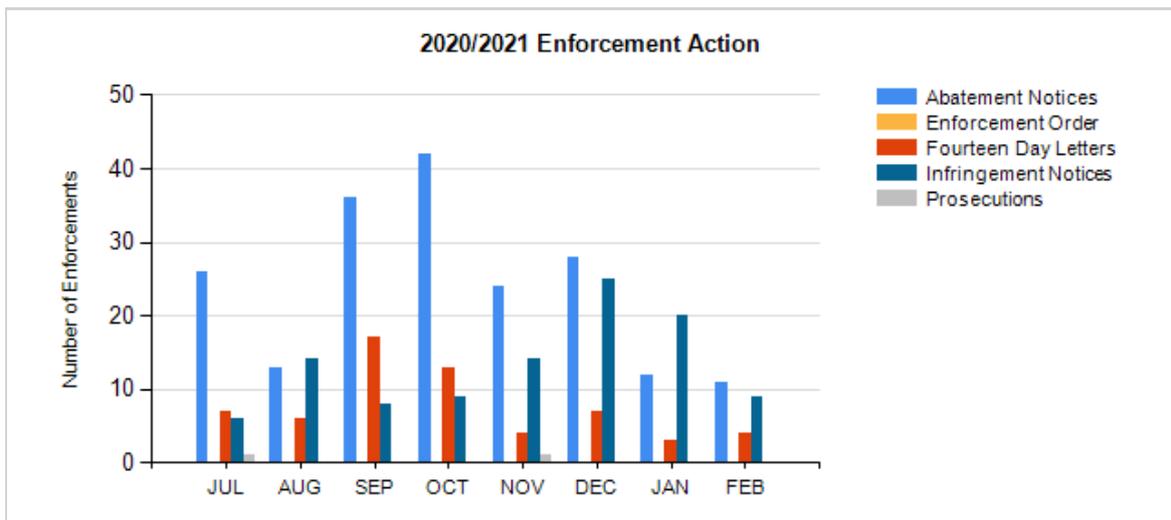
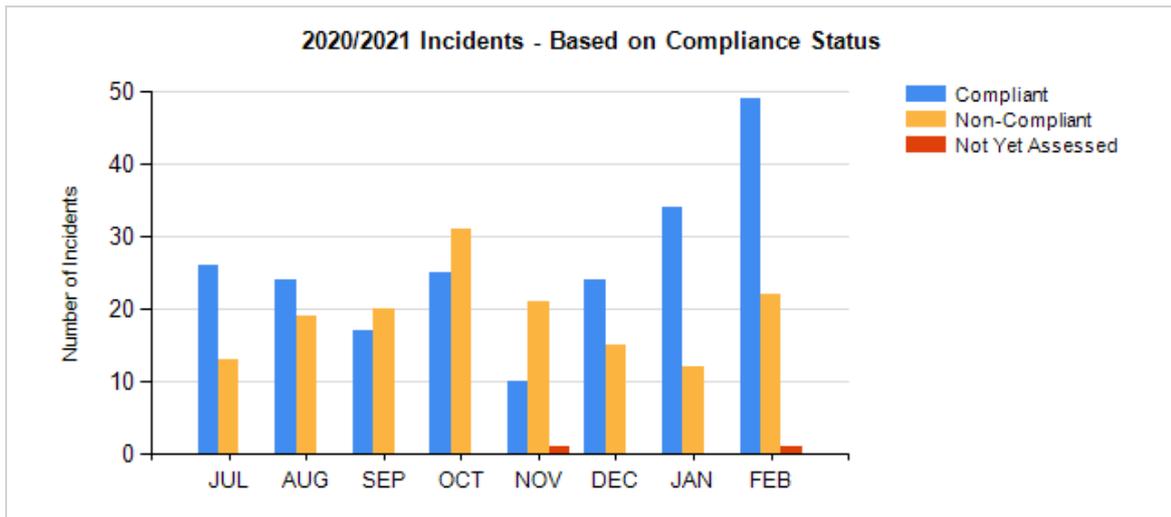
Defences under Sections 340 and 341 of the Resource Management Act 1991

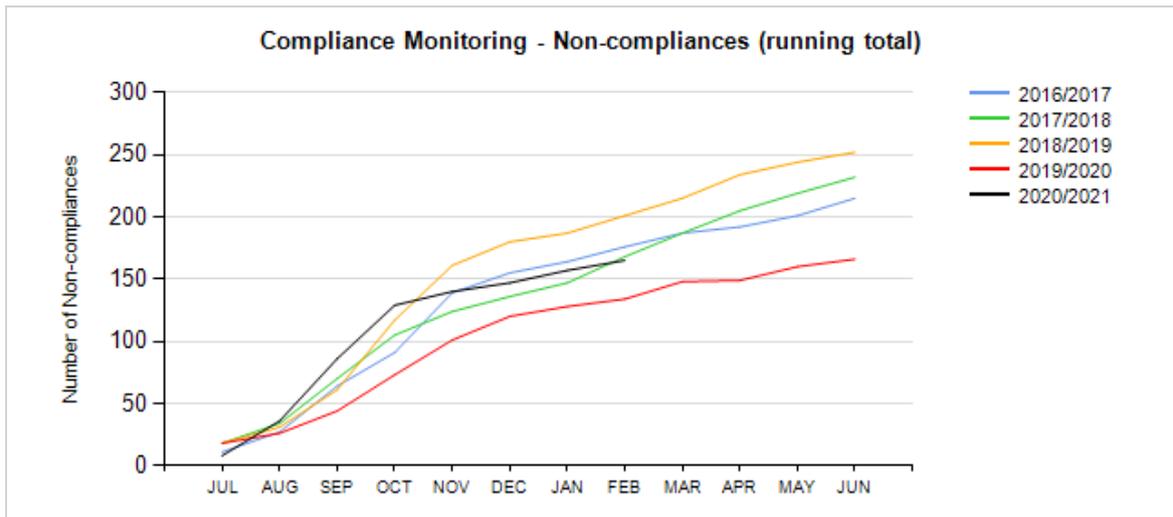
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

- 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.

Incident and Enforcement Graphs to 28 February 2021







Compliant Incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
23 Feb 2021	3301-21-347 IN/41647	Alleged Smoke - Lower King Road, Lepperton	Complaint	Murray Haw		RAQP Allowed	No Further Action
23 Feb 2021	3301-21-348 IN/41649	Alleged Hydrocarbons in stream - Nelson Street, Waitara	Self-Notification	Unsourced		RFPW Allowed	No Further Action
24 Feb 2021	3301-21-428 IN/41661	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
25 Feb 2021	3301-21-354 IN/41720	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
26 Feb 2021	3301-21-359 IN/41701	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
26 Feb 2021	3301-21-360 IN/41704	Alleged Dust - Cowling Road, Hurdon	Complaint	GJ Gardner		RAQP Allowed	No Further Action
26 Feb 2021	3301-21-355 IN/41726	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
27 Feb 2021	3301-21-361 IN/41703	Alleged Odour - TBP - Okaiawa	Complaint	Taranaki By-Products Limited	R2/4058-4	Consent Compliance	No Further Action
27 Feb 2021	3301-21-362 IN/41705	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
28 Feb 2021	3301-21-371 IN/41767	Alleged Effluent in stream - Otaraoa Road - Waitara	Complaint	Stockman Ridge Trust	R2/4451-2	Consent Compliance	No Further Action

Compliant Incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
01 Mar 2021	3301-21-357 IN/41700	Alleged Odour - Mountain Road, Inglewood	Complaint	Osflo Fertiliser Limited	R2/10579-1.0	Consent Compliance	No Further Action
01 Mar 2021	3301-21-358 IN/41745	Alleged Dust - Waihi Road and Kerry Lane, Hawera	Complaint	Taranaki Civil Construction Limited		RAQP Allowed	No Further Action
01 Mar 2021	3301-21-364 IN/42015	Alleged Green stream - Komene Road, Okato	Complaint	Unsourced		RFWP Allowed	No Further Action
02 Mar 2021	3301-21-367 IN/41746	Alleged Coastal disturbance - Lower Parihaka Road, Pungarehu	Complaint	Unsourced		RCP Allowed	No Further Action
02 Mar 2021	3301-21-351 IN/41798	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
02 Mar 2021	3301-21-368 IN/41802	Alleged Discolouration Patea River - Patea.	Complaint	Natural event		RFWP Allowed	No Further Action
03 Mar 2021	3301-21-372 IN/41753	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
05 Mar 2021	3301-21-380 IN/41799	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
05 Mar 2021	3301-21-381 IN/41801	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
05 Mar 2021	3301-21-378 IN/41873	Alleged Discharge into well - Hoani Road, Okato	Complaint	JEL Farms Limited		RFWP Allowed	No Further Action

Compliant Incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
09 Mar 2021	3301-21-385 IN/41823	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
11 Mar 2021	3301-21-386 IN/41825	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
11 Mar 2021	3301-21-402 IN/41915	Alleged Dairy effluent overspray - SH 45, Rahotu	Complaint	Grant Gibbs	R2/3587-2	Consent Compliance	No Further Action
12 Mar 2021	3301-21-388 IN/41840	Alleged Sewage odour - WWTP - Hawera	Complaint	South Taranaki District Council		RAQP Allowed	No Further Action
12 Mar 2021	3301-21-397 IN/41922	Alleged Odour - Mountain Road, Inglewood	Complaint	Osflo Fertiliser Limited	R2/10578-1.0	Consent Compliance	No Further Action
12 Mar 2021	3301-21-418 IN/41944	Alleged Foaming in Haehanga Stream - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5838-2.2	Consent Compliance	No Further Action
13 Mar 2021	3301-21-389 IN/41841	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
13 Mar 2021	3301-21-401 IN/41925	Alleged Burning - Terou Street, Manaia	Complaint	Mark Richards		RAQP Allowed	No Further Action
14 Mar 2021	3301-21-390 IN/41993	Alleged Cloudy substance in Patea River - Stratford	Complaint	Un sourced		RFWP Allowed	No Further Action
15 Mar 2021	3301-21-392 IN/41857	Alleged Bitumen discharge - SH3, Eltham	Complaint	Taranaki Civil Construction Limited		RFWP Allowed	No Further Action

Compliant Incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
15 Mar 2021	3301-21-394 IN/41864	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
15 Mar 2021	3301-21-396 IN/41994	Alleged Odour - Bell Block Beach	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
16 Mar 2021	3301-21-409 IN/41916	Alleged Earthworks - South Road, Rahotu	Complaint	Grant Gibbs	R2/3587-2	Consent Compliance	No Further Action
16 Mar 2021	3301-21-395 IN/41995	Alleged Odour - Mountain Road, Inglewood	Complaint	Osflo Fertiliser Limited	R2/10578-1.0	Consent Compliance	No Further Action
17 Mar 2021	3301-21-399 IN/41891	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
18 Mar 2021	3301-21-403 IN/41902	Alleged Odour - Main South Road, Manaia	Complaint	Kevin Mathews		Not Applicable/Natural Event	No Further Action
19 Mar 2021	3301-21-405 IN/41917	Alleged Dairy effluent odour - Perth Road, Okato	Complaint	Christopher Simons Proform Farm Limited	R2/2998-3.0	Consent Compliance	No Further Action
19 Mar 2021	3301-21-406 IN/41918	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
19 Mar 2021	3301-21-422 IN/41956	Alleged Odour - Henwood Road, Bell Block	Complaint	Shadel Poultry Limited	R2/5280-2.0	Consent Compliance	No Further Action

Compliant Incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
22 Mar 2021	3301-21-410 IN/41928	Alleged Dust - Smart Road, New Plymouth	Complaint	Nikau Group		RAQP Allowed	No Further Action
22 Mar 2021	3301-21-412 IN/41949	Alleged Septic tank discharge – Mountain Road, Stratford	Complaint	Glen Mackay		RFWP Allowed	No Further Action
23 Mar 2021	3301-21-411 IN/41932	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
23 Mar 2021	3301-21-415 IN/41937	Alleged Fire - Olsen Road, Egmont Village	Complaint	Janine Moratti		RAQP Allowed	No Further Action
23 Mar 2021	3301-21-417 IN/42004	Alleged Odour - Scott Street, Hawera	Complaint	South Taranaki District Council	R2/2557-3.0	RAQP Allowed	No Further Action
24 Mar 2021	3301-21-413 IN/41934	Alleged Burning Smell - Graves Street, Eltham	Complaint	Riverlands Eltham Limited		RAQP Allowed	No Further Action
24 Mar 2021	3301-21-414 IN/41941	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
24 Mar 2021	3301-21-416 IN/41942	Alleged Odour - Manutahi Road, Lepperton	Complaint	Shadel Poultry Limited	R2/5280-2.0	Consent Compliance	No Further Action
24 Mar 2021	3301-21-419 IN/41961	Alleged Sewage Discharge - Te Henui, New Plymouth	Self-Notification	New Plymouth District Council		RFWP Allowed	No Further Action
24 Mar 2021	3301-21-420 IN/41967	Alleged Iron Oxide - Centennial Drive, New Plymouth	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action

Compliant Incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
24 Mar 2021	3301-21-421 IN/42005	Alleged Hydrocarbon spill - Stanners Street, Eltham	Self- Notification	Powerco Limited		RFWP Allowed	No Further Action
25 Mar 2021	3301-21-425 IN/41998	Alleged Smoke/Burning - South Road, New Plymouth	Complaint	Spotswood College		RAQP Allowed	No Further Action
25 Mar 2021	3301-21-426 IN/41999	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
25 Mar 2021	3301-21-424 IN/42012	Alleged Smoke complaint - Ratapiko Road, Patea	Complaint	John Mitchell		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
26 Nov 2020 <u>Update</u>	3301-21-201 IN/41120	Unauthorised culvert - Mountain Road, Inglewood	Complaint	Tim Verry (72233)			Investigation Continuing
<p>Comments: Complaints were received concerning water backing up from a culvert on a neighbouring property. Investigation found that the water was backing up during heavy rain events, most likely due a historic culvert not being of an adequate size. The culvert had sustained significant damage. The Council's Rivers team is working with the landowner around the reconstruction or replacement of the culvert.</p>							
08 Dec 2020 <u>Update</u>	3301-21-215 IN/41182	Effluent discharge - Arawhata Road, Opunake	Complaint	Karl Stanley (72321) Noel Stanley (70950) Ronald Stanley (55413) Stanley Bros Trust (2510)	R2/10671-1.1 R2/5251-2.2	EAC-23774 - Explanation Requested - Letter EAC-23773 - Explanation Requested - Letter EAC-23772 - Explanation Requested - Letter EAC-23756 - Abatement Notice EAC-23754 - Abatement Notice EAC-23753 - Abatement Notice EAC-23752 - Abatement Notice	Investigation Continuing
<p>Comments: A complaint was received concerning an overflowing effluent pond on Arawhata Road, Opunake. Investigation found that there had been cattle grazing in and around the effluent ponds causing damage to a wall of the second pond. The level of the pond had become high and discharged over the low point of the wall causing untreated effluent to discharge over land and to pond in the adjacent paddock. It was also found that the landowners had cut open and directed the ponded effluent and effluent from the pond via existing underground drainage that had discharged into the Arawhata Stream. Samples, photographs and videos were taken. Abatement notices were issued requiring the discharge to cease and for works to be undertaken to ensure compliance with resource consent conditions. Reinspection the following day found that the abatement notices were being complied with at the time of inspection. Letters seeking explanation were sent. Further enforcement action is being considered.</p>							

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
16 Dec 2020 <u>Update</u>	3301-21-223 IN/41474	High nitrates in Motumate Stream - Kapuni	TRC Staff Compliance Monitoring	Unsourced (9768)			Investigation Continuing

Comments: During routine monitoring it was found that there were elevated nitrates in the Motumate Stream at Kapuni. Sampling has been undertaken to identify the source of the nitrates. The sample results have not identified a point source discharge and further investigation is required.

21 Jan 2021 <u>Update</u>	3301-21-276 IN/41438	Sewage discharge - Wills Road, Bell Block	Complaint	New Plymouth District Council (9565)		EAC-23833 - Abatement Notice	Investigation Continuing
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Comments: A complaint was received concerning a seepage of sewage, underground, from a pump station at Wills Road, Bell Block. Samples and photographs were taken. Samples result show high faecal coliforms in the stream adjacent to the pump station. An abatement notice was issued requiring an investigation to be undertaken to find the source of the discharge and for works to be undertaken to ensure that no contaminants discharge to any waterbody. Reinspection and further sampling will be undertaken after 6 April 2021.

19 Feb 2021 <u>Update</u>	3301-21-334 IN/41600	Smoke and odour - Cordelia Street, Stratford.	Complaint	Marcus Caldwell (72607)			Investigation Continuing
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Comments: A complaint was received concerning smoke and odour at Cordelia Street, Stratford. Investigation found black smoke and odour discharging from an industrial site. Inspection of the site found that fire, containing furniture, household rubbish and car tyres had been lit. The fire was extinguished at the time of inspection. 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
20 Feb 2021 <u>Update</u>	3301-21-351 IN/41666	Stream diversion - Skeet Road, Auroa	Complaint	Murray Calder & Jill Corbett (31503)		EAC-23868 - Explanation Requested - Letter EAC-23867 - Abatement Notice EAC-23866 - Abatement Notice	Investigation Continuing

Comments: A complaint was received regarding stream works at a property on Skeet Road, Auroa. Investigation found a large trench had been dug with the intention of diverting an unnamed tributary. Abatement notices were issued requiring the works to cease and the area where earthworks were undertaken to be reinstated. Reinspection found that one abatement notice was being complied with at the time of inspection. A further reinspection will be undertaken after 26 March 2019.

11 Dec 2020 <u>Update</u>	3301-21-293 IN/41471	Stormwater and leachate pond overflow - NPDC landfill	Self-Notification	New Plymouth District Council (9565)		EAC-23842 - Explanation Requested - Letter	No Further Action/Costs Recovered
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Comments: Notification was received concerning an overflow from a stormwater and leachate pond at the Colson Road Landfill, New Plymouth. An email was received on 14 December 2021 advising that due to a blockage in the overflow pipe no discharge had occurred to the stream, the volume had been small enough to be contained and pumped out. However a final report was received from New Plymouth District Council which showed that an overflow had actually occurred. A letter of explanation was received and accepted.

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
23 Dec 2020 <u>Update</u>	3301-21-239 IN/41272	Odour - Colson Road, New Plymouth	Complaint	Wayne Eustace (27866)		EAC-23966 - Infringement Notice (\$1000) EAC-23799 - Explanation Requested - Inspection Notice	No Further Action
Comments: A complaint was received concerning the discharge of odour from a sewage treatment facility at Colson Road, New Plymouth. An odour survey was undertaken and noticeable odour was found beyond the boundary of the site.							
23 Dec 2020 <u>Update</u>	3301-21-237 IN/41371	Impounding of water - Glover Road, Hawera	Complaint	Julian Edgecombe (27498)		EAC-23932 - Infringement Notice (\$500) EAC-23814 - Abatement Notice EAC-23800 - Abatement Notice	No Further Action
Comments: A complaint was received concerning water impounding from a neighbouring property at Glover Road, Hawera. Investigation found that the land owner had blocked a culvert of an unnamed tributary causing the water to impound on the neighbouring property. The restriction in the stream was removed at the time of inspection.							
09 Jan 2021 <u>Update</u>	3301-21-257 IN/41352	Unauthorised discharge - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited (30679)	R2/5838-2.2 R2/5839-2	EAC-23942 - Infringement Notice (\$750) EAC-23794 - Explanation Requested - Letter	No Further Action/Costs Recovered
Comments: Notification was received concerning a truck, with unauthorised materials, entering a composting facility site at Mokau Road, Uruti. Investigation found that cement washing waste had been accepted onto the site, on 9 January 2021, in contravention of resource consent conditions and Abatement Notice EAC-23628. A meeting was held with the Company and an 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
04 Feb 2021 <u>Update</u>	3301-21-301 IN/41498	Dust - Cowling Road, New Plymouth	Complaint	GJ Gardner (30168)		EAC-23851 - Abatement Notice	No Further Action
<p>Comments: A complaint was received concerning dust discharging from a subdivision construction site located on Cowling Road, New Plymouth. Investigation found that offensive dust was discharging beyond the boundary of the site, affecting neighbouring properties. An abatement notice was issued requiring works to be undertaken to ensure that no objectionable or offensive dust discharges beyond the boundary of the site. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
10 Feb 2021 <u>Update</u>	3301-21-322 IN/41552	Discoloured Haehanga Stream - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited (30679)		EAC-23871 - Explanation Requested - Letter No Enforcement Action - Insufficient evidence	No Further Action
<p>Comments: A complaint received regarding the discolouration and foam in the Haehanga Stream at Uruti. Investigation found some slight foaming in the stream. Samples were taken. Analysis of samples found that there was some extremely low levels of detergent in stream. A letter of explanation was received. Further sampling will be undertaken during routine monitoring.</p>							

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
02 Nov 2020	3301-21-366 IN/41730	Stream piping - Kahui Road, Rahotu	TRC Staff Notification	Ian Walden (52491)			Investigation Continuing
<p>Comments: During routine monitoring it was found that approximately 120 metres of stream had been piped in contravention of the NES for Freshwater, at a property at Kahui Road, Rahotu. Enforcement action is being considered.</p>							
25 Feb 2021	3301-21-353 IN/41685	Seismic survey drilling - Onaero	Complaint	NZ Surveys 2020 Limited (72187)	R2/10871-1.0		Investigation Continuing
<p>Comments: A complaint was received concerning the location of a bore used for the purposes of containing an explosive device for a seismic survey at a property near Onaero. Investigation found that a bore use for seismic survey purposes was in breach of a resource consent condition as it had been drilled within 100 metres of a spring. The complainant was concerned that the explosive charge, if set off, may contaminate the nearby spring which is used for water supply. The consent holder acknowledged the breach, removed the charge and remediated the bore. An explanation has been requested. Further enforcement action is being considered.</p>							
02 Mar 2021	3301-21-369 IN/41769	Silage wrap in stream - Pungarehu Road, Pungarehu	Complaint	Ashley Greenway (1684)		EAC-23888 - Abatement Notice	Investigation Continuing
<p>Comments: A complaint was received regarding a potential silage wrap dump site beside the Kapoiaia Stream on Pungarehu Road, Pungarehu. Investigation found some silage wrap located along a fence line within 25 metres of the Kapoiaia Stream. Silage wrap was noticed on the banks and some in the stream, downstream from this site. It was also found that there was some silage wrap present upstream of this site, however it was sparser than downstream. An abatement notice was issued requiring silage wrap to be remove from where it was likely to discharge into the stream. Reinspection found that the abatement notice was being complied with at the time of inspection. Occupiers of properties adjacent to the stream were spoken to and have undertaken to remove silage wrap from the stream and stream banks. A further inspection will be undertaken after 21 April 2021.</p>							

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
04 Mar 2021	3301-21-373 IN/41756	Riverbank farm dump - Mid Kahui Road, Rahotu	Complaint	Donald Charles & Maree Agnes Anderson (2039)			Investigation Continuing
<p>Comments: A complaint was received regarding a historical farm dump located in a stream bank on Kahui Road, Rahotu. Investigation found the dump consisted of a digger bucket, a metal shed and other items. The landowner was spoken to and agreed to undertake works to remove the materials. Reinspection will be undertaken after 15 April 2021.</p>							
04 Mar 2021	3301-21-374 IN/41757	Riverbank farm dump - Upper Kina Road, Oaonui	Complaint	Francis Mullan (2715)			Investigation Continuing
<p>Comments: A complaint was received regarding a historical farm dump in the Oaoiti Stream at Upper Kina Road, Oaonui. Investigation found aged household and farm type rubbish below a steep bank in the vicinity of the watercourse. The landowner was spoken to and agreed to undertake works to remove the materials. Reinspection will be undertaken after 15 April 2021.</p>							
04 Mar 2021	3301-21-375 IN/41758	Riverbank farm dump - Ngariki Road, Oaonui	Complaint	Grant Alistar & Merrilyn Isabel Bishop (2145)			Investigation Continuing
<p>Comments: A complaint was received regarding a historical farm dump. Investigation found old machinery and some general rubbish below a steep bank above the watercourse at Ngariki Road, Oaonui. A meeting will be held with the landowner, during a low flow period, to be able to assess the extent of the rubbish dump and discuss remediation options.</p>							
04 Mar 2021	3301-21-376 IN/41761	Riverbank farm dump - Upper Kina Road, Oaonui	Complaint	Russell & Lois Simpson (2933)			Investigation Continuing
<p>Comments: A complaint was received regarding a riverbank farm dump at upper Kina Road, Oaonui. Investigation found that a historical farm dump consisting of building material, metals and household rubbish was above a waterbody where it was likely to discharge. The landowner was spoken to and agreed to undertake works to remove the materials. Reinspection will be undertaken after 15 April 2021.</p>							

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
06 Mar 2021	3301-21-382 IN/41822	Odour - London Street, Eltham	Complaint	RENCO New Zealand (52083)			Investigation Continuing
<p>Comments: A complaint was received regarding a 'rotten cheese' type odour from the rennet processing plant on London Street, Eltham. Investigation found that there was an offensive odour beyond the boundary of the site in contravention of rules in the Regional Air Quality Plan for Taranaki. An explanation was received. Enforcement action is being considered.</p>							
12 Mar 2021	3301-21-448 IN/42094	Disposal and storage of paunch contents - Graeme Lowe Protein Limited	TRC Staff Compliance Monitoring	Graeme Lowe Protein Limited (10349)		EAC-23991 - Abatement Notice EAC-23990 - Abatement Notice	Investigation Continuing
<p>Comments: Self-notification was received concerning the storage and disposal of paunch on a rendering plant site at Tawhiti Road, Hawera. The storage and land disposal is permitted by rules in the Regional Fresh Water Plan for Taranaki. However, the paunch is not generated on site and the content of the paunch may be considered a contaminant. Abatement notices were issued requiring the disposal to cease and for works to be undertaken to ensure appropriate storage. Sampling was undertaken and further investigation is required. Further enforcement action may be considered.</p>							
15 Mar 2021	3301-21-391 IN/41837	Insufficient notification - Kota Road, Huiroa	TRC Staff Notification	Shane Jordan Sawmilling Limited (67148)	PA/20314-01		Investigation Continuing
<p>Comments: During the approval process for a harvesting permitted activity on a property at Kota Road, Huiroa, it was found that harvesting had already begun prior to the date of receipt of the notification. This was in contravention of NES for Plantation Forestry, which requires 20 days notice. Enforcement action is being considered.</p>							

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
17 Mar 2021	3301-21-398 IN/41892	Stream works - Mokau Road, Pukearuhe	TRC Staff Notification	Greenmantle Farm Limited (54666) Peter Sole Transport Ltd (14463)	R2/10426-1.0	EAC-23976 - Explanation Requested - Letter EAC-23975 - Abatement Notice	Investigation Continuing

Comments: During unrelated monitoring it was found that some instream works has taken place at a property on Mokau Road, Pukearuhe, in contravention of the Regional Fresh Water Plan for Taranaki (RFPW). An abatement notice was issued requiring works to be undertaken to ensure compliance with rules in the RFPW. Reinspection will be undertaken after 31 May 2021. Further enforcement is being considered.

19 Mar 2021	3301-21-404 IN/41914	Molasses spill - Port Taranaki, New Plymouth	Self-Notification	GrainCorp Liquid Terminals NZ Ltd (69592) Orion Haulage Ltd (50316)		EAC-23981 - Explanation Requested - Inspection Notice EAC-23980 - Explanation Requested - Inspection Notice	Investigation Continuing
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Comments: Self-notification was received advising that molasses had discharged onto the ground and entered Tasman Sea within the Port area. Investigation found that the driver of a truck failed to disconnect a molasses transfer hose before driving away from the loading area. This had caused molasses to discharge onto the road and slowly flow towards a stormwater drain. However it was the washing of molasses with hose water that diluted the molasses and caused it to discharge into the stormwater drain and then into the Tasman Sea. Immediate steps were taken to block the stormwater drains and use a sucker truck/water blasters to clean the area. An explanation has been requested.

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Mar 2021	3301-21-408 IN/41923	Digger in stream - Plymouth Road, Oakura	Complaint	Blair Holdt (72769) David Morris (71226) Plymouth Road Farms Limited (16696)	R2/2570-2		Investigation Continuing
<p>Comments: A complaint was received regarding a digger working in an unnamed tributary at a property on Plymouth Road, Oakura. Investigation found that recent digger work had been carried out to clean out a stream. Work was completed in order to save installing some fencing and also in preparation for riparian planting. While steps had been taken to save the fish life, four dead eels were found at the time of inspection. No further environmental effects were found upstream or downstream as a result of the excavation work carried out by the sharemilker without the farm owner's knowledge. Work had been completed by the time of inspection and the digger removed. Enforcement action is being considered.</p>							
24 Mar 2021	3301-21-427 IN/41985	Tyre burning - Upper Stuart Road, Eltham	Self-Notification	Leonie Hofmans (69859) Tony Hofmans (72792)			Investigation Continuing
<p>Comments: During unrelated monitoring, black smoke was observed to be coming from a property on Upper Stuart Road, Eltham. Investigation found that nine large piles of forestry slash had been set alight and were emitting black smoke. At least two tyres had been burned on each pile. Photographs were taken. Enforcement action is being considered.</p>							
25 Mar 2021	3301-21-423 IN/42022	Unauthorised burning - Opunake Road, Stratford	TRC Staff Notification	Rodney Houghton (69595)		EAC-23977 - Abatement Notice	Investigation Continuing
<p>Comments: During unrelated monitoring it was found that burning of unauthorised materials was occurring in a farm dump, which was within 25 metres of surface water. Photographs were taken. An abatement notice was issued requiring the materials to be removed and any farm dump to be 25 metres away from any surface waterbody. Reinspection will be undertaken after 29 April 2021. Further enforcement action is being considered.</p>							

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Feb 2021	3301-21-393 IN/41862	Particulate discharge - Whareroa Road, Hawera	Self- Notification	Fonterra Limited (50606)	R2/4103-2.3	EAC-23962 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: Self-notification was received concerning a contravention of particulate emission concentration limits at a milk processing plant in Hawera. The stack testing reports were received. An abatement notice was issued requiring works to be undertaken to ensure consent compliance. Compliance with the abatement notice will be ascertained during routine monitoring after 17 September 2021.</p>							
24 Feb 2021	3301-21-349 IN/41663	Dust complaint - Glover Road, Hawera	Complaint	Firth Industries Limited (10053)		EAC-23865 - Abatement Notice	No Further Action
<p>Comments: A complaint was received regarding dust from a concrete site on Glover Road, Hawera. Investigation found objectionable dust discharging beyond the boundary of the site. An abatement notice was issued requiring works to be undertaken to ensure that no objectionable or offensive dust discharges beyond the boundary of the site. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
24 Feb 2021	3301-21-379 IN/41677	Water abstraction breach - Waitotara	Self- Notification	Silver Fern Farms Limited (30302)	R2/10256- 1.0	EAC-23869 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of data it was found that the instantaneous abstraction rate for a water take was being contravened at a meat processing site at Waiinu Beach Road, Waitotara, for the second time since November. Investigation found that the pump shed was subsiding towards the river causing a pipe to burst, increasing the water abstraction rate. An abatement notice was issued requiring resource consent conditions to be complied with. The Company has shut down that water abstraction until the problem can be rectified. Compliance will be ascertain after water abstraction begins again. An explanation was received and accepted.</p>							

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
25 Feb 2021	3301-21-352 IN/41667	Unauthorised instream works - Skeet Road, Kapuni	TRC Staff Notification	Karl Bunn (26115) Paul Midgley (17208)		EAC-23880 - Abatement Notice	No Further Action
<p>Comments: During unrelated monitoring it was found that unauthorised instream works were being undertaken on a property at Skeet Road, Kapuni. An abatement notice was issued requiring works to cease. Reinspection found that the abatement notice was being complied with at the time of inspection and remedial works had been undertaken.</p>							
26 Feb 2021	3301-21-384 IN/42113	High bacto counts - New Plymouth beaches	TRC Staff Compliance Monitoring	Natural Event (10430)			No Further Action At This Stage
<p>Comments: During analysis of samples taken during routine monitoring it was found that there were exceptionally high faecal indicator bacterial counts at Back Beach, Ngamotu, Waitara and Ohawe Beaches. Further sampling was undertaken and no point source of any contamination was found. During the course of the further sampling, the results showed the faecal indicator bacterial levels to remain high for approximately one week, and then lower to within acceptable levels. It was likely that the high counts were as a result of natural breeding of the indicator bacteria in seawater. Seasonal conditions were conducive to this. Further routine monitoring will continue.</p>							
01 Mar 2021	3301-21-377 IN/41768	Pipe in CMA - Perth Road, Okato	Complaint	Stuart & Janet Tinson (67153)			No Further Action At This Stage
<p>Comments: A complaint was received regarding pipes extending out into the coastal marine area below Perth Road, Rahotu. Investigation found that the pipes were in the coastal marine area and were part of a system permitted by an expired consent for a paua farm. There was no discharge from the pipes at the time of inspection and the pipes were not likely to discharge. The former consent holder, who no longer owns the property, has undertaken to remove the pipes after Easter. The current landowner has been contacted and has agreed to allow access.</p>							

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
01 Mar 2021	3301-21-363 IN/41797	Discoloured Mangati Stream - Connett Road, Bell Block	Complaint	Unsourced (9768)			No Further Action
<p>Comments: A complaint was received concerning the Mangati Stream being discoloured near Connett Road, Bell Block. Investigation found that the stream was discoloured a murky, milky white colour, from the Mangati industrial stormwater pond system on Connett Road to the river mouth. The ponds on Connett Road collect stormwater discharges from a number of trade premises. Upstream of the ponds was running clean and no source could be traced for the discolouration. Reinspection found the stream to be running clear.</p>							
04 Mar 2021	3301-21-370 IN/41765	Oil in Huatoki Stream - New Plymouth	Complaint	Unsourced (9768)			No Further Action
<p>Comments: A complaint was received concerning an oil like substance floating in the Huatoki Stream. Inspection found a substance in the Huatoki Stream, which appeared to be a cooking oil. This was followed upstream but the flow of the oil ceased during the inspection. Inspections of food outlets and restaurants in the area were undertaken to try and identify where the containment had originated from but no source could be found.</p>							
06 Mar 2021	3301-21-383 IN/41821	Dead cow in drain - High Street, Eltham	Complaint	Joblin Partners Limited (35408)			No Further Action
<p>Comments: A complaint was received concerning a dead cow in a farm drain near High Street, Eltham. Investigation found a dead cow in the drain. The landowner was contacted and advised of the dead cow. They had no knowledge that the cow was missing and removed the carcass.</p>							

Non-Compliant incidents for the period 23 Feb 2021 to 25 Mar 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
09 Mar 2021	3301-21-387 IN/41824	Fire - Pikituroa Road, Normanby	Complaint	Cariad Brynglass Trust (27120) Jen Roberts (67964)			No Further Action
<p>Comments: A complaint was received concerning a smokey fire, containing unauthorised materials, at a property on Pikituroa Road, Normanby. Investigation found that the fire had almost burnt out at the time of inspection. There was some evidence to suggest unauthorised material had been burnt. The landowner was advised of the rules in the Regional Air Quality Plan for Taranaki.</p>							
20 Mar 2021	3301-21-407 IN/41935	Dead cow on Waitoetoe Beach - Mimi	Complaint	Unsourced (9768)			No Further Action
<p>Comments: A complaint was received concerning a dead cow on Waitoetoe Beach, Mimi. Investigation found two dead cows washed up on the high tide line. New Plymouth District Council were contacted and undertook works to dispose of the carcasses in an approved manner.</p>							

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
24 Aug 2020 <u>Update</u>	332121-014 ENF-22615	Annual Inspection	Significant non-compliance	Wayne Bruce & Christine Louise Foreman (52343)	R2/10310-1.1	EAC-23474 - Abatement Notice EAC-23703 - Infringement Notice (\$750)	No Further Action/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the dairy effluent disposal system was not in compliance with resource consent conditions at Little Lepper Road, Inglewood. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was not being complied. An early renewal of the consent had been applied for, whereby the new conditions will ensure compliance with the abatement notice.</p>							
25 Sep 2020 <u>Update</u>	332121-081 ENF-22755	Annual Inspection	Significant non-compliance	Cairns Farming Company Limited (52154)	R2/7490-1	EAC-23659 - Abatement Notice EAC-23806 - Infringement Notice (\$750)	No Further Action/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Lincoln Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
06 Oct 2020 <u>Update</u>	332121-103 ENF-22786	Annual Inspection	Non-compliance	Mr Stephen Daniel Coomey (50274)	R2/3307-2	EAC-23884 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples 9 November 2020, taken during the annual dairy inspection round 6 October 2020, it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Opunake Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 26 March 2021.</p>							

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
06 Oct 2020 <u>Update</u>	332121-105 ENF-22784	Annual Inspection	Non-compliance	Mr Stephen Daniel Coomey (50274)	R2/1784-3	EAC-23883 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During analysis of samples 9 November 2020, taken during the annual dairy inspection round 5 October 2020, it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Upper Rowan Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 26 March 2021.

11 Nov 2020 <u>Update</u>	332121-137 ENF-22866	Annual Inspection	Significant non-compliance	John Frederick Mitchell (71410) Mitchell Family Trust (22004) Mr Paul Ian Mitchell (24675) Sam Graham Lenox (53768)	R2/5776-2.0	EAC-23837 - Abatement Notice	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Rakaupiki Road, Patea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 5 April 2021.

13 Jan 2021 <u>Update</u>	332121-157 ENF-22911	Instream Structure Inspection	Non-compliance	BJ & LM Bailey Trusts (69347)	R2/7982-1		No Further Action At This Stage/Costs Recovered
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Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Poto Road, Stratford. The landowner has agreed to undertake the minor works required. A reinspection will be undertaken after 30 April 2021.

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
20 Jan 2021 <u>Update</u>	332121-147 ENF-22893	Instream Structure Inspection	Non-compliance	Stratford District Council (10048)	R2/10720-1.0	EAC-23983 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Beaconsfield Road, Stratford. An abatement notice was issued requiring works to be undertaken to ensure consent compliance. Reinspection will be undertaken after 9 August 2021.

20 Jan 2021 <u>Update</u>	332121-143 ENF-22879	Annual Inspection	Significant non-compliance	Mr Murray Collins (10620)	R2/1533-3	EAC-23803 - Abatement Notice EAC-23810 - Explanation Requested - Letter	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Patiki Road, Te Kiri. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. A letter of explanation was received. Reinspection will be undertaken after 9 April 2021. Further enforcement action is being considered.

21 Jan 2021 <u>Update</u>	332121-144 ENF-22881	Annual Inspection	Significant non-compliance	Mr Ross James Moffitt (27874) Rosglo Farms (51898)	R2/0697-3.0	EAC-23811 - Abatement Notice EAC-23968 - Infringement Notice (\$750)	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Bedford Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was not being complied with. Further 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
21 Jan 2021 <u>Update</u>	22121-154 ENF-22907	Annual Inspection	Significant non-compliance	Mr Alex Wilkie (11027)	R2/2483-3.0		Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-23169 issued as a result of a previous non-compliance on State Highway 45, Pungarehu. Enforcement action is being considered.</p>							
22 Jan 2021 <u>Update</u>	332121-158 ENF-22912	Instream Structure Inspection	Non-compliance	New Plymouth District Council (9565)	R2/7035-1		Investigation Continuing
<p>Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Mangamaio Road, New Plymouth. Enforcement action is being considered.</p>							
28 Jan 2021 <u>Update</u>	332121-159 ENF-22913	Instream Structure Inspection	Non-compliance	New Plymouth District Council (9565) Tonkin & Taylor Limited - WELLINGTON (10305)	R2/10502-1.0		Investigation Continuing
<p>Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Rotokare Road, Eltham. Enforcement action is being considered</p>							
03 Feb 2021 <u>Update</u>	332121-149 ENF-22900	Annual Inspection	Significant non-compliance	Mile Square Farms Limited (3884)	R2/4940-2.0	EAC-23857 - Explanation Requested - Letter	Investigation Continuing

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
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-23070 issued as a result of a previous non-compliance on Surrey Road, Tariki. A letter of explanation has been received. Enforcement action is being considered.

10 Feb 2021 <u>Update</u>	332121-155 ENF-22898	Annual Inspection	Significant non-compliance	Hinton Contracting Limited (24122)	R2/4679-4.0	EAC-23853 - Abatement Notice EAC-23960 - Infringement Notice (\$750) EAC-23855 - Explanation Requested - Inspection Notice	No Further Action/Costs Recovered
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Comments: During the annual monitoring round it was found that an agricultural contractor was not operating within resource consent conditions at Eltham Road, Kaponga. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. A letter of explanation was received.

11 Feb 2021 <u>Update</u>	332121-160 ENF-22914	Instream Structure Inspection	Non-compliance	New Plymouth District Council (9565) WSP New Zealand Limited (55852)	R2/10712-1.0		Investigation Continuing
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Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert on a road reserve at Wiri Road, Tarata. Enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 23 Feb 2021 to 25 Mar 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
04 Feb 2021	332121-175 ENF-23012	Chemical Sampling Survey	Non-compliance	New Plymouth District Council (9565)	R2/2370-3		Investigation Continuing

Comments: During analysis of samples taken during routine monitoring it was found that consent conditions had been contravened at the Colson Road Landfill site, New Plymouth. The levels of manganese and ammonical nitrogen were 1.14mg/l and 2.9mg/l, which exceeded maximum concentrations of 1.0mg/l and 2.5mg/l, at the PMU000110 site. Also at the PMU000113 site levels of ammonical nitrogen were found to be 2.5mg/l, which exceeds the limit of 2.0 gm-3 for pH below 7.75. Further sampling was undertaken to check compliance and analysis has yet to be undertaken. Enforcement action will be considered.

16 Feb 2021	332121-161 ENF-23023	Office Assessment	Non-compliance	Waitui Trust (20446)	R2/10685-1.0		Investigation Continuing
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Comments: During an office assessment it was found that there was a non-compliance due to piping in excess of consent conditions at a property at Finnerty Road, Stratford. Further investigation is being undertaken and enforcement action will be considered.

01 Mar 2021	332121-162 ENF-22919	Annual Inspection	Significant non-compliance	Cardiff United Limited (25246)	R2/3576-2	EAC-23875 - Abatement Notice	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Ronald Road, Cardiff. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was not being complied with. Further enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 23 Feb 2021 to 25 Mar 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
03 Mar 2021	332121-164 ENF-22924	Compliance Monitoring Insp.	Non-compliance	Colin David Boyd (3013) Schlumberger New Zealand Limited (51451) Surrey Road Land Farm Limited (32728)	R2/7591-1.2	EAC-23878 - Explanation Requested - Letter	Investigation Continuing

Comments: During routine monitoring it was found that a land farming site was not complying with resource consent conditions. It was found that there were areas of dead pasture in the irrigation area, in contravention of resource consent conditions. Enforcement action is being considered.

04 Mar 2021	332121-165 ENF-22925	Annual Inspection	Non-compliance	Brian Needham (71160)	R2/2016-4.0	EAC-23881 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Alfred Road, Egmont Village. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 29 March 2021.

04 Mar 2021	332121-166 ENF-22927	Annual Inspection	Non-compliance	Wilford End Farms Limited (54575)	R2/5499-2.0	EAC-23885 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Wilford Road, Patea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 7 April 2021.

Compliance Monitoring - Non-compliances for the period 23 Feb 2021 to 25 Mar 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Mar 2021	332121-169 ENF-22998	Annual Inspection	Non-compliance	Greymouth Petroleum Limited (20755)	R2/7853-1	EAC-23961 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: During routine monitoring of the Turangi B wellsite, at Turangi Road, Motunui, it was found that resource consent conditions were not being complied with because stormwater from the site was discharging to water when the consent only permits discharge to land. The company is investigating to ascertain the best process to ensure compliance.</p>							
12 Mar 2021	332121-177 ENF-23020	Compliance Monitoring Insp.	Non-compliance	Silver Fern Farms Limited (30302)	R2/5598-2	EAC-23979 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples taken during routine monitoring it was found that oil and grease in stormwater discharge exceeded allowable limits in resource consent conditions at a meat processing site at Tawhiti Road, Hawera. An abatement notice was issued requiring works to be undertaken to ensure consent compliance. Reinspection will be undertaken after 30 April 2021.</p>							
16 Mar 2021	332121-170 ENF-23007	Annual Inspection	Non-compliance	Brian Hamblyn (34282)	R2/2941-2	EAC-23969 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Opunake Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 March 2021.</p>							

Compliance Monitoring - Non-compliances for the period 23 Feb 2021 to 25 Mar 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
17 Mar 2021	332121-171 ENF-23009	Annual Inspection	Non-compliance	Willowbrook Partnership (15248)	R2/2246-3.0	EAC-23972 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Brookes Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 March 2021.

17 Mar 2021	3321-21-178 ENF-23005	Annual Inspection	Non-compliance	Wai-iti Dairy Farm Limited (33954)	R2/0434-3.0	EAC-23965 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Pukearuhe Road, Waiiti. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 March 2022.

17 Mar 2021	332121-172 ENF-23008	Annual Inspection	Non-compliance	Childs Creek Limited (69351)	R2/0730-3.0	EAC-23970 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Opunake Road, Cardiff. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 March 2021.

Compliance Monitoring - Non-compliances for the period 23 Feb 2021 to 25 Mar 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Mar 2021	332121-173 ENF-23010	Annual Inspection	Non-compliance	Frost-Forsyth Family Trust (28365)	R2/0857-2	EAC-23973 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Kina Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 30 April 2021.

24 Mar 2021	332121-174 ENF-23011	Annual Inspection	Non-compliance	Shaugh Partnership (67548)	R2/2647-3.0	EAC-23974 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Kina Road, Oaonui. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 1 June 2022.



Date 27 April 2021

Subject: **Prosecution Sentencing Decision – Silver Fern Farms Limited**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2747128

Purpose

1. The purpose of this memorandum is to update Members on the prosecution of Silver Fern Farms Limited, for breaches of the Regional Air Quality Plan for Taranaki and the Regional Fresh Water Plan for Taranaki, involving the discharge of ammonia from a beef processing facility into air and into water, causing a major fish (eel) kill in the Tawhiti Stream, in February 2020.

Executive summary

2. The Council responded to notification from Fire and Emergency New Zealand of the discharges, undertook an investigation and applied the Council's Enforcement Policy (2017).
3. The result is a successful prosecution and a very high fine. The highest handed down to a Company by the Environment Court under the Resource Management Act 1991. The sentencing decision provides insight into the rationale for the decision.

Recommendation

That the Taranaki Regional Council:

- a) receives this report and notes the successful outcome of the prosecution against Silver Fern Farms Limited.

Background

4. The environmental incident was considered by the Acting Chief Executive, acting under delegated authority from the Council, and the decision to prosecute was presented to the Committee, for information purposes, on 1 September 2020.

Incident

5. In summary, the prosecution relates to an uncontrolled discharge of approximately 4,000kg of anhydrous ammonia into the air for over six hours. There was potential for serious physical harm to people, animals and the Hawera community.
6. During the process of containing the hazardous discharge, approximately 575m³ of water was applied to the ammonia cloud, dissolving the ammonia into the water. The majority of the water then discharged onto land and into the Tawhiti Stream.
7. The discharge into the stream caused adverse effects downstream for 13.4km of the Tawhiti Stream and 6.7 km of the Tangahoe River. The discharge was lethal to fish species, and stream and river systems, with many dead fish (eels) observed in the stream. It was apparent that virtually the entire fish community in the Tawhiti Stream had been killed (approximately 14 fish species).

Prosecution update

8. One charge was laid against Silver Fern Farms Limited for the discharge of a contaminant from an industrial or trade premise into the air, being an offence against 15(1)(c) of the Resource Management Act 1991.
9. One charge was laid against Silver Fern Farms Limited for the discharge of a contaminant onto land where it was likely to enter water, being an offence against 15(1)(b) of the Resource Management Act 1991.
10. The defendant pleaded guilty to the charges. Sentencing was passed on 24 February 2021 and notes of Judge 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 high fine reflects the seriousness of the incident.
11. The Court extensively used Council scientific evidence in its deliberations. There were several systematic failures, resulting in the adverse discharges.
12. Silver Fern Farms Limited were fined \$168,750 for each charge (\$337,500 total).

Decision-making considerations

13. 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

14. 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

15. 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

16. 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.
17. Ngati Ruanui have actively been involved in the prosecution and a victim impact statement was provided and referred to by the Court.

Community considerations

18. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

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

Appendices/Attachments

Document 2744034: Silver Fern Farms – Sentencing Notes of Judge Dwyer

**IN THE DISTRICT COURT
AT HAWERA**

**I TE KŌTI-Ā-ROHE
KI HĀWERA**

**CRI-2020-021-000575
[2021] NZDC 3430**

TARANAKI REGIONAL COUNCIL
Prosecutor

v

SILVER FERN FARMS LIMITED
Defendant

Hearing: 24 February 2021

Appearances: K de Silva for the Prosecutor
B Williams for the Defendant

Judgment: 24 February 2021

NOTES OF JUDGE B P DWYER ON SENTENCING

[1] Silver Fern Farms Ltd (Silver Fern) appears for sentence on two charges brought against it by Taranaki Regional Council (the Council) pursuant to s 338(1)(a) Resource Management Act 1991. The first is contained in charging document ending 0083 and relates to a discharge of a contaminant, namely ammonia, to air from industrial or trade premises. The second is contained in charging document ending 0084 and relates to discharge of ammonia to land in circumstances where it might enter water, namely the Tawhiti Stream, as it did in this case.

[2] Silver Fern has pleaded guilty to both charges. I am advised that s 24A Sentencing Act 2002 is not applicable in this case. No suggestion has been made that

Silver Fern should be discharged without conviction and it is hereby convicted on both charges.

[3] The offences occurred at Silver Fern's beef processing plant at Tawhiti Road, Hawera in February 2020. Silver Fern is a significant participant in the New Zealand meat industry and operates a number of such facilities throughout New Zealand. It holds discharge permits allowing discharges of stormwater, cooling water and emissions into air from meat processing operations at Hawera. It is permitted to store and use ammonia as part of its operations. There are blast freezers on site to chill and store meat and ammonia is the cooling agent used in the freezers. At the time of the offending there was somewhere in the order of 8,000 to 10,000 kg of ammonia on site.

[4] The summary of facts records that in the two weeks leading up to the offending, temperatures had been warming in a number of the blast freezers. To remedy this an engineer would enter the roof space above the freezers and manually open a valve in the line conveying ammonia to the freezer. This would increase the flow of ammonia and lower the temperature of the freezer.

[5] At about 2.30 pm on 19 February 2020 one of Silver Fern's engineers undertook this exercise to lower the temperature of two of the freezers. Unbeknown to the engineer, a cap on the valve had been damaged. The engineer mistakenly attached his wrench to an attachment which allows the valve to be completely opened for servicing requirements. A valve screw (as opposed to a valve cap) was unscrewed and an uncontrolled discharge of ammonia into the roof space above the freezer commenced from where it escaped into the air and the wider atmosphere.

[6] Emergency services were alerted but there were problems in identifying which ammonia valves needed to be closed to cut off the discharge which was eventually shut down at 9 pm so had persisted for over six hours, during which time it was estimated that some 4,000 kg of anhydrous ammonia had been discharged into the air thereby giving rise to the s 15(1)(c) charge.

[7] As part of the process of containing the discharge water was applied to the ammonia cloud. This dissolved the ammonia into the water which then fell onto roofs

and the ground around the plant where it was captured and directed to the plant's subsurface stormwater system from where it discharged into the Tawhiti Stream giving rise to the s 15(1)(b) charge.

[8] The environment potentially affected by the discharge to air included the plant and its environs, persons working there, persons such as contractors and carriers visiting there and nearby communities.

[9] The discharge of ammonia laden water onto land and then the stormwater drains entered into an extensive water system affecting about 13.4 km of the Tawhiti Stream and 6.7 km of the Tangahoe River. The effects on the environment of these discharges are described in some detail in a series of comprehensive reports appended to the summary of facts, I have read the various reports which extended with appendices and attachments to over 100 pages. Photographs provided by the Council and contained in the reports, graphically demonstrate the lethal effects of the discharge on fish and the stream and river systems. I am not going to endeavour to summarise the reports in full, but will highlight some salient points which emerge from the information before the Court.

[10] The definition of *environment* in the Resource Management Act 1991 includes people and communities. Although I understand that no physical harm was suffered by any person in the wider community as a result of either of the discharges, there was undoubtedly potential for that to happen and for the discharge of gas to air to have a high adverse effect. Hundreds of people are employed at the Silver Fern plant, emergency service providers had to attend the site to deal with the discharge to air and over 800 people live within about a kilometre of the site.

[11] Report number 13, appended to the summary of facts, identifies the following health affects which can potentially be caused by exposure to ammonia:

- Severe damage to eyes including blindness;
- Skin irritation, burning and blistering;

- Burning of the digestive and respiratory tracts;
- Difficulty in breathing;
- Choking; headaches, dizziness and weakness;
- In cases of severe exposure, death.

I understand that fortunately only one person (the site engineer) who was subject to an ammonia burn, was injured as a result of this incident.

[12] It appears from the report that I read that the discharge to air was from an elevated point at an atmospheric density which lowered the concentration of the ammonia plume and that metrological conditions limited the extent of dispersal. But the real potential for serious harm to people is a factor in my considerations. I note that potential effects are effects for the purposes of the Resource Management Act.

[13] I commence my observations as to the effects of the discharge on marine life in the two water bodies by noting that no quantitative survey had been undertaken to calculate numbers of fish killed. The reasons for that are found in report 11 to the summary of facts. The report includes a statement that, based on the professional judgement of the report writers from observations made during the site visit, it appeared that the entire fish community in the Tawhiti Stream had been killed. The report interestingly notes the dangers to persons who would have to undertake fish count surveys in the stream and river and that was one of the reasons why such surveys were not undertaken.

[14] I have previously noted that the discharge impacted approximately 13.4 km of the stretch of the Tawhiti Stream and 6.8 km of the Tangahoe River, with the stream being more severely impacted. I am given little information as to the qualities and features of these water bodies. Report 11 identified that up to 14 fish species would be present in the two water bodies, covering the full range of conservation status from not threatened to vulnerable. Fish eggs and larvae of various species would have been present in the water.

[15] Of particular significance is the fact that during February juvenile eels would be migrating upstream in considerable numbers (up to tens of thousands) with adult eels having begun to migrate downstream. The report also records that February is a very important period in lifecycles of fish species in the catchment with the lower end of the catchment which was affected by the discharge being of particular importance.

[16] The report notes that stream conditions at the time of discharge presented a worst-case scenario for creating toxic conditions to fish. A low estimate of thousands and possibly tens of thousands of fish in the stream would have died, as well as any larvae and eggs in the water which simply cannot be quantified. This was a devastating kill.

[17] To give a summary of the effects of this incident on fish life I quote from page 33 of the report because I know that there will be people here in Court today who will not have read the written record:

This fish kill incident was undoubtedly significant, being likely one of the worst recorded single point discharge freshwater kill events in New Zealand's history in terms of numbers of fish killed. This significant loss of fish will have wider effects outside of the Reach and Secondary Reach in the form of decreased future recruitment, likely for the river catchment and for other New Zealand catchments and to the marine environment due to the diadromous nature of many of these fish. It is expected that recruitment to the catchment will occur relatively quickly for several species due to upstream and downstream migration of fish species, however, it is expected that it will take several decades for the community to resemble what was once present in terms of age, class, abundance and the overall contribution to recruitment made by fish in the stream.

Again, I record that this effect was experienced over a space of 13 plus km in respect of the stream.

[18] Of course the discharge did not just impact on fish species but other aquatic life as well. Attachment 10 to the summary of facts was a report analysing effects on macroinvertebrate life. The report identifies substantial and significant population reductions in some samples of the stream with the river being less significantly impacted due to its distance from the discharge source.

[19] In addition to those effects, there is the matter of cultural effects on Māori which must be taken into account. I record that a cultural impact assessment was filed with the Court which contains a detailed statement of these matters. The assessment identifies the particular significance to Ngāti Ruanui iwi of the Tawhiti Stream. It contains this statement:

The dumping of ammonia in the wai is further insult to Ngāti Ruanui a compounding impact in effect. Ngāti Ruanui has for many years witnessed the loss of a major customary food source in the Tawhiti Stream. The loss is even greater now as a result of the ammonia spill.

[20] In identifying starting point for penalty considerations I note that the maximum penalty for each offence is the sum of \$600,000, a total of \$1.2 million for the two. As counsel have done, I will identify a global starting point for the two offences. Ms de Silva submits that the appropriate starting point is \$500,000 which she notes is 83 per cent of maximum for one offence, a figure she says she has arrived at after careful thought and consideration. Mr Williams, for Silver Fern, suggests a figure of \$180,000 consistent with the *Canterbury Regional Council v Emergent Cold Ltd* and *Auckland Council v Jenners Worldwide Freight Ltd* cases and observes that a starting point in the \$200,000 - 250,000 range would be at the upper end of a conservative scale.¹

[21] In fixing a starting point I have had particular regard to the following matters:

- The environmental effects of the offending;
- Culpability;
- Deterrence;
- Comparative cases.

[22] In terms of environmental effects, I simply refer to my earlier comments. The environmental effects of the discharge to the waters of the stream and river and the cultural effects can be described as being the most serious kind. I repeat the

¹ *Canterbury Regional Council v Emergent Cold Ltd* [2019] NZDC 23930; and *Auckland Council v Jenners Worldwide Freight Ltd* DC Auckland CRI-2014-092-257, 4 February 2015.

description in appendix 11 to the summary of facts which I understand to represent the parties' agreed position that this instance was "likely one of the worst recorded single point discharge freshwater kill events in New Zealand's history". I also acknowledge that Ngāti Ruanui have seen a treasured waterway deteriorate over the years and then be hit by a single devastating blow. I will return to aspects of these matters when I deal with comparative cases.

[23] Turning to the issue of culpability, it is apparent that there were a series of shortcomings in Silver Fern's systems which led to these discharge incidents, both to air and to water. There were dual system failures. The systemic failures are set out in a table on pages 11 to 14 of the Council's submissions, which I now incorporate into my written sentencing notes but excluding the footnotes:

	Systemic Failures	Details of consequences
1.	<p>Failure to review ammonia system to identify additional oil capturing system requirements and electrical reticulation improvements.</p> <p>Undertaking short term (quick) fixes instead of permanent fixes.</p>	<p>-Defendant's engineers were manually overriding the valve to increase the flow of ammonia for a fortnight prior to 19/02/2020 because there were a number of issues with the freezer temperature caused by oil trapped in the system.</p> <p>-Completing a manual override should only be done on rare occasions and is effectively only a "quick fix" to the symptoms of an underlying problem.</p> <p>- The process for a manual override was fraught with difficulties (see rows 3 & 4 below).</p>
2.	<p>The ammonia procedures did not outline in sufficient details the safety precautions that should be taken when completing a manual override.</p> <p>There were generic procedures for running the engine room but nothing that breaks down the specific safety controls for routine tasks.</p>	<p>-Engineer failed to isolate the feed valve prior to the overridden valve, despite this step being the standard practice for a manual override. This step would have only taken a few minutes. If this step had been taken the mistake made by the Engineer (unintentional removal of the valve body) would have resulted in a small but controllable release.</p>

	Systemic Failures	Details of consequences
3.	<p>Valves were in the roof space with poor lighting and confined head room.</p>	<p>The Engineer when manually overriding the valve had a difficult job because of access, confined head room & poor lighting.</p>
4.	<p>Failure to maintain valve caps and valves and failure to undertake a valve cap review, including consideration of identification (e.g. paint valve cap a different colour) and inspection frequency.</p> <p>Notes:</p> <ul style="list-style-type: none"> - The ammonia system at the Site had a wide variety of different valves with varying valve cap configurations- i.e. some with the "top" based tool attachments and others with "bottom" based tool attachment points. - A number of other valves had damaged or missing caps. 	<p>The valve the Engineer was working on was in fact a valve with a "bottom" attachment point but the bottom had been broken off at some unknown stage making it more similar in appearance to a "top".</p>
5.	<p>Training was inadequate.</p> <p>Multiple problems with the Piping and Instrumentation Drawings (PID) & Manuals:</p> <ul style="list-style-type: none"> - were not to a standard where a "relatively new" employee not specialised in refrigeration would have known the appropriate action to undertake in such an incident; -were not up to date; -had incomplete tagging; -were located in drawers and in computer file and therefore not accessible in an emergency; - were not wall mounted; - labelling of the valves both on the PID's and the site valves were incomplete; 	<p>Correct isolation was extremely difficult and time consuming. It took two hours for the engineers to identify how to correctly isolate the blast freezers where the discharge occurred. As a result 3,800 kg of ammonia was discharged.</p> <p><i>"... there was the unusual need to isolate the multiple liquid and suction feeds due to the uncommon "ring main" system employed. Without suitable detail in the emergency response manual it was unforeseen by the engineers and responders that the discharge could have been confined much earlier and the quantum of the discharge reduced exponentially."</i></p>

	Systemic Failures	Details of consequences
	<ul style="list-style-type: none"> - did not include strategies and scenarios as to what should be isolated in the case of a leak or fire in various locations of the Plant such as Plantroom, condenser area, and each building area that contains ammonia; - did not refer to the main isolations located outside the ceiling space that isolate the entire block and instead focuses on minor leaks of individual plant items such as compressors and individual rooms. - Given the unusual situation with a "ring main" on the LP liquid and suction system, special warnings should have been highlighted in the Ammonia Leak Emergency Response Manual and the valves labelled and photographed and included in the manual. 	
6.	<p>Failure to upgrade stormwater system to include in-line monitoring and auto shut-off capability.</p> <p>Failure to have diverter on stormwater flap to manually redirect water if required.</p>	<p>The main stormwater discharge point has a flap that can be manually shut to close off the discharge. At the time of the leak the flap was open and could not be closed due to being located downwind of the leak and not safe to access.</p> <p>Note: After the discharge the main Hawera stormwater discharge point was fixed and provides for option to divert discharge to an alternative location e.g. trade waste, sucker truck.</p>
7.	<p>Failure to maintain the stormwater flap.</p>	<p>As noted in para 10 above, between 20/02/20 and 5/03/20 further ammonia residue entered the stream via stormwater generated during a rain event in the days following the 19/02/2020 discharge after a section of the stormwater pipe failed because it was corroded (discovered on 25/02/20).</p>
8.	<p>Failure to have system to collect and retain all water applied to ammonia cloud in event of emergency.</p>	<p>Only about 53 m³ of storm water was able to be held within the subsurface stormwater network at the Site.</p>

	Systemic Failures	Details of consequences
	<p>Risk of a large-scale spill/ consequences of the emergency response to a large-scale spill and containment of any run-off had not been considered in stormwater design. .</p> <p>Mr Edwards noted: <i>"All refrigerated facilities should allow for the collection and retention of all firewater."</i></p> <p>Mr Deegan noted: <i>"... such industries should be prepared for the worst-case scenarios and incorporate controls to contain any product used within the footprint of the site"</i></p>	

(Footnotes omitted.)

[24] I want to record a matter of particular concern to me arising out of the Council table (items 6 to 8 of the table) which highlight the failure to incorporate into Silver Fern’s internal stormwater network some cut off or containment measures to prevent stormwater contaminated by any industrial spillage on-site from entering the wider environment.

[25] In my experience, accidental spillages of hazardous substances are a fact of life (regrettable as that might be) in trade and industrial settings. The need to contain such spillages on site is well recognised and common practice across a wide range of industries. If such measures had been in place in this instance, the discharge to the stream would have been avoided. That is the reason for my comment about there having been dual discharges. There was a discharge of gas to air which for various reasons could and should have been avoided, but if appropriate stormwater systems had been in place on the site, the discharge of the ammonia contaminated water into the stream and river could have been avoided altogether, notwithstanding the discharge to air.

[26] I do not understand Silver Fern to challenge in any material sense the majority of the failures described in the Council’s table. It attempts to explain them to some

extent and suggests that its practices are not unique to Silver Fern and are more similar than different to practices in other ammonia using operations. I think that Mr Williams acknowledges that this does not provide an excuse or mitigating factor in any way. Silver Fern contends its position could be characterised as having systems in place that in many cases were typical of the wider industry but there were shortcomings. It accepted, with the benefit of hindsight, that there was an element of unintended carelessness in respect of its systems, but no wilful or flagrant disregard for regulatory requirements, complete absence of systems or deliberateness.

[27] I accept that may be the case but when regard is had to the catalogue of systemic failures detailed in the Prosecutor's submissions, Silver Fern's ammonia management systems and procedures can only be described as - and I use a number of terms - totally inadequate; careless in the extreme; an accident waiting to happen and reckless. I have no doubt that its failures were not deliberate in the sense that it made a conscious decision to have inadequate systems in place but that was the reality. I concur with the Prosecutor's submission that Silver Fern's culpability for what happened was at the very highest level.

[28] That brings me to the matter of deterrence. Silver Fern is in the business of cooling and freezing meat. That involves the use of ammonia in quantities which every moderately sensible adult person will be aware must be handled with the utmost care. Silver Fern failed miserably in that regard and severe environmental consequences followed. The Court frequently comments that persons and companies in business can reasonably be expected to comply with best practice and penalties should be set at levels which deter them and others from doing otherwise. Deterrence is an important factor in my consideration for that reason.

[29] Finally, I turn to the matter of comparable cases. Section 8(e) of the Sentencing Act records the desirability of consistency of sentencing for similar offenders committing similar offences in similar circumstances. Counsel cited various decisions to me but none of them are on all fours with the circumstances of this case. Two of the cases quoted were the *Jenners* and *Emergent Cold* decisions. Penalty starting points of \$180,000 were adopted in both of those cases.

[30] On pages 21 to 23 of the Council’s submissions there is a table comparing the circumstances of the three cases which I will also incorporate into this decision.

<i>Jenners</i>	<i>Emergent Cold</i>	<i>Silver Fern Farms</i>
<p>The stacking of the containers in <i>Jenners</i> was on the initiative of a junior employee and handling or storing hazardous goods was a minor part of the <i>Jenners</i> business.</p>	<p>The purging of the tank was not the normal part of the operation of the cold storage business.</p>	<p>The storage of a significant quantity of ammonia is a central and critical aspect of the everyday business of Silver Fern Farms. The greatest of care should have been taken so there was no risk to the adjacent Stream and to the nearby Hawera township.</p> <p>Accidental ammonia releases to air are a high-frequency event in the refrigeration industry with potentially severe if not fatal consequences.</p>
<p>The container toppled over in the early hours of the morning. The discharge was accidental.</p> <p>Court found offence was at worst end of the scale of negligent behaviour.</p>	<p>The purging operation was undertaken over about five hours during which time there had been a strong ammonia smell and it was apparent that an overflow was occurring.</p> <p>Higher degree of fault than in <i>Jenners</i>.</p>	<p>The systemic failures of Silver Fern Farms are numerous and that puts its culpability at the very highest level.</p> <p>-The mistake made by the Silver Fern Farms engineer was accidental but was the direct result of difficulties due to poor systems.</p> <p>Silver Fern Farms did not have systems in place to deal with an emergency scenario:</p> <p>-The discharge could have been limited to less than 200 kgs if correct isolation had been implemented.</p> <p>-It did not have system to collect and retain all water applied to ammonia cloud in event of emergency.</p>

<i>Jenners</i>	<i>Emergent Cold</i>	<i>Silver Fern Farms</i>
<p>-Discharge caused actual significant adverse effects to 900 metres of freshwater and inter-tidal zone and approximately 3.5 km of estuarine environment.</p> <p>-At the time of sentencing, testing showed recovery.</p> <p>-Potential for contaminated sediment to become airborne once dry, in which case it would pose a further risk to humans, given that it is an irritant to the eyes, airways and skin.</p>	<p>-Discharge had a direct and devastating effect on aquatic life in the creek over a distance of five kilometres or so.</p> <p>-No long-term adverse effects to vegetation or food sources and it was considered the fish stocks would replenish over time.</p>	<p>-The lethal effects on the Stream and the extent of that effect over a distance of 13.4 kilometres.</p> <p>-Expected that fish deaths did occur in the River.</p> <p>-Will take several decades for the fish community to resemble what was once present in terms of age class, abundance, and the overall contribution to recruitment made by fish in the Stream.</p> <p>- Fish kill incident was undoubtedly significant, being likely one of the worst recorded single point discharge freshwater fish kill events in New Zealand's history in terms of numbers of fish killed. This significant loss of fish will have wider effects outside of the Reach and Secondary Reach in the form of decreased future recruitment, likely for the River catchment and for other New Zealand catchments and the marine environment due to the diadromous nature of many of these fish.</p> <p>-Cultural significance of the Stream and the River.</p> <p>-Impact on Fonterra from water intake from Tangahoe River.</p> <p>-Potential for extremely significant adverse effects on Hawera township. The huge scale of the discharge of ammonia to air.</p>

[31] I concur with the distinctions which Ms de Silva has identified. I find that extent of systemic failures and extreme carelessness on Silver Fern's part combined with the widespread extent of adverse effects of these two discharges make the offending in this case more serious than the levels of offending in *Jenners* and *Emergent* by several degrees of magnitude.

[32] For the sake of completeness, I refer to two other comparative cases: *Maritime New Zealand v Daina Shipping Company*; and *Manawatu-Wanganui Regional Council v Ruapehu Alpine Lifts Ltd*.²

[33] *Daina Shipping* is the *Rena* case which was described in the sentencing notes as "New Zealand's worst maritime environmental disaster." A starting point of \$450,000 was adopted in that case. Regrettably, the sentencing notes in *Rena* do not enable any meaningful comparison to be made as to the extent of failures which caused the *Rena* to ground. The issue of culpability is right up front for me in this current case and I am struggling to compare that with the *Rena* sentencing notes. The environmental effects in *Rena* were not described in any detail, but I understand were extreme and even greater than what is before the Court today.

[34] In *Ruapehu Alpine Lifts*, a starting point of \$375,000 was adopted. That was the case of discharge of diesel into the Makotuku Stream from the Turoa Ski Field. The discharge was caused by a hose in the ski field fuel delivery system becoming detached. Although there were systemic failures on the defendant's part in that case relating to culpability, those failures do not begin to approach the number and seriousness of failures on Silver Fern's part in this instance. There were effects on wildlife, on the mountain, the community and Māori in the *Ruapehu Alpine Lifts* case which were severe.

[35] I think that the degree of culpability in this current case, is again greater than *Ruapehu Alpine Lifts* by many degrees of magnitude. The community environmental effects were probably more significant in *Ruapehu Alpine Lifts* but effects on stream

² *Maritime New Zealand v Daina Shipping Company* DC Tauranga CRI 2012-070-1872, 26 October 2012; and *Manawatu-Wanganui Regional Council v Ruapehu Alpine Lifts Ltd* [2015] DCR 55, (2014) 18 ELRNZ 68.

life which occurred in this case were much greater than those that were identified in that case.

[36] I have weighed all of those matters in my considerations. Having done so, I have reached the decision that the appropriate starting point for penalty should be the global sum of \$450,000. I am conscious that was the starting point in the *Daina Shipping* case where I understand the environmental effects were considerably worse than here but I am unable to make any meaningful comparison in terms of culpability. Culpability is at the highest level here and I note that *Daina Shipping* was somewhere in the order of 10 years ago and there has been a certain inflationary effect in sentencing as time has marched on.

[37] Ultimately the factors which have led me to the figure I have adopted are these:

- \$450,000 is 75 per cent of maximum for one charge;
- It marks the seriousness of the offending having regard to culpability and effects but leaves head room for cases of even more seriousness which might warrant higher or maximum penalties;
- Although I have approached sentence on a global basis, it should be recognised that the offending involved two separate offences, one being the discharge to air of a dangerous gas with the potential for high adverse effect and the second being ammonia saturated water which had devastating consequences both to wildlife and in a cultural sense;
- The seriousness of the consequences on fish life in the 13 plus kilometres of stream in particular, being described as likely one of the worst recorded discharge freshwater kills in New Zealand history in terms of numbers killed;
- The extremely high degree of culpability I have identified;

- The need for deterrence from bad practice to ensure that those in the business of handling substances which might potentially harm the environment do so in accordance with best practice;
- Finally, the cultural insult of the discharge to Ngāti Ruanui.

I put all those factors into the mix and that has led me to the conclusion I have reached.

[38] Silver Fern has a number of previous convictions, including one for Resource Management Act offending some 12 to 13 years ago, at a level of seriousness which pales in comparison to this offending. I am not going to increase starting point for that previous offence but obviously the Defendant receives no credit for past good character.

[39] Mr Williams has detailed a series of improvements in its plants across the country which Silver Fern has initiated costing some millions of dollars. This includes a new stormwater system at Hawera which will prevent future discharges and, as I have observed, would have done so had it been in place in February 2020. I give no credit for that. These upgrades fall into the category of putting things into the order they should have been in the first place recognised by Miller J in the *Thurston* case.³

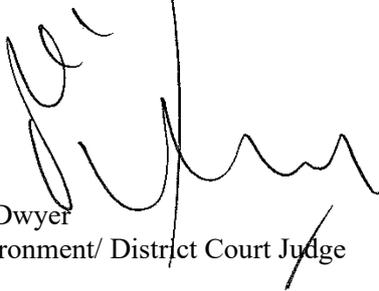
[40] I note the company's intention to participate in a Tawhiti Stream enhancement plan, but also note the Council's reservations as to the sufficiency of any benefits which might result from this and Ngāti Ruanui's advice that the proposed plan does not satisfy their intentions in that regard. I am not going to give any further credit for that nor for co-operation which should be given in the event of any serious discharge.

[41] I am going to reduce starting point by 25 per cent for prompt guilty pleas. That gives a final penalty figure from the starting point of \$450,000 of \$337,500 which I will divide equally between the two charges.

³ *Thurston v Manawatu-Wanganui Regional Council* HC Palmerston North CRI-2009-454-25, 27 August 2010.

[42] I record that counsel has not raised any issues of the Defendant's financial capacity. Accordingly I determine as follows:

- On the charge contained in charging document ending 0083, Silver Fern Farms Ltd is fined the sum of \$168,750;
- On the charge contained in charging document ending 0084, Silver Fern Farms Ltd is also fined the sum of \$168,750;
- 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. Pursuant to s 342 of the 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/ District Court Judge



In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Consents and Regulatory Committee Meeting on Tuesday 27 April 2021 for the following reason/s:

Item 6 - Confirmation of Minutes – 16 March 2021

THAT the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.