



AGENDA

Consents & Regulatory

Tuesday 15 March 2022, 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.

COVID-19

Under the Red Traffic Light Setting we are encouraging any meetings to be held virtually. If you have to attend a meeting in person, all visitors are to hold a current vaccine pass. If you are sick, please use the remote options to attend any meetings.

Consents and Regulatory Committee

15 March 2022 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
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!



Date 15 March 2022

Subject: **Confirmation of Minutes - 1 February 2022**

Approved by: A J Matthews, Director - Environment Quality
S J Ruru, Chief Executive

Document: 3007526

Recommendations

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 meeting of the Taranaki Regional Council held at the Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford on Tuesday 1 February 2022 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Monday 21 February 2022.

Matters arising

Appendices/Attachments

Document 2976831: Minutes Consents and Regulatory Committee - 1 February 2022.



Date 1 February 2022, 9.30am

Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford

Document: 2976831

Members	Councillor	C S Williamson	Meeting Chair* <i>Zoom</i>
	Councillor	D L Lean	<i>Zoom</i>
	Councillor	M J Cloke	<i>Zoom</i>
	Councillor	M G Davey	<i>Zoom</i>
	Councillor	C L Littlewood	
	Councillor	D H McIntyre	
	Councillor	D N MacLeod	ex officio
	Councillor	M P Joyce	<i>Zoom</i>
Representative			
Members	Mr	K Holswich	Iwi Representative <i>Zoom</i>
	Mr	M Ritai	Iwi Representative <i>Zoom</i>
	Ms	E Bailey	Iwi Representative <i>Zoom</i>
Attending			
	Mr	S J Ruru	Chief Executive
	Ms	A J Matthews	Director - Environment Quality
	Mr	A D McLay	Director - Resource Management
	Mr	B Pope	Compliance Manager
	Ms	J Allen	Consents Manager
	Ms	V McKay	Manager - Environmental Assurance
	Mr	R Phipps	Manager - Science & Technology <i>Zoom</i>
	Miss	L Davidson	Executive Assistant
	Miss	R S Sweeney	Governance Administrator
	<i>One member of the media Robin Martin, Radio New Zealand via zoom.</i>		

*Due to technological difficulties, Councillor C S Williamson chaired the Consents & Regulatory Committee Meeting for 1 February 2022.

Opening Karakia The meeting opened with a group karakia.

Apologies An apology was received and sustained from Councillor E D Van Der Leden.

Notification of Late Items There were no late items.

1. Confirmation of Minutes – 23 November 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 at the Taranaki Regional Council, 47 Cloten Road, Stratford on 23 November 2021 at 9.30am.
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 14 December 2021.
McIntyre/Littlewood

Matters arising

There were no matters arising.

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

- 2.1 Ms J Allen, Consents Manager, spoke to the memorandum to advise the Council of consents granted, consents under application and of consent processing actions since the last meeting.
- 2.2 Attention was drawn to the comments provided to show iwi input to the consents process that members had requested some time ago.
- 2.3 Councillor D N McIntyre declared an interest to items relating to multiple consents.
- 2.4 Councillor M P Joyce declared an interest in items relating to page 22, R2/10962-1.0 MP & VMJ Joyce Trust Partnerships.

Recommended

That the Taranaki Regional Council:

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

3. Consent Monitoring Annual Reports

- 3.1 Ms V McKay, Manager – Environmental Assurance, spoke to advise the Council of 14 tailored compliance monitoring reports that have been prepared since the last meeting.
- 3.2 Ms E Bailey made some suggestions to improve the quality of the storm water drainage and vehicle impact on grass at the Urenui and Onaero campgrounds.

Recommended

That the Taranaki Regional Council:

- a) receives the 21-11 DH Lepper Trust (Piggery) Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein

- b) receives the 21-12 STDC Water Supplies Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- c) receives the 21-26 NPDC Urenui and Onaero Beach Camps Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- d) receives the 21-30 Concrete Batching Plants Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- e) receives the 21-31 Hickman JD 1997 Family Trust Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- f) receives the 21-39 Greymouth Petroleum Ltd Northern Sites Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- g) receives the 21-41 Todd Petroleum McKee Mangahewa Production Station Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- h) receives the 21-45 Lower Waiwhakaiho Airshed Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- i) receives the 21-52 STDC Coastal Structure Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- j) receives the 21-53 Greymouth Petroleum Ltd Deep Well Injection Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- k) receives the 21-58 Ballance Agri-Nutrients (Kapuni) Ltd Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- l) receives the 21-67 STDC Closed Landfills Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- m) receives the 21-68 Candyman Trust Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- n) receives the 21-69 Westown Haulage Cowling Road Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein.

Lean/Littlewood

4. Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 29 October 2021 to 11 January 2022

- 4.1 Mr B Pope, Compliance Manager, spoke to the memorandum to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 29 October to 11 January 2022.
- 4.2 Councillor M G Davey declared an interest relating to Ravensdown.
- 4.3 Mr B Pope, Compliance Manager, gave an update on Taranaki By-Products, where there was a significant fire over the New Year period which has resulted in extensive damage to the exterior of the building. There is a strategy for the disposal of waste product in place which involves redirection to other facilities for the next 6 months.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 29 October 2021 to 11 January 2022
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 29 October 2021 to 11 January 2022, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Williamson/Lean

There being no further business the Committee Chairman, Councillor C S Williamson, declared the public meeting of the Consents and Regulatory Committee closed at 10am.

Confirmed

**Consents and Regulatory
Committee Chairperson:**_____

**D L Lean
15 March 2022**



Date: 15 March 2022

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: 3008585

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.

Legal considerations

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

Appendices/Attachments

Document 3008563: List of non-notified consents

Document 3008579: Schedule of non-notified consents

Document 3009782: Consents processing charts for Agenda

**Non-notified authorisations issued by the Taranaki Regional Council
between 24 Jan 2022 and 03 Mar 2022**

Discharge Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/0569-4.1	Apopsis Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0643-3.0	AW Brocklehurst Trust	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2304-3.0	Hutiwai Valley Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2625-3.0	D Moore Fencing Contractors Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3438-3.0	Hickman & Havering Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/6841-2.0	Basil & Diana Williams	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/6863-2.0	Train Co Limited	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/10942-1.0	Panda Development Limited	Land - Stormwater	Property Development		Subdivision	New
R2/10978-1.0	PKW Miraka Hipi Limited Partnership	Land - Animal Waste	Agriculture	Farming - Sheep	Effluent disposal	New
R2/10979-1.0	PKW Miraka Hipi Limited Partnership	Land - Animal Waste	Agriculture	Farming - Sheep	Effluent disposal	New
Land Use Consent						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/6173-2.0	New Plymouth District Council	Structure - Culvert	Local Government	Transport	Roading	Replace
R2/10969-1.1	Allan & Beverly Eichstaedt	Structure - Bridge	Agriculture	Farming - Dairy	Access	New
R2/10970-1.0	Stratford District Council	Structure - Culvert	Local Government		Access	New
R2/10986-1.0	NRGE Farms Limited	Structure - Culvert	Agriculture	Farming - Drystock	Access	New
R2/10992-1.0	Shaun James Bloemen	Structure - Culvert	Property Development		Access	New

Non-notified authorisations issued by the Taranaki Regional Council between 24 Jan 2022 and 03 Mar 2022

[R2/0569-4.1](#)

Apopsis Trust

Commencement Date: 08 Feb 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Non-complying

Location: 229 Cross Road, Te Popo

To discharge farm dairy effluent onto land

Application Purpose: Replace

Rohe:

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence has been received.

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence has been received.

[R2/0643-3.0](#)

AW Brocklehurst Trust

Commencement Date: 08 Feb 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Controlled

Location: Bristol Road, Waitui

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 Mangaone Stream

Application Purpose: Replace

Rohe:

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

No response or commentary was received at time of granting.

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence has been received.

**Non-notified authorisations issued by the Taranaki Regional Council
between 24 Jan 2022 and 03 Mar 2022**

[R2/10942-1.0](#)

Panda Development Limited

Commencement Date: 23 Feb 2022

Expiry Date: 01 Jun 2025

Review Dates:

Activity Class: Controlled

Location: 70-74 Turuturu Road, Turuturu

Application Purpose: New

To discharge stormwater and sediment associated with earthworks onto land that may reach water

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Written approval was provided in support of the proposed activity and application.

Initially, Ngāti Ruanui did not agree with the proposed activity proceeding without a Cultural Impact Assessment. As a result, Te Rūnanga o Ngāti Ruanui Trust were considered an affected party under s.95B of the Resource Management Act, meaning the applicant was therefore required to gain written approval in order for the application to be processed non-notified.

Council worked collaboratively with the applicant, and recommended Draft conditions which included the requirement for cultural monitoring. Te Rūnanga o Ngāti Ruanui Trust accepted the draft conditions and provided written approval for the activity.

**Non-notified authorisations issued by the Taranaki Regional Council
between 24 Jan 2022 and 03 Mar 2022**

[R2/10969-1.1](#)

Allan & Beverly Eichstaedt

Commencement Date: 21 Feb 2022

Expiry Date: 01 Jun 2038

Review Dates: Jun 2026, Jun 2032

Activity Class: Discretionary

Location: 24 Windsor Road, Inglewood

Application Purpose: New

To construct and use a bridge over the Waiongana Stream

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received.

1. *Any discharge of dairy farm effluent from the bridge shall be located more than 25 metres from the Waiongana (noting that any discharge closer to the waterway will require an additional resource consent under rule 35 of the RVFP)*
2. *Conditions of consent shall be applied in accordance with section 108 of the Resource Management Act 1991 to ensure:*
 - *The bridge is maintained to a suitable standard during its useful life, including any mechanisms (e.g. metal guards) which ensure effluent from the bridge runs off and is discharged at least 25 metres away from the waterway.*
 - *That the structure is removed at the end of its useful life.*
3. *Provision for cultural monitoring of all earthworks and construction of the bridge shall be secured as a condition of consent in accordance with section 108 of the Resource Management Act 1991*
4. *Any vegetation disturbed, damaged or removed during construction works shall be replaced with site-specific native plants (eco-sourced where possible).*
5. *Adequate silt and sediment control measures shall be in place to minimise runoff to waterways during the construction of the proposed bridge – noting that a silt control plan has been submitted with the application.*
6. *Best practise techniques shall be used during destruction to minimise any disturbance to the stream bed and any adverse effects on the waterway – it is understood that any works will be undertaken from the flat land above the stream bank using a long arm excavator*
7. *Pukerangiora and Te Kotahitanga o Te Atiawa Trust shall be identified as affected parties in accordance with Section 95E of the Resource Management Act 1991*

Response and considerations during processing of application

Provided below is a response to the comments, which hopefully provides a better understanding of the Taranaki Regional Council's position and steps which were taken during the assessment of this application.

It is important to note how valuable and appreciated these comments are, particularly gaining more insight into the policies and objectives within management plans.

Non-notified authorisations issued by the Taranaki Regional Council between 24 Jan 2022 and 03 Mar 2022

1. Rule 35 of the RFWP is not applicable to this proposal. Rule 35 is intended to provide for effluent discharged to land from effluent collected in a stored capacity, as opposed to that resulting from stock travelling near waterways. The applicant has demonstrated that the design of the bridge and contours of the land would ensure effluent does not enter the Waiongana Stream and is discharged to land 10 m away from the stream bank edge. A condition will be recommended to ensure that effluent from livestock crossing the bridge will not enter the Waiongana Stream avoiding the degradation of water quality.
2. A condition will be recommended to ensure that the bridge is maintained so that it functions to the standard to which has been proposed in this application. No effect has been identified that would warrant the requirement for the bridge to be decommissioned at the end of its purposeful life should this occur prior to the expiry of this consent.
3. Silt and sediment controls have been proposed that would mitigate any potential adverse effect of sediment entering and degrading water quality. This will be conditioned.
4. The re-planting of vegetation with site-specific native trees, where it would be removed for construction purposes has been proposed, mitigating the adverse effect of the proposal on ecology. This will be conditioned.
5. A condition will be recommended to ensure all practicable steps are taken to minimise stream bed disturbance, sedimentation and increased turbidity during installation of the bridge to mitigate adverse effects on ecosystem health.

[R2/10970-1.0](#)

Stratford District Council

Commencement Date: 10 Feb 2022

Expiry Date: 01 Jun 2041

Review Dates: Jun 2029, Jun 2035

Activity Class: Discretionary

Location: Road reserve, Manaia Road,
Kaponga

Application Purpose: New

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

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

CE & MJ Matthews

Taranaki Regional Council

Te Korowai o Ngāruahine Trust

Consulted by applicant.

Consulted by applicant.

No return correspondence has been received.

**Non-notified authorisations issued by the Taranaki Regional Council
between 24 Jan 2022 and 03 Mar 2022**

[R2/10978-1.0](#)

PKW Miraka Hipi Limited Partnership

Commencement Date: 25 Jan 2022

Expiry Date: 01 Dec 2047

Review Dates: Jun 2029, Jun 2035, Jun 2041

Activity Class: Controlled

Location: 405 Mawhitiwhiti Road, Okaiawa
To discharge farm dairy effluent onto land

Application Purpose: New

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received.

Comments from Te Korowai

There has been no consultation or communication from the applicant. As this is a new consent, our expectation is that we are consulted on our views before the application is lodged.

The activity has the potential to impact on the Waingongoro River itself but also the unnamed tributary located on the block south of the river. These impacts are predicted to be less than the current use of the land for intensive dairy farming.

Te Korowai is supportive of this alternative land use. Diversification of dairy manufacturing is a positive move toward reducing both emissions from the sector and adverse effects on water quality for the Waingongoro River.

Te Korowai would like to ensure that the maximum possible protection is afforded to the Waingongoro River and its tributaries. We suggest fencing and planting the tributary in the south block to a minimum of 5 metres.

If there are any piped reaches on the tributary, we would like to see this day lighted according to best international practice.

We would like the applicant to provide evidence of their Riparian Management Plan (if applicable). This will assist us in assessing the potential impacts of the discharge activity.

Response and considerations during processing of application

Provided below is a response to the comments, which hopefully provides a better understanding of the Taranaki Regional Council's position and steps which were taken during the assessment of this application. Council also considers the diversification of dairy processes as a positive move toward reducing adverse effects on water quality. The Council agrees with Te Korowai and continues to recommend to consent holders they should talk to anyone who may be adversely affected by their proposed project or who may have an interest in the environment prior to preparing an application for resource consent.

It is important to note how valuable and appreciated these comments are, particularly gaining more insight into the policies and objectives within management plans.

Non-notified authorisations issued by the Taranaki Regional Council between 24 Jan 2022 and 03 Mar 2022

As you are aware, almost every application for a farming dairy effluent consent received for a controlled activity under Rule 36 of the RFWP. The Council must have regard to the NPS-FM, the RPS as well as the RFWP when considering a resource consent application. If an activity is described as a controlled activity, Council must grant a resource consent, and the power to impose conditions on the consent is restricted to the matters over which control is reserved (sections 87A and 104A of the Resource Management Act). Rules 35 and 36 of the RFWP do not include any matters of control that expressly allow for the consideration of matters such as those expressed in the NPS-FM objective. Given that the Council can only consider policies that relate to the matters over which the Council has reserved control through the plan itself, the Council is unable to take into account matters that fall outside this scope.

[R2/10979-1.0](#)

PKW Miraka Hipi Limited Partnership

Commencement Date: 25 Jan 2022

Expiry Date: 01 Dec 2047

Review Dates: Jun 2029, Jun 2035, Jun 2041

Activity Class: Non-complying

Location: 236 Normanby Road, Okaiawa
To discharge farm dairy effluent onto land

Application Purpose: New

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received.

Comments from Te Korowai

There has been no consultation or communication from the applicant. As this is a new consent, our expectation is that we are consulted on our views before the application is lodged.

The activity has the potential to impact on the Waingongoro River itself but also the unnamed tributary located on the block south of the river. These impacts are predicted to be less than the current use of the land for intensive dairy farming.

Te Korowai is supportive of this alternative land use. Diversification of dairy manufacturing is a positive move toward reducing both emissions from the sector and adverse effects on water quality for the Waingongoro River.

Te Korowai would like to ensure that the maximum possible protection is afforded to the Waingongoro River and its tributaries. We suggest fencing and planting the tributary in the south block to a minimum of 5 metres.

If there are any piped reaches on the tributary, we would like to see this day lighted according to best international practice.

We would like the applicant to provide evidence of their Riparian Management Plan (if applicable). This will assist us in assessing the potential impacts of the discharge activity.

Non-notified authorisations issued by the Taranaki Regional Council between 24 Jan 2022 and 03 Mar 2022

Response and considerations during processing of application

The Council agrees with Te Korowai and continues to recommend to consent holders they should talk to anyone who may be adversely affected by their proposed project or who may have an interest in the environment prior to preparing an application for resource consent.

It is important to note how valuable and appreciated these comments are, particularly gaining more insight into the policies and objectives within management plans. Council also considers the diversification of dairy processes as a positive move toward reducing adverse effects on water quality.

[R2/10986-1.0](#)

NRGE Farms Limited

Commencement Date: 01 Feb 2022

Expiry Date: 01 Jun 2036

Review Dates: Jun 2024, Jun 2030

Activity Class: Discretionary

Location: 1061 Kaweora Road, Opunake

Application Purpose: New

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

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

No return correspondence has been received.

**Non-notified authorisations issued by the Taranaki Regional Council
between 24 Jan 2022 and 03 Mar 2022**

[R2/10992-1.0](#)

Shaun James Bloemen

Commencement Date: 25 Feb 2022

Expiry Date: 01 Jun 2040

Review Dates: Jun 2028, Jun 2034

Activity Class: Discretionary

Location: 66 Flint Road, Stratford

Application Purpose: New

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

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust No return correspondence was received.

Te Rūnanga o Ngāti Ruanui Trust No return correspondence was received.

Te Korowai o Ngāruahine Trust Response received.

Te Korowai o Ngāruahine Trust (Te Korowai) provided a comment on this application. Their comments are generally supportive of the application and are as follows:

- *Te Korowai appreciates the comments given by the Taranaki Regional Councils River officer Matt Cathie. We expect the applicant to implement his comments for the structure of the culvert being a chapter thickness of 1.15m and extent of 4m upstream and 5m downstream for erosion protection and fish passage.*
- *In assessing this application, Te Korowai expects TRC to identify whether the proposed culvert:*
 - a. *Provides passage for any desired fish species; and*
 - b. *Prevents, or could prevent, passage for any undesired fish species.*
- *TRC should also identify whether this stream is a receiving environment for any desired or undesired fish species as per clause 3.26 of the National Policy Statement for Freshwater Management 2020.*
- *The applicant may wish to consider approaching the Department of Conservation or Fish and Game NZ to ensure that adequate fish passage is maintained or improved for desired fish species.*

Response and considerations during processing of application

Kia ora Dion,

Thank you very much for your comments regarding resource consent application 10992-1, an application to a culvert in an unnamed tributary of the Kahouri Stream. The officers' report has been written and is soon to be signed off by Councils decision maker. I will be recommending that the consent be granted subject to the conditions. This decision and the conditions recommended have been informed by comments from Ngāruahine, Council Rivers Officer, Matt Cathie, and Council Freshwater Scientist, Brennan Mahoney.

Non-notified authorisations issued by the Taranaki Regional Council between 24 Jan 2022 and 03 Mar 2022

I believe the concerns you have raised regarding the application have been addressed in the conditions below, specifically conditions 8, 13 and 18. Our Council Freshwater Biologist, Brennan Mahoney, has confirmed that the proposed culvert will not impede fish passage and has raised no concerns regarding its effects on the ecological health of the stream. The conditions are as follow:

- *The inlet and outlet of the pipe shall be rock armoured. This armouring should cover the width of the bed and extend up the banks of the channel. It is recommended that this extends 5 metres downstream and 4 metres upstream. This should have a chapter thickness of 1.15 metres and be of the following grading;*
 - *100% less than 750 mm;*
 - *50% greater than 550 mm;*
 - *90% greater than 300 mm.*
- *The culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert.*
- *The culvert must provide for continuity of geomorphic processes (such as the movement of sediment and debris).*

Please let me know if you would like to see any changes to the conditions, I am open to any other feedback.

In summary:

- *A condition was recommended to ensure that the rock armouring recommended by Matt Cathie and proposed by the applicant, is installed and retained by the consent holder.*
 - *A conditions was recommended to ensure that the culvert provides for the same passage of fish upstream and downstream as would exist without the culvert.*
 - *Councils Freshwater Scientist, Brennan Mahoney, has confirmed that the culvert design will provide for the same fish passage up and down stream as that which would exist if the culvert was not there and that fish passage as a result of the proposal would not be impeded.*
-

**Non-notified authorisations issued by the Taranaki Regional Council
between 24 Jan 2022 and 03 Mar 2022**

[R2/2304-3.0](#)

Hutiwai Valley Trust

Commencement Date: 11 Feb 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Controlled

Location: 272 Hutiwai Road, Tongaporutu
To discharge farm dairy effluent onto land

Application Purpose: Replace

Rohe:

Ngāti Tama

Engagement or consultation:

Te Rūnanga o Ngāti Tama

No return correspondence has been received.

[R2/2625-3.0](#)

D Moore Fencing Contractors Limited

Commencement Date: 03 Mar 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Controlled

Location: 158 Kaimata Road South, Kaimata
To discharge farm dairy effluent onto land

Application Purpose: Replace

Rohe:

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence has been received.

Te Kotahitanga o Te Atiawa Trust

Response received.

Comments from Te Kotahitanga

Thank you for providing a copy of the application. The application site is in the Pukerangiora Hapū rohe and adjoins and contains tributaries of the Manganui River. The Manganui River and its tributaries are identified as areas subject to statutory acknowledgement in the Te Atiawa Claims Settlement Act 2016. Statutory acknowledgements are formal recognition of the traditional, historical, cultural, and spiritual association with the identified areas.

We have aligned the application with the Te Atiawa Iwi Environmental Management Plan – Tai Whenua, Tai Tangata, Tai Ao and provide the following comments:

Non-notified authorisations issued by the Taranaki Regional Council between 24 Jan 2022 and 03 Mar 2022

- *The proposed discharge to land is generally consistent with the objectives and policies set out in the Te Tai Awhi Nuku Inland and Coastal Whenua for intensive farming and discharges to land (Ob. TTAN1.1, Pol. TTAN1.1, 1.2, 1.8 Ob. TTAN9.1, Pol. TTAN9.1, 9.3, 9.4)*
- *We require regular soil, groundwater and surface water monitoring in proximity to the discharge to be incorporated as a condition of consent. If the regular monitoring determines that contaminants are accumulating in the soil and water, affecting the mauri of the water and soil, then the discharge shall cease until this is rectified (Pol. TTAN1.7, 9.3 and 9.4). This shall be incorporated as a condition of consent*
- *Point source discharges of contaminants to water, and to land where the contaminants may enter the water shall be avoided (Pol. TTOM3.3)*
- *We require consented discharges to land to be managed and monitored appropriately. This includes: avoiding over-saturation and nutrient loading; requiring adequate setback distances from waterways; and requiring the planting of site-specific native plant species along the margins of waterways (Pol. TTOM3.4)*
- *The application was lacking, making an informed review difficult. The Part 2 of the Resource Management Act 1991 assessment is lacking – we consider Sections 6(e), 7(a) and 8 to be most relevant in this case; no assessment against the relevant provisions of the National Policy Statement for Freshwater 2020, the Regional Policy Statement for Taranaki, and the Regional Freshwater is provided; no assessment against the relevant provision of Tai Whenua, Tai Tangata, Tai Ao is provided*

We recommend:

1. *Pukerangiora Hapū and Te Kotahitanga o Te Atiawa Trust are identified as affected parties under Section 95E of the Resource Management Act*
2. *Conditions of consent shall be applied in line with the response provided above*

Response and considerations during processing of application

Provided below is a response to the comments, which hopefully provides a better understanding of the Taranaki Regional Council's position and steps which were taken during the assessment of this application.

It is important to note how valuable and appreciated these comments are, particularly gaining more insight into the policies and objectives within management plans.

The National Policy Statement for Freshwater Management (NPS-FM).

The NPS-FM contains a hierarchy of obligations (as expressed in the objective of the NPS-FM) that the Council must have regard to in its assessment of the effects of a proposed activity for which resource consent is sought. This means as part of its assessment of an application, the Council must consider whether a proposed activity will:

- *first, prioritise the health and well-being of a particular water body/freshwater ecosystem*
- *second, the health and needs of people and*
- *third, the ability of people and communities to provide for their social, economic and cultural well-being.*

Similarly, the Council must have regard to the objectives and policies of the Regional Policy Statement for Taranaki (RPS) and the Regional Freshwater Plan for Taranaki (RFPW). The situation is more challenging in this case where the activity is a controlled activity.

Non-notified authorisations issued by the Taranaki Regional Council between 24 Jan 2022 and 03 Mar 2022

As you are aware, almost every application for a farming dairy effluent consent received is for a replacement of an existing activity, and a controlled activity under Rule 36 of the Regional Freshwater Plan for Taranaki. The Council must have regard to the NPS-FM, the RPS as well as the RFWP when considering a resource consent application. If an activity is described as a controlled activity, Council must grant a resource consent, and the power to impose conditions on the consent is restricted to the matters over which control is reserved (sections 87A and 104A of the Resource Management Act). Rules 35 and 36 of the RFWP do not include any matters of control that expressly allow for the consideration of matters such as those expressed in the NPS-FM objective. Given that the Council can only consider policies that relate to the matters over which the Council has reserved control through the plan itself, the Council is unable to take into account matters that fall outside this scope.

You will be aware that, with few exceptions, when a dairy consent involving a discharge to water is replaced, the Council only allows the water discharge to continue until 1 December 2022, then the only discharge allowed is to land.

In terms of the notification assessment and when deciding whether a person is an affected person, the Council is limited in terms of matters that it can take into account when determining an application for a controlled activity.

R2/3438-3.0	Commencement Date: 08 Feb 2022
Hickman & Havering Family Trust	Expiry Date: 01 Dec 2046
	Review Dates: Jun 2028, Jun 2034, Jun 2040
	Activity Class: Controlled
Location: 486 Ararata Road, Hāwera	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe:	
Ngāti Ruanui (Statutory Acknowledgement)	
Engagement or consultation:	
Te Rūnanga o Ngāti Ruanui Trust	Proposal has been read and they have no comment to make.

**Non-notified authorisations issued by the Taranaki Regional Council
between 24 Jan 2022 and 03 Mar 2022**

[R2/6173-2.0](#)

New Plymouth District Council

Commencement Date: 31 Jan 2022

Expiry Date: 01 Jun 2039

Review Dates: Jun 2027, Jun 2033

Activity Class: Discretionary

Location: Road reserve, Taramoukou Road,
Tarata

Application Purpose: Replace

To use a culvert in the Makara Stream for vehicle access purposes

Rohe:

Ngāti Mutunga

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

No return correspondence has been received.

Te Kotahitanga o Te Atiawa Trust

Response received.

Comments from Te Kotahitanga o Te Atiawa Trust

- *Ngāti Rahiri Hapū and Te Kotahitanga o Te Atiawa have not been engaged to inform the proposal. Only tangata whenua have the expertise to advise on cultural effects.*
- *Policy TTAN1.4 of Tai Whenua, Tai Tangata, Tai Ao (EMP) states culverting of statutory acknowledgement should be avoided. No assessment of the EMP has been undertaken.*
- *Regarding the definition of environment under section 2(1) of the Resource Management Act 1991, the cultural conditions are required to be considered under section 5.4 of the application form.*
- *No Part 2 of the Resource Management Act 1991 assessment provided. We consider sections 6(e), 7(a) and 8 to be most relevant.*
- *No assessment of the effects on the Statutory Acknowledgement.*
- *No assessment of the relevant objectives and policies of the Regional Freshwater Plan for Taranaki. We consider those under Issue 4 to be most relevant.*
- *No assessment of the higher order planning documents including the Regional Policy Statement for Taranaki, the National Policy Statement for Freshwater Management (NPS-FM) and the National Environmental Standards for Freshwater. The NPS-FM requires the principle of Te Mana o te Wai to be given effect to.*
- *It is considered that the renewal application will continue to have an on-going negative effect on the statutory acknowledgement and the relationship Ngāti Rahiri is able to have with their ancestral lands, waters, sites, wāhi tapu and other taonga. Whilst we appreciate the benefit the existing infrastructure provides, this is at the cost of the relationship of Ngāti Rahiri and Te Atiawa with their waters.*

Non-notified authorisations issued by the Taranaki Regional Council between 24 Jan 2022 and 03 Mar 2022

To ensure the values of Ngāti Rahiri and Te Kotahitanga o Te Atiawa are able to be provided for in this assessment, the Taranaki Regional Council must:

- 1. Request further information in accordance with section 92 of the Resource Management Act 1991 processes;*
- 2. Identify Ngāti Rahiri and Te Kotahitanga o Te Atiawa as affected parties in accordance with section 95 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

Provided below is a response to the comments, which hopefully provides a better understanding of the Taranaki Regional Council's position and steps which were taken during the assessment of this application.

It is important to note how valuable and appreciated these comments are, particularly gaining more insight into the policies and objectives within management plans.

The Council agrees with Te Kotahitanga o Te Atiawa and continues to recommend to consent holders they should talk to anyone who may be adversely affected by their proposed project or who may have an interest in the environment prior to preparing an application for resource consent.

Councils Freshwater Scientist, Paddy Deegan, has assessed the application and determined that there is a very low likelihood of this structure being a fish passage barrier or having adverse effects on the environment in its current/future state. He has no concerns regarding the application.

Council has ensured that the culvert will continue to retain fish passage and provide for continuity of geomorphic processes through recommending conditions 3 and 4 as part of the granting of this consent.

Council considers this application to be consistent with the NPS-FM based on the following assessments:

- The application is not contrary to the hierarchy of obligations in implementing Te Mana o Te Wai (section 1.3 (5a-c);*
- The culvert will not result in a loss of river value;*
- The culvert is not sited in the vicinity of a wetland; and*
- The culvert adequately provides for fish passage and does not cause an impediment to aquatic connectivity.*

As the proposal does not sit within or is adjacent to a wāhi tapu site or silent file, Council considered Te Atiawa were not an affected party under s95B and 95E-95G of the Resource Management Act.

The council has considered the objectives and policies of the relevant documents in Section 104(1)(b) and considers they were appropriately prepared to give effect to Part 2 of the Resource Management Act. As the application is consistent with those provisions, Council considered the application would achieve the purpose of the Resource Management Act as defined in Section 5, 6, 7 and 8 however agrees with Te Kotahitanga o Te Atiawa a more in depth assessment of Part 2 should have been undertaken by the applicant.

The Regional Fresh Water Plan for Taranaki supports the installation of a culvert or bridge if adverse effects, such as those resulting from restricted fish passage, interruption to fish spawning and migration, and flooding are avoided or mitigated. These requirements can be met by including reasonable conditions on any consent issued.

**Non-notified authorisations issued by the Taranaki Regional Council
between 24 Jan 2022 and 03 Mar 2022**

[R2/6841-2.0](#)

Basil & Diana Williams

Commencement Date: 26 Jan 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Controlled

Location: 366 Ratapiko Road, Ratapiko
To discharge farm dairy effluent onto land

Application Purpose: Replace

Rohe:

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence has been received.

Te Rūnanga o Ngāti Ruanui Trust

Proposal has been read and they have no comment to make.

[R2/6863-2.0](#)

Train Co Limited

Commencement Date: 28 Feb 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Location: 127 Braemore Road & 320
Mangatangi Road, Waverley

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 Kohi Stream

Rohe:

Ngaa Rauru Kiiitahi

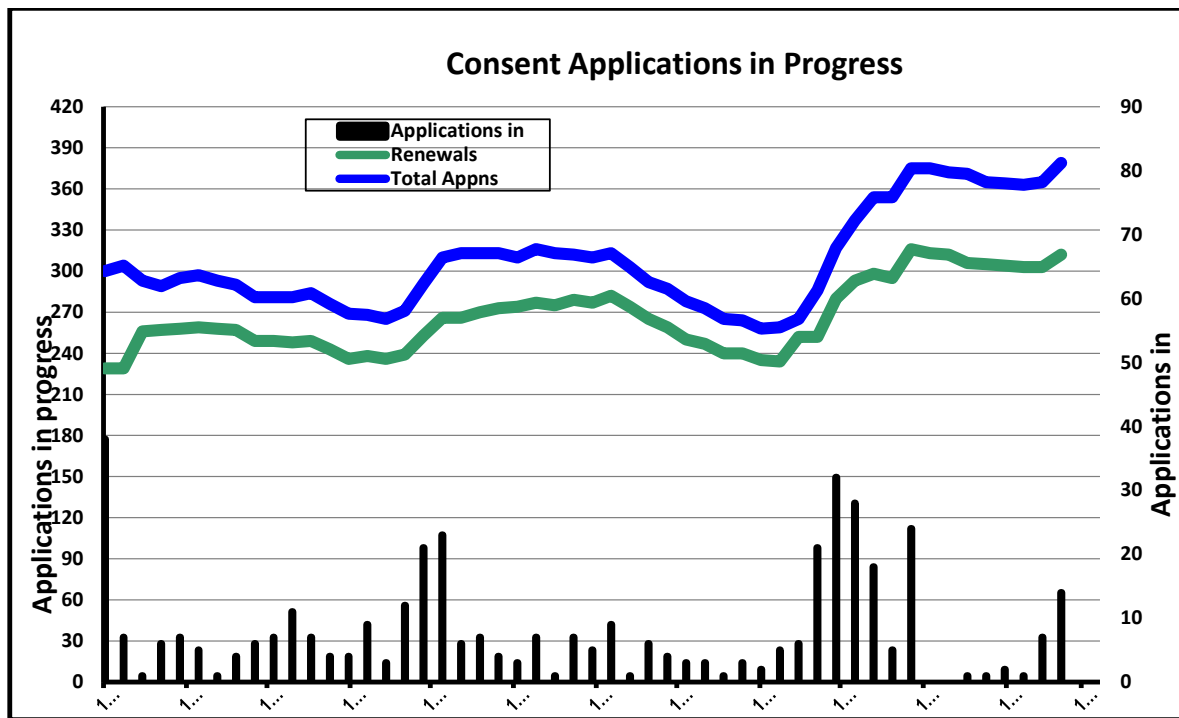
Engagement or consultation:

Te Kaahui o Rauru

No return correspondence has been received.

Consent Processing Information

1) Applications in progress



2) Month Ending

	July		Aug		Sept		Oct		Nov		Dec		Jan		Feb		Mar		Apr		May		Jun	
	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R
2021/2022	310	274	310	277	276	246	258	235	311	280	367	313	354	304	368	312								
2020/2021	196	157	187	157	221	182	221	180	263	219	257	216	262	217	300	229	297	259	293	258	271	238	312	271
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

3) Potential Hearings

Nil

4) Consents Processed (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2021/2022	17	37	87	114	123	136	152	162				
2020-2021	20	38	53	75	94	116	131	154	178	209	247	269
2019-2020	26	51	72	102	148	162	188	218	239	245	248	263

5) Breakdown of consents processed

	New	Renewal	Change	Review	Totals
2021-2022 Total (to end of February)	36	112	8	6	162
2021-2021 Total	71	148	39	11	269
2019-2020 Total	81	138	44	0	263

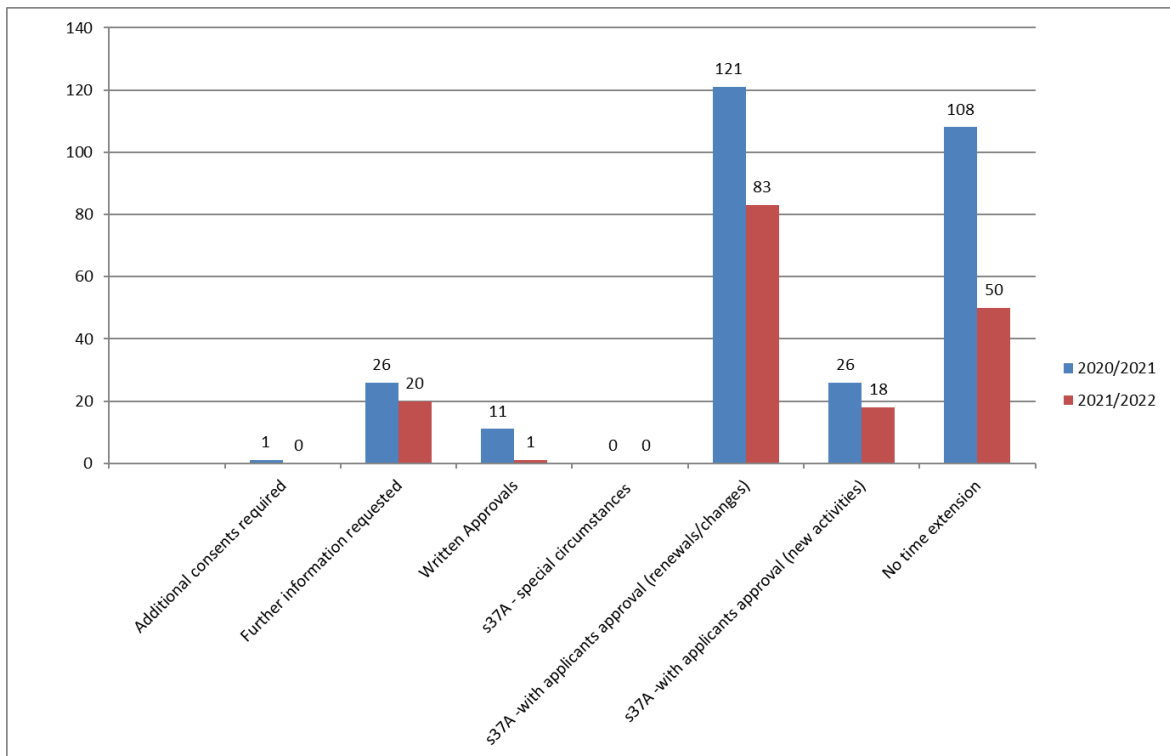
6) Types of consents issued - year to date comparison

	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		Grand Total
	Publically Notified					%		Limited					%		Non Notified					%		
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 30 June 2021	0	0	0	0	2	0.7%	2	0	1	0	0	0	0.4%	1	146	20	44	6	50	98.9%	266	269
July 2021 to February 2022	0	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%	0	109	23	9	2	19	100.0%	162	162

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

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
Councils	1	0	1
DOC	5	0	5
Environmental/Recreational Groups	2	0	2
Fish & Game	5	0	5
Individuals/Neighbours/Landowners	1	12	13
Network Utilities	0	0	0
Non Govt Organisations	0	0	0
Other Govt Departments	0	0	0
Iwi/hapu	248	1	249
Totals - February 2022	262	13	275

8) Application processing time extensions used 2020/2021 versus 2021-2022



9) Consent type process

	Last 10 year average 2011 - 2020	July 2020 to June 2021	February 2022
Total consents granted	360	269	162
Publically Notified	8	2	0
Limited-notified	12	1	0
Non-notified	342	266	162
Applications submitted on (in opposition and to be heard)	14	3	1
Application Pre-hearing resolution (%)	7 78%	1 33%	0 0%
Hearings (no. of applications)	1 (7)	2 (2)	1* (1)
Appeals (no. of applications)	1 (6)	2 (2)	0 (0)
Total current consents	4724	4503	4514
* Note: Decision is yet to be released			

10) Applications returned incomplete under Section 88

For the 2021-2022 year, 10 applications have been returned incomplete under S88 of the RMA for insufficient information. Six of those applications have since been resubmitted by the applicant.

11) Deemed Permitted Activities issued

Nil



Date 15 March 2022

Subject: **Consent Monitoring Annual Reports**

Approved by: A J Matthews, Director - Environment Quality
S J Ruru, Chief Executive

Document: 2983814

Purpose

1. The purpose of this memorandum is to advise the Council of 46 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.
 - 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. Recommendations pertaining to each site or programme are set out in the relevant report. These recommendations may include continuation of existing monitoring programmes in the case of acceptable environmental performance, or alternatively amendments as appropriate.
4. A total of 46 tailored compliance monitoring reports have been completed since the last meeting. Within the reports, overall environmental ratings assigned included 77 high, 14 good, 13 improvement required and 3 poor (Table 1). The majority of reporting for the 2020-2021 monitoring year is now complete, with a further two reports due for

completion by 30 March 2022. These will be reported to Council's next Consents and Regulatory Committee 26 April 2022.

Table 1 List of annual reports with overall environmental performance rating

Report Name	PDF Number	Performance Rating
21-05 STDC Opunake WWTP Monitoring Programme Annual Report	2941263	1 x high
21-06 STDC Kaponga Manaia Patea and Waverley WWTP's Monitoring Programme Annual Report	2972622	1 x high
21-08 Fonterra Kapuni Monitoring Programme Annual Report	2973667	1 x high
21-15 NPDC Inglewood WWTP Monitoring Programme Annual Report	2857490	1 x high
21-16 SDC Stratford WWTP Monitoring Programme Annual Report	2936400	1 x imprvmt req
21-18 New Plymouth District Council Water Supplies Monitoring Programme Annual Report	2953111	1 x high
21-19 Oaonui Water Supply Ltd Monitoring Programme Annual Report	2939926	1 x imprvmt req
21-22 Osflo Fertiliser Ltd Monitoring Programme Annual Report	2826156	1 x good
21-29 Malandra Downs Ltd Monitoring Programme Annual Report	2861769	1 x high
21-32 Tamarind New Zealand Onshore Ltd Sidewinder Production Station Monitoring Programme Annual Report	2849825	1 x high
21-36 Todd Petroleum Mining Company Ltd Kapuni Production Station Monitoring Programme Annual Report	2850912	1 x high
21-38 Greymouth Petroleum Ltd Southern Sites Monitoring Programme Annual Report	2850076	1 x high
21-50 Waste Remediation Services Ltd Waikaikai Landfarm Monitoring Programme Annual Report	2932976	1 x high
21-51 Todd Kapuni Gas Treatment Plant (KGTP) Monitoring Programme Annual Report	2953329	1 x high
21-55 Trustpower Mangorei HEP Monitoring Programme Annual Report	2949424	1 x high
21-56 Trustpower Ltd Motukawa HEP Scheme Monitoring Programme Annual Report	2896088	1 x high
21-57 Trustpower Ltd Patea HEP Scheme Monitoring Programme Annual Report	2893091	1 x imprvmt req
21-59 NPDC New Plymouth WWTP Monitoring Programme Annual Report	2973614	1 x high
21-61 Silver Fern Farms Waitotara Monitoring Programme Annual Report	2942406	1 x good
21-62 Tawhiti Catchment Monitoring Programme Annual Report	2887533	1 x high, 2 x good
21-65 Corteva Agriscience New Zealand Ltd Monitoring Programme Annual Report	2940078	1 x high
21-70 NPDC Eltham Central Landfill Baseline Monitoring Programme Annual Report	2923187	No consents have been exercised on this programme
21-71 Fonterra Whareroa Monitoring Programme Annual Report	2973536	1 x imprvmt req
21-72 Port Area Industrial Catchments (Hongihongi and Herekawe) Monitoring Programme Annual Report	2929105	9 x high, 1 x good

Report Name	PDF Number	Performance Rating
21-73 Waitaha Catchment Monitoring Programme Annual Report	2973289	10 x high, 2 x good, 1 x imprvmt req
21-74 Mangati Catchment Joint Monitoring Programme Annual Report	2972246	13 x high, 1 x good
21-75 Lower Waiwhakaiho Catchment Monitoring Programme Annual Report	2969641	9 x high, 3 x good, 1 x imprvmt req
21-76 South Taranaki District Council Hawera Municipal Oxidation Ponds Monitoring Programme Annual Report	2968074	1 x high
21-77 Regional Cleanfill Monitoring Programme Annual Report	2973731	9 x high, 1 x good, 2 x imprvmt req, 1 x poor
21-78 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report	2956141	1 x high
21-79 Waste Remediation Services (WRS) Ltd Symes Manawapou Landfarm Monitoring Programme Annual Report	2936700	1 x imprvmt req
21-80 Remediation New Zealand Ltd Waitara Road Facility Monitoring Programme Annual Report	2943757	1 x imprvmt req
21-81 Remediation New Zealand Ltd Uruti Composting Facility Monitoring Programme Annual Report	2948168	1 x poor
21-82 Contact Energy Stratford Power Station Monitoring Programme Annual Report	2970660	1 x high
21-83 New Zealand Energy Corporation DWI Monitoring Programme Annual Report	2955762	1 x high
21-84 NPDC Mangapouri Cemetery Monitoring Programme Annual Report	2956227	1 x good
21-85 Taranaki Thoroughbred Racing Monitoring Programme Annual Report	2956329	1 x high
21-87 C D Boyd Drilling Waste and Stockpiling Landfarm and Landspreading Monitoring Programme Annual Report	2965998	1 x poor
21-88 Flexgas Ltd Ahuroa B Gas Storage Facility Monitoring Programme Annual Report	2969949	1 x high
21-89 Stanley Bros Trust Piggery Monitoring Programme Annual Report	2973632	1 x imprvmt req
21-90 Todd Generation Junction Road Power Station Monitoring Programme Annual Report	2975515	1 x high
21-92 NPDC Closed and Contingency Landfills (Inglewood, Okato and Marfell Park) Monitoring Programme Annual Report	2968222	1 x high
21-93 ANZCO Eltham Ltd Monitoring Programme Annual Report	2968388	1 x good
21-94 Port Taranaki Industries Monitoring Programme Annual Report	2973562	3 x high, 1 x imprvmt req
21-95 Irrigation Water Monitoring Programme Annual Report	2977518	No rating is given for this programme
21-96 Civil Quarries Ltd - Everett Road Quarry Monitoring Programme Annual Report	2973585	1 x imprvmt req

5. For reference, in the 2020-2021 year, consent holders were found to achieve a high level of environmental performance and compliance for 835 (86%) of a total of 971 consents

monitored through the Taranaki tailored monitoring programmes, while for another 105 (11%) of the consents a good level of environmental performance and compliance was achieved. A further 26 (2.5%) of consents monitored required improvement in their performance, while the remaining five (0.5%) achieved a rating of poor (Table 2).

Table 2 Historical annual environmental and compliance performance ratings from July 2012 to June 2021. Please note that the breakdown of consents that achieved 'Improvement Required' or 'Poor' levels of environmental performance and compliance were not reported separately prior to 2017-2018

Year	High	Good	Improvement Required	Poor
2012-2013	59%	35%	6%	
2013-2014	60%	29%	11%	
2014-2015	75%	22%	3%	
2015-2016	71%	24%	5%	
2016-2017	74%	21%	5%	
2017-2018	76%	20%	3%	1%
2018-2019	83%	13%	3%	1%
2019-2020	81%	17%	2%	0%
2020-2021	86%	11%	2.5%	0.5%

6. Ministry for the Environment (MfE) Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991 recommend that councils provide regular reports to the public on compliance monitoring and enforcement activities. Council public reporting of these activities provides public transparency around how rules/policies are being enforced and how council responds to non-compliance. The Council has been providing annual compliance reports to consent holders and the public for over three decades. Copies of individual compliance reports are available on request, or via the Taranaki Regional Council website.

Recommendations

That the Taranaki Regional Council:

- a) receives 46 tailored compliance monitoring reports listed in Table 1 and notes the specific recommendations therein.

Discussion

7. During the reporting period, overall compliance with resource consent requirements remained high or good for the majority of consent holders. Detailed information around the performance of these consented activities is set out in the relevant compliance report, and the attention of Committee members is directed to the executive summary at the front of each report.
8. Individual reports which received an 'improvement required' or 'poor' rating for their overall environmental performance are summarised below. We provide an overview of

consented activities associated with each annual report, along with overall compliance performance and any enforcement action taken during the reporting year.

21-16 STDC Stratford WWTP Monitoring Programme Annual Report 2020-2021

9. The Stratford District Council (SDC) operates a municipal wastewater treatment plant (WWTP) located on Victoria Road at Stratford, in the Patea catchment. SDC holds one resource consent to discharge treated wastewater into the Patea River.
10. **During the monitoring period, STDC demonstrated that an improvement is required in their level of environmental performance and a high level of administrative performance.**
11. In recent years, improvements in SDC's maintenance programme have generally enhanced the appearance of the plant and effectively controlled any produced odour. No complaints were received in relation to the operation of the WWTP. Regular inspections indicated no immediate problems with the performance of the plant, with no overflows recorded during the monitoring year.
12. Monitoring found that wastewater and river quality was generally good at the time of the low flow summer receiving water physicochemical survey. However, spring and summer biomonitoring surveys indicated a continuation of an ecologically significant impact on macroinvertebrate health between sites upstream and downstream of the effluent point, coincident with discharges from the Stratford WWTP. The results from the initial year of monitoring periphyton also indicated that the discharge was having an effect on biomass immediately downstream. The desirability of reducing such effects within the receiving waters has been recognised for some years.
13. SDC are actively pursuing options for reducing the effects of the discharge from the WWTP upon the Patea River. This includes working to identify a solution to excess nutrients and proposes to reduce the phosphorus in the influent, via a new Trade Waste Policy and Trade Waste Bylaw. This together with implementing a Diatomix process in Pond 2, should reduce phosphorus, nitrogen and algae levels downstream.

21-19 Oaonui Water Supply Ltd Monitoring Programme Annual Report 2020-2021

14. The Oaonui Water Supply Ltd (OWSL) operates a rural water supply scheme located on Arawhata Road, Oaonui in the Oaonui catchment.
15. **During the monitoring period, Oaonui Water Supply Ltd demonstrated an overall level of environmental performance that required improvement and a high level of administrative performance.**
16. While OWSL's administrative compliance was high, an improvement was required in the level of environmental performance. Although measures introduced by OWSL have reduced the number and severity of instances, there were still 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.
17. 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.

21-57 Trustpower Ltd Patea HEP Scheme Monitoring Programme Annual Report 2020-2021

18. Trustpower Ltd (the Company) operates a hydroelectric power station (HEPS) located on the Patea River on Maben Road, near Hurleyville. Water is impounded behind the 82 m high Patea Dam to form Lake Rotorangi, then diverted through the 32 MW power station, the largest in Taranaki. The Company holds 10 resource consents: three consents to allow it to dam, take and/or use water, two consents to discharge water into the Patea River, three consents for structures associated with the scheme and two consents to discharge emissions into the air at this site.
19. **During the monitoring period, the Company demonstrated an overall improvement required level of environmental and administrative performance.**
20. Overall, the scheme operated within resource consent requirements for the vast majority of the period being reported, and the Company was fully compliant with lake levels and the rise and recession rate restrictions for the lower Patea River. Adequate residual flows within the Patea River were provided at all times.
21. There was one unauthorised incident recorded in respect of this scheme during the period under review. This was related to the provision of insufficient monitoring information in the trap and transfer annual report for lamprey related activities and the efficacy of downstream eel diversions system. An abatement notice was issued to ensure that the Company made progress with this work in the upcoming compliance period.
22. Unfortunately, issues with not completing selected surveys and meeting reporting timeframes has meant the Company has taken a step back this compliance period in terms of performance. However, at the time of writing this report the Company appears to be making the necessary steps to rectify these issues, albeit with delays.

21-71 Fonterra Whareroa Monitoring Programme Annual Report 2020-2021

23. 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, as well as a range of discharges to air, land and water.
24. **During the monitoring period, Fonterra demonstrated a level of environmental and administrative performance which required improvement.**
25. Inspections found that the site was generally maintained in a satisfactory condition. There were various wastewater leaks and infiltration issues noted during 2020-2021, with stormwater diverted to wastewater where appropriate. Routine monitoring found that, under normal plant operation, the activities at the site were not having any significant adverse impacts on the receiving environment.
26. Two incidents occurred during the year which resulted in enforcement action by Council; a skim milk spill to the ocean outfall, and high particulate emissions concentrations during stack testing. An investigation into the skim milk spill found small dairy fat globules washed up on the high tide line at Ohawe and Waihi Beaches over the next two days. Both incidents highlighted shortcomings in plant monitoring methods and process controls which have since been addressed. The skim milk spill resulted in an infringement notice and the high particulate emissions resulted in an abatement notice. Fonterra were late to provide the annual data summary report and

have not met the deadlines for four additional reports as stipulated in the associated resource consents.

27. 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 remained at a level that requires improvement.

21-73 Waitaha Catchment Monitoring Programme Annual Report 2020-2021

28. This 2020-2021 annual compliance monitoring report is the 27th report by the Taranaki Regional Council (the Council) to be prepared for the monitoring programme in the Waitaha Stream catchment. Twelve industrial premises were monitored under this programme during the year under review. A total of 17 consents were included in the monitoring programme during the 2020-2021 monitoring period. Of these, ten licence discharges to water, one licences a discharge to land, and six licence discharges to air.
29. **Overall, a good level of environmental performance was achieved by the consent holders in the industrial area of the Waitaha Stream catchment.**
30. The majority of consent holders demonstrated a high level of overall performance, including AICA (NZ) Ltd, C&O Concrete Products Ltd, Energyworks Ltd, Meredith Metals Ltd, New Plymouth District Council, Pounamu Oil Services Ltd, Symons Property Development, SRG Global Asset Services (Taranaki) Ltd, Woodward 2008 Ltd, Zalam Ltd. A good level of overall environmental performance was achieved by Greymouth Facilities Ltd, and Intergroup Ltd. However, ongoing issues with sediment controls and unauthorised discharges from the Taranaki Sawmills site required improvement in overall environmental performance.
31. During the year under review, inspections found that the sites were generally well managed, with only transient non-compliances found at some sites, the majority of which were addressed in a timely manner. The persistent issue of non-compliant levels of suspended solids was again noted in the catchment with three instances recorded during the monitoring period. There was one unauthorised discharge into the Waitaha Stream from the Taranaki Sawmill site with enforcement action taken as a result of this.
32. Council is continuously working with consent holders to apply best practice. The Council, in co-operation with New Plymouth District Council (NPDC) as the consented reticulation owners, is also educating and engaging with non-consent holders in the catchment who may be unaware of their environmental and regulatory obligations.

21-75 Lower Waiwhakaiho Catchment Monitoring Programme Annual Report 2020-2021

33. The Lower Waiwhakaiho River catchment monitoring programme addresses discharges by several consent holders in the Fitzroy area of New Plymouth. During the 2020-2021 monitoring period a total of 19 consents were held by the 13 industries monitored under this programme that discharge wastewater, stormwater and/or leachate from the industrial area at Fitzroy, New Plymouth to the lower Waiwhakaiho River and Mangaone Stream, or to land in the lower Waiwhakaiho and Mangaone Stream catchments. There is a separate report covering emissions to air within the catchment.
34. **Overall, a good level of environmental performance was achieved by the consent holders in the industrial area of the Waiwhakaiho River catchment.**
35. The majority of consent holders demonstrated a high level of overall performance, including AML Ltd, Dialog Fitzroy Ltd, Envirowaste Services Ltd, Freight and Bulk

Transport Holdings Ltd, New Plymouth District Council, Ravensdown Fertiliser, Taranaki Sawmills Ltd, Technix Group Ltd and Waste Management NZ Ltd. A good level of overall environmental performance was achieved by Devon 662 Limited Partnership, Downer EDI Works Ltd, Firth Industries Ltd. However, ongoing issues with sediment controls and loadings in stormwater discharges, along with delays in providing site management plans, required improvement from KiwiRail Holdings Ltd and New Zealand Railways Corporation Ltd.

36. Overall, the results of biomonitoring surveys undertaken during the monitoring period indicated that discharges from the industrial area were not having a significant negative effect on the macroinvertebrate communities in the lower Waiwhakaiho River. However, the taxa richness and MCI scores indicated that a pollution event had likely occurred upstream of the industrial area. The Mangaone Stream had a significant decline in macroinvertebrate indices in the middle reaches, which may be due in part to chronic pollution from historic sites but the results suggest that a more recent discharge lowering water quality has also occurred.
37. There continued to be evidence of some nutrient enrichment occurring in the lower Mangaone Stream. This was most likely to have been caused by inputs from various sites in the middle reaches. Also noted is the persistence of nutrient contamination in the groundwater surrounding the old Ravensdown site. In addition, there was the introduction of discharges from the new Ravensdown site which have in the past been found to be non-compliant in regard to ammoniacal nitrogen.
38. Low levels of light organic solvent preservative (LOSP) chemicals were detected in the Mangaone Stream downstream of Taranaki Sawmills Ltd during a wet weather survey. The levels were found to be well within the empirical NOECs (no observable effect concentrations) for aquatic life developed by the European Chemical Agency and the Cawthron Institute. Recent works to remediate zinc at the Taranaki Sawmills site have successfully reduced levels in stormwater discharges.
39. Groundwater monitoring at the Devon 662 site continues to show the likelihood of fugitive historical fertiliser discharges from the former storage depot. More recent sampling appears to indicate that these trends are decreasing.
40. There were four unauthorised incidents recorded that were associated with the consents covered by this report, which resulted in three abatement notices being issued.

21-77 Regional Cleanfill Monitoring Programme Annual Report 2020-2021

41. The Taranaki Regional Council (the Council) implements a co-ordinated monitoring programme for a number of cleanfill operators within the Taranaki region. Within this programme, the 12 consented cleanfill operations monitored hold a total of 15 resource consents: two consents to discharge cleanfill where contaminants may enter surface water, three consents relating to piping, culverts and/or reclamation, and 10 consents to discharge cleanfill onto and into land.
42. **During the period under review AA Contracting Ltd, AE Riddick, Dennis Wheeler Earthmoving Ltd, Downer EDI Works Ltd, Gas and Plumbing Ltd, Smudgy Developments, and Taranaki Trucking Company Ltd all demonstrated an overall high level of environmental performance; George Family Trust demonstrated an overall good level of environmental performance. An improvement was required in the environmental performance of BJ & LB Bishop; and TPJ Partnership demonstrated an overall poor level of environmental performance.**

43. The Council did not collect water samples for physicochemical analysis during the 2020-2021 year. This monitoring is usually scheduled to be undertaken during low flow conditions with a focus on the potential effects of leachate. Historical monitoring has shown little, if any, effect at these sites to date. During the year under review, no adverse effects were observed at the time of the inspections under these conditions. Therefore the sampling was deferred until the 2021-2022 year to allow the potential effects of sediment discharges under wetter spring conditions to be assessed.
44. No significant adverse environmental effects were observed as a result of any of the consent holders' activities at the time of the inspections. There was little, if any, unauthorised material found at most of the sites. Where unauthorised materials were found, these items were, for the most part, dealt with promptly and appropriately with little intervention.
45. Continued attention to maintenance of the silt controls at the Downer EDI Works Ltd site is required to ensure on-going compliance with this aspect of the consent and the abatement notice issued in September 2019.
46. While the George Family demonstrated a good level of environmental performance, an improvement was required in their administrative performance. Prohibited material had been discharged over the tip face on one occasion. An abatement notice was issued requiring the removal of the material, which was then actioned.
47. At the BJ & LB Bishop site, additional piping was installed in the unnamed tributary of the Waimoku Stream that was not permitted by consent. The piping was found to have been removed at the subsequent inspection. Silt retention structures had not been reinstalled at the toe of the cleanfill area as required consent and requested at two inspections. Although unresolved at the end of the year under review, at the time of writing this report enforcement action was being considered.
48. An infringement fine was issued to TPJ Partnership for a discharge of material that was in contravention of an abatement notice issued in May 2020, following a discharge of prohibited materials in the 2019-2020 year. In addition, abatement and infringement notices were issued with respect to non-compliance with the notification and record keeping consent requirements contained in the consent. Although some improvements were made during the latter part of the 2020-2021 year, further improvements are still required.

21-79 Waste Remediation Services (WRS) Ltd Symes Manawapou Landfarm Monitoring Programme Annual Report 2020-2021

49. Waste Remediation Services Ltd (the Company) operates WRS Symes Manawapou Landfarm, located at 156 Manawapou Road, Manutahi, in the Manawapou catchment, South Taranaki. The Company holds one resource consent to allow it to discharge drilling waste and water treatment sludge to land under the practice known as landfarming.
50. **During the monitoring period, the Company demonstrated an overall improvement required level of environmental performance and high level of administrative performance.**
51. The Company accepted material from 17 different sources and received in excess 10,000 m³ of drilling waste. Stage II landfarming commenced during this monitoring year, with area M2110 actively landfarmed during this period. Waste assessment, notifications and the annual report to the Council were supplied by the Company, as required by the consent.

52. No petroleum related contaminants were recorded in any of the groundwater monitoring bores during this monitoring period however, saline impacts were noted at moderate levels in two monitoring wells, with increasing chloride concentrations since 2012 and 2017, respectively. Bore GND2303 was damaged during the monitoring period and will need to be repaired to enable sampling to continue.
53. The Company was issued an abatement notice and an infringement notice for accepting treated sawdust mixed with drilling mud. Drilling waste mixed with treated sawdust was landfarmed in area M2110. It is noted that the Company were very transparent with the Council when it discovered that the sawdust was treated and a breach of consent had occurred.

21-80 Remediation New Zealand Ltd Waitara Road Facility Monitoring Programme Annual Report 2020-2021

54. Remediation NZ Ltd (the Company) operates a greenwaste collection, composting and compost finishing facility. In addition to worm beds, which create vermicompost. It is situated at 96 Waitara Road, Brixton, in the Waiongana catchment. The Company holds one resource consent to discharge stormwater onto and into land and into the unnamed tributary of the Waiongana Stream.
55. **During the monitoring period, the Company demonstrated an overall improvement required level of environmental performance and a good level of administrative performance.**
56. Monitoring undertaken during the reporting year showed that on the two occasions the stormwater discharge was analysed, it was in breach of consent for suspended solid concentration. Monitoring also identified elevated ammoniacal nitrogen, oxygen demand and *E.coli*. The presence of two azole base fungicides (propiconazole and tebuconazole) within the discharge was identified and will require further investigation in the upcoming monitoring period. In another discharge from the site, a trace concentration of a third pesticide (herbicide - terbuthylazine) was also detected.
57. There were two unauthorised incidents recording non-compliance in respect of this consent holder during the period under review. An abatement notice was issued requiring the Company to undertake works to the maintenance, management and infrastructure of the stormwater treatment and disposal system. Works were undertaken by the Company which demonstrated some improvement, both visually around the site and chemically in the discharge. However, the results were insufficient to gain compliance with the consent and or abatement notice. The Council agreed to allow the Company more time to mitigate the issue, as some improvement had been observed. Further advice was sought by the Company and a memo setting out recommendations was provided by Pattle Delamore and Partners Ltd (PDP). The Company is developing a time line to progress these works and compliance with the original abatement notice will be reassessed in December 2021.
58. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance has deteriorated in the year under review.

21-81 New Zealand Ltd Uruti composting facility Monitoring Programme Annual Report 2020-2021

59. Remediation New Zealand Ltd (the Company) operates a composting facility and worm farm which produces vermicast. It is located on State Highway 3, Mokau Road, Uruti,

Taranaki. The Company holds nine resource consents including one consent to allow for discharges to air, and one consent to allow the discharge to land and water. One consent allows the discharge to water and there are six land use consents.

- 60. During the monitoring period, the Company demonstrated a poor level of environmental and administrative performance.**
61. The rationale for this grading by the Council was due to significant non-compliances, both from an environmental and administrative perspective.
62. The Council's monitoring programme for the year under review included 19 inspections, 152 water samples and 22 soil samples collected for physicochemical analysis, 1 biomonitoring survey of receiving waters, three sawdust samples, one passive disc ambient air survey and two MultiRae PID surveys. Further inspections were undertaken in relation to complaints from the public.
63. Monitoring showed that for the discharge to land and water identified elevated total ammoniacal nitrogen in the Haehanga Stream at concentrations that fail to achieve the National Policy Statement for Freshwater Management 2020 (NPS-FM) annual maximum and annual median national bottom line, defined by the NPS-FM as regularly impacting 20% of the most sensitive species within a water course. Instream effects on aquatic biota were noted in the macroinvertebrate monitoring, declining significantly downstream of the site's wetland treatment system discharge and irrigation areas. Over-irrigation was found to be occurring during Council inspections, with estimated nitrogen loading rates across irrigation areas in excess of 500 kg N/ha.
64. The unauthorised acceptance and utilisation, through composting, of treated sawdust, has resulted in trace concentrations of light organic solvent preservative (LOSP) treatment chemicals within the irrigation fluid, groundwater (one well) and surface water (multiple occasions). Spot samples of the drilling mud demonstrate that this practice has been ongoing for 15 years, in breach of the consent. It is noted that in earlier monitoring periods leachate break out was recorded from the drilling mud pad and sawdust was found to be discharged into an unnamed tributary of the Haehanga Stream.
65. The spot samples from the drilling mud pad contained elevated barium, sodium, LOSP chemicals and measurable total petroleum hydrocarbons. Certain heavy metals are also elevated when compared to baseline site soil concentrations. Soil monitoring has determined that the new lower irrigation area is partially constructed from material of drilling mud origin.
66. Groundwater monitoring indicates short-term impacts. Chloride impacts are still evident in GND2190. It is noted that soil chloride results are decreasing.
67. Offensive odour, beyond the site boundary, occurred during the monitoring period. The discharge to air consent requires best practice to minimise odour. During the reporting year, 83 complaints were received by Council. Objectionable odour was observed by Council investigating officers on five occasions. Enforcement was undertaken. While efforts to improve odour are being made by the Company, continued adherence to maintaining control of odour sources so they do not create objectionable odour beyond the boundary is required.
68. The stormwater consent was not exercised during this monitoring period. Stormwater controls remained functional on the access track and minimal effects were noted through inspections or monitoring.

69. The Company undertook works on an existing culvert to improve fish passage. Site inspections indicated that recent works are aiding with fish passage however, further works are still required to ensure fish passage is maintained during summer low flows. The installation of a new culvert showed significant improvement in providing for fish passage.
70. The stream realignment (10825-1) undertaken in this monitoring period created a new lower irrigation area (L6). The job was undertaken well, with the associated battering to a reasonable standard. Riparian development has begun, with a phased approach adopted by the Company to plant the whole realignment. Pasture is being established. No issues were noted with older realignment, being well-vegetated and not erosion-prone. Riparian planting is lacking and this will be undertaken in due course, in liaison with a land management officer of the Council.
71. There were 11 unauthorised incidents recording non-compliance in respect of this consent holder during the period under review. Three letters of explanation were requested, and four abatement notices and 11 infringement notices issued.
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 remains at a poor level.

21-87 Boyd Drilling Waste and Stockpiling Landfarm and Landspreading Monitoring Programme Annual Report 2020-2021

73. Colin Boyd (the consent holder), in conjunction with MI SWACO (the Company), operate a drilling waste stockpiling facility (Surrey Road stockpiling facility) and a landspreading/landfarming operation on his property, near Inglewood. This site is located within the Waitara catchment. Stockpiled drilling mud from the Surrey Road stockpiling facility is landfarmed or landspread on the consent holder's property. The consent holder also dewater water treatment sludge in lagoons at two locations on his property. This material is then applied to land via landfarming. The consent holder holds three resource consents to discharge material to land.
74. **During the monitoring period, the consent holder and the Company demonstrated a poor level of environmental and administrative performance.**
75. Inspections identified numerous occasions when the Company had not been able to accomplish the site processes within consent conditions. In some cases these were repeat non-compliances by the Company, where the causes of the non-compliance were known and were directly related to the actions or inactions of the Company. Enforcement action was taken throughout the monitoring year to address operational issues.
76. Monitoring undertaken during the reporting year showed that the biology within the unnamed tributary of the Mangatengehu Stream was significantly adversely impacted due to the site operations. This was due to poor housekeeping and fluid management by the Company. In comparison with previous years, the monitoring indicated a significant decline in species diversity and population within the unnamed tributary.
77. The Surrey Road stockpiling site is now closed and has been decommissioned and re-contoured. Over 60 paddocks are still actively remediating under consent 7591-1.2. Paddock assessment will be undertaken in the 2021-2022 monitoring year.
78. There were six unauthorised incidents recording non-compliance in respect of this consent holder during the period under review. Five infringement notices and one abatement notice were issued.

79. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance has deteriorated in the year under review.

21-94 Port Taranaki Industries Monitoring Programme Annual Report 2020-2021

80. This report assesses the environmental and consent compliance performance of the various companies operating in and around Port Taranaki, New Plymouth. The companies hold a total of eight resource consents, including 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.
81. **During the year, Downer New Zealand Ltd, Technix Bitumen Technologies Ltd, Liquigas and Methanex New Zealand Ltd obtained a high rating for environmental and high rating for administrative performance. Port Taranaki's environmental performance required improvement, however their administrative compliance was high.**
82. Monitoring showed that Port Taranaki made a number of changes to stormwater infrastructure and operational procedures during the year under review. Recent improvements have included additional stormwater treatment devices, and dedicated staff to coordinate cleaning activities around the port. However, there were still repeated compliance issues that occurred regarding high suspended solids in stormwater discharges. Further improvements in Port Taranaki's stormwater management are still required.
83. The stormwater compliance issues that occurred during 2020-2021 resulted in Port Taranaki receiving an Infringement Notice. There were two other unauthorised incidents that occurred at Port Taranaki during the year involving a lessee and a stevedoring company. One of which involved a minor hydraulic oil spill, and the other involved a minor molasses spill. Neither incident resulted in adverse environmental effects nor further enforcement action.
84. 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.

21-96 Quarries Ltd - Everett Road Quarry Monitoring Programme Annual Report 2020-2021

85. Civil Quarries Ltd (the Company) operates a quarry located on Everett Road at Everett Park, in the Kurapete catchment. Aggregate is extracted and washed onsite. The quarry is passively dewatered, with intercepted groundwater and stormwater treated through a series of settlement ponds before being discharged to surface water. The Company holds two resource consents that allow it to take and use groundwater and discharge stormwater and treated groundwater into an unnamed tributary of the Kurapete stream.
86. **During the monitoring period, Civil Quarries Ltd demonstrated an overall level of environmental and administrative performance that required improvement.**
87. Monitoring undertaken during the reporting year showed that upgrades to the stormwater system have been gradually improving the quality of the stormwater discharge. There was however, one unauthorised incident recording non-compliance in regards to turbidity limits in the receiving waters, indicating further improvements in

stormwater management are still required. The Company was issued an infringement notice in relation to this non-compliance.

88. The biomonitoring survey showed that quarry discharges were potentially having a minor impact on the macroinvertebrate community immediately downstream of the point of discharge to the Kurapete Stream. There were no impacts evident further downstream and, overall, the Kurapete Stream was considered to be in better condition than in the previous survey.
89. In addition to the non-compliance with turbidity limits, there were ongoing issues with the positioning of flowmeters and flow data provision. The Company plans to make further upgrades to the stormwater system with the goal of further improving discharge quality. Water take and discharge rates are now being telemetered to the Council, but a review of the placement of the flowmeters is still required. The groundwater monitoring bores have been installed and monitoring will begin in the forthcoming year.

Financial considerations—LTP/Annual Plan

90. 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

91. 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

92. 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.
93. Seeking continued improvement in the environmental and administrative performance of consented activities through Council's compliance monitoring programmes contributes to addressing a range of issues and priorities identified by iwi/hapū, such as those as set out in Iwi Management Plans.

Community considerations

94. 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

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



Date 15 March 2022

Subject: **Incident, Compliance Monitoring Non-Compliances and Enforcement Summary - 12 January 2022 to 22 February 2022**

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

Document: 3007128

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 12 January 2022 to 22 February 2022.
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 one hundred and two (102) incidents reported.
4. Fifty five (55) of the incidents were found to be compliant and twenty nine (29) were found to be non-compliant. Eighteen (18) 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 tenth reporting period in a row there continues to be a high number of incidents found to be compliant.

Compliance monitoring non-compliances

6. There are thirty nine (39) compliance monitoring non-compliances reported. Twenty six (26) of the compliance monitoring non-compliances reported are updates from previous periods.
7. Thirty four (34) 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 – 12 January 2022 to 22 February 2022.
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 12 January 2022 to 22 February 2022, 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 12 January 2022 to 22 February 2022.
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 publicly discussed. The third and fourth sections provide information on non- The second section provides an update on non-compliant incidents from previous meetings and where an incident has been resolved it can be publicly discussed. 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 12 January 2022 to 22 February 2022 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 2021-2022, and also showing how the incidents are tracking in 2021-2022 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 2021-2022.
16. The data in the graphs for 2021-2022 to date is showing that there are more incidents but less compliance monitoring non-compliances. Although in the first month of this period, there is limited data.

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

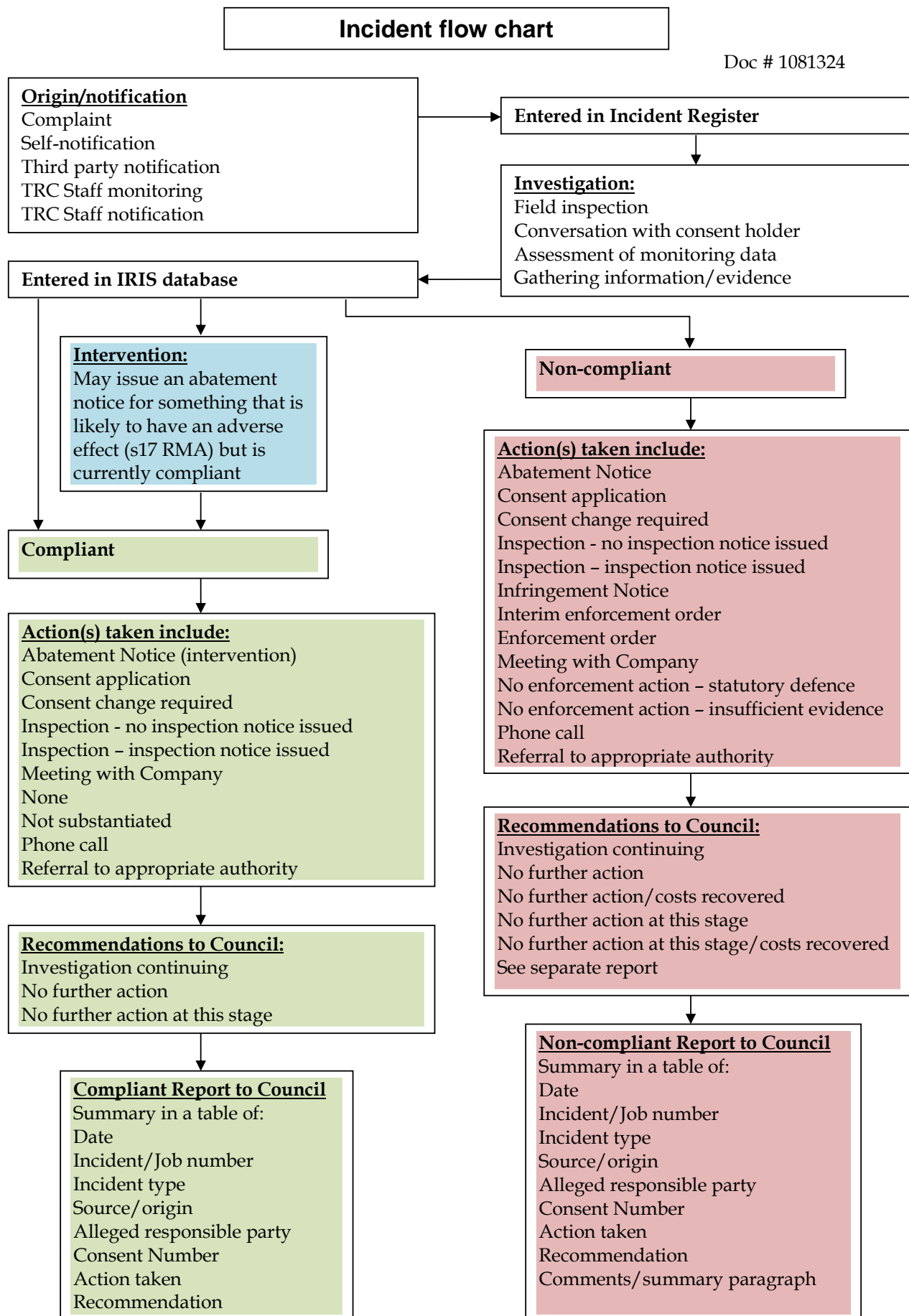
22. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 1081324: Incident flowchart and terms explained

Document 3007172: Incident and Enforcement Graphs to 31 January 2022

Document 3008295: Incidents and Enforcement Summary 12 Jan 2022 to 22 Feb 2022



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.

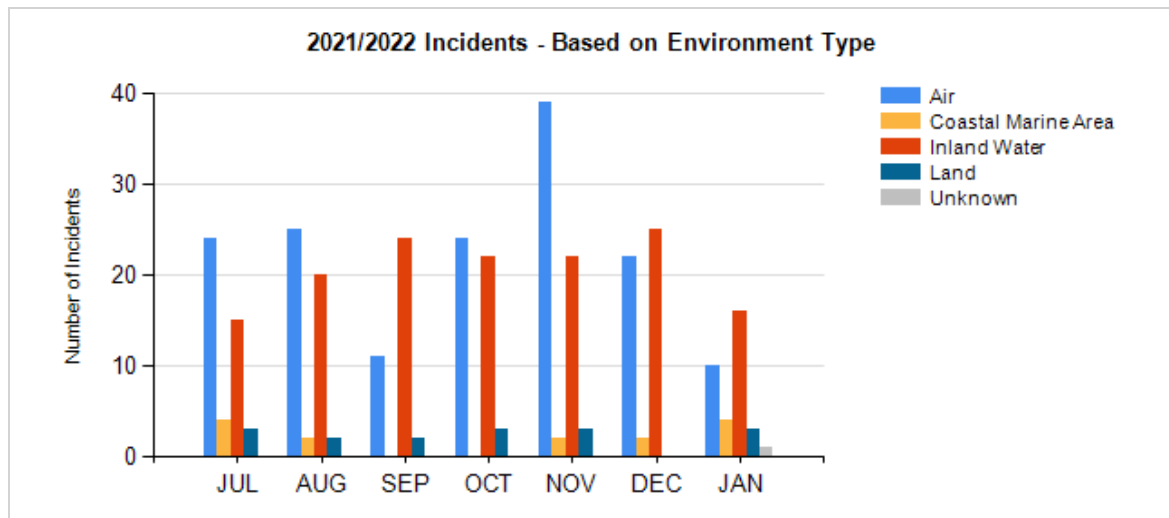
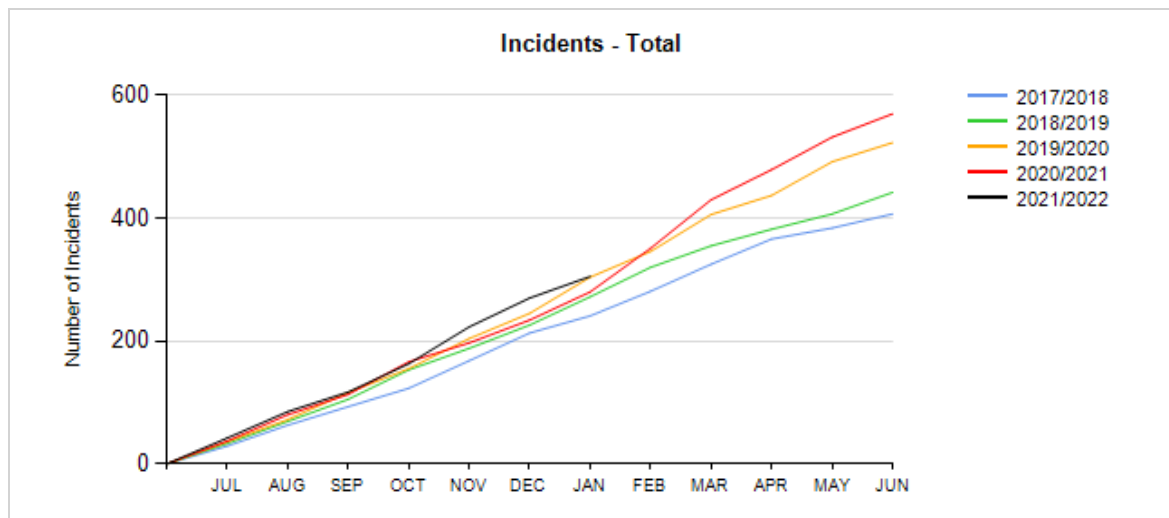
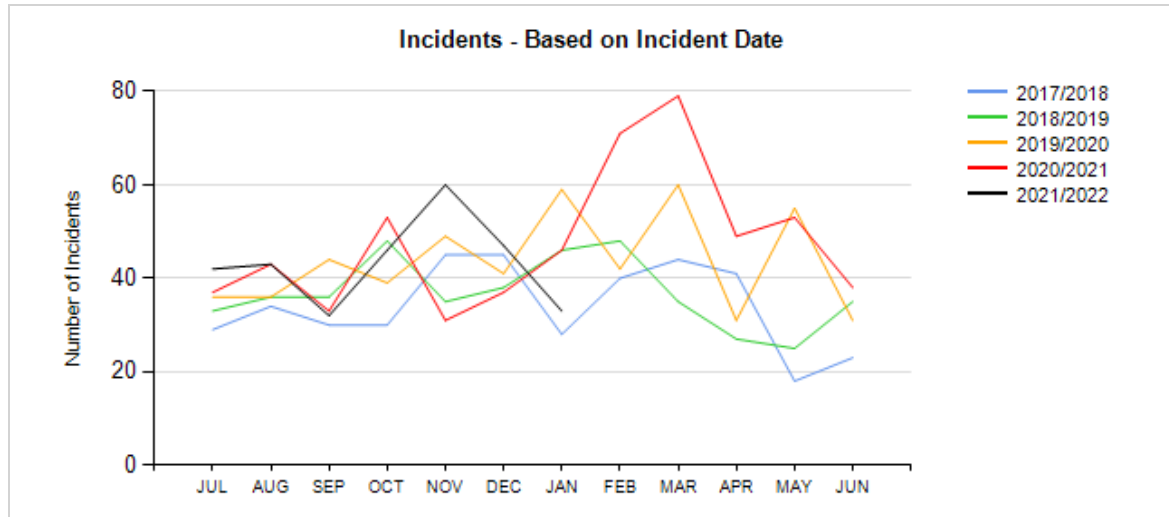
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
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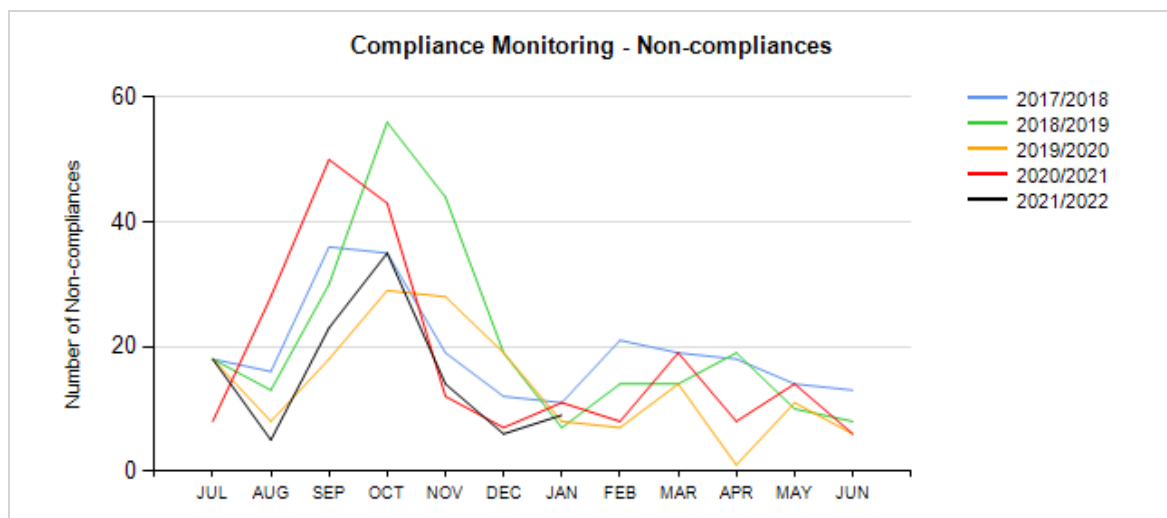
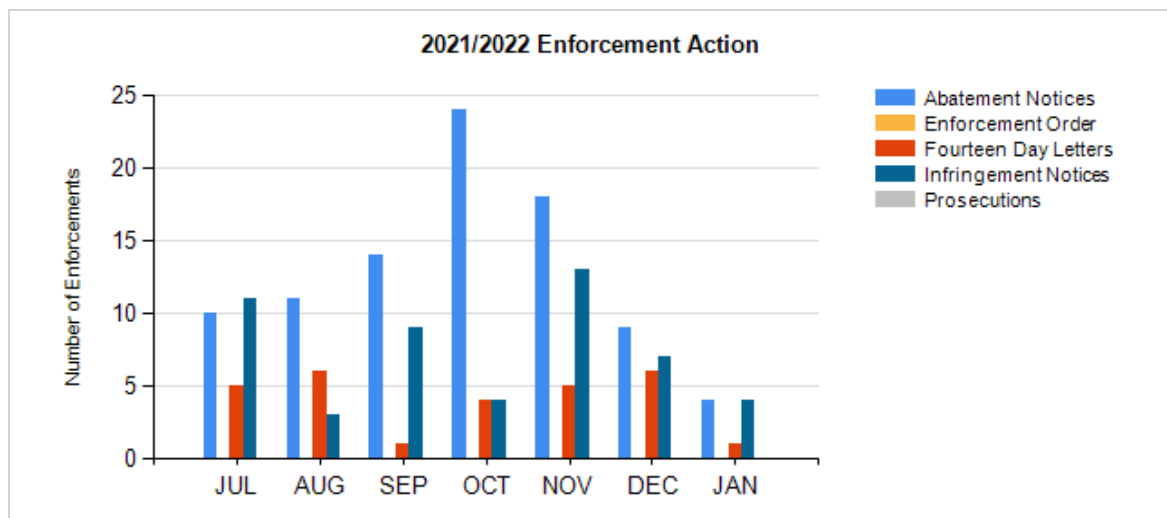
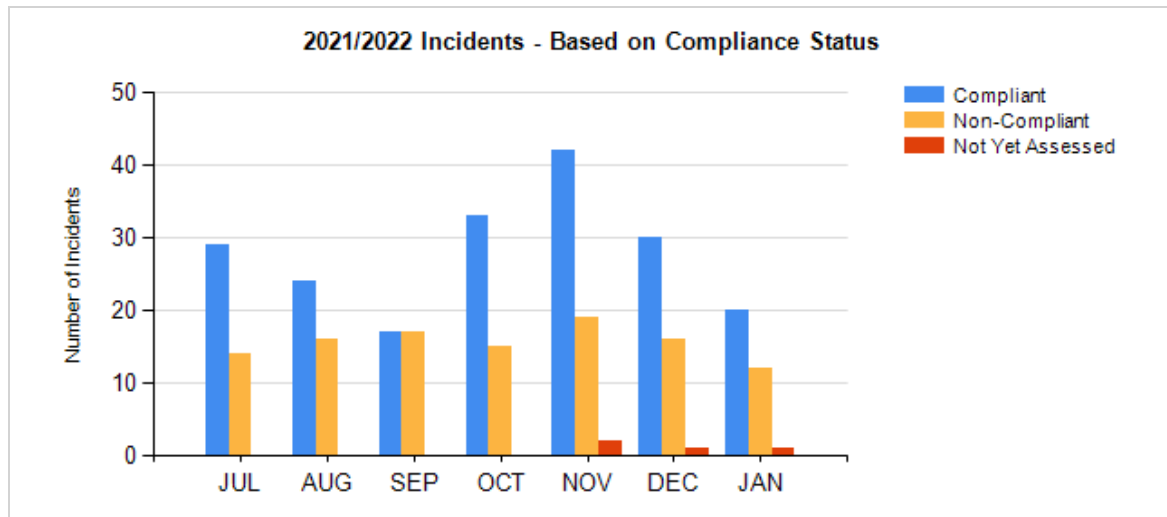
Defences under Sections 340 and 341 of the Resource Management Act 1991

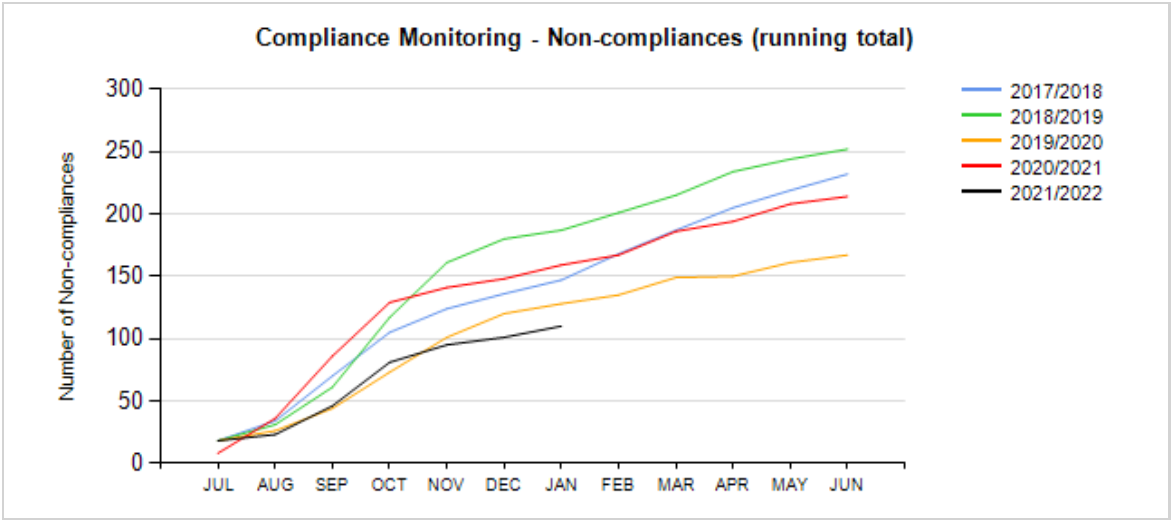
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

- 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 31 January 2022







Compliant Incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
12 Jan 2022	3301-22-285 IN/44195	Alleged odour - Mokau Road - Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
13 Jan 2022	3301-22-288 IN/44542	Alleged dairy effluent - Upper Newall Road, Pungarehu	Self-Notification	Irene Phillips	R2/3239-3.0	Consent Compliance	No Further Action
14 Jan 2022	3301-22-292 IN/44196	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
14 Jan 2022	3301-22-291 IN/44514	Alleged dust - Colson Road Landfill - New Plymouth	Complaint	New Plymouth District Council	R2/4779-1.1	Consent Compliance	No Further Action
15 Jan 2022	3301-22-296 IN/44177	Alleged discoloured Stoney River - Okato	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
16 Jan 2022	3301-22-294 IN/44515	Alleged discoloured stream - Te Papakura o Taranaki (Egmont National Park)	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
16 Jan 2022	3301-22-295 IN/44517	Alleged foam in Te Henui River - New Plymouth	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
20 Jan 2022	3301-22-299 IN/44206	Alleged white discolouration in Mangati Stream - Bell Block	Complaint	Unsourced		RFWP Allowed	No Further Action
22 Jan 2022	3301-22-300 IN/44228	Alleged sewage odour - Bell Block	Complaint	Unsourced		RAQP Allowed	No Further Action
24 Jan 2022	3301-22-301 IN/44229	Alleged odorous and discoloured stream - Normanby	Complaint	Unsourced		Not Applicable/Natural Event	No Further Action

Compliant Incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
28 Jan 2022	3301-22-317 IN/44346	Alleged vegetation in Waiwhakaiho River - Queens Road, New Plymouth	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
28 Jan 2022	3301-22-318 IN/44347	Alleged chemical smell - Moturoa, New Plymouth	Complaint	Unsourced		RAQP Allowed	No Further Action
29 Jan 2022	3301-22-320 IN/44345	Alleged stock access to Otahi Stream - Pungarehu	Complaint	Lou Noble		RFWP Allowed	No Further Action
31 Jan 2022	3301-22-304 IN/44287	Alleged agrichemical overspray - Selwyn Street, New Plymouth	Complaint	Unsourced		RAQP Allowed	No Further Action
31 Jan 2022	3301-22-305 IN/44296	Alleged dust - Ballance Street, New Plymouth	Complaint	Cygnat Land Development Limited	R2/10831-1.0	Consent Compliance	No Further Action
1 Feb 2022	3301-33-306 IN/44316	Alleged dust - Junction Street, New Plymouth	Complaint	Active Properties Developments Ltd Burgess Crowley Civil Limited		RAQP Allowed	No Further Action
1 Feb 2022	3301-22-319 IN/44322	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
1 Feb 2022	3301-22-309 IN/44333	Alleged sewage odour - Wairau Road, Oakura	Complaint	Unsourced		RAQP Allowed	No Further Action
1 Feb 2022	3301-22-311 IN/44376	Alleged discolouration - Herekawe Stream - Back Beach, New Plymouth	Complaint	Natural Event		Consent Compliance	No Further Action

Compliant Incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
2 Feb 2022	3301-22-310 IN/44334	Alleged dust - Glover Road, Hawera	Complaint	Christian Mahony		RAQP Allowed	No Further Action
3 Feb 2022	3301-22-313 IN/44339	Alleged cows in Waiwhakaiho River - New Plymouth	Complaint	Peter & Marcia Chilcott		RFWP Allowed	No Further Action
3 Feb 2022	3301-22-314 IN/44340	Alleged dust - Ainslee Street, New Plymouth	Complaint	Brian Marsden Maia Properties Limited		RAQP Allowed	No Further Action
3 Feb 2022	3301-22-315 IN/44342	Alleged dust - Cameron/Leach Streets, New Plymouth	Complaint	Chris Bell Construction & Project Management Ltd		RAQP Allowed	No Further Action
3 Feb 2022	3301-22-322 IN/44351	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
4 Feb 2022	3301-22-346 IN/44353	Alleged dust - Swansea/Victoria Roads, Stratford	Complaint	Jason Bunn		RAQP Allowed	No Further Action
4 Feb 2022	3301-22-323 IN/44358	Alleged dust - Ainslee Street, New Plymouth	Complaint	Brian Marsden Maia Properties Limited		RAQP Allowed	No Further Action
4 Feb 2022	3301-22-324 IN/44464	Alleged green stream - Richmond Road, Inglewood	Complaint	Unsourced		RFWP Allowed	No Further Action
5 Feb 2022	3301-22-325 IN/44422	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
6 Feb 2022	3301-22-326 IN/44630	Alleged flooding event - Weld Street - Normanby	Complaint	South Taranaki District Council		Not Applicable/Natural Event	No Further Action

Compliant Incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
8 Feb 2022	3301-22-333 IN/44379	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
8 Feb 2022	3301-22-338 IN/44423	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
8 Feb 2022	3301-22-360 IN/44533	Alleged poultry odour - Airport Drive, New Plymouth	Complaint	Airport Farm Trustee Limited		Consent Compliance	No Further Action
9 Feb 2022	3301-22-334 IN/44392	Alleged sewage discharge - Inglewood Oxidation ponds	Self-Notification	New Plymouth District Council	R2/10406-1.0	Consent Compliance	No Further Action
9 Feb 2022	3301-22-335 IN/44393	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
9 Feb 2022	3301-22-336 IN/44419	Alleged oily residue - Ngamotu Beach	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
9 Feb 2022	3301-22-337 IN/44420	Alleged waterblasting discharge - Skeet Road, Kapuni	Complaint	Michael Coils		RFWP Allowed	No Further Action
9 Feb 2022	3301-22-339 IN/44606	Alleged discoloured stream - Kirihaui Road, New Plymouth	Complaint	Unsourced		RFWP Allowed	No Further Action
10 Feb 2022	3301-22-340 IN/44433	Alleged oily discharge - Breakwater Road, New Plymouth	Complaint	Taranaki Regional Council		RFWP Allowed	No Further Action
11 Feb 2022	3301-22-342 IN/44436	Alleged agrichemical overspray - Clifford Road, Eltham	Complaint	Dell Rowe		RAQP Allowed	No Further Action

Compliant Incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
11 Feb 2022	3301-22-359 IN/44482	Alleged septic tank - Cummings Street, Okato	Complaint	Jennifer Wall		RFWP Allowed	No Further Action
12 Feb 2022	3301-22-354 IN/44572	Alleged dairy effluent - Bailey Road, Warea	Complaint	Luttrell Trusts No. 1 & 2	R2/2646-3.0	Consent Compliance	No Further Action
14 Feb 2022	3301-22-347 IN/44459	Alleged trees over river - Corbett Road, Bell Block	Complaint	Snowdon Farm Company Limited		Not Applicable/Natural Event	No Further Action
14 Feb 2022	3301-22-370 IN/44468	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
14 Feb 2022	3301-22-353 IN/44573	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
14 Feb 2022	3301-22-349 IN/44574	Alleged dust - Connett Road, Bell Block	Complaint	Symons Transport Ltd		RAQP Allowed	No Further Action
14 Feb 2022	3301-22-355 IN/44576	Alleged sewage odour - Nukumarū Parade, Waiinu Beach	Complaint	South Taranaki District Council	R2/3769-4.1	Consent Compliance	No Further Action
15 Feb 2022	3301-22-351 IN/44477	Alleged odour - Colson Road, New Plymouth	Complaint	Gas & Plumbing Ltd Wayne Eustace		RAQP Allowed	No Further Action
16 Feb 2022	3301-22-368 IN/44608	Alleged odour - Kohiti Road, Okaiawa	Complaint	Taranaki By-Products Limited	R2/4058-4	Consent Compliance	No Further Action
17 Feb 2022	3301-22-356 IN/44518	Alleged discoloured stream - Arawhata Road, Opunake	Complaint	Stanley Bros Trust	R2/1284-3	Consent Compliance	No Further Action

Compliant Incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
17 Feb 2022	3301-22-357 IN/44527	Alleged dead sheep - White Cliffs beach area - Pukearuhe	Complaint	Unsourced		Not Applicable/Natural Event	No Further Action
17 Feb 2022	3301-22-367 IN/44595	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
18 Feb 2022	3301-22-358 IN/44528	Alleged dairy effluent odour - Upper Stuart Road, Eltham	Complaint	Adam Joblin	R2/2782-2	Consent Compliance	No Further Action
20 Feb 2022	3301-22-361 IN/44616	Alleged discoloured Stream - Weld Road, Oakura	Complaint	Brent Anderson Clyde Bishop		RFWP Allowed	No Further Action
21 Feb 2022	3301-22-362 IN/44551	Alleged odour - Powderham Street, New Plymouth	Complaint	Pro Paint NZ		RAQP Allowed	No Further Action
22 Feb 2022	3301-22-369 IN/44592	Alleged odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
6 Sep 2021 <u>Update</u>	3301-22-095 IN/43262	Hydrocarbons in Waiwhakaiho River - Rifle Range Road, New Plymouth	Complaint	Bryce Simons (73339)		EAC-24413 - Infringement Notice (\$750)	No Further Action

Comments: A complaint was received concerning diesel discharging from a stormwater pipe, into the Waiwhakaiho River at Rifle Range Road, Waiwhakaiho. Investigation found that hydrocarbons were entering the river. Sorbant booms were immediately deployed at the discharge point to contain and recover any further discharge. An extensive investigation upstream found that diesel had been spilled at a workshop on Atiawa Street, which had flowed overland and into the stormwater system. Reinspection the following morning found that only a minimal amount of hydrocarbons were still discharging from the stormwater pipe during heavy rain.

27 Oct 2021 <u>Update</u>	3301-22-157 IN/43634	Log jam in Tangahoe River - Ohangai Road, Tawhiti, Hawera	Complaint	Forest360 Limited (71366) JC Duthie Trust (52582) K D Logging Ltd (69124) Ngeru Family Trust/Ngeru Logging (51279) Sole Logging Ltd (68878) Tree Awareness Management Limited (30257)		EAC-24295 - Abatement Notice	No Further Action
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Comments: A complaint was received concerning a log jam in the Tangahoe River from forestry activities upstream at a property at Ohangai Road, Hawera. Investigation found a significant amount of logs and tree felling debris were jammed in the Tangahoe River. Photographs were taken. Extensive investigation was undertaken upstream where the likely source for the discharge was found. A meeting was held with all of the forestry operators upstream of the log jam. During a weather event, about two-thirds of the log jam dispersed. During a further weather event the remaining logs dispersed.

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
1 Nov 2021 <u>Update</u>	3301-22-176 IN/43693	Over application of irrigation fluid - Mokau Road, Uruti	TRC Staff Notification	Remediation (NZ) Limited (30679)	R2/5839-2	EAC-24294 - Explanation Requested - Letter EAC-24414 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During attendance of an unrelated complaint, it was found that irrigation fluid from the wastewater ponds had been over applied to land, at a composting site at Mokau Road, Uruti. Ponding and pooling was occurring in contravention of resource consent conditions and an abatement notice issued as a result of a previous non-compliance. A letter of explanation was received.

4 Nov 2021 <u>Update</u>	3301-22-195 IN/43741	Earthworks in waterbody - Mawhitiwhiti Road, Normanby	TRC Staff Notification	Cameron Burke (73517)		EAC-24320 - Abatement Notice	Investigation Continuing
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Comments: During unrelated monitoring it was found that earthworks had been undertaken in a waterbody at Mawhitiwhiti Road, Normanby. Investigation found that works had been undertaken to install piping within the 10 metre setback of a wetland in contravention of National Environmental Standards for Fresh Water (NEsFW). An abatement notice was issued requiring works to be undertaken to remove the subsurface pipe work. Reinspection will be undertaken after 11 March 2022.

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
9 Nov 2021 <u>Update</u>	3301-22-184 IN/43742	Unauthorised Discharge	Complaint	Bigger Than Texas Company Limited (1755) Quentin Maindonald (73478) Tractormeisters Limited (21002)	R2/3602-2	EAC-24303 - Abatement Notice EAC-24304 - Abatement Notice EAC-24433 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: A complaint was received concerning dairy effluent discharging into creek at Hu Road, Eltham. Investigation found dairy effluent was being irrigated to hillside land via a stationary travelling irrigator. At the time of inspection there was fresh ponding of solid and liquid effluent of various depths over a large area. It was evident that the irrigator had been stationary for some time and effluent had been discharging downhill and into the risers of a nearby piped stream. Further inspection found that there was ample available storage. Abatement notices were issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection undertaken during routine monitoring found the abatement notices were being complied with.

9 Nov 2021 <u>Update</u>	3301-22-191 IN/43752	Sediment to water - Mahoetahi Road, Brixton	Complaint	Jones Quarry Limited (30989)	R2/6274-2.0	EAC-24306 - Explanation Requested - Letter	Investigation Continuing
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Comments: A complaint was received concerning silt in the Mangaoraka Stream at Mahoetahi Road, Brixton. Investigation found that sediment laden water had discharged into the Mangaoraka Stream from a quarry site in contravention of resource consent conditions and an abatement notice, issued as a result of a previous non-compliance. Photographs were taken. A letter requesting explanation was sent. Enforcement action is being considered.

19 Nov 2021 <u>Update</u>	3301-22-218 IN/44100	Non-notified forestry - Waihapa Road, Stratford	TRC Staff Compliance Monitoring	Valintine Logging Limited (73600)		EAC-24438 - Infringement Notice (\$300)	No Further Action/Costs Recovered
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Comments: During unrelated monitoring it was found that forestry harvesting activities were occurring at Waihapa Road, Stratford. The required notification under the National Environmental Standards for Plantation Forestry was not received. The operator was advised that notification is required. He explained that he was unaware but accepted that notification was required.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
24 Nov 2021 <u>Update</u>	3301-22-222 IN/43868	Smokey fire - Sole Road, Ngaere	TRC Staff Notification	Ralph Henry Vosseler (11788)		EAC-24440 - Infringement Notice (\$300)	No Further Action

Comments: During unrelated monitoring black smoke was observed discharging from a property at Sole Road, Ngaere. Investigation found that unauthorised materials were being burnt in a burn pit on a rural property, including a tyre, domestic waste, mattress, armchairs, numerous plastic items, child's toys, bike, scooter, paint cans and steel.

29 Nov 2021 <u>Update</u>	3301-22-229 IN/43917	Dairy effluent - Ihaia Road, Manaia	Complaint	Ihaia Te-Mara Trust (20380) James Langton (30120)	R2/3764-2	EAC-24442 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: A complaint was received concerning a discharge of farm dairy effluent across a boundary and into a waterbody. Investigation found that farm dairy effluent had discharged from an irrigator, over the boundary and ponded in the neighbouring property. Dairy effluent from the sump was also likely to discharge to water. No discharge was occurring at the time of inspection.

1 Dec 2021 <u>Update</u>	3301-22-234 IN/43934	Non-notified forestry - Braemore Road, Waverley	Third Party Notification	Fulbor Contracting (73554) Harley Froggatt (73555)			Investigation Continuing
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Comments: Notification was received from South Taranaki District Council, that some non-notified forestry activities were occurring at a site on Braemore Road, Waverley. Investigation is ongoing and 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
1 Dec 2021 <u>Update</u>	3301-22-233 IN/44040	Dust - Glover Road, Hawera	Complaint	Firth Industries Limited (10053)	R2/1274-3	EAC-23865 - Abatement Notice	No Further Action/Costs Recovered

Comments: A complaint was received concerning dust from a concrete batching site at Glover Road, Hawera. Investigation found that dust was discharging from the site in contravention of resource consent conditions and an abatement notice issued as a result of a previous non-compliance. A meeting was held with the Area Manager. A short term solution is being implemented which is to use a water curtain when batching and sealing of un-sealed areas of the yard. Reinspection found that the site was compliant. Enforcement action is being considered.

8 Dec 2021 <u>Update</u>	3301-22-237 IN/43944	Wastewater discharge - Whareroa Road, Hawera	Self-Notification	Fonterra Limited (50606) South Taranaki District Council (9623)	R2/1450-3.1	EAC-24351 - Abatement Notice	No Further Action/Costs Recovered
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Comments: Self-notification was received regarding wastewater and sewage wastewater discharging from the mixing chamber, onto land at a milk processing plant on Whareroa Road, Hawera. Investigation found that some contaminated water had discharged to land and had tracked towards the stream in contravention of resource consent conditions. The stream was running clear at the time of inspection. Samples were taken. Analysis of samples found no environmental effects in the water. An abatement notice was issued requiring an investigation to be undertaken to ascertain the cause of the unauthorised discharge. Reinspection found that the abatement notice was being complied with at the time of inspection. The Company's investigation found that the wastewater had to be discharged in a controlled manner to prevent any further unauthorised discharges.

13 Dec 2021 <u>Update</u>	3301-22-242 IN/43964	Earthworks/piping - Te Ngutu Golf Course, Normanby	Complaint	Cameron Burke (73517) Errlyn Holdins Ltd (52939)			No Further Action
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Comments: A complaint was received concerning works/piping/concreting being undertaken up stream from the Te Ngutu Golf Course in Normanby. Caller thought a pump shed was being installed and the works may not be authorised. Investigation found that no abstraction of water had occurred. Conversation with the landowner established that he wished to use the watertake as an emergency watertake. The works were ceased immediately. A meeting was held and after further investigation it was found that the works will be permitted under the Regional Fresh Water Plan for Taranaki.

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
22 Dec 2021 <u>Update</u>	3301-22-260 IN/44046	Unauthorised burning industrial site - Normanby	TRC Staff Notification	Bruce & Pauline Nickel (30094)			No Further Action
Comments: During unrelated monitoring it was found that a smokey fire was burning on a property at Ngarongo Road, Normanby. It was found that some unauthorised materials were being burnt. Video and photographs were taken. The fire was extinguished during the inspection. An explanation has been received and accepted.							
26 Dec 2021 <u>Update</u>	3301-22-265 IN/44059	Fire - Kohiti Road, Okaiawa	Complaint	Taranaki By-Products Limited (9197)			Investigation Continuing
Comments: Notification was received from Fire and Emergency New Zealand (FENZ) concerning a large fire at a rendering plant near Okaiawa. At the time of inspection the fire had been extinguished but was still being dampened down. Access to the site was restricted. A further inspection was undertaken the following day where water samples and photographs were taken. Further water samples were taken every day for the following four days. Sample analysis showed no significant environmental impacts as a result of the fire. The rendering plant's contingency plan was implemented which involved burial of waste on the site and rerouting waste to other facilities. An on-site meeting was held with the management of the site. A plan has been implemented to ensure that all product is disposed of in an approved manner. Ongoing monitoring will occur to ensure compliance continues. The cause of the fire is still being investigated. A request had been made for the report from FENZ.							

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Jan 2022	3301-22-283 IN/44131	Sewage discharge - NPDC - Pukekura Park	Self-Notification	New Plymouth District Council (9565)	R2/0882-4.1 R2/10406-1.0	No Enforcement Action - Statutory defence	No Further Action
Comments: Self-notification was received concerning the discharge of raw sewage, from public toilets in Pukekura Park, into an unnamed tributary of the Huatoki Stream. The discharge was a result of a blockage caused by wet wipes. The Council's contingency plan was followed and signs were erected.							
12 Jan 2022	3301-22-287 IN/44157	Sewage discharge - Smart Road, New Plymouth	Complaint	Kiwi Hire Group Limited (68748)		No Enforcement Action - Statutory defence	No Further Action
Comments: A complaint was received regarding sewage from portable toilets being discharged overland and into the stormwater system at a hire centre at Devon Road, New Plymouth. Investigation found that portable toilet contents were being discharged into the trade waste network (appropriate trade waste resource consent was held). A blockage had occurred within the network due to tree roots intercepting the network. The blockage caused an overflow of sewage at the adjacent property which flowed over land and into the stormwater network. The area was cleaned via the use of sucker trucks at the time of the incident.							
12 Jan 2022	3301-22-342 IN/44622	Rubbish pile - Andrews - Greenwood Rd -Okato	Complaint	Bruce Leonard & Luzia Agnes Andrews (11206)	R2/1808-3		Investigation Continuing
Comments: A complaint was received concerning a large pile of rubbish/ unauthorised materials in a farm dump at Greenwood Road, Okato. Investigation various unauthorised materials had been placed in an historical farm dump which included domestic rubbish, galvanized fencing wire, roofing, building materials, computer equipment, green waste and a jet ski hull. A fire had recently been lit in the farm dump and numerous items had been completely or partly burnt. Further enforcement action is being considered.							
13 Jan 2022	3301-22-284 IN/44139	Dust - Fitzgerald Lane, Hawera	Complaint	Christian Mahony (72215)			No Further Action
Comments: A complaint was received concerning dust discharging from site at the end of Fitzgerald Lane, Hawera. Investigation found that there was significant on-site and off-site dust being generated, effecting neighbouring properties, on an extremely windy day. Immediate works were undertaken to suppress dust. Further significant dust suppression measures have been implemented at the site.							

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Jan 2022	3301-22-286 IN/44149	Stormwater discharge - Mould/Norman Streets, Waitara	TRC Staff Notification	Solexin Industries Limited (10037)	R2/0436-3	EAC-24373 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During an office assessment it was discovered that a chemical manufacturing plant site at Mould/Norman Streets, Waitara, did not have a correct resource consent to discharge stormwater into an unnamed tributary of the Waitara River. An abatement notice was issued requiring the company to comply with the Regional Fresh Water Plan for Taranaki. Compliance with the abatement notice will be ascertained after 15 April 2022.

14 Jan 2022	3301-22-290 IN/44323	Rubbish in stream - Carrington Road, Okato	Complaint	Unsourced (9768)			No Further Action
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Comments: A complaint was received concerning rubbish dumped in a stream near Carrington Road, Okato. Investigation found that rubbish had been dumped in the stream. No responsible party could be traced. The rubbish was removed at the time of inspection.

15 Jan 2022	3301-22-293 IN/44198	Vegetable oil spill - Port Taranaki - New Plymouth	Complaint	Technix Bitumen Technologies Limited (56737) Technix Group Limited (20559) Technix Taranaki Terminal Limited (36881)	R2/0197-2.1	EAC-24376 - Explanation Requested - Letter EAC-24417 - Abatement Notice	No Further Action/Costs Recovered
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Comments: Notification was received from Port Taranaki regarding an oil like substance in the water near the Moturoa Wharf at Port Taranaki. Investigation found that a large quantity of vegetable oil was in the harbour near Motorua Wharf. At the time of inspection most of the spilt oil had been contained using sorbant booms and harbour boom. The recovered oil was discharged into IBC's and disposed in an approved manner. Further investigation of the Port area found that the vegetable oil had discharged from a storage tank at a site on Hutchens Place within the Port area. The discharge had ceased at the time of inspection and a large quantity of product had been contained on the site. This was subsequently removed using sucker trucks and the site cleaned up. An abatement notice was issued requiring works to be undertaken to ensure that no contaminants discharge to any surface water. Reinspection found that the abatement notice was being complied with at the time of inspection.

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Jan 2022	3301-22-297 IN/44201	TV in stream - Patea River - Stratford	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding a TV in the Patea River near Cloten Road, Stratford. Investigation found that there was a large TV in the river. The TV was removed at the time of inspection. No responsible party could be traced.							
18 Jan 2022	3301-22-298 IN/44261	Unauthorised discharge - Upland Road, Egmont Village	Complaint	Ferndene Quarries Limited (23461) Shane Henare (73187)	R2/10848-1.0 R2/6453-2.0 R2/7089-1.1		No Further Action/Costs Recovered
Comments: A complaint was received concerning unauthorised materials being disposed of at a cleanfill at Upland Road, Egmont Village. Investigation found a number of unauthorised materials in the cleanfill. A further complaint was received a few days later and enforcement action is being considered as a result of that investigation (see IN/44260).							
25 Jan 2022	3301-22-302 IN/44260	Unauthorised discharge - Upland Road, Egmont Village	Complaint	Agri Fert (31183) Brough Earthworks Limited (68645) Drillco 2019 Limited (73655) Ferndene Quarries Limited (23461)	R2/10848-1.0 R2/6453-2.0 R2/7089-1.1	EAC-24394 - Explanation Requested - Letter EAC-24395 - Explanation Requested - Letter EAC-24396 - Explanation Requested - Inspection Notice EAC-24405 - Explanation Requested - Letter	Investigation Continuing
Comments: A complaint was received regarding unauthorised building demolition material being disposed of at a cleanfill site at Upland Road, Egmont Village. Investigation found that unauthorised materials were present in the cleanfill. Letters requesting explanation were sent. Enforcement action is being considered.							

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
28 Jan 2022	3301-02-303 IN/44271	Discharge to stream - Brown Street, Inglewood	Complaint	J Jay (73654)			No Further Action
Comments: A complaint was received concerning a substance in a stream at Brown Street, Inglewood. Investigation found that there was a substance dumped in the stream. The property owner was spoken to, who confirmed that they had dumped it and it was kitty litter. Advice was given around complying with rules in the Regional Fresh Water Plan for Taranaki. The kitty litter was removed at the time of inspection.							
30 Jan 2022	3301-22-316 IN/44317	Dead fish and fish offal - Mangati Stream - Bell Block	Complaint	Guy Chambers (73745)			Investigation Continuing
Comments: Two complaints were received concerning dead fish and fish offal dumped in the Mangati Stream at Bell Block. Investigation found some dead fish and fish offal in the stream. The responsible party was traced and advised of rules in the Regional Fresh Water Plan for Taranaki. Eels were feeding on the fish waste at the time of inspection.							
1 Feb 2022	3301-22-312 IN/44338	Drilling mud liquids	Complaint	M Hareb Excavating Limited (32118)			Investigation Continuing
Comments: A complaint was received concerning drilling mud being processed on an industrial site in Waitara. Investigation found that some unknown materials had been placed in a bunded area. Analysis of samples taken have found that there were high chlorides in the material in contravention of rules in the Regional Fresh Water Plan for Taranaki. Investigation is continuing. Enforcement action is being considered.							

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
2 Feb 2022	3301-22-307 IN/44325	Dust - Hills Road, Stratford	Complaint	Mountain View Developments and Construction Ltd (73659) Whitaker Civil Engineering Limited (14442)		EAC-24406 - Abatement Notice EAC-24407 - Abatement Notice	No Further Action
Comments: A complaint was received concerning dust discharging from a development site on Hills Road, Stratford. Investigation found that objectionable dust was discharging from the development site, from multiple disturbed earthworks areas on the site. Some dust suppression measures were being undertaken (watering down the site and grass seeding), however it was ineffective at the time of inspection. An abatement notice was issued requiring works to be undertaken to ensure no objectionable or offensive dust discharges beyond the boundary of the site. Reinspection found that abatement notice was being complied with at the time of inspection.							
2 Feb 2022	3301-22-308 IN/44327	Dust - Swansea Road, Stratford	Complaint	Jason Bunn (17185)			Investigation Continuing
Comments: A complaint was received concerning dust from a property on Swansea Road, Stratford. Investigation found that objectionable dust was discharging beyond the boundary of the site. Enforcement action is being considered.							
6 Feb 2022	3301-22-328 IN/44373	Sewage overflows - New Plymouth district	Self-Notification	New Plymouth District Council (9565)	R2/0882-4.1 R2/10406-1.0	No Enforcement Action - Statutory defence	Investigation Continuing
Comments: Self-notification was received that during an extreme rainfall event in Taranaki, on Waitangi weekend, several overflows of sewage had occurred in the New Plymouth District Council area. Over 200mm of rain fell during this event. The discharge contingency plan was followed and signs were erected where required.							
6 Feb 2022	3301-22-329 IN/44374	Sewage overflows - South Taranaki district	Complaint	South Taranaki District Council (9623)			No Further Action
Comments: Self-notification was received that during an extreme rainfall event in Taranaki, on Waitangi Weekend, several overflows of sewage had occurred in the South Taranaki District Council area. Over 400mm of rain fell during this event. The discharge contingency plan was followed and signs were erected where required.							

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
6 Feb 2022	3301-22-345 IN/44446	Dairy effluent - Mid Puniho Road, Okato	Self-Notification	Bruce Binnie (37546)	R2/2574-3.0	No Enforcement Action - Statutory defence	No Further Action
Comments: Self-notification was received regarding an effluent storage contingency overflow pond wall failing resulting in the discharge of its contents into the adjacent stream, during and extreme rainfall event on Waitangi weekend at Mid Puniho Road, Okato. Investigation found that the historic second oxidation pond was currently being used as contingency storage for the holding pond and land based effluent application system which operated within the first oxidation pond (holding pond). The heavy rainfall resulted in elevated water levels within the stream running adjacent to the pond causing erosion of the pond wall resulting in the failure of the contingency pond. A digger was subsequently engaged to fill in the contingency pond.							
6 Feb 2022	3301-22-331 IN/44486	Dairy effluent - Ratapiko Road, Ratapiko	Self-Notification	FE & CA Grigg Partnership (15613)	R2/2061-3.0	No Enforcement Action - Statutory defence	No Further Action
Comments: Self-notification was received concerning a discharge from a dairy effluent oxidation pond, during an extreme rainfall event on Waitangi weekend, at Ratapiko Road. Inspection found that a wall on the first oxidation pond had collapsed. Discharge into the pond had been stopped and a digger was in the process of filling in the side of the pond.							
6 Feb 2022	3301-22-332 IN/44487	Culvert washed out - Newall Road, Okato	Self-Notification	Raymond & Ann Barron (1762)		No Enforcement Action - Statutory defence	No Further Action
Comments: Self-notification was received concerning culvert that had washed out during an extreme rainfall event on Waitangi weekend at a property at Newall Road, Okato. There was a possibility that a second culvert would wash out, causing a dam to collapse. Investigation found that a digger was engaged to create a bypass so the dam would not burst.							
6 Feb 2022	3301-22-330 IN/44489	Dairy effluent - Ngariki Road, Okato	Self-Notification	KJ & JS Barret Farms Ltd (12521)	R2/0945-3	No Enforcement Action - Statutory defence	No Further Action
Comments: Self-notification was received concerning a discharge from a dairy effluent oxidation pond, during an extreme rainfall event on Waitangi weekend, at Ngariki Road, Okato. Inspection found that a wall on the second oxidation pond had collapsed, allowing the contents to discharge via a channel created as a result of the heavy rain. A digger had been engaged to undertake repairs.							

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Feb 2022	3301-22-341 IN/44437	Unauthorised earthworks - Muggeridge Road, Manutahi	Complaint	Alastair Geary (16166)		EAC-24422 - Abatement Notice EAC-24423 - Abatement Notice	Investigation Continuing

Comments: A complaint was received regarding earthworks in a wetland on Muggeridge Road, Manutahi. Investigation found that there has been earthworks within 10 metres of a wetland, and possibly within a wetland in breach of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFW). Two abatement notices were issued requiring the works to cease immediately and for silt and sediment controls to be installed and maintained. Reinspection found that the abatement notice was being complied with at the time of inspection. Further enforcement action is being considered.

12 Feb 2022	3301-22-348 IN/44475	Sewage overflows - South Taranaki district	Self-Notification	South Taranaki District Council (9623)	R2/7521-1 R2/1204-4 R2/7520-1 R2/5079-2.0 R2/4248-3.0 R2/0236-7.0 R2/0067-3 R2/0145-2	No Enforcement Action - Statutory defence	No Further Action
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Comments: Self-notification was received that during an extreme rainfall event in Taranaki, during Cyclone Dovi, several overflows of sewage had occurred in the South Taranaki District Council area. A significant amount of rain fell in the region. The discharge contingency plan was followed and signs were erected where required.

13 Feb 2022	3301-22-350 IN/44474	Sewage overflows - New Plymouth district	Self-Notification	New Plymouth District Council (9565)	R2/10406-1.0 R2/0882-4.1 R2/1449-5.0	No Enforcement Action - Statutory defence	No Further Action
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Comments: Self-notification was received that during an extreme rainfall event in Taranaki, during cyclone Dovi, several overflows of sewage had occurred in the New Plymouth District Council area. A significant amount of rain fell in the region. The discharge contingency plan was followed and signs were erected where required.

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Feb 2022	3301-22-344 IN/44453	Sewage overflow - Breacon Road/Hamlet Street, Stratford	Complaint	Stratford District Council (10048)			Investigation Continuing
Comments: A complaint was received concerning sewage discharging from some manholes at Breacon Road and 28 Hamlet Streets, Stratford. Investigation found that no notification had been received from Stratford District Council. Investigation found that a manhole was overflowing into a nearby stormwater drain and then into surface water. Samples and photographs were taken. The discharge appeared to have been occurring for some time. A letter requesting explanation was sent.							
15 Feb 2022	3301-22-352 IN/44476	Impounded water/flooding - Arawhata Road, Opunake	Complaint	Araun Langton (10769)			No Further Action
Comments: A complaint was received concerning impounded water from an undersized culvert on a neighbouring farm at Arawhata Road, Opunake. Investigation found that water had impounded on the neighbouring property. The landowner undertook removal of the culvert and some flood protection works to remedy the issue.							
17 Feb 2022	3301-22-366 IN/44568	Discolouration in the Mangati Stream - Bell Block	Complaint	Offshore Plumbing & Pipeline			No Further Action
Comments: A complaint was received concerning an orange discolouration in the Mangati Stream in Bell Block. Investigation found the stream to be discoloured. Inspection of upstream properties, found that the occupiers of a property had been undertaking earthworks and, unknown to them, a stormwater pipe had blocked causing a backup of stormwater. During the unblocking of the stormwater pipe a sudden rush of water had caused some discolouration of the stream.							
21 Feb 2022	3301-22-363 IN/44552	Smoke - Cornwall Street, Eltham	Complaint	Geoff Downey (73715)			No Further Action
Comments: A complaint was received concerning smoke from burning in the defined urban area at Cornwall Street, Eltham. Investigation found that a small amount of green waste was being burnt. The land occupier was advised of rules in the Regional Air Quality Plan for Taranaki.							

Non-compliant incidents for the period 12 Jan 2022 to 22 Feb 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Feb 2022	3301-22-364 IN/44565	Dead cow - Waiwhakaiho River - Merrilands Domain	Complaint	Unsourced (9768)			No Further Action

Comments: A complaint was received concerning a dead cow in the river upstream of the swimming hole at the Merrilands Domain, New Plymouth. Investigation found a cow carcass in the middle of the river. The owner could not be traced and a contractor was engaged to remove the carcass.

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
7 Jul 2021 <u>Update</u>	332122-021 ENF-23167	Annual Inspection	Non-compliance	Ample Group Limited (52845)	R2/5176-2.0	EAC-24214 - Abatement Notice	Investigation Continuing

Comments: During routine monitoring it was found that the data logger was not operational in contravention of resource consent conditions at a water abstraction site, Mountain Road, Stratford. An abatement notice was issued requiring the resource consent to be complied with at all times. Reinspection found that the data logger was still not operational and the abatement notice was not being complied with. A meeting was held with the Company and contractors were engaged immediately to fully install a telemetered system on the site to ensure compliance. Further enforcement action is being considered.

8 Sep 2021 <u>Update</u>	332122-025 ENF-23174	Annual Inspection	Significant non-compliance	Murray & Edna Saxton (3151)	R2/3610-2	EAC-24386 - Infringement Notice (\$750) EAC-24204 - Abatement Notice EAC-24203 - Abatement Notice	No Further Action/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 at Manawapou Road, Manutahi, Patea. Abatement notices were issued requiring the discharge to cease and for 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.

20 Sep 2021 <u>Update</u>	332122-043 ENF-23207	Annual Inspection	Significant non-compliance	Erin McDonald (51733) Mount Rail Trust (51608) Rachel McColl (51732)	R2/2648-2	EAC-24389 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (13 October 2021), taken during the annual dairy inspection round (20 September 2021), 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-21664 issued as a result of a previous non-compliance at Main Road, Manutahi.

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
<u>27 Sep 2021 Update</u>	332122-032 ENF-23193	Annual Inspection	Significant non-compliance	WR & KL Smillie & BR Pascoe Farm Partnership (52091)	R2/1866-3.0	EAC-24219 - Abatement Notice	Investigation Continuing

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Ngaro Road, Tariki. 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 abatement notice was being complied with at the time of inspection. Further enforcement action is being considered.

<u>28 Sep 2021 Update</u>	332122-031 ENF-23192	Annual Inspection	Significant non-compliance	Hugh & Ruth Wilson (3719)	R2/2520-2	EAC-24382 - Infringement Notice (\$750) EAC-24218 - Abatement Notice	No Further Action/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 at Lower Durham Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found the abatement notice was being complied with at the time of inspection.

<u>11 Oct 2021 Update</u>	332122-082 ENF-23260	Annual Inspection	Significant non-compliance	Mangatui Limited (67181)	R2/0712-3.0	EAC-24390 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (12 November 2021), taken during the annual dairy inspection round (11 October 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and Abatement Notice EAC-23070, issued as a result of a previous non-compliance, at Bristol Road, Inglewood.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Oct 2021 <u>Update</u>	332122-074 ENF-23270	Annual Inspection	Non-compliance	Hendrik Mansvelt (2117) Hendrik Mansvelt T/A Morning Farm (12705)	R2/1847-3		No Further Action/Costs Recovered

Comments: During analysis of samples (11 November 2021), taken during the annual dairy inspection round (12 October 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and Abatement Notice EAC-23068, issued as a result of a previous non-compliance, at Pembroke Road, Stratford.

12 Oct 2021 <u>Update</u>	3 32122-055 ENF-23218	Annual Inspection	Significant non-compliance	Irene Gladding (70288) Ngaro Partnership (70140)	R2/5718-2.0	EAC-24317 - Infringement Notice (\$750)	Investigation Continuing
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Comments: During the annual dairy inspection round, it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-23029 issued as a result of a previous non-compliance at Ngaro Road, Tariki. A follow up inspection found that the abatement notice was not being complied with. Further enforcement action is being considered.

12 Oct 2021 <u>Update</u>	332122-067 ENF-23253	Annual Inspection	Significant non-compliance	Kevin Uhlenberg (73125) KJ & HL Uhlenberg (Waitui) Family Trust Partnership (20442)	R2/1806-3.0		Investigation Continuing
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Comments: During analysis of samples (10 November 2021), taken during the annual dairy inspection round (12 October 2021), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21801 issued as a result of a previous non-compliance at Rugby Road, Tariki. Enforcement action is being considered.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Oct 2021 <u>Update</u>	332122-068 ENF-23251	Annual Inspection	Significant non-compliance	Kevin Uhlenberg (73125) KJ & HL Uhlenberg (Waitui) Family Trust Partnership (20442)	R2/3179-2	EAC-24305 - Abatement Notice	Investigation Continuing

Comments: During analysis of samples (10 November 2021), taken during the annual dairy inspection round (12 October 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Tariki Road, Tariki. An abatement notice was issued requiring works to be undertaken to ensure consent compliance. Reinspection will be undertaken after 31 January 2022. Further enforcement action is being considered.

18 Oct 2021 <u>Update</u>	332122-083 ENF-23313	Annual Inspection	Significant non-compliance	Garry Joseph Brophy (2550) Silver Bay Trust (69528)	R2/2486-3.0		Investigation Continuing
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Comments: During analysis of samples (29 November 2021), taken during the annual dairy inspection round (18 October 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Bayly Road, Warea. Enforcement action is being considered.

18 Oct 2021 <u>Update</u>	332122-084 ENF-23315	Annual Inspection	Non-compliance	Gillett Farms Limited (30418) Troy & Hayley Gillett (31640)	R2/0258-3		Investigation Continuing
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Comments: During analysis of samples (29 November 2021), taken during the annual dairy inspection round (18 October 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Richmond Road, Inglewood. 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
19 Oct 2021 <u>Update</u>	332122-059 ENF-23228	Annual Inspection	Non-compliance	Peter John & Marilyn Lesley Joy Clegg (2442)	R2/2439-2	EAC-24425 - Infringement Notice (\$750) EAC-24288 - Abatement Notice	Investigation Continuing

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Tariki 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 only partially being complied with. Further enforcement action is being considered.

22 Oct 2021 <u>Update</u>	332122-086 ENF-23316	Annual Inspection	Non-compliance	A & S Pritchard (51722) Lepper Farms (34457)	R2/7775-3.0		Investigation Continuing
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Comments: During analysis of samples (10 January 2022), taken during the annual dairy inspection round (22 October 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Manutahi Road, Lepperton. Enforcement action is being considered.

26 Oct 2021 <u>Update</u>	332122-087 ENF-23318	Annual Inspection	Non-compliance	C & A Dairies Limited (35738) Craig & Alice Knowles (33972)	R2/6358-2.0		Investigation Continuing
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Comments: During analysis of samples (10 January 2022), taken during the annual dairy inspection round (26 October 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Egmont Road, Kaimiro. 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
1 Nov 2021 <u>Update</u>	332122-077 ENF-23249	Annual Inspection	Significant non-compliance	Beaufort Farm Trust (23628) Marcus Smith (16291)	R2/4347-2.1	EAC-24302 - Abatement Notice	Investigation Continuing

Comments: During analysis of samples (16 November 2021), taken during the annual dairy inspection round (1 November 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Opunake Road, Cardiff. An abatement notice was issued requiring works to be undertaken to ensure compliance. Reinspection will be undertaken after 21 February 2022. Further enforcement action is being considered.

5 Nov 2021 <u>Update</u>	332122-092 ENF-23245	Annual Inspection	Non-compliance	Clonakillity Farms Limited (35599)	R2/4908-2.0	EAC-24426 - Infringement Notice (\$750) EAC-24301 - Explanation Requested - Letter EAC-24300 - Abatement Notice	No Further Action/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 Manganui 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 the abatement notice was being complied with at the time of inspection.

15 Nov 2021 <u>Update</u>	332122-088 ENF-23326	Annual Inspection	Non-compliance	Clark Peters Farms Limited (50939) Ross Clark (36528)	R2/2708-2	EAC-24437 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (11 January 2022), taken during the annual dairy inspection round (15 November 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at York Road, Midhurst.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Nov 2021 <u>Update</u>	332122-089 ENF-23328	Annual Inspection	Non-compliance	Richard Uhlenberg (22085) York Farm 2013 Limited (50820)	R2/0688-4.0	EAC-24435 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During analysis of samples (11 January 2022), taken during the annual dairy inspection round (15 November 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at York Road, Mithirst.

23 Nov 2021 <u>Update</u>	332122-090 ENF-23329	Annual Inspection	Non-compliance	Coxhead Hillcrest Company Limited (35149) Michael Charles Coxhead (20696)	R2/7341-1.1	EAC-24436 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (11 January 2022), taken during the annual dairy inspection round (23 November 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Waingongoro Road, Stratford.

24 Nov 2021 <u>Update</u>	332122-091 ENF-23332	Annual Inspection	Non-compliance	Gary & Lucy Butler (1606) Lallybroch Trust (4500)	R2/4409-2		Investigation Continuing
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Comments: During analysis of samples (11 January 2022), taken during the annual dairy inspection round (24 November 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Upper Auroa Road, Hawera. 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
30 Nov 2021 <u>Update</u>	332122-073 ENF-23278	Annual Inspection	Significant non-compliance	Coleraine Farms Limited (31958) Robert & Kathlene Amon (3468)	R2/4124-2	EAC-24348 - Abatement Notice EAC-24347 - Abatement Notice EAC-24344 - Explanation Requested - Letter EAC-24343 - Explanation Requested - Letter EAC-24342 - Abatement Notice EAC-24341 - Abatement Notice EAC-24339 - Abatement Notice EAC-24336 - Abatement Notice	Investigation Continuing

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Beach Road, Waverley. Also contravention of rules in the Regional Fresh Water Plan for Taranaki (RFPW) were found. Abatement notices were issued requiring works to be undertaken to ensure compliance with resource consent conditions and rules in the RFPW. Reinspection found that the abatement notice was being complied with. Letters requesting explanation were sent. Further enforcement action is being considered.

1 Dec 2021 <u>Update</u>	332122-093 ENF-23333	Annual Inspection	Non-compliance	Brian Edward & Jocelyn Stephanie Hicks (1918) Godwilling Partnership (33854)	R2/1549-3		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 Eltham Road, Stratford. 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
3 Dec 2021 <u>Update</u>	332122-076 ENF-23282	Office Assessment	Non-compliance	OMV New Zealand Limited (21295) Waste Remediation Services Limited (50821)	R2/7795-1.1	EAC-24346 - Explanation Requested - Letter EAC-24345 - Explanation Requested - Letter	No Further Action/Costs Recovered

Comments: During an office based assessment it was found that notification was not received prior to the discharge of drilling waste at a land farm on Manawapou Road, Manutahi. It was also found that analysis of the waste was not submitted prior to the discharge. These were in contravention of resource consent conditions. Letters of explanation were received and accepted.

20 Dec 2021 <u>Update</u>	332122-059 ENF-23228	Follow Up Inspection	Non-compliance	Peter John & Marilyn Lesley Joy Clegg (2442)	R2/2439-2	EAC-24425 - Infringement Notice (\$750) EAC-24288 - 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 at Tariki 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 only partially being complied with. Further enforcement action is being considered.

21 Dec 2021 <u>Update</u>	332122-079 ENF-23297	Annual Inspection	Significant non-compliance	John & Fiona Henschman (3879)	R2/1519-3	EAC-24365 - 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 and in contravention of Abatement Notice EAC-24365, which was issued as a result of a previous non-compliance. A letter of explanation was received. Enforcement action is being considered.

Compliance Monitoring – Non-compliances for the period 12 Jan 2022 to 22 Feb 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Jan 2022	332122-106 ENF-23383	Compliance Monitoring Insp.	Non-compliance	Stratford District Council (10048)	R2/0196-5.0		No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that the visual clarity in the Patea River was in contravention of Special condition 13 of Resource Consent 0196-5.0 at the Waste Water Treatment Plant at Victoria Road, Stratford. A meeting was held and works are being undertaken on the site to mitigate any effects of the discharge and to ensure compliance with resource consent conditions.							
20 Jan 2022	332122-094 ENF-23337	Annual Inspection	Significant non-compliance	Francis Mullan (2715)	R2/0968-3		Investigation Continuing
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Kahui Road, Okato. No abatement notice was issued as work was undertaken prior to one being issued. Reinspection was undertaken on 27 January 2022 and the system was operating within resource consent conditions. Enforcement action is being considered.							
20 Jan 2022	332122-095 ENF-23338	Annual Inspection	Non-compliance	DJ & MW Hurley (23519)	R2/4351-2	EAC-24383 - 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 Joll 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. Re-inspection will be undertaken after 31 March 2022.							

Compliance Monitoring – Non-compliances for the period 12 Jan 2022 to 22 Feb 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Jan 2022	332122-099 ENF-23356	Annual Inspection	Non-compliance	Tasman Dairy Farms Limited (23183)	R2/2026-3.0	EAC-24415 - 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 Main North Road, Motunui. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Re-inspection will be undertaken after 28 February 2022.							
21 Jan 2022	332122-096 ENF-23336	Annual Inspection	Non-compliance	Hamish Hiestand (54547)	R2/2793-2	EAC-24381 - 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 Dalziel Road, Eltham. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Re-inspection will be undertaken after 25 February 2022.							
27 Jan 2022	332122-097 ENF-23345	Annual Inspection	Non-compliance	Imola Farms Limited (31145)	R2/2481-3.0	EAC-24392 - 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 South Road, Rahotu. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Re-inspection will be undertaken after 31 December 2022.							

Compliance Monitoring – Non-compliances for the period 12 Jan 2022 to 22 Feb 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
28 Jan 2022	332122-104 ENF-23377	Annual Inspection	Non-compliance	KCCG Sole Trust (13102) Kenneth Geoffrey & Christine Joy Sole (15149)	R2/1867-3		Investigation Continuing
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Pungarehu Road, Pungarehu. Enforcement action is being considered.							
31 Jan 2022	332122-102 ENF-23354	Annual Inspection	Non-compliance	Barry John & Lynette Betty Bishop (2570)	R2/5877-2	EAC-24418 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that a cleanfill site was not operating within resource consent conditions at Ahuahu Road, Oakura. No silt and sediment controls had been installed as required by resource consent conditions. An abatement notice was issued requiring silt and sediment controls to be installed. Reinspection will be undertaken after 25 February 2022.							
3 Feb 2022	332122-103 ENF-23375	Annual Inspection	Non-compliance	Joblin Partners Limited (35408)	R2/7056-1		Investigation Continuing
Comments: During the annual dairy inspection round it was found that the dairy effluent oxidation system was not operating within resource consent conditions. Enforcement action is being considered.							

Compliance Monitoring – Non-compliances for the period 12 Jan 2022 to 22 Feb 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
9 Feb 2022	332122-098 ENF-23357	Compliance Monitoring Insp.	Non-compliance	Katere Surface Coatings Limited (20564)	R2/4475-3.0 R2/10881-1.0	EAC-24416 - Abatement Notice	No Further Action/Costs Recovered

Comments: During routine monitoring it was found that an abrasive blasting company was not operating within resource consent conditions at Katere Road, Waiwhakaiho. An abatement notice was issued requiring the company to undertake works to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 March 2022.

16 Feb 2022	332122-100 ENF-23365	Annual Inspection	Significant non-compliance	John Foreman (52114) Marlene Foreman (52115)	R2/3558-2	EAC-24427 - 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 Hursthouse Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 3 March 2022. Further enforcement action is being considered.

16 Feb 2022	332122-101 ENF-23369	Annual Inspection	Non-compliance	T & M Hill Limited (30654)	R2/3021-2	EAC-24429 - Explanation Requested - Inspection 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 Meremere Road, Mokoia. A letter requesting explanation was sent and enforcement action is being considered.

Compliance Monitoring – Non-compliances for the period 12 Jan 2022 to 22 Feb 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
18 Feb 2022	332122-105 ENF-23374	Annual Inspection	Significant non-compliance	Mitchell Family Trust (22004) Paul Mitchell (24675)	R2/5776-2.0		Investigation Continuing

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-23837 issued as a result of a previous non-compliance, at Rakaupiko Road, Patea. Further enforcement action is being considered.



Date 15 March 2022

Subject: **Report on application for seven notified applications - Opunake Power Limited**

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

Document: 3011467

Purpose

1. The purpose of this memorandum is to recommend that the Taranaki Regional Council (the Council) approve an application for seven notified applications by Opunake Power Limited relating to their small hydroelectric scheme. The applications are for the damming of the Waiaua River and for the taking of water to fill Lake Opunake for the purpose of power generation, which is then discharged onto Opunake Beach.

Executive summary

2. The Council publicly notified seven applications for the hydroelectric scheme at Opunake. Submissions in support and in opposition were received. The critical resource management issues were the residual flow below the intake weir and fish passage over the intake weir.
3. An extensive and successful pre hearing process was held which resulted in those who wished to be heard withdrawing this right because agreement had been reached on consent conditions.
4. The Consents and Regulatory Committee must now decide whether to grant the applications.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum "Report on seven applications for notified applications - Opunake Power Limited"
- b) notes the extensive pre hearing process that has been undertaken to successfully resolve submissions on the applications
- c) approves the consent application by Opunake Power Limited (consent numbers 1795-5, 1796-4, 1797-4, 4563-3, 4744-3, 5581-2, 5692-2, 10826-1), in accordance with the recommendation in the officers' report

- d) determines that this decision be recognised as significant or not significant in terms of section 76 of the *Local Government Act 2002*
- e) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

5. The Opunake Hydroelectric Power Scheme (the Scheme) operated by Opunake Power Limited (the applicant) was established in 1922 and first consented in 1990. The applicant held eight resource consents for the operation of the Scheme, six of which expired in 2018. These consents were for the taking of water both from the Waiaua River and from Opunake Lake, the discharge of sediment to the Waiaua River including sluicing to remove silt and stones, the discharge of water to the Tasman Sea at Opunake beach, the damming of the Waiaua River as well as the removal of accumulated river bed material for the purpose of clearing the intake. Details of the operation of the Scheme, including limits set within the consents are detailed in the attached officers' report.
6. Since these consents have expired, the Scheme has not been operating. The applicant submitted an application for seven resource consents on 23 February 2020, which are set out below:
 - Consent 1795-5: To take water from the Waiaua River for the purposes of operating the Opunake Hydroelectric Power Scheme.
 - Consent 1796-4: To take and use water from Opunake Lake for hydroelectric power generation in association with the Opunake Hydroelectric Power Scheme.
 - Consent 1797-4: To discharge sand and silt deposits from a diversion canal sand trap via a spillway to the Waiaua River in association with the Opunake Hydroelectric Power Scheme.
 - Consent 4563-3: To occupy the coastal marine area on the Opunake beach foreshore with an outfall structure associated with the Opunake Hydroelectric Power Scheme.
 - Consent 4744-3: To discharge water from Opunake Lake through two marine outfall pipes into the Tasman Sea after being used for hydroelectric power generation.
 - Consent 5581-2: To dam the Waiaua River in association with the Opunake Hydroelectric Power Scheme.
 - Consent 5692-2: To disturb the bed of the Waiaua River by removing sediment build-up upstream of a weir for the purpose of maintaining the Opunake hydroelectric scheme intake.
 - Consent 10826-1: To discharge water containing sediment from the Waiaua River to Opunake Lake.
7. Through the notification decision process under section 95 of the Resource Management Act 1991 (RMA), it was considered that the adverse effects resulting from the proposed activities would be more than minor and that several persons were determined to be affected parties, therefore public notification was required. The application was publicly notified on 14 March 2020. Notice was served on Taranaki iwi and South Taranaki

District Council. Taranaki iwi, Ōrimupiko Hapū, Fish and Game and Department of Conservation were determined to be adversely affected, primarily as a result of the potential barrier to fish, and the reduced flow downstream of the intake. There were 22 submissions received of which 9 requested to be heard in their submission.

8. Council sent a further information request under section 92 of the RMA requesting the applicant provide the following information:
 - A detailed analysis of the flow in the Waiaua River and how they would be affected by the proposed take
 - An assessment of the proposal on tāngata whenua values
 - An assessment of instream habitat and the effects on fish passage.
9. Once the submissions were collated, it was decided to hold a pre-hearing meeting, primarily to discuss fish passage and the residual flow which were the critical issues. Three pre-hearing meetings were held, which are summarised below.

Pre hearing process

10. The first pre-hearing was held on 16 June 2020 where the applicant gave an overview of the scheme and general discussion occurred which was mainly focused on the residual flow. The submitters who were present requested that the residual flow be higher than the 180 litres per second limit which was previously consented. The parties indicated they likely would accept a residual flow of 300 litres per second.
11. Fish passage was also discussed during this pre-hearing meeting and there was general agreement that it was provided for, but the submitters recommended the velocity through the intake tunnels be minimized to protect native species. The applicant indicated they could minimize the velocity through the tunnels which was supported by the submitters, provided there was monitoring to confirm its effectiveness.
12. Key outcomes of the first pre-hearing meeting were:
 - Submitters were to consider whether a 300 litres per second residual flow would be acceptable
 - The applicant agreed to manage water levels in the intake canal to provide better fish passage
 - The applicant would undertake fish surveys to monitor whether fish passage as a result of managing water levels was being achieved
 - That a second pre-hearing meeting would be held with all submitters.
13. The second pre-hearing meeting was held on 16 July 2020 where the meeting Chair provided an overview of the first pre-hearing meeting and a summary of outstanding submission points to be discussed. Particularly, the group discussed appropriate residual flow limits and operational components of the Scheme. The submitters supported the varying residual flow suggested by the applicant, to which the applicant agreed to consider.
14. Key outcomes of the second pre-hearing meeting were:
 - Confirmed the applicant would consider whether he would give real consideration to the varying residual flow which was proposed

- The applicant reconfirmed they would manage water levels in the intake canal to provide for better fish passage
 - The applicant agreed they would undertake fish surveys to monitor the effectiveness managing water levels had on fish passage
 - Council staff were requested to prepare a draft officers' report and recommendation to circulate to all parties. The major task of preparing the officers' report took some time.
15. A third pre-hearing meeting was held by way of circulation of a draft officers' report and set of consent conditions to submitters who wished to be heard. The initial draft of the conditions were refined following discussion with parties through email and a 'final' draft report was prepared. This took some time and a final draft was discussed, further refined and agreed via email.
16. Subsequently, all submitters withdrew their wish to be heard on the basis that the consents would be issued under the terms and conditions recommended in the officers' report.
17. Key features of the new consents included:
- A requirement for the applicant to undertake fish surveys to monitor if water level management achieves the appropriate level of fish passage
 - A requirement to make a financial contribution for the purpose of mitigating the adverse environmental effects on the Waiaua River and Opunake Lake, including tributaries be spent on environmental enhancement projects within the catchment
 - A requirement for comprehensive monitoring and reporting, including the requirement for preparing and submitting a monitoring and reporting plan to assess the environmental effects on aquatic communities within the residual flow reach
 - A requirement to prepare and submit a Sediment Management Protocol
 - A requirement for the applicant to provide a report which describes the effects of the taking on water temperature, and whether the effects of temperature on macroinvertebrates and fish could be appropriately mitigated by changing the residual flow regime
 - A requirement for the applicant to prepare and provide a water temperature monitoring plan to ensure effects on the aquatic community within the residual flow reach as a result of taking, be determined
 - A higher residual flow limit of 300 litres per second
 - A requirement for the applicant to undertake and maintain riparian planting
 - A requirement for the consent holder to set aside \$2000 annually to contribute to aquatic compensation such as monitoring for pest fish, and creating community awareness around pest fish and aquatic pest plants by establishing and maintaining signs
 - To acknowledge the consents were granted with key stakeholder involvement in a long, extensive and successful pre-hearing process, which added the need for an expensive formal hearing and the potential for uncertainty for all concerned, and provided for appropriate future involvement from mana whenua and other submitters
 - A requirement for the provision of a site exit plan and bond
 - Approving the applications will be consistent with Council policy in the Regional Freshwater Plan and the Coastal Plan.

Summary and conclusions

18. The proposal is to grant seven resource consents necessary to authorise the operation of the Opunake Hydroelectric Power Scheme. The applications were publicly notified and 22 submissions were received; from Iwi, Fish & Game, Department of Conservation and members of the general public. After a series of pre-hearing meetings and discussion of draft conditions, the conditions recommended in this report have been agreed by all parties. In summary the conditions address: fish passage, a minimum flow regime, the effects management hierarchy, information provision and the general operation of the Scheme.
19. Our opinion is that issuing the consents under the terms and conditions recommended is consistent with sustainable management and with the relevant policy documents.
20. The Consents and Regulatory Committee is now required to decide whether or not to grant the application.

Financial considerations—LTP/Annual Plan

21. 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

22. 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

23. 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

24. 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

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

Appendices/Attachments

Document 2453105: Officer's report for consents 1795-5, 1796-4, 1797-4, 4563-3, 4744-3, 5581-2, 5692-2, 10826-1.0

Memorandum

To Fred McLay, Director – Resource Management
From Anna Johnston, Consents Officer
Colin McLellan, Senior Consents Advisor
Paddy Deegan, Environmental Scientist - Freshwater Biology
Jocelyne Allen, Consents Manager

Job Manager Paddy Deegan
Document 2453105
Date 2 March 2022

Consent 1795-5: To take water from the Waiaua River and discharge it into Opunake Lake for the purpose of generating electricity at the Opunake hydroelectric power scheme (NZTM 1674587E-5632135N)

Consent 1796-4: To take from Opunake Lake for the purpose of generating electricity at the Opunake hydroelectric power scheme (NZTM 1674025E-5632004N)

Consent 1797-4: To discharge sand and silt deposits from a diversion canal sand trap via a spillway to the Waiaua River associated with operating the Opunake hydroelectric power scheme (NZTM 1674474E-5632071N)

Consent 4563-3: To occupy the coastal marine area on the Opunake Beach foreshore with an outfall structure associated with the Opunake hydroelectric power scheme (NZTM 1673814E-5631960N)

Consents 4744-3: To discharge water from Opunake Lake through two marine outfall pipes into the Tasman Sea after being used for hydroelectric power generation, (NZTM 1673817E-5631904N end of outfall)

Consent 5581:-2 To dam the Waiaua River with a 4.5 m high concrete weir and to use the weir and the associated intake to provide water to Opunake hydroelectric power scheme, (NZTM 1674584E-5632125N)

Consent 5692-2: To disturb the bed of the Waiaua River by removing sediment build-up upstream of a weir for the purpose of maintaining the Opunake hydroelectric scheme intake

(NZTM 1674618E-5632129N)

**Consent 10826-1.0: To discharge water containing sediment from the
Waiaua River to Opunake Lake
(NZTM 1674400E-5632073N)**

Applicant	Opunake Power Limited
Site location	South Road, SH45, Opunake
Catchment	Waiaua 2 (Waiaua) (364)
River	Opunake Lake (364100)
Review date(s)	June 2024 and 3-yearly intervals thereafter
Expiry date	1 June 2047

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1. Introduction

1. The Opunake Hydroelectric Power Scheme (the Scheme) is a 400kVA (320kW) hydroelectric power station operated by Opunake Power Ltd ('OPL' or 'the applicant'). The Scheme was established in 1922 and first consented in 1990.
2. OPL held eight resource consents for the Scheme, six of which expired in 2018. They lodged applications to renew those six consents and for one additional consent after the previous consents had expired.
3. Since the consent expired on 1 June 2018 the Scheme has not been operating.
4. This report assesses the applications under the Resource Management Act ('RMA'), including submissions and recommends that the consents be issued for a duration ending in 2047 (i.e. approximately 25 years).
5. The relevant regional plans are the *Regional Freshwater Plan for Taranaki* ('RFP'), the *Regional Coastal Plan for Taranaki* ('RCP') and the *Proposed Coastal Plan for Taranaki* ('PCP').

2. Description of the scheme

6. The layout of the scheme is illustrated in Figure 1.
7. In summary, the Scheme involves diverting up to 3900 litres per second (L/s) from the Waiaua River to canal and then into a 12 ha storage lake (Opunake Lake). Water passes from Opunake Lake through a penstock to the generator before it discharges to the Tasman Sea at Opunake Beach (Figure 1).
8. A 4.5 m high concrete weir is situated on the Waiaua River below the SH45 Bridge. The weir diverts water through two intake gates and along a twin 30 m tunnel to a water intake canal. This tunnel contains a fish ladder on the base which provides lower velocity water to assist fish passage.



Figure 1: General Scheme layout



Figure 2: The intake weir



Figure 3: Water entering the intake

9. Other elements of the Scheme are:
 - A fish pass between the water intake canal and the pool below the diversion weir. The fish pass provides for both trout and native fish sections.
 - A 200 m long water intake canal directing water into Opunake Lake.
 - The Opunake Lake storage reservoir.
 - An intake structure, tunnel and penstock which directs water from the lake to the powerhouse.
 - The control bunker and generator. The generator is below ground level and is supplied by water from the penstock via a surge chamber.
 - A tunnel and tailrace structure that directs water from the powerhouse onto the southeast end of Opunake Beach and into the Tasman Sea.

2.1 Operation during normal river levels

10. When the scheme is in operation the weir is designed to divert most of the flow of the Waiaua River, for 75% of the time and to overtop only at higher flows.
11. The head works are shown in **Figure 4**.
12. During normal operation the river intake gates G3 and G4 are fully open and the weir bypass G5 and bywash gates G1 and G2 are shut. During normal River flows there would be no overflow of the weir however it is likely that there would be seepage from the gates and weir itself.
13. Between the intake screens and the intake gates is a settling basin, this collects smaller debris that pass through the screens. From time to time this requires flushing by opening Gate 1.
14. Operations that occur at the weir include sluicing at three different gates (Gate 1, 2 and 5). Sluicing removes sand and stones that otherwise will be washed into the intake canal. Debris is also cleaned from the intake screens.
15. The expired consents require a residual flow of 180 litres per second is maintained in the river below the weir. This is achieved with the flow through the fish pass (approximately 80 L/s) and sand trap canal sluice gate (approximately 100 L/s) along with any other leakage from the weir face itself. The operation of the scheme ensures that a constant flow of 80 L/s or level of 435 mm is maintained in the fish pass at all times except for when flushing the fish pass is required.
16. During normal operation the canal sluice gate is closed (or partly closed to allow 100 l/s residual flow) and the canal stop gate at the sand trap open as the flow of water into the lake opens it.
17. An automated regime of flushing the weir intake and canal sand trap occurs on a periodic basis during normal operating procedures.
18. When inflows to the lake are less than the outflow through the generator, the generator will operate in a start stop manner whereby it draws from the lake until the lake reduces to a pre-set level (about 505 mm). The generator will then stop and the lake will refill.

19. Once the lake reaches a pre-set level the screen cleaner operates and generator starts. This operation is programmed to run in an automated manner. This can be overridden by manual controls but generally it will follow this predetermined operation.
20. The level of the storage lake varies according to generation requirements. The water take from the lake depends on level and time of day, there will be periods of continuous operation, but generally the water is take about 65% of the time.
21. Debris on the penstock intake screens caused by weed in the lake and other debris is removed periodically.

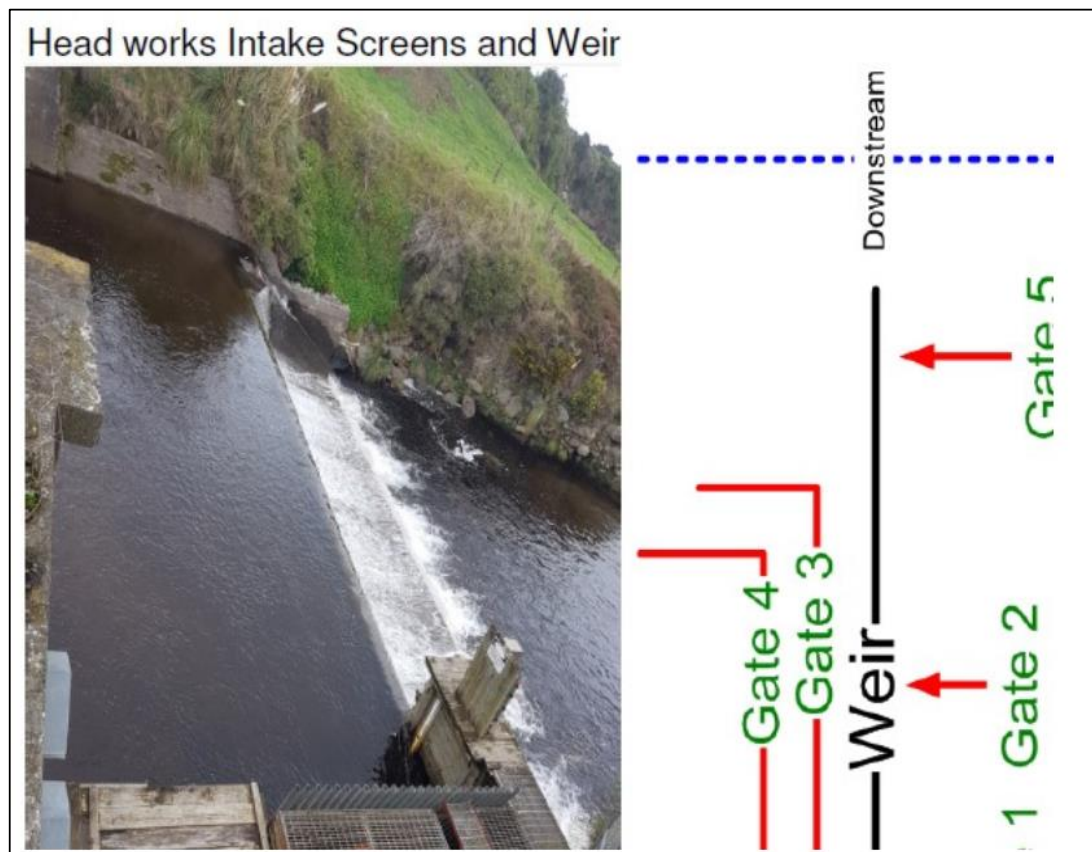


Figure 4: Headworks diagram (from application)

2.2 Operational procedure during flooding

22. The water intake is closed during flood events to avoid heavy sediment loading in the canal and lake. Intake Gate 3 and G4 close when the river level is greater than 300 mm (as shown on the staff gauge) for more than 1 minute and will open again automatically on the lowering of the river level.

23. During high flows the bypass Gate 5, located on the true left side of the weir, is opened to allow flood water to pass and encourages substrate movement past the weir.
24. It has been found that opening Gate 5 creates a deep channel, indicating that it is moving at least some substrate. If substrate is accumulating upstream of the weir to the point of causing an adverse impact on channel shape (including erosion of river banks) then gravel could be extracted under expired consent 5692.
25. The proposal is that diverting water from the river ceases when the flow is at or above 3x median flow. This can be achieved by closing the gates following automatic notification from the Council's upstream flow recorder that a flood is on its way. A comparison of the water level recorded at the upstream flow recorder and that recorded at the weir shows that there is a time of travel approximately 1.5 hours between the 2 sites.

2.3 Lake levels

26. Generally the lake will operate between 550 mm and 900 mm, and will only be lower than 500 mm during abnormal periods. Abnormal periods include:
 - low inflows increasing the time to store water outside of a network peak period;
 - no inflows due to a flood;
 - high inflows causing an increase in the lake level which eventually spills at the lake spillway;
 - prolonged network peaks or abnormal times for peaks;
 - extraordinary demand on the network (maintenance);
 - scheduled and most unscheduled maintenance;
 - high silt content in the canal.

3. Resource consents

27. There are 8 resource consents relating to the scheme. Seven of which expired in 2018 and are being renewed. The applicant has also applied for a new consent, 10826-1, to authorise the discharge of sediment to Opunake Lake as a consequence of the take from Waiaua River.
28. The consents required for the Scheme along with the applicable regional plan rule are listed in Table 1 below and some detail of each activity follows. All are discretionary activities.

Consent No	Purpose	Relevant Rule
1795-5	To take water from the Waiaua River in association with the Opunake hydroelectric power scheme	RWFP Rule 16
1796-4	To take and use water from Opunake Lake for hydroelectric power generation in association with the Opunake hydroelectric power scheme	RWFP Rule 16
1797-4	To discharge sand and silt deposits from a diversion canal sand trap via a spillway to the Waiaua River in association with the Opunake hydroelectric power scheme	RWFP Rule 43
4563-3	To occupy the coastal marine area on the Opunake Beach foreshore with an outfall structure associated with the Opunake hydroelectric power scheme	PCP Rule 50
4744-3	To discharge water from Opunake Lake through two marine outfall pipes into the Tasman Sea after being used for hydroelectric power generation,	PCP Rule 13
5581-2	To dam the Waiaua River in association with the Opunake hydroelectric power scheme	RWFP Rules 20 & 64
5692-2	To disturb the bed of the Waiaua River by removing sediment build-up upstream of a weir for the purpose of maintaining the Opunake hydroelectric scheme intake	RWFP Rule 72
10826-1	To discharge water containing sediment from the Waiaua River to Opunake Lake	RWFP Rule 43

Table 1: Resource Consents applied for and relevant regional plan rule

3.1 Consent 1795-5: Take water from the Waiaua River

29. This is straightforward intake of water from behind the weir and is described in section 2 above. The expired consent specified a maximum take of 3900 L/s but there is no metering of the take rate so compliance with this condition has never been monitored. We assume that this limit is based on the design of the Scheme, quite probably the generators.
30. The expired consent specifies a minimum flow that must be maintained immediately downstream (180 L/s). This flow has only been monitored infrequently by gauging the river flow but it is accepted that due to leakage the flow over the fish pass and leakage past various gates the minimum flow is exceeded.

3.2 Consent 1796-4: Take water from Opunake Lake

31. Taking is through an intake at the western end of the lake. The taking is managed to maintain the lake above a minimum level. Though the level may go below the minimum to ensure sufficient flow through the fish pass.

3.3 Consent 1797-4: Discharge sediment to Waiaua River

32. This consent is to sluice the sediment that accumulates in the intake canal. For this to occur the weir at the lake end of the intake canal is closed and the sluice gate is opened, this diverts the water that is held behind the weir back into the river along with sediment that has accumulated in the canal.

3.4 Consent 4563-3 and 4744-3: Water discharge to sea and associated structure

33. The outfall structure consists of two pipes and extends about 40 m from mean high water springs, the discharge point is within the tidal zone.
34. The only conditions on the expired consents relate to maintenance of the structure and the discharge rate is limited to 3900 L/s, i.e. the same rate as the maximum take from the river and from the lake.

3.5 Consent 5581-2: Dam the Waiaua River

35. This consent is to authorise both the dam structure and the damming of water with the intake weir. The weir is 4.5 m high and is shown in Figure 2.
36. Along with conditions relating to maintenance work, the expired consent includes a condition requiring a fish pass that provides for native fish and for trout.

3.6 Consent 5692-2: Excavate material from river bed

37. This consent is to authorise removal of river bed material that accumulates above the weir. It has rarely been exercised in the past.
38. The only significant restriction on the expired consent is that areas covered in water may only be excavated during summer.
39. The expired consent also provides for material to be excavated for the specific purpose of clearing the intake, but only with the specific permission of the Council's Chief Executive.

3.7 Consent 10826-1: Discharge sediment into Opunake Lake

40. It is inevitable that diverting water into Opunake Lake will result in a discharge of river sediment in to the lake. This sediment is defined as a contaminant under the RMA and as such its discharge must be authorised by a resource consent. It has however not previously been specifically consented.



Figure 5: Scheme overview

4. Existing Environment

4.1 Waiaua River

41. The Scheme is situated in the lower reaches of the Waiaua River ring plain catchment close to the coastline and Opunake town. The land surrounding the lower reaches is surrounded by pasture land and the steep banks on the north side of the river below the diversion weir tend to be covered in scrub and pine trees. Riparian vegetation is generally sparse along the lower river.
42. The activity under application for consent mainly affects the 3 km stretch of river between the abstraction point and the sea. At the time of the commissioning of the scheme the river diversion would have brought about an immediate and dramatic change in the instream conditions in the 3 km stretch of river below the diversion weir.
43. Because it is close to the sea the reach below the weir contains a wide range of migratory native fish species and their life stages. Species present below the weir include smelt, inanga, torrentfish, redfinned and common bullies.
44. The Waiaua River has sand deposition issues that were a result from heavy rain and massive natural erosion event on Taranaki Maunga during October 1998. The erosion event diverted slip material from the Oaonui River into the Waiaua River, this bed load of sand continues to flow down the river.
45. Near the scheme, the river features a sequence of riffles, runs and pools flowing across boulder, stony substrates. The river downstream of the diversion weir is entrenched with a wide flood channel containing residual flows.
46. The river supports a trout fishery.
47. Mean minimum monthly flows for the period 1970 to 1995 vary from 205 L/s in February to 702 L/s in June while the mean monthly flows vary from 1338 L/s in January to 3559 L/s in October. The mean annual low flow MALF is estimated to be 1319 L/s.

4.2 Opunake Lake

48. The lake was probably originally a swampy area or wetland and was excavated to provide water storage for the Scheme. It is in two land parcels of similar size, one is owned by OPL, the other by South Taranaki District Council (STDC).
49. The lake has wide appeal to the Opunake community, utilised for walking, bird watching, swimming and fishing. The lake is fished regularly as the lake is used as a seeding population of both the lower and upper reaches of the Waiaua River, the lower reaches have been said to hold very well-conditioned trout-both brown and rainbow.
50. In October 1998 heavy rain caused a major slip in the Oaonui catchment within Egmont National Park. The slip diverted the flow of the Oaonui River through a side channel into the Waiaua River. Large volumes of sand from the slip washed down the

Waiaua River throughout the end of 1998 and 1999, following this event. The sand smothered the bed of the river, and significantly affected the operation of the Opunake HEPS, reducing the volume of the pool behind the weir, the canal and Opunake Lake.

51. Following the event in 1998 sediment load in the lake has been an ongoing issue. In April 2002 the Scheme and the Lions Club of Opunake removed 50,000 m³ of sediment from the bed of Lake, significantly increasing the capacity of the lake. Sedimentation is an ongoing issue and why it has been specifically addressed in proposed consent conditions.
52. In the past low lake water levels have exposed areas of the lake bed and margins of the lake. The shallowness of the lake in some areas, particularly near the canal entrance to the lake has been affected by the ingress of a large amount of material transported to the lake during floods. The increased bed load in the Waiaua River from the erosion in the headwaters has caused this increased sedimentation in Opunake Lake which has limited recreational opportunities in the Lake.
53. The addition of sediment to the head of the lake has however provided habitat for wading birds.
54. In the past annually fish and game in conjunction with the Opunake angling and surfcasting club hold a 'take a kid fishing' day where they release several hundred fingerling trout. This is expected to return with the recommissioning of the scheme.
55. The popular Opunake walkway goes around the lake.

5. Statutory acknowledgements

5.1 Rivers

56. The Waiaua River along with all waterways in their rohe are statutory acknowledgments of Taranaki Iwi.
57. Taranaki's statement of association with these waterways is reproduced below.

Taranaki Iwi exercise mana whenua and mana moana from Paritūtū in the north around the western coast of Taranaki Maunga, to Rawa o Turi stream in the south and from these boundary points out to the outer extent of the exclusive economic zone.

The traditions of Taranaki Iwi confirm the ancestral, cultural, historical and spiritual importance of the waterways to Taranaki Iwi within the Taranaki Iwi rohe. The rivers and tributaries that bound and flow through the Taranaki Iwi rohe (area of interest) are of high importance to Taranaki Iwi, as many of them flow directly from Taranaki Maunga. These waterways contain adjacent kāinga (villages), pā (fortified villages), important sites for the gathering of kai (food), tauranga ika (fishing areas) and mouri kōhatu (stones imbued with spiritual significance). The importance of these waterways reinforces the Taranaki Iwi tribal identity and provides a continuous connection between those ancestors that occupied and utilised these areas and their many deeds.

Waterways, rivers and streams within the Taranaki Iwi rohe were and continue to be vital to the well-being, livelihood and lifestyle of Taranaki Iwi communities. As kaitiaki (guardians),

Taranaki Iwi closely monitored their health and water quality to ensure there was an abundant source of food, materials and other resources to sustain their livelihoods. A diverse range of food sources, such as piharau (lamprey eel), tuna (eel), kōkopu (native trout), inanga (whitebait), kōaro (small spotted freshwater fish) and kōura (freshwater crayfish) were a staple harvest with large numbers of kahawai and pātiki (flounder) also caught on the river mouths along the Taranaki Iwi coastline. Although access to many of the age old fishing spots for piharau has become a challenge, many are still caught in the months of June, July and August by Taranaki Iwi families.

Relatively high rainfall up on the mountain quickly drains through these river systems, contributing to high water flows and the swift clearance of excessive sedimentation. This has resulted in, clean, clear water accessible to generations of Taranaki Iwi. The river courses, waterfalls and pools were also ceremonial sites used for baptism and other forms of consecration including tohi (child dedication ceremony), pure (tapu removal ceremony) and hahunga (exhumation ceremony). The practice of hahunga involved the scraping and cleansing of bones after being laid on a whata (stage), or suspended from trees to allow for the decomposition of the flesh from the body. The bones were then painted with kōkōwai (red ochre) wrapped and interred in caves, some of these were on the banks of rivers on the plains while others were high up on the mountain. The natural resources along the edges of the rivers and large swamp systems commonly provided materials for everyday community life, waka (boats), housing, construction, medicine, food and clothing. Large deposits of kōkōwai were also abundant in the river beds higher up on the mountain. Te Ahititi was a famous Kōkōwai deposit located along the banks of the Hangatāhua River with other known sites on the Kaitake range and Waiwhakaiho River valley above Karakatonga Pā. These sites were fiercely guarded by Taranaki Iwi.

The waterways within the Taranaki Iwi rohe also traditionally provided the best access routes to inland cultivations and village sites further up on the mountain and the ranges. Some of these routes became celebrated and were conferred names that confirmed the importance of the places they led to. Te Arakaipaka was a route that followed the Pitoone, Timaru and Waiorehu streams up onto various sites on the Kaitake and Pouākai ranges. Tararua was another route that followed the Whenuariki Stream to Te Iringa, Pirongia, Pukeiti and Te Kōhatu on the Kaitake range. The Hangatāhua River was also a key route up onto the Ahukawakawa swamp basin. The Kapoaiaia River also provided a pathway for Taranaki Iwi hapū, Ngāti Haupoto. This began at Pukehāmoama (close to the Cape Lighthouse on the sea coast) and went to Te Umupua, Orokotehe, Te Ahitahutahu, Ongaonga and onto the Ahukawakawa Swamp where a whare was situated. The Ōkahu River was another well-known route to Te Apiti and onto Te Maru, a fortified pā high up on Taranaki Maunga. Te Maru Pā had extensive cultivations and satellite kāinga before it was attacked by Ngāpuhi and Waikato war parties in the early 1800's with great slaughter.

Taniwha also protected many of the rivers and waterways along the Taranaki Iwi coast. Te Rongorangiataiki was resident along the Ōākura River along with the famed taniwha Tuiaua of Matanehunehu, who was said to have caused a fishing tragedy at Mokotunu in the late 1800s. There was also Te Haiata, the taniwha who resided at Ngauhe, and Kaiaho on the Pungaereere and Ōāoiti streams. He would move from these two places from time to time to protect the people and the rivers. Taniwha are still revered by many Taranaki Iwi families and form the basis of tikanga (practices) for which the sustainable harvesting and gathering of food for Taranaki Iwi continues today.

¹ George, Simon. 2012. Sites of Rohe of Historical Significance to Taranaki Iwi. Unpublished paper

5.2 Coastal Marine Area

58. The coastal marine area adjacent to their rohe is a statutory acknowledgment of Taranaki Iwi.
59. Taranaki's statement of association with this coastal area is reproduced below.

Taranaki Iwi exercise mana whenua and mana moana from Paritūtū in the north around the western coast of Taranaki Maunga to Rāwa o Turi Stream in the south, and from these boundary points out to the outer extent of the exclusive economic zone.

The traditions of Taranaki Iwi illustrate the ancestral, cultural, historical and spiritual association of Taranaki Iwi to the coastal marine area within the Taranaki Iwi rohe ("coastal marine area"). The seas that bound the coastal marine area are known by Taranaki Iwi as Ngā Tai a Kupe (the shores and tides of Kupe). The coastal lands that incline into the sea are of high importance to Taranaki Iwi and contain kāinga (villages), pā (fortified villages), pukawa (reefs) for the gathering of mātaītai (seafood), tauranga waka or awa waka (boat channels), tauranga ika (fishing grounds) and mouri kohatu (stone imbued with spiritual significance). The importance of these areas reinforces the Taranaki Iwi tribal identity and provides a continuous connection between those Taranaki Iwi ancestors that occupied and utilised these areas.

Prior to the proclamation and enforcement of the confiscation of lands within the Taranaki Iwi rohe (area of interest), Taranaki Iwi hapū occupied, cultivated, fished, harvested and gathered mātaītai in the coastal marine area. The entire shoreline from Paritūtū to the Rāwa o Turi was critical to daily life for fishing, food gathering, cultivations and ceremonies. The sea and coastal reefs provided a staple food source with fertile volcanic soils providing excellent growing conditions for large community cultivations. Food preparation and harvesting was ultimately dependant on the lunar calendar that controlled tides and other environmental conditions, but the best times for gathering and harvesting are known by Taranaki Iwi as Ngā Tai o Makiri (the tides of Makiri). These generally occur in March and September.

The small boulder reefs are possibly one of the most unique features of the Taranaki Iwi coastline providing special habitat for all manner of marine life. Resources found along the extent of the coastline of Ngā Tai a Kupe provide Taranaki Iwi with a constant supply of food. The reefs provide pāua (abalone), kina (sea urchin), kōura (crayfish), kuku (mussels), pupū (mollusc), ngākihi (limpets), pāpaka (crab), toretore (sea anemone), and many other reef species, while tāimure (snapper), kahawai, patiki (flounder), mako (shark) and other fish are also caught along the coastline in nets and on fishing lines.

Also evident in the reefs are the monolithic tauranga waka or awa waka where large boulders were moved aside by hand to create channels in the reef. These provided access to offshore fishing grounds and prevented boats from being smashed onto rocks by the heavy surf. Large kāinga were also built around the tauranga waka providing Taranaki Iwi hapū with the infrastructure for efficient fishing operations. Whenever possible, fishing nets were also set in the tauranga waka. Fishing also took the form of separate, smaller pool like structures, or tauranga ika. They were baited and had a small opening on the seaward end of the structure to attract fish. On an incoming tide fish would enter the pools to feed and would then be chased out to be caught by a net placed over the small entranceway.

Taranaki Iwi oral traditions recount that in former times, the extent of large boulder reefs in the central part of Taranaki Iwi was much larger than those seen today. The large sandy areas in the central part of the Taranaki Iwi rohe is an occurrence attributed to Mangohuruhuru.

Mangohuruhuru was from the South Island and was bought here by Taranaki Iwi rangatira Potikiroa and his wife Puna-te-rito, who was Mangohuruhuru's daughter. Mangohuruhuru settled on the coastal strip between Tipoka and Wairua and built a house there called Te Tapere o Tuṭahi. However, the large rocky Taranaki coastline was foreign to him and he longed for the widespread sandy beaches of his homeland. He warned Taranaki Iwi and told them he was calling the sands of Tangaroa. This phenomenon came as a large tsunami and totally buried Mangohuruhuru and his kāinga. His final words to Taranaki Iwi were:

“ka oti taku koha ki a koutou e ngā iwi nei, ko ahau anō hei papa mō taku mahi, hei papa anō hoki mō koutou - This will be my parting gift for you all, that it will come at the cost of my life, but will provide a future foundation.”

The sands bought by Mangohuruhuru continue to provide excellent growing conditions for many of the low lying seaside kāinga within the central part of the Taranaki Iwi rohe.

The coastal marine area was also the main highway for many Taranaki Iwi uri (descendants) when travelling between communities, as most of the coastal lands were free of the thick bush found a little higher towards the mountain. Coastal boundary stones and mouri kohatu are another unique cultural feature within the Taranaki Iwi rohe and they form a highly distinctive group, not commonly found elsewhere in the country. Many of these were invariably carved with petroglyphs in spiral form and were often located in accessible areas, within pā earthworks and open country. However, most of them were nestled in the reef on the seashore alongside tauranga waka, tauranga ika, pukaṭwa, puāha (river mouths) and below or adjacent to well-known pā sites.

Tahu and Turi the twin kaitiaki (guardians) mark the mouth of the Tapuae River, Te Pou o Tamaahua in Ōākura, Te Toka a Rauhoto (originally located a little inland on the south side Hangatahūa River mouth) Opu (also a tauranga waka and tauranga ika) in the bay off Te Whanganui Reserve, Kaimaora, Tuha, Tokaroa and Omanu in the reefs at Rahotu and Matirawhati the stone boundary marker between Ngāti Haua (a hapū of Ngāruahine) and Taranaki Iwi on the reef of the Rāṭwa o Turi river mouth. These mouri kohatu continue to be revered by Taranaki Iwi hapū.

Although access to many areas along the coastal marine area was discontinued as a consequence of confiscation, Taranaki Iwi have continue to exercise custodianship over those areas accessible to Taranaki Iwi. Many Taranaki Iwi hapū have imposed rahui (temporary restrictions) over sites, restricting the taking of kuku, kina, pāua and other mātaītai. Proper and sustainable management of the coastal marine area has always been at the heart of the relationship between Taranaki Iwi and the Taranaki Iwi coastline.

6. Submissions

60. There are 22 submissions, 9 of the submitters requested to be heard in their submission. All of the submissions are summarised in Table 2 below.
61. In general the submitters do not oppose the Scheme, and in many cases recognise its benefits. They are however concerns that adverse effects are appropriately avoided remedied or mitigated. The main concerns are minimum flows, fish passage and lake management.

Table 2: Summary of Submissions

Name	Details	Decision requested	If consent(s) granted.
Submitters wishing to be heard			
Fish and Game	<ul style="list-style-type: none"> • OPL affects habitat availability and flow variation in the Waiau River • The minimum flow is too low • Fish passage needs to be improved • Silt in the lake is an issue 		<ul style="list-style-type: none"> • Requiring a minimum flow downstream of the canal sluice gate of at least 400 L/s • Requiring fish passage issues to be resolved • Requiring improved lake level management • Requiring effective monitoring, including monitoring of summer water temperature increases in the residual flow reach • If extraction of gravel or sand from the river immediately upstream from the weir is necessary, then conditions should require that any such extraction be done 'in the dry' during periods of stream low flow between 1 November and 20 April
Director General of Conservation	<ul style="list-style-type: none"> • Fish passage barrier – more info on trap and release • Gravel extraction- best practise e.g in the dry • Residual flow- low residual flow, not enough flow variation causing high temperatures and algal growth • Consider stepped regime, higher residual flow or weekly/fortnightly increases in residual flow to simulate freshes • Wading bird habitat- not provided sufficient info to assess extent and quality of wading bird habitat and the effects of the scheme on this • Contrary to Part 2 – 6(a) and 7(d, f and g) • Contrary to NSP-FM objectives and policies • Contrary to NZCPS • Contrary to RPS and RFWP 	Decline	
Te Kahui o Taranaki Trust	Taranaki Iwi oppose the scheme in principle but support the re-issuing of consents if the scheme is kept up to a more than a 'good' standard. Supports submission of DoC and Fish & Game.		<ul style="list-style-type: none"> • Requiring minimum flow of 400 L/s below canal sluice gate • Fish passage issue to be resolved • A through and up to date native fish monitoring programme • Require effective monitoring, including monitoring of summer water increases in residual reach, and any extraction of gravel done in the dry • Enhance native riparian planting • Include iwi and hapu in monitoring and planting programmes • Require desilting of Opunake lake

Gerard Francis Karalus	<ul style="list-style-type: none"> Keen Angler Opunake Lake provides excellent trout habitat Minimum flow should be maintained at 400 L/s below the weir. 	Approve	
Taranaki Coastal Community Board and Taranaki Coastal Councillors	<ul style="list-style-type: none"> Minimum and maximum lake levels should be a condition Outfall at Opunake beach should be diverted directly out to sea Cultural values have not been assessed 	Approve	
Zhijian Chen	<ul style="list-style-type: none"> OPL is a local, reliable, renewable energy source. Renewable energy is critical. 	Approve	
James Berryman	<ul style="list-style-type: none"> OPL is an excellent resource for electricity generation. Is a matter of national significance under the National Policy Statement for Renewable Electricity Generation The residual flow should be reduced over time. 	Approve	
Richard William Hall	<ul style="list-style-type: none"> Control on sediment into lake and management plan to extract the sediment. Should be a detailed management plan which clarifies the responsibilities clearly for: silt levels, water level and quality and controlling leaks, operation and maintenance of all areas, environmental important for surrounding fauna, birdlife etc 	Approve	
NZ Energy Limited	<ul style="list-style-type: none"> Scheme is significantly history to Opunake and provides a wonderful recreational facility and source of renewable energy. The scheme has undergone significant upgrading over the last 20 years to improve environmental performance Must have regard to NPS renewable Generation and other government initiatives 	Approve	
Simon Young	<ul style="list-style-type: none"> The Opunake Hydro scheme is not typical, it is an integral part of the community by creating a lake for water activities and lakeside plan and gives easy access for white-baiters to the outlet 	Approve	
Submitters not wishing to be heard			
Murray Dobbin	<ul style="list-style-type: none"> Opposes consent to take only 180 l/s is inadequate to sustain lower reaches of river Inadequate fish passage past the dam A study should be undertaken on the effects on the river below the dam 		<ul style="list-style-type: none"> That as much water as possible is retained for the flow below the weir That a major study be undertaken of the river system while still at full flow in order to give a baseline of the effects of water flow reduction That the effects of reduction of water flow at the river mouth be taken into consideration

			<ul style="list-style-type: none"> • That developing the ecosystem below SH45 with managed vegetation be considered • That developing a management document with interested parties be developed to provide guidance and understanding of the needs of this significant area
Lisa Ison	<ul style="list-style-type: none"> • Would like to see Opunake Lake cleaned of weed and have a healthy water quality for public use • Agree with the discharge of water to Opunake Beach 	Approve	
Kenneth Clark	<ul style="list-style-type: none"> • The health of Opunake Lake has degraded significantly following the expiry of the previous consent 	Approve	
Kevin Johnson	<ul style="list-style-type: none"> • Previous owner of the scheme • Scheme integral part of the community • Renewable energy important 	Approve	
Robert England	<ul style="list-style-type: none"> • Excellent example of sustainable renewable energy 	Approve	
Opunake and Districts business association Inc	<ul style="list-style-type: none"> • The health of Opunake Lake has degraded significantly following the expiry of the previous consent 	Approve	
Brian Vincent	<ul style="list-style-type: none"> • The lake is a major playground for Opunake's future for generation the lake is known around the world, don't let it die 	Approve	
Deborah Campbell	<ul style="list-style-type: none"> • The lake is a great asset to Opunake and is a popular place for the community and visitors to Opunake • Silt should be removed from the lake, river and dam 	Approve	
Murray James	<ul style="list-style-type: none"> • The lake and scheme are an important part of Opunake history and community 	Approve	
Powerco	<ul style="list-style-type: none"> • Provides a renewable source of energy. 	Approve	<ul style="list-style-type: none"> • Subject to the adverse effects of the scheme being adequately avoided, remedied or mitigated
Maurice Gasson	<ul style="list-style-type: none"> • The lake is important to the Opunake community • Sediment in lake has reduced its use for the community 	Approve	<ul style="list-style-type: none"> • Regular removal of sediment from the lake
Opunake surf lifesaving club	<ul style="list-style-type: none"> • Tailrace causes dangerous rips • Lake should be returned to swimmable status • OHL should remediate the silt in the lake bed. 	Approve	
Rex and Lorraine Langton	<ul style="list-style-type: none"> • Support the lake and the birdlife that it supports (wading birds) 	Approve	

7. Pre hearing meetings

7.1 First Pre hearing meeting

62. The first of two pre-hearing meetings was held on 16 June 2020, it was attended by:

- Colin McLellan (Consents Manager, TRC) Meeting Chair
- Anna Johnston (Consents Officer, TRC)
- Paddy Deegan (Freshwater Ecologist, TRC)
- Steve O Sullivan (Opunake Power - Applicant)
- Bart Jansma (Riverwise Consulting – Consultant to applicant)
- Puna Wano-Bryant (Taranaki Iwi - Submitter)
- Allen Stancliff (Fish & Game NZ - Submitter)
- Tom Christie (for Director General of Conservation -Submitter)
- Jacob Williams (for Director General of Conservation -Submitter)
- Ilse Corkery (for Director General of Conservation -Submitter).

7.1.1 General meeting discussion

63. The applicant gave an overview of the scheme and general discussion occurred as summarised in the following paragraphs.

64. The major discussion was about the appropriate residual flow to be retained downstream of the weir. The submitters present want the residual flow to be higher than the 180 L/s that was on the previous consent. The applicant presented an assessment of how various higher residual flows would affect the amount of water that could be taken and therefore the amount of power generated. The applicant subsequently provided this presentation to the parties present.

65. The option of varying the residual flow depending on the time of year (for example) was discussed, but there was little support.

66. Following some discussion the parties indicated that they would accept a residual flow of 300 L/s.

67. Fish passage was discussed. There was general agreement that the fish pass is working effectively but that passage for native species is restricted by high velocities through the intake tunnels. The applicant indicated that they could minimize the velocity through the tunnels by managing water levels. There was general support for that approach provided there was monitoring to confirm its effectiveness and an 'adaptive management' approach.

7.1.2 Outcomes of the meeting

68. For the parties present the following was agreed on a without prejudice basis:

- submitters are to consider whether a 300 L/s residual flow is acceptable;

- the applicant agreed to manage water levels in the intake canal to provide better fish passage through the intake tunnels, and to undertake fish surveys to monitor whether this results in adequate fish passage being achieved;
- another pre-hearing meeting will be held with all submitters.

7.2 Second Pre hearing meeting

69. The pre-hearing meeting was held on 16 July 2020, it was attended by:

- Colin McLellan (Consents Manager, TRC) Meeting Chair
- Anna Johnston (Consents Officer, TRC)
- Paddy Deegan (Freshwater Ecologist, TRC)
- Steve O Sullivan (Opunake Power - Applicant)
- Bart Jansma (Riverwise Consulting – Consultant to applicant)
- Allen Stancliff (Fish & Game NZ - Submitter)
- Tom Christie (for Director General of Conservation -Submitter)
- Jacob Williams (for Director General of Conservation -Submitter)
- Simon Young (Submitter)
- Richard Hall (Submitter)
- Gerard Karalus (Submitter).

7.2.1 General meeting discussion

70. The meeting Chair gave an overview of the meeting held 16 June and a summary of outstanding submission points to be discussed, a general discussion occurred as described in the following paragraphs.
71. The major discussion was about the appropriate residual flow to be retained downstream of the weir. Fish and Game and Taranaki Iwi supplied a letter to the applicant prior to the meeting which outlined a varying residual flow dependent on time of year that they would support. The other submitters present supported the varying residual flow suggested. The applicant agreed to consider the varying flow proposed.
72. Flushing flows and sediment/sand build up in the lake were discussed.

7.2.2 Outcomes of the meeting

73. For the parties present the following was agreed on a without prejudice basis:
- the applicant is to consider whether he would give consideration to the varying residual flow that submitters proposed;
 - the applicant reconfirmed that he agreed to manage water levels in the intake canal to provide better fish passage through the intake tunnels, and to undertake fish surveys to monitor if this results in adequate fish passage being achieved;
 - Council staff were requested to prepare a draft officer report and recommendation and circulate it all parties.

7.3 Third Pre-hearing meeting

A third pre-hearing meeting was held by circulating a draft set of consent conditions and an officer's report on the applications with submitters who wished to be heard.

During discussions with Opunake community members, including submitters, during the pre-hearing process and in other forums, the importance of integrating the land use planning around the lake with the resource consents for the scheme was made. There are walkways and other recreational amenities in place. There was support in the community for this proposal and STDC agreed to follow this up with the local community board. Once the consents are granted it will be a matter for the parties to follow up. The desilting the lake, involving a local community group and other parties, is a matter that could be considered in this new framework.

7.3.1 Draft consent conditions

Since the second pre-hearing meeting the Council had circulated draft recommendations, including conditions, for all the applications. The initial draft of the conditions were refined following discussion with the parties through email and a 'final' draft prepared. This took some time and a final draft was discussed, further refined, and agreed via email.

Good feedback on the draft conditions was received by all parties.

7.3.2 Withdrawal of submissions

Subsequently all submitters withdrew their wish to be heard on the basis that the consents would be issued under the terms and conditions recommended in this report. The applicant has also accepted the terms and conditions recommended.

8. Assessment of environmental effects

74. The environmental effects of the Scheme are primarily those relating to restriction of fish passage by the dam and the altered flow regime downstream of the diversion. There are also effects associated with the discharge of sediment, the discharge of water on the beach and of gravel extraction.
75. In addition to these are the adverse effects of structures in the river and in the coastal marine area.
76. There is also a general loss of amenity and adverse effects on Māori cultural values from the scheme as whole.
77. These effects must be assessed against the environment that would exist in the absence of the Scheme. That is, an environment with no weir, no beach outfall, no lake and natural flows in the river.
78. The environmental effects are assessed below.

8.1 Hydrological effects

8.2 Minimum flow

79. The proposal is to take a large proportion of the river flow, which inevitably will have significant adverse effects on the river downstream. Establishing a minimum flow (or residual flow) that must be maintained at all times goes some way towards avoiding and mitigating these effects.
80. The appropriate minimum flow is usually quantified as a percentage of MALF, and is set to provide a level of protection for the river ecology that is considered acceptable in the circumstances. The Council's policy guideline is to protect 66% of the habitat that exists at MALF.
81. The minimum flow on the previous consent was 180 L/s, which is 14% of MALF.
82. However the level of protection provided to the river's ecology is depended on the minimum flow and the rate of taking in combination. Work undertaken by Jowett is presented in Figure 6 below.
83. Figure 6 shows that with taking at 3900 L/s the protection given to fish and to benthic invertebrates is similar for minimum flows between 10% and 50% of MALF, approximately 42% protection for fish and 55% for invertebrates. In other words a significantly increased minimum flow will not, on the face of it, provide significantly increased habitat protection.
84. It should be noted that the fish habitat data used for Figure 6 is that of torrent fish and adult brown trout, while the benthic productivity used high MCI scoring taxa. Torrentfish, adult brown trout and high MCI scoring invertebrate taxa generally require the highest flow, so in providing for these the other, less sensitive species, are also provided for.

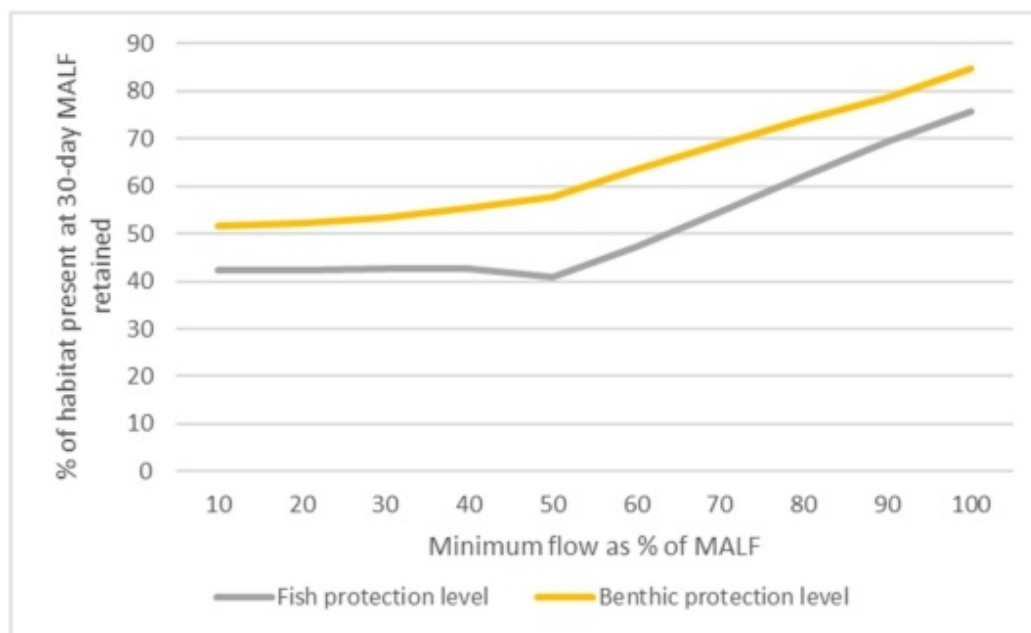


Figure 6: Habitat retained after taking 3900 L/s assuming different minimum flows.

8.2.1 Ecological values supported at 180 L/s

85. Native fish have been monitored in the lower Waiaua River. A quantitative survey completed in Feb 2014 and a comparative survey was undertaken in the nearby Mangahume Stream on the same day. The results of these surveys are shown in Table 3.
86. This fish monitoring shows that the lower Waiaua River supports a fish community that has a similar species richness as the Mangahume Stream. There is some variation in the relative abundance of these species consistent with the impact on habitat caused by water abstraction. Bullies are known to prefer slow and shallow flows, hence their higher abundance in the Waiaua River downstream, of the weir. However, the presence of torrentfish at a density similar to that recorded in the Mangahume Stream indicates that a residual flow of 180 L/s is sufficient to support this swift water species.

Survey method	Site:	Site 1		Site 2		Site 3	
	Area fished: Electric fishing Seine netting	28 200		60 295		80 90	
	Species	No.	No. per m ²	No.	No. per m ²	No.	No. per m ²
Electric fishing	Longfin eel (<i>Anguilla dieffenbachii</i>)	-	-	3	0.05	1	0.01
	Juvenile eel (<i>Anguilla</i> sp.)	9	0.32	22	0.37	13	0.16
	Redfin bully (<i>Gobiomorphus huttoni</i>)	2	0.07	2	0.03	18	0.23
	Juvenile bully (<i>Gobiomorphus</i> sp.)	-	-	-	-	45	0.56
	Torrentfish (<i>Cheimarrichthys fosteri</i>)	2	0.07	-	-	3	0.04
	Inanga (<i>Galaxias maculatus</i>)	-	-	-	-	1	0.01
	Common smelt (<i>Retropinna retropinna</i>)	-	-	-	-	-	-
	Brown trout (<i>Salmo trutta</i>)	-	-	1	0.02	-	-
	Shrimp (<i>Paratya curvirostris</i>)	-	-	-	-	Present	
Seine netting	Inanga (<i>Galaxias maculatus</i>)	-	-	-	-	1	0.01
	Common smelt (<i>Retropinna retropinna</i>)	39	0.20	-	-	72	0.8
Total number of species		4	-	3	-	6	-
Total number of fish		52	0.23	28	0.47	154	0.91

Table 3: Fish survey on Waiaua River and Mangahume Stream, February 2014 (Site 1: Mangahume Stream upstream SH45, Site 2: Waiaua River upstream of weir, Site 3: Waiaua River downstream of weir)

87. Macroinvertebrate monitoring, undertaken by the Council from 1994 to 2000 recorded a community not significantly different to that recorded in similar streams nearby. The median MCI scores for the two sites monitored downstream of the weir are not significantly different to the median score recorded in the Punehu Stream at SH45. Although the abundance of high scoring mayfly and stonefly taxa was lower than may be expected, this could be a reflection of the habitat instability caused by the sand inundation.
88. Although no quantitative periphyton monitoring has been undertaken in the lower river, some conclusions can be drawn from the macroinvertebrate results. The results indicate that there is typically sufficient algal biomass to support taxa commonly associated with algae. However, this is not unusual for a lower river site in a ring plain stream. Moderately sensitive taxa are usually negatively correlated with algal proliferation. Moderate or highly sensitive taxa were present in the majority of samples at times, suggesting that algal proliferation is not typical for the lower river. This is consistent with what has been observed, being a noticeable algal community, but not to the degree where the algae becomes a nuisance. It is likely algae biomass is severely depleted during floods, due to the abrasiveness of the sand which is carried in suspension during flood. Overall the lower river macroinvertebrate and periphyton community is primarily influenced by the sand loading in the river, with the influence of the abstraction being secondary. Provided the abstraction does not reduce the incidence of scouring flows, its impact would be mainly limited to

stabilising the flow following flooding, allowing algae to gain a foothold quicker than would naturally occur.

89. This information shows that the residual flow of 180 L/s is sufficient to maintain the life supporting capacity of the river. It is acknowledged that the amount of life is reduced due to the reduced amount and quality of habitat available. There are options available that may help mitigate for the loss of habitat, including a variable residual flow (seasonally and/or daily) and regular flushing.

8.2.2 Discussion of minimum flow options

90. The applicant indicated, on a without prejudice basis, that a minimum flow of 300 L/s would be acceptable.
91. Submitters proposed that the minimum flow be set at 400 L/s for the December to March period, and 300 L/s for the rest of the year. But there could be no taking for four hours each day if the flow had not exceeded 3x median flow at any time over the previous 30 days.
92. 'Flushing flows' are ecologically significant variations in flow that effect the flushing of the stream. There are biological processes that are influenced by flow variation (e.g. inanga spawning, migration triggers), but those flows in excess of three times the median flow are generally considered sufficient to flush fine sediments, and displace invertebrate communities, with some algae scouring also occurring, especially in those streams with high sand load such as the Waiaua River. Flows in excess of seven times the median flow are considered sufficient to mobilise the river bed, moving larger substrates such as cobbles and gravels.
93. The operational regime provides for a flushing flow down the river system on a regular basis. The whole flow of the river plus the water that is pooled behind the weir and within the canal is discharged down the river for a period. This equates to approximately 2.9 m³/s of flow down the river at regular intervals, in addition to the minimum flow.
94. Table 4 indicates the flow regime that would occur in the lower river under two 'minimum flow scenarios' compared to the regime with no taking (i.e. synthetic flow) over a specific 4½ year period.
95. The table shows that at the proposed abstraction rate of 3.9 m³/sec, the Scheme has the potential to 'flatline' the lower river (i.e. no flushing flows in lower river doing what they need to do). If no abstraction was to occur during flows in excess of 3x median flow (5.85 m³/sec) it would not impact on the frequency of flushing flows. The positive impact of the higher flow will not be as evident in the lower river, due to how quickly the river returns to the minimum flow as a result of the abstraction.
96. The parties to the application ultimately agreed to a residual flow of 300 L/s throughout the year, and the release of a flushing flow if the flow has not naturally exceeded 5.85 m³/sec in the previous 30 days.

Average Number of days per year where max flow was:		Synthetic flow	Scenario 1 180 l/sec residual flow	Scenario 2 180 l/sec residual flow, no abstraction when flow above 3xmedian
	<300	0	288	288
	300-600	0	6	6
	600-900	0	7	7
	900-1319	7	4	4
<MALF	<1319	7	305	305
MALF - Median	1319-1950	129	6	6
Median - 3x median	1950-5850	175	25	0
3x median - 7x median	5850-13650	34	16	34
>7x median	>13650	19	13	19

Table 4: Average maximum daily flows per year for each scenario. Data is calculated from synthetic flow data (1/1/13 to 13/7/17)

8.3 Fish passage

97. Due to its proximity to the coast (2 km) and its low altitude (15 m.a.s.l.), the Waiaua River around the weir is expected to support a diverse range of fish (Table 5). The river would also naturally provide for a significant amount of habitat above the weir for a variety of fish, with the expected habitat range of many of these species expected to extend to near the National Park boundary dependent on natural instream habitat features or barriers.
98. The weir and ancillary structures have the ability to cause partial or full barriers to the upstream passage of fish. Two of the expired consents included conditions that required the consent holder to install and maintain a fish pass.
99. Over time the consent holders (including previous owners) have made modifications to the layout of the scheme, in an effort to provide fish passage. A fish pass has been operating since 1997 with two channels, catering for swimming fish (i.e., trout, smelt and torrentfish) and climbing fish (many native fish such as the redfin bully and most of the whitebait species).
100. The main elements of the weir and any attached ancillary structures (including the fish pass itself) that are likely to affect fish passage are water flow velocities, sharp edges, water depths, structure surface gradients, the availability of resting areas, attractant flows, and predation by fish and other animals that may result from delayed or failed fish passage attempts.
101. At present, the adequacy of the fish passage provided at the weir is not well understood. The Council's biology staff believe that the main avenue for upstream fish passage at the weir is up through the main fish pass, through the canal, and then through the inlet pipes to the river upstream. However, it is still expected that a number of fish species (particularly strong climbers) will attempt to pass the weir at the weir face, the old fish pass, and the true right sluice gate, because of the attractant flows at those places.

<i>Fish species</i>	<i>Conservation Status (Dunn et al, 2017)</i>
<i>Shortfin eel (Anguilla australis)</i>	<i>Not Threatened</i>
<i>Longfin eel (Anguilla dieffenbachii)</i>	<i>At Risk – Declining / Regionally Significant</i>
<i>Banded kokopu (Galaxias fasciatus)</i>	<i>Not Threatened / Regionally Significant</i>
<i>Giant kokopu (Galaxias argenteus)</i>	<i>At Risk – Declining / Regionally Significant</i>
<i>Koaro (Galaxias brevipinnis)</i>	<i>At Risk – Declining / Regionally Significant</i>
<i>Shortjaw kokopu (Galaxias postvectis)</i>	<i>Nationally Vulnerable / Regionally Significant</i>
<i>Inanga (Galaxias maculatus)</i>	<i>At Risk – Declining / Regionally Significant</i>
<i>Torrentfish (Cheimarrichthys fosteri)</i>	<i>At Risk - Declining</i>
<i>Black flounder (Rhombosolea retiaria)</i>	<i>Not Threatened</i>
<i>Common bully (Gobiomorphus cotidianus)</i>	<i>Not Threatened</i>
<i>Cran's bully (Gobiomorphus basalis)</i>	<i>Not Threatened</i>
<i>Upland bully (Gobiomorphus breviceps)</i>	<i>Not Threatened</i>
<i>Bluegill bully (Gobiomorphus hubbsi)</i>	<i>At Risk - Declining</i>
<i>Redfin bully (Gobiomorphus huttoni)</i>	<i>Not Threatened</i>
<i>Giant bully (Gobiomorphus gobioides)</i>	<i>Not Threatened</i>
<i>Lamprey (Geotria australis)</i>	<i>Nationally Vulnerable / Regionally Significant</i>
<i>Common smelt (Retropinna retropinna)</i>	<i>Not Threatened</i>
<i>Yelloweye mullet (Aldrichetta forsteri)</i>	<i>Not Threatened</i>
<i>Grey mullet (Mugil cephalus)</i>	<i>Not Threatened</i>
<i>Brown trout (Salmo trutta)</i>	<i>Introduced and naturalised</i>
<i>Rainbow trout (Oncorhynchus mykiss)</i>	<i>Introduced and naturalised</i>

Table 5: Freshwater fish species likely present with the Waiaua River based on predictions by Council's freshwater biologist and evidence from historical surveys.

102. Structures that have a flow from the canal or the lake to the Waiaua River (e.g. spillways and sluice gates) are likely to delay upstream fish migrations due to attractant flows and possibly increased exposure to predation due to delayed fish movements or unsuccessful migrations resulting in exhaustion. For instance, whitebait have been observed at the outlet of the penstocks on Opunake Beach. However, these effects are unavoidable due to the nature of those aspects of the scheme where providing for fish passage and avoiding attractant flows is not possible.
103. The application outlines, and there is general agreement, that there is likely some passage for all species, although the exact conditions which provide for certain fish, and the extent of passage (proportion of successful upstream migrations by species) is not well understood.
104. The applicant has stated that perhaps inanga, or another whitebait species, have been observed above the weir on occasion and that trout are regularly seen travelling upstream from the canal to the river. The applicant has also stated that large numbers

of smelt have been observed in the canal suggesting that the fish passage at least in to the canal should be effective for an unknown proportion of all fish species.

105. While the fish pass is considered to be effective in getting fish into the canal, they must then get through intake tunnels to get upstream of the weir. These tunnels are about 30 m long and connect the intake structure with the canal. Details of the velocities at the inlet, outlet, and within the tunnels are unknown as they are dependent on lake level and river conditions. They are known to vary significantly.
106. There is also a chance that fish will be forced over the weir face or down the sluice gate on exit from the pipe inlets due to fast flowing river conditions or the concentrated flows at the sluice gate.
107. The applicant has suggested that managing water levels within the lake could be utilised to improve fish passage, with the understanding that when the lake (and consequently the canal) is at higher levels, the flow in the inlet pipe is slowed as a result of backwatering.
108. Managing of lake levels has been accepted in principle by all parties to this application as a worthwhile initial approach to improving fish passage. Along with regular fish surveys to determine the efficacy of this approach. The applicant has suggested that fish surveys that target different lake level conditions could be used to assess the extent of fish passage being achieved, to allow for the establishment of a fish specific water level management scheme.
109. Monitoring the flow velocities in the pipes could also be utilised as supporting evidence to assess what conditions were present with the pipes at different lake levels, which could be used to assess the likelihood of fish passage against known swimming abilities.
110. As part of any investigation into fish passage it could also be appropriate to assess other potential avenues for fish passage, such as the true left fish pass and true right sluice gates, to check if they are resulting in an overall negative or positive impact on successful upstream passage by detracting fish from utilising the main fish pass.
111. If lake level management proves to be unsuccessful in providing adequate fish passage options are to build a new fish pass from the canal to upstream of the weir, or improve the intake pipes.
112. It is not expected that downstream migrations of fish is greatly impacted by the weir with the majority of fish species expected to travel over the weir face under higher flow conditions, or down the main fish pass as they move through the canal if taken in by the pipes. However, there is potential for fish to enter the lake if they bypass the main fish pass in the canal where they may then be required to exit the lake via the spillway or possibly be exposed to entrainment at the station intake. Should issues of entrainment into the station intake become apparent then options for preventing downstream migrators from entering the lake should be considered at the weir.

8.4 Sediment in the lake

113. There has been ongoing issues with sedimentation in the lake from sand deposits caused by erosion events on the Mountain. The most effective solution is to manage the taking so that high flows pass down the river rather than into the intake canal.
114. The canal has a sand trap bowl and canal stop gate to block the reverse flow of water from the lake. The sand trap has a gate valve that can be operated if the sand trap has sediment or sand in it.
115. It is therefore intended to manage the abstraction so that only clean water is taken, with the principal contaminant being tannins and some sand. The impacts of tannins will be minimal, with a short term reduction in light penetration into the lake, until the river clears and the tannins are flushed through.
116. The impact of any sand in the discharge will be restricted to the head of the lake, where the sand will settle out. Although this may have a smothering effect, it is likely that the lake bed biology in this area has adapted to the influence of sedimentation. It is noted that the head of the lake supports numerous wading birds, including pied stilt, mallard and shovelled duck, paradise duck and Canadian geese. At times there have even been royal spoonbill and godwit observed on the delta at the head of the lake.
117. Other than the complaints regarding discolouration of the lake, caused by the abstraction of water when the Waiaua River was in flood, and decreased ability to boat in the lake due to the excessive head water sediment deposition, there have been no complaints about the discharge of this water into the lake. It is worth noting that the discharge of river water to the lake can have a positive effect including by regulating water temperature, flushing of the lake, and improving water quality. When the scheme was not been operating, freshwater recreational bathing water quality monitoring found that the concentration of *E. coli* in the lake occasionally exceeded the 'action level'. Removal of existing excess sediment from the head of the lake could be accomplished as in the past with a joint effort by the community, applicant and the Council.

8.5 Effects on amenity, economic and social values

118. The Waiaua River has been identified in Appendix 1A of the *Regional Freshwater Plan for Taranaki* (RFP) as a catchment of high natural, ecological and amenity values, particularly recreational and fishery values. Specifically, the Waiaua River is a popular and valued angling river and is the largest angling river between the Stony and Kaupokonui River catchments.
119. Economically, the Opunake HEPS contributes to the national economy through power generation, providing an average annual output of approximately 1.4 gigawatt hours. Opunake Lake, which was created as part of the overall scheme, provides an important recreational resource for the people of Opunake and surrounding areas.
120. The importance of the lake as compensation for the adverse effects of the Scheme is discussed in section 9.3.2.

8.6 Effects on cultural values

121. The environmental effects of the Scheme discussed in this report are compounded by associated adverse effects on the cultural values of mana whenua. As articulated in the submission for Te Kahui o Taranaki and during the pre-hearing process, these effects are significant.
122. In spite of these significant effects and opposition to the Scheme in principle, the submission from Te Kahui o Taranaki explains that they do not oppose granting the consents provided they include conditions generally mitigating the direct environmental effects.

9. Statutory assessment

9.1 Sustainable Management (Part 2 of the RMA)

123. When determining the applications the Council must promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of these resources in a manner which enables people and communities to provide for their social, cultural and economic wellbeing while:
 - a) sustaining the potential of natural resources to meet the reasonably foreseeable need of future generations;
 - b) safeguarding the life supporting capacity of water and ecosystems; and
 - c) avoiding, remedying and mitigating adverse effects of the applications on the environment.
124. In promoting sustainable management the Council must:
 - recognise and provide for 'matters of national importance' (listed in section 6 of the RMA);
 - have particular regard for 'other matters' (listed in section 7 of the RMA); and
 - take account of the principles of the Treaty of Waitangi (section 8 of the RMA).
125. The Court of Appeal² has determined that while decision makers should usually consider Part 2 when making decisions on resource consent applications, where the relevant plan provisions have clearly given effect to Part 2 there may be no need to do so as it would not add anything to the evaluative exercise. In other words, genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome.
126. In this case we are satisfied that, with respect to the activities being considered, the policy documents appropriately evaluate the activities being considered and accordingly give effect to Part 2. We have therefore made no specific Part 2 assessment.

² RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316

9.2 Consideration of applications (section 104(1))

127. Subject to Part 2 of the RMA, when considering a resource consent application, the Council must have regard to:
- a) the actual and potential effects the activity has on the environment; and
 - b) the relevant provisions of the:
 - i) *Regional Policy Statement for Taranaki (RPS)*;
 - ii) *New Zealand Coastal Policy Statement (NZCPS)*;
 - iii) *National Policy Statement for Fresh Water Management 2020 (NPS-FW)*;
 - iv) *National Policy Statement for Renewable Energy Generation (NPS-REG)*;
 - v) *Regional Freshwater Plan for Taranaki (RFPW)*;
 - vi) *Regional Coastal Plan for Taranaki (RCP)*; and
 - vii) *Proposed Coastal Plan for Taranaki (PCP)*.
128. In section 8 of this report we have assessed the actual and potential effects of each activity and our recommendation reflects appropriate regard for the environmental effects.
129. The Regional Plans give effect to the RPS and the NZCPS. However the RPS includes the following specific policy supporting development of renewable energy.

The use and development of renewable energy resources will be promoted whilst avoiding, remedying or mitigating adverse effects on the environment as far as practicable.

9.3 National Policy Statement for Fresh Water Management 2020 (NPS-FW)

130. The NPS-FW came into effect on 3 September 2020. The Council must therefore have regard to it when determining these applications. Clause 3.24 is of particular relevance and it requires that:
1. The loss of river extent and values is avoided, unless the council is satisfied:
 - (a) that there is a functional need for the activity in that location; and
 - (b) the effects of the activity are managed by applying the effects management hierarchy.
 2. Subclause 3 applies to an application for a consent for an activity:
 - (a) that falls within the exception to the policy described in subclause 1; and
 - (b) would result (directly or indirectly) in the loss of extent or values of a river.
 3. An application referred to in subclause 2 is not granted unless:
 - (a) the council is satisfied that the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and
 - (b) any consent granted is subject to conditions that apply the effects management hierarchy

Some important definitions are shown below.

131. 'Effects management hierarchy', in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:
 - a) adverse effects are avoided where practicable; and
 - b) where adverse effects cannot be avoided, they are minimised where practicable; and
 - c) where adverse effects cannot be minimised, they are remedied where practicable; and
 - d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and
 - e) if aquatic offsetting of more than minor residual adverse effects is not possible aquatic compensation is provided; and
 - f) if aquatic compensation is not appropriate, the activity itself is avoided.
132. 'Functional need' means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.
133. 'Aquatic offset' means a measurable conservation outcome resulting from actions that are intended to:
 - a) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and
 - b) achieve no net loss, and preferably a net gain, in the extent and values of the wetland or river, where:
 - i) **no net loss** means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river; and
 - ii) **net gain** means that the measurable positive effects of actions exceed the point of no net loss.
134. 'Aquatic compensation' means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied.

9.3.1 Functional Need

135. A hydroelectric power generation necessarily includes infrastructure within a waterway and/or diversion of water. We are satisfied, therefore, that there is a functional need for the activities that are the subject of these applications. The consents may therefore be granted provided that, after application of the effects management hierarchy, there are more than minor residual adverse effects for which environmental compensation is not appropriate.

9.3.2 Application of Effects Management Hierarchy

136. OPL provided its assessment of the applications against the requirements of the NPS-FW Clause 3.24. That assessment identified the following effects: lower river effects, reduced fish passage, effects associated with a variable lake level; and, impacts associated with gravel extraction. These effects, both separately and in combination with each other result in the loss of river values.
137. Now, to apply the effects management hierarchy.
138. Provision of fish passage past the weir, a minimum flow regime and temperature monitoring and review in the lower river, avoids and minimises adverse effects on ecosystem health, indigenous biodiversity, hydrological functioning, and amenity. As such it also avoids and minimises some effects on Māori freshwater values.
139. The applicant has offered to undertake riparian planting on their property and to make a payment of \$4500 over 10 years for riparian planting in the lower river. This planting will contribute, in a very small way, to minimising effects on amenity and other values.
140. Although these provisions avoid and minimise adverse effects there are still more than minor residual adverse effects. Essentially these are the effects resulting from the very low and unnatural flow regime downstream of the take. These effects cannot practicably be remedied so there must be aquatic offsetting where possible.
141. Aquatic offsetting is not possible. That would involve establishing or reinstating a similar river environment at another location, i.e. replacing like with like. Aquatic compensation must therefore be provided.
142. Aquatic compensation is provided by Opunake Lake. Although the applicant categorises it as 'offsetting' rather than 'compensation' they summarise the benefits that Opunake Lake provides as follows. It is a significant resource to the Opunake community, supporting a range of recreational activities, while providing habitat for a range of native species, including longfin and shortfin eel, inanga and smelt plus brown and rainbow trout. There is also anecdotal evidence that the lake supports the upstream trout fishery, by providing a safe rearing habitat for hatchery reared fish. The lake also supports or is visited by a wide range of bird species, including royal spoonbill, pied stilt, godwit, Australasian shoveler, Canadian geese, mallard, paradise shelduck and black swan.
143. The aquatic compensation that the lake provides includes a significant area of diverse habitat and amenity in an easily accessible location adjacent to the river. We are therefore satisfied that ensuring the lake continues to provide the benefits noted in the above paragraph will result in the residual adverse effects of the Scheme being no more than minor.

9.4 National Policy Statement for Renewable Energy Generation

144. The NPS-REG has as its objective:

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing

renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

The NPS-REG Policies that are relevant to these applications are in

Recommending Officers

Anna Johnston
Consents Officer

Colin McLellan
Senior Consents Advisor

Paddy Deegan
Scientific Officer - Freshwater Biology

145. Appendix .

9.5 Regional Freshwater Plan

146. The RFWP addresses a number of issues, objectives and policies relating to Issues 3.1 (*protection and enhancement of the natural, ecological and amenity values of freshwater*), 3.2 (*maintenance and enhancement of public access to and along rivers and lakes*) and 4.1 (*recognising and providing for the relationship of Tangata Whenua and Iwi and hapu of Taranaki and their culture and traditions with their water, sites, wāhi tapu and other taonga*) are encompassed within discussions relating to Issue 5.1 below.
147. Objectives of the RFWP under Issue 5.1 (*enabling appropriate use and development of fresh water*) are:
- Obj 5.1.1 *To enable people and communities to use and develop fresh water resources and the beds of rivers and lakes to provide for their social, economic and cultural wellbeing and for their health and safety, in accordance with the sustainable management of those resources.*
- Obj 5.1.2 *To provide efficient and streamlined administrative procedures for those activities which have no or only minor adverse effects on the environment.*
148. Objective 5.1.1 provides for the use and development of fresh water resources and the beds of rivers in accordance with the sustainable management of those resources. The effects of the activities have been considered in section 8 of this report.
149. The objectives of Issue 5.1 are given effect through the following policy:
- Pol 5.1.1 *When managing the use and development of fresh water and the beds of rivers and lakes, the Taranaki Regional Council will recognise:*
- (a) *the need for all activities to avoid, remedy, or mitigate adverse environmental effects in accordance with the objectives and policies of this Plan;*
- (b) *the positive benefits to people and communities arising from the use or development;*
- (c) *existing uses of physical resources including any human-made resources that have a specific-use purpose;*
- (d) *the effects on existing lawfully established activities;*
- (e) *the need to allow existing users to progressively upgrade their environmental performance, where improvements are necessary to meet the provisions of this Plan.*
150. Recognition has been given to the need to avoid, remedy or mitigate adverse effects, and the positive benefits to the community of the proposed development. The activities associated with power generation enable people and communities to provide for their social and economic well-being, particularly given that demand for electricity continues to increase throughout New Zealand. The existing Opunake Lake provides an important local recreational resource.
151. Issue 6.1 of the RFWP (*the adverse effects of the taking, use, damming and diversion of surface water*) sets the following objective:

Obj 6.1.1 To promote the sustainable management of the surface waters of Taranaki while avoiding, remedying or mitigating any actual or potential adverse effects from the taking, use, damming or diversion of surface water.

152. The objective is given effect through the following policies:

Pol 6.1.3 Notwithstanding Policy 6.1.4, when assessing the quantity of water that may be taken, used, dammed or diverted from any surface water body, the Taranaki Regional Council will have particular regard to:

- (a) the natural, ecological and amenity values of the water body;*
- (b) the relationship with Tangata Whenua with the water body;*
- (c) the importance of the water body to meet existing or reasonably foreseeable needs for community water supplies, agricultural, industrial or other use;*
- (d) the effects of water levels and flows on water quality;*
- (e) the hydrological characteristics of the catchment including flow variability, flow recession characteristics and the relationship to groundwater recharge;*
- (f) the significance of flows and groundwater recharge for the maintenance or enhancement of downstream flows;*
- (g) the extent to which the adverse effects of the taking, use, damming or diversion of water can be avoided, remedied or mitigated.*

Pol 6.1.4 Subject to Policy 6.1.3, when assessing the resource consents and imposing conditions for the taking, use, damming or diversion of surface water, the Taranaki Regional Council will require quantities, levels and flows of water in rivers and streams (excluding those in Policies 6.1.1 and 6.1.2), that retain at least 2/3 habitat at mean annual low flow.

153. Policies 6.1.3 and 6.1.4 provide a guideline on the amount of water that may be used in a given situation. Policy 6.1.3 lists those matters that will be considered when assessing the amount of water available to be taken, used, dammed or diverted from a river or stream. Subject to that policy, Policy 6.1.4 requires the application of the two-thirds habitat at MALF guideline to determine flow allocation in a river or stream. Policy 6.1.4 allows some degree of habitat loss to provide for consumptive water use, while still retaining the life-supporting capacity of a river or stream.

154. The values identified in 6.1.3(a) have been considered and have the potential to be significant. The natural, ecological and amenity values of the Waiaua River catchment are high, with the Waiaua River being identified in Appendix 1A as a river of regional significance (Policy 3.1.4), particularly in relation to the recreational and fishery values of the river and Opunake Lake. It is also a statutory acknowledgment.

155. However, mitigation measures which include residual flows, flushing flows, fish passage provision, additional habitat, recreational and amenity values provided by Opunake Lake, are reflected in the recommendation and in conjunction with the economic and social benefits provided by the scheme, ensure that these effects are minor, remaining consistent with Policy 6.1.3(a).

156. Policy 6.1.3(b) requires that regard be had for the values of the Tangata Whenua. These have been discussed in sections 5 and 8.6.

157. Policy 6.1.3(c) provides for the consideration of the importance of the water body for community or other water supplies. The Waiaua River catchment also provides water to Opunake from a point upstream of the Scheme take. Both abstractions provide additional benefit to the local community and the Scheme applications also provides a regional benefit through the power generated by the scheme.
158. The maintenance of water quality in the Waiaua River has been considered in section 8 of this report. The water quality in the Waiaua River is maintained by the proposed residual flow for the 2 km reach between the take and the sea, and is therefore consistent with Policy 6.1.3(d). Flushing flows are also important for maintaining and enhancing water quality. These are provided on a routine basis via the operational procedure for the scheme, as well as during floods.
159. When considering water allocation and residual flows within the Waiaua River catchment the habitat loss at MALF provides a basis for assessment (Policy 6.1.4 of RFWP). It is noted that two-thirds habitat at MALF [estimated to be 1319 L/s] would require a residual flow of 880 L/s. Such a requirement would make the scheme uneconomic and a liability on the community, who would have to manage water ingress to the lake and management of the lake. Policy 6.1.4 is subject to the provisions of Policy 6.1.3. Under some circumstances, higher or lower volumes of abstraction may be justified or minimum flows may be required. Recognition of the economic viability of the scheme must be acknowledged in the consideration of this policy.
160. Policy 6.1.3(g) requires the Council to have particular regard to the extent to which the adverse effects can be avoided, remedied or mitigated. This assessment has essentially been superseded by the Clause 3.24 of the NPS-FW (section 9.3).
161. Policy 6.1.5 is given below:

When assessing resource consent applications for the taking, use, damming or diversion of water, the Taranaki Regional Council will consider:

- (a) *the need to ensure that surface water is available for reasonable domestic needs, stock drinking water requirements, and fire fighting purposes;*
 - (b) *where there are competing uses for water, or in catchments identified in Policy 6.1.2, the degree of community or regional benefit from the taking, use, damming or diversion as distinct from private or individual benefit;*
 - (c) *the need for the volumes of water sought;*
 - (d) *the need to use water efficiently and with a minimum of waste;*
 - (e) *what alternative sources of water or water collection or storage methods have been considered;*
 - (f) *possible mitigation measures including the maintenance of adequate minimum flows or flow regimes, the reduction or suspension of takes, the location, timing, duration and rate of the abstraction, the maintenance of fish passage, the application of riparian planting, use of gradient control for diversions, or other measures;*
 - (g) *the need to install systems to accurately measure the volumes of water abstracted and to reduce or suspend abstractions.*
162. We are satisfied that there is a need for the water sought, that it is used efficiently and appropriate mitigation measures are in place.

10. Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

163. The *Resource Management (Measurement and Reporting of Water Takes) Regulations 2010* (the Regulations) requires the holder of a water permit (taking more than 5 L/s) to keep records that provide a continuous measurement of the water taken, including water taken in excess of what the permit allows.
164. These regulations apply regardless of the conditions of consent, and among other things also require:
- (a) records are kept using a device or system that measures the volume of water taken to within:
 - i. $\pm 5\%$ of the actual volume taken, for water taken by a full pipe; or
 - ii. $\pm 10\%$ of the actual volume taken, for water taken by another method (including by an open channel or a partially full pipe); and
 - (b) The measurements are made the location of the take.
165. Due to the nature of the site measuring and recording the rate of taking to the required accuracy will not be straightforward. It may be technically feasible to account for backwater effects and directly measure the flow in the intake channel (or the pipes at its upstream end). However, if that is not feasible measurements would need to be made upstream and downstream of the taking. However that method would result in accumulating measurement errors and the associated loss of accuracy.

11. Monitoring

166. There is an existing monitoring programmes for the Scheme which will continue with the modifications required the conditions of the new consents. The applicant has noted that its local consultants could appropriately undertake some of the compliance monitoring, which will be considered.

12. Summary and conclusions

167. The proposal is to replace expired consents necessary to authorise the operation of the Opunake Hydroelectric Power Scheme.
168. The applications were publicly notified and 22 submissions were received; from Iwi, Fish & Game, DoC, fishers and members of the general public.
169. After a series of pre-hearing meetings and discussion of draft conditions the conditions recommended in this report have been agreed by all parties.
170. In summary the conditions address: fish passage, a minimum flow regime, the effects management hierarchy, information provision and the general operation of the Scheme.

171. Our opinion is that issuing the consents under the terms and conditions recommended is consistent with sustainable management and with the relevant policy documents.

13. Consent duration and review dates

172. The Council has a well-established and accepted practice of ensuring common expiry, and consent review dates within a catchment. The benefits of this practice include more efficient and integrated resource management.
173. An expiry date of 1 June 2047 is recommended in line with this practice.
174. Similarly the recommended special conditions provide for regular reviews of the consent conditions.
175. Section 123 of the RMA details the possible durations of resource consent. The applicant has sought a consent duration of as long as possible to allow the cost of the scheme upgrade to be recovered from generation revenue.
176. In considering an adequate consent duration, we have had regard to the following factors developed through case law that are relevant to the determination of the duration of a resource consent³:
- a) the duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
 - b) whether adverse effects would be likely to increase or vary during the term of the consent;
 - c) whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
 - d) whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
 - e) that conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
 - f) whether review conditions are able to control adverse effects (the extent of the review conditions proposed is also relevant bearing in mind that the power to impose them is not unlimited);
 - g) whether the relevant plan addresses the question of the duration of a consent;
 - h) the life expectancy of the asset for which consents are sought;
 - i) whether there was/is significant capital investment in the activity/asset; and

³ *Ngati Rangi Trust v Genesis Power Ltd* [2009] NZRMA 312 (CA); *Genesis Power Ltd v Manawatu-Wanganui Regional Council* (2006) 12 ELRNZ 241, [2006] NZRMA 536 (HC); *Royal Forest and Bird Protection Society of New Zealand Inc v Waikato Regional Council* [2007] NZRMA 439 (EnvC); *Curador Trust v Northland Regional Council* EnvC A069/06.

- j) whether a particular period of duration would better achieve administrative efficiency.
- k) Taking the above reasoning and policy guidance into consideration, we consider a duration of 25 years is appropriate for these applications.

14. Recommendations

14.1 Consent 1795-5.0

Our recommendation is that consent 1795-5.0 to take water from the Waiaua River and discharge it into Opunake Lake for the primary purpose of generating electricity at the Opunake hydroelectric power scheme, be approved for a period ending on 1 June 2047, subject to the following conditions:

General condition

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

Special conditions

1. In addition to the primary purpose of electricity generation this consent authorises water to be taken for other reasons stated or implied by the consent conditions, including leakage that is not practical to prevent and to maintain ecological and amenity values of Opunake Lake.
2. The rate of taking shall not exceed 3,900 litres per second.
3. The consent holder shall notify the Council within three working days of water first being taken for the purpose of electricity generation. For clarity, where the conditions of this consent refer to the date that consent is first exercised that date shall be the date that water is first taken for the purpose of electricity generation.
4. The consent holder shall measure and record the taking in accordance with the *Resource Management (Measurement and Reporting of Water Takes) Regulations 2010* (including its 3 September 2020 amendment) and exemption provisions under Regulation 10 may apply.
5. No taking shall occur when the flow in the Waiaua River, immediately downstream of the Sluice Channel discharge (i.e. at or about NZTM 1674480E-5632062N), is less than 300 litres per second.
6. Notwithstanding condition 5, the taking described below may occur at any time:

- (a) Taking necessary to provide adequate flow through the fish pass;
 - (b) Taking required to implement the Sediment Management Protocol required by condition 16; and
 - (c) Leakage past closed gates that it is not reasonably practicable to prevent.
7. There shall be a continuous period of no less than 4 hours when there is no taking on any day that the flow in the Waiaua River, as measured immediately downstream of the Sluice Channel discharge (i.e. at or about NZTM 1674480E-5632062N), has not exceeded 5.85 m³ per second during any of the previous 30 days.
8. Within 6 months of the commencement of this consent the consent holder shall erect and thereafter maintain signage at the main access points to the river. The signage shall warn river users of the danger from sudden increases in flow that regularly occur from the Scheme operation.
9. From a date, no later than 6 months after this consent is first exercised, the consent holder shall determine the flow in the Waiaua River immediately downstream of the Sluice Channel discharge (i.e. at or about NZTM 1674480E-5632062N) and record it at intervals not exceeding 15 minutes.

Advice Note: – With the exception of condition 5 (Consent 1795-5.0), those conditions that rely on the recording of flow, in accordance with condition 9, will only take effect once flow is being recorded in accordance with condition 9.
10. All flow and water level measurement and recording required by conditions of this consent, including equipment, systems and procedures shall be installed, operated and maintained at all times in accordance with the following National Environmental Monitoring Standards or any updated versions (as found at <http://www.nems.org.nz/documents/>):
 - (a) water Level Version 2;
 - (b) open Channel Flow Measurement Version 1.1; and
 - (c) rating Curves Version 1.
11. From a date no later than 6 months after this consent is first exercised, the consent holder shall measure and record the temperature in the Waiaua River to an accuracy of ± 0.5 °C, at intervals not exceeding 15 minutes, at the following locations:
 - (a) immediately upstream of the weir (i.e. at or about NZTM 1674594E-5632126N); and
 - (b) in the lower Waiaua River (i.e. at or about NZTM 1674163E-5631524N).
12. **From a date, no later than 6 months after this consent is first exercised**, flow records required by the conditions of this consent shall be made available to the Taranaki Regional Council within 2 hours of being recorded.
13. The consent holder shall maintain and download the temperature data on a

monthly basis and this data shall be made available to the Taranaki Regional Council within 72 hours of download.

14. Before a date, no later than 48 months after first exercising this consent, and every 3 years thereafter, the consent holder shall provide a report to the Chief Executive, Taranaki Regional Council that details the water temperature in the Waiaua River, the effects of taking on the temperature, and whether the effects of temperature on macroinvertebrates and fish could be appropriately mitigated by changing the minimum flow regime specified in condition 5. Copies of each report shall be provided to the submitters to this consent at the same time it is provided to the Taranaki Regional Council.
15. Before a date, no later than 60 working days after first exercising this consent, the consent holder shall prepare a water temperature monitoring plan (the 'water temperature monitoring plan') using a suitably qualified and experienced professional and provide it to the Chief Executive, Taranaki Regional Council for review and certification. When preparing the water temperature monitoring plan, the consent holder shall consult with the submitters, and when submitting it to the Chief Executive, Taranaki Regional Council for certification, shall provide details of the consultation and any outstanding issues that were not resolved. The purpose of the temperature monitoring plan shall be to outline the steps required to ensure effects on the aquatic community within the residual flow reach as a result of taking, be determined. It shall include (but not be limited to):
 - (a) the effects of temperature on macroinvertebrates and fish;
 - (b) the suitability of the residual flow mitigation;
 - (c) the effects of the take on temperature; and
 - (d) confirmation whether further temperature assessments are required.

Within 48 months of the exercising of this consent, and every 3 years thereafter, the consent holder shall provide a report outlining the results and assessment in accordance with the water temperature and monitoring plan to the Chief Executive, Taranaki Regional Council.

The consent holder shall provide a final copy of the water temperature monitoring plan and any subsequent report under this condition to Te Kahui o Taranaki Trust, Fish and Game NZ and Department of Conservation.

16. Notwithstanding any other condition of this consent, from a date no later 12 months after this consent commences, this consent shall be operated in accordance with a Sediment Management Protocol (the SMP) that has been approved by the Chief Executive, Taranaki Regional Council, acting in a certification capacity. The SMP shall be prepared by a suitably qualified and experienced person and detail how the activity authorised by this consent (and the Scheme's other consents) is to be operated to ensure that the amount of sediment entering Opunake Lake and any resulting adverse effects on the lake and the river are minimised as far as practicable. The SMP shall detail as a minimum:
 - (a) the principles involved;
 - (b) how those principles will be implemented; and

- (c) how it will be shown that the principles have been properly implemented.
17. When preparing the Sediment Management Protocol, required by condition 16, the consent holder shall consult with the submitters, and when submitting it to the Chief Executive, Taranaki Regional Council for certification, shall provide details of the consultation and any outstanding issues that were not resolved.
 18. In order to minimise the effects of reduced flow in the lower river the consent holder shall:
 - (a) undertake and maintain riparian planting in accordance with a Riparian Management Plan developed in conjunction with the Taranaki Regional Council's Land Management team, on any land that they own along the Waiaua River; and
 - (b) make ten annual payments of \$450 (excluding GST and adjusted for inflation) to the Taranaki Regional Council for the purpose of riparian planting in the lower Waiaua River. The first payment shall be made within 30 days of this consent first being exercised and subsequent payments before 1 September each year.
 19. Within 120 working days of the commencement of this consent the consent holder shall prepare a monitoring and reporting plan ('monitoring and reporting plan') and provide it to the Chief Executive, Taranaki Regional Council for review and certification. The purpose of the monitoring and reporting plan shall be to safely assess the environmental effects on aquatic communities within the residual flow reach. It shall include (but not be limited to):
 - (a) macroinvertebrates;
 - (b) fish; and
 - (c) periphyton.
 20. By 30 June each year the consent holder shall provide a review, which has been prepared by a suitably experienced and qualified person, of the monitoring and reporting plan to the Chief Executive, Taranaki Regional Council, to ensure that the plan is fit for purpose.

Advice Note: Within 30 working days the Taranaki Regional Council shall assess and certify or not certify the review.
 21. The consent holder shall implement and comply with those aspects of the monitoring and reporting plan as specified in condition 19.
 22. The consent holder shall provide aquatic compensation to ensure the adverse effects of the Scheme are not more than minor. This shall be achieved by ensuring that the ecological and recreational value of Opunake Lake, which exists on the date of commencement of this consent, is not significantly diminished, and that the conditions in the lake do not significantly diminish any other receiving waterbodies.
 23. In accordance with Condition 22, the consent holder shall take all reasonable

steps to ensure that conditions within Opunake Lake do not prevent the continuance or establishment of communities of native freshwater fish (including their life stages) and any authorised sportfish (as administered by Fish and Game) within the lake, and that conditions do not adversely affect the migration of such fish through the lake. Steps taken shall include, but not be limited to:

- (a) monitoring for pest fish, unauthorised sports fish, and aquatic weeds within the lake, to the satisfaction of the Chief Executive, Taranaki Regional Council, on an annual basis and notifying the Council within 24 hours of any significant expansion or new discovery;
- (b) cooperating with Council, the Department of Conservation, and/or Fish and Game with regards to the management of the scheme to facilitate the maintenance and/or removal of pest fish, unauthorised sports fish, or weeds; and
- (c) create awareness around pest fish and aquatic pest plants by establishing and maintaining signs at all major access points to the lake to the satisfaction of the Chief Executive, Taranaki Regional Council within 6 months of the commencement of this consent.

Advice Note: By agreement, the consent holder and Council, may decide that financial contributions to Council are acceptable to meet condition 23(c), if there are other signage requirements needed in the area. Should vandalism prove to be an issue, on agreement this condition can be reviewed.

24. For the purpose of achieving compliance with condition 23, the consent holder shall:

- (a) set aside \$2,000 annually. This amount does not accrue, although subsequent year payments may be brought forward at the discretion of the consent holder.
- (b) cease generation as necessary to facilitate compliance with condition 23. Cessation of generation will be limited so that the cost to the consent holder does not exceed \$2,000 annually.

Advice Note 1: The level of reasonability of complying with this condition shall take into account the overall expense that any step may have on the consent holder and shall be reasonably determined by the Council Chief Executive. It is not expected that the consent holder will be directly responsible for an incursion of any pest into the lake, however, they may have created an environment for such a pest to expand significantly or become established in the catchment, and has therefore created the avenue for potential adverse effects. For this reason, the consent holder cannot be held solely responsible for pest management, and in assessing reasonability the Council will take this into consideration. The same would apply with regard to the quality of water entering the lake, including for eco-toxicants and/or nutrients etc.

Advice Note 2: The monitoring for pest fish and aquatic pest plants shall be fit for purpose and should be responsive to potential pests at the time. Monitoring may include the use of eDNA and/or physical surveys.

25. At least once each year the consent holder shall invite Taranaki Regional

Council monitoring staff and interested submitters to meet for the purpose of discussing any matter relating to the exercise of this resource consent, particularly the monitoring programme design, implementation and interpretation.

26. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review:
- (a) during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time; and/or
 - (b) within 6 months of receiving ~~a~~ the report required by condition 15 for the purpose of responding to the report's conclusions and/or ~~considering~~ implementing any of its recommendations.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
1.	Purpose	Additional reasons for water to be taken	To include leakage	N/A
2.	Maximum take	Limits scale and effect of activity to that considered in the application	Water measuring and recording required by consent conditions	As applied for and reasonably required for purpose having considered environmental effects
3.	Notice of first use	Allows Council to undertake an initial inspection to ensure that systems, including water meters, are properly installed	Notice given	3 working days is sufficient to undertake an inspection before taking starts
4.	Measure and record the taking in accordance with Regulations.	Only reliable method of monitoring maximum authorised take.	Records in format advised by Council and as specified	N/A
5.	Cease take during times of low flow	To ensure the safeguarding of the life-supporting capacity of fresh water and any associated ecosystem	Recorder installed in accordance with condition 10.	Consequences of non-compliance and taking during times of low flows are likely to be more than minor. Based on policies 6.1.3 and 6.1.4 of RFWP. Further detail in officer report.
6.	Taking in certain circumstances during times of low flow	To allow for taking during times when it is necessary to provide adequate flow through the fish pass, to implement the Sediment Management Protocol and for leakage past closed gates that is not reasonably practicable to prevent.	Taking during times of low flow shall only occur for the reasons outlined	N/A
7.	Limit on continuous take outside of times of low flow	Necessary to ensure effects on instream values are adequately mitigated outside of times of low flow.	Check of water take records	Consequences of non-compliance and taking are likely more than minor.
8.	Place and maintain signage at the main access points	A duty of care to prioritise the Health and Safety needs of the community by informing of the possibility of sudden increases in flow.	Visible and maintained sign present.	N/A

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
9.	Determining and recording the flow in the Waiaua River immediately downstream of the Sluice Channel	To determine and gather recorded data of the minimum flow.	Records are taken at 15 minute intervals and data is kept.	N/A
10.	Install flow recorder	Only appropriate method for checking compliance with minimum flow condition.	Flow recorder installed	N/A
11.	Measuring and recording temperature in the Waiaua River	Necessary to ensure effects on instream values and other water users are adequately mitigated.	Records in format advised by Council and as specified	N/A
12.	Details of take recording	Necessary to ensure efficient auditing. Required by Regulations	Records in format advised by Council and as specified	N/A
13.	Details of temperature data collection	Necessary to ensure efficient auditing.	Records in format advised by Council and as specified	N/A
14.	Request water temperature report.	Necessary to measure and assess the effects of the taking on the temperature and whether the effects of temperature on macroinvertebrates and fish could be appropriately mitigated by changing the minimum flow regime.	Consent holder submits the report to Council and submitters within 48 months after first exercising the consent.	N/A
15.	Consent holder to prepare WTMP and provide report outlining results and assessment in accordance with WTMP to Council.	To outline steps required to ensure effects on aquatic communities be determined and for the data to be collected and submitted.	Preparation of monitoring plan and submission of report.	N/A
16.	Consent be operated in accordance with the certified SMP	To minimise the amount of sediment entering the lake from the river and the adverse effects of this.	Inspections. Consent holder operates in accordance with the certified SMP.	N/A
17.	Consent holder to consult with submitters on SMP	To ensure submitters are aware of the proposal.	Confirmation of consultation and any outstanding unresolved issues.	N/A
18.	Riparian planting, financial contribution towards planting	Riparian planting enhances stream habitat and therefore mitigates the effects of reduced stream flow. Considering the reduction of flow resulting from this take such mitigation is reasonably necessary.	Riparian planting undertaken and maintained in accordance with RMP. Payment received by Council by due dates. Inspection.	N/A
19.	Prepare and submit MRP	To assess environmental effects on aquatic communities.	MRP submitted to Council by due date	N/A
20.	Review of MRP	To determine effects on aquatic communities over the period of a year.	Review of MRP submitted to Council by due date	N/A
21.	Implement and comply with aspects of MRP in condition 19	Ensuring compliance with MRP.	MRP provided, certified and followed	N/A

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
22.	Aquatic compensation	Ensuring ecological and recreational values of Opunake Lake are not significantly diminished.	Effects on ecological and recreational values as a result of the exercising of the consent are not more than minor.	N/A
23.	Monitoring and creating awareness around pest fish and aquatic pest plants	Determine steps to be taken to ensure compliance with condition 22.	Monitoring of pest fish and aquatic pest plants has been undertaken and establishing and maintaining signage.	N/A
24.	Financial contribution	To achieve compliance with condition 23.	Reasonably determined by Council Chief Executive.	N/A
25.	Meeting once each year between consent holder, Council and submitters	To discuss matters pertaining to the exercise of the resource consent.	Meeting held	N/A
26.	To assess and implement the	In general conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective. To assess and implement the findings of the water temperature monitoring plan (condition 15)..	N/A	The frequency and timing of the reviews is appropriate having considered the duration of the consent, its likely environmental effects, and the adequacy of the knowledge of those effects

14.2 Consent 1796-4.0

Our recommendation is that consent 1796-4.0 to take and use water from Opunake Lake for the primary purpose of generating electricity at the Opunake hydroelectric power scheme, be approved for a period ending on 1 June 2047, subject to the following conditions:

General condition

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

Special conditions

1. In addition to the primary purpose of electricity generation this consent authorises water to be taken and used for other reasons stated or implied by the consent conditions, including leakage that is not practical to prevent.
2. Subject to conditions 3 and 4 of this consent, the consent holder shall maintain the water level in Opunake Lake at a height that is no more than 480 mm lower than the lake spillway crest.

Advice Note: When last surveyed the minimum lake level (480mm below spillway crest) was equivalent to 500 mm on the staff gauge.

3. The water level in Opunake Lake may be lower than that specified in condition 2 provided that the:
 - (a) lower level is required to enable specific work to be undertaken for essential maintenance of the Scheme, or to maintain the values of the lake (e.g. weed control, sediment removal); and
 - (b) consent holder has consulted with mana whenua and the submitters to this consent about the proposal; and
 - (c) consent holder provides full details of the proposal, along with the details and outcomes of the required consultation to the Chief Executive, Taranaki Regional Council and they, at their discretion, allow the lake level to be lowered accordingly.
4. The water level in Opunake Lake may be lower than that specified in condition 2 provided that no generation is occurring and that:
 - (a) the lower level is required to ensure that:
 - (i) there is adequate flow through the fish pass; and/or
 - (ii) condition 5 of consent 1795-5.0 (which restricts taking during certain flows) is complied with; and/or
 - (iii) condition 16 of consent 1795-5, condition 2 of consent 1797-4 and condition 1 of consent 10826-1 (all of which requires the scheme to be operated in accordance with a Sediment Management Protocol) are complied with; and
 - (b) the consent holder advises the Chief Executive, Taranaki Regional Council as soon as practicable that the lake level is required to be lower than the minimum.
5. The consent holder shall notify the Council within three working days of water first being taken from Opunake Lake for the purpose of electricity generation.
6. The consent holder shall measure and record the water level in Opunake Lake at intervals not exceeding 15 minutes to an accuracy of ± 25 mm.
7. From a date no later than 6 months after this consent is first exercised, the consent holder shall ensure that the water levels recorded in accordance with condition 6 shall be made available to the Taranaki Regional Council within 2 hours of being recorded.
8. The consent holder shall install and maintain a staff gauge at Opunake Lake so that the level of the lake can easily be observed.
9. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to

review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
1.	Purpose	Record the primary purpose of the take and to recognise there is some leakage from the lake to the river	Inspection	Include all possible take components.
2.	Minimum lake level	Establish a minimum, subject to conditions 3 and 4.	Inspection and receipt of lake level data.	Generally protect the lake environment.
3.	Lake level reduction	To allow lower lake levels for particular maintenance purposes (i.e. including weed or sediment removal) and approval by Council.	Inspection and receipt of an proposal to lower the lake	To allow for reasonable maintenance.
4.	Lake level reduction	Restricts the take when insufficient water for fish passage and for sediment management purposes under the Sediment Management Plan.	Inspection	To provide for fish passage.
5.	Take notification	To provide warning of operation to allow other activities to occur.	Inspection and notification received	3 working days sufficient to undertake an inspection before taking starts.
6.	Lake level frequency and accuracy	Frequency and accuracy of lake level monitoring	Receipt of data	Accuracy is important for resource management.
7.	Record and supply data	Record lake level and supply data to Council	Receipt of data	Compliance assessment
8.	Staff gauge	Easily observe lake level	Inspection	Local stakeholders can observe level.
9.	Review	In general conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	The frequency and timing of the reviews is appropriate having considered the duration of the consent, its likely environmental effects, and the adequacy of the knowledge of those effects

14.3 Consent 1797-4.0

Our recommendation is that consent 1797-4.0 to discharge sand and silt to the Waiaua River associated with operating the Opunake hydroelectric power scheme, be approved for a period ending on 1 June 2047, subject to the following conditions:

General condition

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

Special conditions

1. This consent authorises the discharge of water containing entrained river bed material from the Scheme to the Waiaua River.
2. From a date, no later 12 months after this consent commences, this consent shall be operated in accordance with a Sediment Management Protocol (the SMP) that has been approved by the Chief Executive, Taranaki Regional Council, acting in a certification capacity. The SMP shall detail how the activity authorised by this consent (and the Scheme's other consents) is to be safely operated to ensure that while minimising, as far as practicable, the amount of sediment that enters Opunake Lake, adverse effects on the Waiaua River are avoided. The SMP shall detail as a minimum:
 - (a) The principles involved;
 - (b) How those principles will be implemented; and
 - (c) How it will be shown that the principles have been properly implemented.
3. When preparing the Sediment Management Protocol, required by condition 2, the consent holder shall consult with the submitters and when submitting it to the Chief Executive, Taranaki Regional Council for certification shall provide details of the consultation and any outstanding issues that were not resolved.
4. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
1.	Discharge	Define nature of the discharge	Inspection	N/A
2.	Sediment management plan and certification	Manage silt/sediment discharges from the lake to the river to avoid adverse effects. Plan is integrated with sediment management plan required by another consent condition.	Protocol prepared and certified by Council.	As applied for and reasonably required for purpose having considered environmental effects.
3.	Involve submitters in protocol development	Submitter interest and expertise applicable to this operational matter	Proof of submitters having been consulted about the protocol and notification there are outstanding issues.	Ongoing submitter interest in the activity.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
4.	Review	In general conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	The frequency and timing of the reviews is appropriate having considered the duration of the consent, its likely environmental effects, and the adequacy of the knowledge of those effects

14.4 Consent 4563-3.0

Our recommendation is that consent 4563-3.0 to occupy the coastal marine area on the Opunake Beach foreshore with an outfall structure associated with the Opunake hydroelectric power scheme, be approved for a period ending on 1 June 2047, subject to the following conditions:

General condition

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

Special conditions

1. This consent authorises the occupation of the Coastal Marine Area with the outfall structure that existed at the date of the application for this consent and generally as described in that application. In the case of any contradiction between the application and the conditions of this consent, the conditions of this consent shall prevail.
2. The consent holder shall maintain the structure in a safe and sound state such that:
 - (a) It does not fall into a state of disrepair and continues to function effectively for the purpose it was designed;
 - (b) Its structural integrity is maintained; and
 - (c) There is no settlement or loss of foundation material.
3. The structure shall not cause significant erosion of the foreshore or seabed.
4. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
1.	Scope of the occupation	Outline those structures allowed to occupy the coastal marine area	Inspection	Specify what is allowed to be in place.
2.	Structure integrity	Requirement to maintain structures so structural integrity is maintained	Inspection	Maintenance is important for managing environmental effects and for safety.
3.	Erosion	Structures cannot cause significant erosion of foreshore or seabed	Inspection	Potential for erosion from the structures being in place.
4.	Review	In general conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	The frequency and timing of the reviews is appropriate having considered the duration of the consent, its likely environmental effects, and the adequacy of the knowledge of those effects

14.5 Consent 4744-3.0

Our recommendation is that consent 4744-3.0, to discharge water from Opunake Lake through two marine outfall pipes into the Tasman Sea after being used for hydroelectric power generation, be approved for a period ending on 1 June 2047, subject to the following conditions:

General condition

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

Special conditions

1. The rate of discharge shall not exceed 3,900 litres per second.
2. The consent holder shall install and maintain signage, or other suitable facilities at the site of discharge, for public safety purposes, warning the public that there may be a discharge of water from the outfall structures at any time and turbulent water conditions require increased caution.
3. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
1.	Discharge rate	Rate of discharge set at maximum possible discharge.	Monitor discharge records	As applied for and reasonably required for purpose having considered environmental effects
2.	Public warnings	Warn public of potentially turbulent conditions and need for increased caution.	Inspections determine warning system is in place and is operational	Health and safety of beach users.
3.	Review	In general conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	The frequency and timing of the reviews is appropriate having considered the duration of the consent, its likely environmental effects, and the adequacy of the knowledge of those effects

14.6 Consent 5581-2.0

Our recommendation is that consent 5581-2.0 to dam the Waiaua River with a 4.5 m high concrete weir and to use the weir and the associated intake to provide water to Opunake hydroelectric power scheme, be approved for a period ending on 1 June 2042, subject to the following conditions:

General condition

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

Special conditions

1. This consent authorises the damming of a Waiaua River with the concrete weir structure that existed at the date of the application for this consent and generally as described in that application. In the case of any contradiction between the application and the conditions of this consent, the conditions of this consent shall prevail.
2. The consent holder shall maintain the structure in a safe and sound state such that:
 - (a) It does not fall into a state of disrepair and continues to function effectively for the purpose it was designed; and
 - (b) Its structural integrity is maintained.
3. The consent holder shall ensure that upstream and downstream passage is provided past the weir and intake structure for trout and native fish in all their life stages.

Advice Note: compliance with condition 3 will be subject to the outcome of conditions 4 and 5.

4. Within 6 months of the commencement of this consent the consent holder shall prepare a 'fish passage report and monitoring programme' (the 'monitoring programme') and provide it to the Chief Executive, Taranaki Regional Council for review and certification. The purpose of the monitoring programme shall be to determine whether the weir, intake structure and the Scheme generally is a barrier (both upstream and downstream) to fish passage. It shall include (but not be limited to):
 - (a) identifying fish species (and their life stages) likely to be present and for which passage must be provided;
 - (b) details of how fish passage is provided;
 - (c) details of how fish passage is hindered;
 - (d) details of how flows (including attractant flows) and water levels will be managed to facilitate fish passage;
 - (e) undertaking an initial fish survey, at a time to be specified, that assesses the adequacy (i.e. the likely proportion of successful passage) of fish passage;
 - (f) preparing an initial fish passage report, at a time to be specified, that presents the results of the initial fish survey and makes conclusions and recommendations that address the following matters as a minimum:
 - (i) the efficacy of facilitating fish passage by managing flows and water levels;
 - (ii) options for improving fish passage;
 - (iii) proposed timing, and reasons for that timing, for implementing fish passage improvements; and
 - (iv) further fish surveys and reporting that monitor fish passage; and
 - (g) a summary of comments made by mana whenua and key stakeholders (including Taranaki iwi, Fish and Game NZ and Department of Conservation) after receiving a draft of the monitoring programme, and how the draft programme was modified following receipt of those comments.

The consent holder shall provide a copy of this final monitoring programme and any subsequent report under this condition to Te Kahui o Taranaki Trust, Fish and Game NZ and Department of Conservation.

5. The consent holder shall implement any certified monitoring programme established in accordance with condition 4 above.
6. Within 24 months of the commencement date of this consent, the consent holder shall engage a suitably qualified and experienced person, approved by the Chief Executive, Taranaki Regional Council, to prepare a Site Exit Plan (SEP) which details how the site is going to be safely reinstated at the end of its life. A bond is required under condition 7, in relation to performance of the SEP.

The SEP shall address, but is not necessarily limited to, the following matters:

- (a) removal of the weir while recognising any effect that may have on the stability of the SH45 bridge;
- (b) removal of any other structures in a river or lake bed;

- (c) timeframes for undertaking the activities identified in (a) and (b) above;
- (d) estimates of costs of reinstating the site; and
- (e) a recommended initial bond quantum. Note this recommendation is not final, and is subject to the process set out at condition 7(d)(i)– (iii) below.

The first time the SEP is drafted it shall be submitted for approval to the Chief Executive, Taranaki Regional Council, acting in a certification capacity.

The SEP shall be reviewed by a suitably qualified and experienced person approved by the Chief Executive, Taranaki Regional Council, and submitted to the Chief Executive, Taranaki Regional Council for re-approval at 10-yearly intervals. The consent holder shall implement the approved SEP upon expiry of this consent or any subsequent necessary consents that may be obtained for the activity.

7. Within 24 months of the commencement date of these consents, the consent holder shall enter into an enforceable written agreement (bond agreement) to provide and maintain in favour of the Taranaki Regional Council, a cash bond or bank bond pursuant to sections 108(2)(b) and 108A of the Resource Management Act, on terms and conditions satisfactory to the Taranaki Regional Council in all respects.

The following terms apply in respect of the bond:

- (a) the bond quantum shall be sufficient to ensure compliance with condition 6 above in the event of any default by the consent holder;
- (b) any bank bond shall be in a form used by a bank registered to conduct business in New Zealand and approved by the Taranaki Regional Council;
- (c) the bond agreement shall include the terms and conditions on which the bond will be established, maintained, changed, transferred or surrendered. In the event of the Taranaki Regional Council not agreeing with the consent holder on the terms of the bond agreement, then the dispute shall be resolved through an agreed disputes resolution process or referred to arbitration;
- (d) the initial bond quantum shall be determined as follows:
 - (i) Upon preparing the SEP, and in accordance with condition 6(d) and (e) above, a suitably qualified and experienced person (approved by the Chief Executive of the Taranaki Regional Council) who has been engaged by the consent holder shall make a recommendation as to the initial bond quantum;
 - (ii) The Taranaki Regional Council will then engage a suitably qualified and experienced person to peer review the bond quantum recommended under condition 6(e); and

- (iii) In the event of the consent holder and the Taranaki Regional Council not reaching an agreement on the initial bond quantum, it shall be assessed by an independent bond assessor appointed by the Taranaki Regional Council, and the decision of that person will be final and binding.
 - (e) the bond quantum may be reviewed and reassessed every two years from the date the initial bond quantum is lodged until a date two years after the date on which these consents have been given effect to. The purpose of the adjustment is to reflect changes in the risk profile of the activity at the site. After that, the bond quantum may be reviewed and reassessed by the consent holder and the Taranaki Regional Council at five yearly intervals for the duration of these consents. The method of review must follow the same procedure set out in condition 7(d) above.
 - (f) the bond terms and quantum may also be varied or cancelled or renewed at any other time by agreement between the consent holder and the Taranaki Regional Council using the methodology described in condition 7(d);
 - (g) if at any time the amount of the bond is varied under conditions 7(e) or 7(f), then the consent holder shall, within five (5) working days of the replacement bond agreement being executed, put in place a new bond for the varied amount or the additional amount required in excess of the existing bond;
 - (h) if the consent is transferred to another party or person, the bond lodged by the transferor shall be retained by the Taranaki Regional Council until a replacement bond is entered into by the transferee to ensure compliance with conditions of the consents unless condition 6 has already been complied with;
 - (i) at all times the consent holder shall comply with the terms of the bond or varied bond;
 - (j) the consent holder shall reimburse the Taranaki Regional Council for all reasonable costs incurred in developing the bond agreement and any subsequent reviews or reassessments;
 - (k) for the avoidance of doubt, the bond agreement may provide for the bond to be held after the expiry of these consents if the SEP is not given effect to and condition 6 not complied with.
8. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review within 90 days of receiving a report on fish passage prepared in accordance with condition 4 above. The purpose of any review is to ensure that the conditions are adequate to ensure fish passage past the weir and intake.
 9. In accordance with section 128 and section 129 of the Resource Management

Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
1.	Existing weir	Authorises the existing weir	Inspections	N/A
2.	Maintain weir in safe and sound condition	Maintain structural integrity and require regular maintenance.	Inspection and if concerns, inspection by a suitably qualified person	Maintenance is important for managing environmental effects and for safety. Weir structure important for the abstraction and to protect the SH bridge above it.
3.	Fish passage	Provision for upstream and downstream passage for trout and native fish species.	Inspections and fish assessment techniques to show fish presence/absence	Biodiversity protection.
4.	Fish passage report and monitoring programme development	Develop a fish passage report and monitoring programme to achieve condition 3 that addresses a number of matters set out in the condition. Plan is certified by Council.	Supply of the fish passage report and monitoring programme. Provide the final copy to TFGC, DOC and Iwi.	Identify the fish passage issues and develop a management plan to address them. Monitor effectiveness by designing a monitoring programme.
5.	Implement the monitoring plan	Implement the certified plan.	Inspections and biological monitoring as set out in the plan.	Determine compliance.
6.	Prepare a site exit plan and establish a bond	Prepare and implement a plan for the operation that includes provision of a bond.	Receipt of the documents required by the condition	Ensuring there is an accountable entity should the operator fail or wish to leave the scheme.
7.	Bond agreement	Establish a bond arising from the site exit plan.	Receipt of the documents required by the condition	Ensuring there is an accountable entity should the operator fail or wish to leave the scheme.
8.	Review fish passage report	Review for the purpose of assessing the fish passage report prepared under condition 4.	N/A	Agreed with submitters.
9.	Review	In general conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	The frequency and timing of the reviews is appropriate having considered the duration of the consent, its likely environmental effects, and the adequacy of the knowledge of those effects

14.7 Consent 5692-2.0

Our recommendation is that consent 5692-2 to disturb the bed of the Waiaua River by removing sediment build-up for the purpose of maintaining the Opunake hydroelectric scheme intake, be approved for a period ending on 1 June 2047, subject to the following conditions:

General condition

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

Special conditions

1. The disturbance authorised by this consent shall be undertaken in general accordance with the documentation submitted in support of the application.
2. The consent holder shall notify the Taranaki Regional Council of:
 - (a) The intention to commence sediment removal at least 2 working days before commencing; and
 - (b) The volume of sediment removed and the dates that it was removed, within 5 working days of the completion of a sediment removal.

Unless the Chief Executive advises that an alternative method is required this notice shall be served by completing and submitting the 'Notification of work' form on the Council's website (<http://bit.ly/TRCWorkNotificationForm>).

3. Any disturbance of parts of the riverbed covered by water and/or any works which may result in downstream discolouration shall be undertaken only between 1 December and 30 April. As far as reasonably practicable, disturbance must not be undertaken in the wet bed.
4. The consent holder shall ensure that the area and volume of riverbed and bank disturbance shall, so far as is practicable, be minimised and any areas which are disturbed shall, so far as is practicable, be reinstated.
5. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
1.	Scope of the activity	Authorise what has been generally applied for.	Inspections	N/A

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
2.	Notification of activity and volume removed	Notification so inspections can occur and reporting on volume removed	Whether notification received, assessment of volumes taken and inspections.	Allow the scheme to operate given at times high suspended sediment load in river and deposition at the intake.
3.	Period of disturbance	Avoid adverse effects on fisheries, particularly during spawning periods.	Inspections	As applied for and reasonably required for purpose having considered environmental effects
4.	Area and volume of disturbance minimised	Minimise downstream freshwater effects from sediment. As far as reasonably practicable disturbance must not be undertaken in the wet bed.	Inspections	As applied for and reasonably required for purpose having considered environmental effects
5.	Review	In general conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	The frequency and timing of the reviews is appropriate having considered the duration of the consent, its likely environmental effects, and the adequacy of the knowledge of those effects

14.8 Consent 10826-1.0

Our recommendation is that consent 10826-1.0, to discharge water containing sediment from the Waiaua River to Opunake Lake, be approved for a period ending on 1 June 2047, subject to the following conditions:

General condition

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

Special conditions

1. From a date no later 12 months after this consent commences this consent shall be operated in accordance with a Sediment Management Protocol (the SMP) that has been approved by the Chief Executive, Taranaki Regional Council, acting in a certification capacity. The SMP shall detail how the activity authorised by this consent (and the Scheme's other consents) is to be operated to ensure that the amount of sediment that enters Opunake Lake is minimised as far as practicable, and how that sediment discharge minimisation is to be demonstrated. The SMP shall detail as a minimum:
 - (a) The principals involved to ensure the minimum amount of sediment enters the lake;
 - (b) How those principals will be implemented; and
 - (c) How it will be shown that the principles have been properly implemented.
2. When preparing the Sediment Management Protocol required by condition 1

the consent holder shall consult with the submitters and when submitting it to the Chief Executive, Taranaki Regional Council for certification shall provide details of the consultation any outstanding issues that were not resolved.

3. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2024 and 3-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

No.	Description	Reasons for condition	Determination of compliance	Reason for limit
1.	Sediment management plan	Reduce or eliminate sediment entering the lake from the river.	Plan prepared	As applied for and reasonably required for purpose having considered environmental effects
2.	Involve submitters in protocol development and certification process	Submitter interest and expertise applicable to this operational matter to limit sediment ingress to lake, given recreational use of the lake and discharge of sediment from the lake to the river.	Proof of submitters having been given the opportunity to input to the plan.	Ongoing interest in the activity.
3.	Review	In general conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	The frequency and timing of the reviews is appropriate having considered the duration of the consent, its likely environmental effects, and the adequacy of the knowledge of those effects

Recommending Officers



Anna Johnston
Consents Officer

Colin McLellan
Senior Consents Advisor

Paddy Deegan
Scientific Officer - Freshwater Biology

Appendix 1: Policies of NPS-REG

POLICY A

Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to:

- a) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
- b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
- c) using renewable natural resources rather than finite resources;
- d) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;
- e) avoiding reliance on imported fuels for the purposes of generating electricity.

POLICY B

Decision-makers shall have particular regard to the following matters:

- a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and
- b) even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and
- c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

POLICY C1

Decision-makers shall have particular regard to the following matters:

- a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;
- b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
- c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;

d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and

e) adaptive management measures.

POLICY C2

When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.

POLICY D

Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

AGENDA AUTHORISATION

Agenda for the Consents and Regulatory Committee meeting held on Tuesday 15 March 2022.

Confirmed:



9 Mar, 2022 1:40:16 PM GMT+13

A J Matthews

Director-Environment Quality

Approved:



9 Mar, 2022 2:00:53 PM GMT+13

S J Ruru

Chief Executive