



AGENDA

Consents & Regulatory

Tuesday 30 August 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.

Consents and Regulatory Committee

30 August 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 whakamaui kia tina.	Let there be certainty Secure it!
Tina!	Draw together! Affirm!
Hui ē! Tāiki ē!	



Date 30 August 2022

Subject: **Confirmation of Minutes - 26 July 2022**

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

Document: 3096826

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 26 July 2022 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 9 August 2022.

Matters arising

Appendices/Attachments

Document 3085291: Minutes - Consents & Regulatory Committee 26 July 2022



Date 26 July 2022, 9.39am
Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford
Document: 3085291

Members

Councillor	D L Lean	<i>Chairperson</i>
Councillor	M J Cloke	<i>zoom</i>
Councillor	C L Littlewood	
Councillor	D H McIntyre	
Councillor	E D Van Der Leden	
Councillor	D N MacLeod	<i>zoom</i>

Representative

Members	Ms	E Bailey	Iwi Representative <i>zoom</i>
	Mr	K Holswich	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	M Nield	Director - Corporate Services
Mr	B Pope	Compliance Manager
Mrs	J Allen	Consents Manager
Mr	P Davidson	Team Leader Compliance
Miss	L Davidson	Executive Assistant
Mr	C Woollin	Communications Advisor

One member of the media and one member of the public.

Opening Karakia The meeting opened with a group karakia.

Apologies Apologies were received and sustained from Councillors M G Davey & C S Williamson, M P Joyce and Mr Mitchell Ritai – Iwi Representative.
 Lean/Holswich

Notification of Late Items Implementation of 2020 stock exclusion regulations

1. Confirmation of Minutes – 7 June 2022

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 7 June 2022 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 28 June 2022.

Van Der Leden/McIntyre

Matters arising

- 1.1 Ms E Bailey, Iwi representative, thanked Mr McLay for the information regarding backyard burning following the last meeting and suggested that the Council look at advertising posters in libraries, on community notice boards and farm information packs etc. Mr A D McLay noted that Council will consider this, noting that communications are generally digitally-based to reach a wider audience.

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

- 2.1 Mrs 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 Mrs J Allen, Consents Manager, responded to questions raised by Ms E Bailey, Iwi Representative, and advised that officers will provide updates via email in response to questions raised in regard to the below consents:
 - R2/0436-4.0 Solexin Industries Limited – stormwater discharge
 - R2/10831-2.0 Cygnet Land Development Limited – sediment discharge
 - R2/10998-1.0 – Port Taranaki – installation and maintenance of structure
 - R2/2708-3.1 Clark Peters Farms Limited – dairy effluent discharge.
- 2.3 Mr B Pope, Compliance Manager, in response to the question regarding Clark Peters Farms Limited, advised that every dairy effluent discharge application is assessed on a case by case basis and there are a number of environmental factors that are looked at including land area, land size, and rainfall in the area.
- 2.4 Mr K Holswich, Iwi Representative, noted that the reporting provided by officers in relation to consent applications are appreciated, it is very useful for hapū and iwi to see how council considers these applications.
- 2.5 Councillor M J Cloke declared a conflict of interest in relation to Cygnet Land Development Limited.
- 2.6 Councillors D N MacLeod and C L Littlewood declared a conflict of interest in relation to Port Taranaki Limited.

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.

Cloke/McIntyre

3. Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 18 May 2022 to 30 June 2022.

- 3.1 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 18 May 2022 to 30 June 2022.
- 3.2 Councillor E D Van Der Leden declared a conflict of interest in relation to incident 3301-22-518, IN/45506, Jacob Bowden-Eves.
- 3.3 Mr B Pope, Compliance Manager, responded to a question raised by Mr D McIntyre in regard to 3301-22-483, IN/45245, New Plymouth District Council, and noted that the discharge was the result of a technical issue where there was a defence in law.
- 3.4 Mr B Pope, Compliance Manager, in response to questions raised by Ms E Bailey, Iwi Representative, clarified that the assessments undertaken for environmental effects for incidents of a digger in a river on Weld Road and a hydrocarbon discharge at Port Taranaki were both visual assessments. An incident report provided by Port Taranaki will be emailed to Ms E Bailey.
- 3.5 Councillors D N MacLeod and C L Littlewood declared a conflict of interest in relation to Port Taranaki Limited.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum *Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 18 May 2022 to 30 June 2022*
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 18 May 2022 to 30 June 2022, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.
Lean/Holswich

4. General Business

- 4.1 Ms E Bailey, Iwi Representative, raised concerns about farmers meeting the deadline of 1 July 2023 to have their fencing three meters from the river/stream. Mr A D McLay, Director Resource Management, noted that Council Land Management Officers are looking at compliance with these requirements through an audit, and advising farmers of the requirements under the Stock Exclusion Regulations.

There being no further business the Committee Chairperson, Councillor D L Lean, declared the public meeting of the Consents and Regulatory Committee closed at 10.04am.

Confirmed

**Consents and Regulatory
Committee Chairperson:** _____

**D L Lean
30 August 2022**



Date: 30 August 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: 3096962

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 3096929: List of non-notified consents

Document 3096945: Schedule of non-notified consents

Document 3097211: Consents processing charts for Agenda

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

Discharge Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/0399-4.0	Sevenum Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0776-3.0	Frederickellen Farm Limited	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0849-4.0	Blatchford Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1393-4.0	Anthony John Main	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1589-4.0	Kevin & Melanie Innes	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1883-3.0	Barry & Irene Gladding	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1916-3.0	Robins Family Trust	Land/Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2087-3.0	Comida Limited	Land/Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2227-3.0	Waiawa Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2233-3.0	Ian Douglas & Shirley Diane Read	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2272-3.0	Trewhith Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2395-3.0	Peter Anthony Myers	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2588-3.0	Coldstream Trust Partnership	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2634-3.0	Merani Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2747-3.0	Othmar & Marlies Hebler (Farm) Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2780-3.0	Cornwall Park Farms Limited	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2885-3.0	Stephen Thomas Dodunski	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3007-3.0	Barneyco Trust Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3285-3.0	Whenuakura Farm Limited	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3560-3.0	Green Range Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3733-3.0	IW & KD Shearer Family Trusts	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3819-3.0	Morgenthaler Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3896-3.0	Churston Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3936-3.0	Bickleigh Farm Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/4345-3.0	CL & DF Hockly Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/4845-3.0	Keighley Trusts Partnership	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/4939-3.0	Tigger Farm Trust	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/5630-2.0	Whiterock AC5 Limited	Land - Animal Waste	Agriculture	Farming - Poultry	Effluent disposal	Replace
R2/5631-2.0	Whiterock AC5 Limited	Air - Agricultural	Agriculture	Farming - Poultry		Replace
R2/9607-2.0	David & Alyssa Rae	Land/Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace

Land Use Consent

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/2002-3.0	New Plymouth District Council	Dam/Weir	Local Government		Flood Control	Replace
R2/11038-1.1	Andrew Graham Mead	Structure - Bridge	Agriculture	Farming - Dairy	Access	New

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/0399-4.0](#)

Sevenum Farms Limited

Commencement Date: 05 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 29 Snell Road, Tikorangi

To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

The proposed discharge to land is generally in accordance with the objectives and policies set out in the EMP specifically sections Te Tai Awhi Nuku Inland and Coastal Whenua for intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8; Ob. TTAN9.1; Pol. TTAN9.1, 9.3, 9.4).

Ngāti Rāhiri Hapū and Te Kotahitanga have aligned the renewal application with Tai Whenua, Tai Tangata, Tai Ao. The application is considered to be deficient in a number of areas. We specifically make the following comments:

- *Ngāti Rāhiri Hapū and Te Kotahitanga have not been engaged to inform the application.*
- *No details of the previous consents have been supplied.*
 - *No details on the previous cow numbers and if they have changed.*
 - *No details on the activity status of the activity.*
- *No details of the dairy storage facility*
- *No details of the discharge to land path for the travelling irrigator and the setbacks for the 20ha that will be discharged to in particular from waterways.*
- *No details of the stormwater bypass provided.*
- *No details of the riparian planting adjacent to waterbodies provided.*
- *No Part 2 of the Resource Management Act 1991 assessment provided. We consider sections 6(e), 6(f), 7(a) and 8 to be most relevant to this proposal.*
- *No assessment of the Regional Freshwater Plan for Taranaki, the Regional Policy Statement for Taranaki and the National Policy Statement for Freshwater Management (2020). The higher order planning documents are considered to be relevant to the proposal.*
- *No assessment of the Te Atiawa iwi environmental management plan Tai Whenua, Tai Tangata, Tai Ao.*

For the Taranaki Regional Council to give consideration to the comments provided, Ngāti Rāhiri Hapū and Te Kotahitanga o Te Atiawa recommend:

1. *Further information is requested in accordance with the section 92 of the Resource Management Act 1991 processes.*
2. *Ngāti Rāhiri Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with the section 95 of the Resource Management Act 1991 processes.*

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

Response and considerations during processing of application

The National Policy Statement for Freshwater Management 2020 (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

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.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/0776-3.0](#)

Frederickellen Farm Limited

Commencement Date: 17 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Location: 102A Austin Road, Normanby

Application Purpose: Replace

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

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- Te Korowai will oppose any modification to the Statutory Acknowledgement streams and their tributaries as per Policy 5.8 of Te Uru Taiao o Ngāruahine
- Te Korowai opposes the granting of any dual discharge consents regardless of the financial commitments and plans of the applicants
- Te Korowai advocates for daylighting of any piped streams as per Policies 5.8 and 5.10 of Te Uru Taiao o Ngāruahine

Considerations during processing of application

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.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/0849-4.0](#)

Blatchford Trust

Commencement Date: 21 Jul 2022

Expiry Date: 01 Dec 2047

Review Dates: June 2023, June 2029, June 2035, June 2041

Activity Class: Controlled

Location: 709 Mangawhero Road, Kaponga
To discharge farm dairy effluent onto land

Application Purpose: Replace

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- Te Korowai acknowledges this application incorporates a discharge permit to land with existing effluent storage.
- Te Korowai would like a new map to view the applicants new discharge points given the increase in herd and property size.
- Te Korowai would like the applicant to provide a copy of their most recent Riparian Management Plan (if available)

Considerations during processing of application

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.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/11038-1.1](#)

Andrew Graham Mead

Commencement Date: 16 Aug 2022

Expiry Date: 01 Jun 2041

Review Dates: June 2029, June 2035

Activity Class: Discretionary

Location: 641 Manaia Road, Kapuni

Application Purpose: New

To construct and use a bridge over the Kaupokonui Stream

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

Te Korowai o Ngāruahine Trust raised the following issues with the application, as summarised below:

- *no prior consultation with Te Korowai o Ngāruahine Trust or Ngāti Tū Hapū had been undertaken;*
- *no assessment of the relevant Tangata Whenua policies within the RFWP had been undertaken, and the applicant had provided an incomplete assessment of the National Policy Statement for Freshwater Management 2020 (NPS-FM);*
- *the Effects Management Hierarchy pursuant to NPS-FM has not been applied to the adverse effects;*
- *there was an insufficient explanation of proposed erosion sediment controls;*
- *the application contained no contingency plan for a potential fuel spill;*
- *no details were provided regarding how the bridge design will prevent effluent entering the Kaupokonui Stream; and*
- *there was no confirmation that removed vegetation will be replaced with native riparian species*

Te Korowai o Ngāruahine Trust also requested the applicant engage Hapū for cultural monitoring during the bridge installation, particularly with relation to the rock riprap placement.

Response and considerations during processing of application

In response, the Council requested further information from the consultant to address the above issues. The consultant's response is summarised below:

- *Te Korowai o Ngāruahine Trust was contacted prior to re-submission of the application, and a discussion was had regarding the relevant sections of the Ngāruahine Kaitiaki Plan. A summary of the proposal was also sent to Ngāruahine.*
- *the applicant has confirmed with the consultant that they are willing to engage with iwi regarding cultural monitoring during the installation of the bridge.*
- *an assessment of the relevant Tangata Whenua policies within the RFWP, and an effects management hierarchy assessment is included within the further information request.*
- *further explanation of the sediment controls during pile driving has been provided.*
- *a copy of the emergency spill containment procedure prepared by Emmetts Civil Construction Limited (the contractor) was submitted within the further information request*
- *further details regarding management of effluent has been provided.*
- *confirmation was given that no existing vegetation will be removed as part of the works.*

Te Korowai o Ngāruahine Trust was provided with a copy of the additional information submitted by the consultant, and confirmed that the further information had adequately addressed their concerns

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/1393-4.0](#)

Anthony John Main

Commencement Date: 16 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Location: 1237 Main North Road, Urenui

Application Purpose: Replace

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

Rohe:

Ngāti Mutunga

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

No return correspondence was received

[R2/1589-4.0](#)

Kevin & Melanie Innes

Commencement Date: 10 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Location: 3532 Mokau Road, Tongaporutu

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system and constructed drain, into the Tongaporutu River

Rohe:

Ngāti Tama

Engagement or consultation:

Te Rūnanga o Ngāti Tama

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/1883-3.0](#)

Barry & Irene Gladding

Commencement Date: 10 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Location: 175 Ngaro Road, Tariki

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 Manganui River

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

The proposed discharge to land is generally in accordance with the objectives and policies set out in the EMP specifically section Te Tai Awhi Nuku Inland and Coastal Whenua for intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8; Ob. TTAN9.1; Pol. TTAN9.1, 9.3, 9.4); however, as detailed above, the direct discharge to water is opposed.

The application is considered to be deficient in a number of areas. We specifically make the following comments:

- *Pukerangiora Hapū and Te Kotahitanga have not been engaged to inform the application.*
- *Completing a form is not considered to be an assessment of environmental effects.*
- *No details of the previous consent has been supplied, including*
 - *No details on the previous cow numbers and if they have changed.*
 - *No details on the activity status of the activity.*
- *No details of the dairy storage facility or the proposed required storage.*
- *No details of the discharge to land path for the travelling irrigator and the setbacks for the potential 7ha that will be discharged to, in particular setback from waterways.*
- *No stormwater diversion supplied.*
- *No details of the travelling irrigator*
- *No details of the riparian planting adjacent to waterbodies provided.*
- *No map and/ or aerial photograph provided indicating discharge areas.*
- *No Part 2 of the Resource Management Act 1991 assessment provided. We consider sections 6(e), 6(f), 7(a) and 8 to be most relevant to this proposal.*
- *No assessment under the Regional Freshwater Plan for Taranaki, the Regional Policy Statement for Taranaki and the National Policy Statement for Freshwater Management (2020). The higher order planning documents are considered to be relevant to the proposals.*
- *No assessment against Tai Whenua, Tai Tangata, Tai Ao.*

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

For the Taranaki Regional Council to give consideration to the comments provided, Pukerangiora Hapū and Te Kotahitanga o Te Atiawa recommend:

- 1. The application is returned as incomplete in accordance the section 88 of the Resource Management Act 1991 processes;*
- 2. Further information is requested in accordance with the section 92 of the Resource Management Act 1991 processes;*
- 3. The discharge to water is refused in accordance with section 104 of the Resource Management Act 1991;*
- 4. Pukerangiora Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with the section 95 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

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 (RFWP). The situation is more challenging in this case where the activity is a controlled activity.

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.

Thank you again for your response, and our Council officers would be happy to discuss this in further detail if you wish.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/1916-3.0](#)

Robins Family Trust

Commencement Date: 09 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Location: 261 Otaraoa Road, Motunui

Application Purpose: Replace

To discharge farm dairy effluent onto land and, until 1 December 2022 after treatment in an oxidation pond system and wetland, into the Waihi Stream if the land disposal area is unsuitable for effluent disposal

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

Ngāti Rahiri and Te Kotahitanga consider the proposed discharge of effluent to the wetland as articulated on the aerial provided with the application, constitutes a non-complying activity under regulation 54 of the National Environmental Standards for Freshwater (NES-F).

Notwithstanding our vehement opposition to the discharge of dairy effluent to waterbodies/wetlands, a review of the application has been undertaken and is considered to be deficient in the following areas:

- *Ngāti Rahiri and Te Kotahitanga were not engaged to inform the proposal.*
- *A copy of the extant consent has not been provided.*
- *No assessment of the effects on the Statutory Acknowledgement provided.*
- *It appears the answer to question 4.2 conflicts with the aerial image provided and the answer in question 5.1.*
- *Unclear why the discharge to water is necessary given it is identified there's adequate storage (section 6.4).*
- *No Part 2 of the Resource Management Act 1991 assessment. We consider sections 6(e), 7(a) and 8 to be relevant.*
- *No assessment of the objectives and policies of the Regional Freshwater Plan for Taranaki, the Regional Policy Statement for Taranaki and the National Policy Statement for Freshwater Management.*
- *No assessment of Tai Whenua, Tai Tangata, Tai Ao.*

Ngāti Rahiri and Te Kotahitanga o Te Atiawa recommend Taranaki Regional Council:

1. *Return the application as incomplete in accordance with the section 88 of the Resource Management Act 1991 processes;*

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

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

Response and considerations during processing of application

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 (RFP). The situation is more challenging in this case where the activity is a controlled activity.

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 RFP 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 RFP 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.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/2002-3.0](#)

New Plymouth District Council

Commencement Date: 17 Aug 2022

Expiry Date: 01 Jun 2050

Review Dates: June 2026, June 2032, June 2038, June 2044

Activity Class: Discretionary

Location: 63 Cowling Road, Hurdon

Application Purpose: Replace

To dam water in the Mangaotuku Stream as part of the New Plymouth flood control scheme

Rohe:

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/2087-3.0](#)

Comida Limited

Commencement Date: 05 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Location: 360 Durham Road, Norfolk

Application Purpose: Replace

To discharge farm dairy effluent onto land and, until 1 December 2022 after treatment in an oxidation pond system, into the Maketawa Stream only if the land disposal area is unsuitable for effluent disposal

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

The proposed dual discharge is not in accordance with the objectives and policies set out in the Te Kotahitanga o Te Atiawa EMP, Te Tai Awhi Nuku Inland and Coastal Whenua for intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8 Ob. TTAN9.1, Pol. TTAN9.1, 9.3, 9.4, OB.TTOM1.1). Discharge to water is not in accordance with the EMP and will not be supported as with current technology and engineering there is no reason to be still discharging to the awa (river).

As previously mentioned, we have aligned the renewal applications with Tai Whenua, Tai Tangata, Tai Ao. The applications are considered to be lacking in a number of areas:

- Pukerangiora Hapū and Te Kotahitanga have not been engaged to inform the applications.*
- No details of the previous consents have been supplied.*
- No details on the previous cow numbers and if they have changed.*
- No details on the activity status of the activity.*
- No details of the dairy storage facility*
- No details of the discharge to land path for the travelling irrigator and the setbacks for the 6ha that is discharged to in particular the setbacks from waterways.*
- No details of the stormwater bypass provided.*
- No details of the riparian planting adjacent to waterbodies provided.*
- No Part 2 of the Resource Management Act 1991 assessment provided. We consider sections 6(e), 6(f), 7(a) and 8 to be relevant to this proposal.*
- No assessment under the Regional Freshwater Plan for Taranaki, the Regional Policy Statement for Taranaki and the National Policy Statement for Freshwater Management (2020). The higher order planning documents are considered to be relevant to the proposals.*
- No assessment of the Te Atiawa iwi environmental management plan Tai Whenua, Tai Tangata, Tai Ao.*

For the Taranaki Regional Council to give consideration to the comments above, Pukerangiora Hapū and Te Kotahitanga o Te Atiawa recommend:

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

1. Further information is requested in accordance with section 92 of the Resource Management Act 1991 processes.
2. Pukerangiōra Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with section 95 of the Resource Management Act 1991 processes.

Response and considerations during processing of application

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 (RFP). The situation is more challenging in this case where the activity is a controlled activity.

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 RFP 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 RFP 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.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/2227-3.0](#)

Waiawa Family Trust

Commencement Date: 11 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 15 Hukatere Road, Patea
To discharge farm dairy effluent onto land

Rohe:

Ngaa Rauru Kiitahi

Ngāti Ruanui

Engagement or consultation:

Te Kaahui o Rauru

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Responded they had no comment to make

[R2/2233-3.0](#)

Ian Douglas & Shirley Diane Read

Commencement Date: 05 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 268 Pukearuhe Road, Mimi
To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system and wetland, into Unnamed Stream 76

Rohe:

Ngāti Mutunga (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/2272-3.0](#)

Trewithen Partnership

Commencement Date: 10 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 325 Ngātīmaru Road, Tikorangi
To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

[R2/2395-3.0](#)

Peter Anthony Myers

Commencement Date: 15 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 64 Austin Road, Normanby
To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system, into the Tawhiti Stream

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Response received

Comments from Ngāti Ruanui

Kia Ora, Thank you for informing us of this application.

Ngāti Ruanui opposes this application.

At this stage we expect all renewals for consents to be able to demonstrate that they are able and willing to comply with the new regulations being enforced on 1st December 2022. While we understand that there may be delays in structures due to resources being unavailable. The applicant has failed to establish to our expectations that there is a genuine willingness to improve their environmental and farming management practices.

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

The application has shown options that they may choose to ensure adequate storage and an improved irrigation system. Ngāti Ruanui expects that the plans are in place and ready to be executed. The application must be able to demonstrate their willingness to stop polluting our waterways. As the waterways (Taw'iti Stream and Tangahoe) affected by the discharge are culturally significant to us, we strongly oppose this application.

Ngāti Ruanui would recommend

- That the applicant has chosen an effective plan in line with Best Farming Practice to ensure they are able to comply with the new standards.*
- That the applicant can produce all relevant information to the TRC and Ngāti Ruanui*
- An effective and sound riparian management plan be included in the application and shared with us.*

Response and considerations during processing of application

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 (RFP). The situation is more challenging in this case where the activity is a controlled activity.

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 RFP 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 RFP 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.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/2588-3.0](#)

Coldstream Trust Partnership

Commencement Date: 12 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 268 Cardiff Road, Cardiff

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

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

[R2/2634-3.0](#)

Merani Farms Limited

Commencement Date: 11 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 346 Rugby Road, Inglewood

To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/2747-3.0](#)

Othmar & Marlies Hebler (Farm) Limited

Location: McKenna Road, Patea
To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Commencement Date: 09 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Responded they had no comment to make

[R2/2780-3.0](#)

Cornwall Park Farms Limited

Location: 55 Cornwall Road, Ngaere

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 Mangawharawhara Stream

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Te Korowai o Ngāruahine Trust

Commencement Date: 15 Aug 2022

Expiry Date: 01 Dec 2047

Review Dates: June 2023, June 2029, June 2035, June 2041

Activity Class: Controlled

Application Purpose: Replace

No return correspondence was received

Response received

Comments from Ngāruahine

- While the council must grant consent under the rules of its current regional freshwater plan, Te Korowai must maintain its strong opposition to the discharge of farm dairy effluent to any water bodies within the rohe of Ngāruahine and the early renewal process. This includes both treated and untreated farm dairy effluent.

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

- *If the applicant proposes to discharge when the stream flow is at least 100 times more than the flow from the storage pond, how do they measure the flow and record their compliance with this requirement?*
- *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

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 (RFWP). The situation is more challenging in this case where the activity is a controlled activity.

As you are aware and have acknowledged in your correspondence, 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.

Thank you again for your response, and our Council officers would be happy to discuss this in further detail if you wish.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/2885-3.0](#)

Stephen Thomas Dodunski

Commencement Date: 12 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 545 Durham Road, Norfolk

To discharge farm dairy effluent onto land

Rohe:

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

After reviewing the application and aligning it with the relevant provisions of Tai Whenua, Tai Tangata, Tai Ao (Te Atiawa Iwi Environmental Management Plan), Pukerangiora and Te Kotahitanga provide the following feedback:

- *Pukerangiora Hapū and Te Kotahitanga o Te Atiawa Trust shall be identified as affected parties in accordance with Section 95E of the Resource Management Act 1991. We have not been engaged to inform the application*
- *Provided discharges are going to appropriate soil types and topographies, and the over saturation and contamination of soil is avoided, discharge to land is generally supported by the relevant provisions of Tai Whenua, Tai Tangata, Tai Ao (discharges to land, intensive farming, and water quality) – Pol. TTAN1.1, 9.1, 9.2, TTOM3.3, 3.4*
- *Regular monitoring of soil, groundwater, and surface water in proximity to the site shall be undertaken. Where monitoring shows an accumulation of contaminants is affecting the mauri of the soil (determined by way of a cultural impact assessment) the discharge shall cease until the situation is rectified (Pol. TTAN1.7, 9.3, 9.4)*
- *The application contains minimal information making an informed review difficult:*
 - o *no copy of the original consent provided*
 - o *no details on the proposed storage to be installed by Dec 2022*
 - o *no map provided which shows where the discharge to land occurs*
 - o *no assessment against the relevant provisions of Tai Whenua, Tai Tangata, Tai Ao*
 - o *no assessment against the relevant provisions of the National Policy Statement for Freshwater, the Regional Freshwater Plan, or the Regional policy Statement provided*
 - o *Part II Resource Management Act 1991 assessment inadequate – we consider Sections 6(e), 7(a), and 8 relevant*

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

Recommendations:

- *Pukerangiora Hapū and Te Kotahitanga o Te Atiawa Trust shall be identified as affected parties in accordance with Section 95E of the Resource Management Act 1991*
- *Further information shall be requested in accordance with Section 92 of the Resource Management Act 1991 to address the matters raised above*
- *Conditions of consent are applied in accordance with section 108 of the Resource Management Act 1991 to address the matters raised in our response above – specifically in relation to appropriate monitoring conditions*

Response and considerations during processing of application

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 (RFP). The situation is more challenging in this case where the activity is a controlled activity.

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 RFP 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 RFP 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.

Thank you again for your response, and our Council officers would be happy to discuss this in further detail if you wish.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/3007-3.0](#)

Barneyco Trust Partnership

Commencement Date: 12 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 624 Meremere Road, Ohangai
To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

[R2/3285-3.0](#)

Whenuakura Farm Limited

Commencement Date: 12 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 68 Hukatere Road, Whenuakura
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 Urekawa Stream

Rohe:

Ngaa Rauru Kiitahi

Ngāti Ruanui

Engagement or consultation:

Te Kaahui o Rauru

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/3560-3.0](#)

Green Range Farms Limited

Commencement Date: 09 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 281 Kaimata Road North, Kaimata
To discharge farm dairy effluent onto land

Rohe:

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

Thank you for providing a copy of the application. The application has been reviewed by Pukerangiora Hapū and Te Kotahitanga o Te Atiawa.

The proposed discharge to land is generally in accordance with the objectives and policies set out in the EMP specifically section Te Tai Awhi Nuku Inland and Coastal Whenua for intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8; Ob. TTAN9.1; Pol. TTAN9.1, 9.3, 9.4).

Pukerangiora and Te Kotahitanga have aligned the renewal application with Tai Whenua, Tai Tangata, Tai Ao. The application is considered to be deficient in a number of areas. We specifically make the following comments:

- Pukerangiora Hapū and Te Kotahitanga have not been engaged to inform the application.*
- No details of the previous consents have been supplied.*
- - No details on the previous cow numbers and if they have changed.*
- - No details on the activity status of the activity.*
- No details of the current dairy storage facility or the proposed required storage*
- No details of the discharge to land path for the travelling irrigator and the setbacks for the potential 20ha that will be discharged to; in particular distance from waterways.*
- No demonstration of storm water diversion or design for the proposed upgrade in 2 years*
- No details on the travelling irrigator*
- No details or dates when the sites will be completely discharging to land.*
- No details of the riparian planting adjacent to waterbodies provided.*
- No Part 2 of the Resource Management Act 1991 assessment provided. We consider sections 6(e), 6(f), 7(a) and 8 to be most relevant to this proposal.*
- No assessment under the Regional Freshwater Plan for Taranaki, the Regional Policy Statement for Taranaki and the National Policy Statement for Freshwater Management (2020). The higher order planning documents are considered to be relevant to the proposals.*
- No assessment of the Te Atiawa iwi EMP Tai Whenua, Tai Tangata, Tai Ao.*

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

For the Taranaki Regional Council to give consideration to the comments provided, Pukerangiora Hapū and Te Kotahitanga o Te Atiawa recommend:

- 1. Further information is requested in accordance with the section 92 of the Resource Management Act 1991 processes.*
- 2. Pukerangiora Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with the section 95 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

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 (RFP). The situation is more challenging in this case where the activity is a controlled activity.

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 RFP 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 RFP 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.

Thank you again for your response, and our Council officers would be happy to discuss this in further detail if you wish.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/3733-3.0](#)

IW & KD Shearer Family Trusts

Commencement Date: 15 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 260 East Road, Stratford

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

Rohe:

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

[R2/3819-3.0](#)

Morgenthaler Farms Limited

Commencement Date: 04 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 120 Mana Road, Ratapiko

To discharge farm dairy effluent onto land

Rohe:

Ngāti Maru

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/3896-3.0](#)

Churston Farms Limited

Commencement Date: 11 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 79-195 Denbigh Road, Midhirst
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

[R2/3936-3.0](#)

Bickleigh Farm Partnership

Commencement Date: 12 Aug 2022

Expiry Date: 01 Dec 2047

Review Dates: June 2023, June 2029, June 2035, June 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 274 Lower Hunter Road, Eltham
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- Te Korowai do not oppose the renewal of the consent but the early renewal of the consent

Response and considerations during processing of application

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

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

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 (RFP). The situation is more challenging in this case where the activity is a controlled activity.

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 RFP 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 RFP 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.

[R2/4345-3.0](#)

CL & DF Hockly Trust

Location: 66 Scott Road, Hawera

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Commencement Date: 04 Aug 2022

Expiry Date: 01 Dec 2047

Review Dates: June 2023, June 2029, June 2035, June 2041

Activity Class: Controlled

Application Purpose: Replace

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/4845-3.0](#)

Keighley Trusts Partnership

Commencement Date: 08 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Location: 3252 Mokau Road, Tongaporutu

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 Tongaporutu River

Rohe:

Ngāti Tama

Engagement or consultation:

Te Rūnanga o Ngāti Tama

No return correspondence was received

[R2/4939-3.0](#)

Tigger Farm Trust

Commencement Date: 08 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Location: 112 Mangaoteka Road, Ratapiko

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 Mangaotea Stream

Rohe:

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

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/5630-2.0](#)

Whiterock AC5 Limited

Commencement Date: 17 Aug 2022

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Controlled

Location: 150 Bedford Road, Inglewood

Application Purpose: Replace

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

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Ian Keith Jury

Written approval provided

Te Kotahitanga o Te Atiawa Trust

Response received

Disclaimer – This resource consent was drafted late last year (2021) under a previous notification process which does not reflect the standard now applied.

Comments from Te Kotahitanga

- *Pukerangiora hapū and Te Kotahitanga o Te Atiawa Taranaki should be identified as affected parties in accordance with Section 95E of the Resource Management Act 1991*
- *We were not engaged to inform the original application for which the consent renewals are sought. The discharges have the potential to adversely affect the mauri of the soil, water and air which in turns affects our relationship with these taonga.*
- *Please demonstrate on a diagram the area where the discharge to land occurs.*
- *We require that as far as practicable applicants shall manage discharges to air and atmosphere on-site (Pol. TTAR1.5). We require the use of site-specific native planting programmes to off-set the effects resulting from air and atmosphere discharges (Pol. TTAR1.4)*
- *We require regular monitoring of soil, groundwater and surface water where discharges are going onto land in the Te Atiawa rohe, and these reports shall be sent to Pukerangiora hapū and TKOTAT (Pol. TTAN9.3).*
- *Where the monitoring shows that the accumulation of contaminants is affecting the mauri of the soil, water and/or land (determined by way of a cultural impact assessment), discharge activities shall cease until this is rectified (Pol. TTAN9.4)*
- *The application does not consider the relevant provisions of Tai Whenua, Tai Tangata, Tai Ao. The Part 2 Resource Management Act 1991 assessment is not sufficient – we consider Sections 6(e), 7(a), and 8 to be relevant to this application. There are also relevant objectives and policies of the National Policy Statement for Freshwater 2020, the Regional Policy Statement, and the Regional Freshwater Plan which the application does not consider*
- *We require discharges to be managed onsite (Ob. TTAN9.1). Point-source discharges of contaminants to water, and to land where contaminants may enter the water shall be avoided (Pol. TTOM3.3).*
- *All discharges are required to be going to appropriate soil types and topography (Pol. TTAN9.1). Over saturation and over contamination of soil shall be avoided (Pol. TTAN9.2)*
- *Pukerangiora hapū shall be resourced to prepare and approve a Cultural Health Index monitoring programme to assess the health of the nearby tributaries of the Waiongana Stream using mātauranga Māori monitoring techniques (Pol. TTOM1.6)*

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

- *We require the adoption of clean technologies which reduce adverse effects resulting from the discharge of contaminants on air and atmosphere quality (Pol. TTAR1.2)*

Response and considerations during processing of application

The activity will not have adverse effects on any Statutory Acknowledgment, which are surface waters.

'Requirements' are out of proportion with the nature and scale of the discharges, particularly the small, infrequent discharge to land which is a controlled activity.

The discharge to air is managed so that any offsite effects above the permitted baseline are less than minor.

The information supplied is sufficient for the applications to be properly assessed.

R2/5631-2.0

Whiterock AC5 Limited

Commencement Date: 17 Aug 2022

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Restricted discretionary

Location: 150 Bedford Road, Inglewood

Application Purpose: Replace

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

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Ian Keith Jury

Written approval provided

Te Kotahitanga o Te Atiawa Trust

Response received

Disclaimer – This resource consent was drafted late last year (2021) under a previous notification process which does not reflect the standard now applied.

Comments from Te Kotahitanga

- *Pukerangiora hapū and Te Kotahitanga o Te Atiawa Taranaki should be identified as affected parties in accordance with Section 95E of the Resource Management Act 1991*
- *We were not engaged to inform the original application for which the consent renewals are sought. The discharges have the potential to adversely affect the mauri of the soil, water and air which in turns affects our relationship with these taonga.*
- *Where the monitoring shows that the accumulation of contaminants is affecting the mauri of the soil, water and/or land (determined by way of a cultural impact assessment), discharge activities shall cease until this is rectified (Pol. TTAN9.4)*
- *The application does not consider the relevant provisions of Tai Whenua, Tai Tangata, Tai Ao. The Part 2 Resource Management Act 1991 assessment is not sufficient – we consider Sections 6(e), 7(a), and 8 to be relevant to this application. There are also relevant objectives and policies of the National*

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

Policy Statement for Freshwater 2020, the Regional Policy Statement, and the Regional Freshwater Plan which the application does not consider

- *We require discharges to be managed onsite (Ob. TTAN9.1). Point-source discharges of contaminants to water, and to land where contaminants may enter the water shall be avoided (Pol. TTOM3.3).*
- *All discharges are required to be going to appropriate soil types and topography (Pol. TTAN9.1). Over saturation and over contamination of soil shall be avoided (Pol. TTAN9.2)*
- *Pukerangiora hapū shall be resourced to prepare and approve a Cultural Health Index monitoring programme to assess the health of the nearby tributaries of the Waiongana Stream using mātauranga Māori monitoring techniques (Pol. TTOM1.6)*
- *We require the adoption of clean technologies which reduce adverse effects resulting from the discharge of contaminants on air and atmosphere quality (Pol. TTAR1.2)*

Response and considerations during processing of application

The activity will not have adverse effects on any Statutory Acknowledgment, which are surface waters.

'Requirements' are out of proportion with the nature and scale of the discharges, particularly the small, infrequent discharge to land which is a controlled activity.

The discharge to air is managed so that any offsite effects above the permitted baseline are less than minor. The information supplied is sufficient for the applications to be properly assessed.

**Non-notified authorisations issued by the Taranaki Regional Council
between 07 Jul 2022 and 17 Aug 2022**

[R2/9607-2.0](#)

David & Alyssa Rae

Commencement Date: 08 Aug 2022

Expiry Date: 01 Dec 2027

Review Dates: June 2023, June 2025

Activity Class: Controlled

Location: 503 York Road, Midhirst

Application Purpose: Replace

To discharge farm dairy effluent onto land and after treatment in an oxidation pond system into an unnamed tributary of the Waipuku Stream if the land disposal area is unsuitable for effluent disposal

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

The proposed dual discharge to both water and land is not in accordance with the objectives and policies set out in the EMP specifically section Te Tai Awhi Nuku Inland and Coastal Whenua for intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8; Ob. TTAN9.1; Pol. TTAN9.1, 9.3, 9.4). Pukerangiora Hapū and Te Atiawa will not support any application discharging to water as it does not align with our values as discussed above; there are alternative engineering and design options that do not require discharging into the awa.

Pukerangiora and Te Kotahitanga have aligned the renewal application with Tai Whenua, Tai Tangata, Tai Ao. The application is considered to be deficient in a number of areas. We specifically make the following comments:

- *Pukerangiora Hapū and Te Kotahitanga have not been engaged to inform the application.*
- *No details of the previous consents have been supplied.*
- *No details on the previous cow numbers and if they have changed.*
- *No details on the activity status of the activity.*
- *No details of the current dairy storage facility or the proposed required storage*
- *No details of the discharge to land path for the travelling irrigator and the setbacks for the potential 13ha that will be discharged to, in particular distance from waterways.*
- *No details of the stormwater bypass provided.*
- *No details on why you cannot meet the expert recommendations for amount of minimum ha required for discharge (33ha), instead have gone for the council minimum.*
- *No details of the riparian planting adjacent to waterbodies provided.*
- *No Part 2 of the Resource Management Act 1991 assessment provided. We consider sections 6(e), 6(f), 7(a) and 8 to be most relevant to this proposal.*

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

- *No assessment under the Regional Freshwater Plan for Taranaki, the Regional Policy Statement for Taranaki and the National Policy Statement for Freshwater Management (2020). The higher order planning documents are considered to be relevant to the proposals.*
- *No assessment of the Te Atiawa iwi EMP Tai Whenua, Tai Tangata, Tai Ao.*

For the Taranaki Regional Council to give consideration to the comments provided, Pukerangiora Hapū and Te Kotahitanga o Te Atiawa recommend:

1. *Further information is requested in accordance with the section 92 of the Resource Management Act 1991 processes.*
2. *Pukerangiora Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with the section 95 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

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.

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 RFPW 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 RFPW 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.

Thank you again for your response, and our Council officers would be happy to discuss this in further detail if you wish.

Non-notified authorisations issued by the Taranaki Regional Council between 07 Jul 2022 and 17 Aug 2022

Te Rūnanga o Ngāti Ruanui Trust

Response received

Comments from Ngāti Ruanui

Thank you for informing us of this application.

Ngāti Ruanui notes that the summary of findings report filed with this application clearly states that there are currently several areas that need to be addressed to ensure compliance with Regional Council resource consent conditions.

It is our understanding from reading the information, that historically the effluent storage system on this dairy operation is inadequate.

Ngāti Ruanui does consider that this application is from a wet area of Taranaki. Ngāti Ruanui seeks further information from the Council given the nature of the land (wet) about the management of this consent as this application is a renewal.

We also note that the applicant has included recommendations in the future which will significantly improve the environmental impact. Ngāti Ruanui strongly recommends some improvement is actioned.

Response and considerations during processing of application

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.*

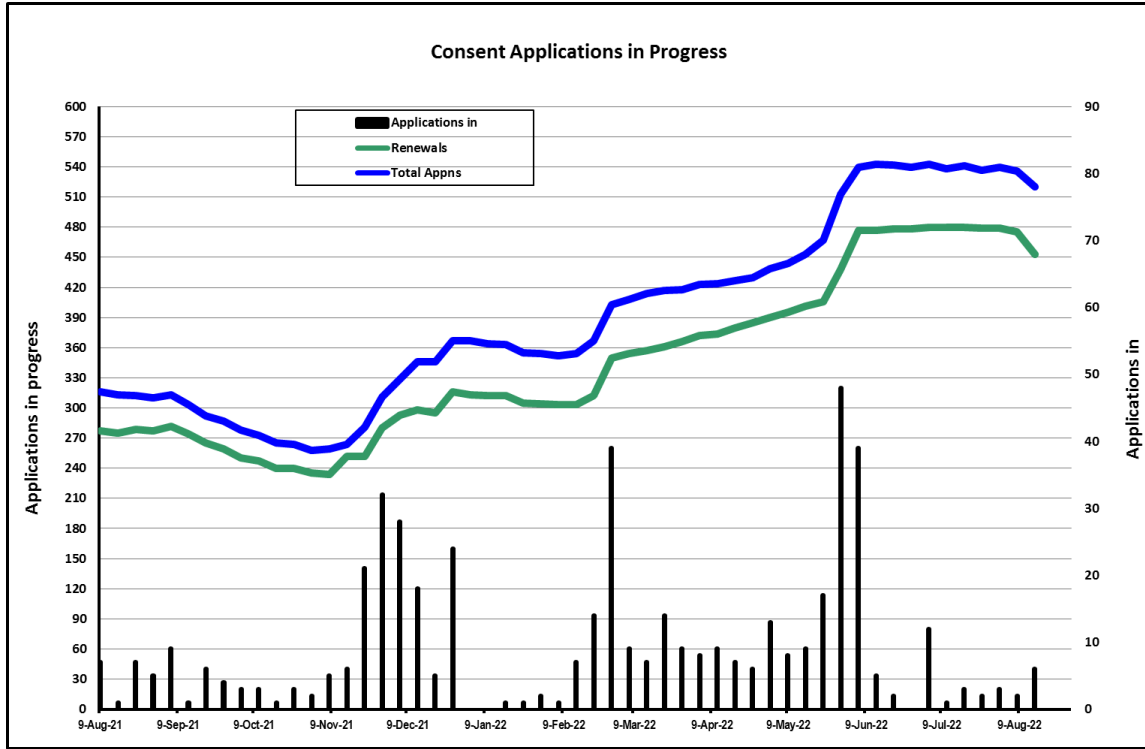
Similarly, the Council must have regard to the objectives and policies of the Regional Policy Statement for Taranaki (RPS) and the Regional Freshwater Plan for Taranaki (RFP). The situation is more challenging in this case where the activity is a controlled activity.

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 RFP 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 RFP 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.

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
2022/2023	540	479	520	453																				
2021/2022	310	274	310	277	276	246	258	235	311	280	367	313	354	304	403	350	423	372	439	390	466	406	542	480
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

R = Renewals

Note: August part month

3) Potential Hearings

Nil

4) Consents Processed (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2022-2023	7	38										
2021-2022	17	37	87	114	123	136	152	162	184	202	218	225
2020-2021	20	38	53	75	94	116	131	154	178	209	247	269

Note: August part month

5) Breakdown of consents processed

	New	Renewal	Change	Review	Totals
2022-2023 - to 18th August	6	31	1	0	38
2021-2022 Total	54	149	16	6	225
2021-2021 Total	71	148	39	11	269

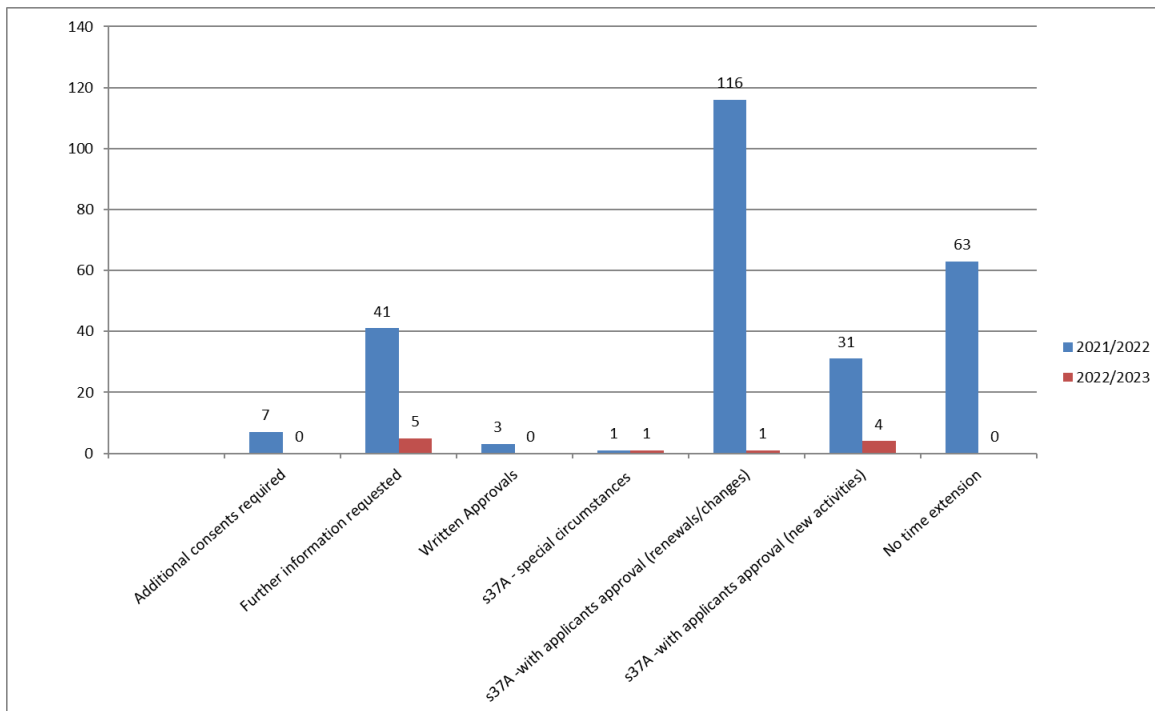
6) Types of consents issued - year to date comparison

	Publicly Notified						Limited Notified						Non Notified						Grand Total		
	Agricultural	Central/Local Government	Energy	Forestry	Other	Total publically notified	Agricultural	Central/Local Government	Energy	Forestry	Other	Total Limited Notified	Agricultural	Central/Local Government	Energy	Forestry	Other	Total Non-notified			
July 2020 to June 2021	0	0	0	0	2	0.7%	2	0	1	0	0	0.4%	1	146	20	44	6	50	98.9%	266	269
July 2021 to June 2022	0	0	8	0	0	3.6%	8	1	0	0	0	0.4%	1	132	36	18	3	27	96.0%	216	225
July 2022 to 18 th August 2023	0	0	0	0	0	0.0%	0	0	0	0	0	0.0%	0	32	2	0	0	4	100.0%	38	38

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

	Consultation/Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
Councils	0	0	0
DOC	0	0	0
Environmental/Recreational Groups	0	0	0
Fish & Game	0	0	0
Individuals/Neighbours/Landowners	0	0	0
Network Utilities	0	0	0
Non Govt Organisations	0	0	0
Other Govt Departments	0	0	0
Iwi/hapu	8	0	8
Totals - July 2022	8	0	8

8) Application processing time extensions used 2021/2022 versus 2022/2023



9) Consent type process

	Last 10 year average 2013 - 2022	July 2021 to June 2022	July 2022
Total consents granted	347	225	7
Publically Notified	9	8	0
Limited-notified	10	1	0
Non-notified	330	216	7
Applications submitted on (in opposition and to be heard)	13	9	0
Application Pre-hearing resolution (%)	7 81%	8 89%	0 0%
Hearings (no. of applications)	1 (6)	1 (1)	0 (0)
Appeals (no. of applications)	1 (6)	0 (0)	0 (0)
Total current consents	4714	4372	4374

10) Applications returned incomplete under Section 88

For the 2022-2023 financial year, 2 applications have been returned incomplete under S88 of the RMA for insufficient information.

11) Deemed Permitted Activities issued

Nil



Date 30 August 2022

Subject: **Consent Monitoring Annual Reports**

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

Document: 3096230

Purpose

1. The purpose of this memorandum is to advise Council of one tailored compliance monitoring report, the first for the 2021-2022 reporting year.

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. This compliance monitoring report has 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 one tailored compliance monitoring report has been completed, the first for the 2021-2022 reporting year. The report was assigned an overall environmental rating of high (Table 1).

Table 1 List of annual reports with overall environmental performance rating

Report Name	Performance Rating	Document Number
22-29 Candyman Trust Monitoring Programme Annual Report 2021-2022	High	3080257

5. For reference, in the 2021-2022 year, consent holders were found to achieve a high level of environmental performance and compliance for 876 (88%) of a total of 998 consents monitored through the Taranaki tailored monitoring programmes, while for another 97 (10%) of the consents a good level of environmental performance and compliance was achieved. A further 24 (2%) of consents monitored required improvement in their performance, while the remaining one (<1%) achieved a rating of poor (Table 2).

Table 2 Historical annual environmental and compliance performance ratings from July 2012 to June 2022. 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%
2021-2022	88%	10%	2%	<1%

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 the compliance monitoring report 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 consent holder. 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 the report.

22-29 Candyman Trust Monitoring Programme Annual Report 2021-2022

8. The Candyman Trust (the Trust) operates a cleanfill being undertaken for the purpose of reclaiming part of an existing man-made pond located on Manutahi Road South of Bell Block, in the Waiongana catchment. The man-made pond was created by previous quarrying activities on the site.
9. **During the monitoring period, the Trust demonstrated a high level of environmental performance and high level of administrative performance.**
10. The monitoring showed that the site was well managed and the conditions of the consent were being complied with at the time the inspections were undertaken. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.

Financial considerations - LTP/Annual Plan

11. 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

12. 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

13. 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.
14. 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

15. 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

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



Date 30 August 2022

Subject: **Incident, Compliance Monitoring Non-Compliances and Enforcement Summary - 1 July 2022 to 11 August 2022**

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

Document: 3097017

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 1 July 2022 to 11 August 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 thirty eight (38) incidents reported.
4. Seventeen (17) of the incidents were found to be compliant and nineteen (19) were found to be non-compliant. Two (2) 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 first time in the last fourteen reporting periods the trend of a high number of incidents found to be compliant has changed and there are slightly more non-compliant incidents than compliant incidents reported in this report.

Compliance monitoring non-compliances

6. There are twelve (12) compliance monitoring non-compliances reported. Seven (7) of the compliance monitoring non-compliances reported are updates from previous periods.
7. Two (2) 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 – 1 July 2022 to 11 August 2022*
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 1 July 2022 to 11 August 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 1 July 2022 to 11 August 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 second section provides an update on non-compliant incidents from previous meetings and where an incident has been resolved it can be publicly discussed. The third and fourth sections provide information on non-compliant incidents and non-compliances found during compliance monitoring during the period that are still under investigation and staff are limited in terms of public disclosure of information, while the investigation is ongoing and enforcement responses have not been determined. The incident flow chart and definition of terms provide further operational detail.

Discussion

12. Council responds to all complaints received with most complaints responded to within four hours. This usually involves a site visit. Responses to complaints and non-compliances with rules in the Council's regional plans, resource consents and the Resource Management Act 1991 are recorded in the IRIS database. Where necessary, appropriate advisory or enforcement actions are undertaken. The latter may include issuing an inspection, abatement or infringement notice, or initiating a prosecution. Where an infringement notice or prosecution is possible, details of the information in the Incidents, Compliance Monitoring Non-compliances and Enforcement agenda item and staff comment will be restricted for legal disclosure reasons. Further information will be provided at a later date to the Council and for prosecutions a detailed report will be provided for information purposes, in the confidential section of the agenda.

13. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 1 July 2022 to 11 August 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

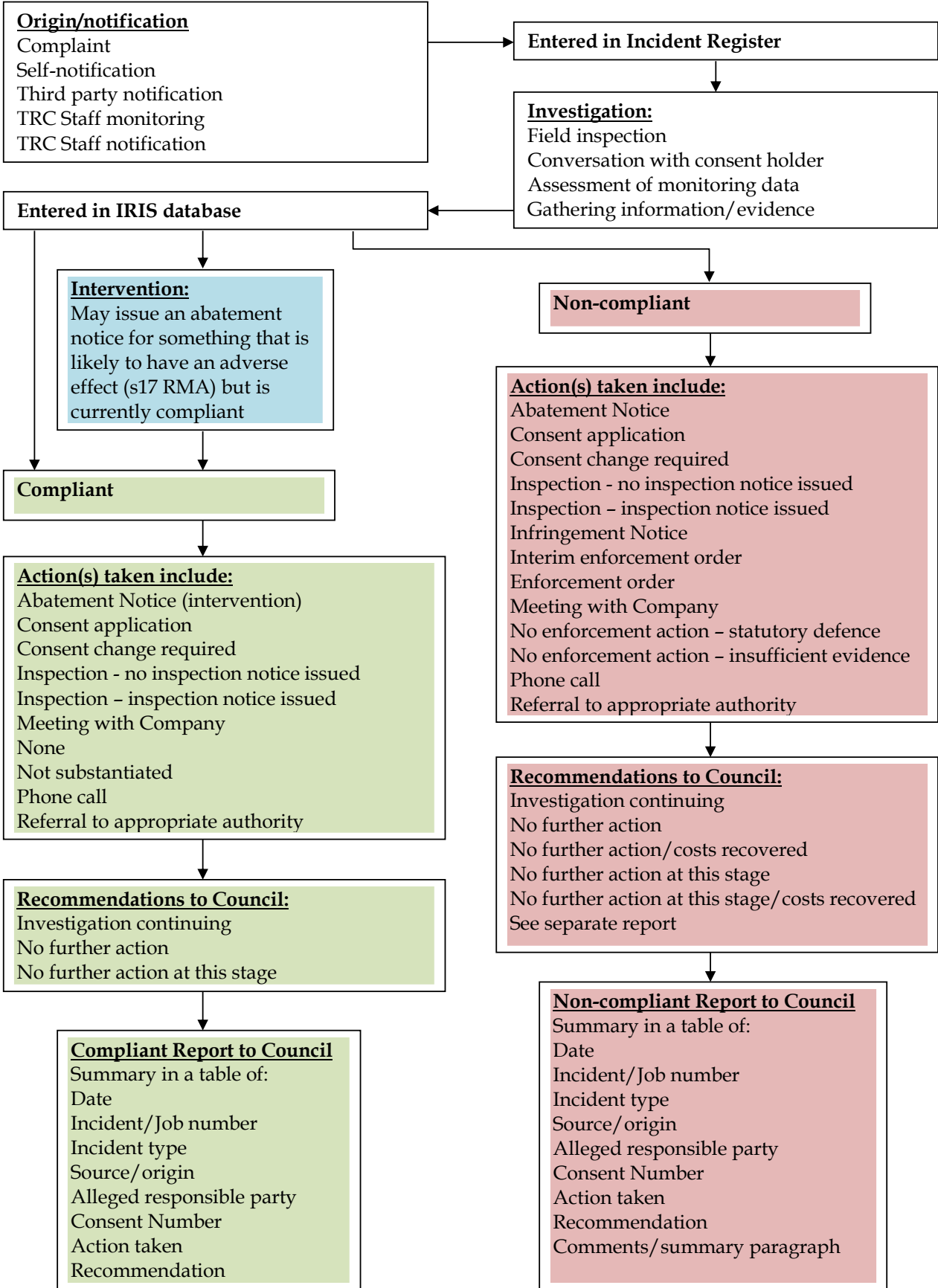
Document 1081324: Incident flowchart and terms explained

Document 3097050: Incident and Enforcement Graphs to 31 July 2022

Document 3097006: Incidents and Enforcement Summary 1 July 2022 to 11 August 2022

Incident flow chart

Doc # 1081324



Terms explained

Compliance rating

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

Origin/Notification:

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

Action/s Taken:

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

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

Recommendations to Council

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

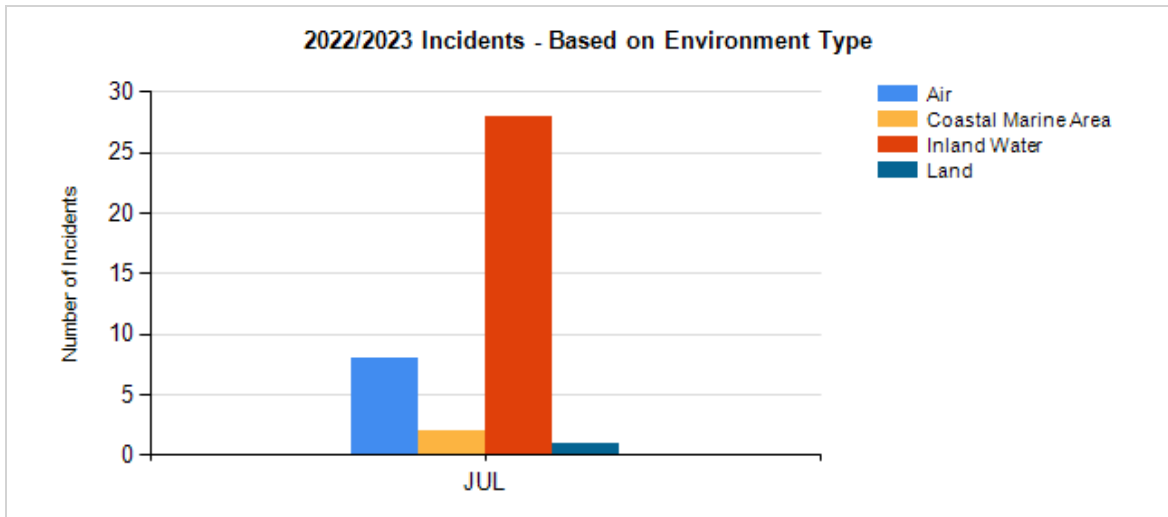
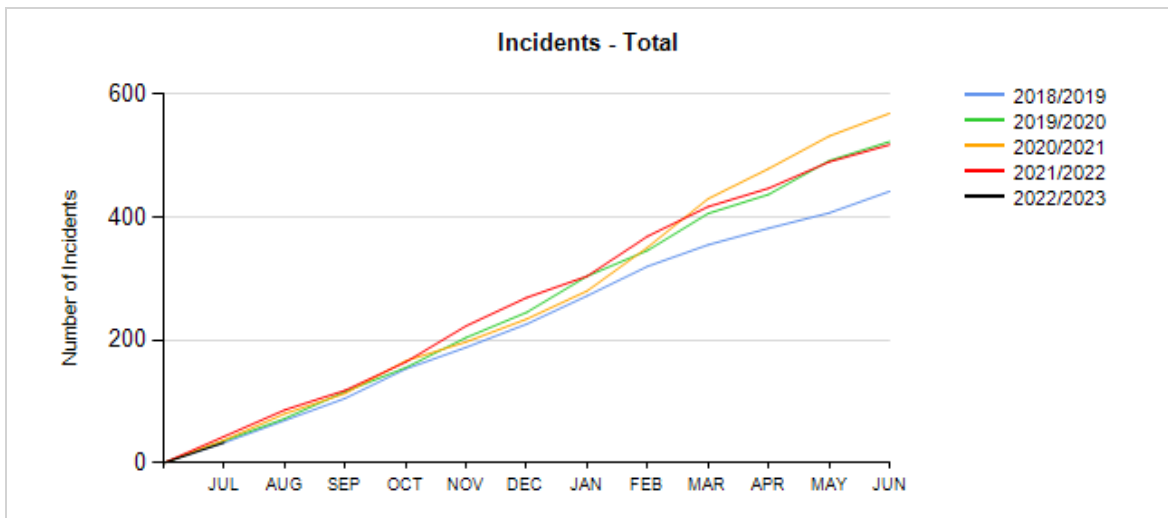
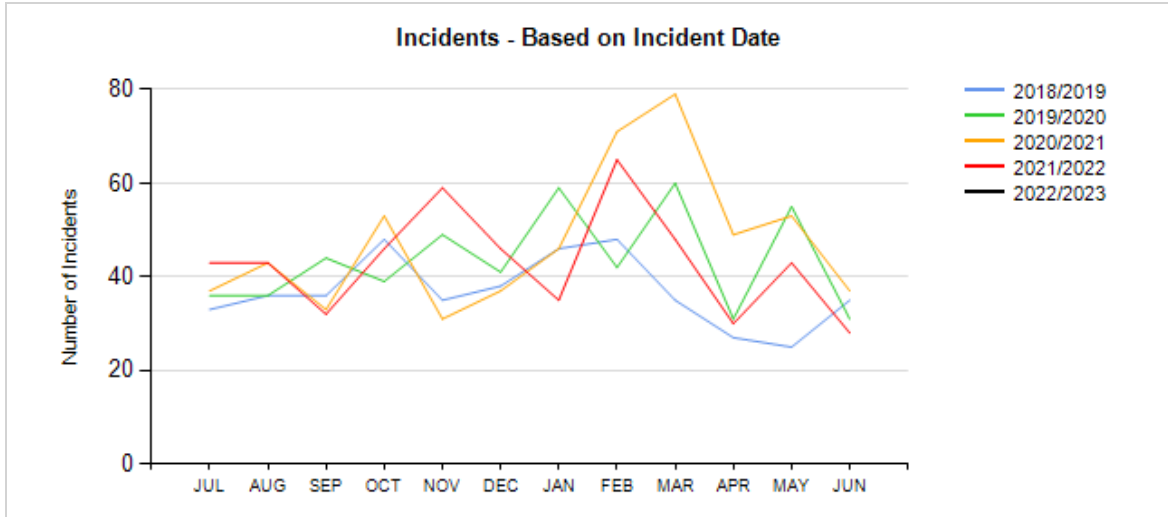
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
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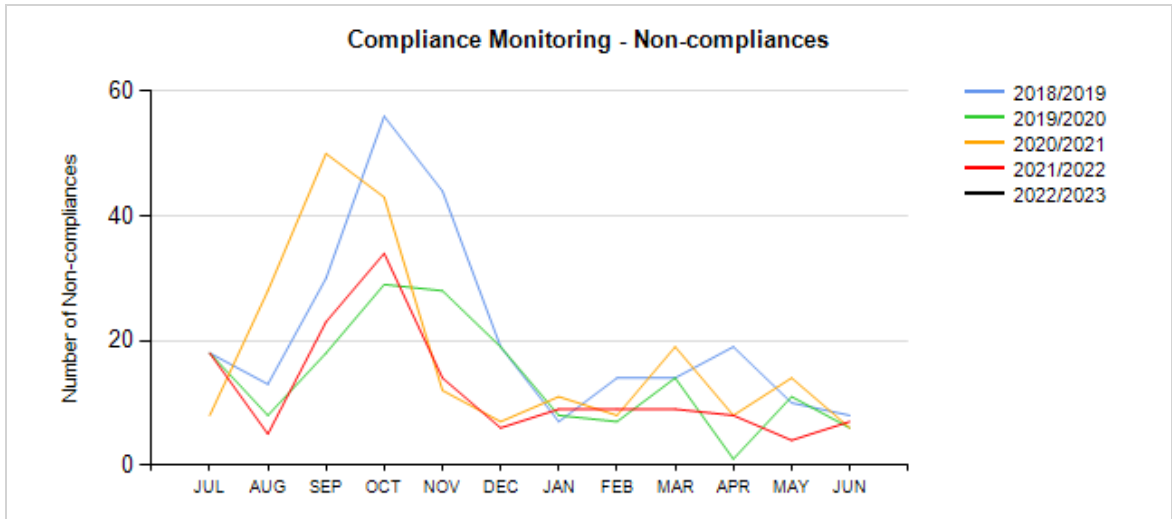
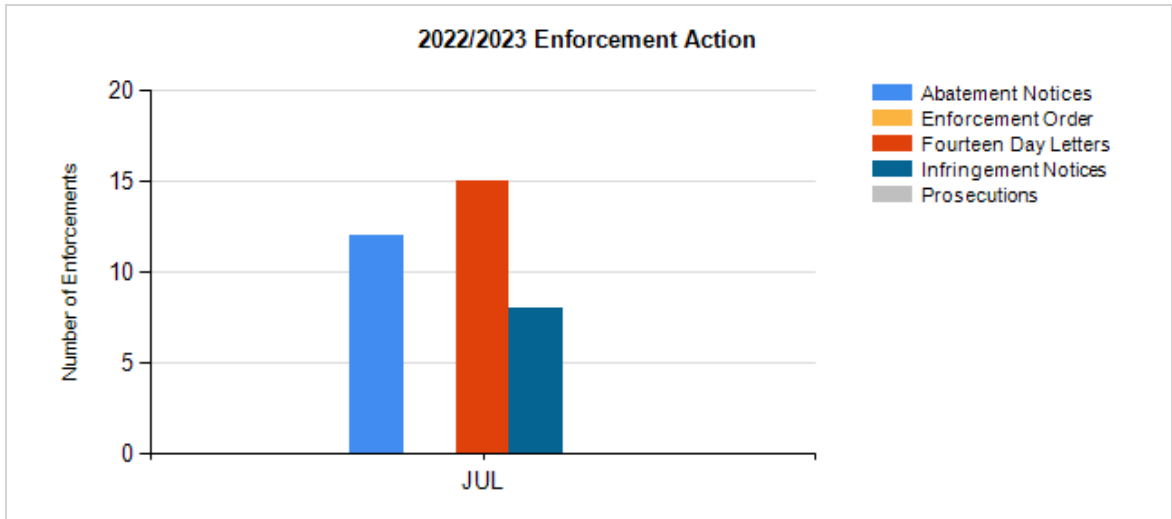
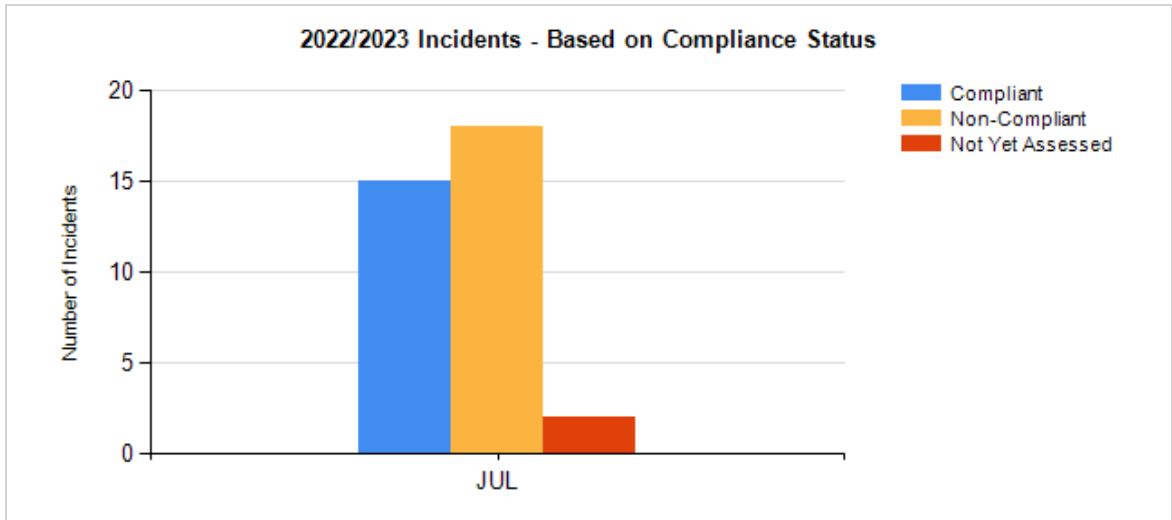
Defences under Sections 340 and 341 of the Resource Management Act 1991

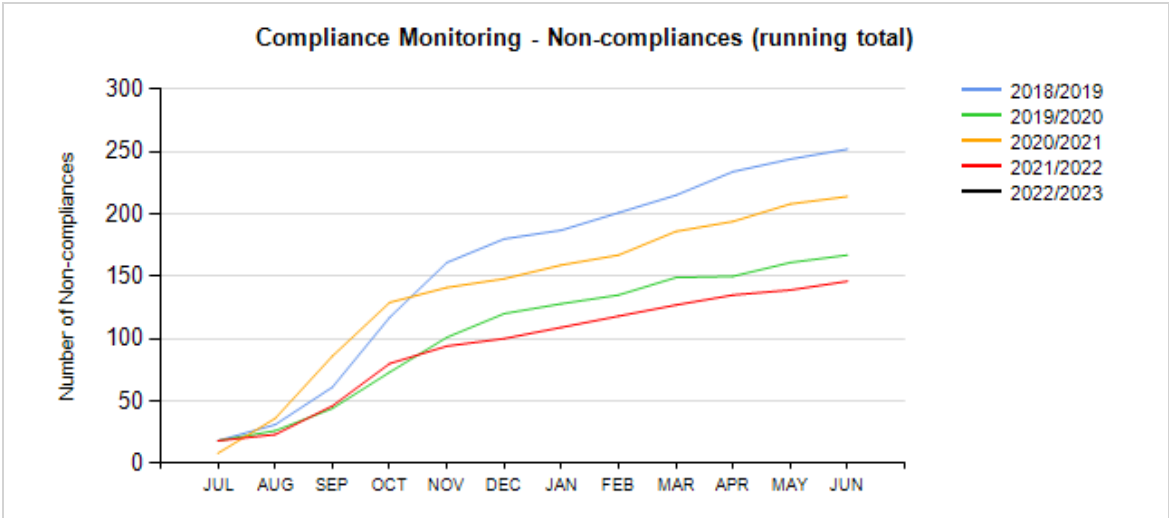
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

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

Incident and Enforcement Graphs to 31 July 2022







Compliant Incidents for the period 01 Jul 2022 to 11 Aug 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
9 Jul 2022	330123-005 IN/45618	Alleged trees in Manganui River - Inglewood	Complaint	Unsourced		RFWP Allowed	No Further Action
11 Jul 2022	330123-007 IN/45619	Alleged diesel spill - Radnor Road, Midhurst	Third Party Notification	Unsourced		RFWP Allowed	No Further Action
14 Jul 2022	330123-018 IN/45650	Alleged smoke - Scott Road, Okaiawa	TRC Staff Notification	Unsourced		RAQP Allowed	No Further Action
17 Jul 2022	330123-011 IN/45676	Alleged dead seal on foreshore - Hobson Street, New Plymouth	Complaint	Unsourced		Not Applicable/Natural Event	No Further Action
18 Jul 2022	330123-012 IN/45678	Alleged molasses spill - State Highway 3, New Plymouth	Third Party Notification	Unsourced		RFWP Allowed	No Further Action
18 Jul 2022	330123-013 IN/45683	Alleged odour - Broadway Stratford	Complaint	Unsourced		RAQP Allowed	No Further Action
20 Jul 2022	330123-015 IN/45692	Alleged discharge to stormwater - Kowhai Street, Inglewood	Complaint	Downer EDI Works Limited		Not Applicable/Natural Event	No Further Action
21 Jul 2022	330123-021 IN/45701	Alleged stream contamination - Tukapa Street, New Plymouth	Complaint	Smudgy Developments Limited		Not Applicable/Natural Event	No Further Action
21 Jul 2022	330123-022 IN/45703	Alleged milky discharge - St Aubyn Street, New Plymouth	Complaint	Unsourced		RFWP Allowed	No Further Action
21 Jul 2022	330123-023 IN/45705	Alleged cows in wetland - Beach Road, Omata	Complaint	Ryan Gargan		RFWP Allowed	No Further Action

Compliant Incidents for the period 01 Jul 2022 to 11 Aug 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
22 Jul 2022	3301-23-027 IN/45727	Alleged farm dump/burning - Ngatutu Road, Okoki	Complaint	Jay Neill		RAQP Allowed	No Further Action
24 Jul 2022	330123-024 IN/45715	Alleged burning - Manchester Street, Patea	Complaint	Anonymous		RAQP Allowed	No Further Action
28 Jul 2022	330123-029 IN/45706	Alleged dust - Ngamotu Beach - New Plymouth	Complaint	ISO Limited Port Taranaki Limited		RAQP Allowed	No Further Action
28 Jul 2022	330123-032 IN/45844	Alleged stormwater and piggery effluent - Perth Road, Okato	Complaint	Roman Riabov		RFWP Allowed	No Further Action
29 Jul 2022	330123-030 IN/45754	Alleged dust - Whitely Street, Motoroa	Complaint	ISO Limited Port Taranaki Limited		RAQP Allowed	No Further Action
1 Aug 2022	330123-031 IN/45785	Alleged offal pit discharge - Upper Duthie Road, Kaponga	Complaint	Daniel Hurley		RFWP Allowed	No Further Action
9 Aug 2022	330123-052 IN/45819	Alleged digger in stream - South Road, Rahotu	Complaint	Anthony Valvoi		RFWP Allowed	No Further Action

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<u>31 May 2022 Update</u>	3301-22-502 IN/45343	Burning - Mountain Road, Eltham	Complaint	Beck Helicopters (12071) Gordon Collingwood (74026)		EAC-24676 - Infringement Notice (\$300)	No Further Action

Comments: A complaint was received concerning black smoke from burning at a property on Mountain Road, Eltham. Investigation found the burning of unauthorised materials was occurring, including oil, steel, plastics and general waste. Photographs were taken.

<u>27 Jun 2022 Update</u>	3301-22-525 IN/45521	Rubbish dumping/burning - Warwick Road, Stratford.	Complaint	Mathew Watt (74076) Mountain View Developments and Construction Ltd (73659) Tony Clements (70724)		EAC-24619 - Abatement Notice EAC-24620 - Abatement Notice EAC-24622 - Abatement Notice EAC-24623 - Explanation Requested - Letter EAC-24625 - Abatement Notice EAC-24626 - Abatement Notice EAC-24661 - Abatement Notice EAC-24682 - Abatement Notice	Investigation Continuing
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Comments: A complaint was received concerning the potential unauthorised dumping of demolition material at a property on Warwick Road, Stratford. Investigation found that materials from a house demolition, on Cordelia Street, Stratford, had been disposed of and burnt at a property on Warwick Road, Stratford, in contravention of rules in the Regional Air Quality Plan for Taranaki (RAQP) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFW). Abatement Notices were issued requiring the operation to cease and for works to be undertaken to ensure compliance with the RAQP and NESFW. Reinspection found that the abatement notices were being complied with at the time of inspection. Further enforcement action is being considered.

Non-compliant incidents for the period 01 Jul 2022 to 11 Aug 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
4 Jul 2022	330123-003 IN/45574	Silt and erosion - Mangamahoe Stream, New Plymouth	Complaint	Downer EDI Works (29406) New Plymouth District Council (9565)	R2/10192-1.0	EAC-24642 - Explanation Requested - Letter EAC-24646 - Explanation Requested - Letter EAC-24647 - Abatement Notice	Investigation Continuing

Comments: A complaint was received concerning silt and sediment discharging into the Mangamahoe Stream near Lake Mangamahoe, New Plymouth. Investigation found that there had been work undertaken on an instream structure known as the Lower Head Dam. A significant amount of silt and sediment had been discharged downstream of the structure with evidence of some deposition into the Waiwakaiho River, downstream of the confluence with the Mangamahoe Stream. Upstream of the structure it was evident that significant erosion had occurred and would continue to occur. Further investigation found that silt controls that had been installed downstream had failed and were offering no sediment control. Photographs, videos, and samples were taken. Letters of explanation have been received. Enforcement action is being considered.

11 Jul 2022	330123-006 IN/45615	Municipal waste discharge - Carrington Road, New Plymouth	Complaint	Gas & Plumbing Ltd (26366)		No Enforcement Action - Statutory defence	No Further Action
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Comments: Notification was received regarding a motor accident whereby a septic truck carrying municipal waste had rolled on the corner of Carrington Road and Maunga Heights, New Plymouth. Investigation found that a sucker truck was already in use, removing spilt waste from the roadside drain. A bund had been created to allow effluent on the road to be washed down in a controlled manner and contained, to be removed with the sucker truck. Remaining traces of waste were scraped and cleared off the road. No discharge occurred beyond the roadside drain.

Non-compliant incidents for the period 01 Jul 2022 to 11 Aug 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Jul 2022	330123-008 IN/45622	Unauthorised discharge into stream - Rimutauteka Road, Inglewood	TRC Staff Compliance Monitoring	Codylan Farms Limited (36519)	R2/10321-1.0	EAC-24667 - Abatement Notice EAC-24669 - Abatement Notice	Investigation Continuing

Comments: During unrelated monitoring of a wellsite, it was found that farm dairy effluent was discharging to a skimmer pit outfall and then into surface water at Rimutauteka Road, Inglewood. Photographs, video and samples were taken. Whilst collecting a sample of the discharge it was also noted that silage leachate was discharging to the stream causing sewage fungus growths downstream of the discharge. The discharge of farm dairy effluent was in contravention of consent conditions and the discharge of leachate was in contravention of Rule 30 of the RFWP. Abatement notices were issued requiring the discharge of dairy effluent to cease and for works to be undertaken to prevent the discharge of silage leachate. Reinspection will be undertaken after 12 August 2022. Further enforcement action is being considered.

12 Jul 2022	330123-017 IN/45627	Sewage Discharge - Konini Street, Inglewood	Self-Notification	New Plymouth District Council (9565)	R2/10406-1.0 R2/0882-4.1	No Enforcement Action - Statutory defence	No Further Action
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Comments: Self-notification was received regarding a sewage discharge on Konini Street, Inglewood. At the time of inspection the ground was wet with surface rain water and there was no evidence of any sewage discharge onto the street or in the adjacent stream. New Plymouth District Council's contingency plan was followed and signs were erected.

14 Jul 2022	330123-009 IN/45652	Sewage discharge - McKellar Street, Oakura	Self-Notification	New Plymouth District Council (9565)	R2/10406-1.0 R2/0882-4.1	No Enforcement Action - Statutory defence	No Further Action
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Comments: A complaint was received concerning a sewage overflow from a manhole into a wetland on McKellar Street, Oakura. Investigation found that a small amount of sewage had discharged overland and into the wetland, as a result of an unforeseen fat blockage. New Plymouth District Council's contingency plan was followed and signs were erected.

Non-compliant incidents for the period 01 Jul 2022 to 11 Aug 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Jul 2022	330123-010 IN/45677	Waste oil storage - South Road, Warea	Complaint	Priscilla (Penny) Chapman (74254)			No Further Action At This Stage
<p>Comments: A complaint was received concerning the storage of waste oil drums and the discharge of waste oil, on a property at South Road, Warea. Investigation found that the property is an old mechanics premises. There was waste oil all over the ground and waste drums scattered around the site. No oil was discharging to any surface water at the time of inspection. Advice and information was given in relation to the clean up of the site.</p>							
18 Jul 2022	330123-014 IN/45688	Slip - SH3, Waitara	Self-Notification	Waka Kotahi NZ Transport Agency (70589)		EAC-24678 - Explanation Requested - Letter	No Further Action
<p>Comments: Self-notification was received concerning a sediment discharge to water as a result of the stormwater upgrades at State Highway 3, Waitara. Investigation found that a slip had occurred as a result of a build up of groundwater. A small amount of sediment had discharged into a wetland. A letter of explanation was received and accepted.</p>							
20 Jul 2022	330123-016 IN/45696	Paint discharge - St Aubyn Street, New Plymouth	Complaint	Unknown (17345)			No Further Action
<p>Comments: A complaint was received concerning paint being washed down a driveway and into a stormwater drain at St Aubyn Street, New Plymouth. Investigation found that there was some evidence of paint being spilt on the footpath and in the drain, however a responsible party could not be traced. There was no evidence that any product had reached any waterbody.</p>							
20 Jul 2022	330123-019 IN/45698	Burning - Johns Road, Tariki	Complaint	Jesse Little (74185) Scott Keegan (74186)			Investigation Continuing
<p>Comments: A complaint was received concerning black smoke from a fire burning on Johns Road, Tariki. Investigation found that unauthorised materials were being burnt in a fire, including tyres and road cones. Enforcement action is being considered.</p>							

Non-compliant incidents for the period 01 Jul 2022 to 11 Aug 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Jul 2022	330123-020 IN/45702	Washwater discharge - Junction Street, New Plymouth	Self-Notification	Downer New Zealand Limited (35367) Powerco Limited (12931)	R2/0940-3		No Further Action/Costs Recovered

Comments: Self-notification was received concerning a discharge of washwater into an unnamed tributary of the Te Henui Stream at Junction Street, New Plymouth. Investigation found that an employee of the occupier had washed a large vehicle in the washbay. However, the large vehicle was partially overhanging the washbay causing washwater to discharge to the stormwater system. The occupier was advised of rules in the Regional Fresh Water Plan for Taranaki. The washbay has currently been closed, as their trade waste consent has expired. No further washing will occur on site until this issue is resolved.

25 Jul 2022	330123-025 IN/45717	Silt/sediment discharge - South Road, Oakura	Complaint	Brough Earthworks Limited (68645) KO & KO (74194)		EAC-24689 - Explanation Requested - Letter EAC-24691 - Explanation Requested - Letter	Investigation Continuing
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Comments: A complaint was received concerning top soil being washed off a neighbouring property during rain, into their property and then into a stream, at South Road, Oakura. Investigation found that recent landscaping had been undertaken and silt and sediment from exposed earth was discharging to the Wairau Stream. There were no silt and sediment controls in place at the time of inspection. Silt fencing was subsequently installed and monitored. Letters requesting explanation were sent. Enforcement action is being considered.

25 Jul 2022	330123-026 IN/45752	Sheep offal - Tapuae Stream, Tapuae	Complaint	Un sourced (9768)			No Further Action
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Comments: A complaint was received concerning sheep offal in the Tapuae Stream, near the river mouth at Tapuae. Investigation found that there was a small amount of sheep offal in the stream. The offal was in a position that could not be easily accessed from the stream bank and also the stream was swollen at the time of inspection. It was not safe to enter the stream to recover the offal at that time. The sheep offal relocated during the night and was then buried on the beach. The material was disturbed by dogs and had to be reburied the next day.

Non-compliant incidents for the period 01 Jul 2022 to 11 Aug 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
29 Jul 2022	330123-039 IN/45795	Silt/sediment discharge - Rainie Road, Hawera	TRC Staff Compliance Monitoring	TPJ Partnership (12834)		EAC-24693 - Abatement Notice	Investigation Continuing

Comments: During unrelated monitoring it was found that silt and sediment from earthworks in relation to drainage had discharged into an unnamed stream at a property at Rainie Road, Hawera. Investigation found that there were no silt and or sediment controls installed at the time of inspection. An abatement notice was issued requiring silt and sediment controls to be installed. Reinspection will be undertaken after 26 August 2022. Further enforcement action is being considered.

29 Jul 2022	330123-038 IN/45838	Earthworks - Connett Road, Bell Block	Complaint	Tobias Lecher (36043)			Investigation Continuing
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Comments: A complaint was received concerning unconsented earthworks at Connett Road, Bell Block. Investigation found that earthworks had been undertaken and were in contravention of Rule 26 of the Regional Fresh Water Plan for Taranaki. Enforcement action is being considered.

30 Jul 2022	330123-037 IN/45749	Hydrocarbons in Mangati Stream - Bell Block	Complaint	Un sourced (9768)			Investigation Continuing
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Comments: A complaint was received concerning hydrocarbons in the Mangati Stream at Bell Block. Initial investigation could not find any hydrocarbons. However during unrelated monitoring in the following days it was found that there was a significant amount of oil in the ponds at the end of the industrial catchment. New Plymouth District Council undertook clean up of the product in the ponds. An extensive investigation upstream was undertaken with a likely source being located. Further investigation is being undertaken.

30 Jul 2022	330123-036 IN/45755	Rubbish in stream - Carrington Road, New Plymouth	Complaint	Un sourced (9768)			No Further Action
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Comments: A complaint was received concerning rubbish in a stream at Carrington Road, New Plymouth. Investigation found that there was an old duvet tangled in a tree above the stream. New Plymouth District Council contractors were already responding to another complaint about the rubbish and had removed some that was safe to remove. The duvet would be removed when conditions allowed it to be done safely.

Non-compliant incidents for the period 01 Jul 2022 to 11 Aug 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
3 Aug 2022	330123-033 IN/45768	Erosion/rubbish - Kaipokonui River - Kaponga	Complaint	South Taranaki District Council (9623)			No Further Action At This Stage
<p>Comments: A complaint was received concerning erosion causing an old rubbish dump to be exposed near a park and swimming hole in the Kaipokonui River in Kaponga. Inspection found multiple pieces of metal and glass protruding from the river bank. South Taranaki District Council were advised and have undertaken to investigate.</p>							
3 Aug 2022	330123-034 IN/45770	White creek - Te Henui Cemetary - New Plymouth	Complaint	New Plymouth Boys High School Board Of Trustees (25850)			No Further Action
<p>Comments: A complaint was received concerning a creek running 'white' in the Te Henui Cemetery, New Plymouth. Investigation found that the creek was running discoloured at the time of inspection. Further investigation found that a new employee from New Plymouth Boys High had cleaned equipment used for marking the soccer fields and washed the contaminated water down the stormwater drain. The employee's supervisor advised they will take steps to train staff and install blue fish signs on all drains. The stream had cleared by the end of the inspection.</p>							

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
30 Sep 2021 Update	332122-062 ENF-23213	Annual Inspection	Non-compliance	Muir Farms Limited (20155)	R2/0589-3	EAC-24256 - Abatement Notice	No Further Action/Costs Recovered

Comments: During analysis of samples (19 October 2021), taken during the annual dairy inspection round (30 September 2021), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Surrey 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 the abatement notice was being complied with at the time of inspection.

20 May 2022 Update	332122-128 ENF-23530	Other Inspection	Non-compliance	Ravensdown Limited (52633)	R2/10513-1.1	EAC-24575 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of sample results, it was found that there were high BOD; and oil and grease in the designated discharge point in contravention of resource consent conditions, at a fertiliser processing and distribution plant at Smart Road, New Plymouth. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 August 2022.

30 May 2022 Update	330122-503 ENF-23534	Dairy Non-compliant Re-inspection	Significant non-compliance	Clark Peters Farms Limited (50939)	R2/2708-2	EAC-24632 - Explanation Requested - Letter EAC-24581 - Abatement Notice EAC-24580 - Abatement Notice	Investigation Continuing
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Comments: During a compliance monitoring inspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at York Road, Midhirst. Abatement notices were issued requiring the discharges to cease and for works to be undertaken to prevent further unauthorised discharges. Reinspection found that the abatement notices were being complied with at the time of inspections. Further enforcement action is being considered.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<u>3 Jun 2022 Update</u>	332122-130 ENF-23542	Dairy Non-compliant Re-inspection	Non-compliance	York Farm 2013 Limited (50820)	R2/0688-4.0	EAC-24591 - Abatement Notice	No Further Action/Costs Recovered
Comments: During a compliance monitoring inspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at York Road, Midhirst. 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>10 Jun 2022 Update</u>	332122-138 ENF-23574	Chemical Sampling Survey	Non-compliance	Port Taranaki Limited (26226)	R2/0197-2.1		Investigation Continuing
Comments: During analysis of samples taken during routine monitoring it was found that suspended solids in the stormwater discharge exceeded allowable resource consent levels at Port Taranaki, New Plymouth. An explanation was received. Enforcement action is being considered.							
<u>15 Jun 2022 Update</u>	332122-135 ENF-23560	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/10804-1.0 R2/2370-3 R2/4619-1 R2/6177-2.0		Investigation Continuing
Comments: During routine monitoring it was found that resource consent conditions were being contravened at the Colson Road Landfill in New Plymouth. The site was not adequately stabilised for the winter period and some stormwater ponding was occurring on the capping of the Stage 3 area. 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
17 Jun 2022 <u>Update</u>	332122-133 ENF-23554	Office Assessment	Non-compliance	New Plymouth District Council (9565)	R2/4779-1.1	EAC-24612 - Explanation Requested - Letter	No Further Action/Costs Recovered

Comments: During routine monitoring it was found that the flare temperature had not been maintained above 750^o C as required by resource consent conditions (as per the management plan), at the Colson Road Landfill, New Plymouth. A letter of explanation was received and more information has been requested. Further information was received and the explanation was accepted, as suitable mitigation measures have been put in place.

Compliance Monitoring – Non-compliances for the period 01 Jul 2022 to 11 Aug 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
5 Jul 2022	332123-003 ENF-23594	Dairy Non-compliant Re-inspection	Non-compliance	Muir Farms Limited (20155)	R2/0589-3		No Further Action/Costs Recovered

Comments: During a compliance monitoring inspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and Abatement Notice EAC-24256 issued as a result of a previous non-compliance at Surrey Road, Tariki. Reinspection was undertaken and the system was found to be compliant with resource consent conditions. Significant works have been undertaken to prevent reoccurrence.

6 Jul 2022	332123-004 ENF-23567	Follow Up Inspection	Significant non-compliance	Colin Boyd (3013) Mile Square Farms Limited (3884)	R2/4940-2.0	EAC-24662 - Explanation Requested - Letter	Investigation Continuing
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Comments: During a follow up inspection, as part of the annual dairy inspection round, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and Abatement Notice EAC-23073, which was issued as a result of a previous non-compliance at Surrey Road, Inglewood. A letter of explanation was received. Further enforcement action is being considered.

12 Jul 2022	332123-001 ENF-23573	Office Assessment	Non-compliance	Westown Agriculture Limited (55300)	R2/10884-1.0	EAC-24674 - Abatement Notice	Investigation Continuing
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Comments: During review of Council records it was found that the Soil Erosion and Sediment Control Plan had not been received as required by resource consent conditions for a cleanfill site at Cowling Road, New Plymouth. An abatement notice was issued requiring the Soil Erosion and Sediment Control Plan to be submitted by 31 August 2022.

Compliance Monitoring – Non-compliances for the period 01 Jul 2022 to 11 Aug 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
13 Jul 2022	332123-005 ENF-23577	Dairy Non-compliant Re-inspection	Significant non-compliance	Beaufort Farm Trust (23628) Marcus Smith (16291)	R2/4347-2.1	EAC-24672 - Explanation Requested - Letter	Investigation Continuing

Comments: During a compliance monitoring inspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and Abatement Notice EAC-24302, issued as a result of a previous non-compliance, at Eltham Road, Cardiff. A letter requesting explanation was sent. Further enforcement action is being considered.

26 Jul 2022	332123-002 ENF-23588	Office Assessment	Non-compliance	Molten Metals Limited (25848)	R2/9974-1.0	EAC-24694 - Abatement Notice	Investigation Continuing
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Comments: During analysis of sampling results, from a wet weather sampling run undertaken on 8 July 2022, it was found that the stormwater discharge exceeded resource consent suspended solid limits at a scrap metal site at Centennial Drive, New Plymouth. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 15 September 2022.

AGENDA AUTHORISATION

Agenda for the Consents and Regulatory Committee meeting held on Tuesday 30 August 2022.

Confirmed:



24 Aug, 2022 9:39:36 PM GMT+12
A J Matthews
Director-Environment Quality

Approved:



23 Aug, 2022 3:17:18 PM GMT+12
S J Ruru
Chief Executive