



AGENDA

Operations & Regulatory

Tuesday 10 October 2023, 9.00am

Operations and Regulatory Committee

10 October 2023 09:00 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 te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Nau mai e ngā hua

Karakia for kai

Nau mai e ngā hua	Welcome the gifts of food
o te wao	from the sacred forests
o te ngakina	from the cultivated gardens
o te wai tai	from the sea
o te wai Māori	from the fresh waters
Nā Tāne	The food of Tāne
Nā Rongo	of Rongo
Nā Tangaroa	of Tangaroa
Nā Maru	of Maru
Ko Ranginui e tū iho nei	I acknowledge Ranginui above and
Ko Papatūānuku e takoto ake nei	Papatūānuku below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!



Date 10 October 2023

Subject: **Operations and Regulatory Committee Minutes – 29 August 2023**

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

Document: 3210360

Recommendations

That the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Operations and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on 29 August 2023 at 9.00am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 19 September 2023.

Matters arising

Appendices/Attachments

Document 3201181: [Minutes Operations and Regulatory Committee 29 August 2023.](#)



Date 29 August 2023, 9.00am

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

Document: 3201181

Present

S W Hughes	<i>Chairperson</i>
D M Cram	<i>Deputy Chairperson</i>
M J Cloke	
M G Davey	
D H McIntyre	
D L Lean	<i>(zoom)</i>
N W Walker	<i>ex officio</i>
C L Littlewood	<i>ex officio</i>
D Luke	Iwi Representative

Attending

Mr	S J Ruru	Chief Executive
Ms	A J Matthews	Director - Environment Quality
Mr	A D McLay	Director - Resource Management
Mr	D R Harrison	Director - Operations
Mr	J Glasgow	Compliance Manager
Ms	L Millar	<i>(zoom)</i>
Miss	N Chadwick	Governance Administrator
Ms	C Woollen	Communications Adviser
Ms	K Holland	Communications Team Lead
Ms	A Smith	Science Communications Advisor
Mr	F Kiddle	Strategy lead
Mr	D Sherman	Land Services Manager
Mr	B Levine	Scientist - Land and Soil

Karakia: The meeting opened with a group karakia at 9.00am.

Apologies: Were received and sustained from, R Buttimore, Ā White, B Bigham, P Muir

1. Confirmation of Minutes Operations and Regulatory Committee 18 July 2023

Recommended

That the Taranaki Regional Council:

- a) took as read and confirmed the minutes of the Operations and Regulatory Committee of the Taranaki Regional Council held on 18 July 2023 at Taranaki Regional Council 47 Cloten Road Stratford
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 7 August 2023.

Hughes/Davey

2. Resource Consents Issued under Delegated Authority & Applications in Progress

- 2.1 Mr A D McLay, Director – Resource Management, spoke to the memorandum to advise the Committee of consents granted, consents under application and of consent processing actions since the last meeting.

Recommended

That the Taranaki Regional Council:

- a) received the schedule of resource consents granted and other consent processing actions, made under delegated authority
- b) noted any specific recommendations therein.

Hughes/Walker

3. Incidents, Compliance Monitoring Non Compliances and Enforcement Summary 1 July 2023 – 31 July 2023

- 3.1 Mr J Glasgow, Compliance Manager, spoke to the memorandum to update the Committee and provided a summary of the incidents, compliance monitoring non-compliances and enforcement for the period 1 July 2023 – 21 July 2023.
- 3.2 Councillor M Davey declared a conflict of interest and abstained from the vote.

Recommended

That the Taranaki Regional Council:

- a) received the memorandum *Incident, Compliance Monitoring Non- Compliance and Enforcement Summary – 1 July 2023 – 31 July 2023*
- b) received the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 1 July 2023 – 21 July 2023, noted the action taken by staff acting under delegated authority and adopted the recommendations therein.

Cloke/Lean

4. Changes to the Duration of Consents Related to Freshwater

- 4.1 Mr F Kiddle, Strategy Lead, spoke to the Committee to inform the members of changes to the maximum duration available for consents related to freshwater and seek their agreement on related matters

Recommended

That the Taranaki Regional Council:

- a) received the memorandum titled *Changes to the duration of freshwater consents*
- b) noted that upon Royal Assent of the *Natural and Built Environment Act*, the maximum duration for "affected resource consents" related to freshwater under the *Resource Management Act 1991* will be five years after the estimated date upon which relevant rules in the region's first Natural and Built Environment Plan under the *Natural and Built Environment Act* have legal effect
- c) noted the estimated date upon which such rules would have legal effect is 30 June 2032, giving a maximum duration of until 30 June 2037 for affected resource consents
- d) noted that applying a single end date for all affected resource consents will very likely lead to an unmanageable amount of resource consent applications after that date
- e) agreed that from Royal Assent of the *Natural and Built Environment Act 2023*, the Council adopt an expiry date for all affected resource consents of either 10 years from the consent being granted or 30 June 2037, whichever is less
- f) directed Council officers to develop and distribute dedicated communications material outlining the new duration limits
- g) determined that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- h) determined that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determined that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Walker/Littlewood

5. Freshwater Farm Plan System

- 5.1 Mr D Sherman, Land Services Manager, spoke to the memorandum and gave a PowerPoint presentation to update the committee on the Freshwater Farm Plan (FWFP) system and the role of council.

Recommended

That the Taranaki Regional Council:

- a) received the memorandum titled - Freshwater Farm Plans - The System
- b) noted the design and framework of the FWFP system
- c) noted the expectations of achieving NPS freshwater objectives through FWFP
- d) noted the implications of the extra requirements imposed on Council through the FWFP System

- e) approved that the appropriate planning, management and resourcing is undertaken to ensure the Council's statutory responsibilities to deliver the FWFP system are met.

Littlewood/Walker

(9.53 P Moeahu joined meeting)

Late Item:

Councillor Walker asked for an update on progress with farmers meeting their Nitrogen reporting requirements. Mr McLay noted that to date 70% of farmers have complied and follow-up arrangements are in place for farmers that are still to supply the required information.

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Operations and Regulatory Committee Meeting on Tuesday 18 July 2023:

Item 10: Public Excluded Operations and Regulatory Minutes

The matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under section 48(1) of the *Local Government Official Information and Meetings Act 1987* are as follows:

General subject of each matter to be considered	Ground(s) under section 48(1) for the passing of this resolution	Reason for passing this resolution in relation to each matter
Item 10: Confirmation of public excluded minutes – 18 July 2023	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 (a) and section 7 (2) (a) and (2) (g) of the <i>Local Government Official Information and Meetings Act 1987</i> .	The alleged offender(s) has not as yet had the opportunity to respond to the charges laid. It is therefore important that the principles of natural justice are applied and that legal privilege is maintained. Making any of this information publically available would result in a breach of the <i>Privacy Act 2020</i> . The public interest in knowing the nature of the offence and why Council has made the decision to prosecute is not outweighed by the harm that would be caused to the alleged offender(s).

Littlewood/Davey

There being no further business the Committee Chairperson, Councillor S W Hughes,
declared the public meeting of the Operations and Regulatory Committee closed at 10.01am.

**Operations and
Regulatory**

Committee Chairperson: _____

S W Hughes Chair



Date 10 October 2023

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: 3207191

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 Operations 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.

Legal considerations

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

Appendices/Attachments

Document 3207097: [List of non-notified consents](#)

Document 3207105: [Schedule of non-notified consents](#)

Document 3206922: [Consents processing charts for Agenda](#)

**Non-notified authorisations issued by the Taranaki Regional Council
between 01 Aug 2023 and 13 Sep 2023**

Discharge Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/0537-3.0	Theland Tahi Farm Group Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2221-3.0	Dudley Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3031-3.0	Lander & Co	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3676-2.1	Todd Energy Limited	Land/Water Industry	Energy	Wellsite	Exploration and Production	Change
R2/4022-3.0	Contact Energy Limited	Air - Industry	Energy	Power - Thermal Generation	Power Supply - Commercial	Replace
R2/11064-1.0	Todd Energy Limited	Air - Industry	Energy	Wellsite	Exploration and Production	New
R2/11065-1.0	Todd Energy Limited	Air - Industry	Energy	Wellsite	Exploration and Production	New
R2/11111-1.0	Fonterra Limited	Air - Industry	Manufacturing and Processing	Dairy Processing		New
R2/11122-1.0	Fonterra Limited	Air - Industry	Manufacturing and Processing	Dairy Processing		New
Land Use Consent						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/7235-2.0	GK & SM Hurley Trust	Structure - Culvert	Agriculture	Farming - Dairy	Access	Replace
R2/11118-1.0	Greymouth Petroleum Turangi Limited	Structure - Pipeline	Energy	Wellsite	Exploration and Production	New
R2/11129-1.0	Parihaka Papakainga Trust	Structure - Bridge	Property Development		Access	New
Water Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/11138-1.0	Greymouth Petroleum Turangi Limited	Divert	Energy	Wellsite	Exploration and Production	New

Non-notified authorisations issued by the Taranaki Regional Council between 01 Aug 2023 and 13 Sep 2023

[R2/0537-3.0](#)

Theland Tahī Farm Group Limited

Commencement Date: 01 Sep 2023

Expiry Date: 01 Dec 2046

Review Dates: June 2028, June 2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 28 Tiwhaiti Road, Hawera

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

[R2/11064-1.0](#)

Todd Energy Limited

Commencement Date: 16 Aug 2023

Expiry Date: 01 Jun 2038

Review Dates: June 2027, June 2033

Activity Class: Restricted discretionary

Location: Toetoe-A Wellsite, 1058 Bristol Road, Waitui

Application Purpose: New

To discharge contaminants to air from hydrocarbon exploration at the Toetoe-A wellsite, including combustion involving flaring or incineration of petroleum recovered from natural deposits, in association with well development or redevelopment and testing or enhancement of well head production flows

Rohe:

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Brendan Lyon

Written approval provided

Brigitte Lyon

Written approval provided

Otaraua Hapū Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

Te Rūnanga o Ngāti Maru (Taranaki) Trust

Consulted by applicant

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

With regards to consultation with iwi for consents 11064, 11065 and 3676 the applicant has undertaken consultation with Te Kotaitanga o Te Atiawa, Ngāti Maru and Otaraaua Hapū on the consent application over a year long period.

Non-notified authorisations issued by the Taranaki Regional Council between 01 Aug 2023 and 13 Sep 2023

This has involved a series of site visits and presentation updates to which iwi have provided feedback to enhance system design. Feedback from Ngāti Maru has resulted in the enhancement of the stormwater system, specifically the inclusion of a wetland system within the proposed design.

[R2/11065-1.0](#)

Todd Energy Limited

Commencement Date: 16 Aug 2023

Expiry Date: 01 Jun 2038

Review Dates: June 2027, June 2033

Activity Class: Restricted discretionary

Location: Toetoe-A Wellsite, 1058 Bristol Road, **Application Purpose:** New
Waitui

To discharge emissions to air associated with hydrocarbon producing wells at the Toetoe-A wellsite

Rohe:

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Brendan Lyon

Written approval provided

Brigette Lyon

Written approval provided

Otaraua Hapū Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

Te Rūnanga o Ngāti Maru (Taranaki) Trust

Consulted by applicant

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 01 Aug 2023 and 13 Sep 2023**

[R2/11111-1.0](#)

Fonterra Limited

Commencement Date: 04 Aug 2023

Expiry Date: 01 Jun 2058

Review Dates: June 2026, June 2029, June 2032, June 2038, June 2041, June 2044, June 2047, June 2050, June 2053, June 2056, June 2058

Activity Class: Discretionary

Location: Farm 1, Manaia Road, Kapuni

Application Purpose: New

To discharge emissions to air, namely odour, associated with the operation and maintenance of a Lime Dissolved Air Flotation Wastewater Treatment Plant

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Fish & Game New Zealand

Consulted by applicant

Ngāti Tu Hapū

Consulted by applicant

South Taranaki District Council

Consulted by applicant

Taranaki District Health Board

Consulted by applicant

Te Korowai o Ngāruahine Trust

No return correspondence was received

The applicant has also engaged with Ngāti Tu Hapu regarding the proposal. On 18 November 2022, a hui was held with Ngāti Tu Hapu representatives to discuss the proposed WWTP options. The agent has reported that the feedback at this hui was generally supportive, and that the environmental improvements proposed were considered to be positive.

Non-notified authorisations issued by the Taranaki Regional Council between 01 Aug 2023 and 13 Sep 2023

[R2/11118-1.0](#)

Greymouth Petroleum Turangi Limited

Commencement Date: 29 Aug 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Location: 121 Turangi Road Upper, Waitara

Application Purpose: New

To construct and install pipelines under the bed of the Waiau Stream to connect Turangi-D Wellsite to the Turangi-A Production Station

Rohe:

Ngāti Mutunga

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Janice Marie Weeks

Written approval provided

Kim Richard Topless

Written approval provided

New Plymouth District Council

Consulted by applicant

Ngāti Rahiri Hapū O Te Atiawa (Taranaki)
Society Inc

Consulted by applicant

Ralston John Topless

Written approval provided

Rodney Douglas Weeks

Written approval provided

Te Rūnanga o Ngāti Mutunga

Consulted by applicant

Te Rūnanga o Ngāti Mutunga

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

Return correspondence has been received from Te Kotahitanga o Te Atiawa on the 27 July 2023. Te Kotahitanga have stated that they are supportive of upfront, early and meaningful engagement by the applicant with mana whenua hapū. Te Kotahitanga o Te Atiawa support the position of Ngāti Rāhiri Hapū (Ngāti Rāhiri) and trust the Taranaki Regional Council will apply conditions in accordance with the support provided by Ngāti Rāhiri.

Response and considerations during processing of application

The applicant has consulted with Ngāti Rāhiri representatives regarding the proposal. The proposed pipelines were discussed in person with Ngāti Rāhiri at meetings on 23 November 2020 and 21 January 2021. A walkover near the proposed stream was undertaken on 23 November 2020. Ngāti Rāhiri were involved in the design planning process of the proposed pipelines, which included providing input into the stream crossing location (within a workable area) and preferred construction methodology. Ngāti Rāhiri captured drone footage of the area on the 30 January 2023 during a walkover of the site.

The applicant has also consulted with Ngāti Mutunga regarding this application. A walk over the pipeline route was undertaken on 13 November 2019. Ngāti Mutunga had no concerns with the proposal. A second walk over the pipeline route was undertaken with Ngāti Mutunga on 30 January 2023. A copy of the draft application was sent to Ngāti Mutunga for comment and their feedback was received. The applicant has

Non-notified authorisations issued by the Taranaki Regional Council between 01 Aug 2023 and 13 Sep 2023

stated that they are willing to adopt the methodology and improvements suggested by Ngāti Mutunga for stream crossings, notification and planting.

[R2/11122-1.0](#)

Fonterra Limited

Commencement Date: 04 Aug 2023

Expiry Date: 01 Jun 2058

Review Dates: June 2026, June 2029, June 2032, June 2035, June 2038, June 2041, June 2044, June 2047, June 2050, June 2053, June 2056

Activity Class: Discretionary

Location: Farm 1, Manaia Road, Kapuni

Application Purpose: New

To discharge emissions to air, namely odour, associated with the operation and maintenance of a Biological Wastewater Treatment Plan

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Fish & Game New Zealand

Consulted by applicant

Ngāti Tu Hapū

Consulted by applicant

South Taranaki District Council

Consulted by applicant

Taranaki District Health Board

Consulted by applicant

Te Korowai o Ngāruahine Trust

No return correspondence was received

The applicant has also engaged with Ngāti Tu Hapu regarding the proposal. On 18 November 2022, a hui was held with Ngāti Tu Hapu representatives to discuss the proposed WWTP options. The agent has reported that the feedback at this hui was generally supportive, and that the environmental improvements proposed were considered to be positive.

[R2/11129-1.0](#)

Parihaka Papakainga Trust

Commencement Date: 04 Aug 2023

Expiry Date: 01 Jun 2037

Review Dates: June 2025, June 2031

Activity Class: Discretionary

Location: 297 Parihaka Road, Pungarehu

Application Purpose: New

To construct and use a pedestrian and light vehicle bridge over the Waitotoroa stream

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Ngāti Moeahu Trustees

Consulted by applicant

Te Kāhui o Taranaki Trust

Consulted by applicant

Te Kāhui o Taranaki Trust

No return correspondence was received

[R2/11138-1.0](#)

Commencement Date: 29 Aug 2023

Non-notified authorisations issued by the Taranaki Regional Council between 01 Aug 2023 and 13 Sep 2023

Greymouth Petroleum Turangi Limited

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Location: 121 Turangi Road Upper, Waitara

Application Purpose: New

To temporarily dam and divert water in the Waiau stream to install pipelines beneath the streambed

Rohe:

Ngāti Mutunga

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Janice Marie Weeks

Written approval provided

Kim Richard Topless

Written approval provided

New Plymouth District Council

Consulted by applicant

Ngāti Rahiri Hapū O Te Atiawa (Taranaki)
Society Inc

Consulted by applicant

Ralston John Topless

Written approval provided

Rodney Douglas Weeks

Written approval provided

Te Rūnanga o Ngāti Mutunga

Consulted by applicant

Te Rūnanga o Ngāti Mutunga

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

Return correspondence has been received from Te Kotahitanga o Te Atiawa on the 27 July 2023. Te Kotahitanga have stated that they are supportive of upfront, early and meaningful engagement by the applicant with mana whenua hapū. Te Kotahitanga o Te Atiawa support the position of Ngāti Rahiri Hapū (Ngāti Rahiri) and trust the Taranaki Regional Council will apply conditions in accordance with the support provided by Ngāti Rahiri.

Response and considerations during processing of application

The applicant has consulted with Ngāti Rahiri representatives regarding the proposal. The proposed pipelines were discussed in person with Ngāti Rahiri at meetings on 23 November 2020 and 21 January 2021. A walkover near the proposed stream was undertaken on 23 November 2020. Ngāti Rahiri were involved in the design planning process of the proposed pipelines, which included providing input into the stream crossing location (within a workable area) and preferred construction methodology. Ngāti Rahiri captured drone footage of the area on the 30 January 2023 during a walkover of the site.

The applicant has also consulted with Ngāti Mutunga regarding this application. A walk over the pipeline route was undertaken on 13 November 2019. Ngāti Mutunga had no concerns with the proposal. A second walk over the pipeline route was undertaken with Ngāti Mutunga on 30 January 2023. A copy of the draft application was sent to Ngāti Mutunga for comment and their feedback was received. The applicant has stated that they are willing to adopt the methodology and improvements suggested by Ngāti Mutunga for stream crossings, notification and planting.

[R2/2221-3.0](#)

Commencement Date: 13 Sep 2023

Dudley Farms Limited

Expiry Date: 01 Dec 2046

**Non-notified authorisations issued by the Taranaki Regional Council
between 01 Aug 2023 and 13 Sep 2023**

<p>Location: 549 Maata Road, Maata To discharge farm dairy effluent onto land</p>	<p>Review Dates: June 2028, June 2034, June 2040 Activity Class: Controlled Application Purpose: Replace</p>
<p>Rohe: Ngāti Ruanui</p>	
<p>Engagement or consultation: Te Rūnanga o Ngāti Ruanui Trust</p>	<p>No return correspondence was received</p>
<p><u>R2/3031-3.0</u> Lander & Co</p> <p>Location: 56 Lander Road, Ohangai To discharge farm dairy effluent onto land</p>	<p>Commencement Date: 04 Aug 2023 Expiry Date: 01 Dec 2046 Review Dates: June 2028, June 2034, June 2040 Activity Class: Controlled Application Purpose: Replace</p>
<p>Rohe: Ngāti Ruanui</p>	
<p>Engagement or consultation: Te Rūnanga o Ngāti Ruanui Trust</p>	<p>Responded they had no comment to make</p>
<p><u>R2/3676-2.1</u> Todd Energy Limited</p> <p>Location: Toetoe-A Wellsite, 1058 Bristol Road, Waitui</p>	<p>Commencement Date: 16 Aug 2023 Expiry Date: 01 Jun 2033 Review Dates: June 2027 Activity Class: Discretionary</p>
<p>Change to consent purpose to remove reference to production water</p> <p>To discharge treated stormwater and uncontaminated treated site water from hydrocarbon exploration and production operations at the Toetoe-A wellsite onto and into land and into the Mangaone Stream in the Waitara catchment</p>	
<p>Rohe: Ngāti Maru</p>	

Non-notified authorisations issued by the Taranaki Regional Council between 01 Aug 2023 and 13 Sep 2023

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Otaraua Hapū Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	No return correspondence was received
Te Rūnanga o Ngāti Maru (Taranaki) Trust	Consulted by applicant
Te Rūnanga o Ngāti Maru (Taranaki) Trust	No return correspondence was received

[R2/4022-3.0](#)

Contact Energy Limited

Commencement Date: 12 Sep 2023

Expiry Date: 01 Jun 2035

Review Dates: 01/04/2028, 01/05/2028, June 2028, 01/07/2028, 01/08/2028

Activity Class: Discretionary

Location: Stratford Peaker Power Station, 167 East Road, Stratford

Application Purpose: Replace

To discharge emissions into the air from fuel combustion and other related activities associated with the operation of the Stratford Peaker Power Station and ancillary plant

Rohe:

Ngāti Maru
Ngāti Ruanui

Engagement or consultation:

Ahitahi Hapū	Consulted by applicant
Araukuku Hapū	Consulted by applicant
Te Rūnanga o Ngāti Maru (Taranaki) Trust	Consulted by applicant
Te Rūnanga o Ngāti Maru (Taranaki) Trust	No return correspondence was received
Te Rūnanga o Ngāti Ruanui Trust	Consulted by applicant
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received

[R2/7235-2.0](#)

GK & SM Hurley Trust

Commencement Date: 10 Aug 2023

Expiry Date: 01 Jun 2040

Review Dates: June 2028, June 2034

Activity Class: Discretionary

Location: 1032 Ball Road, Hurleyville

Application Purpose: Replace

To use a culvert in the Makino Stream for farm access purposes

Rohe:

Ngāti Ruanui

**Non-notified authorisations issued by the Taranaki Regional Council
between 01 Aug 2023 and 13 Sep 2023**

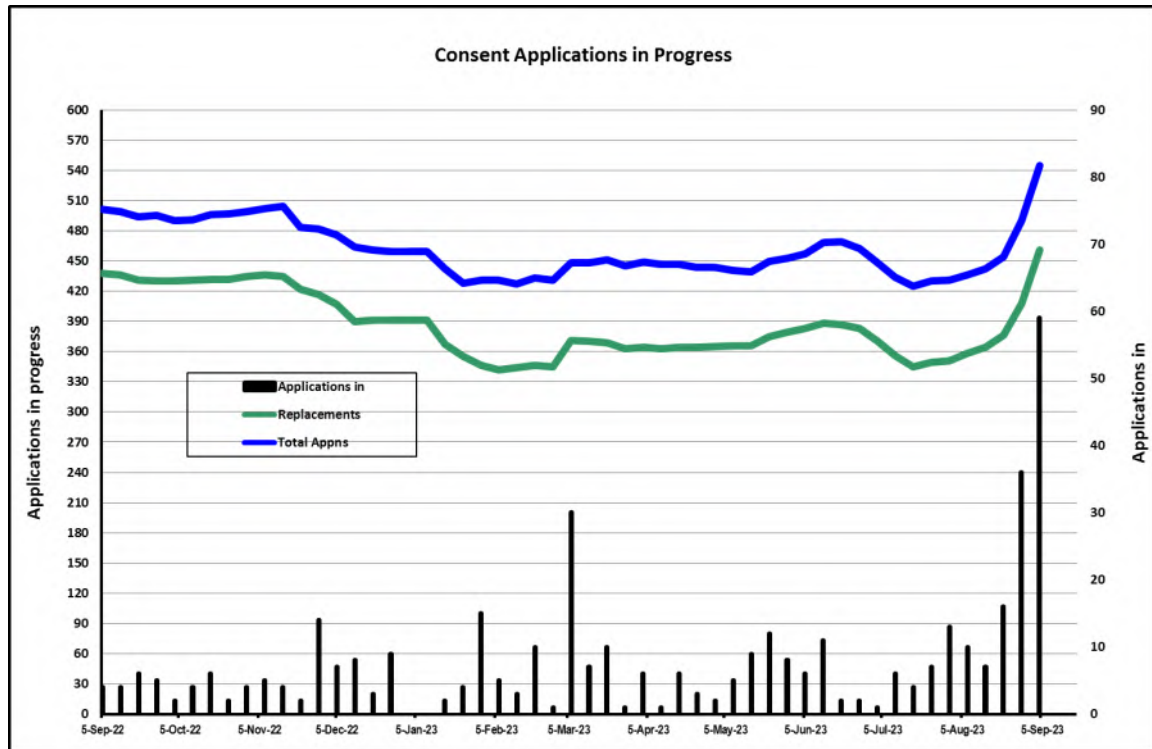
Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Consent Processing Information

1) Applications in progress



2) Month Ending

	July		Aug		Sept		Oct		Nov		Dec		Jan		Feb		Mar		Apr		May		Jun	
	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R
2023/2024	431	351	545	461																				
2022/2023	540	479	520	453	490	430	499	435	482	417	459	391	431	342	448	371	448	364	444	365	452	379	462	383
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

R = Replacements

3) Potential Hearings

Applicant	Description	Notification date	Status	Date Issued
Manawa Energy Ltd	For 14 replacement consents associated with the Motukawa Hydroelectric Power Scheme, and 5 replacement consents and 1 new consent associated with the Mangorei Hydroelectric Power Scheme	04 March 2023 (Motukawa) and 4 February 2023 (Mangorei)	Awaiting appointment of hearing committee	
Horizon Trust Management Ltd	For 5 applications associated with the expansion of the existing Whenuku Road quarry	Limited Notified 20 January 2021	Awaiting appointment of hearing committee	

4) Consents Processed (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2023/2024	39	49										
2022-2023	7	53	82	86	139	171	211	228	249	261	283	307
2021-2022	17	37	87	114	123	136	152	162	184	202	218	225

5) Breakdown of consents processed

	New	Replace	Change	Review	Totals
2023-2024 - to end August	10	38	1	0	49
2022-2023 Total	65	227	10	5	307
2021-2022 Total	54	149	16	6	225

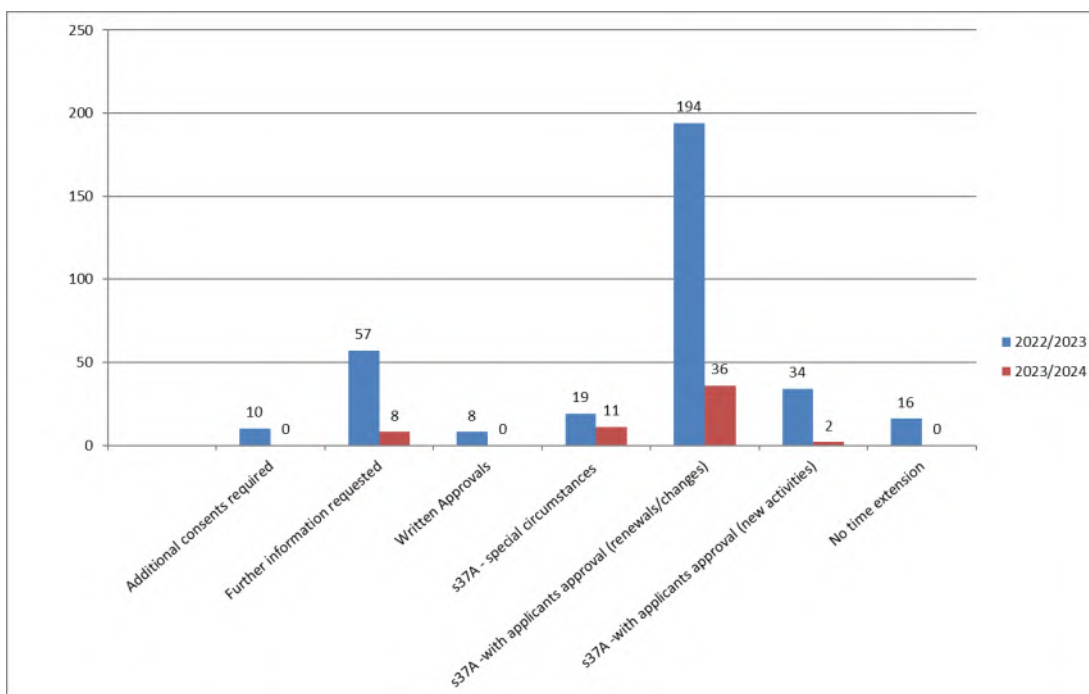
6) Types of consents issued - year to date comparison

	Agricultural	Central/Local Government	Energy	Forestry	Other	Total publically notified		Agricultural	Central/Local Government	Energy	Forestry	Other	Total Limited Notified		Agricultural	Central/Local Government	Energy	Forestry	Other	Total Non-notified		Grand Total	
	Publically Notified					%		Limited					%		Non Notified					%			
July 2021 to June 2022	0	0	8	0	0	3.6%	8	1	0	0	0	0	0.4%	1	132	36	18	3	27	96.0%	216	225	
July 2022 to June 2023	0	0	0	0	0	0.0%	0	1	1	0	0	0	0.0%	2	222	16	26	0	41	99.3%	305	307	
Aug-23	0	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%	0	38	0	6	0	5	100.0%	49	49	

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

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
Councils	4	0	4
DOC	0	0	0
Environmental/Recreational Groups	0	0	0
Fish & Game	2	0	2
Individuals/Neighbours/Landowners	1	12	13
Network Utilities	0	0	0
Non Govt Organisations	0	0	0
Other Govt Departments	2	0	2
Iwi/hapu	72	0	72
Totals - August 2023	81	12	93

8) Application processing time extensions used 2022/2023 versus 2023/2024



9) Consent type process

	Last 10 year average 2013 - 2022	July 2022 to June 2023	July 2023 to August 2023
Total consents granted	334	307	49
Publically Notified	9	0	0
Limited-notified	8	2	0
Non-notified	318	305	49
Applications submitted on (in opposition and to be heard)	12	2	0
Application Pre-hearing resolution (%)	6 82%	2 100%	0 -
Hearings (no. of applications)	1 (6)	0 (0)	0 (0)
Appeals (no. of applications)	1 (6)	0 (0)	0 (0)
Total current consents	4679	4316	4305

10) Applications returned incomplete under Section 88

For the 2023-2024 financial year, 1 application has been returned incomplete under S88 of the RMA for insufficient information.

11) Deemed Permitted Activities issued

Nil



Date 10 October 2023

Subject: **Consent Monitoring Annual Reports**

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

Document: 3208083

Purpose

1. The purpose of this memorandum is to advise the Committee of five tailored compliance monitoring reports for the 2022-2023 reporting year.

Executive summary

2. Taranaki Regional Council (the Council) considers the regular reporting of comprehensive and well-considered compliance monitoring is vital to undergird:
 - Community standing and reputation enhancement for companies that consistently attain good or high levels of environmental performance. Informed feedback is appropriate and valuable, and assists a proactive alignment of industry's interests with community and Resource Management Act 1991 expectations.
 - A respectful and responsible regard for the Taranaki region's environment and our management of its natural resources. Reporting allows evaluation and demonstration of the overall rate of compliance by sector and by consent holders as a whole, and of trends in the improvement of our environment.
 - The Council's accountability and transparency. Reporting gives validity to investment in monitoring and to assessments of effective intervention.
3. These compliance monitoring reports have been submitted to each 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 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. There are five tailored compliance monitoring reports. Within the reports, four environmental ratings were assigned high and one good.

Table 1 List of annual reports with overall environmental performance rating

Report Name	Environmental Performance Rating	Document Number
23-07 STDC Eltham WWTP Monitoring Programme Annual Report 2022-2023	High	3191753
23-12 Cheal Petroleum Ltd Cheal Production Station Monitoring Programme Annual Report 2022-2023	High	3191666
23-25 Candyman Trust Monitoring Programme Annual Report 2022-2023	High	3187643
23-41 Remediation New Zealand Ltd Waitara Road Worm Farm Monitoring Programme Annual Report 2022-2023	Good	3199770
23-59 Beach Energy Resources Kupe Production Station Monitoring Programme Annual Report 2022-2023	High	3200801

5. For reference, in the 2022-2023 year, consent holders were found to achieve a high level of environment performance and compliance for 878 (87%) of a total of 1007 consents monitored through the Taranaki tailored monitoring programmes, while for another 96 (10%) of the consents a good level of environmental performance and compliance was achieved. A further 27 (3%) 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%
2022-2023	87%	10%	3%	<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 five compliance monitoring reports listed in Table 1; and
- b) notes any specific recommendations therein.

Discussion

7. Findings and recommendations of each of the compliance monitoring reports are summarised below.

23-07 STDC Eltham WWTP Monitoring Programme Annual Report 2022-2023

8. The South Taranaki District Council (STDC) operates a municipal wastewater treatment plant (WWTP) located on Castle Street at Eltham, in the Waingongoro catchment.
9. **During the monitoring period, STDC demonstrated a high level of environmental and administrative performance.**
10. The Council's monitoring programme for the year under review included four inspections and associated odour surveys, four pond effluent and 36 downstream water samples collected for physicochemical analysis.
11. The monitoring showed that activities at the Eltham WWTP were generally well managed. The majority of wastewater was pumped to the Hawera WWTP, with one consented overflow to the unnamed tributary of the Mangawhero Stream. This is the second time an overflow has occurred since the wastewater was diverted to Hawera in 2010. The first discharge occurred in February 2022, after Cyclone Dovi.
12. As in previous years, the monitoring indicated a continual improvement in water quality of the downstream environment associated with the diversion of wastes out of the Mangawhero Stream to the Hawera WWTP since the 2010-2011 period.
13. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a high level.
14. This report includes recommendations for the 2023-2024 year.

23-12 Cheal Petroleum Ltd Cheal Production Station Monitoring Programme Annual Report 2022-2023)

15. Cheal Petroleum Ltd (the Company), a subsidiary of Tamarind NZ Onshore Ltd, operates a petrochemical production station located on Mountain Road at Ngaere, in the Waingongoro catchment. The Cheal Production Station processes oil and gas from the Cheal group of wellsites.
16. **During the monitoring period, Cheal Petroleum Ltd demonstrated a high level of environmental and administrative performance.**
17. The Company holds three resource consents in relation to the Cheal Production Station, which include a total of 42 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to take and use groundwater for water

flooding purposes, one consent to discharge stormwater and treated wastewater onto land in circumstances where it may subsequently enter an unnamed tributary of the Mangawharawhara Stream, and one consent to discharge emissions related to production activities into the air at the site.

18. The Council's monitoring programme for the year under review included five inspections, six water samples collected for physicochemical analysis, and an ambient air quality analyses. The Company provided data in relation to groundwater abstraction and flaring.
19. Stormwater system inspections showed that discharges from the sites complied with consent conditions. Receiving water sampling showed that the discharges complied with consent conditions. No adverse effects were observed in the tributary of the Mangawharawhara Stream at the time of monitoring.
20. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a high level.
21. This report includes recommendations for the 2023-2024 year.

23-25 Candyman Trust Monitoring Programme Annual Report 2022-2023

22. 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.
23. **During the monitoring period, the Trust demonstrated a high level of environmental and administrative performance.**
24. The Trust held one resource consent that included a total of nine conditions setting out the requirements that the Trust must satisfy. The consent was to allow the Trust to reclaim part of a man-made pond by the discharge of cleanfill at this site.
25. The Council's monitoring programme for the year under review included three inspections.
26. 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. The site had been satisfactorily stabilised and revegetated and the consent was surrendered.
27. This report includes recommendations for the 2023-2024 year.

23-41 Remediation New Zealand Ltd Waitara Road Worm Farm Monitoring Programme Annual Report 2022-2023

28. Remediation NZ Ltd (the Company) operates a greenwaste collection and composting facility at 96 Waitara Road, Brixton in the Waiongana catchment. The Company holds one consent for the discharge stormwater onto and into land and into an unnamed tributary of the Waiongana Stream. The consent includes 11 conditions setting out minimum requirements that the Company must comply with.
29. **During the 2022-2023 monitoring period Remediation NZ Ltd demonstrated a good level of environmental and administrative performance.**

30. The Council's monitoring programme for the year under review included three inspections, which found the Company was operating in accordance with the consent conditions. Several areas for improvement in relation to housekeeping and maintenance of the site were identified and the operator generally addressed these matters. The programme provides for sampling and analysis of the stormwater discharges for comparison against the pH and suspended solids limits in the consent conditions. The Company was not discharging stormwater during two of the inspections so samples were not collected. During the third inspection the discharge was not observed to be having any impact on the tributary so a sample was not collected. An upgrade to the stormwater system was undertaken at the site in the 2021-22 monitoring year and the stormwater management plan still hadn't been updated to reflect this
31. In terms of overall environmental and compliance performance by the Company over the last several years, this report concludes that the Company has maintained a good level of performance for the year under review. The recommendations in this report include updating the stormwater management plan to reflect changes on the site, that repairs to the chicken litter shed cladding be completed, and that monitoring continues at the same level as the previous monitoring year.

23-59 Beach Energy Resources Kupe Production Station Monitoring Programme Annual Report 2022-2023

32. Beach Energy Resources NZ (Kupe) Ltd (the Company) operates a hydrocarbon production station located on Inaha Road at Manaia, in the Inaha and Kapuni catchments. The Kupe Production Station processes oil and gas from the offshore Kupe wells.
33. **During the monitoring period, Beach Energy Resources NZ (Kupe) Ltd demonstrated a high level of environmental and administrative performance.**
34. The Company holds 12 resource consents in relation to the Kupe facilities, which include a total of 134 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to take and use groundwater; one consent to discharge stormwater into the Kapuni Stream; one consent to install groundwater bores; two consents to discharge emissions into the air from the production station; four coastal consents relating to the offshore facilities; and five consents which covered activities during the development phase of the Kupe project.
35. The Council's monitoring programme for the year under review included four inspections, four samples collected for physicochemical analysis, two biomonitoring surveys of receiving waters, and an ambient air quality analyses. The consent holder provided data on flaring, water abstraction and stormwater discharges.
36. Site inspections found that the stormwater systems were constructed and maintained in accordance with consent conditions and were operating effectively. Some minor housekeeping issues were noted during the inspections, but they were rapidly cleaned up and presented no potential to cause adverse effect to the environment.
37. Biomonitoring of the receiving waters did not indicate that the stormwater discharges from the Kupe Production Station had caused adverse effects on the water quality of the Kapuni Stream.
38. There were no adverse effects on the environment resulting from the exercise of the air discharge consents. The ambient air quality monitoring at the site showed that levels of nitrogen oxides were below levels of concern at the time of sampling. No offensive or

objectionable odours were detected beyond the boundary during inspections and there were no complaints in relation to air emissions from the site.

39. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a high level.
40. This report includes recommendations for the 2023-2024 year.

Financial considerations - LTP/Annual Plan

41. 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

42. 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

43. 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.
44. 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

45. 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

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



Date: 10 October 2023

Subject: **Incidents, Compliance Monitoring Non-Compliances and Enforcement Summary - 1 August 2023 to 14 September 2023**

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

Document: 3210831

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 August 2023 to 14 September 2023.
2. The annual inspection for farm dairy effluent monitoring programme commences in September each year and usually finishes around March, however follow up inspections and winter milking inspections are also carried out during the rest of the year.

Executive summary

Incidents

3. There are ninety (90) incidents reported.
4. Forty nine (49) of the incidents were found to be compliant and thirty six (36) were found to be non-compliant. Five (5) of the incidents reported relate to non-compliances from previous periods (updates). The action taken on the incidents is set out for members information.

Compliance monitoring non-compliances

5. There are twenty six (26) compliance monitoring non-compliances reported. Eleven (11) of the compliance monitoring non-compliances reported are updates from previous periods.
6. Three (3) 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 August 2023 to 14 September 2023*
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 1 August 2023 to 14 September 2023, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Background

7. 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.
8. Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 1 August 2023 to 14 September 2023.
9. 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

10. 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

11. Council responds to complaints received generally 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.

12. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 1 August 2023 to 14 September 2023 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.
13. 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.
14. 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.
15. 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

16. 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

17. 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

18. 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

19. 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.

Community considerations

20. 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

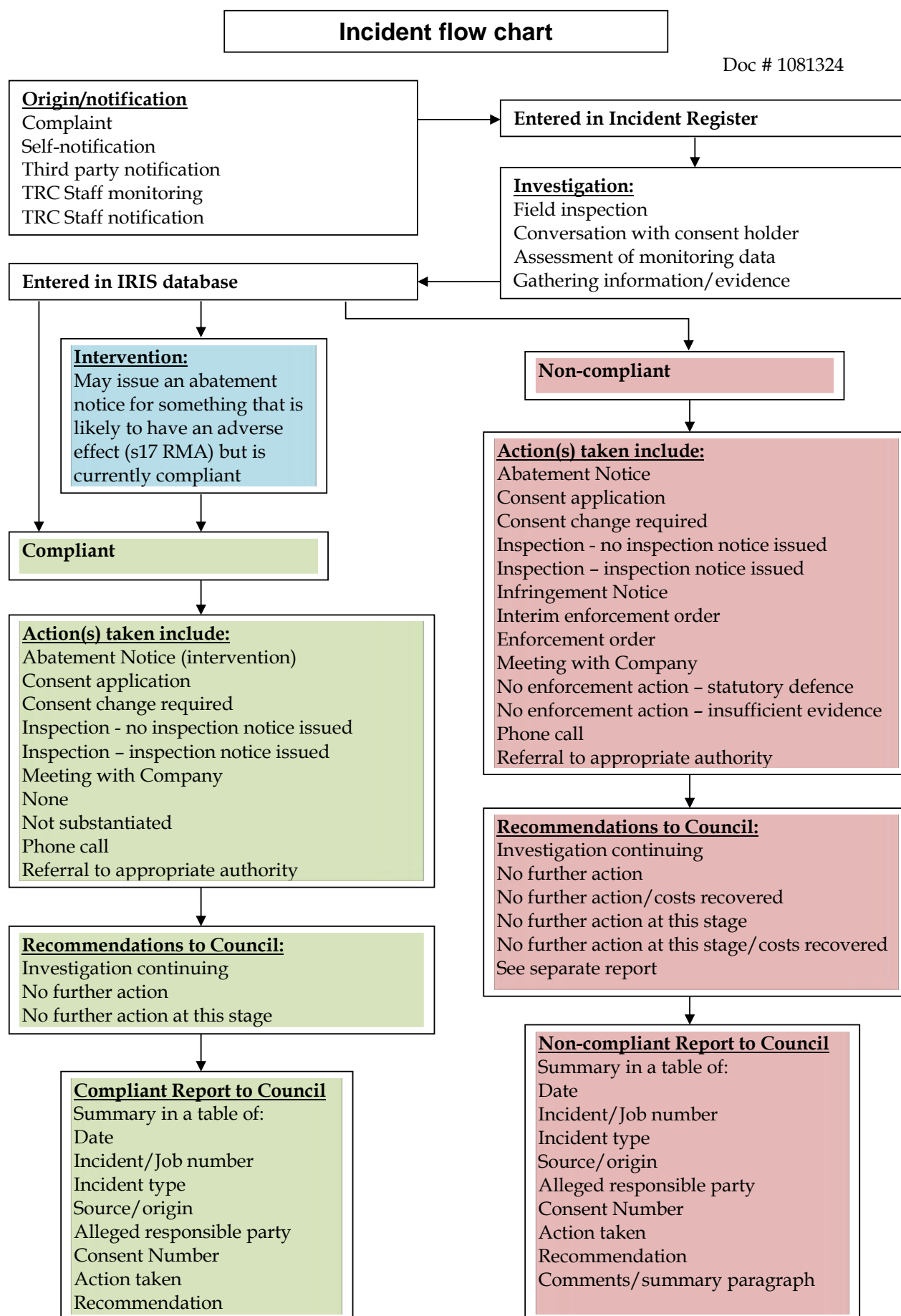
21. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 1081324: [Incident flowchart and terms explained](#)

Document 3210814: [Incident and Enforcement Graphs to 14 September 2023](#)

Document 3210727: [Incidents, Compliance Monitoring and Enforcement Summary 1 August 2023 to 14 September 2023](#)



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

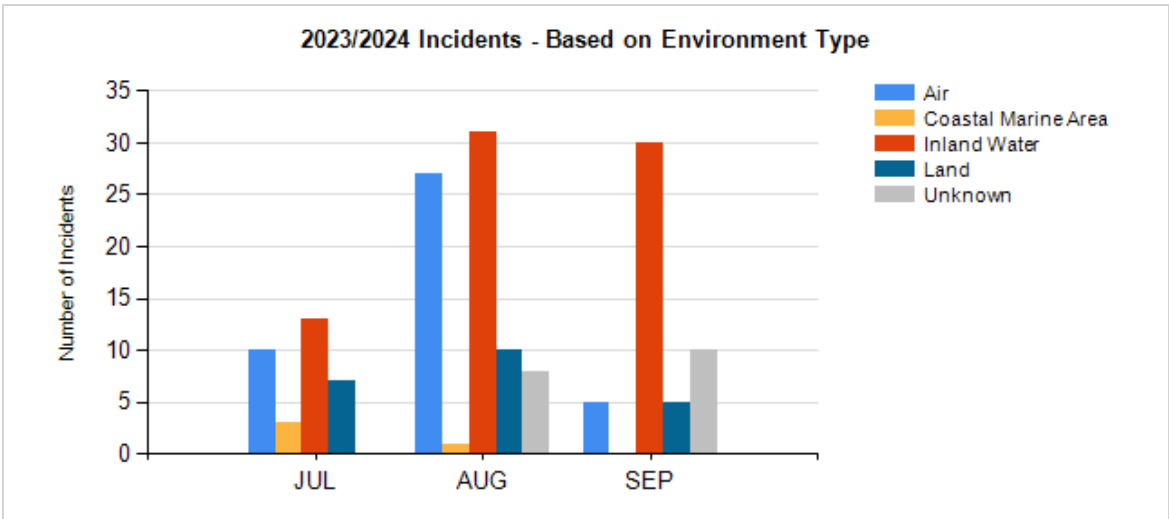
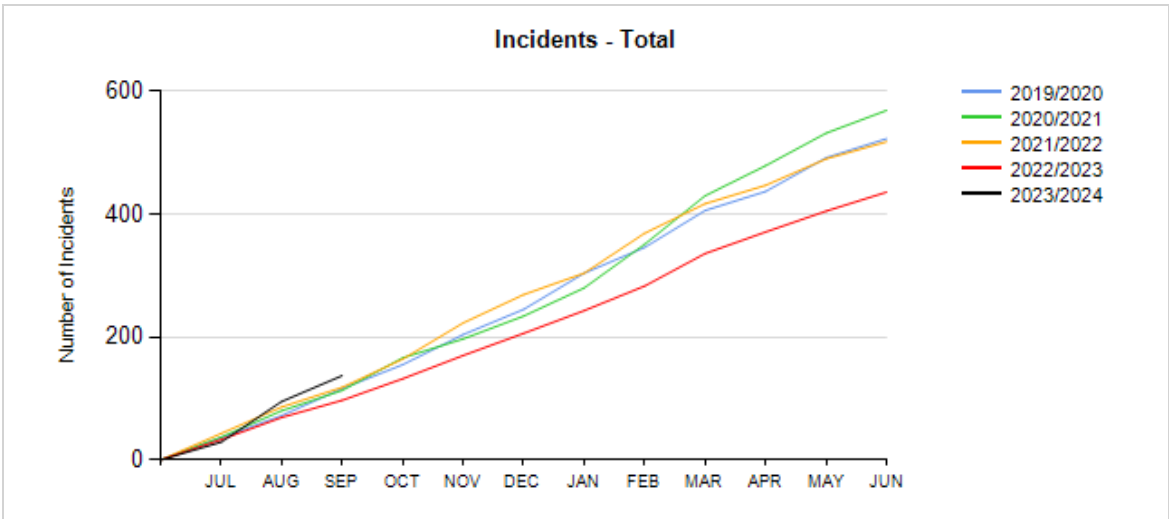
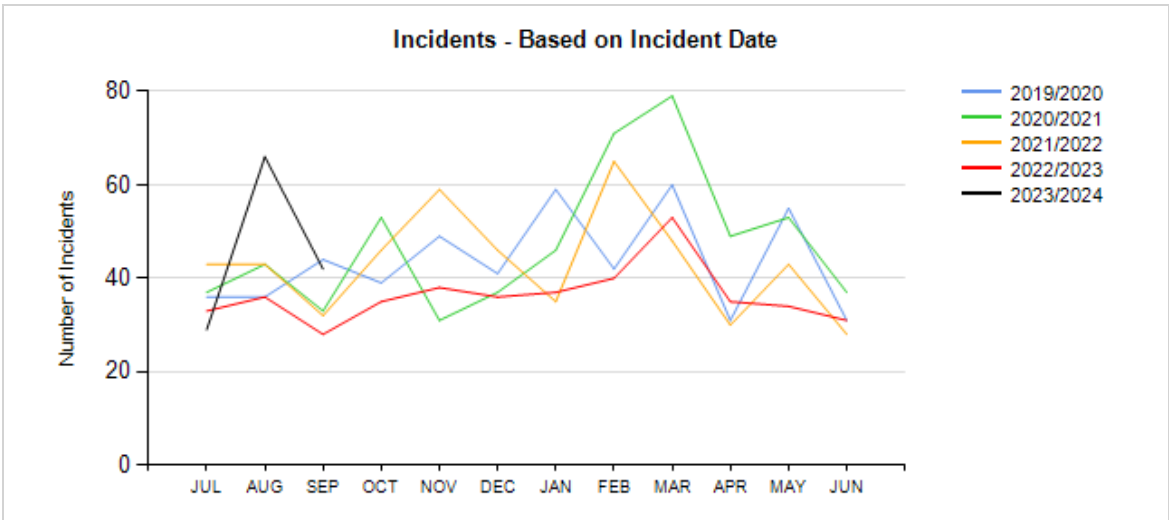
Investigation continuing	Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents 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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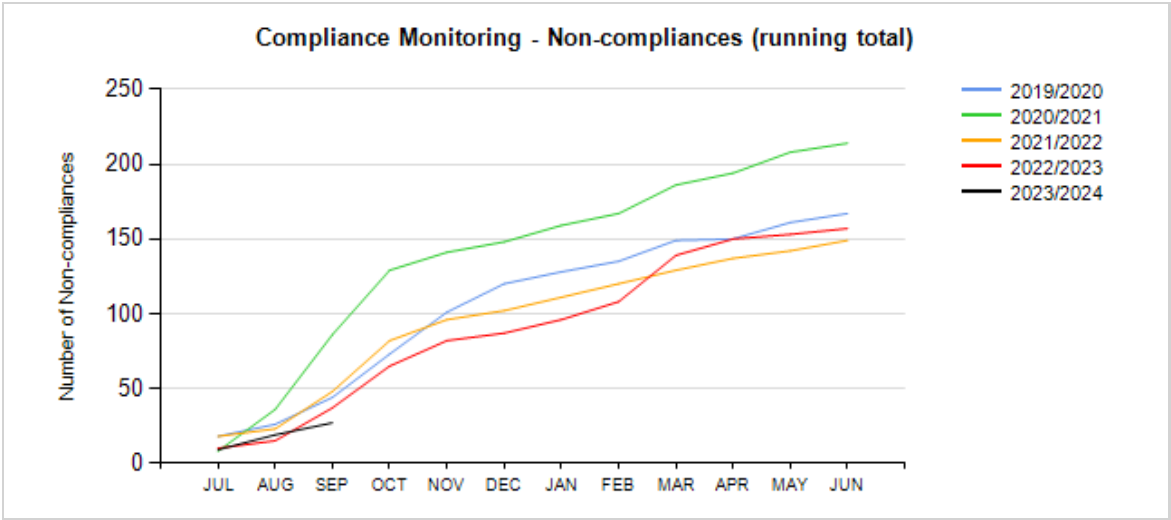
Defences under Sections 340 and 341 of the Resource Management Act 1991

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.







Compliant Incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
1 Aug 2023	330124-030 IN/48073	Alleged green stream - Auroa Road, South Taranaki	Complaint	RFWP Allowed	No Further Action
1 Aug 2023	330124-031 IN/48076	Alleged odour - Hawera Refuse Station, Hawera	Complaint	RAQP Allowed	No Further Action
3 Aug 2023	330124-034 IN/48086	Alleged motor vehicle accident - State Highway 3, Onaero	Self-Notification	Not Applicable/Natural Event	No Further Action
4 Aug 2023	330124-037 IN/48095	Alleged burning - Bishop Road, New Plymouth	Complaint	RAQP Allowed	No Further Action
4 Aug 2023	330124-039 IN/48103	Alleged burning of vegetation - Portland Drive, New Plymouth	Complaint	RAQP Allowed	No Further Action
5 Aug 2023	330124-040 IN/48128	Alleged taking of sand and rocks - West Beach, Waitara	Third Party Notification	Proposed RCP Allowed	No Further Action
6 Aug 2023	330124-041 IN/48130	Alleged gas odour complaint - Swansea Road, Stratford	Complaint	RAQP Allowed	No Further Action
6 Aug 2023	330124-042 IN/48132	Alleged dead seal - Huatoki Stream, New Plymouth	Complaint	Not Applicable/Natural Event	No Further Action
6 Aug 2023	330124-043 IN/48133	Alleged white stream - Upper Dudley Road, New Plymouth	Complaint	RFWP Allowed	No Further Action
7 Aug 2023	330124-077 IN/48112	Alleged burning vegetation - Portland Drive, New Plymouth	Complaint	RAQP Allowed	No Further Action

Compliant Incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
7 Aug 2023	330124-046 IN/48114	Alleged odour - Mokau Road, Uruti	Complaint	Consent Compliance	No Further Action
7 Aug 2023	330124-047 IN/48115	Alleged effluent discharging to stream - Durham Road Upper, Inglewood	Complaint	Consent Compliance	No Further Action
8 Aug 2023	330124-050 IN/48121	Alleged concrete slurry - High Street, Eltham	Complaint	RFPW Allowed	No Further Action
8 Aug 2023	330124-053 IN/48139	Alleged dead fish - Karo Park, Inglewood	Complaint	Not Applicable/Natural Event	No Further Action
8 Aug 2023	330124-061 IN/48196	Alleged poultry effluent on road - Kaipikari Road, Urenui	Complaint	RFPW Allowed	No Further Action
9 Aug 2023	330124-052 IN/48137	Alleged odour - Kaipi Road, Egmont Village	Complaint	RAQP Allowed	No Further Action
9 Aug 2023	330124-055 IN/48145	Alleged milky stream - Huatoki Stream, New Plymouth	Complaint	Not Applicable/Natural Event	No Further Action
9 Aug 2023	330124-059 IN/48192	Alleged compost dumping - Kaipikari Road, Urenui	Complaint	RFPW Allowed	No Further Action
10 Aug 2023	330124-056 IN/48158	Alleged irrigator leaking - Whareora Road, Hawera	Self-Notification	Consent Compliance	No Further Action
10 Aug 2023	330124-057 IN/48161	Alleged odour - Mokau Road, Uruti	Complaint	Consent Compliance	No Further Action

Compliant Incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
10 Aug 2023	330124-058 IN/48163	Alleged cows crossing stream - Komene Road, Okato	Complaint	Stock Exclusion Regs Allowed	No Further Action
11 Aug 2023	330124-064 IN/48201	Alleged heavy truck crash - East Road, Toko	Self-Notification	Not Applicable/Natural Event	No Further Action
14 Aug 2023	330124-063 IN/48170	Alleged shopping Trolley in Patea River, Carrington Walkway - Cordelia Street, Stratford	Complaint	Not Applicable/Natural Event	No Further Action
15 Aug 2023	330124-066 IN/48188	Alleged odour complaint - Egmont Road, Egmont Village	Complaint	Consent Compliance	No Further Action
16 Aug 2023	330124-067 IN/48193	Alleged fertilizer discharge to the Tasman Sea - Port Taranaki, New Plymouth	Complaint	RCP Allowed	No Further Action
16 Aug 2023	330124-069 IN/48198	Alleged sand blasting dust - Arthur Street, Hawera	Complaint	Not Applicable/Natural Event	No Further Action
16 Aug 2023	330124-078 IN/48222	Alleged odour - Mokau Road, Uruti	Complaint	Consent Compliance	No Further Action
16 Aug 2023	330124-073 IN/48226	Alleged offal on road/drain - Everett Road, Inglewood	TRC Staff Compliance Monitoring	Not Applicable/Natural Event	No Further Action
17 Aug 2023	330124-072 IN/48205	Alleged odour - Mokau Road, Uruti	Complaint	Consent Compliance	No Further Action
17 Aug 2023	330124-074 IN/48214	Alleged odour - Mahoetahi Road, Brixton	Complaint	RAQP Allowed	No Further Action

Compliant Incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
19 Aug 2023	330124-175 IN/48225	Alleged stock in wetland/stream - Parihaka Road, Pungarehu	Complaint	RFWP Allowed	No Further Action
25 Aug 2023	330124-081 IN/48263	Alleged fertiliser spill - State Highway 1, Oaonui	Complaint	RFWP Allowed	No Further Action
27 Aug 2023	330124-085 IN/48279	Alleged green stream - Kaupokonui Beach, Otakeho	Complaint	RFWP Allowed	No Further Action
28 Aug 2023	330124-083 IN/48274	Alleged rubbish - White Cliffs Walkway, Waiiti	Complaint	Not Applicable/Natural Event	No Further Action
29 Aug 2023	330124-110 IN/48321	Alleged call regarding effluent trucks - Johnston Street, Waitara	TRC Staff Notification	Not Applicable/Natural Event	No Further Action
30 Aug 2023	330124-088 IN/48290	Alleged odour - Mahoetahi Road, Brixton	Complaint	RAQP Allowed	No Further Action
31 Aug 2023	330124-090 IN/48295	Alleged odour - Mahoetahi Road, Waitara	Complaint	RAQP Allowed	No Further Action
31 Aug 2023	330124-093 IN/48316	Alleged green stream - Finnerty Road, Stratford	Complaint	RFWP Allowed	No Further Action
1 Sep 2023	330124-094 IN/48309	Alleged dust - Monmouth Road, Stratford	Complaint	RAQP Allowed	No Further Action
3 Sep 2023	3301-24-095 IN/48460	Alleged cows drinking in waterway	Complaint	Stock Exclusion Regs Allowed	No Further Action

Compliant Incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
4 Sep 2023	330124-100 IN/48383	Alleged earthworks in wetland - Kaihihi Road, Okato	Complaint	RFWP Allowed	No Further Action
5 Sep 2023	330124-103 IN/48333	Alleged earthworks - Oxford Road, Okato	Complaint	RFWP Allowed	Investigation Continuing
7 Sep 2023	330124-106 IN/48338	Alleged discharge of contaminants to surface water from stock pugging - Pungarehu Road, Pungarehu	Complaint	Not Applicable/Natural Event	No Further Action
9 Sep 2023	330124-112 IN/48361	Alleged odour - Ninia Road, Bell Block	Complaint	RAQP Allowed	No Further Action
11 Sep 2023	330124-109 IN/48353	Alleged spray residue - Megaw Close, New Plymouth	Complaint	Not Applicable/Natural Event	No Further Action
11 Sep 2023	330124-111 IN/48355	Alleged odour- Browns Road, Bell Block	Complaint	RAQP Allowed	No Further Action
11 Sep 2023	330124-113 IN/48367	Alleged white stream - Te Henui Stream, New Plymouth	Complaint	RFWP Allowed	No Further Action
13 Sep 2023	330-124-115 IN/48373	Alleged green Stream - Mid Puniho Road	Complaint	RFWP Allowed	No Further Action
14 Sep 2023	3301-24-117 IN/48390	Alleged dumping dirt - Halse Place, Opunake	Complaint	RFWP Allowed	No Further Action
14 Sep 2023	330124-118 IN/48397	Alleged alleged surface water take - Mawhitiwhiti Road, Hawera	Complaint	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
23 Apr 2023 <u>Update</u>	330123-374 IN/47542	Dead eels - Patea River, Patea	Complaint	Manawa Energy Limited (74010)	R2/0489-2.3	EAC-25108 - Explanation Requested - Letter EAC-25159 - Explanation Requested - Letter EAC-25349 - Infringement Notice (\$500)	No Further Action/Costs Recovered

Comments: A complaint was received regarding the discovery of dead eels at the Patea River mouth, Patea. Investigation confirmed a number of dead eels at the Patea River mouth. Further investigations also located dead eels below the Manawa Energy Limited hydroelectric power scheme at Lake Rotorangi. Visible injuries to the eels indicate that they were being injured during their migration through the hydro scheme. Resource consent conditions require Manawa Energy to facilitate the non-lethal downstream passage of adult eels from upstream of the Patea Dam to below the tailrace. A letter of explanation has been requested and an explanation received. An infringement notice has been issued to Manawa Energy.

19 Jul 2023 <u>Update</u>	330124-017 IN/48003	Unconsented construction of a sea wall -Messenger Terrace, Oakura	Complaint	Nick Loveridge (75339)		EAC-25234 - Abatement Notice EAC-25239 - Abatement Notice	No Further Action
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Comments: A complaint was received regarding the construction of a sea wall at Messenger Terrace, Oakura. Inspection found that a digger was operating on Oakura Beach, constructing a sea wall in front of a residential dwelling. No resource consent was held to authorise the activity. Abatement Notices were issued requiring the works to cease until a resource consent is obtained for that purpose. Reinspection found that no further works have been undertaken and the digger has been removed from the site.

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>20 Jul 2023 Update</u>	3301124-018 IN/48007	Unauthorised discharge of farm dairy effluent - Leith Road, Okato	Complaint	JEL Farms Limited (35102)	R2/0777-3.0	EAC-25301 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: A complaint was received regarding the pooling of farm dairy effluent on a dairy farm at Leith Road, Okato. Investigation found that farm dairy effluent had been applied to land via a travelling irrigator resulting in ponding in contravention of resource consent conditions. The inspection confirmed that no dairy effluent had discharged to nearby surface water. The responsible party was spoken to and immediately ceased the discharge and undertook steps to ensure that the system was operating in accordance with resource consent conditions.

<u>31 Jul 2023 Update</u>	330124-028 IN/48048	Hydrocarbon discharge - Port Taranaki, New Plymouth	Complaint	Egmont Seafoods Ltd (27477)		EAC-25252 - Explanation Requested - Letter EAC-25272 - Infringement Notice (\$750)	No Further Action
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Comments: A complaint was received regarding a visible hydrocarbon sheen within Port Taranaki at Breakwater Road, New Plymouth. An investigation by Port Taranaki employees prior to council arrival confirmed the discharge originated from the moored fishing vessel Compass Rose. Port Taranaki activated their Tier 1 Oil Spill Response Plan and undertook clean up operations. Council investigation found that the discharge was a result of discharging bilge water from the vessel which had been contaminated with fuel from the vessel. Upon discovery of the contaminated bilge water, the responsible party immediately ceased the discharge. A letter requesting an explanation was sent and an explanation was received.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
8 Aug 2023 <u>Update</u>	330124-051 IN/48127	Fire, Burning and Smoke - Portland Drive, New Plymouth	Complaint	R & S Dreaver Contractors Limited (53304) Simon Herd (70510)		EAC-25279 - Explanation Requested - Letter EAC-25280 - Explanation Requested - Letter	Investigation Continuing

Comments: A complaint was received regarding burning activities at Portland Drive, New Plymouth. Investigation found that trees on a subdivision development site had been felled and slash was being disposed of by burning. Smoke from the burning was discharging beyond the property boundary in contravention of rules in the Regional Air Quality Plan for Taranaki. Letters of explanation have been sent. Further enforcement action is being considered.

14 Aug 2023 <u>Update</u>	330124-068 IN/48197	Green stream - Plymouth Road, Oakura	Complaint	Zenith Trust (74279)	R2/1702-3	EAC-25302 - Explanation Requested - Letter EAC-25310 - Explanation Requested - Letter EAC-25311 - Explanation Requested - Letter EAC-25314 - Explanation Requested - Letter	Investigation Continuing
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Comments: A complaint was received regarding a green stream in a unnamed tributary. An investigation found a green stream was located at the Barrett dairy farm. An irrigator operating in a sodden paddock and over application had resulted in discharge to the tributary. Given the breach of consent conditions, 14 day letters were issued to all parties involved. The investigation is continuing.

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
31 Aug 2023 <u>Update</u>	330124-091 IN/48298	Breach of discharge limits - New Plymouth Wastewater Treatment Plant, Rifle Range Road, New Plymouth	Self-Notification	New Plymouth District Council (9565)	R2/0882-4.1 R2/10406-1.0		Investigation Continuing

Comments: A self notification was received to advise of an unplanned power outage at the New Plymouth Wastewater Treatment Plant, Rifle Range Road, New Plymouth. They advised during that period they were under the consent for total chlorine. Their response plan is to put up signs at Bell Block Beach and Waiwhakaiho Stream for no swimming or gathering of shellfish for 48 hours that afternoon. The caller advised she would follow up with a written explanation around what happened during the power outage. The power outage resulted in the total chlorine in the wastewater discharge falling below the consent limit for the period of the outage. Warning signs were erected at nearby beaches in accordance with the management plan for the site. An investigation report will be submitted to this council.

7 Sep 2023 <u>Update</u>	330124-105 IN/48336	Unauthorised discharge - Centennial Drive, New Plymouth	Complaint	Dow Chemical (NZ) Ltd (74647)	R2/4108-2		Investigation Continuing
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Comments: A complaint was received regarding the discharge of water overland and into the road side drain at Centennial Drive, New Plymouth. Investigation found that stormwater was being applied to land from a stormwater retention pond at the Dow Chemical site. The application of stormwater was at a rate that resulted in overland flow into the road side drain where it discharged into the Herekawe Stream. Consultants engaged by the consent holder to manage the site immediately ceased the discharge and undertook an investigation to ascertain the cause. Resource consent 4108-2 permits the discharge of stormwater into the Herekawe Stream at a specific location, so long as special conditions of the resource consent can be complied with. Analysis of samples taken confirmed that the constituents of the stormwater discharge was within the parameters of the resource consent. A written explanation has been received. Further enforcement action is being considered.

13 Sep 2023 <u>Update</u>	330124-116 IN/48386	Dairy effluent discharge - Upper Palmer Road, Mahoe	Complaint	Alister Swan (28241) Gordon Partners (37041)	R2/0852-4.0	EAC-25369 - Abatement Notice	No Further Action/Costs Recovered
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Comments: A complaint was received regarding farm dairy effluent ponding on a property at Upper Palmer Road, Mahoe. Investigation found that an automatic shut off switch on the irrigation system had failed to activate, resulting in the over application of dairy effluent to land in contravention of resource consent conditions. An abatement notice was issued and a reinspection found that the abatement notice was being complied with. An explanation was provided to the officer at the time of inspection and accepted.

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
2 Aug 2023	330124-032 IN/48080	Green stream - Beaconsfield Road, Midhurst	Complaint	Unsourced (9768)	R2/3003-3.0		No Further Action
Comments: A complaint was received regarding a 'green' stream running in an unnamed tributary of the Kahouri Stream at Beaconsfield Road, Midhurst. An inspection confirmed the discoloration. The stream cleared during the inspection and the source of the contamination could not be identified.							
2 Aug 2023	330124-033 IN/48083	Cows grazing wetland - Parihaka Road Upper, Pungarehu	Complaint	Wayne Murray & Sharon Rose Fisher (2474)	R2/2619-3.0		No Further Action At This Stage
Comments: A complaint was received regarding a stock grazing within a wetland at Upper Parihaka Road, Pungarehu. Investigation found that although no wetland was identified within the grazed area, dairy cattle had been grazing within and within 3 metres of an unnamed tributary of the Waikorora Stream in contravention of the Resource Management (Stock Exclusion) Regulations 2020. Councils Land Management Officers have been engaged to work with the responsible party to ensure that stock are excluded from the stream to ensure compliance with the regulations.							
3 Aug 2023	330124-035 IN/48090	Dead Cow - Waiiti Beach, Waiiti	Complaint	Gregory Gillett (25312)			No Further Action
Comments: A complaint was received regarding a dead cow at the entrance to Waiiti Beach. The owner of the animal was contacted and undertook immediate action to remove the animal and dispose of it appropriately.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
4 Aug 2023	330124-036 IN/48091	Green Stream - Puniho Road, Warea	Complaint	Greg Collins (55885) Neil Holdom (13251) Pinewood Dairy Limited (35681)	R2/0457-4.0	EAC-25273 - Explanation Requested - Letter	Investigation Continuing
Comments: A complaint was received regarding a 'green' stream at Mid Puniho Road, Warea. Investigation found that a storm water diversion had been left open at the farm dairy. A letter requesting explanation has been sent.							
4 Aug 2023	330124-038 IN/48096	Burning - Hawera Refuse Station, Scott Street, Hawera	Complaint	South Taranaki District Council (9623)		EAC-25269 - Explanation Requested - Letter	No Further Action
Comments: A self-notification was received regarding a fire at the Hawera Refuse Station at Scott Street, Hawera. Investigation found that the fire that was burning inside a rubbish pile had been extinguished. A letter requesting explanation was sent and an explanation received and accepted.							
4 Aug 2023	330124-044 IN/48109	Odour - Mokau Road, Uruti	TRC Staff Notification	Remediation (NZ) Limited (30679)	R2/5839-2	EAC-25263 - Explanation Requested - Letter EAC-25383 - Infringement Notice (\$1,000)	No Further Action/Costs Recovered
Comments: During an early morning proactive odour survey, it was found that offensive odour was being discharged beyond the property boundary in contravention of resource consent conditions at a composting facility at Mokau Road, Uruti. The offensive odours were detected along Mokau Road. No odours were detected at any nearby residential dwellings. A letter requesting an explanation was sent and an explanation was received.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
7 Aug 2023	330124-045 IN/48107	Earthworks - Huatoki Street, New Plymouth	Complaint	Alisa Ravji (74741)		EAC-25259 - Abatement Notice	Investigation Continuing
Comments: A complaint was received regarding insufficient silt and sediment controls at an earthworks site at Huatoki Street, New Plymouth. Investigation found that earthworks had been undertaken at a residential property in preparation for a dwelling to be established. No silt and sediment controls were in place meaning that a discharge of sediment into the Huatoki Stream, via the stormwater network during rainfall events, was likely. An abatement notice was issued requiring erosion and sediment controls to be installed at the site. A number of reinspections found that the abatement notice was being complied with.							
7 Aug 2023	330124-048 IN/48117	Discoloured stream - Cardiff Road, Stratford	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding a discoloured stream at Cardiff Road, Stratford. An inspection found the stream was running clear and no unauthorised discharges were found.							
8 Aug 2023	330124-049 IN/48119	Odour - Mahoetahi Road, Brixton	Complaint	Bioboost Limited (75291) Peter Sole Transport Ltd (14463)		EAC-25340 - Abatement Notice	No Further Action At This Stage
Comments: A complaint was received regarding odour emanating from a storage and transport depot at Mahoetahi Road, Brixton. Odour surveys were undertaken and it was determined that the odour being discharged beyond the boundary of the property was in contravention of rules in the Regional Air Quality Plan for Taranaki. A site inspection found that the odour was originating from the storage of Bioboost fertiliser at the site. An abatement notice was issued requiring works to be undertaken to ensure that rules in the Regional Air Quality Plan for Taranaki are being complied with at all times. Following further complaints (IN/48299 relates) all bulk stored Bioboost fertiliser has now been removed from the site to ensure compliance with the abatement notice.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
8 Aug 2023	330124-060 IN/48147	Discharge from surplus bitumen deposited near stormwater system - Hangatahua River, Okato	Complaint	Aquamax Hydroblasting Limited (75438) Downer New Zealand Limited (50648)		EAC-25274 - Explanation Requested - Letter	No Further Action At This Stage
Comments: A complaint was received concerning the dumping of a black substance in a gravel pit next to the Hangatahua River, Okato. Investigation found that surplus bitumen had been discharged onto land within a constructed gravel bund in the immediate proximity of a stormwater drain which discharges into the Hangatahua River. The bund was poorly constructed with porous material resulting in the likely discharge of contaminants to surface water if not addressed. The responsible party was spoken to and immediate action was taken to remove the material and remediate the area. Further conversations with the responsible party has resulted in policy being put in place to ensure bitumen waste product is appropriately contained and disposed of at approved facilities in the future.							
9 Aug 2023	330124-054 IN/48143	Backyard burning - Glover Road, Hawera	Complaint	Daniel Smythe (36896)			No Further Action
Comments: A complaint was received regarding backyard burning at a residential property at Glover Road, Hawera. Inspection found that cardboard was being disposed of by burning at a residential property within a defined urban area in contravention of rules in the Regional Air Quality Plan for Taranaki. No adverse off-site effects were observed as a result of the burning. The occupier was advised of the rules regarding burning within a defined urban area.							
11 Aug 2023	330124-062 IN/48175	Stock in wetland - Pungarehu Road, Pungarehu	Complaint	Alistair Greenway (21836) Ashley Greenway (1684)		EAC-25287 - Abatement Notice EAC-25288 - Abatement Notice	No Further Action At This Stage
Comments: A complaint was received regarding stock grazing in a wetland at Pungarehu Road, Pungarehu. An inspection found that although no wetland was identified, approximately 60-70 yearling animals had uncontrolled access to an unnamed tributary of Waitekaure Stream on the property. This resulted in pugging of the margins of the stream and effluent on the stream banks and stream margins. The uncontrolled access to the stream resulted in the contravention of the Resource Management Act 1991. Abatement notices were issued requiring works to be undertaken to ensure compliance with the Act. A reinspection will be undertaken in October 2023.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Aug 2023	330124-070 IN/48200	Earthworks - Towai Street, Inglewood	Complaint	Aaron George (33930) All Good Properties Limited (56081)		EAC-25290 - Abatement Notice EAC-25292 - Abatement Notice EAC-25386 - Infringement Notice (\$300) EAC-25388 - Infringement Notice (\$750)	No Further Action

Comments: Notification was received concerning earthworks within ten metres of a natural wetland at a subdivision under development at Towai Street, Inglewood. An investigation found that earthworks had been undertaken in the wetland and the responsible party was found to be in breach of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Silt and sediment had also discharged into the wetland, which is in breach of the rules of the Regional Freshwater Plan for Taranaki. Abatement notices were issued to cease the earthworks and install silt and sediment controls. Reinspection found that the abatement notices were being complied with.

14 Aug 2023	330124-080 IN/48251	Spraying of herbicide - Airport Drive, New Plymouth	Complaint	Charles Lawry (75492)		EAC-25322 - Explanation Requested - Letter EAC-25343 - Infringement Notice (\$300)	No Further Action
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Comments: A complaint was received regarding spraying of herbicide along the boundary of a property at Airport Drive, New Plymouth. Inspection found that a herbicide had been sprayed beyond the property boundary, resulting in vegetation damage on the neighboring property, in contravention of rules in the Regional Freshwater Plan for Taranaki. A letter requesting an explanation was sent and an explanation received.

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
17 Aug 2023	330124-065 IN/48202	Petrol spill - High Street, Eltham	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding a petrol spill on High Street, Eltham. Upon investigation a hydrocarbon spill was obvious but the spill had not travelled to a nearby sump. Hydrocarbon absorbent pads were laid above the sump. A further inspection showed no discharge to the sump.							
18 Aug 2023	330124-096 IN/48315	Diesel Leak - Kapuni Gas Treatment Plant, Palmer Road, Kapuni.	Self-Notification	Todd Energy Limited (36724)	R2/1123-3		Investigation Continuing
Comments: Self notification was received of a diesel spill at the Kapuni Gas Treatment Plant at Palmer Road, Kapuni. Inspection found that a filter glass had failed resulting in the discharge of approximately 30 - 40 litres of diesel from the system. The diesel discharged within a shed on the property, however some of the diesel discharged onto the ground and into the stormwater system beyond the shed door. The responsible parties spill management plan was activated and sorbent material was applied to retrieve the spilt fuel from the land and a sucker truck was utilised to clean out the stormwater system. Some of the discharge may have discharged to land from the stormwater system within the vicinity of the Kapuni Stream. No hydrocarbon sheens or other effects were observed within the Kapuni Stream as a result of the discharge. A letter requesting an explanation has been sent.							
22 Aug 2023	330124-071 IN/48242	Burning - Parakau Road, Waiwhakaiho	Complaint	Christopher Herd (22706)		EAC-25348 - Explanation Requested - Letter	Investigation Continuing
Comments: A complaint was received regarding burning at a vacant site at Parakua Road, Waiwhakaiho, New Plymouth. Inspection found that materials associated with household renovations had been burnt on the property. A letter requesting an explanation has been sent.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Aug 2023	330124-076 IN/48244	Discoloured stream - Hills Road, Stratford	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding an unnamed tributary of the Patea River flowing 'brown' in colour at Hills Road, Stratford. An inspection confirmed the discoloration. The stream cleared during the inspection and the source of the contamination could not be identified.							
23 Aug 2023	330124-079 IN/48246	Dust - Ellesmere Avenue, Bell Block	Complaint	Peter Cowley (72188)		EAC-25323 - Abatement Notice	No Further Action
Comments: A complaint was received regarding dust being discharged beyond the boundary of a property at Ellesmere Avenue, Bell Block. Inspection found that trucks were dumping dirt for later use at a rural property adjacent to the Bell Block residential area. The truck movements were generating dust which was observed to be discharging beyond the boundary of the property in contravention of the rules in the Regional Air Quality Plan for Taranaki. Tracking of dirt onto the road surface where it may enter the stormwater system was also observed. An abatement notice was issued requiring works to be undertaken to ensure that the relevant rules in the regional plans were being complied with. Reinspection found that works had been undertaken to ensure compliance with the abatement notice.							
25 Aug 2023	330124-082 IN/48271	Dust - Smart Road, Waiwhakaiho, New Plymouth	Complaint	KiwiRail Holdings Limited (50168)		EAC-25324 - Abatement Notice	No Further Action
Comments: A complaint was received regarding dust being discharged from an industrial site at Smart Road, Waiwhakaiho, New Plymouth. Inspection found that dust was being discharged beyond the site boundary in contravention of rules in the Regional Air Quality Plan for Taranaki. The dust was being generated as a result of traffic movements onsite. An abatement notice was issued requiring works to be undertaken to ensure that the rules in the Regional Air Quality Plan for Taranaki are complied with. A reinspection found that the responsible party had allocated a water cart for the site and undertaken other works to ensure that the abatement notice was being complied with. Further inspections will be undertaken to ensure that ongoing compliance with the abatement notice is maintained.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
28 Aug 2023	330124-084 IN/48275	Dumping of carcasses - Kelly Road, Lepperton	Complaint	Lloyd & Shona Bracegirdle (16679)		EAC-25330 - Explanation Requested - Letter EAC-25331 - Abatement Notice	Investigation Continuing
Comments: A complaint was received regarding the dumping of offal on land within the immediate vicinity of a stream at Kelly Road, Lepperton. Inspection found that a farm dump had been positioned adjacent to an unnamed tributary of the Mangaonaia Stream in contravention of rules in the Regional Freshwater Plan for Taranaki. An abatement notice was issued requiring the materials to be removed. A letter of explanation has been sent. A reinspection will be undertaken after 1 September 2023. Further enforcement action is being considered.							
29 Aug 2023	330124-086 IN/48278	Foam spill - Carthew Street, Okato	Complaint	New Zealand Fire Service (9714)			No Further Action
Comments: A complaint was received regarding foam on the road at Carthew Street, Okato. Inspection found that the foam was a training foam associated with the training of the Okato volunteer fire service. Advise was provided to ensure that the foam is prevented from discharging into the stormwater system and adjacent stream. No discharge to surface water was observed at the time of the inspection.							
29 Aug 2023	330124-087 IN/48281	Wastewater discharge - Ngamotu Domain, New Plymouth	Self-Notification	Citycare (26216)	R2/0882-4.1		No Further Action
Comments: Self notification was received regarding the discharge of wastewater from the New Plymouth District Council wastewater system at Ngamotu Domain, Moturoa, New Plymouth. Tree roots were found to be blocking a manhole outlet causing the wastewater to discharge to land. The responsible party undertook immediate works to clear the blockage, sanitize the site, and erect warning signs in accordance with their wastewater discharge management plan. An explanation was provided and accepted.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
29 Aug 2023	330124-092 IN/48299	Odour - Mahoetahi Road, Brixton	Complaint	Bioboost Limited (75291) Peter Sole Transport Ltd (14463)		EAC-25361 - Infringement Notice (\$1,000)	No Further Action
Comments: A complaint was received regarding odour emanating from storage and transport depot at Mahoetahi Road, Brixton. Odour surveys were undertaken and it was determined that the odour being discharged beyond the boundary of the property was in contravention of rules in the Regional Air Quality Plan for Taranaki and an abatement notice previously issued for the same matter (IN/48119 relates). A site inspection found that the odour was originating from the storage of Bioboost fertiliser at the site.							
30 Aug 2023	330124-089 IN/48291	Burning - South Road, Oakura	Complaint	N Sole & MK Sole Estate (32726)			No Further Action
Comments: A complaint was received regarding smoke being emitted from a fire at South Road, Oakura. Inspection found that green vegetation was being burnt at a lifestyle property resulting in smoke being discharged beyond the property boundary in contravention of rules in the Regional Air Quality Plan for Taranaki. The responsible party was spoken to, who undertook immediate action to extinguish the fire.							
4 Sep 2023	330124-097 IN/48323	Dumping - Kaiauui Stream, Alfred Road, Egmont Village	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding animal carcasses being dumped into the Kaiauui Stream at Alfred Road, Egmont Village. Inspection found that three wild pig carcasses had been dumped in the stream from the road bridge. The carcasses were removed and disposed of in an appropriate manner by officers at the time of the inspection. The responsible party could not be identified.							
4 Sep 2023	330124-098 IN/48325	Green stream, Finnerty Road, Stratford.	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding the Waingongoro River flowing green in colour at Finnerty Road, Stratford. Inspection confirmed that the stream was flowing green. The stream began to flow clear during the inspection and despite an inspection of a number of rural properties in the area, the responsible party could not be identified.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
5 Sep 2023	330124-101 IN/48342	Green stream, Anglers Avenue, Pungarehu.	Complaint	Garryricken Farms Limited (74664) Sean Luttrell (72219) Sergio Bentancor (75559)	R2/2646-3.0	EAC-25354 - Abatement Notice EAC-25380 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: A complaint was received regarding dairy effluent discharging into an unnamed tributary of the Whanganui Stream at Anglers Avenue, Pungarehu. Inspection found that a cap in the sand-trap of a dairy effluent disposal system, at a nearby dairy farm, had been dislodged resulting in dairy effluent discharging via an unused pipe into the Stream in contravention of resource consent conditions. Works were undertaken to cease the discharge. An abatement notice was issued requiring works to be undertaken at the site to ensure resource consent conditions are complied with at all times. A reinspection found that the abatement notice was being complied with.

5 Sep 2023	330124-099 IN/48435	Oil spill - Hobson Street, New Plymouth	Self-Notification	Symons Group Ltd (52574)			No Further Action
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Comments: Self notification was received regarding an oil spill at the potable water filling depot at Hobson Street, New Plymouth. Inspection found that the pump on a truck had been activated to fill the truck unit with potable water. While the pumping was occurring it was discovered that oil was discharging from the engine. The pumping was ceased and immediate action was undertaken to recover the approximately 0.5 litres of spilt oil. The truck was wiped down to remove any remaining oil before being towed for repairs.

6 Sep 2023	330124-104 IN/48334	Hydrocarbon spill - Bedford Road North, Inglewood	Complaint	Enviro NZ Service LTD (75626)			No Further Action
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Comments: Third party notification was received regarding a hydrocarbon spill at Bedford Road North, Inglewood. Inspection found that a heavy vehicle had collided with a bridge resulting in damage to the vehicles fuel tank and a discharge of hydrocarbons onto the road surface. Works were immediately undertaken to contain and recover the spill. No hydrocarbons discharged to surface water bodies as a result of the spill.

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
6 Sep 2023	330124-102 IN/48348	Green Stream - Plymouth Rd, Omata	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding an unnamed tributary of the Tapuae Stream flowing green in colour. Inspection confirmed the discolouration which began to clear during the inspection. An inspection of nearby rural properties failed to identify the source of the discharge.							
7 Sep 2023	330124-107 IN/48341	Burning - Wills Road, Bell Block	Complaint	Mangati Properties (2001) Limited (26166)		EAC-25362 - Abatement Notice	Investigation Continuing
Comments: A complaint was received regarding smoke being discharged from a fire at Wills Road, Bell Block. Inspection found that smoke was being discharged as a result of the burning of vegetation at a site in the early stages of subdivision development. The discharge of smoke beyond the boundary of the property was found to be in contravention of rules in the Regional Air Quality Plan for Taranaki. An abatement notice was issued. Further enforcement action is being considered.							
7 Sep 2023	330124-123 IN/48387	Trees felled into Mimi River - Mimi Road, Uruti	Third Party Notification	Unsourced (9768)			No Further Action At This Stage
Comments: A complaint was received regarding trees being felled into the Mimi River at Mimi Road, Uruti. Investigation found that approximately four large popular trees had been felled into the Mimi Stream. The felled trees covered the width of the stream and had the potential to cause significant blockages and flow disturbance. New Plymouth District Council were contacted who undertook works to remove the trees.							
8 Sep 2023	3301-24-108 IN/48346	Wastewater discharge - Pembroke Road, Stratford	Complaint	Rikki & Michelle Parrett (69805)			Investigation Continuing
Comments: A complaint was received regarding wastewater discharging onto land and into an unnamed tributary of the Kahouri Stream at a residential property at Pembroke Road, Stratford. A number of inspections and samples were taken and while it was confirmed that a new wastewater treatment system had recently been installed at the dwelling, it was found that wastewater from a portion of the dwelling had not been redirected into the new treatment system resulting in the discharge to land. The responsible party has engaged a plumber to undertake a review of the system and address the known issue.							

Non-compliant incidents for the period 01 Aug 2023 to 14 Sep 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Sep 2023	330124-119 IN/48391	Farm Dump - Auroa Road, Kaponga	TRC Staff Compliance Monitoring	Barker KA Trust (20027)	R2/0279-2	EAC-25390 - Abatement Notice	Investigation Continuing

Comments: During unrelated compliance monitoring, it was found that a farm dump had been placed within 25 metres of the Awatuna Stream at Auroa Road, Kaponga in contravention of rules in the Regional Freshwater Plan for Taranaki. An abatement notice was issued requiring the dump to be removed. 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
4 Oct 2022 <u>Update</u>	332124-010 ENF-24029	Follow Up Inspection	Non-compliance	Remediation (NZ) Limited (30679)	R2/5838-2.2	EAC-25325 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During an audit (16 June 2023) of surface water sampling results, taken on 4 October 2022, associated with routine compliance monitoring, it was found that the ammonia concentration in the surface waters were in contravention of resource consent conditions and Abatement Notice EAC-24147 at the Remediation (NZ) Limited composting facility at Mokau Road, Uruti. A letter requesting an explanation has been sent and an explanation received.

27 Apr 2023 <u>Update</u>	332123-144 ENF-23930	Compliance Monitoring Insp.	Non-compliance	Fonterra Limited (50606)	R2/3902-3.0	EAC-25251 - Explanation Requested - Letter	Investigation Continuing
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Comments: Analysis of samples taken during routine monitoring found that the oil and grease concentrations within the stormwater discharge were above the consented limits at a milk processing site at Whareroa Road, Hawera. The company is undertaking an investigation into the non-compliance. A letter requesting an explanation has been sent and a response has been received. Further enforcement action is being considered.

15 Jun 2023 <u>Update</u>	332123-159 ENF-23965	Compliance Monitoring Insp.	Non-compliance	ForestryCo (73350)	PA/20486-01	EAC-25382 - Infringement Notice (\$750) EAC-25173 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During routine compliance monitoring of a plantation forest, it was found that slash had been deposited within the Mako Stream in contravention of the Resource Management (National Environmental Standards of Plantation Forestry) Regulations 2017, at a harvesting site on Makara Road, Ratapiko. An abatement notice was issued requiring the slash to be removed from the stream and the site to be monitored during wet weather events until such time as the works are complete. Reinspection will be undertaken after 30 November 2023.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
3 Jul 2023 <u>Update</u>	332124-001 ENF-23978	Compliance Monitoring Insp.	Non-compliance	Ferndene Group Limited (70308)	R2/10848-1.0	EAC-25195 - Abatement Notice	Investigation Continuing

Comments: During routine compliance monitoring it was found that a water abstraction meter and data logger had not been installed in contravention of resource consent conditions at a quarry operation at Upland Road, Egmont Village. An abatement notice was issued requiring the devices to be installed to ensure compliance with resource consent conditions. The abatement notice has been extended to 9 October 2023 to allow for the delivery and installation of the water meter which is on back order.

7 Jul 2023 <u>Update</u>	332124-006 ENF-23991	Compliance Monitoring Insp.	Non-compliance	ForestryCo (73350) JNS Harvesting Ltd (75314)	PA/20451-01	EAC-25226 - Explanation Requested - Letter EAC-25225 - Explanation Requested - Letter EAC-25220 - Abatement Notice EAC-25219 - Abatement Notice EAC-25218 - Abatement Notice EAC-25215 - Abatement Notice	Investigation Continuing
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Comments: During routine compliance monitoring of a plantation forest harvesting operation it was found that the site was not operating in accordance with rules in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 at Puniwhakau Road, Puniwhakau. The inspection found that inadequate erosion and sediment controls were present on the site and slash had been deposited within the surface water 5% annual exceedance probability flow exclusion zone. Abatement notices were issued requiring all harvesting to cease and for works to be undertaken to ensure the site is operating in accordance with the rules. Reinspections have been undertaken at the site confirming works have been undertaken to remove slash and manage stormwater flows at the site. Further works are still being completed at the site and officers continue to monitor the site and associated works on a regular basis. 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
17 Jul 2023 Update	332124-008 ENF-24014	Compliance Monitoring Insp.	Non-compliance	Ravensdown Fertiliser Co-operative Ltd (24536)	R2/8438-0	EAC-25265 - Abatement Notice	No Further Action At This Stage

Comments: During routine compliance monitoring of permitted activity sites it was found that the stormwater discharge from a fertiliser storage and distribution facility at Cordelia Street, Stratford was in contravention of the permitted activity rules in the Regional Freshwater Plan for Taranaki. An abatement notice was issued requiring works to be undertaken to ensure compliance with the relevant rules in the Regional Freshwater Plan for Taranaki. The responsible party have engaged contractors to ensure the abatement notice can be complied with. Further inspections will be undertaken to ascertain compliance.

18 Jul 2023 Update	332124-009 ENF-24023	Office Assessment	Non-compliance	Regal NZ Trading Limited (74995)	PA/11121-1.0		No Further Action At This Stage
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Comments: During routine compliance monitoring of a stock food storage and distribution facility it was found that the stormwater discharge was in contravention of the rules in the Regional Freshwater Plan for Taranaki at Ocean View Parade, New Plymouth. The site operates under permitted activity Rule 23 of the Regional Freshwater Plan for Taranaki. Analysis of the stormwater sample collected on 26 June 2023 showed the suspended solid concentration (130g/m3) was in exceedance of the permitted discharge limit (100g/m3). A site visit was conducted and meeting held with the responsible party who have put in extra measures to ensure the works in the Regional Freshwater Plan for Taranaki can be complied with.

25 Jul 2023 Update	332124-005 ENF-24004	Compliance Monitoring Insp.	Non-compliance	Just Rubbish Limited (34229)	R2/8398-0	EAC-25249 - Abatement Notice	No Further Action
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Comments: During routine compliance monitoring of permitted activity sites, it was found that burning had been occurring in contravention of rules in the Regional Air Quality Plan for Taranaki, at an industrial site at Devon Road, Waitara. An abatement notice was issued requiring all burning on site cease. A reinspection found that the vessel in which the burning was occurring had been removed and the abatement notice was being complied with.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
25 Jul 2023 <u>Update</u>	334124-004 ENF-24003	Compliance Monitoring Insp.	Non-compliance	Porter Hire (21723)	R2/8647-0		No Further Action
Comments: During routine compliance monitoring of permitted activity sites it was found that the site was not operating in accordance with rules in the Regional Freshwater Plan for Taranaki at an equipment hire site on Devon Road, Waiwhakiho. Poor stormwater management was resulting in the likelihood of contaminants discharging into the stormwater network and into surface water. Minor works are required to ensure that the site is operating in accordance with rules in the Regional Freshwater Plan for Taranaki. The officer has been working with the responsible party to resolve these issues. A re-inspection found that works had been undertaken to prevent contaminants from entering the stormwater network.							
11 Aug 2023 <u>Update</u>	332124-016 ENF-24043	Office Assessment	Non-compliance	Molten Metals Limited (25848)	R2/9974-1.0	EAC-25300 - Explanation Requested - Letter	Investigation Continuing
Comments: During analysis (10 August 2023) of stormwater samples taken during routine compliance monitoring, it was found that the suspended solid concentration (gm/m3) was in contravention of resource consent conditions, and previously issued Abatement Notice EAC-25118 at a scrap metal recycling site at Centennial Drive, New Plymouth. A letter of explanation had be sent and an explanation received. The responsible party has engaged suitably qualified consultants to undertake a review and potential upgrade of the stormwater management system at the site. Further enforcement action is being considered.							

Compliance Monitoring – Non-compliances for the period 01 Aug 2023 to 14 Sep 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
3 Aug 2023	332124-017 ENF-24059	Annual Inspection	Significant non-compliance	Greg Hill (55389)	R2/3632-3.0	EAC-25318 - Explanation Requested - Letter	Investigation Continuing
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and Abatement Notice, EAC-25071, which was issued as a result of a previous non-compliance at Manaia Road, Kapuni. Reinspection will be undertaken after 20 October 2023. A letter of explanation was sent and a response received. Further enforcement action is being considered							
14 Aug 2023	332124-015 ENF-24075	Compliance Monitoring Insp.	Non-compliance		R2/3491-3.0	EAC-25337 - Explanation Requested - Letter	Investigation Continuing
Comments: During analysis (29 August 2023) of stormwater samples taken during routine compliance monitoring, it was found that the suspended solid concentration (250 gm/m3) was in contravention of resource consent conditions at an industrial site at Katere Road, New Plymouth. A letter of explanation was sent and an explanation received. Further enforcement action is being considered.							
14 Aug 2023	332124-019 ENF-24078	Compliance Monitoring Insp.	Non-compliance	Greymouth Petroleum Acquisition Company Limited (20495)	R2/4664-3.1		No Further Action
Comments: During analysis (4 September 2023) of stormwater samples taken during routine compliance monitoring, it was found that the suspended solid concentration (gm/m3) was in contravention of resource consent conditions, at an oil & gas storage and transport depot at De Havilland Road, New Plymouth. Immediate works were undertaken by the responsible party to address the issue. A reinspection found that the works were likely to ensure consent compliance. Sampling to be undertaken during routine compliance monitoring to ascertain ongoing compliance.							

Compliance Monitoring – Non-compliances for the period 01 Aug 2023 to 14 Sep 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Aug 2023	332124-018 ENF-24079	Compliance Monitoring Insp.	Non-compliance	Tasman Oil Tools Limited (10001)	R2/4812-2.1		No Further Action
Comments: During a routine compliance monitoring inspection it was found that a discharge of stormwater from the site that contained suspended solid in concentrations, exceeded resource consent limits. The responsible party undertook works to their onsite stormwater system to improve the quality of the discharge. A letter requiring explanation has been sent.							
17 Aug 2023	332124-027 ENF-24118	Dairy Non-compliant Re-inspection	Non-compliance		R2/4347-2.1		Investigation Continuing
Comments: During a dairy non-complaint re-inspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and Abatement Notice EAC-25162, which was issued as a result of a previous non-compliance at Opunake Road, Stratford. Re-inspection found that the abatement notice and resource consent conditions was being complied with at the time of inspection. Further enforcement action is being considered.							
18 Aug 2023	332124-012 ENF-24047	Annual Inspection	Significant non-compliance	JEL Farms Limited (35102)	R2/0777-3.0	EAC-25315 - Infringement Notice (\$750) EAC-25312 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Leith Road, Okato. 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.							

Compliance Monitoring – Non-compliances for the period 01 Aug 2023 to 14 Sep 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
1 Sep 2023	332124-028 ENF-24105	Compliance Monitoring Insp.	No Further Action At This Stage	Civil Holdings Limited (75295)	R2/1113-5.1		Investigation Continuing
Comments: During analysis of samples taken at a compliance monitoring inspection, upstream and downstream analyzed surface water results indicated that downstream turbidity registered more than 50 percent greater than the upstream value in terms of turbidity levels. Will need to re visit site to inspect any other areas that may possibly feed into the tributary to rule out any other possible contamination sources.							
4 Sep 2023	332124-022 ENF-24089	Office Assessment	Non-compliance	Graeme Lowe Protein Limited (10349)	R2/7610-2	EAC-25374 - Abatement Notice EAC-25355 - Explanation Requested - Letter	Investigation Continuing
Comments: During analysis of water abstraction data, it was found that excess water had been taken on two occasions in contravention of resource consent conditions at the Graeme Lowe Proteins site at Tawhiti Road, Hawera. A letter of explanation has been sought. Further enforcement action is being considered.							
6 Sep 2023	332124-024 ENF-24097	Annual Inspection	Significant non-compliance	The Country Roads Limited (75203)	R2/1250-3	EAC-25371 - Abatement Notice	Investigation Continuing
Comments: During analysis of samples (14 September 2023), taken during the annual dairy inspection round, it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Victoria Road, Oakura. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 13 October 2023.							

Compliance Monitoring – Non-compliances for the period 01 Aug 2023 to 14 Sep 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
7 Sep 2023	332124-021 ENF-24086	Annual Inspection	Non-compliance	Childs Creek Limited (69351)	R2/2941-2	EAC-25353 - Abatement Notice	Investigation Continuing

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Opunake Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 29 September 2023.

7 Sep 2023	332124-025 ENF-24098	Annual Inspection	Non-compliance	Jaska Farm Trust (31533)	R2/1667-3	EAC-25372 - Abatement Notice	Investigation Continuing
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Comments: During analysis of samples (18 September 2023), taken during the annual dairy inspection round, it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Ratapiko Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 20 October 2023.

12 Sep 2023	332124-023 ENF-24090	Office Assessment	Non-compliance	Silver Fern Farms Limited (30302)	R2/1091-4	EAC-25357 - Explanation Requested - Letter	Investigation Continuing
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Comments: During analysis of water abstraction data, it was found that excess water had been taken on two occasions in contravention of resource consent conditions at a meat processing facility at Tawhiti Road, Hawera. A letter of explanation has been sought. Further enforcement action is being considered.



Date 10 October 2023

Subject: **Appointment of Hearing Commissioners - Manawa Energy Ltd**

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

Document: 3207017

Purpose

1. The purpose of this memorandum is to delegate to a Hearing Panel the authority to determine applications by Manawa Energy Ltd to re-consent the Motukawa and Mangorei Hydroelectric Power Schemes. The applications to be determined are attached as Appendix A to this memorandum.

Recommendations

That the Taranaki Regional Council (the Council):

- a) receives this memorandum *Appointment of Hearing Commissioners - Manawa Energy Ltd*
- b) notes that subject to a hearing being necessary, the Chief Executive will appoint a hearing commissioners to hear the applications and any submissions under delegated authority.

Background

1. Manawa Energy Ltd has lodged an application for 14 replacement consents associated with the Motukawa Hydroelectric Power Scheme, and 5 replacement consents and 1 new consent associated with the Mangorei Hydroelectric Power Scheme
2. The applications were notified on 4 March 2023 (Motukawa) and 4 February 2023 (Mangorei).
3. There are a total of eight submitters over the 20 consent applications for both schemes (see Appendix B for schedule of submitters and Appendix C & D for copies of the submissions.)

Discussion

4. The Council is required to decide who should be delegated the authority to determine the applications and who should hear the applications and submissions.
5. A combined hearing for both schemes is likely and is efficient. Only accredited hearing commissioners can hear the applications and any submissions under the Resource Management Act 1991. No Councillors are currently accredited, so suitable hearing commissioners, with the expertise to hear the applications and submissions, are required.
6. A prehearing process to try and resolve the submissions will occur, but in case this is unsuccessful a hearing will be required.

Financial considerations—LTP/Annual Plan

7. 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

8. 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

9. 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

10. 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

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

Appendices/Attachments

Document 3207141: [APPENDIX A- Manawa Energy Ltd applications.](#)

Document 3207155: [APPENDIX B- Schedule of Manawa Energy Ltd submissions](#)

Document 3209136: [APPENDIX C - Copy of submissions - Mangorei](#)

Document 3209135: [APPENDIX D - Copy of submissions - Motukawa](#)

APPENDIX A**Mangorei Hydroelectric Power Scheme****Location:** Lake Mangamahoe, Junction Road, New Plymouth

Consent No	Consent applied for
2053-4.0	To dam and divert water in the Waiwhakaiho River via an existing diversion weir and intake structure and the take and use of up to 10 m ³ /s of water from the Waiwhakaiho River for hydro-electricity generation purposes
2054-4.0	To dam the Mangamahoe Stream to form Lake Mangamahoe to act as a reservoir of water for hydro-electric generation purposes
2056-4.0	To use up to 864,000 m ³ of water per day from Lake Mangamahoe for hydro-electric generation purposes
4886-2.0	To use and maintain structures in the Mangamahoe Stream to dam the stream to form Lake Mangamahoe for hydro-electric generation purposes
4888-2.0	To discharge up to 150,000 litres/second of water from Lake Mangamahoe via a spillway into the Mangamahoe Stream in the Waiwhakaiho Catchment under emergency conditions associated with hydroelectric generation purposes
10895-1.0	To disturb and extract gravel from the bed of the Waiwhakaiho River (<i>new consent</i>)

Motukawa Hydroelectric Power Scheme**Location:** Motukawa Power Station, Motukawa Road, Ratapiko & Mangaotea Aqueduct, Mangaotea Road, Ratapiko

Consent No	Consent applied for
3369-3.0	To take and use up to 5200 litres/second of water from the Manganui River for hydroelectric power generation purposes
3371-3.0	To divert and use stormwater run-off and the entire flow of various unnamed watercourses draining into the Motukawa Race and into Lake Ratapiko for hydroelectric power supply purposes
3372-3.0	To discharge water from the Motukawa Power Station into the Makara Stream
3373-3.0	To dam the Mako Stream to form Lake Ratapiko for hydroelectric power generation purposes, including the spillway structures
5080-2.0	To use and maintain an existing diversion weir, intake structure and fish passes in the Manganui River and to divert and dam water in the Manganui River via an existing diversion weir and intake structure
5082-2.0	To discharge, under emergency conditions, overflow water from the Mangaotea Aqueduct into the Mangaotea Stream
5084-2.0	To discharge hydroelectric power generation water, during adverse weather conditions, via spillways and lake drainage valves from Lake Ratapiko into the Mako Stream
5085-2.0	To disturb the bed of Lake Ratapiko for maintenance and repairs associated with hydroelectric power generation purposes
5087-2.0	To take and use water from Lake Ratapiko for hydroelectric power generation purposes
5088-2.0	To discharge water from the surge chamber of the Motukawa Power Station during maintenance periods into an unnamed tributary of the Makara Stream
6388-2.0	To divert and use water in the Motukawa Race for hydroelectric power generation purposes
6390-2.0	To impound water behind a dam on the Motukawa Race for hydroelectric power generation purposes
11102-1.0	To discharge water and contaminants over an existing diversion weir and fish passes located in the bed of the Manganui River
11103-1.0	To discharge water and contaminants to the Manganui River via the sluice gate downstream of the intake structure

			Submitter							
			NPDC	Fish & Game NZ	Royal Forest & Bird Protection Society of NZ Inc	Ngāti Tawhirikura Hapū/ Ngāti Te Whiti Hapū /Te Kotahitanga o Te Atiawa Trust	Director General of Conservation	Pukerangiora Hapū/Te Kāhui Maru/Te Kotahitanga o Te Atiawa Trust	DH & LC McIntyre	F Grigg
Consent	Type	Subtype								
Mangorei Hydroelectric Power Scheme										
2053-4.0	Water Permit	Divert								
2054-4.0	Land Use Consent	Dam/Weir								
2056-4.0	Water Permit	Take Surface Water								
4886-2.0	Land Use Consent	Dam/Weir								
4888-2.0	Discharge Permit	Water to Water								
10895-1.0	Land Use Consent	Disturb								
Motukawa Hydroelectric Power Scheme										
3369-3.0	Water Permit	Take Surface Water								
3371-3.0	Water Permit	Divert								
3372-3.0	Discharge Permit	Water - Industry								
3373-3.0	Land Use Consent	Dam/Weir								
5080-2.0	Land Use Consent	Dam/Weir								
5082-2.0	Discharge Permit	Water to Water								
5084-2.0	Discharge Permit	Water - Industry								
5085-2.0	Land Use Consent	Disturb								
5087-2.0	Water Permit	Take Surface Water								
5088-2.0	Discharge Permit	Water to Water								
6388-2.0	Water Permit	Divert								
6390-2.0	Water Permit	Divert								
11102-1.0	Discharge Permit	Water - Industry								
11103-1.0	Discharge Permit	Water - Industry								

FORM 13 SUBMISSION ON RESOURCE CONSENT APPLICATION



Taranaki Regional Council
Telephone: 06-765 7127
Facsimile: 06-765 5097
Email: consents@trc.govt.nz
Website: www.trc.govt.nz

Important Note:

Please ensure that all sections of this form are completed and that the Taranaki Regional Council receives this submission before midnight on the closing date specified on the notification.

For Council Use Only

Post **The Chief Executive**

To: Taranaki Regional Council
Private Bag 713
Stratford 4332

Or: Email to: consents@trc.govt.nz
Fax to: 06 765 5097

1. Submitter's details

Full Name: Penny Nelson, Director-General of Conservation

Address for Service:

Email: asycamore@doc.govt.nz

Postal: RMA Shared Services, Private Bag 3072

Hamilton

Post Code: 3240

Telephone:

Mobile: 027 234 4847

Contact person: (if different to name above): Ashiley Sycamore, RMA Planner for the Department of Conservation

Street Address of property affected (if different to address above)

Serving of documents

The Council will serve all formal documents electronically via the email address provided above.

2. Application to which submission relates

Name of Applicant: Manawa Energy Ltd

Proposal (activity type and location): To authorise the operation and maintenance of the Mangorei Hydro-Electric Power Scheme in the Waiwhakaiho River catchment.

TRC Consent Number(s): 2053-4.0, 2054-4.0, 2056-4.0, 4886-2.0, 4888-2.0, and 10895-1.0

3. Attendance and wish to be heard at consent hearing



I/we **do not** wish to be heard in support of my/our submission

(This means that you will not be advised of the date of any consent hearing and cannot speak at any hearing. However, you will still retain your right to appeal any decision made by the Council.)



I/we **do** wish to be heard in support of my/our submission

(This means that you will have the option to speak in support of your submission at any consent hearing.)



If others make a similar submission, I/we will consider presenting a joint case with them at the hearing

[Please tick if you will consider presenting a joint case otherwise leave blank]



DOC Reference: NC573

DOC- 7282144

6 March 2023

Taranaki Regional Council

Post: Private Bag 713, Stratford 4352

Email: consents@trc.govt.nz

Address for service: Manawa Energy Ltd

c/- Lisa Mead, Consenting Manager

Post: 108 Durham Street, Tauranga 3110

Email: consents@manawaenergy.co.nz

Dear Taranaki Regional Council,

**Manawa Energy Ltd – Mangorei Hydro-Electric Power Scheme – Publicly Notified Consent
Applications 2053-4.0, 2054-4.0, 2056-4.0, 4886-2.0, 4888-2.0 & 10895-1.0**

I refer to the land use consent, water permit, and discharge permit applications by Manawa Energy Ltd for the renewal of consents and the requirement for a new consent relating to the operation of the Mangorei Hydro-Electric Power Scheme in the Waiwhakaiho River catchment.

Please find enclosed a submission by the Director-General of Conservation in respect of these applications. The submission seeks that the applications as currently proposed be declined unless adequate conditions are imposed to avoid, remedy or mitigate the adverse effects of the proposed activity. The submission identifies the Director-General's concerns in greater detail.

DOC does not oppose the activity in principle, however, does oppose the application in its current form and seeks changes to the proposal including the provision of robust conditions if the consent is granted. Please contact Ashiley Sycamore (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this submission (027 234 4847 or asycamore@doc.govt.nz).

Yours sincerely,

Daniel Heinrich

Operations Director – Hauraki/Waikato/Taranaki Region

Department of Conservation

Te Papa Atawhai

Department of Conservation *Te Papa Atawhai*

RMA Shared Services

Private Bag 3072, Hamilton 3240, New Zealand

www.doc.govt.nz

Form 13: Submission on application concerning resource consent

Resource Management Act 1991

To: Taranaki Regional Council (the **Council**)

Name of submitter: Penny Nelson, Director-General of Conservation (the **Director-General**)

Applicant: Manawa Energy Ltd (the **Applicant**)

Location: Lake Mangamahoe, Junction Road, New Plymouth

Description of activity: To replace five resource consents and for one new consent, relating to the operation of the Mangorei Hydroelectric Power Scheme (see consent details below).

Consent No: 2053-4.0

Application lodged: To dam and divert water in the Waiwhakaiho River via an existing diversion weir and intake structure and the take and use of up to 10 m³/s of water from the Waiwhakaiho River for hydro-electricity generation purposes.

Consent No: 2054-4.0

Application lodged: To dam the Mangamahoe Stream to form Lake Mangamahoe to act as a reservoir of water for hydro-electric generation purposes.

Consent No: 2056-4.0

Application lodged: To use up to 864,000 m³ of water per day from Lake Mangamahoe for hydro-electric generation purposes.

Consent No: 4886-2.0

Application lodged: To use and maintain structures in the Mangamahoe Stream to dam the stream to form Lake Mangamahoe for hydro-electric generation purposes.

Consent No: 4888-2.0

Application lodged: To discharge up to 150,000 litres/second of water from Lake Mangamahoe via a spillway into the Mangamahoe Stream in the Waiwhakaiho Catchment under emergency conditions associated with hydroelectric generation purposes.

Consent No: 10895-1.0

Application lodged: To disturb and extract gravel from the bed of the Waiwhakaiho River (new consent).

Trade competition: I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991

My submission relates to: The whole application.

My submission is: I oppose the application in its entirety unless adequate conditions are imposed to avoid, remedy or mitigate the adverse effects of the proposed activity.

The Director-General's interest in the Application

1. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.¹ The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.² Section 2 of the CA defines 'conservation' to mean '*the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generation*'.

Reasons for the Director-General's submission

2. The Department of Conservation provided comments to the Applicant on 16 November 2020 following a review of the technical reports which form a part of the current notified

¹ Refer section 53 Conservation Act 1987

² Conservation Act 1987, section 6.

applications. It appears DOC's comments from 2020 still apply to the publicly notified applications and have therefore been repeated within this submission.

3. I am not convinced that **alternatives** such as potential mitigation options have been given sufficient consideration.
4. The Proposal outlined in the Application would create **significant risk** to environments and native species.
5. I am not convinced that assessment of effects is sufficient and that the Proposal is consistent with related provisions of the plan.
6. Without being limited to such matters, the Director-General notes the following with respect to the Application:
7. The decisions sought in my submission are required to ensure that, the decision-maker:
 - a. recognises and provides for the matters of national importance listed in Section 6 of the Resource Management Act 1991 (RMA); and
 - b. has particular regard to the intrinsic values of ecosystems as required in Section 7(d) of the Act; and
 - c. has particular regard to the National Policy Statement for Freshwater Management 2020 (NPS-FM); and
 - d. has particular regard to the Taranaki Regional Policy Statement 2010 and the Regional Freshwater Plan for Taranaki (updated June 2021).
8. The Applicant has provided insufficient information and I am concerned that the proposal does not adequately identify and address:
 - a. The potential adverse effects on conservation, including but not limited to:
 - i. Freshwater indigenous biodiversity, including but not limited to longfin eel (*At Risk-Declining*), lamprey (*Threatened-Nationally Vulnerable*), shortjaw kōkopu (*Threatened-Nationally Vulnerable*), and kōaro (*At Risk-Vulnerable*).
 - ii. Freshwater quality, including but not limited to water temperature in the dewatered reach.
 - b. How the proposal will avoid, remedy, or mitigate potential adverse effects.
9. The Director-General's concerns have been identified following a review of the information that was publicly notified with the Application on 4 February 2023. The Director-General's submission relates to the whole Application. Additional and/or more specific concerns with respect to the Application may be identified once more adequate information has been made available to the Director-General.

10. Without being limited to such matters, the Director-General notes the following with respect to the Application:

Fish passage

11. The Application states that banded, giant and shortjaw kōkopu, kōaro, lamprey, redfin bully, torrentfish and both longfin and shortfin eel have been recorded upstream of the Waiwhakaiho River intake to Lake Mangamahoe. Longfin eel have also been recorded in Mangamahoe Stream upstream of Lake Mangamahoe along with brown trout. Brown trout and longfin eel are widely distributed throughout the catchment.
12. The fish passage assessment provided states that there is expected to be low mortality for small and larval fish going through the turbines and pumps, but that large fish and eels are at a high risk with an expected mortality rate of over 90% for eels³. This is a high mortality rate and is an area of concern for DOC.
13. The fish passage assessment also considers that the schemes effect on the population of lamprey in the catchment can be regarded as minor. This statement needs further information to support this conclusion, especially given the lack of information on lamprey in the catchment.
14. It is recommended that further consideration is given to ways to avoid fish entrainment into the turbines and / or other potential mitigation options.
15. The Application proposes a monitoring framework including fish surveys upstream and downstream of the Waiwhakaiho River intake to ensure appropriate fish passage, on-going monitoring of the effectiveness of the trap and transfer system and monitoring of dewatered reach (temperature and effectiveness of periphyton mitigation). The proposed conditions outlined within Appendix K of the application suggests a management plan for trap and transfer of longfin and shortfin eel, which includes “monitoring/recording of fish transferred as part of the programme”. Passage for other species should also be considered, and included where appropriate, as part of the development of the management plan.
16. Overall, DOC supports the efforts of the Applicant to better provide for fish passage. However, more detail is required on a trap and transfer programme to adequately assess its effects and the likelihood of achieving intended outcomes. To ensure this is achieved, DOC requests to see the proposed monitoring plan prior to the approval of the consent or alternatively, have an opportunity to review and recommend changes to the management plan if the consent is approved before the management plan is available.

³ Ryder Environmental Limited (17 November 2020). *Fish Passage and Fish Screening at the Mangorei HEPS. Application-Appendix-H -Fish-Passage-and-Fish-Screening-Assessment-20-02053-4 0-+5-other-renewals-Trustpower-25-Nov-2020.PDF (trc.govt.nz)*

Residual flows in the dewatered reach

17. The current consent conditions require the applicant to leave different residual flows in the Waiwhakaiho River depending on the season, this varies between 400-700 l/s. The 7-day MALF on the Waiwhakaiho River at SH3 (upstream of the abstraction point) is 2.11 m³/s. The residual flow represents between 18 – 33 % of the 7-day MALF, this is a high proportion of the low flow of the river that is being abstracted and is therefore of concern to the Department.

Water temperature

18. The Application appears to downplay the impact of temperatures on aquatic life and does not take into account the potential compounding impacts of climate change which could increase temperatures even further.
19. The Application proposes changes to lower the rate of when temperatures exceed 25°C in the residual reach when water temperature in the upstream reach is 25°C or lower. This would need to be adequately monitored to test its effectiveness.
20. The Application also proposes a temporary reduction in abstraction if water temperatures upstream of the residual reach exceed 25°C but only if there is a greater than 3°C increase in temperature in the residual reach. This is an area of concern, as a water temperature of 28°C is very close to upper lethal temperature of some freshwater species as indicated in previous research, and is likely to cause adverse effects on freshwater biodiversity. Previous research has indicated upper lethal limits for freshwater species, including banded kōkopu (29-30°C) and kōaro (27-28.5°C). Upper lethal temperature is the temperature that could cause lethal effects over a short period of time (potentially several minutes depending on methodology).
21. While eels have been shown to handle much higher temperatures, incipient lethal temperature (e.g., where fish are exposed to temperature for longer periods of time, 24 hours to 14 days depending on methodology) found glass eels of both shortfin and longfin to have lethal temperatures of 28°C and 25°C respectively⁴.
22. Further, the Application has the potential for additional adverse effects on freshwater fish associated with high water temperatures above 25°C. Potential sublethal effects can include susceptibility to competition, predation, parasites, and disease. Where the increase in temperature in the residual reach is not lethal for indigenous freshwater fish, it could still impact on their behaviour (in association with other stressors) as well as effects on freshwater invertebrates.

⁴ Olsen, D.A., Tremblay, L., Clapcott, J & Holmes, R. (2012). *Water temperature criteria for native aquatic biota*. Auckland Council Technical Report 2012/036. [Water temperature criteria \(knowledgeauckland.org.nz\)](http://knowledgeauckland.org.nz)

23. The effects of the increased temperature is an area of concern. Action should be taken by the Applicant to prevent water temperature reaching or exceeding 25°C in the residual reach, and remedial action should be taken when it does. It is considered that more detail is required on the proposed mitigation methods as well as ongoing monitoring of its effectiveness.

Loss of habitat

24. It is noted that the current consent conditions require the Applicant to enhance fish habitat and passage in the residual reach, however there are no specifics associated with this and no monitoring. DOC seeks further information on how the Applicant has enhanced the habitat in this reach during the previous consent term.
25. It is recommended that the monitoring of fish and fish habitat within the residual reach is included as a condition of consent, including any specific methods that are known to be successful for enhancement.
26. The Application also involves habitat reduction through reducing flows, however proposed consent conditions state that the Consent Holder will be required to maintain the residual reach for habitat and passage purposes. DOC seeks that the Applicant investigate other options to mitigate the effects of loss of habitat.

Financial contribution condition

27. Condition 8 of the Water Permit approved on 1 August 2017 under Consent 2053-3.2 required the consent holder to mitigate the environmental effects of the diversion by making annual payments of \$5,000 to Taranaki Regional Council as a financial contribution for the purpose of providing riparian planting and management in the Waiwhakaiho River catchment. The proposed consent conditions suggested by the Applicant within Appendix K of the Application do not include the same financial contribution condition or a condition to similar/like effect.
28. DOC seeks to know the reasoning behind why a similar condition has not been listed in the proposed conditions within Appendix K. DOC also seeks to know how Taranaki Regional Council has used this financial contribution to date and whether any future financial contributions could be used for improving habitat in the residual reach, for example, via shading.
29. Unless the Applicant or Council can reasonably justify why it would be inappropriate to include a financial contribution condition in the renewed consent, DOC recommends a condition similar to Condition 8 of Consent 2053-3.2 be incorporated into consent renewal 2053-4.0 with an adjustment for inflation, if the consent is approved.

Other points for consideration

30. In regard to intake entrainment on Waiwhakaiho River, the Application notes that this area is unable to be screened. DOC seeks further information on whether the Applicant has explored other options to reduce behaviour deterrents and other potential adverse effects that could result from the lack of screening.
31. For intake at the dam, the Application states that velocity is low enough that eels and large fish will not be entrained against the trash racks. DOC seeks further information to know how the Applicant has come to this conclusion, is it for example, through monitoring, or an assessment of expected velocity vs fish swimming ability?
32. The Application indicates that eels and large fish are unable to get into the turbines due to 20mm spacing on trash racks, however further within the Application there is mention of mortality of large fish going through the turbines. If the Application involves eels and larger fish having a high mortality rate to due being able to access to the turbines, this would be of major concern. DOC seeks clarification on whether eels and large fish can get past the trash racks and into the turbines.
33. DOC seeks further information on whether there have been records of mass fish deaths in regard to the activity. If this is the case, how are these recorded and/or reported. Additionally, are there any potential monitoring methods to quantify/estimate how many fish are making it to the turbines and if so, can these be monitored and reported.
34. DOC seeks further information in regard to the trap and transfer of eels to ensure effects on eels have been suitably considered. This includes but is not limited to:
 - Where are these eels released?
 - Is there any monitoring of the success of trap and transfer?
 - Have impacts on the receiving environment been mitigated against? (e.g., releasing a large number of predators can result in high levels of predation)
 - Has the Applicant sought the correct authorisations under all relevant Acts (e.g., s26ZM Conservation Act, Fisheries Act Special Permit) for the activity?

Statutory Frameworks

35. As presented, the application is contrary to the purpose of sustainable management defined in Part 2 of the RMA. The application as it stands fails to ensure that adverse effects of the activities are avoided, remedied or mitigated. In particular, it is inconsistent with:
 - Matters of national importance outlined in s6(a) of the RMA which requires that all persons exercising functions and powers under it shall recognise and provide for the protection of lakes and rivers and their margins. As the application does not provide

sufficient information to assess the ecological values of the site, it fails to give effect to Section 6(a) of the Act.

- Other matters outlined in s7 of the RMA, including: 7(d) intrinsic values of ecosystems; 7(f) maintenance and enhancement of the quality of the environment; 7(g) any finite characteristics of the natural and physical resources; and 7(i) the effects of climate change.

36. The application is contrary to the objectives and policies of the NPS-FM, including:

- Objective 1(a) which seeks to ensure that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems.
- Policy 3 which requires freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- Policy 4 which requires freshwater is managed as part of New Zealand's integrated response to climate change.
- Policy 9 which seeks that the habitats of indigenous freshwater species are protected.

37. The application is contrary to the objectives and policies of the Taranaki Regional Policy Statement, including but not limited to:

- WAL Objective 1 and Policies WAL 2, 3 & 4.
- WQU Objective 1 and Policies WQU 6.
- BIO Objective 1 and Policies BIO 1, 2, 3 & 4.

38. The application is contrary to the objectives and policies of the Regional Freshwater Plan for Taranaki, including objectives 6.1.1, 6.2.1 & 6.6.1.

Decision sought

39. I seek the following decision from the Council:

- a) That the consent authority **declines the application**, given the shortcomings identified above;
- b) If the consent authority is minded to grant the application, that it imposes the following additional requirements:
 - i. A consent condition that imposes dissolved oxygen limits and monitoring.
 - ii. A consent condition that imposes limits and monitoring for sedimentation.

- iii. A consent condition that requires 20mm spacing trash racks to help exclude larger fish. It is noted that 20mm spacing trash racks already form part of the Application, but it is recommended that this is included as a specific condition in case the consent holder wishes to modify this in the future.
- iv. A financial contribution condition as detailed under points 27-29 of this submission.
- v. Reduce the zone of reasonable mixing from 7x the width of Waiwhakaiho River, to 3x the width of Waiwhakaiho River.
- vi. A consent condition that requires DOC's input into the trap and transfer management plan.
- vii. A review condition for the trap and transfer management plan with specific criteria to determine effectiveness.
- viii. A consent condition that provides adequate protection against lethal and sublethal temperature increases in the residual reach.
- ix. A consent condition that requires adequate monitoring and reporting including but not limited to fish habitat and passage in the residual reach; water temperature in the dewatered reach; and water quality and flows.
- x. Any other suitable conditions and/or compensation to address my concerns raised above.

40. I also seek such alternative and/or additional relief as may be necessary and appropriate to address my concerns.

I do wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Daniel Heinrich

Operations Director – Hauraki/Waikato/Taranaki Region

Department of Conservation

Te Papa Atawhai

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 6 March 2023

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

Attn: Ashiley Sycamore, RMA Planner
Department of Conservation
RMA Shared Services
Private Bag 3072
Hamilton 3240
New Zealand
Email: asycamore@doc.govt.nz
Phone: 027 234 4847

4. The specific parts of the application this submission relates to are:



The whole application (*tick box*), or parts of the application described below:

(Attach additional sheet if necessary)

5. My submission is (*give details*):

Refer to the attached pages for full submission.

(Attach additional sheet if necessary)

6. I seek the following decision from the Council



To grant consent



To refuse consent

If Consent is granted, the conditions I seek are:

Note: You do not have to suggest conditions, particularly if you seek that consent be refused.

Refer to full submission for details on the decision requested.

(Attach additional sheet if necessary)

7. Request for independent commissioner(s)



Pursuant to section 100A of the Resource Management Act 1991, I request that the Taranaki Regional Council delegates its functions, powers, and duties required to hear and decide the application to one or more hearing commissioners who are not Taranaki Regional Councillors.

[Please tick if you do wish to make a request otherwise leave blank]

Note: Such a request may be made [in writing] up to 5 working days after close of submissions. If you do make a request under section 100A of the Resource Management Act 1991, **you will be liable to meet or contribute to the costs** of the hearings commissioner or commissioners.

8. Signature



I/we have served a copy of this submission on the applicant (*This is required by section 96(6) of the Resource Management Act 1991*)

Signature:* Ashley Sycamore
(Person making submission, or person authorised to sign on behalf of person making submission.)

Date: 06 / 03 / 2023

NOTICE OF SUBMISSION

To: The Chief Executive
Taranaki Regional Council
Private Bag 713
STRATFORD

We: Fish and Game New Zealand, Taranaki Region (Taranaki Fish & Game Council)

Address: PO Box 662 New Plymouth 4340

Name of contact person: Allen Stancliff
Email: astancliff@fishandgame.org.nz

Phone Work: (06) 757 9676
Cell: 027 263 9152

Pursuant to Sections 96 and 97 of the Resource Management Act 1991, hereby make a submission to Application Nos: 2053-4.0; 2054-4.0; 2056-4.0; 4886-2.0; 4888-2.0; 10895-1.0.

Made by: Manawa Energy Limited.

For permits to: Operate the Mangorei Hydro Electric Power Scheme

Our reason for making this submission is: The Waiwhakaiho River catchment supports important habitat for brown trout and is a regionally significant trout fishery. Taranaki Fish & Game therefore wishes to be involved in discussions relating to these applications for resource consent.

The Waiwhakaiho River Catchment is listed in Appendix 1A of the operative Taranaki Regional Freshwater Plan and Policy 3.1.4 provides that its high natural, ecological and amenity values will be maintained and enhanced as far as practicable and that adverse effects on these values will be avoided as far as practicable, or remedied or mitigated.

The existing consented minimum flows downstream of the Mangorei HEPS diversion weir, of 400 l/s, 600 l/s & 700 l/s are just 19%, 28% & 33% respectively of the river's 7-day MALF of 2.11 m³/s.

The proposed mitigation measures, including water temperature triggers and temporary increases in residual flow may not be sufficient to address adverse effects of the water take on the residual river reach and the effects of the fluctuating flow regime on the lower river.

Lake Mangamahoe supports an important fishery for brown and rainbow trout and Taranaki Fish & Game is concerned that any increase in the extent and frequency of lake level drawdown, and issues with lake sedimentation, will reduce the productivity and value of this fishery.

Our submission would be satisfied by the Council taking the following decision and/or incorporating conditions with the following intent:

Setting conditions which ensure that any actual or potential adverse effects on trout habitat, fishery values and ecosystem health are avoided, or remedied or mitigated, including (but not limit to):

- Setting appropriate minimum flows in the 6km residual river, including an increase in flow from 600 l/s to 700 l/s in November and December;
- Reducing the proposed temperature trigger for a temporary reduction in abstraction (and an increase in flow in the residual river) from 25°C to 24°C to provide brown trout with greater protection from lethal effects and amending proposed condition 6 so that additional flow is provided in the residual river whenever water temperatures in the residual river exceed 24°C (rolling one hour average);
- Setting a periphyton biomass trigger for flushing flows in the residual river (as well as time-based trigger between freshes);
- That the proposed plan to monitor the effectiveness of temporary increases in residual river flow and flushing flows in reducing water temperatures and periphyton growth (proposed condition 11) be prepared in consultation with submitters, be on-going and provide for consent review triggered by the results of monitoring;
- That ongoing monitoring of sediment accumulation in Lake Mangamahoe is included as a condition of consent;
- That there is an annual financial contribution towards environmental enhancement projects in the catchment;
- That the term of consents is set to align with the TRC's Waiwhakaiti catchment expiry dates (e.g., 1 June 2038).

We DO wish to be heard in support of this submission.

Signature

A. Stanoff

Date

3/03/2023



6th March 2023

Re: Application to replace five resource consents and for one new consent, relating to the operation of the Mangorei Hydroelectric Power Scheme.

To: TRC Consents

Email: consents@trc.govt.nz

From: Royal Forest and Bird Protection Society of New Zealand Inc.

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Re: applications to replace five resource consents and for one new consent, relating to the operation of the Mangorei Hydroelectric Power Scheme.

Details of the application

Applicant: Manawa Energy Ltd

Address for service: Manawa Energy Ltd, C/- L Mead, Consenting Manager, 108 Durham St, Tauranga 3110 or consents@manawaenergy.co.nz

Location: Lake Mangamahoe, Junction Road, New Plymouth

We wish to submit on the following resource consent applications:

- Consent No: 2053-4.0 Application lodged: To dam and divert water in the Waiwhakaiti River via an existing diversion weir and intake structure and the take and use of up to 10 m³ /s of water from the Waiwhakaiti River for hydro-electricity generation purposes
- Consent No: 2054-4.0 Application lodged: To dam the Mangamahoe Stream to form Lake Mangamahoe to act as a reservoir of water for hydro-electric generation purposes
- Consent No: 2056-4.0 Application lodged: To use up to 864,000 m³ of water per day from Lake Mangamahoe for hydro-electric generation purposes
- Consent No: 4886-2.0 Application lodged: To use and maintain structures in the Mangamahoe Stream to dam the stream to form Lake Mangamahoe for hydro-electric generation purposes

- Consent No: 4888-2.0 Application lodged: To discharge up to 150,000 litres/second of water from Lake Mangamahoe via a spillway into the Mangamahoe Stream in the Waiwhakaiho Catchment under emergency conditions associated with hydroelectric generation purposes
- Consent No: 10895-1.0 Application lodged: To disturb and extract gravel from the bed of the Waiwhakaiho River (new consent)

Forest & Bird wish to be heard in support of this submission.

Forest & Bird could not gain an advantage in trade competition through this submission.

1. Introduction

- a. The Royal Forest and Bird Protection Society of New Zealand Inc. has been Aotearoa New Zealand's independent voice for nature since 1923 with many members and supporters nation-wide.
- b. Forest & Bird's constitutional purpose is:
To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.
- c. Forest & Bird is actively involved in regional and district planning processes relating to freshwater, coastal environments, and biodiversity across Aotearoa New Zealand.
- d. Forest & Bird's Taranaki Branches are actively involved in regeneration projects and monitoring local and regional environmental issues.
- e. Forest & Bird's key interest and concerns with these applications relates to impacts on and the protection of freshwater biodiversity.

Submission

2. Forest & Bird is opposed to the application as currently sought.
3. Forest & Bird's submissions primarily address the following aspects of the applications:
 - Fish passage and screening
 - Consent duration
 - Hydrology and water quality impacts
 - Inconsistency with National Policy Statement for Freshwater (2020) direction
 - Inconsistency with Regional Freshwater Plan requirements, particularly relating to minimum / residual flows

Consent duration

4. Forest & Bird is concerned with the length of consent duration sought by the applicant and seek a shorter consent duration.

5. The Applications for Resource Consent and Assessment of Environmental Effects outlines an expected 0.9 degree rise in average temperature in Taranaki by 2040. The projected mean temperature increase by 2056 (end of 35 year term from 2021) is approximately 1.1 °C (pg. 62, Hydrology Assessment by Tonkin & Taylor). The report also details expected increased rainfall and dryer conditions at certain times of the year. Due to the unpredictability of the changing climate and the impacts this will have on river flow, fish populations and species distributions, river course, as well as demand for water for the purpose of NPDC's drinking supply (as urban growth is expected to increase) it is almost impossible to adequately assess current consent conditions and environmental impacts against the possible climate scenarios of the mid 2050s.
6. While the report states that "it is apparent from the technical assessments that the environmental effects of the Mangorei HEPS are well known and understood" (pg 49), the changing climate will have impacts on the environmental effects over the next 35 years, therefore a shorter consent duration should be included in consent conditions to allow for a review of unknown and unmonitored environmental impacts in future.
7. A shorter consent duration would be consistent with the National Policy Statement for Freshwater (2020), in particular Policy 4 "Freshwater is managed as part of New Zealand's integrated response to climate change."
8. We note that a recent hearing panel decision declining an application to take and use what is known as the 'Tranche 2 groundwater' from the Ruataniwha aquifer in Central Hawke's Bay noted that
 - a. in relation to NPSFM Policy 4, even assessing the potential climate change impacts over the requested 20 year term of consent was difficult, particularly given the applicants had based the assessment it provided on historical data
9. the applicants' assertion that any unforeseen impacts from the consents could be "reversed" later in the course of the consent through a review was not true "in practice". That is, it would be very difficult for a council to reverse a consent decision in future within the constraints of the RMA provisions. In the case of the HEPS, there has been no assessment going forward of the potential changes in flows etc. under a changing climate through the course of the consent (only general reference to region-wide predictions), and the applicant has asserted (in a similar way to the 'Tranche 2' applicants noted above) that "the review provisions under the RMA provide adequate safeguards to re-evaluate the conditions of consents (if necessary) in the future" (p50). As noted by the hearing panel above, this is not the case.
10. Forest & Bird considers that a shorter consent duration of not more than 10 years would be appropriate given the changing climate and reasons set out above.

Fish Passage Conditions

11. Forest & Bird acknowledge the constraints and impediments to modifying or upgrading infrastructure for improved fish passage. However, fish passage is a major biodiversity issue for this scheme, having had impacts on fish passage since its inception. The NPSFM sets out to give effect to Te Mana o te Wai (Policy 1) by requiring the prioritisation of:
 - a. the "health and well-being of water bodies and freshwater ecosystems" and protecting the habitats of indigenous freshwater species (Policy 9)
 - b. includes specific requirements for fish passage to be included in plans (3.26 Fish passage).

12. Providing for ecosystem health includes providing for habitat, aquatic life, and ecological processes. And plan provisions on fish passage include an objective to maintain and improve fish passage. Native freshwater fish need to migrate up and down stream in order to feed and breed, especially those that spend part of their lives at sea. A large number of fish species in the Waiwhakaiho River are affected by the presence of the weir, intake opening and trash screen (the AEE notes "There will be some mortality for larger fish that make it past the trash screen at the intake" p5). Several migratory native fish species in the Waiwhakaiho catchment are also identified as 'at risk' by the Department of Conservation threat classification.
13. The NPSF2020 requires that "The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats." We anticipate this will be incorporate into the TRC regional freshwater plan shortly, if it hasn't been already.
14. For consent number 4887, Forest & Bird consider stronger mitigation efforts are required to improve fish passage. The current trap and transfer programme does not adequately "maintain" fish passage and needs to be improved. Current instream structures provide a significant impediment to fish movements and not all indigenous fish species are provided safe or efficient passage by the trap and transfer measures currently applied. As stated in the Fish Passage and Fish Screening Assessment by Ryder Environmental Limited, increasing the period of time trapping is undertaken should be explored, as well as trapping techniques.
15. Forest & Bird consider that the inclusion of clear and prescriptive conditions is required to ensure maximum fish passage and protection of indigenous fish species.
16. We seek that this include fish screening / exclusion measures being put in place on / at the intake structure on the Waiwhakaiho River. Without this, there is a serious mismatch between the ability of fish to move upstream safely (via the fish passage) and the ability of fish to get back downstream. There is no point in providing for one without the other. For example – there is little point in tuna (eels) being able to move upstream only to be killed years later when they try to move downstream and out to sea to breed. The same goes for inanga and other species. Having better screening could minimise the need for trap and transfer programmes from the lake, or at least make them required less frequently.
17. We also question whether the temperature of the water, concrete, and boulders in the fish passage during low flow conditions is bearable for fish migrating upstream (e.g., in the sun, these are likely to get very hot). We have heard of fish being 'baked' on to fish passage structures in the past and suggest the hearing panel seek information from the applicants as to whether this is a risk here.
18. There should also be fish screening / exclusion measures installed within Lake Mangamahoe as part of the consent conditions. This is particularly important given "Longfin and shortfin eels, and bullies are also common [in the lake], and in 2008 a giant kokopu was found in the lake. There is recent DNA evidence that koaro may also be present" (p30).
19. Conditions on consent are also needed to ensure that Trustpower also transfer additional migratory native fish species if captured in traps.
20. Forest and Bird also considers that conditions should direct Trustpower to provide the opportunity for willing local Iwi and other stakeholders to work alongside them and to seek regular input from independent experts in native fish migration on a regular basis.

Hydrology and Water Quality Impacts and Conditions

21. Climate change is going to bring changes by 2040 – even greater ones by 2056 (35 years from 2021). “In the Taranaki area, the future climate is predicted to be warmer (e.g. by around 0.9 C by 2040) with higher rainfall in winter (e.g. about 5% more). Coupled with a predicted increase in the number of both “hot days” and “dry days”, this is anticipated to result in a reduced summer mean flow and increased frequency and duration of low flow events. However, the reduction in summer flows is expected to be offset by an increase in the winter mean flow. Flood discharges may also increase with the predicted increase in storm rainfall depths.” (pg 69, Hydrology Assessment – Tonkin & Taylor).
22. These changes in climate are likely to exacerbate existing issues with the hydrological connectivity of the ecosystem (e.g., the Mangamahoe stream) and water quality issues (such as where water quality in the Mangamahoe stream seems to not comply with NPSFM bottom lines – e.g., “the benthic macroinvertebrate communities in the lower Mangamahoe Stream (near its confluence with the Waiwhakaiho River) are indicative of ‘poor’ health and dominated by snails and worms... [and] Periphyton biomass has... at times been slightly over the guideline of 50 mg/m²”). We suspect this is partly exacerbated by the lack of residual flows in the Mangamahoe Stream.
23. In order to help address these issues, Forest & Bird seek
 - a. a residual flow be provided down the Mangamahoe Stream downstream of the Mangamahoe dams.
 - b. Fish passage be provided past the Mangamahoe dams
24. These interventions would be also consistent with NPSFM direction, particularly on giving effect to Te Mana o te Wai (Policy 1), protecting native fish habitat (Policy 9), and improving fish passage (s3.26). This area is relevant habitat, as the AEE notes “Water quality in the lower Mangamahoe Stream is sufficient to maintain a native fish community, and eels and redfin bullies have been found both upstream and downstream of the lower dam owned by NPDC.” (p33).
25. In relation to the residual and flushing flows in the Waiwhakaiho River, Forest & Bird
 - a. is concerned with the continuation of the status quo in residual flow conditions, albeit with the introduction of an additional provision regarding temperature threshold exceedances.
 - b. questions whether the residual flows are consistent with regional plan requirements and policies relating to minimum flows and minimum habitat protection requirements
 - c. supports the introduction of a flushing flow regime, but is concerned that the proposal to set this at “three times the median flow” is an arbitrary threshold that is not supported by strong scientific evidence, including any evidence from existing schemes that use this threshold for their flushing flows.
26. We seek that conditions be imposed on the consent to increase the minimum/residual flow and the proposed flushing flows in the Waiwhakaiho River to levels that are supported by sound scientific analysis/evidence (i.e., the “best available information” as per the NPSFM requirement) and which comply with the requirements of the regional freshwater plan.
27. This is particularly important given the potential implications of climate change. I.e., ‘locking in’ a residual and flushing flow regime now, that is not fit for purpose, could constitute an enormous risk to freshwater ecosystem health over the proposed 35 year term of the consent if the climate changes as predicted (and in fact, it seems the climate is likely to change in more extreme ways than predicted). It is extremely unlikely this regime will give effect to NPSFM Te Mana o te Wai requirements in years to come. We also note the regional plan requirements are out of date with

respect to the NPSFM and will be updated very soon (in planning timeframes). A renewed, NPSFM (2020) compliant, plan is due to be notified by the end of 2024.

New Consent: Consent No: 10895-1.0 Application lodged: To disturb and extract gravel from the bed of the Waiwhakaiho River.

28. Forest and Bird notes that the AEE for the new consent being sought is included as part of the application for existing consents. We note that the consent to disturb and extract gravel is to enable the clearance of fish passage and regular maintenance of the diversion weir and fish pass.
29. We seek that regular physical habitat monitoring be undertaken at the location of the works to ensure habitat is maintained or improved over time. We consider this could be completed with a simple ongoing 'Habitat Quality Index' assessment. We have attached an example of this type of assessment as an appendix to this submission (see section 4.6 in particular).

Decision sought

30. Forest & Bird seeks that the applications be declined unless conditions can be inserted to address the matters set out in this submission.

Thank you for the opportunity to submit on the application.

APPENDIX IN SEPARATE DOCUMENT:

Appendix 1 - Mangatainoka Ecological assessment 23Feb22

Mangatainoka River at Mowbrays Rd

WATER QUALITY AND ECOLOGICAL REPORT FOR GRAVEL EXTRACTION
APPLICATION BY PRENTERS AGGREGATES

FOR KAHUNGUNU KI TĀMAKI NUI-A-RUA

17 FEBRUARY 2022

KATE MCARTHUR

THOMAS KAY



Looking downstream over the Mangatainoka River at Mowbrays Rd. Image: Thomas Kay (Kāhu Environmental).



www.kmwater.co.nz



www.kahuenvironmental.co.nz

Summary and recommendations

Summary

Prenters Aggregates proposes to extract 40,000 m³ gravel from a section of the Mangatainoka Awa (Figure 1), near Mowbrays Rd, Eketāhuna. This report is intended to help inform the potential impacts of gravel extraction on the health of the Awa and form a baseline against which the state of the river in future (during and after gravel extraction) can be assessed to determine the scale of any environmental effects that might result from the activity and any potential remedial actions which might be undertaken.

Ecological health in the Mangatainoka Awa in the vicinity of the proposed gravel extraction site is good to excellent. A healthy range of macroinvertebrates, indigenous fish, and large invertebrates (including taonga species) are known to inhabit the catchment, including threatened and at risk taxa. Water quality is relatively high and there is a range of important habitat available for indigenous fish, including a mosaic of flow types, instream wood, and undercut banks. Cultural values at the extraction site are high and the cultural health assessment results reflect the health and well-being of the site.

Recommendations

As kaimahi/kaitiaki from the Mangatainoka Awa, tangata whenua representatives may express different or more stringent views and recommendations for how the consent should proceed (or not) and what consent conditions may be imposed.

Whilst we have recommended below potential steps which may reduce the impacts of the gravel extraction on tangata whenua and ecological values, we acknowledge that we do not speak for tangata whenua and we are not cultural experts of this awa.

Recommendations:

1. All recommendations raised, adopted, or supported by tangata whenua are worded as specific consent conditions in a manner that allows for compliance monitoring to be assessed.
2. Accidental discovery protocols must be agreed with mana whenua.
3. People undertaking gravel extraction shall make themselves aware of the current good to excellent health of the awa, and of the requirement to avoid, remedy, or mitigate the impact of their activities on the awa and the aquatic life it supports.
4. People undertaking gravel extraction shall make themselves aware of the cultural values of the site for mana whenua and requirements to avoid,

remedy, or mitigate effects on tangata whenua values in the vicinity of the extraction site. This may require cultural and ecological induction for all staff accessing the site for extraction purposes and the employment of kaimahi (or cultural monitors) to be present whenever extraction activities are taking place.

5. Gravel extraction shall only occur from exposed, dry gravel bars.
6. Heavy machinery shall not operate in or within 2 metres of the wetted channel.
7. Extraction shall ensure gravel bars are not reduced to a level < 0.5 m above the surface of the water.
8. The number of river crossings by heavy machinery shall be minimised. Where crossings are required, these shall use the same tracks.
9. Additional surveys (repeating this one) shall be undertaken during and following the proposed gravel extraction. Ideally this would include:
 - a. A survey in the period during gravel extraction to determine effects during the activity
 - b. A survey immediately after the end of all gravel extraction at the site to determine the full extent of effects of the activity on the river
 - c. A survey approximately 12 months after gravel extraction has finished to determine any 'legacy' effects of the activity (this survey should only occur once the river has experienced some higher flows capable of moving riverbed gravels)
10. Remediation of significant habitat features lost through the gravel extraction activities (as measured by the surveys) shall be undertaken.

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1 Background

Prenters Aggregates proposes to extract 40,000 m³ gravel from a section of the Mangatainoka Awa (Figure 1), near Mowbrays Rd, Eketāhuna. Extraction will involve the use of an excavator to take gravel from dry river bars, with aggregate then loaded into dump trucks and transported to stockpiles on adjoining land at the end of Mowbrays Road.

We (the authors) were engaged to undertake an assessment of the water quality, ecology, physical habitat, and some aspects of cultural health of the proposed gravel extraction reach in advance of the extraction. This is intended to help inform the potential impacts of gravel extraction on the health of the Awa and can form a baseline against which the state of the river in future (during and after gravel extraction) can be assessed to determine the scale of any environmental effects that might result from the activity and any remedial actions that can be taken as appropriate.



Figure 1: Site plan / gravel extraction reach. (Good Earth Matters Consulting, 2020).

2 Summary of middle Mangatainoka Awa water quality and aquatic ecology

The Mangatainoka Awa (One Plan water management zone Mana_8b Middle Mangatainoka) is a tributary of the Manawatū Awa. There are nine state of the environment (SOE) sites monitored by Horizons Regional Council (HRC) on the Mangatainoka Awa (from upstream to downstream):

- a. Mangatainoka at Putara
- b. Mangatainoka at Larsons Road
- c. Mangatainoka at Hukanui Road
- d. Mangatainoka at Scarborough Konini Road
- e. Mangatainoka at Pahiatua Town Bridge
- f. Mangatainoka at u/s Pahiatua STP (Sewage Treatment Plant)
- g. Mangatainoka at d/s Pahiatua STP
- h. Mangatainoka at SH2 Bridge
- i. Mangatainoka at u/s Tiraumea confluence

Mangatainoka at Larsons Road is approximately 8 to 10km upstream of the proposed Mowbrays Road gravel extraction site and Mangatainoka at Hukanui Road is approximately 3km downstream of the site.

Land Air Water Aotearoa (LAWA) shows a summary of the data collected from these sites and any trends in water quality (along with other sites across the motu).

The Mangatainoka at Mowbrays Road (upstream/middle of proposed extraction site) and the Mangatainoka at Golders Road (upstream of site) (Figure 1) were assessed on 2 February 2022 for ecological and some aspects of cultural health as part of this report. The sites were also assessed for sediment and morphological characteristics and drone surveys were undertaken for the purposes of establishing a baseline for future habitat quality index (HQI) assessment.

2.1 Upstream water quality and ecology

Microbial contaminants and faecal indicator bacteria (*E. coli*)

Long-term water quality in the Mangatainoka at Larsons Road, classed as an upland forest site, shows that *E. coli* is in the worst 25% of like sites across the country. It is in the National Objectives Framework (NOF) D band for faecal contaminants (median 505 *E. coli*/100ml), with a very likely degrading

ten-year trend. However, the five-year median *E. coli* concentration of 120 /100ml indicates that under low to median flow conditions the river is likely to be safe for contact recreation much of the time with respect to microbial contaminants from faecal sources. Although the site is classed as upland forest there is a proportion of the contributing catchment in intensive dairying land use, which likely contributes to the poorer water quality when compared with other upland forest sites nationally and will result in elevated *E. coli* through overland run-off when there is rainfall in the catchment and river flows are elevated.

Water clarity and turbidity

Water clarity and turbidity at the Larsons Road site were in the worst 50% of like sites (clarity five-year median 1.8 metres) and best 25% (turbidity five-year median 0.62 NTU) of like sites respectively. Clarity and turbidity showed very likely degrading ten-year trends. Clarity measures indicate the site is suitable for contact recreation (a median clarity of 1.6 metres or greater is recommended for recreational sites).

Nitrogen

Total nitrogen, total oxidised nitrogen and dissolved inorganic nitrogen were in the worse 50% of like sites nationally, although concentrations were low with medians of 0.15 mg/L, 0.06 mg/L and 0.065 mg/L respectively. Total nitrogen and total oxidised nitrogen show very likely degrading ten-year trends and dissolved inorganic nitrogen (DIN) is likely degrading over that time also. Nitrate is in the NOF A band for toxicity and is also very likely degrading. Ammoniacal nitrogen is within the worst 50% of like sites nationally (five-year median 0.005 mg/L), although in the NOF A band for toxicity so concentrations are low, with a very likely improving trend. Dissolved inorganic nitrogen contains total oxidised nitrogen and ammoniacal nitrogen and is the bioavailable fraction of nitrogen in water that can stimulate algal growth. The five-year median DIN concentrations are well within the One Plan target for this management sub-zone of 0.444 mg/L.

Phosphorus

Dissolved reactive phosphorous (DRP) (five-year median 0.003 mg/L) and total phosphorous (five-year median 0.008 mg/L) were in the best 50% of like sites. A very likely improving ten-year trend was apparent for the bioavailable form of phosphorous (DRP) and total phosphorous showed an indeterminate trend (no apparent trend). Dissolved reactive phosphorous was within the One Plan target for the middle Mangatainoka management sub-zone of 0.01 mg/L.

Macroinvertebrates

Long term ecological data showed a five-year median macroinvertebrate community index (MCI) of 122 and quantitative macroinvertebrate community index (QMCI) of 6.33, classed as indicators of 'excellent' water quality and within the NOF B band. Average score per metric (ASPM) had a five-year median of 0.586 and was within the NOF A band. The median taxonomic richness was 23 taxa and 57% of all taxa were sensitive ephemeroptera (mayflies), plecoptera (stoneflies) and trichoptera (caddisflies), also known as EPT taxa. No trends in macroinvertebrate data were available.

2.2 Downstream water quality and ecology

Water quality and aquatic ecology in the Mangatainoka at Hukanui Road, classed as an upland rural site, has been measured by HRC since 2014. Because of the shorter period of record, long-term trend data and trend information (i.e., 10 years or greater) is not available for the site. No *E. coli*, clarity or turbidity data was available for the site on the LAWA data platform.

Nitrogen

Total nitrogen, total oxidised nitrogen and dissolved inorganic nitrogen were in the worst 50% of like sites nationally with five-year medians of 0.62 mg/L, 0.44 mg/L and 0.45 mg/L respectively. Nitrate nitrogen is in the worst 50% of upland rural sites nationally but is in the NOF A band for toxicity. Ammoniacal nitrogen is within the best 25% of sites nationally (five-year median 0.05 mg/L) and is in the NOF B band. Dissolved inorganic nitrogen, comprised of total oxidised nitrogen and ammoniacal nitrogen are the bioavailable forms of this nutrient, which can stimulate algal growth. Dissolved inorganic nitrogen just exceeds the One Plan target of 0.444 mg/L for this management sub-zone and all forms of nitrogen are found in significantly greater concentrations than the Larsons Road site upstream.

The significant increases in nitrogen concentration from the upstream site are attributable to the greater proportion of intensive dairy farming land in the catchment contributing to the Hukanui Road monitoring site.

Phosphorus

Dissolved reactive phosphorous (five-year median 0.003 mg/L) and total phosphorous (five-year median 0.01 mg/L) were in the best 50% of like sites. Dissolved reactive phosphorous is well below the One Plan target of 0.01 mg/L for the middle Mangatainoka management sub-zone.

Macroinvertebrates

Ecological data showed a five-year median MCI of 108 (NOF C band) and QMCI of 6.10 (NOF B band), classed as indicators of 'good' and 'excellent' water quality respectively. Five-year median ASPM was 0.509 and was within the NOF B band. The median taxonomic richness was 23 taxa and 45% of those taxa were sensitive EPT species. No trends in macroinvertebrate data were available.

A reduction in macroinvertebrate health has been recorded in the last five years between the upstream Larsons Road and downstream Hukanui Road sites and this is likely related to the increase in contaminants (such as nitrogen or fine sediment) from the increasing proportion of intensive dairy farming in the catchment contributing to the monitoring site.

3 Site surveys for ecological and habitat quality assessment

The Mowbrays Road gravel extraction reach (Figure 2) and an upstream control reach were assessed for ecological, cultural, and habitat quality features on 2 February 2022 by Kate McArthur (consultant ecologist – KM Water), James Kendrick (cultural expert – Kahungunu ki Tāmaki-nui-a-Rua) and Thomas Kay (Kahū Environmental). Two types of assessment were undertaken:

1. ‘On-the-ground’ / instream assessments at a single site in each of the control and gravel extraction reaches (this was used to measure fine sediment cover, substrate particle size, macroinvertebrates, clarity, cultural measures, etc.).
2. Desktop-based assessments of aerial orthomosaic imagery produced with a drone (this was used to estimate the area of different flow types, sinuosity, area of shading, etc.).

Figure 3 shows the gravel extraction and control reaches (indicated by red dashed lines) and the locations of on-the-ground/instream surveys (white dots). It also provides an indication of surrounding land uses.



Figure 2: Looking downstream over the Mangatainoka River at Mowbrays Road. Mowbrays Rd can be seen behind the rail bridge on the left of the river.



Figure 3: Mowbrays Road gravel extraction reach (bottom) and upstream control reach (top).

3.1 Summary of methods

On-the-ground assessments at each site included:

1. 'Walk over' and bankside assessments of deposited fine sediment, river morphology, and riverbed/bar partical size
2. Instream visual assessments of deposited fine sediment (using transects and a bathyscope).¹
3. Visual clarity (using a clarity tube)*
4. Benthic macroinvertebrates² (using a kick net)*
5. Shuffle index³
6. Particle size distribution using a Wolman walk⁴
7. Cultural health index assessment using the Atua domain^{5*}

*Gravel extraction site only

Desktop assessment using aerial drone imagery included:

1. Flow types (riffles, runs, pools, backwaters)
2. Instream cover
3. Sinuosity
4. Overhanging vegetation/shading

The full method for HQI assessment is provided in Appendix 1.

3.2 Flow

River flow at the nearest recording location (Mangatainoka at Larsons Rd) was approximately 253 l/s during the survey.⁶ This flow is significantly less than the 7-day mean annual low flow (MALF) recorded for the site (using flow records collected between 1983 and 2006) by Henderson and Diettrich (2007) of 395 l/s and is close to the minimum recorded flow for that time period of 211 l/s. The long-term median flow for the Mangatainoka at Larsons Road Bridge is 2,130 l/s. Flows were very low when the baseline surveys were undertaken, this needs to be accounted for when comparing with future survey data.

¹ Using the SAM2 protocols of Clapcott et al (2011).

² Macroinvertebrates were collected from riffles using a kick net, visually identified onsite, and returned live to the stream. The MCI was estimated from the observations and later corroborated by nearby SOE ecological monitoring data.

³ Clapcott et al. (2011).

⁴ Wolman (1954).

⁵ Young et al. (2008).

⁶ <https://envirodata.horizons.govt.nz/?siteName=Mangatainoka%20at%20Larsons%20Road&collectionName=Flow>

4 Results

4.1 Fine sediment

Baseline deposited fine sediment was significantly greater at the downstream site (27%) within the proposed extraction reach than at the upstream control site (2%) according to the results of the instream visual assessment (SAM2 protocols of Clapcott et al., 2011). The fine sediment observed at the site was predominantly fine sand (<2mm) as opposed to silt. However, Clapcott et al. (2011) propose the maximum percent cover of the bed by fine deposited sediment should not exceed 20% to protect instream biodiversity and fish spawning habitat. Deposited sediment greater than 25% is considered to have adverse effects on recreational and aesthetic values.

There was some evidence of recent extraction or river control works at the upstream control site in the vicinity of a grade control structure (Figure 4) and wire groynes. It is possible the increase in fine deposited sediment on the bed of the downstream proposed extraction site has resulted from upstream works. Enquiries have been made with the Regional Council Area Engineer to ascertain the nature and timing of works upstream. No consented works have been confirmed for the area. It is possible the potential negative effects of this sediment cover on the habitat of instream aquatic life have been 'softened' to some degree by the relative intactness of other important components of stream habitat through this reach — for example, the diversity of flow types.



Figure 4: Grade control structure in the upstream control reach with flattened gravel beaches suggesting engineering works or gravel extraction has recently occurred.

4.2 Water quality

Clarity at the proposed extraction site was assessed using a clarity tube. Observations of clarity exceeded the length of the tube (i.e., >1 metre), indicating high water clarity and low turbidity. The clear state of the water is beneficial to sight feeding fish and improves recreational, aesthetic and cultural values at the site.

Water quality degrades markedly in this stretch of the middle Mangatainoka River (in particular through increased nitrogenous nutrient concentrations). Small patches of filamentous green algae were observed, including some growth of potentially toxic benthic cyanobacteria beginning to establish within riffle habitats.

4.3 Macroinvertebrates

Macroinvertebrate samples collected at the proposed extraction sites contained a wide range of sensitive mayfly and caddisfly taxa as well as clean water diptera taxa and a low density of snails. Samples were congruent with the 'good' to 'excellent' classification for water quality from the long-term ecological data from the upstream and downstream SOE monitoring sites described above.

An unidentified bully (*Gobiomorphus spp.*) was collected in the kick net during macroinvertebrate sampling and more bullies and several large rainbow and brown trout were sighted in pools and deeper runs.

4.4 Fish and large invertebrates in the Mangatainoka Awa

Ten indigenous fish species have been recorded in the Mangatainoka catchment in 293 freshwater fish database records (Table 1), along with kōura (freshwater crayfish), kākahi (freshwater mussel) and introduced brown and rainbow trout. Of the ten indigenous fish, eight are migratory fish, requiring access to and from the sea to complete their life-cycles. Three species (shortjaw kōkopu, lamprey and freshwater mussel), are listed as threatened and nationally vulnerable and a further three species (longfin eel, kōaro and torrentfish) are at risk of becoming threatened and declining in population nationally (Dunn et al. 2018; Grainger et al. 2014).

The recent record⁷ of *E. aucklandica* in the Mākakahi tributary of the Mangatainoka outside of their traditional Northern range may be an indicator

⁷ 1 July 2021 by Wildland Consultants Ltd.

of Māori translocation of this species into the catchment, which is more likely to be naturally populated by *E. menziesii*. *E. aucklandica* are found in Wairarapa Moana and thought to have been translocated there by Māori.

Table 1. Fish and large invertebrate freshwater taonga species in the Mangatainoka catchment (New Zealand Freshwater Fish database records 1918 - 2021).⁸

Common name	Scientific name	Threat status
Shortfin eel	<i>Anguilla australis</i>	Not threatened
Longfin eel	<i>Anguilla dieffenbachii</i>	At risk – declining
Shortjaw kōkopu	<i>Galaxias postvectis</i>	Threatened – nationally vulnerable
Kōaro	<i>Galaxias brevipinnis</i>	At risk – declining
Upland bully	<i>Gobiomorphus breviceps</i>	Not threatened
Cran’s bully	<i>Gobiomorphus basalis</i>	Not threatened
Common bully	<i>Gobiomorphus cotidianus</i>	Not threatened
Common smelt	<i>Retropinna retropinna</i>	Not threatened
Kanakana/pīharau (lamprey)*	<i>Geotria australis</i>	Threatened – nationally vulnerable
Torrentfish	<i>Cheimarrichthys fosteri</i>	At risk – declining
Kōura (freshwater crayfish)	<i>Paranephrops planifrons</i>	Not threatened
Kākahi (freshwater mussel)	<i>Echyridella aucklandica</i>	Threatened – nationally vulnerable
Brown trout	<i>Salmo trutta</i>	Introduced
Rainbow trout	<i>Oncorhynchus mykiss</i>	Introduced

*Only one observation of lamprey for the Mangatainoka catchment exists for 1918.

4.5 Atua domain assessment results

A cultural health index assessment was undertaken during the site visit relying on the expertise of James Kendrick in assessing the cultural values of the site. The assessment used the Atua domain assessment developed by Young et al.

⁸ The Manawātū catchment is no. 325 in the New Zealand Freshwater Fish Database. Mangatainoka is catchment 325.201.

(2008) and used for previous cultural values assessments by Kahungunu ki Tāmaki-nui-a-Rua in the Tararua District with respect to wastewater treatment plant discharges and river control works at Ngāawapūrua (the confluence of the Manawatū and Tiraumea Rivers).

The overall score was 49.5 out of a possible 75 with the highest scoring attributes in the domain of Tangaroa, reflecting the high water quality, ecological health, water clarity and the overall health/well-being and positive feelings felt at this site. This is the highest cultural health index score for a measured site in the Mangatainoka catchment by Kahungunu ki Tāmaki-nui-a-Rua whānau and was marginally higher than the Mangatainoka Awa measured near the Pahiātua Township.

Cultural values for the proposed extraction site are high and there are significant historical associations with nearby pā, urupa and he ara haere (navigational routes) elevating the mana of this site for Kahungunu whānau.

4.6 Habitat Quality Index (HQI) baseline

Drone and desktop surveys showed both the upstream (control) and downstream (gravel extraction) reaches have a range of habitat available for indigenous fish, including a mosaic of flow types, instream wood, and undercut banks.

Baseline measurements for HQI assessment are provided in Table 2 below. Spaces for measurements 'after' the gravel extraction and the associated HQI scores have been left to indicate these will be completed following a future survey. It is at that point that HQI scores will be able to be calculated to quantify potential impacts of gravel extraction.

Riparian vegetation and floodplain width are not proposed to be affected by the gravel extraction so were not measured. They would be assigned an HQI score of 1.00 by default if unchanged. If they are found to be affected, they can be measured from the survey imagery later.⁹

Maps illustrating the measurement of habitat variables are provided in Figures 5 to 8. A full description of methods used to assess each habitat variable is provided in the Appendix.

⁹ Imagery and GIS files can be sourced from the authors.

Table 2: Habitat measurements for the control (upstream) and gravel extraction (downstream) reaches before the planned gravel extraction. Spaces for measurements 'after' the gravel extraction and the associated HQI scores have been left blank to indicate these will be completed following a future survey. Measurements are approximate.

	Control (Upstream)			Extraction (Downstream)		
	Before	After	HQI	Before	After	HQI
Substrate						
Deposited Sediment (% without) (representative run habitat)	97.7			72.85		
Particle Compaction ¹	2			1		
Inorganic Substrate Diversity (Simpson's Diversity Index) ²	0.89			0.88		
D ₅₀ (mm)	43			30		
Instream Cover						
Undercut Banks (m)	280			336		
Instream Wood (m ²)	273			1114		
Macrophytes (m ²)	0			0		
Flow Types						
Riffles (m ²)	2879			3125		
Runs (m ²)	12,592			28,283		
Pools (m ²)	6715			8293		
Backwaters (m ²)	1064			2500		
Riverbank						
Overhanging Vegetation (%)	15			17		
Sinuosity	1.53			1.66		
Riparian Vegetation (non-grass) ³	n/a			n/a		
Floodplain Width ³	n/a			n/a		
Results						
HQI (median)						
HQI (mean)						
Maximum individual component reduction						

¹ 1 = Loose, 2 = Mostly loose, 3 = Moderately packed, 4 = Tightly packed

² A number closer to 1 represents higher diversity. See appendix for formula.

³ Riparian vegetation and floodplain width are not proposed to be affected by the gravel extraction so were not measured. They would be assigned an HQI score of 1.00 by default if unchanged. If they are found to be affected, they can be measured survey imagery later.



Figure 5: Upstream control reach aerial orthophoto (left) and mapped flow types (right). The start of the downstream (gravel extraction) reach can be seen at the bottom of the images.

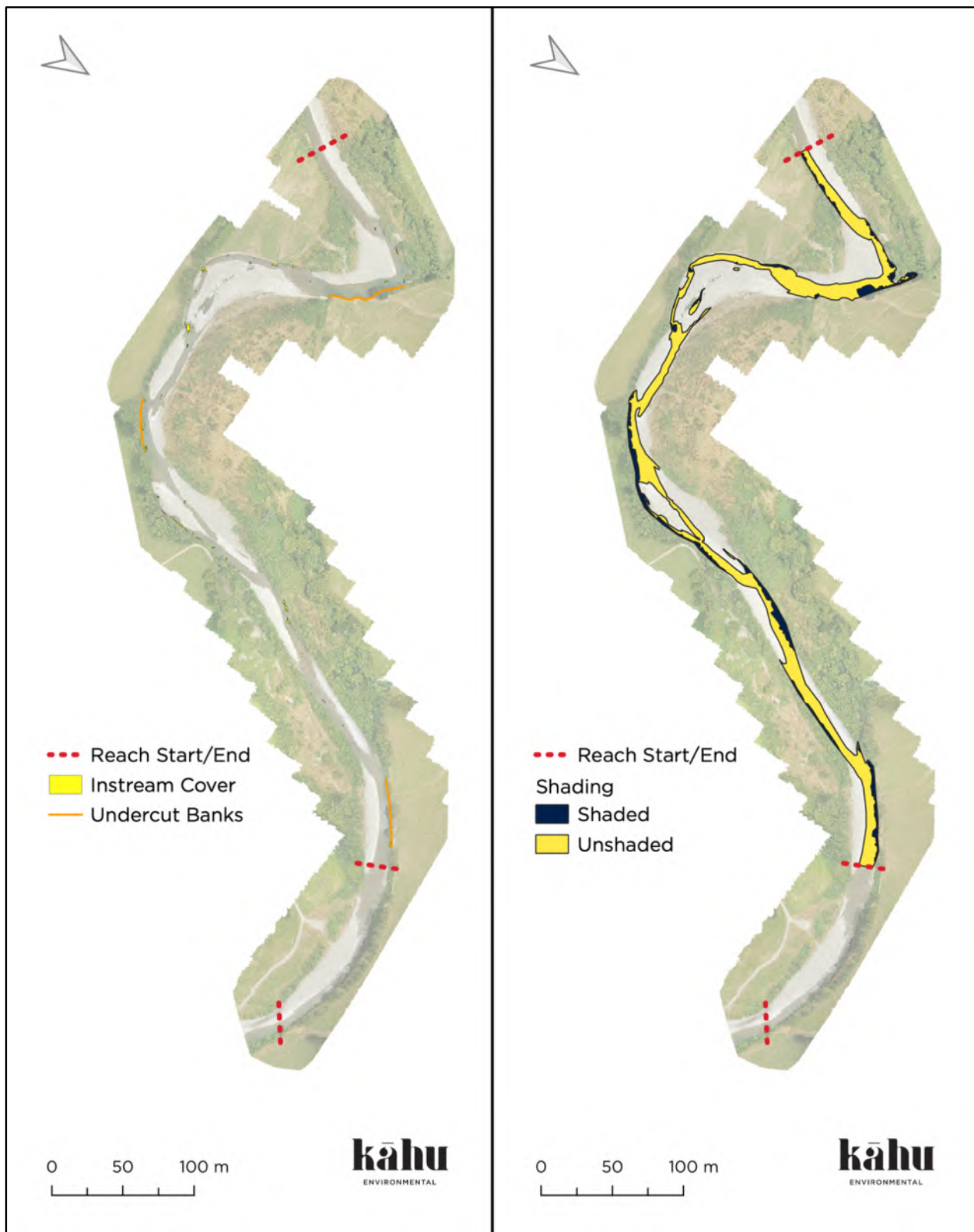


Figure 6: Upstream control reach instream cover and undercut banks (left) and shading/overhanging vegetation (right). The start of the downstream (gravel extraction) reach can be seen at the bottom of the images.

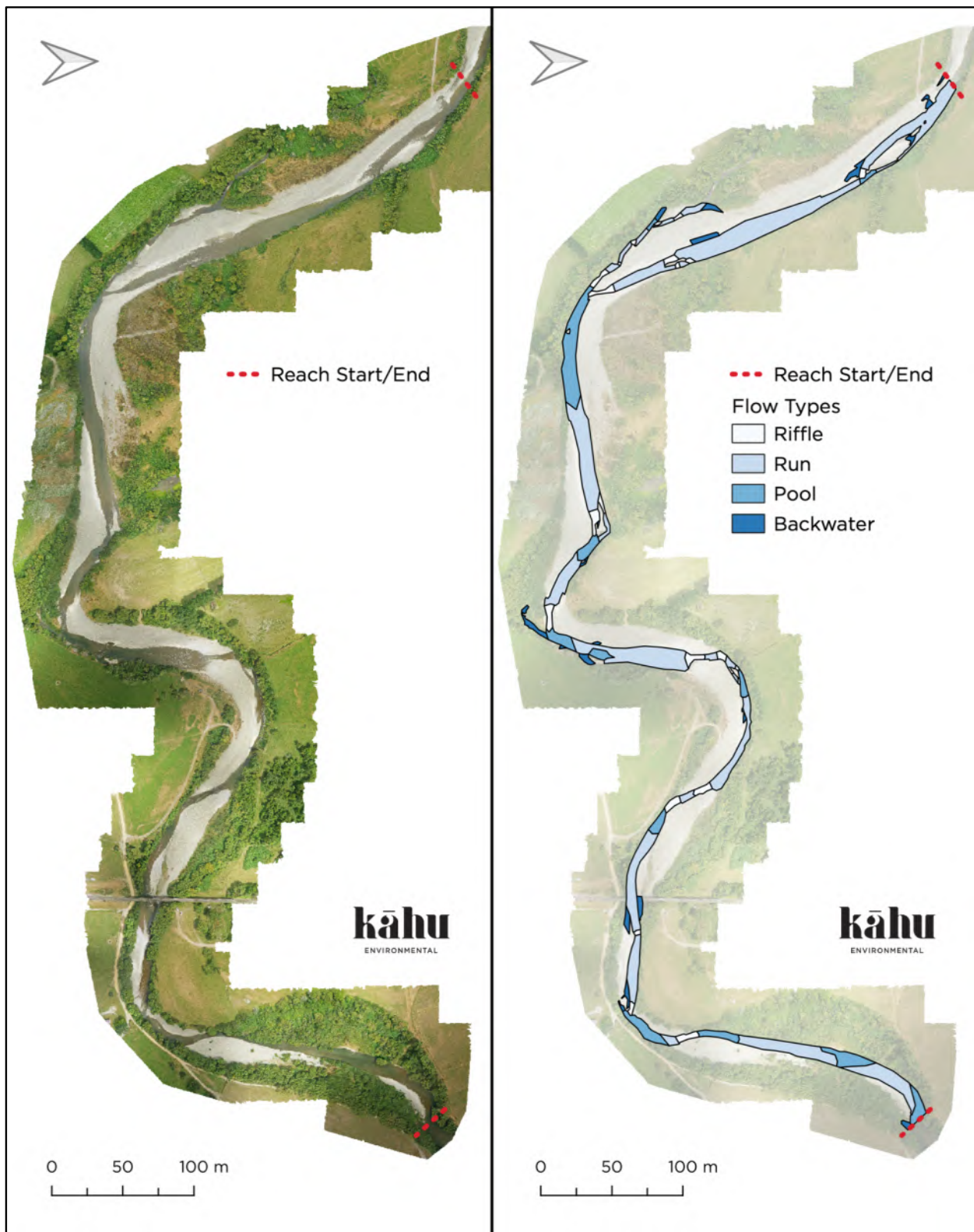


Figure 7: Downstream (gravel extraction) reach aerial orthophoto (left) and mapped flow types (right).

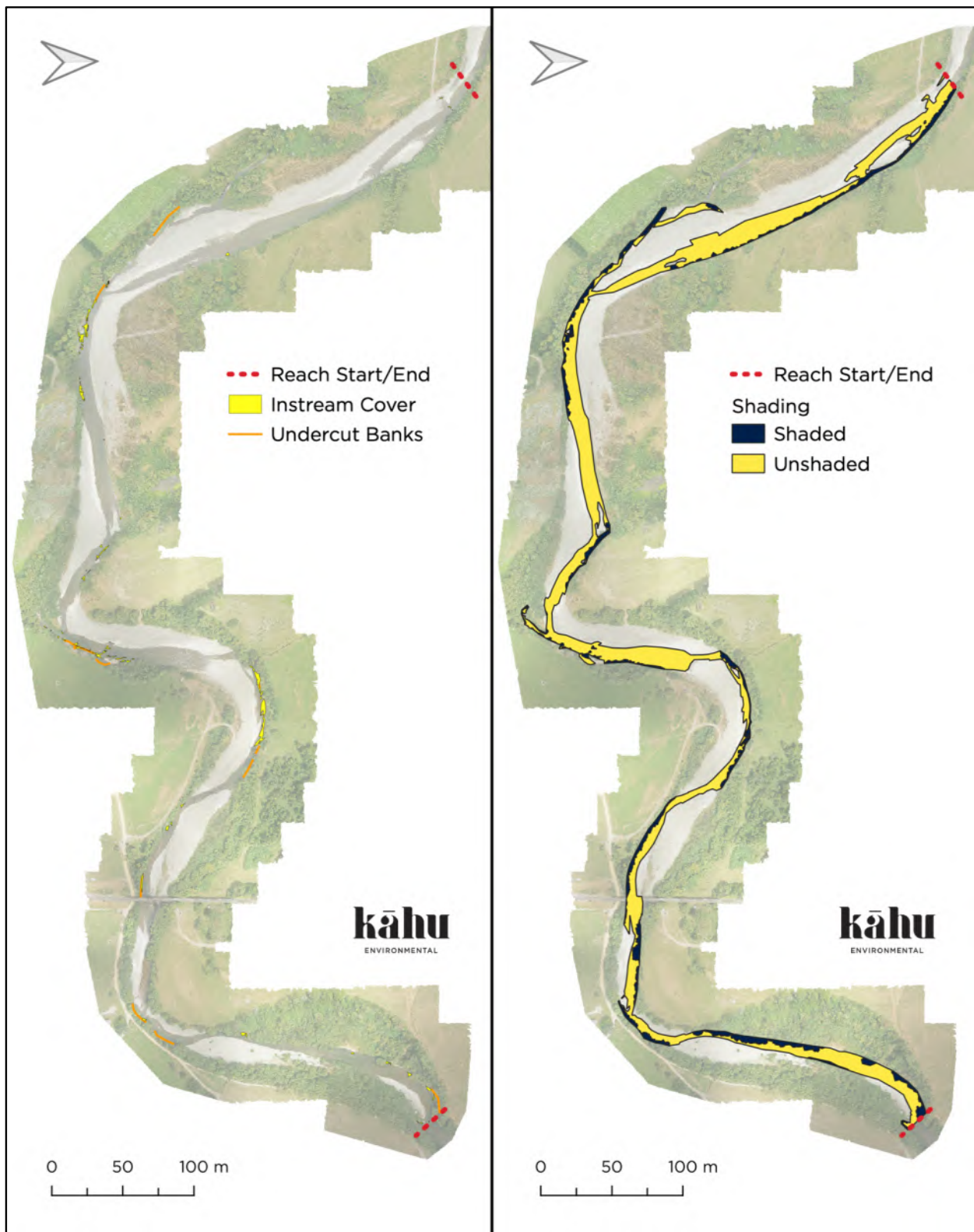


Figure 8: Downstream (gravel extraction) reach instream cover and undercut banks (left) and shading/overhanging vegetation (right).

5 Conclusion

Ecological health in the Mangatainoka Awa in the vicinity of the proposed gravel extraction site is good to excellent, as indicated by macroinvertebrates and some attributes of water quality. A healthy range of indigenous fish and large invertebrates (including taonga species) are known to inhabit the catchment, including threatened and at risk taxa. Water clarity was very good at low flows (approx. 253 l/s, as noted above) at the proposed extraction site. At the upstream (control) site deposited fine sediment was low. However, deposited fine sands are found in the vicinity of the proposed extraction reach at proportions with the potential to have adverse effects on benthic biodiversity and aquatic life. It is possible the intactness of other physical habitat (the mosaic of flow types, instream cover, etc.) compensate somewhat for this higher level of fine deposited sediment cover.

Cultural values at the extraction site are high and the cultural health assessment results reflect the health and well-being of the site.

Both the upstream (control) and downstream (gravel extraction) reaches have a range of important habitat available for indigenous fish, including a mosaic of flow types, instream wood, and undercut banks. With a baseline for these variables now established, future surveys can be used to determine whether the planned gravel extraction is having an effect on the habitat and to inform potential remedial actions to be undertaken.

5.1 Recommendations

As kaimahi/kaitiaki from the Mangatainoka Awa, tangata whenua representatives may express different or more stringent views and recommendations for how the consent should proceed (or not) and what consent conditions may be imposed.

Whilst we have recommended below potential steps which may reduce the impacts of the gravel extraction on tangata whenua and ecological values, we acknowledge that we do not speak for tangata whenua and we are not cultural experts of this awa.

Recommendations:

1. All recommendations raised, adopted, or supported by tangata whenua are worded as specific consent conditions in a manner that allows for compliance monitoring to be assessed.
2. Accidental discovery protocols must be agreed with mana whenua.
3. People undertaking gravel extraction shall make themselves aware of the current good to excellent health of the awa, and of the requirement to

avoid, remedy, or mitigate the impact of their activities on the awa and the aquatic life it supports.

4. People undertaking gravel extraction shall make themselves aware of the cultural values of the site for mana whenua and requirements to avoid, remedy, or mitigate effects on tangata whenua values in the vicinity of the extraction site. This may require cultural and ecological induction for all staff accessing the site for extraction purposes and the employment of kaimahi (or cultural monitors) to be present whenever extraction activities are taking place.
5. Gravel extraction shall only occur from exposed, dry gravel bars.
6. Heavy machinery shall not operate in or within 2 metres of the wetted channel.
7. Extraction shall ensure gravel bars are not reduced to a level < 0.5 m above the surface of the water.
8. The number of river crossings by heavy machinery shall be minimised. Where crossings are required, these shall use the same tracks.
9. Additional surveys (repeating this one) shall be undertaken during and following the proposed gravel extraction. Ideally this would include:
 - a. A survey in the period during gravel extraction to determine effects during the activity
 - b. A survey immediately after the end of all gravel extraction at the site to determine the full extent of effects of the activity on the river
 - c. A survey approximately 12 months after gravel extraction has finished to determine any 'legacy' effects of the activity (this survey should only occur once the river has experienced some higher flows capable of moving riverbed gravels)
10. Remediation of significant habitat features lost through the gravel extraction activities (as measured by the surveys) shall be undertaken.

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Appendix

Habitat Quality Index — Assessment Methods

Thomas Kay. 17/02/2022.

HQI assessment involves measuring components of physical habitat (relevant to fish likely to be present at a site) before and after an activity, such as flood protection engineering, in a section of river and quantifying the changes caused by the activity.

In this case, gravel extraction is proposed on the unwetted bars of a reach of the Mangatainoka River. A survey of the reach, as well as an upstream 'control' reach (which can be used to help determine if changes in the gravel extraction reach should be attributed to floods or other natural changes), was undertaken using the Habitat Quality Index (HQI) protocol used in Kay (2020) on 2 February 2022. Drone imagery was collected covering the entirety of the gravel extraction reach (2426m) and for a representative length of control reach upstream (1550m) (this reach was shorter as it was limited by the remaining capacity of the drone batteries).

Indigenous fish species likely to be present in the survey reaches were identified using data in the Freshwater Fish Database (NZFFD) (see Table 1 in the report above). Ten indigenous fish species were identified in total. Habitat variables important for five of these species were then identified using the information collated by in Petrove et al. (as summarised in Death et al., n.d.).¹⁰ Habitat variables were then measured using a combination of aerial orthophotos and on-the-ground assessments.

Aerial surveys were undertaken using a DJI Mavic 2 Pro drone. Flights were pre-programmed and flown automatically using the DJI Groundstation Pro app. They followed a grid pattern capturing nadir images with 75% front and 65% side overlap using the 'hover & capture at point' setting. A flight elevation of 122 m (400 ft) above ground level (AGL) was used to achieve a Ground Sampling Distance (GSD) of approximately 2.7-2.9 cm (i.e. each pixel in the photos taken measures 2.7-2.9 cm in reality). A mixture of automatic and manual image settings was used, a polarised filter was used, and images were saved in JPEG format.

Orthophotos of the survey reaches before and after engineering were then produced in the open-source Structure from Motion (SfM) software Web

¹⁰ This was limited to five species as the other fish species were not covered in Death et al. (n.d.). One variable important to one species, 'stream bank height', was not included as it was impractical to measure across such long reaches, and there were not sufficient drone batteries or computing power available to capture sufficient imagery to create 3D models of the stream banks for desktop measurement later. Despite this, it is considered the variables measured provide a good representation of relevant habitat variables for all indigenous fish species present.

OpenDroneMap (WebODM).¹¹ Orthophoto processing was undertaken using WebODM's 'Lightning Network' cloud processing service (<https://webodm.net/>) with mostly default settings.¹² WebODM processing reports can be accessed by contacting the authors.

The methods used to assess each of the habitat variables are described below:

Substrate

Deposited fine sediment was assessed using in-stream visual estimate method SAM2 (Clapcott et al., 2011). It was estimated by an observer in the river (with a bathyscope along transects) as the percent cover of fine sediment within a representative run habitat upstream of and then within the gravel extraction reach. 'Percent cover' values were converted to 'percent without cover' to ensure any change in this metric will be consistent with other HQI scores (Death et al., n.d.).

Particle compaction was assessed on a scale of 1-4, where 1 = Loose, easily moved substrate, 2 = Mostly loose, little compaction, 3 = Moderately packed, and 4 = Tightly packed substrate (Harding et al., 2009).

Substrate diversity (Simpson's Diversity Index) and the D_{50} were calculated based on phi class using data from a Wolman pebble count of 50 pebbles (Wolman, 1954) undertaken with a gravelometer, in the same representative run reaches used for sediment assessments.

Simpson's Diversity Index (D) was calculated as:

$$D = 1 - \frac{\sum n(n-1)}{N(N-1)}$$

n = number of clasts in each category

N = total number of clasts of all categorys

High scores (closer to 1) indicate high diversity. Low scores (closer to 0) indicate low diversity.

¹¹ WebODM is comparable in its approach and performance to commercial SfM software such as Pix4D, DroneDeploy, and Agisoft Photoscan. See Toffanin (2020) for performance comparisons.

¹² Except for auto boundary, build-overviews, fast-orthophoto, optimize-disk-space, and skip-3dmodel, which were all turned on (set to 'true').

Instream cover

The length of undercut banks and the area of instream cover (wood and macrophytes) were visually estimated from aerial orthophotos and traced in QGIS. Delineation was based on the assessor's judgement, and can be refined if necessary against future survey imagery.¹³

Flow types

The area of riffles, runs, pools, and backwaters was assessed by tracing their extent in aerial orthophotos using QGIS. The combined area of each flow type was then calculated. Delineation was based on the assessor's judgement, and can be refined if necessary against future survey imagery.¹⁴

Riverbank

Overhanging vegetation was visually estimated from aerial orthophotos and traced in QGIS as the area of vegetation covering the wetted channel. The area of cover was calculated and then converted to percent cover.

Sinuosity was calculated in QGIS by measuring the distance between the start and end points of each reach following the midpoint of the wetted channel, then dividing this by the straight-line distance between the two points.

Riparian vegetation and floodplain width are not proposed to be affected by the gravel extraction so were not measured. If they are found to be affected, they can be measured from the survey imagery later.¹⁵

¹³ Imagery used to produce this report can be accessed from the authors.

¹⁴ As per above footnote.

¹⁵ As per above footnotes.

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Disclaimer

We have used various sources of information to write this report. Where possible, we tried to make sure that all third-party information was accurate. However, it's not possible to audit all external reports, websites, people, or organisations. If the information we used turns out to be wrong, we can't accept any responsibility or liability for that. If we find there was information available when we wrote our report that would have altered its conclusions, we may update our report. However, we are not required to do so.

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VERSION	DATE	AUTHOR	REVIEWER	COMMENTS
1	23/02/2022	Kate McArthur, Thomas Kay	Kate McArthur	
2				
3				
4				

**NGĀTI TAWHIRIKURA HAPŪ, NGĀTI TE WHITI HAPŪ AND
TE KOTAHITANGA O TE ATIWA TRUST
SUBMISSION TO RESOURCE CONSENT APPLICATIONS BY MANAWA ENERGY:**

**CONSENT NO: 2053-4.0: TO DAM AND DIVERT WATER IN THE WAIWHAKAIHO RIVER
VIA AN EXISTING DIVERSION WEIR AND INTAKE STRUCTURE AND THE TAKE AND
USE OF UP TO 10 M³/S OF WATER FROM THE WAIWHAKAIHO RIVER FOR HYDRO-
ELECTRICITY GENERATION PURPOSES.**

**CONSENT NO: 2054-4.0: TO DAM THE MANGAMAHOE STREAM TO FORM LAKE
MANGAMAHOE TO ACT AS A RESERVOIR OF WATER FOR HYDRO-ELECTRIC
GENERATION PURPOSES.**

**CONSENT NO: 2056-4.0: TO USE UP TO 864,000 M3 OF WATER PER DAY FROM LAKE
MANGAMAHOE FOR HYDRO-ELECTRIC GENERATION PURPOSES.**

**CONSENT NO: 4886-2.0: TO USE AND MAINTAIN STRUCTURES IN THE
MANGAMAHOE STREAM TO DAM THE STREAM TO FORM LAKE MANGAMAHOE
FOR HYDRO-ELECTRIC GENERATION PURPOSES.**

CONSENT NO: 4887-2.0: UPDATE: APPLICATION HAS BEEN WITHDRAWN.

**CONSENT NO: 4888-2.0: TO DISCHARGE UP TO 150,000 LITRES/SECOND OF WATER
FROM LAKE MANGAMAHOE VIA A SPILLWAY INTO THE MANGAMAHOE STREAM IN
THE WAIWHAKAIHO CATCHMENT UNDER EMERGENCY CONDITIONS ASSOCIATED
WITH HYDROELECTRIC GENERATION PURPOSES**

**CONSENT NO: 10895-1.0: TO DISTURB AND EXTRACT GRAVEL FROM THE BED OF
THE WAIWHAKAIHO RIVER (NEW CONSENT)**

DATED: 6 MARCH 2023

Ngāti Tawhirikura Hapū, Ngāti Te Whiti Hapū and Te Kotahitanga o Te Atiawa Trust

This submission is made by Ngāti Tawhirikura, Ngāti Te Whiti and Te Kotahitanga o Te Atiawa Trust in relation to applications for consent numbers: 2053-4.0, 2054-4.0, 2056-4.0, 4886-2.0, 4888-2.0, 10895-1.0 within the Waiwhakaiho River and tributaries, Ngāmotu New Plymouth. Ngāti Tawhirikura and Ngāti Te Whiti are the Te Atiawa hapū with mana whenua over the application area. Puketapu Hapū, a Te Atiawa hapū, and Ngā Mahanga a Tāiri, a Taranaki Tūturū (iwi) hapū, also have interests and associations with this area. Te Kotahitanga o Te Atiawa, established in 2014 by Deed of Trust, is the Post Settlement Governance Entity ('PSGE') responsible for the collective Tiriti assets and interests for Te Atiawa.

Application development and engagement of cultural expertise

The application seeks to renew a number of consents that enable the operation of the Mangorei Hyrdo Electric Power Scheme ('HEPS') within the Waiwhakaiho catchment for a 35-year term. The application includes proposed consent conditions to manage the scheme over that time period.

Iwi and hapū engagement with Manawa Energy (formerly Trustpower) has occurred sporadically since 2018, primarily via an information sharing forum. Initial work towards the development of a Cultural Impact Assessment ('CIA') commenced. However, this engagement remains ongoing and is not complete. In our view this results in a error within the application as drafted. A complete understanding of the existing environment is not understood or expressed within the application, and therefore the actual and potential adverse effects are not able to be fully assessed. It is acknowledged that Manawa Energy continues to engage with a view to progressing discussions around consent conditions, and the overall management of the Scheme discussed at a wānanga in late 2022.

Existing environment

The application sets out a description of the existing environment at section two (2). This description is considered to be deficient, it relies on inputs from a number of areas of expertise including ecology, hydrology, landscape and planning assessment; however, critically none of these have assessed or addressed the cultural landscape. As a result, it is considered that the conclusions reached in these assessments cannot be relied upon to avoid, minimise, remedy, offset or compensate the actual and potential adverse effects of this proposal.

The description of the environment outlines that as the Mangorei HEPS was first initiated in 1904 that the adverse effects of the existing operation are a part of the existing environment (that the environment has recalibrated to encompass the scheme). Equally in resource management practise it is contemplated that where the adverse effects of a proposal are not fully understood that a consent can be amended to address those shortcomings. Approvals and consents over time have not recognised and provided for the relationship of mana whenua and our culture and traditions with the Waiwhakaiho (inclusive of their rangatiratanga and kaitiakitanga), protected historic heritage, or the preservation of the natural character of the Waiwhakaiho, enabled the exercise of kaitiakitanga or taken account of the principles of Te Tiriti over the life of the Mangorei HEPS.

As set out above, Ngāti Tawhirikura and Ngāti Te Whiti are mana whenua for the area the application site is located within (Puketapu Hapū and Ngā Mahanga a Tairi also have interests and associations with the area). Through tangata whenua there are cultural narratives, outcomes, associations, interests and relationships which form a part of this existing environment. Some of these include:

- The Waiwhakaiho, and the resources this provided for mana whenua. Of significance are piharau – a kai rangatira that were abundant in this area, along with the abundance of other taonga species. This is evidence with no fewer than seven (7) named whakaparu identified within the 'dry' stretch of the Waiwhakaiho between the water take near Kaipī, and discharge point near Papamoa for the Mangorei HEPS.

- Numerous Pā/papakāinga including Kaipī, Papamoa and others, along with the associated archaeological, cultural, historic, scientific and technological features of these sites.
- The future environment in this area as it is reasonable to anticipate. This includes the restoration work of Ngāti Tawhirikura since 2017 through our *Ka whakaaraara te tangata, ka whakaora te wai, ka whakahoki te taonga* project, as well as a proposed Wildlink to create a corridor of habitat along the main stem of the Waiwhakaiho from the boundary of Te Papakura o Taranaki to the coast at Te Rewarewa¹.

The evidence of Ms Sera Gibson to Hearing 5 of the Proposed New Plymouth District Plan ('PDP') on behalf of Ngāti Tawhirikura² provides details that sets out broadly the relationship of the hapū with the Waiwhakaiho. An excerpt from that evidence is as follows:

All wai in our rohe is significant to Ngāti Tawhirikura. As kaitiaki we have inherited the responsibility and obligations through whakapapa to ensure Te Mana o te Wai is enhanced and protected for generations to come.

Our whakapapa and role as kaitiaki of wai is referenced in He Kāwai Whakaheke o Te Kawa Ora as set out in the evidence of Mr Campbell. Expertise in this includes nō te wāhi ngaro, nō te wāhi huna, te kūteretere, Matua Te Kore (references the indigenous creation story that describes the beginning of time), pupuke te hihiri, pupuke te mahara, pupuke te wānanga, wānanga nui a Te Kore (the various developmental stages of consciousness and awareness), te wairua, te waitapu, te waimāori, te waiora, koiā tonu te puna wai i heke mai ai te tangata ki te whai ao, ki te ao marama (manifesting into the material world as water, which gives life to mankind and herein lies our whakapapa).

The Waiwhakaiho is our tūpuna awa. Its name articulates its importance within our rohe and wider district Wai (water or a substance in a liquid state), whaka (in the direction of or a pathway via), iho (the in-depth philosophy, essence or heart of something; an umbilical cord). In this definition, we can begin to understand that the name Waiwhakaiho can be translated as a source of water that flows as an umbilical cord of sustenance for the land and its people.

The Waiwhakaiho catchment is 14,528ha in size extending from Taranaki Maunga to connect with Tangaroa at our Pā – Rewarewa.

The Waiwhakaiho is the source of drinking water for majority of the residents of the district. The wastewater treatment plant, as well as the landfill for the district is located in the catchment. A hydro-power scheme owned and managed by Trustpower utilised Waiwhakaiho. Redundant dam and weir structures from previous industrial uses remain along the catchment. Majority of the catchment is utilised for farming activities, with urban development located at the coastal edge, and at Egmont Village.

Additional pressures on Waiwhakaiho anticipated over the life of the PDP include urban growth in the Smart Road area (currently proposed to be zoned Future Urban Zone), and the

¹ New Plymouth District Council, Long Term Plan 2021 – 2031,

<<https://www.npdc.govt.nz/media/uqvnf5cq/appendix-1-long-term-plan-2021-2031.pdf>> (page 52)

² Statement of evidence of Ms Sera Gibson, on behalf of Te Kotahitanga o Te Atiawa and Ngāti Tawhirikura, Proposed District Plan Hearing 5, dated 28 September 2021, <

<https://proposeddistrictplan.npdc.govt.nz/media/0jxphm3p/hearing-5-te-kotahitanga-o-te-atiawa-and-ng%C4%81ti-tawhirikura-hap%C5%AB-ms-sera-gibson-cultural.pdf>>

extension of the Taranaki Traverse to include a “Wild Link” along the Waiwhakaiho from the coast to Taranaki Maunga.

The cumulative adverse effects of these activities on the Waiwhakaiho, and the relationship Ngāti Tawhirikura is able to have with this waterbody is significant.

In response to this Ngāti Tawhirikura has initiated Ka whakaaraara te tangata, ka whakaora te wai, ka whakahoki te taonga. This project aims to restore mahinga kai species, historic fishing sites along the catchment, and to ultimately restore the ecological corridor to increase the amount of available habitat, encouraging the recruitment of taonga species and reconnecting migratory species to Taranaki Maunga from the Tangaroa.

Our strategy to restore the catchment is to start at seven mahinga kai sites for replanting, and fifty-five areas of existing indigenous habitat and re-build networks of habitat out from these locations.

Ngāti Tawhirikura expect that the provisions of the PDP will prioritise Ka whakaaraara te tangata, ka whakaora te wai, ka whakahoki te taonga and the outcomes with respect to mahinga kai and the restoration of the Waiwhakaiho catchment.

The impacts on the Waiwhakaiho are further explored in Ms Gibson’s evidence on behalf of Ngāti Tawhirikura to PDP Hearing 18³.

The evidence of Ms Julie Healey on behalf of Ngāti Te Whiti to PDP Hearing 5 identifies the long-term impacts of development on our awa, including the Waiwhakaiho⁴.

Te Mana o te Wai

The application includes an assessment of the proposal against the principle of Te Mana o te Wai⁵ as articulated in the National Policy Statement for Freshwater Management 2020 (‘NPS-FM’).

It is important to note from the outset that the conclusions reached in the application with respect to Te Mana o te Wai have been done so without the benefit of the expert advice of mana whenua. The

³ Statement of evidence of Ms Sera Gibson, on behalf of Ngāti Tawhirikura, to Proposed District Plan Hearing 18, dated 16 March 2022, < <https://proposeddistrictplan.npdc.govt.nz/media/u1apdfte/hearing-18-ng%C4%81ti-tawhirikura-hap%C5%AB-sera-gibson-statement-of-evidence-of.pdf> >

⁴ Statement of evidence of Ms Julie Healey, on behalf of Ngāti Te Whiti Hapū, to Proposed District Plan Hearing 5, dated 28 September 2021, < <https://proposeddistrictplan.npdc.govt.nz/media/bd1dinoo/hearing-5-ng%C4%81ti-te-whiti-hap%C5%AB-ms-julie-healey-culltural.pdf> >

⁵ Te Mana o te Wai includes a hierarchy of obligations:

1. the first obligation is to protect the health and mauri of the water;
2. the second obligation is to provide for essential human health needs, such as drinking water;
3. the third obligation is to enable other consumptive use, provided that such use does not adversely impact the mauri of freshwater.

Te Mana o te Wai prioritises the following principles:

- rangatiratanga/mana whakahaere or the dual roles of iwi/hapū and the Crown to develop and maintain decision-making processes for water;
- kaitiakitanga and stewardship practices to sustain water. Tangata whenua have an inherent intergenerational responsibility and right to safe-guard the traditions and history related to wai Māori and undertake the rituals, ceremonies and activities to manage resources and interests in accordance with their customary preferences. The methods must include measures of: (a) mātauranga Māori; and (b) the health of indigenous flora and fauna; and
- manaakitanga and care and respect in providing for the health of our nation. This relates to mahinga kai, a compulsory value to be considered in the management of freshwater in Aotearoa, Mahinga kai should be restored to a level that replenishes our taonga species and our whanau.

application concludes that overall, it is considered that the continued operation of the Mangorei HEPS is broadly consistent with the overall management intentions specified in the relevant statutory planning documents and the sustainable management of natural and physical resources under the Resource Management Act 1991. It is, however, recognised that further analysis of the mitigation requirements may be necessary once the cultural values assessment is completed by the relevant iwi and hapū representatives is completed⁶.

As noted above, CIA processes have commenced but not concluded at the time the application was notified, kōrero has been on-going since notification. It is not possible to determine the consistency of an application with the concept of Te Mana o te Wai in the absence of this assessment made by tangata whenua. Mr Te Poihi Campbell, Pouwhakakaupapa at Te Kotahitanga o Te Atiawa provides a steer for a more general Taranaki perspective of the concept of Te Mana o te Wai as follows:

Environmental disturbance, historical trauma, social issues and collective health challenges have led to Iwi and hapū encouraging the wider Taranaki community to develop a more responsive environmental strategy that is holistic in its approach. This includes acknowledging the inherited responsibilities and obligations bestowed upon us all to respect, manage and treat all water bodies as a collective. This perspective requires all communities to adopt the value of “service” towards respecting water which includes implementing appropriate protocols to uphold the integrity of water (te mana o te wai).

Ensuring a holistic approach is achieved will require the essence and principles of “te mana o te wai” to flow freely, without obstruction or hinderance. Narratives about wai from Iwi and hapū are etched in the local landscape and remain an essential guiding influence in all our lives. Wai, in its many manifestations and forms, can continue informing a framework that works to restore balance and promote good health and well-being for all Taranaki residents.

He Kawa Ora – The effervescence of life.

In general terms the following are fundamental attributes of Te Mana o te Wai:

- All water is interconnected, including through whakapapa;
- Water has its own mana, and is its own intelligent being with memory, spirit and feelings; and
- The depth of relationship and connection tangata whenua have with all water within our tākiwa, also being recognised in statute through settlement legislation⁷.
- Through whakapapa tangata whenua are connected with all waters in our rohe, and through this hold kaitiaki obligations and responsibilities, and that the exercise of these obligations is in turn intimately linked with the identity of tangata whenua.

In considering these attributes and the kōrero provided above, mahinga kai outcomes (both as a noun and a verb), and the abundance of species within those traditional fishing areas are considered to be a part of the character of the Waiwhakaiho. Understanding this within the context and the impact the application continues to have on this activity may result in a different conclusion with respect to the level of adverse effects of the proposal on the character of the Waiwhakaiho. This may be similar for ecological assessment and the conclusions reached within those areas of expertise with regard to the scale of adverse effects that result from the on-going operation of the scheme.

⁶ Application – page 7

⁷ Statutory acknowledgements at sections 29 – 37 and Schedule 1 of the Te Atiawa Claims Settlement Act 2016; and the Statement of Association for the Waiwhakaiho River and its tributaries as detailed in the Te Atiawa Deed of Settlement 2014: Deeds of Settlement Schedule: Documents.

It is considered that this issue repeats into the planning assessment, where a paucity of information results in the level of adverse effect being under-reported. Ngāti Tawhirikura has invested in the Mauri Compass tool. An initial assessment and training was developed up through 2022 as a method through which the current state of the Waiwhakaiho can be understood and articulated. As this data and understanding of the current state of the Waiwhakaiho matures through the Mauri Compass programme this must inform the adaptive management of uses that impact on the awa. Ngāti Te Whiti are also utilising the Mauri Compass to inform activity on the Mangorei Stream, a tributary of the Waiwhakaiho River.

As this proposal is for a 35-year term is it expected that regular review of the operation of the Scheme to adapt to the insights derived through the Mauri Compass, or other mechanism/ tool, is required.

The operation, implementation and success of renewable energy generation in our opinion cannot be at the expense of the relationship of tangata whenua at place, irrelevant of if it is proposed or existing. The Emissions Reduction Plan is one mechanism being used to focus collective efforts towards transitioning to a resilient, low emissions economy. Approaches for empowering Māori, Māori leading, upholding our rights and interests under Te Tiriti are central to the success of the Plan and achieving a net zero greenhouse gas emissions by 2050.

Summary

Ensuring that the role of tangata whenua within consent and post-approval processes are provided for are critical. Historically there has been no engagement of cultural expertise to inform the exercise of these consents, and ability to perform the role of kaitiaki with respect to this activity. The activities fail to recognise and provide for the relationship of tangata whenua and our culture and traditions, nor does it take into account the principles of te Tiriti.

Currently, there are no proposed conditions of consent which adequately avoid, minimise, remedy, offset or compensate for the actual and potential adverse effects that result on tangata whenua.

Potential adverse effects

Based on the above assessment of the application and further information provided, as well as consideration of the provisions of *Tai Whenua*, *Tai Tangata*, *Tai Ao* it is considered that the following potential adverse effects are not adequately avoided, minimised, remedied, offset or compensated for:

- The recognition and protection of the relationship of tangata whenua with the cultural landscape.
- The recognition and protection of historic heritage.
- Continuing to deprive the Mangamahoe of residual flow.
- The continued interruption of the ability of tangata whenua to practise their active kaitiakitanga.
- The on-going impact on mahinga kai.
- The length of consent and the ability to work towards te mana o te wai, te ora o te taiao and other relation principles/outcomes over time.
- The potential to undermine the investment of in the Ka whakaaraara te tangata, ka whakaora te wai, ka whakahoki te taonga programme of work towards the restoration of the mauri of the Waiwhakaiho.

Relief sought

Ngāti Tawhirikura Hapū, Ngāti Te Whiti Hapū and Te Kotahitanga o Te Atiawa are opposed to the proposal. We seek that Taranaki Regional Council decline the applications.

We wish to be heard in support of our submissions and would consider presenting a joint case with others who make similar submissions.

Ngāti Tawhirikura Hapū, Ngāti Te Whiti Hapū and Te Kotahitanga o Te Atiawa are not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Contact details

Please use the following contact details for correspondence:

Ngāti Tawhirikura Hapū
c/- 5 Hume Street, Waitara
office@tawhirikura.org and k4npm@tawhirikura.org

Ngāti Te Whiti Hapū
PO Box 304
Ngāmotu New Plymouth 4340
ngatitewhitisocietyinc@gmail.com

Te Kotahitanga o Te Atiawa
PO Box 1097, Ngāmotu New Plymouth 4340
19 Eliot Street, Ngāmotu New Plymouth 4310
consents@teatiawa.iwi.nz

Nāku noa iti, nā

Ngamata Skipper
Ngāti Tawhirikura Hapū

Julie Healey
Ngāti Te Whiti Hapū

Dion Tuuta
Te Kotahitanga o Te Atiawa



Submission on resource consent application

Online reference number: CA230303203
Completed on: 02 Mar 2023

Submitter's details

Full name or company name of submitter: New Plymouth District Council
Contact Name: Amy Quattlebaum
Email: Amy.Quattlebaum@npdc.govt.nz
Contact phone number: 0272999085
Postal Address: Private Bag 2025, New Plymouth 4340
Street address of property affected (if different to the address above): 9 Hydro Road, RD 1, New Plymouth 4371

The Council will serve all formal documents electronically via the email address provided above.

Application to which submission relates

Name of applicant: Manawa Energy Ltd
Proposal (activity type and location): Resource consent applications for Trustpower operation and maintenance of Mangorei HEPS
TRC Consent number/s: 2054 & 4888
I am a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991: No

The specific parts of the application this submission relates to are:

My submission relates to the whole application: No, my submission only relates to parts of the application
Please detail the parts of the application your submission relates to: See attached

Submission details

Please provide details of your submission. If your submission is in a document, you can upload the document below.

[Consent submission - re Manawa Energy Consents.pdf](#) (160 kb)

Outcome sought

I seek the following decision from the Council: To grant consent
If consent is granted, the conditions I seek are: See Submission details
You can upload a document containing the conditions you seek here: NA

Attendance and wish to be heard at consent hearing

I/we wish to be heard in support of my/our submission Yes

By answering yes, you will have the option to speak in support of your submission at any consent hearing.

If others make a similar submission, I/we will consider presenting a joint case with them at the hearing. No

Request for independent commissioner/s

Pursuant to section 100A of the Resource Management Act 1991, I request that the Taranaki Regional Council delegates its functions, powers, and duties required to hear and decide the application to one or more hearing commissioners who are not Taranaki Regional Councilors. NA

Note: Such a request may be made (in writing) up to 5 working days after close of submissions. If you do make a request under section 100A of the Resource Management Act 1991, you will be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Provision of submission to applicant

The Resource Management Act 1991 requires you to send a a copy of the submission to the applicant.

Would you like the Applicant to be automatically sent a copy of this submission via email? Yes

Please enter the applicant's email address here consents@manawaenergy.co.nz

Authorisation

By selecting this checkbox, you are confirming you are the person making submission, or person authorised on behalf of person making submission. Yes

Date 02/03/2023

Council Use Only

Action	Signature	Date
Database updated by		
Document number		

When replying please quote: <DOCNUM>

02 March 2023

SUBMISSION REGARDING MANAWA ENERGY RESOURCE CONSENT APPLICATIONS

In reference to the seven Resource Consents sought by Manawa Energy Ltd, the New Plymouth District Council ('Council') would like to note the following.

Lake Mangamahoe is fed by water diverted from the Waiwhakaiho River under an existing resource consent (2053-3.2) held by Manawa Energy. The majority of water from Lake Mangamahoe is used by Manawa Energy for electricity generation purposes under resource consent 2056 and returned into the Waiwhakaiho River approximately 6km downstream of the intake weir at the "Meeting of the Waters". The water management of the lake is carefully controlled by the Manawa Energy lake operation and the TRC consent conditions, which include a minimum lake level to be maintained.

In addition, NPDC holds a consent to abstract up to 60,480 m³ of water per day from Lake Mangamahoe for community water supply purposes. The lake water level affects how much flow can be fed into the plant through the raw water network.

As it can be observed, there is an existing dependency between Manawa Energy's hydroelectric system and NPDC's community supply system, and any changes on consent conditions including minimum flow in the Waiwhakaiho River and Lake levels could affect our ability to supply water. Council requests confirmation that the NP Water Treatment Plant and Council's Parks Department will be contacted in the event of any change in lake level outside of consent conditions.

Additionally, Council currently maintains the Mangamahoe Low Head Dam in the Mangamahoe Stream, as indicated by the Manawa Energy applications. After planned removal of the Low Head Dam, there will still be rock structures to be maintained and the nearby Mountain Bike Park that may be affected by any discharge from Lake Mangamahoe via the spillway. Council requests confirmation that the NP Water Treatment Plant and Council's Parks Department will be contacted in the event of any discharge.

If you have any further questions, please contact myself or Mark Hall.

Yours faithfully



Amy Quattlebaum
QUALITY & COMPLIANCE LEAD



DOC Reference: NC589

DOC-7302504

30 March 2023

Taranaki Regional Council

Post: Private Bag 713, Stratford 4352

Email: consents@trc.govt.nz

Address for service: Manawa Energy Ltd

c/- Lisa Mead, Consenting Manager

Post: 108 Durham Street, Tauranga 3110

Email: consents@manawaenergy.co.nz

Dear Taranaki Regional Council,

**Manawa Energy Ltd – Motukawa Hydroelectric Power Scheme – Publicly Notified Consent
Applications 3369-3.0, 3371-3.0, 3372-3.0, 3373-3.0, 5080-2.0, 5082-2.0, 5084-2.0, 5085-2.0,
5087-2.0, 5088-2.0, 6388-2.0, 6390-2.0, 11102-1.0, & 11103-1.0**

I refer to the land use consent, water permit, and discharge permit applications by Manawa Energy Ltd for the renewal of consents relating to the operation of the Motukawa Hydroelectric Power Scheme in the Manganui River catchment.

Please find enclosed a submission by the Director-General of Conservation in respect of these applications. The submission seeks that the applications as currently proposed be declined unless adequate conditions are imposed to avoid, remedy, mitigate, offset or compensate the adverse effects of the proposed activity. The submission identifies the Director-General's concerns in greater detail.

DOC does not oppose the activity in principle, however, does oppose the application in its current form and seeks changes to the proposal including the provision of robust conditions if the consent is granted. Please contact Ashiley Sycamore (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this submission (027 234 4847 or asycamore@doc.govt.nz).

Yours sincerely,

Tinaka Mearns

Operations Director – Hauraki/Waikato/Taranaki Region

Department of Conservation

Te Papa Atawhai

Department of Conservation *Te Papa Atawhai*

RMA Shared Services

Private Bag 3072, Hamilton 3240, New Zealand

www.doc.govt.nz

Form 13: Submission on application concerning resource consent

Resource Management Act 1991

To: Taranaki Regional Council (the **Council**)

Name of submitter: Penny Nelson, Director-General of Conservation (the **Director-General**)

Applicant: Manawa Energy Ltd (the **Applicant**)

Location: Motukawa Power Station, Motukawa Road, Ratapiko & Mangaotea Aqueduct, Mangaotea Road, Ratapiko

Description of activity: To replace 14 resource consents, relating to the operation of the Motukawa Hydroelectric Power Scheme (see consent details below).

Consent No: 3369-3.0
Application lodged: To take and use up to 5200 litres/second of water from the Manganui River for hydroelectric power generation purposes.

Consent No: 3371-3.0
Application lodged: To divert and use stormwater run-off and the entire flow of various unnamed watercourses draining into the Motukawa Race and into Lake Ratapiko for hydroelectric power supply purposes.

Consent No: 3372-3.0
Application lodged: To discharge water from the Motukawa Power Station into the Makara Stream.

Consent No: 3373-3.0
Application lodged: To dam the Mako Stream to form Lake Ratapiko for hydroelectric power generation purposes, including the spillway structures.

Consent No: 5080-2.0
Application lodged: To use and maintain an existing diversion weir, intake structure and fish passes in the Manganui River and to divert

and dam water in the Manganui River via an existing diversion weir and intake structure.

Consent No: 5082-2.0

Application lodged: To discharge, under emergency conditions, overflow water from the Mangaotea Aqueduct into the Mangaotea Stream.

Consent No: 5084-2.0

Application lodged: To discharge hydroelectric power generation water, during adverse weather conditions, via spillways and lake drainage valves from Lake Ratapiko into the Mako Stream.

Consent No: 5085-2.0

Application lodged: To disturb the bed of Lake Ratapiko for maintenance and repairs associated with hydroelectric power generation purposes.

Consent No: 5087-2.0

Application lodged: To take and use water from Lake Ratapiko for hydroelectric power generation purposes.

Consent No: 5088-2.0

Application lodged: To discharge water from the surge chamber of the Motukawa Power Station during maintenance periods into an unnamed tributary of the Makara Stream.

Consent No: 6388-2.0

Application lodged: To divert and use water in the Motukawa Race for hydroelectric power generation purposes.

Consent No: 6390-2.0

Application lodged: To impound water behind a dam on the Motukawa Race for hydroelectric power generation purposes.

Consent No: 11102-1.0

Application lodged: To discharge water and contaminants over an existing diversion weir and fish passes located in the bed of the Manganui River.

Consent No: 11103-1.0

Application lodged: To discharge water and contaminants to the Manganui River via the sluice gate downstream of the intake structure.

Trade competition: I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

My submission relates to: The whole application.

My submission is: I oppose the application in its entirety unless adequate conditions are imposed to avoid, remedy or mitigate the adverse effects of the proposed activity.

The Director-General's interest in the Application

1. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.¹ The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.² Section 2 of the CA defines 'conservation' to mean *'the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generation'*.
2. DOC is also responsible for processing applications under the Conservation Act 1987. It is unclear from the information provided within the application in respect of trap and transfer whether any approvals under s26 of the Conservation Act apply or whether any approvals have already been sought.

Reasons for the Director-General's submission

3. I am not convinced that **alternatives** such as potential mitigation options have been given sufficient consideration.
4. The Proposal outlined in the Application would create **significant risk** to environments and native species.
5. I am not convinced that assessment of effects is sufficient and that the Proposal is consistent with related provisions of the plan.

¹ Refer section 53 Conservation Act 1987

² Conservation Act 1987, section 6.

6. Without being limited to such matters, the Director-General notes the following with respect to the Application:
7. The decisions sought in my submission are required to ensure that, the decision-maker:
 - a. recognises and provides for the matters of national importance listed in Section 6 of the Resource Management Act 1991 (RMA); and
 - b. has particular regard to the intrinsic values of ecosystems as required in Section 7(d) of the Act; and
 - c. has particular regard to the National Policy Statement for Freshwater Management 2020 (NPS-FM); and
 - d. has particular regard to the Taranaki Regional Policy Statement 2010 and the Regional Freshwater Plan for Taranaki (updated June 2021).
8. The Applicant has provided insufficient information and I am concerned that the proposal does not adequately identify and address the potential adverse effects on conservation, including but not limited to freshwater indigenous biodiversity, for example, longfin eel (*At Risk-Declining*), inanga (*At Risk-Declining*), bluegill bully (*At Risk-Declining*), torrentfish (*At Risk-Declining*), giant kōkopu (*At Risk-Declining*), kōaro (*At Risk-Declining*), shortjaw kōkopu (*Threatened, Nationally Vulnerable*), lamprey (*Threatened, Nationally Vulnerable*) and giant bully (*At Risk-Naturally Uncommon*).
9. It is considered that further information and changes to the proposed conditions are needed to ensure that the effects of the Motukawa Hydroelectricity Power Scheme on freshwater biodiversity are appropriately avoided, remedied, mitigated, offset or compensated. The main areas of concern are in relation to:
 - a. Residual flow at the Manganui Weir.
 - b. Residual flow and fish passage in the Mako Stream.
 - c. The effects of the scheme on flow variability.
 - d. The trap and transfer scheme.
 - e. Appropriate offsetting/compensation for residual effects.
 - f. Fish passage/screening.
 - g. Temperature effects.
10. The Director-General's concerns have been identified following a review of the information that was publicly notified with the Application on 4 March 2023. The Director-General's submission relates to the whole Application. Additional and/or more specific concerns with respect to the Application may be identified once more adequate information has been made available to the Director-General. It is noted that an informal s92 request was sent to the

Applicant by Taranaki Regional Council on 5 October 2022. DOC requests the opportunity to review the further information response once received by Taranaki Regional Council, prior to any decision being made on the applications.

11. Without being limited to such matters, the Director-General notes the following with respect to the Application:

Assessment of potential effects

Temperature

12. Monitoring undertaken by the Applicant shows that water temperature in the Manganui River downstream of the weir and water take location is higher than upstream of the weir. High water temperature can have minor to serious effects on freshwater biodiversity e.g., fish and invertebrates and can cause lethal effects if the temperature is high enough.

Periphyton

13. Higher water temperature and reduced river disturbance can lead to a proliferation of periphyton. The Applicant has stated that “The water temperatures in the Manganui River account for some of the periphyton biomass in the river, along with point and non-point discharges in the river” (Trustpower, 2021, P. 3)³ indicating that the activity is causing some issues with periphyton downstream of the Manganui River intake.
14. The Applicant has proposed a flushing flow condition where, if flow downstream of the weir does not exceed 13.3 m³/s (FRE3⁴ flow) for a consecutive 30-day period between November and March, they will then reduce their take volume for a period of 6 hours during the next FRE3 fresh to allow a flushing flow to pass the weir and scour out some of the periphyton build up.

Hydrology

15. The Applicant currently takes up to 5,200 l/s from the Manganui River and diverts this flow into Lake Rataipiko and leaves a residual flow of 400 l/s in the Manganui River. The Applicant has calculated the 7-day mean annual low flow for the Manganui River to be 1,180 l/s and they currently require a residual flow of 400 l/s to pass the weir in the Manganui River. The current residual flow (400 l/s is only 33% of the 7-day mean annual low flow), is very low in comparison to the standard rule-of-thumb for protecting instream values which is setting a residual flow at 80-90% of the 7-day mean annual low flow. I believe this flow represents too severe a reduction in habitat availability for native species and the overall ecosystem and is akin to keeping the river at a low flow/drought level. The Applicant has undertaken a weight area suitability curve assessment of the effects of the residual flow against the 7-day mean annual low flow for several native fish species found in the Manganui River. The assessment highlights

³ Trustpower, 2021 (amended 2023). *Trustpower Limited Motukawa Hydro-Electric Power Scheme, Applications for Resource Consent and Assessment of Environmental Effects*.

⁴ FRE3 is a term for a flow of 3 times the median flow.

that some species have a greater area of habitat under higher flows e.g., large longfin eel while others prefer lower flows e.g., Cran's bully.

16. The Applicant proposes a condition to mitigate the effects of the water take by passing all flow from the Manganui River either directly over the weir or straight through Lake Ratapiko and into the Makara stream to mitigate the effects of low flows in the Waitara River when flow is less than 5,000 l/s in the Waitara River at the Bertland Road gauging site.
17. Lake Ratapiko and its spillway effectively dam the upper reaches of Mako Stream. There is no current condition to require residual flow in the Mako Stream and the Applicant is not proposing any, however some water does seep through the spillway giving the stream a small flow.

Macroinvertebrates

18. Monitoring of macroinvertebrates in the Manganui River by Taranaki Regional Council shows that there is limited difference in the Macroinvertebrate Community Index scores between communities upstream and downstream of the weir (Taranaki Regional Council, 2023). However, Taranaki Regional Council also state that:

"In terms of the current survey, it is considered that the communities of the residual flow reach represent what would be considered typical of a low flow community, but are lower than expected when compared to the upstream site. All downstream sites had MCI scores lower than that recorded at site 2, indicating that water abstraction is possibly contributing to negative effects on downstream communities, particularly at site 4, however SQMCI scores were not significantly different between sites. Any effects are likely exacerbated during drier conditions." (Taranaki Regional Council, 2023, P. 23)⁵.

19. This indicates that the water take may be exacerbating effects on the macroinvertebrate communities downstream of the weir, especially during low flow conditions.

Assessment of potential effects on fish and fish passage

Manganui River fish passes

20. Two fish passes are present on the Manganui River that allow fish passage past the weir. The Applicant states that longfin and shortfin eel, common/Cran's bully, redfin bully, inanga, kōaro and shortjaw kōkopu have been recorded upstream of the weir but that torrentfish have only been recorded downstream of the weir. In addition, lamprey have been recorded in the fish pass and the settling pond but not upstream of the weir. The weir is likely to be having an impact on fish passage for torrentfish as they have not been recorded upstream of the weir. It is also difficult to assess the impact of the weir and the effectiveness of the fish passes on the different life stage of all species.

⁵ Taranaki Regional Council. 2023: *Manawa Energy Ltd Motukawa HEP Scheme, Monitoring Programme Annual Report 2021-2022*, Technical Report 2022-69.

Makara Stream/penstock outflow

21. The Applicant currently undertakes a trap and transfer scheme at the penstock outflow in the Makara Stream as the structures represent a barrier to the upstream migration of elvers. This involves capturing elvers as they migrate upstream and then transferring them to locations upstream of the penstock.

Lake Ratapiko trap and transfer

22. Any migrating fish present in Lake Ratapiko must either pass through the penstocks or be manually moved downstream. The Applicant currently undertakes a trap and transfer scheme for eels present in Lake Ratapiko by placing fyke nets near the penstock intakes during autumn to catch downstream migrating eels.

Mako Stream

23. The Lake Ratapiko Spillway effectively dams the upper reaches of Mako Stream. There is no requirement for the Applicant to pass a residual flow down the Mako Stream and the presence of the spillway effectively acts as a barrier to any fish present. The Applicant has installed a small pipe bypass to allow elvers to travel past the spillway.

Structures

24. The Motukawa Hydro Electric Power Scheme contains several structures through it which have an impact on fish passage including intakes, screens, weirs, and power stations. The Applicant currently utilises several methods for minimising impacts of the structures on freshwater biodiversity such as electric deterrents around intakes, fish screens, trap and transfer and one low impact turbine.

Discussion

25. The current residual flow required and proposed for the Manganui River downstream of the dam represents only 33% of the 7-day mean annual low flow. Such a low flow is likely having an impact on the amount of habitat available for fish and invertebrates, temperature, and natural flow regime of the Manganui River downstream of the weir. The current operating regime of the hydro scheme can also change the flow variability of the river by abstracting smaller freshes (<5,200 l/s) and reducing the volume of larger flows. This can lead to the river 'flatlining' where flows are kept at an artificial level with no variability. The weighted area suitability curve analysis only extends to flows at 2,000 l/s which limits any analysis of the effects at higher flows. The proposed condition to allow flow to pass over the weir or through Lake Ratapiko when water flows are low in the Waitara River will help mitigate some of the effects, however passing the flow through Lake Ratapiko will only help alleviate the effects of low flows on the Waitara River and not the Manganui River. A higher residual flow or a stepped regime i.e. more flow is released during the low flow months would help mitigate some of the effects of the water abstraction.

26. The current operating regime does not include a residual flow into the Mako Stream. This will be having a negative effect on the available downstream habitat, water temperature, flow variability and fish passage. Allowing for a residual flow at this location will help mitigate the effects of the hydro scheme on freshwater biodiversity in the Mako Stream.
27. Further information is required in relation to the proposed conditions on flow releases to mitigate high temperatures in the Manganui River downstream of the weir e.g., what the volume of the release will be and what the likely effects will be on downstream temperatures.
28. The Applicant has stated that elvers that are trapped in the Motukawa Power Station tailrace are transferred either into the Manganui River upstream of the weir or into Lake Ratapiko (Goldsmith and Ryder, 2020). Lake Ratapiko is essentially a closed system for migrating fish, as there are power stations on the inlet and outlet which are likely to damage any migrating eels. Putting elvers into Lake Ratapiko is essentially putting them at risk of entrainment into the power stations when they migrate, as such I believe that elvers should not be moved into Lake Ratapiko unless there is the ability for eels to move safely upstream and downstream within the catchment.
29. The previous consent contained a condition requiring the Applicant to pay \$6,000 per year as mitigation for the effects of the scheme. I could not see this condition listed in the Applicants' proposed conditions. I believe that this condition should be included, adjusted for inflation, and tied to management objectives to ensure that any residual effects of the scheme are suitably mitigated, offset or compensated.
30. I believe that further information is required on the impact of the spillway on fish passage in the Mako Stream, including the current fish bypass system with appropriate conditions needed to address any negative impacts. The Applicant has stated that common/Cran's bullies and longfin eel have been recorded in Mako Stream (downstream of the spillway) and by Taranaki Regional Council in the spillway plunge pool (Taranaki Regional Council, 2023), indicating that eels of different life stages are trying to move within the Mako Stream.
31. The Applicant is proposing a condition requiring a management plan for the trap and transfer activities. The management plan should be before the decision-maker determining the resource consents, as its contents are germane to whether the proposal promotes sustainable management of the natural resources. If the management plan is to be developed post consent being granted, I believe that further detail should then be provided to ensure that the plan is appropriate e.g., management objectives, amongst other things.
32. Further information needs to be given to the appropriateness of the fish pass in allowing all native species to be able to pass the weir to access habitat upstream in the Manganui River e.g. torrentfish.

33. Further consideration needs to be given on ways to reduce fish species getting entrained into the race system and the Lake Ratapiko outflow.

Statutory Frameworks

34. As presented, the application is contrary to the purpose of sustainable management defined in Part 2 of the RMA. The application as it stands fails to ensure that adverse effects of the activities are avoided, remedied or mitigated. In particular, it is inconsistent with:

- Matters of national importance outlined in s6(a) of the RMA which requires that all persons exercising functions and powers under it shall recognise and provide for the protection of lakes and rivers and their margins. As the application does not provide sufficient information to assess the ecological values of the site, it fails to give effect to Section 6(a) of the Act.
- Matters of national importance outlined in s6(c) of the RMA which required that all persons exercising functions and powers under it shall recognise and provide the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. It is noted that the New Plymouth Operative District Plan does not identify any Significant Natural Areas in the vicinity of the subject site. However, the New Plymouth Proposed District Plan identifies two Significant Natural Areas on the Manganui River upstream of the diversion weir, and six sites along the Waitara River upstream of the Bristol Road Bridge.
- Other matters outlined in s7 of the RMA, including: 7(d) intrinsic values of ecosystems; 7(f) maintenance and enhancement of the quality of the environment; 7(g) any finite characteristics of the natural and physical resources; and 7(i) the effects of climate change.

35. The application is contrary to the objectives and policies of the NPS-FM, including:

- Objective 1(a) which seeks to ensure that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems.
- Policy 3 which requires freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- Policy 4 which requires freshwater is managed as part of New Zealand's integrated response to climate change.
- Policy 9 which seeks that the habitats of indigenous freshwater species are protected.

36. The application is contrary to the objectives and policies of the Taranaki Regional Policy Statement, including but not limited to:

- WAL Objective 1 and Policies WAL 2, 3 & 4.
- WQU Objective 1 and Policies WQU 6.
- BIO Objective 1 and Policies BIO 1, 2, 3 & 4.

37. The application is contrary to the objectives and policies of the Regional Freshwater Plan for Taranaki, including objectives 6.1.1, 6.2.1 & 6.6.1.

Decision sought


38. I seek the following decision from the Council:

- a) That the consent authority **declines the application**, given the shortcomings identified above;
- b) If the consent authority is minded to grant the application, that it imposes the following additional requirements:
 - i. A consent condition in respect of a higher residual flow or a stepped regime i.e. more flow is released during the low flow months.
 - ii. A financial contribution condition as found within the previous resource consent.
 - iii. A consent condition that requires DOC's input into the management plan, as well as specific detail to ensure that the contents of the plan will be appropriate e.g., management objectives.
 - iv. Further information on the impact of the spillway on fish passage in the Mako Stream, including the current fish bypass system with appropriate conditions to address any negative impacts.
 - v. Any other suitable conditions and/or compensation to address my concerns raised above.

39. I also seek such alternative and/or additional relief as may be necessary and appropriate to address my concerns.

I do wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Tinaka Mearns

Operations Director – Hauraki/Waikato/Taranaki Region
Department of Conservation *Te Papa Atawhai*

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 30 March 2023

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

Attn: Ashiley Sycamore, RMA Planner

Department of Conservation

RMA Shared Services

Private Bag 3072

Hamilton 3240

New Zealand

Email: asycamore@doc.govt.nz

Phone: 027 234 4847

FORM 13 SUBMISSION ON RESOURCE CONSENT APPLICATION



Taranaki Regional Council
Telephone: 06-765 7127
Facsimile: 06-765 5097
Email: consents@trc.govt.nz
Website: www.trc.govt.nz

Important Note:

Please ensure that all sections of this form are completed and that the Taranaki Regional Council receives this submission before midnight on the closing date specified on the notification.

For Council Use Only

Post **The Chief Executive**

To: Taranaki Regional Council
Private Bag 713
Stratford 4332

Or: Email to: consents@trc.govt.nz
Fax to: 06 765 5097

1. Submitter's details

Full Name: Penny Nelson, Director-General of Conservation

Address for Service:

Email: asycamore@doc.govt.nz

Postal: RMA Shared Services, Private Bag 3072

Hamilton

Post Code: 3240

Telephone: _____

Mobile: 027 234 4847

Contact person: (if different to name above): Ashley Sycamore, RMA Planner for the Department of Conservation

Street Address of property affected (if different to address above) _____

Serving of documents

The Council will serve all formal documents electronically via the email address provided above.

2. Application to which submission relates

Name of Applicant: Manawa Energy Ltd

Proposal (activity type and location): To authorise the operation of the Motukawa Hydro-Electric Power Scheme.

TRC Consent Number(s): Refer to attached submission for all 14 consent numbers.

3. Attendance and wish to be heard at consent hearing



I/we **do not** wish to be heard in support of my/our submission

(This means that you will not be advised of the date of any consent hearing and cannot speak at any hearing. However, you will still retain your right to appeal any decision made by the Council.)



I/we **do** wish to be heard in support of my/our submission

(This means that you will have the option to speak in support of your submission at any consent hearing.)



If others make a similar submission, I/we will consider presenting a joint case with them at the hearing

[Please tick if you will consider presenting a joint case otherwise leave blank]

4. The specific parts of the application this submission relates to are:



The whole application (*tick box*), or parts of the application described below:

(Attach additional sheet if necessary)

5. My submission is (*give details*):

Refer to the attached pages for full submission.

(Attach additional sheet if necessary)

6. I seek the following decision from the Council



To grant consent



To refuse consent

If Consent is granted, the conditions I seek are:

Note: You do not have to suggest conditions, particularly if you seek that consent be refused.

Refer to full submission for details on the decision requested.

(Attach additional sheet if necessary)

7. Request for independent commissioner(s)



Pursuant to section 100A of the Resource Management Act 1991, I request that the Taranaki Regional Council delegates its functions, powers, and duties required to hear and decide the application to one or more hearing commissioners who are not Taranaki Regional Councillors.

[Please tick if you do wish to make a request otherwise leave blank]

Note: Such a request may be made [in writing] up to 5 working days after close of submissions. If you do make a request under section 100A of the Resource Management Act 1991, **you will be liable to meet or contribute to the costs** of the hearings commissioner or commissioners.

8. Signature



I/we have served a copy of this submission on the applicant (*This is required by section 96(6) of the Resource Management Act 1991*)

Signature:* Ashley Sycamore
(Person making submission, or person authorised to sign on behalf of person making submission.)

Date: 30 / 03 / 2023

NOTICE OF SUBMISSION

To: The Chief Executive
Taranaki Regional Council
Private Bag 713
STRATFORD

We: Fish and Game New Zealand, Taranaki Region

Address: PO Box 662 New Plymouth 4340

Name of contact person: Allen Standcliff

Phone Work: (06) 757 9676

Email: astandcliff@fishandgame.org.nz

Cell: 027 263 9152

Pursuant to Sections 96 and 97 of the Resource Management Act 1991, hereby make a submission to Application Nos: 3369-3.0, 3371-3.0, 3372-3.0, 3373-3.0, 5080-2.0, 5082-2.0, 5084-2.0, 5085-2.0, 5087-2.0, 5088-2.0, 6388-2.0, 6390-2.0, 11102-1.0 & 11103-1.0.

Made by: Manawa Energy Limited

For permits to: Operate the Motukawa hydro-electric power scheme.

Our reason for making this submission is: The Manganui River catchment supports important habitat for brown trout and a regionally significant trout fishery. Taranaki Fish & Game therefore wishes to be involved in discussions relating to these applications for resource consent.

The Manganui River Catchment is listed in Appendix 1A of the operative Taranaki Regional Freshwater Plan and Policy 3.1.4 provides that its high natural, ecological and amenity values will be maintained and enhanced as far as practicable and that adverse effects on these values will be avoided as far as practicable, or remedied or mitigated.

The existing consented minimum flow downstream of the Manganui diversion weir, of 400 l/s is just 34% of the river's 7-day MALF of 1.18 m³/s. The proposed mitigation measures, including water temperature trigger and temporary increases in residual flow may not be sufficient to address adverse effects of the water take on the river reach downstream of the diversion weir, including adverse effects on trout habitat.

The annual drawdown of Lake Ratapiko water levels for weed control and scheme maintenance adversely affects aquatic habitat in the lake and reduces the lake's value as a fishery for brown and rainbow trout and perch. Dredging to deepen the lakebed of the western (water ski) arm of Lake Ratapiko is supported, subject to agreed conditions.

Preparation of the Ecological Monitoring and Management Plan in proposed consent condition 9 (water permit) needs to be done in consultation with submitters. Likewise, the management plan for the proposed trap and transfer programme also needs to be prepared in consultation with submitters. The proposed trapping of native fish in the silt pond, inlet race and in Lake Ratapiko itself is likely to also capture sports fish and Taranaki Fish & Game therefore wishes to have input into the management plan.

Our submission would be satisfied by the Council taking the following decision and/or incorporating conditions with the following intent:

Setting conditions which ensure that any actual or potential adverse effects on trout habitat, fishery values and ecosystem health are avoided, or remedied or mitigated, including (but not limit to):

- Setting appropriate minimum flows in the residual river downstream of the Motukawa diversion weir;
- Reducing the proposed temperature trigger for a temporary reduction in abstraction (and an increase in flow in the residual river) from 25°C to 24°C to provide brown trout with greater protection from the lethal effects of high temperature;
- That the proposed plan to monitor the effectiveness of temporary increases in residual river flow and flushing flows in reducing water temperatures and periphyton growth be prepared in consultation with submitters and be on-going;
- That the extent and frequency of lake level drawdown for aquatic weed control be reduced to improve the aquatic ecosystem values of Lake Ratapiko;
- That any dredging of the western arm of Lake Ratapiko be confined to the period 1 March to 15 April and avoid damaging hunting maimai located around the lake margin;
- That there is an annual financial contribution towards environmental enhancement projects in the Manganui River catchment;
- That the term of consents is set to align with the TRC's Manganui catchment expiry dates and the expiry dates for consents 10889 & 10890 (e.g. 1 June 2039).

We DO wish to be heard in support of this submission.

Signature *a Steniff*

Date 27/03/2023



Submission on resource consent application

Online reference number: CA230358967
Completed on: 31 Mar 2023

Submitter's details

Full name or company name of submitter Frank Grigg
Contact Name Frank
Email grigglets@inspire.net.nz
Contact phone number 027 2769981
Postal Address: 61 Kupara Road, RD 10, Inglewood 4390
Street address of property affected (if different to the address above) NA

The Council will serve all formal documents electronically via the email address provided above.

Application to which submission relates

Name of applicant Manawa Energy Ltd
Proposal (activity type and location) Motukawa Power Station, Motukawa Road, Ratapiko & Mangotea Aqueduct, Mangotea Road, Ratapiko
TRC Consent number/s 5080-2.0 , 5085-2.0 ,5084-2.0, 3373 3.0
I am a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 No

The specific parts of the application this submission relates to are:

My submission relates to the whole application No, my submission only relates to parts of the application
Please detail the parts of the application your submission relates to 4 of the 14 consents as detailed above and in submission

Submission details

Please provide details of your submission. If your submission is in a document, you can upload the document below.
[Resource consent.docx](#) (14 kb)

Outcome sought

I seek the following decision from the Council To refuse consent
If consent is granted, the conditions I seek are More communication
Proof they will do as they say
You can upload a document containing the conditions you seek here NA

Attendance and wish to be heard at consent hearing

I/we wish to be heard in support of my/our submission Yes

By answering yes, you will have the option to speak in support of your submission at any consent hearing.

If others make a similar submission, I/we will consider presenting a joint case with them at the hearing. No

Request for independent commissioner/s

Pursuant to section 100A of the Resource Management Act 1991, I request that the Taranaki Regional Council delegates its functions, powers, and duties required to hear and decide the application to one or more hearing commissioners who are not Taranaki Regional Councilors. NA

Note: Such a request may be made (in writing) up to 5 working days after close of submissions. If you do make a request under section 100A of the Resource Management Act 1991, you will be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Provision of submission to applicant

The Resource Management Act 1991 requires you to send a a copy of the submission to the applicant.

Would you like the Applicant to be automatically sent a copy of this submission via email? Yes

Please enter the applicant's email address here consents@manawaenergy.co.nz

Authorisation

By selecting this checkbox, you are confirming you are the person making submission, or person authorised on behalf of person making submission. Yes

Date 31/03/2023

Council Use Only

Action	Signature	Date
Database updated by		
Document number		

Frank & Cheryl Grigg
162 Ratapiko Road
RD 10
Inglewood
4390
grigglets@inspire.net.nz
0272769981

31st March 2023

Dear Taranaki Regional Council.

I am writing in regards to the consents that Manawa Energy Ltd are applying for in regards to Motukawa Power Station, Motukawa Road, Ratapiko & Mangotea Aqueduct, Mangotea Road, Ratapiko

Consent No 3373 3.0: To dam the Mako Stream to form Lake Ratapiko for hydro electric power generation purposes, including the spillway structures.

The current operating level of the lake is not detrimental to surrounding farmland. The increase of the lake operating levels will have a direct impact on the farmland surrounding the lake. There is no specific reporting on this. We wish to see the lake levels maintained at their current levels, and not increased.

Physically seeing the operating levels of the lake would be advantageous to those surrounding the lake as it would enable better farm practices when the lake levels are heightened due to adverse weather conditions.

During adverse weather events the lake levels can become quite high. In several instances both Ratapiko Road and Kupara Road flood due to culverts flowing back towards the road. When this happens there is a lack of concern and help from roading infrastructure to clearly mark that the road is under flood and therefore a danger to those on the road. The concern is should the lake level be heightened, are these events more likely to occur?

In regards to the reports that were completed about a 1 in 100 year flood, what are the effects on the rest of the farmland around the lake? The reports that were completed only say what happens around the water race and does not take into effect the wider surrounding farmland of the lake. If a report has been completed, where is this information?

Once the lake has been flooded, and all the surrounding farm land has been flooded, what is the management plan of the lake after the flood? There does not seem to be

information regarding this. It is a concern going forward as there are more adverse weather events likely to happen.

There is an objection to the increase in operating levels of the lake, and I wish to see the maximum operating lake level at 198.5 meters above sea level.

Consent 5084-2.0: To discharge hydroelectric power generation water, during adverse weather conditions, via spillways and lake drainage valves from Lake Ratapiko into the Mako Stream.

Under the current system, there is no information provided to surrounding farmland to let them know when the above is going to occur. This is a safety issue as quite often there are normal farm activities occurring along the edge of the Mako Stream. Is this practice going to keep happening going forward, as if so there is an objection to this. There needs to be communication between Manawa Energy and surrounding farmland for everyone's safety going forward, and it needs to happen regularly, not just as a one off. If this was in place, and the communication channel proved to be consistent, then there would be no objections to this consent.

There is also an objection around this consent with regards to how much water Manawa Energy want to put over the spillways. There does not seem to be a geo-technical report that supports both the increase in the lake level, and the amount of water they wish to spill over the edge of the lake. As locals we are aware that the earth dam and spillway have been moving over the years due to earthquakes. Can Manawa Energy prove that the earth dam and spillway are able to handle the amount of water they expect to go over the side of the lake?

There are no figures in the supporting documentation to act as guidance as to when, and what pertains a weather event that could lead to a 1 in 100 year flood. Therefore, we have no idea where the modelling data that is shown is based on.

Consent 5085-2.0 To disturb the bed of Lake Ratapiko for maintenance and repairs associated with hydroelectric power generation purposes.

We consent to this happening, and would like to see the dredging of the Lake going forward to ensure that the Lake can maintain the generating capacity. One of the reports detailed 693 tonnes of sediment coming from the Lake Ratapiko Catchment. One presumes that a lot of this ends up in the lake. At no point did the reports detail how much ended up in the lake.

Going on the figure provided, we believe it is bad policy as a company that they are not maintaining the lake bed and sides of the lake to ensure the lake is operating as an effective water body and storage facility. Potentially flooding more land and endangering lives and business is not the answer because money is an issue.

Consent 5080-2.0 To use and maintain an existing diversion weir, intake structure and fish passes in the Manganui River and to divert and dam water in the Manganui River via an existing diversion weir and intake structure

There is a concern that the current intakes, diversions and fish passes are not current and up to latest specification. Would like to see these maintained correctly and if need be updated to the latest technology.

General Notes:

As land owners we are entrusted to enhance the natural environment and always have the least environmental impact in our activities. There is a concern that with the operating of the lake there is little environmental impact taken into consideration. There are times during the summer when there is no flow through the lake at all.

There has always been a lack of communication from Manawa Energy to those that directly surround all the water bodies that feed into Lake Rataipiko. It is not about knowing exactly what each other is doing, but more knowledge would be advantageous. If the lake is going to come up exceptionally high, landowners directly around the lake have no idea, and therefore cannot plan their farming activities accordingly.

There is also no knowledge of when the lake will decrease below the operating levels. In the consenting process there doesn't seem to be a provision for this, and if this is the case, why?

Lake levels have to be maintained at a level to ensure fish and eels live, but again, there is no set level. There is also no timeframe on when the levels are going to drop each year.

When adverse weather events occur there is a lack of care or attention from Manawa Energy in regards to how high they run the lake and when it is high, how much that affects the surrounding farmland. Again, some communication regarding this would be great as currently with nothing being communicated, farming activities are hindered when this occurs.

Overall there is no objection to what they are trying to achieve, we just object to the finer points in their resource consents.

I thank you for your time in reading over my submission and can be contacted on any of the details provided above throughout the submission process.

Regards

Frank Grigg



Submission on resource consent application

Online reference number: CA230347893
Completed on: 26 Mar 2023

Submitter's details

Full name or company name of submitter DH & LC McIntyre
Contact Name Donald McIntyre
Email donald.mcintyre@xtra.co.nz
Contact phone number 0272480099
Postal Address: 137 Ratapiko Road, RD 10, Inglewood 4390
Street address of property affected (if different to the address above) NA

The Council will serve all formal documents electronically via the email address provided above.

Application to which submission relates

Name of applicant Manawa Energy Ltd
Proposal (activity type and location) Motukawa Hydroelectric Power Scheme
TRC Consent number/s 3373-3.0
I am a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 No

The specific parts of the application this submission relates to are:

My submission relates to the whole application No, my submission only relates to parts of the application
Please detail the parts of the application your submission relates to A discharge permit to discharge water via existing spillways and lake drainage valves from Lake Ratapiko into the Mako Stream
1. The consent holder may discharge up to 55 cubic metres per second of water via spillways and lake drainage valves from Lake Ratapiko into the Mako Stream. A land use consent for the damming of the Mako Stream via an existing dam structure to form

Lake Ratapiko for hydro-electric power generation purposes, including the service and auxiliary spillway structures
3. The consent holder shall ensure that a minimum water level of 194 metres above mean sea level is retained in Lake Ratapiko at all times, except during periods of maintenance, in order to maintain aquatic habitat. Where maintenance is required, the consent holder shall draw the level of Lake Ratapiko down gradually over a seven day period in order to avoid or minimise fish stranding. The

consent holder shall notify the Chief Executive and Fish and Game New Zealand at the commencement of the draw down of Lake Ratapiko.

Submission details

Please provide details of your submission. If your submission is in a document, you can upload the document below.

Consent conditions
page 8 - section 3 & page 10 - section 7

3. The consent holder shall ensure that a minimum water level of 194 metres above mean sea level is retained in Lake Ratapiko at all times, except during periods of maintenance, in order to maintain aquatic habitat.

Where maintenance is required, the consent holder shall draw the level of Lake Ratapiko down gradually over a seven day period in order to avoid or minimise fish stranding. The consent holder shall notify the Chief Executive and Fish and Game New Zealand at the commencement of the draw down of Lake Ratapiko.

Page 8 - section 1

A discharge permit to discharge water via existing spillways and lake drainage valves from Lake Ratapiko into the Mako Stream

1. The consent holder may discharge up to 55 cubic metres per second of water via spillways and lake drainage valves from Lake Ratapiko into the Mako Stream.

NA

Upload submission details here

Outcome sought

**I seek the following decision from the Council
If consent is granted, the conditions I seek are**

To grant consent

page 8 - section 3 & page 10 section 7,
For Manawa energy to notify landowners bounding Lake Ratapiko at least 7 days prior to dewatering the lake for maintenance purpose , to allow planning for maintenance of lake surrounds and tributaries.

page 8 - Section 1,

The effect of this discharge on down stream info structure (waterpumps / tanks / culverts) has been devastating in the past, repairing any damage would be a mitigating effect

NA

You can upload a document containing the conditions you seek here

Attendance and wish to be heard at consent hearing

I/we wish to be heard in support of my/our submission

Yes

By answering yes, you will have the option to speak in support of your submission at any consent hearing.

If others make a similar submission, I/we will consider presenting a joint case with them at the hearing.

Yes

Request for independent commissioner/s

Pursuant to section 100A of the Resource Management Act 1991, I request that the Taranaki Regional Council delegates its functions, powers, and duties required to hear and decide the application to one or more hearing commissioners who are not Taranaki Regional Councilors. NA

Note: Such a request may be made (in writing) up to 5 working days after close of submissions. If you do make a request under section 100A of the Resource Management Act 1991, you will be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Provision of submission to applicant

The Resource Management Act 1991 requires you to send a copy of the submission to the applicant.

Would you like the Applicant to be automatically sent a copy of this submission via email? Yes

Please enter the applicant's email address here concents@manawaenergy.co.nz

Authorisation

By selecting this checkbox, you are confirming you are the person making submission, or person authorised on behalf of person making submission. Yes

Date 26/03/2023

Council Use Only

Action	Signature	Date
Database updated by		
Document number		

**PUKERANGIORA HAPŪ, TE KĀHUI MARU TRUST AND
TE KOTAHITANGA O TE ATIWA TRUST
SUBMISSION TO RESOURCE CONSENT APPLICATIONS BY MANAWA ENERGY:**

- Consent No: 3369-3.0
Application lodged: To take and use up to 5200 litres/second of water from the Manganui River for hydroelectric power generation purposes.
- Consent No: 3371-3.0
Application lodged: To divert and use stormwater run-off and the entire flow of various unnamed watercourses draining into the Motukawa Race and into Lake Ratapiko for hydroelectric power supply purposes.
- Consent No: 3372-3.0
Application lodged: To discharge water from the Motukawa Power Station into the Makara Stream.
- Consent No: 3373-3.0
Application lodged: To dam the Mako Stream to form Lake Ratapiko for hydroelectric power generation purposes, including the spillway structures.
- Consent No: 5080-2.0
Application lodged: To use and maintain an existing diversion weir, intake structure and fish passes in the Manganui River and to divert and dam water in the Manganui River via an existing diversion weir and intake structure.
- Consent No: 5082-2.0
Application lodged: To discharge, under emergency conditions, overflow water from the Mangaotea Aqueduct into the Mangaotea Stream.
- Consent No: 5084-2.0
Application lodged: To discharge hydroelectric power generation water, during adverse weather conditions, via spillways and lake drainage valves from Lake Ratapiko into the Mako Stream.
- Consent No: 5085-2.0
Application lodged: To disturb the bed of Lake Ratapiko for maintenance and repairs associated with hydroelectric power generation purposes.
- Consent No: 5087-2.0
Application lodged: To take and use water from Lake Ratapiko for hydroelectric power generation purposes.

Consent No: 5088-2.0

Application lodged: To discharge water from the surge chamber of the Motukawa Power Station during maintenance periods into an unnamed tributary of the Makara Stream.

Consent No: 6388-2.0

Application lodged: To divert and use water in the Motukawa Race for hydroelectric power generation purposes.

Consent No: 6390-2.0

Application lodged: To impound water behind a dam on the Motukawa Race for hydroelectric power generation purposes.

Consent No: 11102-1.0

Application lodged: To discharge water and contaminants over an existing diversion weir and fish passes located in the bed of the Manganui River.

Consent No: 11103-1.0

Application lodged: To discharge water and contaminants to the Manganui River via the sluice gate downstream of the intake structure.

DATED: 31 MARCH 2023

Pukerangiora Hapū, Te Kāhui Maru Trust and Te Kotahitanga o Te Atiawa Trust

This submission is made by Pukerangiora Hapū, Te Kāhui Maru Trust and Te Kotahitanga o Te Atiawa Trust in relation to application for consent numbers consent no: 3369-3.0, 3371-3.0, 3372-3.0, 3373-3.0, 5080-2.0, 5082-2.0, 5084-2.0, 5085-2.0, 5087-2.0, 5088-2.0, 6388-2.0, 6390-2.0, 11102-1.0 and 11103-1.0.

Pukerangiora Hapū are the Te Atiawa hapū with mana whenua over the application area. Te Kotahitanga o Te Atiawa, established in 2014 by Deed of Trust, is the Post Settlement Governance Entity ('PSGE') responsible for the collective Tiriti assets and interests for Te Atiawa. Te Kāhui Maru Trust is the Post Settlement Governance Entity ('PSGE') responsible for the collective Tiriti assets and interests of Ngāti Maruwharanui.

Application development and engagement of cultural expertise

The application seeks to renew a number of consents that enable the operation of the Motukawa Hyrdo Electric Power Scheme ('HEPS') within the Waitara catchment for a 35-year term. The application includes proposed consent conditions to manage the scheme over that time period.

Hapū and iwi engagement with Manawa Energy (formerly Trustpower) has occurred sporadically since 2018, primarily via an information sharing forum. Initial work towards the development of a Cultural Impact Assessment ('CIA') commenced. However, this engagement remains ongoing and is not complete. In our view this results in a flaw within the application as drafted. A complete understanding of the existing environment is not understood or expressed within the application, and therefore the actual and potential adverse effects are not able to be fully assessed. It is acknowledged that Manawa Energy continues to engage with a view to progressing discussions around consent conditions, and the overall management of the Scheme discussed at a wānanga late in 2022.

The application sets out a detailed description of proposed activity at section 3. In addition to this description we understand that the take is used to generate power twice a day, generally in the morning and in the evening, with recharge of Lake Ratapiko occurring between those times to facilitate the next period of power generating. We understand that this frequency of operation directly relates to the volume of take required from the Manganui.

Existing environment

The application sets out a description of the existing environment at section two (2). This description is deficient; it relies on inputs from a number of areas of expertise including ecology, hydrology, landscape and planning assessment; however, critically none of these have assessed or addressed the cultural landscape. As a result, it is considered that the conclusions reached in these assessments cannot be relied upon to avoid, minimise, remedy, offset or compensate the actual and potential adverse effects of this proposal.

Several legal opinions have been sought for this application discussing what constitutes the existing environment, and the ability to and degree to which activities established through consents granted by a regional council should be considered part of the existing environment when those activities are being reconsented.

The description of the environment (inclusive of those effects that have been generated under previous resource consents) has been made on the assumption that the environment has recalibrated to encompass the scheme, and this forms the starting point to consider the effects which may result from the continuation of the Motukawa HEPS.

However, it is important to recognise that equally in resource management practise, it is contemplated that where the adverse effects of a proposal are not fully understood that a consent can be amended to address those shortcomings. Approvals and consents over time have not recognised and provided for the relationship of mana whenua and our culture and traditions with the Manganui, Mako and Mangaotea (inclusive of their rangatiratanga and kaitiakitanga), protected historic heritage, enabled the exercise of kaitiakitanga, taken account of the principles of Te Tiriti, or the preservation of the natural character of these awa over the life of the Motukawa HEPS.

As set out above, Pukerangiora Hapū and Ngāti Maru are mana whenua for the area the application site is located within. Through tangata whenua there are cultural narratives, outcomes, associations, interests, relationships and aspirations which form a part of this existing environment. Some of these include:

- The Waitara catchment, and the resources this provided for mana whenua. Of significance are piharau – a kai rangatira that were abundant in this area, along with the abundance of other taonga species.
- Numerous Pā/papakāinga as well as the associated archaeological, cultural, historic, scientific and technological features of these sites.
- The future environment in this area as it is reasonable to anticipate. This includes the work that will occur as a result of the Waitara River Committee¹, as well as the various functions pursuant to the Ngāti Maru Claims Settlement Act 2022². It is also inclusive of the Waitara River Restoration Project, a Kaimahi for Nature project led by Otarua hapū with the purpose of restoring and improving the health of the Waitara River elsewhere in the catchment.

The evidence of Mr Anaru Marshall to Hearing 5 of the Proposed New Plymouth District Plan ('PDP') on behalf of Te Kāhui Maru³ provides details that sets out broadly the expectations the Ngāti Maru have in relation to planning outcomes within the Waitara Catchment as a result of their Settlement, providing further understanding of the existing environment, inclusive of the future environment.

Mr Anaru White presented evidence on behalf of Pukerangiora Hapū to Hearing 5 of the PDP⁴ setting out the development pressures in Pukerangiora Hapū rohe, specifically on the Waitara and Manganui Rivers and their tributaries.

Te Tai o Maru

Te Mana o te Wai

The application includes an assessment of the proposal against the principle of Te Mana o te Wai⁵ as articulated in the National Policy Statement for Freshwater Management 2020 ('NPS-FM').

¹https://legislation.govt.nz/act/local/2018/0002/latest/DLM6961713.html?search=ts_act%40bill%40regulation%40deemedreg_New+Plymouth+District+COuncil_resel_25_a&p=1

²https://legislation.govt.nz/act/public/2022/0009/latest/LMS493508.html?search=ts_act%40bill%40regulation%40deemedreg_Ngati+Maru+_resel_25_a&p=1

³<https://proposeddistrictplan.npdc.govt.nz/media/dcaillqfk/hearing-5-te-k%C4%81hui-maru-mr-anaru-marshall-cultural.pdf>

⁴ Statement of evidence of Mr Anaru White to Proposed New Plymouth District Plan Hearing 5, dated 28 September 2021, < <https://proposeddistrictplan.npdc.govt.nz/media/pcrfbhug/hearing-5-pukerangiora-hap%C5%AB-and-manukorihi-p%C4%81-reserve-trust-mr-anaru-white-cultural.pdf> >

⁵ Te Mana o te Wai includes a hierarchy of obligations:

1. the first obligation is to protect the health and mauri of the water;
2. the second obligation is to provide for essential human health needs, such as drinking water;
3. the third obligation is to enable other consumptive use, provided that such use does not adversely impact the mauri of freshwater.

Te Mana o te Wai prioritises the following principles:

It is important to note from the outset that the conclusions reached in the application with respect to Te Mana o te Wai have been done so without the benefit of the expert advice of mana whenua. The application concludes that *Overall, it is considered that the continued operation of the Motukawa HEPS is consistent with the overall management intentions specified in the relevant statutory planning documents and the sustainable management of natural and physical resources under the Resource Management Act 1991. It is however, recognised that further analysis of the mitigation requirements may be necessary once the cultural values assessments is completed by the relevant iwi and hapu representatives.*⁶

As noted above, CIA processes have commenced but not concluded at the time the application was notified, kōrero has been on-going since notification. It is not possible to determine the consistency of an application with the concept of Te Mana o te Wai in the absence of this assessment made by tangata whenua. Mr Te Poihi Campbell, Pouwhakakaupapa at Te Kotahitanga o Te Atiawa provides a steer for a more general Taranaki perspective of the concept of Te Mana o te Wai as follows:

Environmental disturbance, historical trauma, social issues and collective health challenges have led to Iwi and hapū encouraging the wider Taranaki community to develop a more responsive environmental strategy that is holistic in its approach. This includes acknowledging the inherited responsibilities and obligations bestowed upon us all to respect, manage and treat all water bodies as a collective. This perspective requires all communities to adopt the value of “service” towards respecting water which includes implementing appropriate protocols to uphold the integrity of water (te mana o te wai).

Ensuring a holistic approach is achieved will require the essence and principles of “te mana o te wai” to flow freely, without obstruction or hinderance. Narratives about wai from Iwi and hapū are etched in the local landscape and remain an essential guiding influence in all our lives. Wai, in its many manifestations and forms, can continue informing a framework that works to restore balance and promote good health and well-being for all Taranaki residents.

He Kawa Ora – The effervescence of life.

In general terms the following are fundamental attributes of Te Mana o te Wai:

- All water is interconnected, including through whakapapa;
- Water has its own mana, and is its own intelligent being with memory, spirit and feelings; and
- The depth of relationship and connection tangata whenua have with all water within our tākiwa, also being recognised in statute through settlement legislation⁷.

-
- rangatiratanga/mana whakahaere or the dual roles of iwi/hapū and the Crown to develop and maintain decision-making processes for water;
 - kaitiakitanga and stewardship practices to sustain water. Tangata whenua have an inherent intergenerational responsibility and right to safe-guard the traditions and history related to wai Māori and undertake the rituals, ceremonies and activities to manage resources and interests in accordance with their customary preferences. The methods must include measures of: (a) mātauranga Māori; and (b) the health of indigenous flora and fauna; and
 - manaakitanga and care and respect in providing for the health of our nation. This relates to mahinga kai, a compulsory value to be considered in the management of freshwater in Aotearoa, Mahinga kai should be restored to a level that replenishes our taonga species and our whanau.

⁶ Application – page 7

⁷ Statutory acknowledgements at sections 29 – 37 and Schedule 1 of the Te Atiawa Claims Settlement Act 2016; and the Statement of Association for the Waiwhakakaiho River and its tributaries as detailed in the Te Atiawa Deed of Settlement 2014: Deeds of Settlement Schedule: Documents.

- Through whakapapa tangata whenua are connected with all waters in our rohe, and through this hold kaitiaki obligations and responsibilities, and that the exercise of these obligations is in turn intimately linked with the identity of tangata whenua.

Our creation narrative describes the beginning of time and the various development stages of consciousness and awareness, manifesting into the natural world we currently inhabit. The creation story, as we know it, reinforces intrinsic spiritual and cultural connections that are linked by wai (water) in its many forms and its ongoing importance to us as human beings.

In te ao Māori, wai is recognised as the essence of life. The continuous cycle and rejuvenation of wai allows the vitality of life to exist, expand, develop and transition into the next phase, in readiness to be reborn and therefore sustain life again.

The unhindered natural cycle of wai inherently creates environments of enrichment towards health and wellbeing. Any disturbance or disruption to the cycle, by internal or external factors, can lead to outcomes that severely impact on the beneficial properties of the mana o te wai and our relationship with it⁸.

Specifically with regard to the Manganui River and Waitara River catchment it is critical to acknowledge that the Waitara River is one of the major rivers in the Te Atiawa and Ngāti Maru rohe and takes its name from the legend of Te Whaitara-nui-a-Wharematangi-i-te-kimi-i-tana-matua-i-a-Ngarue. The Waitara flows through the rohe of several iwi and hapū including Manukorihi Hapū, Ngāti Rahiri Hapū, Otaraua Hapū, Pukerangiora hapū, and Ngāti Maru iwi.

The Te Atiawa Deed of Settlement documents⁹ and Te Atiawa Claims Settlement Act 2016¹⁰ provide some details about the significance of the Waitara River:

The Waitara River, unlike other substantial rivers within Taranaki, does not flow directly from Taranaki Maunga. The Waitara springs in mountainous country near Taharoa and converges with the Manganui River which flows from Taranaki Maunga.

The Waitara River mouth was one of the first areas to be settled in Aotearoa and life was sustained here by the abundant resources provided by the reefs and wetlands. There were many kāinga and tauranga waka at the mouth of the Waitara and the kāinga later became seasonal fishing villages as Te Atiawa spread along and inhabited the entire length of the Waitara River. One of the streams, Mangahinau, was the mooring site for the largest Te Atiawa war waka, Eanganui.

There were many papakāinga along the banks of the Waitara, such as Ngangana, Kuikui, Te Whanga, Huirapa, Werohia, Aorangi, Puketapu, Mamaku, Tokitahi, Purimu, Karaka, Te Awaiotetaki, Manukorihi, Pukerangiora, Mangaemiemi / Te Ahikaroa, Wakatete, Kerepapaka, Tahunakau, and Taumaatene. The Waitara River provided an abundance of fish, īnanga, tuna/eel, piharau, kahawai, yellow eyed mullet, flounder, herrings, kōkopu, weka, pūkeko, ducks. One of the river's tributaries, the Tangaroa, was an important spawning area for īnanga and native fish.

⁸Evidence of Craig Te Poihi Campbell to Hearing 5 of the Proposed New Plymouth District Plan Hearings, dated 20 September 2021. Retrieved from <https://proposeddistrictplan.npdc.govt.nz/media/s24f3r0o/hearing-5-te-kotahitanga-o-te-atiawa-mr-craig-te-poihi-campbell-he-k%C4%81wai-o-te-kawa-ora-cultural.pdf>

⁹ Te Atiawa Deed of Settlement documents, <https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/te-atiawa-taranaki/te-atiawa-deed-of-settlement-documents/>

¹⁰ Te Atiawa Claims Settlement Act 2016, <

<<https://www.legislation.govt.nz/act/public/2016/0094/latest/DLM6460002.html#DLM6460015>>

The Hapū fished from purpose-built platforms and this technique continues today to describe customary fishing locations on the river. Each whakaparu was named and these names remain and continue to be used by Te Atiawa today. The māra / gardens along the river included Te Rore, Mangahinau, Panekeneke, Opakaru, Te Ramarama and Mangaemiemi. The urupā include Te Rohutu, Manaaiti, Pukehou, Teremutu and Ngangana.

The natural defences and height provided by the cliffs provided control of the Waitara River. Aorangi along with Pukekohe and Manukorihi, formed a triangle of strongly defended pā in the valley. In its upper reaches, its cliffs provided defence for Pukerangiora Pā.

The river continues to be an important resource for mahinga kai. Contemporary uses of the river include cultural harvesting (fish, whitebait) and the river is valued because of its biodiversity and conservation values.

Te Atiawa has a physical, cultural, historical, traditional and spiritual relationship with the Waitara River and its tributaries. All elements of the natural environment possess a life force, or mauri. This is a critical element of the spiritual relationship of Te Atiawa to the Waitara River which has a spiritual force and personality of its own.

The Waitara River has been and continues to be an integral part of the social, spiritual and physical fabric of Te Atiawa and is celebrated in karakia, waiata and pepeha¹¹.

The confluence of the Manganui and Waitara River is described as a boundary marker for Ngāti Maru iwi. The Waitara River was navigable by small canoes some distance into Ngāti Maru territory and formed an important trade route¹².

The Ngāti Maru Deed of Settlement¹³ and Ngāti Maru Claims Settlement Act 2022¹⁴ provide some details about the significance of the Waitara and Manganui Rivers:

The Waitara River, or Te Awaroa as it is known by Ngati Maru, has the second-largest catchment area in Taranaki. The river drains the north-eastern slopes of Taranaki Maunga, and large portions of Taranaki's eastern hill country.

Ngati Maru record that from the time of their eponymous ancestor, Maruwharanui, they have lived by, and drawn sustenance from the Waitara River. The iwi are connected spiritually and physically to the length of the river, from its source inside a small cave known as Waitaraiti along 194 km until it meets the Manganui River, approximately 15 km from the coast. Ngati Maru record eighteen Ngati Maru pa or kainga located along the banks of the Waitara River (including Maikatea, Te Whaititanga, Te Nau, Manutangihia, Ngakorako, Mangahau, Purangi, Pukemahoe, Paritutu, Aotawa, Kopua, Paihau, Kawau, Kerikeringa, Pukekakamaru, Te Araitia and Waituhi).

¹¹ Te Atiawa and the Trustees of Te Kotahitanga o Te Atiawa and The Crown (August 2014). *Te Atiawa (Taranaki) Deed of Settlement, Deed of Settlement Schedule: Documents*

¹² Ngāti Maru and Te Kāhui Maru Trust: Te Iwi o Maruwharanui and The Crown (February 2021). *Te Hiringa Take Deed of Settlement of Historical Claims*, < <https://www.govt.nz/assets/Documents/OTS/Ngati-Mar-Taranaki/Ngati-Mar-deed-of-settlement-Historical-Claims.pdf>>

¹³ Ngāti Maru (Taranaki) Deed of Settlement documents, < <https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-maru-taranaki/ngati-maru-taranaki-documents/>>

¹⁴ Ngāti Maru (Taranaki) Claims Settlement Act 2022, < <https://www.legislation.govt.nz/act/public/2022/0009/latest/whole.html#contents>>

Ngati Maru have expressed their relationship with the Waitara River as that of descendants from an ancestor. Kaumatua have also identified Ngati Maru's eponymous ancestor, Maruwharanui, as a taniwha and the spirit of the river, and in Ngati Maru's whakapapa. Ngati Maru believe that in ancestral times, the Waitara River was also home to taniwha that were both revered and feared by Ngati Maru people. The taniwha Parahia lived at Otuhira on a bend in the river, south of Puketui. Other taniwha were thought to reside at the base of the cliff known as Haumea-nui near Ngakorako and under the riverbanks at Te Kopua. The known hiding spots of taniwha would be treated with respect by swimmers and canoes using the river.

Along the Waitara River, Ngati Maru kaumatua remember Ngati Maru paddling canoes, building pa, planting crops, and fishing. Piharau (lamprey eels), an important food source, were caught between July and August at the fords of Mangaoapa. The Ngati Hinemokai hapū owned a great pa-tuna (eel weir) at Kawau. Pihau pa along the Waitara River housed a site for steeping kaanga pirau (fermented corn), and Ngati Maru comment that this was likely to have also occurred throughout the rohe.

The Manganui River is a major tributary of the Waitara River. Its catchment headwaters lie on the north-eastern slopes of Mount Taranaki, and the river is the western boundary of the Ngati Maru rohe.

The midpoint between two springs - Manganui and Patea - on the maunga was known as Te Ahurangi. Te Ahurangi was a tuahu (place of ritual) of Te Waewaeroa (the priests of Ngati Maru) and both the commencement and end point of their annual hīkoi encircling the Ngati Maru rohe in ancient times. Te Waewaeroa followed the Manganui River from its confluence with the Waitara River to its source on the Mouna.

Te Ahurangi was maintained by Te Waewaeroa and was considered to be a powerful place. Waiora (the Waters of Life) could be obtained directly for use in rejuvenating damaged mauri and to counteract the evil that caused it. Healing energies could also be sent overland via the rivers themselves.

Accordingly, the Manganui River is significant to Ngati Maru both for its spiritual association with the maunga and its connection with the Waitara River.

To reiterate, it is important to note that as a result of the New Plymouth District Council (Waitara Lands) Act 2018 significant investment in the restoration of the Waitara catchment via the Waitara River Committee will occur over the coming years. Similarly, the Ngāti Maru (Taranaki) Claims Settlement Act 2022 provides for increased participation of Ngāti Maru in the management of natural resources. Both of these mechanisms work deliberately towards the restoration of the Waitara catchment. Success or otherwise of this restoration is measured both from a mātauranga māori and a western science perspective.

In considering these attributes and the kōrero provided above, mahinga kai outcomes (both as a noun and a verb), and the abundance of species within those traditional fishing areas are considered to be a part of the character of the Waitara Catchment. Understanding this within the context and the impact the application continues to have on this activity may result in a different conclusion with respect to the level of adverse effects of the proposal on the character of the Waitara Catchment. This may be similar for ecological assessment and the conclusions reached within those areas of expertise with regard to the scale of adverse effects that result from the on-going operation of the scheme.

We remain concerned by the proposed 35-year term as it is expected that regular review of the operation of the Scheme to adapt to the insights derived through the implementation of mātauranga Māori,

alongside other scientific method to avoid, minimise, remedy, offset or compensate for the actual and potential adverse effects as these are better interpreted and understood over time, would be required for any length of consent.

The operation, implementation and success of renewable energy generation in our opinion cannot be at the expense of the relationship of tangata whenua at place, irrelevant of if it is proposed or existing. The Emissions Reduction Plan is one mechanism being used to focus collective efforts towards transitioning to a resilient, low emissions economy. Approaches for empowering Māori, Māori leading, upholding our rights and interests under Te Tiriti are central to the success of the Plan and achieving a net zero greenhouse gas emissions by 2050.

Summary

Ensuring that the role of tangata whenua within consent and post-approval processes are provided for are critical. Historically there has been no engagement of cultural expertise to inform the exercise of these consents, and ability to perform the role of kaitiaki with respect to this activity. The activities fail to recognise and provide for the relationship of tangata whenua and our culture and traditions, nor does it take into account the principles of te Tiriti o Waitangi.

An adaptive management approach, deliberate and resourced rangahau programmes to close current information gaps, and regular review of the scheme and how it contributes towards the overall improvement of the mauri of the Waitara Catchment are fundamental.

Currently, there are no proposed conditions of consent which avoid, minimise, remedy, offset or compensate for the actual and potential adverse effects that result on tangata whenua.

Potential and actual adverse effects

Based on the above assessment of the application and further information provided, as well as consideration of the provisions of *Tai Whenua*, *Tai Tangata*, *Tai Ao* it is considered that the following potential adverse effects are not adequately avoided, minimised, remedied, offset or compensated for:

- The recognition and protection of the relationship of tangata whenua with the cultural landscape.
- The recognition and protection of historic heritage.
- Continuing to deprive the Mako stream of residual flow.
- The continued interruption of the ability of tangata whenua to practise their active kaitiakitanga.
- The on-going impact on mahinga kai.
- The length of consent and the ability to work towards te mana o te wai, te oranga o te taiao and other relation principles/outcomes over time.
- The potential to undermine the investment of in Waitara River Committee towards the restoration of the mauri of the Waitara Catchment.

Relief sought

Pukerangiora Hapū, Te Kāhui Maru Trust and Te Kotahitanga o Te Atiawa Trust are opposed to the proposal. We seek that Taranaki Regional Council decline the applications.

We wish to be heard in support of our submissions and would consider presenting a joint case with others who make similar submissions.

Pukerangiora Hapū, Te Kāhui Maru Trust and Te Kotahitanga o Te Atiawa Trust are not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Contact details

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Nāku noa iti, nā

Anaru White
Pukerangiora Hapū

Anaru Marshall
Te Kāhui Maru

Dion Tuuta
Te Kotahitanga o Te Atiawa



Date 10 October 2023

Subject: **Appointment of Hearing Commissioners - Horizon Trust Management Ltd**

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

Document: 3207208

Purpose

1. The purpose of this memorandum is to delegate to a Hearing Commissioner the authority to determine the following applications by Horizon Trust Management Ltd which are associated with the expansion of the existing Whenuku Road quarry.

Consent	Description
10864-1.0	To take groundwater associated with quarry excavations
10865-10	To realign a section of an unnamed tributary of the Waingongoro River, including associated stream bed disturbance and reclamation
10866-1.0	To discharge treated stormwater, wash water and groundwater from a quarry site through seepage to land, and via a rock-lined channel to the Waingongoro River
10905-1.0	To discharge treated stormwater, wash water and groundwater from a quarry site through seepage to land, and via a rock-lined channel to the Waingongoro River
10017-1.1	Change to an existing consent to realign and install piping in sections of two unnamed tributaries of the Waingongoro River, including associated disturbance and reclamation of the stream bed

Recommendations

That the Taranaki Regional Council (the Council):

- a) receives this memorandum *Appointment of Hearing Commissioners - Horizon Trust Management Ltd*

- b) notes that subject to a hearing being necessary, the Chief Executive will appoint a hearing commissioners to hear the applications and any submissions under delegated authority.

Background

2. Horizon Trust Management Ltd ('the applicant') has lodged various applications to expand the existing Whenuku Road quarry area including undertaking extraction below the water table and associated dewatering, discharge of recovered groundwater, deposition of cleanfill, and further modification to an unnamed tributary of the Waingongoro River that traverses the site.
3. The Whenuku Road quarry was established in 2011 by Grant Cudby Contracting Limited and was acquired by Horizon Trust Management Ltd in November 2016. The quarry currently produces and supplies aggregates for the South Taranaki area for use in roading and pathways, drainage, cattle races and foundation works for infrastructure projects.
4. The applicant is proposing to further expand the existing Whenuku Road as the existing quarry area is close to being worked out, and also due to the discovery of a shallow depth andesite deposit, during drilling investigations late in 2019. The andesite deposit will provide for the on-going market demand for aggregates in the local community. The expansion of the quarry would enable the extraction of 1,100,000m³ of material from the expanded extraction area over approximately a 15-to-20-year period.
5. The Council's Consents Manager determined that applications be 'limited notified'. In doing so, it was determined that the effects of the proposed activities would be no more than minor but that the person(s) listed below would be adversely affected and had not given written approval:
 - Te Korowai o Ngāruahine Trust
 - Te Runanga o Ngāti Ruanui Trust
 - Fish and Game New Zealand
 - Director-General of Conservation.
6. The serving of notice on 20 January 2021 resulted in four submissions, one each from the entities and organisations concerned.

Discussion

7. The Council is required to decide who should be delegated the authority to determine the applications and who should hear the applications and submissions.
8. As the submissions have not been resolved through the pre-hearing process, a hearing is possible. Only accredited hearing commissioners can hear the applications and any submissions under the Resource Management Act 1991. No Councillors are currently accredited.
9. The te Korowai o Ngāruahine Trust submission remains partially unresolved and agreement may not be possible.
10. The land use consent for the expansion has been issued by South Taranaki District Council.

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.

Community considerations

14. 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

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



Date 10 October 2023

Subject: **Nature Based Solutions for Flooding**

Approved by: D Harrison, Director - Operations
S J Ruru, Chief Executive

Document: 3186721

Purpose

1. The purpose of this memorandum is to provide Members an overview of the successful application to the funding opportunity provided by the Ministry for the Environment for Nature Based Solutions to Flooding.

Executive summary

2. In response to the flood events associated with cyclones Hale and Gabrielle in January and February 2023, the Ministry for the Environment (the Ministry, MFE) made available \$5 000 000 to support local government to invest in resilience planning that would help mitigate impacts against future severe weather events, using a nature-based solutions lens.
3. TRC submitted two high-level projects for feasibility studies in line with the requirements of the funding opportunity.
4. The fund was oversubscribed with MFE receiving 41 projects from across the country.
5. TRC's catchment-specific study, proposed in partnership with Ngaa Rauru: Kia manawaroa Waitōtara, kia whakaritea te tangata, focusing on the Waitōtara catchment was successful in securing \$150 000 for two years ending 30 June 2023.
6. The Ministry included a further \$100 000 in the project funding to extend the scope to flood modelling across Taranaki.
7. Detailed planning of the methodology and the outputs of the proposed project will be conducted with Ngaa Rauru, stakeholders and consultants as part of the feasibility study in the coming months.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum on the funding opportunity provided by MFE for Nature Based Solutions to flooding and the successful application made to this fund.

- b) notes the opportunity this provides the Council to work closely with mana whenua and stakeholders to better understand flood risks and potential nature-based-solutions in the Waitōtara Catchment and the wider region.

Background

- 8. In late April 2023, in response to the flood events associated with cyclones Hale and Gabrielle in January and February 2023, the Ministry for the Environment (the Ministry, MFE) made available \$5 000 000 to support local government to invest in resilience planning that would help mitigate impacts against future severe weather events, using a nature-based solutions lens. This opportunity was extended to Regional Councils across the country via the River Managers, Biodiversity and Hazard Risk Management Special Interest Groups (SIGs).
- 9. Under the funding proposal MFE defines nature-based solutions as 'actions to protect, conserve, restore, sustainably use and manage natural or modified terrestrial, freshwater, coastal and marine ecosystems, which address social, economic and environmental challenges effectively and adaptively, while simultaneously providing human well-being, ecosystem services and resilience and biodiversity benefits.'
- 10. The Ministry was specifically looking for projects which scope what types of nature-based solutions would provide the most effective and cost-effective flood mitigation. With an expectation that the feasibility studies would use hydrodynamic modelling (and other modelling techniques) to test a series of mitigation techniques against several weather event scenarios.
- 11. Councils could apply for up to \$500 000 per region, but were advised to aim for around \$300 000 to ensure all councils would benefit from the fund. Multiple projects per council were considered. Projects would need to be completed by 30 June 2025.
- 12. Funding can be used for feasibility studies only. Applications for on-the-ground works were not to be considered.
- 13. The Ministry strongly encouraged partnering with tangata whenua to bring te ao Māori to projects and encouraged collaboration with Territorial Authorities. The Ministry would fund project managers and iwi/hapū representatives to run and/or contribute to the project as required.

Discussion

- 14. TRC staff met twice in early May with representatives from across all directorates to discuss potential project options, noting very short preparation timeframes as applications closed on 16 June 2023.
- 15. From these initial meetings two potential projects were identified and pursued:
 - 15.1. A region wide study: Identification of Nature Based Solutions to Flooding in Taranaki seeking \$250 000, and
 - 15.2. A catchment-specific study in partnership with Ngaa Rauru: Kia manawaroa Waitōtara, kia whakaritea te tangata - Let Waitōtara be resilient, let the people be adaptive seeking \$150 000.
- 16. Several online meetings were held with Ngaa Rauru to discuss the funding opportunity and co-develop a high-level project proposal.
- 17. Both proposals were submitted to MFE on 16 June 2023.

18. The Ministry informed TRC on 29 June 2023 that the funding opportunity had been oversubscribed with 41 projects being received from across the country - of these, 21 were approved for funding. As a result only the catchment specific project: Kia manawaroa Waitōtara, kia whakaritea te tangata had been successful in securing funding of \$150 000.
19. An additional \$100 000 above what was requested was also secured to enable the flood modelling that would underpin the catchment study to be carried out across Taranaki.
20. The successful application document for the catchment-specific study: Kia manawaroa Waitōtara, kia whakaritea te tangata is attached and includes: what the project aims to achieve, how it will achieve this and how funding will be used.
21. The Ministry acknowledges the short timeframe that Councils and partners were given to develop project proposals and have allowed for detailed planning of methodologies and outputs to be included in the overall feasibility study.
22. Detailed planning of the methodology and the outputs of proposed project will be conducted with Ngāa Rauru, stakeholders and consultants as part of the feasibility study in the coming months.

Financial considerations—LTP/Annual Plan

23. 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

24. 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

25. 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

26. 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

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

Appendices/Attachments

Document 3181390: [MEE Nature Based Solutions TKOR & TRC Waitotara Catchment](#)

Nature Based Solutions for Resilience Planning

SECTION A: Applicant details

1. Organisation name	Taranaki Regional Council
2. Key contact name	Chris Vicars
3. Key contact phone number	0274046640
4. Key contact email address	Chris.Vicars@trc.govt.nz

SECTION B: Project details

5. Project name	<p>Kia manawaroa Waitōtara, kia whakaritea te tangata Let Waitotara be resilient, let the people be adaptive</p> <p><i>'This translation emphasizes resilience for the Waitōtara and adaptability for the people. It encourages Waitōtara to remain steadfast and resilient, while urging the people to be flexible and adaptive in their approach to challenges and changes.'</i></p>
<p>6. How will your feasibility study address a specific problem or opportunity</p> <p><i>This should be a brief description of the problem your project is trying to solve, the catchment(s) you are working in, your solution, and outcome/benefits your project will achieve.</i></p> <p><i>If you have a proposal in a separate format, please provide a summary in this section.</i></p> <p>(500 word limit)</p>	<p>We want to incorporate a range of existing and new spatial modelling to identify, at the catchment scale, appropriate nature-based solutions to help reduce the effects of flooding and climate change on at-risk communities within Te Awa o Waitōtara (the Waitotara River catchment); with the aim to better inform resilience planning by identifying the most suitable, cost effective and sustainable nature-based solutions and where to deploy them.</p> <p>Ngaa Rauru te Iwi has lived alongside and in interdependence with Te Awa o Waitōtara for centuries, it has long been regarded as the backbone of the iwi. Through this historic occupation the hapuu and uri of Ngaa Rauru hold a wealth of intergenerational knowledge pertaining to the Awa, as well as an obligation to protect its wellbeing.</p> <p>The Waitōtara catchment has an area of 1,196 square kilometres, originating in the steep eastern hill country of Taranaki. The landscape has been highly modified, primarily for agricultural production. High rainfall events are relatively frequent; this combined with the steep, highly modified environment and narrow, valley-confined flood plains means that flooding in the catchment is frequent and can present a significant threat to life, infrastructure and property.</p> <p>Ngaa Rauru has observed and responded to significant environmental challenges throughout their long history with the Awa and have effectively conducted managed retreat in many instances. Te Kaahui o Rauru (the post-settlement governance entity for Ngaa Rauru) has a climate change strategy: <i>Ka Mate Kaainga Tahi, Ka Ora Kaainga Rua</i>, which draws on ancestral knowledge and teachings to map out a path of</p>

	<p>resilience in the face of climate strategy. This project aligns with many of the actions in the strategy.</p> <p>Significant, damage-causing floods have been recorded* in the Waitōtara catchment in 1869, 1891, 1903, 1904, 1924, 1936, 1971, 1990, 1999, 2004, 2006, 2011, and most recently in 2015.</p> <p>In response to these historic events and to prepare for future events Taranaki Regional Council (TRC) has established a rainfall and river monitoring system and flood control scheme (vegetation management only) in the Waitōtara catchment to improve the management of and reduce the effects of significant flood events associated with high rainfall events.</p> <p>Taranaki Regional Council also has a longstanding sustainable land management programme operating within the catchment which continues to proactively promote and support land use change to on steep, erosion prone land to reduce erosion, sediment generation and reduce flood peaks.</p> <p>This feasibility study will look to build upon this collective knowledge and shared experience through identifying the locations and people within the catchment that are most at risk from future flooding and climate change by:</p> <ul style="list-style-type: none"> - Partnering with mana whenua to better understand the history and character of the Awa, and to ensure that the appropriate kawa and tikanga are observed and drawn upon in identifying solutions, as well as those insights provided as members of the local community. - Partnering with the local community, including mana whenua, to better understand the flood history (effects/observations) and effects/observations associated with agricultural development, morphological and ecological changes and climate change. - Undertaking or refining (“complimentary” i.e. TRC’s proposed <i>regional nature based solutions project</i>) catchment specific overland flow paths and flood inundation modelling within the Waitōtara catchment to: - identify the areas and people most at risk from flood events now, and with the future effects of climate change. - identify what the most suitable, cost effective and sustainable nature-based solutions would be and where they are best deployed for optimal benefit according to the priorities identified by mana whenua, the regional council and the local community.
<p>7. What will your project feasibility study involve?</p> <p><i>Please briefly describe any research, modelling, technical research, engagement and/or business case development that you may have undertaken.</i></p> <p><i>If you have a proposal in a separate format, please provide a summary in this section.</i></p> <p>(500 word limit)</p>	<p>Mana Whenua Partnership: partnering with mana whenua, marae representatives and Te Kaahui o Rauru to better understand the history of the Awa, the tikanga and kawa which must be observed and drawn on in identifying solutions, as well as those insights held by mana whenua as members of the local community.</p> <p>Community engagement: Partnering with the local community to better understand the flood history (effects/observations) and effects/observations associated with agricultural development, morphological and ecological changes and climate change.</p> <p>Collaboration: Identify opportunities to collaborate with other project work in the catchment, including: the ‘Living with Uncertainty’ Deep South National Science Challenge project Waitōtara case study, sediment monitoring and modelling, and other work undertaken in relation to freshwater policy and plan development.</p> <p>Modelling: Undertaking/refining catchment specific overland flow paths and flood inundation modelling within the Waitōtara catchment to:</p>

	<ul style="list-style-type: none"> - Identify the areas, including marae and sites of significance, communities and people most vulnerable/at risk from flood events now and with the future effects of climate change. - Identify what the most suitable, cost effective and sustainable nature based solutions would be and where they are best deployed for optimal benefit - Identifying solutions needed over short, long, and medium term. - Modelling the effectiveness/cost/timeframes of these solutions or specific scenario-based case studies - Alignment with community, marae and Te Kaahui o Rauru priorities by developing information to inform flood action and response plans. <p>Reporting: Production of resilience planning document/management plan to allow shared reporting on what the most suitable, cost effective and sustainable nature based solutions would be and where they are best deployed within the catchment for the optimal benefit.</p> <p>Shared spatial maps and tools for over land flow paths and a range of flooding extents within the Waitōtara catchment.</p> <p>Shared catchment-wide spatial planning maps of nature-based solutions to inform implementation/management plans, which will assist with the future development of a Regional Spatial Strategy for Taranaki.</p>												
<p>8. What will Ministry funding go towards?</p> <p><i>Please provide brief description of the sort of activities MfE funding would be used for (EG project management)</i></p>	<p>Partnering with the Waitōtara community – funding for local expertise and time engaging the wider community to share historical information, knowledge and experiences for the study.</p> <p>Consultants for development/further processing of catchment specific flood and risk modelling to identify:</p> <ul style="list-style-type: none"> - Overland flow path and flood modelling to identify what/who is at risk within the catchment? - Effect of modelled climate change scenarios - Catchment specific nature-based solutions modelling to identify what, where and the likely effectiveness <p>Consultants to bring together and report findings in agreed format (report/catchment resilience plan/shared catchment-wide spatial planning maps/tools/other)</p>												
<p>9. Who/what organisations do you intend to partner with, or work with?</p> <p><i>Provide a list of project partners and specify their role.</i></p> <p><i>Include whether a partner will be a co-funder.</i></p>	<table border="1"> <thead> <tr> <th data-bbox="517 1525 868 1563">Partner name</th> <th data-bbox="868 1525 1214 1563">Partner contribution to project</th> <th data-bbox="1214 1525 1396 1563">Co-funding</th> </tr> </thead> <tbody> <tr> <td data-bbox="517 1563 868 1715">Te Kaahui o Rauru</td> <td data-bbox="868 1563 1214 1715">Project oversight as the Post-settlement governance entity representing the marae and hapuu of Ngaa Rauru.</td> <td data-bbox="1214 1563 1396 1715"><input type="checkbox"/> No</td> </tr> <tr> <td data-bbox="517 1715 868 1776">STDC?</td> <td data-bbox="868 1715 1214 1776">TBC</td> <td data-bbox="1214 1715 1396 1776"><input type="checkbox"/> Yes</td> </tr> <tr> <td data-bbox="517 1776 868 1839">TCC Catchment group?</td> <td data-bbox="868 1776 1214 1839">TBC</td> <td data-bbox="1214 1776 1396 1839"><input type="checkbox"/> Yes</td> </tr> </tbody> </table>	Partner name	Partner contribution to project	Co-funding	Te Kaahui o Rauru	Project oversight as the Post-settlement governance entity representing the marae and hapuu of Ngaa Rauru.	<input type="checkbox"/> No	STDC?	TBC	<input type="checkbox"/> Yes	TCC Catchment group?	TBC	<input type="checkbox"/> Yes
Partner name	Partner contribution to project	Co-funding											
Te Kaahui o Rauru	Project oversight as the Post-settlement governance entity representing the marae and hapuu of Ngaa Rauru.	<input type="checkbox"/> No											
STDC?	TBC	<input type="checkbox"/> Yes											
TCC Catchment group?	TBC	<input type="checkbox"/> Yes											

	DOC/Waka kotahi?	TBC	<input type="checkbox"/> Yes
10. How will you engage with iwi/hapū and other partners throughout the project?	<p>Partnership with marae/hapuu representatives and Te Kaahui o Rauru from the outset. Marae/hapuu and Te Kaahui o Rauru are resourced to oversee and provide insight for the duration of the project, marae/hapuu representatives and Te Kaahui o Rauru will be actively involved in decision-making and direction for the project.</p> <p>This project is aligned with marae/ hapuu priorities as well as environmental priorities of Te Kaahui o Rauru. This information can inform marae and community flood action plans.</p> <p>A governance team will be organised with representatives from Te Kaahui o Rauru and Taranaki Regional Council to oversee the project throughout all stages.</p>		
11. How long will it take for you to complete this feasibility study, and related major milestones? <i>Provide a bulleted list of expected start date, any major milestone dates, and completion date.</i>	<p>Two years</p> <p>Detailed timeline and milestones to be established with Te Kaahui o Rauru and relevant consultants during early stages of detailed project planning.</p>		
12. Are you aware of any conflicts of interest (actual, potential or perceived)? <i>How will you manage them?</i>	No.		
13. Project costs (excluding GST): <i>All contribution types must equal the total project costs.</i> <i>Co-funding is encouraged but doesn't need to be included to be eligible for funding.</i>	Total project cost:	\$150 000.00* This funding amount relies heavily upon the successful application of TRC's regional project proposal and some benefit of economy of scale. The outputs of the regional project will be used and refined to inform the Waitōtara project. If the regional project is unsuccessful then further funding (Total project cost \$300 000.00) will be required to complete the Waitōtara project.	
	Requested Ministry contribution:	\$150 000.00	
	Council contribution:	\$0.00 – 0.5 days/week in-kind TRC project liaison	
	Co-funding In-kind contribution:	\$0.00	
	Co-funding Cash contribution:	\$0.00	

<p>14. Nature-based employment outcomes:</p> <p><i>Funding cannot be spent beyond 30 June 2025.</i></p> <p><i>1FTE = 1560 hours per year</i></p>	<p>Total project FTE (breakdown per year of funding): To be confirmed after detailed planning. All funding will go towards staff time including iwi/hapu and consultants.</p> <table border="1" data-bbox="528 367 1050 479"> <tr> <th data-bbox="528 367 804 427">Year 1 <i>(ending June 2024)</i></th><th data-bbox="804 367 1050 427">Year 2 <i>(ending June 2025)</i></th></tr> <tr> <td data-bbox="528 427 804 479">750hrs</td><td data-bbox="804 427 1050 479">750hrs</td></tr> </table> <p>Number of people receiving training: To be confirmed after detailed planning and completion of project outputs</p> <ul style="list-style-type: none"> - the findings from this study will be used to advise/inform the wider Waitōtara community and potentially be wide reaching - workshops will be promoted and run to share spatial/planning tools 	Year 1 <i>(ending June 2024)</i>	Year 2 <i>(ending June 2025)</i>	750hrs	750hrs
Year 1 <i>(ending June 2024)</i>	Year 2 <i>(ending June 2025)</i>				
750hrs	750hrs				

SECTION C: Declaration

As a duly authorised representative of the organisation as noted in Section A of this application form:

This declaration must be completed by a person with the organisation's signing authority.

- I declare that my project meets all of the eligibility criteria for Nature Based Solutions for Resilience Planning.
- I declare that, to the best of my knowledge, the information contained in all sections of this application form, or supplied by us in support of our application, is complete, true and correct.
- I declare that I have the authority to sign this application form and to provide this information.
- I declare that I have provided information about any actual or potential conflicts of interest (question 12) and I will promptly inform the Ministry for the Environment of any such conflicts if they arise following the submission of this application.
- I understand that information presented to the Minister for the Environment and Ministry for the Environment is subject to disclosure under the Official Information Act 1982, other legislation, court orders, and in response to Parliamentary questions.
- I understand my rights in accordance with the Privacy Act 2020.
- I agree that the Ministry for the Environment can undertake, for the purpose of assessing eligibility and suitability for funding, a background check on the applicant(s), including but not limited to credit checks, criminal record checks and reference checks from other parties, and may liaise with local and national organisations about this application.
- I understand that, if I receive an invitation to proceed to Stage 2 of the funding process, this is not a confirmation of funding and the final decision is subject to a successful completion of Stage 2.

Name of signatory:

By typing your name you are electronically signing this form

Date:



Date 10 October 2023

Subject: **Prosecution Sentencing Decision – Technix Industries Limited & Waiareka Properties Limited**

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

Document: 3210796

Purpose

1. The purpose of this memorandum is to update Members on the prosecution of Technix Industries Limited and Waiareka Properties Limited for a breach of the Regional Air Quality Plan for Taranaki. The offending related to the demolition of a building at the Technix Industries Limited's industrial site in New Plymouth and the subsequent disposal of the demolition material by burning at Waiareka Properties Limited's property at Omata.
2. The burning included the disposal by combustion of various unauthorized materials as laid out in paragraph 10 (Table 1) of the sentencing decision. The burning also resulted in the discharge of contaminants beyond the property boundary namely smoke and its constituents that negatively affected occupants of neighboring properties.

Executive summary

3. The Council responded to a complaint about the burning, undertook a thorough investigation and applied the Council's Enforcement Policy (2017). The offending was deemed to be at the more serious end of the spectrum and it was decided that a prosecution was the appropriate course of action in this case.
4. The result is a guilty plea and successful prosecution with a reasonable fine. The sentencing decision provides insight into the rationale for the prosecution.

Recommendation

That the Taranaki Regional Council:

- a) receives this report and notes the successful outcome of the prosecution of Technix Industries Limited and Waiareka Properties Limited.

Background

5. The environmental incident was considered by the Chief Executive, acting under delegated authority from the Council, and the decision to prosecute was presented to the Committee, for information purposes, on 26 April 2023.

Incident

6. In summary, in about June 2022, Technix Group Ltd engaged contractors to undertake building demolition on the Industrial Premises at 691 Devon Road, Waiwhakaiho, New Plymouth.
7. Demolition materials were transported to 458 South Road, Omata, New Plymouth, between 28 June 2022 and 1 July 2022. The property is owned by Waireka Properties Ltd.
8. The waste materials were dumped in two piles and burnt.
9. On 1 July 2022, a complaint was received regarding smoke being emitted from the fire, and officers undertook an investigation.
10. During the investigation it was found that unauthorised materials were being burnt in the fires, including bitumen, carpet, corrugated cladding, electrical wire, insulation, linoleum, mortar cement, particle board, plastics, polystyrene, rubber matting, tyres, metal, treated/painted wood/plywood and vegetation in contravention of the Regional Air Quality Plan for Taranaki and NES.
11. Smoke from the burning had a negative affect on neighbouring properties.

Prosecution update

12. The defendants pleaded guilty to two charges each. Sentencing was passed on 6 September 2023 and judgement of Judge Dwyer on the sentencing is attached. The rationale for the decision is set out in the judgement and a number of factors are considered in determining the sentence. The fine reflects the seriousness of the incident.
13. The Court extensively used Council scientific evidence in its deliberations as well as the recorded effects that the activity had on some members of the neighbouring community, including nearby Omata Primary School.
14. Judge Dwyer considered the defendants' culpability as high determining:
[22] Under those circumstances the offending must inevitably be seen as falling somewhere in the spectrum between careless and reckless and to the higher end of that spectrum in my view and the Defendants' culpability regarded as high accordingly.
15. Judge Dwyer set a global starting penalty as a fine of \$40,000 across all charges. A 30% discount was applied for previous good character, resulting in the final penalty being a fine of \$28,000. This global penalty was recorded as a penalty of \$7,000 for each offence.

Financial considerations—LTP/Annual Plan

16. 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

17. 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

18. 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

19. 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

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

Appendices/Attachments

Document 3210394: [Technix Industries Limited & Waireka Properties Limited - Sentencing decision – 6 September 2023](#)

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

**I TE KŌTI-Ā-ROHE
KI NGĀMOTU**

**CRI-2023-043-000267
JUDGE VIA VMR
[2023] NZDC 19516**

TARANAKI REGIONAL COUNCIL
Prosecutor

v

**TECHNIX INDUSTRIES LIMITED
WAIREKA PROPERTIES LIMITED**
Defendants

Hearing: 6 September 2023

Appearances: K de Silva for the Prosecutor (via VMR)
M Parker and G Thompson for the Defendants (via VMR)

Judgment: 6 September 2023

NOTES OF JUDGE B P DWYER ON SENTENCING

[1] Technix Industries Limited (Technix), and Waireka Properties Limited (Waireka – jointly, the Defendants) appear for sentence on two charges brought against each of them by Taranaki Regional Council (the Council) for breach of the Resource Management Act 1991. The charges are:

- CRN 23043500054 – that Technix discharged contaminants, namely smoke and its constituents from the burning of waste at South Road, Omata, the waste having been transported from Devon Road, Waiwhakaiho (other than tyres/oil which are the subject of CRN 23043500052) on 1 July 2022;

- CRN 23043500052 – that Technix discharged contaminants, namely smoke and its constituents from the burning of tyres and from the burning in the open air of oil (bitumen) at South Road, Omata on 1 July 2022;
- CRN 23043500058 – that Waireka discharged contaminants, namely smoke and its constituents from the outdoor burning at South Road, Omata of waste (excluding tyres and oils which are the subject of CRN 23043500056) on 1 July 2022; and
- CRN 23043500056 – that Waireka discharged contaminants, namely smoke and its constituents from the outdoor burning at South Road, Omata of tyres and of oil (bitumen) on 1 July 2022.

[2] The Defendants have each pleaded guilty to both charges. Counsel advise that s 24A of the Sentencing Act 2002 is not applicable in this case. No suggestion has been made that either Defendant should be discharged without conviction and they are hereby both convicted on both charges against each of them accordingly.

[3] The Defendants are related entities, each being a subsidiary of a company called Technix Holdings Limited. Mr J Matthews is the sole director of both Defendants and the shareholding of both is the same.

[4] The charges arise from a burning incident which took place on an 86.2 hectare rural lifestyle block situated at 458 South Road, Omata (the Site) near New Plymouth. Waireka is the owner of the Site.

[5] In June and July 2022 Technix was involved in demolition of industrial buildings and related work at a property in Devon Street, New Plymouth owned by another associated company. Technix had engaged contractors to remove demolition waste from Devon Street. Some of the waste was disposed of at an approved landfill and some was transported to the Site where it was dumped into two piles for burning. Unfortunately some materials which were intended to go to landfill were included in the material taken to the Site for burning.

[6] It was common ground that use of the Site for the industrial process of disposing of waste material by burning means that the Site constituted industrial premises for the purposes of RMA.

[7] Council officers went to the Site at about 9 am on 1 July 2022 in response to a complaint about smoke. They found the two fires which had been lit at 5 am and were still burning when the Council officers arrived. Burning continued until somewhere between 11am and 2 pm. There was some disagreement between the parties as to the length of time but nothing turns on that for my purposes. On either basis burning continued for somewhere between six and nine hours.

[8] Wind was carrying smoke towards the Omata Primary School and the Omata residential area. The larger of the burn piles was approximately 36 metres long and 10 metres wide with the smaller being approximately 20 metres long and six metres wide. The piles were somewhere between 1.2 and 1.8 metres in height.

[9] According to the summary of facts the piles included matter other than just demolition and waste material but the demolition and waste material took up about 65 per cent of the larger pile and 95 per cent of the smaller. By a very rough calculation, giving the piles an average height of 1.5 metres, the volume of demolition and industrial waste material contained in the two piles was in the order of 500 cubic metres plus (give or take).

[10] Table 1 of the summary of facts (below) contains an analysis of material contained in the burn piles based on examination of photographs. It will be noted that the items included bitumen and other material giving rise to the separate charges pertaining to oil and rubber.

Table 1.

Items visible in photos taken from Fire 1 and Fire 2	Corresponding photo number within photo book at Tab 7
Bitumen	9 and video 1
Carpet	11 & 32
Corrugated cladding with fibrous material	10 & 33

Electrical wire	25 & 31
Insulation	19
Linoleum (with asbestos backing)	20 & 33
Mortar cement	23 & 33
Particle board	19, 24 & 25
Plastics including plastic pallets	9, 18, 31 & 32
Polystyrene	12 & 16
Rubber matting	24 & 31
Tyres	7, 13 & 29
Various items made of metal	14, 15, 23, 24 & 31
Wood/treated/painted/plywood	9, 15, 17, 20, 22, 24, 25, 30 & 32
Vegetation	10 & 17

[11] In assessing appropriate penalty for the offending in this instance I am going to address the following matters:

- The environmental effects of the offending;
- The Defendants' culpability for the offending;
- Consideration of comparative cases;
- Identification of starting points, including a double penalty issue;
- Aggravating and mitigating factors;
- End outcomes.

[12] The adverse environmental effects of the offending fall into two categories:

- The first is an amenity effect on persons who were subjected to the discharge of smoke from the fires;

- The second is the well-known generic effects arising from discharge of burning contaminants which can be mobilised into the wider environment, degrading air quality and entering the food chain by settling onto land and vegetation.

[13] The environment affected by the discharge of smoke was described in an effects report provided by the Council's Scientific Advisor as being pastoral farming, bush and rural residential. Omata School is situated about 240 metres away from the fires with the closest down prevailing wind residents about 300 metres away. Air quality in this area is generally good to excellent.

[14] Effects on staff and pupils at the school, and one nearby resident, were summarised in the submissions for the Council in paragraphs [12] and [13]:

12. The Acting Principal of the Omata Primary School (approximately 200 students and ten staff) says in his statement:
 - a) He noticed smoke in the area when he arrived at the School at 7.30 a.m.
 - b) There was smoke for most of the day, however, at times the smoke was less as the wind would change.
 - c) The windows in the classrooms were kept shut due to the smoke, which was not ideal as recommendations at the time were around importance of ensuring adequate ventilation to reduce spread of Covid.
 - d) The students did not go outside for PE or sports because of the smoke. They did go out for play at morning and lunch break.
 - e) Three out of ten staff indicated they felt a certain amount of anxiety and stress on the day around the possible health implications of the smoke, to both themselves and the children.
13. A nearby resident says in his statement: at about 7 a.m., when he opened his curtains, he could see big red/orange flames from his house; at first there was not a lot of smoke, but when the fire dropped down there was smoke; and he could not open his windows that day or hang out washing. Despite the windows being closed all day, the house smelt like a barbecue. ...

[15] I think that the effects on these people can be summarised as amenity effects arising out of exposure to smoke and its contaminants over a period somewhere between six and nine hours at a level which induced inconvenience, unpleasantness,

anxiety and stress and was markedly different to common air quality conditions in this area.

[16] There was no proof of any physical harm to any recipients, although that is a potential outcome of exposure to smoke. If that had been proven to have occurred, that would constitute a significantly aggravating feature of the offending, although the absence of proof in that regard does not excuse the offending in any way.

[17] Turning to the generic effects of the burning, Table 1 of the scientific report¹ identifies the contaminants potentially released by open burning of the sorts of material identified as being present in this case:

Table 1 Burnt substances or articles identified in Fire 1 and Fire 2, and possible air contaminants released (Note: carbon dioxide, carbon monoxide, and soot [condensed carbon] are universal products of incomplete combustion and would be emitted from a rubbish fire)

Substances burned	Possible air contaminants released
Metallic materials	Heavy metals, dioxins.
Coated wires and cables	Dioxins, fine and coarse particles, volatilised and particulate heavy metals, and volatile organic compounds, particularly mono-aromatic and polyaromatic compounds.
Vegetation	Fine and coarse particles, volatile organic compounds.
Plastics, including the corrugated cladding and fibreglass	Dioxins, fine and coarse particles and fibre fragments, volatilised and particulate heavy metals, volatile and semi-volatile organic compounds particularly mono-aromatic and polyaromatic compounds and formaldehyde, and dioxins. Older plastics and paints contain PCBs.
Polystyrene	Unburned hydrocarbons, polycyclic aromatic hydrocarbons (PAH), particulates. (Soot emissions from the burning of polystyrene are particularly high by comparison with the burning of other plastics)
Timber and planking	Fine and coarse particles, and volatile and semi-volatile organic compounds. Copper, chromium, arsenic, and boron from treated timbers. Lead from painted timbers.
Asbestos (chrysotile form)	Released as asbestos fibres
Insulation	Released as fibres and particulates

¹ Which is different to Table 1 of the summary of facts previously cited (para [10] (above)).

Paints, varnishes, and other decorative coatings. Bonded particle board or compressed wood fibre products. Plywood.	Fine and coarse particles, dioxins, carbon monoxide, polyaromatic hydrocarbons, heavy metals, and volatile and semi-volatile organic compounds, particularly mono-aromatic and polyaromatic compounds and formaldehyde.
Carpet	Fine and coarse particles, and volatile and semi-volatile organic compounds, particularly mono-aromatic and polyaromatic compounds and formaldehyde.
General (mixed) wastes	Arsenic (from treated timbers), other volatilised and particulate heavy metals (especially copper, chromium, zinc, cadmium), dioxins, polyaromatic hydrocarbons, fine and coarse particles.
Linoleum	Fine and coarse particles, and volatile and semi-volatile organic compounds, particularly mono-aromatic and polyaromatic compounds. Contained asbestos.
Bitumen	Fine and coarse particles, and volatile and semi-volatile organic compounds, particularly mono-aromatic and polyaromatic compounds.

I note that these are generic and potential contaminants, the actuality and extent of which cannot be established in this case.

[18] By way of example the scientific report states that testing of ash samples did not detect the presence of asbestos in or near soil which suggests that there was no significant loading of asbestos in the smoke cone or fire. By its very nature however, the smoke would have contained particulate matter which is well documented as the potential cause of a wide range of respiratory disease and other conditions. I simply note that paragraphs [48]-[60] of the scientific report identify a wide range of potential health consequences of both short and long-term exposure to smoke. I am not going to repeat those paragraphs in this decision due to their length.

[19] Finally on this topic (and importantly from my perspective), I note that for a number of years the Council has undertaken air quality monitoring, together with regulatory and educational measures to enhance and protect air quality in the Taranaki

region. Offending of this sort flies in the face of community efforts to achieve those objectives.

[20] Insofar as the issue of culpability is concerned, the Defendants submit that there was no recklessness or deliberateness involved in the offending but concede that there was a failure of care. I think that concession rather understates matters. The burning itself was clearly deliberate. The material on the fires was sent out to the Site for the specific purpose of burning. It seems that the Defendants' directors and/or employees simply did not turn their minds to what was being burnt at the Site or the legality of that burning. I accept that inquiry was made at FENZ as to burning the piles but I understand FENZ's interest to be in the fire safety aspect of burning rather than the wider environmental matters of concern under the Resource Management Act.

[21] The Defendants concede that more diligent observance and checking would have ensured that materials inappropriate for burning were sent to landfill where it was intended that they would go, rather than be burnt at the Site as occurred in this instance. No adequate explanation has been given as to how material intended for landfill ended up at the Site other than the submission that it was an "oversight". The extent of improperly burned material was readily apparent to Council officers when they inspected the fires and to the wife of the Defendants' director, who acknowledged being appalled when she saw what was being burnt. The contents of the burn piles must have been apparent to the Defendants' staff involved in the burning and disposal process.

[22] Under those circumstances the offending must inevitably be seen as falling somewhere in the spectrum between careless and reckless and to the higher end of that spectrum in my view and the Defendants' culpability regarded as high accordingly.

[23] None of the cases referred to by counsel are on all fours with the facts of this case although there are a number of factors that are common to some. Ms de Silva for the Council submits that starting points for fines of this type are low in comparison to total maximum penalties. She submits that an adjustment for inflation is appropriate in respect of starting points where financial penalties are imposed. She has undertaken a direct comparison with sentences imposed as little as two years ago, where a starting

point of \$23,000 in *Downer*, becomes \$25,890.94, and in *Cottam*, \$37,500 becomes \$42,213.49.²

[24] One outcome of such an approach would be that unless maximum penalties were increased simultaneously, fines imposed would become out of all proportion with maximum penalties through passage of time. This automatic inflation submission differs from the process of uplift through passage of time where, by way of example, in the dairy effluent line of cases, sentences have increased substantially over the years as a response to the ongoing persistence of dairy effluent offending (as well as statutory increases in penalty in 2009). I am not making any inflationary adjustment in this case.

[25] I have difficulty reconciling the starting points applied in the *Cottam* and *CJ Industries* cases referred to by Ms de Silva, where a starting point for discharge offending of \$75,000 (global on two charges) was identified and *CJ Industries* where a starting point of \$19,500 (global on two charges) was identified.³

[26] Both cases have some similarities with this case and some differences identified by Ms de Silva. The distinction which Ms de Silva seeks to draw with *CJ Industries* that this current offending was worse because there was an impact on the school at Omata and residential neighbours does not hold water in my view.

[27] In the *CJ Industries* case there was thick heavy smoke discharged at a time when children were being taken to school, a proven increase in particulate matter and a fire lit in a sensitive environment, arguably making that offending worse than this. Culpability of the defendant in the *CJ Industries* case was at least as bad as this case. I am unable to achieve the principle of s 8(e) of the Sentencing Act when comparing the starting point/penalties I am considering in this present case and those in *Cottam* and *CJ Industries*. I note that achieving consistency is not an end in itself, and only one matter to be taken into account when determining sentence.

² *Hawke's Bay Regional Council v Downer New Zealand Ltd* [2021] NZDC 4746, *Taranaki Regional Council v Cottam* [2021] NZDC 13361.

³ *Taranaki Regional Council v Cottam* [2021] NZDC 13361, *Tasman District Council v CJ Industries* [2023] NZDC 12977.

[28] Having regard to all of those matters, and particular regard to the facts that:

- There is a maximum penalty for these offences of \$600,000 on each charge;
- There was a high degree of culpability on the Defendants' parts;
- There were proven direct adverse effects on the amenity values of the area, which otherwise has good air quality;
- There was potential for the generic adverse effects commonly associated with outdoor burning to have occurred, while recognising that none were proven in this case (and seldom can be) but also recognising that potential health effects of exposure to smoke can be very significant indeed;
- An unmeasurable component of the material burnt comprised oil products which potentially create particular adverse effects;
- There is a particular need to deter air discharge offences in this region where the Council has been taking active measures to enhance and protect air quality for a number of years (and I would observe apparently successful measures) –

I have determined that the appropriate starting point for penalty considerations in this case ought to be the global figure of \$40,000 for both of the two Defendants for both of the two charges. That is one \$40,000 starting point for the two Defendants.

[29] I consider that the global approach is correct because the charges for both offences arise out of one offending incident on one day. The fact that there are two charges rather than one arises because the unmeasurable part of the overall material burnt comprised products subject to a National Environmental Standard.

[30] As I have indicated to counsel, I also intend to take a global approach to sentencing as between the two Defendants so that there will be one starting point identified for the two. The Defendants are both part of the same company group, being subsidiaries of the same company. They have the same shareholders and the same

director. They might be seen as jointly undertaking the burning process. Under those circumstances it appears to me to be reasonable to treat any fine as coming out of the same pocket and one starting point identified accordingly.

[31] There are no additional aggravating factors to the offending beyond that of high culpability which I have already recognised in the starting point I have identified. The Defendants have no previous convictions of any kind and are entitled to a credit for past good character (in environmental terms) including environmental enhancement work by way of extensive native plantings on the Site. Their guilty pleas were entered promptly.

[32] I will reduce starting point by 30 per cent to recognise those factors, giving an all up end penalty of \$28,000 which I will divide equally between the four charges. That equates to a fine of \$7,000 on each charge against each of them. So each offence will carry a penalty of \$7,000.

[33] Each Defendant is fined that sum on each charge accordingly. There is no suggestion that the Defendants do not have the financial capacity to pay fines of those amounts.

[34] Additionally they will pay solicitor costs in accordance with the Costs in Criminal Cases Regulations 1987 (fixed by the Registrar if need be) and Court costs of \$130 on each charge.

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

A handwritten signature in black ink, appearing to read 'B P Dwyer', is written over a vertical line that runs through the text of paragraph [35].

B P Dwyer
Environment/ District Court Judge

Operations and Regulatory Committee Public Excluded

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Operations and Regulatory Committee Meeting on Tuesday 18 July 2023:

Item 14: Confirmation of public excluded Operations and Regulatory minutes – 29 August 2023

The matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under section 48(1) of the *Local Government Official Information and Meetings Act 1987* are as follows:

General subject of each matter to be considered	Ground(s) under section 48(1) for the passing of this resolution	Reason for passing this resolution in relation to each matter
Item 14: Public excluded Operations and Regulatory Committee Minutes – 29 August 2023	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 (a) and section 7 (2) (a) and (2) (g) of the <i>Local Government Official Information and Meetings Act 1987</i> .	Making any of this information publically available would result in a breach of the <i>Privacy Act 2020</i> .

AGENDA AUTHORISATION

Agenda for the Operations and Regulatory Committee meeting held on Tuesday 10 October 2023

Confirmed:



2 Oct, 2023 2:38:56 PM GMT+13

A J Matthews
Director-Environment Quality

Approved:



3 Oct, 2023 4:09:22 PM GMT+13

S J Ruru
Chief Executive