



AGENDA

Operations & Regulatory

Tuesday 29 August 2023, 9.00am

Operations and Regulatory Committee

29 August 2023 09:00 AM



Agenda Topic	Page
1. Cover	1
2. Karakia	3
3. Confirmation of Operations and Regulatory Minutes - 18 July 2023	4
4. Resource Consents Issued under Delegated Authority and Application in Progress	9
5. Incidents, Compliance Monitoring Non-Compliances and Enforcement Summary - 1 July 2023 to 31 July 2023	53
6. Changes to the Duration of Consents Related to Freshwater	83
7. Freshwater Farm Plan System	90
8. Public Excluded	
9. Public Excluded Recommendations	130
10. Confirmation of Public Excluded Minutes - Operations and Regulatory - 18 July 2023	131
11. Agenda Authorisation	134



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: 29 August 2023

Subject: **Operations and Regulatory Committee Minutes – 18 July 2023**

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

Document: 3198190

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 18 July 2023 at 9.00am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 8 August 2023.

Matters arising

Appendices/Attachments

Document: 3189618 [Minutes Operations and Regulatory Committee 18 July 2023.](#)



Date 18 July 2023, 9.00am
Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford
Document: 3189618

Present

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

Attending

Mr	S J Ruru	Chief Executive
Ms	A J Matthews	Director - Environment Quality
Mr	A D McLay	Director - Resource Management
Mr	M J Nield	Director - Corporate Services
Mr	D R Harrison	Director - Operations
Mr	J Glasgow	Compliance Manager
Miss	C Bevins	Compliance Officer
Miss	N Chadwick	Governance Administrator
Ms	C Woollen	Communications Adviser
Mr	F Kiddle	Strategy lead

One media representative

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

Apologies: were received and sustained from, Councillor D H McIntyre and Councillor B J Bigham.

1. **Confirmation of Minutes Operations and Regulatory Committee 6 June 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 6 June 2023 at Taranaki Regional Council 47 Cloten Road Stratford
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 27 June 2023.

Hughes/Cram

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.

Cram/Cloke

3. **Incidents, Compliance Monitoring Non Compliances and Enforcement Summary 10 May2023 to 30 June 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 10 May 2023 to 30 June 2023.

Recommended

That the Taranaki Regional Council:

- a) received the memorandum *Incident, Compliance Monitoring Non- Compliance and Enforcement Summary – 10 May 2023 to 30 June 2023*
- b) received the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 10 May 2023 to 30 June 2023, noted the action taken by staff acting under delegated authority and adopted the recommendations therein.

Davey/Walker

4. **Compliance Monitoring and enforcement for the regional sector**

- 4.1 Mr J Glasgow, Compliance Manager, spoke to the Committee to inform the members of the compliance, monitoring and enforcement (CME) analysis across the regional sector and its relevance to the Taranaki Regional Council.

Recommended

That the Taranaki Regional Council:

- a) received the memorandum Compliance monitoring and enforcement for the regional sector
- b) noted the Council's high use of compliance monitoring and enforcement tools in resource management
- c) noted the challenges faced by the sector and encourages these to be addressed.

Walker/Littlewood

5. Regulating resource consents associated with the construction of Te Ara o Te Ata (Mt Messenger Bypass project)

- 5.1 Mr J Glasgow, Compliance Manager, spoke to the memorandum to advise the committee on the monitoring and enforcement activities undertaken by Council in relation to the construction of Te Ara o Te Ata (the Mount Messenger Bypass project).
- 5.2 Ms C Blevins, Compliance Officer, gave a PowerPoint presentation.

Recommended

That the Taranaki Regional Council:

- a) received the memorandum, *Taranaki Regional Council role in regulating resource consents associated with the construction of Te Ara o Te Ata (Mount Messenger Bypass project)*.
- b) noted the Council will monitor and where necessary enforce the provisions of the *Resource Management Act 1991* using its *Enforcement Policy (2017)*.

Davey/Muir

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 12: Prosecution under the Resource Management National Environmental Standards for offences against section 338 of the *Resource Management Act 1991* for contravening sections 13, 14 and 15 and any other offences'.

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
<p>Item 12:</p> <p>Prosecution- Under the Resource Management National Environmental Standards for offences against section 338 of the <i>Resource Management Act 1991</i> for contravening sections 13, 14 and 15 and any other offences’.</p>	<p>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>.</p>	<p>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.</p> <p>Making any of this information publically available would result in a breach of the <i>Privacy Act 2020</i>.</p> <p>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).</p>

Davey/Cram

There being no further business the Committee Chairperson, Councillor S W Hughes, declared the public meeting of the Operations and Regulatory Committee closed at 10.09am.

**Operations and
Regulatory**

Committee Chairperson: _____

S W Hughes Chair



Date 29 August 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: 3196190

Purpose

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

Executive summary

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

Recommendation

That the Taranaki Regional Council:

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

Background

3. The attachments show resource consent applications, certificates of compliance and deemed permitted activities that have been investigated and decisions made by officers of the Taranaki Regional Council. They are activities having less than minor adverse effects on the environment, or having minor effects where affected parties have agreed to the activity. In accordance with sections 87BB, 104 to 108 and 139 of the Resource Management Act 1991, and pursuant to delegated authority to make these decisions, the Chief Executive or the Director – Resource Management, has allowed the consents, certificates of compliance and deemed permitted activities.
4. The exercise of delegations under the Resource Management Act 1991 is reported for Members' information. Under the delegations manual, consent processing actions are to be reported to the Consents and Regulatory Committee.

5. In addition to the details of the activity consented, the information provided identifies the Iwi whose rohe (area of interest) the activity is in. If the activity is in an area of overlapping rohe both Iwi are shown. If the activity is within, adjacent to, or directly affecting a statutory acknowledgement (area of special interest), arising from a Treaty settlement process with the Crown, that is also noted.
6. Also shown, at the request of Iwi members of the Council, is a summary of the engagement with Iwi and Hapū, undertaken by the applicant and the Council during the application process. Other engagement with third parties to the consent process is also shown. The summary shows the highest level of involvement that occurred with each party. For example, a party may have been consulted by the applicant, provided with a copy of the application by the Council, served notice as an affected party, lodged a submission and ultimately agreed with the consent conditions. In that case the summary would show only 'agreed with consent conditions', otherwise reporting becomes very complicated.
7. The attachment titled 'Consent Processing Information' includes the figure 'Consent Applications in Progress' which shows the total number of applications in the consent processing system over the last twelve months. The number of applications for the renewal of resource consents is also shown. The difference between the two is the number of new applications, including applications for a change of consent conditions. New applications take priority over renewal applications. Renewal applications are generally put on hold, with the agreement of the applicant, and processed when staff resources allow. A consent holder can continue to operate under a consent that is subject to renewal. The above approach is pragmatic and ensures there are no regulatory impediments to new activities requiring authorisation.
8. The attachment also includes:
 - Applications in progress table - the number of applications in progress at the end of each month (broken down into total applications and the number of renewals in progress) for this year and the previous two years
 - Potential hearings table outlining the status of applications where a hearing is anticipated and the decision maker(s) (e.g. a hearing panel) has been appointed
 - Consents issued table - the number of consents issued at the end of each month for this year and the previous two years
 - Breakdown of consents issued. This is the number of consents issued broken down by purpose – new, renewals, changes or review
 - Types of consents issued, further broken down into notification types – non-notified, limited notified or public notified
 - Number of times that the public and iwi were involved in an application process for the year so far
 - Application processing time extensions compared to the previous years
 - Consent type process shows the notification type including applications submitted on and the pre-hearing resolution numbers
 - Applications that have been returned because they are incomplete.

Decision-making considerations

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

Financial considerations—LTP/Annual Plan

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

Policy considerations

11. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

12. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan.

Legal considerations

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

Appendices/Attachments

Document 3195212: [List of non-notified consents](#)

Document 3196161: [Schedule of non-notified consents](#)

Document 3196001: [Consents processing charts for Agenda](#)

Operations and Regulatory Committee - Resource Consents Issued under Delegated Authority and Application in Progress

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Discharge Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/0519-3.0	Mr Brett Shearer	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0751-3.0	MJ & C Powell Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0759-3.0	Deeside Oaks Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0785-4.0	Poharu 2020 Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0857-3.0	Frost-Forsyth Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0944-3.0	R & D Thompson Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1069-3.0	Jans Farm Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1071-3.0	Woodlands Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1322-4.0	GBG Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1490-4.0	Moon Valley Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1518-4.0	Mataikahawai Land Holdings Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2162-3.0	Piakau Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2381-3.0	R Van Endhoven & LA Kinaston Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2442-3.0	Keelinn Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2500-3.0	Balwherree Family Trust Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2543-3.0	Hinrows Farm Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2544-3.0	South Taranaki District Council	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	New
R2/2596-3.0	Evans Partners Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2603-3.0	Gerald & Maree Collins Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2627-3.0	Taranaki Gold Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2716-3.0	Hey Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2733-3.0	Tregon Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2762-3.0	Climie Road Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2784-3.0	Harrison Family Trusts Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2785-3.1	Starkrad Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2836-3.1	Killarney Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2924-3.0	DJ & GM Hooper Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2933-3.0	Randwick Farm Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2949-3.0	Maitlands Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2952-3.0	Jareem Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2984-3.0	Bayly Brothers Trusts Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3021-3.0	G & A Hill Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3090-3.0	Waipapa Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3099-3.0	Clarke Farms (2016) Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3165-3.0	Rowan Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3274-3.0	Tyndale Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3294-4.0	PKW Farms LP	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3543-3.0	Rowan Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3628-3.0	Hintz Family Trust Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3651-3.0	G & J Harvie Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3720-3.0	Roberts Pastures Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3756-3.0	GN & RL Smith Trusts Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3772-3.0	Dunlop B D & S A Trusts Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3786-3.0	Sion Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3972-3.0	Mr Christopher Gatenby	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/5475-4.0	AFT Group	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/6760-2.0	Seaward Dairies Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/10847-2.0	Manor Properties Limited	Water - Earthworks	Property Development		Subdivision	Replace
R2/1085-1.0	Greymouth Petroleum Turangi Limited	Land/Water Industry	Energy	Wellsite	Exploration and Production	New
R2/1120-1.0	Marholl Commercial Developments Ltd	Land - Earthworks	Property Development		Commercial Development	New
Land Use Consent						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/7125-4.1	Palmerdell Trust	Structure - Culvert	Agriculture	Farming - Dairy	Access	Replace
R2/7415-2.0	Brittany Trust Partnership	Structure - Culvert	Agriculture	Farming - Dairy	Stock water	Replace
Water Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/7304-2.0	Gwerder Brothers	Take Groundwater	Agriculture	Farming - Dairy	Stock water	Replace
R2/11134-1.0	Brittany Trust Partnership	Dam	Agriculture	Farming - Dairy	Stock water	New

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/0519-3.0](#)

Mr Brett Shearer

Commencement Date: 11 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 15 Old Normanby Road, Okaiawa
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

[R2/0751-3.0](#)

MJ & C Powell Family Trust

Commencement Date: 28 Jun 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 398 Glover Road, Hawera
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

Te Korowai notes this is an early renewal. The current permit (R2/0751-2) does not expire until 1/12/23. It is our expectation that we are consulted on our views before any application is lodged and that applicants read and understand our Kaitiaki Plan.

Te Korowai also notes that the applicant supplies Open Country Dairy which brings little benefit to our local South Taranaki community and economy.

We oppose the granting of this early consent for the following reasons:

- TRC is informing all applicants that any consented discharge expiring in 2022 or later must discharge to land when the consent is renewed.*
 - Dual discharges may be allowed if the farm is in a high rainfall area and provision of adequate storage is impractical.*
-

Non-notified authorisations issued by the Taranaki Regional Council between 26 Jun 2023 and 31 Jul 2023

Our opposition to the granting of this consent is also based on the fact that the discharge of dairy effluent or other contaminants directly to surface water does not meet our expectations of protection for taonga tuku iho/freshwater contained in Te Uru Taiao o Ngāruahine.

Any granting of this consent will further erode our confidence in the ability of TRC to protect Ngāruahine waterways and perpetuate poor environmental behaviour by landowners who should have adapted their farming system to meet Mana o Te Wai requirements well before now

At a minimum, we recommend that the consent be granted for one year to allow the landowner to meet the aforementioned requirements. Beyond this, all discharges from this property should be to land.

This is because the farm fails to meet the criteria for dual discharge of:

- being in a high rainfall area; and*
- the provision of adequate storage is impractical.*

Response and considerations during processing of application

Thank you for providing council with your comments, on application 21-00751-3.0 MJ & C Powell Family Trust.

Since receiving this application and in consultation with the Council the applicant has upgraded their systems so that discharge to water is not required. The consent holder's only method of farm dairy effluent discharge is to land. Each application received for the discharge of farm dairy effluent including the information provided, is reviewed by Council staff, which includes an on farm investigation with the applicant and individuals involved in the day-to-day operation of the dairy farm.

We note your comments about the fact the applicant supplies Open Country Dairy, however the Council has no discretion as to who the applicant supplies.

Thank you for your response, Council will pass on your comments to the applicant.

[R2/0759-3.0](#)

Deeside Oaks Trust

Location: 105 Fraser Road, Normanby
To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Commencement Date: 03 Jul 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Responded they had no comment to make

[R2/0785-4.0](#)

Poharu 2020 Limited

Commencement Date: 05 Jul 2023

Expiry Date: 01 Dec 2048

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

<p>Location: 310 Kaweora Road, Opunake To discharge farm dairy effluent onto land</p>	<p>Review Dates: 01 Jun 2030, 01 Jun 2036, 01 Jun 2042 Activity Class: Controlled Application Purpose: Replace</p>
<p>Rohe: Taranaki (Statutory Acknowledgement)</p>	
<p>Engagement or consultation: Te Kāhui o Taranaki Trust</p>	<p>No return correspondence was received</p>
<p>R2/0857-3.0 Frost-Forsyth Family Trust</p> <p>Location: 762 Kina Road, Opunake To discharge farm dairy effluent onto land</p>	<p>Commencement Date: 04 Jul 2023 Expiry Date: 01 Dec 2048 Review Dates: 01 Jun 2030, 01 Jun 2036, 01 Jun 2042 Activity Class: Controlled Application Purpose: Replace</p>
<p>Rohe: Taranaki (Statutory Acknowledgement)</p>	
<p>Engagement or consultation: Te Kāhui o Taranaki Trust</p>	<p>No return correspondence was received</p>
<p>R2/0944-3.0 R & D Thompson Family Trust</p> <p>Location: 237 Fraser Road, Normanby To discharge farm dairy effluent onto land</p>	<p>Commencement Date: 03 Jul 2023 Expiry Date: 01 Dec 2046 Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 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>R2/1069-3.0 Jans Farm Limited</p>	<p>Commencement Date: 28 Jun 2023 Expiry Date: 01 Dec 2047</p>

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 130 Climie Road, Ngaere
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)
Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine October 2022

- There has been no pre-application consultation from the applicant with Te Korowai or the relevant Hapū.
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.
- However, it is the expectation of Te Korowai that applicants and consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- The proposed activity is in a location of shared interest with Ngāti Ruanui, we note there is no record of communications with them in the application.
- Te Korowai acknowledges this application is for an early renewal of a discharge permit to land with existing effluent storage. This aligns with bottom lines of Te Uru Taiao o Ngāruahine which opposes discharges of any type directly to water bodies within the rohe of Ngāruahine. This is regardless of whether the discharge is treated or untreated.
- It is the expectation from Te Korowai that an appropriate map which clearly outlines the discharge activity will be included in the application. The map must be clear, precise and include the property boundaries, discharge boundaries, and any added features the applicant has ticked on the application i.e., cowshed, ponds.
- All unnamed waterways in the application are tributaries to the Waingongoro River which is under severe stress.
- Te Korowai will advocate for the applicant to increase their fencing and riparian planting to provide the maximum protection available to all waterways. It is our expectation that this goes beyond the minimum requirements of TRC's Riparian Management Plans.

Response and considerations during processing of application

Thank you for your comment on application 22-01069-3.0 Jans Farm Limited,

With the introduction of a new application form, we have improved the requirements for the maps that are supplied with the application for the discharge of dairy farm effluent. The form requires the applicant to provide more detail than they have in the past, which will improve the quality of that information lodged with council.

Each application received for the discharge of farm dairy effluent is reviewed by Council staff, which includes an on farm investigation with the applicant and individuals involved in the day-to-day operation of the dairy farm including locating where the dairy effluent will be discharged.

Thank you for your response and Council will pass on your comments to the applicant.

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

<p>R2/1071-3.0 Woodlands Trust</p> <p>Location: 183 Lower Duthie Road, Matapu To discharge farm dairy effluent onto land.</p> <p>Rohe: Ngāruahine (Statutory Acknowledgement)</p> <p>Engagement or consultation: Te Korowai o Ngāruahine Trust</p>	<p>Commencement Date: 06 Jul 2023 Expiry Date: 01 Dec 2047 Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041 Activity Class: Controlled Application Purpose: Replace</p> <p>No return correspondence was received</p>
<p>R2/10847-2.0 Manor Properties Limited</p> <p>Location: 36 Junction Street, Welbourn To discharge stormwater and sediment from earthworks associated with the subdivision of land for residential development into the New Plymouth District Council stormwater network which enters an unnamed tributary of the Te Henui Stream</p> <p>Rohe: Te Atiawa (Statutory Acknowledgement)</p> <p>Engagement or consultation: Te Kotahitanga o Te Atiawa Trust Te Kotahitanga o Te Atiawa Trust</p>	<p>Commencement Date: 27 Jul 2023 Expiry Date: 01 Jun 2025 Review Dates: Activity Class: Controlled Application Purpose: Replace</p> <p>Applicant provided application No return correspondence was received</p>
<p>R2/11085-1.0 Greymouth Petroleum Turangi Limited</p> <p>Location: 42 Turangi Road Upper, Motunui To discharge stormwater from hydrocarbon exploration and production operations at the Turangi-B wellsite onto and into land in circumstances where it may enter water</p> <p>Rohe: Te Atiawa (Statutory Acknowledgement)</p>	<p>Commencement Date: 25 Jul 2023 Expiry Date: 01 Jun 2039 Review Dates: 01 Jun 2027, 01 Jun 2033 Activity Class: Controlled Application Purpose: New</p>

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Engagement or consultation:

Ngāti Rāhiri Hapū O Te Atiawa (Taranaki) Society Inc	Consulted by applicant
Ralston John Topless	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	No return correspondence was received

The applicant has consulted with Te Kotahitanga o Te Atiawa and Ngāti Rāhiri Hapū regarding the proposal.

[R2/11120-1.0](#)

Mahcoll Commercial Developments Ltd

Commencement Date: 06 Jul 2023

Expiry Date: 01 Jun 2028

Review Dates: 01 Jun 2024, 01 Jun 2026

Activity Class: Discretionary

Location: Fitzgerald Lane, Hawera

Application Purpose: New

To discharge stormwater and sediment arising from earthworks associated with the development of stage 2 of a proposed commercial and residential site onto and into land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Korowai o Ngāruahine Trust	No return correspondence was received
Te Rūnanga o Ngāti Ruanui Trust	Consulted by applicant
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received

The applicant has consulted with local iwi. Within the application and Assessment of Environmental Effects, the agent for the applicant outlines the following consultation has been undertaken:

- As part of the wider development of the Business Park, consultation has been undertaken with local iwi and a plan is in place to restore the unnamed tributary of the Waihi Stream through native planting. An Ecological Management Plan and Planting Plan has been developed and shared with iwi to assess.
 - A draft Cultural Impact Assessment has also been developed by Ngāti Ruanui which addresses the Business Park development, including the associated earthworks. Regarding the unnamed tributary of the Waihi Stream, restoration works are planned and will be addressed and implemented as part of the future subdivision/earthworks consents. Local hapū will be consulted in regards to this and the restoration of the stream will be addressed in a separate consent.
-

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/11134-1.0](#)

Brittany Trust Partnership

Commencement Date: 21 Jul 2023

Expiry Date: 01 Jun 2041

Review Dates: 01 Jun 2029, 01 Jun 2035

Activity Class: Discretionary

Location: 145 Cardiff Road, Stratford

Application Purpose: New

To dam and divert water in an unnamed tributary of the Tuikonga Stream

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Korowai o Ngāruahine Trust	Consulted by applicant
Te Rūnanga o Ngāti Ruanui Trust	Consulted by applicant
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received
Te Korowai o Ngāruahine Trust	Response received

Comments from Ngāruahine

- There has been no pre-application communication or consultation from the applicant with Te Korowai or the relevant Hapū.
- We would advise the applicant and consultant that if they are genuine about consultation then they will take the time to identify the appropriate Iwi staff and Hapū representatives to contact.
- Te Korowai acknowledges that under Section 36A of the RMA, there is no requirement for the applicant to consult anyone regarding a resource consent application.
- However, it is the expectation of Te Korowai that applicants and/or consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues
- Te Uru Taiao o Ngāruahine is an initial step and a guide for resource consent applicants to inform themselves of any potential issues.
- It is not a substitute for meaningful consultation and engagement with Te Korowai and the relevant Hapū.
- There have been many changes to freshwater management since construction of the dam in 2008/2009 including the NPSEFM 2020.
- We would argue that the functional need for improved land utilisation could now be met by a different structure such as a bridge which would not impede fish passage or ecological flows.
- It is difficult to assess the structures impact on fish movements without an assessment from a Freshwater Ecologist.
- While mentioned often in the application and AEE, it appears this assessment has not yet been undertaken.
- Given the importance of this assessment, this application should be returned to the applicant under Section 92 of the RMA as incomplete.

Response and considerations during processing of application

The applicant attempted to undertake consultation with both Ngāti Ruanui and Ngāruahine, evident by copies of email correspondence dated 22 November 2022 included in Appendix D to the AEE. The applicant noted that no response was received in regard to this email at the time of lodging the consent application on 15 March 2023.

Following lodgement, the Council informed both Ngāti Ruanui and Ngāruahine of the application on 29 March 2023 in accordance with agreed procedure. A response was received from Ngāruahine on 21 April

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

2023 noting it was challenging to assess effects from the proposal without seeing a freshwater ecology assessment. This was then submitted by the applicant and supplied to Ngāruahine on 3 May 2023.

On 3 May 2023 a response was received from Ngāruahine stating that “Te Korowai supports the recommendations of [the freshwater ecology report submitted by the applicant]”.

R2/1322-4.0	Commencement Date: 10 Jul 2023
GBG Farms Limited	Expiry Date: 01 Dec 2045
	Review Dates: 01 Jun 2027, 01 Jun 2033, 01 Jun 2039
	Activity Class: Controlled
Location: 138 Nopera Road, RD 44, Urenui, 4377	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe: Ngāti Mutunga	
Engagement or consultation: Te Rūnanga o Ngāti Mutunga	No return correspondence was received

R2/1490-4.0	Commencement Date: 07 Jul 2023
Moon Valley Trust	Expiry Date: 01 Dec 2046
	Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040
	Activity Class: Controlled
Location: 270 Cheal Road, Ngaere	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe: Ngāti Ruanui	
Engagement or consultation: Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received

R2/1518-4.0	Commencement Date: 03 Jul 2023
Mataikahawai Land Holdings Limited	Expiry Date: 01 Dec 2048
	Review Dates: 01 Jun 2030, 01 Jun 2036, 01 Jun 2042
	Activity Class: Controlled
Location: 130 Waiteika Rd, Opunake	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe:	

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kāhui o Taranaki Trust

[R2/2162-3.0](#)

Piakau Farms Limited

No return correspondence was received

Commencement Date: 27 Jul 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 372 Beaconsfield Road, Stratford
To discharge farm dairy effluent onto land

Rohe:

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Responded they had no comment to make

[R2/2381-3.0](#)

R Van Endhoven & LA Kinaston Partnership

Commencement Date: 27 Jun 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 289 Whakamara Road, Hawera
To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/2442-3.0](#)

Keelinn Farms Limited

Commencement Date: 29 Jun 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 147 Monmouth Road, Stratford
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine 17/6/22

- There has been no pre-application consultation from the applicant with Te Korowai or the relevant Hapū.
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.¹⁴ However, it is the expectation of Te Korowai that applicants and consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- Te Korowai acknowledges this application is a renewal of a discharge permit to land with existing effluent storage. This aligns with bottom lines of Te Uru Taiao o Ngāruahine which opposes discharges of any type directly to water bodies within the rohe of Ngāruahine. This is regardless of whether the discharge is treated or untreated.
- It is the expectation from Te Korowai that an appropriate map which clearly outlines the discharge activity will be included in the application. The map must be clear, precise and include the property boundaries, discharge boundaries, and any added features the applicant has ticked on the application i.e., cowshed, ponds.
- Te Korowai would like the applicant to provide a copy of their most recent Riparian Management Plan (If available). This will assist us in assessing the potential impacts of the discharge activity on the Kahouri River and its tributaries.
- Te Korowai will advocate for the fencing and riparian planting of all tributaries to the Kahouri River to provide the maximum protection available to this valued waterway. It is our expectation that this goes beyond the minimum requirements of TRC's Riparian Management Plans.
- We ask TRC to send this application back to the applicant and request a legible map.
- We acknowledge that this may not meet the criteria of Section 88(3) or Schedule 4 or the RMA, but the included map is one of the worst we have seen. We would appreciate some effort on behalf of resource consent applicants.

Response and considerations during processing of application

Thank you for providing council with your comments, on application 22-02442-3.0 Keelinn Farms Limited

Almost every dairy discharge application received by council is a replacement of an existing activity and a controlled activity under the Regional fresh water plan for Taranaki. Applications, which meet the standards/terms/conditions of a controlled activity must be granted.

Non-notified authorisations issued by the Taranaki Regional Council between 26 Jun 2023 and 31 Jul 2023

However, the council sets the terms and conditions of a resource consent, granted under a controlled activity. When granted, the activity will be subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki.

Also, all farm dairy effluent discharge consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to.

With the introduction of a new application form, for the discharge of dairy farm effluent, the form requires the applicant to provide more detail than they have in the past and better quality maps, this application will improve the quality of that information, (including aerials) lodged with council.

Thank you for your response and council will pass on your comments, to the applicant.

A request was made to the applicant for permission to release the riparian plan.

[R2/2500-3.0](#)

Balwherree Family Trust Partnership

Commencement Date: 10 Jul 2023

Expiry Date: 01 Dec 2045

Review Dates: 01 Jun 2027, 01 Jun 2033, 01 Jun 2039

Activity Class: Controlled

Location: 76 Bedford Road South, Norfolk
To discharge farm dairy effluent onto land

Application Purpose: Replace

Rohe:

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kāhui o Taranaki Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

Thank you for providing copies of the applications. The applications have been reviewed by Pukerangiora Hapū and Te Kotahitanga o Te Atiawa.

The application site is traversed by the Waitepuke Stream and unnamed tributaries of the Waitepuke which, are statutory acknowledgement to Te Atiawa under the Te Atiawa Claims Settlement Act 2016. Statutory acknowledgement is an acknowledgement of the cultural, traditional, historical and spiritual associations Te Atiawa has with those areas.

As detailed under issue TTAN9 of the Te Atiawa iwi environmental management plan Tai Whenua, Tai Tangata, Tai Ao, discharge to land is the generally preferred discharge method; however, this is subject to the discharge being to appropriate soil types, avoiding over saturation and contamination of the soil, as well as regular monitoring being undertaken to confirm this. As detailed under issue TTAN1, point source discharges from farming activities must be avoided (pol. TTAN1.1) and are opposed.

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

Non-notified authorisations issued by the Taranaki Regional Council between 26 Jun 2023 and 31 Jul 2023

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

- *Pukerangiora Hapū and Te Kotahitanga have not been engaged to inform the applications.*
- *No details of the previous consents have been supplied.*
- *No details on the previous cow numbers and if they have changed.*
- *No details on the activity status of the activity.*
- *No details of the dairy storage facility*
- *No details of the discharge to land path for the travelling irrigator and the setbacks for the 10ha that is discharged to land; in particular the setbacks from waterways.*
- *No details of the stormwater bypass provided.*
- *No details of the riparian planting adjacent to waterbodies provided.*
- *No Part 2 of the Resource Management Act 1991 assessment provided. We consider sections 6(e), 6(f), 7(a) and 8 to be relevant to this proposal.*
- *No assessment under the Regional Freshwater Plan for Taranaki, the Regional Policy Statement for Taranaki and the National Policy Statement for Freshwater Management (2020). The higher order planning documents are considered to be relevant to the proposals.*
- *No assessment of the Te Atiawa iwi EMP Tai Whenua, Tai Tangata, Tai Ao.*

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

1. *Further information is requested in accordance with section 92 of the Resource Management Act 1991 processes.*
2. *Pukerangiora Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with section 95 of the Resource Management Act 1991 processes.*
3. *Refuse the applications in accordance with section 104 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

Thank you for providing council with your comments, on application 21-02500-3.0 Balwoherree Family Trust Partnership.

Since receiving this application, there has been introduction of a new application form, for the discharge of dairy farm effluent (FDE). The form requires the applicant to provide more detail than they have in the past, which has improve the quality of that information lodged with council.

Each application received for the discharge of FDE and additional information provided, is reviewed by council staff, which includes an on farm investigation with the applicant and individuals involved in the day-to-day operation of the dairy farm to ground truth the application.

Also, all farm dairy effluent discharge (FDE) consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to.

A number of those condition ensure, the FDE disposal system shall be designed, managed, operated and regularly maintained to ensure that the conditions of the consent are adhered to and no discharge of FDE occurs to surface water.

The outcome of council investigation into the application and compliance history, the applicant has demonstrated a good compliance history, at managing the FDE disposal system and adhering to consent conditions and on this occasion, the information provided by the applicant is sufficient to proceed with the processing of this application.

In regards to the riparian plan, unfortunately council is unable to provide a riparian management plan, as the applicant has not given us permission to forward the plan on.

Thank you for your response we will pass on your comments, to the applicant.

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/2543-3.0](#)

Hinrows Farm Limited

Commencement Date: 30 Jun 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 285 Radnor Road, Midhirst
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust	No return correspondence was received
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received
Te Korowai o Ngāruahine Trust	Response received

Comments from Ngāruahine

- There has been no pre-application consultation from the applicant with Te Korowai or the relevant Hapū.
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.
- However, it is the expectation of Te Korowai that applicants and consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- Te Korowai notes this consent is for a renewal for a discharge to water, then to land by December 2022.
- There is no map attached to this resource consent application.
- It is Te Korowai's expectation that all applications have a map attached which features the discharge boundaries, the application site boundaries, and any added features of the site.
- The applicant must also include the full application site address. This is a requirement under the RMA Schedule 4.
- Te Korowai absolutely opposes the direct discharge of wastewater, farm dairy effluent or contaminants to all water bodies within the rohe of Ngāruahine.
- Te Mana o Te Wai imposes a clear hierarchy of obligations which prioritises the health and well-being of water first.
- We ask TRC to send this application back to the applicant as incomplete until a legible map with all features is added.
- This will allow Te Korowai to assess the potential impacts on the Streams on site.
- Te Korowai would like to stress the need for TRC to ensure the completeness of applications before forwarding to us to comment on. In order to adequately assess any impacts, we need legible maps.

Response and considerations during processing of application

The applicant amended their application to be to land only and no discharge will take place to water. Thank you for your comment about legible maps. To improve the quality of our application we have introduced of a new application form, for the discharge of dairy farm effluent, the form requires the applicant to provide more detail than they have in the past (including specific requirements for maps), which will improve the quality of that information, (including aeriels) lodged with council.

The activity will be subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki and subject to a

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

monitoring programme, ensuring conditions of their consent are adhered to. Included in that authorisation, is a special condition, which requires the consent holder to provide council with a dairy effluent storage design report, completed by a suitably qualified person.

R2/2544-3.0	Commencement Date: 28 Jun 2023
South Taranaki District Council	Expiry Date: 01 Dec 2046
	Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040
	Activity Class: Controlled
Location: 5109 Mountain Road, Hawera	Application Purpose: New
To discharge farm dairy effluent onto land	
Rohe:	
Ngāti Ruanui	
Engagement or consultation:	
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received

R2/2596-3.0	Commencement Date: 28 Jun 2023
Evans Partners Limited	Expiry Date: 01 Dec 2047
	Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041
	Activity Class: Controlled
Location: 46 Horoi Road, Rawhitiroa	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe:	
Ngāti Ruanui	
Engagement or consultation:	
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received

R2/2603-3.0	Commencement Date: 28 Jun 2023
Gerald & Maree Collins Family Trust	Expiry Date: 01 Dec 2046
	Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040
	Activity Class: Controlled
Location: 233 East Road, Stratford	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe:	
Ngaa Rauru Kiiitahi (Statutory Acknowledgement)	

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Ngāti Maru

Ngāti Ruanui (Statutory Acknowledgement)

Engagement or consultation:

Te Kaahui o Rauru	No return correspondence was received
Te Rūnanga o Ngāti Maru (Taranaki) Trust	No return correspondence was received
Te Rūnanga o Ngāti Ruanui Trust	Responded they had no comment to make

[R2/2627-3.0](#)

Taranaki Gold Limited

Commencement Date: 05 Jul 2023

Expiry Date: 01 Dec 2045

Review Dates: 01 Jun 2027, 01 Jun 2033, 01 Jun 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 40 Johns Road, Tariki

To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust	Response received
----------------------------------	-------------------

Comments from Te Atiawa

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

The application site is bound by the Waitepuke Stream and traversed by unnamed tributaries of the Waitepuke. The Waitepuke Stream and its tributaries form statutory acknowledgement to Te Atiawa under the Te Atiawa Claims Settlement Act 2016. Statutory acknowledgement is a recognition of the cultural, traditional, historical and spiritual associations Te Atiawa has with those areas.

As detailed under issue TTAN9 of the Te Atiawa iwi environmental management plan Tai Whenua, Tai Tangata, Tai Ao (EMP), discharge to land is generally the preferred discharge method; however, this is subject to the discharge being to appropriate soil types, avoiding over saturation and contamination of the soil, as well as regular monitoring being undertaken to confirm this. As detailed under issue TTAN1 of the EMP, point source discharges to waterbodies from farming activities must be avoided (pol. TTAN1.1) and are opposed.

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

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

- Pukerangiora Hapū and Te Kotahitanga have not been engaged to inform the application.*
 - No details of the previous consents have been supplied.*
 - No details on the previous cow numbers and if they have changed.*
 - No details on the activity status of the activity.*
-

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

- No details of the dairy storage facility
- No details of the discharge to land path for the travelling irrigator and the setbacks for the 24ha that will be discharged to in particular from waterways.
- No details of the stormwater bypass provided.
- No details of the riparian planting adjacent to waterbodies provided.
- No Part 2 of the Resource Management Act 1991 assessment provided. We consider sections 6(e), 6(f), 7(a) and 8 to be most relevant to this proposal.
- No assessment under the Regional Freshwater Plan for Taranaki, the Regional Policy Statement for Taranaki and the National Policy Statement for Freshwater Management (2020). The higher order planning documents are considered to be relevant to the proposals.
- No assessment of the Te Atiawa iwi environmental management plan Tai Whenua, Tai Tangata, Tai Ao.

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

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

Response and considerations during processing of application

Thank you for your comments on this application for a farm dairy discharge. The Council will have regard to it when making decisions on the application.

Almost every dairy discharge application is a renewal and a controlled activity (activity status). Controlled activity applications must be granted and we are limited only to the matters specified in the rule for control. Riparian planting is not a matter that can be taken into consideration when assessing this application.

The Council will ensure that the information provided with this application is adequate, and also determine any adversely affected persons. However due to the limited matters of control the Council can assess against the consent will be issued non-notified. It will subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki. The Council has previously provided you with a copy of these conditions.

[R2/2716-3.0](#)

Hey Trust

Commencement Date: 03 Jul 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Location: 224 Monmouth Road, Pembroke
To discharge farm dairy effluent onto land

Application Purpose: Replace

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

Response received

Non-notified authorisations issued by the Taranaki Regional Council between 26 Jun 2023 and 31 Jul 2023

Comments from Ngāruahine

- There has been no pre-application consultation from the applicant with Te Korowai or the relevant Hapū.
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.
- However, it is the expectation of Te Korowai that applicants and consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- Te Korowai acknowledges this application is for a renewal of a discharge permit to land. This aligns with bottom lines of Te Uru Taiao o Ngāruahine which opposes discharges of any type directly to water bodies within the rohe of Ngāruahine. This is regardless of whether the discharge is treated or untreated.
- We require the applicant to ensure that stormwater is managed onsite and is prevented from entering into the Kahouri Stream. This is consistent with the Papatūānuku Policy 1.8.
- Te Korowai notes there has been a large number of land discharge permits issued near waterbodies within Ngāruahine. Ōkahu-Inuawai Hapū directly opposes any discharge of effluent in or near any waterways within their rohe. This includes the pollution of groundwater as stated from the Hapū "Our Awa suffers the toxic result of decades of neglect and misuse by industry, especially dairy".
- Te Korowai would like the applicant to provide a copy of their riparian management plan (If available) to enable us to assess the impacts of land discharge.
- Te Korowai encourages the applicant to fence and riparian plant all waterways to the Kahouri Stream on the site, to a width of 20 metres. These expectations are beyond those of TRC but ensure that the maximum possible protection is afforded to those waterways which are highly valued by mana whenua.

Response and considerations during processing of application

Thank you for your comments. We note that no pre-application consultation has been made and we are continuing to encourage applications to consult. Almost every dairy discharge application received by council is a replacement of an existing activity and a controlled activity under the Regional fresh water plan for Taranaki. Applications, which meet the standards/terms/conditions of a controlled activity must be granted. Riparian planting is not a matter that can be taken into consideration when assessing this application.

However, the council sets the terms and conditions of a resource consent, granted under a controlled activity. When granted, the activity will be subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki.

Also, all farm dairy effluent discharge consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to. Included in that authorisation, is a special condition, which requires the consent holder to provide council with a dairy effluent storage design report, completed by a suitably qualified person.

With the introduction of a new application form, for the discharge of dairy farm effluent, the form requires the applicant to provide more detail than they have in the past, which will improve the quality of that information, (including aerials) lodged with council.

A request was made to the applicant for permission to release the riparian plan.

[R2/2733-3.0](#)

Tregaron Trust

Location: 447 Toko Road, Huinga

To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Commencement Date: 30 Jun 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

[R2/2762-3.0](#)

Climie Road Farms Limited

Commencement Date: 10 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 26 Brecon Road South, Stratford
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)
Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- Te Korowai notes that the discharge is to land only and not a dual discharge application. This is preferable to discharging directly to water as many landowners continue to do.
- We would like the applicant to provide evidence of their Riparian Management Plan (if available). This will assist us in assessing the potential impacts of the discharge activity on the Mangawharawhara Stream and in turn the Waingongoro River.

Response and considerations during processing of application

As Ngāruahine were in support of the discharge going to land instead of the previous dual, they were thanked for providing comment and advised their comments were noted and included as part of the application assessment..

A request was made to the applicant for permission to release the riparian plan.

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/2784-3.0](#)

Harrison Family Trusts Partnership

Commencement Date: 30 Jun 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 368 Skeet Road, Matapu

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- There has been no pre-application consultation from the applicant with Te Korowai or the relevant Hapū.
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.
- However, it is the expectation of Te Korowai that applicants and consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- Te Korowai acknowledges this application is for a renewal of a discharge permit to land with existing effluent storage. This aligns with bottom lines of Te Uru Taiao o Ngāruahine which opposes discharges of any type directly to water bodies within the rohe of Ngāruahine. This is regardless of whether the discharge is treated or untreated.
- Te Korowai notes the applicant has a current stormwater diversion system, which aligns with our Papatūānuku Policy 1.8.
- Te Korowai would like the applicant to provide a copy of their riparian management plan (If available) to enable us to assess the impacts of land discharge.
- Te Korowai expects the general and special conditions of the previous consent are assessed against the National Policy Statement for Freshwater Management 2020. Any changes in these conditions should reflect the Te Mana o Te Wai hierarchy and the increased protection of the Waingongoro River and catchment.
- Te Korowai encourages the applicant to fence and riparian plant all tributaries to the Mangatoki Stream affected on the site to a width of 20 metres. These expectations are beyond those of TRC but ensure that the maximum possible protection is afforded to those waterways which are highly valued by mana whenua.

Response and considerations during processing of application

Almost every dairy discharge application received by council is a replacement of an existing activity and a controlled activity under the Regional fresh water plan for Taranaki. Applications, which meet the standards/terms/conditions of a controlled activity must be granted.

However, the council sets the terms and conditions of a resource consent, granted under a controlled activity. When granted, the activity will be subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki.

Also, all farm dairy effluent discharge consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to. Included in that authorisation, is a special condition, which requires the consent holder to provide council with a dairy effluent storage design report, completed by a suitably qualified person.

With the introduction of a new application form, for the discharge of dairy farm effluent, the form requires the applicant to provide more detail than they have in the past, which will improve the quality of that information, (including aerials) lodged with council.

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

With permission from the applicant, the riparian plan was sent to Ngāruahine on 8 February 2023.

[R2/2785-3.1](#)

Starkrad Trust

Commencement Date: 03 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 682 Rowan Road, Kaponga
To discharge farm dairy effluent onto land.

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

[R2/2836-3.1](#)

Killarney Trust

Commencement Date: 04 Jul 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 110 Horoi Road, Rawhitiroa
To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/2924-3.0](#)

DJ & GM Hooper Partnership

Commencement Date: 03 Jul 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 130B Upper Okotuku Road,
Waverley

To discharge farm dairy effluent onto land

Rohe:

Ngaa Rauru Kiitahi

Engagement or consultation:

Te Kaahui o Rauru

No return correspondence was received

[R2/2933-3.0](#)

Randwick Farm Limited

Commencement Date: 30 Jun 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: Buchanan Road, Ohangai

To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/2949-3.0](#)

Maitlands Trust

Commencement Date: 12 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 172 Mangawhero Road, Auroa
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

[R2/2952-3.0](#)

Jareem Trust

Commencement Date: 13 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 1435 Skeet Road, Kapuni
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/2984-3.0](#)

Bayly Brothers Trusts Partnership

Commencement Date: 29 Jun 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 258 Monmouth Road, Stratford
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- There has been no pre-application consultation from the applicant with Te Korowai or the relevant Hapū.
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.
- However, it is the expectation of Te Korowai that applicants and consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- We acknowledge this is a renewal permit for a discharge to water then to land by December 2022.
- Te Korowai absolutely opposes the direct discharge of wastewater, farm dairy effluent or contaminants to all water bodies within the rohe of Ngāruahine. This is whether it is treated or untreated.
- We acknowledge the applicant has completed a plan for a spray irrigation system and new storage early.
- We request to see a map of the discharge points. For Te Korowai to make informative comments on resource consents, it is essential the applicant includes a clear map that outlines the discharge points, property boundaries, and any added feature's the applicant has ticked on the application.
- Te Korowai would like the applicant to provide a copy of their most recent Riparian Management Plan (If available). This will assist us in assessing the potential impacts of the discharge activity on the Kahouri Stream and its tributaries.
- Te Korowai will advocate for the fencing and riparian planting of all tributaries to the Kahouri Stream to provide the maximum protection available to this valued waterway. It is our expectation that this goes beyond the minimum requirements of TRC's Riparian Management Plans.
- Any increase in riparian planting offers enhanced protection to the Kahouri Stream and its tributaries which is significant given the predicted increase in precipitation for the region and ongoing proliferation of effluent discharge.

Response and considerations during processing of application

Thank you for providing council with your comments, on 22-02984-3.0 Bayly Brothers Trusts Partnership

I have attached the application form, which includes a "Dairy Effluent Design Report", aerial maps are included on pages 2,8,16,17, which I hope will assist you.

Non-notified authorisations issued by the Taranaki Regional Council between 26 Jun 2023 and 31 Jul 2023

As you are aware, almost every dairy discharge application received by council is a replacement of an existing activity and a controlled activity under the Regional fresh water plan for Taranaki. Applications, which meet the standards/terms/conditions of a controlled activity must be granted.

However, the council sets the terms and conditions of a resource consent, granted under a controlled activity. When granted, the activity will be subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki.

Also, all farm dairy effluent discharge consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to.

Thank you for your response and council will pass on your comments to the applicant.

<p>R2/3021-3.0 G & A Hill Trust</p> <p>Location: 115 Meremere Road, Mokoia To discharge farm dairy effluent onto land</p> <p>Rohe: Ngāti Ruanui</p>	<p>Commencement Date: 04 Jul 2023 Expiry Date: 01 Dec 2046 Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040 Activity Class: Controlled Application Purpose: Replace</p>
<p>Engagement or consultation: Te Rūnanga o Ngāti Ruanui Trust</p>	<p>Responded they had no comment to make</p>
<p>R2/3090-3.0 Waipapa Trust</p> <p>Location: Ohawe Road, Hawera To discharge farm dairy effluent onto land</p> <p>Rohe: Ngāruahine (Statutory Acknowledgement) Ngāti Ruanui</p>	<p>Commencement Date: 07 Jul 2023 Expiry Date: 01 Dec 2047 Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041 Activity Class: Controlled Application Purpose: Replace</p>
<p>Engagement or consultation: Te Korowai o Ngāruahine Trust Te Rūnanga o Ngāti Ruanui Trust</p>	<p>No return correspondence was received No return correspondence was received</p>

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

[R2/3099-3.0](#)

Clarke Farms (2016) Limited

Commencement Date: 04 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 67 Umutahi Road, Hawera
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

[R2/3165-3.0](#)

Rowan Farms Limited

Commencement Date: 10 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 763 Rowan Road, Kaponga
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- There has been no pre-application communication or consultation from the applicant with Te Korowai or the relevant Hapū.
- Te Korowai acknowledges that under Section 36A of the RMA, there is no requirement for the applicant to consult anyone regarding a resource consent application.¹⁵ However, it is the expectation of Te Korowai that applicants and/or consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- Whilst we note that multiple maps have been included in the application, there is no riparian management plan. This makes it difficult to assess the impacts of this activity on the tributaries of the Mangawhero Stream which is a Statutory Acknowledgement.
- We also note that the application is to discharge to land only. As a controlled activity, there should be no circumstances or conditions of a granted consent that allow discharge to any of the tributaries of the Mangawhero Stream.

Response and considerations during processing of application

Thank you for providing council with your comments, on application 23-03165-3.0 Rowan Farms Limited

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

All farm dairy effluent discharge (FDE) consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to.

The introduction of a new application form, for the discharge of FDE, the form requires the applicant to provide more detail than they have in the past, which has improve the quality of that information, (including aerials) lodged with council.

Each application received, is reviewed by council staff, which includes an on farm investigation with the applicant and individuals involved in the day-to-day operation of the dairy farm.

Regarding the comment in paragraph 17, resource consent requires that, the FDE disposal system shall be designed, managed, operated and regularly maintained to ensure that the conditions of the consent are adhered to and no discharge of FDE occurs to surface water.

With permission from the applicant, the riparian plan was sent to Ngāruahine on 02 June 2023.

[R2/3274-3.0](#)

Tyndale Family Trust

Commencement Date: 13 Jul 2023

Expiry Date: 01 Dec 2046

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 525 Ngawhini Road, Hawera

To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Response received

Comments from Ngāti Ruanui

Ngāti Ruanui finds this application is incomplete. There is not enough information to assess this application.

We would like to see more material regarding the discharging of stormwater to waterways and the overall plan to improve their environmental footprint. Ngāti Ruanui expect the applicant to be able to demonstrate that they are able to comply with the new regulations by the 1st of December 2022. As this application is unable to demonstrate the ability to comply, we deem this incomplete.

We look forward to receiving all necessary information.

Response and considerations during processing of application

Thank you for providing council with your comments, on application 22-03274-3.0 Tyndale Family Trust.

Each application received for the discharge of FDE, is reviewed by council staff, which includes an on farm investigation with the applicant and individuals involved in the day-to-day operation of the dairy farm.

Also, all farm dairy effluent discharge (FDE) consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to.

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

A number of those condition ensure, the FDE disposal system shall be designed, managed, operated and regularly maintained to ensure that the conditions of the consent are adhered to and no discharge of FDE occurs to surface water.

The outcome of council investigation into the application and compliance history, the applicant has demonstrated a good compliance history, at managing the FDE disposal system and adhering to consent conditions.

Thank you for your response and council will pass on your comments to the applicant.

R2/3294-4.0	Commencement Date: 07 Jul 2023
PKW Farms LP	Expiry Date: 01 Dec 2047
	Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041
	Activity Class: Controlled
Location: 251 Winks Rd, Manaia	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe:	
Ngāruahine (Statutory Acknowledgement)	
Engagement or consultation:	
Te Korowai o Ngāruahine Trust	No return correspondence was received

R2/3543-3.0	Commencement Date: 11 Jul 2023
Rowan Trust	Expiry Date: 01 Dec 2047
	Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041
	Activity Class: Controlled
Location: 338 Rowan Road, Kaponga	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe:	
Ngāruahine (Statutory Acknowledgement)	
Engagement or consultation:	
Te Korowai o Ngāruahine Trust	No return correspondence was received

R2/3628-3.0	Commencement Date: 29 Jun 2023
Hintz Family Trust Partnership	Expiry Date: 01 Dec 2046

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 299 Cardiff Road, Cardiff

To discharge farm dairy effluent onto land

Rohe:

Ngaa Rauru Kiitahi (Statutory Acknowledgement)

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui (Statutory Acknowledgement)

Engagement or consultation:

Te Kaahui o Rauru

No return correspondence was received

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- There has been no pre-application consultation from the applicant with Te Korowai or the relevant Hapū.
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.
- It is the expectation of Te Korowai that applicants and consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- Te Korowai acknowledges this application is a renewal discharge permit to land. This aligns with bottom lines of Te Uru Taiao o Ngāruahine which opposes discharges of any type directly to water bodies within the rohe of Ngāruahine. This is regardless of whether the discharge is treated or untreated.
- The Patea River flows through the application site, therefore Te Korowai will oppose any modification to the Patea River as per Policy 5.8 of Te Uru Taiao o Ngāruahine. This is in concerns to the applicants need to build an effluent storage facility.
- Te Korowai would like the applicant to provide a copy of their most recent Riparian Management Plan (If available). This will assist us in assessing the potential impacts of the discharge activity on the Patea River and its tributaries.
- Te Korowai will advocate for the fencing and riparian planting of all tributaries to the Patea River to provide the maximum protection available to this valued waterway. It is our expectation that this goes beyond the minimum requirements of TRC's Riparian Management Plans.
- Any increase in riparian planting offers enhanced protection to the Patea River and its tributaries which is significant given the predicted increase in precipitation for the region and ongoing proliferation of subdivision that is currently occurring.

Response and considerations during processing of application

Thank you for providing council with your comments, on application 22-03628-3.0 Hintz Family Trust Partnership.

We acknowledge that no pre-application consultation was conducted and are continuing to encourage applications to consult. We acknowledge that the discharge permit to land aligns with bottom lines of Te Uru Taiao o Ngāruahine.

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

As you are aware, almost every dairy discharge application received by council is a replacement of an existing activity and a controlled activity under the Regional fresh water plan for Taranaki. Applications, which meet the standards/terms/conditions of a controlled activity must be granted.

However, the council sets the terms and conditions of a resource consent, granted under a controlled activity. When granted, the activity will be subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki.

Also, all farm dairy effluent discharge consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to.

Thank you for your response and council will pass on your comments, to the applicant.

R2/3651-3.0	Commencement Date: 30 Jun 2023
G & J Harvie Family Trust	Expiry Date: 01 Dec 2046
	Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040
	Activity Class: Controlled
Location: 650B South Road, Hawera	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe:	
Ngāti Ruanui (Statutory Acknowledgement)	
Engagement or consultation:	
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received

R2/3720-3.0	Commencement Date: 12 Jul 2023
Roberts Pastures Limited	Expiry Date: 01 Dec 2047
	Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041
	Activity Class: Controlled
Location: 463A Eltham Road, Stratford	Application Purpose: Replace
To discharge farm dairy effluent onto land	
Rohe:	
Ngāruahine (Statutory Acknowledgement)	
Engagement or consultation:	
Te Korowai o Ngāruahine Trust	No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

R2/3756-3.0	Commencement Date: 06 Jul 2023
GN & RL Smith Trusts Partnership	Expiry Date: 01 Dec 2046
	Review Dates: 01 Jun 2028, 01 Jun 2034, 01 Jun 2040
	Activity Class: Controlled
Location: 63 Douglas Road, Douglas To discharge farm dairy effluent onto land	Application Purpose: Replace
Rohe: Ngāti Maru	
Engagement or consultation: Te Rūnanga o Ngāti Maru (Taranaki) Trust	No return correspondence was received

R2/3772-3.0	Commencement Date: 05 Jul 2023
Dunlop B D & S A Trusts Partnership	Expiry Date: 01 Dec 2047
	Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041
	Activity Class: Controlled
Location: 349 Hastings Road, Matapu, Hawera To discharge farm dairy effluent onto land	Application Purpose: Replace
Rohe: Ngāruahine (Statutory Acknowledgement)	
Engagement or consultation: Te Korowai o Ngāruahine Trust	Response received

Comments from Ngāruahine

- There has been no pre-application communication or consultation from the applicant with Te Korowai or the relevant Hapū.
 - Te Korowai acknowledges that under Section 36A of the RMA, there is no requirement for the applicant to consult anyone regarding a resource consent application.
 - However, it is the expectation of Te Korowai that applicants and/or consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
 - The applicant has not indicated whether their groundwater abstraction rate meets the conditions of rules 15 or 48 of the Regional Freshwater Plan for Taranaki.
 - This is further complicated as there are no daily water meter readings available as the take is not metered.
 - We acknowledge that the applicant uses cooling water for stock water and shed washdown and is upgrading their effluent system to discharge to land only.20. The applicant has not included a riparian management plan which makes it difficult to assess the impacts of effluent discharge on the tributaries to the Waingongoro River.
-

Non-notified authorisations issued by the Taranaki Regional Council between 26 Jun 2023 and 31 Jul 2023

- We acknowledge the effluent exclusion areas provided in the Effluent Plan. However, we are unsure how these can be effectively managed to prevent the direct discharge of effluent into waterways on the property.
- We note the use of GPS trackers on effluent irrigators as a potential mitigation measure in preventing the accidental discharge of dairy farm effluent into any tributaries of the Waingongoro River.
- Te Korowai expresses its full support for all recommendations of the Dairy Effluent Design Report including the installation of a stormwater diversion system.

Response and considerations during processing of application

Thank you for providing council with your comments, on application 23-03772-3.0 Dunlop B D & S A Trusts Partnership

Each application received for the discharge of farm dairy effluent (FDE), is reviewed by Council staff, which includes an on farm investigation with the applicant and individuals involved in the day-to-day operation of the dairy farm.

Regarding your comments, all FDE consents are subject to a monitoring programme, ensuring conditions of their consent are adhered to.

A number of those condition require that the FDE disposal system, shall be designed, managed, operated and regularly maintained to ensure that the conditions of the consent are adhered to and no discharge of FDE occurs to surface water.

Also, the consent holder is required to keep a record of effluent discharged to land including as minimum:

- a) date of discharge;
- b) depth, volume or rate of discharge of liquid effluent;
- c) volume of solid effluent;
- d) effluent type (e.g. liquid, slurry, solid);
- e) source of any solid effluent (e.g. anaerobic pond sludge, sand trap);
- f) the specific area that effluent was applied to (shown on a map, plan or aerial photograph); and
- g) the size (in ha or m²) of the area that effluent was applied to.

The information recorded is to be provided to Council upon request, which is requested during a monitoring inspection.

Thank you for your response. Council will pass on your comments to the applicant.

[R2/3786-3.0](#)

Sion Trust

Location: 210 Hunter Road, Eltham

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Commencement Date: 11 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Response received

Comments from Ngāruahine

Non-notified authorisations issued by the Taranaki Regional Council between 26 Jun 2023 and 31 Jul 2023

- There has been no pre-application consultation or communication from the applicant with Te Korowai or Ōkahu-Inuawai and Kanihi-Umutahi Hapū.
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.
- However, it is the expectation of Te Korowai that applicants and/or their consultants are following best practice and engaging early with Hāpu and Iwi to identify potential issues.
- We acknowledge the applicants safety features and practices for effluent application to ensure that run off and ponding on the irrigation block.
- The Mangatoki Stream is in turn a tributary to the Waingongoro River which is under tremendous amount of pressure due to the high number of abstractions and discharges which occur in its catchment.
- This degradation is of source of ongoing stress and frustration for the affected Hapū.
- We would like the applicant to provide evidence of their Riparian Management Plan (if applicable). This will assist us in assessing the potential impact of the discharge activity.
- This would also assist us to assess the potential impacts of dairy effluent discharge on the Mangatoki Stream and its tributaries.

Response and considerations during processing of application

Thank you for providing council with your comments, on application 23-03786-3.2 GJ&DA Carter Family Trust.

As you are aware, almost every dairy discharge application received by council is a replacement of an existing activity and a controlled activity under the Regional Fresh Water Plan for Taranaki. Applications, which meet the standards/terms/conditions of a controlled activity must be granted.

However, the council sets the terms and conditions of a resource consent, granted under a controlled activity. When granted, the activity will be subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki.

Each application received for the discharge of FDE, the information provided, is reviewed by council staff, which includes an on farm investigation with the applicant and individuals involved in the day-to-day operation of the dairy farm.

Also, all farm dairy effluent discharge (FDE) consent are subject to a monitoring programme, ensuring conditions of their consent are adhered to.

A number of those condition ensure, the FDE disposal system shall be designed, managed, operated and regularly maintained to ensure that the conditions of the consent are adhered to and no discharge of FDE occurs to surface water.

Thank you for your response and council will pass on your comments, to the applicant.

With permission from the applicant, the riparian plan was sent to Ngāruahine on 19 May 2023.

[R2/3972-3.0](#)

Mr Christopher Gatenby

Commencement Date: 13 Jul 2023

Expiry Date: 01 Dec 2047

Review Dates: 01 Jun 2029, 01 Jun 2035, 01 Jun 2041

Activity Class: Controlled

Location: 771 Eltham Road, Mangatoki

Application Purpose: Replace

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Non-notified authorisations issued by the Taranaki Regional Council between 26 Jun 2023 and 31 Jul 2023

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- Te Korowai acknowledges this is an application to discharge farm dairy effluent to land. This aligns with the bottom line of Te Uru Taiao o Ngāruahine that there are no direct discharges of wastewater, farm dairy effluent or other contaminants to water bodies in the Ngāruahine rohe.
- There has been no pre-application communication or consultation from the applicant with Te Korowai or the relevant Hapū.
- Te Korowai acknowledges that under Section 36A of the RMA, there is no requirement for the applicant to consult anyone regarding a resource consent application.
- However, it is the expectation of Te Korowai that applicants and/or consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues.
- It is difficult to assess the potential adverse effects of this activity as the applicant has not included their riparian management plan (if available).
- While this is not required as part of the application, we note an AEE is required in Section 16 of the consent application.
- The applicant has also failed to complete the entire Section 16 which is information that must be included in the application.
- We suggest this application is returned as incomplete under s88 of the RMA.

Response and considerations during processing of application

Thank you for providing council with your comments, regarding application 22-03972-3.0, Mr Christopher Gatenby.

With the introduction of a new application form, for the discharge of dairy farm effluent, the form requires the applicant to provide more detail than they have in the past, which will improve the quality of that information, lodged with council, but on this occasion, as per your comments regarding section 16 of the application form was not completed and this has been taken into consideration.

All of the required information was supplied, which was then followed-up with an on farm investigation, in order to make an informed decision on the application.

Unfortunately, council is unable to provide a riparian management plan, as the applicant has not given us permission to forward the plan on.

Council will pass on your comments on to the applicant.

[R2/5475-4.0](#)

AFT Group

Commencement Date: 27 Jun 2023

Expiry Date: 01 Dec 2043

Review Dates: 01 Jun 2025, 01 Jun 2031, 01 Jun 2037

Activity Class: Controlled

Application Purpose: Replace

Location: 636 Mid Kahui Road, Rahotu

To discharge farm dairy effluent onto land.

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Te Kāhui o Taranaki Trust	No return correspondence was received
R2/6760-2.0 Seaward Dairies Limited	Commencement Date: 07 Jul 2023 Expiry Date: 01 Dec 2043 Review Dates: 01 Jun 2025, 01 Jun 2031, 01 Jun 2037 Activity Class: Controlled Application Purpose: Replace
Location: 340 Hampton Road, Okato To discharge farm dairy effluent onto land	
Rohe: Taranaki (Statutory Acknowledgement)	
Engagement or consultation: Te Kāhui o Taranaki Trust	No return correspondence was received
R2/7125-2.1 Palmerdell Trust	Commencement Date: 11 Jul 2023 Expiry Date: 01 Jun 2041 Review Dates: 01 Jun 2029, 01 Jun 2035 Activity Class: Discretionary
Location: 1214 Opunake Road, Stratford To use a culvert in an unnamed tributary of the Kapuni Stream for farm access purposes	Application Purpose: Replace
Rohe: Ngāruahine (Statutory Acknowledgement)	
Engagement or consultation: Te Korowai o Ngāruahine Trust	Responded they had no issues with the replacement
R2/7304-2.0 Gwerder Brothers	Commencement Date: 27 Jul 2023 Expiry Date: 01 Jun 2041 Review Dates: 01 Jun 2029, 01 Jun 2035 Activity Class: Controlled
Location: 4557 Mountain Road, Eltham To take and use groundwater for stock water and dairy purposes	Application Purpose: Replace
Rohe: Ngāti Ruanui	
Engagement or consultation:	

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

[R2/7415-2.0](#)

Brittany Trust Partnership

Commencement Date: 21 Jul 2023

Expiry Date: 01 Jun 2041

Review Dates: 01 Jun 2029, 01 Jun 2035

Activity Class: Discretionary

Location: 145 Cardiff Road, Stratford

Application Purpose: Replace

To use a culvert in an unnamed tributary of the Tuikonga Stream

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Consulted by applicant

Te Rūnanga o Ngāti Ruanui Trust

Consulted by applicant

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- There has been no pre-application communication or consultation from the applicant with Te Korowai or the relevant Hapū.
- We would advise the applicant and consultant that if they are genuine about consultation then they will take the time to identify the appropriate Iwi staff and Hapū representatives to contact.
- Te Korowai acknowledges that under Section 36A of the RMA, there is no requirement for the applicant to consult anyone regarding a resource consent application.
- However, it is the expectation of Te Korowai that applicants and/or consultants are following best practice for the planning industry by engaging early with Hapū and Iwi to identify potential issues
- Te Uru Taiao o Ngāruahine is an initial step and a guide for resource consent applicants to inform themselves of any potential issues.
- It is not a substitute for meaningful consultation and engagement with Te Korowai and the relevant Hapū.
- There have been many changes to freshwater management since construction of the dam in 2008/2009 including the NPSFM 2020.
- We would argue that the functional need for improved land utilisation could now be met by a different structure such as a bridge which would not impede fish passage or ecological flows.
- It is difficult to assess the structures impact on fish movements without an assessment from a Freshwater Ecologist.
- While mentioned often in the application and AEE, it appears this assessment has not yet been undertaken.
- Given the importance of this assessment, this application should be returned to the applicant under Section 92 of the RMA as incomplete.

Response and considerations during processing of application

The applicant attempted to undertake consultation with both Ngāti Ruanui and Ngāruahine, evident by copies of email correspondence dated 22 November 2022 included in Appendix D to the AEE. The applicant

**Non-notified authorisations issued by the Taranaki Regional Council
between 26 Jun 2023 and 31 Jul 2023**

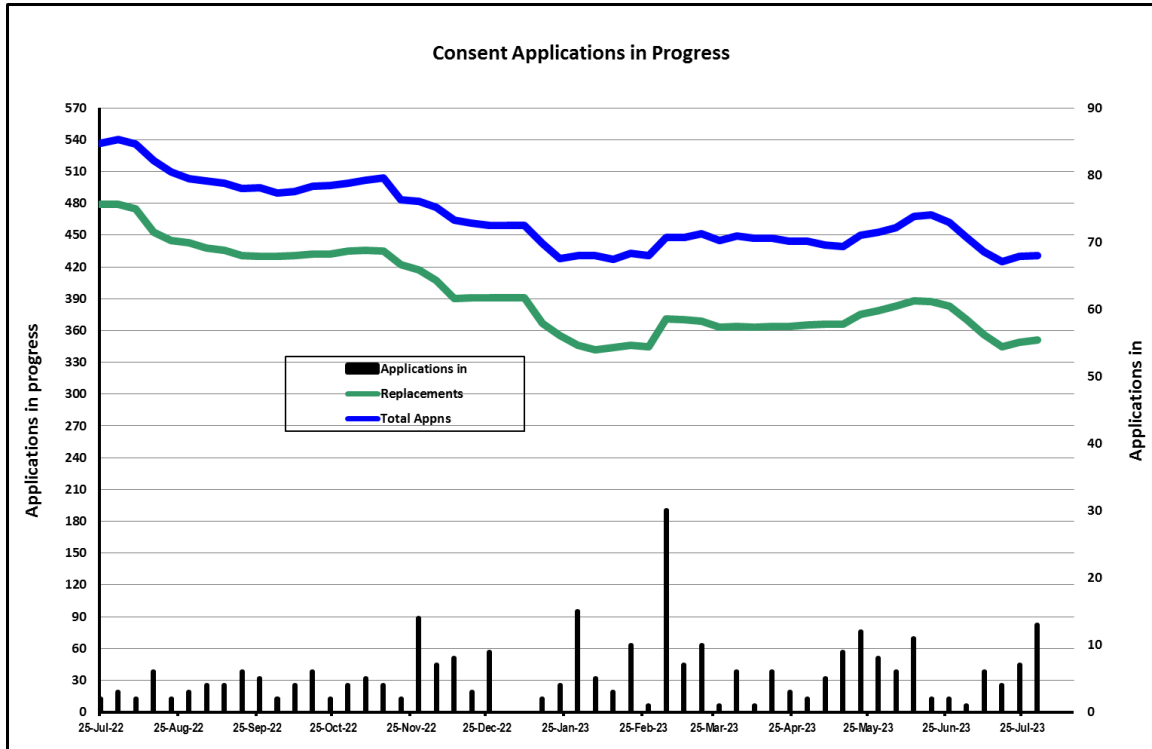
noted that no response was received in regard to this email at the time of lodging the consent application on 15 March 2023.

Following lodgement, the Council informed both Ngāti Ruanui and Ngāruahine of the application on 29 March 2023 in accordance with agreed procedure. A response was received from Ngāruahine on 21 April 2023 noting it was challenging to assess effects from the proposal without seeing a freshwater ecology assessment. This was then submitted by the applicant and supplied to Ngāruahine on 3 May 2023.

On 3 May 2023 a response was received from Ngāruahine stating that “Te Korowai supports the recommendations of [the freshwater ecology report submitted by the applicant]”.

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																						
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

3) Potential Hearings

Nil

4) Consents Processed (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2023/2024	39											
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 July	3	36	0	0	39
2022-2023 Total	65	227	10	5	307
2021-2022 Total	54	149	16	6	225

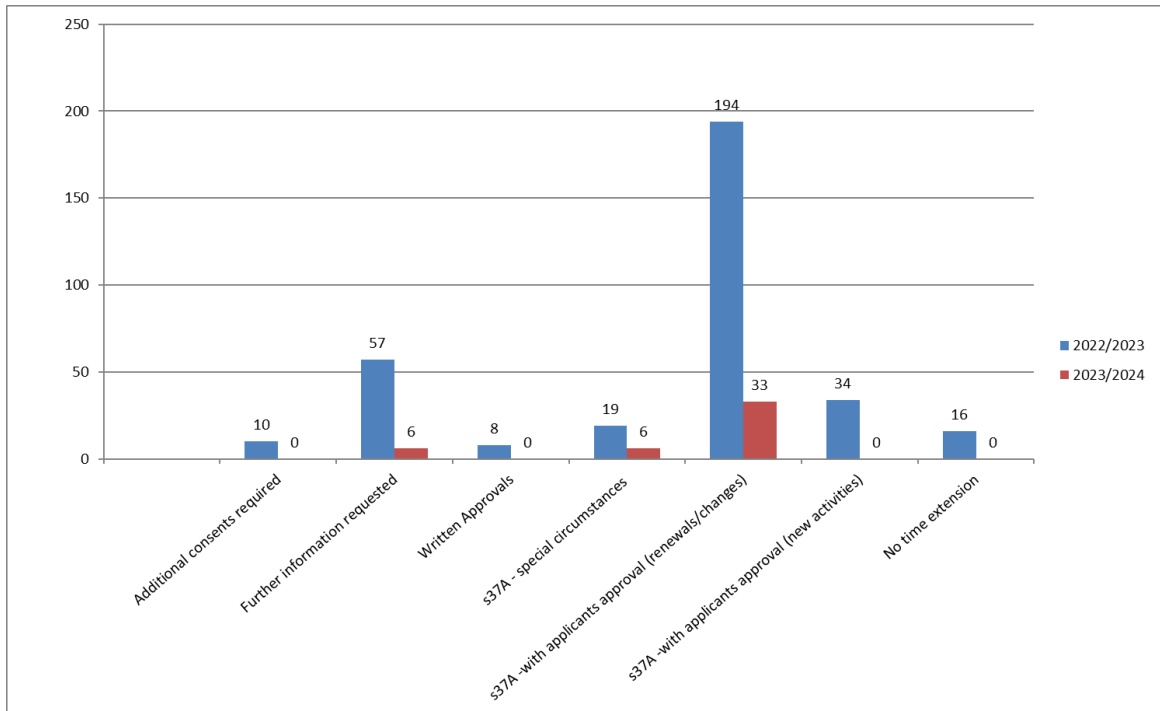
6) Types of consents issued - year to date comparison

	Publicly Notified					%		Limited					%		Non Notified					%		Grand Total
	Agricultural	Central/Local Government	Energy	Forestry	Other	Total publicly notified		Agricultural	Central/Local Government	Energy	Forestry	Other	Total Limited Notified		Agricultural	Central/Local Government	Energy	Forestry	Other	Total 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
July 2023	0	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%	0	36	0	1	0	2	100.0%	39	39

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

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
Councils	0	0	0
DOC	0	0	0
Environmental/Recreational Groups	0	0	0
Fish & Game	0	0	0
Individuals/Neighbours/Landowners	1	0	1
Network Utilities	0	0	0
Non Govt Organisations	0	0	0
Other Govt Departments	0	0	0
Iwi/hapu	49	0	49
Totals - July 2023	50	0	50

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
Total consents granted	334	307	39
Publically Notified	9	0	0
Limited-notified	8	2	0
Non-notified	318	305	39
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	4313

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 29 August 2023

Subject: **Incidents, Compliance Monitoring Non-Compliances and Enforcement Summary - 1 July 2023 to 31 July 2023**

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

Document: 3197596

Purpose

1. The purpose of this memorandum is to allow the Council to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 1 July 2023 to 31 July 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 thirty nine (39) incidents reported.
4. Fourteen (14) of the incidents were found to be compliant and fifteen (15) were found to be non-compliant. Ten (10) 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 eighteen (18) compliance monitoring non-compliances reported. Nine (9) of the compliance monitoring non-compliances reported are updates from previous periods.

Zero (0) of the non-compliances reported are as a result of the annual dairy inspection round.

Recommendations

That the Taranaki Regional Council:

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

Background

6. 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.
7. Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 1 July 2023 to 31 July 2023.
8. 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

9. 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

10. 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.

11. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 1 July 2023 to 31 July 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.
12. 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.
13. 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.
14. 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

15. 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

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.

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

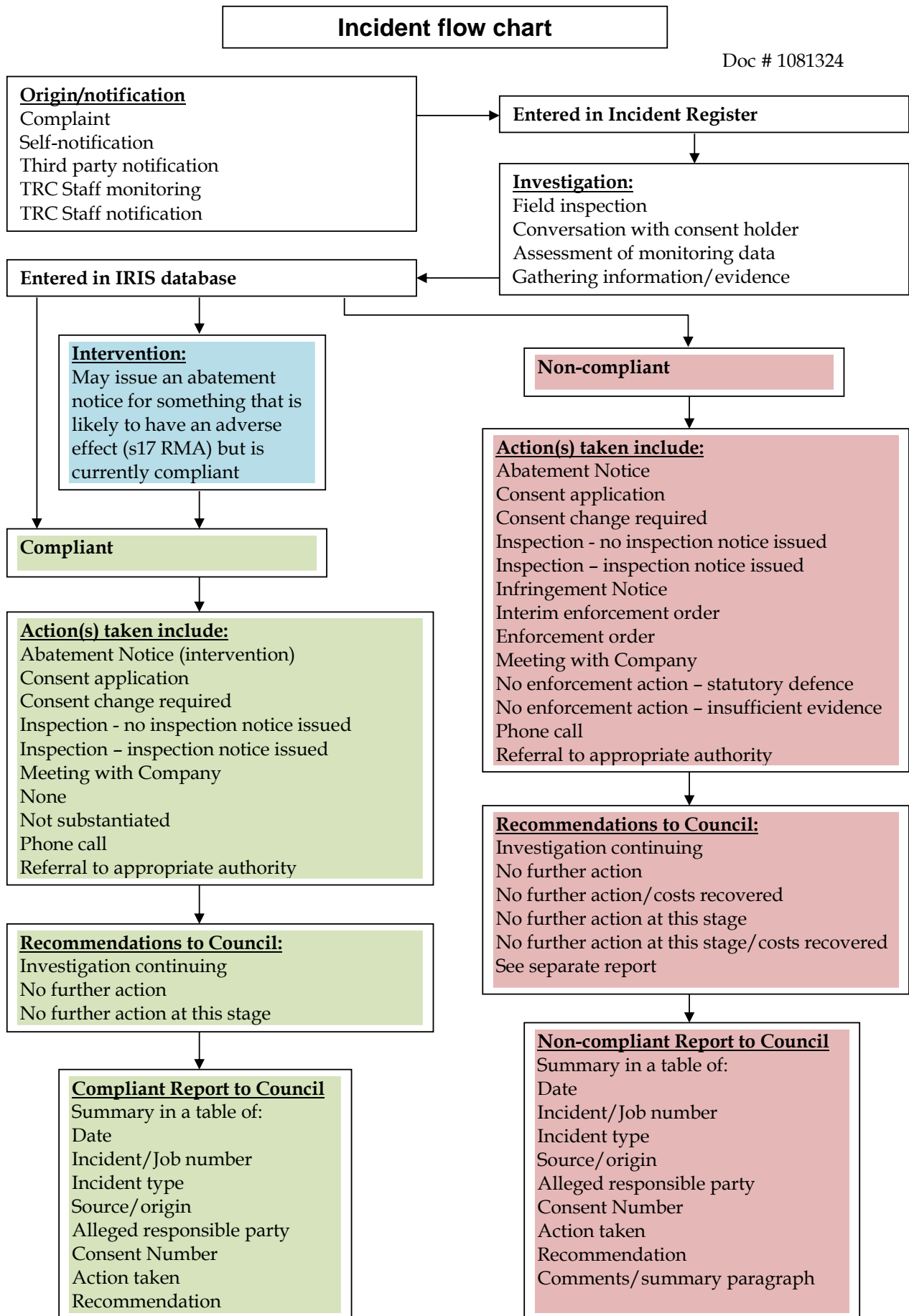
20. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

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

Document 3197592: [Incident and Enforcement Graphs to 31 July 2023](#)

Document 3197599: [Incidents, Compliance Monitoring and Enforcement Summary 1 July 2023 to 31 July 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.

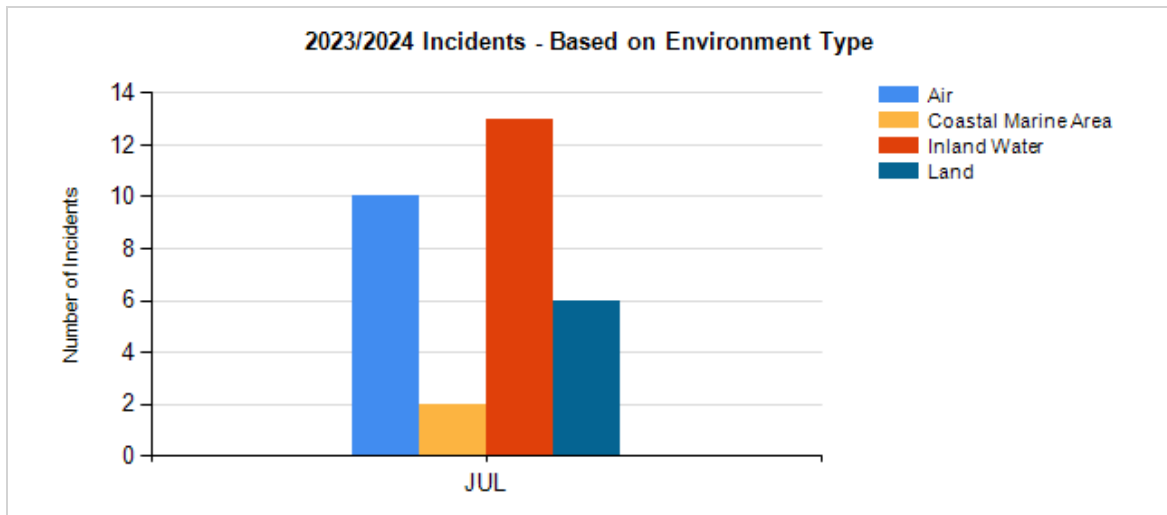
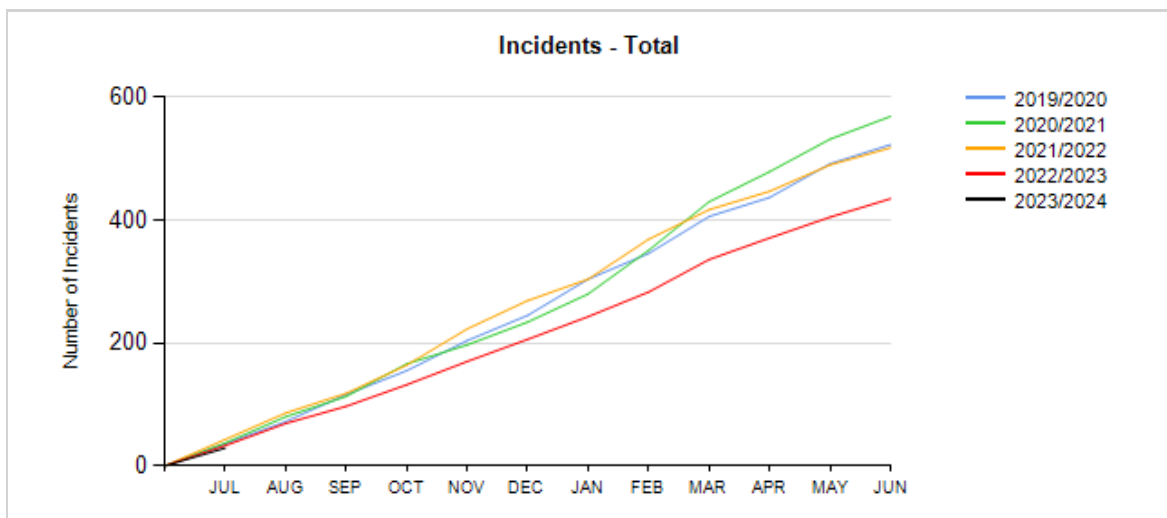
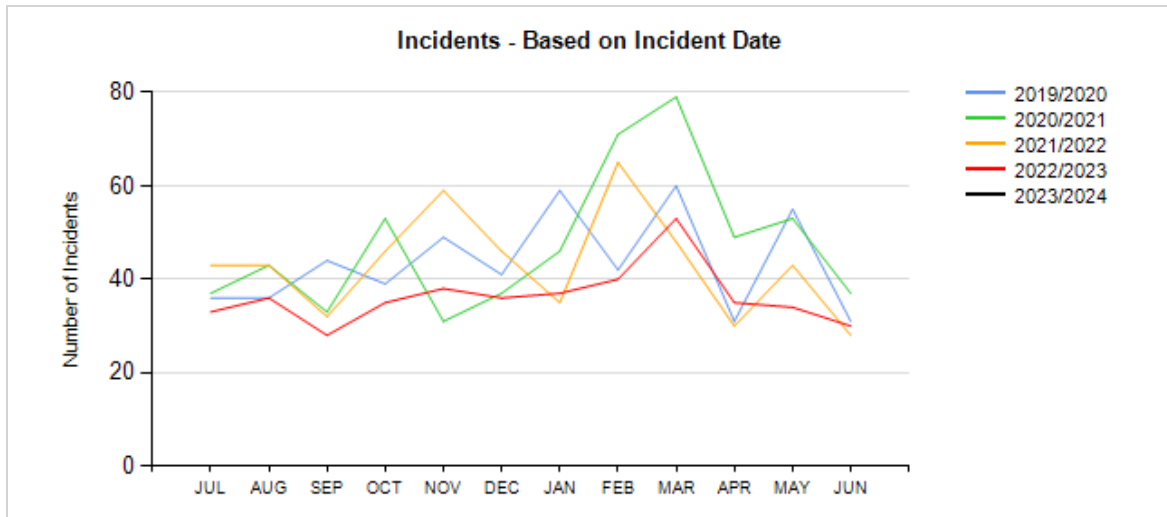
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
-------------------------------------------------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

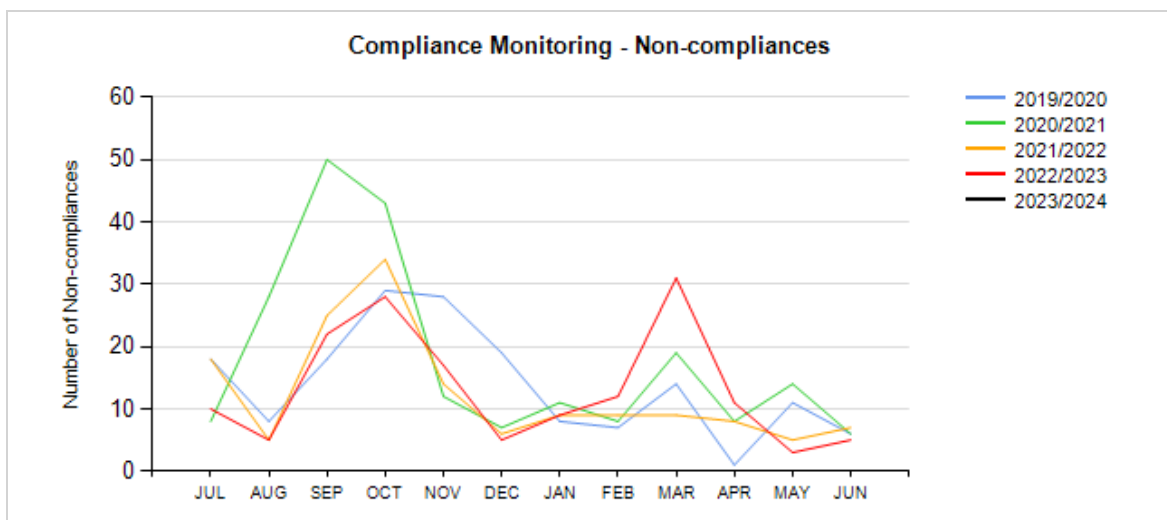
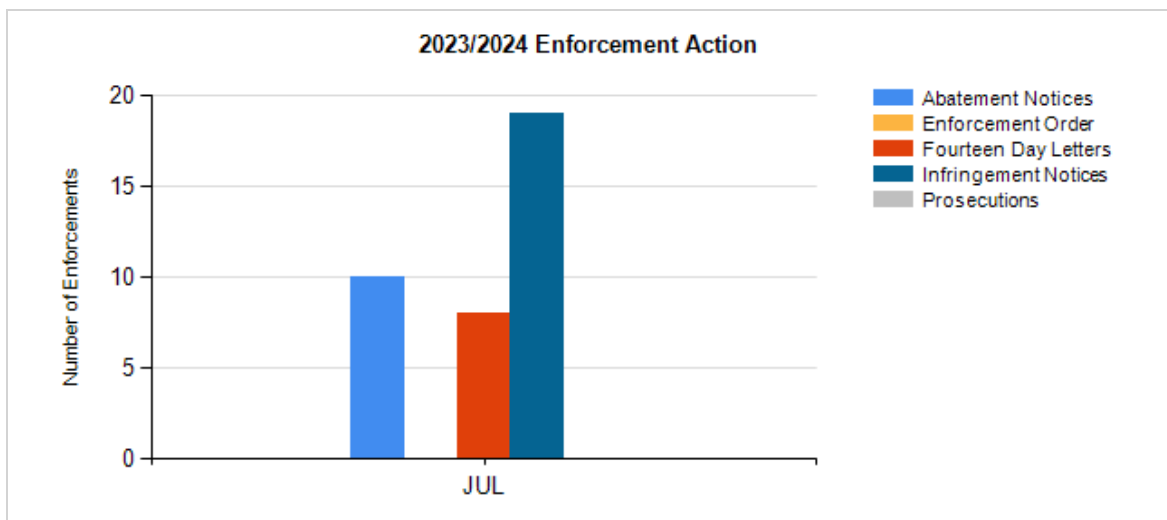
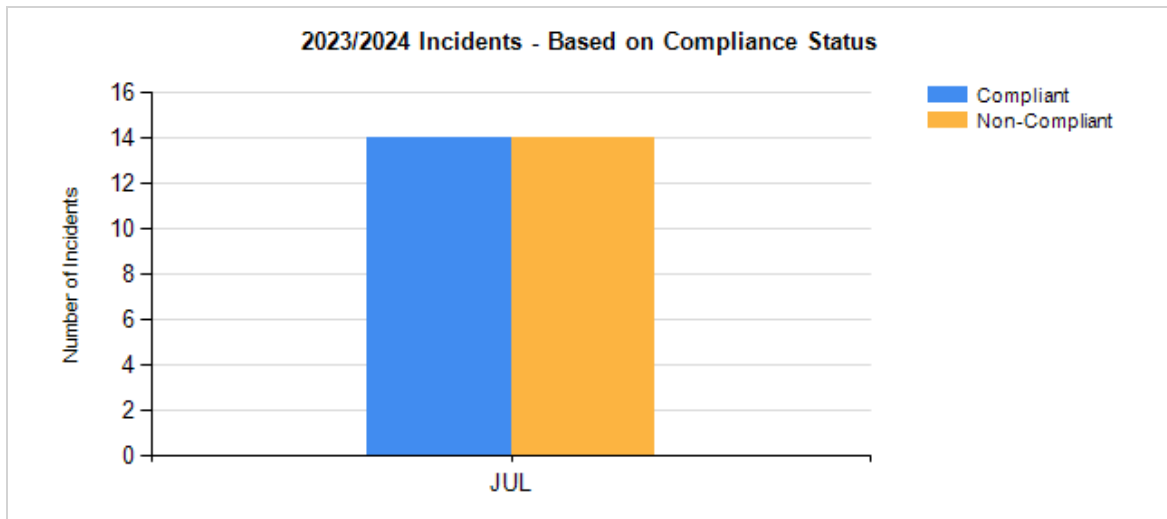
Defences under Sections 340 and 341 of the Resource Management Act 1991

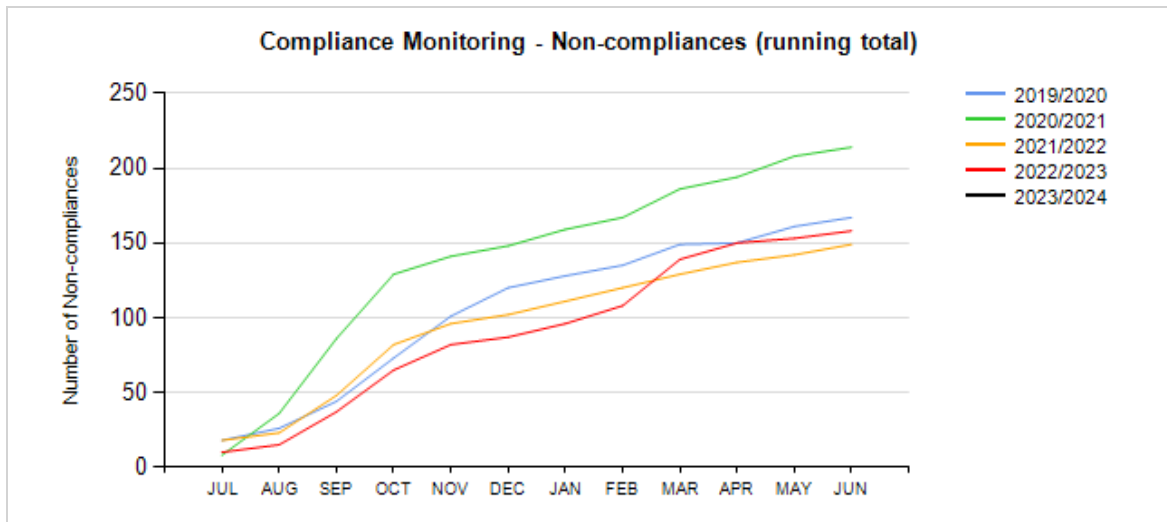
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

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

Incident and Enforcement Graphs to 31 July 2023







Compliant Incidents for the period 01 Jul 2023 to 31 Jul 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
6 Jul 2023	330124-002 IN/48051	Alleged odour - Barrett Road, New Plymouth	Complaint	RAQP Allowed	No Further Action
6 Jul 2023	330124-003 IN/48071	Alleged odour - Scott Street, Hawera	Complaint	RAQP Allowed	No Further Action
7 Jul 2023	330124-006 IN/47941	Alleged dead Cow in Stream - Sisson Terrace, Lepperton	Complaint	RFWP Allowed	No Further Action
7 Jul 2023	330124-005 IN/47946	Alleged fridges dumped in metal pit - Opunake Road, Opunake	Complaint	Not Applicable/Natural Event	No Further Action
9 Jul 2023	330124-007 IN/48065	Alleged fire - Mimi Road, Urenui	Complaint	Consent Compliance	No Further Action
9 Jul 2023	330124-008 IN/48069	Alleged odour - Victoria Street, Hawera	Complaint	Consent Compliance	No Further Action
10 Jul 2023	330124-009 IN/48055	Alleged vehicle Fire - Upland Road, Egmont Village	Complaint	Consent Compliance	No Further Action
12 Jul 2023	330124-013 IN/47969	Alleged earthworks alongside Otakeho Stream - Rama Road, Otakeho	Complaint	Consent Compliance	No Further Action
16 Jul 2023	330124-014 IN/47974	Alleged taking of river rocks - Merrilands Domain, New Plymouth	Complaint	Not Applicable/Natural Event	No Further Action
17 Jul 2023	330124-020 IN/48024	Alleged un-notified forestry harvesting - Mohakatino Road, Mohokatino	Complaint	NES Forestry Allowed	No Further Action

Compliant Incidents for the period 01 Jul 2023 to 31 Jul 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
24 Jul 2023	330124-024 IN/48037	Alleged milk powder spill - Mountain Road, Midhurst	Third Party Notification	RFWP Allowed	No Further Action
26 Jul 2023	330124-026 IN/48038	Alleged burning - Galt Street, Hawera	Complaint	RAQP Allowed	No Further Action
27 Jul 2023	330124-027 IN/48039	Alleged odour - Hurlstone Drive, New Plymouth	Complaint	RAQP Allowed	No Further Action
30 Jul 2023	330124-029 IN/48077	Alleged burning and smoke - 1086 Opunake Road, Opunake	Complaint	RAQP Allowed	No Further Action

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Apr 2023 Update	330123-355 IN/47451	Brown Stream - Okato	TRC Staff Notification	Dale Corrigan (10844) Darrell Hickey (10673)	R2/3796-2	EAC-25134 - Abatement Notice	No Further Action/Costs Recovered

Comments: While proactively investigating ongoing reports of a 'green' stream in the Matanehunehu Stream, Okato, it was observed that the stream was discoloured in nature. Further investigation traced the discolouration to a discharge of dairy effluent from an oxidation pond treatment system. Photographs and samples were taken. An abatement notice was issued requiring the consent holder to undertake works to ensure compliance with resource consent conditions. A reinspection found that the abatement notice was being complied with.

23 Apr 2023 Update	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	Investigation Continuing
---------------------------------------	----------------------------------------	--------------------------------	-----------	-------------------------------	-------------	------------------------------------------------------------------------------------------	--------------------------

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. A meeting has been organised with Manawa Energy. Enforcement action is being considered.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 May 2023 <u>Update</u>	330123-404 IN/47692	Instream earthworks, Unnamed tributary of the Mangaotuku Stream 2 (Patea) - Brewer Road, Stratford	TRC Staff Notification	Luke Irwin (75143) Ralph Henry Vosseler (11788)		EAC-25143 - Abatement Notice EAC-25144 - Abatement Notice EAC-25146 - Abatement Notice EAC-25151 - Abatement Notice EAC-25164 - Explanation Requested - Letter EAC-25264 - Infringement Notice (\$750) EAC-25271 - Infringement Notice (\$500)	No Further Action At This Stage

Comments: During unrelated monitoring, it was found that earthworks were being undertaken on a property on Brewer Road, Stratford. Investigation found that earthworks had been undertaken for land improvement purposes on the property. The works included instream works to clean out tributaries on the property and the installation of a number of culverts for access purposes. The instream works were found to be in contravention of the rules in the Regional Freshwater Plan for Taranaki and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Abatement notices were issued requiring instream works to cease, erosion and sediment controls to be installed, and works to be undertaken to ensure the culverts installed are complaint with the relevant regulations. A reinspection found that erosion and sediment controls have been installed on the property and the no further instream works have occurred. Work is ongoing to address the culverts. A letter requesting an explanation was sent. A further inspection found that hay had been placed in the banks of the stream to assist with sediment control. Further reinspection found that the exposed areas of earth are stabilised with the growth of vegetation and no further works have been undertaken in accordance with the abatement notice.

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>25 May 2023 Update</u>	330123-409 IN/47717	Odour from composting organic matter - Saltash Street, New Plymouth.	Third Party Notification	Chemwash Taranaki Limited (10137)		EAC-25163 - Explanation Requested - Letter EAC-25244 - Infringement Notice (\$1,000)	No Further Action

Comments: A complaint was received regarding odour being discharged from the Chemwash Industrial site at Saltash Street, New Plymouth. An inspection found a large pile of road sweepings temporarily stored on site were decomposing, resulting in the discharge of offensive odour beyond the site boundary in contravention of rules in the Regional Air Quality Plan for Taranaki. A letter of explanation has been requested and received. Chemwash have taken steps to ensure that road sweepings are no longer held at the depot. A reinspection was undertaken and the composting material had been removed from the site.

<u>1 Jun 2023 Update</u>	330123-415 IN/47761	Backyard Burning - Collingwood Street, Eltham	Complaint	Richard Owen (75248)			No Further Action
--------------------------	----------------------------------------	-----------------------------------------------	-----------	----------------------	--	--	-------------------

Comments: A complaint was received regarding smoke activating a smoke alarm at an industrial site in Eltham. Investigation found that a vegetation fire was smoldering at a residential address on Collingwood Street, Eltham which Compliance Officers had attended the previous day (IN/47743 relates). Attempts were being made by the responsible party to extinguish the fire however the towns potable water supply had been turned off for maintenance work making it difficult to fully extinguish the fire. This was confirmed during the inspection. The responsible party fully extinguished the fire once the water supply was turned back on later that day.

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 Jun 2023 <u>Update</u>	330123-429 IN/47794	Green Stream - Plymouth Road, Omata	Complaint	Christine Barrett (50795) Martin Strauss (74270) Nicholas Barrett (28372) Zenith Trust (74279) Zenith Trustee 2022 Limited (74713)	R2/1702-3	EAC-25165 - Abatement Notice EAC-25166 - Explanation Requested - Letter EAC-25167 - Explanation Requested - Letter EAC-25168 - Explanation Requested - Letter EAC-25169 - Explanation Requested - Letter	Investigation Continuing

Comments: A compliant was received regarding a 'green' stream at Plymouth Road, Omata. Investigation found that farm dairy effluent had been discharged onto land from two irrigators in different locations on the property. The effluent had flowed overland and discharged into the Paopaohaonui Stream being a tributary of the Tapuae Stream, in contravention of resource consent conditions and abatement notices previously issued for similar incidents. Letters requesting explanations have been sent. Further enforcement action is being considered.

15 Jun 2023 <u>Update</u>	330123-443 IN/47843	Unauthorised burning - Putahi Road, Patea	TRC Staff Compliance Monitoring	Robert & Verna Bourke (2672)		EAC-25201 - Infringement Notice (\$300)	No Further Action
------------------------------	----------------------------------------	-------------------------------------------	---------------------------------	------------------------------	--	-----------------------------------------	-------------------

Comments: During unrelated monitoring, black smoke was observed discharging from a fire on a rural property on Putahi Road, Patea. Investigation found that a tractor tyre was being burnt in contravention of rules in the Regional Air Quality Plan for Taranaki and the Resource Management (National Environmental Standards for Air Quality) Regulations 2004.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Jun 2023 Update	330123-444 IN/47890	House demolition and burning - South Road, Hawera	Complaint	Vernon John & Deidre Pauline Cleaver (13355)		EAC-25266 - Explanation Requested - Letter	No Further Action

Comments: A complaint was received regarding a house which had been demolished and disposed of on a rural property at South Road, Hawera. Inspection found that a house on the property had been demolished with a mattress being burnt on site in contravention of rules in the Regional Air Quality Plan for Taranaki. A letter requesting explanation has been sent and an explanation received and accepted.

25 Jun 2023 Update	330123-448 IN/47903	Odour discharge - Breacon Road, Stratford.	Complaint	Regal NZ Trading Limited (74995)		EAC-25176 - Explanation Requested - Letter	No Further Action
---------------------------------------	----------------------------------------	--------------------------------------------	-----------	----------------------------------	--	--------------------------------------------	-------------------

Comments: A complaint was received regarding odour discharging from a parked truck on Breacon Road, Stratford. Investigation found that a truck used for the cartage of domestic rubbish was found to be discharging offensive and objectionable odours onto nearby properties. Responsible party was spoken to and is identifying a more suitable location to park the vehicle in the future. A letter requesting explanation has been sent and an explanation has been accepted.

27 Jun 2023 Update	330123-449 IN/47916	Discharge of stormwater - Tukapa Street, New Plymouth	Complaint	N Mumby (75268) Smudgy Developments Limited (56784)		EAC-25242 - Infringement Notice (\$750)	No Further Action
---------------------------------------	----------------------------------------	-------------------------------------------------------	-----------	--------------------------------------------------------	--	-----------------------------------------	-------------------

Comments: A complaint was received regarding stormwater discharging onto a neighbouring property from a residential subdivision under development on Tukapa Street, New Plymouth. The investigation found that sediment laden stormwater had discharged onto a neighboring property as a result of failed erosion and sediment control devices onsite. The discharge was in contravention of Abatement Notice EAC-25019. Reinspection found that the abatement notice was being complied with.

Non-compliant incidents for the period 01 Jul 2023 to 31 Jul 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
4 Jul 2023	330124-001 IN/47927	Odour complaint - Mahoetahi Road, Brixton	Complaint	Bioboost Limited (75291) Peter Sole Transport Ltd (14463)		EAC-25245 - Infringement Notice (\$1,000)	No Further Action

Comments: A complaint was received regarding odour being discharged from an industrial site at Mahoetahi Road, Brixton. Odour surveys were undertaken which confirmed that offensive and objectionable odours were being discharged beyond the site boundary in contravention of rule in the Regional Air Quality Plan for Taranaki. A site inspection confirmed the odour was being generated from the storage of Bioboost fertiliser and chicken manure.

4 Jul 2023	330124-004 IN/47940	Refuse on river bank - Wataroa Road, Pungarahu	Complaint	St George By The Sea Limited (50987)			No Further Action
------------	----------------------------------------	------------------------------------------------	-----------	--------------------------------------	--	--	-------------------

Comments: A complaint was received regarding rubbish being dumped on the banks of a stream at Wataroa Road, Pungarehu. Inspection found that farm rubbish consisting of silage wrap, iron gate and a concrete water trough had historically been deposited on the banks of the stream. The current land owner was spoken to and they undertook immediate action to remove the rubbish.

11 Jul 2023	330124-010 IN/47957	Unauthorised discharge to Stormwater - Silverfern Farms, Waitotara	Self-Notification	Silver Fern Farms Limited (30302)	R2/5027-2		No Further Action
-------------	----------------------------------------	--------------------------------------------------------------------	-------------------	-----------------------------------	-----------	--	-------------------

Comments: A self notification was received regarding the discharge of washwater into the stormwater system at the Silver Fern Farms processing facility at Waiinu Beach Road, Waitotara. Investigation found that a minor discharge of washwater from the plant had discharged into the stormwater system as a result of an unforeseen blockage within the wastewater network. Immediate action was taken to cease the discharge and unblock the drain. No adverse effects were observed as a result of the discharge. A report has been provided outlining what steps are being undertaken to prevent a reoccurrence of a similar type incident.

Non-compliant incidents for the period 01 Jul 2023 to 31 Jul 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Jul 2023	330124-011 IN/47959	Hydrocarbon discharge onto road - Cunningham Lane, Oakura	Complaint	Campbell Crawford (75309)			No Further Action At This Stage
Comments: A complaint was received regarding hydrocarbons discharging onto the road from a motor vehicle on Cunningham Lane, Oakura. Investigation found that a fuel container had tipped over on the back of a utility motor vehicle resulting in a small discharge of hydrocarbons onto the road surface. The responsible party was located and took immediate steps to stop the discharge and recover the spilt fuel.							
11 Jul 2023	330124-012 IN/47963	Car in unnamed tributary - Turuturu Road, Hawera	Complaint	Un sourced (9768)			No Further Action
Comments: A complaint was received regarding a car that had crashed into an unnamed tributary on Turuturu Road, Hawera. Investigation found that there had been no spill from the vehicle and it was removed from the waterway.							
11 Jul 2023	330124-019 IN/48019	Smokey fire - Murray Avenue - Hawera	Complaint	Sarah Harris (75352)			No Further Action
Comments: A complaint was received regarding smoke discharging from a fire at Murray Avenue, Hawera. Investigation found that a small fire had been lit in a brassier at a residential property in breach of the rules in the Regional Air Quality Plan for Taranaki. No off-site effects were noted at the time of the inspection and the responsible party was advised of the rules relating to open air burning within a defined urban area.							

Non-compliant incidents for the period 01 Jul 2023 to 31 Jul 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
17 Jul 2023	330124-015 IN/47978	Sewage Spill -New Plymouth Airport, New Plymouth	Third Party Notification	Papa Rererangi i Puketapu Limited (NP Airport) (55471)	R2/10773-2.0	EAC-25267 - Explanation Requested - Letter EAC-25268 - Abatement Notice	Investigation Continuing

Comments: A complaint was received regarding the discharge of wastewater onto land at the New Plymouth Airport at Airport Drive, New Plymouth. An investigation found that the growth of vegetation about the wastewater treatment system had caused a blockage in a pipe resulting in the discharge of wastewater onto land in contravention of resource consent conditions. Immediate action was taken by the responsible party to clear the blockage and sanitise the area where the discharge occurred. Further measures were put in place to ensure that the system operates as designed and vegetation growth about the system is controlled. Reinspections found that the consent was being complied with. A letter requesting explanation has been sent.

17 Jul 2023	330124-016 IN/47979	White stream - Lemon Street, New Plymouth	Complaint	Unsources (9768)			No Further Action
-------------	----------------------------------------	-------------------------------------------	-----------	------------------	--	--	-------------------

Comments: A complaint was received regarding the discoloration of an unnamed tributary of the Te Henui Stream near Northgate, New Plymouth. Investigation found an unnamed tributary which runs through the Te Henui cemetery and discharges to the Te Henui Stream had sections which were cloudy in colour as a result of natural iron oxide discharges into the stream.

19 Jul 2023	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	Investigation Continuing
-------------	----------------------------------------	-------------------------------------------------------------------	-----------	------------------------	--	--------------------------------------------------------------	--------------------------

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.

Non-compliant incidents for the period 01 Jul 2023 to 31 Jul 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Jul 2023	3301124-018 IN/48007	Unauthorised discharge of farm dairy effluent - Leith Road, Okato	Complaint	JEL Farms Limited (35102)	R2/0777-3.0		Investigation Continuing
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. 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.							
20 Jul 2023	330124-021 IN/48012	White Stream - Maketehinu Stream, Lower Norfolk Road, Inglewood	Complaint	Unsourced (9768)			No Further Action
Comments: A complaint was received regarding the Matetehinu Stream running white in colour at Lower Norfolk Road, Inglewood. Investigation confirmed that the stream was flowing white in colour at Norfolk Road. The stream began to clear during the inspection. A number of properties were inspected, however the source of the discoloration could not be identified.							
20 Jul 2023	330124-022 IN/48013	Burning - Lepper Road Lower, Egmont Village	Complaint	Jason Richard Duffy (29236)		EAC-25243 - Infringement Notice (\$750) EAC-25254 - Infringement Notice (\$300)	No Further Action
Comments: A complaint was received regarding black smoke discharging from a fire at Lepper Road Lower, Egmont Village. Inspection found that a fire had been lit on a rural property. An inspection of the fire found that unauthorised items including plastic, rubber, spa pool cover and a jet ski were being burnt in contravention of rules in the Regional Air Quality Plan for Taranaki. The responsible party was identified and admitted to lighting the fire.							

Non-compliant incidents for the period 01 Jul 2023 to 31 Jul 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
21 Jul 2023	330124-023 IN/48014	Hydraulic oil spill - Opunake Road, Stratford	Complaint	Hawera Haulage (2020) Ltd (75358) Precision Barriers Ltd (75357)			No Further Action
Comments: A complaint was received regarding a hydrocarbon spill at a property on Opunake Road, Stratford. Investigation found that hydraulic oil had been discharged onto land as a result of a failed hydraulic hose on a digger being unloaded at the property. The spill was of a low volume and not at risk of discharging into surface waters. The responsible party was spoken to who took immediate action to clean up the spill.							
24 Jul 2023	330124-025 IN/48023	Palm Kernel in Water - Port Taranaki, New Plymouth	Self-Notification	Unsourced (9768)			No Further Action At This Stage
Comments: Self notification was received regarding the discharge of Palm Kernel into the Tasman Sea at Port Taranaki, Breakwater Road, New Plymouth. Investigation found that a grab unintentionally released during the off loading process resulting in approximately 7 tonne of Palm Kernel discharging onto the wharf and into the Tasman Sea. The product that discharged to the wharf was cleaned up by staff on site, however the product which entered the sea discharged throughout the water column and onto the sea floor meaning it was not practical to recover.							
31 Jul 2023	330124-028 IN/48048	Hydrocarbon discharge - Port Taranaki, New Plymouth	Complaint	Egmont Seafoods Ltd (27477)		EAC-25252 - Explanation Requested - Letter	Investigation Continuing
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.							

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
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

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. Further enforcement action is being considered.

2 May 2023 <u>Update</u>	332123-138 ENF-23925	Dairy Non-compliant Re-inspection	Significant non-compliance	Nigel Wayne & Denise Mary King (3009)	R2/4276-2.1	EAC-25128 - Abatement Notice	No Further Action
-----------------------------	-----------------------------------------	--------------------------------------	----------------------------	---------------------------------------	-------------	------------------------------	-------------------

Comments: During a dairy non-compliant reinspection it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Egmont Road, New Plymouth. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection found that works had been undertaken to bund the farm bridge at the access point to the farm dairy to contain dairy effluent and ensure compliance with the Abatement Notice.

12 May 2023 <u>Update</u>	332123-154 ENF-23948	Dairy Non-compliant Re-inspection	Non-compliance	Josh Neilson (75112) Kandahar Neilson Farm Limited (74300) Tony Neilson (75106)	R2/2833-2	EAC-25158 - Abatement Notice EAC-25149 - Abatement Notice	No Further Action At This Stage
------------------------------	-----------------------------------------	--------------------------------------	----------------	---------------------------------------------------------------------------------------	-----------	--------------------------------------------------------------	------------------------------------

Comments: During a dairy non-compliance reinspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Wiremu Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Re-inspection will be undertaken after 1 September 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
15 May 2023 <u>Update</u>	332123-156 ENF-23958	Dairy Non-compliant Re-inspection	Non-compliance	Alistair Barkla (20117)	R2/0875-3.0		No Further Action
Comments: During a dairy non-compliant reinspection it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Whakamara Road, Manutahi. Works are required to repair bunding around the farm dairy. Reinspection found that works had been undertaken to ensure compliance with resource consent conditions.							
2 Jun 2023 <u>Update</u>	332123-158 ENF-23953	Dairy Non-compliant Re-inspection	Non-compliance	Marcus Smith (16291)	R2/4347-2.1	EAC-25162 - Abatement Notice	Investigation Continuing
Comments: During a dairy non-complaint reinspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Opunake Road, Cardiff. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Work is currently being undertaken to install a sandtrap as required by the abatement notice. Reinspection will be undertaken after 21 August 2023.							
6 Jun 2023 <u>Update</u>	332123-157 ENF-23957	Dairy Non-compliant Re-inspection	Significant non-compliance	The Tom Lance Trust (51397)	R2/3309-3.0	EAC-25187 - Infringement Notice (\$750)	No Further Action At This Stage/Costs Recovered
Comments: During a dairy non-complaint reinspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and Abatement Notice EAC-24814, which was issued as a result of a previous non-compliance at on Parahaki Road, Waverley. Reinspection found that work had been undertaken to ensure compliance with the abatement notice.							

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Jun 2023 <u>Update</u>	332123-159 ENF-23965	Compliance Monitoring Insp.	Non-compliance	ForestryCo (73350)	PA/20486-01	EAC-25173 - Abatement Notice	Investigation Continuing

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.

27 Jun 2023 <u>Update</u>	332123-160 ENF-23966	Annual Inspection	Non-compliance	Barry John & Lynette Betty Bishop (2570)	R2/5877-2	EAC-25175 - Abatement Notice	No Further Action At This Stage/Costs Recovered
------------------------------	-----------------------------------------	-------------------	----------------	---------------------------------------------	-----------	---------------------------------	----------------------------------------------------------

Comments: During routine compliance monitoring it was found that unauthorised material had been deposited in a clean fill at Ahu Ahu Road, Oakura. Insufficient silt and sediment controls were also observed at the site. Abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection found that erosion and sediment controls had been installed at the site and unauthorised material removed to ensure compliance with the abatement notice and resource consent.

29 Jun 2023 <u>Update</u>	332123-162 ENF-23970	Annual Inspection	Non-compliance	Westown Agriculture Limited (55300)	R2/10884-1.0	EAC-25178 - Abatement Notice	Investigation Continuing
------------------------------	-----------------------------------------	-------------------	----------------	-------------------------------------	--------------	---------------------------------	-----------------------------

Comments: During routine compliance monitoring it was found that insufficient erosion and sediment controls were installed in breach of resource consent conditions at a clean fill disposal site on Cowling Road, New Plymouth. Abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 July 2023.

Compliance Monitoring – Non-compliances for the period 01 Jul 2023 to 31 Jul 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Mar 2023	332124-002 ENF-23987	Compliance Monitoring Insp.	Non-compliance	Remediation (NZ) Limited (30679)	R2/5838-2.2		Investigation Continuing
<p>Comments: During an audit (16 June 2023) of surface water sampling results, taken on 23 March 2023, associated with routine compliance monitoring, it was found that the Biochemical Oxygen Demand 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. Further enforcement action is being considered.</p>							
3 Jul 2023	332124-001 ENF-23978	Compliance Monitoring Insp.	Non-compliance	Ferndene Group Limited (70308)	R2/10848-1.0	EAC-25195 - Abatement Notice	Investigation Continuing
<p>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. A reinspection will be undertaken after 1 September 2023.</p>							

Compliance Monitoring – Non-compliances for the period 01 Jul 2023 to 31 Jul 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
7 Jul 2023	332124-006 ENF-23991	Annual Inspection	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

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.

13 Jul 2023	332124-007 ENF-23994	Compliance Monitoring Insp.	Non-compliance	Waka Kotahi NZ Transport Agency (70589)	R2/10967-1.0	EAC-25229 - Abatement Notice	No Further Action At This Stage/Costs Recovered
-------------	-----------------------------------------	-----------------------------	----------------	-----------------------------------------	--------------	------------------------------	-------------------------------------------------

Comments: During routine compliance monitoring of an earthworks site associated with a road realignment project, it was found that erosion and sediment controls were insufficient to manage sediment laden stormwater at the site in contravention of resource consent conditions at East Road, Stratford. An abatement notice was issued requiring erosion and sediment controls to be improved across the site. There were no unauthorised discharges from the site as a result of the non-compliance. A reinspection found that the abatement notice was being complied with.

Compliance Monitoring – Non-compliances for the period 01 Jul 2023 to 31 Jul 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
13 Jul 2023	332124-003 ENF-23995	Office Assessment	Non-compliance	C&O Concrete Products Limited (10126)	R2/4777-2.0	EAC-25232 - Explanation Requested - Letter	Investigation Continuing
Comments: During analysis of samples taken associated with routine compliance monitoring it was found that the concentration of suspended solids (280g/m3) within the stormwater discharge, was in contravention of resource consent conditions at a concrete batching plant on Connett Road, Bell Block. A letter requesting an explanation has been sent. Further enforcement action is being considered.							
17 Jul 2023	332124-008 ENF-24014	Compliance Monitoring Insp.	Non-compliance	Ravensdown Fertiliser Co-operative Ltd (24536)	R2/8438-0	EAC-25265 - Abatement Notice	Investigation Continuing
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.							
18 Jul 2023	332124-009 ENF-24023	Office Assessment	Non-compliance	Regal NZ Trading Limited (74995)	PA/11121-1.0		Investigation Continuing
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 letter of explanation has been requested.							

Compliance Monitoring – Non-compliances for the period 01 Jul 2023 to 31 Jul 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
25 Jul 2023	332124-005 ENF-24004	Compliance Monitoring Insp.	Non-compliance	Just Rubbish Limited (34229)	R2/8398-0	EAC-25249 - Abatement Notice	Investigation Continuing

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 will be undertaken after 22 August 2023.

25 Jul 2023	334124-004 ENF-24003	Compliance Monitoring Insp.	Non-compliance	Porter Hire (21723)	R2/8647-0		Investigation Continuing
-------------	-----------------------------------------	-----------------------------	----------------	---------------------	-----------	--	--------------------------

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 further reinspection will be undertaken in August 2023.



Date: 29 August 2023

Subject: **Changes to the Duration of Consents Related to Freshwater**

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

Document: 3193096

Purpose

1. The purpose of this memorandum is to inform the Taranaki Regional Council (the Council) of changes to the maximum duration available for consents related to freshwater and seek agreement on related matters.

Executive summary

2. From Royal Assent of the *Natural and Built Environment Bill* (the Bill), expected in August, "affected resource consents" under the *Resource Management Act 1991* (RMA) will have their maximum duration reduced. This will ensure the new planning framework applies to these activities sooner than the maximum consent duration of 35 years under the RMA allows for. Affected resource consents are most consents related to freshwater and discharges to land. There are some exemptions for specific infrastructure.
3. Based on the provisions in the Bill, Council officers estimate this new maximum duration to be until 30 June 2037. The Bill requires an estimation based on when rules under the regions first Natural and Built Environment Plan are expected to have legal effect under the future *Natural and Built Environment Act 2023*.
4. Adopting a blanket end date of 30 June 2037 for all affected resource consents received under the RMA will mean upwards of 1,800 existing consents expiring on the same day. This would very likely create an unmanageable loading of new consent applications to process. Applications for new activities would be on top of this number.
5. To mitigate this, it is recommended Council adopt an expiry date for all affected resource consents of either 10 years or 30 June 2037, whichever is less. This would reduce the number of consents expiring on 30 June 2037 by around 800. These consents would instead expire gradually from 2033.
6. Regardless of how the Council approaches the new requirements, they are likely to prove unpopular with sections of the community. Dedicated communications will be required to communicate the changes and their rationale.

7. Further work will be required to find other ways to manage the still large number of consents that will expire on 30 June 2037. There are potential pathways for this, but none are certain. Failing these, if the new application is made at least six months prior to expiry, the consent holder can continue to operate until the new consent application is processed.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum titled *Changes to the duration of freshwater consents*
- b) notes 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) notes 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) notes 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) agrees 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) directs Council officers to develop and distribute dedicated communications material outlining the new duration limits
- g) determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- h) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

8. The Natural and Built Environment Bill (the Bill) introduces a maximum duration of 10 years for most consents related to freshwater, including discharges to land where that discharge may enter freshwater. The Bill provides exclusions for hydro generation and activities related to specific infrastructure.
9. The Government has introduced changes to the Bill to also limit the duration of resource consents issued under the RMA. This will ensure the new planning framework applies to certain activities sooner than the maximum consent duration of 35 years under the RMA. Specifics are:
 - For any "affected resource consent", the maximum duration is five years after the expected date upon which the relevant rules under a region's first Natural and Built Environment Plan under the future *Natural and Built Environment Act* would have legal effect.
 - A council can impose a lesser duration if they wish.

- An "affected resource consent" is:
 - a water permit for an activity that takes, uses, dams or diverts freshwater
 - a discharge permit for a discharge of any contaminant or water into freshwater
 - a discharge permit for any contaminant onto or into land in circumstances that may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering freshwater
 - a land use consent for an activity results in a contaminant onto or into land entering freshwater.
 - The operation, upgrading or maintenance of any existing hydro-electricity scheme is excluded. So are a range of infrastructure activities (e.g. State highways, electricity transmission and high-pressure gas transmission). Attachment One contains the full list of exclusions.
 - These changes will come into effect upon Royal Assent of the Bill – expected in August.
 - The changes only apply to consent applications received after Royal Assent.
10. It is up to each regional council to forecast when it expects the relevant rules under their future Natural and Built Environment Plan would have legal effect. This is covered more in the discussion.

Issues

11. The Council needs to determine the future end date it will apply to affected resource consents received after Royal Assent.
12. Having all consents with the same end-date will very likely lead to an unmanageable amount of resource consent applications to process in the future.

Discussion

13. Once a specific Order in Council from the Government starts a region down the plan development process in the Bill, there is a prescriptive timeline. This is:
 - 8 months to establish a regional planning committee
 - from then, three years to adopt a regional spatial strategy
 - from then, 2 years and 40 days to notify a Natural and Built Environment Plan
 - from then, 2 years to go through the hearing panel process and the regional planning committee to publish a decision version of the plan
 - then there is an unspecified amount of time for appeals.
14. For a region's first Natural and Built Environment Plan, most rules have legal effect 10 working days after the regional planning committee publishes the decision version of the plan. Rules associated with comparative or market-based allocation do not have legal effect until appeals have been determined. Some freshwater consents will likely be tied to these allocation methods, but which ones are set in the National Planning Framework and the Natural and Built Environment Plan itself. Without either of these documents, it is impossible to determine what affected resource consents would be tied to this later date.

15. Based on available information, the estimated maximum end date for all affected resource consents is 30 June 2037. It is reasonable to assume Taranaki begins the plan development process under the Bill in the 2024-25 financial year. Considering there is the potential for some extensions in the Bill, planning for a round 8 years until relevant rules have legal effect is recommended. This gives a date of 30 June 2032. The required five years is then added to this date.
16. Giving all these consents the same expiry date will lead to an unmanageable surge of applications in 2037. An initial estimate is that, excluding potential exemptions, these changes will affect 1817 existing consents that will come up for renewal before 30 June 2032. Applications for new activities would be additional. Applications received after 30 June 2023 would be processed under the *Natural and Built Environment Act 2023*.
17. There are potential ways to reduce the volume of consents. The Bill envisions greater reliance on permitted activities backed up by robust monitoring and enforcement. While it is too soon to say for sure, this may mean some current activities that require a consent will not in the future. Legislative change could also address the issue. Failing that, if the application is made at least six months prior to expiry, the consent holder can continue to operate until the consent is processed.
18. However, the only way around the above problem now is to require shorter durations for some consents. This would spread the load of consent applications over three years. Although the majority of consents would still expire on 30 June 2037.
19. The Council could also plan to hire a large amount of contractors or fixed-term staff to deal with the influx in 2037. However, this would carry considerable cost and likely run into labour shortages with all regional councils dealing with a similar application influx.
20. Regardless of how the Council chooses to implement the new requirements, there will be notable sections of the community that are unhappy with them – noting that others will likely be supportive. The Government has not yet publicised these new changes. Council will need to roll out its own communications.

Options

21. When the region will have relevant rules with legal effect could change. However, 30 June 2032 is a reasonable estimate based on the provisions in the Bill.
22. From Royal Assent, the Council could require all new affected resource consents have an end date of 30 June 2037 or specify a lesser duration. To alleviate the surge in applications, affected resource consents could either have a maximum duration of 10 years, or expire on 30 June 2037, whichever is less. The below table analyses these options.

Option	Benefits	Risks
1) All expire on 30 June 2037	Provides the least burden on applicants. Can emphasise duration is entirely set by the Government, lessening reputational risk.	Creates an unmanageable amount of resource consent applications in 2037. Estimated date may change, providing less certainty to applicants.
2) Expire after 10 years	Reduces the number of consents expiring on 30 June 2037 by around	At least around 800 consents would have

<p>or on 30 June 2037, whatever is less</p>	<p>800 – instead these would expire gradually over the preceding three years.</p> <p>Aligns with maximum duration of 10 years in the Bill for affected resource consents.</p> <p>Provides flexibility to update the 30 June 2037 date over the next few years if dates change once the region begins down the plan development process.</p> <p>Provides time to find other solutions to the consenting influx.</p>	<p>durations up to three years shorter than the maximum allowed by legislation.</p>
---------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------

23. Council officers recommended adopting option two. It will help alleviate the future consenting burden, provide certainty in the initial three years where the forecast 30 June 2037 date is most uncertain, and does not impose a drastically shorter duration for consents than the maximum provided for by the Government.
24. An even shorter duration for some consents could be required to further spread the consenting load. However, at minimum this would be a duration of around 8 years. Any shorter and the renewal would still be processed under the RMA, leading to a new consent with an expiry of 30 June 2037. Requiring such a duration would be a significant change for applicants, especially considering the Government's changes are yet to be publicised.

Significance

25. This item is assessed as not significant. It is being implemented in-response to legislative changes and there is a level of uncertainty about the full effect of the provisions until the new planning instruments are developed.
26. The changes made relate to the term for which a new consent can be granted rather than the activities that may or may not be undertaken in accordance with the consent. The later will be assessed in accordance with the new planning provisions that might be in place at the time the consent application is being assessed.

Financial considerations—LTP/Annual Plan

27. 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

28. 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

29. 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.
30. The significant influx of consents expected in 2037 would also impact the ability of iwi to provide input into these consents. The recommended option to help spread this consenting load would help alleviate pressure on iwi also.

Community considerations

31. 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

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

Appendices/Attachments

Document 3196638: [Exceptions to the changes to the duration of freshwater consents](#)

Exceptions to the changes to the duration of freshwater consents

A consent authority can determine that the prescribed shorter consent duration does not apply for an affected resource consent if they are satisfied that the application is primarily for an activity described below.

- (a) The construction, operation, upgrading, or maintenance of local authority or community reticulated water supply networks.
- (aa) The construction, operation, upgrading, and maintenance of infrastructure that forms part of a public wastewater or stormwater network.
- (b) The operation, upgrading, or maintenance of any hydro-electricity generation scheme that exists on the day after the date that the Natural and Built Environment Act 2023 receives the Royal assent.
- (c) The construction, upgrading, or maintenance of any of the following infrastructure activities:
 - (i) State highways.
 - (ii) The high-pressure gas transmission pipeline network operating in the North Island.
 - (iii) The national grid electricity transmission network or local distribution network.
 - (iv) The New Zealand rail network (including light rail).
 - (v) Renewable electricity generation facilities that connect direct to the national grid electricity transmission network or that connect to a local distribution network.
 - (vi) Any airport used for regular air transport services by aeroplanes capable of carrying more than 30 passengers.
 - (vii) Port facilities of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act
 - (viii) Infrastructure that forms part of a public telecommunications network.
- (d) Replacement, repair or remove activities for the purpose of an activity described in paragraphs (a) to (c),
- (e) Any activity specified in an Order in Council

The activities described in subclause (3)(c)(vi) and (vii) do not include any ancillary commercial activity or facilities for that activity.



Date 17 August 2023

Subject: **The Freshwater Farm Plan System**

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

Document: 3194816

Purpose

1. The purpose of this memorandum is to update the Committee on the Freshwater Farm Plan (FWFP) system and the role of Council.

Executive summary

2. The Essential Freshwater package set out a new national direction for freshwater via the National Policy Statement for Freshwater (NPSFW) 2020. The FWFP system is one of the key tools that have been introduced through the Resource Management Act 1991 to improve freshwater quality.
3. Regional and unitary councils have a statutory role in the implementation of the FWFP system. While nationally directed, implementation is at the regional level where success will be dependent not only on the development of regional plans and rules, but also on the way councils work with farming communities.
4. The FWFP system became live in the Waikato and Southland regions on 1 August 2023. These two pilot programmes will provide valuable information on the how the system will work in practice and is an opportunity for Council to utilise their knowledge.
5. There are 22 criteria that identify the physical and inherent vulnerabilities of a farm and when considered together with farming and growing activities, the appropriate actions can be determined and incorporated into a FWFP.
6. FWFPs require certification and auditing by council trained and approved certifiers and auditors. To ensure environmental outcomes, Council is required to undertake the appropriate compliance, monitoring and enforcement actions.
7. Asure Quality (AQ) is contracted by the Ministry for the Environment to manage the Appointment Process (AP) for certifiers and auditors as the Appointment Process Manager (APM) on behalf of regional councils. However, the decision-making for their appointment will remain with regional councils.
8. There are several key work streams required to be undertaken over the next 10 months by Council. The provision of the local catchment context, challenges and values (CCCV) which will require working with Tangata Whenua, along with developing a regional-

specific training programme, adapting its internal databases and developing a Compliance, Monitoring and Enforcement (CME) strategy.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum titled - Freshwater Farm Plans - The System
- b) notes the design and framework of the FWFP system
- c) notes the expectations of achieving NPS freshwater objectives through FWFP
- d) notes the implications of the extra requirements imposed on Council through the FWFP System
- e) approves that the appropriate planning, management and resourcing is undertaken to ensure the Council's statutory responsibilities to deliver the FWFP system are met.

Background

9. The Essential Freshwater package set out a new national direction for freshwater via the NPSFW. As a package, it requires regional and unitary councils to amend regional policy statements and plans by the end of 2024 to halt the decline of freshwater and give effect to Te Mana o te Wai. The FWFP system is one of the key tools that have been introduced to improve freshwater quality.
10. The FWFP system was introduced through amendments to Part 9A of the Resource Management Act 1991 (RMA). The FWFP regulations to give effect to this amendment came into effect on 6 June 2023 (Appendix 1 #3179316). The FWFP system intends to pull together many of the Essential Freshwater threads at a catchment and farm level by consolidating rules, regulations, and plans into a single FWFP.
11. A proposed amendment to section 80A of the Natural and Built Environment Bill also requires councils and unitary authorities to use the FWFP system to give effect to the NPSFW objectives. Councils also have the option of using the system to incorporate regional rules related to fresh water; including any other activities that it considers essential, to achieve integrated management of the natural and physical resources of the whole region.
12. Regional and unitary councils have a key role in the implementation of the FWFP system. Over the last 12 months the development and the implementation of the FWFP system by the Ministry for the Environment (MFE) has been coordinated on behalf of regional government by Te Uru Kahika (TUK). While nationally directed, implementation is at the regional level where success will be dependent on the way councils work with farming communities.
13. The main roles required by regional councils to deliver the FWFP system are: to provide catchment challenges, context, and values (CCCV); engaging with the rural community to inform them about the system and what's expected of them; continue working with iwi/hapu/Maori landowners through the regional freshwater planning process, and
 - work together on aspects of the CCCV and certifier/auditor appointments;
 - developing regional-specific training for certifiers and auditors; appointing certifiers and auditors and support of the national processes being established with Assure Quality (AQ);

- keeping records of certified FWFPs and their audit results using the integrated National Farm Data Platform (INFDP);
 - develop and implement a Compliance, Monitoring and Enforcement strategy for the FWFP system. Appendix 2 provides a summary of tasks for Regional Councils with AQ.
14. The FWFP system became live in the Waikato and Southland regions on 1 August 2023. These two pilot programmes will provide valuable information on the ongoing development and improvement in the system as it is tested. Council has already approved the rollout phasing in Taranaki, which is programmed to start on 1 July 2024 in the Waingongoro Catchment. The entire Taranaki region - and the rest of the country - is required to have the FWFP system operational before 1 January 2026.
 15. The key reasons for introducing FWFP system are to help build on the work farmers are already doing to improve the health of freshwater and freshwater ecosystems in their catchments. The FWFPs put the health of the land and water at the centre of the farm operator's decision-making. Furthermore, it is a way to plan for all on-farm freshwater management practices, including actions to meet existing regulatory requirements and Council rules. FWFPs can be tailored to the unique set of circumstances based on the local catchment, the farm landscape and climate (guided by CCCV), and the farming system.
 16. Justification for the compulsory contents of a FWFP are to identify 11 features that relate to the inherent vulnerabilities of the farm and a further 11 features that relate to farming and growing activities so that when considered together, and guided by the CCCV, risks to freshwater can be identified, prioritised and mitigated through appropriate actions. These actions are regulated through the FWFP system at the time of certification. A farm operator is required to provide Council with a certified FWFP within 18 months of the system going live in a Freshwater Management Unit (FMU) or catchment. The plan can be prepared by anyone but must be certified by a qualified certifier who must also be approved by Taranaki Regional Council to operate in the region. Certification and approval of auditors to operate in the region also applies.
 17. The actions in a FWFP are audited 12 months after certification and the audit results reported to Council. Council is required to undertake the appropriate compliance, monitoring and enforcement actions. The auditing process will determine the level of compliance with the FWFP actions. Depending on the grades received after the first audit, a re-audit regime will be determined, which ranges from 3 years to 6 months. The recertification of a FWFP is required after 5 years.
 18. Part 9A of the RMA requires FWFPs to be certified and audited.ASURE Quality (AQ) has been engaged by the Ministry for the Environment to manage the Appointment Process (AP) as the Appointment Process Manager (APM) on behalf of regional councils. A key task for Council in this process is to develop a regional training programme.
 19. The information contained in a FWFP that must be provided to Councils, will be stored in the INFDP. This includes both the administrative information of the farm operator and the actions required to be implemented on farm. TUK is also leading the project to develop the INFDP, which is not expected to be operational until mid to late 2025. In the interim, a "Bridging Data Base" is being developed which is expected to connect seamlessly with the final product. Councils will be required to fund the development and use of the "Bridging" database and have already been given indicative costs of \$50,000 each.

Discussion

20. The FWFP system is now set in regulation through the RMA and is a proposal incorporated into the Natural and Built Environment Bill. It is a key tool to deliver on the freshwater outcomes expected under the government's NPSFW. Although directed by central government, delivery of the FWFP system is at the regional level. The development of regional plans and regional rules will not be completed until the end of 2024. Therefore, there will be a 6-month lag from when the FWFP system is turned on and to when the rules in our regional plan are operative. However, a farm operator has 18 months to get a FWFP certified so it's likely the majority of FWFPs could be prepared after 1 January 2025. Consequently, there will be an insignificant number of FWFPs that don't have regional rules incorporated in them. Furthermore, the ability to have all FWFPs certified by the 1 July 2027 will depend on the response to the market for those who want to become certifiers and auditors. Currently, the response is unknown but Waikato have registered interest from around 18 people.
21. Currently, two pilot programmes are now operational in the Waikato and Southland regions. This provides Council with an opportunity to observe their current systems in practice with the potential to use and adapt their models to implement here. This includes developing CCCVs for each FMU, and developing a regional training programme. Moreover, the majority of research and development costs have already been incurred by Waikato Regional Council, and they now have a training programme fit for purpose. Both the development of CCCVs and a regional training programme requires working with iwi to ensure their perspectives are incorporated. This is the current focus for the short to medium term, noting that there are only 10 months remaining.
22. There are a number of tasks that need to be undertaken internally to deliver the FWFP system. In addition to the above, engagement is required with Asure Quality to develop the certification and administration processes for training and appointing certifiers/auditors. A contract for their services will be required in due course
23. The overall success of the FWFP system will come down to whether the actions in a FWFP are appropriate, implemented effectively, and in a timely manner. In specific areas, many of the actions that will be required in a FWFP will be the same as the recommendations that are currently being made through Council's voluntary sustainable land management programme. For example, the riparian management recommendations for fencing and planting and soil conservation recommendations to prevent sediment entering waterways. Landowners will now require ever-increasing technical support to comply with FWFPs as actions become regulated and time bound for all landowners. Council is in a good position to do this with technical support provided to riparian plan holders, and in the hill country where 76% of the land in private ownership is under Council's SLMP.
24. The memorandum successfully addresses financial considerations – LTP/Annual Plan by identifying some of the additional costs that may be incurred by Council as a result of the FWFP system.

Policy considerations

25. 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

26. 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. Council must engage with Tangata Whenua in the development of Catchment Context, Challenges and Values; the preparation and development of regional training and the practical assessment for FWFP certifiers and the preparation and development of regional training for auditors. Their engagement is to the extent that they want to be involved.

Community considerations

27. 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

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

Appendices/Attachments

Document 3179316: [Resource Management Freshwater Farm Plans Regulations 2023](#)

Document below: Appendix 2 Regional Council responsibilities with APM

Appendix 2	
Tasks	Regional Council responsibilities with APM
<p>Pre application processes:</p> <p>Information for applicants:</p>	<p>Maintain RC website content for Farm Operators.</p> <p>Collaborate with APM and provide content for central website for applicants.</p> <p>Link to APM website for the information for applicants, appointment process and for complaints, disputes and reviews.</p>
<p>Drafting gate processes:</p> <p>Application submission:</p>	<p>Provide governance and feedback on the processes.</p> <p>Ensure that all regional councils agree with a benchmark of minimum requirements for qualification pathway and experience pathway.</p>
<p>National training:</p>	<p>Provide content and feedback on process.</p> <p>Regional Councils must be in agreement with a benchmark of minimum National training requirements.</p>
<p>Regional training:</p>	<p>Schedule regional training with applicants.</p> <p>Develop content, ensure TW engagement in the process.</p> <p>Set costings within guidance set by the APM.</p> <p>Deliver facilitated component of the process (option to hire contractor and TW or AQ for this).</p> <p>Conduct regional training assessments and recording outcomes.</p> <p>No fees to be sought from applicants by regional councils.</p> <p>Update the national register with Regional training outcomes.</p>

<p>Practical assessment:</p>	<p>Approve assessor(s) for their region.</p> <p>Decide whether desktop review is needed before practical assessment from other such as TW or RC staff to ensure CCCV is up to standard, especially in MVP phase. This could then be phased out.</p> <p>Create and maintain records of Farms which have been identified and approved for practical assessments.</p>
<p>Recommendation for appointment:</p>	<p>Appoint applicant as certifier or auditor, as appropriate (using online platform).</p> <p>Update the national register with appointment status.</p> <p>Provide detailed commentary to the APM if the applicant is NOT appointed.</p>
<p>Discontinuance:</p>	<p>Make decision on outcome (appointed, Suspended Pending action, Discontinued).</p>
<p>Freshwater Farm Plan Reviews:</p>	<p>Delegate tracking and notifying reviews to INFDP and the APM.</p> <p>(1st and/or second certifier notifies RC that FWFP is certified or not via INFDP).</p> <p>Compliance and enforcement process should farm operator disagree with second certifier. (Detail to come after the Ministry legal review).</p>
<p>Disputes about appointment:</p>	<p>Maintain active involvement in disputes related to RC training and assessment.</p> <p>Provide information as required to manage disputes.</p>
<p>Certifier/ auditor regular quality assurance File Reviews:</p>	<p>Provide input on a QA assessment when requested from Local Expert.</p> <p>Make decision outcome of a QA assessment (appointed, discontinued).</p>

<p>Certifier/ auditor performance management:</p>	<p>Provide input when requested from local expert.</p> <p>Make decision on outcome of a performance management review (appointed, discontinued).</p>
<p>Complaints about certifiers or auditors:</p>	<p>Make a decision on outcome of a complaint (appointed, suspended pending action, discontinued).</p>
<p>Programme integrity (internal annual audits):</p>	<p>Receive results of annual internal audits and provide feedback on content and the process.</p>
<p>Continuance professional development:</p>	<p>Conduct calibration at a regional level within the guidance provided by the APM.</p>
<p>Fees payable from applicants, certifiers and auditors:</p>	<p>Pay fees to the APM as required.</p> <p>Receive fees from the APM for an applicant's regional training.</p>
<p>National register:</p>	<p>Update the national register with regional training outcomes of applicants following regional training.</p> <p>Update appointment status of applicants following appointment recommendation.</p>



Resource Management (Freshwater Farm Plans) Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 6th day of June 2023

Present:

Her Excellency the Governor-General in Council

These regulations are made under [section 217M](#) of the Resource Management Act 1991—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment after consulting the Minister of Agriculture.

Contents

		Page
1	Title	4
2	Commencement	4
	Part 1	
	Preliminary provisions	
3	Interpretation	4
4	Meaning of catchment context, challenges, and values	5
5	Transitional, savings, and related provisions	6
6	Application	6
	Part 2	
	Further requirements for contents of freshwater farm plans	
7	Outline of this Part	6

**Resource Management (Freshwater Farm Plans)
Regulations 2023**

2023/113

<u>8</u>	<u>Freshwater farm plan must identify risks and actions</u>	<u>6</u>
<u>9</u>	<u>Farm operator must have regard to catchment context, challenges, and values</u>	<u>7</u>
<u>10</u>	<u>Action plan</u>	<u>7</u>
<u>11</u>	<u>Maps to be provided in freshwater farm plan</u>	<u>7</u>
<u>12</u>	<u>Factors that farm operator does not need to consider in risk assessment</u>	<u>9</u>
<u>13</u>	<u>Administrative information in freshwater farm plan</u>	<u>9</u>
<u>14</u>	<u>Reliance on certified freshwater farm plan to meet other regulatory requirements</u>	<u>9</u>
<u>15</u>	<u>Certification and audit details in freshwater farm plan</u>	<u>10</u>
<u>16</u>	<u>Further audit information in certified freshwater farm plan</u>	<u>10</u>

Part 3

Certification of freshwater farm plans

Initial certification

<u>17</u>	<u>When freshwater farm plan must be submitted to certifier</u>	<u>10</u>
<u>18</u>	<u>Choosing and paying certifier</u>	<u>10</u>
<u>19</u>	<u>Certifier's assessment</u>	<u>11</u>
<u>20</u>	<u>Certifier provides draft decision and assessment report to farm operator</u>	<u>11</u>
<u>21</u>	<u>If farm operator disagrees with certifier's draft decision or assessment report</u>	<u>11</u>
<u>22</u>	<u>If farm operator does not disagree with certifier's draft decision or assessment report or preliminary decision or assessment report</u>	<u>12</u>
<u>23</u>	<u>Farm operator may engage second certifier</u>	<u>12</u>
<u>24</u>	<u>First certifier must notify regional council if second certifier engaged</u>	<u>13</u>
<u>25</u>	<u>Second certifier's draft decision and assessment report</u>	<u>13</u>
<u>26</u>	<u>Second certifier's final decision and assessment report</u>	<u>13</u>

Recertification

<u>27</u>	<u>Recertification</u>	<u>14</u>
-----------	------------------------	-----------

Appointment of certifiers

<u>28</u>	<u>When first certifier must be appointed</u>	<u>15</u>
<u>29</u>	<u>Certifier competencies, appointment process, and criteria</u>	<u>15</u>

Part 4

Audit of certified freshwater farm plan

Responsibilities of farm operator

<u>30</u>	<u>Farm operator must implement actions within required time frames</u>	<u>15</u>
<u>31</u>	<u>Choosing and paying auditor</u>	<u>15</u>
<u>32</u>	<u>Audit after initial certification of freshwater farm plan</u>	<u>15</u>
<u>33</u>	<u>Audit after recertification of certified freshwater farm plan</u>	<u>15</u>
<u>34</u>	<u>Subsequent audits as determined by audit grades</u>	<u>16</u>

	Resource Management (Freshwater Farm Plans)	
2023/113	Regulations 2023	
<hr/>		
<u>35</u>	<u>Audit after farm operator takes over farm and adopts previous operator’s certified freshwater farm plan</u>	<u>16</u>
	<i><u>Auditor’s reports</u></i>	
<u>36</u>	<u>Auditor’s report</u>	<u>16</u>
<u>37</u>	<u>Time frames for first and final audit reports</u>	<u>17</u>
	<i><u>Appointment of auditors</u></i>	
<u>38</u>	<u>When first auditor must be appointed</u>	<u>17</u>
<u>39</u>	<u>Auditor competencies, appointment process, and criteria</u>	<u>17</u>
	<u>Part 5</u>	
	<u>Information requirements</u>	
	<i><u>Farm operator to provide information to regional council</u></i>	
<u>40</u>	<u>Farm operator to provide regional council with report or decision</u>	<u>17</u>
<u>41</u>	<u>Farm operator to provide certified freshwater farm plan to regional council</u>	<u>18</u>
<u>42</u>	<u>Farm operator must provide information for purpose of monitoring compliance</u>	<u>18</u>
	<i><u>Certifiers and auditors to provide information to regional council</u></i>	
<u>43</u>	<u>Certifiers and auditors must provide information to regional council</u>	<u>18</u>
	<i><u>Requirements for keeping information</u></i>	
<u>44</u>	<u>Information that certifiers and auditors must keep</u>	<u>18</u>
<u>45</u>	<u>Information that regional councils must keep and maintain</u>	<u>19</u>
	<i><u>Additional functions of regional councils</u></i>	
<u>46</u>	<u>Regional council must collate existing information about catchment context, challenges, and values</u>	<u>20</u>
	<u>Part 6</u>	
	<u>Consequential amendments</u>	
<u>47</u>	<u>Principal regulations</u>	<u>20</u>
<u>48</u>	<u>Regulation 2 amended (Infringement offences)</u>	<u>20</u>
<u>49</u>	<u>Regulation 3 amended (Infringement fees)</u>	<u>20</u>
<u>50</u>	<u>New Schedule 1B inserted</u>	<u>20</u>
<u>51</u>	<u>Schedule 2 amended</u>	<u>20</u>
<u>52</u>	<u>Schedule 3 amended</u>	<u>20</u>
	<u>Schedule 1</u>	<u>21</u>
	<u>Transitional, savings, and related provisions</u>	
	<u>Schedule 2</u>	<u>22</u>
	<u>Appointment processes and criteria for certifiers and auditors</u>	
	<u>Schedule 3</u>	<u>29</u>
	<u>Audit grades</u>	

[Schedule 4](#) 30

[New Schedule 1B inserted into Resource Management
\(Infringement Offences\) Regulations 1999](#)

Regulations

- 1 Title**
These regulations are the Resource Management (Freshwater Farm Plans) Regulations 2023.
- 2 Commencement**
These regulations come into force on 1 August 2023.

Part 1 Preliminary provisions

- 3 Interpretation**
In these regulations, unless the context otherwise requires,—
- Act** means the [Resource Management Act 1991](#)
- action**, in relation to an action plan,—
- (a) means the way in which a farm operator avoids, remedies, or mitigates 1 or more adverse effects on freshwater and freshwater ecosystems; and
 - (b) includes (without limitation)—
 - (i) a physical work (for example, fencing or planting):
 - (ii) a practice (for example, how an activity is undertaken):
 - (iii) a process or procedure (for example, training staff in how to undertake an activity)
- action plan** means the plan set out in a freshwater farm plan under regulation 10
- catchment actions**—
- (a) means actions that address risks to freshwater and freshwater ecosystems that directly relate to the catchment context, challenges, and values; but
 - (b) excludes regulated actions
- catchment context, challenges, and values** has the meaning given in regulation 4
- certification requirements** means the requirements in [section 217F](#) of the Act
- competencies for auditors** means the competencies for auditors set out in [clause 2](#) of Schedule 2

competencies for certifiers means the competencies for certifiers set out in [clause 1](#) of Schedule 2

critical source area has the meaning given in [regulation 3](#) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

inherent vulnerabilities means risks to freshwater and freshwater ecosystems from the biophysical features of land, including from irrigation and drainage

intensive winter grazing has the meaning given in [regulation 3](#) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

land unit means an area of contiguous or non-contiguous land with similar biophysical features

National Policy Statement for Freshwater Management means the National Policy Statement for Freshwater Management whose approval under [section 52](#) of the Act was notified in August 2020 (as amended or replaced from time to time)

regulated actions means actions that—

- (a) address risks to freshwater and freshwater ecosystems; and
- (b) relate to a relevant requirement under a specified instrument

stockholding area has the meaning given in [regulation 3](#) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020

supplementary actions—

- (a) means actions that address risks to freshwater and freshwater ecosystems; but
- (b) excludes catchment actions and regulated actions

Te Mana o Te Wai has the meaning set out in the National Policy Statement for Freshwater Management.

4 **Meaning of catchment context, challenges, and values**

In these regulations, unless the context otherwise requires, **catchment context, challenges, and values** includes the following information (without limitation) in relation to a local area:

- (a) existing information on landforms, soil data, climate data, freshwater data, freshwater bodies, contaminants, sites that are significant to the community, and significant species or ecosystems:
- (b) identified cultural matters of importance to tangata whenua, including—
 - (i) the cultural significance of the local area; and
 - (ii) the traditional names of freshwater bodies in the local area; and

(iii) sites and species in the local area that are significant to tangata whenua:

- (c) any objectives, policies, and rules relevant to the management of freshwater or freshwater ecosystems in policy statements or the regional plan:
- (d) any relevant freshwater matters in planning documents that are recognised by iwi authorities and lodged with the regional council:
- (e) the National Policy Statement for Freshwater Management and any action plans made by the regional council:
- (f) any secondary legislation made under the Act that is relevant to the management of freshwater or freshwater ecosystems (other than secondary legislation made under [Part 9A](#) of the Act).

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in [Schedule 1](#) have effect according to their terms.

6 Application

These regulations apply in 1 or more districts, regions, or parts of New Zealand set out in 1 or more Orders in Council (if any) made under [section 217C](#) of the Act.

Part 2

Further requirements for contents of freshwater farm plans

7 Outline of this Part

This Part provides further requirements for the contents of freshwater farm plans for the purposes of [Part 9A](#) of the Act.

8 Freshwater farm plan must identify risks and actions

- (1) In order to identify the risks of adverse effects of farming activities on freshwater or freshwater ecosystems, a farm operator must—
 - (a) identify, map, and describe each land unit of the farm; and
 - (b) identify and assess for each land unit—
 - (i) its inherent vulnerabilities; and
 - (ii) the risks from farming activities being carried out.
- (2) The operator must—
 - (a) identify existing and new actions to avoid, remedy, or mitigate the risks identified under subclause (1) of adverse effects of farming activities on freshwater or freshwater ecosystems; and
 - (b) set a time frame within which each action must be implemented.

- (3) When identifying actions and setting time frames, the farm operator must consider—
- (a) the significance of the risk to freshwater or freshwater ecosystems; and
 - (b) whether a time frame for a particular action is required under a specified instrument.

9 Farm operator must have regard to catchment context, challenges, and values

If information relating to the catchment context, challenges, and values is available from the relevant regional council, a farm operator must have regard to the following when identifying and assessing the risks and actions under regulation 8:

- (a) the catchment context, challenges, and values for the local area in which the farm is situated; and
- (b) the impacts that farming has on the receiving environment.

10 Action plan

- (1) A farm operator must set out an action plan in the freshwater farm plan.
- (2) The action plan must, for each action identified under [regulation 8](#),—
 - (a) state whether it is an existing action that is already being carried out on the farm or a new action that the operator intends to take during the next 5 years; and
 - (b) describe how each action relates to the identified risk that the action is intended to address; and
 - (c) describe the land units in which each action is to occur; and
 - (d) categorise each action in accordance with subclause (3); and
 - (e) state the time frame within which each action must be implemented.
- (3) The operator must categorise each action in the action plan as belonging to one of the following categories:
 - (a) catchment actions:
 - (b) regulated actions:
 - (c) supplementary actions.

11 Maps to be provided in freshwater farm plan

Features related to inherent vulnerabilities

- (1) To support the risk assessment under [regulation 8\(1\)\(a\)](#) and (b)(i) and the identification of actions under [regulation 8\(2\)](#), a freshwater farm plan must contain maps that show—
 - (a) farm boundaries, noting on the map any land that is leased or licensed:
 - (b) areas of land use, if the farm is split into distinctly different land uses:

- (c) location of land units:
- (d) surface freshwater bodies:
- (e) artificial freshwater bodies:
- (f) soils:
- (g) landforms, including slope:
- (h) potential areas of intensive winter grazing and critical source areas within areas of intensive winter grazing:
- (i) critical source areas that are not within areas of intensive winter grazing:
- (j) drainage systems and areas:
- (k) irrigation and frost protection.

Features related to farming

- (2) To support the risk assessment under [regulation 8\(1\)\(b\)\(ii\)](#) and the identification of actions under [regulation 8\(2\)](#), a freshwater farm plan must contain maps that show—
- (a) fencing to exclude stock from freshwater bodies:
 - (b) planted riparian areas:
 - (c) soil erosion control plantings or works:
 - (d) effluent systems and application areas:
 - (e) water-take bores and surface water abstraction points or intakes, including fish screens:
 - (f) freshwater crossings, including formed crossings, such as bridges, culverts, and fords, and unformed crossings:
 - (g) stock-holding areas, including feedpads, winter pads, stand-off pads, and loafing pads:
 - (h) other stock-related infrastructure, including milking sheds, wintering barns and shelters, and stock yards:
 - (i) farm accessways (for example, formed roads, tracks, races, and underpasses):
 - (j) point source discharges, including—
 - (i) rubbish dumps, offal pits, and silage pits; and
 - (ii) feed storage bunkers or sheds; and
 - (iii) agrichemical, fertiliser, and fuel storage sites; and
 - (iv) agrichemical washdown areas:
 - (k) private drinking water supply points.

Features related to catchment context, challenges, and values

- (3) To support the risk assessment and the identification of actions under [regulation 8](#), a freshwater farm plan must contain maps that show information

referred to in [regulation 4\(a\)](#) and (b) that relates to the catchment context, challenges, and values, if the information is available from the relevant regional council and relevant to the farm.

New physical works

- (4) A freshwater farm plan must contain maps that show new physical works (if any) to be undertaken on the farm as set out in the action plan. Examples of physical works are set out in subclause (2).

12 Factors that farm operator does not need to consider in risk assessment

When developing a freshwater farm plan, a farm operator does not need to consider the risks of adverse effects of the following on freshwater and freshwater ecosystems:

- (a) areas of exotic or indigenous forestry:
- (b) processing facilities or packhouses:
- (c) residential or commercial premises:
- (d) visitor accommodation.

13 Administrative information in freshwater farm plan

A freshwater farm plan must contain the following information:

- (a) the name, contact details, and New Zealand Business Number (if any) of the farm operator:
- (b) the names and contact details of any other persons who are the owners, leaseholders, or licence-holders of land on the farm:
- (c) the name of the individual who has prepared the plan:
- (d) the physical address of the farm:
- (e) legal land titles and parcels of the farm:
- (f) the total farm area in hectares:
- (g) the leased or licensed area (if any) in hectares:
- (h) any current resource consents held in respect of the farm that are relevant to the preparation of the freshwater farm plan:
- (i) land use.

14 Reliance on certified freshwater farm plan to meet other regulatory requirements

If a specified instrument enables compliance with a regulatory requirement by way of a certified freshwater farm plan and a farm operator intends to use their plan to comply with the regulatory requirement, the operator must refer to the regulatory requirement in their plan. (See, for example, [regulation 13\(3\)](#) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.)

15 Certification and audit details in freshwater farm plan

A freshwater farm plan must contain the following information as received from the certifier or auditor:

- (a) each date of certification and audit:
- (b) the name of the certifier or auditor on each occasion the plan is certified or the farm is audited:
- (c) the identification number of each certifier and auditor:
- (d) a conflict of interest declaration of each certifier and auditor:
- (e) the date by which the farm operator must arrange for the next audit of the farm:
- (f) the date by which the plan must be submitted for recertification.

16 Further audit information in certified freshwater farm plan

A certified freshwater farm plan must contain the following information as received from an auditor:

- (a) individual actions in the action plan that have been implemented within the time frames required under the action plan:
- (b) individual actions in the action plan that have not been implemented within the required time frames and the reason for not implementing them:
- (c) the audit grade.

Part 3**Certification of freshwater farm plans***Initial certification***17 When freshwater farm plan must be submitted to certifier**

For the purposes of [section 217G\(1\)](#) of the Act, a farm operator must submit a freshwater farm plan for a farm to a certifier within 18 months after the later of—

- (a) the date specified in an order made under [section 217C](#) of the Act on which [Part 9A](#) of the Act applies to the district, region, or part of New Zealand in which the farm is situated; and
- (b) the date on which the farm meets the land use threshold under [section 217D](#) of the Act.

18 Choosing and paying certifier

- (1) A farm operator must choose a certifier appointed by the regional council for the region in which the farm is situated.

- (2) The operator must engage and pay for the services of the certifier directly according to the terms agreed between the operator and the certifier.

19 Certifier's assessment

- (1) To certify a freshwater farm plan, a certifier must complete an assessment report detailing the reasons why the plan meets or does not meet the certification requirements.
- (2) The certifier must undertake the assessment on the farm unless it is a recertification of a certified freshwater farm plan that, through its amended action plan, does not propose to implement any new regulated action.
- (3) A certifier may request further information from the farm operator to determine whether the certification requirements have been met.
- (4) The certifier may consider additional matters as required in a specified instrument if the farm operator intends to rely on the certified freshwater farm plan to meet a regulatory requirement in the instrument (*see* regulation 14).

20 Certifier provides draft decision and assessment report to farm operator

- (1) The certifier must provide their draft decision and assessment report to the farm operator within 30 working days after the farm operator has submitted their plan to the certifier for certification.
- (2) The certifier's draft decision must indicate whether—
 - (a) the certification requirements have been met and the freshwater farm plan can be certified; or
 - (b) the certification requirements have not been met and the freshwater farm plan needs to be amended in order to achieve certification.
- (3) The regional council may, in its discretion, extend the time frame under sub-clause (1).

21 If farm operator disagrees with certifier's draft decision or assessment report

- (1) If the farm operator disagrees with any aspect of the draft decision or assessment report, or both, the operator must provide comments in writing to the certifier within 10 working days after receiving the draft decision and assessment report.
- (2) The certifier must, within 5 working days after receiving the comments,—
 - (a) consider the operator's comments; and
 - (b) provide to the operator a preliminary decision and assessment report.
- (3) The certifier's preliminary decision must indicate that—
 - (a) the certification requirements have been met and the freshwater farm plan can be certified; or

- (b) the certification requirements have not been met and the freshwater farm plan needs to be amended in order to achieve certification.
- (4) The farm operator must notify the certifier, within 10 working days after receiving the preliminary decision, if the operator—
 - (a) disagrees with any aspect of the preliminary decision or preliminary assessment report or both; and
 - (b) engages a second certifier under [regulation 23](#).

22 If farm operator does not disagree with certifier’s draft decision or assessment report or preliminary decision or assessment report

- (1) If the farm operator does not provide comments in writing under [regulation 21\(1\)](#), the draft decision and assessment report become the final decision and assessment report.
- (2) If the farm operator does not notify the certifier under [regulation 21\(4\)](#), the preliminary decision and assessment report become the final decision and assessment report.
- (3) If subclause (1) or (2) applies, the certifier must, as soon as practicable, notify the farm operator and the regional council of the certifier’s final decision that—
 - (a) the certification requirements have been met and the freshwater farm plan is certified; or
 - (b) the certification requirements have not been met and the freshwater farm plan needs to be amended in order to achieve certification.
- (4) The certifier must indicate in their decision that it was made by the first certifier.

23 Farm operator may engage second certifier

- (1) A farm operator who disagrees with any aspect of the certifier’s preliminary decision or assessment report, or both, may, within 10 working days after receiving the preliminary decision and assessment report, engage a second certifier to carry out the certification.
- (2) [Regulations 18](#) and [19](#) apply to the second certifier in the same way they applied to the first certifier.
- (3) The operator must provide to the second certifier—
 - (a) all of the information that the operator provided to the first certifier; and
 - (b) the draft and preliminary decisions and assessment reports that the first certifier provided to the operator.
- (4) The second certifier may choose to adopt any, all, or none of the first certifier’s decisions and assessment reports.

- (5) The operator may seek a second certification only once in relation to each preliminary decision and assessment report.

24 First certifier must notify regional council if second certifier engaged

If the first certifier is notified that a second certifier has been engaged under [regulation 23](#), the first certifier must notify the regional council within 5 working days that they are no longer the certifier of the operator's freshwater farm plan.

25 Second certifier's draft decision and assessment report

- (1) The second certifier must provide their draft decision and assessment report to the farm operator within 30 working days after being engaged by the farm operator.
- (2) The second certifier's draft decision must indicate whether—
- (a) the certification requirements have been met and the freshwater farm plan can be certified; or
 - (b) the certification requirements have not been met and the freshwater farm plan needs to be amended in order to achieve certification.
- (3) The regional council may, in its discretion, extend the time frame under sub-clause (1).

26 Second certifier's final decision and assessment report

- (1) If the farm operator disagrees with any aspect of the second certifier's draft decision or assessment report, or both, the operator must provide comments in writing to the second certifier within 10 working days after receiving the draft decision and assessment report.
- (2) If the operator provides comments in writing, the second certifier must, within 5 working days after receiving the comments,—
- (a) consider the comments; and
 - (b) produce a final assessment report; and
 - (c) make a final decision.
- (3) If the operator does not provide comments in writing, the draft decision and assessment report become the final decision and assessment report.
- (4) The second certifier must, as soon as practicable, notify the operator and regional council of the second certifier's final decision that—
- (a) the certification requirements have been met and the freshwater farm plan is certified; or
 - (b) the certification requirements have not been met and the freshwater farm plan needs to be amended in order to achieve certification.
- (5) The second certifier must indicate in their decision that it was made by the second certifier.

*Recertification***27 Recertification***Five-yearly requirement*

- (1) A farm operator must amend their certified freshwater farm plan and submit it to a certifier for recertification not later than 5 years after the plan was last certified.

Twelve-month requirement following specified events

- (2) However, a farm operator must amend and submit their certified freshwater farm plan, or part of their plan, to a certifier for recertification not later than 12 months after any of the following events occur:
- (a) the farm has new significant inherent vulnerabilities;
 - (b) the farm acquires additional land to which different catchment context, challenges, and values apply;
 - (c) the farm operator undertakes significant changes in farming activities;
 - (d) the farm changes farm operator and the new operator does not adopt the existing certified freshwater farm plan.

Flexibility to submit plan at any other time

- (3) In addition to the requirements under subclauses (1) and (2), a farm operator may amend and submit their certified freshwater farm plan, or part of their plan, to a certifier for recertification at any other time.

Submission of part of freshwater farm plan under subclause (2) or (3)

- (4) For the purposes of subclause (2) or (3), a farm operator may only submit the relevant part of the certified freshwater farm plan that has been amended if the recertification under subclause (2) or (3) relates to—
- (a) a part of the farm area; or
 - (b) a part of a farming activity.
- (5) If an operator submits only a part of a plan under subclause (2) or (3), the operator must continue to comply with—
- (a) the time frame that was set out in the most recent certification of the entire freshwater farm plan for submitting the entire freshwater farm plan for recertification under subclause (1); and
 - (b) the time frame that was set out in the most recent audit of the farm for arranging the next audit of the farm.

Circumstances in which subclause (2) does not apply

- (6) A farm operator is not required to seek recertification under subclause (2) if—
- (a) an event under subclause (2)(a), (b), or (c) occurs; but
 - (b) the farm operator adopts all of an existing certified freshwater farm plan that addresses the event.

*Appointment of certifiers***28 When first certifier must be appointed**

A regional council must appoint at least 1 certifier under [section 217K](#) of the Act within 3 months after [Part 9A](#) of the Act first applies to its region or part of its region.

29 Certifier competencies, appointment process, and criteria

- (1) The competencies of certifiers are set out in [clause 1](#) of Part 1 of Schedule 2.
- (2) The appointment process and criteria for certifiers are set out in [Part 2](#) of Schedule 2.

Part 4**Audit of certified freshwater farm plan***Responsibilities of farm operator***30 Farm operator must implement actions within required time frames**

In order to ensure that the farm operates in compliance with the certified freshwater farm plan, the farm operator must implement the actions specified in the action plan contained in the certified freshwater farm plan within the time frames required under the action plan.

31 Choosing and paying auditor

- (1) A farm operator must choose an auditor appointed by the regional council for the region in which the farm is situated.
- (2) The operator must engage and pay for the services of the auditor directly according to the terms agreed between the operator and the auditor.

32 Audit after initial certification of freshwater farm plan

A farm operator must, not later than 12 months after the initial certification of their freshwater farm plan, arrange for an auditor to audit the farm for compliance with the plan.

33 Audit after recertification of certified freshwater farm plan

- (1) A farm operator must, not later than 12 months after recertification of their certified freshwater farm plan, arrange for an auditor to audit the farm for compliance with the plan.
- (2) This regulation does not apply if only part of a certified freshwater farm plan has been recertified.

34 Subsequent audits as determined by audit grades

- (1) A farm operator must also, within the time frame specified by the audit grade assigned to the farm, arrange for a subsequent audit of the farm for compliance with the certified freshwater farm plan.
- (2) Audit grades—
 - (a) are assigned by an auditor following an audit under [section 217H](#) of the Act; and
 - (b) are based on whether actions are being implemented and the category of the actions (whether regulated actions, catchment actions, or supplementary actions); and
 - (c) specify the time frame within which the farm operator must arrange for the next audit of the farm to be carried out after receiving the final report from the auditor; and
 - (d) are set out in [Schedule 3](#).
- (3) However, if a farm operator submits their entire freshwater farm plan for recertification within the time frame specified by the audit grade assigned to their farm, they are not required to comply with subclause (1).

35 Audit after farm operator takes over farm and adopts previous operator's certified freshwater farm plan

- (1) A farm operator who takes over a farm and adopts the existing certified freshwater farm plan of the previous operator must, not later than 12 months after taking over the farm, arrange for an auditor to audit the farm for compliance with the plan.
- (2) A new farm operator under subclause (1) is not responsible for any failure of the former operator to—
 - (a) implement actions within the time frames required under the action plan; or
 - (b) meet any time frames for submitting the certified freshwater farm plan to a certifier for recertification; or
 - (c) meet any time frames for arranging for an audit of the farm.
- (3) Subclause (1) applies despite [regulations 33](#) and [34\(1\)](#).

*Auditor's reports***36 Auditor's report**

A report of the auditor's findings on whether the farm achieves compliance with the certified freshwater farm plan must, in addition to the requirements under [section 217H](#) of the Act,—

- (a) assess whether individual actions in the action plan have been implemented within the time frames required under the action plan; and

- (b) assign an audit grade and outline why the farm receives a particular audit grade in accordance with [regulation 34\(2\)](#); and
- (c) record any response provided by the farm operator under [section 217H\(5\)\(b\)](#) of the Act, if applicable.

37 Time frames for first and final audit reports

First audit report

- (1) An auditor must provide a copy of the first audit report to the farm operator within 20 working days after being engaged by the operator.

Final audit report

- (2) For the purposes of [section 217H\(5\)\(c\)](#) of the Act, the **prescribed period** is 15 working days after the auditor provides the farm operator with a copy of the first audit report.

Appointment of auditors

38 When first auditor must be appointed

A regional council must appoint at least 1 auditor under [section 217K](#) of the Act within 6 months after [Part 9A](#) of the Act first applies to its region or part of its region.

39 Auditor competencies, appointment process, and criteria

- (1) The competencies of auditors are set out in [clause 2](#) of Part 1 of Schedule 2.
- (2) The appointment process and criteria for auditors are set out in [Part 3](#) of Schedule 2.

Part 5

Information requirements

Farm operator to provide information to regional council

40 Farm operator to provide regional council with report or decision

- (1) A regional council may require a farm operator to provide the council with a certifier's draft, preliminary, or final assessment report or certifier's draft or preliminary decision in relation to the operator's freshwater farm plan.
- (2) The farm operator must provide the report or decision within 20 working days after receiving the council's request.
- (3) The council may only make this request for the purposes of the regional council's functions under [section 217I](#) of the Act.

41 Farm operator to provide certified freshwater farm plan to regional council

- (1) This regulation applies if a regional council requires a farm operator to produce a certified freshwater farm plan for inspection under [section 217I\(2\)](#) of the Act.
- (2) The farm operator must provide the certified freshwater farm plan within 20 working days after receiving the council's request.

42 Farm operator must provide information for purpose of monitoring compliance

A farm operator must provide any information reasonably required by a regional council enforcement officer for the purpose of monitoring compliance with [Part 9A](#) of the Act and these regulations.

Certifiers and auditors to provide information to regional council

43 Certifiers and auditors must provide information to regional council

- (1) A certifier must provide the following to the regional council within 5 working days after notifying the council of a decision under [regulation 22\(3\)\(a\)](#) or [26\(4\)\(a\)](#):
 - (a) the information required under [regulation 13](#) (administrative information in freshwater farm plan):
 - (b) the action plan:
 - (c) a conflict of interest declaration:
 - (d) a statement as to whether the farm operator intends to use the freshwater farm plan to meet another regulatory requirement (*see* [regulation 14](#)):
 - (e) a map of the spatial extent of the farm at the time of certification.
- (2) An auditor must provide the following to the regional council within 5 working days after completing an audit under [section 217H](#) of the Act:
 - (a) the information required under [regulation 13](#) (administrative information in freshwater farm plan):
 - (b) the final audit report:
 - (c) a conflict of interest declaration.

Requirements for keeping information

44 Information that certifiers and auditors must keep

- (1) Certifiers must keep information received and prepared in relation to the certification of a freshwater farm plan for 7 years.
- (2) The information under subclause (1) includes, without limitation, the following:

- (a) comments received from the farm operator on the draft decision or assessment report:
 - (b) any draft, preliminary, and final assessment reports and draft and preliminary decisions:
 - (c) the information required under [regulation 13](#) (administrative information in freshwater farm plan).
- (3) Auditors must keep all of their audit reports for 7 years.

45 Information that regional councils must keep and maintain

- (1) A regional council must keep and maintain the following information in a digitalised system in relation to each farm in its jurisdiction:
- (a) the information set out in [section 217J](#) of the Act:
 - (b) the information required under [regulation 13](#) (administrative information in freshwater farm plan):
 - (c) the action plan:
 - (d) certification decisions:
 - (e) audit reports:
 - (f) conflict of interest declarations:
 - (g) statements as to whether the farm operator intends to use the freshwater farm plan to meet another regulatory requirement (*see* [regulation 14](#)):
 - (h) a map of the spatial extent of the farm at the time of certification.
- (2) A regional council must also keep and maintain the following information:
- (a) records of any complaints made about a certifier or an auditor, or about the certification or audit process:
 - (b) details of any actions taken as a result of the complaints:
 - (c) contact information for certifiers and auditors appointed by the regional council:
 - (d) documentation in relation to the appointment process of applicants seeking to be certifiers and auditors:
 - (e) training records of certifiers and auditors appointed by the regional council:
 - (f) dates and outcomes of performance reviews of certifiers and auditors appointed by the regional council.

*Additional functions of regional councils***46 Regional council must collate existing information about catchment context, challenges, and values**

- (1) A regional council must collate existing information about the catchment context, challenges, and values relevant to its region.
- (2) A regional council must keep the information—
 - (a) accessible on an Internet site administered by or on behalf of the council; or
 - (b) available to the public free of charge at its regional offices, if it is not practicable to comply with paragraph (a).

Part 6 Consequential amendments

47 Principal regulations

[Regulations 48 to 52](#) amend the [Resource Management \(Infringement Offences\) Regulations 1999](#).

48 Regulation 2 amended (Infringement offences)

After [regulation 2\(2\)](#), insert:

- (3) Non-compliance with a provision of Part 9A of the Resource Management Act 1991 (the Act) or the Resource Management (Freshwater Farm Plans) Regulations 2023 listed in Schedule 1B is an infringement offence for the purposes of sections 343A to 343D of the Act.

49 Regulation 3 amended (Infringement fees)

In [regulation 3](#), replace “Schedules 1 and 1A” with “Schedules 1, 1A, and 1B”.

50 New Schedule 1B inserted

After [Schedule 1A](#), insert the Schedule 1B set out in Schedule 4 of these regulations.

51 Schedule 2 amended

In [Schedule 2](#), after “Resource Management (Stock Exclusion) Regulations 2020”, insert “or Resource Management (Freshwater Farm Plans) Regulations 2023”.

52 Schedule 3 amended

In [Schedule 3](#), after “Resource Management (Stock Exclusion) Regulations 2020”, insert “or Resource Management (Freshwater Farm Plans) Regulations 2023”.

Schedule 1
Transitional, savings, and related provisions

[r.5](#)

Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Schedule 2

Appointment processes and criteria for certifiers and auditors

[rr 29, 39](#)

Contents

		Page
	<u>Part 1</u>	
	<u>Competencies of certifiers and auditors</u>	
<u>1</u>	<u>Competencies of certifiers</u>	<u>22</u>
<u>2</u>	<u>Competencies of auditors</u>	<u>23</u>
	<u>Part 2</u>	
	<u>Certifier appointment process and criteria</u>	
<u>3</u>	<u>Applications for role of certifier</u>	<u>23</u>
<u>4</u>	<u>Criteria for appointment as certifier</u>	<u>24</u>
<u>5</u>	<u>Regional council must engage with tangata whenua</u>	<u>24</u>
<u>6</u>	<u>Regional council must keep and maintain list of certifiers</u>	<u>24</u>
<u>7</u>	<u>Continuing practice requirements for certifiers</u>	<u>24</u>
<u>8</u>	<u>Complaints about certifiers</u>	<u>25</u>
<u>9</u>	<u>Regional council may discontinue appointment of certifier</u>	<u>25</u>
	<u>Part 3</u>	
	<u>Auditor appointment process and criteria</u>	
<u>10</u>	<u>Applications for role of auditor</u>	<u>26</u>
<u>11</u>	<u>Criteria for appointment as auditor</u>	<u>26</u>
<u>12</u>	<u>Regional council must engage with tangata whenua</u>	<u>26</u>
<u>13</u>	<u>Regional council must keep and maintain list of auditors</u>	<u>26</u>
<u>14</u>	<u>Continuing practice requirements for auditors</u>	<u>26</u>
<u>15</u>	<u>Circumstances in which auditor must not audit plan</u>	<u>27</u>
<u>16</u>	<u>Complaints about auditors</u>	<u>27</u>
<u>17</u>	<u>Regional council may discontinue appointment of auditor</u>	<u>27</u>

Part 1

Competencies of certifiers and auditors

1 Competencies of certifiers

A certifier must have an understanding of—

- (a) these regulations and certification requirements:
- (b) any objectives, policies, and rules relevant to the management of freshwater or freshwater ecosystems in policy statements or regional plans:
- (c) any relevant freshwater matters in planning documents that are recognised by iwi authorities and lodged with regional councils:

- (d) the National Policy Statement for Freshwater Management and any action plans made by regional councils:
- (e) other secondary legislation made under the Act that is relevant to the management of freshwater or freshwater ecosystems:
- (f) the Treaty of Waitangi (Te Tiriti o Waitangi):
- (g) te ao Māori:
- (h) Te Mana o Te Wai:
- (i) sites or species of cultural significance as defined by tangata whenua:
- (j) contaminants and their impacts on freshwater and freshwater ecosystems:
- (k) impacts of farming on freshwater and freshwater ecosystems:
- (l) actions to manage the impacts of farming on freshwater and freshwater ecosystems.

2 Competencies of auditors

An auditor must have an understanding of—

- (a) these regulations and certification requirements:
- (b) any objectives, policies, and rules relevant to the management of freshwater or freshwater ecosystems in policy statements or regional plans:
- (c) any relevant freshwater matters in planning documents that are recognised by iwi authorities and lodged with regional councils:
- (d) the National Policy Statement for Freshwater Management and any action plans made by regional councils:
- (e) other secondary legislation made under the Act that is relevant to the management of freshwater or freshwater ecosystems:
- (f) the Treaty of Waitangi (Te Tiriti o Waitangi):
- (g) te ao Māori:
- (h) Te Mana o Te Wai:
- (i) sites or species of cultural significance as defined by tangata whenua:
- (j) actions to manage the impacts of farming on freshwater and freshwater ecosystems.

Part 2

Certifier appointment process and criteria

3 Applications for role of certifier

- (1) A person may apply to a regional council to be a certifier.

- (2) The regional council must be satisfied that the applicant meets the criteria set out in clause 4.
- (3) If the regional council is of the view that an applicant does not meet the criteria, the council must—
 - (a) inform the applicant; and
 - (b) give them the council’s reasons why they do not meet the criteria.

4 Criteria for appointment as certifier

- (1) The criteria that a person must meet to be appointed as a certifier are set out in subclauses (2) to (4).
- (2) The person must demonstrate an understanding of the competencies for certifiers and—
 - (a) have a qualification in natural resource management or farm system management; or
 - (b) have at least 3 years’ experience in a field related to the competencies for certifiers.
- (3) The person must have successfully completed training in the catchment context, challenges, and values and the competencies for certifiers, as required by the regional council.
- (4) If required by the regional council, the person must undergo a practical assessment to demonstrate their understanding of the competencies for certifiers.

5 Regional council must engage with tangata whenua

A regional council must engage with tangata whenua in the preparation and delivery of training under [clause 4\(3\)](#) and the practical assessment under [clause 4\(4\)](#).

6 Regional council must keep and maintain list of certifiers

- (1) A regional council must keep and maintain a list of the certifiers who have been appointed by the council under [section 217K](#) of the Act.
- (2) The list must be published on an Internet site administered by or on behalf of the council.

7 Continuing practice requirements for certifiers

- (1) Certifiers must—
 - (a) undergo regular performance reviews at the discretion of the regional council; and
 - (b) demonstrate and maintain their practice proficiency in the competencies for certifiers, including by taking additional training in the competencies as required by the regional council; and

- (c) demonstrate in their practice the following attributes of professional conduct:
 - (i) integrity: being honest and avoiding bias and the influence of others:
 - (ii) professional competence: maintaining professional knowledge and skills through continuing professional development:
 - (iii) confidentiality: keeping personal details and information secure, private, and confidential:
 - (iv) appropriate behaviour: complying with the law and behaving in a professional manner:
 - (v) management of conflict of interest: identifying and managing any matters that compromise the exercise of professional judgment.
- (2) A regional council may assess a certifier's ability to continue to meet the requirements in subclause (1)(b) and (c).

8 Complaints about certifiers

- (1) A complaint may be brought against a certifier for failure to meet—
 - (a) the criteria set out in [clause 4](#); or
 - (b) 1 or more of the requirements in [clause 7\(1\)\(b\) or \(c\)](#).
- (2) The regional council may review a person's appointment as a certifier if a complaint is brought under subclause (1).

9 Regional council may discontinue appointment of certifier

- (1) A regional council may discontinue the appointment of a certifier who does not meet—
 - (a) the criteria set out in [clause 4](#); or
 - (b) 1 or more of the requirements in [clause 7\(1\)\(b\) or \(c\)](#).
- (2) Before proceeding under subclause (1), the regional council must—
 - (a) give the certifier the reasons why the regional council considers the certifier is not meeting the requirements, along with relevant information; and
 - (b) give the certifier the opportunity to respond.
- (3) The regional council must then—
 - (a) consider the reasons, the relevant information, and the certifier's response; and
 - (b) determine whether, on the evidence, the certifier has met the requirements to continue being appointed as a certifier.
- (4) The regional council must inform the certifier of the council's decision.

- (5) The decision of the regional council has immediate effect at the time the certifier is informed.

Part 3

Auditor appointment process and criteria

10 Applications for role of auditor

- (1) A person may apply to a regional council to be an auditor.
- (2) The regional council must be satisfied that the applicant meets the criteria set out in [clause 11](#).
- (3) If the regional council is of the view that an applicant does not meet the criteria, the council must—
- (a) inform the applicant; and
 - (b) give them the council's reasons why they do not meet the criteria.

11 Criteria for appointment as auditor

- (1) The criteria that a person must meet to be appointed as an auditor are set out in subclauses (2) and (3).
- (2) The person must—
- (a) be a member of a professional audit body and demonstrate an understanding of the competencies for auditors; or
 - (b) have at least 3 years' auditing experience in a field related to the competencies for auditors.
- (3) The person must have successfully completed training in the catchment context, challenges, and values and the competencies for auditors, as required by the regional council.

12 Regional council must engage with tangata whenua

A regional council must engage with tangata whenua in the preparation and delivery of training under [clause 11\(3\)](#).

13 Regional council must keep and maintain list of auditors

- (1) A regional council must keep and maintain a list of the auditors who have been appointed by the council under [section 217K](#) of the Act.
- (2) The list must be published on an Internet site administered by or on behalf of the council.

14 Continuing practice requirements for auditors

- (1) Auditors must—
- (a) undergo regular performance reviews at the discretion of the regional council; and

- (b) demonstrate and maintain their practice proficiency in the competencies for auditors, including by taking additional training in the competencies as required by the regional council; and
- (c) demonstrate in their practice the following attributes of professional conduct:
 - (i) integrity: being honest and avoiding bias and the influence of others:
 - (ii) professional competence: maintaining professional knowledge and skills through continuing professional development:
 - (iii) confidentiality: keeping personal details and information secure, private, and confidential:
 - (iv) appropriate behaviour: complying with the law and behaving in a professional manner:
 - (v) management of conflict of interest: identifying and managing any matters that compromise the exercise of professional judgment.
- (2) A regional council may assess an auditor's ability to continue to meet the requirements in subclause (1)(b) and (c).

15 Circumstances in which auditor must not audit plan

An auditor must not audit a certified freshwater farm plan if they have—

- (a) certified the plan; or
- (b) provided advice in the preparation of the freshwater farm plan to the farm operator in the previous 2 years.

16 Complaints about auditors

- (1) A complaint may be brought against an auditor for failure to meet—
 - (a) the criteria set out in [clause 11](#); or
 - (b) 1 or more of the requirements in [clause 14\(1\)\(b\) or \(c\)](#).
- (2) The regional council may review a person's appointment as an auditor if a complaint is brought under subclause (1).

17 Regional council may discontinue appointment of auditor

- (1) A regional council may discontinue the appointment of an auditor who does not meet—
 - (a) the criteria set out in [clause 11](#); or
 - (b) 1 or more of the requirements in [clause 14\(1\)\(b\) or \(c\)](#).
- (2) Before proceeding under subclause (1), the regional council must—
 - (a) give the auditor the reasons why the regional council considers the auditor is not meeting the requirements, along with relevant information; and
 - (b) give the auditor the opportunity to respond.

- (3) The regional council must then—
 - (a) consider the reasons, the relevant information, and the auditor’s response; and
 - (b) determine whether, on the evidence, the auditor has met the requirements to continue being appointed as an auditor.
- (4) The regional council must inform the auditor of the council’s decision.
- (5) The decision of the regional council has immediate effect at the time the auditor is informed.

Schedule 3

Audit grades

[r 34\(2\)](#)

Audit grade	Description	Time frame within which farm operator must arrange next audit after receiving final audit report
A	All actions categorised in the action plan as regulated actions, catchment actions, and supplementary actions have been implemented within the time frames required under the action plan	3 years
B	All actions categorised in the action plan as regulated actions and catchment actions have been implemented within the time frames required under the action plan, but 1 or more actions categorised as supplementary actions have not been implemented within the required time frames	2 years
C	All actions categorised in the action plan as regulated actions have been implemented within the time frames required under the action plan, but 1 or more actions categorised as catchment actions have not been implemented within the required time frames	1 year
D	1 or more actions categorised in the action plan as regulated actions have not been implemented within the time frames required under the action plan	6 months
D	1 or more actions categorised in the action plan as catchment actions or supplementary actions have still not been implemented within the time frames required under the action plan following a subsequent audit	6 months

Schedule 4
New Schedule 1B inserted into Resource Management (Infringement Offences) Regulations 1999

[r 50](#)

Schedule 1B
Infringement offences and fees under Part 9A of Resource Management Act 1991 and Resource Management (Freshwater Farm Plans) Regulations 2023

rr 2(3), 3

Part 1
Infringement offences and fees under Part 9A of Resource Management Act 1991

Infringement offence provision	General description of offence	Infringement fee for offence (\$)
Section 217D of the Act	Failure to have a certified freshwater farm plan	1,500

Part 2
Infringement offences and fees under Resource Management (Freshwater Farm Plans) Regulations 2023

Infringement offence provision	General description of offence	Infringement fee for offence (\$)
Regulation 17	Failure to submit, within the time frame specified in regulation 17, a freshwater farm plan to a certifier	1,500
Regulation 27(1)	Failure to submit, within 5 years after the last certification, a certified freshwater farm plan to a certifier	1,500
Regulation 27(2)	Failure to submit, within 12 months after an event specified in regulation 27(2), a certified freshwater farm plan, or part of a certified freshwater farm plan, to a certifier	1,500
Regulation 30	Failure to implement 1 or more actions in the action plan contained in a certified freshwater farm plan within the time frames required under the action plan	1,500
Regulation 32	Failure to arrange, within 12 months after initial certification of a certified freshwater farm plan,	1,500

2023/113	Resource Management (Freshwater Farm Plans) Regulations 2023	Explanatory note
Infringement offence provision	General description of offence	Infringement fee for offence (\$)
Regulation 33(1)	Failure to arrange, within 12 months after recertification of a certified freshwater farm plan, for an auditor to audit the farm for compliance with the plan	1,500
Regulation 34(1)	Failure to arrange, within the time frame specified by the audit grade, for an auditor to audit the farm for compliance with the certified freshwater farm plan	1,500
Regulation 35(1)	Failure to arrange, within 12 months after taking over a farm and adopting the previous operator's certified freshwater farm plan, for an auditor to audit the farm for compliance with the plan	1,500

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 August 2023, set out further obligations for the preparation, certification, audit, and enforcement of freshwater farm plans under [Part 9A](#) of the [Resource Management Act 1991](#) (the **Act**). They are to apply in a district, region, or part of New Zealand set out in 1 or more separate Orders in Council made under [section 217C](#) of the Act.

[Part 1](#) contains preliminary provisions.

[Part 2](#) sets out additional requirements for the contents of freshwater farm plans.

[Part 3](#) sets out the process and time frames for certification and recertification of freshwater farm plans. [Part 3](#) also provides for the certifier competencies and appointment process set out in [Schedule 2](#).

[Part 4](#) and [Schedule 3](#) specify time frames in which a farm operator must arrange audits under [section 217H](#) of the Act. [Part 4](#) also provides for the auditor competencies and appointment process set out in [Schedule 2](#).

[Part 5](#) sets out information that farm operators, certifiers, and auditors are required to supply to regional councils. It also sets out information that a regional council must keep in relation to farms in its jurisdiction.

Explanatory note	Resource Management (Freshwater Farm Plans) Regulations 2023	2023/113
------------------	-------------------------------------------------------------------------	----------

[Part 6](#) contains consequential amendments to the [Resource Management \(Infringement Offences\) Regulations 1999](#). It inserts into those regulations *new Schedule 1B*, which contains infringement offences that are subject to an infringement fee of \$1,500. The infringement offences under [Part 9A](#) of the Act and these regulations relate to—

- failure to have a certified freshwater farm plan as required under the Act:
- failure to submit a freshwater farm plan for certification or recertification within a specified time frame:
- failure to arrange an audit of a farm within a specified time frame:
- failure to implement actions in an action plan contained in a certified freshwater farm plan within the time frames required under the action plan.

Regulatory impact statement

The Ministry for the Environment and the Ministry for Primary Industries produced a regulatory impact statement on 10 May 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/proposed-regulations-freshwater-farm-plans/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the [Legislation Act 2019](#).

Date of notification in *Gazette*: 8 June 2023.

These regulations are administered by the Ministry for the Environment.

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 10: Confirmation of public excluded Operations and Regulatory minutes – 18 July 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
<p>Item 10: Public excluded Operations and Regulatory Committee Minutes – 18 July 2023</p>	<p>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>.</p>	<p>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.</p> <p>Making any of this information publically available would result in a breach of the <i>Privacy Act 2020</i>.</p> <p>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).</p>

AGENDA AUTHORISATION

Agenda for the Operations and Regulatory Committee meeting held on Tuesday 29 August 2023

Confirmed:



21 Aug, 2023 3:45:10 PM GMT+12

A J Matthews
Director-Environment Quality

Approved:



21 Aug, 2023 4:06:03 PM GMT+12

S J Ruru
Chief Executive