Taranaki Regional Council

AGENDA
Operations & Regulatory

Tuesday 30 April 2024, 9.00am

Operation and Regulatory

30 April 2024 09:00 AM

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 Papatūānuku
Ko Papatūānuku e takoto ake nei	below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!

Date: 30 April 2024

Subject: **Operations and Regulatory Committee Minutes – 19 March 2024**

Author: M Jones, Governance Administrator

Approved by: AJ Matthews, Director - Environment Quality

Document: 3266100

Recommendations

That 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 19 March 2024 at 9.00am

b. notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 2 April 2024.

Appendices/Attachments

Document 3265104: Operations and Regulatory Committee Minutes – 19 March 2024

Date: 19 March 2024

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

Document: 3255930

Present:

D M Cram	*Chair*
S W Hughes	*(zoom)*
M G Davey	
D H McIntyre	
B J Bigham	
D L Lean	(Joined meeting at 9.22am via zoom)
C L Littlewood	*ex officio*
N W Walker	*ex officio*
D Luke	Iwi Representative
Ā White	Iwi Representative (zoom)
R Buttimore	Iwi Representative (zoom)

Attending:

S J Ruru	Chief Executive
A J Matthews	Director - Environment Quality
A D McLay	Director – Resource Management
D R Harrison	Director – Operations
R Honeyfield	Team Lead – Prosecutions and Compliance
L Millar	Manager – Resource Consents
V McKay	Manager – Environmental Assurance
F Blyde	Team Lead – Environmental Assurance
C Woollen	Communications Adviser
M Jones	Governance Administrator
N Chadwick	Executive Assistant

Karakia: The meeting opened with a group karakia at 9.05am.

Apologies: Were received and sustained from Councillor Cloke and P Muir.

Walker/Davey

1. Confirmation of Minutes Operations and Regulatory Committee 13 February 2024

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 13 February 2024 at Taranaki Regional Council 47 Cloten Road Stratford

b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 27 February 2024.

Hughes/Littlewood

2. Consent Monitoring Annual Reports

2.1 V McKay provided the committee with an update on the tailored monitoring reports.

2.2 C Littlewood disclosed her interest with Port Taranaki and abstained from discussion and the vote

Recommended

That the Taranaki Regional Council:

a) received the 39 compliance monitoring reports listed in table 1

b) noted the recommendations therein.

Bigham/Davey

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

3.1 L Millar advised 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.

Littlewood/Bigham

4. Incidents, Compliance Monitoring Non Compliances and Enforcement Summary - 19 January 2024 – 29 February 2024

4.1 R Honeyfield provided the Committee with a summary of the incidents, compliance monitoring non-compliances and enforcement for the period 19 January 2024 – 29 February 2024.

4.2 D McIntyre declared a conflict of interest and abstained from the vote

Recommended

That the Taranaki Regional Council:

a) received this memorandum Incident, Compliance Monitoring Non-Compliances and Enforcement Summary – 19 January 2024 to 29 February 2024

b) received the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 19 January 2024 to 29 February 2024

c) noted the action taken by staff acting under delegated authority

d) adopted the recommendations therein.

Walker/Bigham

5. Analysis of the 2022-2023 Compliance Monitoring and Enforcement Metrics for the Regional Sector

5.1 F McLay provided an update on the independent analysis of the 2022-2023 Compliance Monitoring and enforcement metrics.

Recommended

That the Taranaki Regional Council:

a) received the Memorandum Analysis of the 2022-2023 Compliance Monitoring and Enforcement Metrics for the Regional Sector

b) noted the survey shows the compliance monitoring and enforcement regime is well established and resourced

c) noted compliance monitoring and enforcement regime compares well against that existing elsewhere.

McIntyre/Walker

There being no further business the Committee Chairperson, Councillor D M Cram, declared the meeting of the Operations and Regulatory Committee closed at 9.48am.

Operations and Regulatory Committee Chairperson: _____

Date: 30 April 2024

Subject: **Taranaki Catchment Communities**

Author: A D McLay, Director - Resource Management

Approved by: S J Ruru, Chief Executive

Document: 3264844

Purpose

1. The purpose of this memorandum is to introduce Taranaki Catchment Communities (TCC). Mr Paul Turner, Project Manager, will provide a presentation on the TCC programme and its environmental outcomes.

Executive Summary

2. The Taranaki Catchment Communities group set out to lead, engage and mobilise Taranaki's rural sector to ensure a more environmental, economic and socially sustainable future. Their focus areas include community, environment, farming and economic matters. The presentation will present the programme and identify its environmental outcomes that will also be of interest to this Council.

Recommendations

That Taranaki Regional Council:

a) receives the presentation from Taranaki Catchment Communities

b) notes the positive work undertaken by the Taranaki Catchment Communities group to ensure a more environmental, economic and socially sustainable future for farmers.

Background

3. A group of farmers and growers from around Taranaki, together with Venture Taranaki, initiated discussions early in 2020 about the challenges facing the rural sector and the possibility of establishing catchment communities around the region. This group came together as Taranaki Catchment Communities (TCC) with the aim to lead, engage and mobilise Taranaki's rural sector to ensure a more environmental, economic and socially sustainable future.

4. Funding from the Ministry of Primary Industries allowed TCC to work with individual catchment groups from around the maunga to identify priorities and actions that would contribute to the sustainability of their communities. At the core of this project is the strength and diversity of the farmer-led TCC, who had already identified the need for change and the desire to create models and learnings that can be

shared industry-wide. A farmer-led approach ensures those most impacted by proposed actions are at the forefront of driving their response.

Catchment Communities

5. Sixteen catchment community groups have been established across the region with lead farmers and coordinators established.
6. The actions and priorities identified by individual catchment groups have been consolidated to create a Regional Integrated Action Plan that TCC has progressed. The actions have been categorised into four strategic focus areas: Community, Environment, Farming and Economic. Planned action around the region includes:

   Community

   - Well-being workshops
   - Iwi and lease discussions
   - Farm safety courses
   - Telling community stories/history

   Environment

   - Stream health monitoring
   - Waterway fencing and planting
   - Weed and pest management
   - Biodiversity corridor planning

   Farming

   - Farm development plan support
   - Best practice implementation
   - Identify and assess Agri-tech applications
   - Government regulation workshops

   Economic

   - Financial literacy course
   - Business training support
   - Alternative or complementary land use/business diversification.
7. More information on the work that TCC undertake can be found on their website https://www.taranakicc.nz/

Financial considerations—LTP/Annual Plan

8. 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

9. 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

10. 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.
11. Taranaki Catchment Communities actively seek to engage with iwi and hapu as part of their programmes.

Community considerations

12. 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

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

Appendices/Attachments

Document 3267217: TCC Presentation

Empowering Taranaki Farmers: Taranaki Catchment Communities

Introduction

- ***Taranaki Catchment Communities (TCC)*** *is a collaborative initiative by farmers and growers in the Taranaki region to help communities through rapid change.*

- *Our mission: To lead, engage, and mobilise Taranaki's rural sector for a more sustainable future.*


1. Waitotara Waverley
2. Alton/Patea River
3. Waingongoro River
4. Pihama
5. Awatuna/Auroa: Farming for the Future
6. Kaupokonui River
7. Oaonui
8. HADES – High Altitude Dairy Environment Solutions
9. Coastal
10. Tarata
11. Ratapiko
12. Makuri
13. Mangamingi
14. Taranaki Extension Projects
15. Urenui/Mimi/Uruti
16. Waiongana
Waitara
New Plymouth
NEW PLYMOUTH DISTRICT
Inglewood
STRATFORD DISTRICT
Stratford
Eltham
Opunake
SOUTH TARANAKI DISTRICT
Hawera
Patea

Good Farm Project

LiDAR Project:

What is LiDAR?

LiDAR (Light Detection and Ranging) gathers land-surface and elevation data.

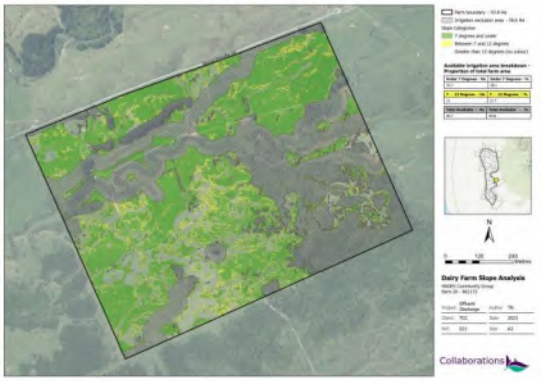
3D Baseline Elevation Mapping:

- *LiDAR technology for accurate terrain maps.*
- *Benefits for hazard management, planning, and resilience.*
- *Can be integrated into farm planning*

HADES Project:

High Altitude Dairy Environment Solutions:

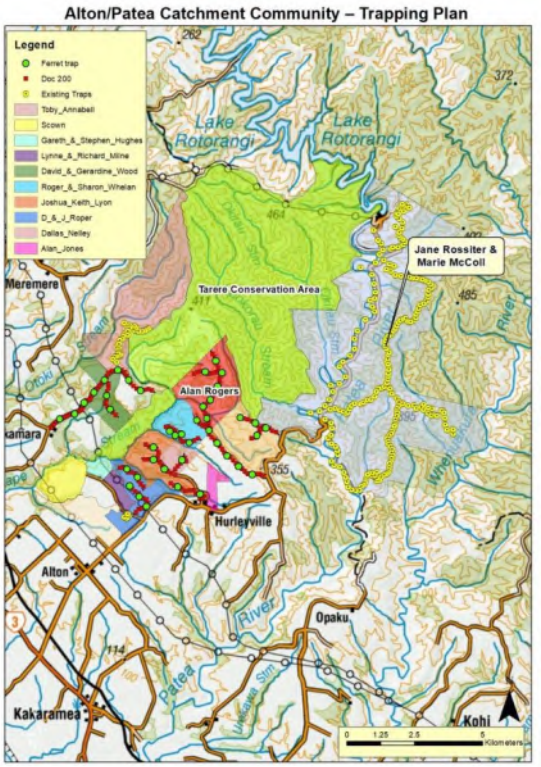
- *Assists high-altitude/rainfall farmers.*
- *Focus on effluent management solutions.*
- *Creating a simplified consenting process.*
- *Collaboration with science, people, and technology.*



Farming and Compliance Confidence Taranaki (FACCT)

- *Makuri catchment led initiative to take them through the freshwater farm plan journey.*
- *To understand the why it is important and then the how to complete their own with confidence.*
- *Led by local farmer, Campbell McCowan*

Patea Trapping Plan



- ***Biodiversity Conservation**:*

Alton area: Rich in native flora and fauna.

- ***Trapping Program**:*

- *Control pests (e.g., stoats, rats).*
- *Protect native birds and plants.*

Community involvement: Volunteers and schools.

Technology

SAVE ENERGY ON-FARM

IT JUST MAKES SENSE

Taranaki Rural Energy

*Part of the **Taranaki Rural Energy** group to help decarbonise the rural sector.*

10 assessments carried out to date - in our studies the best farms use 1/5th the energy of others

Hold workshops to share the knowledge to help other farmers reduce their energy costs.

Water 2 Milk Project

Awatuna Catchment is part of the IoT Ventures Water to Milk project that uses sensors to understand how water is used across the farm to get the maximum value out of our water resource using LoRaWAN® which is the default standard for long-range, low power Internet of Things - also used by Predator Free

- *TCC's commitment:*

  - *Enhance freshwater quality.*
  - *Empower farmers.*
  - *Create a sustainable legacy.*

Date: 30 April 2024

Subject: **Resource Consents Issued Under Delegated Authority and Applications in Progress**

Author: L Miller, Manager - Resource Consents

Approved by: A D McLay, Director - Resource Management

Document: 3263307

Purpose

1. The purpose of this memorandum is to advise the 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 of recent consenting actions made under regional plans and the Resource Management Act 1991, in accordance with Council procedures and delegations.

Recommendation

That 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 officer decisions. They are activities having less than minor adverse effects on the environment, or having minor effects where affected parties have agreed to the activity. In accordance with sections 87BB, 104 to 108 and 139 of the Resource Management Act 1991, and pursuant to delegated authority to make these decisions, the Chief Executive or the Director—Resource Management, has allowed the consents, certificates of compliance and deemed permitted activities.
4. The exercise of delegations under the Resource Management Act 1991 is reported for Members' information. Under the delegations manual, consent processing actions are to be reported to the Operations and Regulatory Committee.

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

Financial considerations—LTP/Annual Plan

9. 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

10. 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

11. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

12. 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

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

Appendices/Attachments

Document 3263299: List of non-notified consents

Document 3263298: Schedule of non-notified consents

Document 3265069: Consents processing charts

Non-notified authorisations issued by the Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

Discharge Permit						
Consent	**Holder**	**Subtype**	**Industry Primary**	**Industry Secondary**	**Purpose Primary**	**Activity Purpose**
R2/0316-4.1	Poole Brothers Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Change
R2/1101-5.0	Greenhills Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1831-4.0	Erimorr Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2770-3.0	Jerseydale Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3747-3.0	R J Acres Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	New
R2/3798-3.0	Nadash Partners	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/6605-2.0	Stratford District Council	Land - Industry	Local Government	Waste Management	Water Supply - Municipal	Replace
R2/10773-3.0	Papa Rererangi i Puketapu Limited (NP Airport)	Land - Industry	Transport	Waste Management	Waste water (sewage)	Replace
R2/11150-1.0	AA Contracting Limited	Land - Solid Waste	Waste Management	Quarry	Cleanfill	New
R2/11186-1.0	Waka Kotahi NZ Transport Agency	Water - Stormwater	Transport		Roading	New
R2/11187-1.0	Waka Kotahi NZ Transport Agency	Water - Stormwater	Transport		Roading	New
Land Use Consent						
Consent	**Holder**	**Subtype**	**Industry Primary**	**Industry Secondary**	**Purpose Primary**	**Activity Purpose**
R2/6278-2.0	Coxhead Hillcrest Company Limited	Structure - Culvert	Agriculture	Farming - Dairy	Access	Replace
R2/6961-2.0	Rotokare Scenic Reserve Trust	Structure - Culvert	Recreational		Environment protection	Replace
R2/7522-2.0	Horizon Trust Management Limited	Structure - Culvert	Mining Extraction (excl. hydrocarbon)	Quarry	Access	Replace
R2/7522-2.0	Horizon Trust Management Limited	Structure - Culvert	Mining Extraction (excl. hydrocarbon)	Quarry	Access	Replace
R2/11185-1.0	Waka Kotahi NZ Transport Agency	Structure - Other	Transport		Roading	New
R2/11189-1.0	Richard W. Coplestone	Structure - Bridge	Energy	Agriculture	Exploration and Production	New
R2/11206-1.0	New Plymouth District Council	Bore/Well	Local Government		Wastewater - Sewage	New
R2/11210-1.0	Stratford District Council	Disturb	Local Government		Recreational	New
R2/11218-1.0	South Taranaki District Council	Structure - Culvert	Local Government		Flood Control	New
R2/11219-1.0	South Taranaki District Council	Structure - Culvert	Local Government		Flood Control	New
Water Permit						
Consent	**Holder**	**Subtype**	**Industry Primary**	**Industry Secondary**	**Purpose Primary**	**Activity Purpose**
R2/1337-4.0	Stratford District Council	Take Groundwater	Local Government		Water Supply - Rural	Replace
R2/6114-2.0	New Plymouth District Council	Take Groundwater	Local Government		Water Supply - Municipal	Replace
R2/6723-2.0	Greymouth Petroleum Mining Group Limited	Take produced water	Energy	Wellsite	Exploration and Production	Replace
R2/6903-2.0	Awatea Hawkes Bay Trust	Take Groundwater	Private Water Supply		Water Supply - Community	Replace
R2/7403-2.0	Todd Energy Limited	Take produced water	Energy	Wellsite	Exploration and Production	Replace
R2/7495-2.0	Greymouth Petroleum Central Limited	Take produced water	Energy	Wellsite	Exploration and Production	Replace
R2/7857-2.0	Greymouth Petroleum Turangi Limited	Take produced water	Energy	Wellsite	Exploration and Production	Replace
R2/7987-2.0	Matahio NZ Onshore Limited	Take produced water	Energy	Wellsite	Exploration and Production	Replace
R2/11188-1.0	Waka Kotahi NZ Transport Agency	Take Groundwater	Transport		Roading	New

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/0316-4.1

Poole Brothers Limited

Commencement Date: 28 Feb 2024

Expiry Date: 01 Dec 2047

Review Dates: Jun 2029, Jun 2035, Jun 2041

Activity Class: Discretionary

Location: 1251 Manaia Road, Kaponga

Application Purpose: Change

To discharge farm dairy effluent onto land

Change of conditions to change the herd size

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust	No return correspondence was received

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R2/10773-3.0

Papa Rererangi i Puketapu Limited (NP Airport)

Commencement Date: 29 Feb 2024

Expiry Date: 01 Jun 2027

Review Dates:

Activity Class: Discretionary

Location: 192 Airport Drive, New Plymouth

Application Purpose: Replace

To discharge contaminants onto and into land after treatment via a septic tank

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Puketapu Hapū	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Response received

Comments from Te Atiawa

Return correspondence was received from Te Kotahitanga o Te Atiawa on 13 April 2023. A summary of the comments received is provided below:

- *The activity is located in close proximity to two Te Atiawa statutory acknowledgement areas, the Te Atiawa Coastal Marine Area and the Waiongana Stream.*
- *The subject site is located on Puketapu Pā, which is of significance to Puketapu Hapū.*
- *Puketapū Hapū, who have reviewed the application documentation, are appreciative of the engagement undertaken to date, and are supportive of the applicant's ongoing work to improve the management of wastewater at the site. The complexities of establishing a new system are acknowledged by the iwi and hapū.*

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

Response and considerations during processing of application

The consultant, on behalf of the applicant, has engaged with both Te Kotahitanga o Te Atiawa and Puketapu Hapū prior to lodging the application.

The agent has provided a list of the key hui undertaken to date:

- *June 2021 – hui to discuss potential process to work through to a longer-term option.*
- *February 2022 – provision of a presentation PowerPoint summarising a range of longer-term options.*
- *May 2023 – hui with Puketapu Hapū and Te Kotahitanga o Te Atiawa Trust to discuss wastewater related issues, aspirations and options, including a refined list of potential longer-term options and also next steps.*

The subject site is within the rohe of Te Atiawa Iwi and Puketapu Hapū. The established septic tank and dispersal field are located on culturally significant land, directly over the historical Puketapu Pā site.

In their comments submitted to Council, Te Kotahitanga o Te Atiawa stated that Puketapu Hapū were appreciative of the engagement undertaken by the applicant to date, and the applicant's ongoing work to improve their management of the New Plymouth Airport's wastewater. It was acknowledged that the implementation of an alternative wastewater system is complex, and that Puketapu Hapū and Te Kotahitanga o Te Atiawa support the applicant's continued investigations into an alternative, and granting of a replacement consent with the same conditions attached as the previous authorisations (10773-1.0 & 10773-2.0).

R2/1101-5.0

Greenhills Trust

Commencement Date: 05 Apr 2024

Expiry Date: 01 Sep 2039

Review Dates: Jun 2027, Jun 2033

Activity Class: Controlled

Location: 2206 Wiremu Road, Okato

Application Purpose: Replace

To discharge farm dairy effluent onto land

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kāhui o Taranaki Trust	No return correspondence was received

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Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/11150-1.0

AA Contracting Limited

Commencement Date: 05 Mar 2024

Expiry Date: 01 Jun 2038

Review Dates: Jun 2026, Jun 2032

Activity Class: Discretionary

Location: 179 Te Arei Road West, New Plymouth

Application Purpose: New

To discharge cleanfill onto and into land for quarry reinstatement purposes

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

David & Sue Thorp	Written approval provided
I J Ireland	Written approval provided
Leighton & Roena Te Uira	Written approval provided
Wayne Moss	Written approval provided
Te Kotahitanga o Te Atiawa Trust	Response received

Comments from Te Atiawa

Sarah Mako, representing Puketapu Hapū and Te Kotahitanga o Te Atiawa, responded to Council on 20 September 2023. They asked the following questions:

- *Interested in knowing which neighbours were consulted. The adjoining property is Māori owned and a Statutory Acknowledgement is nearby.*
- *The application does not assess the impacts on the statutory acknowledgement.*
- *The application fails to assess the higher order planning documents.*
- *A request to know if the processing planner would undertake a site visit, and on whether Te Kotahitanga o Te Atiawa could attend.*

They provided the following advice under the RMA 1991:

- *The application to be returned as incomplete under Section 88; or*
- *Further information to be requested under Section 92; and*
- *Puketapu Hapū and Te Kotahitanga o Te Atiawa to be identified as affected parties in accordance with Section 95.*

Response and considerations during processing of application

Council responded on 21 September 2023 to thank Te Atiawa for their response, provide information about the site visit and to provide details on the information requested under Section 92 of the RMA 1991. The s92 included a requirement for the applicant to assess their application against Tai Whenua, Tai Tangata, Tai Ao and all relevant statutory documents and to consult with Te Atiawa during preparation of the assessment.

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/11185-1.0

Waka Kotahi NZ Transport Agency

Commencement Date: 03 Apr 2024

Expiry Date: 01 Jun 2038

Review Dates: Jun 2026, Jun 2031, Jun 2036

Activity Class: Discretionary

Location: Intersection of State Highway 3 and Waitara Road, Brixton

Application Purpose: New

To construct and use an outfall structure in an unnamed tributary of the Waiongana Stream for the purpose of discharging stormwater

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Adjacent Landowner Engagement x 27 parties	Consulted by applicant
Manukorihi Hapū	Consulted by applicant
Ngāti Rahiri Hapū Trust	Consulted by applicant
Otaraua Hapū Trust	Consulted by applicant
Pukerangiora Hapū	Consulted by applicant
Puketapu Hapū	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	No return correspondence was received

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/11186-1.0

Waka Kotahi NZ Transport Agency

Commencement Date: 03 Apr 2024

Expiry Date: 01 Jun 2029

Review Dates: Jun 2024, Jun 2025, Jun 2026, Jun 2027, Jun 2028

Activity Class: Controlled

Location: Intersection of State Highway 3 and Waitara Road, Brixton

Application Purpose: New

To discharge stormwater and sediment associated with soil disturbance to land where it may enter water during the upgrade of the Waitara Road intersection

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Adjacent Landowner Engagement x 27 parties	Consulted by applicant
Manukorihi Hapū	Consulted by applicant
Ngāti Rahiri Hapū Trust	Consulted by applicant
Otaraua Hapū Trust	Consulted by applicant
Pukerangiora Hapū	Consulted by applicant
Puketapu Hapū	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	No return correspondence was received

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/11187-1.0

Waka Kotahi NZ Transport Agency

Commencement Date: 03 Apr 2024

Expiry Date: 01 Jun 2039

Review Dates: Jun 2026, Jun 2031, Jun 2036

Activity Class: Controlled

Location: Intersection of State Highway 3 and Waitara Road, Brixton

Application Purpose: New

To discharge stormwater to an unnamed tributary of the Waiongana Stream post construction of a roundabout at the Waitara Road intersection

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Adjacent Landowner Engagement x 27 parties	Consulted by applicant
Manukorihi Hapū	Consulted by applicant
Ngāti Rahiri Hapū Trust	Consulted by applicant
Otaraua Hapū Trust	Consulted by applicant
Pukerangiora Hapū	Consulted by applicant
Puketapu Hapū	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	No return correspondence was received

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/11188-1.0

Waka Kotahi NZ Transport Agency

Commencement Date: 03 Apr 2024

Expiry Date: 01 Jun 2029

Review Dates: Jun 2024, Jun 2025, Jun 2026, Jun 2027, Jun 2028

Activity Class: Controlled

Location: Intersection of State Highway 3 and Waitara Road, Brixton

Application Purpose: New

To take groundwater for the purposes of dewatering associated with the construction of a stormwater treatment swale during roading upgrades of the Waitara Road intersection

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Adjacent Landowner Engagement x 27 parties	Consulted by applicant
Manukorihi Hapū	Consulted by applicant
Ngāti Rahiri Hapū Trust	Consulted by applicant
Otaraua Hapū Trust	Consulted by applicant
Pukerangiora Hapū	Consulted by applicant
Puketapu Hapū	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	No return correspondence was received

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R2/11189-1.0

Richard W. Coplestone

Commencement Date: 15 Mar 2024

Expiry Date: 01 Jun 2040

Review Dates: Jun 2028, Jun 2034

Activity Class: Discretionary

Location: 495/625 Wingrove Road, Pukengahu

Application Purpose: New

To construct and use a bridge over the Katatuna Stream for access purposes

Rohe:

Ngāti Ruanui

Engagement or consultation:

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

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Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/11206-1.0

New Plymouth District Council

Commencement Date: 21 Mar 2024

Expiry Date: 01 Jun 2027

Review Dates:

Activity Class: Discretionary

Location: Lake Mangamahoe Road, Burgess Park, New Plymouth

Application Purpose: New

To drill/construct three wells within 25 metres of Lake Mangamahoe for the purpose of geotechnical testing

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Fish & Game New Zealand	Consulted by applicant
Manawa Energy Limited	Consulted by applicant
Ngāti Tawhirikura Hapū	Consulted by applicant
Ngāti Te Whiti Hapū	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	No return correspondence was received

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R2/11210-1.0

Stratford District Council

Commencement Date: 02 Apr 2024

Expiry Date: 01 Jun 2027

Review Dates:

Activity Class: Controlled

Location: Victoria Park, Orlando Street, Stratford

Application Purpose: New

To remove sediment and organic matter from the bed of Victoria Park lake

Rohe:

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

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

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Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/11218-1.0

South Taranaki District Council

Commencement Date: 02 Apr 2024

Expiry Date: 01 Jun 2043

Review Dates: Jun 2031, Jun 2037

Activity Class: Discretionary

Location: Gregory Road, Rāhotu

Application Purpose: New

To install and use a culvert in unnamed tributary of the Rautini Stream (culvert 1)

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kāhui o Taranaki Trust	No return correspondence was received
Te Kāhui o Taranaki Trust	Applicant provided application

R2/11219-1.0

South Taranaki District Council

Commencement Date: 02 Apr 2024

Expiry Date: 01 Jun 2043

Review Dates: Jun 2031, Jun 2037

Activity Class: Discretionary

Location: Gregory Road, Rāhotu

Application Purpose: New

To install and use a culvert in unnamed tributary of the Rautini Stream (culvert 2)

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kāhui o Taranaki Trust	No return correspondence was received
Te Kāhui o Taranaki Trust	Applicant provided application

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/1337-4.0

Stratford District Council

Commencement Date: 28 Feb 2024

Expiry Date: 01 Jun 2040

Review Dates: Jun 2025, Jun 2028, Jun 2031, Jun 2034, Jun 2037

Activity Class: Discretionary

Location: 829 East Road, Toko

Application Purpose: Replace

To take and use groundwater from a bore for Toko rural water supply purposes

Rohe:

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust	No return correspondence was received
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received
Te Rūnanga o Ngāti Ruanui Trust	Applicant provided application

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R2/1831-4.0

Erimorr Partnership

Commencement Date: 22 Mar 2024

Expiry Date: 01 Sep 2039

Review Dates: Jun 2027, Jun 2033

Activity Class: Controlled

Location: 1331 Eltham Road, Hawera

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

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Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/2770-3.0

Jerseydale Trust

Commencement Date: 18 Mar 2024

Expiry Date: 01 Sep 2039

Review Dates: Jun 2027, Jun 2030, Jun 2033, Jun 2036

Activity Class: Controlled

Location: 240 Eltham Road, Eltham

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

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R2/3747-3.0

R J Acres Limited

Commencement Date: 27 Feb 2024

Expiry Date: 01 Sep 2039

Review Dates: Jun 2027, Jun 2030, Jun 2033, Jun 2036

Activity Class: Controlled

Location: 82 Denmark Terrace, Midhirst

Application Purpose: New

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

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

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Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/3798-3.0

Nadash Partners

Commencement Date: 26 Mar 2024

Expiry Date: 01 Sep 2039

Review Dates: Jun 2027, Jun 2033

Activity Class: Controlled

Location: 1632 Eltham 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

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R2/6114-2.0

New Plymouth District Council

Commencement Date: 25 Mar 2024

Expiry Date: 01 Jun 2049

Review Dates: Jun 2025, Jun 2028, Jun 2031, Jun 2034, Jun 2037, Jun 2040, Jun 2043, Jun 2046

Activity Class: Discretionary

Location: Wairau Road, Ōākura

Application Purpose: Replace

To take and use groundwater from two bores for Ōākura water supply purposes

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Department of Conservation - Crown	Consulted by applicant
Ngāti Tairi Hapū	Consulted by applicant
Fish & Game New Zealand	Consulted by applicant
Te Kāhui o Taranaki Trust	Consulted by applicant
Te Kāhui o Taranaki Trust	No return correspondence was received

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Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/6278-2.0

Coxhead Hillcrest Company Limited

Commencement Date: 26 Feb 2024

Expiry Date: 01 Jun 2041

Review Dates: Jun 2029, Jun 2035

Activity Class: Discretionary

Location: 489 Waingongoro Road, Stratford

Application Purpose: Replace

To use a culvert in an unnamed tributary of the Waingongoro River for farm access purposes

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

An email response was received from Dion Luke on behalf of Ngāruahine on 21 March 2023. This email included a letter which advised that "as this is an existing culvert, there are no major concerns from Te Korowai".

Response and considerations during processing of application

Council responding thanking Ngāruahine for providing feedback on this application. Noting It had been forwarded to the Consents Processing Officer.

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/6605-2.0

Stratford District Council

Commencement Date: 28 Feb 2024

Expiry Date: 01 Jun 2040

Review Dates: Jun 2025, Jun 2028, Jun 2031, Jun 2034, Jun 2037

Activity Class: Discretionary

Location: 829 East Road, Toko

Application Purpose: Replace

To discharge treated filter backwash water from the Toko Water Treatment Plant into a soak hole adjacent to the Manawawiri Stream

Rohe:

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust	No return correspondence was received
Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received
Te Rūnanga o Ngāti Ruanui Trust	Applicant provided application

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R2/6723-2.0

Greymouth Petroleum Mining Group Limited

Commencement Date: 05 Apr 2024

Expiry Date: 01 Jun 2039

Review Dates:

Activity Class: Controlled

Location: Kōwhai-A wellsite, 547 Ngatimaru Road, Tikorangi

Application Purpose: Replace

To take groundwater, including the incidental take of heat and energy, that may be encountered as produced water during hydrocarbon exploration and production activities at up to eight wells at the Kōwhai-A wellsite

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Otaraua Hapū Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Response received

Comments from Te Atiawa

Council received comment from Te Atiawa on 2 December 2020. They advised the following:

- *The site affects an unnamed tributary of the Waiau Stream.*
- *The site sits within a cultural landscape of known sites and areas of significance to Otaraua hapū. The site is on Tikorangi Pa and the wellsite is constructed on terraces.*
- *The existing and ongoing use and activity from the application site continues to impede the relationship Otaraua hapū has with their ancestral lands and water.*

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

- *The cultural expertise of Otaraua hapū and Te Atiawa was not engaged by the applicant to inform the renewal applications.*
- *Other operators in the industry have engaged cultural expertise to inform their renewal applications, and they expressed their disappointment that Council have not applied this requirement consistently to all operators.*
- *They advise the renewal applications will have unacceptable effects on Otaraua hapū and Te Kotahitanga o Te Atiawa and the ancestral lands, waters, sites, wāhi tapu and other taonga of Otaraua.*
- *They recommend an S92 further info request and an S95 affected party status for Otaraua hapū and Te Kotahitanga o Te Atiawa.*

Response and considerations during processing of application

Council responded on the 2 December 2020 to thank Te Kotahitanga o Te Atiawa for their comment and to advise that the Consents Manager would have regard to it when making the notification decision.

The applicant has consulted with Te Atiawa and Otaraua Hapū. Hapū expressed concern about taking water from the stream for drilling purposes and wished for a Cultural Impact Assessment. The applicant stated no water would be taken from the stream for drilling purposes and the required water would be transported to the site via water tanker as outlined in the application.

R2/6903-2.0

Awatea Hawkes Bay Trust

Commencement Date: 27 Feb 2024

Expiry Date: 01 Jun 2040

Review Dates: Jun 2028, Jun 2034

Activity Class: Controlled

Location: 564 Waverley Beach Road, Waverley

Application Purpose: Replace

To take and use groundwater from a bore for non-potable community supply purposes

Rohe:

Ngaa Rauru Kiitahi

Engagement or consultation:

Te Kaahui o Rauru — No return correspondence was received

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/6961-2.0

Rotokare Scenic Reserve Trust

Commencement Date: 29 Feb 2024

Expiry Date: 01 Jun 2040

Review Dates: Jun 2028, Jun 2034

Activity Class: Discretionary

Location: Rotokare Scenic Reserve, 365 Sangster Road, Rawhitiroa

Application Purpose: Replace

To use a culvert in an unnamed tributary of the Ararata Stream for pest-proof purposes

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/7403-2.0

Todd Energy Limited

Commencement Date: 15 Mar 2024

Expiry Date: 01 Jun 2039

Review Dates:

Activity Class:

Location: Mangahewa-D wellsite, Rimutauteka Road, Inglewood

Application Purpose: Replace

To take groundwater, including the incidental take of heat and energy, that may be encountered as produced water during hydrocarbon exploration and production activities at the Mangahewa-D wellsite

Rohe:

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

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

Comments from Te Atiawa

Return correspondence was received from Te Kotahitanga o Te Atiawa Pou Taiao/Policy Advisor (Environment), Sarah Mako, on 11 December 2020, as summarised below:

- *The Manganui and Waitara Rivers (including their tributaries) are statutory acknowledgement areas of Te Atiawa Iwi, and also significant waterbodies for Ngāti Maru Iwi.*
- *The meaningful consultation undertaken by the applicant prior to lodgement is acknowledged.*

Response and considerations during processing of application

Council responded, thanking Te Atiawa for their comments on the application, and advising the Consents Manager will have regard to it when making the notification decision, and the matters raised will be addressed in the Council officer's report.

The applicant has discussed the application with representatives of Te Kotahitanga o Te Atiawa, Otaraua Hapū and Pukerangiora Hapū. The applicant has also committed to ongoing iwi consultation following application lodgement.

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/7495-2.0

Greymouth Petroleum Central Limited

Commencement Date: 14 Mar 2024

Expiry Date: 01 Jun 2039

Review Dates:

Activity Class: Controlled

Location: Salisbury wellsite, 512 Johns Road, Tariki

Application Purpose: Replace

To take groundwater, including the incidental take of heat and energy, that may be encountered as produced water during hydrocarbon exploration and production activities at the Salisbury wellsite

Rohe:

Ngāti Ruanui

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Pukerangiora Hapū	Consulted by applicant
Te Kāhui o Taranaki Trust	Consulted by applicant
Te Kāhui o Taranaki Trust	No return correspondence was received
Te Kotahitanga o Te Atiawa 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 Kotahitanga o Te Atiawa Trust	Response received

Comments from Te Atiawa

Return correspondence was received from Te Kotahitanga o Te Atiawa Pou Taiao/Policy Advisor (Environment) Sarah Mako on 22 February 2021, as summarised below:

- *The Mangamawhete is a tributary of the Manganui River, and therefore is a statutory acknowledgement area of Te Atiawa.*
- *The lack of consideration by the applicant to Pukerangiora and Te Kotahitanga and the existing environment was mentioned, and it was suggested that the application is returned in accordance with Section 88, and that further information is requested in accordance with section 92 of the Resource Management Act 1991 process, in order to give consideration to the values of Pukerangiora and Te Kotahitanga.*
- *The consultation taken by the applicant is considered to not constitute meaningful engagement.*
- *It is acknowledged that, whilst the applicant has assessed the Te Atiawa Iwi Environmental Management Plan: Tai Whenua, Tai Tangata and Tai Ao, a plan assessment is not a replacement for kanohi ki te kanohi (face-to-face) engagement.*

Response and considerations during processing of application

Council responded, thanking Te Atiawa for their comments on the application, and advising the Consents Manager will have regard to it when making the notification decision, and the matters raised will be addressed in the Council officer's report.

The applicant emailed representatives of Te Atiawa, Ngāti Ruanui, Taranaki Iwi and Pukerangiora Hapū to inform them of the upcoming consent replacement. The applicant also sent copies of the draft application to Te Atiawa and Pukerangiora Hapū, at their request.

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/7522-2.0

Horizon Trust Management Limited

Commencement Date: 23 Feb 2024

Expiry Date: 01 Jun 2042

Review Dates: Jun 2030, Jun 2036

Activity Class: Discretionary

Location: 727A Waiteika Road, Ōpunake

Application Purpose: Replace

To use a culvert in an unnamed tributary of the Waiteika Stream for access purposes

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kāhui o Taranaki Trust	No return correspondence was received

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/7857-2.0

Greymouth Petroleum Turangi Limited

Commencement Date: 05 Apr 2024

Expiry Date: 01 Jun 2039

Review Dates:

Activity Class: Controlled

Location: 42 Tūrangi Road Upper, Motunui

Application Purpose: Replace

To take groundwater, including the incidental take of heat and energy, that may be encountered as produced water during hydrocarbon exploration and production activities at the Tūrangi-B wellsite

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Kim Topless	Written approval provided
Ngāti Rahiri Hapū Trust	Consulted by applicant
Ralston John Topless	Written approval provided
Te Kotahitanga o Te Atiawa Trust	Consulted by applicant
Te Kotahitanga o Te Atiawa Trust	Response received

Comments from Te Atiawa

Return correspondence was received from Te Kotahitanga responded on 12 February 2021 with the following advice:

- *Ngāti Rahiri and Te Atiawa have not been engaged on the proposal.*
- *No assessment of the statutory acknowledgement effects was made by the applicant.*
- *Lacking assessment of the RPS, RAQP, RFWP, NPS-FM, RMA 1991 and no assessment of the Te Atiawa iwi environmental management plan Tai Whenua, Tai Tangata, Tai Ao.*
- *To request further information in accordance with Section 92 of the RMA 1991 and to identity Te Atiawa and Ngāti Rahiri as affected parties.*

Response and considerations during processing of application

Council responded, thanking Te Atiawa for their comments on the application, and advising the Consents Manager will have regard to it when making the notification decision, and the matters raised will be addressed in the Council officer's report.

Following lodgement, the applicant consulted Te Kotahitanga o Te Atiawa and Ngāti Rahiri Hapū (tangata whenua). Ngāti Rahiri Hapū provided a written response to the applicant and advised they cannot endorse the application because it does not align with their accepted cultural values or their stance on climate change, however they would not object to the application either. Te Kotahitanga also responded to the applicant following lodgement.

Non-notified authorisations issued by Taranaki Regional Council between 21 Feb 2024 and 05 Apr 2024

R2/7987-2.0

Matahio NZ Onshore Limited

Commencement Date: 15 Mar 2024

Expiry Date: 01 Jun 2039

Review Dates:

Activity Class: Controlled

Location: Puka-A Wellsite, Hu Road, Rawhitiroa

Application Purpose: Replace

To take groundwater, including the incidental take of heat and energy, that may be encountered as produced water during hydrocarbon exploration and production activities at the Puka-A wellsite

Rohe:

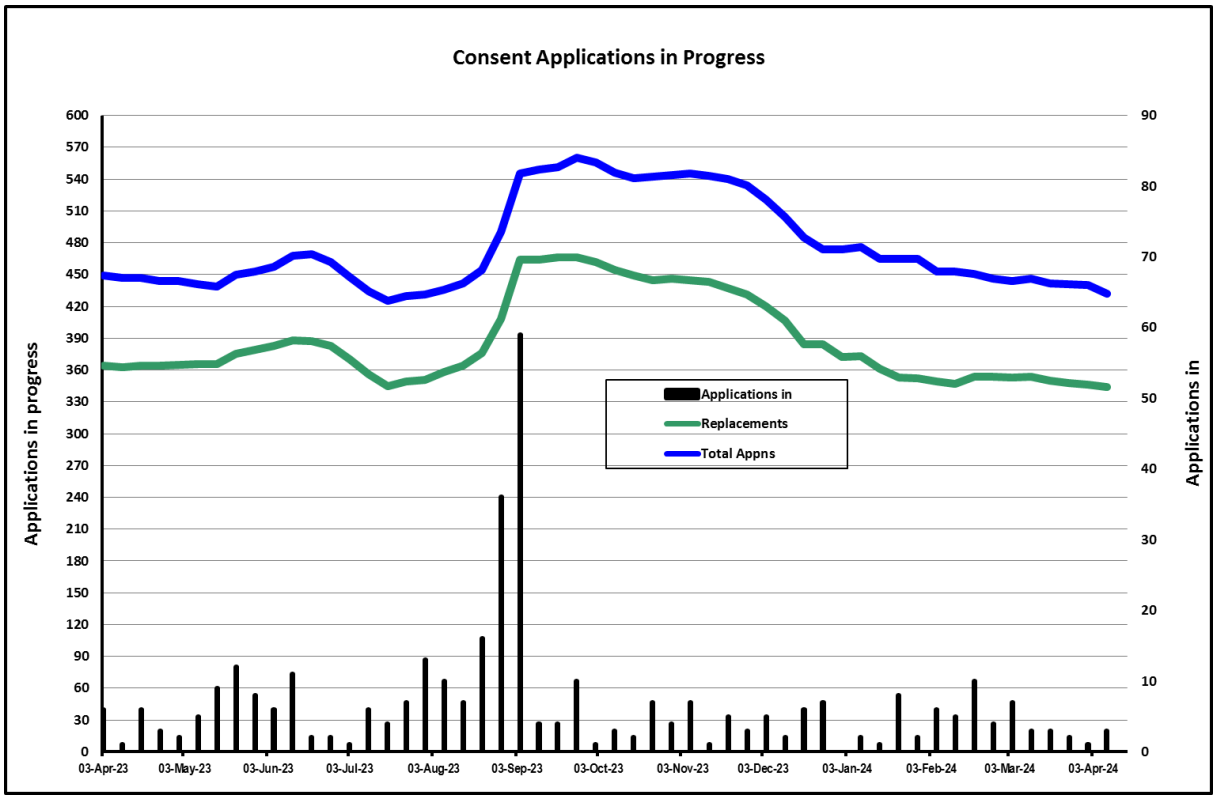
Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust	No return correspondence was received

Consent Processing Information

1) Applications in progress



2) Month Ending – Number of applications in progress

	July		Aug		Sept		Oct		Nov		Dec		Jan		Feb		Mar		Apr		May		Jun	
	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R	Total	R
2023/2024	431	351	545	464	556	462	542	445	544	446	474	372	465	352	444	353	440	346						
2022/2023	540	479	520	453	490	430	499	435	482	417	459	391	431	342	448	371	448	364	444	365	452	379	462	383
2021/2022	310	274	310	277	276	246	258	235	311	280	367	313	354	304	403	350	423	372	439	390	466	406	542	480

R = Replacements

3) Potential Hearings

Nil

4) Consents Issued (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2023-2024	39	49	57	75	114	178	212	240	250			
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 31 March 2024	**63**	**181**	**5**	**1**	**250**
2022-2023 Total	65	227	10	5	**307**
2021-2022 Total	54	149	16	6	**225**

6) Types of consents issued - year to date comparison

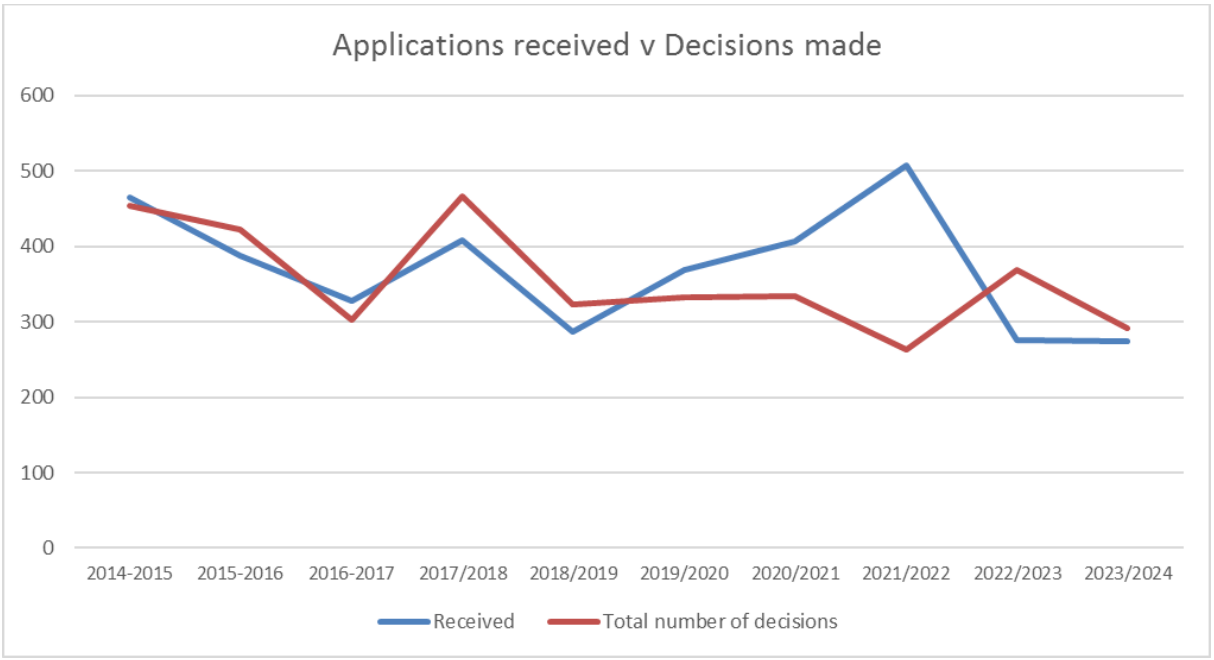
	Agricultural	Central/Local Government	Energy	Forestry	Other	Total publically notified		Agricultural	Central/Local Government	Energy	Forestry	Other	Total Limited Notified		Agricultural	Central/Local Government	Energy	Forestry	Other	Total Non-notified		Grand Total
	Publically Notified					%		Limited					%		Non Notified					%		
July 2021 to June 2022	0	0	8	0	0	**3.6%**	**8**	1	0	0	0	0	**0.4%**	**1**	132	36	18	3	27	**96.0%**	**216**	**225**
July 2022 to June 2023	0	0	0	0	0	**0.0%**	**0**	1	1	0	0	0	**0.0%**	**2**	222	16	26	0	41	**99.3%**	**305**	**307**
To 31st January 2024	**0**	**0**	**0**	**0**	**0**	**0.0%**	**0**	**1**	**0**	**0**	**0**	**5**	**0.0%**	**6**	**147**	**26**	**54**	**3**	**14**	**97.6%**	**244**	**250**

7) Length of time to issue applications

	No of consents decision	Number of days decision made in			
		less than 40	40-90	90-200	200+
July	47	3	19	8	17
August	13	3	4	3	3
September	10	1	3	2	4
October	27	11	1	1	14
November	39	8	8	13	10
December	67	6	9	21	31
January	35	3	23	8	1
February	40	19	6	5	10
March	13	4	2	2	5
April					
May					
June					
	291	**58**	**75**	**63**	**95**

Note: Decisions include issuing, withdrawing or returning applications

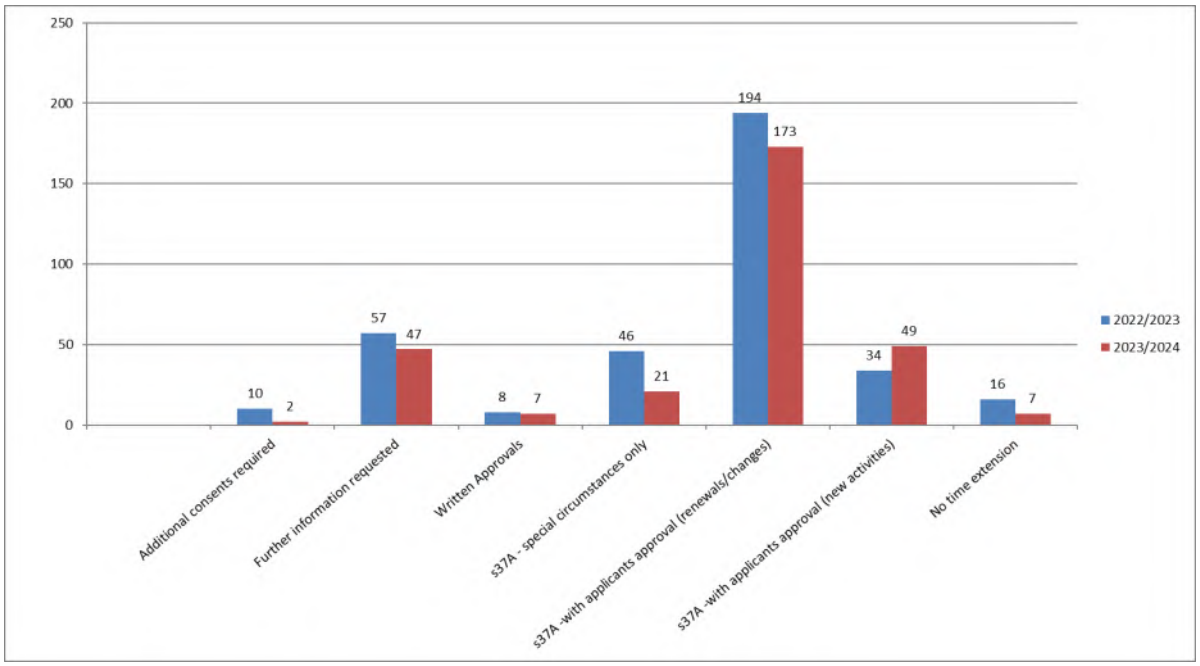
8) Applications received v Decisions made



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

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
Councils	5	0	5
DOC	11	1	12
Environmental/Recreational Groups	4	0	4
Fish & Game	14	1	15
Individuals/Neighbours/Landowners	1	29	30
Network Utilities	5	0	5
Non Govt Organisations	0	0	0
Other Govt Departments	2	0	2
Iwi/hapu	367	11	378
Totals - to 31st March 2024	409	42	451

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



11) Consent type process

	Last 10 year average 2013 - 2022	July 2022 to June 2023	July 2023 to March 2024
Total consents granted	334	307	250
Publically Notified	9	0	0
Limited-notified	8	2	6
Non-notified	318	305	244
Applications submitted on (in opposition and to be heard)	12	2	6
Application Pre-hearing resolution (%)	6 82%	2 100%	6 100%
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	4327

12) Applications returned incomplete under Section 88

For the 2023-2024 financial year, 6 applications have been returned incomplete under S88 of the RMA for insufficient information. Four applications have since been resubmitted and accepted

13) Deemed Permitted Activities issued

Nil

Date: 30 April 2024

Subject: **Consent Monitoring Annual Reports**

Author: H Burchell-Burger, Administration Officer

Approved by: AJ Matthews, Director - Environment Quality

Document: 3263318

Purpose

1. The purpose of this memorandum is to advise the Committee of 10 tailored compliance monitoring reports for the 2022/23 reporting year.

Executive summary

2. Taranaki Regional Council (the Council) considers the regular reporting of comprehensive and well-considered compliance monitoring is vital to undergird:
    - Community standing and reputation enhancement for companies that consistently attain good or high levels of environmental performance. Informed feedback is appropriate and valuable, and assists a proactive alignment of industry's interests with community and Resource Management Act 1991 expectations.
    - A respectful and responsible regard for the Taranaki region's environment and our management of its natural resources. Reporting allows evaluation and demonstration of the overall rate of compliance by sector and by consent holders as a whole, and of trends in the improvement of our environment.
    - The Council's accountability and transparency. Reporting gives validity to investment in monitoring and to assessments of effective intervention.
3. These compliance monitoring reports have been submitted to each consent holder for comment and confirmation of accuracy prior to publication. All reports provide environmental performance and administrative compliance ratings for each consent holder in relation to their activities over the period reported. Recommendations pertaining to each site or programme are set out in the relevant report. These recommendations may include continuation of existing monitoring programmes in the case of acceptable environmental performance, or alternatively amendments as appropriate.
4. There are ten tailored compliance monitoring reports. Within the reports, 23 environmental performance ratings were assigned as 'high', six were 'good', and a further six required improvement.

Table 1 List of annual reports with overall environmental performance rating

Report Name	Environ-mental Performance Rating	Pdf Document Number
23-14 Fonterra Whareroa Monitoring Programme Annual Report 2022-2023	1 imprmt req	3242302
23-15 Mangati Catchment Joint Monitoring Programme Annual Report 2022-2023	11 high 3 good	3244550
23-20 Fonterra Kapuni Monitoring Programme Annual Report 2022-2023	1 high	3213877
23-21 Lower Waiwhakaiho Catchment Monitoring Programme Annual Report 2022-2023	8 high 2 good 3 imprmt req	3213936
23-30 Greenfern Hydro Scheme Monitoring Programme Annual Report 2022-2023	1 imprmt req	3244586
23-50 Ballance Agri-Nutrients Kapuni Ltd Monitoring Programme Annual Report 2022-2023	1 high	3243870
23-51 Silver Fern Farms Waitotara Monitoring Programme Annual Report 2022-2023	1 good	3244394
23-53 Manawa Energy - Mangorei HEP Monitoring Programme Annual Report 2022-2023	1 high	3238513
23-79 Taranaki By-Products Air and Water Monitoring Programme Annual Report 2022-2023	1 imprmt req	3245934
23-86 Irrigation Water Monitoring Programme Annual Report 2022-2023	1 high	3241164

5. For reference, in the 2022/23 year, consent holders were found to achieve a high level of environment performance and compliance for 878 (87%) of a total of 1007 consents monitored through the Taranaki tailored monitoring programmes, while for another 96 (10%) of the consents a good level of environmental performance and compliance was achieved. A further 27 (3%) of consents monitored required improvement in their performance, while the remaining one (<1%) achieved a rating of poor (Table 2).

Table 2 Historical annual environmental and compliance performance ratings from July 2012 to June 2022. Please note that the breakdown of consents that achieved 'Improvement required' or 'Poor' levels of environmental performance and compliance were not reported separately prior to 2017-2018

Year	High	Good	Improvement Required	Poor
2012-2013	59%	35%	6%	
2013-2014	60%	29%	11%	
2014-2015	75%	22%	3%	
2015-2016	71%	24%	5%	
2016-2017	74%	21%	5%	
2017-2018	76%	20%	3%	1%
2018-2019	83%	13%	3%	1%
2019-2020	81%	17%	2%	0%
2020-2021	86%	11%	2.5%	0.5%
2021-2022	88%	10%	2%	<1%
2022-2023	87%	10%	3%	<1%

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

consent holders and the public for over three decades. Copies of individual compliance reports are available on request, or via the Taranaki Regional Council website.

Recommendations

That Taranaki Regional Council:

a) receives the 10 compliance monitoring reports listed in Table 1

b) notes any specific recommendations therein.

Discussion

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

23-14 Fonterra Whareroa Monitoring Programme Annual Report 2022-2023

8. Fonterra Co-operative Group Ltd (Fonterra) operates a dairy processing complex located on Whareroa Road at Hawera, between the Tangahoe catchment and another small unnamed catchment. Fonterra holds a total of 17 resource consents related to activities undertaken at the Whareroa site. These consents allow for the abstraction of water from the Tawhiti Stream and Tangahoe River; the discharge of river silt and sand back to those two streams; the discharge of stormwater to unnamed tributaries of the Tawhiti Stream, the Tangahoe River and an unnamed coastal stream; the discharge of stormwater and sediment to land; the discharge of dairy factory wastewater to the Tasman Sea; the discharge of dairy liquids to land; and the discharge of emissions to air.

9. During the monitoring period, Fonterra Co-operative Group Ltd demonstrated levels of environmental and administrative performance that required improvement.

10. The Council's monitoring programme for the year under review included ten scheduled site inspections; three composite samples from the outfall discharge for inter-laboratory comparison; 30 samples of stormwater pond discharges collected for physicochemical analysis; ten grab samples of the outfall discharge for physicochemical and microbiological analysis; two biomonitoring surveys downstream of the stormwater pond discharge points; one intertidal survey; 30 deposition gauging samples; four nitrogen oxide (NO_x) samples; and auditing of monitoring data collected by Fonterra.

11. The site was generally maintained in a satisfactory condition, with no significant issues noted during inspections.

12. Fonterra was compliant with all water abstraction consent conditions during the year.

13. Monitoring of the three stormwater ponds indicated compliance with consent conditions in both the Tawhiti and unnamed coastal stream discharges. Consent limits were exceeded in three out of ten samples of discharge from the Tangahoe pond, indicating non-compliance with the consent.

14. Biomonitoring found no effects related to the stormwater discharges in the unnamed coastal stream. However, potential effects were observed downstream of the Tawhiti discharge and it was considered that there were localised adverse effects in the unnamed tributary of the Tangahoe Stream downstream of the discharge.

15. The volume of wastewater discharge through the outfall was compliant during the 2022/23 monitoring year. With the exception of one suspended solid result, the concentrations of suspended solids, fat and COD in the wastewater were compliant throughout the monitoring year.

16. No issues were noted in relation to air discharges, with all monitoring indicating consent compliance.

17. One incident occurred during the year which resulted in further action by Council. Routine monitoring identified exceedances of various consented limits in the Tangahoe stormwater pond discharge. Fonterra was asked to provide an explanation for the exceedances. An abatement notice and an infringement notice (fine) was also issued as a result of this non-compliance.

18. Fonterra have not met the deadlines for a number of reports as stipulated in the associated resource consents. Enforcement action may be required to ensure these reports are submitted as agreed upon by Fonterra during the consenting process.
19. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance requires improvement.
20. This report includes recommendations for the 2023/24 year, including a recommendation relating to an optional review of consents 4927-2.0 and 5148-2.0 in June 2024.

23-15 Mangati Catchment Joint Monitoring Programme Annual Report 2022-2023

21. This report is the Annual Report for the period July 2022 to June 2023 by the Taranaki Regional Council (the Council) describing the monitoring programme associated with 14 industries within the catchment of the Mangati Stream, Bell Block.
22. **Overall, a good level of environmental performance was achieved by the consent holders in the industrial area of the Mangati Stream catchment.**
23. The Mangati catchment has, in the past, been heavily utilised for the disposal of stormwater and wastewaters from a large number of industrial sites. As a consequence of inadequate treatment and management of discharges and minimal dilution capacity in the past, the water quality and aquatic ecosystems of the stream were significantly impacted. The Mangati Stream catchment is listed in the Regional Fresh Water Plan for Taranaki (Appendix III) as having been identified for enhancement of natural, ecological and amenity values, and life supporting capacity. The Council has addressed this by requiring consents for discharges from every industrial site within the catchment that has significant potential for contamination. A combined monitoring programme has been implemented by Council to monitor these discharges, and since the 2002/03 year a holistic approach has been applied to the monitoring of abstractions and discharges to all media.
24. During the monitoring period a total of 15 water discharge consents, four air discharge consents, one water take, and one discharge to land consent were held by industries in this catchment. This report covers the results and findings during this monitoring period for these 21 consents, which contain a total of 221 special conditions that the consent holders must satisfy. It represents the 26th report produced by Council to cover water discharges by industries within the catchment and their effects, and is the 16th combined report to cover abstractions and discharges to all media.
25. Monitoring during the year under review included 39 site inspections, discussions with site operators over site management, 50 discharge samples and receiving water samples, 16 macroinvertebrate samples, and several odour surveys.
26. Historically, chemical and biological monitoring results for the Mangati catchment have shown there to be a two-stage reduction in water quality, one below the main stormwater outlet from Tegel Foods poultry processing plant, the other below the industrial drain which joins the stream at the main highway.
27. Receiving water monitoring results for the year were generally in line with historical ranges. However, as occasionally noted in recent years, the water tends to be of a lesser quality mid-catchment due to the increase or decrease of some parameters (suspended solids, biological oxygen demand, nitrate, ammoniacal nitrogen, dissolved oxygen).
28. During the period under review, the instream dissolved zinc and copper concentrations met the appropriate USEPA acute or chronic exposure guidelines in all six samples. None of the instream samples taken during the period under review exceeded the 0.025 g/m^3 Regional Fresh Water Plan unionised ammonia guideline, or the 0.9 g/m^3 total ammonia national guideline.
29. A total of five fish species were identified during the fish survey conducted at three different sites in the Mangati catchment. The results indicates that there is a decrease of fish numbers upstream of the

Mangati catchment. Compared to the last four fish surveys, the fish abundance is decreasing over the catchment, species richness is constant at two sites and increases at the upstream site.

30. Overall, the results of the survey indicated that macroinvertebrate health was generally 'poor' for the surveyed sites in the Mangati Stream. Additionally, there was likely to have been discharge(s) below site A3 that have had a significant negative impact on the macroinvertebrate communities present in the Mangati Stream.
31. There were three non-compliances and one incident recorded in the Mangati catchment during the period under review which related to the consented companies monitored under this catchment programme.
32. During the year, First Gas Limited, Greymouth Petroleum Acquisition Company Limited, J Swap Contractors Limited, MOVe Freight Limited, NPDC, Nexans New Zealand Limited, OMV New Zealand Limited, Schlumberger New Zealand Limited, Tasman Oil Tools Limited, Tegel Foods Limited (Poultry Processing), and W Abraham Limited all demonstrated a **high** level of environmental and administrative performance with their resource consents.
33. Barton Holdings Limited, McKechnie Aluminium Solutions Limited, Tegel Foods Limited (Feedmill) demonstrated a **good** level of environmental and a **high** level of administrative performance and compliance with their resource consents.
34. In terms of overall environmental and compliance performance by the consent holders over the last several years, this report shows that overall the consent holders' performance at a good level in the year under review.
35. This report includes recommendations for the 2023/24 year.

23-20 Fonterra Kapuni Monitoring Programme Annual Report 2022-2023

36. Fonterra Limited (the Company) operates a lactose manufacturing factory plant located on Manaia Road at Kapuni, in the Kaupokonui catchment. The plant processes milk and whey permeate from dairy product manufacture around the North Island. There is also an inhalation grade lactose plant on the site operated by DFE Pharma (DFE plant), with stormwater discharges from the areas around this activity combined with those of the lactose plant under consents held by the Company. Wastewater from the factory site is disposed of by irrigation onto land on two nearby farms.
37. **During the monitoring period, the Company demonstrated a high level of environmental and administrative performance.**
38. During the year under review the Company held 16 resource consents, which included a total of 141 conditions setting out the requirements that the Company must satisfy. These included two consents to allow the take and use of water, five consents to discharge stormwater and/or cooling water into the Kaupokonui and Motumate Streams, four consents to discharge wastes to land, four land use consents, and one consent to discharge emissions into the air at this site.
39. The Council's monitoring programme for the period under review included 6 inspections, 145 water samples from groundwater, streams and discharges that were collected for physicochemical analysis, two macroinvertebrate surveys of receiving waters, one deposition gauge survey, continuous in-stream temperature monitoring at two sites downstream of the site, flow recording in the Kaupokonui Stream, evaluation of the progress of riparian plans that are eligible for funding provided by financial contributions from the Company, and review of data provided by the Company.
40. Cooling water discharge volume metering had been introduced at the site as per the agreement between the Council and the Company, in relation to assessment of the consumptive nature of the take and future water allocation for the Kaupokonui Stream. Telemetry of abstraction from and discharge to the stream was also installed. The provision of data was satisfactory. Data recorded indicated there was little, if any, consumptive use outside the ± 10% cumulative measurement error of the metering devices. However, it is noted that this is excluding losses that may be occurring as the

cooling water is discharged via the spray nozzles. The maximum daily abstraction was 76% of the permitted daily take, with the maximum abstraction rate being up to 80% of the maximum permitted take for 99% of the time.

41. Physicochemical and ecological monitoring did not note any significant environmental effects in regard to the abstraction of water from the Kaupokonui Stream for cooling water and general purposes, from site discharges to the Kaupokonui Stream, or in the Waiokura or Motumate Streams from the discharges of wastewater to land on the Company's farms. It is noted that the removal of the Glenn Road weir is likely to result in a significant change in the fish community composition that will be able to access the potential fish barriers present in the reach of stream that influenced by the Company's activities. Consultation is on-going regarding the improvements that will need to be made to the weir and fish pass as the fish communities re-establish in the vicinity of the Company's site. At the time of writing this report, the Company had consulted Council on proposed works to repair the weir. Further refinements of the plan are required prior to implementation.
42. Temperature increase limits in the consent permitting cooling water discharges to the Kaupokonui Stream were complied with throughout the year under review. To aid with understanding the management of the cooling water system in the light of the pending consent replacements it is noted that the main cooling system was replaced in August 2015 with the system designed to ensure that the temperature differential and downstream temperature limits would be complied with. From November 2018 until part way through the 2019-2020 year, the Company ran the cooling system at the maximum cooling capacity. This resulted in the discharge temperature being significantly reduced, with a measurable reduction in the instream temperature differential. The reduced discharge temperature would have also minimised the potential for a thermal barrier to fish within the mixing zone. During the 2019 to 2022 years, further structural and operational changes were made to the cooling water discharge system that ensures that the temperature differential restrictions on the consent were being met, whilst enabling the Company to operate the system in the most energy efficient and cost effective way. This more energy efficient operation of the cooling tower during the year under review has continued to result in an improvement when compared to the operation of the cooling system prior to November 2018. However, the temperature of the cooling water was increased when compared to the latter part of the 2018-2019 year, and there was loss of some of the gains that had been made in terms of the significant reduction in temperature within the mixing zone under the operating conditions adopted in the second half of the 2018-2019 year.
43. Irrigation of the factory wastewater and dairy shed effluent onto the farms was generally well managed during the year under review. Although there were no non-compliances related to the daily volume limits on the irrigation consents, there were nine occasions on which the irrigation event limit in the Company's irrigation management plan were exceeded. There were also three wastewater pipeline failures on the Farms notified to Council during the year under review. There was a 22% increase in the median nitrogen concentration of the factory wastewater due to an increase in the mineral concentration in the permeates being received for processing at the site. As a result, nitrogen application rates increased markedly. The nitrogen application rates ranged from 102 to 704 kg/ha/year. The average application rates, including the dairy shed effluent, were 452, 545 and 529 kg/ha/year on Farms 1, 2 and 3 respectively. No effects were found on the receiving waters from irrigation during the inspections, sampling or biological monitoring of the Kaupokonui, Motumate and Waiokura Streams. The Company is investigating options to reduce the nitrogen application rates at the Company's farms. There were three unauthorised discharges to land from the irrigation system during the year under review that were as a result of pipeline failures. No enforcement action was taken as the Company's contingency measures were effective and there were no significant adverse effects as a result of any of the discharges. It was also determined that the Company had a statutory defence.

44. Effects on the groundwater in the vicinity of the farms were varied, but most showed an impact on both mineral and organic component levels. This had been addressed through extension of the irrigation disposal system in 2007/08, and by more intensive wastewater and groundwater monitoring. In the 2021/22 and 2022/23 years, there was a higher nitrogen load applied to the paddocks than has been the case since the extension of the irrigation system. The annual median of results for the Farm 2 impact bore GND0638 was again above the drinking water standard for nitrate-N in the year under review. Although the nitrogen loadings on the paddock in which this bore is located was below average, the two paddocks up gradient of this bore annual nitrogen loads of over 600 kg/ha/year applied. Bores GND0639 and GND0641 also had annul median nitrogen concentrations that were above the drinking water standard. Whilst GDN0639 is located in a paddock that also received an above average nitrogen application rate at 693 kgN/ha/y, the paddocks up gradient of GND0641 received below average nitrogen application rates.
45. The up-gradient bore on Farm 2 continued to show elevations in groundwater nitrate-N concentrations that were in excess of the drinking water standard. This is still to be explained after suitable investigation, with the anticipation that this will be a requirement of the renewed consent.
46. Stormwater from the site continued to be diverted to containment ponds, with the stormwater batch released after quality checks. Stormwater discharge samples were not collected during the year under review as the ponds were empty or at a low level at the time of the site inspection. However, a low flow discharge that was flowing from the southern stormwater pond at the time of one of the inspections was sampled. It was found that the pH was outside the permitted range and that the biochemical oxygen demand was elevated. Subsequent investigations by the Company identified that the stop valve was not able to close due to debris in the valve. The debris was removed and the valve was then able to close and stem the flow. In terms of the stormwater discharges, the Company forwarded a copy of the stormwater logs to the Council and the ponds were only discharged when the quality of the stormwater was satisfactory. The Company also checked the visual quality of the Kaupokonui Stream during the discharges and no adverse effects were found.
47. The lactose deposition rates recorded at four of the five monitoring sites were above their respective historical medians, with the guideline exceeded at sites three of those sites. However, no complaints were received by Council in relation to deposited particulates during the year under review. Inspections also found no evidence of depositions. No odours were noted off site during the year under review. Annual isokinetic stack sampling contracted by the Company found that the particulate emission rate of the flash dryer complied with the limit on the consent.
48. During the year, the Company generally demonstrated a high level of environmental and administrative performance with their resource consents. However, an improvement is required in the management of the Company's activities in relation to the discharge of wastewater to land. The quantity of nitrogen and nitrogen application rates applied to land under consents 0922 and 0923 has continued to increase each year for the last four years. There were also a small number of exceedances of the irrigation event hydraulic load limits given in the Company's Whole Farm Management Plan. Monitoring indicates that there are elevations in the nitrate concentration in the groundwater at the site as a result of the irrigation activities. The Company has reviewed the management of nutrients at the site. Short term mitigation measures are being put in place, with further medium terms solutions being planned. These include the construction of a wastewater treatment plant on the Farm 1 site. Regular progress meetings are being held between the Company and the Council.
49. This report includes recommendations for the 2023/24 year.

23-21 Lower Waiwhakaiho Catchment Monitoring Programme Annual Report 2022-2023

50. The Lower Waiwhakaiho River catchment monitoring programme addresses discharges by several consent holders in the Fitzroy area of New Plymouth. This report covers the period July 2022 to June 2023, and is the 30th report for this combined monitoring programme.
51. **During the monitoring period, the companies demonstrated an overall good level of environmental performance and a high level of administrative performance.**
52. The Waiwhakaiho River catchment is significant for the Taranaki region. It is used for domestic, agricultural and industrial water supply, hydroelectric power generation, recreational purposes, and waste assimilation. It is also important to local hapū. Because of the pressure on the river, the Council adopted a water management plan for the river in September 1991.
53. During the 2022/23 monitoring period a total of 19 consents were held by the 13 industries monitored under this programme. These consents allowed the discharge of wastewater, stormwater and/or leachate from the industrial area at Fitzroy, New Plymouth to the lower Waiwhakaiho River and Mangaone Stream, or to land in the lower Waiwhakaiho and Mangaone Stream catchments. The activities and impacts of the consent holders upon water quality are discussed, as is the extent of their compliance with their permits, and their overall environmental performance. There is a separate report covering emissions to air within the catchment.
54. The monitoring programme included 32 site inspections, 72 samples of discharges, groundwater and receiving waters, and two biomonitoring surveys of the Waiwhakaiho River and Mangaone Stream.
55. Biomonitoring surveys undertaken during the monitoring period indicated that discharges from the industrial area can contribute to deterioration in macroinvertebrate community health in a downstream direction in the lower Waiwhakaiho River, including below the Mangaone Stream confluence. The Mangaone Stream also had a significant decline in macroinvertebrate indices in the middle reaches, which may be due in part to chronic pollution from historic sites. However, results suggest that a more recent and local discharge may be contributing to the deterioration noted.
56. There continued to be evidence of some nutrient enrichment occurring in the lower Mangaone Stream. This was most likely to have been caused by inputs from various sites in the middle reaches. Also noted is the persistence of nutrient contamination in the groundwater surrounding the old Ravensdown site. In addition, there was the introduction of discharges from the new Ravensdown site which have in the past been found to be non-compliant in regard to ammoniacal nitrogen.
57. Low levels of light organic solvent preservative (LOSP) chemicals Propiconazole and Tebuconazole were detected in the Mangaone Stream downstream of Taranaki Sawmills Ltd during a wet weather survey. However, levels of these chemicals were similar to concentrations detected historically.
58. Monitoring of groundwater and leachate in relation to the old landfill area off Bewley Road showed pH level was outside consent limits at one monitoring bores. Other parameters tested were within consent limits at the time of sampling.
59. There was one unauthorised incident recorded that which resulted in further enforcement action, including one abatement notices being issued.
60. Dialog Fitzroy, Downer EDI Works Ltd (Rifle Range Road), Firth Industries Ltd (Clemow Road), Enviro NZ, KiwiRail Holdings Ltd/New Zealand Railways Corporation Ltd, Taranaki Sawmills Ltd, Urban Aspect Limited and Waste Management NZ Ltd all demonstrated a **high** level of environmental and administrative performance and compliance with their resource consents. Ongoing issues with sediment loading in stormwater discharges at the Firth Industries site have been addressed. Recent works to remediate zinc at the Taranaki Sawmills site have successfully reduced levels in stormwater discharges.
61. New Plymouth District Council and Technix Group Ltd both demonstrated a **good** level of environmental performance and **high** level of administrative performance and compliance with their

resource consents. Further work relating to monitoring of NPDC may be required to understand chemical fluctuations, and subsequent consent limit exceedances, in leachate discharge to groundwater and surface water in the area.

62. During the period under review, Devon 662 Limited Partnership and Ravensdown Fertiliser both demonstrated a level of environmental performance that **required improvement** and a **high** level of administrative performance and compliance. Groundwater monitoring relating to the Devon 662 site continues to show the likelihood of fugitive historical fertiliser discharges from the former storage depot.
63. During the period under review, AML Ltd demonstrated a level of environmental and administrative performance and compliance that **required improvement** with their resource consent.
64. This report includes recommendations for the 2023/24 year.

23-30 Greenfern Hydro Scheme Monitoring Programme Annual Report 2022-2023

65. Greenfern Industries Ltd (the Company) operates a hydroelectric power station located on Normanby Road at Okaiawa, in the Waingongoro catchment. Utilising an existing weir across the Waingongoro River and tunnel under Normanby Road, water is diverted for electricity generation. The station is located approximately 3.2 km downstream of the weir, but due to the tight meander, these structures are located only 90 m apart.
66. **During the monitoring period, Greenfern Industries Limited demonstrated an overall level of environmental and administrative performance that required improvement, while acknowledging that significant works and investment in infrastructure was undertaken by the new operator within the first year of management.**
67. The Company holds three resource consents, which include a total of 41 conditions setting out the requirements that the Company must satisfy. The Company holds two consents to allow it to take and use water and to dam the Waingongoro River and one consent to use and maintain a weir and ancillary structures in the Waingongoro River. This is the second year the scheme has been under management by Greenfern Industries Limited, with the scheme being inoperative since the 2016-2017 monitoring year (during which time consents were held by other parties).
68. The Council's monitoring programme for the year under review included two compliance monitoring inspections of the site and four hydrological monitoring inspections. In addition, data collected by the Company was received and audited, while data collected by the Council upstream and downstream of the station was also assessed.
69. Although improved from the previous monitoring year, the management of the various consents related to the scheme ranged from good to improvement required. There has been minimal progress in implementing a number of the consent requirements, including upgrading the fish pass, monitoring the effects of the scheme on the residual flow reach, and organising a community meeting. A full year's record of abstraction and flow data was provided by the Company, with no major issues relating to water takes and flow requirements having occurred.
70. Due to the previous Company's performance during the 2016-2017 period, coupled with the fact that it followed on from a similar performance in the 2015-2016 period, a significant investigation and enforcement action was undertaken in 2017 by the Council. This culminated in the Environment Court issuing an enforcement order against the Company in November 2017. This Enforcement Order is still in place and has not been complied with to date. An application to modify consent conditions to comply with the Enforcement Order was lodged in November 2022. No further enforcement action was required in the 2022/23 period.
71. In terms of overall environmental and compliance performance by the consent holder, this report shows that the consent holder's performance remains at a level that requires improvement.
72. This report includes recommendations for the 2023/24 year.

23-50 Ballance Agri-Nutrients Kapuni Ltd Monitoring Programme Annual Report 2022-2023

73. Ballance Agri-Nutrients (Kapuni) Ltd (the Company) operates an ammonia urea manufacturing plant located near Kapuni, in the Kapuni Stream catchment.

74. During the monitoring period, Ballance Agri-Nutrients Ltd demonstrated an overall high level of environmental and administrative performance.

75. The Company holds seven resource consents, which include a total of 74 conditions setting out the requirements that the Company must satisfy. The Company holds resource consents to allow it to take water from the Waingongoro River, the Kapuni Stream and from groundwater; to discharge to land, to the Kapuni Stream and an unnamed tributary of the Kapuni Stream; and to discharge emissions into the air.

76. The Company and the Council monitor the exercise of the resource consents. The monitoring programme includes site inspections, sampling of effluent, air emissions, discharge and receiving waters (both ground and surface) for physicochemical analysis, and biological surveys of streams. Particular attention is paid to the management of the irrigation disposal system, and its effects on groundwater quality.

77. The Council's monitoring programme included four inspections, physicochemical analysis of two stream samples, one stormwater/discharge sample, two effluent grab samples, two composite effluent samples, two groundwater samples and one air depositional gauging.

78. Abstraction volumes from Waingongoro River complied with the consent limit. A contribution of $300,000 ($30,000/year for 10 years) towards riparian planting and management in Waingongoro catchment has now been completed, there continue to be landowners receiving funding for riparian plants and planting.

79. The groundwater monitoring indicates the presence of elevated total nitrogen concentrations in shallow groundwater. This is in part a result of heavy applications of nitrogen (effluent) early in the life of the plant. Current effluent application is considerably lower than historic application rates. However, nitrate concentrations in the soil profile underneath the irrigation areas and in the tributaries flowing through or adjacent to the site remain elevated.

80. A narrow but concentrated plume of ammonia is present in the groundwater resulting from previous leaks in a finished effluent catch basin. This basin has since been repaired. A second more recent and more concentrated ammonia plume extends from the plant area. Both plumes have pump and treatment systems operating, with the contaminated groundwater pumped back through the plant and waste treatment system. Both plumes are closely monitored and neither plume extends beyond the boundary of the Company's site. However, during 2020 concentrations in one monitoring bore (but not other down-gradient bores in close proximity) showed a large increase in total nitrogen. Concentrations in this bore have declined since the peak in 2020, and even further during this monitoring period. It is important that monitoring continues because levels remain elevated.

81. Monitoring of the Kapuni Stream through testing for nitrogen as well as biomonitoring involving macroinvertebrate and fish surveys did not detect any detrimental impact on the stream health caused by discharges from the Company's site.

82. Air monitoring of the site and the neighbourhood shows no significant impact on the surrounding environment in relation to the operation of the ammonia urea plant.

83. During the monitoring period, no unauthorised incidents were identified, or reported to the Council.

84. Overall, during the period under review, the Company demonstrated a high level of environmental performance and a high level of administrative performance with its resource consents.

85. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a high level.
86. This report includes recommendations for the 2023/24 year.

23-51 Silver Fern Farms Waitotara Monitoring Programme Annual Report 2022-2023

87. Silver Fern Farms Ltd (the Company) operates a meat processing plant located on Wai-inu Beach Road, Waitōtara in the Waitōtara catchment. This report, for the period 1 October 2022 to 30 September 2023 coincides with the processing season.
88. **During the monitoring period, the Company demonstrated a good level of environmental performance, and improvement was required in their administrative performance.**
89. The Company holds five resource consents, which include a total of 51 conditions setting out the requirements that they must satisfy. Resource consents allow the take and use groundwater and spring water, discharge of wastes by spray irrigation to land, discharge of stormwater and cooling water to an unnamed tributary of the Waitōtara River, and the discharge of emissions to air. A review of the consent for the discharge of wastewater to land (consent 2260-3) was initiated in June 2022 as per the recommendations of the 2020-2021 Annual Report. The processing of the review was on-going during the 2022/23 year.
90. The Council's monitoring programme for the year under review included four inspections, and the collection of four wastewater and 28 groundwater samples for physicochemical analysis. The Company supplied records of their own monitoring, as well as records of the volume of water abstracted and the volume of wastewater discharged.
91. No breaches of the daily abstraction limits were recorded during the monitoring period. There were several very short exceedances in the groundwater abstraction rate that were above the permitted measurement error of the metering devices. The abstraction rate from the spring complied with consent limits in the year under review. It was confirmed that the groundwater level monitoring systems at the site could not provide the required degree of accuracy. No enforcement action has been taken as both the Company and the Council have been affected by problems with the monitoring, recording and/or telemetry equipment in recent years. The Council is working with the Company to bring about the necessary improvements. The Council is also continuing to work with the Company to ensure that adequate validation and/or verification procedures are in place. This is to ensure that the accuracy of the groundwater level measuring devices are compliant with the requirements of the groundwater abstraction consent.
92. There were no issues found in relation to the discharges to air from either the plant site or the irrigation activities.
93. There was blockage of a wastewater pipe that resulted in an unauthorised discharge of wastewater from the site that reached surface water. The Company undertook sampling as per the contingency plan and provided evidence to Council that there was no significant adverse effects as a result of the spill, and that the contingency plan in place for the site was followed.
94. During the year, the Company demonstrated an overall good level of environmental performance and an improvement was required in the administrative performance with the resource consents. The Council is continuing to work with the Company to ensure that appropriate and sustainable abstraction records and level recordings are maintained and provided to Council, and that the irrigation management plan includes the required information such that it can be certified by Council. The review of consent 2260-3.1 was initiated to ensure that the conditions are adequate to deal with any adverse effects (including potential effects) on the environment arising from the exercise of this consent. This review was initiated due to the elevated nitrate concentrations found in the vicinity of the Longview Farm irrigation area. Agreement is still to be reached on consent conditions.

95. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a good level.
96. This report includes recommendations for the 2023/24 year.

23-53 Manawa Energy - Mangorei HEP Monitoring Programme Annual Report 2022-2023

97. Manawa Energy Ltd (the Company) operates the Mangorei Hydroelectric Power (HEP) scheme in the Waiwhakaiho River catchment to the south of New Plymouth. The Company diverts water from the Waiwhakaiho River into Lake Mangamāhoe, from where it is directed through penstocks to the Mangorei Power Station, located on Hydro Road. The water is returned to the Waiwhakaiho River at the Meeting of the Waters, six kilometres downstream of the original diversion.
98. **During the monitoring period, the Company demonstrated an overall high level of environmental and high administrative performance.**
99. The Company holds seven resource consents, which include a total of 35 conditions setting out the requirements that the Company must satisfy. The Company holds three consents to allow it to divert, use and discharge water and four consents for various structures, including to dam the Mangamāhoe Stream, the Waiwhakaiho River intake weir, and an access culvert related to this site. One consent expired in June 2020, and the other six expired in June 2021. The Company has submitted an application to renew all of these consents except for one which has now been withdrawn. The Company continues to exercise these six consents under the protection of section 124 of the Resource Management Act 1991.
100. The Council's monitoring programme for the year under review included 12 hydrological inspections, which included a gauging of the residual flow on each occasion, two macroinvertebrate surveys, the auditing of data provided by the Company, and water temperature monitoring of the Waiwhakaiho River.
101. Gauging of the residual flow recorded a compliant flow on all occasions except for one, which was determined to be due to environmental factors affecting the residual flow measurement. During two inspections it was found that the fish passage was blocked, this was rectified and determined compliant once the Company was issued with a 14-day letter. Inspections found all other aspects of the scheme were in good order. Data provided by the Company showed good compliance with lake level restrictions and residual flow requirements, and the requirement to generate at least 950 L/s during the day to provide adequate flow downstream of the scheme.
102. The number of elvers transferred from the Mangorei Power Station to the Waiwhakaiho River during the period under review was quite high in comparison to previous records. Downstream migratory adult eel passage was also provided by the Company by manual trapping and transfer. A total of 22 adult eels were transferred in the reported period.
103. The macroinvertebrate survey results varied between the two surveys carried out in January and April 2023. Based on both sets of survey results for this monitoring period, there is evidence that the Mangorei HEPS water abstraction can influence the macroinvertebrate community health in the Waiwhakaiho River, but that the degree of this influence was markedly reduced by late summer 2023.
104. During this monitoring period, water temperatures in the residual reach did not present excessive levels for any extended period, although there is a clear relationship between the activity and increased water temperatures. Water temperature results indicated a typical change in water temperature in a downstream direction attributable to the HEPS. This monitoring continues to demonstrate how the variability in diurnal ranges and climatic conditions can influence temperatures within the river at any given period.
105. During the year, the Company demonstrated a high level of environmental and administrative performance with the resource consents related to the Mangorei HEP scheme.

106. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance has remained at a high level.

107. This report includes recommendations for the 2023/24 year.

23-79 Taranaki By-Products Air and Water Monitoring Programme Annual Report 2022-2023

108. Taranaki By-Products Ltd (TBP) operates an animal rendering plant located on Kohiti Road, Okaiawa in the Inaha Stream catchment and in the rohe of Ngāruahine. Raw material from animal processing plants and fallen farm stock are received at the plant and processed into a range of products. Taranaki Bio-Extracts Ltd (TBE) is co-located at the site and manufactures edible food products from raw material (mainly bone) from the TBP plant.

109. Taranaki By-Products holds 10 resource consents which include a total of 127 conditions setting out minimum requirements to avoid or minimise adverse effects on the environment. The suite of consents authorise the discharge of contaminants to land, water, and air from a range of activities on the site.

110. Based on monitoring during the 2022/23 monitoring year improvements are required with respect to environmental and administrative performance.

111. The rebuild of the processing building and associated infrastructure following fire damage in December 2021 was mostly completed during this monitoring year, and the plant returned to maximum production capacity.

112. The compliance inspections and monitoring for this period concluded that the site was generally compliant with its resource consent conditions, and the consent holder's environmental performance remains good compared to previous years. However, several aspects of the operation require attention to maintain or improve environmental performance. In particular, cleanliness around areas which drain to the stormwater network and into the firewater pond.

113. Discharges of odour to air from the process building and burial pits continue to extend beyond the boundary of the site, and impact the community as evidenced by comments during the community liaison meetings and nine formal complaints to Council. None of the odour complaints were deemed to be offensive or objectionable by the Council. The majority of incidents were related to the disposal of animal waste into the burial pits. The volume of waste disposed of increased due to the shutdown of another North Island rendering plant which was damaged during Cyclone Gabrielle in February 2023, and the discovery of an historic burial pit during construction of the new carpark. Odour management must continue to be a high priority for TBP, and the current management measures should be followed and reviewed regularly to ensure odour discharges are minimised as far as practicable. Ongoing repairs and upgrades of the building and biofilter beds will likely reduce odour from the processing building, and improve air quality for the community in the near future.

114. Water quality monitoring of Pond 6 identified exceedances of consent limits for dissolved oxygen and the sodium absorption ratio. Analyses of samples from the stormwater treatment system noted high suspended sediment concentrations. Discharges of treated wastewater into the Inaha Stream complied with the relevant consent conditions, and did not appear to have adverse effects beyond those provided for by the resource consents. Biological monitoring of the Inaha Stream and tributaries did not indicate any recent significant impacts from TBP operations. Most sampling locations received the same or improved health rating for the macroinvertebrate community compared to the previous year, with most rated as fair, good or very good. The biomonitoring report concluded that discharges to the Inaha Stream during the monitoring period were not likely to be having a significant adverse effect on the community of organisms. Sampling of the groundwater wells in the irrigation areas indicated that irrigation of wastewater to paddocks is resulting in low but increasing levels of nitrogen.

115. This report includes recommends that the 2023/24 monitoring programme continue at the same level as the 2022/23 year. It also recommends that TBP prioritise a review of all management plans which

guide the operation of the site to minimise adverse effects on the environment from the site's discharges.

23-86 Irrigation Water Monitoring Programme Annual Report 2022-2023

116. This report for the period July 2022 to June 2023 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the environmental and consent compliance performance of irrigation consent holders across the Taranaki region. The assessment covers resource consents held for pastoral, horticultural and golf course irrigation. This is the 20th Annual Report issued by the Council to report on compliance monitoring programmes for consents authorising the abstraction of freshwater for irrigation purposes in Taranaki.

117. During the monitoring period, the irrigation consent holders demonstrated a high level of environmental and administrative performance.

118. At 30 June 2023, a total of 63 resource consents to take and use freshwater for irrigation purposes were registered in the Council's database. Of these, 46 were for pasture irrigation, 7 for horticultural activities and 10 for recreational purposes (golf clubs). Fifty-one of these consents authorised abstraction of surface water (81%) and 12 from groundwater sources (19%).

119. The Council's monitoring of irrigation water permits comprises a range of components including site inspections, the collection and assessment of abstraction data, residual flow monitoring, water quality analysis, data review and compliance assessments. The specific range of monitoring carried out for each consent is dictated by the water source, weather and flow conditions, and system design.

120. A total of 45 irrigation consents were exercised during the 2022/23 monitoring year, with irrigation commencing in late October and concluding in mid-April across the region. Rainfall recorded at the Council's monitoring locations over the summer irrigation period ranged between 109% and 163% of historical mean values. Due to the higher rainfall, irrigation demand was lower with a total water usage of 4,063 ML during the 2022/23 season. This was lower than the preceding monitoring year, which recorded 6,960 ML.

121. The Council carried out compliance monitoring inspections at all active irrigation sites. Compliance with residual flow conditions for surface water abstractions was assessed by the Council on 42 separate occasions, across 24 waterways. Consent holder performance for the year was assessed based on compliance with their authorised abstraction rates/volumes, maintenance of minimum residual flows, provision of abstraction records and all other general conditions of their consent(s).

122. Monitoring found the majority of takes being well managed and operating within relevant consent conditions. The Council recorded three incidents in relation to irrigation consents over this period, with all non-compliances deemed sufficiently minor not to warrant further action from Council. The overall rate of non-compliance across all exercised consents was 7%, which was the same as that seen during the 2021/22 period.

123. In terms of overall environmental and compliance performance by the irrigation water consent holder's over the last several years, this report shows that consent holder performance remains at a high level in the year under review.

124. This report includes recommendations for the 2023/24 year.

Financial considerations—LTP/Annual Plan

125. 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

126. 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

127. 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.

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

Community considerations

129. 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

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

Date: 30 April 2024

Subject: **Incidents, Compliance Monitoring Non-Compliances and Enforcement Summary – 1 March 2024 to 11 April 2024**

Author: M Churchill, Enforcement and Compliance Coordinator

Approved by: A D McLay, Director - Resource Management

Document: 3265385

Purpose

1. The purpose of this memorandum is to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 1 March 2024 to 11 April 2024.

Executive summary

Incidents

2. There are forty nine (49) incidents reported.
3. Twenty seven (27) of the incidents were found to be compliant and twenty two (22) were found to be non-compliant. Eleven (11) 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-compliance

4. There are nine (9) compliance-monitoring non-compliances reported. Seven (7) of the compliance monitoring non-compliances reported are updates from previous periods.
5. Three (3) of the non-compliances reported are as a result of the annual dairy inspection round.

Recommendations

That Taranaki Regional Council:

a) receives this memorandum Incident, Compliance Monitoring Non-Compliances and Enforcement Summary – 1 March 2024 to 11 April 2024

b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 1 March 2024 to 11 April 2024

c) notes the action taken by staff acting under delegated authority

d) adopts the recommendations therein.

Background

6. 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.
7. We receive and respond 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 through the Consents and Regulatory Committee via the Incidents, Compliance Monitoring Non-compliances and Enforcement Report or the Annual Compliance Monitoring Reports.
8. Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 1 March 2024 to 11 April 2024.
9. Staff have been delegated to undertake enforcement actions. The enforcement policy and procedures are consistently implemented and reported on.

Disclosure Restrictions

10. The incident register information presentation was reviewed in 2014-2015 to increase reader understanding in this complex area. The first section addresses compliant incidents and can be publicly discussed. The second section provides an update on non-compliant incidents from previous meetings and where an incident has been resolved it can be publicly discussed. The third and fourth sections provide information on non-compliant incidents and non-compliances found during compliance monitoring during the period that are still under investigation and staff are limited in terms of public disclosure of information, while the investigation is ongoing and enforcement responses have not been determined. The incident flow chart and definition of terms provide further operational detail.

Discussion

11. We respond to complaints received generally within four hours. This usually involves a site visit. Responses to complaints and non-compliances with rules in 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 and for prosecutions a detailed report will be provided for information purposes, in the confidential section of the agenda.
12. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 1 March 2024 to 11 April 2024 is attached. The 'compliant' incidents are presented first in a table and the 'non-compliant' incidents are presented after in a more detailed summary, followed by the compliance monitoring non-compliances.
13. Generally, incidents in the ‘compliant’ table have a recommendation of ‘no further action’. However, an incident is considered ‘compliant’ until such time as a non-compliance is found. Therefore, occasionally an incident in the ‘compliant’ table will have a recommendation of ‘investigation continuing’, if an ongoing investigation is still underway to confirm compliance.
14. A series of graphs are also attached comparing the number of incidents between 2016/17 and 2021/22, and also showing how the incidents are tracking in 2021/22 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 2021/22.

15. The data in the graphs for 2021/22 to date is showing that there are more incidents but less compliance monitoring non-compliances. Although in the first month of this period, there is limited data.

Decision-making considerations

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

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

19. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

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

Legal considerations

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

Appendices/Attachments

Document 1081324: Incident flowchart and terms explained

Document 3265378: Incident and Enforcement Graphs to 11 April 2024

Document 3265479: Incidents, Compliance Monitoring and Enforcement 1 March to 11 April 2024

Incident flow chart

Doc # 1081324

Origin/notification
Complaint
Self-notification
Third party notification
TRC Staff monitoring
TRC Staff notification

Entered in Incident Register

Investigation:
Field inspection
Conversation with consent holder
Assessment of monitoring data
Gathering information/evidence

Entered in IRIS database

Intervention:
May issue an abatement notice for something that is likely to have an adverse effect (s17 RMA) but is currently compliant

Compliant

Action(s) taken include:
Abatement Notice (intervention)
Consent application
Consent change required
Inspection - no inspection notice issued
Inspection – inspection notice issued
Meeting with Company
None
Not substantiated
Phone call
Referral to appropriate authority

Recommendations to Council:
Investigation continuing
No further action
No further action at this stage

Compliant Report to Council
Summary in a table of:
Date
Incident/Job number
Incident type
Source/origin
Alleged responsible party
Consent Number
Action taken
Recommendation

Non-compliant

Action(s) taken include:
Abatement Notice
Consent application
Consent change required
Inspection - no inspection notice issued
Inspection – inspection notice issued
Infringement Notice
Interim enforcement order
Enforcement order
Meeting with Company
No enforcement action – statutory defence
No enforcement action – insufficient evidence
Phone call
Referral to appropriate authority

Recommendations to Council:
Investigation continuing
No further action
No further action/costs recovered
No further action at this stage
No further action at this stage/costs recovered
See separate report

Non-compliant Report to Council
Summary in a table of:
Date
Incident/Job number
Incident type
Source/origin
Alleged responsible party
Consent Number
Action taken
Recommendation
Comments/summary paragraph

Terms explained

Compliance rating

Compliant	After investigation the incident was found to be compliant 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 non-compliant 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	An inspection was undertaken, however no inspection notice was issued as

issued	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).

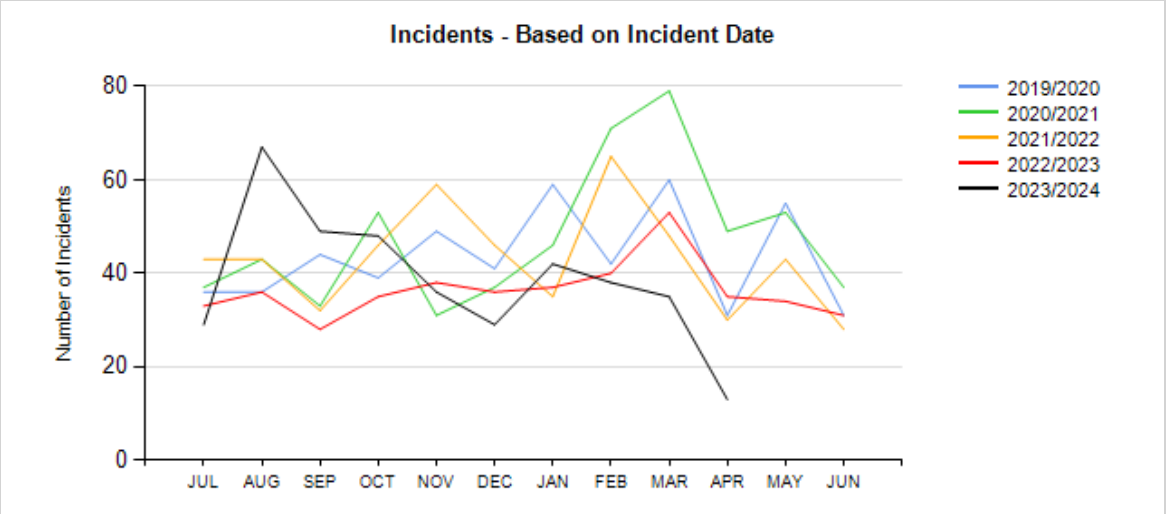
Recommendations to Council

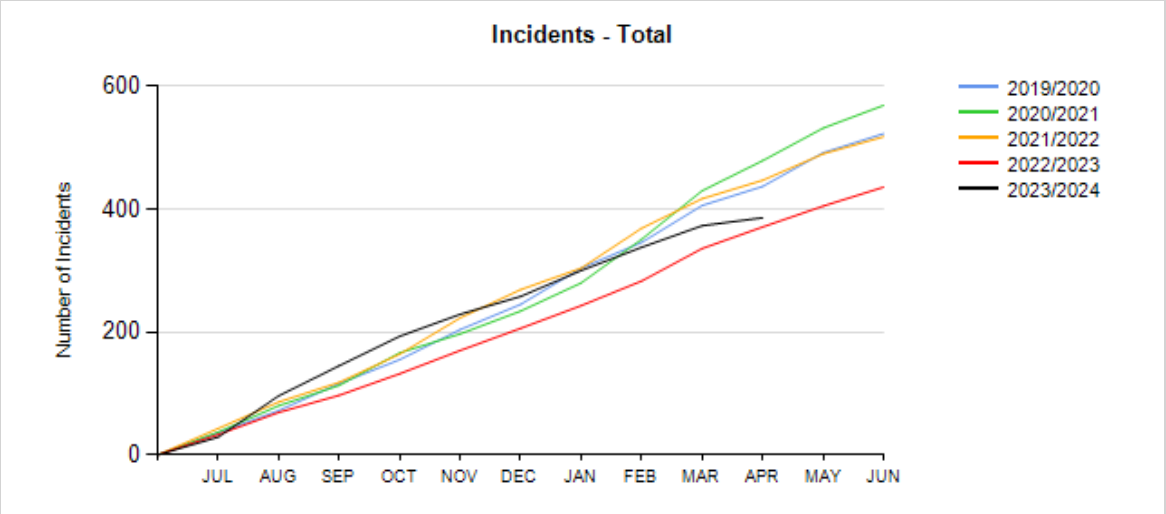
Investigation continuing	Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents 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.

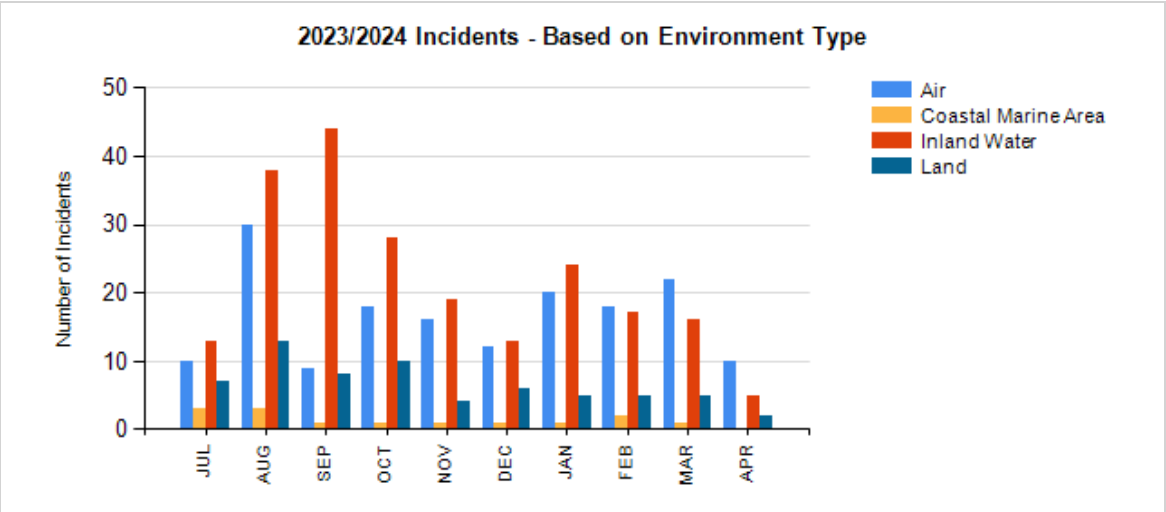
Defences under Sections 340 and 341 of the Resource Management Act 1991

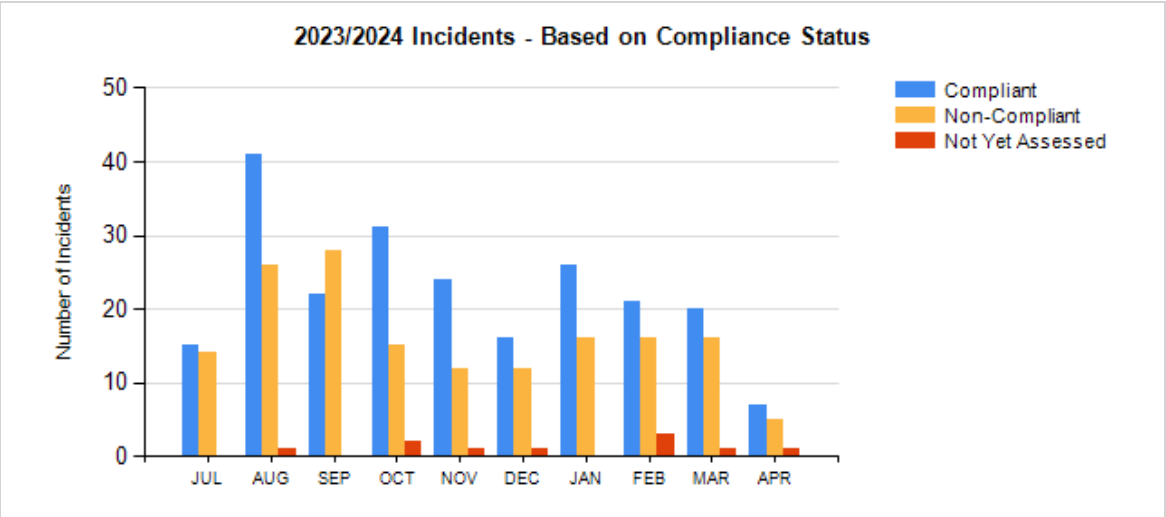
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

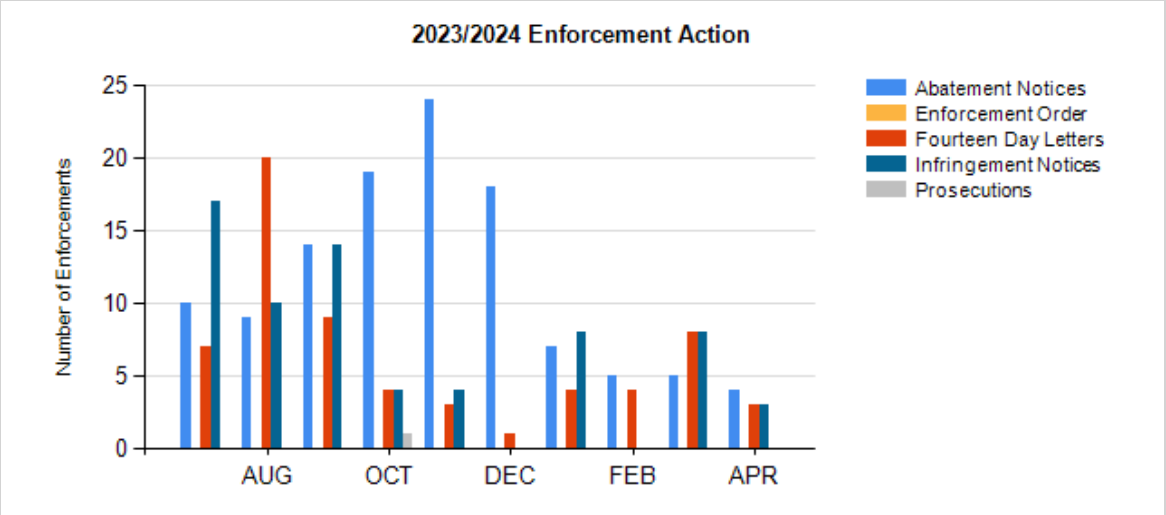
- the defendant can prove that he or she did not know, and could not reasonably be expected to have known that the offence was to be or was being committed, or
- that he or she took all reasonable steps to prevent the commission of the offence, or
- the action or event could not reasonably have been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

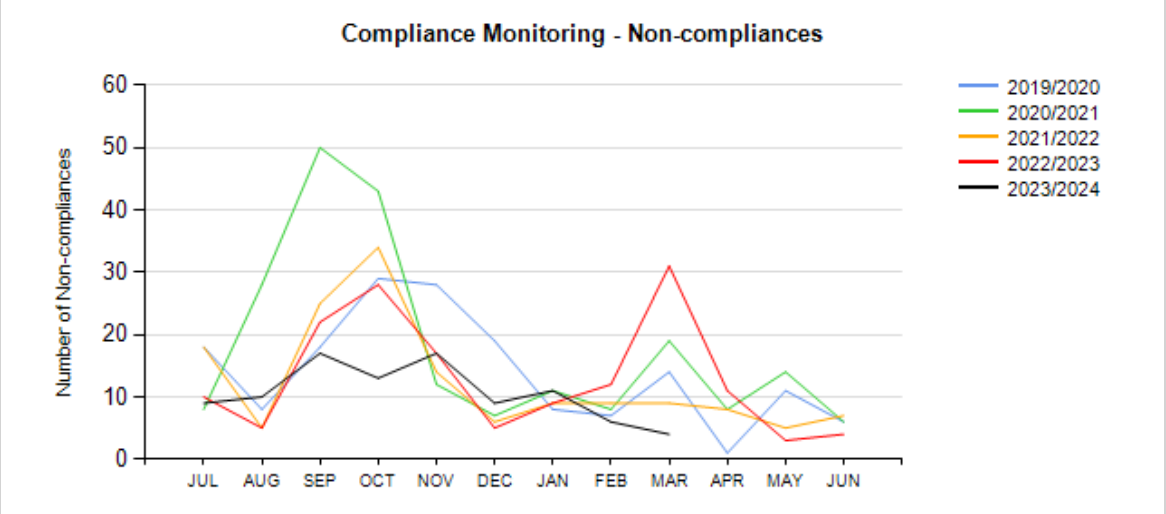

Incidents - Based on Incident Date
Number of Incidents
0
20
40
60
80
JUL
AUG
SEP
OCT
NOV
DEC
JAN
FEB
MAR
APR
MAY
JUN
2019/2020
2020/2021
2021/2022
2022/2023
2023/2024

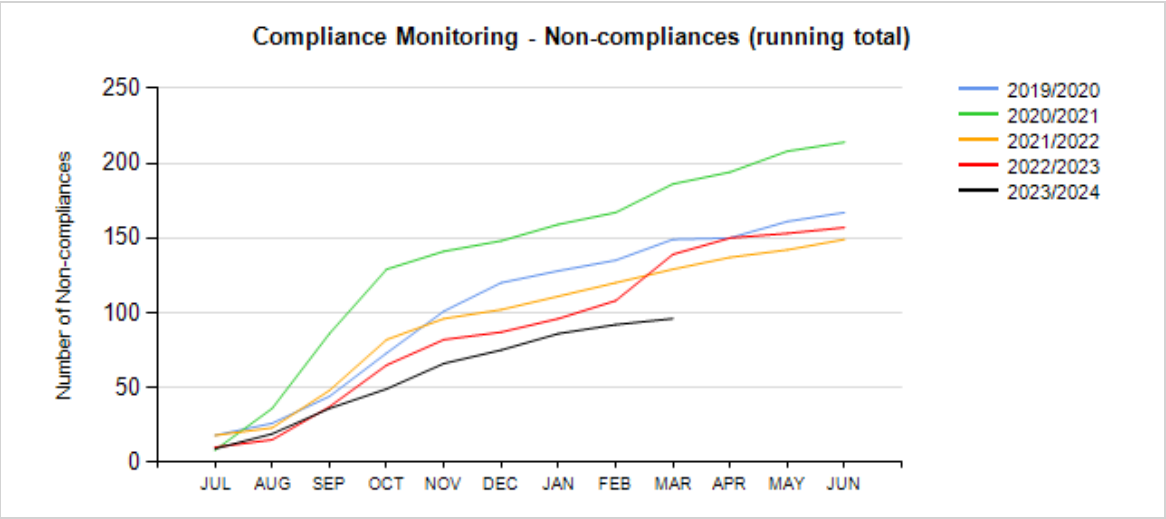

Incidents - Total
Number of Incidents
0
200
400
600
JUL
AUG
SEP
OCT
NOV
DEC
JAN
FEB
MAR
APR
MAY
JUN
2019/2020
2020/2021
2021/2022
2022/2023
2023/2024


2023/2024 Incidents - Based on Environment Type
Number of Incidents
0
10
20
30
40
50
JUL
AUG
SEP
OCT
NOV
DEC
JAN
FEB
MAR
APR
Air
Coastal Marine Area
Inland Water
Land


2023/2024 Incidents - Based on Compliance Status
Number of Incidents
0
10
20
30
40
50
JUL
AUG
SEP
OCT
NOV
DEC
JAN
FEB
MAR
APR
Compliant
Non-Compliant
Not Yet Assessed


2023/2024 Enforcement Action
Number of Enforcements
0
5
10
15
20
25
AUG
OCT
DEC
FEB
APR
Abatement Notices
Enforcement Order
Fourteen Day Letters
Infringement Notices
Prosecutions


Compliance Monitoring - Non-compliances
Number of Non-compliances
0
10
20
30
40
50
60
JUL
AUG
SEP
OCT
NOV
DEC
JAN
FEB
MAR
APR
MAY
JUN
2019/2020
2020/2021
2021/2022
2022/2023
2023/2024


Compliance Monitoring - Non-compliances (running total)
Number of Non-compliances
250
200
150
100
50
0
JUL
AUG
SEP
OCT
NOV
DEC
JAN
FEB
MAR
APR
MAY
JUN
2019/2020
2020/2021
2021/2022
2022/2023
2023/2024

Compliant Incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
1 Mar 2024	330124-338 IN/49531	Alleged odour - Mokau Road, Uruti.	Complaint	Consent Compliance	No Further Action
7 Mar 2024	330124-344 IN/49551	Alleged dumping of rubbish, Uruti Stream - Mokau Road, Uruti.	Complaint	RFWP Allowed	No Further Action
9 Mar 2024	330124-347 IN/49588	Alleged smoke complaint - Kahikatea Street, Inglewood.	Complaint	RAQP Allowed	No Further Action
12 Mar 2024	330124-351 IN/49589	Alleged earthworks - Midsummer Avenue, Stratford.	Complaint	RFWP Allowed	No Further Action
12 Mar 2024	330124-352 IN/49590	Alleged dust Compliant - Egmont Road, New Plymouth	Complaint	RAQP Allowed	No Further Action
12 Mar 2024	330124-350 IN/49610	Alleged rubbish being disposed of on private property - Hursthouse Road, Inglewood.	Complaint	RFWP Allowed	No Further Action
14 Mar 2024	330124-355 IN/49615	Alleged dairy effluent irrigator in close proximity to stream - Opua Road, Opunake.	Complaint	Consent Compliance	No Further Action
14 Mar 2024	330124-353 IN/49644	Alleged odour - Mokau Road, Uruti.	Complaint	Consent Compliance	No Further Action
16 Mar 2024	330124-357 IN/49623	Alleged odour - Airport Drive, New Plymouth.	Complaint	Consent Compliance	No Further Action
19 Mar 2024	330124-360 IN/49663	Alleged odour - Mokau Road, Uruti.	Complaint	Consent Compliance	No Further Action

Compliant Incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
20 Mar 2024	330124-362 IN/49672	Alleged odour - Mokau Road, Uruti.	Complaint	Consent Compliance	No Further Action
22 Mar 2024	330124-363 IN/49677	Alleged odour - Connett Road, Bell Block.	Complaint	RAQP Allowed	No Further Action
22 Mar 2024	330124-364 IN/49678	Alleged discharge of fertiliser to land - South Road, Patea.	Complaint	RAQP Allowed	No Further Action
22 Mar 2024	330124-365 IN/49679	Alleged taking of surface water, Tawhiti stream - Tawhiti Road, Hawera.	Complaint	RFWP Allowed	No Further Action
25 Mar 2024	330124-367 IN/49791	Alleged green discharge - Main South Road, Opunake.	Complaint	Consent Compliance	No Further Action
26 Mar 2024	330124-369 IN/49724	Alleged earthworks near wetland - Manawapou Road, Manatahi.	Complaint	RFWP Allowed	No Further Action
27 Mar 2024	330124-372 IN/49715	Alleged odour - Kohiti Road, Okaiawa.	Complaint	Consent Compliance	No Further Action
28 Mar 2024	330124-374 IN/49729	Alleged dead sheep in stream - State Highway 45, Manaia.	Complaint	Not Applicable/Natural Event	No Further Action
28 Mar 2024	330124-375 IN/49785	Alleged odour - Mokau Road, Uruti.	Complaint	Consent Compliance	No Further Action
30 Mar 2024	330124-376 IN/49731	Alleged odour - Paraite Road, New Plymouth.	Complaint	RAQP Allowed	No Further Action

Compliant Incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
1 Apr 2024	330124-379 IN/49746	Alleged infilling of wetland - Parerewa Drive, New Plymouth.	Complaint	RFWP Allowed	No Further Action
2 Apr 2024	330124-377 IN/49738	Alleged odour - Tui Place, Bell Block.	Complaint	RAQP Allowed	No Further Action
2 Apr 2024	330124-378 IN/49741	Alleged burning - Weraroa Road, Waverley.	Complaint	RAQP Allowed	No Further Action
3 Apr 2024	330124-380 IN/49752	Alleged odour - Mokau Road, Uruti.	Complaint	Consent Compliance	No Further Action
3 Apr 2024	330124-382 IN/49759	Alleged burning - Chester Street, Waverley.	Complaint	RAQP Allowed	No Further Action
4 Apr 2024	330124-384 IN/49779	Alleged odour - Arawhata Road, Opunake.	Complaint	Consent Compliance	No Further Action
11 Apr 2024	330124-387 IN/49831	Alleged odour - Parklands Ave, Bell Block.	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
6 Oct 2023 Update	330124-156 IN/48531	Sewage discharge - Gregory Road, Rahotu.	Complaint	Unknown Unknown (9768)			Investigation Continuing
Comments: A complaint was received regarding a potential sewage discharge into a stream at Gregory Road, Rahotu. An inspection found an unnamed tributary of the Rautini Stream to be odorous. Further investigation upstream found the school field at Rahotu Primary School was soggy in the area above the sewage treatment system which is located approximately 30 metres from the stream. Samples were taken upstream and downstream of the field. Sample results indicated that any contamination of the stream is likely further upstream of the previous sample sites. Further samples showed ecoli was present. Investigation continuing.							
17 Jan 2024 Update	330124-285 IN/49162	Earthworks adjacent to the Mangawarawara Stream - Albert Road, Egmont Village.	Complaint	Greg Ross (76038)*Shane Henare (73187)		EAC-25630 - Abatement Notice*EAC-25651 - Explanation Requested - Letter*EAC-25653 - Explanation Requested - Letter	Investigation Continuing
Comments: A complaint was received regarding sediment discharging into the Mangawarawara Stream at Albert Road, Egmont Village. An investigation found that earthworks had been undertaken within the immediate vicinity of an unnamed tributary of the Mangawarawara Stream with inappropriate erosion and sediment controls in place. Evidence of previous discharges of sediment to the tributary was observed. Abatement notices were issued requiring the installation of erosion and sediment controls to ensure compliance with rules in the Regional Freshwater Plan for Taranaki. Letters requiring explanation were also issued to the responsible parties. A response has been received from one of the parties. A reinspection found the responsible party was compliant with the Regional Fresh Water Plan for Taranaki. Further enforcement action is being considered.							
29 Jan 2024 Update	330124-327 IN/49427	Breach of resource consent, stormwater outlet structure - Tukapa Street, New Plymouth.	Complaint	Smudgy Developments Limited (56784)	R2/10999-1.0	EAC-25673 - Abatement Notice	Investigation Continuing
Comments: A complaint was received regarding the construction of a stormwater detention pond associated with a new residential subdivision at Tukapa Street, New Plymouth. An investigation found that the structure had not been constructed in accordance with resource consent conditions and the associated design plans. An abatement notice has been issued to the responsible party requiring works to be carried out to ensure compliance with the resource consent. A re-inspection will take place after 30 May 2024.							

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
1 Feb 2024 Update	330124-301 IN/49257	Burning - Lombard Street, Midhirst.	TRC Staff Notification	Matthew Dimock (71506)		EAC-25687 - Infringement Notice ($300)	No Further Action
Comments: A compliant was received regarding black smoke discharging from a rural property at Lombard Road, Midhirst. An investigation found a pit had been dug on the property for the purpose of burning materials. An inspection of the burn pit found that unauthorised materials including mattresses and metal were being burnt.							
6 Feb 2024 Update	330124-371 IN/49714	Surface water take exceedance, McKee Mangahewa Production Station - Otaraoa Road, Tikorangi.	Self-Notification	Todd Energy Limited (36724)	R2/1226-1		No Further Action At This Stage/Costs Recovered
Comments: A self notification was received regarding the McKee Mangahewa Production Station exceeding its daily water take and abstraction rate limits on 6 February 2024 at Otaraoa Road, Tikorangi. A scheduled safety control system update at the plant resulted in the unintended activation of a number of alarms including the activation of the LPG fire water deluge system. Staff onsite quickly attended to the alarms, however due to the number of alarms that had been activated, there was a time delay in addressing the activation of the deluge system, resulting in the fire water tank being drained to a critically low level. To ensure compliance with other relevant legislation at the site, production staff evoked Emergency Works Provisions under the Resource Management Act 1991 and exceeded the consented water abstraction rate and volume for a short time to provide for the refilling of the fire water system at the site. Council and iwi/hapu were notified of the actions soon after the event. Production staff monitored the stream flows during the exceedance to ensure that a downstream flow was maintained at all times. An explanation was provided and accepted.							
16 Feb 2024 Update	330124-316 IN/49359	Odouress stream - Stafford Street, Waitara.	Complaint	Unknown Unknown (9768)			Investigation Continuing
Comments: A complaint was received regarding a unnamed tributary of the Waitara River being odouress at Stafford Street, Waitara. An inspection found the waterway was slow moving and discoloured. No point source contamination could be identified, however water samples were taken. Further investigation is required (IN/48866 relates to the same matter).							

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
18 Feb 2024 Update	330124-318 IN/49415	Burning - Cornwall Road, Eltham.	Complaint	Darren Benton (76167)		EAC-25686 - Infringement Notice ($300)	No Further Action
Comments: A complaint was received regarding a backyard burning on Cornwall Road, Eltham. An investigation found an occupant at the address had lit a fire. The fire was out on arrival and hot ashes were smoldering in a metal drum at the rear of the property. The responsible party admitted to lighting the fire and burning cardboard, beer boxes and a plank of wood. In explanation they said they believed they could burn if there was not a fire ban in place. Given previous instances of non compliance with backyard burning involving the same occupants at the address, further enforcement action was undertaken.							
23 Feb 2024 Update	330124-320 IN/49414	Dairy effluent - Palmer Road, Kaponga.	TRC Staff Compliance Monitoring	Mathew Eliason (50613)	R2/2142-3.0		Investigation Continuing
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Palmer Road, Kaponga. Re-inspection will be undertaken after 30 March 2024 to ensure compliance with resource consent conditions is achieved.							
23 Feb 2024 Update	330124-331 IN/49445	Effluent discharge - Monmouth Road, Stratford.	Complaint	Ample Group Limited (52845)	R2/5221-2	EAC-25665 - Explanation Requested - Letter	Investigation Continuing
Comments: A complaint was received regarding wastewater being discharged to land within 150 metres of a residential dwelling at a beef processing facility at Monmouth Road, Stratford. Investigation found that the responsible party held a resource consent to discharge treated wastewater, pond solids from a wastewater treatment system, vermicast and blood onto and into land. The spray zone must be at least 150 metres away from any dwelling house situated off the site, unless the written approval of the owner/occupier has been obtained to allow the discharge at a closer distance. A letter requesting explanation has been sought. Further investigation is required.							

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
25 Feb 2024 Update	330124-325 IN/49511	Green Stream - Upper Kahui Road, Pungarehu.	Complaint	Mark Campbell & Dianne Alice Lusk (10862)	R2/2651-3.0	EAC-25668 - Explanation Requested - Letter	Investigation Continuing
Comments: A complaint was received regarding a 'green' stream at Upper Kahui Road, Pungarehu. An investigation found that untreated farm dairy effluent from a sump had been discharged directly into the Pungaereere Stream due to the responsible party's effluent tanker being serviced. A letter requesting an explanation was sent and a response has yet to be received. Further enforcement action is being considered.							
29 Feb 2024 Update	330124-335 IN/49461	Dust - Hurlstone Drive, New Plymouth.	Complaint	Christopher Herd (22706)		EAC-25666 - Abatement Notice	Investigation Continuing
Comments: Numerous complaints were received regarding dust discharging from an industrial section on Hurlstone Drive, New Plymouth. Investigation found dust was being discharged from areas of exposed earth within the development site in breach of rules in the Regional Air Quality Plan for Taranaki. A water truck was utilised to suppress the dust, however due to the size of the site the application of water to the exposed surface was insufficient to suppress further dust discharges. An abatement notice was sent to the responsible party. Further enforcement is being considered.							

Non-compliant incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
29 Feb 2024	330124-337 IN/49478	Dead cow in river - Ratapiko Road, Inglewood.	Complaint	Donald McIntyre (9750)			No Further Action
Comments: A complaint was received regarding a dead cow in a waterway at Ratapiko Road, Ratapiko. An inspection located a dead cow in a tributary on a dairy farm adjoining Lake Ratapiko. The responsible party was advised of the discovery who undertook immediate action to remove the carcass and dispose of it in an appropriate manner. No further action.							
1 Mar 2024	330124-339 IN/49499	Burning - Conway Road, Eltham.	Complaint	Silvera Morse (76163)			No Further Action
Comments: A complaint was received regarding backyard burning at a residential address at Conway Road, Eltham. An inspection found that a small fire was burning at the property. No off-site effects were observed. Advice and education was provided to the responsible party regarding backyard burning and the fire was immediately extinguished. No further action.							
2 Mar 2024	330124-340 IN/49500	Burning - Monmouth Road, Stratford.	Complaint	Unknown Unknown (9768)			No Further Action
Comments: A complaint was received regarding smoke within the vicinity of Monmouth Road, Stratford. An inspection found light smoke coverage in the area, but failed to locate the source of the smoke. No further action.							

Non-compliant incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
2 Mar 2024	330124-341 IN/49501	Breach of Resource Consent conditions - Kina Road, Opunake.	Complaint	Francis Mullan (2715)*Gareth Mullan (30747)	R2/1574-3	EAC-25671 - Abatement Notice*EAC-25674 - Explanation Requested - Letter	No Further Action/Costs Recovered
Comments: A complaint was received regarding dairy effluent discharging into the Oaoiti Stream in breach of resource consent conditions at Kina Road, Opunake. An inspection found that the second (first aerobic) oxidation pond was full of solids in contravention of resource consent conditions. The responsible party took immediate action to ensure consent compliance was achieved including capping the pond discharge pipe to prevent any discharges until works on the pond system could be completed. A re-inspection found that a digger had been utilised to remove all solids from the aerobic ponds to ensure that the system is operating in accordance with resource consent conditions. No further action.							
8 Mar 2024	330124-346 IN/49587	Burning - Parakau Road, Bell Block.	Complaint	Christopher Herd (22706)			Investigation Continuing
Comments: A complaint was received regarding smoke discharging from a fire at Parakau Road, Bell Block. Inspection found that a controlled burn of vegetation had been carried out at a vacant section. Fire and Emergency New Zealand were advised of the burn. However, an inspection of the burn area found that unauthorised material had also been burnt at the site. Further enforcement action is being considered.							
8 Mar 2024	330124-345 IN/49591	Over application of Farm Dairy Effluent to land - Mountain Road, Tariki.	TRC Staff Notification	Jamie Craig (75700)*Sally Mantey (55276)	R2/2845-3.0	EAC-25699 - Explanation Requested - Letter*EAC-25701 - Explanation Requested - Letter	Investigation Continuing
Comments: During unrelated compliance monitoring, it was found that farm dairy effluent was being applied to land in contravention of resource consent conditions at Mountain Road, Tariki. An inspection found that a traveling irrigator was not travelling or rotating as designed, resulting in significant ponding of farm dairy effluent where it was likely to discharge to surface water if the activity continued or rain occurred. An abatement notice was issued and letters requesting explanations sent to both responsible parties. A re-inspection found that the abatement notice and resource consent were being complied with. Further enforcement action is being considered.							

Non-compliant incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
9 Mar 2024	330124-348 IN/49592	Burning - Egmont Street, Hawera.	Complaint	Jordana Sadler (76184)			No Further Action
Comments: A complaint was received regarding backyard burning at a residential property at Egmont Street, Hawera. An inspection found a small fire had been lit to dispose of dry vegetation at the property. The responsible party was advised of the rules regarding backyard burning within urban defined areas and that further breaches of the rules may result in enforcement action from this Council. No further action.							
11 Mar 2024	330124-349 IN/49586	Burning - Glover Road, Hawera.	Complaint	Nathan Kane Mackenzie (76190)			No Further Action At This Stage
Comments: A complaint was received regarding backyard burning at a residential property at Glover Road, Hawera. On arrival a small fire was observed at the rear of the property, however the officer was unable to gain access to the property for any further assessment. A letter outlining the rules regarding back yard burning has been sent to the address.							
12 Mar 2024	330124-359 IN/49653	Consent breach - Fonterra Whareroa - Hawera.	Self-Notification	Fonterra Limited (50606)	R2/4103-2.3	EAC-25697 - Explanation Requested - Letter	Investigation Continuing
Comments: A self-notification was received regarding particulate emission concentrations being discharged to air in contravention of resource consent conditions at a milk processing facility at Whareroa Road, Hawera. Self-monitoring, as required by the resource consent, found that the particulate emission concentrations (180 mg/m3) being discharged to air were in contravention of resource consent conditions (150 mg/m3). A letter requesting and explanation has been sent and a response is yet to be received. Investigation continuing.							

Non-compliant incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Mar 2024	330124-354 IN/49607	Burning - South Road, State Highway 45, Opunake.	TRC Staff Compliance Monitoring	Tim Dorn (76188)		EAC-25689 - Abatement Notice	No Further Action
Comments: During a routine compliance monitoring inspection it was found that a fire had been lit in a farm dump at South Road, Opunake. An investigation found that unauthorised materials had been burned including bicycle parts, other metal, roofing iron and plastics. An abatement notice was issued requiring the burning of unauthorised materials to cease. The responsible party was spoken to who advised they were unaware of the restrictions around burning certain materials. Advice and information was given to the responsible party. No further action.							
14 Mar 2024	330124-356 IN/49651	Cattle in stream - Mid Parihaka Road, Pungarehu.	Complaint	Ethan Kennett (76245)		EAC-25720 - Abatement Notice	Investigation Continuing
Comments: A complaint was received regarding stock being in the Waitotara Stream at Mid Parikhaka Road, Pungarehu. An inspection found a number of dairy support cattle had direct access to the stream with three animals being observed within the stream. An abatement notice has been issued to the responsible party requiring works to be undertaken to ensure provisions of the Resource Management Act 1991 are complied with. A re-inspection will be undertaken after 15 April 2024.							
16 Mar 2024	330124-358 IN/49620	Unauthorised discharge - Broadway, Stratford.	Complaint	Sobeen Chand (76192)		EAC-25725 - Infringement Notice ($1,000)	No Further Action
Comments: A complaint was received regarding 'slurry' being dumped and washed into a stormwater sump at a automotive repair shop at Broadway, Stratford. An investigation found that the workshop floor had been water blasted resulting in paint, sand and other contaminants being removed during the process. The contaminants were being shoveled and washed into the council stormwater network which subsequently discharges into the Patea River. The responsible party was spoken to. They advised they would remove the contaminants from the stormwater sump and road side curb. A re-inspection found that no contaminants had reached the Patea River but the cleanup efforts were inadequate. Stratford District Council were contacted and advised of the discharge.							

Non-compliant incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Mar 2024	330124-361 IN/49665	Burning - Victoria Street, Patea.	Complaint	Unknown Unknown (9768)			No Further Action

Comments: A complaint was received regarding backyard burning at a residential property at Victoria Street, Patea. An investigation found a small fire had been lit in a metal drum on the property. The responsible party was spoken to and advised of the rules in relation to burning within a defined urban area. The fire was extinguished. No further action.

20 Mar 2024	330124-370 IN/49716	Sewage discharge - Weld Road, Oakura.	Complaint	Unknown Unknown (9768)			Investigation Continuing

Comments: A complaint was received regarding human waste in the Timaru Stream at Weld Road, Oakura. Investigation found that human sewage including toilet paper had been dumped in the shallow water within the Timaru Stream at a well utilised public swimming hole. The contaminants were removed by the officer at the time of inspection. On 22 March 2024, a second complaint was received concerning the same behavior. Inspection found that over the previous 12 hours further human sewage had been dumped at the same location. This consisted of solid material and further toilet paper. The location, volume and pattern of the sewage on the bed of the stream is consistent with it being thrown in from a bucket or similar open topped vessel. The contamination was again removed by the officer at the time of the inspection. Further water samples were taken. Signage was erected restricting swimming for 48 hours. Area enquiries were carried out and further investigation is being undertaken.

25 Mar 2024	330124-366 IN/49690	Discoloured Stream - Kelly Street, Inglewood.	Complaint	Craig Corlett (76208)			Investigation Continuing

Comments: A complaint was received regarding an unnamed tributary of the Waiongana Stream running 'white' in colour at Kelly Street, Inglewood. An inspection found that the stream was no longer discoloured, however a stormwater drain containing water contaminated with paint was located. The discharge was traced back to a residential address where home decorating works were being undertaken. The responsible party acknowledged washing his paint brushes into the roadside curb. Further enforcement action is being considered.

Non-compliant incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
26 Mar 2024	330124-368 IN/49650	Failure to comply with an enforcement order - Surrey Road, Inglewood.	TRC Staff Compliance Monitoring	Colin Boyd (3013)			Investigation Continuing

Comments: On 22 July 2022, the alleged offender was convicted in the District Court in New Plymouth on four charges relating to illegal stream works on a dairy farm at Surrey Road, Tariki. On 4 October 2022, Judge Dickey issued her judgement (sentencing decision) for the offending and also issued the offender with an Enforcement Order (CRI-2020-043-000553) requiring him to undertake a number of actions to remediate the area where the works had occurred. These works were required to be completed within one year of the date of issue of the order. Council engaged with the alleged offender during this 12 month period, however no attempt was made to comply with the order. On 26 March 2024, an inspection was undertaken on the subject property to assess the likely and/or actual adverse effects upon the environment as a result of failing to complete the remedial works as required by the Enforcement Order. Further enforcement action is being considered. Investigation continuing.

27 Mar 2024	330124-373 IN/49718	Dust Complaint - Glover Road, Hawera.	Complaint	Agtrans Limited (68619)*Mahcoll Investments Limited (50221)			No Further Action At This Stage

Comments: A complaint was received regarding dust being discharged from an industrial site associated with a subdivision development at Glover Road, Hawera. An inspection found that dust was being generated as a result of heavy traffic movements along a haul road. The responsible party was spoken to and they advised that they had used a water cart to dampen the road way earlier in the day, however agreed to reapply water to control the current issue. The responsible party made contact with the Officer again a short time later to advise that they have decided to seal the road to prevent any ongoing issues during the subdivision development. The site will continue to be monitored to ensure the dust mitigation measures are carried out in a timely manner.

3 Apr 2024	330124-381 IN/49755	Discoloured Stream - South Road, New Plymouth.	Complaint	Unknown Unknown (9768)			Investigation Continuing

Comments: A complaint was received regarding the discolouration of the Herekawe Stream at Centennial Drive, New Plymouth. An investigation found there was distinctive brown discharge present within a stormwater pipe that discharges into the Stream. The discharge mixed within the stream causing a slight discolouration within the stream. Samples were taken and an inspection undertaken of the nearby tank farm facilities with all stormwater interceptors inspected and no unauthorised discharges detected. New Plymouth District Council have been advised and will check the stormwater pipes to determine if any stormwater pipe integrity issues could be leading to the discharge of sediment into the network. Investigation continuing.

Non-compliant incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
4 Apr 2024	330124-383 IN/49775	Discharge to Stream - Collingwood Street, Eltham.	Self-Notification	Fonterra Co-Operative Group Limited (28692)	R2/1969-3	EAC-25717 - Abatement Notice*EAC-25728 - Explanation Requested - Letter	Investigation Continuing

Comments: Self notification was received regarding a discharge of contaminated storm water into an unnamed tributary of the Mangawharawhara Stream from a food processing facility at Collingwood Street, Eltham. An investigation found that a sheen/scum was present on the surface of the stream. This was similar to the contamination observed within the storm water system at the facility. Samples were taken and sorbent booms were deployed to contain and recover the sheen. An abatement notice and letter requesting an explanation were issued to the responsible party. A re-inspection will be undertaken. Further enforcement action is being considered.

9 Apr 2024	330124-385 IN/49814	Burning - Mawhitiwhiti Road, Normanby.	Complaint	Rex Radford (71775)			Investigation Continuing

Comments: A complaint was received regarding white smoke discharging from a rural property at Mawhitiwhiti Road, Normanby. An investigation found that a fire had been lit on the property. An inspection of the fire found a number of unauthorised items being burnt, including but not limited to, paint tins, old tractor seat, aerosol cans, a mattress, bottles, curtain rail, metal framing and wood shavings. The responsible party was spoken to and undertook immediate works to extinguish to fire. Further enforcement action is being considered.

10 Apr 2024	330124-386 IN/49829	Unauthorised discharge - Otaraoa Road, Tikorangi.	Self-Notification	Todd Energy Limited (36724)	R2/11104-1.0		No Further Action

Comments: Self-notification was received regarding the discovery of drilling mud during unrelated instream works at Otaraoa Road, Tikorangi. Inspection found that earthworks being undertaken in association with the removal of an orphan weir uncovered a small quantity of drilling mud. The mud is thought to have settled behind the weir during a nearby well failure in January 1995. The drilling mud was removed from the stream. Sorbent booms were deployed to contain any hydrocarbons that may have been disturbed. Samples were taken of the stream. All contaminated material was removed from site and disposed of in an appropriate manner. No further action.

Non-compliant incidents for the period 01 Mar 2024 to 11 Apr 2024

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Apr 2024	330124-388 IN/49832	Discharge to water - Mohakatino River, Mokau.	Third Party Notification	Fulton Hogan Limited (10144)			Investigation Continuing

Comments: Third party notification was received regarding a motor vehicle crash at State Highway 3, Mohakatino. Inspection found that a road maintenance vehicle had crashed into a stream adjacent to the road. This resulted in approximately 300 litres of emulsified bitumen discharging into the stream and wider estuary. Council staff responded and deployed booms to recover the hydrocarbons from the water. Bitumen had solidified and settled on the stream bed and rocks within the estuary. Manual removal of bitumen was undertaken by council officers at the time of the spill. The responsible party has mobilised a team to recover the spilt hydrocarbons over the following weeks. This involves the manual removal of bitumen off rocks, streambed and the wider estuarine environment. Council officers are maintaining oversight of the clean up operation.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
21 Sep 2023 Update	332124-029 ENF-24119	Annual Inspection	Significant non-compliance	Mark Tobeck (32071)	R2/2967-2	EAC-25634 - Infringement Notice ($750)*EAC-25397 - Abatement Notice*EAC-25396 - Explanation Requested - Letter	Investigation Continuing

Comments: During analysis of samples (26 September 2023), taken during the annual dairy inspection round (21 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Opunake Road, Awatuna. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection (6 March 2024) found that the abatement notice was not being complied with at the time of inspection. Further enforcement action was taken. Another reinspection (6 March 2024), found again, the farm dairy effluent system was not operating within resource consent conditions. The matter has been upgraded to a significant non compliance. Further enforcement action is being considered.

18 Jan 2024 Update	332124-104 ENF-24381	Compliance Monitoring Insp.	Non-compliance	Stratford District Council (10048)	R2/0196-5.0		No Further Action/Costs Recovered

Comments: During analysis of samples taken during routine compliance monitoring, it was found that resource consent conditions were not being complied with at the Stratford Waste Water Treatment Plant, Victoria Road, Stratford. The turbidity within the receiving environment, downstream of the discharge point, showed an increase of 70% being above the consented limit of 50%. However, due to the low readings (upstream 1.35 FNU against downstream 2.3 FNU) and the suspended solid concentration being below detectable limits no further action will be taken.

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
23 Jan 2024 Update	332124-098 ENF-24372	Compliance Monitoring Insp.	Non-compliance	Ferndene Group Limited (70308)	R2/10848-1.0	EAC-25722 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During routine compliance monitoring, it was found that resource consent conditions were not being complied with at a quarrying operation at Upland Road, Egmont Village. An independent monitoring programme that monitors the effects from taking groundwater for quarry activities on the surrounding aquifer has not been implemented as required by resource consent conditions. An abatement notice has been issued requiring works to be undertaken to ensure compliance with special condition 7 of resource consent 10848-1. A reinspection will be undertaken after 01 December 2024.

24 Jan 2024 Update	332124-089 ENF-24333	Compliance Monitoring Insp.	Non-compliance	Remediation (NZ) Limited (30679)	R2/5838-2.2	EAC-25726 - Infringement Notice ($750)*EAC-25643 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During routine compliance monitoring it was found there was ponding and pooling of wastewater within the irrigation fields at the Remediation (NZ) Limited composting facility at Mokau Road, Uruti. The inspection also found that paunch material had been removed from the paunch pad and placed in between two worm beds in circumstances where leachate could enter surface water in contravention of resource consent conditions. No unauthorised discharges to surface water were noted during the inspection. An abatement notice was issued requiring works to be undertaken to ensure resource consent conditions are complied with. A reinspection found that the ponding and pooling had ceased and the irrigation pods moved to new areas of pasture. The stockpiled paunch had been placed upon the worm beds and covered to ensure compliance with resource consent conditions. A letter requesting an explanation has been sought and a meeting with the company was held.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
24 Jan 2024 Update	332124-069 ENF-24332	Follow Up Inspection	Significant non-compliance	Parihaka X Ahu Whenua Trust (36427)	R2/0314-3	EAC-25640 - Explanation Requested - Letter	Investigation Continuing
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Mid Parihaka Road, Pungarehu. 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 found further non-compliance and two infringement notices were issued. A third inspection found untreated dairy effluent discharging to surface water as a result of a damaged underground pipe that transports effluent to the irrigation areas. A letter requesting explanation was sent. Further enforcement action is being considered.							
30 Jan 2024 Update	332124-091 ENF-24339	Annual Inspection	Significant non-compliance	Te Awarua Farms Limited (17068)	R2/4357-3.0	EAC-25649 - Abatement Notice	Investigation Continuing
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Mountain Road, Midhurst. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. A re-inspection found that any unauthorised discharges have ceased, however an extension to the abatement notice has been provided to allow for the installation of a new sand trap and stormwater diversion. A further re-inspection will be undertaken after 1 June 2024.							
30 Jan 2024 Update	332124-103 ENF-24380	Compliance Monitoring Insp.	Non-compliance	Whitaker Civil Engineering Limited (14442)	R2/7236-1	EAC-25698 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
Comments: During routine monitoring it was found that riparian planting had either not been implemented or had been sprayed out and therefore not maintained as required by resource consent conditions, at a quarry site a Waiwhakaiho Road, New Plymouth. A letter requesting an explanation was sent and an explanation received and accepted. Council officers will continue to work with the responsible party to ensure that the riparian planting condition of their consent is being complied with to the appropriate standard.							

Compliance Monitoring – Non-compliances for the period 01 Mar 2024 to 11 Apr 2024

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Feb 2024	332124-115 ENF-24407	Compliance Monitoring Insp.	Non-compliance	Fonterra Limited (50606)	R2/3907-3.0	EAC-25729 - Explanation Requested - Letter	Investigation Continuing
Comments: During routine compliance monitoring, it was found that resource consent conditions were not being complied with at a milk processing facility at Whareroa Road, Hawera. The oil and grease concentrations within the stormwater discharge (6 gm/m3 and 8 gm/m3) was found to be in exceedance of resource consent conditions (5 gm/m3). A letter requesting an explanation has been sent and further monitoring will be undertaken to ensure that consent conditions are being complied with.							
4 Mar 2024	332104-107 ENF-24408	Chemical Sampling Survey	Non-compliance	Port Taranaki Limited (26226)	R2/0197-2.1	EAC-25730 - Explanation Requested - Letter	Investigation Continuing
Comments: During analysis of storm water samples (18 March 2024), taken during routine monitoring (04 March 2024), it was found that the discharge exceeded resource consent conditions and Abatement Notice (EAC-22662) which was issued as a result of a previous non-compliance at Port Taranaki, New Plymouth. A letter requesting explanation was sent.							
7 Mar 2024	332124-105 ENF-24388	Compliance Monitoring Insp.	Non-compliance	Remediation (NZ) Limited (30679)	R2/5839-2	EAC-25712 - Explanation Requested - Letter	Investigation Continuing
Comments: During a pro-active odour assessment, it was found that resource consent conditions and a previously issued abatement notice, were not being complied with at a composting facility at Mokau Road, Uruti. Pro-active odour surveys found that offensive odour was being discharged beyond the boundary of the property. A site inspection found that the composting pad was not being managed in accordance with best practice as required by the resource consent. A letter requesting an explanation has been sent. Investigation continuing.							

Compliance Monitoring – Non-compliances for the period 01 Mar 2024 to 11 Apr 2024

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Mar 2024	332124-109 ENF-24392	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/5205-2.1		Investigation Continuing
Comments: During routine compliance monitoring it was found that resource consent conditions were not being complied with at the New Plymouth District Council crematorium at Junction Road, New Plymouth. The inspection found that during a cremation the secondary chamber temporarily drops in temperature below the consented limit of 850 degrees celsius. New Plymouth District Council have provided further information regarding the change in temperature and the monitoring officer is currently assessing the information provided.							
20 Mar 2024	332124-106 ENF-24386	Chemical Sampling Survey	Non-compliance	Regal NZ Trading Limited (74995)	PA/11121-1.0	EAC-25710 - Abatement Notice	Investigation Continuing
Comments: During analysis of storm water samples (18 March 2024), taken during routine compliance monitoring (04 March 2024), it was found that the stock feed storage and distribution site was was not operating within the Permitted Activity rules of the Regional Freshwater Plan for Taranaki at Ocean View Parade, New Plymouth. An abatement notice was issued requiring works to be undertaken to ensure compliance with the relevant rules in the plan. Re-inspection will be undertaken after 19 April 2024.							
22 Mar 2024	332124-110 ENF-24400	Compliance Monitoring Insp.	Non-compliance	Remediation (NZ) Limited (30679)	R2/5839-2		Investigation Continuing
Comments: During routine compliance monitoring, it was found that resource consent conditions were not being complied with at a composting facility at Mokau Road, Uruti. During a pro-active odour survey at the same facility on 7 March 2024 (ENF-24388 relates), objectionable odour was detected and the subsequent inspection found that the site was not being operated in accordance with best practice. This inspection found that some of the works required to be undertaken at the site were incomplete and therefore the site remains non-complaint with best practice condition of their resource consent. Further enforcement action is being considered.							

Compliance Monitoring – Non-compliances for the period 01 Mar 2024 to 11 Apr 2024

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
27 Mar 2024	332124-111 ENF-24393	Annual Inspection	Non-compliance	Troy Gestro (16974)	R2/3355-3.0	EAC-25715 - Abatement Notice	Investigation Continuing
Comments: During the annual dairy inspection round, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Turuturu Road, Hawera. An abatement notice was issued requiring works to be undertaken to ensure resource consent conditions are complied with at all times. A re-inspection will be undertaken after 30 April 2024.							
8 Apr 2024	332124-114 ENF-24401	Dairy Non-compliant Re-inspection	Non-compliance	Melpaca Trusts (11046)	R2/1599-3		Investigation Continuing
Comments: During the annual dairy inspection round, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Norfolk Road, Inglewood. A letter notifying the responsible party of their compliance rating for the farm dairy effluent inspection was issued advising that resource consent conditions were not being complied with. A re-inspection on 17 January 2024 found that resource consent conditions were being complied with. A further follow up inspection on 8 April 2024 found farm dairy effluent was not being contained within the disposal system. Enforcement action is being considered. Investigation continuing.							
11 Apr 2024	332124-116 ENF-24414	Dairy Non-compliant Re-inspection	Significant non-compliance	Brenden Hintz (10477)	R2/3628-3.0	EAC-25731 - Explanation Requested - Letter	Investigation Continuing
Comments: During the annual dairy inspection round, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Cardiff Road, Cardiff. An abatement notice was issued requiring works to be undertaken to the dairy farm effluent disposal system to ensure compliance with resource consent conditions. A re-inspection on 9 January 2024 found that unauthorised discharges had not ceased and an extension to the abatement notice was allowed for. Further re-inspection on the 11 April 2024 found that resource consent conditions were still not being met. A letter of explanation was sent and a response has not yet been received.							

Date: 30 April 2024

Subject: **Farm Dairy Discharge Monitoring Programme Review – April 2024**

Author: A D McLay, Director – Compliance Monitoring

Approved by: S J Ruru, Chief Executive

Document: 3263956

Purpose

1. The purpose of this memorandum is to present to Members the reviewed Farm Dairy Discharge Monitoring Programme (2024).

Executive summary

2. The Farm Dairy Discharge Monitoring Programme sets out expectations, procedures and standards, and is aimed at providing clarity and certainty for all parties that the Farm Dairy Discharge Monitoring Programme is an integrated, cost effective, fair, comprehensive, robust, and scientifically-based programme designed and managed to deliver sustainable management of natural and physical resources in Taranaki.
3. The programme has been recently reviewed to reflect changes in practice, the use of technology, the law and council policy. A major focus of the review was to ensure monitoring of land based discharge systems was adequate, given the increasing number of such discharges and their potential impact on ground and surface water quality. The programme is broad and includes the important associated processes of consenting and enforcement.
4. Increased monitoring effort for land based discharge systems with more extensive inspections of irrigation areas, inspection of irrigation records and assessing loading rates is proposed. Sampling of discharge to water systems aims to be annual, but it is not always possible, given the time of the discharge post milking and time of the inspection.

Recommendations

That Taranaki Regional Council:

a) receives this memorandum on the review of the Farm Dairy Discharge Monitoring Programme
b) endorses the Farm Dairy Discharge Monitoring Programme
c) notes the programme utilises the latest technology and pragmatic approaches
d) notes the programme delivers cost effective monitoring
e) notes the programme, when benchmarked against others, could be considered best practice

f) determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002

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

Background

5. As Members will be aware dairying is a major traditional activity in the Taranaki region, and the Taranaki Regional Council has had an extensive programme to monitor the environmental consequences of this activity in place for over 40 years. The programme is the largest monitoring programme undertaken by the Taranaki Regional Council. The programme is associated with water quality management (surface and groundwater), which remains a key resource management issue for the region going forward, notwithstanding the progress made to date.
6. The programme has contributed significantly to the region's policy objective of maintaining or enhancing water quality. It is a strategic component of resource management in the region. This involves policy being developed with the community; it being implemented by non-regulatory (advice and information) means, under-girded by regulatory (consents and enforcement) provisions; compliance and state of the environment monitoring being undertaken, to assess both consent compliance and the overall state of the environment; policy effectiveness being assessed using both sets of monitoring results and science; and policy being reviewed as appropriate in the light of this feedback.
7. The Council has had a longstanding programme to monitor farm dairy discharges in place and the results have been of interest to dairy industries, the community and environmental groups.

The Programme

8. The document summarises all aspects of the Council's Farm Dairy Discharge Monitoring Programme and touches on related activities such as consenting and enforcement. These important activities are considered integral to successful resource management. The programme sets out expectations, procedures and standards, and is aimed at providing clarity and certainty for all parties that the Farm Dairy Discharge Monitoring Programme is indeed an integrated, cost effective, fair, comprehensive, robust, and scientifically-based programme designed and managed to deliver sustainable management of natural and physical resources in Taranaki.
9. The programme is undertaken by compliance officers. The key components of the programme are summarised below and further detail is provided in the document:

    - Considerable focus on working with farmers and providing advice and information
    - Farm dairy discharges consented in 1980/90's and all dairy farmers hold resource consents
    - The Regional Freshwater Plan (2001) and Regional Policy Statement (2010), developed with community consultation and scientific and technical input, provide the policy framework and direction for the monitoring programme
    - The majority of resource consent applications are for controlled activities under the above Plan
    - Farm dairy discharges applications are processed according to standard operating procedures, which include provision for catchment based consent review dates and terms
    - Farm dairy discharges are inspected annually, with the opportunity for advice and engagement taken at the same time, and re-inspections carried out where improvement is needed

- Relationship established with farmers through the monitoring process with inspectors recognised as a valuable asset and fostering the potential uptake of other non-regulatory programmes
- Consent holders pay for 100% of monitoring and re-inspections cost, and effective management means the charges are some of the lowest in New Zealand
- Compliance officers are generally experienced operators, with individual development programmes in place to address any training needs and provide professional extension
- Compliance officers are regularly rotated between catchments to maintain standards and consistency, and to avoid potential complacency
- Compliance officers use the latest technology (e.g. field Tablets [computers] and printers) to deliver cost effective, relevant and timely monitoring information and feedback to consent holders and the community
- Pragmatic and cost effective monitoring approaches have been sought and implemented
- The business of monitoring is integrated with that of processing resource consents, and consent renewal assessments are integrated into the monitoring programme to reduce costs to the consent holder, and to help the farmer anticipate and prepare for achieving rising expectations
- Regulatory approach means, when advice and information is unsuccessful, appropriate enforcement action is considered and undertaken under the Council's Enforcement Policy (2017). This provides integrity to the Act, Council plans, and consents granted under them, and develops trust and respect within the community
- Extensive and strategic use of enforcement methods (abatement notice, infringement notice and prosecution). All enforcement decisions delegated to Council staff. In 1980/90's significant enforcement action was undertaken and is less often necessary now as a result
- Policy, monitoring and enforcement are all underpinned by targeted science, to validate the approaches undertaken. Strategic research is pursued, to anticipate and resolve future issues
- The monitoring programme results are reported annually to the Council and the community, for the sake of accountability and transparency
- Monitoring programme reviewed regularly to ensure best practice continues to be achieved
- The latest review has increased monitoring effort for land based discharge systems with more extensive inspections of irrigation areas, inspection of irrigation records and assessing loading rates. Sampling of discharge to water systems aims to be annual, but it is not always possible, given the time of the discharge post milking and time of the inspection.

Options

10. The option of having a monitoring programme in place to manage the risks associated with the largest monitoring programme at the Council is supported, as opposed to not having a programme in place.

Significance

11. The review of the monitoring programme is an important operational task to stay relevant, but is not significant in terms of the overall Council operation.

Financial considerations—LTP/Annual Plan

12. 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

13. 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

14. 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.
15. Iwi, as kaitiaki, are involved in sentencing submissions for prosecutions and there is regular contact during major non-compliance situations.

Community considerations

16. 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

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

Attachment

Document 3242292: Farm Dairy Discharge Monitoring Programme (2024).

Farm Dairy Discharge Monitoring Programme May 2024

3242292

Taranaki Regional Council

Executive summary

Dairying is a major traditional economic activity in the Taranaki region, and the Taranaki Regional Council has had an extensive programme to monitor the environmental consequences of this activity in place for over 40 years. A review of the programme was undertaken in 2023/24. The programme is the largest and longest monitoring programme undertaken by the Taranaki Regional Council. The programme is associated with water quality management which remains a key resource management issue for the region going forward, notwithstanding the progress made to date.

The programme has contributed significantly to the region's policy objective of maintaining or enhancing water quality, and is a strategic component of resource management in the region. This involves policy being developed with the community; it being implemented by non-regulatory (advice and information) means, under-girded by regulatory (consents and enforcement) provisions; compliance and state of the environment monitoring being undertaken to assess both consent compliance and the overall state of the environment; policy effectiveness being assessed using both sets of monitoring results and science; and policy being reviewed as appropriate in the light of this feedback.

The Council requirement to move from the discharge of treated effluent to water to a discharge to land, means the focus of the programme will become land based and the monitoring programme has accordingly been reviewed.

The requirement to move to land based discharge systems will improve water quality and addresses important tangata whenua cultural concerns regarding waste discharges to water.

This document summarises all aspects of the Council's farm dairy monitoring programme and related activities such as consenting and enforcement. These important activities are considered integral to successful monitoring and resource management. The programme sets out expectations, procedures and standards, and is aimed at providing clarity and certainty for all parties that the Farm Dairy Discharge Monitoring Programme is indeed an integrated, cost effective, fair, comprehensive, robust, and scientifically-based programme designed and managed to deliver sustainable management of natural and physical resources in Taranaki.

In September 2020 the Government released its freshwater package which included a greater recognition of iwi values in resource management and more of a partnering role for the Council and iwi going forward.

The programme is undertaken by compliance officers otherwise known as inspectors. The key components of the programme are summarised below, with appropriate examples, and further detail is provided in this document:

- Considerable focus on working with farmers and providing advice and information;
- All consents are annually inspected and no warning of the inspection is given;
- The Regional Policy Statement (2010) and the Regional Freshwater Plan (2001), developed with community consultation and scientific and technical input, provide the policy framework and direction for the monitoring programme. Subsequent policy documents in preparation strengthen this policy framework, including the move towards land based discharge systems. The Government's National Policy Statement for Freshwater Management (2020) also applies to resource consents processing and tends to support land based discharge methods;
- The majority of resource consent applications are currently for controlled activities under the Regional Freshwater Plan. The discharge of untreated farm dairy wastewater to water has been deemed a prohibited activity by the Council;
- Farm dairy discharges applications are processed according to standard operating procedures, which include provision for catchment based consent review dates and terms;

- Farm dairy discharges are inspected annually by compliance officers, with the opportunity for advice, consultation, and re-inspections carried out where improvement is needed. Compliance rates are generally high, with few instances of significant non compliance
- Relationships established with farmers through the monitoring process with inspectors is recognised as a valuable asset, fostering the potential uptake of other non-regulatory programmes (e.g. riparian, key native ecosystem);
- Consent holders pay for 100% of monitoring and re-inspection costs. Effective management and the use of technology mean the charges are generally low to moderate;
- Compliance officers are generally experienced operators, with individual development programmes in place to address any training needs and provide professional extension;
- Compliance officers are regularly rotated between catchments to maintain standards and consistency, and to avoid potential complacency;
- Compliance officers use the latest technology (e.g. field devices, computers and printers) to deliver cost effective, relevant and timely monitoring information and feedback to consent holders and the community;
- The business of monitoring is integrated with that of processing resource consents. Consent renewal assessments are integrated into the monitoring programme to reduce costs to the consent holder, and to help the farmer anticipate and prepare for achieving rising community expectations;
- The regulatory approach means, when advice and information is unsuccessful, appropriate enforcement action is considered and undertaken under the Council's Enforcement Policy (2017). Operational policy is provided in the programme to guide these important decisions. This provides integrity to the Act, Council plans, and consents granted under them, and develops trust and respect within the community;
- Extensive and strategic use of enforcement methods (abatement notice, infringement notice, enforcement order and prosecution). All enforcement decisions are delegated to the appropriate Council staff;
- Policy, monitoring and enforcement are all underpinned by targeted science, to validate the approaches undertaken. Strategic research is pursued, to anticipate and resolve future issues;
- The monitoring programme results are regularly reported to the Council and the community, for the sake of accountability and transparency;
- Iwi are involved in prosecutions and provide sentencing submissions; and
- The monitoring and enforcement of farm dairy discharges is reviewed regularly to ensure best practice is achieved. This can include an external audit undertaken by experienced peers.

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Document control

Date	Action	By	Note

Next review

Date	Review period	By

1. Introduction

Dairying is the dominant farming in Taranaki, particularly on the ring plain. There are 1,488 dairy farms in the region, accounting for about 14% of all dairy farms in New Zealand and almost 20% of New Zealand's total milk fat production. In addition to direct farm income from milk production, the added value brought to the region from the processing of milk, whey, cheese, speciality manufacture of cheese and other products derived from milk is one of the most significant contributors to employment and the economic wellbeing of people in Taranaki.

Presently 86% (1,285) of farm dairy effluent discharge systems in the region involve irrigation to land with a storage facility as a contingency, when pasture is not suitable for irrigation. The remainder 14% (203) involve oxidation pond systems, which subsequently discharge to a watercourse.

Overall, the quality of Taranaki's fresh water and coastal water resources is good when measured against a range of chemical and biological indicators.

However, there is a general tendency for fresh water quality and stream appearance to deteriorate toward lower reaches. This is in part (but not entirely) a direct reflection of the changes in land cover and land use between the National Park and the coast, where intensive dairy farming dominates**.**

It is commonly expected by the public of Taranaki that the quality of the region's ring plain streams and coastal waters will be maintained and that water quality is suitable for consumptive use requirements, cultural, recreational and aesthetic demands and the maintenance of `healthy' aquatic ecosystems.

The *Regional Policy Statement for Taranaki* and the *Regional Fresh Water Plan*, prepared by the Taranaki Regional Council ('the Council') on behalf of the community, both contain objectives and policies to maintain the quality of our water resources and to enhance that quality where necessary and appropriate. Subsequent policy documents in preparation*)* strengthen this policy framework, including the move towards land based discharge systems.

The Council's Farm Dairy Discharge Monitoring Programme is vital to the achievement of the Council's policies and of community expectations to maintain or enhance the quality of our water resources. The programme has been in operation for almost 40 years.

As part of carrying out that responsibility, the Council recognises that it has the responsibility under the *Resource Management Act 1991* ['the Act']to promote sustainable management of natural and physical resources, a responsibility it takes very seriously given the public expectations for water and environmental quality noted above. Sustainable management is not just about the environment and its quality and involves enabling '*….people and communities to provide for their social, economic, and cultural wellbeing……*'

It is therefore important for the dairy industry, as well as the wider Taranaki community, that environmental practices within the industry are sustainable in the long term.

The way this is done is also important. In developing its Farm Dairy Discharge Monitoring Programme, the Council has been guided by its Mission Statement which is set out below:

'To work for a thriving and prosperous Taranaki by:

Promoting the sustainable use, development and protection of Taranaki's natural and physical resources;

Safeguarding Taranaki's people and resources from natural and other hazards

Promoting and providing for Taranaki regionally significant services, amenities, and infrastructure representing Taranaki's interests and contributions to the regional, national and international community.

We will do this by leading with a responsibility, working cooperatively, encouraging community participation, and taking into account the Treaty of Waitangi'.

The Council's Farm Dairy Discharge Monitoring Programme must also be transparent, that is, it must be able to be seen and understood by a wide range of stakeholders in the community. This ensures that those stakeholders have trust and confidence in the Council and its work.

In March 2017 the Council set out its requirements for good farm management, which included dairy effluent management. As a general rule, farm dairy effluent must be discharged to land. A review of Council requirements is underway and good farming measures are being developed nationally and will apply in the future.

Delivering the mission and Council farm dairy effluent good farming requirements is the purpose of this document.

This document summarises all aspects of the Council's farm dairy discharge monitoring programme and related activities and matters. It was last reviewed in 2021. It sets out expectations, procedures and standards, and is aimed at providing clarity and certainty for all parties that the Farm Dairy Discharge Monitoring Programme is indeed an integrated, comprehensive, fair, cost effective, robust, and scientifically-based programme designed and managed to deliver sustainable management of natural and physical resources in Taranaki.

This document notes and summarises all relevant aspects of the Monitoring Programme contained within Council policy documents, plans and procedure documents, and refers to these other documents for further information and detail. As such, this document sits mid-way between national policies and standards and the Council's own 'high-level' policy documents and plans (such as the Regional Policy Statement and the Regional Fresh Water Plan), and the more detailed procedure documents and other activities such as science and research, education and advice, and staff training, that make up the programme. The elements of the Council's Farm Dairy Discharge Monitoring Programme and how they fit together are shown in Figure 1.

Over the last 10 years the Council has moved to require land based discharge systems to improve water quality and also address important tangata whenua cultural concerns regarding waste discharges to water.

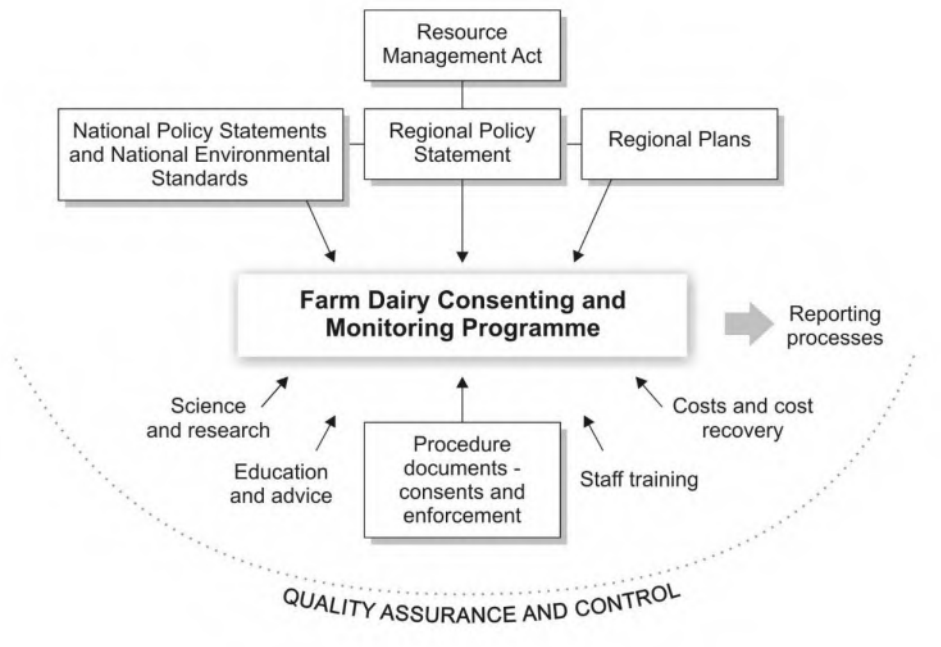

Figure 1 Elements of the Farm Dairy Discharge Monitoring Programme

This document provides for readers:

- an introduction and background to the Farm Dairy Discharge Monitoring Programme;
- a section on the policy framework adopted by the Council to guide the management of farm dairy discharges;
- the objectives of the Programme;
- a section on how the Council deals with applications for resource consents for farm dairy wastes;
- a section outlining details of the Council's monitoring of resource consents;
- a section on how the Council enforces conditions and requirements of resource consents;
- a section on the role of education and advice to the dairying community in best managing farm dairy wastes;
- some details of the programmes of research that the Council has undertaken and aims to carry out with regard to farm dairy waste discharges and related receiving environments;
- a section on the Council's approach to setting and recovering costs associated with the Programme;
- a section setting out the Council's staff training systems and procedures;
- a section summarising the Council's quality assurance and control systems that ensures that the Council delivers services to the industry and the wider Taranaki community in line with its mission statement and values (above); and
- a section on reporting.

[Refer

Regional Policy Statement for Taranaki 2010

Regional Fresh Water Plan for Taranaki 2001

Farm Dairy Discharge Standard Operating Procedures for Consent Processing and Compliance Monitoring

Resource Consents Procedures Document

Resource Consents Monitoring Procedures Document

Enforcement Provisions and Procedures under the Resource Management Act 2017

Resource Management Act Enforcement Policy 2017

Design, Construction and Maintenance Guidelines for Dairyshed and Feed Pad Wastes

Design, Construction and Maintenance Guidelines for Spray Irrigation]

A farmer's guide to managing farm dairy effluent DairyNZ

Practice Note 21 Farm Dairy Effluent ponds version 3, August 2017 DairyNZ].

2. Background

The dairy industry has been a significant industry in the Taranaki region for over a century. Many people in the community will remember the many small dairy factories dotted around the region, generally all located on a stream or river with sufficient water flow to provide the needs of the factory, both in terms of water supply and waste disposal. But in many cases, the waste disposal practices employed had a significant impact on those streams and rivers.

Similarly, on the farm, milking shed waste was more often than not discharged directly into waterways.

With the advent of the Water and Soil Conservation Act in 1967, and the subsequent formation of the Taranaki Catchment Commission and Regional Water Board (now the Taranaki Regional Council), significant in-roads were made into improving waste disposal practices, initially by encouraging dairy farmers to utilise the nutrient value of shed wastes via pasture irrigation of those wastes, and then more latterly adopting design and management guidelines for farm dairy treatment systems.

Since the late 1970s therefore, the organisation now known as the Taranaki Regional Council has been actively improving the quality of waterways within the region utilising advice and education, the requirement for such discharges to have resource consents, and enforcement of consent conditions as the primary tools. The Council has maintained high quality staff and has invested heavily in the necessary resourcing, technology, equipment, investigations, and training necessary to carry out this work.

In a joint regional council case study coordinated by the Ministry for the Environment in 1999, in which the Council participated, it was considered that policy regimes now being established, effectively managed the environmental risks posed by dairy effluent. As an aside, the working group considered the priority for further improvements in water quality with improvements in riparian management and the control of non-point source contaminants (MFE 1999). The Council's riparian management programme commenced in 1993.

For about the past 40 years the Council has provided both advice to dairy farmers on appropriate wastewater treatment and disposal systems, and as well, undertaken monitoring of those discharges and their receiving environments. As a consequence, there has been a substantial improvement in freshwater quality over this time, coupled with a change in attitude of the dairy farming community as well as the general public as awareness of the effects of inappropriate waste treatment and disposal practices has increased.

The Farm Dairy Discharge Monitoring Programme is the Council's single largest programme, with all farms in the region holding resource consents for their discharge systems. Farm inspections are not contracted out as the task can efficiently be undertaken by well managed and resourced Council inspectors, and the Council strongly believes regulatory functions should stay with the organisation responsible. All farms are inspected annually for compliance with the associated consent conditions. Re-inspections occur where non-compliance is identified and improvement is needed. No warning is given of the farm monitoring inspections.

As such, the Programme is an important part of the Council's strategic resource management framework, which itself involves:

- policy development pertaining to the industry;
- delivery via the resource consent process and related activities;
- consent compliance activities;

- regular state-of-environment monitoring and reporting;
- regular review of all of the above, with changes made to policies as and when required; and finally; and
- regular reporting of results to the community.

This can be best summarised in the following diagram (Figure 2):

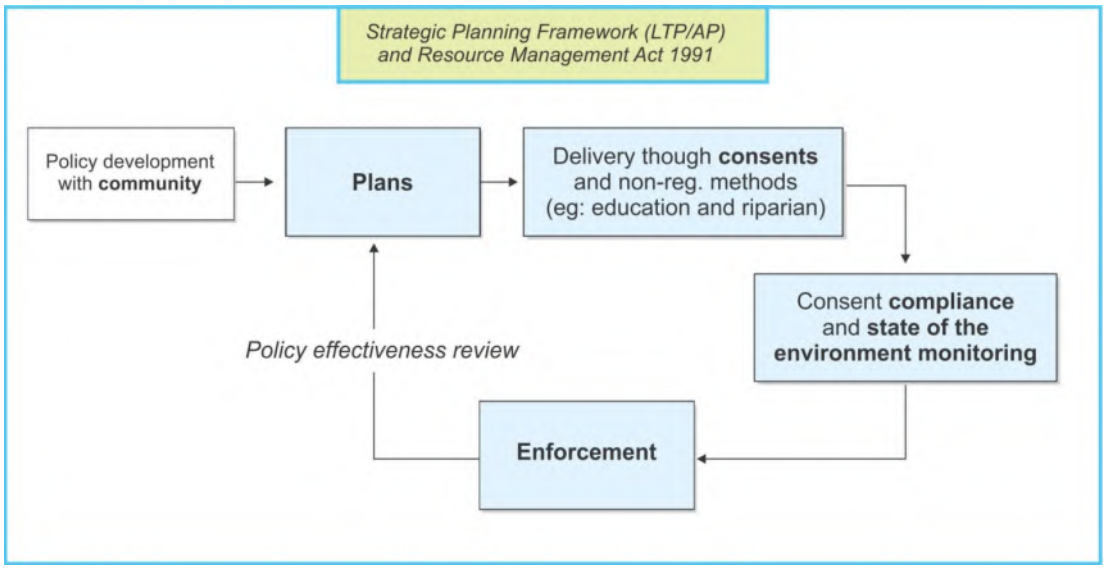

Figure 2 Principal components of resource management

As shown in Figure 2, the resource management process begins with policy development and its implementation through resource consents and other, non-regulatory methods (e.g. advice and education).

The main policies adopted by the Council to manage farm dairy discharges and their effects on the environment are set out in the next section.

3. Policy framework

The Regional Policy Statement (RPS) for Taranaki contains as an overall objective for Taranaki.

'To maintain and enhance the quality of the water resources of Taranaki for water supply purposes, contact recreation, shellfish gathering for human consumption, aesthetic purposes, cultural purposes and aquatic ecosystems by avoiding, remedying or mitigating the adverse effects of contaminants discharged to water from point sources'.

This objective reflects the aspirations and expectations of the community of the region, crystallised through the RPS process.

The Regional Fresh Water Plan for Taranaki (2001) contains more detailed policies and methods by which to implement this objective. In relation to managing point source discharges to land and water including discharges from farm dairy waste treatment and disposal systems, the Regional Fresh Water Plan (RFWP) contains the following policies and methods.

POL 6.2.1 In managing point-source discharges to land and water, the Taranaki Regional Council will recognise and provide for the different values and uses of surface water including:

(a) natural, ecological and amenity values;

(b) the relationship of Tangata Whenua with water;

(c) the maintenance and enhancement of aquatic ecosystems, and water quality for fisheries and fish spawning;

(d) use of water for water supply purposes;

(e) use of water for contact recreation.

POL 6.2.2 Discharges of contaminants or water to land or water from point sources should:

(a) be carried out in a way that avoids, remedies or mitigates significant adverse effects on aquatic ecosystems;

(b) maintain or enhance, after reasonable mixing, water quality of a standard that allows existing community use of that water for contact recreation, and water supply purposes, and maintains or enhances aquatic ecosystems;

(c) be of a quality that ensures that the size or location of the zone required for reasonable mixing does not have a significant adverse effect on community use of fresh water or the life supporting capacity of water and aquatic ecosystems.

POL 6.2.3 Waste reduction and treatment practices which avoid, remedy or mitigate the adverse environmental effects of the point-source discharge of contaminants into water or onto or into land will be required. In assessing applications for resource consents to discharge contaminants or water to land or water, the Taranaki Regional Council will consider:

(a) the natural, ecological and amenity values of the water body;

(b) the relationship of Tangata Whenua with the water body;

(c) the allowance for reasonable mixing zones and sufficient flows (determined in accordance with (a) to (k) of this policy);

(d) the potential for cumulative effects;

(e) the actual or potential risks to human and animal health from the discharge;

(f) the degree to which the needs of other resource users may be compromised;

(g) the effect of the discharge on the natural state of the receiving environment;

(h) measures to avoid, remedy or mitigate the effects of contaminants to be discharged;

(i) measures to reduce the volume and toxicity of the contaminant;

(j) the use of the best practicable option for the treatment and disposal of contaminants;

(k) the availability and effectiveness of alternative means of disposing of the contaminant (including discharge of wastewater into a municipal sewerage system).

POL 6.2.4 The Taranaki Regional Council may, where appropriate, require the adoption of the best practicable option to prevent or minimise adverse effects on the environment from the discharge of contaminants to land or water. When considering what is the best practicable option, the Taranaki Regional Council will give consideration to the following factors, in addition to those contained in the definition in the Act of best practicable option:

(a) the capital, operating and maintenance costs of relative technical options, the effectiveness and reliability of each option in reducing the discharge, and the relative benefits to the environment offered by each option;

(b) the weighing of costs in proportion to any benefits to the receiving environment to be gained by adopting the method or methods;

(c) maintaining and enhancing the existing water quality in the area as far as practicable.

POL 6.2.5 The Taranaki Regional Council will promote the best practicable option for the disposal of farm dairy effluent. Disposal may either be to land or to surface water. Matters that will be considered in the assessment of the best practicable option include:

(a) topography and land area;

(b) weather and soil conditions;

(c) assimilative capacity of receiving water;

(d) cumulative adverse effects on receiving water;

(e) use of systems appropriate to the receiving environment.

POL 6.2.6 The Taranaki Regional Council will advocate the tertiary treatment or land application of farm dairy effluent as a sustainable method of effluent disposal.

POL 6.2.7 Contingency plans and other measures to reduce the risk and effect of any spill event will be required at all sites which are subject to the risk of a spill that may have significant actual or potential effects.

The following methods are included in the RFWP to implement the Policies:

- **Apply regional rules** contained in **Section 7** of this Plan, to allow, regulate or prohibit point-source discharges of contaminants or water into water and/or into or onto land where the discharge may have an adverse effect on water.
- **Have regard to water quality guidelines** contained in Appendix V of this Plan when assessing applications for resource consents to discharge contaminants to water or land.
- **Encourage** the adoption of **waste minimisation or reduction** practices to reduce the quantity of contaminants being discharged to the environment.
- **Apply**, where appropriate, in conjunction with the objectives, policies and rules in this plan, the **best practicable option** for preventing or minimising any actual or potential adverse effect on the environment of any discharge of a contaminant or water to water or into or onto land.
- **Consider** the use of **riparian planting** as a means to mitigate the effects of point-source discharges, where appropriate.
- **Support the preparation and implementation of codes of practice** and **guidelines** by industry aimed at reducing the effects of point-source discharges, and support their implementation and adoption where appropriate.
- **Promote** the continued improvement of the management of all farm dairy waste treatment and land application systems, with an inspection, advice and monitoring focus on those systems which are performing poorly.

Promote or **undertake research** into methods of water quality management.

Subsequent regional plans in preparation will have similar methods.

The RFWP also contains detailed information on good management practices for the treatment and disposal of farm dairy effluent. This information provides guidance to assist farmers on selecting the best practicable option for preventing or minimising adverse effects on the environment from the discharge of farm dairy effluent, as required by rules in the Plan. However, there is more recent dairy industry information available (e.g.

Farmers guide to managing farm dairy effluent-A good practice guide for land application) on the Council's Land and Farm hub on the Council's website (www.trc.govt.nz). The Council recognises that there may very well be a rising expectation that there will be increasing scrutiny of the effectiveness of the Farm Dairy Discharge Monitoring Programme, including specific field and laboratory monitoring results, in order to ensure that the programme is implementing the Council's policies to maintain and enhance water quality throughout the region. This in turn leads to the need for scientifically-defensible, robust, rigorous monitoring techniques and practices, and transparent Monitoring Programme activity.

These matters are addressed in the remaining sections of this document.

The Government's National Policy Statement for Freshwater Management (2020) applies to resource consents processing and tends to support land based discharge methods.

The Council has been in the process of reviewing the RPS and RFWP for a number of years, though a period of considerable central government freshwater policy changes, and will likely complete this work programme in about the next 5 years. The policy changes are likely to support the current provisions of the Farm Dairy Effluent Discharge monitoring programme.

4. Objectives of the monitoring programme

With the Council's policy objectives in mind, the following are the specific objectives of the Taranaki Regional Council's Farm Dairy Discharge Monitoring Programme:

- Excellent environmental performance within the industry, noting however that there may on occasions be detrimental environmental effects caused by discharges even though resource consent conditions have been complied with (hence the need for the ability to review those conditions on both an individual and a generic basis);
- Innovation and wherever practicable, continuous improvement in performance and outcomes both within the industry as well as for the Council;
- High levels of compliance with resource consent conditions; and
- Council processes which are transparent, fair, cost-effective, efficient, and accountable.

These objectives are built into every monitoring programme undertaken by the Council, including the Farm Dairy Discharge Monitoring Programme, and apply from resource consent processing and administration to monitoring, research and ongoing staff training.

5. Resource consents

In Taranaki, all discharges of dairy shed wastes, whether by spray irrigation to land or treated and then directly discharged to water, require a resource consent.

The Council has adopted a set of standardised resource consent procedures, in the main for use by Council staff but also of use as a general guide for anyone seeking to obtain a resource consent (including for the discharge of farm dairy wastes). The conditions evolve through changes in practice and law. The approach by Council in processing an application for a consent to discharge farm dairy waste is therefore no different to any other consent application, in terms of processes involved and matters to be considered before consents are approved. This is appropriate given that the Act sets out the specific steps, considerations and timelines for consent applications, as can be summarised in Figure 3.

The Council has gone further, and adopted standard operating procedures for the processing of consents and for compliance monitoring of farm dairy waste treatment and disposal. This in effect is a compilation of design and operations guidelines as well as matters considered in the processing of resource consents for these discharges, and is linked directly to the RFWP's Appendices VIIA and VIIB (good management practices for discharging farm dairy effluent to land and to water, respectively) and subsequent guidelines.

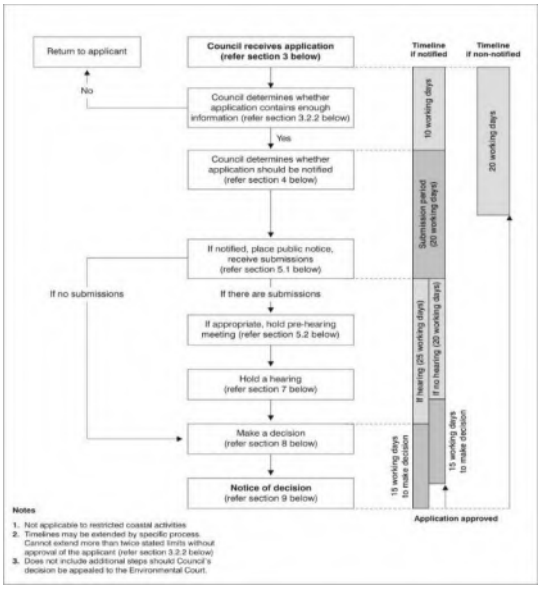

Figure 3 Resource consent process and timelines

Applicants generally use DairyNZ guidelines to design, construct and maintain land based systems.

As well, the RFWP sets out all of the policy considerations to be used when resource consent applications are processed, as well as specific Rules (35, 36, 39 & 40) which define when a farm dairy discharge meets the standards for a controlled activity or when it requires to be considered as a discretionary activity.

Most applications are processed as controlled activities under the RFWP on a non-notified basis with few affected party approvals required. Applicants tend to favour the certainty provided by this regime in the Plan.

Relevant considerations when processing a resource consent application include:

- farm location;
- herd size;
- proposed method of discharge, and the contingency available (sufficient storage) when land is not suitable for application;
- positioning of the storage facility or treatment system;
- features of the receiving environment (land or water);
- available dilution and water quality for discharges to water; or

- soil type, slope and climate for discharges to land; and
- other values associated with the receiving environment (other uses, amenity value, natural and cultural values etc); and
- any relevant measures that can be taken to minimize environmental impacts.

Farm dairy discharge consents have generally been issued with long terms [about 18 years], to provide certainty and to reflect investment in treatment systems. However, all have a review condition, which allows a review of the consent. The terms of the review are to establish whether the consent conditions are adequate to deal with any adverse effects on the environment arising from the exercise of the consent, which either were not foreseen at the time the application was considered or which it was not appropriate to deal with at the time of granting the consent. This allows Council policy to be implemented during the term of the consent. A catchment based approach to setting consent terms and review dates is utilised.

Those applicants going from a discharge to water to a discharge to land are generally given longer consent terms.

The ability to operate land based disposal systems on the upper ring plain is challenging, given the high rainfall and high stream density, and requires careful expert assessment. The Council has been working closely with a dairy farming group (HADES) to work with farmers in the upper ring plain to find solutions.

The Council's standard operating procedures document sets out the following with regard to the conditions that will be attached to resource consents for dairy shed discharges. The numerical standards in the conditions are based on water quality standard assessment and scientific analysis undertaken by the Council in preparing the RFWP.

For the discharge of dairy shed effluent to land.

If such discharges meet the following criteria, they satisfy the conditions as a controlled activity, and the resource consent must be granted. However, the Council may still impose conditions upon the nature of the disposal system's operation and the level of environmental performance required:

Special conditions

1. For the purposes of this consent:
    a. Farm dairy includes every area of the dairy cow milking process and includes covered and uncovered areas where cows reside for longer than five minutes for the purpose of milking (including a stand-off pad or yard) but does not include raceways;
    b. Unless otherwise specified, 'effluent' includes its liquid, slurry and solid forms. It also includes sand trap cleanings; and
    c. 'Liquid effluent' is any effluent that is discharged through a pipe or spray equipment, any non-liquid effluent is 'solid effluent'.
2. All effluent shall be discharged to land in accordance with conditions x to y of this consent.
3. The effluent discharged shall be from the milking of no more than xxx cows.
4. The consent holder shall advise the Taranaki Regional Council by sending an email to consents@trc.govt.nz if the number of cows to be milked exceeds the number authorised in condition 3. The email shall include the consent number or dairy supply number.

5. The consent holder shall at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects of the discharge on the environment.

Effluent treatment and disposal system

6. The effluent disposal system shall include a storage facility, designed by a suitably qualified person, that can contain a volume of effluent that is adequate to manage the discharge and achieve compliance with the conditions of this consent for the number of cows specified in condition 3.

Note. The Chief Executive, Taranaki Regional Council will accept as compliance with this condition a storage volume calculated using the 'Dairy Effluent Storage Calculator' (developed by Massey University and Horizons Regional Council), as determined by a person with appropriate skills employed by a company that has undergone the accreditation programme set by Irrigation New Zealand.

7. The design for the storage facility shall be submitted to the Chief Executive, Taranaki Regional Council within 6 months of this consent commencing.
8. Any pond or tank for containing effluent shall be sealed to prevent effluent leaking through the bed or sidewalls.
9. There shall be no overflow of effluent from any part of the effluent disposal system.
10. The consent holder shall, at all times, manage effluent irrigation so that, while complying with the other requirements of this consent, the storage available in the effluent disposal system is maximised.

Maintenance of the effluent treatment and disposal system

11. The effluent disposal system shall be operated and maintained to ensure compliance with the conditions of this consent. Operation and maintenance includes, but is not limited to:
    d. vegetation control on and around the storage facility;
    e. cleaning, repairing and generally ensuring the integrity of any:
        (i) pond or tank;
        (ii) irrigator;
        (iii) stormwater diversion;
        (iv) sand trap;
        (v) piping;
        (vi) pump; and
        (vii) fence.

Advice Note: For guidance on maintaining the treatment system refer to the Council publications "Design, Construction and Maintenance Guidelines for the oxidation pond treatment of farm dairy and feedpad wastes" and "Design, Construction and Maintenance Guidelines for spray irrigation of farm dairy wastes".

Land discharge standards

12. The consent holder shall ensure that over any June to May period, liquid effluent is discharged as evenly as is practically achievable over an area no less than xxx ha.
13. Any settled sludges and solids from the bottom zone of a storage facility, and any sand trap cleanings, shall be discharged to an area where there has been no effluent discharged in the previous 12 months.

14. Over any 12-month period the Total Nitrogen applied to any hectare of land as a result of the effluent discharge, including solids, shall be no more than 200 kg.

Advice Note: Any Nitrogen applied within effluent should be taken into account in the nutrient budget for that land.

15. The depth of liquid effluent discharged to land in any single discharge event shall not exceed the maximum application shown in the table below for the soil type that corresponds with soil in the area that the effluent is applied.

Soil Type	Maximum Application
Sand	15 mm
Sandy loam	24 mm
Silt loam	24 mm
Clay loam	18 mm
Clay	18 mm
Peat	20 mm

16. The discharge shall not result in any effluent reaching surface water, any subsurface drainage system or any adjacent property.
17. Discharges to land shall not result in liquid effluent ponding on the surface that remains for more than 30 minutes.
18. No contaminants shall be discharged within:
    a. 25 metres of any surface water body; or
    b. 25 metres of any fenced (or otherwise identified) urupa without the written approval of the relevant Iwi; or
    c. 50 metres of any bore or well;
    d. 50 metres of any spring used for water supply purposes; or
    e. 150 metres from any marae, unless the written approval of the marae Chair has been obtained to allow the discharge at a closer distance.

Information provision

19. When requested to do so by the Taranaki Regional Council the consent holder shall measure the depth of application and/or the rate of application at representative locations over the full extent of the irrigation area. This information shall be provided to the Taranaki Regional Council upon request.
20. The consent holder shall keep a record of effluent discharged to land including as minimum the:
    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 m^2) of the area that effluent was applied to.

This information shall be in a format that, in the opinion of the Chief Executive, Taranaki Regional Council, is suitable for auditing and shall be provided to the Taranaki Regional Council upon request.

21. If for any reason (accidental or otherwise), effluent enters surface water or a subsurface drainage system, other than in accordance with this consent, the consent holder shall:
    a. immediately notify the Taranaki Regional Council on Ph 0800 736 222 (notification must include either the consent number or farm dairy number); and
    b. stop the discharge and immediately take steps to control and stop the escape of untreated or partially treated effluent to surface water; and
    c. immediately take steps to ensure that a recurrence of the escape of untreated or partially treated effluent to surface water is prevented; and
    d. report in writing to the Chief Executive, Taranaki Regional Council, describing the manner and cause of the escape and the steps taken to control it and to prevent it reoccurring. The report shall be provided to the Chief Executive within seven (7) days of the occurrence.

Review of consent conditions

22. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2025 and at 6-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

To discharge farm dairy effluent onto land and, until a specified date, oxidation pond system to water

If such discharges meet the standards of a controlled activity, the resource consent must be granted by the Council. However, the Council may still impose conditions upon the nature of the disposal system's operation and the level of environmental performance required.

The following resource consent conditions are imposed on a case by case basis and the environmental risks associated with the discharge.

Special conditions

1. For the purposes of this consent:
    a. Farm dairy includes every area of the dairy cow milking process and includes covered and uncovered areas where cows reside for longer than five minutes for the purpose of milking (including a stand-off pad or yard) but does not include raceways;
    b. Unless otherwise specified, 'effluent' includes its liquid, slurry and solid forms. It also includes sand trap cleanings; and

c. 'Liquid effluent' is any effluent that is discharged through a pipe or spray equipment, any non-liquid effluent is 'solid effluent'.

2. Only liquid effluent treated as described in condition 11 and condition 12 shall be discharged to water.
3. There shall be no discharge to water unless any discharge to land in accordance with the conditions of this consent would result in effluent ponding on the surface that remains for more than 30 minutes, or flowing to surface water or a subsurface drainage system.
4. From 1 December xxxx there shall be no discharge to water and all effluent shall be discharged to land in accordance with conditions 0 to 0 of this consent.
5. The effluent discharged shall be from the milking of no more than xxx cows.
6. The consent holder shall advise the Taranaki Regional Council by sending an email to consents@trc.govt.nz if the number of cows to be milked exceeds the number authorised in condition 3. The email shall include the consent number or dairy supply number.

Advice Note: The effects of the treated wastewater discharge were assessed based on the consent holder milking a maximum of xxx cows each day. If the number of milking cows increases beyond that number the adequacy of the existing treatment system will be reassessed.

7. The consent holder shall at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects of the discharge on the environment.
8. Discharge to water shall only occur at a single designated discharge point located at or about NZTM xxxxxxE-xxxxxxN and there shall be no overflow of effluent from any other point in the effluent disposal system.

Effluent treatment and disposal system

9. From 1 December xxxx the effluent disposal system shall include a storage facility, designed by a suitably qualified person, that can contain a volume of effluent that is adequate to manage the discharge and achieve compliance with the conditions of this consent for the number of cows specified in condition 3.

    Note. The Chief Executive, Taranaki Regional Council will accept as compliance with this condition a storage volume calculated using the 'Dairy Effluent Storage Calculator' (developed by Massey University and Horizons Regional Council), as determined by a person with appropriate skills employed by a company that has undergone the accreditation programme set by Irrigation New Zealand. .

10. The design for the storage facility shall be submitted to the Chief Executive, Taranaki Regional Council before 1 December xxxx.
11. Any effluent that is discharged to water shall have been treated in a system that includes at least x anaerobic pond and x aerobic ponds. The anaerobic pond shall have a total volume no less than xxxx m^3 and a minimum depth of 4 metres. The aerobic ponds shall have a total surface area no less than xxxx m^2 and a maximum depth of 1.5 metres.
12. In addition to the ponds described in condition 11 above, any effluent that is discharged to water shall have been treated in a system that also includes a constructed drain. The dimensions shall be no less than those shown in the table below.

	Length (m)	Width (m)	Depth (m)
Constructed drain	xxx	xx	xx

13. Any pond or tank for containing effluent shall be sealed to prevent effluent leaking through the bed or sidewalls.
14. From 1 December xxxx shall be no overflow of effluent from any part of the effluent disposal system.
15. From 1 December xxxx the consent holder shall, at all times, manage effluent irrigation so that, while complying with the other requirements of this consent, the storage available in the effluent disposal system is maximised.
16. Until 1 December xxxx a flow control structure, such as a 'tee-piece' pipe or other baffle system that achieves the same outcome, shall be maintained and operated on the outlet of the first oxidation (anaerobic) pond so as to minimise the movement of solids from the pond.

Maintenance of the effluent treatment and disposal system

17. The effluent disposal system shall be operated and maintained to ensure compliance with the conditions of this consent. Operation and maintenance includes, but is not limited to:
    a. vegetation control on and around the storage facility;
    b. cleaning, repairing and generally ensuring the integrity of any:
        (i) pond or tank;
        (ii) irrigator;
        (iii) stormwater diversion;
        (iv) sand trap;
        (v) piping;
        (vi) pump; and
        (vii) fence.

Advice Note: For guidance on maintaining the treatment system refer to the Council publications "Design, Construction and Maintenance Guidelines for the oxidation pond treatment of farm dairy and feedpad wastes" and "Design, Construction and Maintenance Guidelines for spray irrigation of farm dairy wastes".

18. In order for the constructed drain to continually provide effective treatment, it shall be left undisturbed (including by excluding stock) and shall not be sprayed.

Land discharge standards

19. The consent holder shall ensure that over any June to May period, liquid effluent is discharged as evenly as is practically achievable over an area no less than xx ha.
20. Any settled sludges and solids from the bottom zone of a storage facility, and any sand trap cleanings, shall be discharged to an area where there has been no effluent discharged in the previous 12 months.
21. Over any 12-month period the Total Nitrogen applied to any hectare of land as a result of the effluent discharge, including solids, shall be no more than 200 kg.

Advice Note: Any Nitrogen applied within effluent should be taken into account in the nutrient budget for that land.

22. The depth of liquid effluent discharged to land in any single discharge event shall not exceed the maximum application shown in the table below for the soil type that corresponds with soil in the area that the effluent is applied.

Soil Type	Maximum Application
Sand	15 mm
Sandy loam	24 mm
Silt loam	24 mm
Clay loam	18 mm
Clay	18 mm
Peat	20 mm

23. The discharge shall not result in any effluent reaching surface water, any subsurface drainage system or any adjacent property.
24. Discharges to land shall not result in liquid effluent ponding on the surface that remains for more than 30 minutes.
25. No contaminants shall be discharged within:
    a. 25 metres of any surface water body; or
    b. 25 metres of any fenced (or otherwise identified) urupa without the written approval of the relevant Iwi; or
    c. 50 metres of any bore or well;
    d. 50 metres of any spring used for water supply purposes; or
    e. 150 metres from any marae, unless the written approval of the marae Chair has been obtained to allow the discharge at a closer distance.

Water discharge standards (Note: No discharge to water is allowed after 1 December xxxx)

26. After treatment in the final pond (approximately NZTM xxxxxxE-xxxxxxN) the maximum concentration of the constituents shown in the table below shall not be exceeded in the effluent.

Constituent	Maximum Concentration
Total carbonaceous BOD_5	110 gm^{-3}
Suspended solids	100 gm^{-3}

27. A minimum dilution rate of 1 part effluent to 100 parts receiving water shall be maintained at all times in the receiving water at the point of discharge.

28. The consent holder shall ensure that there is always clear and safe access to a point where the effluent from the final pond can be sampled.
29. The discharge shall not cause the maximum concentration of any constituent shown in the following table to be exceeded in the receiving water more than 20 metres downstream of the discharge to the receiving water.

Constituent	Maximum Concentration
Unionised ammonia	0.025 gm^{-3}
Filtered carbonaceous BOD_5	2.0 gm^{-3}

30. The discharge shall not give rise to any of the following effects in the receiving water more than 20 metres downstream of the discharge point:
    a. the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
    b. any conspicuous change in the colour or visual clarity;
    c. any emission of objectionable odour;
    d. the rendering of fresh water unsuitable for consumption by farm animals;
    e. any significant adverse effects on aquatic life, habitats or ecology; or
    f. the generation of undesirable heterotrophic growths (sewage fungus).

Information provision

31. When requested to do so by the Taranaki Regional Council the consent holder shall measure the depth of application and/or the rate of application at representative locations over the full extent of the irrigation area. This information shall be provided to the Taranaki Regional Council upon request.
32. The consent holder shall keep a record of effluent discharged to land including as minimum the:
    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 m^2) of the area that effluent was applied to.

This information shall be in a format that, in the opinion of the Chief Executive, Taranaki Regional Council, is suitable for auditing and shall be provided to the Taranaki Regional Council upon request.

33. On each occasion that a discharge to water occurs the consent holder shall keep a record of the:
    a. date of discharge;
    b. estimated discharge duration (in hours);
    c. reasons that a discharge to land could not occur; and
    d. reasons that the effluent could not be stored.

This information shall be in a format that, in the opinion of the Chief Executive, Taranaki Regional Council, is suitable for auditing and shall be provided to the Taranaki Regional Council upon request.

34. If for any reason (accidental or otherwise), effluent enters surface water or a subsurface drainage system, other than in accordance with this consent, the consent holder shall:
    a. immediately notify the Taranaki Regional Council on Ph 0800 736 222 (notification must include either the consent number or farm dairy number); and
    b. stop the discharge and immediately take steps to control and stop the escape of untreated or partially treated effluent to surface water; and
    c. immediately take steps to ensure that a recurrence of the escape of untreated or partially treated effluent to surface water is prevented; and
    d. report in writing to the Chief Executive, Taranaki Regional Council, describing the manner and cause of the escape and the steps taken to control it and to prevent it reoccurring. The report shall be provided to the Chief Executive within seven (7) days of the occurrence.
35. If, as a consequence of the activity authorised by this consent, an event occurs that may have a significant adverse effect on water quality at the registered drinking-water supply abstraction point downstream the consent holder shall, as soon as reasonably practicable, telephone the Taranaki Regional Council and water supply operator and notify them of the event.

Review of consent conditions

36. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2025 and at 6-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

To discharge farm dairy effluent onto land and oxidation pond system to water if the land disposal area is not suitable for effluent disposal

If such discharges meet the standards of a controlled activity, the resource consent must be granted by the Council. But a short term is applied to encourage the discharge of effluent to land at all times. The Council may still impose conditions upon the nature of the disposal system's operation and the level of environmental performance required.

The following resource consent conditions are imposed on a case by case basis and address the environmental risks associated with the discharge.

Special conditions

1. For the purposes of this consent:
    a. Farm dairy includes every area of the dairy cow milking process and includes covered and uncovered areas where cows reside for longer than five minutes for the purpose of milking (including a stand-off pad or yard) but does not include raceways;
    b. Unless otherwise specified, 'effluent' includes its liquid, slurry and solid forms. It also includes sand trap cleanings; and

c. 'Liquid effluent' is any effluent that is discharged through a pipe or spray equipment, any non-liquid effluent is 'solid effluent'.

2. Only liquid effluent treated as described in condition 11 and condition 12 shall be discharged to water.
3. There shall be no discharge to water unless any discharge to land in accordance with the conditions of this consent would result in effluent ponding on the surface that remains for more than 30 minutes, or flowing to surface water or a subsurface drainage system.
4. The effluent discharged shall be from the milking of no more than xxx cows.
5. The consent holder shall advise the Taranaki Regional Council by sending an email to consents@trc.govt.nz if the number of cows to be milked exceeds the number authorised in condition 3. The email shall include the consent number or dairy supply number.

Advice Note: The effects of the treated wastewater discharge were assessed based on the consent holder milking a maximum of xxx cows each day. If the number of milking cows increases beyond that number the adequacy of the existing treatment system will be reassessed.

6. The consent holder shall at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects of the discharge on the environment.
7. Discharge to water shall only occur at a single designated discharge point located at or about NZTM xxxxxxE-xxxxxxN and there shall be no overflow of effluent from any other point in the effluent disposal system.

Effluent treatment and disposal system

8. Any effluent that is discharged to water shall have been treated in a system that includes at least x anaerobic pond and x aerobic ponds. The anaerobic pond shall have a total volume no less than xxxx m^3 and a minimum depth of 4 metres. The aerobic ponds shall have a total surface area no less than xxxx m^2 and a maximum depth of 1.5 metres.
9. In addition to the ponds described in condition 11 above, any effluent that is discharged to water shall have been treated in a system that also includes a constructed drain. The dimensions shall be no less than those shown in the table below.

	Length (m)	Width (m)	Depth (m)
Constructed drain	160.00	1.00	.300

10. Any pond or tank for containing effluent shall be sealed to prevent effluent leaking through the bed or sidewalls.
11. A stormwater diversion system and a sand trap system shall be installed, maintained and operated at the farm dairy. The diversion system shall prevent, as far as practicable, uncontaminated stormwater entering the effluent disposal system.

Note. Farm dairy includes any stand-off pad or yard (see condition 1(a)).

12. A flow control structure, such as a 'tee-piece' pipe or other baffle system that achieves the same outcome, shall be maintained and operated on the outlet of the first oxidation (anaerobic) pond so as to minimise the movement of solids from the pond.

Maintenance of the effluent treatment and disposal system

13. The effluent disposal system shall be operated and maintained to ensure compliance with the conditions of this consent. Operation and maintenance includes, but is not limited to:
    a. vegetation control on and around the storage facility;
    b. cleaning, repairing and generally ensuring the integrity of any:
        (i) pond or tank;
        (ii) irrigator;
        (iii) stormwater diversion;
        (iv) sand trap;
        (v) piping;
        (vi) pump; and
        (vii) fence.

Advice Note: For guidance on maintaining the treatment system refer to the Council publications "Design, Construction and Maintenance Guidelines for the oxidation pond treatment of farm dairy and feed pad wastes" and "Design, Construction and Maintenance Guidelines for spray irrigation of farm dairy wastes".

14. In order for the constructed drain to continually provide effective treatment, it shall be left undisturbed (including by excluding stock) and shall not be sprayed.

Land discharge standards

15. The consent holder shall ensure that over any June to May period, liquid effluent is discharged as evenly as is practically achievable over an area no less than xx ha.
16. Any settled sludges and solids from the bottom zone of a storage facility, and any sand trap cleanings, shall be discharged to an area where there has been no effluent discharged in the previous 12 months.
17. Over any 12-month period the Total Nitrogen applied to any hectare of land as a result of the effluent discharge, including solids, shall be no more than 200 kg.

Advice Note: Any Nitrogen applied within effluent should be taken into account in the nutrient budget for that land.

18. The depth of liquid effluent discharged to land in any single discharge event shall not exceed the maximum application shown in the table below for the soil type that corresponds with soil in the area that the effluent is applied.

Soil Type	Maximum Application
Sand	15 mm
Sandy loam	24 mm
Silt loam	24 mm

Soil Type	Maximum Application
Clay loam	18 mm
Clay	18 mm
Peat	20 mm

19. The discharge shall not result in any effluent reaching surface water, any subsurface drainage system or any adjacent property.
20. Discharges to land shall not result in liquid effluent ponding on the surface that remains for more than 30 minutes.
21. No contaminants shall be discharged within:
    a. 25 metres of any surface water body; or
    b. 25 metres of any fenced (or otherwise identified) urupa without the written approval of the relevant Iwi; or
    c. 50 metres of any bore or well;
    d. 50 metres of any spring used for water supply purposes; or
    e. 150 metres from any marae, unless the written approval of the marae Chair has been obtained to allow the discharge at a closer distance.

Water discharge standards

22. After treatment in the final pond (approximately NZTM xxxxxxE-xxxxxxN) the maximum concentration of the constituents shown in the table below shall not be exceeded in the effluent.

Constituent	Maximum Concentration
Total carbonaceous BOD_5	110 gm^{-3}
Suspended solids	100 gm^{-3}

23. A minimum dilution rate of 1 part effluent to 100 parts receiving water shall be maintained at all times in the receiving water at the point of discharge.
24. The consent holder shall ensure that there is always clear and safe access to a point where the effluent from the final pond can be sampled.
25. The discharge shall not cause the maximum concentration of any constituent shown in the following table to be exceeded in the receiving water more than 20 metres downstream of the discharge to the receiving water.

Constituent	Maximum Concentration
Unionised ammonia	0.025 gm^{-3}
Filtered carbonaceous BOD_5	2.0 gm^{-3}

26. The discharge shall not give rise to any of the following effects in the receiving water more than 20 metres downstream of the discharge point:

a. the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
b. any conspicuous change in the colour or visual clarity;
c. any emission of objectionable odour;
d. the rendering of fresh water unsuitable for consumption by farm animals;
e. any significant adverse effects on aquatic life, habitats or ecology; or
f. the generation of undesirable heterotrophic growths (sewage fungus).

Information provision

27. When requested to do so by the Taranaki Regional Council the consent holder shall measure the depth of application and/or the rate of application at representative locations over the full extent of the irrigation area. This information shall be provided to the Taranaki Regional Council upon request.
28. The consent holder shall keep a record of effluent discharged to land including as minimum the:
    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 m^2) of the area that effluent was applied to.

This information shall be in a format that, in the opinion of the Chief Executive, Taranaki Regional Council, is suitable for auditing and shall be provided to the Taranaki Regional Council upon request.

29. On each occasion that a discharge to water occurs the consent holder shall keep a record of the:
    a. date of discharge;
    b. estimated discharge duration (in hours);
    c. reasons that a discharge to land could not occur; and
    d. reasons that the effluent could not be stored.

This information shall be in a format that, in the opinion of the Chief Executive, Taranaki Regional Council, is suitable for auditing and shall be provided to the Taranaki Regional Council upon request.

30. If for any reason (accidental or otherwise), effluent enters surface water or a subsurface drainage system, other than in accordance with this consent, the consent holder shall:
    a. immediately notify the Taranaki Regional Council on Ph 0800 736 222 (notification must include either the consent number or farm dairy number); and
    b. stop the discharge and immediately take steps to control and stop the escape of untreated or partially treated effluent to surface water; and
    c. immediately take steps to ensure that a recurrence of the escape of untreated or partially treated effluent to surface water is prevented; and

d. report in writing to the Chief Executive, Taranaki Regional Council, describing the manner and cause of the escape and the steps taken to control it and to prevent it reoccurring. The report shall be provided to the Chief Executive within seven (7) days of the occurrence.

31. If, as a consequence of the activity authorised by this consent, an event occurs that may have a significant adverse effect on water quality at the registered drinking-water supply abstraction point downstream the consent holder shall, as soon as reasonably practicable, telephone the Taranaki Regional Council and water supply operator and notify them of the event

Review of consent conditions

32. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June xxxx and at 2-yearly intervals thereafter, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

In the event that the proposed discharge cannot meet any of the above criteria as controlled activities, the Council has the discretion to approve, or not, any application, under whatever conditions that may be necessary to ensure that the requirements of the relevant policies, plans and rules relating to environmental quality are met. Such activities are termed 'discretionary' under the RFWP.

All dairy shed discharges within the Taranaki region fall within river catchments which are grouped for the purposes of resource consent considerations – that is, for each group of catchments there is a standard expiry or review date for resource consents, and for the whole region there is a rolling expiry/review date system on a six-yearly rotation. This means that in any one year, all dairy shed discharge consents in a particular group of catchments will either expire, or will undergo review. The main purpose of this is to enable the Council to review all monitoring data and information, river quality and flow information, and any relevant other information (e.g. increased water usage or discharges in the river catchments under review), and thereby lead to a more coordinated catchment-based management regime than would otherwise occur if a more ad-hoc approach was taken.

A critical part of this is the use of effluent, water quality and other monitoring data and information (e.g. changes in herd size, results of the annual inspections etc) at the time of each review and renewal of consents. Details of the Council's monitoring and inspection regimes are set out in the following section of this document.

The Council runs a comprehensive database to support its consents processing and monitoring systems, called IRIS. The system is about to be replaced and upgraded by Sharepoint.

The charge for consent processing and transfers is provided in Section 10.

In all of the above, the Council is keen to ensure that it is utilizing best practices for consent processing – this is measured by benchmarking against other Councils around the country, in terms of:

- turnaround times for processing applications;
- meeting statutory timeframes for resource consent processes;
- quality control (including in terms of internal reporting, supervision, sign-off, staff training etc – see separate section below);
- information sharing; and

- costs associated with processing and monitoring.

Comparisons to date show that the Council is at the forefront of best practice within New Zealand. This however is not viewed, as a final achievement in itself – the Council is aware that there can always be improvements made, and is committed to the principle of continual improvement.

[Refer

Resource Consents Procedures document

Farm Dairy Discharges Standard Operating Procedures for Consent Processing & Compliance Monitoring

Regional Fresh Water Plan, Rules 35, 36, 39 & 40].

6. Monitoring

Introduction

Monitoring is a critical component of ensuring that the Council is achieving its objectives and statutory requirements for environmental performance and sustainable management of natural resources. The Act in fact established new requirements for local authorities to undertake monitoring. Specifically, local authorities are required by section 35(1) of the Act "*...to gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act.*" In particular, local authorities are required to monitor the:

a. state of the environment;
b. suitability and effectiveness of policy statements and plans;
c. exercise of delegations or transfers; and
d. exercise of resource consents (section 35(2) of the Act).

The Council has promulgated a Resource Consents Monitoring Procedures document which sets out the framework for its monitoring activities, and how it goes about carrying out this role.

Monitoring "on the ground" generally occurs at two levels:

- ensuring that the holder of a resource consent is meeting all of the requirements and standards stipulated within their consent, "Compliance Monitoring". Monitoring of the discharge itself verifies the anticipated or predicted performance of the disposal system, while impact monitoring verifies that the environmental effects of the activity are as predicted in the consent application, or assesses that the parameters defined by a resource consent are complied with when the consent is exercised; and
- monitoring of the environment, to ensure that requirements, standards, policies and societal aspirations are being achieved.

Compliance monitoring

The type of monitoring programme required by the Council for a resource consent is initially assessed during the resource consent granting process (see above) and will depend on the following factors:

- the nature and scale of the consented activity;
- the nature and quantity of the contaminants discharged;
- the sensitivity of the receiving environment;
- any long-term or permanent effects (e.g. structures, contamination);
- any off-site effects (e.g. pollution from spray drift, ground water or surface water contamination);
- any cumulative effects (e.g. where several people may take water from the same aquifer or stream);

Photo 1 Condition based monitoring with portable device

- any social and cultural effects;
- any previous complaints relating to the same activity; and
- any previous problems (pollution) from similar activities.

The different types of compliance monitoring programmes are discussed in detail in the Monitoring Procedures document noted above.

For farm dairy effluent discharges, the Council's Farm Dairy Discharges Standard Operating Procedures for Consent Processing & Compliance Monitoring document sets specifically the rationale and regime for monitoring.

No warning is given to the consent holder about the monitoring visit.

Compliance monitoring is based on annual inspections carried out by Investigating Officers, with additional monitoring (known as follow-up and/or dairy non-compliance re-inspections) undertaken as and when required. For example, if significant ponding had occurred from an irrigator, additional monitoring is undertaken to ensure mitigation of environmental effects and resource consent conditions are complied with.

Upon discovery of a non-complaint discharge, officers have the ability to increase the scope of water quality testing within the receiving environment. The officers have access to specialist staff to assess the health of the biological communities within the affected waterbody or assess the likelihood of ground water contamination for cases of unauthorised discharges to land.

Also, investigating officers are equipped in the field with devices (tablets, mobile phones, GPS, digital thermometer, a selection of sample bottles to cover the common analysis requirements and note books) to take photographs, video, record information and collect samples (water, air, soil or organic matter) for analysis.

Photo 2 Visual inspection to check condition of the irrigator and application rate

For the disposal of farm dairy effluent to land, the key aspects monitored are:

- Uncovered areas where cows reside for longer than five minutes for the purpose of milking, i.e. stand-off-pads or yards are checked by the officer to ensure all farm dairy effluent areas are bunded and direct all waste water to the disposal system.
- Land suitability- if the land is not suitable for irrigation, what is the disposal system's contingency? For example, if a storage facility is available, the consent holder must manage farm dairy effluent so that, while complying with the other requirements of the consent, there is sufficient storage available.
- Farm dairy effluent irrigation fields are inspected to ensure, when farm dairy effluent has been applied to pasture, best industry practice has been followed and the application to land adheres to resource consent conditions, For example, no ponding is occurring which may lead to overland flow to surface water or the contamination of ground water. Areas previously used for irrigation will be inspected and irrigation records, where they are required by consent conditions, inspected and assessed. Increased monitoring will occur of land based discharge systems, including the area irrigated.

For the treatment of farm dairy effluent via oxidation pond systems, the key aspects monitored are the:

- Uncovered areas where cows reside for longer than five minutes for the purpose of milking, i.e. stand-off-pads or yards are checked by the officer to ensure all farm dairy effluent areas are bunded and direct all waste water to the disposal system.
- Oxidation pond system ensuring it comprises at least an anaerobic pond and an aerobic pond. Also, the ponds are sized correctly for the number of cows milked.
- Condition of the treatment system. For example, an officer will investigate the anaerobic pond to ensure the required volume is being maintained (de-slugging of the anaerobic ponds is required from time to time) and sufficient volume is available to efficiently treat the effluent. Also, ensuring the aerobic pond or ponds surface area is clear and is at the required dimensions. Solids and vegetation encroachment will reduce the surface area of an aerobic pond which will reduce the ponds ability to treat effluent and in some cases turn the pond anaerobic.
- Discharge point and receiving environment. Many oxidation systems discharge to a tertiary system (constructed drain or wetlands) before the receiving waters, an officer will inspect the condition of the tertiary system, insuring lush vegetation is left undisturbed, which includes excluding stock.
- Receiving water including ensuring a minimum dilution rate of one part effluent to one hundred parts receiving water is being maintained and there are no conspicuous change in visual clarity or condition of the receiving waters, i.e. undesirable heterotrophic growths. Oxidation pond system discharges are regularly sampled to check compliance, which is analysed by an accredited external contractor.

Photo 3 *Collecting samples, recording temperature and entering sample information into the laboratory database remotely*

A key issue encountered in the field, is the management of uncontaminated stormwater discharging to the disposal system. Regular sampling of oxidation pond system discharges has identified excess stormwater as a contributing factor to non compliance because the effluent residence time and associated treatment are reduced.

Oxidation pond treatment of farm dairy effluent, was largely considered a very low maintenance system. However, with farm intensification, an oxidation pond system has become a disposal method which requires a greater degree of management to operate successfully. Oxidation pond discharges to water have a relatively high non compliance rate, compared to discharges to land. This has resulted in some consent holders renewing their consent early and quickly moving to land based discharge systems in line with best industry practice. The focus going forward will be to try and sample every discharge to water consent every year.

Council officers have the ability to work remotely and input data in the field to mobile devices (tablet or mobile phone) which can be later synchronised with the Council's computer databases. Monitoring processes and technology used are shown in photographs 2, 3, 4, and 5. At the time of monitoring an assessment is made on each special condition, which can include general comments and evidence base comments. This information is then synchronised and downloaded to the IRIS database. The information stored from the compliance monitoring and consent processing programmes includes:

- type of disposal system;
- number of cows;
- GPS location of the farm entrance;
- GPS location of discharge point (central area for land base discharge, oxidation pond system point of discharge and receiving water mixing zone);
- storage facility volume;
- available area for land application;
- storage facility volume and design reports;
- oxidation pond size;
- type and size of tertiary treatment, including dilution requirements;
- parameters for contaminants, which there are consent conditions (BOD_5, treated or untreated effluent; suspended solids; ammonia);
- analysis results and reporting;
- photographs and videos;
- sample sites;
- inspection, advices and information provided history;
- current and historic compliance status;
- consent holder details;
- resource consent application details;
- property legal description;
- submission data;
- statutory acknowledgements to Iwi;
- resource consent conditions;
- copy of resource consent;
- links to other relevant documents and information;
- invoicing data. i.e. compliance monitoring invoice, Non-compliance fees, infringement fees and application processing charges;
- resource consent review and expiry dates;
- witness statements, if required;
- prosecution details, if undertaken;
- RMA details, i.e. statutory requirements for application processing and non-compliance breaches;
- plan details, i.e. which rule the resource consent is process under, including regional plan policies taken in to account.

Photo 4 *Officer completing inspection and printing out notice. Also, synchronising to Council data base*

The charge for the monitoring inspections and re-inspections is discussed in section 10 below.

So what has monitoring to date shown? In the main, that farm dairy effluent waste discharge consents are being complied with, and that the environmental impacts of these discharges is no more than minor in the vast majority of cases. However, cumulative environmental effects can arise in some catchments and require action.

The inspection results and monitoring data are, as noted above, fed in to the Council's databases each night and are available for reporting. The results from routine sampling are sent out to the consent holder advising them of the compliance rating for the inspection. The Council's elected members and the community also receive a six-weekly report on any unauthorised incidents (not just dairy shed waste ones).

State of the Environment Monitoring

The Council also prepares a five-yearly report on long-term trends in environmental quality around the region, and obviously all information and monitoring data related to the discharge of dairy shed wastes is incorporated in summary form in those reports.

The scientifically defensible data and statistical assessment undertaken in State of the Environment reporting is used for policy effectiveness monitoring. The reports for the last fifteen years show that the Regional Policy Statement sustainable management objective to maintain or enhance water quality in Taranaki is generally being met. Although recent negative monitoring trends for some data are concerning. The latest state of the environment report, in 2022, compared water quality data with the National Objectives Framework of the National Policy for Freshwater Management 2020. Most of the data was above national bottom lines but some was not and considerable work is required to improve water quality in the region. Removing treated farm dairy effluent discharges from surface water to land will improve environmental quality.

Monitoring ground water quality is an important part of the state of the environment programme. Increasing farm dairy effluent discharges to land may impact on ground water quality and provide feedback on whether effluent loading rates are appropriate.

Finally, the information from this monitoring programme forms a key component of the Council's statutorily-required State of the Environment report.

[Refer Resource Consents Monitoring Procedures document

Charging policy under section 36 of the RMA, 2001

Taranaki Regional Council 2021 /2031 Long-Term Plan, 2021

Taranaki Regional Council: 'Our Place Taranaki State of Environment Report, 2022'

Vaderholm, D H: 'Agricultural Waste Manual'. N Z Agricultural Engineering Institute Project Report No. 32].

7. Enforcement

The regulatory approach means that when advice and information is unsuccessful, appropriate enforcement action ensues. The success with which the Council is able to address its resource management responsibilities is dependent very much upon the efficiency and effectiveness with which it implements, and indeed, enforces its policies and rules (Figure 2). In 2017 the Council reinforced its enforcement policy and prepared and adopted a *Resource Management Act Enforcement Policy.* A separate supporting document introduces enforcement provisions and procedures to implement the policy.

If the Council's policies and rules are not enforced in an appropriate, professional, consistent and comprehensive manner, then their relevance, integrity and worth are undermined. Appropriate enforcement action generally changes community behaviour by sending a specific deterrent to the offender and a general deterrent to those in the sector, which the Council has found results in positive environmental outcomes. Enforcement reinforces the importance of the Council's objectives.

For farm dairies, the non-compliance rate as shown by monitoring is shown in Figure 4. The non-compliance includes significant and minor non-compliance and is discussed further below.

As such, enforcement plays a critical role in achieving the main objective of the RMA that is sustainable management of natural and physical resources.

Enforcement mechanisms can be broadly categorised as being concerned with three inter-related outcomes, namely:

- avoidance, mitigation or remedying of any adverse environmental effects through direct timely intervention by the Council;
- as noted above, ensuring compliance with the RMA , plans and resource consents; and
- compensation for those affected by an unlawfully-generated environmental effect (i.e. the polluter pays principle).

Enforcement also assists in developing trust and respect in the Council's regulatory regime and those involved in administering it, which in turn leads to credibility for the Council. For example, one of the frequently-encountered comments from a member of the public making a formal complaint to the Council is along the lines of:

"If I'm required to keep to the standards then so can they."

Obviously, the Council has to be fair and equitable in its enforcement dealings, something which is strives to achieve through the Enforcement Policy. It uses a variety of enforcement methods, as detailed below, but in the end it occasionally is forced to initiate prosecution proceedings, something the Council views as a measure of last resort.

The process of enforcement is a staged one of assistance, warnings, and use of enforcement

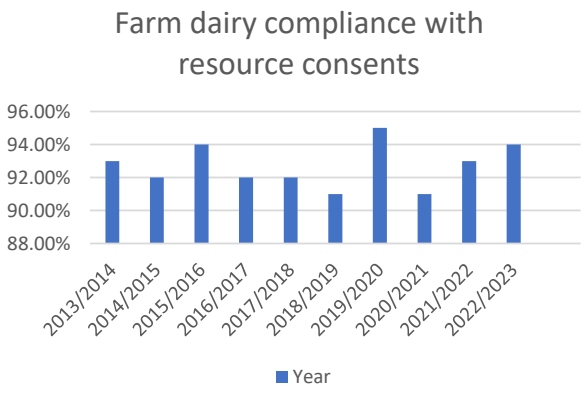

Figure 4 Farm dairy compliance with resource consents (2013-23)

methods or tools and, in extreme cases, prosecution. These tools are used in a number of combinations on a case by case basis. The Council carries out prosecutions where the significance of the effect, or the actions of a person, warrant such action (refer to the Enforcement Policy).

Every incident in which prosecution is considered necessary is essentially the end of the line of the enforcement process.

The Council also responds to complaints generally within four hours, so that there is early intervention to any known pollution incident. The procedures in the monitoring and enforcement guides support this approach and ensure that pollution does not continue unabated.

Where non-compliance occurs, a three-staged approach to enforcement is generally available. Council officers will, in normal circumstances, provide the opportunity for an offending party to correct the situation. In many cases, resource users may not be aware that they have breached the Council's, and indeed the Act's requirements, therefore provision is made for these persons to rectify the situation, prior to punitive enforcement action being taken. An abatement notice is the normal method of presenting a warning and requiring corrective action.

The Act allows the Council discretion over how, when, and where to use the enforcement provisions of the Act. To assist in any assessment, some guiding principles have been developed to act as decision-making guidelines. The Council and its officers will have regard to these when evaluating the use of enforcement provisions and/ or other alternatives. These principles are set out below with a brief explanation:

- **Transparency**

  We will provide clear information and explanation to the community, and those being regulated, about the standards and requirements for compliance. We will ensure that the community has access to information about industry environmental performance as well as actions taken by us to address environmental issues and non-compliance.
- **Consistency of process**

  Our actions will be consistent with the legislation and within our powers. Compliance and enforcement outcomes will be consistent and predictable for similar circumstances. We will ensure that our staff have the necessary skills and are appropriately trained, and that there are effective systems and policies in place to support them.
- **Fair Reasonable and Proportional approach**

  We will apply regulatory interventions and actions appropriate for the situation and all classes of consent holders/resource users may expect to be impartially and fairly treated via the same process regardless of the type and size of resource use. We will use our discretion justifiably and ensure our decisions are appropriate to the circumstances, and that our interventions and actions will be proportionate to the risks posed to people and the environment and the seriousness of the non-compliance.
- **Evidence Based, informed**

  We will use an evidence-based approach to our decision making. Our decisions will be informed by a range of sources, including sound science, the regulated parties, information received from other regulators, members of the community, industry and interest groups.
- **Collaborative**

  We will work with and, where possible, share information with other regulators and stakeholders to ensure the best compliance outcomes for our region. We will engage with the community, those we regulate and

government to explain and promote environmental requirements, and achieve better community and environmental outcomes.

- **Lawful, ethical, and accountable**

  We will conduct ourselves lawfully and impartially and in accordance with these principles and relevant policies and guidance. We will document and take responsibility for our regulatory decisions and actions. We will measure and report on our regulatory performance.

- **Targeted**

  We will focus on the most important issues and problems to achieve the best environmental outcomes. We will target our regulatory intervention at poor performers and illegal activities that pose the greatest risk to the environment. We will apply the right tool for the right problem at the right time.

- **Responsive, effective and efficient**

  We will consider all alleged non-compliances to determine the necessary interventions and action to minimise impacts on the environment and the community and maximise deterrence. We will respond in an effective and timely manner in accordance with legislative and organisational obligations whilst keeping the costs to the ratepayer to the most practical minimum through providing a system that is unduly bureaucratic or that is unduly costly to administer.

The following enforcement tools available to Council include:

- Abatement Notice: An enforcement officer has the power to issue an abatement notice. An abatement notice is a lower level enforcement tool and requires a person to take or cease action to address adverse environmental effects. The Council can issue an infringement notice or prosecute (see below) for contravention of an abatement notice. Abatement notices are used instead of letters because they have statutory force and are more likely to be complied with.
- Infringement Notice. An enforcement officer has the power to issue an infringement notice to a person committing an infringement offence. The Council is entitled to retain all infringement fees. An infringement notice does not result in a conviction and is another lower level enforcement tool, entailing an economic penalty.
- Application for an Enforcement Order: The Council can apply to the Environment Court for an enforcement order that requires a person to take or cease action to address adverse environmental effects. In relation to a dairy farm, this could say be used to stop the farmer from continuing to discharge dairy shed waste to land without a resource consent. Essentially, in the enforcement order process the weight of the courts and the judicial system comes in behind the authority of the Council to apply the Resource Management Act.
- Application for an Interim Enforcement Order: The scope of an interim enforcement order is the same as for an Enforcement Order, but is a quicker method of obtaining an Enforcement Order. It involves the Council making an application without notice to the respondent to a Judge for an Order that requires a person to take or cease action to address adverse environmental effects.
- Emergency work. The Council has the power to invoke emergency works. This mechanism is used when immediate action is required to avoid adverse effects of land, air and water resources. In the case of a dairy farm, this could relate to, say, the imminent collapse of the wall of a dairy shed pond which, if it occurred, would pollute a nearby river.

As noted above, as a last resort, the Council can initiate a prosecution. The decision to prosecute is not taken lightly. The Chief Executive, assisted by other senior staff, makes the decision about whether to prosecute or not. Appropriate Council staff have the delegations in place to use the other enforcement methods. All compliance officers are able to issue abatement notices.

The Council has promulgated two documents, noted below, specifically relating to enforcement, and these can be referred to for further details:

- **Enforcement Provisions and Procedures under the RMA (2017)**

  This document serves to set out, as far as is practicable, the manner in which the Council and its officers will act when implementing the Act's enforcement provisions. It provides detailed guidance for staff conduct and procedures when using the various provisions and has been developed within a general enforcement policy framework); and
- **RMA Enforcement Policy (2017)**

  This document sets out in more detail how and when the Council will take enforcement action.

  The Council has appointed enforcement officers to police its statutory functions and responsibilities. The Act states that the Council may authorise any of its officers to carry out all, or any, of the functions and powers of an enforcement officer. Staff of the Compliance Section of the Council are the first line response to most complaints, spills and investigations. Nevertheless, such authorisations have also been delegated to technical and monitoring staff, and the like, who will on occasion be engaged in monitoring, sampling or survey work, and who may well assist in gathering evidence of possible non-compliance.

The use of enforcement methods under the Act for the last seven years are summarised in Figures 5,6 and 7 below for the dairy production industry and comparative data provided for all other activities.

Figure 4 above shows the compliance rate for farm dairy consents for the last seven years. The annual non-compliance rate over the last 15 years ranges from 3% to 9 % and comprises the following:

- Minor non-compliance – those consents where an abatement notice was issued requiring actions to be undertaken. This is generally where there is no adverse environmental effect. Where a minor adverse environmental effect occurs an infringement notice is issued. This is the majority of the non compliance identified.
- Significant non-compliance – those consents where non-compliance is ongoing and a prosecution may be undertaken.

Most of the non-compliance identified is minor, with signifiacnt non compliance generally less than 1 % each year.

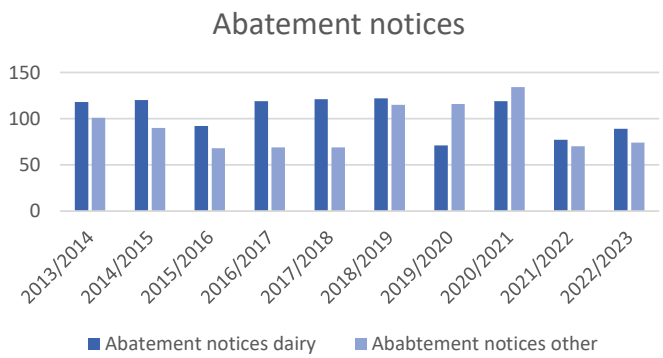

Figure 5 Abatement notices issued (2013-2023)

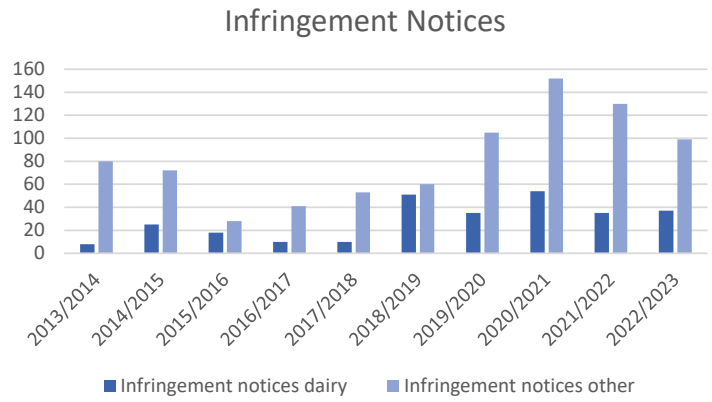

Figure 6 Infringement notices issued (2013-2023)

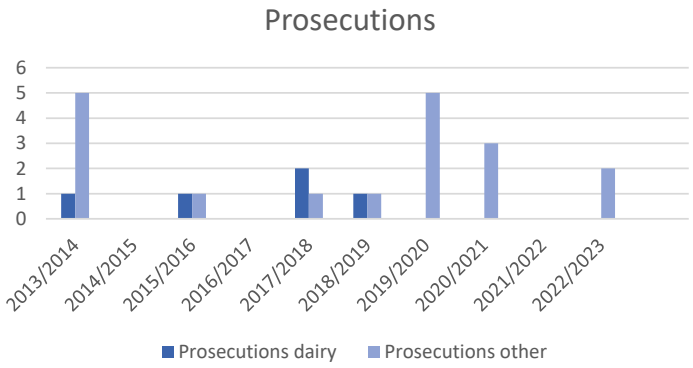

Figure 7 Prosecutions (2013-2023)

[Refer

RMA Enforcement Policy, 2017

Taranaki Regional Council Delegations Manual 2021

Farm Dairy Discharges Standard Operating Procedures for Consent Processing and Compliance Monitoring document].

8. Education and advice

The Council places great store in education and advice as valuable tools to achieve its (and the Act's) aims and objectives. The Council has in fact reflected this in its motto or slogan:

"Working with people – caring for Taranaki."

The Council has for many years recognised that the economic, social and environmental goals of the region can often be more effectively achieved through a collaborative approach, that is, working together with and alongside people and the community rather than relying on regulatory and enforcement methods alone. The basis for this approach is quite straight forward – simply put, it is the philosophy that people are the solution to our issues, rather than the problem.

With regard to the dairy production industry and this document, Council has for over 35 years been providing on-farm advice and assistance with regard to farm dairy shed waste disposal. Council advises a consent holder to engage a professional to design a suitable long term disposal system for their farm, including directing the consent holder or authorised agent to guidelines for storage and spray irrigation, which have been published by DairyNZ. Also, Council has published design and operation guidelines for oxidation ponds systems.

Use is made of material prepared by the dairy industry in the education process and the Council will continue to act collaboratively with the industry and other councils to prepare and make available manuals and other material.

The Council is also committed to communicating the results of its monitoring and other environmental investigations, through its five-yearly state of the environment trends reports, its statutorily-required and more formal State of the Environment reports, and other publications. These publications and advisory tools have the aim of alerting the community to emerging trends, good or bad, and therefore seeking input into what if anything should be done or changed in order to correct any deteriorating situation.

Photo 5 Inspector provides advice and assistance to the farmer

[Refer

Design, Construction and Maintenance Guidelines for Dairy shed and Feed Pad Wastes

Design, Construction and Maintenance Guidelines for Spray Irrigation].

9. Research

The Council has undertaken in the past, and will continue to undertake, various pieces of research associated with the Taranaki environment, the uses made of it, and any associated environmental effects. Good science is necessary to successfully develop policy, to stay abreast of best current practice, and undertake effective consenting, monitoring, and enforcement.

With regard to the dairy industry, such research has included:

- a detailed investigation of whether oxidation ponds designed, sited, constructed and operated in accordance with the Council's guidelines (updated in accordance with recognised best practice) routinely and reliably achieve the biological and physicochemical water quality objectives and standards required of these discharges;
- regular monitoring of region-wide water quality (surface and ground waters) and aquatic ecosystems, and from this work determining whether or not there are any demonstrable detrimental impacts caused by various uses, including the dairy industry, and determining trends in the state of the region's surface and ground waters to confirm progress towards objectives and goals stated in the Council's planning documents;
- investigations into the impact of irrigation of dairy shed waste on the quality of underlying ground water, including assessing loading rates and loss rates;
- regional continuation of the former national 'best practice in dairying catchments' study; and
- investigations into options for reducing the hydraulic loadings on ponds (and hence enhancing treatment capability at minimal additional cost).

The Council views research as an important component in monitoring whether its policies and plans are effective or not, and ultimately to the aim of continuous improvement.

The research carried out is all what is called applied, that is targeted to specific circumstances and scenarios, and is designed to assist the Council carry out its functions more cost-effectively.

The Council may undertake any research on its own, or may join with other organisations, and for issues of larger, even national significance, may join with other Councils or research providers in carrying out the research.

Council staff also routinely review scientific publications and meet with staff of other councils, in special interest groups), to ensure that they are staying abreast of new developments and findings.

With the trend towards land irrigation of farm dairy effluent waste, research is being directed to land based loading rates and measures to reduce environmental effects.

10. Costs and cost recovery

The Act allows the Council the ability to fix different charges for different costs it incurs in the performance of its various functions, powers, and duties under the Act. Section 36 of the Act allows the Council to fix charges for a number of activities.

When fixing charges and in determining any additional charge, the Council is obliged to have regard to the principles and criteria set out in the Act. In accordance with these principles, charges must be:

- Lawful**:** The charge fixed is allowed by and provided for in accordance with the requirements of the Resource Management Act and the Local Government Act;
- Reasonable**:** The sole purpose of a charge is to recover the reasonable costs incurred by the Council in respect of the activity to which the change relates;
- Equitable**:** The charge set reflects the benefits to the community and to consent holders when setting a charge. It would be inequitable to charge consent holders for resource management work undertaken for the interests of the regional community, and *vice versa;*
- Justified**:** The charge set reflects the costs incurred as a result of the consent holder's activities and/or must reflect the benefits obtained by that person as distinct from the regional community. The Council can only charge consent holders to the extent that their actions have contributed to the need for the Council's actions and/or to the extent that they derive benefits from the Council's actions;
- Uniformly applied**:** Irrespective of the location of an activity within the region, the Council will aim to provide the same service, for the same price. Charges should be applied uniformly and consistently to users whose activities require them to hold a consent, and where the Council incurs ongoing costs;
- Simple to understand and administer: Charges set should be clear and easy to understand. The administration and collection of charges should also be simple and cost effective;
- Transparent: Charges should be calculated in a way that is clear, logical and justifiable. The work of the Council, for which costs are to be recovered, should be identifiable; and
- Predictable and certain: Consent applicants and resource users are entitled to certainty about the cost in their dealings with the Council. The manner in which charges are set should enable customers to evaluate the extent of their liability.

In terms of this Programme, the Council may charge for:

- its costs associated with receiving and processing resource consent applications; and
- its costs associated with administering and monitoring resource consents, including for the annual inspection, non-compliance re inspection and consent transfers.

Further details can be found within the Council's document 'Charging Policy Under Section 36 of the Resource Management Act' and in the Long-Term Plan (LTP).

Under the Council's charging policy, the consent holder meets 100% of the cost of the monitoring. For farm dairy effluent discharges, there is an additional non-compliance charge for additional monitoring.

Under the Council's charging policy, the consent applicant meets 100% of the cost of the process.

The cost of a consent transfer is set out in the LTP and the user meets 100 % of the cost.

For specific monitoring and consenting, as noted above the Council recovers 100% of the cost. However, under the LTP the activity of monitoring only recovers at least 70% of its costs recognising provision of the important advice and information element. A similar situation exists for consent processing except the figure is at least 60%.

For any non-compliance there may be additional monitoring, infringement notices and associated non-compliance costs.

[Refer

Charging policy under section 36 of the RMA, 1997

Taranaki Regional Council 2021/2031 Long-Term Plan, 2021].

11. Training

Staff turnover can be high with compliance work. The Council conducts initial and ongoing staff training to ensure that all staff involved in the Farm Dairy Discharge Monitoring Programme have the necessary knowledge, expertise and experience to implement the Programme in a fully competent and professional manner, and to ensure there are sufficient staff for the Council to deliver a comprehensive programme.

Key elements of the Council's training programme are:

- A comprehensive induction programme for new staff to familiarise them with all relevant policies, rules and procedures. This includes one to one guidance and mentoring from senior experienced staff, hands-on training, and familiarisation with equipment, inspection sampling and testing protocols and field procedures, before new staff take on independent duties.
- Information sharing through regular staff meetings to discuss issues that have arisen, problems encountered, and solutions and improvements made to practice.
- Monthly reporting and tracking of performance with review by section managers.
- An annual Individual Development Programme whereby any professional or personal development or training needs relevant to the officers' duties are identified and a programme put in place to meet those needs. Conflict de-escalation training is a recent example. This programme is reviewed at six monthly intervals. The Council uses the Elmo human resources database tool to administer staff development.
- Regular rotation of Council staff on inspection duties to have them become equally adept and competent in all areas of the Council's inspection regime and to avoid the potential for complacency.
- Attendance at internal or external workshops, seminars, demonstrations etc. relevant to the officers' duties.
- Ongoing liaison and information sharing with other councils, industry groups and other stakeholders on best practice.
- General encouragement and support for officers to keep abreast of changes and developments in science, technology and practices relevant to the management of farm dairy discharges.

Properly qualified Council staff are critical to the successful implementation of the Farm Dairy Discharge Monitoring Programme. Council staff maintain a high profile among the farming community in undertaking regular inspections and in offering information and advice. The Council places a very high priority on competent, professional and well-trained staff.

12. Quality assurance and control

In everything the Council does, from inspecting dairy shed oxidation ponds to preparing its State of the Environment Reports, there requires to be sufficient, robust quality control, to ensure that everything is "above board, ship-shape and as it should be" – the community (as well as the Courts) expects nothing less.

The Council's quality control and assurance programmes underpin all aspects of the Farm Dairy Discharge Monitoring Programme. Key components of quality assurance and control relating to this programme are:

- regular calibration of the field test equipment and devices (computers), even to the extent of formal calibration of Inspection Officers' noses, for dealing with odour complaints;
- a formal quality accreditation for the Council contractors laboratory;
- comprehensive and regular quality control checks of all of the Council's databases, including IRIS and the Incident Register;
- routine water quality testing associated with the catchment renewal regime, to ensure that there are no detrimental environmental effects being caused or likely to be caused by dairy shed discharges within the catchment;
- initial followed by ongoing staff training, including for the purposes of this Strategy a formal liaison with Fonterra and Open Country Cheese and other related stakeholders, which then extends to routine rotating of Inspectorate staff in order to have them become equally adept and competent in all areas of the Council's monitoring regime;
- participation in the Compliance and Enforcement special interest group compliance and enforcement audit programme; and
- the Council's commitments to reviewing its policies and plans every five years, and procedure documents as required, including with stakeholder consultation and input, peer review, public submissions and appeals.

13. Review and reporting

As with anything the Council is involved with, time brings changes, and as a consequence this document will likely require review and, if necessary, amendment.

The Council plans to regularly review this document, and as well whenever changes and improvements have been made (e.g. to treatment technology), more particularly to ensure the continuing effectiveness of the policies, plans, rules and measures outlined above in achieving the region's and Act's objectives for sustainable management of natural and physical resources.

As well, at the end of every monitoring year, the Council's Inspectorate section will undertake a review of the effectiveness and "performance" of this programme, any new issues arising and lessons learned will be formally recorded, and where necessary, changes made to this programme as appropriate.

The results of the monitoring programme, like this one, are reported to the Council and the community each year.

In September 2020 the Government released its freshwater package which included a greater recognition of iwi values in resource management and more of a partnering role for the Council and iwi going forward.

14. References

Note the following are not all referenced in this document but were used to develop the programme over the years:

Dairying and Environment Committee: 'Dairying and the Environment – Managing Farm Dairy Effluent'. 1996.

Dairying and Environment Committee: 'Managing Farm Dairy Effluent'. Revised and updated version. 2006.

Dexcel: 'Minimising Muck, Maximising Money – Stand-off and feed pads design and management guidelines'. 2005.

Heatley P R: 'Dairying and the Environment Manual: Managing Farm Dairy Effluent.' Dairying and the Environment Committee, NZ Dairy Research Institute, NZ. 1996.

Hickey C W, Quinn J M, and Davies-Collier R J: 'Effluent characteristics of dairy shed oxidation ponds and their potential impacts on rivers'. NZ Journal of Marine and Freshwater Research. 1989.

Ministry for the Environment: 'Resource Management -Water Quality Guidelines No 1'. 1992.

Ministry for the Environment: 'Resource Management -Water Quality Guidelines No 2'. 1994.

Ministry for the Environment: 'RMA Practice and Performance: are designed environmental outcomes being achieved? A case study of farm dairy effluent management'. 1999.

Taranaki Regional Council: 'Dairy Effluent Pond Guidelines'. 2013

Taranaki Regional Council: 'Regional Policy Statement for Taranaki '. 2010.

Taranaki Regional Council: 'Regional Fresh Water Plan for Taranaki '. 2001.

Taranaki Regional Council: 'Resource Management Act Enforcement Policy'. 2017.

Taranaki Regional Council: 'Farm Dairy Discharge Standard Operating Procedures for Consent Processing and Compliance Monitoring'.

Taranaki Regional Council: 'Resource Consents Procedures Document'. 2003.

Taranaki Regional Council: 'Resource Consents Monitoring Procedures Document'. 2003.

Taranaki Regional Council: 'Design, Construction and Maintenance Guidelines for Dairyshed and Feed Pad Wastes'.

Taranaki Regional Council: 'Design, Construction and Maintenance Guidelines for Spray Irrigation'.

Taranaki Regional Council: 'Charging Policy under Section 36 of the RMA'. 2001.

Taranaki Regional Council: 'Taranaki Regional Council Delegations Manual'. Updated 2021.

Taranaki Regional Council: '2021/2031 Long-Term Plan'. 2021.

Taranaki Regional Council: 'RMA Enforcement Policy'. 2017.

Taranaki Regional Council: 'Enforcement Provisions and Procedures under the Resource Management Act'. 2017.

Taranaki Regional Council: 'Dairy shed oxidation pond discharges in Taranaki, Volumes I & II'. 2006.

Taranaki Regional Council: 'Our Place Taranaki State of Environment Report, 2022'.

Vaderholm, D H: 'Agricultural Waste Manual'. N Z Agricultural Engineering Institute Project Report No. 32. NZAEI, Lincoln College, NZ. 1984.

Date: 30 April 2024

Subject: **Urenui stormwater investigation (2019 – 2022)**

Author: T McElroy, Manager – Science & Technology

Approved by: AJ Matthews, Director - Environment Quality

Document: 3256830

Purpose

1. The purpose of this memorandum is to provide the Committee with an overview of the Urenui stormwater investigation carried out between 2019 and 2022, including a summary of the findings.

Executive summary

2. In August 2019, water samples collected by staff from Te Rūnanga o Ngāti Mutunga (Ngāti Mutunga) and Taranaki Regional Council (TRC) found evidence of sewage contamination in two waterways in the lower Urenui Township, discharging into the Urenui Estuary. These findings initiated a joint response between Ngāti Mutunga, TRC, New Plymouth District Council (NPDC) and Te Whatu Ora (TWO), in order to investigate the source of the pollution, assess the broader public health risk, and ultimately work towards rectifying the issue.
3. Extensive investigations were carried out to locate and eliminate direct contamination sources. Four significant contamination sources were located; two discharging into the Ngakoti Street stormwater network and two discharging into the Whakapaki Street modified stream. All four contaminant sources were removed. No further direct contaminant sources were conclusively identified.
4. All reasonable and practicable steps were taken as part of this investigation to identify and resolve the contamination. However, despite the elimination of all identified sources, further faecal source tracking carried out in November 2022 showed evidence of ongoing contamination of the affected waterways. Given the presence of human faecal indicators, the cumulative effects of septic tank discharges infiltrating underground drainage pipes and adjacent surface water bodies, potentially via shallow groundwater in some areas, are the most likely source.
5. It is anticipated that the removal of the four identified contaminant sources will have had a positive impact on water quality, relative to the level of pollution that was likely occurring prior to 2019. Due to limited sampling, it is not possible to confidently determine whether contaminant concentrations have significantly reduced in response to those interventions. However, the available data indicate improved water quality with reduced concentrations of *Escherichia coli (E. coli)*, ammoniacal nitrogen and electrical conductivity observed in both waterways.
6. While further works to address other sources are possible, it is difficult to ascertain whether additional interventions will lead to measurable reductions in contamination. Some interventions may generate issues with drainage and surface flooding; these would need to be carefully managed.

7. Based on observations made throughout the course of this investigation in conjunction with the recent faecal source tracking test results, it appears unlikely that septic tank wastewater contamination in Urenui could be completely eliminated without fundamental changes to the way in which wastewater from the township is treated and disposed of.
8. Wastewater discharge provisions are currently under review as part of the Land and Freshwater Plan development process. Over the coming months, TRC will be working with district councils, iwi and the broader community to ensure discharges such as these are managed appropriately to reduce their environmental impact throughout the region.

Recommendations

That Taranaki Regional Council:

a) receives the Urenui stormwater investigation memorandum

b) notes the findings therein.

Background

9. In August 2019, staff from Ngāti Mutunga and TRC collected water samples to test for evidence of septic tank wastewater discharging into the Urenui Estuary, as part of a Curious Minds citizen science project: Te Āhua o Ngā Kūrei - Ngāti Mutunga Estuary Project[1]. This investigation was in response to questions raised by members of the Urenui community around the possibility of septic tanks in the lower township discharging wastewater into the estuary.
10. Samples were collected from the Punawhakakau Stream, the Whakapaki Street modified stream, and the Ngakoti Street stormwater network (as shown in Figure 1, below). These locations were chosen because the stream and stormwater networks were located in close proximity to numerous properties in the lower township and therefore presented potential flow paths for wastewater to reach the estuary.

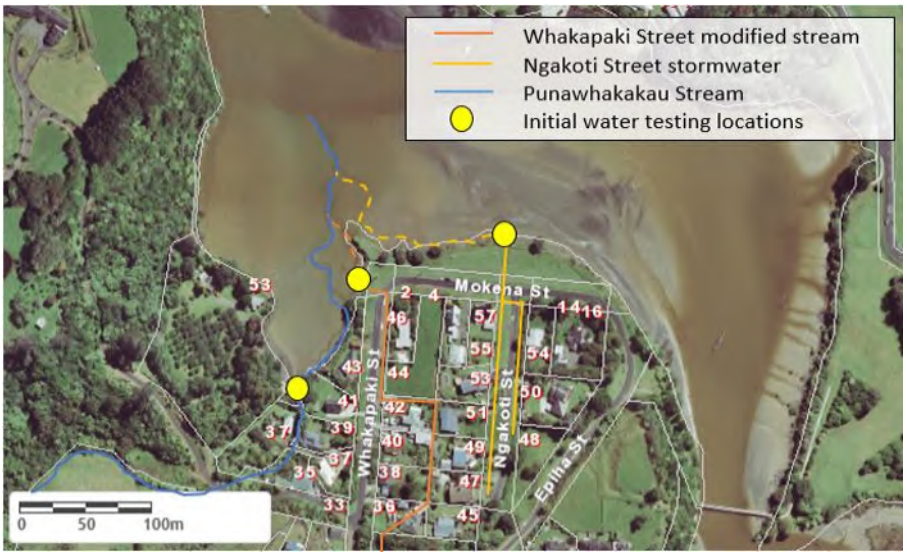

Figure 1 The Lower Urenui Township, with the Punawhakakau Stream (blue), Whakapaki Street modified stream (orange) and Ngakoti Street stormwater network (yellow). Sample locations shown as yellow dots.

[1] An agenda item covering off the broader findings of this project was presented to the Policy and Planning Committee by staff from Te Rūnanga o Ngāti Mutunga and TRC in June 2020.

11. The testing was completed in two stages; samples were first tested for *E. coli* as a general indicator of faecal pollution. If the results were sufficiently high, additional testing was carried out to determine the specific source(s) of faecal pollution using advanced source tracking analyses. The second phase of testing included the Whakapaki Street modified stream and the Ngakoti Street stormwater samples.
12. The results showed strong evidence of sewage contamination in the modified stream and the Ngakoti Street stormwater network, both sourced from the lower township area (document 3263704). It was determined that *E. coli* numbers in the Punawhakaku Stream were low and did not warrant further testing.
13. These findings prompted a joint response between TRC, Ngāti Mutunga, New Plymouth District Council (NPDC) and Te Whatu Ora (TWO), in order to investigate the source of the pollution, assess the broader public health risk, and ultimately work towards rectifying the issue.

Discussion

Joint response

14. In order to identify options for investigating and remediating the contamination issue, a working group was established with staff from TRC, NPDC and TWO. A steering group was also established with staff from the same agencies and representatives from Ngāti Mutunga in order to retain oversight of the project and provide direction where key decisions were required.
15. Locating the contamination source(s) was a key priority, with the employment of a range of investigative survey methods.
16. NPDC carried out inspections at 32 properties in the lower township. These inspections included risk assessments of septic systems based on proximity to waterways, septic tank specifications, site drainage and flooding susceptibility, and other factors. The findings of these inspections helped to narrow down the investigation area, and prompted the working group to seek further information from some property owners where necessary.
17. TRC carried out further water testing along the Whakapaki Street modified stream and Ngakoti Street stormwater network in order to narrow down the source of the contamination. Between August 2019 and November 2022, water testing surveys were carried out on 22 separate occasions. Additional water testing was also carried out by NPDC. TRC also carried out an assessment of property compliance with respect to Rule 22 in the Regional Freshwater Plan for discharges from on-site domestic wastewater systems.
18. NPDC engaged a contractor to carry out comprehensive CCTV surveys of the Ngakoti Street stormwater network and the piped section of the Whakapaki Street modified stream. As-built schematics were produced which highlighted undocumented underground pipework connections which prompted further investigation.
19. Ngāti Mutunga placed a rāhui on the estuary advising people not to collect shellfish, swim in the estuary or walk on the mudflats.
20. A public health risk assessment for the estuary was undertaken by TWO, and corresponding warning signage was installed by NPDC. This included advising people to avoid collecting shellfish from the estuary, and to avoid the mudflats on the township side of the river.
21. The working group developed information packs and held community open days in order to engage with the community and provide education on managing domestic septic tank systems for optimal performance and reduced environmental risk.

Key interventions

22. The investigation discovered four direct, or semi-direct sources of septic tank wastewater discharging into surface waters and piped drainage in the lower township.

23. The first source originated from a property with an old, undersized septic tank which was piped directly to an adjacent waterway. TRC issued an Abatement Notice to the property owner to cease the discharge and a new system was subsequently designed and installed.
24. The second source was located on a property where the effluent field had been directly connected to a piped waterway. The effluent field was disconnected and the pipe was sealed.
25. The third source was associated with a cracked and flooded stormwater pipe located in close vicinity to the effluent field in an adjacent property. Water testing results indicated that contaminated groundwater was infiltrating this section the stormwater network. Further assessment of the network found that this particular section had become obsolete and redundant. As a result, the pipe was decommissioned and sealed off from the rest of the network.
26. The fourth source was associated with a stormwater sump located on private property which was connected to the street stormwater network. This sump was not sealed, and was collecting water from numerous underground pipes. Results of high frequency conductivity measurements and discrete water quality samples provided strong evidence that septic tank wastewater was entering this sump via one or more of the pipes. This sump was replaced and the pipes of concern were disconnected.
27. Although there was no evidence linking NPDC's Yandle Park public toilet block to any surface water contamination, the effluent disposal system was upgraded as a precautionary measure.
28. Despite extensive investigations, no further sources were conclusively located. However, numerous potential pathways were identified that may have been contributing to the problem.
29. Infiltration of sub-surface flow and shallow groundwater into underground pipes appeared to be a likely contaminant pathway. The Whakapaki Street modified stream originates from a spring in Rattenbury Park, and as such, continual flow discharging from this outlet is not unexpected. However, the year-round flow of water discharging from the Ngakoti Street stormwater network highlights the infiltration of groundwater either as seepage from the grassed swale at the top of Ngakoti Street, sub-surface drainage connections from private properties, and potentially through cracks and broken joins in the network itself. Water was also observed entering the Whakapaki Street modified stream via similar pathways.

Water quality results

30. In November 2022 (following the completion of the interventions described above), water samples were collected and analysed for the same faecal source tracking markers that were originally tested for in August 2019 as a means of assessing whether the investigation and associated interventions had managed to eliminate all sources of septic tank wastewater contamination.
31. Analysis of the faecal source tracking samples showed evidence of ongoing human faecal contamination in the Ngakoti Street stormwater network and Whakapaki Street modified stream (document 3263705). Of the two faecal source tracking methods that were undertaken at the outset of the investigation, the faecal sterol results indicated that human faecal content in both waterways was lower in 2022 compared to the 2019 results. There was also evidence of other faecal sterol sources present in both waterways (i.e. ruminant, avian and plant decay). Results of the fluorescent whitening agent (FWA) test method suggested that wastewater sources were distant and/or diluted by the time they discharged from the two outlets.
32. It is important to interpret these results with caution. Although they do reliably confirm that septic tank wastewater contaminants were still present in both waterways, these results alone cannot be used to infer whether contamination levels had changed meaningfully between 2019 and 2022, given that these samples only depict water quality at two points in time.
33. The ongoing water testing that took place throughout the investigation assessed concentrations of *E. coli*, enterococci, ammoniacal nitrogen, oxidized nitrogen and electrical conductivity as general markers of wastewater contamination (document 3257411). Although these markers were tested on multiple occasions, the same caveat mentioned above also applies to these results as the sample size is limited

and the results only provide snapshots of contaminant concentrations at the time the samples were collected.

34. With this in mind, the maximum concentrations of these markers in the recent samples collected downstream of the contamination zone were generally lower than those collected prior to the intervention measures. Maximum *E. coli* concentrations were an order of magnitude lower than those in the earlier samples. In the Whakapaki Street modified stream, maximum enterococci concentrations were three orders of magnitude lower. Reduced concentrations in ammoniacal nitrogen and electrical conductivity were also observed.
35. It is also important to note that while these general test methods are useful markers of wastewater contamination, *E. coli* and enterococci are associated with faecal matter from a range of warm blooded animals, including cows, sheep, birds, and possums, and it is not unexpected to have occasional elevated counts of *E. coli* detected in urban stormwater and streams. Therefore, the numbers of faecal bacteria present in water discharging from the two outlets may not always be attributed to domestic wastewater sources. Paired faecal source tracking analyses are necessary to make this distinction.
36. Measured and modelled flow rates of the Whakapaki Street modified stream, Ngakoti Street stormwater outlet, Punawhakakau Stream and Urenui River provide an indication of dilution and mixing potential of these outlet discharges in the receiving waters (document 3257411).
37. Based on field observations, the Whakapaki and Ngakoti street outlet discharges tended to converge with the Punawhakau Stream before joining the Urenui River approximately 300 metres from the coast.
38. At low tide and under median flow conditions, the estimated dilution factor of the combined outlet flow mixing with the Punawhakakau Stream is approximately 1:11 (one part outlet flow to 11 parts stream flow). The estimated dilution factor of the combined outlet flow mixing with the Urenui River is approximately 1:1,228 (one part outlet flow to 1,228 parts river flow). Mixing and dilution potential is greater at high tide when the estuary is inundated with seawater.
39. Previous recreational water quality monitoring results from samples collected near the river mouth during high tide and fine weather conditions found consistently low levels of faecal indicator bacteria (TRC, 2020).
40. Following revision of the recreational water quality monitoring programme in 2021 to collect samples on a fixed day of the week irrespective of weather and tide, results have shown much higher levels of faecal indictor bacteria (TRC, 2023; https://www.lawa.org.nz/explore-data/swimming/). These results reflect the influence of preceding rainfall and the resulting run-off of contaminants from throughout the catchment (consistent with results observed elsewhere in the region), as well as the effects of variable tidal inundation.
41. The public health risk assessment was updated by TWO in September 2023. The review recommended retaining the original public health advice due to the evidence of ongoing contamination. Ngāti Mutunga also reviewed and updated the rāhui to align with this advice.

Conclusions

42. In August 2019, faecal source tracking analyses found evidence of septic tank wastewater contamination in the Ngakoti Street stormwater network and Whakapaki Street modified stream prior to discharging into the Urenui Estuary. It is not known how long the contamination had been occurring prior to its discovery.
43. Extensive investigations were carried out to locate and eliminate direct contamination sources. Four significant contamination sources were located; two discharging into the Ngakoti Street stormwater network and two discharging into the Whakapaki Street modified stream. All four contaminant sources were removed. No further direct contaminant sources were conclusively identified.
44. All reasonable and practicable steps were taken as part of this investigation to identify and resolve the contamination. However, despite the elimination of all identified sources, further faecal source tracking carried out in November 2022 showed evidence of ongoing contamination of the affected waterways.

Given the presence of human faecal indicators, the cumulative effects of septic tank discharges infiltrating underground drainage pipes and adjacent surface water bodies, potentially via shallow groundwater in some areas, are the most likely source.

45. It is anticipated that the removal of the four identified contaminant sources will have had a positive impact on water quality, relative to the level of pollution that was likely occurring prior to 2019. Due to limited sampling, it is not possible to confidently determine whether contaminant concentrations have significantly reduced in response to those interventions. However, the available data indicate improved water quality with reduced concentrations of *E. coli*, ammoniacal nitrogen and electrical conductivity observed in both waterways.
46. While further works to address other sources are possible, it is difficult to ascertain whether additional interventions will lead to measurable reductions in contamination. Some interventions may generate issues with drainage and surface flooding; these risks would need to be carefully managed.
47. Based on observations made throughout the course of this investigation in conjunction with the recent faecal source tracking test results, it appears unlikely that septic tank wastewater contamination in Urenui could be completely eliminated without fundamental changes to the way in which wastewater from the township is treated and disposed of.
48. Wastewater discharge provisions are currently under review as part of the Land and Freshwater Plan development process. Over the coming months, TRC will be working with district councils, iwi and the broader community to ensure discharges such as these are managed appropriately to reduce their environmental impact throughout the region.

Financial considerations—LTP/Annual Plan

49. 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

50. 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

51. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

52. 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

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

References

TRC, 2020: Freshwater contact recreational water quality at selected Taranaki sites. State of the Environment Report Summer 2019-2020. Technical Report 2020-01.

TRC, 2023: Can I Swim Here? 2022-2023 Report Card.

Appendices/Attachments

Document 3257411: Key water testing results from the Urenui stormwater investigation

Document 3263704: Urenui Faecal Source Tracking Analysis Report 2019

Document 3263705: Urenui Faecal Source Tracking Analysis Report 2022

Urenui stormwater investigation - key water testing results (2019-2022)

Table 1: Explanation of water quality parameters as wastewater markers

Water quality parameter	Description
Electrical conductivity	Electrical conductivity (EC) is a measure of how well water conducts electricity. EC specifically provides an indication of the amount of dissolved salt or solid material in the water; with pure water being a poor conductor of electricity. Conductivity increases as the amount of dissolved salt increases. Wastewater typically contains elevated dissolved salt content compared to freshwater during base flows. Therefore, in some circumstances EC can be a useful marker of dilute wastewater contamination in fresh water bodies. See the following website for more information on electrical conductivity (https://www.lawa.org.nz/learn/factsheets/groundwater/electrical-conductivity/).
Ammoniacal nitrogen	Ammoniacal nitrogen (NH4-N), also often called 'ammonium', is the concentration of nitrogen present as either ammonia (NH3) or ammonium (NH4). Ammoniacal forms of nitrogen enter waterways primarily through point source discharges, such as raw sewage or dairy shed effluent. It is toxic to aquatic life at high concentrations.
Nitrate + Nitrite nitrogen	Nitrate and nitrite nitrogen are two forms of oxidized nitrogen. In soil and water, ammonia is sequentially converted into nitrite and then nitrate via an oxidative process called nitrification. The relative concentrations of nitrite present in water are generally much lower than nitrate. Nitrate can also become toxic to aquatic life at high concentrations. In this investigation, elevated concentrations of ammoniacal nitrogen relative to nitrate nitrogen were used as another marker of wastewater contamination. See the following website for more information on nitrogen and its different forms (https://www.lawa.org.nz/learn/factsheets/nitrogen/).
E. coli	*Escherichia coli* (*E. coli*) is a species of bacteria which is commonly used as a general marker of faecal contamination in aquatic environments. *E. coli* occur naturally in the intestinal tracts of warm-blooded animals and are therefore indicative of faecal contamination from a range of animals including livestock, birds, and humans. See the following website for more information on faecal indicator bacteria (https://www.lawa.org.nz/learn/factsheets/faecal-indicators/).
Enterococci	Enterococci are a group of bacteria which are also commonly used as a general marker of faecal contamination in aquatic environments. Enterococci are indicative of faecal contamination from warm blooded animals, but some species can also be isolated from the environment in the absence of faecal contamination (e.g. in soils and vegetation), and therefore this marker is less-specific to faecal sources. See the following website for more information on faecal indicator bacteria (https://www.lawa.org.nz/learn/factsheets/faecal-indicators/).
Faecal sterols	Faecal sterols are compounds that are present in animal faeces which are related to the diet of the animal. The ratios of various faecal sterols detected in a water sample provide evidence as to whether faecal contamination can be attributed to humans or other animals. See the attached faecal source tracking reports for further information on interpreting faecal sterol testing results.
Fluorescent whitening agents	Fluorescent whitening agents (FWAs) are chemical compounds commonly found in laundry powders. The presence of FWAs in water above certain concentrations is indicative of wastewater contamination. See the attached faecal source tracking reports for further information on interpreting FWA testing results.

Table 2: TRC Urenui investigation water testing results – Whakapaki Street modified stream (upstream of contaminant sources)

Location	Intervention timeline	Sample	Collected	Time	Discharge rate	Temp.	Electrical Conductivity (EC)	Escherichia coli	Enterococci	Total Ammoniacal N	Nitrate N + Nitrite N
					L/s	°C	mS/m	no. / 100 mL	no. / 100 mL	g/m³	g/m³
Site A (WHA U/S)	n/a	TRC201424	22 May 2020	13:35	n/a		18.3	60	370	< 0.010	1.54
Site B (WHA U/S)	n/a	TRC201960	02 Jul 2020	11:21		12.0	18.1	10	< 10	< 0.010	1.71
Site A (WHA U/S)	n/a	TRC201963	02 Jul 2020	11:52	n/a	12.7	18.1	10	10	< 0.010	1.79
Site B (WHA U/S)	n/a	TRC202193	28 Jul 2020	14:09	1.5	13.8		< 10	10	< 0.010	2.30
Site B (WHA U/S)	n/a	TRC202904	21 Sep 2020	11:20		13.6	18.5	10	10	< 0.010	1.97
Site B (WHA U/S)	n/a	TRC210871	23 Feb 2021	15:05	0.4	16.9	18.4	50	540	< 0.010	1.29
Site B (WHA U/S)	n/a	TRC212306	09 Jul 2021	09:25		12.3	18.1	80	30	< 0.010	1.95
Site B (WHA U/S)	n/a	TRC212371	29 Jul 2021	13:45	1.5	14.3	18.3	110	< 10	< 0.010	2.10
Site B (WHA U/S)	n/a	TRC212558	11 Aug 2021	09:30	1.3	12.1	18.4	< 10	10	< 0.010	2.20
Site B (WHA U/S)	n/a	TRC213587	04 Nov 2021	17:05		14.9	18.3	100	30	< 0.010	2.10

NB: exact sampling locations withheld for property owner privacy

Table 3: TRC Urenui investigation water testing results – Whakapaki Street modified stream (downstream of contaminant sources)

Location	Intervention timeline	Sample	Collected	Time	Discharge rate	Temp.	Electrical Conductivity (EC)	Escherichia coli	Enterococci	Total Ammoniacal N	Nitrate N + Nitrite N
					L/s	°C	mS/m	no. / 100 mL	no. / 100 mL	g/m³	g/m³
Site C (WHA D/S - Outlet)	No intervention	TRC193113*	02 Sep 2019	08:56	1.2	13.4		727			
Site C (WHA D/S - Outlet)	No intervention	TRC201136	23 Apr 2020	11:35	1.0	15.8	21.5	50,000	1,000,000	1.49	1.26
Site D (WHA D/S)	No intervention	TRC201135	23 Apr 2020	11:00	n/a	15.3	20.7	30,000	900,000	1.39	1.25
Site C (WHA D/S - Outlet)	No intervention	TRC201420	22 May 2020	12:40	1.2		19.7	4,000	18,000	0.19	1.62
Site D (WHA D/S)	No intervention	TRC201421	22 May 2020	12:50	n/a		22.7	11,000	38,000	2.60	1.72
Site D (WHA D/S)	No intervention	TRC201958	02 Jul 2020	09:41	n/a	12.3	20.6	7,000	24,000	1.49	2.20
Site E (WHA D/S)	No intervention	TRC201961	02 Jul 2020	10:39	n/a	12.7	19.4	2,000	70	0.28	2.10
Site D (WHA D/S)	No intervention	TRC202191	28 Jul 2020	13:35	n/a	13.9		7,000	27,000	0.12	2.50
Site E (WHA D/S)	No intervention	TRC202192	28 Jul 2020	13:50	n/a	14.0		540	280	0.03	2.60
Site D (WHA D/S)	No intervention	TRC202905	21 Sep 2020	11:30	n/a	14.0	18.7	500	1,300	0.08	2.10

Location	Intervention timeline	Sample	Collected	Time	Discharge rate	Temp.	Electrical Conductivity (EC)	Escherichia coli	Enterococci	Total Ammoniacal N	Nitrate N + Nitrite N
					L/s	°C	mS/m	no. / 100 mL	no. / 100 mL	g/m³	g/m³
Site E (WHA D/S)	No intervention	TRC202903	21 Sep 2020	10:15	n/a	13.6	19.0	360	1,500	0.07	2.10
Site C (WHA D/S - Outlet)	Source 1 removed	TRC204155	11 Dec 2020	10:40	10.0	16.4	20.1	70	160	0.06	2.90
Site D (WHA D/S)	Source 1 removed	TRC204156	11 Dec 2020	10:45	n/a	16.2	20.2	60	170	0.08	2.70
Site E (WHA D/S)	Source 1 removed	TRC204157	11 Dec 2020	10:55	n/a	16.1	20.4	40	60	0.12	2.70
Site C (WHA D/S - Outlet)	Source 1 removed	TRC204415	06 Jan 2021	10:40	1.5	17.8	21.7	9,000	600	1.20	2.20
Site D (WHA D/S)	Source 1 removed	TRC204416	06 Jan 2021	11:00	n/a	17.5	20.1	1,200	380	0.28	1.98
Site E (WHA D/S)	Source 1 removed	TRC204417	06 Jan 2021	11:10	n/a	16.7	20.1	2,600	300	0.47	2.10
Site C (WHA D/S - Outlet)	Source 1 removed	TRC210538	04 Feb 2021	08:15	1.0	16.5	19.7	210	330	0.03	1.46
Site D (WHA D/S)	Source 1 removed	TRC210542	04 Feb 2021	09:10	n/a	17.1	21.5	2,900	2,200	1.55	1.53
Site E (WHA D/S)	Source 1 removed	TRC210543	04 Feb 2021	09:25	n/a	18.2	19.2	1,500	1,600	0.16	1.58
Site D (WHA D/S)	Source 1 removed	TRC210869	23 Feb 2021	13:40	n/a	17.9	18.9	1,700	580	0.03	1.16
Site E (WHA D/S)	Source 1 removed	TRC210870	23 Feb 2021	14:05	n/a	16.8	19.0	480	720	0.04	1.34
Site D (WHA D/S)	Source 2 removed	TRC212304	09 Jul 2021	08:30	n/a	12.7	19.0	50	70	0.03	2.20
Site E (WHA D/S)	Source 2 removed	TRC212305	09 Jul 2021	08:40	n/a	13.3	19.6	1,400	70	0.87	2.10
Site D (WHA D/S)	Source 2 removed	TRC212369	29 Jul 2021	12:45	n/a	14.5	19.4	1,500	180	0.06	2.80
Site E (WHA D/S)	Source 2 removed	TRC212370	29 Jul 2021	12:55	n/a	14.5	19.2	2,100	230	0.17	2.70
Site D (WHA D/S)	Source 2 removed	TRC212556	11 Aug 2021	08:50	n/a	12.4	19.5	600	70	0.11	2.50
Site E (WHA D/S)	Source 2 removed	TRC212557	11 Aug 2021	09:00	n/a	12.7	19.6	1,800	240	0.39	2.50
Site D (WHA D/S)	Source 2 removed	TRC213586	04 Nov 2021	16:54	n/a	16.7	19.0	180	70	< 0.010	1.99
Site C (WHA D/S - Outlet)	Source 2 removed	TRC224734	10 Jan 2022	10:55	n/a		19.3	4,000	7,500	< 0.010	2.30
Site C (WHA D/S - Outlet)	Source 2 removed	TRC226286	13 Apr 2022	14:05	0.7	17.0	19.7	80	260	< 0.010	1.59
Site D (WHA D/S)	Source 2 removed	TRC228440	18 Oct 2022	06:55	n/a		19.9	320	3,800	0.12	2.20
Site D (WHA D/S)	Source 2 removed	TRC228526	25 Oct 2022	12:50	n/a	15.0	19.4	150	90	< 0.010	2.00
Site C (WHA D/S - Outlet)	Source 2 removed	TRC228994*	16 Nov 2022	08:15	1.3	16.3	19.5	290	5	0.10	1.74

* = Faecal source tracking samples also collected (recorded as Site 2 in 2019 report)

NB: exact sampling locations withheld for property owner privacy

Table 4: TRC Urenui investigation water testing results – Ngakoti Street stormwater network (downstream of contaminant sources, at outlet)

Location	Intervention timeline	Sample	Collected	Time	Discharge rate	Temp.	Electrical Conductivity (EC)	Escherichia coli	Enterococci	Total Ammoniacal N	Nitrate N + Nitrite N
					L/s	°C	mS/m	no. / 100 mL	no. / 100 mL	g/m³	g/m³
Site F (NGA - Outlet)	No intervention	TRC193114*	02 Sep 2019	09:16		13.9		579			
Site F (NGA - Outlet)	No intervention	TRC201133	23 Apr 2020	09:45	0.1	17.5	19.1	1,300	170	1.01	0.82
Site F (NGA - Outlet)	No intervention	TRC201423	22 May 2020	12:25	0.1		19.0	40,000	430	1.04	1.00
Site F (NGA - Outlet)	No intervention	TRC202006	02 Jul 2020	14:21	0.6		19.8	2,100	290	0.82	0.83
Site F (NGA - Outlet)	No intervention	TRC202190	28 Jul 2020	14:27	0.6	14.1		2,600	4,000	1.58	0.77
Site F (NGA - Outlet)	No intervention	TRC202356	13 Aug 2020	14:45	0.4	13.8	19.3	11,000	1,900	0.91	0.54
Site F (NGA - Outlet)	No intervention	TRC202900	21 Sep 2020	09:20	0.3	14.1	22.0	26,000	6,800	3.90	0.47
Site F (NGA - Outlet)	No intervention	TRC204153	11 Dec 2020	10:10	1.0	17.3	20.0	1,000	2,100	0.52	1.32
Site F (NGA - Outlet)	No intervention	TRC204413	06 Jan 2021	10:25	0.8	18.7	20.7	500	80	1.96	0.67
Site F (NGA - Outlet)	No intervention	TRC210537	04 Feb 2021	08:00	0.1	19.3	16.7	80	180	0.11	0.52
Site F (NGA - Outlet)	Source 1 removed	TRC212307	09 Jul 2021	09:55	0.6	14.1	19.9	1,300	160	1.43	0.87
Site F (NGA - Outlet)	Source 1 removed	TRC212372	29 Jul 2021	13:05	0.6	14.3	18.9	2,300	60	0.93	1.03
Site F (NGA - Outlet)	Source 1 removed	TRC212559	11 Aug 2021	11:15	0.4	13.8	23.0	400	90	1.67	0.69
Site F (NGA - Outlet)	Source 1 removed	TRC213588	04 Nov 2021	17:15	0.3	16.0	17.7	300	430	0.30	0.45
Site F (NGA - Outlet)	Source 1 removed	TRC224735	10 Jan 2022	10:50			24.0	7,000	180	5.00	1.12
Site F (NGA - Outlet)	Source 1 removed	TRC226287	19 Apr 2022	13:55	0.1	18.4	19.6	130	190	0.44	1.19
Site F (NGA - Outlet)	Source 2 removed	TRC228441	18 Oct 2022	06:20	0.3		18.6	3,000	7,400	0.25	0.77
Site F (NGA - Outlet)	Source 2 removed	TRC228523	25 Oct 2022	12:15		15.6	18.9	2,000	10	0.13	0.49
Site F (NGA - Outlet)	Source 2 removed	TRC228995*	16 Nov 2022	07:50	0.3	17.4	18.6	700	80	0.27	0.56

* = Faecal source tracking samples also collected (recorded as Site 3 in 2019 report)

Table 5: Median flows and estimated dilution factors for the outlets and receiving waters (at low tide)

		Punawhakakau Stream	Urenui River
		15.5 L/s	1,963 L/s
Ngakoti Street outlet	0.4 L/s	40	4,909
Whakapaki Street outlet	1.2 L/s	14	1,637
Combined outlet flow	1.6 L/s	11	1,228

NB: Outlet flows measured (see Table 2, Table 3). Stream and river flows estimated (https://shiny.niwa.co.nz/nzrivermaps/).

ESR
Science for Communities

16 October 2019

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REPORT ON FAECAL SOURCE TRACKING ANALYSIS

The following samples were received on 6 September 2019 and were analysed for faecal sterols and fluorescent whitening agents (FWAs) as requested.

ESR Number	Client Reference	Date Sampled	Sterols Volume (mL)
CMB191001	Site 2 (stormwater)	2/9/19, 08:56	3,500
CMB191002	Site 3 (stormwater)	2/9/19, 09:15	3,500

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Results of faecal sterol analysis:

ESR Number	Client Reference	coprostanol	24-ethylcoprostanol	epicoprostanol	cholesterol	cholestanol	24-methylcholesterol	24-ethylepicoprostanol	stigmasterol	24-ethylcholesterol	24-ethylcholestanol	total sterols
CMB191001	Site 2	3963	925	*39*	5377	330	862	*11*	276	2130	122	14035
CMB191002	Site 3	8235	2268	232	2895	541	577	56	420	1282	237	16743

NOTES: All values are reported in parts per trillion (ppt).
Coloured values indicate that the measured level is close to or below the lowest measurement standard and caution should be used in calculation of some ratios.
Values in italics are below the lowest measurement standard.
Bold results generated from a linear calibration curve because could not be extrapolated from normal quadratic curve.

Interpretation of faecal sterol ratios:

ESR Number	**Client Reference**	**Total Sterols** ppt	**Faecal** F1, F2	**Human** H1, H2, H3	**Ruminant** R1, R2, R3	**Wildfowl**	**Conclusion**
CMB191001	Site 2	14035	F1+F2	Yes (H1+H2+ H3+H4)	(R1)	No	Strong human source
CMB191002	Site 3	16743	F1+F2	Yes (H1+H2+ H3+H4)	(R1+R3)	No	Strong human source

NOTES: Sterol levels below 2000 ppt may be too low for some sterol interpretations.
For Human and Ruminant sterols, the ratio's meeting thresholds are noted in brackets.
Where Yes is also in brackets this indicates a lower degree of certainty.

Results of FWA analysis:

ESR Number	Client Reference	FWA µg/L	Conclusion
CMB191001	Site 2	0.11	Human source detected
CMB191002	Site 3	0.02	Low level detection of human source

NOTE: Refer appendix for interpretation guidance

Summary:

ESR Number	Client Reference	Faecal Sterols	FWAs	Overall Conclusion
CMB191001	Site 2	Strong human	Human	Human
CMB191002	Site 3	Strong human	Low level detection of human source	Human

Notes:
Brief details of the methods of analysis are available on request.
These results relate to samples as received.
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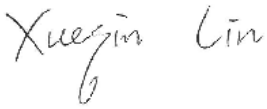
Brent Gilpin
Science Leader



Susan Lin
Scientist

APPENDIX: Assay Interpretation Guidance Notes

PCR Marker interpretation notes

- Each marker is strongly associated with, but not exclusive to the source tested for. They each have some degree of non-specificity.
- Each marker is a separate test and the levels of the various markers within the same sample cannot be compared. For example, if sample A has a BacH result of 1,000 and a BacR of 100 it is not valid to say there is more human contamination than ruminant in sample A.
- Levels of the same marker in different samples can be compared. For example;
    - If sample A has a BacH result of 1,000 and sample B has a BacH of 10,000 it is valid to conclude there is more human faecal contamination in sample B than in sample A; or
    - If site H sampled in January has a GFD result of 500 and when sampled in February has a GFD result of 10,000, it is valid to conclude the level of avian faecal contamination in February is greater.
    - To be classified as a significantly greater or lesser result the level of marker should vary by a factor of 10.
- Both Human markers are required to be present for a positive human result.
- Ruminant specific markers are reported using a percentage value based on levels of this marker relative to the general marker in fresh ruminant faeces.
    - Samples reported as 50-100% ruminant are consistent with all of the general faecal marker having come from a ruminant source.
    - The lower levels reported (10-50%) may be a consequence of the presence of other sources of pollution, or in fact ruminant sources may still account for all the pollution, but this may include aged faecal material where relative levels of the ruminant marker decline more rapidly than the general marker.
    - Levels less than 10% ruminant suggest a very minor contribution from ruminant sources.

The detection limits of these methods vary depending on the volume of water filtered for analysis. We recommend a minimum volume of 200 mls and a maximum of 1000 mls, this range gives the following detection limits:

mls sample filtered	General GenBac / 100 mls	Human BacH / 100 mls	Human BiADO / 100 mls	Human HumM3 / 100 mls	Ruminant BacR / 100 mls	Ruminant Sheep / 100 mls	Ruminant Cow / 100 mls
< 400 mls	<110	<83	<110	<8	<91	<100	<11
400-700mls	<42	<33	<43	<3	<36	<41	<5
700-1000mls	<21	<17	<21	<2	<18	<21	<2

mls sample filtered	Dog DogBac / 100 mls	Avian GFD / 100 mls	Avian E2 / 100 mls	Gull- 2
> 400 mls	<79	<72	<99	presence / absence test
400-700mls	<31	<29	<40	
700-1000mls	<16	<14	<20	

Valid as at: July 2017

FWA interpretation notes

The analysis of FWAs in septic tank and community wastewater consistently identifies levels between 10 and 70 µg/L. In previous analysis of water samples levels of FWA greater than 0.1 µg/L suggest human sewage, with levels greater than 0.2 µg/L strongly indicative of human sewage. Levels greater than 0.1 µg/L correlate well with other indicators of human pollution and indicate a local or recent source of pollution. FWAs degrade under sunlight exposure and will undergo dilution. Levels lower than 0.1 µg/L may be indicative of dilute or distant sources of human pollution.

Reference: Devane M., Saunders D. and Gilpin B. (2006). Faecal sterols and fluorescent whiteners as indicators of the source of faecal contamination. Chemistry in New Zealand 70(3), 74-7. http://www.nzic.org.nz/CiNZ/articles/Devane_70_3.pdf

Faecal sterol Intepretation Notes:

Faecal sterol ratios must be interpreted with consideration to the levels of sterols, and relative to one another. For example H1 is typically also above 5-6% in ruminant faeces. Human and ruminant sources generally require at least two of three ratios to reach thresholds.
Plant sterols and mixed sources also have differing effects on sterol interpretations which must be considered.

Conclusions are the best interpretation of sterols in our opinion. Conclusions in **bold** are highly supported by the sterol data, conclusions in brackets are supported by sterol data with some variation from a pure source, or with a lower degree of certainty.

Ratio Key:

Ratios indicative of faecal pollution (either human or animal)		
F1	coprostanol/cholestanol..	>0.5 indicative of faecal source of sterols
F2	24ethylcoprostanol/ 24-ethylcholestanol.	>0.5 indicative of faecal source of sterols.
Human indicative ratios (values exceeding threshold in red)		
H3	coprostanol/ 24-ethylcoprostanol	Ratio >1 suggests human source
H1	% coprostanol	Ratio >5-6% suggests human source
H2	coprostanol/(coprostanol+cholestanol)	Ratio >0.7 suggests human source
H4	coprostanol/(coprostanol+24-ethylcoprostanol)	Ratio >0.75 suggests human source
Ruminant indicative ratios (values exceeding threshold in blue)		
R3	24-ethylcholesterol/24-ethylcoprostanol	Ratio <1 suggests ruminant source, ratio >4 suggests plant decay
R1	% 24-ethylcoprostanol	Ratio >5-6% suggests ruminant source
R2	coprostanol/(coprostanol+24-ethylcoprostanol)	Ratio <30% suggests ruminant source
Avian indicative ratios (values exceeding threshold in yellow)		
A1	24-ethylcholestanol/(24-ethylcholestanol+24-ethylcoprostanol+24-ethylepicoprostanol)	A1 Ratio >0.4 suggests avian source AND A2 Ratio >0.5 suggests avian source
A2	cholestanol/(cholestanol+coprostanol+epicoprostanol)	

Science for Communities
He Pūtaiao, He Tāngata

22 December 2022

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FINAL REPORT ON FAECAL SOURCE TRACKING ANALYSIS

The following samples were received on 17th November 2022 and was analysed for faecal source PCR markers, FWA and faecal sterols as requested.

ESR Number	Client Reference	Date Sampled	Site Description	*E.coli* cfu / 100mL
CMB220822	TRC228994 STW001162	16/11/2022 09:15	Whakapaki Street stormwater outlet	290
CMB220823	TRC228995 STW001165	16/11/2022 08:50	Ngakoti Street stormwater outlet	700

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Results of faecal source PCR Marker Analysis:
Please refer to the appendix for guidance on interpretation of these results

ESR Number	Client Reference	Site	*E.coli* cfu / 100mL	General GenBac / 100 ml	Human BiADO / 100 ml	Human HF183 / 100 mls	Human crAssphage / 100 mls	Conclusion
CMB220822	TRC228994 STW001162	Whakapaki Street	290	5,900,000	1,800	9,800	29,000	Human faecal source detected
CMB220823	TRC228995 STW001165	Ngakoti Street	700	940,000	360	140	1,600	Human faecal source detected

Abbreviations: NA = sample was not analysed for this marker.
NC = not calculated
LOQ = limit of quantitation

Comment PCR Markers:
Significantly more human faecal source markers were detected in the Whakapaki Street stormwater outlet than in the Ngakoti Street stormwater outlet.

Results of FWA analysis:

ESR Number	Client Reference	Site	Fluorescent Whitener #1 (ppb)	Conclusion
CMB220822	TRC228994 STW001162	Whakapaki Street	0.01	Human faecal source detected
CMB220823	TRC228995 STW001165	Ngakoti Street	0.01	Human faecal source detected

Results of faecal sterol analysis:

ESR Number	Client Reference	Site Description	coprostanol	24-ethylcoprostanol	epicoprostanol	cholesterol	cholestanol	24-methylcholesterol	24-ethylepicoprostanol	stigmasterol	24-ethylcholesterol	24-ethylcholestanol	total sterols
CMB220822	TRC228994 STW001162	Whakapaki Street	512	111	*7*	1307	137	321	*0*	257	886	230	3767
CMB220823	TRC228995 STW001165	Ngakoti Street	442	168	*31*	1580	157	504	101	441	1090	279	4793

NOTES: All values are reported in parts per trillion (ppt).
Coloured values indicate that the measured level is close to or below the lowest measurement standard and caution should be used in calculation of some ratios.
Values in italics are below the lowest measurement standard.

Interpretation of faecal sterol ratios:

ESR Number	Client Reference	Site Description	Total Sterols ppt	Faecal F1, F2	Human H1, H2, H3	Ruminant R1, R2, R3	Wildfowl	Conclusion
CMB220822	TRC228994 STW001162	Whakapaki Street	3767	F1+(F2)	Yes	No	(Yes)	Human
CMB220823	TRC228995 STW001165	Ngakoti Street	4793	F1+F2	Yes	No	(Yes)	Human

NOTES: Sterol levels below 2000 ppt may be too low for some sterol interpretations.
Where Yes is also in brackets this indicates a lower degree of certainty.

Comment Faecal Sterols:
There is clear human sterol signature in both samples. Plus a possible wildfowl / plant signature.

Summary:

ESR Number	Client Reference	Site Description	Faecal Sterols	FWAs	PCR Markers	Overall Conclusion
CMB220822	TRC228994 STW001162	Whakapaki Street	Human	Human	Human faecal source detected	Human
CMB220823	TRC228995 STW001165	Ngakoti Street	Human	Human	Human faecal source detected	Human

Notes:
Brief details of the methods of analysis are available on request.
These results relate to samples as received.
This report may not be reproduced except in full.

Paula Scholes
Laboratory Operations Technical Lead

Beth Robson
Principal Technician

Susan Lin
Scientist

Brent Gilpin
Senior Science Leader

APPENDIX: Assay Interpretation Guidance Notes

PCR Marker interpretation notes

- Each marker is strongly associated with, but not exclusive to the source tested for. They each have some degree of non-specificity.
- Each marker is a separate test and the levels of the various markers within the same sample cannot be compared. For example, if sample A has a BacH result of 1,000 and a BacR of 100 it is not valid to say there is more human contamination than ruminant in sample A.
- Levels of the same marker in different samples can be compared. For example;
    - If sample A has a BacH result of 1,000 and sample B has a BacH of 10,000 it is valid to conclude there is more human faecal contamination in sample B than in sample A; or
    - If site H sampled in January has a GFD result of 500 and when sampled in February has a GFD result of 10,000, it is valid to conclude the level of avian faecal contamination in February is greater.
    - To be classified as a significantly greater or lesser result the level of marker should vary by a factor of 10.
- Both Human markers are required to be present for a positive human result.
- Ruminant specific markers are reported using a percentage value based on levels of this marker relative to the general marker in fresh ruminant faeces.
    - Samples reported as 50-100% ruminant are consistent with all of the general faecal marker having come from a ruminant source.
    - The lower levels reported (10-50%) may be a consequence of the presence of other sources of pollution, or in fact ruminant sources may still account for all the pollution, but this may include aged faecal material where relative levels of the ruminant marker decline more rapidly than the general marker.
    - Levels less than 10% ruminant suggest a very minor contribution from ruminant sources.

The detection limits of these methods vary depending on the volume of water filtered for analysis. We recommend a minimum volume of 200 mls and a maximum of 1000 mls, this range gives the following detection limits:

mls sample filtered	General GenBac / 100 mls	Human BacH / 100 mls	Human BiADO / 100 mls	Human HumM3 / 100 mls	Ruminant BacR / 100 mls	Ruminant Sheep / 100 mls	Ruminant Cow / 100 mls
< 400 mls	<110	<83	<110	<8	<91	<100	<11
400-700mls	<42	<33	<43	<3	<36	<41	<5
700-1000mls	<21	<17	<21	<2	<18	<21	<2

mls sample filtered	Dog DogBac / 100 mls	Avian GFD / 100 mls	Avian E2 / 100 mls	Gull- 2
> 400 mls	<79	<72	<99	presence / absence test
400-700mls	<31	<29	<40	
700-1000mls	<16	<14	<20	

Valid as at: July 2017

FWA Interpretation Notes

The analysis of FWAs in septic tank and community wastewater consistently identifies levels between 10 and 70 µg/L. In previous analysis of water samples levels of FWA greater than 0.1 µg/L suggest human sewage, with levels greater than 0.2 µg/L strongly indicative of human sewage. Levels greater than 0.1 µg/L correlate well with other indicators of human pollution and indicate a local or recent source of pollution. FWAs degrade under sunlight exposure and will undergo dilution. Levels lower than 0.1 µg/L may be indicative of dilute or distant sources of human pollution.

Reference: Devane M., Saunders D. and Gilpin B. (2006). Faecal sterols and fluorescent whiteners as indicators of the source of faecal contamination. Chemistry in New Zealand 70(3), 74-7. http://www.nzic.org.nz/CiNZ/articles/Devane_70_3.pdf

Faecal sterol Interpretation Notes:

Faecal sterol ratios must be interpreted with consideration to the levels of sterols, and relative to one another. For example H1 is typically also above 5-6% in ruminant faeces. Human and ruminant sources generally require at least two of three ratios to reach thresholds.
Plant sterols and mixed sources also have differing effects on sterol interpretations which must be considered.

Conclusions are the best interpretation of sterols in our opinion. Conclusions in **bold** are highly supported by the sterol data, conclusions in brackets are supported by sterol data with some variation from a pure source, or with a lower degree of certainty.

Ratio Key:

Ratios indicative of faecal pollution (either human or animal)		
F1	coprostanol/cholestanol..	>0.5 indicative of faecal source of sterols
F2	24ethylcoprostanol/ 24-ethylcholestanol.	>0.5 indicative of faecal source of sterols.
Human indicative ratios (values exceeding threshold in red)		
H3	coprostanol/ 24-ethylcoprostanol	Ratio >1 suggests human source
H1	% coprostanol	Ratio >5-6% suggests human source
H2	coprostanol/(coprostanol+cholestanol)	Ratio >0.7 suggests human source
H4	coprostanol/(coprostanol+24-ethylcoprostanol)	Ratio >0.75 suggests human source
Ruminant indicative ratios (values exceeding threshold in blue)		
R3	24-ethylcholesterol/24-ethylcoprostanol	Ratio <1 suggests ruminant source, ratio >4 suggests plant decay
R1	% 24-ethylcoprostanol	Ratio >5-6% suggests ruminant source
R2	coprostanol/(coprostanol+24-ethylcoprostanol)	Ratio <30% suggests ruminant source
Avian indicative ratios (values exceeding threshold in yellow)		
A1	24-ethylcholestanol/(24-ethylcholestanol+24-ethylcoprostanol+24-ethylepicoprostanol)	A1 Ratio >0.4 suggests avian source AND A2 Ratio >0.5 suggests avian source
A2	cholestanol/(cholestanol+coprostanol+epicoprostanol)	

Date: 18 April 2024

Subject: **Towards Predator Free Taranaki Project Update**

Authors: N Heslop, Programme Lead – Towards Predator Free Taranaki and S Ellis, Environmental Services Manager

Approved by: D Harrison, Director - Operations

Document: 3252206

Purpose

1. The purpose of this memorandum is to present for Members' information an update on the progress of the Taranaki Taku Tūranga Our Place - Towards Predator-Free Taranaki project.

Executive summary

2. Launched in 2018, *Taranaki Taku Tūranga Our Place -Towards Predator-Free Taranaki* was the first large-scale project funded by Predator Free 2050 Limited with the long-term aim of progressing towards removing introduced predators from a region.
3. This item reports on the three different elements of the project: urban trapping; rural control; and zero possums.
4. The urban programme continues to enjoy great support from householders and volunteers.
5. Roll out of the rural programme continues, along with scheduled battery changes for the remote checking system and trap maintenance.
6. Landowner maintenance of traps has become sub-optimal with officers beginning to take a more regulatory stance to ensure trapping continues effectively; this will take time to bed in.
7. Within the Kaitake Zero possum project the A block area continues to be classed as possum-free for 35 months. Within the B block, only one individual have been detected.
8. The virtual barrier is functioning well within the Kaitake Zero project, with six possums caught since last quarter. The barrier has been turned off and is being reconfigured before the Department of Conservation aerial 1080 operation is undertaken.
9. The 'Jobs for Nature' funded extension of the Zero possum area is making good progress with over 3,000 possums being removed. Large areas of the block including coastal areas are close to zero with only a few individual survivors being detected and removed.

Recommendations

That Taranaki Regional Council:

a) receives this memorandum Towards Predator Free Taranaki Project Update

b) notes the progress achieved in respect of the urban, rural and zero density possum projects of the Towards Predator-Free Taranaki project

c) notes Officers will be increasing the use of regulatory tools to ensure ongoing mustelid trapping continues under the RPMP.

Background

10. On 30 May 2018, the Minister of Conservation launched the Taranaki Taku Tūranga Our Place -Towards Predator-Free Taranaki project.
11. The Taranaki Taku Tūranga Our Place -Towards Predator-Free Taranaki project is the first large-scale project with the long-term aim of progressing towards removing introduced predators from the region. Supported by more than $11 million from Predator Free 2050 Ltd (the company set up by the Government to help New Zealand achieve its predator-free 2050 goals), the Taranaki Regional Council (the Council) aims to restore the sound and movement of our wildlife, rejuvenate native plants in urban and rural Taranaki, and protect agriculture.
12. The project's ultimate aim is to support the eradication of mustelids, rats, and possums across the region by 2050. This ambitious goal had not been attempted before, and the first phases of the project have trialed control methodologies and new tools to inform future implementation, both regionally and nationally. The latest technologies – including remote sensors, wireless nodes and a trapping app are being used to help remove predators and prevent re-infestations. This high-tech equipment makes trapping more efficient, particularly in rural areas, and sends an alert to the user when a trap goes off.
13. Project work is well underway around the Mounga. There are three elements to the project:
    a. Urban predator control
    b. Rural landscape predator control
    c. Zero density possums.
14. There has been a hugely positive response from communities wanting to restore our regional biodiversity by getting behind the Taranaki Taku Tūranga Our Place -Towards Predator-Free Taranaki Project as it continues to roll out across the region. Monitoring work and site-led work is well advanced and officers have had input into several technological innovations.
15. Set out below is an update of key progress and milestones in respect of the main elements of the project, along with details of future work.

Discussion

Urban Predator control

16. The urban team have taken on a wider Predator free engagement role, working across all three programmes to maximize community awareness and involvement.
17. The team has successfully completed a number of trapping workshops, Catchment Committee meetings, markets and had displays at both the Stratford and Hāwera A and P shows. Feedback continues to be positive.
18. Volunteer community champions are continuing to support the urban and reserve trapping programme and are a key tool in providing localised support to backyard trappers.

Rural landscape predator control

19. Phase six covering 15,000 hectares of Rural Mustelid Control continues in the Kapuni area, with support for the project within the community remaining high.
20. We have experienced some delays in getting enough traps and econodes (the electronic trap checking system) due to international shortages and importing delays.
21. Completed areas now fall under the rules of the Regional Pest Management Plan for Taranaki.
    Until now, officers have been taking a supportive rather than regulatory stance, however field visits show that many landowners are not regularly checking traps with many becoming overgrown.
22. Officers will begin to take a more regulatory approach to ongoing control from now onwards.

Zero possum area

23. Blocks A and B (see attached map) continue to be in an incursion detection and response phase, with only one incursion detected within the B block contractors; specially trained dogs are still trying to locate this animal.
24. We are confident that the farmland area in the original Kaitake block (A block) has now been possum free for 35 months, and that any individuals who re-infest the area are quickly identified and removed. A total of 6 possums have been caught on the trap barrier in the first quarter.
25. With the Aerial 1080 operation on the Mounga imminent we have taken the opportunity to pause operating the barrier and reconfigure some of the lines to allow safer access, the barrier will be back up to full operation before the 1080 is laid.
26. For the extension areas (see map areas D through G) we are confident that D and G are now possum free. Areas E and F continue to be hunted by the team with dogs helping to target areas.
27. The green area has now been controlled to low levels by a contractor to reduce the re-infestation risk back into the Zero block.
28. A farmland barrier made up of automatic traps, self-reporting cameras with regular dog detection surveys is currently in the final stages of design and will be deployed in the coming weeks.

Financial considerations—LTP/Annual Plan

29. 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

30. 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

31. 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.

32. All eight iwi provided letters of support for the funding of this project, Council are in contact with both Ngāti Tairi and Ngā Mahanga regarding the Zero-density possum operation within their rohe and iwi chairs are updated through the Taranaki Mounga Board.

Community considerations

33. 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.

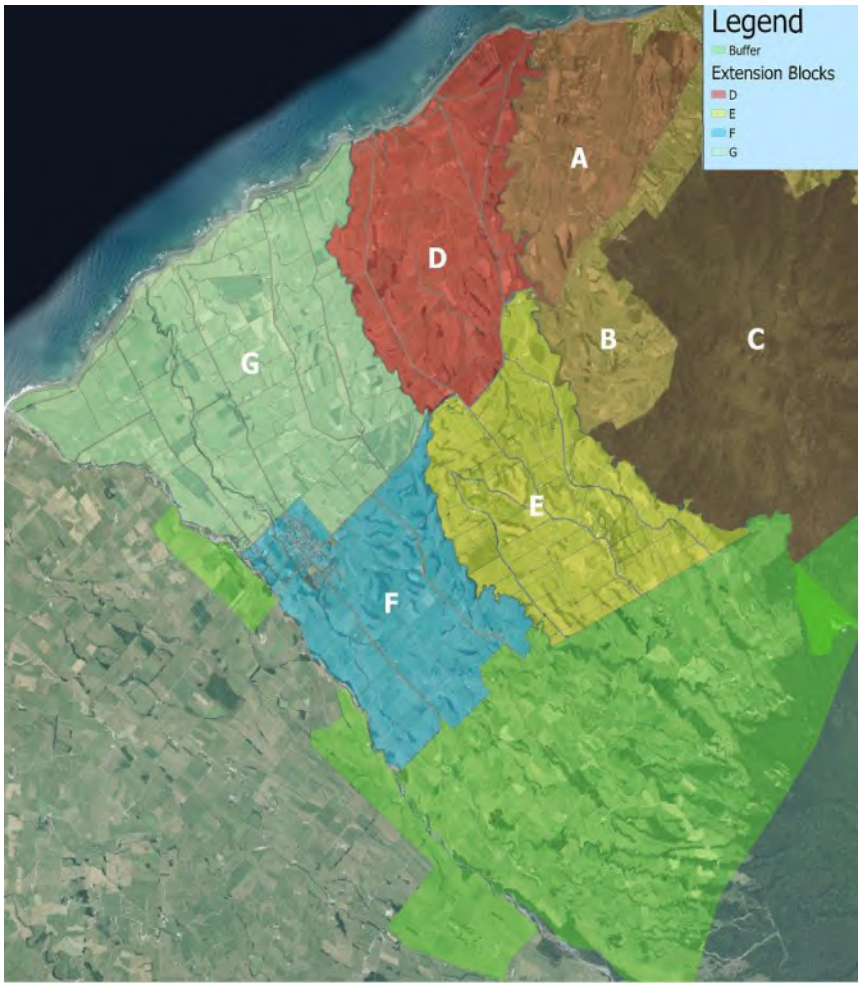
Legal considerations

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

Appendices/Attachments

Document: 3265072: Predator Free Presentation

Map of Original "Restore Kaitake" block (Areas A, B, C) and Zero Possum Extension block (Areas D, E, F,G)



Taranaki Taku Tūranga

Towards Predator-Free Taranaki

Predator free update and use of dogs

Ops and Reg meeting 30 April 2024

Taranaki Regional Council

Highlights

Urban/ Engagement

Officers continue to work with keen local champions to increase trapping in urban areas.

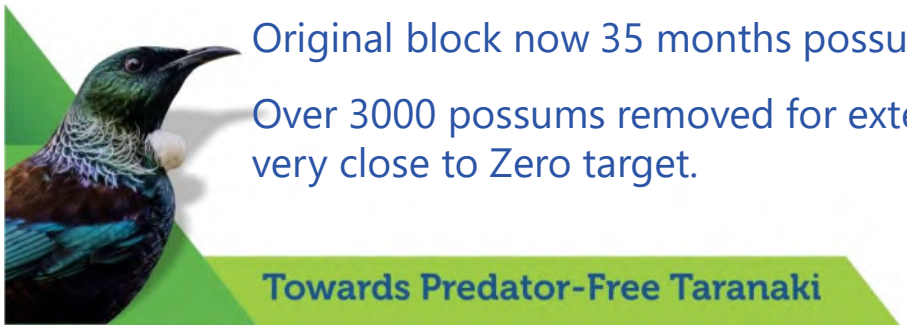
Undertaking trapping workshops, markets and A&P Shows

Rural Predators

Phase six covering 15,000 hectares of Rural Mustelid Control around Kapuni continued, initial interest remains high,

But, ongoing trap checks have dropped off meaning a stronger approach is needed to ensure ongoing success.

Zero Possums



Original block now 35 months possum free

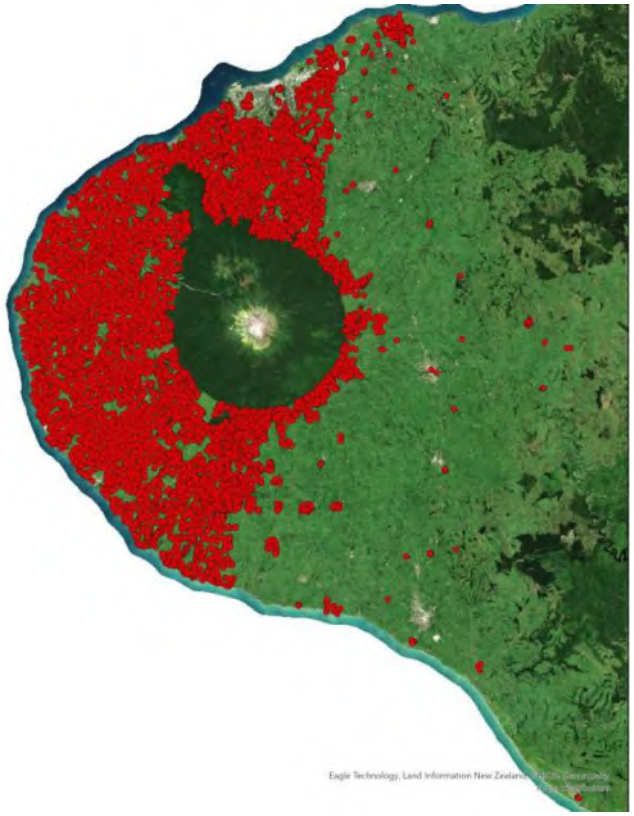
Over 3000 possums removed for extension block with large areas very close to Zero target.

Taranaki Regional Council

PREDATOR FREE 2050

Rural programme maintenance

- Over 110,000 hectares
- Average farm has 12-15 traps,
- Under RPMP traps to be checked 8 times / year ;or
- When the econode goes off
- Currently reminders being given regularly



Towards Predator-Free Taranaki

Taranaki Regional Council

PREDATOR FREE 2050

Rural programme maintenance

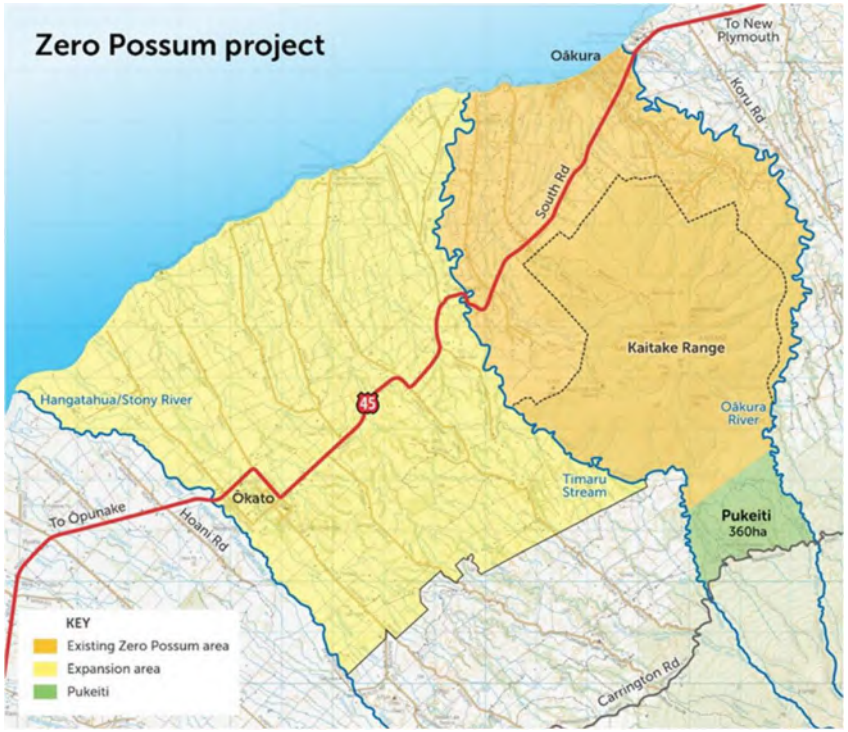
Towards Predator-Free Taranaki

Taranaki Regional Council

PREDATOR FREE 2050

Zero Possums

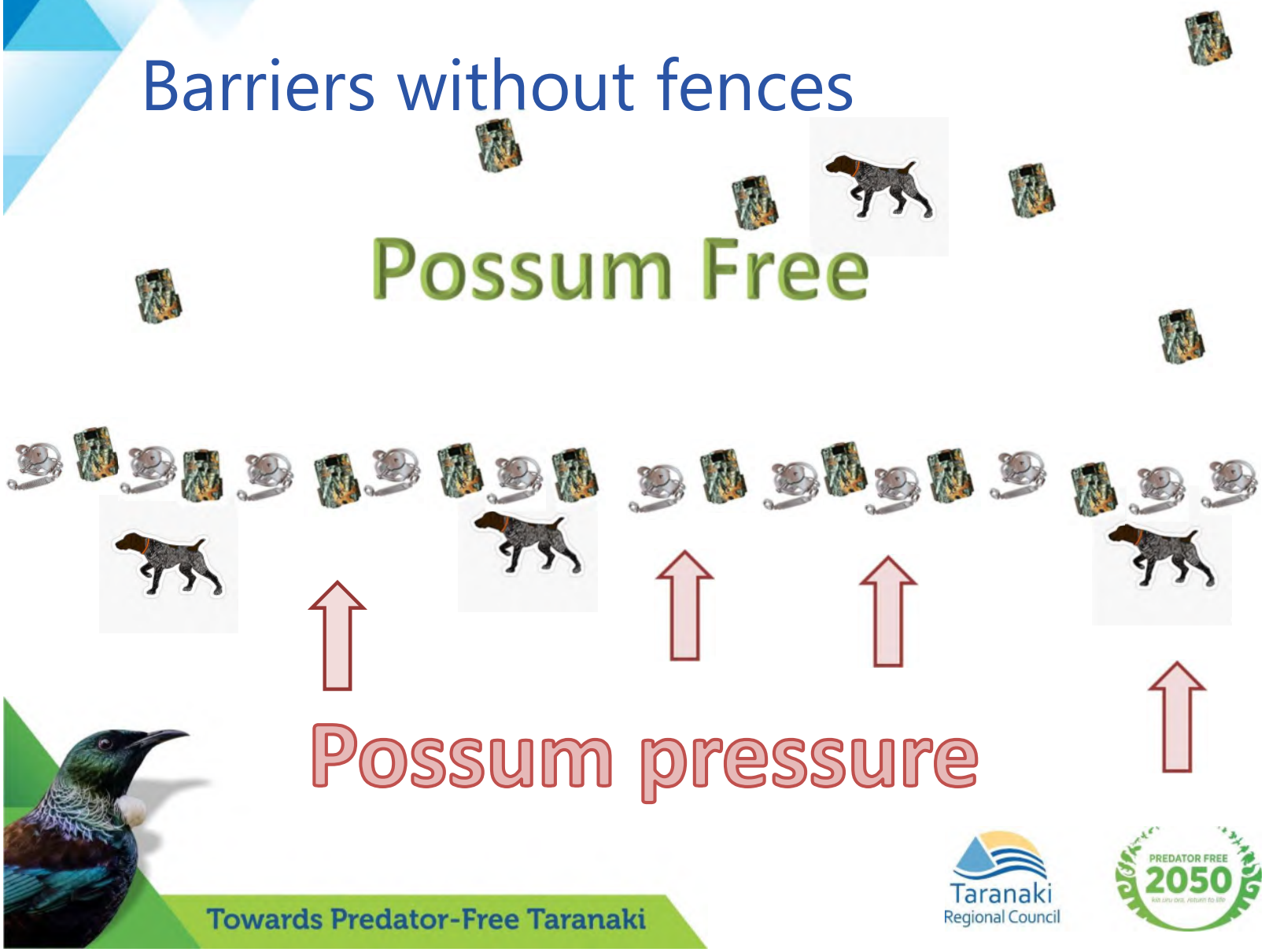
- Outside of Kaitake range now possum free for 35 months
- Extension aims to test
  - Do “scat” dogs help better target possum removal?
  - Can we design a farmland barrier without the use of fences that can be scaled?



Taranaki Regional Council

PREDATOR FREE 2050

Barriers without fences



Live reporting cameras

Towards Predator-Free Taranaki

Taranaki Regional Council

PREDATOR FREE 2050

Possum Dogs – a vital tool

- Nose is over 100,000 X more sensitive than ours
- Mobile rather than static
- Accurate and precise
- Cost effective
- Can be trained on more than one species

Towards Predator-Free Taranaki

Taranaki Regional Council

PREDATOR FREE 2050


Questions
Taranaki Taku Tūranga
Towards
Predator-Free
Taranaki

Date: 30 April 2024

Subject: **Prosecution Sentencing Decision - Goodwin**

Author: J Glasgow, Compliance Manager

Approved by: A D McLay, Director - Resource Management

Document: 3267564

Purpose

1. The purpose of this memorandum is to update Members on the prosecution of Mr D Goodwin for a breach of the Regional Fresh Water Plan for Taranaki. This involved diverting a 320 metre section of the the Waikirikiri Stream 2 (the Stream) and diverting a further 190 meters of an adjacent unnamed tributary of the Waikirikiri Stream 2 (the Tributary), between 1 August 2022 and 9 September 2022.

Executive summary

2. The Council responded to a complaint about the formation of a diversion channel adjacent to Komene Road, Okato, undertook a thorough investigation and applied the Council's Enforcement Policy (2017).
3. An assessment of the works and the associated actual and potential adverse effects on the receiving environment determined that the level of offending was serious and that the conduct of Mr Goodwin was reckless. Therefore, a prosecution was initiated under the Council's Enforcement Policy.
4. The result is a guilty plea and successful prosecution with a reasonable fine. The sentencing decision provides insight into the rational for the decision.

Recommendations

That Taranaki Regional Council:

a. receives the report Prosecution Sentencing Decision - Goodwin

b. notes the successful outcome of the prosecution.

Background

5. The environmental incident was considered by the Chief Executive, acting under delegated authority from the Council, and the decision to prosecute was presented to the Committee, for information purposes, on 18 July 2023.

Incident

6. In summary, between 1 August 2022 and 9 September 2022, Mr Dennis Goodwin carried out a significant amount of earthworks in and around the Stream and its Tributary. The works included

extensive stream modification including, the construction of a large steep sided, 420 metre long diversion channel and the installation of a 23 metre earth dam resulting in the dewatering of 320 metres of the Stream.

7. Works carried out within an adjacent the Tributary resulted in the infilling (reclamation) of 55 metres, and the dewatering of a further 190 metres, resulting in a total of 245 metres of the tributary being dewatered and/or reclaimed.

8. The near vertical sided construction of the diversion, the significant size of the channel, ranging from $7m^2$ – $10m^2$ and the lack of any erosion and sediment controls, resulted in the generation of sediment and the deposition of that material within the Stream downstream of the works site.

9. The Waikirikiri Lagoon, a 4 hectare coastal wetland, listed in the Regional Freshwater Plan for Taranaki as a regionally significant wetland is located approximately 1,100 metres downstream of the works.

10. An abatement notice was subsequently served on Mr D Goodwin requiring him to undertake remedial works at the site by 7 October 2022. The works to reinstate the Stream were completed within a timely manner, however there was reluctance by Mr Goodwin to undertake the remedial works associated with the reinstatement of the Tributary. With ongoing council officer engagement, these works were finally completed by 1 May 2023.

11. In summary, the prosecution related to the discharge of contaminants, namely sediment into water, the reclaiming of the Stream and its Tributary and the diversion of water.

Prosecution update

12. The defendant pleaded guilty to the three charges against him. A sentencing hearing was held in the New Plymouth District Court on 9 February 2024, and the judgement of Judge Dickey was issued on 18 April 2024. A copy of the decision is attached to this memorandum.

13. The rationale for the decision is set out in the judgement and a number of factors are considered in determining the sentence. The fine reflects the seriousness of the incident.

14. The Court relied upon Council scientific evidence and a Cultural Impact Report in its deliberations. There were several systematic failures, resulting in the adverse environmental effects. Further details are set out in the decision.

15. Judge Dickey attributed a global starting point of $60,000 for the offending. Five per cent discount was applied for previous good character and 25 per cent discount was awarded for an early guilty plea. Mr Goodwin was subsequently convicted and fined $42,000 for the offending. Court costs of $130 and solicitor's fee of $113 were also awarded. Ninety per cent of the fine is to be paid to the Taranaki Regional Council.

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.
19. Representatives of the Komene 13B Reservation, who hold mana whenua over the land in which the offending occurred, were engaged early during the investigation process with joint council – iwi site visits being carried out during the investigation process, prior to any remedial works being undertaken.
20. Mr David Jones, Chairman of the Komene 13B Reservation completed a Cultural Impact Statement that was provided to the court and referred to by Judge Dickey in her judgement.
21. A representative of the Komene 13B Reservation attended the sentencing hearing in support of the Cultural Impact Statement.
22. The outcome of this prosecution has been shared with representatives of the Komene 13B Reservation and Taranaki iwi.

Community considerations

23. 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

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

Appendices/Attachments

Document 3267563: Sentencing decision TRC v Goodwin

IN THE DISTRICT COURT
AT NEW PLYMOUTH

I TE KŌTI-Ā-ROHE
KI NGĀMOTU

CRI-2023-043-000934
[2024] NZDC 8200

TARANAKI REGIONAL COUNCIL
Prosecutor

v

DENIS JAMES GOODWIN
Defendant

Hearing:	9 February 2024
Appearances:	JKL de Silva for the prosecutor JM Woodcock for the defendant
Judgment:	18 April 2024

SENTENCING DECISION OF JUDGE MJL DICKEY

Introduction

[1] Mr Goodwin has pleaded guilty to three charges[1] relating to discharge of contaminants, the disturbance and reclamation, and the diversion and damming, of water in the Waikirikiri Stream 2 (**the Stream**) and an unnamed tributary of the Waikirikiri Stream 2 (**the Tributary**), contrary to ss 13 to 15 and s 338(1)(a) of the Resource Management Act 1991 (**RMA**). The charges allege continuing offences on dates unknown between 1 August and 9 September 2022.

[1] CRN 23043500315, CRN 23043500311 and CRN 23043500313.

[2] The maximum penalty for the offending is a fine of $300,000 or a prison term of no more than two years.

[3] For the Council, Ms de Silva sought a starting point of $90,000 while Ms Woodcock for the defendant submitted that a starting point of between $30,000 to $40,000 is appropriate.

[4] A summary of facts was agreed for the purposes of sentencing.[2]

[5] No application for discharge without conviction was made. The defendant is accordingly convicted on all three charges.

Circumstances of the offending[3]

[6] The location of the offences is part of a 16-hectare dairy farming support unit on Komene Road, Okato that has been owned by Mr Goodwin for approximately 20 years.

[7] The property is located within the lower portions of the Waikirikiri catchment (approximately 1.3 km from the Tasman Sea). It is used as a dairy farming support unit, where young stock is grazed to support a dairy farm run by Mr Goodwin and his wife. The unlawful works occurred within the Tributary and the Stream, which is the main stream within the catchment.

[8] The Tributary is an intermittently flowing stream, with a catchment that begins on an adjacent property before flowing through the north-western corner of the Goodwin property and entering the Stream approximately 190 metres downstream of the lower boundary of the property.

[9] The Stream flows through the property in an east-to-west direction. It is best described as a continuous flowing stream with a mixture of rocky and soft sediment streambed. Beyond the lower boundary of the property, the Stream flows through a series of interconnected wetlands before reaching sand dunes adjacent to the Tasman

2 Summary of Facts dated 1 February 2024.
3 Summary of Facts, at [2] – [12].

Sea. There is no defined flow path through the dunes to the sea, with the Stream and the Tributary flowing to the southern edge of the Komene Lagoon. Komene Lagoon is a four-hectare coastal wetland. It is a regionally significant unprotected wetland, registered as a Key Native Ecosystem with the Council.

The offending[4]

[10] On 7 September 2022, the Council received a complaint regarding stream works undertaken on the property.

[11] On 9 September 2022, Council Enforcement Officers and a Council Freshwater Biologist inspected the property.

[12] Works that had been undertaken in relation to the Tributary and the Stream in connection with the property included:

(a) the construction of a 420-metre-long Drainage Channel which diverted the course of the Stream around the perimeter of the property, directing the water flow back into the Stream at the lowermost point of the property. The Drainage Channel had been cut with near-vertical banks. The steep slope of the walls and relatively unconsolidated nature of the surrounding geology and soils resulted in slump and slab erosion of the walls as well as water-induced erosion associated with the outfalls of the Tributary under Komene Road, interacting with the unlined walls of the Drainage Channel. Slumping had already occurred directly adjacent to Komene Lagoon and posed a risk to public safety through loss of toe support at the areas where the Drainage Channel was cut in close proximity to the Road;

(b) the placement of a 23-metre earth dam within the Stream on the property directing the flow of water into the Drainage Channel, burying 23 metres of the Stream bed and dewatering 320 metres of the Stream that flowed through the property; and

4 Summary of Facts, at [16] – [20].

(c) redirection of the Tributary flow into the Drainage Channel reclaiming 55 metres of the Tributary on the corner of the property and subsequently draining 190 metres of the Tributary along an adjacent property.

[13] The works breached ss 13 to 15 of the RMA as they were undertaken without a resource consent and are not expressly allowed by a national environmental standard or other regulations, or a rule in a regional plan.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

[14] Regulation 57 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 states that the reclamation of the bed of any river is a discretionary activity.

Regional Fresh Water Plan for Taranaki (RFWP)

[15] Rule 74 is relevant. It allows for minor realignments or modifications of a stream as a permitted activity, provided the stated conditions and regulation 57 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 can be met. The works undertaken breached all nine conditions of Rule 74.

Remedial works[5]

Abatement Notice - 13 September 2022

[16] On 13 September 2022 an abatement notice was served on Mr Goodwin, requiring him to undertake remedial works by 7 October 2022.

[17] Five inspections were undertaken between 29 September 2022 and 1 May 2023. It is not clear when remedial works were completed but they are noted as being completed by a Council officer who visited on 1 May 2023.

5 Summary of Facts, at [21] – [24].

Explanation for offending[6]

[18] On 22 December 2022, Mr Goodwin provided the following reasons for undertaking the works. He advised that:

(a) if he fenced the Stream, it would have been difficult to keep it weed-free;

(b) the Stream did not allow him to graze evenly sized paddocks; and

(c) moving the watercourse to the outside boundary gave an unobstructed outlet to the drainage channel and kept water from the neighbouring property and flood water off the road.

[19] It is for note that Mr Goodwin was reluctant to reinstate the Tributary, but the work was eventually completed by 1 May 2023.

Sentencing Framework

[20] The purposes and principles of the Sentencing Act 2002 are relevant.

[21] The High Court in *Thurston v Manawatu-Wanganui Regional Council* ***(Thurston)*** provides a useful summary of the approach to be taken to sentencing.[7] This includes the offender's culpability; any infrastructural or other precautions taken to prevent discharges; the vulnerability or ecological importance of the affected environment; the extent of the environmental damage, including any lasting or irreversible harm, and whether it was of a continuing nature or occurred over an extended period of time; deterrence; the offender's capacity to pay a fine; disregard for abatement notices or Council requirements; and cooperation with enforcement authorities and guilty pleas.

6 Summary of Facts, at [27] – [28].
7 *Thurston v Manawatu Wanganui Regional Council* HC Palmerston NorthCRI-2009-454-24, -25, -27, 27 August 2010, at [41].

Environmental effects

[22] Reports on the actual and potential adverse effects of the works and the outcome of the remedial works were prepared by Chris Vicars, Council Rivers Manager and Brennan Mahoney, Council Freshwater Biologist (and Team Leader – Land and Water).

Actual & potential adverse effects of the works[8]

[23] Actual and potential adverse effects of the works prior to remediation are summarised in Mr Vicars and Mr Mahoney's reports:

Stream and Tributary[9]

- The construction of the Earth Dam to divert water from the Stream to the Drainage Channel resulted in burying and reclamation of 23 metres of the bed of the Stream with fill material and complete removal of this section from the environment.

- 55m of the Tributary … was also reclaimed… Reduction of sections … Stream and the Tributary … no longer being able to provide natural ecological, hydrological and geological services … causing an increase in downstream erosion and damage and loss of capacity and habitat to the downstream receiving environment…

- The construction of the Drainage Channel and diversion … resulted in the dewatering of 320m of the Stream and another 245m of the Tributary … no longer being able to provide natural ecological, hydrological and geological services … causing an increase in downstream erosion, and damage and loss of capacity and habitat to the downstream receiving environment.

- Construction of the Drainage Channel and diversion of the Tributary posed a risk to public due to undermining of the road shoulder and verge as a result of the erosion occurring adjacent to Komene Road.

Tributary and Earth Dam[10]

- Reclamation of the Tributary
  The entire aquatic ecosystem, hydrological and ecological processes had been destroyed by complete burial and dewatering over the section of the Tributary that previously traversed the Goodwin property. The section of the Tributary that previously flowed onto the neighbouring property had been dewatered (but not buried) resulting in significant damage and loss to the aquatic ecosystem and ecological processes. Sediment generated from this activity would have entered the Stream and the downstream

[8] Summary of Facts, at Tabs 10 and 11.
[9] Report of Chris Vicars, at [17], Summary of Facts, at Tab 10.
[10] Report of Brennan Mahoney, at pages 5 – 7, Summary of Facts, at Tab 11.

> Komene Lagoon, potentially smothering aquatic life for an unknown period of time and in unknown quantities.
> …

Earth dam and dewatering of a section of the Stream

- …it is apparent that the construction of the new Drainage Channel is responsible for the sediment deposits observed in the Stream downstream…

[24] Mr Vicars concludes that:

(a) the works undertaken by Mr Goodwin caused significant adverse effects, notably along the reclaimed section of the Tributary and Earth Dam;

(b) despite remedial works, these adverse effects will be present until the existing fluvial processes can return to their pre-works state – perhaps months to years; and

(c) remedial works have mostly mitigated long-term stream navigation, erosion and capacity issues that may have remained if not addressed.

[25] Mr Mahoney concludes that the:

(a) works caused significant adverse effects on aquatic life and stream habitat until the remedial works were completed. If the remedial works had not been undertaken, the adverse effects would have been significant and long-lasting;

(b) actual significant adverse effects on aquatic life and instream habitat include pollution of water and the downstream bed by silt and sediment, habitat loss in downstream reaches;

(c) potential significant adverse effects on aquatic life and instream habitat if there had been no remedial works include ongoing silt sediment loss, increased peak flows, reduced winter flows, increase in downstream erosion and damage and loss of capacity to downstream culverts and bridges;

(d) remedial works appear to have been successful in preventing further adverse effects, with the previously dewatered section of the Stream likely to fully recover; and

(e) remedial works on the Tributary appear to have been successful in preventing further adverse effects, with the exception of the new alignment of the section of the Tributary that traverses the Goodwin property which will continue to cause adverse effects on aquatic life and instream habitat for an unknown time period and of unknown significance.

[26] A Cultural Impact Statement was provided by David Jones, Chairman of the Komene 13B Reservation. Mr Jones spoke of the special nature and importance of the Waikirikiri Lagoon and how the mauri of the Lagoon was put at risk by Mr Goodwin. He spoke of the risk of interference to a nearby Pā site. He said:[11]

> The potential to interrupt and dim the mauri is unacceptable.

Prosecutor's submissions

[27] Ms de Silva submitted that the actual adverse effects of the works are significant in that sediment generated from the works would have entered the Stream and Komene Lagoon, potentially smothering aquatic life for an unknown period and in unknown quantities. She noted that although the remedial works were successful, they were not a complete immediate fix and the environment will take some time to recover – perhaps months to years – and the new alignment of the section of the Tributary will continue to cause adverse effects on aquatic life and instream habitat for an unknown period of time and be of unknown significance.

[28] The works started about two weeks before the Council's inspection[12] Ms de Silva alleged that the works would have been completed with no remediation if the Council had not received the complaint.

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11 Cultural Impact Statement dated 17 January 2024, Mr David Jones, Chairman Komene 13B Reservation.

12 Summary of Facts, at [27].

[29] Ms de Silva submitted that Mr Goodwin's delay in undertaking the remediation works prolonged the actual and potential adverse effects of the offending. The abatement notice required Mr Goodwin to undertake remedial works by 7 October 2022. He completed those works sometime between 18 February 2023 and the Council's final inspection on 1 May 2023. The Council does not know the actual completion date of the remedial work but, at the earliest, the work was completed more than four months after the deadline.

[30] Ms de Silva submitted that this matter involves cultural concerns. The Cultural Impact Statement included concerns about the risk of interference with a nearby Pā site.[13] Investigations demonstrated that, fortunately, the Pā site was unaffected by the earthworks as the GPS location was incorrect; but Ms de Silva noted this is nevertheless a legitimate concern.

Defendant's submissions

[31] Mr Woodcock submitted that, although the offending has had an impact on the aquatic life in the Stream, the nature of that impact in comparison with other sentencing cases is more generalised.

[32] Mr Woodcock noted that the works disrupted the natural ecosystem. He submitted that while a 190m portion of the Tributary was not fed by water, this was also not infilled and should be balanced with the Tributary being intermittent. Sediment deposits, while present, have not been quantified in any sentencing material and sediment control did not form part of the abatement notice in this case.

[33] Mr Woodcock acknowledged that, while Komene Lagoon is a key native ecosystem, it does dry up during summer months. Any deposits in the lagoon have not been able to be quantified by the Council. Mr Woodcock submitted that there was no photographic or observable sediment in evidence, which should be compared to the cases referred to by him where there was clear evidence of significant sediment.

[13] Cultural Impact Statement by David Jones, dated 17 January 2024.

Conclusion on environmental effects

[34] The reports by Mr Vicars and Mr Mahoney record that the works undertaken caused significant adverse effects on the local instream environment, aquatic life and instream habitat until the remedial works were completed.

[35] Certain effects will continue until the physical processes can return to their pre-works state, and it could take months to years. The new alignment of the section of the Tributary traversing the property will cause adverse effects on aquatic life for an unknown period or significance.

[36] The cultural impacts of this offending were outlined by Mr Jones. He highlighted the potential risks to the mauri of Waikirikiri from the works.

[37] Taking all effects into account, those that occurred from the works and continued until remediation – at least seven months – and those that will continue until the physical system and aquatic life return, and those on the mauri of the waterways, I find the adverse effects on the environment of the offending to be moderate.

Culpability

[38] Ms de Silva submitted the works were highly reckless for the following reasons:

(a) Mr Goodwin was aware of the necessity for resource consents to undertake works in and adjacent to streams because he obtained resource consents in 2008, 2009 and 2013 for diversion, realignment and disturbance of a stream bed and other works to another stream;

(b) with that background, Mr Goodwin should have been aware that a resource consent would not have been granted for the works. If he was unsure about that, he could and should have checked with Council staff. Counsel submitted that it is reasonable to assume that Mr Goodwin did not apply for consent and did not check with the Council prior to undertaking the works because he knew that consent would not be granted;

(c) Mr Goodwin made no attempt to comply with any of the conditions of the permitted activity rule. The works breached all nine conditions of Rule 74. If he had complied with some of the conditions this would have reduced the adverse effects e.g. condition (d) "*No significant erosion, scour or deposition shall result or be liable to result from channel modification*";

(d) Mr Goodwin undertook the works himself and was in sole charge of the works; and

(e) Mr Goodwin pre-planned the works with the aim of improving farm productivity. He told Council Officers (during the initial inspection on 9 September 2022) that he did the work to "*save money*" and "*was saving double fencing the drain in the middle and to stop gorse growing in it*."

[39] It was undisputed by Mr Woodcock that the offending was reckless, and that Mr Goodwin was aware of the requirements for a resource consent.

[40] However, Mr Woodcock noted that the works were not completed in secret and were readily identifiable. He submitted that Mr Goodwin was not undertaking a significant commercial operation but was misguidedly trying to improve grazing on a small proportion of his land, remedying the requirement for fencing and maintaining the Stream on his land.

[41] I find that Mr Goodwin's culpability is high and his conduct reckless considering that he chose not to obtain a resource consent when he must have known that one was required. To add to the concerns about Mr Goodwin's conduct, the works did not comply with any of the standards applying to permitted activities. Further, steps towards remediation were not undertaken in a timely manner.

[42] The Court is often told that works were undertaken to improve the efficiency of a property, or that they were thought to be minor or that they have always been done this way. The problem with that approach is that uncontrolled works in or near waterways inevitably have adverse effects on them. It is not enough to say that the effects were not observable, or that they were transient, or that the environment will

eventually recover. The cumulative effects are well known, and it is unacceptable to add to them.

Starting point

Prosecutor's submissions

[43] Ms de Silva submitted the appropriate starting point for the three offences is $90,000.

[44] I was referred to the following four cases as being comparable to this case: *Taranaki Regional Council v Potroz* (***Potroz***)[14], *Taranaki Regional Council v Bunn Earthmoving Ltd (**Bunn Earthmoving**)*;[15] *R v Boyd (**Boyd 2016**)*;[16] and *Taranaki Regional Council v Boyd (**Boyd 2022**)*[17].

[45] Ms de Silva submitted that those four cases are the most relevant considering that the offences are for earthworks and stream works in the Taranaki Region to improve farm productivity, and each defendant was aware of the need to apply for resource consent.

[46] In support of a starting point of $90,000, Ms de Silva referred to *Potroz* as the most comparable decision and submitted that this case involves a significant lagoon,

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14 *Taranaki Regional Council v Potroz* [2020] NZDC 9077 – three charges of draining the bed of a tributary, damming water, and discharging sediment and riparian vegetation into water. The works were highly reckless; the defendant showed no regard for the environment in which he undertook the works and took no steps to ameliorate significant and highly adverse effects of the works. Starting point $65,000.

15 *Taranaki Regional Council v Bunn Earthmoving Ltd* DC New Plymouth CRI-2013-021-473, 5 November 2013 – three charges of excavating a tributary, damming water, and discharging contaminants, namely vegetation and silt and sediment. Offending was considered deliberate and serious given the extent of the works. Financial motive was found to be present. Starting point $70,000.

16 *R v Boyd* [2004] BCL 1022 – eight charges involving the damage of habitats in or on the bed of a river, discharging silt and sediment into water, reclaiming the bed of a river, disturbing the bed of a river, diverting water, draining the bed of a river and depositing substances in the bed of a river, and contravening an enforcement order. Offending was deliberate as the defendant must have been aware of need for resource consents and the motivation was a combination of improvement of the appearance of the farm and financial. Starting point $60,000.

17 *Taranaki Regional Council v Boyd* [2022] NZDC 19123 – four charges of discharging sediment onto land, discharging sediment into an unnamed tributary, reclamation of that tributary, and breach of abatement notice. Environmental and cultural effects of this offending were serious, and the defendant was found highly reckless in his approach to earthworks and in his response to directions from Council officers and the abatement notice. Starting point $75,000.

potentially adverse effects, public safety issues, size of the cut and proximity to the road, and the need for deterrence.

[47] She also noted that recent decisions show a clear signal for an increase in fines, and therefore, when considering starting points from earlier cases an uplift in the level of fines is needed to take into account inflation.

Defendant's submissions

[48] Mr Woodcock submitted the appropriate starting point is between $30,000 to $40,000.

[49] He referred to four additional cases: *Northland Regional Council v Jones* (***Jones***)[18], *Hardegger v Southland Regional Council (**Hardegger**)*;[19] *Otago Regional Council v Gibson (**Gibson**)*;[20] and *Bay of Plenty Regional Council v Wilson (**Wilson**)*[21].

[50] Mr Woodcock submitted that one combined starting point should apply for the three charges as they all arise out of the same undertaking. The abovementioned cases are cited to provide a spectrum in which to assess Mr Goodwin's conduct.

[51] Mr Woodcock submitted that the totality principle applies to fines, and a starting point of $30,000 to $40,000 is appropriate. He submitted that planning and benefit are inherent in offending of this nature and the nature of the environmental impact is more generalised in comparison with other sentencing cases.

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[18] *Northland Regional Council v Jones* [2022] NZDC 2150 – six charges in relation to earthworks performed on the defendant's land and a neighbouring property, in and around an unnamed tributary. The Court found that the case was one of cut and fill with the quantity of soil in the order of 500 to 1000 cubic metres. Starting point $50,000.

[19] *Hardegger v Southland Regional Council* [2017] NZHC 469 – three charges of excavating and disturbing the bed of the Oreti River, placing a culvert in the bed of Starvation Creek, and disturbing the bed of the Creek. Starting point $50,000.

[20] *Otago Regional Council v Gibson* [2016] NZDC 14362 – one joint charge relating to the unlawful disturbance of the bed of a stream. Environment effects were serious, including disturbance and degradation of the habitats of fish and invertebrates in the stream bed, the increase in suspended solids and sediments in the water, and short-term and long-term impacts on fish habitat values. Starting point $50,000.

[21] *Bay of Plenty Regional Council v Wilson* DC Hamilton CRN 13047500178-82, 13 February 2015 – five charges of undertaking earthworks in and around a river and contravening an abatement notice. Starting point $65,000.

[52] Mr Woodcock argued that compared to offending in cases like *Potroz* and *Bunn*, Mr Goodwin's offending is less serious. There is no outstanding remediation required of Mr Goodwin whereas in *Bunn*, reinstatement to the original condition was not possible and in *Potroz*, remediation was expected to take 50 years. He also submitted that there are no effects proven on the lagoon, only potential effects.

Conclusion on starting point

[53] The difference between the parties on the starting point is significant as their views of the seriousness of this offending are radically different. The issue is whether the Court should accept the defendant's suggested starting point of between $30,000 to $40,000, which is less than the relatively modest starting point of $50,000 suggested in cases such as *Hardegger* and *Gibson*, or look to a more significant starting point at or above that in *Potroz* and *Boyd 2022*. Ms de Silva submits the suggested starting point in the vicinity of $90,000 is modest in order for the penalty to act as an effective deterrent.

[54] I tend to the view that this case is most analogous to *Potroz*. Both cases involve three representative charges relating to unlawful activities that caused significant adverse effects on the environment, with potential to cause further adverse effects. The Court in *Potroz* found that the defendant had been highly reckless where the offending involved diverting water to resolve the defendant's water supply issue. A retrospective resource consent was granted, but works and the reinstatement process was estimated to take up to 50 years. A starting point of $65,000 was adopted.

[55] I accept the defendant's submission that a lower starting point than *Potroz* may be appropriate insofar as the effects on the environment of this offending were not as serious. Sediment control was not a continuing and unresolved abatement issue as it was in the *Potroz* case where there was clear evidence of significant sediment and loss of high-quality habitat. Remediation in this case has been successful where most adverse effects are mitigated by remedial works. Full restoration was estimated to be within months while in *Bunn*, reinstatement to original conditions was not possible, and in *Potroz* this was expected to take 50 years.

[56] However, I have found Mr Goodwin to have been reckless in his approach to the works and somewhat relaxed in his approach to remediation. I agree with Ms de Silva's submission that the penalty needs to have enough sting to act as an effective deterrent rather than simply "a fee for a de facto licence to pollute".[22] Accepting the defendant's starting point would not be a deterrent.

[57] After careful consideration of the cases to which I was referred and of Mr Goodwin's culpability and the effects of the offending on the environment, I determine that the appropriate starting point is $60,000.

Personal aggravating and mitigating factors

[58] There are no personal aggravating factors that would justify an uplift in the penalty.

Good Character and Remorse

[59] Mr Goodwin's prior non-compliance related to the dairy effluent system includes one infringement notice in 2015 and one abatement notice in March 2022. There was also an infringement notice issued in January 2023 for breach of the abatement notice.

[60] In mitigation, Mr Woodcock submitted that relying on prior infringements in relation to unrelated RMA issues should not be sufficient to displace a recognised good character discount for Mr Goodwin in the context of his first conviction. A discount of five per cent is sought.

[61] Ms de Silva submitted that there should be no credit for good character because of the non-compliance, even though it relates to the dairy effluent system and not to earthworks and streamworks.

[62] Counsel disagreed on whether a further discount of five per cent should be allowed for remedial works. Ms de Silva submitted that Mr Goodwin should not be

[22] *Hawkes Bay Regional Council v Stockade Pastoral Farms Ltd* DC Napier CRI-2008-081-96, 20 March 2009, at [16].

given credit for this work as per the category described in *Thurston*; that is, the defendant must comply with their environmental obligations and should get no credit for having belatedly done so; and further, the remedial works were undertaken more than four months after the deadline in the abatement notice.

[63] Mr Woodcock submitted that Mr Goodwin's conduct (admitting his offending and remediating his actions) can be regarded as remorseful, and sought a discount of five per cent for remediation and remorse.

[64] I allow a discount of five per cent to recognise Mr Goodwin's good character.[23] I acknowledge the infringement notices, and while not countenancing the offending that led to their issue still consider it appropriate, given Mr Goodwin's age and stage in life, to recognise his good character. I also acknowledge the work undertaken by Mr Goodwin to remediate the property and control pest plants since the property was purchased over 20 years ago. I will not allow a further five per cent discount to reflect remorse because the remedial works were required to address the effects of the offending. I do not find that Mr Goodwin was remorseful considering the delay of over four months in completing the remedial works.

Guilty plea

[65] Both counsel acknowledged that Mr Goodwin entered a guilty plea at the earliest opportunity. I allow 25 per cent for an early guilty plea.

Outcome

[66] I adopt the two-step sentencing process following *Moses v R.*[24]

[67] I have convicted the defendant. I impose a fine of $42,000.

[68] In terms of s 342(2) of the RMA, I order that 90 per cent of the fine be paid to the Taranaki Regional Council.

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23 *R v Howe* [1982]1 NZLR 618.
24 *Moses v R* [2020] NZCA 296, at [46].

[69] I also order that the defendant is to pay court costs of $130 and solicitor's fee of $113.

_____
Judge MJL Dickey
District Court Judge | Kaiwhakawā o te Kōti ā-Rohe
Date of authentication | Rā motuhēhēnga: 18/04/2024

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 30 April 2024:

Item 15: Prosecution under the Resource Management National Environmental Standards for offences against section 338 of the *Resource Management Act 1991* for contravening section 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
Item 15: Prosecution- Under section 338 of the *Resource Management Act 1991* for contravening section 15 and any other offences'.	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 *Local Government Official Information and Meetings Act 1987.*	The alleged offender(s) has not as yet had the opportunity to respond to the charges laid. It is therefore important that the principles of natural justice are applied and that legal privilege is maintained. Making any of this information publically available would result in a breach of the *Privacy Act 2020.* 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).

Kia uruuru mai

Karakia to close meetings

Kia uruuru mai	Fill me with
Ā hauora	Vitality
Ā haukaha	Strength
Ā haumaia	Bravery
Ki runga, Ki raro	Above, below
Ki roto, Ki waho	Within, outwards
Rire rire hau	Let the wind blow and bind
Paimārie	Peace upon you

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 Papatūānuku
Ko Papatūānuku e takoto ake nei	below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!

AGENDA AUTHORISATION

Agenda for the Operations and Regulatory Committee meeting held on Tuesday 30 April 2024.

Confirmed:

19 Apr, 2024 4:18:26 PM GMT+12

A J Matthews
Director-Environment Quality

Approved:

23 Apr, 2024 11:30:44 AM GMT+12

S J Ruru
Chief Executive