



# **AGENDA**

## Operations & Regulatory

Tuesday 15 October 2024, 9.00am

# Operations and Regulatory Committee

15 October 2024 09:00 AM



<b>Agenda Topic</b>	<b>Page</b>
1. <a href="#">Cover</a>	1
2. <a href="#">Karakia</a>	3
3. Apologies	
4. <a href="#">Confirmation of Operations and Regulatory Minutes - 3 September 2024</a>	4
5. <a href="#">Consent Monitoring Annual Reports</a>	10
6. <a href="#">Resource Consents Issued under Delegated Authority and Applications in Progress</a>	19
7. <a href="#">Incidents, Compliance Monitoring Non - Compliance and Enforcement</a>	53
8. <a href="#">Report on Notified Consent - New Plymouth District Council Coastal Permit –Decision Required</a>	89
9. Public Excluded	
10. <a href="#">Public Excluded Recommendations</a>	135
11. <a href="#">Confirmation of Public Excluded Minutes - 3 September 2024</a>	136
12. <a href="#">Prosecution for breaches of the Resource Management Act 1991</a>	139
13. <a href="#">Agenda Authorisation</a>	218



**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!



**Date:** 15 October 2024

**Subject:** Operations and Regulatory Committee Minutes – 3 September 2024

**Author:** M Jones, Governance Administrator

**Approved by:** AJ Matthews, Director - Environment Quality

**Document:** 3314147

### 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 3 September 2024 at 9.00am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 29 September 2024.

### Appendices/Attachments

Document 3302771: [Operations and Regulatory Minutes 3 September 2024](#).



<b>Date:</b>	3 September 2024	
<b>Venue:</b>	Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford	
<b>Document:</b>	3303771	
<b>Present:</b>	S W Hughes	Chair
	M J Cloke	
	D M Cram	
	D H McIntyre	
	C L Littlewood	ex officio
	N W Walker	ex officio
	B J Bigham	(zoom)
	D L Lean	(zoom left meeting at 9.55am)
	R Buttimore	Iwi Representative
	D Luke	Iwi Representative
	Ā White	Iwi Representative
<b>Attending:</b>	S J Ruru	Chief Executive
	A J Matthews	Director - Environment Quality
	M J Nield	Director – Corporate Services
	A D McLay	Director – Resource Management
	D R Harrison	Director - Operations
	J Glasgow	Compliance Manager
	F Kiddle	Strategy Lead
	L Miller	Manager – Recourse Consents
	R Carré	Compliance Officer - Enforcement
	V McKay	Manager - Environmental Assurance
	R Honeyfield	Team Leader - Prosecutions and Compliance
	D Shearman	Land Services Manager
	L Honnor	Programme Lead - Biodiversity
	C Woollen	Communications Advisor
	M Jones	Governance Administrator

**Karakia:** Due to technical difficulties, the meeting opened with a group karakia at 9.15am.

**Apologies:** Were received and sustained from Councillor Davey and Phil Muir – Federated Farmers.

Cloke/Cram

**1. Confirmation of Minutes Operations and Regulatory Committee 23 July 2024**

**Resolved**

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 23 July 2024 at Taranaki Regional Council 47 Cloten Road Stratford
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 6 August 2024.

Littlewood/Cram

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

- 2.1 L Miller advised of consents granted, consents under application and of consent processing actions since the last meeting.

**Resolved**

That the Taranaki Regional Council:

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

Cram/Littlewood

**3. Incidents, Compliance Monitoring Non Compliances and Enforcement Summary - 1 July 2024 to 8 August 2024**

- 3.1 J Glasgow provided a summary of the incidents, compliance monitoring non-compliances and enforcement for the period 1 July 2024 to 8 August 2024.

**Resolved**

That the Taranaki Regional Council:

- a) received this memorandum Incident, Compliance Monitoring Non-Compliances and Enforcement Summary – 1 July 2024 to 8 August 2024
- b) received the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 1 July 2024 to 8 August 2024
- c) noted the action taken by staff acting under delegated authority
- d) adopted the recommendations therein.

Cloke/Walker

#### 4. Dam Safety Update

- 4.1 F Kiddle gave an update on the implementation of the Building (Dams Safety) regulation 2022.

##### **Resolved**

That the Taranaki Regional Council:

- a) received the memorandum titled *Dam Safety Update*
- b) noted that 13 potential impact classifications have been submitted and 12 approved and issued
- c) noted that the Council will take a graduated approach to enforcing compliance for those yet to submit their potential impact classification
- d) noted that the Highlands Park Dam has been declared a dangerous dam, that the public is being notified and work is underway with New Plymouth District Council to address dam risk.

Cloke/Cram

#### 5. Key Native Eco Systems Update

- 5.1 L Honnor provided an update on the nine new Key Native Ecosystems sites between January-June 2024.

##### **Resolved**

That the Taranaki Regional Council:

- a) received this memorandum and the attached inventory sheets for Edgy, Oki Koki, Hickey's Farm Swamp, Top Farm, Five Oaks Farm, Whenuariki Bush, Spencer's Wetland, Waokena and Wildlife Properties
- b) noted that the aforementioned sites have indigenous biodiversity values of regional significance and should be identified as Key Native Ecosystem sites.

McIntyre/Walker

#### 6. Eight Million Trees

- 6.1 D Shearman gave an update on the progress with the riparian management programme which has resulted in over eight million plants sold to landowners through the native plant scheme.

##### **Resolved**

That the Taranaki Regional Council:

- a) received the memorandum, Riparian Native Plant Scheme surpasses eight million in plant sales
- b) noted the significant milestone of eight million plants provided through Council's Riparian native plant scheme.

Walker/Cram

**7. Dow Paratūtū Preliminary Site Investigation**

7.1 V McKay provided an update on the recently completed Preliminary Site Investigation. (PSI) report, on Dow’s former agrichemical manufacturing site at Paratūtū, New Plymouth.

**Resolved**

That the Taranaki Regional Council:

- a) received the memorandum Dow Paritūtū Preliminary Site Investigation.

Littlewood/Cloke

**Public Excluded**

General subject of each matter to be considered	Ground(s) under section 48(1) for the passing of this resolution	Reason for passing this resolution in relation to each matter
<p>Item 13:</p> <p>In accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, this is to be considered with the public excluded as the public conduct of the whole or relevant part of the proceedings would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.</p>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 (a) and <a href="#">section 7</a> (2) (a) and (2) (g) of the <i>Local Government Official Information and Meetings Act 1987</i>.</p>	<p>The alleged offender(s) has not as yet had the opportunity to respond to the charges laid. It is therefore important that the principles of natural justice are applied and that legal privilege is maintained.</p> <p>Making any of this information publically available would result in a breach of the Privacy Act 2020.</p> <p>The public interest in knowing the nature of the offence and why Council has made the decision to prosecute is not outweighed by the harm that would be caused to the alleged offender(s).</p>

Walker/Cram

There being no further business the Committee Chairperson, Councillor S W Hughes, declared the meeting of the Operations and Regulatory Committee closed at 10.40am.

**Operations and Regulatory**

**Committee Chairperson:** \_\_\_\_\_

**S W Hughes**







**Date:** 15 October 2024

**Subject:** Consent Monitoring Annual Reports

**Author:** H Burchell-Burger, Administration Officer

**Approved by:** AJ Matthews, Director - Environment Quality

**Document:** 3309815

## Purpose

1. The purpose of this memorandum is to advise the Committee of 10 tailored compliance monitoring reports for the 2023/24 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 10 tailored compliance monitoring reports. Within the reports, 10 environmental performance ratings were assigned as 'high'.

Table 1 List of annual reports with overall environmental performance rating

Report Name	Environmental Performance Rating	Pdf Document Number
24-05 Osflo Fertiliser Ltd Monitoring Programme Annual Report 2023/24	1	3293399
24-27 STDC Closed Landfills Monitoring Programme Annual Report 2023/24	1	3293280
24-33 STDC Patea Beach Greenwaste 2023/24	1	3293307
24-40 NPDC Inglewood WWTP 2023/24	1	3295589
24-47 New Zealand Energy Corp (NZEC) – DWI Monitoring Programme Annual Report 2023/24	1	3298655
24-61 STDC Eltham WWTP & Closed Landfill 2023/24	1	3296106
24-62 STDC Opunake WWTP & Ocean Outfall 2023/24	1	3296275
24-65 Greymouth Petroleum Ltd Turangi-B Hydraulic Fracturing Monitoring Programme Report 2021-2023	1	3303935
24-83 Greymouth Petroleum Ltd Seismic Surveys Monitoring Programme Annual Report 2020-2023	1	3292235
24-84 Greymouth Petroleum Ltd Ngatoro-E Hydraulic Fracturing Monitoring Programme Report 2022/23	1	3291866

5. For reference, in the 2023/24 year, consent holders were found to achieve a high level of environmental performance and compliance for 864 (89%) of a total of 967 consents monitored through the Taranaki tailored monitoring programmes, while for another 75 (8%) of the consents a good level of environmental performance and compliance was achieved. A further 26 (3%) of consents monitored required improvement in their performance, while the remaining two (<1%) achieved a rating of poor (Table 2).

Table 2 Historical annual environmental and compliance performance ratings from July 2012 to June 2023. 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 2017/18.

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%
2023-2024	89%	8%	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.

### 24-05 Osflo Fertiliser Ltd Monitoring Programme Annual Report 2023/24

8. Osflo Fertiliser Limited (the Company) operates a poultry litter storage, blending and distribution facility located at 1319 Mountain Road, Inglewood, in the Waiongana catchment. The poultry litter is collected from farms around the Taranaki region, stored/blended on site, then sold as a registered fertiliser.
9. **During the monitoring period, the Company demonstrated a high level of environmental and administrative performance.**
10. The Company holds three resource consents, which include a total of 17 conditions setting out the requirements that the Company must satisfy. The Company holds consents to: discharge washwater from truck wash facilities into land via soakage; to discharge stormwater to land via soakage where it may enter an unnamed tributary of the Waiongana Stream; and to discharge emissions to air from the storage, blending and distribution of fertiliser.
11. The Council's monitoring programme for the year under review included four inspections, incorporating odour surveys and four surface water samples collected for physicochemical analysis.
12. The water samples from the unnamed tributary of the Waiongana Stream indicated that the Company was in compliance with consent defined conditions on the four occasions they were collected. It is noted that the stormwater facility discharge to surface water, only occurs during significant rainfall events.
13. The Company continues to be proactive in their response to objectionable odour identification, with areas of the main storage shed closed to prevent odour release. Mesh doors that were installed during the 2020/21 period continue to prevent mass air movement from within the shed. The Company also maintains shelter belts/vegetative environmental buffers (VEBs), as a passive odour mitigation technique. These buffers continue to establish and mature. Additionally, a 'deodoriser' using rainwater at the back of the shed operates under certain environmental conditions to further mitigate potential odour.
14. The facility is allowed noticeable, but not objectionable or offensive odour, at or beyond the boundary of the site. During this monitoring period there were no noticeable or objectionable odours reported at or beyond the site boundary during inspections. There were two odour complaints from members of the public during this monitoring period however, on both occasions the Company was deemed compliant.
15. No issues were reported during normal compliance inspections, and officers found the site to be well maintained and operating within consent conditions.
16. In terms of overall environmental and compliance performance by the consent holder over the last several years, the consent holder's performance remains at a high level.
17. This report includes recommendations for the 2024/25 year.

#### 24-27 STDC Closed Landfills Monitoring Programme Annual Report 2023/24

18. South Taranaki District Council (STDC) holds consents to cover the discharge of leachate and stormwater from six closed landfills. The landfills are at Eltham in the Waingongoro catchment, Hāwera in the Tangahoe catchment, Kaponga and Manaia in the Waiokura catchment, Ōpunake in the Otahi catchment and Pātea in the Pātea catchment.
19. This report for the period July 2023 to June 2024 details the results of the monitoring undertaken and assesses the environmental effects of STDC's activities at the Eltham, Hāwera, Manaia, Ōpunake and Pātea landfills. Triennial monitoring of the Kaponga closed landfill took place during the monitoring year under review.
20. **During the monitoring period, STDC demonstrated a high level of environmental and administrative performance.**
21. STDC holds seven resource consents, consisting of seven discharge of stormwater and/or leachate to water consents, and one land use consent. These consents include a total of 49 conditions setting out the requirements that STDC must satisfy.
22. To monitor compliance with these conditions during the 2023/24 year, Council staff conducted thirteen inspections and collected 33 discharge and receiving environment samples.
23. The monitoring showed that there were no significant adverse effects occurring as a result of the exercise of the consents held by STDC for these closed landfills. There were no unauthorised incidents noted in respect to any of the landfills.
24. 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.
25. This report includes recommendations for the 2024/25 year, including a recommendation relating to an optional review of Hāwera landfill consent 5831-2 in June 2025.

#### 24-33 STDC Pātea Beach Greenwaste

26. South Taranaki District Council (STDC) operates a green waste disposal area located on Beach Road at Pātea Beach. The site was established as a public facility that could accept green waste for sand dune stabilisation purposes. Since 2017, the site has utilised green waste from the Pātea transfer station only.
27. **During the monitoring period, STDC Pātea Beach green waste discharge demonstrated a high level of environmental performance and good level of administrative performance.**
28. STDC holds one resource consent, which includes a total of 12 conditions setting out the requirements that STDC must satisfy. The consent is for the purpose of discharging green waste onto land for dune stabilisation purposes. STDC is currently in the process of applying for a consent renewal for this site.
29. The Council's monitoring programme for the year under review included four compliance monitoring inspections of the site, focussing on the types of materials discharged, stormwater and leachate control, and emissions to air.
30. The monitoring during the period under review showed that the material on site was compliant and there were no issues noted relating to stormwater or odour. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.
31. 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 during the year under review.
32. This report includes recommendations for the 2024/25 year.

#### **24-40 NPDC Inglewood WWTP**

33. The New Plymouth District Council (NPDC) operates a municipal wastewater treatment plant (WWTP) located on Lincoln Road at Inglewood, in the Kurapete catchment.
34. **During the monitoring period, NPDC demonstrated a high level of environmental and administrative performance.**
35. NPDC holds one resource consent to intermittently discharge treated wastewater to the Kurapete Stream, which includes a total of nine conditions setting out the requirements that NPDC must satisfy.
36. The Council's monitoring programme for the year under review included three inspections and wastewater effluent analyses.
37. NPDC's maintenance programme continues to generally enhance the operation and appearance of the plant and effectively control any produced odour. No complaints were received in relation to the operation of the WWTP. Regular inspections indicated no immediate problems with the performance of the plant.
38. There were no consented overflows recorded during the monitoring year, with all wastewater pumped to New Plymouth WWTP as planned.
39. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a high level.
40. This report includes recommendations for the 2024/25 year, including a recommendation relating to an optional review of consent 1449-5 in June 2025.

#### **24-47 New Zealand Energy Corp (NZEC) – DWI Monitoring Programme Annual Report 2023/24**

41. New Zealand Energy Corporation (the Company) and its subsidiaries operate the Tariki, Toko, Waihapa and Waitapu wellsites.
42. **During the monitoring period, the Company demonstrated a high level of environmental and administrative performance.**
43. The Company holds seven resource consents, which include a total of 103 conditions setting out the requirements that the Company must satisfy. Two of the seven consents were exercised during the reporting period.
44. The Council's monitoring programme for the year under review included five inspections, two injectate samples and fourteen groundwater samples collected for physicochemical analysis. The monitoring programme also included a significant data review component, with all injection data submitted by the Company assessed for compliance on receipt.
45. The monitoring showed that the Company's DWI activities were being carried out in compliance with the conditions of the applicable resource consents. There is no evidence of any issues with any injection well currently in use, or the ability of the receiving formation to accept injected fluids. The results of groundwater quality monitoring undertaken show no adverse effects of the activity on local groundwater resources. Inspections undertaken during the monitoring year found sites being operated in a professional manner.
46. In terms of overall environmental and compliance performance by the Company over the last several years, this report shows that the Company's performance remains at a high level in the year under review.
47. This report includes recommendations for the 2024/25 year, including a recommendation relating to an optional review of consents 10086-1, 10708-1, 10763-1, 10809-1 and 10927-1 in June 2025.

#### **24-61 STDC Eltham WWTP & Closed Landfill**

48. The South Taranaki District Council (STDC) operates a municipal wastewater treatment plant (WWTP) located on Castle Street at Eltham, in the Waingongoro catchment.
49. **During the monitoring period, STDC demonstrated a high level of environmental and administrative performance.**
50. STDC holds one resource consent, which allows the discharge of partially treated wastewater, as a consequence of high rainfall, from the Eltham Wastewater Treatment plant into an unnamed tributary of the Mangawhero Stream. The consent includes a total of nine conditions setting out the requirements that STDC must satisfy.
51. The Council's monitoring programme for the year under review included four inspections and associated odour surveys, and four pond effluent water samples collected for physicochemical analysis.
52. The monitoring showed that activities at the Eltham WWTP were generally well managed. All of the wastewater was pumped to the Hawera WWTP, with no consented overflows occurring to the unnamed tributary of the Mangawhero Stream.
53. 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.
54. This report includes recommendations for the 2024/25 year.

#### **24-62 STDC Ōpunake WWTP & Ocean Outfall**

55. South Taranaki District Council (STDC) operates a municipal wastewater treatment plant (WWTP) located on South Road at Ōpunake, in the Otahi and Heimama catchments. This is a three-stage treatment system comprised of a primary oxidation pond, a wetlands treatment system, and a subsurface, reticulated soakage trench system that subsequently discharges to an unnamed coastal stream between the Otahi Stream and the Heimama Stream.
56. **During the monitoring period, STDC demonstrated a high level of environmental and administrative performance.**
57. STDC holds one resource consent to discharge treated wastewater, which includes a total of ten conditions setting out the requirements that it must satisfy. STDC also hold a resource consent to occupy the coastal marine area with the outfall structure. This includes three conditions setting out requirements that STDC must satisfy.
58. The Council's monitoring programme for the year under review included four inspections and 54 water samples collected for physicochemical analysis (ten samples analysing the effluent quality from the system, and 44 samples monitoring water quality at nearby contact recreational beach bathing sites).
59. As in previous years, the monitoring indicated that the treatment system was treating the municipal wastewater to the extent that no significant effects were noted in the receiving waters of the Tasman Sea. The water quality of nearby popular beach bathing sites was generally very good.
60. 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.
61. This report includes recommendations for the 2024/25 year.

#### **24-65 Greymouth Petroleum Ltd Turangi-B Hydraulic Fracturing Monitoring Programme Report 2021/23**

62. Greymouth Petroleum Turangi Ltd (the Company) operates the Turangi-B hydrocarbon exploration site (wellsite) located on Turangi Road, Tikorangi located in the Parahaki catchment.

63. The programme of hydraulic fracturing undertaken by the Company at the Turangi-B wellsite included the hydraulic fracturing of five wells. The wells targeted for stimulation were the Turangi-11, Turangi-18, Turangi-16, Turangi-14 and Turangi-19 wells.
64. **During the monitoring period, the Company demonstrated an overall high level of environmental and administrative performance.**
65. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2021/22 and 2022/23 monitoring years. Monitoring included pre and post-discharge groundwater sampling in relation to discharges at the Turangi-B wellsite. In order to characterise the discharges and to determine compliance with consent conditions, samples of hydraulic fracturing fluids and fluids returning to the wellhead post-fracturing, were also collected by the Company and results of the physicochemical analysis undertaken were provided to the Council. This is the third monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Turangi-B wellsite.
66. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by the Company had no significant adverse effects on local groundwater or surface water resources. There were no unauthorised incidents recording non-compliance in respect of the resource consent held by the Company in relation to these activities or provisions in regional plans, during the period under review.
67. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Turangi-B wellsite.

#### **24-83 Greymouth Petroleum Ltd Seismic Surveys Monitoring Programme Annual Report 2020/23**

68. Greymouth Petroleum Limited held consents 10870-1, 10871-1, 10874-1, and 10875-1.
69. **During the period, the Company demonstrated a high level of environmental and administrative performance.**
70. The Company held four resource consents in relation to the discharges and potential effects associated with a seismic survey. Consents included a total of 28 conditions setting out the requirements that the Company must satisfy.
71. The consents authorised discharges from two separate survey areas. The first undertaken, Turangi 3D seismic survey, was authorized two consents, 10870-1 and 10871-1 was across an area approximately 72.5km<sup>2</sup> across Tikorangi extending east toward Urenui township. Consent 10870-1 permitted the discharge of explosives related to a seismic survey to land. Consent 10871-1 permitted the discharge of contaminants to land from the use of drilling muds associated with undertaking a seismic survey.
72. The second, Tariki 3D Survey, covered an area approximately 71km<sup>2</sup> across Ratapiko and extending outward toward Tarata. The remaining two consents 10874-1 and 10875-1 were issued in relation to drilling a well within 100m of a water supply well and for the discharge of contaminants into land from the use of drilling muds respectively.
73. This report covers the results and findings of the monitoring programme implemented by the Council in respect of the consents held by the Company. This is the sole report to be prepared by the Council to cover the Company's discharges and potential effects in relation to the Turangi and Tariki 3D seismic surveys.
74. The Council's monitoring programme for the period under review included 50 groundwater samples collected for physicochemical analysis. The monitoring programme also included a significant data review component, with all data submitted by the Company assessed for compliance on receipt.
75. The monitoring showed that the Company's activities were carried out in compliance with the conditions of the applicable resource consents. There were no unauthorised incidents recording non-compliance in respect of the resource consents held by the Company in relation to these activities or



provisions in regional plans, during the period under review. The results of groundwater quality monitoring undertaken show no adverse effects of the activity on local groundwater resources.

76. **During the period, the Company demonstrated a high level of environmental and administrative performance with the resource consents.**
77. In terms of overall environmental and compliance performance by the Company over the last several years, this report shows that the Company's performance generally remains at a high level.
78. This report includes recommendations to be implemented during any subsequent seismic surveys.

#### **24-84 Greymouth Petroleum Ltd Ngatoro-E Hydraulic Fracturing Monitoring Programme Report 2022/23**

79. Greymouth Petroleum Acquisition Company Ltd (the Company) operates the Ngatoro-E hydrocarbon exploration site (wellsite) located on Dudley Road, Inglewood located in the Waitara catchment. This report outlines and discusses the results of the monitoring programme implemented by the Council in relation to hydraulic fracturing activities conducted by the Company at the wellsite on 17 March 2022. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.
80. The programme of hydraulic fracturing undertaken by the Company at the Ngatoro-E wellsite included the hydraulic fracturing of one well. The well targeted for stimulation was Ngatoro-17.
81. **During the monitoring period, the Company demonstrated a high level of environmental and administrative performance.**
82. The programme of monitoring implemented by the Council in relation to this hydraulic fracturing activity was undertaken during the 2022/23 monitoring year. Monitoring included pre and post-discharge groundwater sampling in relation to discharges at the Ngatoro-E wellsite. In order to characterise the discharges and to determine compliance with consent conditions, samples of hydraulic fracturing fluids and fluids returning to the wellhead post-fracturing, were also collected by the Company and results of the physicochemical analysis undertaken were provided to the Council. This is the second monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Ngatoro-E wellsite.
83. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by the Company had no significant adverse effects on local groundwater or surface water resources. There were no unauthorised incidents recording non-compliance in respect of the resource consent held by the Company in relation to these activities or provisions in regional plans, during the period under review.
84. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Ngatoro-E wellsite.

#### **Financial considerations—LTP/Annual Plan**

85. 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**

86. 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**

87. 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.
88. 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**

89. 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**

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



**Date:** 15 October 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:** 3309968

### **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. The length of time to issue decisions on applications broken down by month and the range of days it took to make the decision
  - g. Applications received versus decisions made each year
  - h. Number of times that the public and Iwi were involved in an application process for the year so far
  - i. Application processing time extensions compared to the previous years
  - j. Consent type process shows the notification type including applications submitted on and the pre-hearing resolution numbers
  - k. 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 3309537: [List of non-notified consents](#)

Document 3309540: [Schedule of non-notified consents](#)

Document 3309539: [List of limited notified consents](#)

Document 3309543: [Schedule of limited notified consents](#)

Document 3310282: [Consents processing charts](#)

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

Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024

Coastal Permit							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
<a href="#">R2/7804-2.0</a>	New Plymouth District Council	Discharge (Coastal)	Local Government		Abrasive Blasting	Roading	Replace
Discharge Permit							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
<a href="#">R2/0318-4.0</a>	Dairy Glenn Farm Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/0960-4.0</a>	Te Rua O Te Moko Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/1097-3.0</a>	Four Seasons Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		New
<a href="#">R2/1128-3.0</a>	PT Muller & Co	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/1582-4.0</a>	Rowelans Land Ltd	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/1767-4.0</a>	Oliver Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/2266-3.0</a>	Nyall Garrie Barton Hitchcock	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		New
<a href="#">R2/2764-3.0</a>	Trec Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		New
<a href="#">R2/2833-3.0</a>	Kandahar Neilson Farm Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/3070-3.0</a>	H M Tong Trust No. 1	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/3084-3.0</a>	The Gully Farm Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		New
<a href="#">R2/3169-3.0</a>	Lois Blanche Simpson	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/3613-3.0</a>	Mr Alfred Scherrer	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/3794-3.0</a>	Tullylish Farms Ltd	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/3827-3.0</a>	Twelve Thousand Miles Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/3855-3.0</a>	BNK Company Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/3943-3.0</a>	Shaun Anthony Eichstaedt	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/4086-3.0</a>	Christine Nola Good	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/4411-3.0</a>	Wells Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		Replace
<a href="#">R2/5718-3.0</a>	Ngaro Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal		New
<a href="#">R2/6179-2.0</a>	Bedrock Poultry Limited	Land - Animal Waste	Agriculture	Farming - Poultry	Effluent disposal		Replace
<a href="#">R2/6180-2.0</a>	Bedrock Poultry Limited	Air - Agricultural	Agriculture	Farming - Poultry			Replace
<a href="#">R2/6505-2.0</a>	Burgess Crowley Partnership	Land - Solid Waste	Mining Extraction (excl. hydrocarbon)	Quarry	Cleanfill		New
<a href="#">R2/7802-2.0</a>	New Plymouth District Council	Land/Water Industry	Local Government		Abrasive Blasting	Roading	Replace
<a href="#">R2/7803-2.0</a>	New Plymouth District Council	Air - Industry	Local Government		Abrasive Blasting	Roading	Replace
<a href="#">R2/9238-3.0</a>	Todd Energy Limited	Land - Hydraulic Fracturing	Energy	Wellsite	Exploration and Production		Replace
<a href="#">R2/11222-1.0</a>	KiwiRail Holdings Limited	Water - Stormwater	Transport		Erosion protection		New
<a href="#">R2/11245-1.0</a>	Westside New Zealand Limited	Land - Hydraulic Fracturing	Energy	Wellsite	Exploration and Production		New
<a href="#">R2/11253-1.0</a>	NZEC Tariki Limited	Air - Industry	Energy	Wellsite	Exploration and Production		New
<a href="#">R2/11268-1.0</a>	Remediation (NZ) Limited	Air - Industry	Waste Management	Worm farm	Composting		New
Land Use Consent							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
<a href="#">R2/6428-2.0</a>	Leatherleaf Limited	Dam/Weir	Agriculture	Farming - Dairy	Irrigation - Pasture	Recreational	Replace
<a href="#">R2/10996-2.0</a>	First Gas Limited	Earthworks	Energy	Gas Supply	Infrastructure		Replace
<a href="#">R2/11001-2.0</a>	First Gas Limited	Structure - Other	Energy	Gas Supply	Infrastructure		Replace
<a href="#">R2/11179-1.0</a>	KiwiRail Holdings Limited	Structure - Erosion Control	Transport		Erosion protection		New
Water Permit							
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Purpose Secondary	Activity Purpose
<a href="#">R2/0132-4.1</a>	Hawera Golf Club Inc	Take Surface Water	Agriculture	Farming - Dairy	Irrigation - Golf Greens		Replace
<a href="#">R2/3312-4.0</a>	The Tom Lance Trust	Take Groundwater	Horticulture		Irrigation - Crops		Replace
<a href="#">R2/6398-2.1</a>	Greymouth Petroleum Central Ltd	Take produced water	Energy	Wellsite	Exploration and Production		Replace

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

Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024

<a href="#">R2/6429-2.0</a>	Leatherleaf Limited	Take Surface Water	Agriculture	Farming - Dairy	Irrigation - Pasture		Replace
<a href="#">R2/11254-1.0</a>	NZEC Tariki Limited	Take produced water	Energy	Wellsite	Exploration and Production		New

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/0132-4.1](#)

Hawera Golf Club Inc

**Commencement Date:** 06 Sep 2024

**Expiry Date:** 01 Jun 2040

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

**Activity Class:** Discretionary

**Application Purpose:** Replace

**Location:** 70 Fairfield Road, Hawera

To take and use water from Unnamed Stream 22 for golf green irrigation 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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[R2/0318-4.0](#)

Dairy Glenn Farm Limited

**Commencement Date:** 06 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

**Location:** 304 Manaia Road, Manaia

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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[R2/0960-4.0](#)

Te Rua O Te Moko Limited

**Commencement Date:** 03 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

**Location:** 318 Austin Road West, Hawera

To discharge farm dairy effluent onto land

**Rohe:**

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/1097-3.0](#)

Four Seasons Trust

**Location:** 477 Palmer Road, Kapuni

To discharge farm dairy effluent to land

**Rohe:**

Ngāruahine (Statutory Acknowledgement)

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

**Commencement Date:** 12 Aug 2024

**Expiry Date:** 01 Sep 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** New

No return correspondence was received

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[R2/10996-2.0](#)

First Gas Limited

**Location:** Kapuni-100 pipeline, Ahipaipa Road & Skeet Road, Kapuni

To undertake earthworks within 10 metres of a wetland for the purpose of removing coal tar enamel and recoating a specified infrastructure

**Commencement Date:** 03 Sep 2024

**Expiry Date:** 01 Jun 2029

**Activity Class:** Restricted discretionary

**Application Purpose:** Replace

[R2/11001-2.0](#)

First Gas Limited

**Location:** Kapuni-100 pipeline, Ahipaipa Road & Skeet Road, Kapuni

To maintain, including the removal of coal tar enamel and recoat the Kapuni-100 gas line under an unnamed tributary of the Inaha Stream

**Commencement Date:** 03 Sep 2024

**Expiry Date:** 01 Jun 2029

**Review Dates:**

**Activity Class:** Restricted discretionary

**Application Purpose:** Replace

**Rohe x 2 applications:**

Ngāruahine (Statutory Acknowledgement)

**Engagement or consultation x 2 applications:**

Te Korowai o Ngāruahine Trust

No return correspondence was received

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/11179-1.0](#)

KiwiRail Holdings Limited

**Commencement Date:** 27 Aug 2024

**Expiry Date:** 01 Jun 2052

**Review Dates:** Jun 2028, Jun 2034, Jun 2040, Jun 2046

**Activity Class:** Discretionary

**Location:** Rail corridor, Waiinu Beach Road, Waitōtara, 18 Waiinu Beach Road, Waitōtara & 22 Pukeone Road, Waitōtara

**Application Purpose:** New

To construct and use a rock rip rap revetment structure, including associated vegetation clearance, planting and bank disturbance, in the Waitōtara River for erosion protection purposes

[R2/11222-1.0](#)

KiwiRail Holdings Limited

**Commencement Date:** 27 Aug 2024

**Expiry Date:** 01 Jun 2034

**Activity Class:** Controlled

**Location:** Rail corridor, Waiinu Beach Road, Waitōtara, 18 Waiinu Beach Road, Waitōtara & 22 Pukeone Road, Waitōtara

**Application Purpose:** New

To discharge stormwater and sediment into the Waitōtara River during the construction of a rock revetment structure

**Rohe x 2 applications:**

Ngaa Rauru Kiiitahi (Statutory Acknowledgement)

**Engagement or consultation x 2 applications:**

Kaipō Hapū

Consulted by applicant

Te Kaahui o Rauru

Consulted by applicant

Te Kaahui o Rauru

No return correspondence was received

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[R2/11245-1.0](#)

Westside New Zealand Limited

**Commencement Date:** 19 Aug 2024

**Expiry Date:** 01 Jun 2045

**Review Dates:** June annually

**Activity Class:** Discretionary

**Location:** Kauri-A wellsite, Lower Ball Road, Manutahi

**Application Purpose:** New

To discharge water based hydraulic fracturing fluids into land at depths greater than 2400 mTVDss beneath the Kauri-A wellsite

**Rohe:**

Ngāti Ruanui

**Engagement or consultation:**

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Applicant provided application

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/11253-1.0](#)

NZEC Tariki Limited

**Commencement Date:** 14 Aug 2024

**Expiry Date:** 01 Jun 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Location:** Tariki-A wellsite, 150 Mana Road, Ratapiko **Application Purpose:** New

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

[R2/11254-1.0](#)

NZEC Tariki Limited

**Commencement Date:** 14 Aug 2024

**Expiry Date:** 01 Jun 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Location:** Tariki-A wellsite, 150 Mana Road, Ratapiko **Application Purpose:** New

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

**Rohe x 2 applications:**

Ngāti Maru

**Engagement or consultation x 2 applications:**

Inglewood High School	Consulted by applicant
Kaimata Primary School	Consulted by applicant
PK & M Sarten Partnership	Consulted by applicant
Ratapiko Dairies Limited	Consulted by applicant
Ratapiko Primary School	Consulted by applicant
Te Rūnanga o Ngāti Maru (Taranaki) Trust	Consulted by applicant
Tranzit Coach Lines Taranaki Ltd - New Plymouth	Consulted by applicant
Waitui Valley Limited	Consulted by applicant
Te Rūnanga o Ngāti Maru (Taranaki) Trust	Response received

*Comments from Ngāti Maru*

*Comment was received on 17 June 2024 stating "I don't see any concerns for Ngāti Maru yet, as this is early days in the initial development of the site, however I have indicated that we may want more detailed information and possibly a site visit, as the wellsite is further developed."*

*Considerations during processing of the applications*

*The agent stated that Ngāti Maru were invited to exercise their role of kaitiaki in relation to the proposal. Requests for feedback were sent on 30 April 2024 and 20 May 2024 and feedback was welcomed should comments be made upon submission of the application.*

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/11268-1.0](#)

Remediation (NZ) Limited

**Commencement Date:** 18 Sep 2024

**Expiry Date:** 01 Jun 2034

**Review Dates:** Jun 2027, Jun 2029, Jun 2031, Jun 2033

**Activity Class:** Discretionary

**Application Purpose:** New

**Location:** 1460 Mokau Road, Uruti

To discharge contaminants into the air from the use of odour neutralising agents in deodorising units

**Rohe:**

Ngāti Mutunga

**Engagement or consultation:**

Dawn Bendall	Discussions with Council
Glen Bendall	Discussions with Council
Jenny Baker	Discussions with Council
John Oxenham	Discussions with Council
Uruti Community Parties	Discussions with Council
Te Rūnanga o Ngāti Mutunga	Applicant provided application
Te Rūnanga o Ngāti Mutunga	Response received

Comments from Ngāti Mutunga and considerations during processing of the application

No.	Comments	Council comment
	Te Rūnanga o Ngāti Mutunga – 12 August 2024	Gareth Watts – Environmental Planner Vaughan Turner – Air Quality Scientist
1.	<p>This consent application has been submitted in order to mitigate the effects of issues raised in the Environmental Court hearings on the Air Discharge Consent 5839. However, TRONM do not accept that this application can be considered separately from the wider issues about the site operation that were raised in the Environment Court proceedings. This Environment Court decision has not yet been released.</p> <p>Because we are still waiting for the Courts Decision, we believe that both TRONM and the Uruti Community Parties are affected parties to this application and so should be considered as such in any decision on notification.</p>	<p>Consent 5839 allowed the discharge of emissions into the air, namely odour and dust, from composting operations. As part of the sites odour management with respect to this consent, the applicant had been operating two air deodorisers since 2009 which they believed to be permitted.</p> <p>The Council advised the applicant in 2023 that the discharge of chemicals into the air via the operation of an air deodoriser constituted a discharge of contaminants and would require consent under Section 15 of the RMA.</p> <p>At the time of submission the applicants existing air discharge consent (5839) was the subject of an appeal to the Environment Court with a decision yet to be made. Consequently the applicant was unable to apply to make any changes to the parameters of their existing consent, and as such were required to apply for a new consent to regulate the proposed activity.</p> <p>The Environment Court issued a decision on the 30 August 2024 in which the appeal was refused, and consent therefore also refused.</p> <p>The deodoriser units are able to be used independently of the composting operation, and at the time of writing the applicant does not wish to withdraw their consent application. Consequently the Council must process the consent accordingly.</p>

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

		<p>As required by the Resource Management Act (RMA), the Council will step through the requirements set forth in Sections 95 to 95G to determine whether public or limited notification is required, and whether or not any persons are considered affected persons.</p> <p>In making this determination the Council will give due consideration to any adverse ecological, human health, or odour effects that may be associated with the proposed discharge.</p>
2.	Use of water from the Duckpond through the Deodorisers (page 10 AEE ) – the Duckpond bunds have been identified as presenting a risk to human health so the Environmental affects of using water from this source need to be assessed further.	<p>Recognising concerns raised with respect to contaminants that may be present in the duck pond, the applicant has agreed not to operate the deodorising units using water from the duck pond. Consequently a special condition can be recommended to this effect.</p>
3.	It has been indicated that the deodorisers have in the past, (and likely in future if this consent is granted) been used directly adjacent to the Haehanga Stream, the AEE does not assess fully any affect of the sodium hypochlorite which is to be dispersed in the air column on stream biota at the interface with the stream. The SDS indicates extreme ecotoxicity, particularly in relation to aquatic organisms.	<p>A safety data sheet (SDS) provides comprehensive information about the properties of a hazardous substance. It provides information on the hazards of substances and how they should be safely used, stored, transported, and disposed of.</p> <p>The Council’s air quality scientist, Mr Turner, states that the product has been approved as safe to use by the New Zealand Environmental Protection Authority (EPA) in accordance with the Hazardous Substances and New Organisms Regulations (HSNO). He adds that the SDS identifies that the product in its undiluted form poses a risk of harmful effects to aquatic organisms and soil, not extreme effects. On this basis the product should be handled and stored in accordance with section 7 of the SDS.</p> <p>Mr Turner also notes that based on the SDS, the diluted product does not pose a notable risk to ecological systems or aquatic organisms. The product will not discharge directly into waterways, and the active ingredients biodegrade rapidly.</p>
4.	AEE assumes that the major sources of smell that need to be mitigated have already been identified. However this is not the position of TRONM or the Uruti Community Parties.	<p>The Council has carefully considered the effects of the proposed activity on the environment and the way any adverse effects might be mitigated, this extends to any odours associated with the proposed discharge. Any source of odour that does not pertain to the activity itself is not a relevant consideration for this application.</p>
5.	We don’t believe that RNZ’s position to operate the Deodoriser at any time at any part of the site will mitigate the adverse effects on the neighbours as identified to the Environmental Court Case	<p>The effectiveness of the deodorisers is not a relevant consideration to the determination of this application.</p> <p>The applicant has requested that the consent allow deodorisers to be used on a mobile basis, with no limits for number of days in the year they can operate.</p> <p>The AEE states that the deodorisers will be required infrequently at times when the conditions on the site are creating high levels of potential odour and cold air drainage. The applicant has verbally advised that the units will not be left to operate over night.</p> <p>The applicants agent has proffered a condition be imposed that requires the discharge not occur within 200 m of any neighbouring property or road boundary. As proffered, a special condition can be recommended which requires the deodorising unit be located no closer than 200 m from any property boundary, or public road.</p>

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

6.	There is an assumption that Deodorisers are the reason for less complaints since 2010. Because of the lack of information about when the Deodorisers are used we believe this is questionable.	The effectiveness of the deodorisers is not a relevant consideration to the determination of this application.
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[R2/1128-3.0](#)

PT Muller & Co

**Commencement Date:** 06 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Location:** 464 Taikatu Road, Otakeho  
To discharge farm dairy effluent onto land

**Application Purpose:** Replace

**Rohe:**

Ngāruahine (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kāhui o Taranaki Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

No return correspondence was received

[R2/1582-4.0](#)

Rowelans Land Ltd

**Commencement Date:** 06 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Location:** 451 Everett Road, Inglewood  
To discharge farm dairy effluent onto land

**Application Purpose:** Replace

**Rohe:**

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/1767-4.0](#)

Oliver Family Trust

**Commencement Date:** 04 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Location:** 317 Upper Stuart Road, Eltham

To discharge farm dairy effluent onto land

**Application Purpose:** Replace

**Rohe:**

Ngāruahine (Statutory Acknowledgement)

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

No return correspondence was received

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[R2/2266-3.0](#)

Nyall Garrie Barton Hitchcock

**Commencement Date:** 13 Sep 2024

**Expiry Date:** 01 Dec 2030

**Review Dates:** Jun 2026, Jun 2028

**Activity Class:** Controlled

**Location:** 739 Upper Dudley Road, Inglewood

To discharge farm dairy effluent onto land and after treatment in an oxidation pond system into an unnamed tributary of the Ngatoro Stream, if the land disposal area is unsuitable for effluent disposal; and, until 1 December 2024 to discharge farm dairy effluent after treatment in an oxidation pond system, into an unnamed tributary of the Ngatoro Stream

**Application Purpose:** New

**Rohe:**

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kāhui o Taranaki Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/2764-3.0](#)

Trec Trust

**Location:** 726 Hastings Road, Matapu

To discharge farm dairy effluent onto land

**Rohe:**

Ngāruahine (Statutory Acknowledgement)

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

**Commencement Date:** 16 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** New

No return correspondence was received

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[R2/2833-3.0](#)

Kandahar Neilson Farm Limited

**Location:** 784 Wiremu Road, Opunake

To discharge farm dairy effluent onto land

**Rohe:**

Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kāhui o Taranaki Trust

**Commencement Date:** 12 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

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[R2/3070-3.0](#)

H M Tong Trust No. 1

**Location:** 87 Division Road, Okaiawa

To discharge farm dairy effluent onto land

**Rohe:**

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

Te Rūnanga o Ngāti Ruanui Trust

**Commencement Date:** 09 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

No return correspondence was received

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/3084-3.0](#)

The Gully Farm Limited

**Location:** 143 Inaha Road, Manaia  
To discharge farm dairy effluent onto land

**Rohe:**  
Ngāruahine (Statutory Acknowledgement)

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

**Commencement Date:** 20 Aug 2024

**Expiry Date:** 01 Sep 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** New

No return correspondence was received prior to the consent being issued

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[R2/3169-3.0](#)

Lois Blanche Simpson

**Location:** 647 Kina Road, Opunake  
To discharge farm dairy effluent onto land

**Rohe:**  
Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kāhui o Taranaki Trust

**Commencement Date:** 04 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

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[R2/3312-4.0](#)

The Tom Lance Trust

**Location:** 1413 Parahaki Road, Waverley  
To take and use groundwater for stock water and dairy purposes

**Rohe:**  
Ngaa Rauru Kaitahi

**Engagement or consultation:**

Te Kaahui o Rauru

**Commencement Date:** 29 Aug 2024

**Expiry Date:** 01 Jun 2040

**Review Dates:** Jun 2028, Jun 2034

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/3613-3.0](#)

Mr Alfred Scherrer

**Commencement Date:** 12 Aug 2024

**Expiry Date:** 01 Sep 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Location:** 553 Hunter Road, Eltham

**Application Purpose:** Replace

To discharge farm dairy effluent onto land

**Rohe:**

Ngāruahine (Statutory Acknowledgement)

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

On 25 January 2024, Te Korowai o Ngāruahine Trust commented the following:

- The application is within the hapū boundary of Ōkahu-Inuāwai and Kanahi-Umutahi hapū who have historical, spiritual, and cultural connection to this waterbody. These comments from Te Korowai do not undermine the mana motuhake of the hapū or prevent them from submitting on their own behalf.
- The Waingongoro Stream and its tributaries are subject to a statutory acknowledgement and deed of recognition as per the Ngāruahine Claims Settlement Act 2016.5. The trustees of Te Korowai and any member of Ngāruahine may cite a statutory acknowledgement in regard to activities before the relevant consent authority within, adjacent to or directly affecting the statutory area.
- A deed of recognition recognizes the historical, spiritual, cultural and/or traditional relationship with the area of concern and the mana whenua status which results from that relationship.
- These statements of association are not binding on the relevant consenting authority. However, the relevant consenting authority may take the statutory acknowledgement into account when making a decision on the management of the area concerned.
- Te Uru Taiao o Ngāruahine is our Kaitiaki plan which has now been lodged with all relevant consenting authorities.
- It is an expectation from Te Korowai that resource consent applicants read and understand the Kaitiaki plan before lodging their application.
- This is considered best practice for consultants, planners and resource consent applicants engaging with PSGE's in the Taiao space.
- However, this does not preclude an expectation that they engage meaningfully with Te Korowai and the affected Hapū prior to lodgement of an application for a resource consent.
- Te Korowai absolutely opposes in direct discharge of wastewater, farm dairy effluent or contaminants to all water bodies within the rohe of Ngāruahine.
- Te Korowai supports the development of local government policies and rules that halt the degradation of both biodiversity and the mauri of the Taiao.

Comment from Hapū

- Ōkahu-Inuāwai and Kanihi-Umutahi opposes any discharge consents to the whenua that affect groundwater, discharges that impact streams, waterways, tributaries that feed the streams and rivers.
- Protection of Waingongoro River is urgent due to heavy pollutants from the activity that surrounds the Waingongoro and streams/tributaries that feed into Waingongoro Awa that have rendered it one of the most polluted waterways in Aotearoa

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

Considerations during processing of the application

On 15 March 2024 James Cookson responded to Te Korowai o Ngāruahine Trust with the following:

Firstly, we would like to acknowledge the time taken to consider these applications and for providing the Council with comments on behalf of Ōkahu-Inuāwai and Kanihi-Umutahi hapū.

I appreciate the concern raised by hapū regarding the protection the Waingongoro river from pollutants and the current state of the awa. Our Council is in the process of developing a new Land and Freshwater Plan for Taranaki which will replace our current Regional Freshwater Plan. Key to this is kōrero about how we manage freshwater. Your comments and feedback are valued as part of this process, and your concerns relating to this matter have been shared with the policy team. Councils policy team are working closely with Ngāruahine Pou Taiao in the development of policy and through this relationship have offered the opportunity to discuss anything further with hapū. Please let the team know if you would like to do so.

We acknowledge hapū have commented in opposition to any discharges to the whenua that affect groundwater, discharges that impact streams, waterways and tributaries that feed the streams and rivers. We recognise the historical, spiritual and cultural connection of Okahu-Inuawai and Kanahi-Umutahi hapū to the whenua, and waterways within their takiwa.

In response to the comments received, these applications are replacements of an existing activity and a controlled activity under the Regional Fresh Water Plan for Taranaki (RFPW). In practical terms this means that if applications we receive can meet the standards/terms/conditions of a controlled activity then they must be granted.

However, the Council does set the terms and conditions of a resource consent granted under a controlled activity. When granted, the activity will be subject to the conditions reasonably necessary to avoid or mitigate adverse environmental effects in accordance with the Regional Freshwater Plan for Taranaki. Resource consent conditions require that the consent holder shall, at all times, manage effluent irrigation so that, while complying with the other requirements of the consent, the storage available in the effluent disposal system is maximised.

A number of conditions are set so that the farm dairy effluent (FDE) disposal system shall be designed, managed, operated and regularly maintained to ensure that the conditions of the consent are adhered to and no unauthorised discharge of FDE occurs to surface water.

There is also a requirement for the consent holder and/or whoever operates the FDE disposal system, to 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<sup>2</sup>) of the area that effluent was applied to

This information shall be provided to the Taranaki Regional Council upon request, which is generally requested during a monitoring inspection.

I would like to again thank you for your comments as they provide valuable insight to both the Council and the applicant. We will continue to encourage early engagement from applicants and will be sharing your comments with them. If you have any further comments, or queries, please do not hesitate to contact me.

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/3794-3.0](#)

Tullylish Farms Ltd

**Location:** 354 Taikatu Road, Otakeho  
To discharge farm dairy effluent onto land

**Rohe:**  
Ngāruahine (Statutory Acknowledgement)

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

**Commencement Date:** 16 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

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[R2/3827-3.0](#)

Twelve Thousand Miles Trust

**Location:** 14 Division Road, Okaiawa  
To discharge farm dairy effluent onto land

**Rohe:**  
Ngāruahine (Statutory Acknowledgement)

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

**Commencement Date:** 03 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

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[R2/3855-3.0](#)

BNK Company Limited

**Location:** 2528 Eltham Road, Te Kiri  
To discharge farm dairy effluent onto land

**Rohe:**  
Ngāruahine (Statutory Acknowledgement)  
Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kāhui o Taranaki Trust

Te Korowai o Ngāruahine Trust

**Commencement Date:** 09 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

No return correspondence was received

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/3943-3.0](#)

Shaun Anthony Eichstaedt

**Location:** 24 Windsor Road, Inglewood  
To discharge farm dairy effluent onto land

**Rohe:**  
Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**  
Te Kotahitanga o Te Atiawa Trust

**Commencement Date:** 21 Aug 2024

**Expiry Date:** 01 Sep 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

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[R2/4086-3.0](#)

Christine Nola Good

**Location:** 2897 South Road, Pihama  
To discharge farm dairy effluent onto land

**Rohe:**  
Ngāruahine (Statutory Acknowledgement)  
Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**  
Te Kāhui o Taranaki Trust  
Te Korowai o Ngāruahine Trust

**Commencement Date:** 02 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

No return correspondence was received

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[R2/4411-3.0](#)

Wells Partnership

**Location:** 349 Rotokare Road, Eltham  
To discharge farm dairy effluent onto land

**Rohe:**  
Ngāti Ruanui

**Engagement or consultation:**  
Te Rūnanga o Ngāti Ruanui Trust

**Commencement Date:** 02 Sep 2024

**Expiry Date:** 01 Dec 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Application Purpose:** Replace

No return correspondence was received

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/5718-3.0](#)

Ngaro Partnership

**Commencement Date:** 27 Aug 2024

**Expiry Date:** 01 Sep 2039

**Review Dates:** Jun 2027, Jun 2033

**Activity Class:** Controlled

**Location:** 98 Ngaro Road, Tariki

To discharge farm dairy effluent onto land

**Application Purpose:** New

**Rohe:**

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

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[R2/6179-2.0](#)

Bedrock Poultry Limited

**Commencement Date:** 16 Aug 2024

**Expiry Date:** 01 Jun 2038

**Review Dates:** Jun 2026, Jun 2032

**Activity Class:** Restricted discretionary

**Location:** 148 Bedford Road North, Inglewood

To discharge wash down water from the cleaning of poultry sheds onto and into land

**Application Purpose:** Replace

[R2/6180-2.0](#)

Bedrock Poultry Limited

**Commencement Date:** 16 Aug 2024

**Expiry Date:** 01 Jun 2038

**Review Dates:** Jun 2026, Jun 2032

**Activity Class:** Restricted discretionary

**Location:** 148 Bedford Road North, Inglewood

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

**Application Purpose:** Replace

**Rohe x 2 applications:**

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation x 2 applications:**

Alex Pickering

Written approval provided

Andrew Alister White

Written approval provided

Bruce Julian

Written approval provided

Te Kāhui o Taranaki Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/6398-2.1](#)

Greymouth Petroleum Central Limited

**Commencement Date:** 02 Sep 2024

**Expiry Date:** 01 Jun 2040

**Review Dates:** Jun 2028, Jun 2034

**Activity Class:** Controlled

**Location:** Radnor Production Station, 15 Radnor Road, Midhirst  
**Application Purpose:** Replace

To take groundwater, including the incidental take of heat and energy, which may be encountered as produced water during hydrocarbon exploration and production activities at the Radnor Production Station

**Rohe:**

Ngāruahine (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui

**Engagement or consultation:**

Te Korowai o Ngāruahine Trust

Consulted by applicant

Te Korowai o Ngāruahine Trust

No return correspondence was received

Te Rūnanga o Ngāti Maru (Taranaki) Trust

Consulted by applicant

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Consulted by applicant

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/6428-2.0](#)

Leatherleaf Limited

**Commencement Date:** 30 Aug 2024

**Expiry Date:** 01 Jun 2047

**Review Dates:** Jun 2026, Jun 2029, Jun 2032, Jun 2035, Jun 2038, Jun 2041, Jun 2044

**Activity Class:** Discretionary

**Location:** 81 Hauroto Road, Ohawe Beach, Hawera

**Application Purpose:** Replace

To use a dam in the Hauroto Stream for the purpose of maintaining a reservoir

[R2/6429-2.0](#)

Leatherleaf Limited

**Commencement Date:** 30 Aug 2024

**Expiry Date:** 01 Jun 2047

**Review Dates:** Jun 2026, Jun 2029, Jun 2032, Jun 2035, Jun 2038, Jun 2041, Jun 2044

**Activity Class:** Discretionary

**Location:** 81 Hauroto Road, Ohawe Beach, Hawera

**Application Purpose:** Replace

To dam the Hauroto Stream for irrigation and recreation purposes, and take and use water from a reservoir on the Hauroto Stream for pasture irrigation purposes

**Rohe x 2 applications:**

Ngāruahine

Ngāti Ruanui

**Engagement or consultation x 2 applications:**

Craig and Paula Lister

Written approval provided

Glynda Wren

Written approval provided

Leatherleaf Limited

Written approval provided

Roger & Myron Bent

Written approval provided

Te Rūnanga o Ngāti Ruanui Trust

Consulted by applicant

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

Consulted by applicant

Te Korowai o Ngāruahine Trust

Response received

Summary of Comments from Ngāruahine

*Te Korowai O Ngāruahine Trust provided feedback on these applications on 6 July 2023 which included the following:*

- a. The Hauroto Stream and its tributaries are not a statutory acknowledgement and deed of recognition as per the Ngāruahine Claims Settlement Act 2016.*
- b. There has been a pre-application consultation or communication from the applicant with Te Korowai.*
- c. The applicants AEE summarise the issues and mitigation measures they propose to manage those issues.*
- d. While we are supportive of the equipment and storage improvements that are being made by the applicant, our first and most significant concern is the protection of the Kaupokonui Stream and its tributaries.*
- e. The taking and use of the water from the tributary of the Hauroto Stream for pasture irrigation is not consistent with the hierarchy of Te Mana o te Wai which prioritises the health of water bodies and freshwater ecosystems. However, the dam and subsequent reservoir that it creates do have potential positive benefits for indigenous biodiversity and recreation.*



**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

- f. *While fish passage is not seen as an issue, we would like to see indigenous biodiversity developed and enhanced around the reservoir. The opportunities this site present, given its close proximity to the coast, are immense for both terrestrial and marine biodiversity.*
- g. *Ōkahu-Inuawai Hapū has requested a joint site visit due to Cultural Factors.*

Further comment from Ngāruahine includes:

- *Ōkahu-Inuawai me ētehi atu Hapū asked if there are any earlier cadastral maps available of this area and whether Ivan Bruce could be contacted to see if he has any further useful information.*
- *While there are issues with both consents, these are mitigated by the fact that the Stream and its tributaries are ground water fed. Fish passage is not seen as an issue. As mentioned previously, it is not a statutory acknowledgement. We would like to see indigenous biodiversity developed and enhanced around the reservoir. The opportunities this site presents, given its close proximity to the coast, are immense for both terrestrial and marine biodiversity.*

Considerations during processing of the application

- *The applicant was contacted by Council and was interesting in pursuing a site visit with mana whenua and provided a number to arrange a visit with Ōkahu-Inuawai me ētehi atu Hapū.*
- *Information regarding cadastral maps was provided to the Hapū.*
- *The agent for the applicant considered the application to be generally consistent with the feedback received from Ngāruahine. Special conditions 7 and 10 were to be carried over to the new resource consent. The applicant has shown ongoing commitment to develop and enhance indigenous biodiversity, as per TRC Riparian Farm Plan 90972 with 95 % of the proposed planting being completed around the reservoir and 100 % of the proposed fencing completed. There is a small section of planting that appears as 'Proposed Zone B, C & BC Native' on the TRC Riparian Farm Plan which has not been planted. According to the applicant, the reason this section of planting has not been completed is because this is a natural trap which the applicant can clear prior to sand entering the reservoir.*

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[R2/6505-2.0](#)

Burgess Crowley Partnership

**Commencement Date:** 28 Aug 2024

**Expiry Date:** 01 Jun 2040

**Review Dates:** Jun 2028, Jun 2034

**Activity Class:** Discretionary

**Location:** 526 East Road, Toko

**Application Purpose:** New

To discharge cleanfill onto and into land for quarry reinstatement purposes

**Rohe:**

Ngaa Rauru Kaitahi (Statutory Acknowledgement)

Ngāti Maru

Ngāti Ruanui (Statutory Acknowledgement)

**Engagement or consultation:**

Iain Craig & Katherine Anne Sextus

Consulted by applicant

Te Rūnanga o Ngāti Maru (Taranaki) Trust

Consulted by applicant

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

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
Te Kaahui o Rauru	Response received

Comments from Te Kaahui o Rauru

*On 10 July 2024 Te Kaahui o Rauru responded by thanking the Council for providing a copy of the application and asked whether the Council considered Te Kaahui o Rauru to be affected parties, and whether there remained an opportunity to provide cultural advice.*

Considerations during processing of the application

*Council responded to Te Kaahui o Rauru on the 11 July 2024 and advised that a decision on the application had yet to be made, but that the application was however at a very advanced stage. They were advised that Council did not consider Te Kaahui o Rauru to be an affected party, the effects of the activity having been assessed as less than minor. The reasons were for this conclusion were that there the discharge of clean fill to land would have no direct discharge to a waterbody including the statutory acknowledgment (Patea River), and that conditions were to be recommended to ensure adverse effects on the environment were avoided and/or mitigated.*

*It was stated that whilst there was still time for Te Kaahui o Rauru to provide comment and that the Council would welcome this, the Council were required to issue a decision by the 18 July 2024 to meet statutory timeframes set by the Resource Management Act. No further correspondence was received.*

[R2/7802-2.0](#)

New Plymouth District Council

**Commencement Date:** 16 Aug 2024

**Expiry Date:** 01 Jun 2038

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

**Activity Class:** Discretionary

**Location:** Various locations throughout the New Plymouth District

**Application Purpose:** Replace

To discharge contaminants onto and into land and into water from water blasting and/or wet sand blasting of bridge and culvert structures in various locations throughout the New Plymouth District

[R2/7803-2.0](#)

New Plymouth District Council

**Commencement Date:** 16 Aug 2024

**Expiry Date:** 01 Jun 2038

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

**Activity Class:** Discretionary

**Location:** Various locations throughout the New Plymouth District

**Application Purpose:** Replace

To discharge contaminants to air from water blasting and/or wet sand blasting of bridge and culvert structures in various locations throughout the New Plymouth District

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

[R2/7804-2.0](#)

New Plymouth District Council

**Commencement Date:** 16 Aug 2024

**Expiry Date:** 01 Jun 2038

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

**Activity Class:** Discretionary

**Application Purpose:** Replace

**Location:** Various locations throughout the New Plymouth District

To discharge contaminants to air, onto and into land and into water within the coastal marine area from water blasting and/or wet sand blasting of bridge and culvert structures in various locations throughout the New Plymouth District

**Rohe x 3 applications:**

Ngāti Maru (Statutory Acknowledgement)

Ngāti Mutunga (Statutory Acknowledgement)

Ngāti Tama (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation x 3 applications:**

Araukuuku Hapū

Consulted by applicant

Cletus Maanu Paul

Consulted by applicant

Ngā hapū o Mokau kī Runga

Consulted by applicant

Nga Hapū o Ngāruahine Iwi Inc

Consulted by applicant

Nga Hapū O Poutama

Consulted by applicant

Ngāti Haua Hapū (Nga haua Whanui Inc)

Consulted by applicant

Ngāti Tamaahuroa me Titahi Hapū

Consulted by applicant

Ngāti Tu Hapū

Consulted by applicant

Puketapu Trustees

Consulted by applicant

Rihari Dargaville

Consulted by applicant

Te Kaahui o Rauru

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 Kotahitanga o Te Atiawa Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Consulted by applicant

Te Rūnanga o Ngāti Tama

Consulted by applicant

Te Rūnanga o Ngāti Tama

No return correspondence was received

Te Rūnanga o Ngāti Mutunga

Consulted by applicant

Te Rūnanga o Ngāti Mutunga

Response received

*Comments from Ngāti Mutunga*

*Return correspondence was received from Ngāti Mutunga on the 23 April 2020. Their response is set out below:*

**Non-notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sep 2024**

*"Could you please provide information about what steps the NPDC and its contractors are taking to prevent contaminants entering the waterway - our particular concern is the work to be carried out on the Urenui Swing-bridge which is adjacent to Kumara kaiamo pa site and over the Urenui River - which is a Statutory Acknowledgement area for Ngāti Mutunga.*

*We have monitored a similar activity carried out by NZTA over the Mangamaio stream and the contractor took care to prevent any contaminants being dispersed from the work site by encasing the bridge in plastic wrap while work was carried out. It is difficult to see from the information provided if any steps like this are intended to be taken by NPDC."*

Considerations during processing of the application

The Council responded on 29 April 2020 as follows:

*"Although the application doesn't specifically state that plastic wrap will be used, it does say that screens will be used around structures to contain contaminants. A condition of the existing consent also requires all structures to be screened as completely as practicable during sandblasting."*

*Although Council cannot comment on or assess the effects of this proposal on mana whenua values and consider it best practice for applicants to undertake consultation prior to submission, it is considered that the proposal within the scope of the application, would not contravene the relevant objectives and policies of the relevant Iwi Environmental Management Plan's, the effects of the activities having been assessed as being less than minor.*

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[R2/9238-3.0](#)

Todd Energy Limited

**Commencement Date:** 16 Aug 2024

**Expiry Date:** 01 Jun 2044

**Review Dates:** June annually

**Activity Class:** Discretionary

**Location:** Mangahewa-A Wellsite, 1067 Otaraoa Road, Tikorangi

**Application Purpose:** Replace

To discharge contaminants associated with hydraulic fracturing activities into land at depths greater than 3,200 mTVDss beneath the Mangahewa-A Wellsite

**Rohe:**

Ngāti Mutunga

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Otaraua Hapū Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

Te Rūnanga o Ngāti Mutunga

No return correspondence was received

**Limited Notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sept 2024**

<b>Coastal Permit</b>						
<b>Consent</b>	<b>Holder</b>	<b>Subtype</b>	<b>Industry Primary</b>	<b>Industry Secondary</b>	<b>Purpose Primary</b>	<b>Activity Purpose</b>
<a href="#">R2/0197-3.0</a>	Port Taranaki Limited	Discharge (Coastal)	Transport	Port Activity		Replace
<b>Discharge Permit</b>						
<b>Consent</b>	<b>Holder</b>	<b>Subtype</b>	<b>Industry Primary</b>	<b>Industry Secondary</b>	<b>Purpose Primary</b>	<b>Activity Purpose</b>
<a href="#">R2/1389-4.0</a>	New Plymouth District Council	Land - Misc	Local Government	Waste Management	Wastewater - Sewage	Replace
<a href="#">R2/2046-4.0</a>	New Plymouth District Council	Land - Misc	Local Government	Waste Management	Wastewater - Sewage	Replace

**Limited Notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sept 2024**

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[R2/0197-3.0](#)

Port Taranaki Limited

**Commencement Date:** 16 Aug 2024

**Expiry Date:** 01 Jun 2050

**Review Dates:** June annually

**Activity Class:** Discretionary

**Location:** Port Taranaki, Breakwater Road,  
New Plymouth

**Application Purpose:** Replace

To discharge treated stormwater from the Port Taranaki facility and environs and washdown water from the wharves, equipment and surrounding areas, into the Tasman Sea

**Rohe:**

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Ngati Te Whiti Hapu

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Submitter - withdrawn

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[R2/1389-4.0](#)

New Plymouth District Council

**Commencement Date:** 03 Oct 2024

**Expiry Date:** 01 Jun 2034

**Review Dates:** June annually

**Activity Class:** Discretionary

**Location:** Onaero Bay Holiday Park, State  
Highway 3, Onaero

**Application Purpose:** Replace

To discharge treated septic tank sewage effluent via soakage trenches into land where contaminants may enter groundwater

**Rohe:**

Ngati Mutunga (Statutory Acknowledgement)

**Engagement or consultation:**

Te Runanga o Ngati Mutunga

Served Notice

Te Runanga o Ngati Mutunga

Consulted by applicant

**Limited Notified authorisations issued by the Taranaki Regional Council  
between 12 Aug 2024 and 18 Sept 2024**

[R2/2046-4.0](#)

New Plymouth District Council

**Commencement Date:** 03 Oct 2024

**Expiry Date:** 01 Jun 2034

**Review Dates:** June annually

**Activity Class:** Discretionary

**Location:** Urenui Beach Motor Camp, Beach Road, Urenui

**Application Purpose:** Replace

To discharge treated septic tank sewage effluent via soakage trenches into land where contaminants may enter groundwater

**Rohe:**

Ngati Mutunga (Statutory Acknowledgement)

**Engagement or consultation:**

Te Runanga o Ngati Mutunga

Served Notice

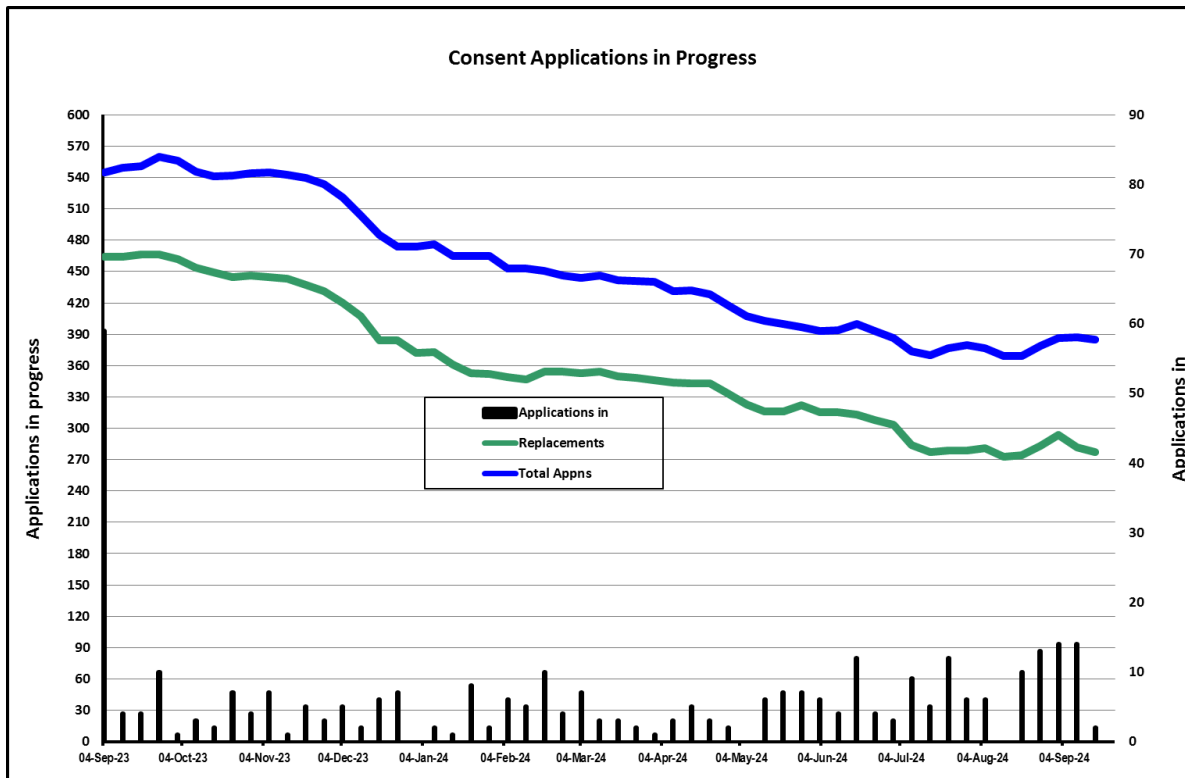
Te Runanga o Ngati Mutunga

Consulted by applicant

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### 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
2024/2025	359	281	367	294																				
2023/2024	431	351	545	464	556	462	542	445	544	446	474	372	465	352	444	353	440	346	418	333	391	315	378	303
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

R = Replacements

#### 3) Potential Hearings

Nil



**4) Consents Issued (running totals)**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2024-2025	48	75										
2023-2024	39	49	57	75	114	178	212	240	250	282	331	361
2022-2023	7	53	82	86	139	171	211	228	249	261	283	307

**5) Breakdown of consents processed**

	New	Replace	Change	Review	Totals
2024-2025 - to end August	17	56	2	0	75
2023-2024 T total	97	249	13	2	361
2022-2023 T total	65	227	10	5	307

**6) Types of consents issued - year to date comparison**

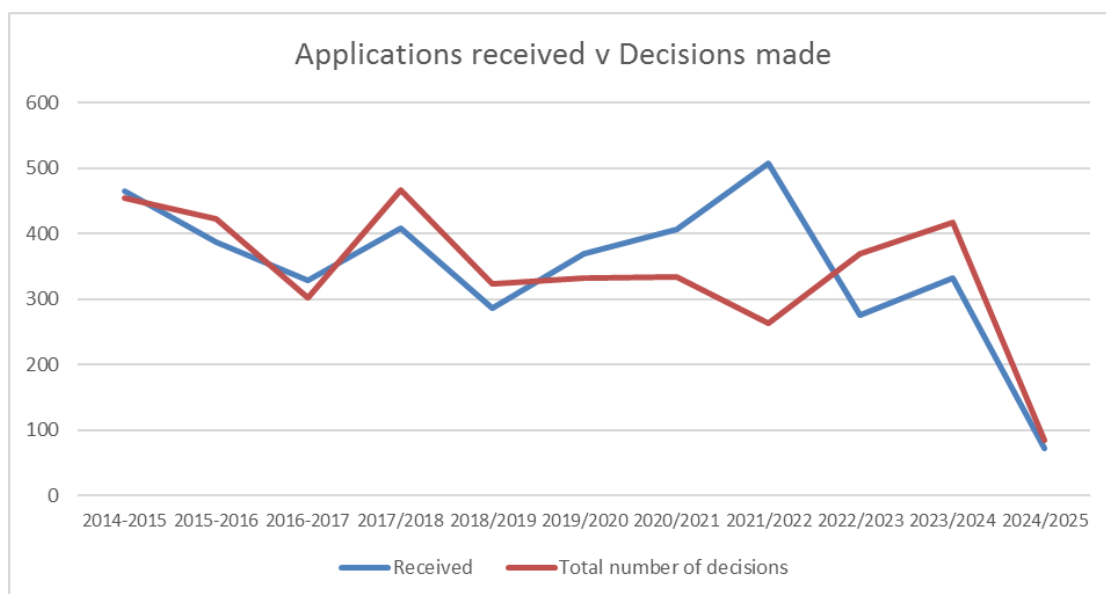
	Publicly Notified						Total publically notified		Limited						Total Limited Notified		Non Notified						Total Non-notified		Grand Total
	Agricultural	Central/Local Government	Energy	Forestry	Other	%		Agricultural	Central/Local Government	Energy	Forestry	Other	%		Agricultural	Central/Local Government	Energy	Forestry	Other	%					
July 2022 to June 2023	0	0	0	0	0	0.0%	0	1	1	0	0	0	0.7%	2	222	16	26	0	41	99.3%	305	307			
July 2023 to June 2024	0	0	0	0	0	0.0%	0	1	0	0	0	5	1.7%	6	211	45	66	4	29	98.3%	355	361			
August 2024	0	0	0	0	0	0.0%	0	0	0	0	0	1	1.3%	1	40	7	13	0	14	98.7%	74	75			

**7) Length of time to issue decisions on applications**

	No of consent decisions	Number of days decision made in			
		less than 40	40-90	90-200	200+
July	56	18	4	15	19
August	28	4	5	4	15
September					
October					
November					
December					
January					
February					
March					
April					
May					
June					
	<b>84</b>	<b>22</b>	<b>9</b>	<b>19</b>	<b>34</b>

*Note: Decisions include issuing, withdrawing, returning or DPA applications*

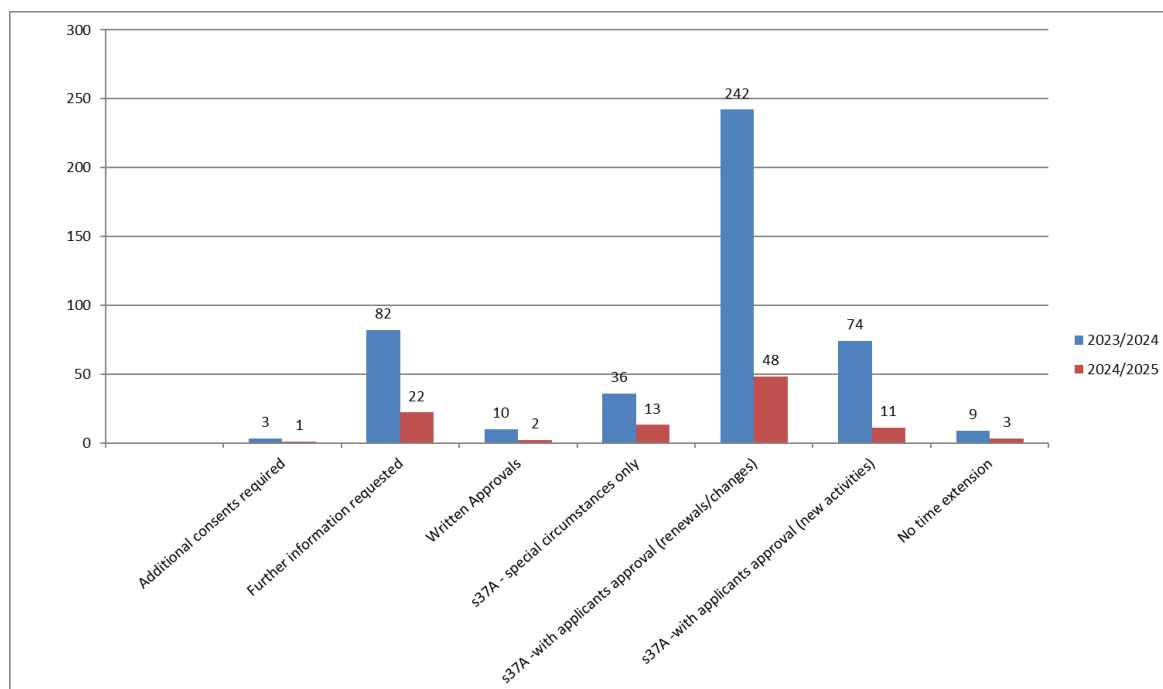
### 8) Applications received v Decisions made



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

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
<b>Councils</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DOC</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Environmental/Recreational Groups</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Fish &amp; Game</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Individuals/Neighbours/Landowners</b>	<b>7</b>	<b>15</b>	<b>22</b>
<b>Network Utilities</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Non Govt Organisations</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Other Govt Departments</b>	<b>8</b>	<b>0</b>	<b>8</b>
<b>Iwi/hapu</b>	<b>181</b>	<b>0</b>	<b>181</b>
<b>Totals -2024/2025</b>	<b>198</b>	<b>15</b>	<b>213</b>

### 10) Application processing time extensions used 2023/2024 versus 2024/2025



### 11) Consent type process

	Last 10 year average 2015 - 2024	July 2023 to June 2024	July 2024 to August 2024
Total consents granted	306	361	75
Publically Notified	9	0	0
Limited-notified	6	6	1
Non-notified	293	355	74
Applications submitted on (in opposition and to be heard)	12	6	1
Application Pre-hearing resolution (%)	6 82%	6 100%	1 100%
Hearings (no. of applications)	1 (6)	0 (0)	0 (0)
Appeals (no. of applications)	1 (6)	0 (0)	0 (0)
Total current consents	4632	4278	4288

**12) Applications returned incomplete under Section 88**

For the 2024-2025 financial year, 4 applications have been returned incomplete under S88 of the RMA for insufficient information. One application has since been resubmitted and accepted.

**13) Deemed Permitted Activities issued**

Nil

**14) Fast track consents issued by Expert Consenting Panel**

Unit record identifier	Consent Holder	Project	Type of resource consent	Consent sub-type	Description of activity	Date Lodged	Decision Date
<a href="#">R2/11249-1.0</a>	Harmony Energy NZ Ltd	Ōpunake Solar Farm, 915 Ihaia Road	Land Use Consent	Earthworks	To remove vegetation and undertake earthworks within or within 10m of a natural inland wetland, and outside 10m but within 100m of a natural inland wetland	13 Dec 2023	16 Aug 2024
<a href="#">R2/11287-1.0</a>	Harmony Energy NZ Ltd	Ōpunake Solar Farm, 915 Ihaia Road	Discharge Permit	Land - Earthworks	To discharge stormwater and sediment from earthworks	13 Dec 2023	16 Aug 2024
<a href="#">R2/11288-1.0</a>	Harmony Energy NZ Ltd	Ōpunake Solar Farm, 915 Ihaia Road	Water Permit	Take Surface Water	To take, use, dam or divert or discharge of water within, or within a 100m setback from a natural inland wetland	13 Dec 2023	16 Aug 2024



**Date:** 15 October 2024

**Subject:** Incidents, Compliance Monitoring Non-Compliances and Enforcement Summary – 9 August 2024 to 19 September 2024

**Author:** M Churchill, Enforcement and Compliance Coordinator

**Approved by:** A D McLay, Director - Resource Management

**Document:** 3310998

## 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 9 August 2024 to 19 September 2024.

## Executive summary

### Incidents

2. There are forty seven (47) incidents reported.
3. Twenty (20) of the incidents were found to be compliant and twenty three (23) were found to be non-compliant. Four (4) 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 twenty six (26) compliance-monitoring non-compliances reported. Nine (9) of the compliance monitoring non-compliances reported are updates from previous periods.
5. Fifteen (15) 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 – 9 August 2024 to 19 September 2024
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 9 August 2024 to 19 September 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 9 August 2024 to 19 September 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 9 August 2024 to 19 September 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**

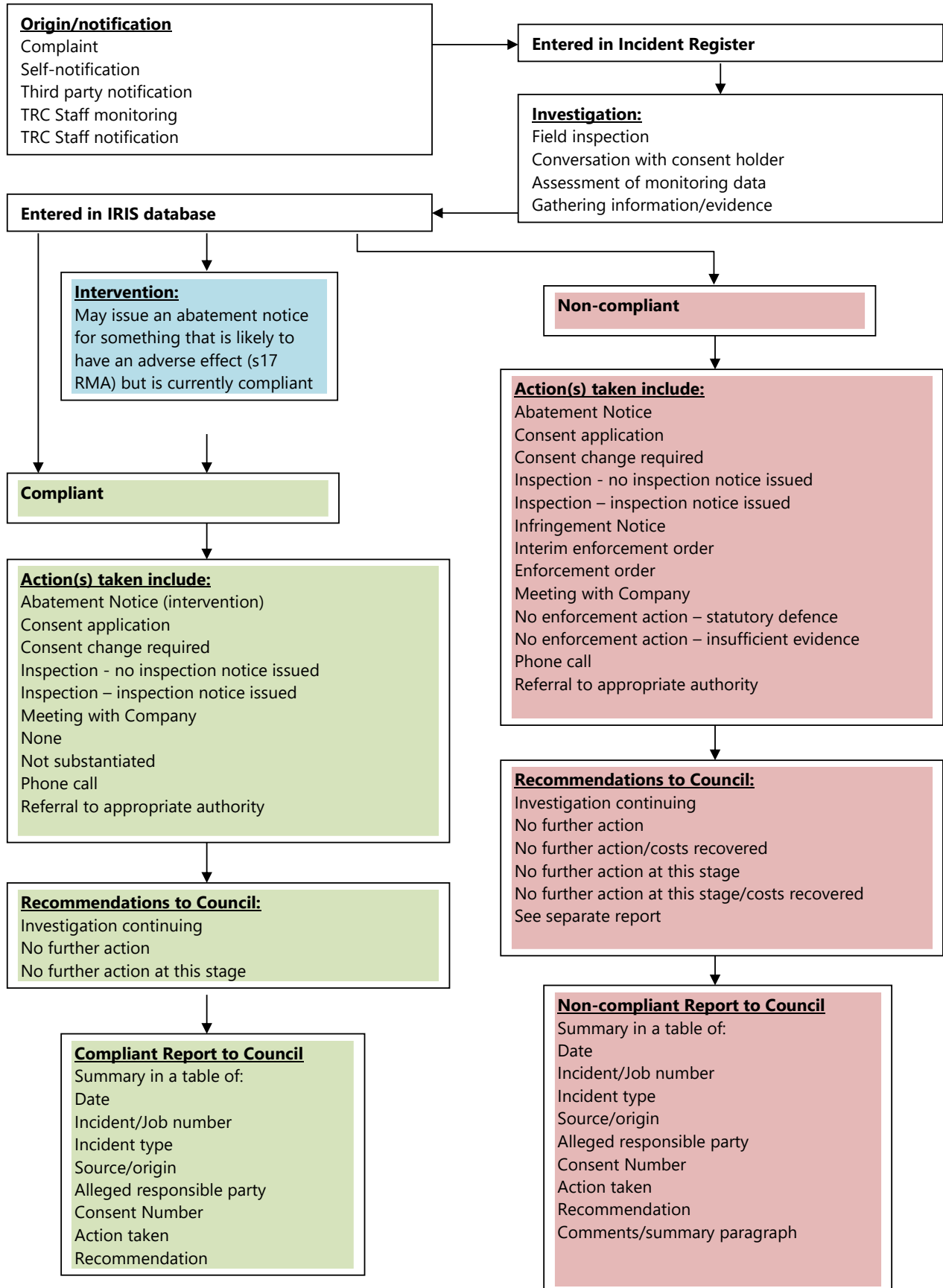
Document 1081324: [Incident flowchart and terms explained](#)

Document 3310995: [Incident and Enforcement Graphs to 19 September 2024](#)

Document 3311858: [Incidents, Compliance Monitoring and Enforcement Summary 9 August 2024 to 19 September 2024](#)

## Incident flow chart

Doc # 1081324





## Terms explained

### Compliance rating

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

### Origin/Notification:

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

### Action/s Taken:

14 day Letter	A letter was sent requesting an explanation for the non-compliance and why enforcement action should not be considered. The recipient is given 14 days to reply.
Abatement Notice	A notice was issued requiring something to be undertaken or something to cease to ensure compliance with Rules in the regional plans, resource consent or Resource Management Act 1991. Notice must be complied with or further enforcement action can be considered.
Consent application	A consent application has been received as a result of the investigation.
Consent change required	During the investigation it was found that a consent change was required.
Emergency Works	Emergency works was allowed under section 330 of the RMA. Often a subsequent resource consent is required.
Enforcement Order	An enforcement order has been issued by the Environment Court requiring action to be undertaken or something to cease. Notice must be complied with or further enforcement action can be considered.
Infringement Notice (\$xxx.xx)	An infringement notice was issued under Section 338(1)(a) of the Resource Management Act 1991 and Councils delegated authority.
Inspection Notice	An inspection was undertaken and a notice of advice/instruction was issued to landowner/alleged offender.
Inspection/no notice	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).

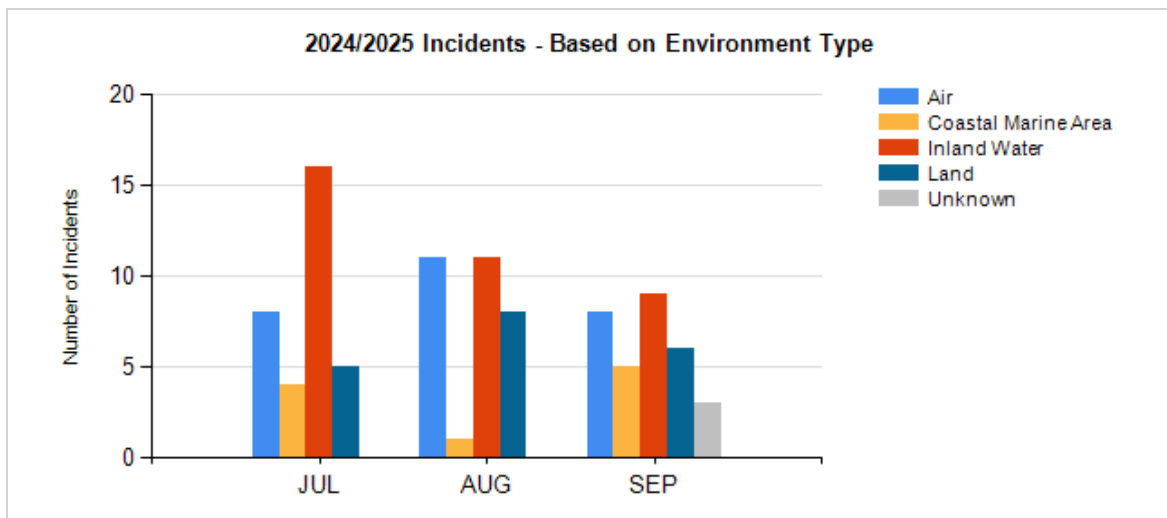
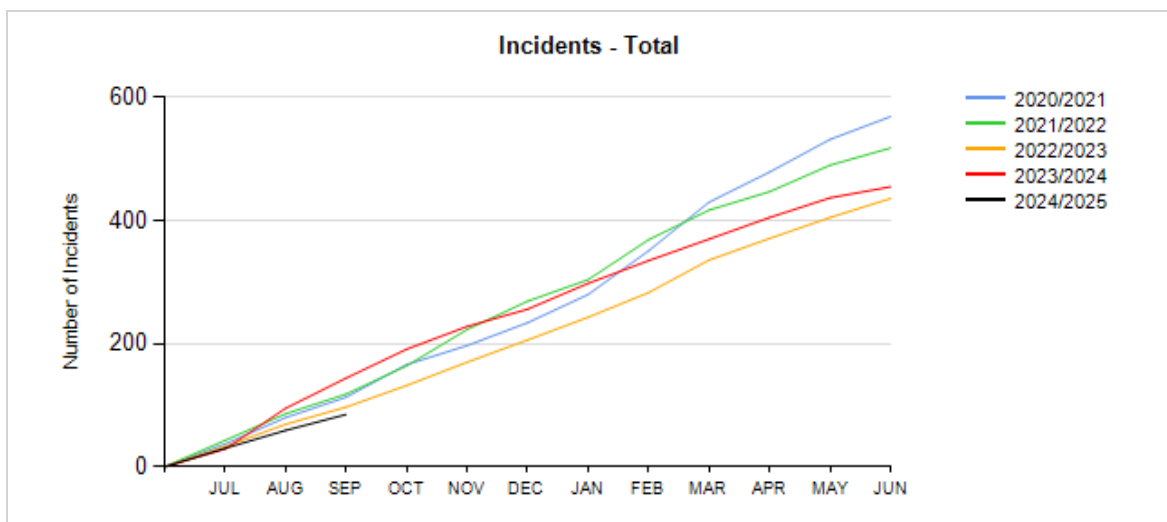
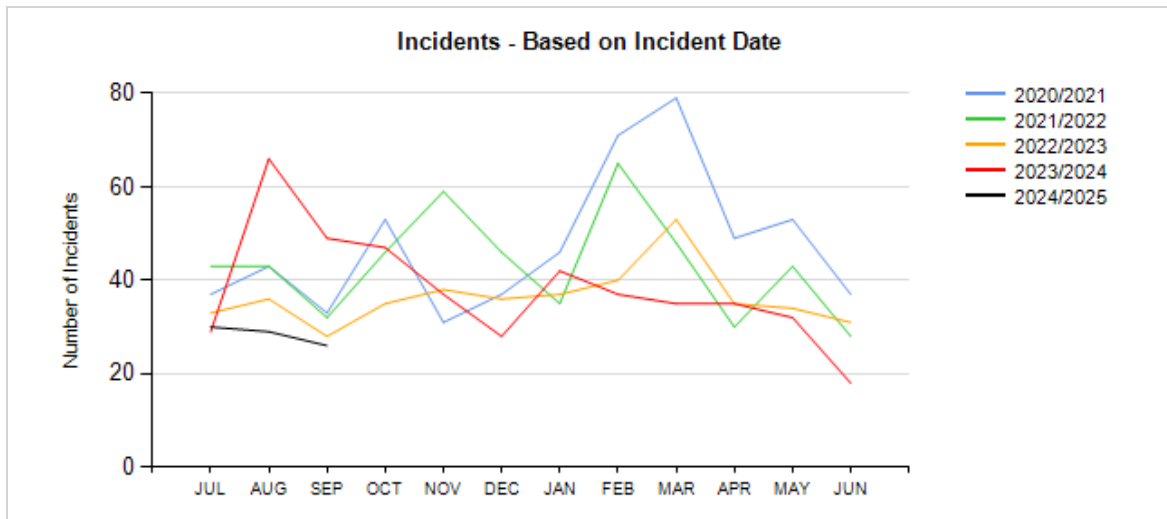
**Recommendations to Council**

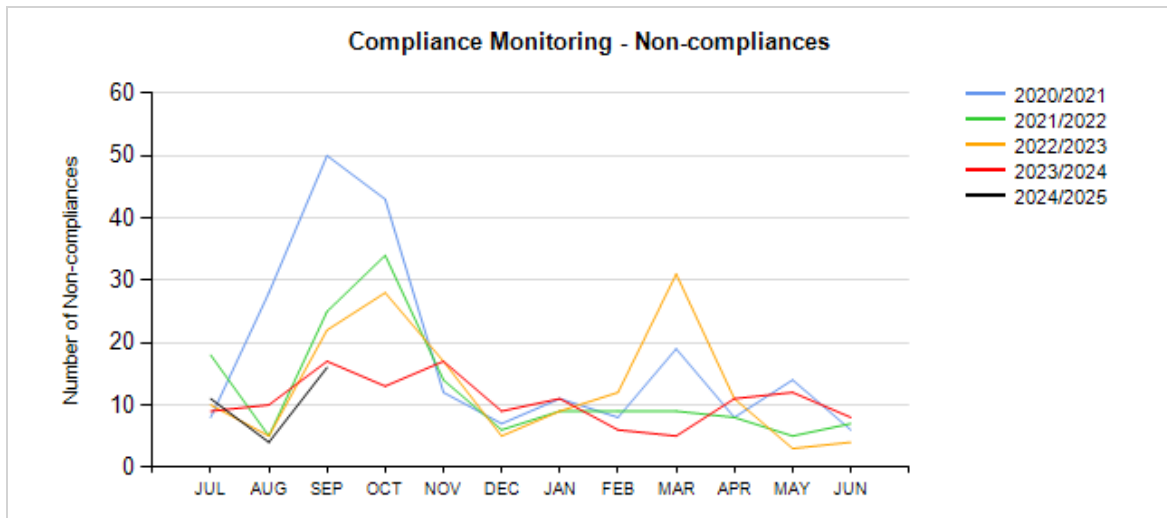
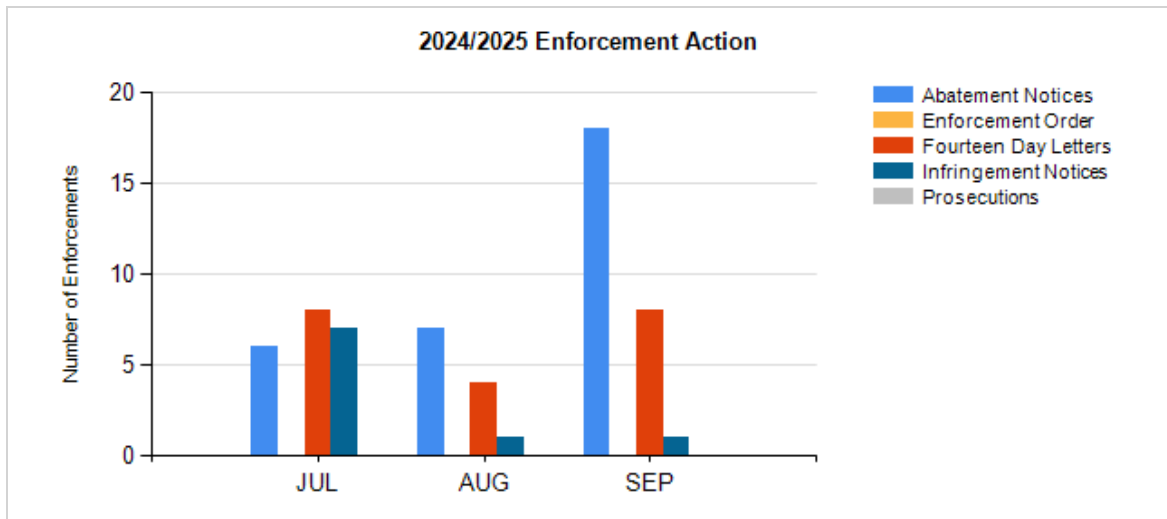
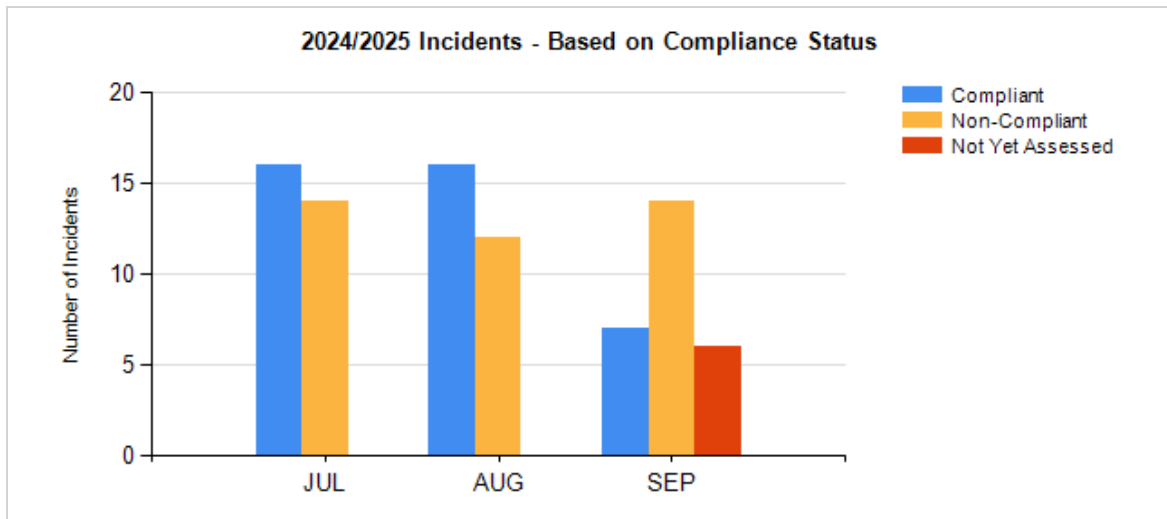
Investigation continuing	Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents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

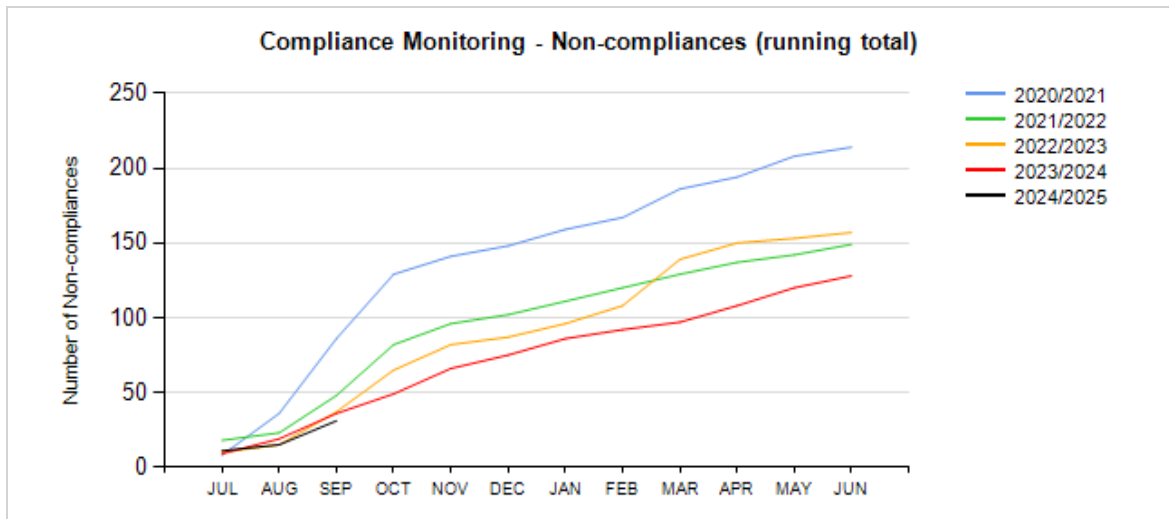
**Defences under Sections 340 and 341 of the Resource Management Act 1991**

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.







**Compliant Incidents for the period 09 Aug 2024 to 19 Sep 2024**

<b>Incident Date</b>	<b>Job Number IRIS ID</b>	<b>Incident Type</b>	<b>Source</b>	<b>Compliance Status</b>	<b>Recommendation</b>
31 Jul 2024	330125-033 IN/50589	Alleged damming of surface water - Hampton Road, Okato.	Complaint	RFWP Allowed	No Further Action
12 Aug 2024	330125-035 IN/50620	Alleged stormwater discharge - Mould Street, Waitara.	Complaint	RFWP Allowed	No Further Action
12 Aug 2024	330125-037 IN/50622	Alleged effluent discharge - Kaipi Road, Egmont Village.	Complaint	Consent Compliance	No Further Action
14 Aug 2024	330125-040 IN/50637	Alleged hydrocarbon discharge - Ihaia Road, Opunake.	Complaint	Not Applicable/Natural Event	No Further Action
14 Aug 2024	330125-041 IN/50641	Alleged odour - Mokau Road, Uruti.	Complaint	Consent Compliance	No Further Action
14 Aug 2024	330125-049 IN/50687	Alleged odour - Colson Road, New Plymouth.	Complaint	RAQP Allowed	No Further Action
15 Aug 2024	330125-042 IN/50642	Alleged dumping of green waste - Brookes Terrace, Waitara.	Complaint	RFWP Allowed	No Further Action
21 Aug 2024	330125-047 IN/50681	Alleged burning - High Street, Eltham.	Complaint	RAQP Allowed	No Further Action
21 Aug 2024	330125-055 IN/50707	Alleged odour - Mokau Road, Uruti.	Complaint	Consent Compliance	No Further Action
22 Aug 2024	330125-048 IN/50685	Alleged odour - Mountain Road, Inglewood.	Complaint	Consent Compliance	No Further Action

**Compliant Incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
26 Aug 2024	330125-052 IN/50692	Alleged effluent discharge - Mugeridge Road, Manutahi.	Complaint	Not Applicable/Natural Event	No Further Action
26 Aug 2024	330125-053 IN/50698	Alleged hydrocarbon discharge, motor vehicle crash - Oponake Road, Cardiff.	Complaint	Not Applicable/Natural Event	No Further Action
27 Aug 2024	330125-056 IN/50710	Alleged blocked culvert - Puniwhakau Road, Stratford.	Complaint	Not Applicable/Natural Event	No Further Action
28 Aug 2024	330125-054 IN/50745	Alleged hydrocarbon discharge, motor vehicle crash - State Highway 3, Midhirst.	Third Party Notification	Not Applicable/Natural Event	No Further Action
2 Sep 2024	330125-061 IN/50724	Alleged discharge on Ahu Ahu beach - Ahu Ahu Road, Oakura.	Complaint	Not Applicable/Natural Event	No Further Action
3 Sep 2024	330125-063 IN/50743	Alleged odour - Devon Street East, New Plymouth.	Complaint	RAQP Allowed	No Further Action
4 Sep 2024	330125-064 IN/50746	Alleged silt discharge - Kent Road, Egmont Village.	Complaint	Not Applicable/Natural Event	No Further Action
11 Sep 2024	330125-070 IN/50824	Alleged spray drift - Turuturu Road, Hawera.	Complaint	RAQP Allowed	No Further Action
14 Sep 2024	330125-072 IN/50817	Alleged effluent discharge - Meremere Road, Hawera.	Complaint	RFWP Allowed	No Further Action
16 Sep 2024	330125-075 IN/50820	Alleged odour - Devon Street East, New Plymouth.	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
9 Oct 2023 Update	330124-163 IN/48553	Unauthorised discharge of farm dairy effluent - Ihaia Road, Opunake.	Complaint	Ihaia Te-Mara Trust (20380)	R2/3764-2	EAC-25458 - Abatement Notice*EAC-25474 - Explanation Requested - Letter	See Separate Report

**Comments:** A complaint was received regarding farm dairy effluent pooling on land and discharging overland into a neighboring property at Ihaia Road, Opunake. An investigation found that farm dairy effluent had been applied to land in a method and rate that was in contravention of resource consent conditions at various locations across the property. One area of application had resulted in significant ponding and pooling of effluent onto land where it had discharged onto a neighboring property. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. A reinspection found that further applications of farm dairy effluent had been applied to land resulting in further ponding in contravention of resource consent conditions. A letter requesting an explanation was sent and a response received.

6 Jun 2024 Update	330124-451 IN/50270	Earthworks - Surrey Road, Tariki.	TRC Staff Notification	Colin Boyd (3013)*Mile Square Farms Limited (3884)	R2/9906-1.0	EAC-25839 - Abatement Notice*EAC-25841 - Abatement Notice*EAC-25842 - Abatement Notice*EAC-25843 - Abatement Notice	Investigation Continuing
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**Comments:** During unrelated compliance monitoring, it was found that earthworks were being undertaken in contravention of rules in the Regional Freshwater Plan for Taranaki at Surrey Road, Tariki. An inspection found that earthworks had been undertaken adjacent to the Mangatengehu Stream without appropriate silt and sediment controls in place. The inspection also found that a small section of the stream had been dewatered and infilled in contravention of resource consent conditions. An abatement notice was issued requiring works within the stream to cease and for works to be undertaken to install erosion and sediment controls at the site. An inspection was undertaken and it was found the abatement notice is being complied with. Taranaki Regional Council are currently drafting plans to remediate the area. Once a plan is agreed a new abatement notice will be issued to remediate the old stream bed and comply with resource consent conditions. Investigation continuing.



**Updates of Non-Compliant incidents from previous agendas**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Jun 2024 Update	330124-461 IN/50347	Wastewater discharge - Rifle Range Road, New Plymouth.	Self-Notification	New Plymouth District Council (9565)	R2/0882-4.1*R2/10406-1.0	EAC-25899 - Explanation Requested - Letter	Investigation Continuing

**Comments:** Self notification was received regarding the discharge of wastewater from the New Plymouth District Council Wastewater Treatment Plant at Rifle Range Road, New Plymouth. Inspection found that due to a high intensity rainfall event, the inflow of wastewater to the plant (1000 l/s) exceeded the capacity of the plant to process the waste. The wastewater by-pass was activated resulting in chlorinated but untreated wastewater being discharged out of the marine outfall. The by-pass was unable to keep up with the inflows and as a result untreated wastewater overflowed from the facility had discharged into the onsite stormwater system and into an unnamed tributary of the Waiwhakaiho River. The contingency plan was followed and warning signs erected. An inspection of the receiving environment found that the river was in flood and no adverse effects were observed as a result of the discharge. An incident report was provided and further details are being sought in relation to the discharge into the Waiwhakaiho River. Investigation continuing.

8 Aug 2024 Update	330125-034 IN/50600	Discoloured stream - Rangitake Drive, New Plymouth.	Complaint	Un sourced (9768)			No Further Action
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**Comments:** A complaint was received regarding discoloration (blue substance) at the mouth of the Herekawe Stream at Rangitake Drive, New Plymouth. An investigation of the Herekawe Stream during rainfall and high river flow, failed to locate any sign of the contaminant. Two subsequent proactive inspections of the Herekawe Stream were undertaken, however the source of any unauthorised discharge was unable to be identified. No further action.

**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Aug 2024	330125-036 IN/50621	Rubbish dumping - Castle Street, Eltham.	Complaint	Unsourced (9768)			No Further Action
<p><b>Comments:</b> A complaint was received regarding general house rubbish being dumped in the Mangawhero Stream at Castle Street, Eltham. An investigation found general household rubbish, including glass bottles and food packaging had been dumped on the bank of the stream. The rubbish was removed and disposed of by the officer at the time of the inspection. The responsible party was unable to be identified. No further action.</p>							
12 Aug 2024	330125-038 IN/50631	Hydrocarbon discharge - Herekawe Drive, New Plymouth.	Complaint	Camden Cornwell (76539)			Investigation Continuing
<p><b>Comments:</b> A complaint was received regarding hydrocarbons discharging into the Herekawe Stream as a result of vehicle maintenance on the road at Herekawe Drive, New Plymouth. An investigation found that oil had been spilled onto the road and staining was observed in the roadside drain. The responsible parties were spoken to and advised of the adverse effects on the environment as a result of hydrocarbon discharges. Sorbent material was provided to soak up the spills. New Plymouth District Council have been advised of the issue. The area will be monitored to ensure appropriate measures are implemented to prevent any further discharges to the road surface and stormwater system.</p>							
12 Aug 2024	330125-039 IN/50632	Hydrocarbon discharge - Brown Street, Inglewood.	Complaint	Unsourced (9768)			No Further Action
<p><b>Comments:</b> A complaint was received regarding a hydrocarbon discharge at Brown Street, Inglewood. An investigation found that diesel had been spilled onto the road from an unknown vehicle after filling up at a truck stop. The diesel had flowed into a stormwater drain and into the Waiongana Stream. Sorbent booms and pads were deployed within the stream and stormwater system to contain and recover the spilt contaminants. These controls were removed days later. No adverse effects have been reported or observed. The responsible party was unable to be identified. No further action.</p>							

**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Aug 2024	330125-043 IN/50647	Geotextile bag washing ashore - Opunake Beach, Opunake.	Complaint	Opunake Artificial Reef Trust (22852)			No Further Action
<p><b>Comments:</b> A complaint was received regarding 'carpet' washing ashore on Opunake Beach, Opunake. An inspection confirmed that a large piece of geotextile material associated with the historic construction of an artificial surf reef within the Opunake Bay, had washed onto the beach. The material was retrieved from the beach and disposed of by the officers undertaking the inspection.</p>							
16 Aug 2024	330125-045 IN/50666	Bentonite slurry discharge - Lake Mangamahoe Road, New Plymouth.	Self-Notification	Riley Consultants (76619)			Investigation Continuing
<p><b>Comments:</b> Self-notification was received regarding an unauthorised discharge of bentonite slurry to water at the Lake Mangamahoe Saddle dam, Lake Mangamahoe Road, New Plymouth. An inspection found that while contractors were drilling the third hole on the dam, for the purpose of testing the integrity of the structure, they encountered ground water and plugged the hole with bentonite slurry. After removing the pipe, the pressure of the ground water pushed the slurry mix out of the hole which caused the slurry to run down a hill stopping at a silt fence. This discharge caused a small amount of the slurry to enter an unnamed tributary where some slurry had hardened and sat on the stream bed. Most of the slurry had been cleaned up upon arrival, but a small amount was left on the bed of the tributary. A follow-up inspection found that all remaining slurry had been cleaned up from the stream bed and silt fence. Investigation continuing.</p>							
19 Aug 2024	330125-046 IN/50667	Blood discharge - Paraitē Road, Bell Block.	Third Party Notification	Bulk Lines (51551)*Tegel Foods Limited (9844)	R2/7389-1.2	EAC-25917 - Explanation Requested - Letter	Investigation Continuing
<p><b>Comments:</b> Self-notification was received regarding the discharge of blood from a stormwater system into the Mangati Stream at the Tegel Poultry Processing Plant at Paraitē Road, Bell Block. An investigation found that a truck transporting offal from the site had begun leaking as a result of a failed seal on the trailer unit. The truck driver parked the vehicle at the site in a location where all stormwater is captured and directed to trade waste. However, a plug within the stormwater system which directed all waste to the trade waste system had failed resulting in the blood bypassing the plug and discharging into the Mangati Stream. A third party contractor was engaged to clean out the stormwater system and works were undertaken to repair the failed plug. An inspection of the stream found it to be flowing slightly discoloured as a result of the discharge. A letter requesting an explanation has been sent.</p>							

**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
24 Aug 2024	330125-050 IN/50690	Dead bull at beach - Turi Street, Patea.	Complaint	Un sourced (9768)			No Further Action
<p><b>Comments:</b> A complaint was received regarding a dead bull at Patea beach, Turi Street, Patea. An investigation located the carcass on the boat ramp. The owner was unable to be identified. The officer was unable to remove the carcass due to the decomposition of the animal. A follow-up inspection found the carcass had washed away. No further action.</p>							
25 Aug 2024	3301125-051 IN/50691	Burning - Cassandra Street, Stratford.	Complaint	Renin Nordston (76567)			Investigation Continuing
<p><b>Comments:</b> A complaint was received regarding burning at a residential property at Cassandra Street, Stratford. An inspection found that a fire had been lit at the rear of a residential property within a defined urban area in contravention of rules in the Regional Air Quality Plan for Taranaki. Inspection of the fire found that vegetation and a small amount of household rubbish was being burnt. The responsible party was spoken to and the fire extinguished.</p>							
29 Aug 2024	330125-057 IN/50712	Septic tank discharge - Upper Norfolk Road, Inglewood.	Complaint	Kevin Allan & Jocelyn Mary Wisnewski (3298)		EAC-25912 - Abatement Notice*EAC-25954 - Explanation Requested - Letter	Investigation Continuing
<p><b>Comments:</b> A complaint was received regarding a septic tank discharging to land at Upper Norfolk Road, Inglewood. An investigation found that sewage was discharging from a residential septic tank onto the ground surface. The discharge was found to be approximately 30cm deep. Samples were taken of the discharge and of the nearby surface water body. Site investigation and review to the sample results found no evidence of the discharge entering surface water. An abatement notice was issued to the responsible party requiring works to be undertaken to cease the unauthorised discharge from the wastewater treatment system. A letter requiring explanation has been sent, and a response is yet to be received. Investigation continuing.</p>							

**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
29 Aug 2024	330125-058 IN/50715	Effluent discharge - Suffolk Road South, Norfolk.	Complaint	Monte Vista Farms (33475)*Moore Trustee Company Limited (73175)	R2/1076-3	EAC-25911 - Abatement Notice*EAC-25913 - Abatement Notice*EAC-25915 - Explanation Requested - Letter*EAC-25918 - Explanation Requested - Letter*EAC-25930 - Abatement Notice	Investigation Continuing

**Comments:** A complaint was received regarding a 'green' stream at Suffolk Road South, Inglewood. Investigation found that an unnamed tributary of the Manganui River was flowing 'green' in colour. An inspection of a nearby dairy shed found that a stormwater diversion had been activated resulting in the discharge of untreated dairy effluent to surface water. Further inspection also found that the dairy effluent pond at the shed had also overflowed and was discharging into the same tributary. Abatement notices were issued requiring an immediate cease of the discharges and for works to be undertaken to ensure compliance with resource consent conditions could be achieved at all times. Letters requesting an explanation were sent to the responsible parties. All responses are yet to be received. Investigation continuing.

1 Sep 2024	330125-059 IN/50719	Effluent pond discharge - Bristol Rd, Inglewood.	Self-Notification	AW Brocklehurst Trust (17144)*Dougan Butler (35385)	R2/0643-3.0		Investigation Continuing
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**Comments:** A self notification was received regarding a dairy effluent pond wall failing causing effluent to discharge into the Mangaone Stream at Bristol Road, Inglewood. An investigation found the effluent pond wall had breached. Heavy rain had caused subsidence on the ground causing the pond wall to breach. Two additional ponds can be used to accommodate temporary storage by means of over pumping. A contractor has been engaged to undertake repairs. Additional expert advice is being sought to ensure the pond meets the appropriate level of impermeability as required by the resource consent. Investigation continuing.

**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
1 Sep 2024	330125-060 IN/50720	Dead cows - Ohawe Beach, Ohawe.	Complaint	Garry Bourke Trust (23655)*Unsourced (9768)			No Further Action
<p><b>Comments:</b> A complaint was received regarding dead stock on Ohawe Beach, Ohawe. An investigation located five dead cows in various stages of decomposition. One owner was located who removed the carcass, while the other animals owners were untraceable. A contractor was engaged who undertook to remove the remaining carcasses and dispose of them in an appropriate manner. No further action.</p>							
2 Sep 2024	330125-062 IN/50726	Discharge to water - Upper Palmer Road, Stratford.	Complaint	Unsourced (9768)			No Further Action
<p><b>Comments:</b> A complaint was received regarding silage wrap in the Kapuni Stream, at Upper Palmer Road, Stratford. An investigation found that small pieces of silage wrap were entangled in tree branches along the Kapuni Stream. Due to the location and area that was covered, the silage wrap was unable to be removed. An inspection of the wider catchment failed to locate the source of the contamination. The responsible party could not be identified. No further action</p>							
6 Sep 2024	330125-067 IN/50784	Culvert works - Main North Road, Urenui.	Complaint	Frank Wyatt (55901)			Investigation Continuing
<p><b>Comments:</b> A complaint was received regarding a culvert being replaced at a private property at Main North Road, Urenui. An inspection found that works were being undertaken to upgrade a culvert on the property associated with improved site access. The responsible party had previously engaged Council to seek the appropriate rules to permit the works, however failed to notify this council to advise of the commencement of the works. The works were ceased while New Plymouth District Council and Iwi met with the responsible party to discuss the works. The installation of the new culvert will be installed in accordance with permitted activity rules in the Regional Freshwater Plan for Taranaki. A further inspection will be undertaken to ensure compliance is achieved.</p>							

**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
9 Sep 2024	330125-065 IN/50778	Burning - Lower Newall Road, Warea.	Complaint	Haidee Parkinson (74416)*Jono Buchly (52439)*Margaret Radford (2384)		EAC-25931 - Abatement Notice*EAC-25932 - Abatement Notice*EAC-25933 - Abatement Notice*EAC-25934 - Abatement Notice*EAC-25935 - Abatement Notice	Investigation Continuing

**Comments:** A complaint was received regarding the burning of unauthorised materials at a dairy farm at Lower Newall Road, Warea. An investigation found that materials, including tyres, an oven, metal and dead cows, had been disposed of by combustion in contravention of rules in the Regional Air Quality Plan for Taranaki. Investigation also found evidence of material having been burned on previous occasions, including tyres and other unauthorised items. Abatement notices were issued requiring the burnt material to be removed from site and the area upon which the activity occurred to be tested and remediated to the appropriate standard. Investigation continuing.

9 Sep 2024	330125-066 IN/50782	Rahotu Block Complaint	Complaint				Investigation Continuing
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**Comments:** A complaint was received regarding an exposed septic tank at East Beach, Waitara (Rahotu Block). A site inspection confirmed that a concrete septic tank had become exposed as a result of coastal erosion. The septic tank remains piped to the soakage field which is not exposed, and the inspection confirmed that there was no discharges into the Coastal Marine Area. The occupants of the dwelling have ceased using the septic tank and subsequently engaged a third party contractor to empty the contents of the tank. Tyres and bulk containers associated with ad-hoc protection structures were also dispersed along the beach. Significant erosion in the area is creating a risk to a number of dwellings in the vicinity. This council is working with the New Plymouth District Council, Trustees of the Rahotu Block and occupants of the dwellings to work through the issues at the site.

**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
10 Sep 2024	330125-068 IN/50793	Deposition of material into the Coastal Marine Environment - Beach Road, Patea.	Complaint	Paul Broughton (76610)			No Further Action
<p><b>Comments:</b> A complaint was received regarding sand being removed from the Patea beach carpark and distributed along the sea wall. An investigation found that a member of the public had removed material from the carpark area at the beach and deposited it on the rock wall protection structure at the interface of the beach and the public carpark. The works were not authorised by the South Taranaki District Council who hold resource consent for the structure. The responsible party was identified and advised to cease the activity which has potential environmental and health and safety implications. Relatives of the person responsible will ensure no further works are undertaken in the area. Patea fire service assisted to make the area safe for public use.</p>							
11 Sep 2024	330125-069 IN/50801	Burning - Reid Avenue, Hawera.	Complaint	David Geerlings (76618)			No Further Action
<p><b>Comments:</b> A complaint was received regarding backyard burning at a residential property at Reid Avenue, Hawera. An inspection found that a fire had been lit at a residential property within a defined urban area in contravention of Rules in the Regional Air Quality Plan for Taranaki. Inspection of the fire found that a wheel barrow of cabbage tree leaves had been burnt. Advice and education was provided to the responsible party. No further action.</p>							
13 Sep 2024	330125-071 IN/50816	Discoloured stream - List Street, New Plymouth.	Complaint	Unsourced (9768)			No Further Action
<p><b>Comments:</b> A complaint was received regarding a milky discolouration of the Te Henui Stream at List Street, New Plymouth. An investigation found that the stream was a slightly turbid/milky colour. Both upstream and downstream were found to be clear. Samples were taken. The cause of the discolouration and the responsible party could not be identified. No further action.</p>							



**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Sep 2024	330125-073 IN/50818	Dead cow in river - Manurau Street, New Plymouth.	Complaint	Un sourced (9768)			No Further Action
<p><b>Comments:</b> A complaint was received regarding a dead cow in the Waiwhakaio River, at Manurau Street, New Plymouth. An investigation located the carcasses of a cow and sheep floating within an eddy on the River. Officers recovered both carcasses from the river and brought them to the bank. The owner of the cow was identified who subsequently engaged a contractor to recover and dispose of the carcasses in the appropriate manner. No further action.</p>							
15 Sep 2024	330125-074 IN/50819	Burning - Corbett Road, New Plymouth.	Complaint	Kyle Emeny (76628)		EAC-25970 - Infringement Notice (\$300)	No Further Action
<p><b>Comments:</b> A complaint was received regarding smoke discharging from a property at Corbett Road, New Plymouth. An investigation found a large fire pit burning prohibited materials, including but not limited to, old pallets, steel wire basket, steel paint tins and a plastic bucket. The responsible party was spoken to and admitted that earlier they had been burning wet Medium-density fiberboard (MDF) that caused thick smoke. Advice and education was given to the responsible party who agreed to let the fire die out.</p>							
15 Sep 2024	330125-080 IN/50872	Discharge - Sutherland Road, Manaia,	Complaint	Un sourced (9768)			Investigation Continuing
<p><b>Comments:</b> A complaint was received regarding a 'soapy' discharge in a stream at Sutherland Road, Manaia. The complaint was received some days following the observation and further investigation is required in an attempt to establish the cause of the likely contamination. Investigation continuing.</p>							

**Non-compliant incidents for the period 09 Aug 2024 to 19 Sep 2024**

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
16 Sep 2024	330125-076 IN/50823	Unauthorised discharge of Farm Dairy Effluent - South Road, SH45, Okato.	Complaint	Moo-ble Dairy Limited (54527)	R2/2170-3.0	EAC-25956 - Abatement Notice*EAC-25968 - Explanation Requested - Letter	Investigation Continuing

**Comments:** A complaint was received regarding the pooling of Farm Dairy Effluent on land from an irrigator at State Highway 45, Okato. An inspection found that irrigation had ceased, however effluent had pooled on the ground surface and subsequently discharged into the roadside drain and into an unnamed tributary of the Timaru Stream. Samples were taken of the discharge and the receiving environment. The inspection also confirmed that irrigation activities were occurring to close to dwelling houses in contravention of rules in the Regional Air Quality Plan for Taranaki. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions and the Regional Air Quality Plan. A letter requesting an explanation has been sent. Further enforcement action is being considered.

**Updates of Compliance Monitoring – Non-compliances from previous agendas**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
29 May 2024 Update	332124-146 ENF-24506	Chemical Sampling Survey	Significant non-compliance	Ravensdown Limited (52633)	R2/10513-1.1	EAC-25860 - Explanation Requested - Letter*EAC-25859 - Abatement Notice	Investigation Continuing

**Comments:** During routine compliance monitoring it was found that resource consent conditions were not being complied with at a fertiliser storage and distribution facility at Smart Road, New Plymouth. The concentration of ammoniacal nitrogen (50 g/m3) within the stormwater was in contravention of resource consent conditions (5 g/m3). A site meeting was held with the responsible party where it was found that errors in the self-monitoring had resulted in the elevated contaminants within the stormwater discharge not being detected by the company. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. A letter requesting explanation was sent and an explanation received and accepted. A detailed action plan has been sent in response to the abatement notice and measures have been put in place to remedy the issues. A reinspection was undertaken with site manager to discuss and observe the changes made as per action plan provided. Most actions have been completed and results moving forward look positive. Further sampling will be undertaken to determine compliance with the resource consent and abatement notice. Further enforcement action is being considered.

10 Jun 2024 Update	332124-149 ENF-24507	Compliance Monitoring Insp.	Non-compliance	Civil Holdings Limited (75295)	R2/1113-5.1	EAC-25872 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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**Comments:** During routine compliance monitoring, it was found that resource consent conditions were not being complied with at a quarrying operation at Everett Road, Inglewood. Investigation found that the flow meters on site were not operating as required by resource consent conditions. An abatement notice was issued and a subsequent extension granted to allow for more favourable weather conditions in order for the works to be completed. A reinspection will be undertaken in November 2024. Investigation continuing.

**Updates of Compliance Monitoring – Non-compliances from previous agendas**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Jun 2024 Update	332124-144 ENF-24503	Compliance Monitoring Insp.	Significant non-compliance	R & S Dreaver Shelter Trimmers Limited (17542)*Richard Dreaver (37034)	PA/20506-01	EAC-25858 - Abatement Notice*EAC-25856 - Abatement Notice	Investigation Continuing

**Comments:** During routine compliance monitoring it was found that the provisions of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 were not being complied with at a forest harvesting operation at Puniwhakau Road, Puniwhakau. Inspection found that insufficient sediment controls and poor stormwater management practices had been undertaken at the site resulting in the discharge of silt and sediment into an unnamed tributary of the Puniwhakau Stream. An abatement notice was issued. A follow-up inspection was conducted against the abatement notice and found to be compliant, however further works are required to ensure ongoing compliance. Further monitoring will be undertaken to ensure ongoing compliance with the regulations is achieved. Further enforcement action is being considered.

14 Jun 2024 Update	332124-150 ENF-24510	Chemical Sampling Survey	Non-compliance	Schlumberger New Zealand Limited (51451)	R2/6032-2.0	EAC-25864 - Explanation Requested - Letter	No Further Action/Costs Recovered
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**Comments:** During routine compliance monitoring it was found that resource consent conditions were not being complied with at an oil and gas tool servicing company at Paraita Road, Bell Block. Investigation found that the suspended solid concentration within the stormwater discharge (154 gm/m3) was in contravention of resource consent conditions (100 gm/m3). A letter requesting explanation was sent and an explanation received and accepted. A follow-up inspection found the site to be compliant with resource consent conditions. No further action.

**Updates of Compliance Monitoring – Non-compliances from previous agendas**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
27 Jun 2024 Update	332124-151 ENF-24512	Compliance Monitoring Insp.	Non-compliance	South Taranaki District Council (9623)	R2/4566-2*R2/5512-2.0	EAC-25898 - Abatement Notice*EAC-25897 - Abatement Notice*EAC-25879 - Explanation Requested - Letter*EAC-25877 - Explanation Requested - Letter	Investigation Continuing

**Comments:** During routine compliance monitoring, it was found that a rock protection structure associated with a boat ramp was no longer functioning effectively as designed, in contravention of resource consent conditions at Patea Beach Settlement, Turi Street, Patea. The responsible party has maintenance works planned to resolve this issue which will be carried out in conjunction with the upcoming boat ramp extension project. Council will continue to monitor the site to ensure the remedial works are completed in a timely manner. A letter requiring explanation was sent and an explanation received. Investigation continuing.

5 Jul 2024 Update	332125-004 ENF-24522	Annual Inspection	Non-compliance	Longview Limited (3782)	R2/10887-1.1	EAC-25906 - Abatement Notice*EAC-25878 - Explanation Requested - Letter	Investigation Continuing
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**Comments:** During the analysis of water take data as part of routine compliance monitoring, it was found that resource consent conditions were not being complied with at Paetaia Road, Waitotara. Investigation found that surface water had been taken at a volume that was in contravention of resource consent conditions on six occasions between October 2023 and February 2024. An abatement notice was subsequently issued requiring the responsible party to undertake monitoring and maintenance to ensure compliance with resource consent conditions. Reinspection will be undertaken in October 2024.

**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
10 Jul 2024 Update	332125-005 ENF-24523	Annual Inspection	Non-compliance	Anthony Symes (50527)*Lupton Trust (30526)*Ruth Lupton (67988)*Warwick Lupton (30486)	R2/10113-1.2	EAC-25891 - Abatement Notice*EAC-25882 - Explanation Requested - Letter	No Further Action

**Comments:** During the analysis of water take data as part of routine compliance monitoring, it was found that resource consent conditions were not being complied with at Lennox Road, Waverley. Investigation found that groundwater had been taken at a volume that was in contravention of resource consent conditions between 30 June 2023 and 1 July 2024. An abatement notice was issued and a letter requesting an explanation was sent. A reinspection found that water was not being taken at the site and works had been undertaken on the bore, and farm reticulation network to address leaks and other unintended discharges to ensure compliance with resource consent conditions. Further enforcement action is being considered. Investigation continuing.

24 Jul 2024 Update	332125-008 ENF-24530	Office Assessment	Non-compliance	New Plymouth District Council (9565)	R2/1389-3	EAC-25896 - Explanation Requested - Letter	No Further Action/Costs Recovered
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**Comments:** Self-notification was received regarding an unauthorised discharge of wastewater from the New Plymouth District Council operated wastewater treatment system at Onaero Bay, Onaero. It was found that during April 2024, the volume of wastewater discharged into the soakage trenches was in contravention of resource consent conditions and a previously issued abatement notice. A letter requesting explanation was sent and a response received. The responsible party applied for and have subsequently been granted a new resource consent that permits an increased volume of wastewater to be discharged into the soakage trenches at the site. No further action.

24 Jul 2024 Update	332125-007 ENF-24529	Office Assessment	Non-compliance	New Plymouth District Council (9565)	R2/2046-3	EAC-25894 - Explanation Requested - Letter	No Further Action/Costs Recovered
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**Comments:** Self-notification was received regarding an unauthorised discharge of wastewater from the New Plymouth District Council operated wastewater treatment system at Urenui Beach Motor Camp, Beach Road, Urenui. It was found that during April 2024, the volume of wastewater discharged into the soakage trenches was in contravention of resource consent conditions on five occasions. A letter requesting explanation was sent and an explanation received. The responsible party applied for and have subsequently been granted a new resource consent that permits an increased volume of wastewater to be discharged into the soakage trenches at the site. No further action.

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 May 2024	332124-136 ENF-24473	Compliance Monitoring Insp.	Non-compliance	Jones Quarry Limited (30989)	R2/5124-2.1	EAC-25814 - Abatement Notice	Investigation Continuing

**Comments:** During routine compliance monitoring it was found that resource consent conditions were not being complied with at a quarrying operation at Mokau Road, Uruti. Investigation found that sediment laden stormwater (390 gm/m<sup>3</sup>) was being discharged in contravention of resource consent conditions (100 gm/m<sup>3</sup>). An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. A reinspection was undertaken on 15 July 2024 and although some works had been undertaken at the site, further works were required before the abatement notice is deemed to be complied with. A follow-up inspection will be undertaken after 30 September 2024. Investigation continuing.

29 May 2024	332125-001 ENF-24520	Annual Inspection	Non-compliance	Penelope Paul (76472)*Terry Michael Paul (3418)	R2/4693-2	EAC-25874 - Abatement Notice*EAC-25873 - Abatement Notice	Investigation Continuing
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**Comments:** During routine monitoring it was found that resource consent conditions were not being complied with at a poultry farm at Mountain Road, Inglewood. An inspection found that wash water from the chicken sheds was discharging to the Waiongana Stream, in contravention of the resource consent conditions. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. The abatement notice has been extended from 30 September 2024 to 30 October 2024 to allow for works to be completed. Investigation continuing.

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
26 Jun 2024	332125-010 ENF-24535	Compliance Monitoring Insp.	Non-compliance	OMV New Zealand Limited (21295)	R2/5997- 1.3*R2/6269- 1.2		No Further Action/Costs Recovered

**Comments:** During routine compliance monitoring it was found that resource consent conditions were not being complied with at the Pohokura Production Station at Lower Otaraoa Road, Tikorangi. An investigation found that contractors completing urgent works onsite failed to adequately control the discharge of Garnet onto the ground as a result of sand blasting operations. OMV failed in their duty to ensure processes and procedures were followed. The consent holder undertook an investigation and followed this up with a report sent out to staff and contractors highlighting the learnings from the incident. Given the high level of compliance normally shown on this site, as well as the steps taken to prevent re-occurrence, it is recommended that no enforcement action be taken in this instance. No further action.

27 Jun 2024	332124-152 ENF-24513	Compliance Monitoring Insp.	Non-compliance	South Taranaki District Council (9623)	R2/4566- 2*R2/5512-2.0	EAC-25898 - Abatement Notice*EAC-25897 - Abatement Notice*EAC- 25879 - Explanation Requested - Letter*EAC- 25877 - Explanation Requested - Letter	Investigation Continuing
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**Comments:** During routine compliance monitoring, it was found that a rock protection wall associated with a boat ramp was no longer functioning effectively as designed, in contravention of resource consent conditions at Bayly Road, Pungarehu. The responsible party has maintenance works planned to resolve this issue which will be carried out in conjunction with the upcoming boat ramp extension project. A visit is planned by Taranaki Regional Council staff to inspect the sea wall as it currently is and further action will likely be considered after 31 October 2024. A letter requiring explanation was sent, an explanation has been received and is being considered. Investigation continuing.



**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
8 Aug 2024	332125-017 ENF-24580	Chemical Sampling Survey	Non-compliance	Tasman Oil Tools Limited (10001)	R2/4812-2.1		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 an oil and gas equipment supplier at Paraitē Road, New Plymouth. An investigation found the concentration of suspended solids (140 g/m<sup>3</sup>) in the stormwater was higher than that permitted by resource consent conditions (100 g/m<sup>3</sup>). Tasman Oil Tools have advised that they will engage the services of a suitably qualified professional to review the site stormwater system with the view of undertaking works to improve offsite discharges. Completion of these works and an assessment of compliance against the resource consent conditions will be ascertained during routine compliance monitoring for the site. No further action at this stage.

13 Aug 2024	332125-011 ENF-24536	Compliance Monitoring Insp.	Non-compliance	Taranaki Trucking Company Limited (10081)	R2/5561-1	EAC-25909 - Abatement Notice	Investigation Continuing
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**Comments:** During routine compliance monitoring it was found that resource consent conditions were not being complied with at a clean fill site at Cardiff Road, Stratford. An inspection found unauthorised material including tyres, plastic containers and rusted steel were in the clean fill. An abatement notice has been issued requiring works to be undertaken to ensure compliance with resource consent conditions. Investigation continuing.

14 Aug 2024	332125-012 ENF-24538	Office Assessment	Non-compliance	Greenfern Industries Limited (72788)	R2/6558-1.1	EAC-25910 - Explanation Requested - Letter	Investigation Continuing
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**Comments:** Third party notification was received regarding resource consent conditions not being complied with at a hydropower generation facility at Normanby Road, Normanby. Investigation found that water being taken by the facility for hydropower generation purposes resulted in the residual flow within the Waingongoro River to drop below 3000 l/s in contravention of resource consent conditions. Analysis of data confirmed a number of short term breaches of the residual flow limit. The responsible party was spoken to and explained that the remote controlled valve for controlling flows into the intake at the site had failed and therefore the valve was required to be manually turned off. This caused a lag time for the system to be shut off, therefore causing flows downstream of the weir to drop below 3000 litres per second. Investigation continuing.

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Aug 2024	332125-033 ENF-24579	Compliance Monitoring Insp.	Non-compliance	Forest360 Limited (71366)	PA/20558-01		Investigation Continuing
<p><b>Comments:</b> During routine compliance monitoring it was found that the provisions of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 were not being complied with at a forest harvesting operation at Douglas North Road, Stratford. Inspection found that silt and sediment from the harvesting operation had discharged into an unnamed tributary of the Waitara River in contravention of the regulations. The inspection also noted unstabilised berms and batters, unarmoured water tables, ineffective silt traps and a silt trap failure. Issues identified on site were addressed the following day. Investigation continuing.</p>							
21 Aug 2024	332125-015 ENF-24582	Compliance Monitoring Insp.	Non-compliance	Value Timber Supplies Limited (30481)	R2/7338-1		No Further Action/Costs Recovered
<p><b>Comments:</b> During routine compliance monitoring it was found that resource consent conditions were not being complied with at a wood processing yard at Bristol Road, Inglewood. An inspection found a deceased calf had been dumped within the pit where wood waste is disposed of in contravention of resource consent conditions. The carcass was removed and a reinspection confirmed that resource consent conditions were being complied with. No further action.</p>							
22 Aug 2024	332125-014 ENF-24544	Compliance Monitoring Insp.	Non-compliance	Civil Holdings Limited (75295)	R2/1113-5.1		Investigation Continuing
<p><b>Comments:</b> During routine compliance monitoring it was found that resource consent conditions were not being complied with at a quarrying operation at Everett Road, Inglewood. An inspection found a sediment pond was turbid in colour and discharging into an unnamed tributary of the Kurapete Stream. Discolouration was observed within the receiving environment. Samples were taken and analysis of those samples confirmed an exceedance in the turbidity values in the resource consent. Investigation continuing.</p>							

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
2 Sep 2024	332125-023 ENF-24565	Annual Inspection	Non-compliance	Highgarth Trusts Partnership (4162)*Mark Tobeck (32071)	R2/1647-3	EAC-25953 - Abatement Notice	Investigation Continuing
<p><b>Comments:</b> During analysis of samples (16 September 2024), taken during the annual dairy inspection round (02 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Hastings Road, Stratford An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 11 October 2024.</p>							
3 Sep 2024	332125-018 ENF-24559	Advice & Information	Non-compliance	Greg McCallum (71331)	R2/0522-2	EAC-25942 - Abatement Notice	Investigation Continuing
<p><b>Comments:</b> During routine compliance monitoring it was found that resource consent conditions were not being complied with at Rainie Road, Ohawe. An inspection of a farm dam on the property determined that the resource consent to authorise the structure had expired and no replacement consent had been applied for. A conversation with the responsible party determined that the dam is no longer required. An abatement notice was subsequently issued requiring works to be undertaken to remove the structure. Investigation continuing.</p>							
4 Sep 2024	332125-022 ENF-24563	Annual Inspection	Non-compliance	Max & Carolyn Dravitzki (3297)	R2/3417-2.1	EAC-25951 - Abatement Notice	Investigation Continuing
<p><b>Comments:</b> During analysis of samples (16 September 2024), taken during the annual dairy inspection round (04 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Hurworth Road, New Plymouth. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 1 October 2024.</p>							

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
5 Sep 2024	332125-029 ENF-24574	Annual Inspection	Non-compliance	Maureen Nolly (1966)	R2/1631-3.1		Investigation Continuing
<p><b>Comments:</b> During analysis of samples (18 September 2024), taken during the annual dairy inspection round (05 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Bird Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 5 October 2024.</p>							
6 Sep 2024	332125-025 ENF-24568	Annual Inspection	Significant non-compliance	Alan Butler (35324)	R2/0364-3	EAC-25952 - Abatement Notice	Investigation Continuing
<p><b>Comments:</b> During analysis of samples (17 September 2024), taken during the annual dairy inspection round (06 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Manaia Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 October 2024.</p>							
6 Sep 2024	332125-019 ENF-24560	Annual Inspection	Non-compliance	Go 2 Milk Limited (30649)	R2/4090-2		No Further Action/Costs Recovered
<p><b>Comments:</b> During the annual dairy inspection round, it was found that resource consent conditions were not being complied with at Matthew Road, Waverley. An inspection found that cows were within the constructed drain associated with the farm dairy's effluent treatment and disposal system in contravention of resource consent conditions. The responsible party was spoken to who took immediate action to remove the animals and prevent further access to the system. A reinspection confirmed that resource consent conditions were being complied with. No further action.</p>							

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
9 Sep 2024	332125-028 ENF-24573	Annual Inspection	Non-compliance	Bushline Trust (2221)	R2/1784-4.0	EAC-25978 - Abatement Notice	Investigation Continuing
<p><b>Comments:</b> During analysis of samples (18 September 2024), taken during the annual dairy inspection round (09 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Rowan Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 25 October 2024.</p>							
9 Sep 2024	332125-026 ENF-24569	Annual Inspection	Non-compliance	Muir Farms Limited (20155)*Phill & Bronwyn Muir (12582)*Routh Carr Limited (20534)	R2/4733-2	EAC-25955 - Explanation Requested - Letter	Investigation Continuing
<p><b>Comments:</b> During analysis of samples (17 September 2024), taken during the annual dairy inspection round (09 September 2024), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Rawhitiroa Road, Eltham. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 October 2024.</p>							
11 Sep 2024	332125-024 ENF-24561	Annual Inspection	Non-compliance	Craig & Lucy Bradley (24505)*Estriver Farms Limited (25302)	R2/0515-3	EAC-25943 - Abatement Notice	Investigation Continuing
<p><b>Comments:</b> During the annual dairy inspection round, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Turangi Road, Motunui. Solids were observed to have accumulated within the second (aerobic) pond within the treatment system in contravention of resource consent conditions. An abatement notice has been issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection to take place after 31 October 2024.</p>							

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Sep 2024	332125-030 ENF-24576	Annual Inspection	Non-compliance	Kelvin Reeve (51281)	R2/1712-3	EAC-25959 - Abatement Notice	Investigation Continuing
<p><b>Comments:</b> During analysis of samples (20 September 2024), taken during the annual dairy inspection round (11 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Eltham Road, Riverlea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 18 October 2024.</p>							
11 Sep 2024	332125-031 ENF-24577	Annual Inspection	Non-compliance	Codylan Farms Limited (36519)*David Smith (55644)	R2/10321-1.0	EAC-25961 - Abatement Notice	Investigation Continuing
<p><b>Comments:</b> During analysis of samples (20 September 2024), taken during the annual dairy inspection round (11 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Rimutauteka Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 October 2024.</p>							
12 Sep 2024	332125-013 ENF-24583	Annual Inspection	Significant non-compliance	Bremer Brothers Partnership (20942)	R2/2126-2		Investigation Continuing
<p><b>Comments:</b> During analysis of samples (24 September 2024), taken during the annual dairy inspection round (04 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Manawapou Road, Hawera. An abatement notice was issued to cease and do not recommence the discharge of dairy effluent via the oxidation ponds to surface water until such time as resource consent conditions can be complied with. Reinspection to take place after 02 October 2024.</p>							

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Sep 2024	332125-021 ENF-24564	Annual Inspection	Non-compliance	Oaonui Flames Limited (29282)	R2/1442-3	EAC-25945 - Abatement Notice	Investigation Continuing

**Comments:** During the annual dairy inspection round it was found that the farm dairy effluent system was not operating within resource consent conditions at Hitona Road, Opunake. Inspection found that the first (anaerobic) pond was full and discharging overland into the second (aerobic) pond with a small volume discharging into the adjacent paddock. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 16 October 2024.

12 Sep 2024	332125-027 ENF-24571	Annual Inspection	Non-compliance	Mark Rowland (68360)	R2/1615-3	EAC-25950 - Abatement Notice	Investigation Continuing
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**Comments:** During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Pembroke Road, Stratford. Solids were observed to have accumulated within the second (aerobic) pond within the treatment system in contravention of resource consent conditions. An abatement notice has been issued, requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection to take place after 31 October 2024.

13 Sep 2024	332125-034 ENF-24584	Annual Inspection	Significant non-compliance	TC & KT Fleming Farms Limited (72511)	R2/1861-3	EAC-25976 - Abatement Notice	Investigation Continuing
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**Comments:** During analysis of samples (24 September 2024), taken during the annual dairy inspection round (13 September 2024), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions on Ihaia Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 25 October 2024.

**Compliance Monitoring – Non-compliances for the period 09 Aug 2024 to 19 Sep 2024**

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
13 Sep 2024	332125-020 ENF-24562	Annual Inspection	Significant non-compliance	PB & BA Duffy Family Trust (15450)	R2/1657-3	EAC-25944 - Abatement Notice	Investigation Continuing

**Comments:** During the annual dairy inspection round it was found that the farm dairy effluent system was not operating within resource consent conditions at Ihaia Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 16 October 2024.





**Date:** 15 October 2024

**Subject:** Report on Notified Consent - New Plymouth District Council Coastal Permit – Decision Required

**Author:** L Miller, Manager – Resource Consents

**Approved by:** A D McLay, Director - Resource Management

**Document:** 3310872

## Purpose

1. The purpose of this memorandum is to recommend that the Taranaki Regional Council (the Council) approve an application by New Plymouth District Council (NPDC) to erect a replacement bridge and a hard protection structure (rock revetment), and any associated occupation of coastal space, disturbance to the foreshore and seabed, and discharge of sediment (consent application 11174-10).

## Recommendations

That Taranaki Regional Council:

- a) receives this memorandum
- b) approves the consent application 11174-1.0
- c) determines that this decision be recognised not significant in terms of section 76 of the Local Government Act 2002
- d) 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

2. On 20 October 2023, Tonkin & Taylor Limited lodged an application on behalf of the NPDC, to erect a replacement bridge and a hard protection structure (rock revetment) to support a shared pathway for public access to a reserve. An application for the same structures was also lodged with the NPDC's planning team.
3. Only the main part of the bridge (not the abutments), and the section of the rock revetment structure located within the Whenuariki Stream, are in terms of the Resource Management Act located within the Coastal Marine Area (CMA) i.e. below mean high water springs. The CMA boundary is located upstream from the coast.
4. As both structures straddle the CMA, the applicant also required a land use consent from NPDC.

5. The applicant requested that the application be publicly notified (in accordance with section 95A(3)(a) of the RMA). The application was publicly notified on 4 May 2024, with the submission period closing on 31 May 2024. This was a joint process between Taranaki Regional Council and NPDC. Notice was served on a total of 14 people, including individuals and organisations.
6. A total of 2 submissions were received. Of the 2 submissions, 1 was in support of both applications, and 1 was in opposition to both applications.
7. On 9 August 2024, the submitter in opposition withdrew their request to be heard at a hearing. On 13 August 2024, the submitter in support also withdrew their request to be heard at a hearing. Therefore, under delegations in place the decision must be made by the Taranaki Regional Council Operations & Regulatory Committee. Officer's reports on the applications were jointly prepared by this Council and independent consultants working for NPDC.

### Issues

8. In order to align the consenting process, the applicant requested that this application be publicly notified.
9. As noted above, 2 submissions were received, one in support, and the other in opposition. The points raised in both submissions have still been given regard to as part of the assessment.
10. An assessment of environmental effects has been undertaken. Overall, any adverse effects are considered acceptable and can be appropriately managed by consent conditions.
11. In order to address the main effects associated with the proposed activity, recommended consent conditions require the applicant to: submit an Erosion and Sediment Control Plan (for certification by the Council); undertake the works in accordance with the Penguin Management Plan (already provided to the Council); and provide confirmation that the structures have been installed in accordance with good engineering practice.
12. Recommended consent conditions also require the applicant to continue to monitor the structures and the surrounding area following completion of works.

### Options

13. The options that the Council has are to either approve the application or not approve it.

### Significance

14. In terms of the *Significance and Engagement Policy*, the decision is determined as not significant as:
  - the decision does not affect a large number of residents and ratepayers to a moderate extent
  - the consequences of the decision do not affect a small number of residents and ratepayers to a large extent
  - the decision does not have a history of generating wide public interest with the Taranaki region or New Zealand generally.

As such, further consultation and/or engagement is not considered warranted.

### Financial considerations—LTP/Annual Plan

15. 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**

16. 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**

17. 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. NPDC worked closely with Nga Mahunga and Ngati Tairi Hapu in the development of this proposal. No submissions from iwi/hapu were received on the application.

### **Community considerations**

18. 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**

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

### **Appendices/Attachments**

Document 3274158: [Officer report and recommended consent conditions](#)

**Officer Report for resource consent 11174-1.0**  
**(Pursuant to section 42A of the Resource Management Act)**

**To** Operations and Regulatory Committee  
**From** Kim Giles, Principal Planner, Resource Consents  
**Consent** 11174-1.0  
**Document No** 3274158  
**Date** 15 October 2024

**To erect a replacement bridge and a hard protection structure (rock revetment), and any associated occupation of coastal space, disturbance to the foreshore and seabed, and discharge of sediment**

**Activity type** Coastal Permit  
**Activity subtype** Structure – Access (Coastal)  
**Activity status** Discretionary

**Applicant** New Plymouth District Council

**Site location** Weld Road Recreational Reserve, Oākura  
**Grid reference(s)** 1679803E-5669588N  
**Catchment** Whenuariki  
**Recommendation** Grant with conditions  
Expiry: 1 June 2059

## **1. Purpose**

1. This report provides the Taranaki Regional Council (Council) officers' assessment of the application lodged by New Plymouth District Council (the applicant) against the provisions of the Resource Management Act 1991 (RMA).

## **2. Introduction**

1. The applicant wishes to improve and refine public access to, and through, Weld Road Recreational Reserve. The land is owned by The Crown but is administered by the applicant.
2. The foreshore at Weld Road Beach is a part of the 10 km long Oākura Coast Trail which follows the coastline on either side of the site. Frequent poor weather events have caused coastal inundation to the beach at the site, creating significant public safety and access issues. In 2022, this was exacerbated by a storm causing severe damage to the existing bridge across the Whenuariki Stream.
3. As a result, informal walking and cycling trails have developed within the reserve, which have damaged Hauranga Pā and exposed archaeological features.
4. On 20 October 2023, Tonkin & Taylor Limited ("the agent") lodged an application on behalf of the applicant, to erect a replacement bridge and a hard protection structure (rock revetment) to support a shared pathway for public access to the reserve.
5. An application for the same structures was also lodged with the New Plymouth District Council's planning team.
6. A request for further information was made on 12 December 2023, in accordance with section 92 of the RMA. The request asked for a penguin management plan, and also clarification regarding:
  - the part of the structure located within the coastal marine area (CMA);
  - the landscape and visual effects assessment; and
  - bridge engineering details.
7. A partial response was received on 12 February 2024, while the remainder of the information was received on 11 March 2024.
8. The application was publicly notified on 4 May 2024, in response to a request made by the applicant. Public notification was requested in order to align the consent process with that of New Plymouth District Council (i.e. joint notification).
9. A detailed description of the application is provided in Section 4 of this report.
10. The applicant seeks consent for a duration of 35 years.
11. This report contains my assessment of the application under the RMA, including my recommendation that the consent be issued for a duration of 35 years, subject to conditions.

## **3. Background**

12. Hauranga Pā was once a large, heavily populated pre-European Māori settlement in the Taranaki region. As a result, some archaeological features still remain within the site.
13. The foreshore of Weld Road Beach, adjacent to Hauranga Pā, forms part of the 10 km Oākura Coast Trail (a scenic walking and cycling route), which is of high community value.

14. In recent years, there has been an increased frequency of inundation, often leaving debris on Weld Road Beach in periods of high tide or storm surges. This means the foreshore is often unsuitable for access by the general public, which leads people to gain access through Hauranga Pā instead. As a result, informal walking and cycling trails have developed within the pa site, which have caused damage to archaeological features within the site, and exposure of in-situ artefacts.
15. In order to address this issue, the applicant has previously installed signage and fencing to try and prevent the public from accessing the pa site, while also working on a long-term solution.
16. After exploring a number of design options, the applicant now proposes a solution in the form of a bridge (to replace the one badly damaged in 2022), and a shared pathway structure around the pa site.

#### **4. The proposal**

17. As outlined in the application, there are two main components to the proposal; the rock revetment structure (shared pathway) and the replacement bridge.
18. Although a general overview of the whole project is given below, it should be noted here that the structures that form part of this assessment are:
  - the part of the revetment structure that is located within the CMA, and
  - the bridge that is located over the CMA.

##### **4.1 Rock revetment structure**

19. The purpose of the proposed revetment structure is to create a shared pathway linking Lower Weld Road to Lower Ahu Ahu Road (via the replacement bridge). The revetment will begin at the sand ramp located at the Lower Weld Road carpark to the west, wrapping around the headland, and then connecting to the proposed bridge over the Whenuariki Stream (Figure 1). This will provide safe and easy access along the foreshore, as well as providing protection for Hauranga Pā.
20. The proposed revetment structure will be approximately 140 m long and approximately 12 m wide, however the lower part of the structure will typically be below the beach sand level. It will have a gradient of 1V:2H and comprise of locally sourced armour rock. The revetment will be steepened to 1V:1.5H along the Whenuariki Stream to reduce the hydraulic impact to the stream. The toe will be keyed into the lahar bedrock by 1 m, and the crest will be at a height of 3.4 m RL (reduced level<sup>1</sup>). A 2 m wide concrete pathway will be embedded into the top of the revetment (on the inland side) at a height of 2.9 m RL.
21. The application states that the design reflects a balance between an acceptable degree of wave overtopping and reducing visual impacts associated with the overall height of the pathway. Specifically, medium levels of overtopping are unlikely under present conditions, however with beach lowering such events may coincide with the 1-year ARI water level. As a result, public use of the pathway during stormy conditions at higher tides is not assumed, and instead it is considered a ‘fair weather’ structure.

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<sup>1</sup> The elevation of a point relative to mean seal level.

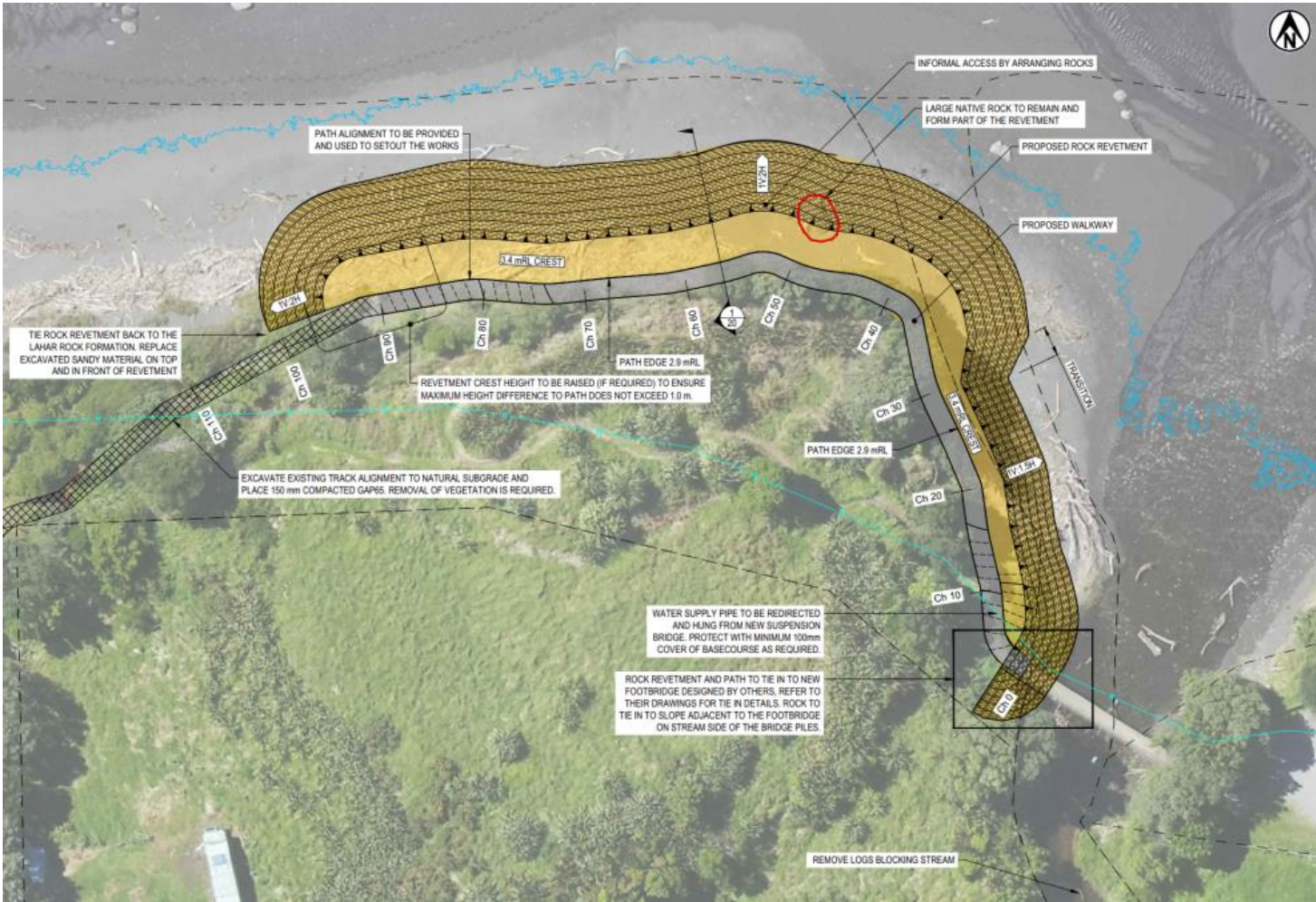


Figure 1: Plan showing proposed revetment structure

#### 4.1.1 Construction methodology (revetment structure)

22. Construction of the revetment structure requires excavation of approximately 1,150 m<sup>3</sup> of existing beach material. Approximately 1,400 m<sup>3</sup> of fill material will be required for the structure itself. Removal of coastal vegetation and trimming of some trees around the headland will also be required. The maximum area of vegetation clearance is approximately 240 m<sup>2</sup>.
23. A preliminary design report and drawings were provided with the application (Appendix C). A detailed construction methodology will be prepared by the approved contractor, however for the purposes of this application, the general sequencing and methodology is outlined below:
- 1) Lower Weld Road carpark will be used as a construction laydown area (alternative public access will be provided), with rock and other materials being stockpiled in this area and taken to the works area by Moxy truck along the foreshore;
  - 2) Construction vehicles will access the foreshore via an existing pedestrian access point over the dunes, which will need to be widened (including some vegetation clearance);
  - 3) Vegetation clearance and tree trimming will be undertaken via two different methods i.e. digging and removal, or trimming;
  - 4) Existing beach material and part of the Whenuariki streambed will be excavated (to allow for placement of the revetment structure);
  - 5) The slope will be regraded with supplementary granular fill, if required;
  - 6) The toe will be keyed into the lahar bedrock below, and geotextile will be installed behind the rock armour;
  - 7) Informal 'steps' (via strategic placement of components) may be created part way along to provide for access down to the foreshore;
  - 8) Excavated sandy material will be replaced in front of the structure.
  - 9) Following completion, any excess excavated beach material will be distributed back onto the Weld Road Beach foreshore.
24. Construction of the revetment structure is likely to take approximately 3-4 weeks to complete, which takes into account the need to work around the tides and sea conditions. Construction will only be undertaken during low tide, and machinery will not be refuelled on the beach, or stored on the beach overnight. The works will also be timed to avoid key avifauna breeding, nesting and moulting seasons.
25. Following completion, the applicant proposes to undertake a formal inspection by a chartered engineer once every two years. The structure will also be visually inspected following significant storm events, and any rocks that may have moved during these events will be replaced, if required.

#### 4.2 Replacement bridge

26. The bridge proposed as part of this application, is to replace an original bridge (circa 2000) that was badly damaged in a storm event in 2022. A preliminary concept design drawing has been provided with the application (Appendix D), however the application states that detailed design and construction methodologies will be provided at a later date by a bridge specialist company. The location of the bridge is shown in Figure 2.
27. The preliminary design plan increases the bridge length allowing the eastern abutment to be relocated approximately 1.5 m east of the original bridge. The deck of the bridge will be raised by approximately 0.7 m at the abutments, and the deck will be flat. As the original deck had a sag of up to 0.8 m, the deck of the new bridge may be up to 1.5 m higher in the middle. The proposed length of the bridge is approximately 21 m.



28. The deck of the bridge will be 5 m RL, therefore the freeboard from the deck to the 1 in 25-year Serviceable Limit State (SLS) event is approximately 1.52 m. Depending on the thickness of the deck (to be confirmed in detailed design), this is anticipated to meet the 1.2 m minimum freeboard required by the Waka Kotahi bridge manual<sup>2</sup>.
29. The bridge will require raised approaches to tie back into the carpark (east end), and the revetment pathway (west end). Based on a 1V:9H gradient, this will require boardwalk ramps of approximately 10 m to the east, and 19 m to the west, to tie into existing levels. The area of earthworks associated with construction of the bridge i.e. for the approach ramps and abutments on either side, is approximately 150 m<sup>2</sup>. The volume of earthworks is approximately 14 m<sup>3</sup>.
30. On the eastern side of the Whenuariki Stream, a corridor of trees and scrubs (approximately 28 m<sup>2</sup>) will need to be trimmed or removed. Additionally, approximately 80 m<sup>2</sup> of grassland will be impacted, most of which will be reinstated following completion of works. No tree trimming is anticipated on the western side of the stream, however approximately 70 m<sup>2</sup> of grassland will be affected.

#### 4.2.1 Construction methodology (bridge)

31. A Construction Method Statement has been provided with the application (Appendix E). However for the purposes of this application, the general sequencing and methodology is outlined below:
  - 1) Lower Ahu Ahu Road carpark will be used as a construction laydown area (alternative public access will be provided) with materials being stockpiled in this area;
  - 2) Removal and/or trimming of some trees and coastal scrubland vegetation will be undertaken on both sides of the Whenuariki Stream;
  - 3) The existing pōhutukawa tree on the eastern bank will be retained, but cutting and removal of dead roots may be required (to be confirmed by an arborist);
  - 4) A 'no go area' will be observed in order to reduce surrounding vegetation damage;
  - 5) The excavator will follow the formed tracks, access to the stream is not anticipated;
  - 6) A service check will be undertaken prior to excavations;
  - 7) Silt fences will be installed around excavation areas;
  - 8) Following excavation, concrete will be poured for the anchor blocks and then backfilled;
  - 9) Pile holes will be drilled and the timber posts installed with concrete (no concrete will be pumped over the stream or within 4 m of the stream);
  - 10) Existing tree roots may be backfilled with onsite material (sand/ash).
32. The Whenuariki Stream is highly dynamic, therefore the banks may need to be temporarily trained using sandbags/bunding to prevent the stream from encroaching on the works site.
33. As with the revetment structure, works will only be undertaken during low tide, and not during wet weather conditions. Machinery will not be refuelled on the beach, or stored on the beach overnight. The works will also be timed to avoid key avifauna breeding, nesting and moulting seasons.
34. Construction is expected to take approximately 3-4 weeks.

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<sup>2</sup> Waka Kotahi NZ Transport Agency (May 2022). *Bridge Manual SP/M/022, Third edition.*

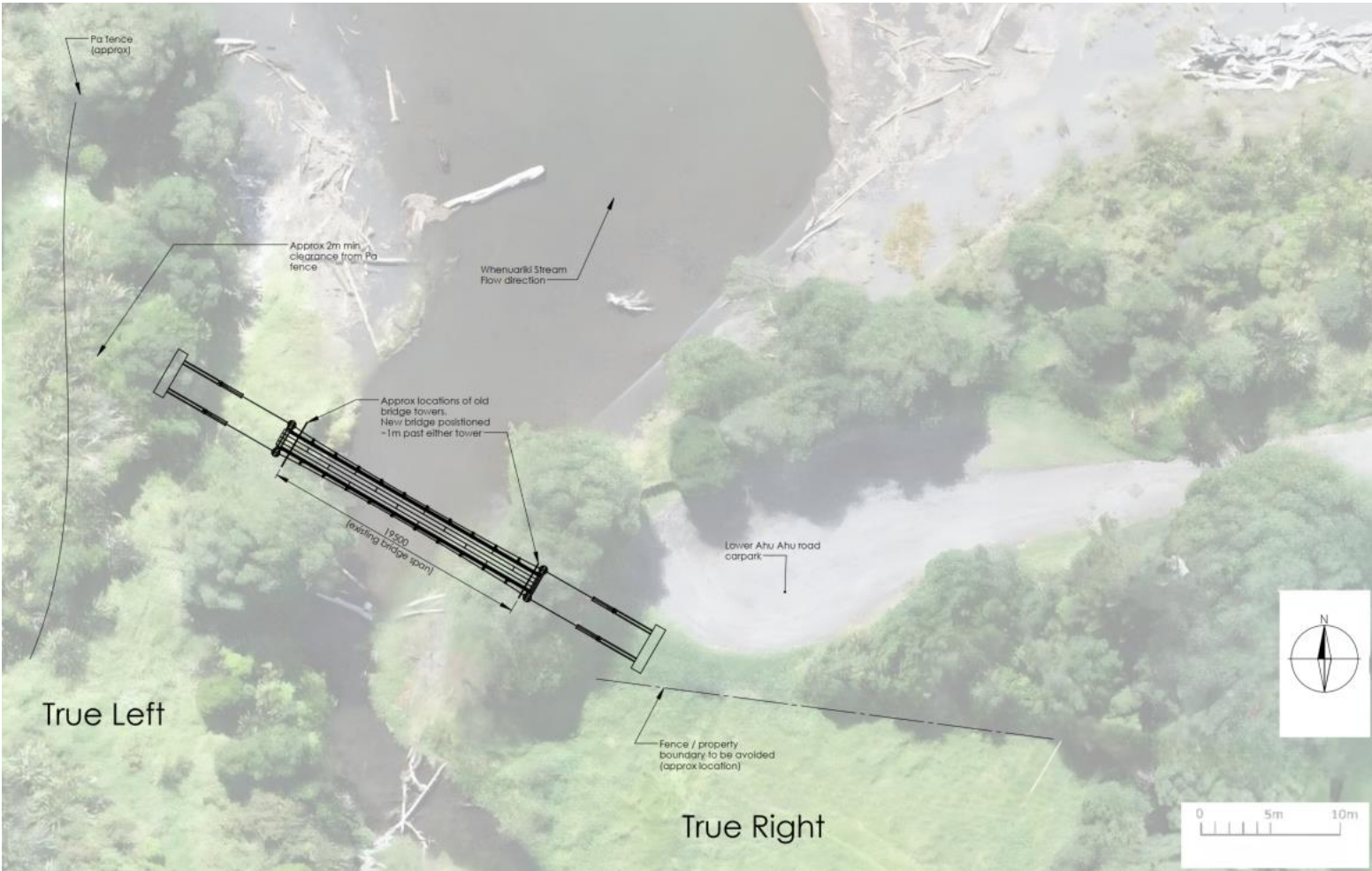


Figure 2: Location of the proposed bridge

## 5. Existing environment

35. The subject site is adjacent to Weld Road Recreational Reserve, located near the Oākura township, approximately 10 km southwest of New Plymouth (Figure 3). The reserve is situated on the coast and bordered by the Timaru Stream (west) and the Whenuariki Stream (east). The surrounding land use is predominantly rural farmland.
36. The site is classified as recreation reserve under the New Zealand Gazette, No 34 (17 March 1983). The underlying title of the reserve identifies it as Crown Land, but it is administered and maintained by NPDC under the Reserves Act 1977.



Figure 3: Site location

### 5.1 Coastal marine area

37. The foreshore at the subject site is primarily sand-covered, with medium sized rounded pebbles located closer to the sea. It is often covered with driftwood and vegetation of varying sizes, and several large boulders are located at the eastern end of the beach.
38. The CMA is defined in the *Coastal Plan for Taranaki* (CP) as:  
*the foreshore, seabed, and coastal water, and the air space above the water:*
- (a) *of which the seaward boundary is the outer limits of the territorial sea;*
  - (b) *of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point will be whichever is the lesser of:*
    - (i) *one kilometre upstream from the mouth of the river; or*
    - (ii) *the point upstream that is calculated by multiplying the width of the river mouth by five.*
39. The Taranaki coastline is highly dynamic, therefore beach sand levels and the alignment of river/stream mouths vary greatly over time. As a result, the line of mean high water springs (MHWS) also moves over time. The CP provides an 'indicative CMA line', however it is acknowledged that this line is only a snapshot in time.

40. For the purposes of this application, the agent has provided a plan showing the approximate location of MHSW (Figure 4). This is based on sand level data collected from a beach survey undertaken in April 2021.



Figure 4: Approximate location of MHSW shown by the blue line

41. Using the definition above, Figure 5 demonstrates that only a small section of the proposed revetment structure is located within the CMA.

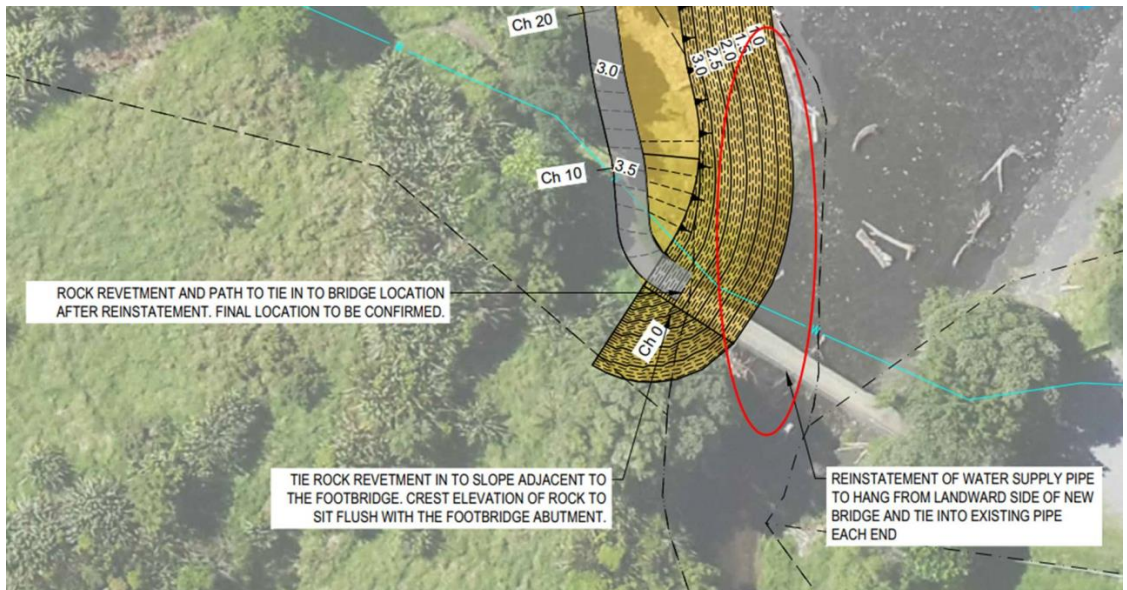


Figure 5: Aerial image showing part of the revetment structure located within the CMA.

## 5.2 Landscape character

42. The Landscape and Visual Effects Assessment (LVEA) provided with the application (Appendix H) states that the area comprises a generally modified agricultural landscape with remnant dune systems located between MHWS and low cliffs. Although there has been modification of the landscape, the beach and dune systems with associated vegetated cliff edges provides a strong sense of natural character (Figure 6).



Figure 6: Photo looking north with Weld Road Reserve to the right

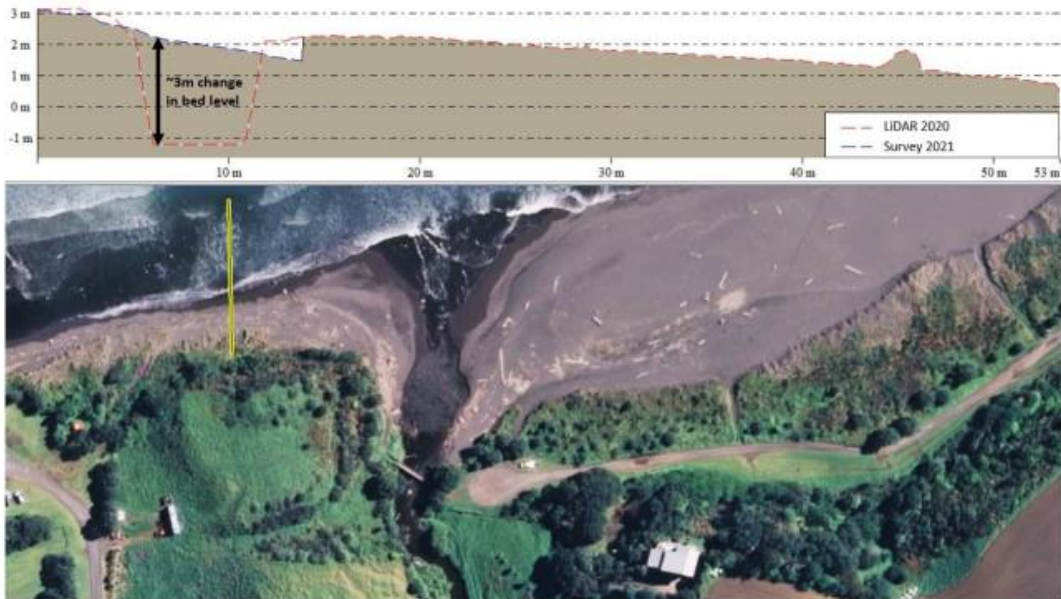
43. The LVEA states that the streams are characterised by natural elements, processes and patterns such as highly dynamic sand, the ebb and flow of the tides, and the periodic appearance of wading birds. The containment of views within the creeks by the fringing vegetation increases perceptions of natural character.
44. The Inventory of coastal areas of local or regional significance in the Taranaki Region (January 2004) identifies Ahu Ahu, Weld and Timaru Road Beaches as having high amenity, recreational, and cultural/historical values, and excellent access. It describes the area as having wide sandy beaches backed by small dunes, with offshore cobble and boulder reefs.
45. A Regional landscape study of the Taranaki coastal environment was undertaken to feed into the development of the CP. The study identifies areas of high and outstanding natural character, and outstanding natural features and landscapes, within the Taranaki coastal environment.
46. The study was undertaken to meet Policies 13 and 15 of the New Zealand Coastal Policy Statement (NZCPS), and was done on a regional scale. The assessments of natural character and natural features and landscapes are related to scale, meaning that the coastal environment can be perceived as having different levels of natural character at different scales. As a result, an area assessed as outstanding at a district scale may not be considered to be outstanding at a regional scale, and vice versa.
47. For the purposes of the study, the Taranaki coastline was divided into 12 coastal units through landscape characterisation. The subject site is located in Coastal Unit 6, Oākura River to Hanganatāhua (Stony River), which is described as comprising lower

relief cliffs up to 5 m in height with a narrow and patchy frontal dune system wedged up against the cliff face.

- 48. Although the area can be described as having a high degree of natural character, it is not identified in the CP as being an area of outstanding natural character, nor does it contain any outstanding natural features or landscapes.

**5.3 Coastal processes**

- 49. The Coastal Processes Effects Assessment (CPEA) provided with the application (Appendix G), states that lidar data captured in 2016 shows that the Weld Road Reserve headland is located approximately 10 m above the surrounding beach levels.
- 50. Waves approaching the Taranaki coast from the west are dominated by long period swell waves and locally generated storm waves. While the offshore wave climate is relatively large, wave focusing over shallow offshore reefs result in wave breaking energy dissipation that reduces wave heights that reach the coastal edge.
- 51. Sand and gravel is present along much of the surrounding coastline, though levels fluctuate depending on sediment supply. Historic photos viewed by the agent indicate the Ahu Ahu and Weld Road beaches were devoid of sand and characterised by boulders in the 1950s. Based on observations and comparison of satellite imagery it is apparent that the stream mouths each side of the headland fluctuate over time and this significantly influences the surrounding beach levels.
- 52. During a 2020 beach survey, it was evident that the Whenuariki Stream wrapped around the toe of the headland, whereas during a 2021 survey, the Whenuariki Stream was discharging in a northward orientation (Figure 7). This indicates that depending on where the stream mouth is positioned, the bed levels around the headland can show up to 3 m of variation.
- 53. As a result, the subject site is considered a dynamic coastal environment with significantly variable beach levels.



**Figure 7: Cross section of the 2020 and 2021 elevation survey showing the change in bed level in front of the headland.**

#### **5.4 Streams**

54. The foreshore of Weld Road beach is bordered by two freshwater streams, the Whenuariki and the Timaru. Both streams originate from the Pouakai Range in Te Papakura o Taranaki (Egmont National Park), and are fed by tributaries along the southern side of the Kaitake Ranges.
55. Observed flow characteristics within the Whenuariki Stream were slow runs and pools. Where the stream mouth of the Timaru Stream flows out through the beach, it is considered to be an estuarine environment. Timaru estuary is mostly open to the sea but can become restricted during period of low flow. Upstream of the estuary, the flow characteristics were also slow runs and pools.
56. As discussed above, historical investigations indicate that the mouths of both streams naturally fluctuate over time, rapidly removing or contributing sediment which can significantly influence the surrounding beach levels by several metres.

#### **5.5 Ecology and vegetation**

57. A near shore reef located adjacent to part of the project site (for the revetment structure) is identified in the CP as an area of significant indigenous biodiversity.
58. An Assessment of Ecological Values and Effects (AEcE) was provided with the application (Appendix F). The document states that the coastal vegetation around the site is highly modified, and comprises of treeland/duneland species such as pōhutukawa, puka, karo, puahou with exotic grass, rank pasture and herbaceous species interspersed with duneland complex. Herekawe is also present.
59. A total of 12 terrestrial bird species were identified from online records and/or observed during site visits. No lizards were observed on site, however potential lizard habitat has been identified within the periphery of the Whenuariki Stream.
60. A total of 11 exotic and native/naturalised bird species (including seabirds and waders) were identified from online records and observations, including Reef Heron, New Zealand Dotterel, Common-Diving Petrel, Blag Shag and Red-billed Gull.
61. Kororā (Little Blue Penguin) may also be present within the pathway and bridge sites and/or the surrounding area, given the available habitat and historical presence of these species in the area. The shoreline between the Oākura River and Unnamed Stream 58 is also identified on the Council's Biodiversity mapping information as being a hotspot area for Kororā (Figure 8).



**Figure 8: Aerial map illustrating Little Blue Penguin hotspot (dark blue hatched area).**

62. Marine invertebrates including bivalves, gastropods, molluscs, echinoderms, and crab species have been identified within the site. No invasive or disturbance tolerant species of benthic ecology were observed.
63. A visual assessment identified that instream habitat diversity was limited within the lower tidal sections of both the Whenuariki and Timaru Streams. Substrates comprised of fine substrates/coarse sand, and undercutting of the banks/woody debris (including large logs) provided habitat for freshwater fauna. The riparian margins of both streams were dominated by native/exotic treeland with a sparse understory of native and exotic grasses, sedges and ferns, and harakeke.
64. Potential inanga spawning habitat was located upstream of the Whenuariki Stream mouth, within the wider bridge project site, however no habitat was identified directly within the location of the bridge or the revetment structure. Kōura (freshwater crayfish) were identified within both the Whenuariki and Timaru catchments.

## **5.6 Cultural landscape**

65. The reserve is located within the rohe of Taranaki Iwi, and the area is of significant historic and cultural value to Ngā Mahanga and Ngāti Tairi Hapū. Hauranga Pā is also considered a waihi tapu (sacred place or site).
66. The Whenuariki and Timaru Streams (and their tributaries) are statutory acknowledgements of Taranaki Iwi.
67. The wider site includes several 'sites of significance to Māori', identified in the CP (Figure 9). The sites shown below include Hauranga Pā, Huranga pūkawa, and the Timaru Stream.



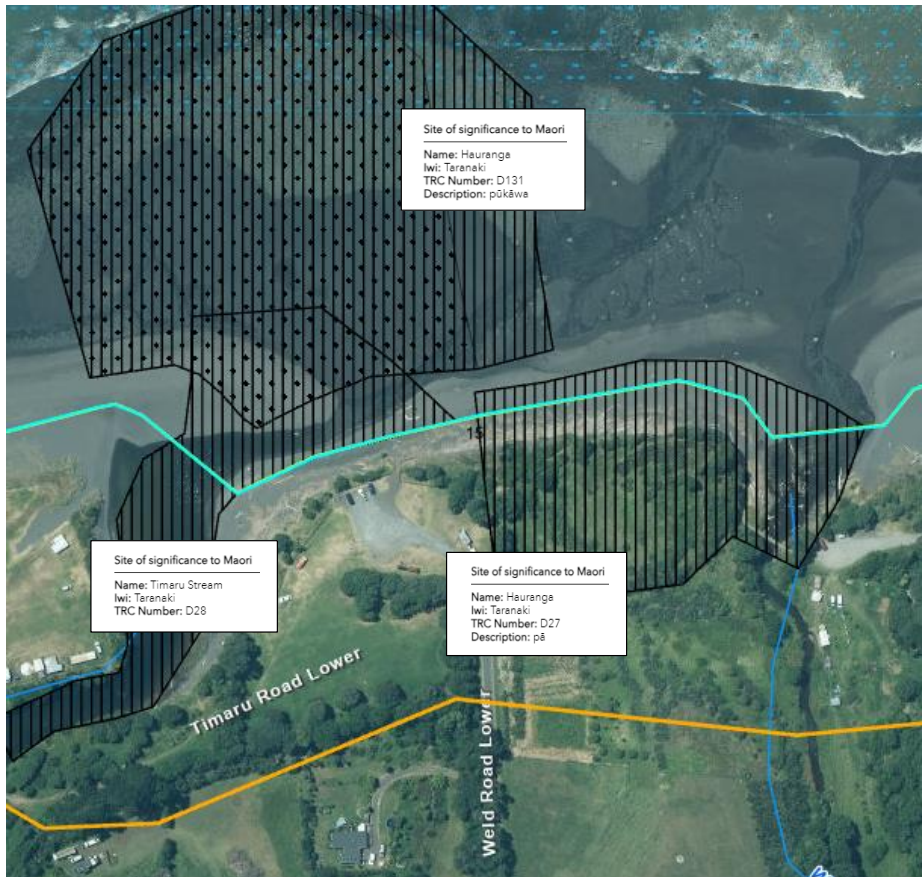


Figure 9: Sites of significance to Māori identified in the CP

## 5.7 Recreation

68. Access to the foreshore of Weld Road Beach for recreational purposes is highly valued by the community as it is part of the Oākura Coast Trail, and used by motorbikes, mountain bikers, horse riders, and walkers (primarily during low tide).
69. A Coastal Processes Effects Assessment (CPEA) provided with the application (Appendix G) states that the surf break at Weld Road is used by a wide range of board sports that include surfers, kite surfers, and wind surfers. The wave is favoured for its protection from prevailing southwest winds and offshore conditions around these times. The wave is mostly surfed on mid to low tides, and as wave heights increase and the breaking extent enlarges offshore, the majority of waves ridden become 'reformed' waves.
70. The Weld Road (Hauranga) surf break, and the nearby Ahu Ahu Road (Oraukawa) surf break, are also identified in the CP as regionally significant.

## 6. Consultation

71. The applicant has undertaken extensive consultation with a number of stakeholders since the early stages of the project, including site visits, hui, email communications, targeted surveys, and media releases.
72. Parties that were consulted with include:
- Ngā Mahanga hapū
  - Ngāti Tairi hapū
  - Oākura Pa Trustees
  - Department of Conservation (DOC)
  - Heritage New Zealand Pouhere Taonga (HNZPT)
  - Neighbouring landowner - Jason and Nicole Andrews of 385 Ahu Ahu Road
  - The local community
73. Following lodgement, the Council informed Maritime New Zealand (MNZ) of the application. MNZ responded on 1 November 2023 stating that they have no navigation safety concerns.
74. As the proposed activity is in the rohe of Taranaki Iwi, the Council also sent a copy of the application to them in accordance with agreed procedure. No return correspondence was received as of the requested response date, or as of finalising this report.

## 7. Planning matters

### 7.1 Resource Management Act 1991

75. Section 12 of the RMA relates to restrictions on use of coastal marine area, and is therefore relevant to this consent application. Its states:
- (1) *No person may, in the coastal marine area,—*
- (a) *reclaim or drain any foreshore or seabed; or*
  - (b) *erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or*
  - (c) *disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or*
  - (d) *deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; or*
  - (e) *destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or*
  - (f) *introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed; or*
  - (g) *destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage—*

*unless expressly allowed by a national environmental standard, a rule in a regional coastal plan as well as a rule in a proposed regional coastal plan for the same region (if there is one), or a resource consent.*

- (2) *No person may, unless expressly allowed by a national environmental standard, a rule in a regional coastal plan or in any proposed regional coastal plan for the same region, or a resource consent,—*
- (a) occupy any part of the common marine and coastal area; or*
  - (b) remove any sand, shingle, shell, or other natural material from that area.*
- (3) *Without limiting subsection (1), no person may carry out any activity—*
- (a) in, on, under, or over any coastal marine area; or*
  - (b) in relation to any natural and physical resources contained within any coastal marine area,—*

*in a manner that contravenes a national environmental standard, a rule in a regional coastal plan, or a rule in a proposed regional coastal plan for the same region (if there is one) unless the activity is expressly allowed by a resource consent or allowed by [section 20A](#) (certain existing lawful activities allowed)...*

## **7.2 Coastal Plan for Taranaki 2023**

76. The *Coastal Plan for Taranaki* (CP) details objectives, policies and rules in relation to management of the coastal environment in Taranaki. The proposed CP was notified in February 2018 and became fully operative on 4 September 2023.
77. The placement or erection of a hard protection structure and the associated occupation of coastal space, disturbance of the foreshore or seabed, and discharge of sediment, is a discretionary activity under Rule 27 of the CP. There is no permitted activity rule for the placement or erection of a hard protection structure within the CMA.
78. The placement or erection of a bridge structure and the associated occupation of coastal space, disturbance of the foreshore and seabed, and discharge of sediment, is a discretionary activity under Rule 38 of the CP. There is no permitted activity rule for the placement or erection of a bridge structure within the CMA.
79. Overall, the application is assessed as a discretionary activity.

## **8. Notification**

80. The applicant requested that the application be publicly notified (in accordance with Section 95A(3)(a) of the RMA).
81. The application was publicly notified on 4 May 2024, with the submission period closing on 31 May 2024. This was a joint process between the Council and the New Plymouth District Council (NPDC). Notice was served on a total of 14 people, including individuals and organisations.
82. A total of 2 submissions were received. Of the 2 submissions, 1 was in support of both applications, and 1 was in opposition of both applications.
83. On 9 August 2024, the submitter in opposition withdrew their request to be heard at a hearing. On 13 August 2024, the submitter in support also withdrew their request to be heard at a hearing. Therefore, a decision can be made by the Council's Operations & Regulatory Committee (without the need for a hearing).

**9. Submissions**

84. A summary of the submissions is provided in Table 1 below.
85. The points raised in both submissions have still been taken into consideration as part of this assessment.

**Table 7: Summary of submissions**

Submitter	Stance	Submission details	Relief sought	Decision request	Request to be heard?
Clive Neeson	Support in whole or in part	<p>I make this submission on behalf of our local group of engineers, walkers, and cyclists who have worked voluntarily over 35 years to create the Oakura Coast Trail between Oakura and Fort St George as documented on:  <a href="https://www.facebook.com/OakuraCoastNatureTrail/">https://www.facebook.com/OakuraCoastNatureTrail/</a></p> <p>The trail constitutes the most popular exercise facility for Oakura, and also a link for locals and tourists to cycle onto Pukeiti Park via safe country roads.</p> <p>We have restored the surrounding environment along the trail from gorse/boxthorn to native bird habitat and spectacular natural beauty, winning an environmental award from TRC. Natural beauty is of highest priority and visual effects of the replacement Weld Rd link are therefore equally important to us.</p> <p>A safe link between AhuAhu Rd and Weld Rd (once a traffic bridge) has been in existence since living memory and is as vital to the Oakura Coast Trail as the Te Wera Wera bridge is to the NP coastal trail. We eagerly await reinstatement of this link for the sake of community physical/mental health, saving petrol, biking to school etc. and because it has always provided the vision and impetus to continuance of our environmental volunteer effort.</p> <p>Construction of the boardwalk and footbridge has been eagerly awaited and overwhelmingly advocated by public survey and councillor vote.</p> <p>Secondly, since the bridge and boardwalk consents have been combined, "no boardwalk" would mean "no bridge" which is a totally unacceptable scenario for which there seems to be no contingency plan.</p> <p>We therefore support not only the bridge/boardwalk construction but also all initiatives and precautions to mitigate its visual impact.</p>	Grant with amendments and/or conditions	<p>The "artists impression" shown in the "Landscape and Visual Effects Assessment" is three years old and shows the use of angular boulders (as opposed to rounded boulders of local natural character as specified). This confusing drawing may have elevated concern over visual effects.</p> <p>The artwork also shows the boardwalk height in relation to current sand levels. There is no mention that, six years ago the entire structure would have been barely visible because of the surrounding sand dune which was undermined by the recent diversion and conjoining of the two rivers. This may however be the long permanent state of the beach due to continued sand migration from the Stony River so that the drawing would visually represent the "worst case scenario" in terms of visual height of the rock structure.</p> <p>The armouring rocks shown in the drawing would seem too small and light to withstand dislodgement and rollaway due to strong river current scouring and large tree/log battering in NW storms which have been recorded on video during spring tides at this location. This may have also drawn concern regarding possible long-term change in visual effects, particularly as there seems to be no calculation and specification of rock size.</p> <p>Rock revetment structures have been visually and structurally acceptable throughout Taranaki, provided rocks are not dislodged over time. However, there have been cases of failure where rock displacement has impacted use and visual appeal of both the structure and of the beach itself. This can be avoided with sufficient specification of rock size, shape, arrangement and tight quality control of contractor works.</p> <p>I suggest NPDC proceed with construction but apply the appropriate budget, specification, contractor expertise and tight quality control of the construction process to address the visual impacts of concern and thereby ensure against visual and structural degradation in the long term.</p>	Y

		We have faith this can be done with adherence to appropriate design and construction specifications. (detailed below)		Further note in relation to construction window by penguin breeding season: Forty years ago, blue penguins were very numerous along the Oakura and Weld Rd coast. The population was decimated in the 1990s partly from a disease but mainly due to massive increase in off-lead dogs as evidenced by shredded carcasses which were commonly discovered whilst walking and planting along the coast trail. Today there are massively more dogs continually rummaging the beach at Weld Rd headland. The extremely rare penguins attempting to nest there have to my knowledge all been killed. This includes a penguin pair that tried to nest in front of my own property in Oakura and several times a day attracted dogs till they were eventually killed. Imposing a construction window at Weld Rd shows that TRC is very concerned about penguin survival but I suggest it pales into insignificance compared to the carnage from dogs which deserves far greater consideration and action.	
Sarah Smither	Oppose in whole or in part	<p>I live on Ahu Ahu Road and walk the beach most days and talk to my neighbours and regular users. Despite a statement from Renee Davies that “there was a fully public consultation process undertaken with local community”. Few were aware of the impending project or had only recently learned of it due to an article in the local magazine. Noone I’ve spoken to is supportive of the walkway being built.</p> <p>Some would like to see the bridge reinstated, however no one’s enjoyment of the beach has been impeded by its lack. After all it’s a bridge to nowhere – the Whenuariki stream is seldom deep and easily crossed. Surfers at Weld Road wade that river to get to the surf break so it seems most people accept the possibility of wet feet while at the ocean and river mouth!</p> <p>Bikers use the existing path and rd to ride from Oakura and back. Who is it who wants to cycle up weld rd and onto the highway? To make hazards of themselves.</p> <p>Your previous cycle count, taken from the motor camp, would have included my children as they biked to school, or went to the skate park, and as such provided false information and a perfect example of Mark Twain’s quote – “there’s white lies, damn lies and statistics”.</p>	Decline	<p>I ask the Council to reconsider this entire project, money already spent aside.</p> <p>The damage it will cause outweighs the convenience of a few people unable to remove their shoes.</p> <p>Recently up north (Otama Beach) I took friends to view the Shags nesting spot (has been there for 20 years – large Pohutukawa on edge of estuary). But trees and nests were abandoned – on asking locals the reason became clear – local roading contractors has used a lay-way not far from the trees as their staging area, and the constant movements of heavy machinery had scared them off.</p> <p>This same scenario will play out at Ahu Ahu and Weld Road. Driving off nesting shags who have recently increased in no. and the pairs of grey herons.</p> <p>Please consider shelving this project in a show of actual conservation, and respect for the environment.</p>	Y

	<p>I ask for what minority public funds are being spent? While rates rise and pot holes bloom, so my first reason for opposing resource consent is the spending of public money.</p> <p>My second reason for opposing resource consent is consent for this unique environment. Despite reports that “the area in question is not identified as having high natural character” (Coastal plan maps 2023). This tiny strip of sand between stream and cliff is value packed, close to the car park, sheltered from western/ southern winds and a rare provider of shade in the afternoon.</p> <p>Has Renee Davies, who rates the landscape effects of the proposed cutting of trees and heavy-handed placement of rocks and concrete – moderate, and the visual effects – very low, ever spent a summer day parked up with the family and friends at this much coveted spot?</p> <p>As for the squeaky wheel that has pushed for this project, it is common knowledge that Clive Neeson has a personal problem with the occupant of Hauranga Pā. (Racist or just envious of location?). The photo of Mr Neeson, posed in not a quite upright position, in water in the midst of a storm to demonstrate the impassability of the point at high tide, shows more his dedication to personal cause than to a hazard that he and his photographer survived! And goes against logic as one report states that “public use during stormy weather is not assumed”.</p> <p>However, Clive’s involvement seems fully backed by Council as he presumes to act as some sort of consultant – marking trees to cut etc. The Council supported the cutting of a track from the toilets at Weld Rd, exiting down the dune. This track has resulted in the dune’s erosion, where it had previously been stabilised by trees. The section on the seaward side now cut off, its foliage dying and foot traffic reducing it to shifting sand.</p> <p>This track is the only area public can possibly damage now, since the rest has been inaccessible for years. This site has looked after itself perfectly well for a long time, helped by its trees.</p>			
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		Pruning and removing Pohutukawa will only destabilise the cliff – making a reality of a hazard that has up til now only been hypothetical.			
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## 10. Assessment of Effects

86. Section 104(1)(a) of the RMA requires decision makers to have regard to the actual and potential effects of an activity.
87. It should be noted that, although this consent only relates to the bridge structure and the part of the revetment structure that is located within the CMA, the agent's assessment relates to the structures in their entirety. Therefore, the key parts of the applicants AEE have been summarised below, along with Council comments.
88. In some cases, Council comments identify situations where it is more appropriate to consider how the effects relate specifically to the part of the revetment structure being authorised by this consent.
89. The agents AEE states that the proposed activities have the potential to result in the following adverse effects on the environment:
- Construction effects;
  - Ecological effects;
  - Coastal process effects;
  - Natural character/landscape and visual amenity effects;
  - Archaeological effects;
  - Cultural effects.

### 10.1 Construction effects

90. A Construction Method Statement was provided with the application (Appendix E), which details the management measures that will be undertaken with regards to bridge construction. A Construction Management Plan (CMP) is expected to be prepared for the proposed revetment structure.
91. For public safety reasons, access to the Weld Road foreshore and Whenuariki Stream will be restricted during construction. The existing Lower Weld Road and Lower Ahu Ahu Road carparks will be closed and utilised as construction laydown areas. These will be clearly marked and fenced off to avoid public access risk. The restriction will be limited to the construction period, which is expected to be approximately 3-4 weeks for the revetment structure, and approximately 4-6 weeks for the bridge works.
92. The works will be undertaken during daylight hours, and in accordance with NZS 6803 Construction Noise Standards. The site is not located in proximity to residential dwellings.
93. All construction work will be undertaken around low tide, scheduled appropriately around suitable weather conditions, and machinery and materials will not be stored on the beach overnight. It will not be possible to lay protective matting on the foreshore (due to tidal windows), therefore moxy trucks will be used to reduce damage. There is potential for some unavoidable erosion and entrainment of sediment to occur as the tide comes in, however this is expected to be minor and will not cause a visible plume. Silt fences will be installed around the excavation areas to prevent the flow of sediment to water. An ESCP will also be prepared for the site.

#### **Council comments:**

94. The Council's Compliance Manager, Jared Glasgow, has reviewed the application and made the following comments:
- The proposed earthworks cover a small footprint, and the main risk is associated with the shared pathway works being undertaken on an exposed section of the coast;

- There is limited information regarding the process to control silt during the construction phase of the shared pathway, however this can be included in an ESCP that is provided to the Council for certification prior to commencement of works;
- Noting that the pathway will be exposed to wave action during poor sea conditions, I am particularly interested to see how the site will be managed during the construction phase – the applicant must be able to forecast and react if the site becomes inundated with a storm surge e.g. by utilising a stockpile of rocks to stabilise the area prior to such an event. This information should be included in the ESCP;
- Undertaking the works mostly within the summer months may aid in reducing the risk associated with poor weather conditions.

## 10.2 Ecological effects

95. The AEcE provided with the application (Appendix F) states that adverse effects associated with the installation of the proposed structures on ecological values could occur primarily through:
- Removal of approximately 240 m<sup>2</sup> of mixed native/exotic treeland, grassland, and dune land vegetation for the revetment structure;
  - Removal/trimming of approximately 28 m<sup>2</sup> of mixed native/exotic treeland, and removal of 150 m<sup>2</sup> grassland and shrubland and potentially some dune land vegetation for the bridge replacement construction (70 m<sup>2</sup> on the western bridge side, and 80 m<sup>2</sup> on the eastern side);
  - Potential injury and/or mortality of native fauna (avifauna, herpetofauna) during vegetation clearance and site works, including the loss of eggs and chicks if vegetation clearance is undertaken during bird breeding season;
  - Disturbance related effects on coastal birds, including effects on breeding/nesting and moulting species (penguins) and effects on food sources (intertidal habitat);
  - Potential injury and/or mortality of native freshwater fish during river diversion activities;
  - Effects on freshwater habitat diversity and condition through temporary modification as a result of construction activities potentially occurring in the Whenuariki Stream mouth;
  - Potential uncontrolled discharge of sediment laden water to the surrounding environment during works; and
  - Permanent change in the project site substrate from a soft sandy-beach habitat in the intertidal zone to a hard artificial structure (in relation to the revetment structure and associated pathway).
96. While most of the existing vegetation at the site is highly modified and heavily disturbed, some plant species are considered 'at risk' or 'threatened' e.g. pōhutukawa. In order to avoid and/or mitigate adverse effects such as decreased landscape and habitat connectivity, and recolonisation by exotic weedy species, the applicant proposes to physically delineate the footprint boundary and any vegetation to be retained; use appropriate construction methodology; and replant lost vegetation with the same or similar species.
97. In order to avoid and /or mitigate adverse effects on avifauna during site works, an Avifauna Management Plan (AMP) will be prepared which will include provisions such as:
- Scheduling vegetation clearance to avoid peak bird breeding/nesting season (September to March inclusive) – should such restrictions not be practicable, breeding and nesting bird surveys are proposed to undertaken by a suitably qualified ecologist prior to construction activities commencing;

- The use of noise/vibration deterrents prior to vegetation clearance;
  - The use of accidental discovery procedures for harm to 'at risk' and 'threatened birds'.
98. A Penguin Management Plan (PMP) is also proposed which will include provisions such as:
- Undertaking a penguin detection survey by a suitably qualified contractor prior to commencement of construction works;
  - Scheduling construction works to avoid coastal bird moulting timeframes (January to March), where practicable;
  - The use of accidental discovery protocols.
99. To date, no lizards have been observed at the location of the proposed structures, however habitat assessments and desktop data suggest that several species may be present across the wider project site. In order to avoid/mitigate any adverse effects on herpetofauna the applicant proposes to prepare a Lizard Management Plan (LMP) which will include provisions such as:
- Limiting vegetation clearance during warmer months when lizards are more active and easier to capture/can self-relocate;
  - The use of noise/vibration deterrents prior to vegetation clearance;
  - Mowing of rank and/or pasture grass to a long length to aid salvage or lizard dispersal, where practical.
100. A Wildlife Act Authority permit (WAA) will be acquired from the Department of Conservation (DOC) for the handling and relocation of lizards, and any manual destructive and machine-assisted salvaging will be undertaken by a suitably qualified ecologist.
101. In order to avoid and/or mitigate adverse effects on freshwater ecology (e.g. water and sediment quality, changes to hydraulic complexity of the Whenuariki Stream, impacts on freshwater fish community dynamics and migration), the applicant proposes to prepare an ESCP and a Freshwater Fish Management Plan (FFMP). The ESCP will aim to minimise the discharge of sediment laden water, and the FFMP will address the finding, capturing and relocating of fish which may be required. The FFMP will also confirm Īnanga spawning habitat upstream and ensure fish passage is provided for i.e. by maintaining a flowing channel.
102. Changes in hydraulic conditions are also part of riverine systems near coastal edges, although it is expected that once specific construction activities cease (after approximately 6 weeks), the Whenuariki Stream will naturally revert back to conditions similar to those existing before construction works.
103. Uncontrolled sediment discharge has the potential to impact benthic ecology, however undertaking works in accordance with the ESCP will minimise the discharge of sediment, including by avoiding working when the tide is high. The proposed revetment structure creates a permanent change in the surrounding substrate type of Weld Road Beach from a sandy, intertidal habitat to an artificial, hard-rock substrate. This change may impact food sources and foraging habitats for wading and coastal birds. However, the affected area is considered small when compared to the available surrounding coastal habitat.
104. Overall, based on the findings of the AEcE, availability of surrounding habitat, relatively short duration of construction works, and proposed management measures (including the AMP, PMP, LMP and FFMP which will be captured in an Environment Management Plan (EMP)), the adverse effects of the proposed structures on terrestrial, freshwater, and coastal ecology are considered no more than minor.

**Council comments:**

105. The Council’s Coastal & Marine Scientist, Jesu Valdes, reviewed the application and made the following comments:
- It has been identified that the works will take place in Kororā habitat (Nationally At Risk – Declining). Additionally, another 11 coastal bird species have been identified in the area, including: Reef Heron (Threatened – Nationally Endangered), Black Shag (Threatened – Naturally uncommon), Red-billed gull (Nationally at risk – Declining), Northern NZ Dotterel (Nationally at risk – Recovering) and Northern Diving Petrel (Nationally at Risk – Relict);
  - The application states that “*construction will be undertaken at low tide only. Construction works will be timed to avoid key avifauna breeding, nesting and moulting seasons, if possible, as well as the adverse weather conditions often experienced in the area throughout the winter months*”. The application also implies that it is only the Kororā’s moulting times that are critical to avoid;
  - My recommendation is to avoid working during breeding, nesting and moulting seasons of Kororā. Works should adhere to the “Coastal Structure Maintenance Guidelines for Blue Penguin<sup>3</sup>” and take place during the “penguin safe window” i.e. between April and May.
106. Following this, a request for further information was made<sup>4</sup> which asked that a Penguin Management Plan (PMP) be provided. The PMP<sup>5</sup> was received by the Council on 11 March 2024. It was prepared in consultation with and/or reviewed by the following experts/advisors:
- Rebekah Gee – New Plymouth Marine Biodiversity Ranger for DOC;
  - Conrad Pattison – Park Services Lead for NPDC;
  - Joanna Sim – Certified DOC penguin detection dog owner/trainer at DabChickNZ; and
  - Kat Smith – Ecologist (penguin specialist) at Tonkin & Taylor Ltd.
107. Ms Valdes has reviewed the PMP and is satisfied that if followed, any adverse effects on kororā will be appropriately avoided/mitigated. The PMP notes that, although the aim is to undertake works between April and June (to try and avoid the moulting and breeding season), kororā can be found onshore at any time of the year/day. Therefore, the project ecologist will make the final call as to when construction works will commence. It also states that, if pre-construction surveys identify kororā nests (with eggs or chicks) then 2-weekly monitoring will be undertaken by a suitably qualified ecologist, and a follow up survey (with a penguin dog) will be undertaken every 3 weeks. If pre-construction surveys identify kororā burrows then daily walkovers will be conducted. The recommended consent conditions require the applicant to undertake the works in accordance with the PMP.
108. The Coastal Structure Maintenance Guidelines have been prepared in relation to maintenance, minor alterations/extensions of existing structures. Although still relevant, the guidelines do not specifically provide for the construction of new structures as it may not be possible or practical, to undertake these works entirely within the penguin safe window.

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<sup>3</sup> Coastal structure maintenance – Guidance for planning works with regard to Kororā/Little Blue Penguins. Taranaki Regional Council, April 2022.

<sup>4</sup> In accordance with s92(1) of the RMA.

<sup>5</sup> Penguin Management Plan for Weld Road. Tonkin & Taylor Ltd, February 2024.

109. Although the submission received by Mr Neeson states that penguins attempting to nest in the project area have “all been killed”, no evidence has been provided to substantiate this.
110. The submission received by Ms Smither states that the proposed works will drive out “nesting shags (who have recently increased in numbers) and the pairs of grey herons”. In response to this, Ms Valdes visited the site on 12 July 2024 but found no evidence of nesting birds in the project area, including shags and herons. No nests or burrows were found in the vegetated areas around the proposed bridge and revetment structure. Any shags that were present at the time of inspection were drying their plumage on the rocks by the sea, and not roosting anywhere near the trees. Therefore in the opinion of Ms Valdes, there is no reason to believe that there will be any adverse effects on nesting shags and herons.
111. Ms Valdes stated that there is a risk of concrete and/or sediment discharges to the CMA which may result in adverse effects on ecology/marine biodiversity. These effects can be avoided by not pumping/pouring concrete over the water, or within 4 m of the Whenuariki Stream; not refuelling machinery on the beach; monitoring machinery for hydraulic oil leaks; and adhering to a certified ESCP.
112. The Council’s Senior Ecologist (terrestrial), Halema Jamieson, has also reviewed the application and stated that there are Oi (grey faced petrel) nesting in the near vicinity. Although not nationally threatened, they are significant and rare in Taranaki (which is known to be the southernmost nesting area on the west coast of the North Island). Given the measures proposed by the applicant, Ms Jamieson is satisfied that any adverse effects on these birds can be appropriately avoided and/or mitigated.
113. Ms Jamieson also stated that native lizards (skinks and geckos) may be present in the vegetation that will be cleared on the landward side of MHWS (i.e. outside of the CMA). Is it expected that the landuse consent issued by NPDC will include a condition requiring a lizard management plan.

### **10.3 Coastal processes effects**

114. A CPEA was provided with the application (Appendix G), which is summarised below. This assessment focuses on the proposed revetment structure, as the bridge is not expected to have any impact on coastal processes.
115. Overtopping of the revetment structure may present an impediment to access and even a potential hazard for users. Overtopping involves the combination of high coastal water levels and large waves, resulting in waves breaking over the top of the structure. As the structure will not be relied on to provide vital ‘life-line’ access, it is expected that it will only be used in fair weather conditions. This will be reinforced by the erection of appropriate signage conveying this information to the public. The structure has also been designed with a wide crest width of 4 m which separates the embedded pathway from the sloping face, further reducing the risk of overtopping.
116. The proposed revetment structure has the potential to affect coastal wave processes, as the introduction of a rock armoured structure may contribute to ‘backwash’ waves being reflected offshore or into adjacent areas such as the regionally significant Weld Road and Ahu Ahu Road surfbreaks. However the reflective impact is likely to be less than that of the existing lahar cliff face, due to the sloping design and permeable construction materials proposed.
117. A portion of the lower part of the revetment structure will be located within an area that is, at times, occupied by the Whenuariki Stream channel. Constriction of the stream flows as a result of the revetment has the potential for small, short duration increases in stream currents adjacent to the eastern end of the structure, typically following large

rainfall events. A report prepared by WSP<sup>6</sup>, assesses the potential for upstream ponding during flood events. A 'ponding map' provided with the assessment demonstrates that upstream ponding during a 1 in 250 year flood event would be slightly greater than what would otherwise occur without the presence of the rock revetment i.e. over a 200 m length of stream, on average there is less than 4 m difference in flood widths. However it is also noted that the modelling uses a previous design that included rock riprap armouring on both sides of the stream. As the rock riprap of the eastern side has been removed in the final design, the impact of ponding is expected to be less.

118. Increased accretion of sediment and debris is likely to occur in places along the foreshore which are sheltered from wave action, in particular, the eastern extent of the revetment structure. This is most likely to occur during storm events, however the excess sediment is also likely to be removed again through erosion associated with similar storm events. Constriction of the Whenuariki Stream is likely to result in down-cutting of more erodible materials to the east of the structure, and potential channel realignment in this direction. However these effects are expected to be less than those associated with the natural, highly variable, channel dynamics of the stream.
119. There is a potential risk of shoreline scour along the toe of the revetment structure and increased erosive degradation of the dunes at each end of the pathway, particularly following large storm events. This process involves incoming wave energy being refracted sideways from the revetment structure into the adjacent unprotected length of sand dune, eroding it towards the west and increasing the ongoing degradation of this part of the shoreline. However, as the existing shoreline at Weld Road Beach is naturally dynamic and the location of MHWS is highly changeable, the structure is not expected to have a significant impact on coastal processes.
120. Overall, any adverse effects on coastal processes as a result of the structures are considered to be no more than minor, largely due to the highly dynamic nature of the existing environment.

**Council comments:**

121. The Council engaged Beca to undertake a review of the application with regards to adverse effects on coastal processes. Their findings are summarised below:
- The revetment structure will largely be buried in sand and will therefore only very infrequently (following large storm events) have any effect on the surrounding wave climate. The structure will provide a sloping, porous surface designed to absorb and dissipate wave energy, therefore the reflective impact is likely to be less than the existing hard and vertical lahar cliff face.
  - The revetment structure is considered to have a less than minor impact on the Whenuariki Stream as there is minimal encroachment, therefore the stream channel is not constrained.
  - The revetment structure itself is unlikely to generate significant changes to the local sediment processes due to it being positioned largely above MHWS and therefore allowing littoral drift to occur in front of the structure. However the beach area is noted as being highly dynamic, therefore there may be periods when the beach and sediment in front of the structure are more depleted. Such changes are expected to be transient and will occur irrespective of the structure due to the channel positions and storm events.
  - There is a potential risk of shoreline scour along the toe of the structure and increased erosion at each end of the pathway, particularly following large storm

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<sup>6</sup> Ahu Ahu Road end - Footbridge Reinstatement, Supplementary Information for Resource Consent. WSP, 27 September 2023.

- events. However this risk is already present due to the vertical cliffs, and the highly dynamic and fluctuating shoreline.
- Overall, the reviewer found the applicants assessment to be thorough and agreed that any adverse effects as a result of the proposed activity, would be no more than minor.
122. The reviewer also pointed out that, although monitoring either end of the structure could provide early indications of effects post construction, it would be difficult to fully attribute these effects to the structure (given the existing changing beach levels and fluvial discharges). Regardless, recommended consent conditions require the applicant to monitor the structure in accordance with a monitoring plan that has been certified by the Council.
123. Conditions that require an ESCP to be certified by the Council have also been recommended to ensure any effects of erosion, contamination or damage are avoided/mitigated during the construction phase.
124. Although not specifically addressed in the agent's AEE, I have also considered whether there are any adverse effects associated with the placement of the bridge within the CMA. The Council's Rivers Officer, Matt Cathie, has reviewed the application and made the following comments:
- The proposed grading of the rock on the true left bank is considered suitable based on the modelled flow velocities;
  - What is the difference in flood level/freeboard now that rock armouring is only proposed on the west side of the stream? (noting however, that the 250 year ARI is highly conservative for a bridge of this nature);
  - The extent of the rock armouring on the true left bank is limited by the property boundary – what is the risk of erosion occurring in this area?
125. A request for further information was made which asked for clarification on the points above. The agent confirmed that the expected flood level will be less, with a greater freeboard than that shown in the flood modelling (Appendix D).
126. With regards to potential erosion on the true left bank of the Whenuariki Stream, Peter Quilter, Senior Coastal Engineer at Tonkin & Taylor, stated that "*exposures in material that form the headland generally demonstrate scour resistance. It will be necessary to terminate the end of the rock revetment into this material to avoid the possibility of outflanking (scour around the ends of the structure that could compromise its stability)*". Therefore, the agent considers that the risk of erosion outflanking the structure has been appropriately addressed through the design of the structure.
127. Recommended consent conditions also require that an as-built survey plan of the bridge be provided following completion of the works, along with confirmation from an appropriately qualified person that both structures have been installed in accordance with good engineering practice.

#### **10.4 Natural character and landscape effects**

128. A LVEA was provided with the application (Appendix H). The LVEA states that due to natural topography, the site has a relatively small visual catchment within the broader area. Accordingly, the primary viewing audience for the revetment structure and bridge would be users of the pathway, coastal reserves, foreshore, and ocean environment which are immediately adjacent.
129. To this audience, the proposed bridge is assessed as appearing similar to the previously existing bridge with the exception of some additional structural height at the abutments and associated timber ramps up to the bridge.

130. The revetment structure will appear as a new, visibly man-made structure around the foreshore. However, due to the presence of the vegetated lahar cliff face, the visual impact from a distance is reduced as the structure recedes against a strong natural backdrop (Figure 10).



**Figure 10: A visual simulation of the proposed revetment structure, facing northwards towards the Weld Road Reserve headland.**

131. To further mitigate against visual impacts, the structures will be constructed with sympathetic materials which blend into the natural environment. The proposed bridge will be a mix of timber and steel, and the revetment will primarily be made of locally sourced natural volcanic rocks. The concrete pathway will also be treated with a black oxide to reduce the reflectivity, and allow it to integrate better with the natural rocks. Over time, these design features are expected to become more effective as the structures age and blend further into the surrounding environment.
132. Temporary visual effects are anticipated during the construction period, however these effects will be limited to a period of approximately 4-6 weeks.
133. The potential impact of the proposed structures upon the physical landscape of the site and the surrounding area has been considered alongside visual effects. The LVEA notes that this section of the coastline displays a high degree of natural character. However, the proposed design has helped to minimise any adverse effects on landscape character. The generally low profile of the revetment structure ensures that the integrity of the headland, including cliffs and vegetation, will remain and form a natural backdrop. A Landscape Restoration and Planting Methodology provided with the application (Appendix 3 of the LVEA) also aims to help mitigate effects on landscape character by maintaining a vegetated edge along the headland behind the shared path.
134. The LVEA concludes that the proposed revetment structure will have moderate effects on the landscape character of the site. However, the character and style of the proposed structures are considered to be appropriate and sympathetic to the local area, and will not detract from the overall quality of the natural environment.
135. Overall, any adverse effects on visual amenity and natural character are considered to be less than minor.

**Council comments:**

136. The applicants LVEA was reviewed by Richard Bain – Principal Landscape Architect, Bluemarble, at the request of NPDC. The review was based on peer review guidelines in the NZILA Aotearoa New Zealand Landscape Assessment Guidelines – Te Tangi A Te Manu.
137. The review states that *“it is unfortunate (from a landscape character perspective) that the preferred solution is to construct a 12m wide rock revetment and concrete path in an area of high natural character. The resultant landscape change is to introduce a*



*man-made 'hard' structure into a coastal edge that is defined by natural coastal and river processes. Therefore, there is not contextual rationale that mitigates potential adverse effects on the area's natural character. However, effects on the wider area's character are reduced by the relatively small scale and extent of the works".*

138. Mr Bain agrees that the landscape and visual effects of the rock revetment structure are moderate, and therefore considers that this equates to adverse effects being more than minor<sup>7</sup>.
139. Mr Bain considered that the landscape and visual effects associated with the proposed bridge are low, which equates to less than minor.
140. Renee Davies – Landscape Architect, NPDC, provided an addendum to the application, dated 31 January 2024. The addendum was in response to a request for further information from the Council, and the review undertaken by Mr Bain. The addendum states that *"the visual effects for the proposal range in the medium to long-term (after construction) from very low to moderate. For the different viewing audiences, there are two that sit at moderate effects with the remaining there being very low, low-moderate or low. As the viewing audience and proposed component of the proposal (bridge or shared pathway) are quite different, there is no overall visual effect that summarises in totality".*
141. Both the review undertaken by Mr Bain, and the addendum provided by Ms Davies, concur that the landscape and visual effects associated with the bridge structure are low, and are therefore less than minor. Both also consider the effects associated with the revetment structure to be moderate. However for the purposes of this assessment, I consider that any adverse effects associated with the part of the structure that falls within the CMA are less than minor, as it is likely that this part of the structure will be covered by sand and/or the river for the majority of the time, and will therefore rarely be seen.

## **10.5 Archaeological and cultural effects**

142. Hauranga Pā, located within the Weld Road Reserve, was of significant and symbolic importance to Māori before and post-European settlement. Therefore, it remains an important marker of whakapapa and a waahi tapu to local Māori.
143. An Assessment of Archaeological Effects (AAE) was provided with the application (Appendix I), which identifies several archaeological sites in the vicinity of the proposed structures. As a precaution, given the proximity to recorded archaeological sites, a general Archaeological Authority to modify the identified sites is being applied for under s42(1) of the Heritage New Zealand Pouhere Taonga Act (HNZPTA) 2014. The scope of the authority application covers all earthworks, vegetation removal, and construction.
144. Minimising any adverse effects on cultural values is another central aim of the proposal. As only mana whenua can determine the potential cultural effects associated with the activities, the applicant engaged Ngāti Tairi, Ngā Mahanga, and Oākura Pa Trustees, and invited the hapū groups to prepare a Cultural Impact Assessment (CIA). This was not provided with the application.
145. The application states that in the absence of a CIA at the time of lodgement, it is difficult to quantify the exact level of effects of the proposed structures on cultural values. However, the applicant continues to consult with hapū and have asked them to provide draft consent conditions. Proposed measures such as avoiding key periods for birds, adhering to an Accidental Discovery Protocol, and implementing the Landscape

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<sup>7</sup> In accordance with the matrix included in NZILA Te Tangi te Manu (page 151).

Restoration and Planting Methodology (Appendix 3 of the LVEA) will address some of the potential effects identified in the Taiao Taiora Taranaki Iwi Management Plan.

146. Overall, it may be concluded that the effects on cultural values are no more than minor.

**Council comments:**

147. Although the Council cannot comment on or assess the effects of this proposal on mana whenua values, and consider it best practice for applicants to undertake consultation prior to lodgement, it is considered that the proposal within the scope of the application, would not contravene the relevant objectives and policies of the Taiao, Taiora – Environmental Management Plan for Taranaki Iwi (identified in Table 3 of this report).
148. In this case, the Council informed Te Kahui o Taranaki Iwi Trust of the applications and invited any comments. No return correspondence has been received as of finalising this report.
149. Te Kahui o Taranaki Iwi Trust, Ngā Māhanga hapū, and Ngāti Tairi hapū were all served notice of the application, but did not make a submission.

**10.6 Positive effects**

150. The definition of ‘effect’ in the RMA also includes “*positive effects*”. The applicant has identified the following positive effects:
- The revetment structure will provide an alternative route around Hauranga Pā which, in addition to the existing fencing, will help to preclude public access directly across the pa site. This will help to avoid further degradation of the archaeological features caused by informal walking and cycling trails that have developed;
  - The works will provide safe and convenient public access to and through the coastal environment, which forms part of the 10 km Oākura Coast Trail. The replacement of the bridge will reconnect Lower Ahu Ahu Road to Weld Road, and the new pathway will allow people to safely navigate this area at high tide.
  - The new bridge has been designed to create more resilience against scour by increasing its length.
151. Section 104(1)(ab) of the RMA also requires the decision maker to have regard to any measure proposed by the applicant to ensure positive effects to offset or compensate for adverse effects. The applicant has not proposed any offset or compensation measures in this case, as the application states that they are not considered necessary.

**10.7 Summary of effects**

152. Overall, I believe any adverse effects can be appropriately avoided and/or mitigated by undertaking the proposed works in accordance with the information provided in the application, and adhering to the recommended consent conditions.

**11. Statutory assessment**

**11.1 Consideration of application (Section 104)**

153. Section 104(A) of the RMA outlines the matters which, subject to Part 2 of the RMA, the consent authority must have regard to in considering an application.

154. The Court of Appeal considered the application of Part 2 under section 104 in *R J Davidson Family Trust v Marlborough District Council*<sup>6</sup>. That decision found it is necessary to consider Part 2 in making decisions on consent applications, where it is appropriate to do so. Whether it is "*appropriate*" depends on the planning documents in question.
155. The Court of Appeal stated that consent authorities should continue to undertake a meaningful assessment of the objectives and policies of the relevant plan. Where those documents have been prepared having regard to Part 2 of the RMA, and with policies designed to achieve clear environmental outcomes, consideration of Part 2 is not likely to be necessary as "*genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome*". The consideration of Part 2 is not prevented, but it cannot be used to justify an application that is otherwise not supported by objectives and policies.
156. In light of this judgment, Part 2 of the RMA is required to be considered when determining an application for resource consent, but the objectives and policies still hold significant weight, and in most cases (unless the plan has not been prepared in accordance with Part 2), will largely be determinative unless the consent authority has doubt as to whether the planning documents have been prepared in a manner that appropriately reflects Part 2.
157. In this case I am satisfied that, with respect to the activity being considered, the policy documents give effect to Part 2. I have therefore made no specific Part 2 assessment.
158. Section 104(1)(b) of the RMA requires the decision maker to have regard to the relevant provisions of the following documents:
  - a. A national environmental standard;
  - b. Other regulations;
  - c. A national policy statement;
  - d. A New Zealand coastal policy statement;
  - e. A regional policy statement or proposed regional policy statement; and
  - f. A plan or proposed plan.
159. Of relevance to this application are the following documents and provisions:
  - a. New Zealand Coastal Policy Statement (NZCPS)
  - b. National Policy Statement for Freshwater Management 2020 (NPS-FM)
  - c. Regional Policy Statement for Taranaki (RPS)
  - d. Regional Coastal Plan for Taranaki (RCP)
160. Section 104(3)(c)(v) states that a consent authority must not grant a resource consent contrary to section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA). To date, no protected customary rights or customary marine titles have been issued for the Taranaki region. Section 62(3)(b) of MACA requires a consent applicant to notify and seek the views of any group that has applied for recognition of customary marine title in the relevant area. In this case, the applicant has consulted with, and sought the views of, Ngā Mahanga and Ngāti Tairi hapū (on behalf of Taranaki Iwi) before lodging the application.

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<sup>6</sup> *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283.

#### **11.1.1 New Zealand Coastal Policy Statement (NZCPS)**

161. The NZCPS is a statutory document which is required under the RMA. The purpose of the NZCPS, as stated in section 56 of the RMA, is ‘... *to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand*’.
162. The NZCPS became operative on 3 December 2010 and provides directives regarding the management of the natural and physical resources within New Zealand’s coastal environment. Regional policy statements and regional coastal plans must give effect to the NZCPS, therefore the majority of its objectives and policies have been refined and expanded in the CP, which is assessed below. Accordingly, only those relevant policies of the NZCPS which are not already covered by the CP, have been considered here.
163. The only policy that is not specifically discussed in section 10.1.3 below is Policy 10 – reclamation and de-reclamation. Reclamation has not been assessed as a separate activity (i.e. reclamation is considered to be covered by occupation), however for completeness, it is included here. Policy 10 states that reclamation should be avoided unless there are no practical alternative methods. In this case, the application states that it was not viable to achieve convenient, sustainable access without some reclamation of the CMA.

#### **11.1.2 National Policy Statement for Freshwater Management (NPS-FM)**

164. The NPS-FM came into effect on 3 September 2020, and sets out the objectives and policies for freshwater management under the RMA. It applies to all freshwater and, to the extent they are affected by freshwater, receiving environments that include estuaries and the wider coastal marine area.
165. In this case, the proposed activity will not result in any loss of river values or extent, and will not restrict fish passage.

#### **11.1.3 Regional Policy Statement for Taranaki (RPS)**

166. The Regional Policy Statement for Taranaki (RPS) is a statutory document which provides an overview of the resource management issues of the Taranaki region, and the policies and methods required to achieve integrated management of the natural and physical resources of the whole region. The RPS has been operative since January 2010.
167. The RPS contains a number of objectives and policies which are relevant to this application. Chapter 8 – *Coastal environment* of the RPS includes objectives and policies relating to protecting the natural character of the coast; maintaining and enhancing coastal water quality; and maintaining and enhancing public access to and along the coast environment. The RPS also includes objectives and policies regarding indigenous biodiversity and resource management issues of significance to iwi authorities. As these policies have been refined and expanded on in the CP (which is assessed below) they have not been repeated here.

#### **11.1.4 Coastal Plan for Taranaki (CP)**

168. The CP addresses the sustainable management of the coastal environment in the Taranaki region.
169. The CP includes objectives and policies that give effect to the NZCPS and the RPS.
170. Objectives and policies of the CP that are particularly relevant to the activity are summarised and discussed in Table 2 below.

**Table 2: CP objectives and policies of particular relevance**

Objective/Policy Number	Commentary	Assessment
<b>Objectives and General policies (apply in the whole coastal environment)</b>		
Objective 2 Policy 5	Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to specific listed matters.	There is a functional and/or operational need for the proposed structures to be located within the CMA. The structures will enhance public access/use of the coast, while also helping to protect Hauranga Pā. Adverse effects associated with the proposal will not be more than minor, and can be appropriately avoided and/or mitigated.
Objective 6 Objective 7 Policy 10	Protect the natural character, features and landscapes of the coastal environment not addressed in Policy 9 by avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes.	The adverse effects on natural character, and natural features and landscapes is discussed in section 10 of this report. Overall, and with particular regard to what is being authorised by this consent, any adverse effects are considered no more than minor. The bridge will be similar in visual appearance to the original bridge, and the part of the structure located within the CMA will be covered by sand and/or the stream.
Objective 4 Objective 5 Policy 12	Maintain coastal water quality where it is good or enhance coastal water quality where it is degraded by avoiding, remedying and mitigating the adverse effects of activities.	Any impact on coastal water quality will be temporary during construction works. The site can be managed to ensure any adverse effects are avoided and/or mitigated.
Objective 8 Policy 15 Policy 16	Protect significant indigenous biodiversity in the coastal environment, and maintain or enhance indigenous biodiversity generally in the coastal environment.	As discussed in section 10, any adverse effects on indigenous biodiversity are expected to be no more than minor. Several management plans are proposed to ensure that site is managed in such a way to avoid and/or mitigate any effects on vegetation, avifauna and herpetoana.
Objective 11 Policy 17	Maintain or enhance taonga species as identified in Schedule 5.	The proposal will not have any adverse effects on taonga species.
Objective 11 Policy 18	Protect historic heritage in the coastal environment from inappropriate subdivision, use and development.	The proposal aims to help protect Hauranga Pā from further coastal erosion and damage caused by in appropriate access.
Objective 9 Objective 10 Policy 19	Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and Kaitiakitanga.	The applicant has consulted with, and continues to consult with Ngā Mahanga and Ngāti Tairi hapū. The views of the hapū were taken in to consideration during design of the structures, and they were also invited to prepare a CIA. No submissions were received by either hapū.
Objective 12 Policy 20	Identifying specific provisions to maintain and enhance public access along the coast.	The proposed structures will enhance and improve public access to this part of the coastal environment in the long term. Access will be temporarily affected during construction, however this is for safety purposes.
Objective 12 Policy 21	Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on scheduled: coastal sites, surf breaks and historic heritage sites.	Amenity values will be improved in the long term as the proposed structures will create better access around the headland, and over time they will blend into the surrounding environment. Amenity may be affected during construction, however any adverse effects will be temporary.
Policy 22	Protect surf breaks and their use and enjoyment from the adverse effects of other activities.	As discussed in section 10, the proposed structures will not adversely affect the adjacent surf breaks.
Objective 13 Policy 23	Avoid increasing the risk of social, environmental and economic harm from coastal hazards or posing a threat to public health and safety, or aircraft or navigation safety.	The structures are not expected to exacerbate the coastal hazard risk, and instead will provide safer public access through the foreshore in most weather/tide conditions.
<b>Activity specific policies (apply only in the CMA)</b>		
Policy 25	Discharges of contaminants to water in the CMA must be of an acceptable quality; avoid the accumulation of persistent toxic contaminants in the environment; adopt the best practicable option for treatment and discharge; reduce adverse environmental effects where appropriate; use the smallest mixing zone necessary to achieve the desired water quality; and avoid, remedy or mitigate adverse effects after reasonable mixing.	Any discharges of contaminants (mainly sediment) will be temporary, and can be managed in such a way to avoid and/or mitigate any adverse effects.

Policy 34	Allow structures in appropriate locations subject to the appropriate management of adverse effects if the structure provides for public access and use of the CMA; public health and safety; scientific or educational study or research; and the efficient operation of regionally important infrastructure.	The proposed structures will provide for public access and use of the CMA.
Policy 35	Placement of structures in the CMA, must generally be limited to those that have a functional need or operational need in the CMA; must not be located in areas identified in Schedule 1; should be placed in an appropriate location with consideration given to the sensitivity of the environment; must be designed, located and managed to avoid, remedy or mitigate adverse effects; should be available for public use; where appropriate, should be made of materials that minimise effects on natural character and amenity.	There is a functional and operational need for the proposed structures to be located within the CMA. The revetment structure will help to protect Hauranga Pā from further degradation, and it has been designed to avoid and/or mitigate any adverse effects on the environment.
Policy 37	Hard protection structures are discouraged and the use of alternatives promoted, whilst recognising that hard protection structures may be the only practicable means to protect existing nationally and regionally important infrastructure.	The application states that many alternatives to the shared pathway/revetment structure were considered. However it was not viable to achieve convenient, sustainable access around the pa site without some form of hard protection structure. The revetment structure is considered the best practicable option when balancing the need to provide safe access with having the least amount of environmental impact. Both structures will also provide a connection to the Oākura Coast Trail (a highly valued walking/cycling route).
Policy 41	Decommissioning and removal of any new structure must be considered as part of the initial design and installation and removal will generally be required.	In this case, removing the structure may result in adverse effects that are greater than leaving it in situ, particularly with regards to penguins.
Policy 42	Structures and activities occupying space in the CMA should be established and operated in a manner that does not reasonably restrict or prevent other users of the CMA. Occupation should be avoided where it will have significant adverse effects on public use.	The proposed structures will not restrict or prevent other users of the CMA.
Policy 45	Activities that cause disturbance of the foreshore or seabed must be managed with regard to site specific values; avoid significant adverse effects caused by contaminants; avoid, remedy or mitigate adverse effects; ensure that the foreshore or seabed is reinstated as far as practicable, that is consistent with the natural character and visual amenity.	There will be some minor disturbance of the foreshore/seabed associated with the installation of the revetment structure. This activity will be managed to avoid and/or mitigate any adverse effects on site specific values. Any disturbance will also be temporary.

171. Overall the proposal is not considered contrary to the relevant objectives and policies above.

#### 11.1.5 Other relevant matters

172. In accordance with Section 104(1)(c), the consent authority can consider any other matter relevant and reasonably necessary to determine the application. In this case, *Taiao, Taiora – An Iwi Environmental Management Plan for the Taranaki Iwi Rohe*, is a matter that the decision maker may wish to consider.

173. *Taiao, Taiora* is a document which supports the vision of Taranaki Iwi to guide and inform decision making by empowering marae/pa, hapū and whanau as kaitiaki of their rohe. The issues described in the document describe the challenges to achieve this vision, and the policies and actions guide Taranaki Iwi and others to connect with, enhance and sustain the environment.

174. Iwi Management Plans are also guides to assist central government agencies, regional and district councils and other consenting authorities with understanding the issues of significance to Iwi, and for input into resource consent and plan development/review processes.
175. Although the Council cannot comment on or assess the effects of this proposal on mana whenua values, it is considered that the proposal within the scope of the application, would not directly contravene the relevant objectives and policies of the Taiao, Taiora. The relevant objectives and policies are included in Table 3 below.

**Table 3: Taio Taiora objectives and policies of particular relevance**

Objective/Policy Number	Commentary
Objective 11.2.2 (8)	The natural character of the coastal margins will be protected from inappropriate use and development.
Objective 11.4.2 (1)	"Mai i te Kāhui Mouna ki Tangaroa" – the capacity and integrity of the aquatic environment, habitats and species are sustained and enhanced at levels that provide for current and future use.
Objective 11.4.2 (2)	The mouri of Tangaroa-ki-tai in the Taranaki Iwi rohe will be protected, cared for and restored.
Objective 11.4.2 (3)	That all coastal waters are clean enough for swimming and kai gathering.
Objective 11.4.2 (4)	Coastal habitats are protected from adverse development and introduced species.
Policy 11.4.3 (2)	A holistic approach will be taken to activities in the coastal area considering the impacts on the wider environment which may arise.
Objective 11.6.2 (5)	Important habitats for wildlife will be protected from external threats so they are sustained and are able to flourish.

## 12. Summary and conclusions

176. The applicant proposes to erect a replacement bridge and a hard protection structure (rock revetment) within the CMA, adjacent to Weld Road Reserve.
177. Only the main part of the bridge (not the abutments), and the section of the revetment structure located within the Whenuariki Stream, are located within the CMA i.e. below MHWS.
178. As both structures straddle the CMA, the applicant also requires a landuse consent from NPDC.
179. The applicants LVEA was reviewed by Richard Bain – Principal Landscape Architect, Bluemarle, at the request of NPDC. Mr Bain agreed that the landscape and visual effects of the rock revetment structure were moderate, and therefore determined that adverse effects were more than minor (in accordance with the matrix included in NZILA Te Tangi te Manu). The landuse consent was publicly notified on this basis.
180. In order to align the consenting process with that of NPDC, the applicant requested that this application also be publicly notified. Overall, I don't consider the adverse effects associated with the proposed structures to be more than minor, therefore this application would not have been publicly notified had the applicant not requested it.
181. Although beneficial in the long-term, the proposed structures may have some impact on Hauranga Pā during construction. As the pa site is of significant value to Taranaki Iwi, Ngā Mahanga hapū and Ngāti Tairi hapū, they are considered to be adversely affected by the activity. Notice was served on all three parties (as part of the public notification process), however no submissions were received.

182. Two submissions were received, one in support, and the other in opposition. Both submitters have subsequently withdrawn their request to be heard at a hearing. The points raised in both submissions have still been given regard to as part of this assessment.
183. The submission from Ms Smither questioned the idea that the subject site is not identified as having high natural character. The applicants AEE and the peer review by Mr Bain both state that the area *does* have high natural character. However, it is not identified in the CP as an area of ‘outstanding value’. Regardless, as this consent only assesses the section of the revetment structure located within the CMA i.e. within the Whenuariki Stream, any adverse effects on natural character and visual amenity are considered less than minor as it is likely that this section of the revetment structure will not be seen for the majority of the time.
184. Ms Smither’s submission also mentioned potential adverse effects on nesting shags and grey herons. However, as discussed in section 10, the Council’s Marine and Terrestrial Ecologists don’t have any reason to believe that these birds are nesting in this area.
185. An assessment of environmental effects has been undertaken in section 10 of this report. Overall, any adverse effects are considered acceptable and can be appropriately managed by consent conditions.
186. In order to address the main effects associated with the proposed activity, recommended consent conditions require the applicant to submit an Erosion and Sediment Control Plan (for certification by the Council); undertake the works in accordance with the Penguin Management Plan (already provided to the Council); and provide confirmation that the structures have been installed in accordance with good engineering practice.
187. Recommended consent conditions also require the applicant to continue to monitor the structures and the surrounding area following completion of works.

### 13. Recommendation

188. Having had regard to:

- the matters in Section 104,
- the relevant objectives and policies of the NZCPS, the RPS, and the CP;
- the concerns raised by submitters; and
- that consent is able to be granted in accordance with Section 104B of the RMA;

my recommendation to the Operations & Regulatory Committee is that consent 11174-1.0, *to erect a replacement bridge and a hard protection structure (rock revetment), and any associated occupation of coastal space, disturbance to the foreshore and seabed, and discharge of sediment, be granted* for a period ending on 1 June 2059, subject to the recommended conditions.

#### 13.1 Conditions of Resource Consent (Section 108)

189. Section 108 of the RMA enables the consent authority to impose conditions subject to those restrictions specified in Section 108 and Section 108AA.
190. If the decision maker agrees with my recommendation to grant this consent, I recommend conditions be imposed.




### 13.2 Consent duration and review dates (Section 123)

191. Section 123 of the RMA details the possible durations of resource consents. The applicant has sought a consent duration of 35 years.
192. In considering an adequate consent duration, I have had regard to the following factors developed through case law that are relevant to the determination of the duration of a resource consent<sup>9</sup>:
- a. The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
  - b. Whether adverse effects would be likely to increase or vary during the term of the consent;
  - c. Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
  - d. Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
  - e. That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
  - f. Whether review conditions are able to control adverse effects (the extent of the review conditions proposed is also relevant bearing in mind that the power to impose them is not unlimited);
  - g. Whether the relevant plan addresses the question of the duration of a consent;
  - h. The life expectancy of the asset for which consents are sought;
  - i. Whether there was/is significant capital investment in the activity/asset; and
  - j. Whether a particular period of duration would better achieve administrative efficiency.
193. Taking the above reasoning's into consideration, including the applicants requested consent duration, I have recommended a duration of 35 years for the proposed activity.
194. The recommended conditions also provide for 6-yearly reviews of the consent conditions to ensure the ongoing effects of the activity are suitability mitigated.

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<sup>9</sup> *Ngati Rangi Trust v Genesis Power Ltd* [2009] NZRMA 312 (CA); *Genesis Power Ltd v Manawatu-Wanganui Regional Council* (2006) 12 ELRNZ 241, [2006] NZRMA 536 (HC); *Royal Forest and Bird Protection Society of New Zealand Inc v Waikato Regional Council* [2007] NZRMA 439 (EnvC); *Curador Trust v Northland Regional Council* EnvC A069/06.

Prepared by:  Date: 9 September 2024

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Name: Kim Giles  
*Principal Planner - Resource Consents*

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Prepared by:  Date: 12 September 2024

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Name: Leah Miller  
*Manager – Resource Consents*

## **RECOMMENDED CONDITIONS**

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### **Resource Consent: 11174-1.0**

**Applicant: New Plymouth District Council**

**Recommended Expiry Date: 1 June 2059**

**Purpose: To erect a replacement bridge and a hard protection structure (rock revetment), and any associated occupation of coastal space, disturbance to the foreshore and seabed, and discharge of sediment**

#### **General condition**

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

#### **Special conditions**

1. The exercise of this consent must be undertaken in general accordance with the information submitted in support of the application for consent 11174-1.0. In the case of any contradiction between the documentation and the conditions of this consent, the conditions of this consent shall prevail.
2. The rock revetment structure must be erected in general accordance with the tender issue plans, dated Feb 22, included in document #3254675 (Appendix B), provided to the Council on 11 March 2024. In the case of any contradiction between the drawing(s) and the conditions of this consent, the conditions of this consent shall prevail.
3. The consent holder must notify the Council in writing, at least 48 hours prior to commencement and upon completion of work. Notification must include the consent number, a brief description of the work, and the intended commencement date/completion date. Unless the Council advises that an alternative method is required, this notice must be served by completing and submitting the 'Notification of work' form on the Council's website (<http://bit.ly/TRCWorkNotificationForm>)
4. At least 2 days prior to commencing works, the consent holder (or their representatives) must request a meeting on site with a Council Officer directly responsible for monitoring compliance with this consent. The purpose of the meeting is for the consent holder to detail the proposed measures to achieve compliance with the conditions of this consent.
5. No works shall commence on site until an Erosion and Sediment Control Plan (ESCP) has been certified by the Council. The ESCP must be prepared in accordance with the current Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (Guideline Document 2016/005, Incorporating Amendment 3), with specific reference to Section H – Works within the Coastal Environment, unless otherwise agreed upon by the Council. If there is any conflict between the ESCP and the consent conditions, the consent conditions shall prevail. The ESCP must provide all relevant information to the activity, including but not limited to, the following:

- a. the timing of works;
  - b. good site practices;
  - c. access to and from the site for vehicles and machinery;
  - d. the staging of each area and how the staging relates to the erosion and sediment control devices;
  - e. the design criteria and dimensions of all key erosion and sediment control structures;
  - f. works monitoring, including routine monitoring, rainfall triggers and significant rainfall event contingencies;
  - g. identification of key roles and responsibilities for ESCP implementation;
  - h. spill contingency planning; and
  - i. stabilisation methods that will be used, including where and when.
6. The site must be operated in accordance with the certified ESCP and any certified variation thereafter. Any amendments to the ESCP must be submitted to the Council for re-certification prior to commencing earthworks subsequent to those changes.
  7. The consent holder must, as far as practicable, minimise disturbance of the foreshore and coastal marine area by:
    - a. completing all works as quickly as possible;
    - b. minimising the area and volume of disturbance;
    - c. reinstating any disturbed areas as quickly as possible.
  8. Fish passage must be provided for in the Whenuariki Stream, during and after the completion of works.
  9. The consent holder must take all practicable steps to prevent contaminants discharging to the foreshore or coastal marine area, including by:
    - a. checking any machinery for leaks, and ensuring that machine refuelling and fuel storage occurs where no fuel can enter a water body in the event of a spillage; and
    - b. ensuring that machinery is not cleaned or stored on the foreshore or in the coastal marine area.
  10. Any uncured concrete work carried out within the foreshore or coastal marine area must be completely separated from tidal and/or moving water.
  11. The consent holder must undertake the works in accordance with the *Penguin Management Plan for Weld Road* (PMP), dated February 2024, document #3254675 (Appendix A), and any certified variation thereafter, in order to avoid any adverse effects on penguins or active penguin nests. Any amendments to the PMP must be submitted to the Council for re-certification prior to commencing works subsequent to those changes.
  12. The consent holder must install signage in public view near the construction area. The signage must include, at a minimum:
    - a. a description of the works being undertaken;
    - b. the purpose of the works;
    - c. any safety precautions for the public; and
    - d. the construction schedule, including days and times when public access will be restricted.

13. The signage must be installed prior to commencing works, must remain in place for the duration of the works, and must be removed upon completion.
14. The consent holder must maintain unrestricted public access to the greatest extent practicable, except during construction activities or in areas where public safety would be endangered as a result of the works being undertaken.
15. In the event that any archaeological remains are discovered as a result of works authorised by this consent, the works must cease immediately at the affected site and tangata whenua and the Council, must be notified within one working day. Works may recommence at the affected area when advised to do so by the Council. Such advice must be given after the Council has considered: tangata whenua interest and values, the consent holder's interests, the interests of the public generally, and any archaeological or scientific evidence. The New Zealand Police, Coroner, and Heritage New Zealand Pouhere Taonga must also be contacted as appropriate, and the work must not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.
16. Noise generated by work in the coastal marine area associated with undertaking activities authorised by this consent must meet the following:
  - a. the activities will not cause excessive noise (defined in Section 326 of the Resource Management Act 1991); and
  - b. any construction activities must comply with the requirements of *New Zealand Standard NZS 6803:1999 Acoustics – Construction noise*.
17. Within 2 months of completion of the structures authorised by this consent (the rock revetment and bridge), the consent holder must submit documentation to the Council as set out below:
  - a. A baseline "as built" survey plan of the structures authorised by this consent;
  - b. Written certification from a person with a professional qualification and proven current competence through registration on a national competence-based register, such as Chartered Professional Engineer (CPEng), confirming that the structures have been built in accordance with good engineering practice and in accordance with the conditions of this consent.
18. The consent holder must maintain the structures in a safe and sound state such that:
  - a. They do not fall into a state of disrepair and continue to function effectively for the purpose they were designed;
  - b. Their structural integrity is maintained;
  - c. There is no settlement or loss of foundation material; and
  - d. Erosion of the foreshore or seabed which has been demonstrated by monitoring to be a direct result of the rock revetment structure, is minimised as far as practicable.
19. Within 6 months of completion of the rock revetment structure, the consent holder must undertake monitoring of the foreshore and seabed in the vicinity of the structure in accordance with a Monitoring Plan that has been certified by the Council. The Monitoring Plan must identify the techniques, methodologies, procedures and reporting requirements that will determine compliance with condition 18 above.

**Advice note:** *Compliance with this condition would generally be achieved by using techniques, methodologies and procedures that align with those in the “Coastal Structure Monitoring Specification Report” prepared for the Taranaki Regional Council by Tonkin & Taylor Ltd November 2014. Compliance may also be achieved using other means provided they achieve an equivalent or greater level of survey accuracy and the results can be compared with those from the methods outlined in the Coastal Structure Monitoring Specification Report.*

20. This consent lapses 5 years after its date of commencement, unless the consent is given effect to before the end of that period or the consent holder has applied for an extension before the end of that period or the Council fixes a longer period pursuant to section 125(1)(b) of the Resource Management Act 1991.
21. In accordance with section 128 and section 129 of the Resource Management Act 1991, the 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 2030 and every 6 years 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.

## 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 15 October 2024:

Item 11: Confirmation of public excluded Operations and Regulatory minutes – 3 September 2024

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.

Item 12: Prosecution under the Resource Management Act 1991 for offences against sections 15(1) (b) and 338(3) (a) of the Resource Management Act 1991.

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

General subject of each matter to be considered	Ground(s) under section 48(1) for the passing of this resolution	Reason for passing this resolution in relation to each matter
<p>Item 12:</p> <p>In accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, this is to be considered with the public excluded as the public conduct of the whole or relevant part of the proceedings would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.</p>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 (a) and <a href="#">section 7</a> (2) (a) and (2) (g) of the Local Government Official Information and Meetings Act 1987.</p>	<p>The alleged offender(s) has not as yet had the opportunity to respond to the charges laid. It is therefore important that the principles of natural justice are applied and that legal privilege is maintained.</p> <p>Making any of this information publically available would result in a breach of the Privacy Act 2020.</p> <p>The public interest in knowing the nature of the offence and why Council has made the decision to prosecute is not outweighed by the harm that would be caused to the alleged offender(s).</p>