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Taranaki Regional Council  
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7 December 2020

Attention: Colin McLellan

Dear Colin

**RE: Remediation NZ – Renewal of consents - Request for further information under s92 of the RMA**

Thank you for your letter dated 20 November 2020 requesting further information in relation to renewal of consents 5838-3.0 and 5839-3.0 for the Remediation New Zealand Vermiculture and Composting Facility in the Uruti Valley.

The Taranaki Regional Council (Council) has requested further information in relation to the National Policy Statement for Freshwater (NPSFM) that came into effect on 3 September 2020. Specifically it has been identified by Council that Policy 3.24 is of particular relevance to Remediation (NZ) Limited's application for consent 5838-3.0.

The legal advice given to Remediation (NZ) Limited is that policy 3.24 does not apply to this application, as this policy applies to physical changes in the river stem (which are not proposed).

Further reasons for this view are:

- i) That this is consistent with ministry for the environment advice;
- ii) The requirement for Policy 3.24 implements Policy 7 of the NPS;
- iii) It is insensible to treat discharges to land as causing a "loss" of values;
- iv) It is unreasonable to read the NPS as developing an avoidance policy for all renewals and there is no evidence from the framework that that was intended.

A reliance on policy 3.24 fails to appreciate the NPS is seeking a generational incremental change and not an overnight revolution.

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Despite this view, we set out a response below in the event that the policy is applied by Council, while recognising that RNZ does not accept that it does.

Policy 3.24 requires that:

*"The loss of river extent and values is avoided, unless the Council is satisfied:*

- (a) that there is a functional need for the activity in that location; and*
- (b) the effects of the activity are managed by applying the effects management hierarchy."*

The effects management hierarchy referred to requires that (in order);

- (a) adverse effects are avoided where practicable; and*
- (b) where adverse effects cannot be avoided, they are minimised where practicable; and*
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and*
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and*
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and*
- (f) if aquatic compensation is not appropriate, the activity itself is avoided*

In relation to 3.24 it is firstly noted that there will be no loss of river extent as a result of the activity. The following assessment therefore considers the potential loss of values.

### **Functional Need**

In relation to 3.24 (a), the functional need for the activity has been demonstrated. A facility which can receive waste of this nature means recoverable material is kept out of landfills, and nutrients are reclaimed and reused in the form of compost. The facility is necessary within the Taranaki Region so that transport costs are avoided. There is no other facility of this nature in the region, and the importance of the facility in achieving the Waste Management and Minimisation Strategy for Taranaki is detailed in section 8.2.2 of the application for consent (June 2020).

It is also noted that this is a consent renewal process and the activity has been operating on this site under existing consents for some time, and the cost of re-establishing the necessary infrastructure to undertake this activity is significant .

Accordingly, it is considered that the functional need for the activity has been well demonstrated.

### **Effects Management Hierarchy**

The potential effects on the Haehanga Stream include a potential loss of stream values, and this has been identified by Tangata Whenua. In terms of the wider social, community, ecological and economic values of the Haehanga Stream, it is necessary to consider the state of the stream as it currently exists, as it existed prior to the activity and as it will be once riparian planting and fencing is complete. The Haehanga Stream has been degraded over time by the clearance of indigenous vegetation and subsequent grazing and farming practices. The completion of the riparian fencing and planting along the banks of the Haehanga Stream that will occur as part of the subject application will help to restore the balance between water, the environment and the community. It will also assist in mitigation and minimisation of effects, given the activity involves the discharge of material to land.

The effects of the activity are managed by applying the effects management hierarchy identified above. Measures to avoid, mitigate and remedy effects are detailed in full throughout the AEE for the activity, however these are briefly summarised below for completeness and the slightly different terminology of 'minimised' versus 'mitigated' is considered:

1. Avoidance:
  - Effects of the discharges to land and water on the Haehanga are avoided in the first instance by ensuring discharges occur first to land or the wetland system, and no overland flow enters the Haehanga from irrigation areas;
  - Any actual or potential effects associated with the discharge of drilling materials are avoided by cessation of receipt of this material from 31 December 2020, meaning this will no longer be present in irrigation fluids, and by composting and management of the remaining compost material that contains drilling related material in-situ.
  
2. Minimisation;
  - Effects are then minimised through management practices, including those to ensure that discharge thresholds that could result in adverse effects are in place (i.e. the 3-tier management system) for contaminants of concern;
  - The extension of the irrigation area and changes to the pond system to reduce the contaminant load are key measures that have been put in place to ensure actual and potential effects are minimised;
  - Irrigation is informed by weather data, and detailed local knowledge of the specific weather systems in the valley and how these interact with the pond system, and the system is managed to ensure adequate storage at all times;
  - Irrigation occurs in appropriate locations and at appropriate rates to ensure nutrient losses are minimised and do not have adverse effects on the Haehanga Stream;

- The farm is managed to minimise nutrient losses overall (for example cut and carry of pasture to remove nitrogen);
3. Remediation;
- Riparian planting and fencing (stock exclusion) will improve the water quality of the stream and improve the overall stream values compared to what is there now, and what has been the situation for many years (including prior to the activity for which consent is sought). It is noted that once riparian fencing and planting is complete, the Haehanga will be better protected in this regard than the Mimitangiatua downstream;
  - Management plans and procedures are in place to ensure a process of continual improvement, where any incidents are responded to appropriately in the first instance, and then investigated and steps put in place to ensure that the incident does not occur again;
  - Extensive monitoring is in place to ensure the effects of the activity are understood.

By avoiding, minimising and remedying the effects of this activity, there are no residual effects that are more than minor. Therefore the remaining hierarchy of management (offset, compensation, and cessation/avoidance) are not necessary. The ability of current management practices to achieve avoidance, minimisation and remedy is evidenced in the water quality monitoring that has been carried out to date by the TRC under existing consents which demonstrates that the effects on water quality are acceptable, and that on occasions when contaminants have been found in the Haehanga Stream, this is directly attributable to an incident which has been able to be identified and remedied by management.

### **Te Mana O Te Wai**

While not specifically requested in the TRC's s92 letter, it is considered prudent to make an assessment of the proposed activities in relation to Te Mana o Te Wai.

Policy 1 of the NPS-FM states that freshwater is to be managed in a way that gives effect to Te Mana o Te Wai. Te Mana o Te Wai refers to the fundamental importance of water and recognises that protecting the health of water protects the health and wellbeing of the wider environment. It is about preserving the balance between water, the wider environment and the community.

Te Mana O Te Wai is a holistic concept that ensures a water body will sustain the full range of environmental, social, cultural and economic values held by iwi and the community. The concept is expressed in Te Reo Māori, but applies to freshwater management for and on behalf of the whole community.

As discussed above, the Haehanga Stream has been degraded over time by the clearance of indigenous vegetation and subsequent grazing and farming practices. The completion of the riparian fencing and planting along the banks of the Haehanga Stream that will occur as part of the subject application will help to restore the balance between water, the environment and the community. Part of this balance is the service that this site provides to the community in the form of recycling organic waste and preventing it being transported to landfills out of the district. This must be balanced with

cultural and ecological effects and the steps identified above will ensure that actual and potential effects are avoided, minimised and remedied appropriately. Overall the AEE provides the necessary information to enable confirmation that the activity is consistent with the principle of Te Mana o Te Wai.

Please feel welcome to contact me if you require any further information or clarification, or if you would like to meet to discuss.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Hooper'.

Kathryn Hooper  
MNZPI, CNMA