



# **AGENDA**

## Consents & Regulatory

Tuesday 1 September 2020, 9.30am

## Consents and Regulatory Committee

01 September 2020 09:30 AM - 10:30 AM

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### **Purpose of Consents and Regulatory Committee meeting**

This committee attends to all matters in relation to resource consents, compliance monitoring and pollution incidents, biosecurity monitoring and enforcement.

### **Responsibilities**

Consider and make decisions on resource consent applications pursuant to the *Resource Management Act 1991*.

Ensure adequate compliance monitoring of resource use consents and receive decisions on enforcement actions in the event of non-compliance, pursuant to the *Resource Management Act 1991*.

Consider and make decisions on monitoring and enforcement matters associated with plant and animal pest management.

Other matters related to the above responsibilities.

### **Membership of Consents and Regulatory Committee**

|                                   |  |
|-----------------------------------|--|
| Councillor D L Lean (Chairperson) | Councillor C S Williamson (Deputy Chairperson) |
| Councillor M J Cloke              | Councillor M G Davey                           |
| Councillor C L Littlewood         | Councillor D H McIntyre                        |
| Councillor E D Van Der Leden      | Councillor D N MacLeod (ex officio)            |
| Councillor M P Joyce (ex officio) |  |

### **Representative Members**

|               |            |
|---------------|------------|
| Ms E Bailey   | Mr M Ritai |
| Mr K Holswich |            |

### **Health and Safety Message**

#### **Emergency Procedure**

In the event of an emergency, please exit through the emergency door in the committee room by the kitchen.

If you require assistance to exit please see a staff member.

Once you reach the bottom of the stairs make your way to the assembly point at the birdcage. Staff will guide you to an alternative route if necessary.

#### **Earthquake**

If there is an earthquake - drop, cover and hold where possible.

Please remain where you are until further instruction is given.



**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 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 | Let there be certainty                            |
| tina.                        | Secure it!  |
| Tina!                        | Draw together! Affirm!                            |
| Hui ē! Tāiki ē!              |   |



**Date** 1 September 2020

**Subject:** **Confirmation of Minutes - 21 July 2020**

**Approved by:** G K Bedford, Director - Environment Quality  
M J Nield, Acting Chief Executive

**Document:** 2572789

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**Resolves**

That the Consents and Regulatory Committee of the Taranaki Regional Council:

- a) takes and read and confirms the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 21 July 2020 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 11 August 2020.

**Matters arising**

**Appendices/Attachments**

Document 2543345: Minutes Consents and Regulatory Committee Meeting - 21 July 2020



**Date** 21 July 2020, 9.30am  
**Venue:** Taranaki Regional Council chambers, 47 Cloten Road, Stratford  
**Document:** 2543345

|                               |                                |   |   |
|-------------------------------|--------------------------------|---|---|
| <b>Members</b>                | Councillors                    | D L Lean<br>M J Cloke<br>M G Davey<br>C L Littlewood<br>D H McIntyre<br>E D Van Der Leden<br>M P Joyce<br>D N MacLeod | Committee Chairperson<br><br><br><br><i>arrived 9.40am</i><br><br>ex officio<br>ex officio  |
| <b>Representative Members</b> | Ms<br>Messrs                   | E Bailey<br>M Ritai<br>K Holswich   | <i>via zoom</i>   |
| <b>Attending</b>              | Messrs<br><br>Ms<br>Miss<br>Mr | M J Nield<br>G K Bedford<br>A D McLay<br>C McLellan<br>B Pope<br>K Holland<br>L Davidson<br>P Moeahu                  | Acting Chief Executive<br>Director - Environment Quality<br>Director - Resource Management<br>Consents Manager<br>Compliance Manager<br>Communications Adviser<br>Committee Administrator |

And two members of the public.

**Opening Karakia** The meeting opened with a group karakia.

**Apologies** An apology was received from Councillor C S Williamson and an apology for lateness was received from Councillor D H McIntyre. Davey/MacLeod

**Notification of Late Items** There were no late items.

**1. Confirmation of Minutes – Tuesday 9 June 2020**

**Resolved**

That the Consents and Regulatory Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 9 June 2020 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 30 June 2020.  
Clove/Littlewood

**Matters arising**

It was noted that it had been requested that online meetings be looked at if a situation like COVID-19 happened again.

**2. Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 22 May 2020 to 30 June 2020**

- 2.1 Mr B Pope, Compliance Manager, spoke to the memorandum allowing members to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 22 May 2020 to 30 June 2020.  
*Councillor D McIntyre arrived at 9.40am*
- 2.2 It was noted that there have been a few people informing Councillors they have made a complaint but nothing has been done and they have not heard back from anyone. It was clarified that if the complaint is left anonymously then officers cannot contact the person back.
- 2.3 The dumping of tyres was passed on to the District Councils as this falls under illegal dumping (littering).
- 2.4 Councillors D N MacLeod and C L Littlewood declared an interest in relation to Port Taranaki.
- 2.5 It was clarified that upon re-inspection following the Cooks Honda incident the sink in question was no longer being used and had been disconnected.
- 2.6 Timeframes for review/re-inspection of culverts vary as the consent holder is given a reasonable timeframe to correct the issue.

**Recommends**

That the Taranaki Regional Council:

- a) receives the memorandum incident, compliance monitoring non-compliances and enforcement for the period 22 May 2020 to 30 June 2020
- b) receives the summary of incidents, compliance monitoring non-compliances and enforcement for the period from 22 May 2020 to 30 June 2020, notes the action

taken by staff acting under delegated authority and adopts the recommendations therein.

Holswich/Littlewood

### **3. Resource Consents Issued Under Delegated Authority and Applications in Progress**

- 3.1 Mr C McLellan, Consents Manager, spoke to the memorandum advising members of consents granted, consents under application and consent processing actions since the last meeting.
- 3.2 Dow AgroSciences have changed their name to Corteva but their consents do not reflect that. It was clarified that the legal entity is still Dow AgroSciences so there is no issue.
- 3.3 It was clarified that the process for a renewal of a consent is no different to a new consent application it is just easier as the environmental effects are more known.
- 3.4 Letters have been sent to Consent holders with renewals coming up in 2021 to encourage them to start engaging with iwi now.
- 3.5 It was noted that the way the outcomes of consultation with iwi is recorded has been in place for a few years now and it was suggested that it could be time to review that process to ensure more meaningful information.
- 3.6 Councillor M Joyce declared an interest in two discharge permit R2/1512-3.1 & R21512-4.0.

#### **Recommends**

That the Taranaki Regional Council:

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

Cloke/Joyce

### **4. Consent Monitoring Annual Reports**

- 4.1 Mr G K Bedford, Director – Environment Quality, spoke to the memorandum advising members of one tailored compliance monitoring report.

#### **Recommends**

That the Taranaki Regional Council:

- a) receives the 20-04 Central Greenwaste and Firewood Monitoring Programme Biennial Report 2018-2020 and adopts the specific recommendations therein.

Lean/Holswich

### **5. Monitoring Nitrogen Oxide Concentrations in Taranaki 2019-2020**

- 5.1 Mr G K Bedford, Director – Environment Quality, spoke to the memorandum providing Members with a report on monitoring data from a survey tracking the concentration of nitrogen oxides in the air predominantly at compliance monitoring



sites across Taranaki. The programme is one of the suite of programmes monitoring air quality in the region.

**Recommends**

That the Taranaki Regional Council:

- a) receives the memorandum *Monitoring Nitrogen Oxide Concentrations in Taranaki 2019-2020*
- b) notes compliance with consent conditions across all sites
- c) notes that results will also be presented within individual annual compliance monitoring reports that will come to this Committee in due course.

Cloke/Davey

**5. 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 Consents and Regulatory Committee Meeting on Tuesday 21 July 2020 for the following reason/s:

**Item 7 - Prosecution**

That 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.

Lean/McIntyre

There being no further business the Committee Chairman, Councillor D L Lean, declared the public meeting of the Consents and Regulatory Committee closed at 10.24am.

**Confirmed**

**Consents and Regulatory  
Committee Chairperson:** \_\_\_\_\_

**D L Lean**

**1 September 2020**



**Date:** 1 September 2020

**Subject:** **Resource consents issued under delegated authority and applications in progress**

**Approved by:** A D McLay, Director - Resource Management  
M J Nield, Acting Chief Executive

**Document:** 2570773

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### **Purpose**

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

### **Executive summary**

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

### **Recommendation**

That the Taranaki Regional Council:

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

### **Background**

3. The attachments show resource consent applications, certificates of compliance and deemed permitted activities that have been investigated and decisions made by officers of the Taranaki Regional Council. They are activities having less than minor adverse effects on the environment, or having minor effects where affected parties have agreed to the activity. In accordance with sections 87BB, 104 to 108 and 139 of the Resource Management Act 1991, and pursuant to delegated authority to make these decisions, the Chief Executive or the Director – Resource Management has allowed the consents, certificates of compliance and deemed permitted activities.

4. The exercise of delegations under the Resource Management Act 1991 is reported for Members' information. Under the delegations manual, consent processing actions are to be reported to the Consents and Regulatory Committee.
5. In addition to the details of the activity consented, the information provided identifies the Iwi whose rohe (area of interest) the activity is in. If the activity is in an area of overlapping rohe both Iwi are shown. If the activity is within, adjacent to, or directly affecting a statutory acknowledgement (area of special interest), arising from a Treaty settlement process with the Crown, that is also noted.
6. Also shown, at the request of Iwi members of the Council, is a summary of the engagement with Iwi and Hapū, undertaken by the applicant and the Council during the application process. Other engagement with third parties to the consent process is also shown. The summary shows the highest level of involvement that occurred with each party. For example, a party may have been consulted by the applicant, provided with a copy of the application by the Council, served notice as an affected party, lodged a submission and ultimately agreed with the consent conditions. In that case the summary would show only 'agreed with consent conditions', otherwise reporting becomes very complicated.
7. The attachment titled 'Consent Processing Information' includes the figure 'Consent Applications in Progress' which shows the total number of applications in the consent processing system over the last twelve months. The number of applications for the renewal of resource consents is also shown. The difference between the two is the number of new applications, including applications for a change of consent conditions. New applications take priority over renewal applications. Renewal applications are generally put on hold, with the agreement of the applicant, and processed when staff resources allow. A consent holder can continue to operate under a consent that is subject to renewal. The above approach is pragmatic and ensures there are no regulatory impediments to new activities requiring authorisation.
8. The attachment also includes:
  - Applications in progress table - the number of applications in progress at the end of each month (broken down into total applications and the number of renewals in progress) for this year and the previous two years.
  - Potential hearings table outlining the status of applications where a hearing is anticipated and the decision maker(s) (e.g. a hearing panel) has been appointed.
  - Consents issued table - the number of consents issued at the end of each month for this year and the previous two years.
  - Breakdown of consents issued. This is the number of consents issued broken down by purpose – new, renewals, changes or review.
  - Types of consents issued, further broken down into notification types – non-notified, limited notified or public notified.
  - Number of times that the public and iwi were involved in an application process for the year so far.
  - Application processing time extensions compared to the previous years.
  - Consent type process shows the notification type including applications submitted on and the pre-hearing resolution numbers.
  - Applications that have been returned because they are incomplete.

### **Decision-making considerations**

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

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

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

### **Policy considerations**

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

### **Iwi considerations**

12. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has 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 2570685: List of non-notified consents

Document 2570723: Schedule of non-notified consents

Document 2570607: Consents processing charts for Agenda

Consents and Regulatory Committee - Resource consents issued under delegated authority and applications in progress

**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

| <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>Purpose Secondary</b> | <b>Activity Purpose</b> |
| <a href="#">R2/1020-4.1</a>  | Z Energy Limited                                | Discharge (Coastal)              | Energy                                | Storage                   |                            |                          | Review                  |
| <a href="#">R2/1450-3.1</a>  | Fonterra Limited                                | Discharge (Coastal)              | Manufacturing and Processing          | Dairy Processing          |                            |                          | Change                  |
| <a href="#">R2/4585-2.1</a>  | New Plymouth District Council                   | Structure - Protection (Coastal) | Local Government                      |                           | Erosion protection         |                          | Review                  |
| <a href="#">R2/4587-2.1</a>  | New Plymouth District Council                   | Structure - Protection (Coastal) | Local Government                      |                           | Erosion protection         |                          | Review                  |
| <a href="#">R2/5102-4.1</a>  | New Plymouth District Council                   | Structure - Protection (Coastal) | Local Government                      |                           | Seawall                    |                          | Review                  |
| <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>Purpose Secondary</b> | <b>Activity Purpose</b> |
| <a href="#">R2/0245-4.0</a>  | OMV Taranaki Limited                            | Water - Stormwater               | Energy                                | Production Station        | Exploration and Production |                          | Replace                 |
| <a href="#">R2/0246-4.0</a>  | OMV Taranaki Limited                            | Water - Industry                 | Energy                                | Production Station        | Exploration and Production |                          | Replace                 |
| <a href="#">R2/0671-4.0</a>  | Seaport Land Company Limited                    | Land - Industry                  | Manufacturing and Processing          | Dairy Processing          |                            |                          | Replace                 |
| <a href="#">R2/2333-4.4</a>  | Taranaki Sawmills Limited                       | Water - Stormwater               | Manufacturing and Processing          | Timber Processing         |                            |                          | Review                  |
| <a href="#">R2/2436-3.0</a>  | Fernhill Farms Koru Limited                     | Land - Animal Waste              | Agriculture                           | Farming - Dairy           | Effluent disposal          |                          | Replace                 |
| <a href="#">R2/3185-3.0</a>  | Gelerosa Farms Trust                            | Water - Animal Waste             | Agriculture                           | Farming - Dairy           | Effluent disposal          |                          | Replace                 |
| <a href="#">R2/3865-4.1</a>  | Devon 662 Limited Partnership                   | Land/Water Industry              | Storage and Distribution              | Fertiliser Manufacturing  |                            |                          | Review                  |
| <a href="#">R2/3913-3.1</a>  | OMV New Zealand Limited                         | Water - Stormwater               | Storage and Distribution              | Storage                   |                            |                          | Review                  |
| <a href="#">R2/4664-3.1</a>  | Greymouth Petroleum Acquisition Company Limited | Land/Water Industry              | Energy                                | Energy Services           |                            |                          | Review                  |
| <a href="#">R2/7269-2.0</a>  | Transpower New Zealand Limited                  | Air - Abrasive Blasting          | Central Government                    | Power - Transmission      | Abrasive Blasting          | Infrastructure           | Replace                 |
| <a href="#">R2/7389-1.2</a>  | Tegel Foods Limited                             | Water - Stormwater               | Manufacturing and Processing          | Meat and Byproducts       |                            |                          | Review                  |
| <a href="#">R2/9547-2.0</a>  | Gibson Family Trust                             | Water - Stormwater               | Mining Extraction (excl. hydrocarbon) | Quarry                    |                            |                          | Replace                 |
| <a href="#">R2/9912-1.1</a>  | Meredith Scrap Metals Limited                   | Water - Stormwater               | Manufacturing and Processing          | Scrap Metal/Wrecker       |                            |                          | Review                  |
| <a href="#">R2/10513-1.1</a> | Ravensdown Limited                              | Land/Water Industry              | Storage and Distribution              | Fertiliser Manufacturing  |                            |                          | Review                  |
| <a href="#">R2/10849-1.0</a> | Westown Agriculture Limited                     | Land - Animal Waste              | Agricultural Services                 | Farming - Dairy           | Effluent disposal          |                          | New                     |
| <b>Land Use Consent</b>      |   |                                  |                                       |                           |                            |                          |                         |
| <b>Consent</b>               | <b>Holder</b>                                   | <b>Subtype</b>                   | <b>Industry Primary</b>               | <b>Industry Secondary</b> | <b>Purpose Primary</b>     | <b>Purpose Secondary</b> | <b>Activity Purpose</b> |
| <a href="#">R2/10835-1.0</a> | Summerset Villages (Bell Block) Limited         | Bore Install                     | General Services                      |                           | Irrigation - Pasture       |                          | New                     |
| <a href="#">R2/10850-1.0</a> | Ngati Pourua Marae Trust                        | River control                    | General Services                      |                           | Flood Control              |                          | New                     |
| <a href="#">R2/10852-1.0</a> | Waka Kotahi NZ Transport Agency                 | Structure - Culvert              | Central Government                    | Transport                 | Roading                    |                          | New                     |

#2570685-v1

**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

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[R2/9547-2.0](#)

Gibson Family Trust  
PO Box 35, Okato 4348

**Location:** 707 Puniho Road, Okato

To discharge stormwater from a quarry site into an unnamed tributary of the Matanehunehu Stream

**Commencement Date:** 10 Jul 2020

**Expiry Date:** 01 Jun 2037

**Review Dates:** Jun 2025, Jun 2031

**Activity Class:** Discretionary

**Application Purpose:** Replace

**Rohe:**

Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kahui o Taranaki Trust  
Vincent Thomas & Barbara Kalin

Provided with application

Written approval provided

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[R2/10835-1.0](#)

Summerset Villages (Bell Block) Limited  
PO Box 5187, Wellington 6140

**Location:** 56 Pohutukawa Place, Bell Block

To drill and construct a bore

**Commencement Date:** 22 Jul 2020

**Expiry Date:**

**Review Dates:** Jun 2026 and 6-yearly thereafter

**Activity Class:** Discretionary

**Application Purpose:** New

**Rohe:**

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *Application incomplete*

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/1450-3.1](#)

Fonterra Limited  
PO Box 444, Hawera 4640

**Commencement Date:** 23 Jul 2020  
**Expiry Date:** 01 Jun 2052  
**Review Dates:** Jun 2021 and at 5-yearly intervals thereafter  
**Activity Class:** Discretionary  
**Application Purpose:** Change

**Location:** Tasman Sea, Rifle Range Road, Hawera

To discharge all wastewater from dairy factory processes and associated processes undertaken at the Whareroa dairy processing site through a marine outfall into the Tasman Sea

Change of consent conditions to allow for a modified design of the DAF (dissolved air floatation) unit

**Rohe:**

Ngati Ruanui (Statutory Acknowledgement)

**Engagement or consultation:**

|                                 |                           |
|---------------------------------|---------------------------|
| Te Korowai O Ngaruahine Trust   | Written approval provided |
| Te Korowai O Ngaruahine Trust   | Consulted by applicant    |
| Te Runanga O Ngāti Ruanui Trust | Written approval provided |
| Te Runanga O Ngāti Ruanui Trust | Consulted by applicant    |

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[R2/0245-4.0](#)

OMV Taranaki Limited  
Private Bag 2035, New Plymouth 4340

**Commencement Date:** 24 Jul 2020  
**Expiry Date:** 01 Jun 2036  
**Review Dates:** Jun 2024, Jun 2030  
**Activity Class:** Discretionary

**Location:** Maui Production Station, Tai Road, Oaonui

**Application Purpose:** Replace

To discharge treated stormwater from the Maui Production Station into the Ngapirau Stream

**Rohe:**

Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**

|                           |                           |
|---------------------------|---------------------------|
| Te Kahui o Taranaki Trust | Provided with application |
| Te Kahui o Taranaki Trust | Consulted by applicant    |

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/0246-4.0](#)

OMV Taranaki Limited

Private Bag 2035, New Plymouth 4340

**Commencement Date:** 24 Jul 2020

**Expiry Date:** 01 Jun 2036

**Review Dates:** Jun 2024, Jun 2030

**Activity Class:** Discretionary

**Location:** Maui Production Station, Tai Road, Oaonui

**Application Purpose:** Replace

To discharge treated domestic effluent from the oxidation ponds at the Maui Production Station into the Ngapirau Stream

**Rohe:**

Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kahui o Taranaki Trust

Provided with application

Te Kahui o Taranaki Trust

Consulted by applicant

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/10849-1.0](#)

Westown Agriculture Limited  
180 Cowling Road, RD 1, New Plymouth 4371

**Commencement Date:** 27 Jul 2020

**Expiry Date:** 01 Jun 2029

**Review Dates:** Jun 2022, Jun 2025, Jun 2028

**Activity Class:** Discretionary

**Location:** Various locations throughout the Taranaki region

**Application Purpose:** New

To discharge the contents of dairy effluent treatment ponds, dairy effluent storage ponds, and solids from herd homes to land throughout the Taranaki region

**Rohe:**

Ngaa Rauru Kiihahi (Statutory Acknowledgement)

Ngaruahine (Statutory Acknowledgement)

Ngati Maru

Ngati Mutunga (Statutory Acknowledgement)

Ngati Ruanui (Statutory Acknowledgement)

Ngati Tama (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kaahui o Rauru - Legal Entity of Ngaa Rauru Kiihahi

Provided with application

Te Kahui o Taranaki Trust

Provided with application

Te Korowai O Ngaruahine Trust

Comment on application received

- *Do not oppose, subject to conditions*

Te Kotahitanga o Te Atiawa Trust

Provided with application

Te Runanga o Ngati Mutunga

Provided with application

Te Runanga O Ngati Ruanui Trust

Provided with application

Te Runanga O Ngati Tama

Provided with application

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/10850-1.0](#)

Ngati Pourua Marae Trust

C/- Scott Wirihana, 105 Argyle Street, Hawera  
4610

**Location:** 3012 Waitotara Valley Road,  
Ngamatapouri

To divert floodwaters by construction of a stopbank adjacent to the Waitotara River

**Commencement Date:** 29 Jul 2020

**Expiry Date:** 01 Jun 2052

**Review Dates:** Jun 2028 and 6-yearly  
thereafter

**Activity Class:** Discretionary

**Application Purpose:** New

**Rohe:**

Ngaa Rauru Kiiitahi (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kaahui o Rauru - Legal Entity of Ngaa  
Rauru Kiiitahi

Provided with application

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[R2/10852-1.0](#)

Waka Kotahi NZ Transport Agency

Private Bag 11777, Manawatu Mail Centre,  
Palmerston North 4442

**Location:** Road reserve, East Road, SH43, Toko

To remove a culvert in the Manawawiri Stream, including associated disturbance of the  
stream bed

**Commencement Date:** 29 Jul 2020

**Expiry Date:** 01 Jun 2022

**Review Dates:**

**Activity Class:** Controlled

**Application Purpose:** New

**Rohe:**

Ngati Maru

Ngati Ruanui

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/7269-2.0](#)

Transpower New Zealand Limited  
PO Box 1021, Wellington 6140

**Commencement Date:** 30 Jul 2020

**Expiry Date:** 01 Jun 2038

**Review Dates:** Jun 2023 and 3-yearly thereafter

**Activity Class:** Restricted discretionary

**Application Purpose:** Replace

**Location:** Various locations throughout the Taranaki region

To discharge emissions to air and onto and into land and water from abrasive blasting of transmission tower foundations throughout the Taranaki Region, excluding within the coastal marine area

**Rohe:**

Ngaa Rauru Kiihahi (Statutory Acknowledgement)

Ngaruahine (Statutory Acknowledgement)

Ngati Maru

Ngati Mutunga (Statutory Acknowledgement)

Ngati Ruanui (Statutory Acknowledgement)

Ngati Tama (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kaahui o Rauru

Provided with application

Te Kahui o Taranaki Trust

Provided with application

Te Korowai O Ngaruahine Trust

Comment on application received

- *Do not oppose, subject to conditions*

Te Kotahitanga o Te Atiawa Trust

Provided with application

Te Runanga o Ngati Mutunga

Provided with application

Te Runanga O Ngati Ruanui Trust

Comment on application received

- *Do not oppose, subject to conditions*

Te Runanga O Ngati Tama

Provided with application

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/3185-3.0](#)

Gelerosa Farms Trust  
32 Suffolk Road, RD 7, Inglewood 4386

**Commencement Date:** 05 Aug 2020

**Expiry Date:** 01 Dec 2045

**Review Dates:** Jun 2027 and 6-yearly thereafter

**Activity Class:** Controlled

**Location:** 32 Suffolk Road North, Norfolk

**Application Purpose:** Replace

To discharge farm dairy effluent onto land, and until 1 December 2020 after treatment in an oxidation pond system, into the Maketawa Stream

**Rohe:**

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kotahitanga o Te Atiawa Trust

Provided with application

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[R2/4585-2.1](#)

New Plymouth District Council  
Private Bag 2025, New Plymouth 4342

**Commencement Date:** 05 Aug 2020

**Expiry Date:** 01 Jun 2026

**Review Dates:** Jun 2020

**Activity Class:** Discretionary

**Location:** Waiwhakaiho River mouth, New Plymouth

**Application Purpose:** Review

To erect, place and maintain a rock groyne structure, and to occupy the associated coastal space, at the Waiwhakaiho River mouth within the coastal marine area

Review of conditions to include monitoring requirements

**Rohe:**

Te Atiawa

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/5102-4.1](#)

New Plymouth District Council  
Private Bag 2025, New Plymouth 4342

**Commencement Date:** 05 Aug 2020

**Expiry Date:** 01 Jun 2026

**Review Dates:** Jun 2020

**Activity Class:** Discretionary

**Location:** Wanaka Terrace / Mangati Road /  
Tiromoana Crescent, Bell Block

**Application Purpose:** Review

To erect, place and maintain a boulder rock revetment seawall of approximately 740 metres in length, and to occupy the associated coastal space, at Bell Block for coastal erosion protection purposes

Review of conditions to include monitoring requirements

**Rohe:**

Te Atiawa

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[R2/4587-2.1](#)

New Plymouth District Council  
Private Bag 2025, New Plymouth 4342

**Commencement Date:** 05 Aug 2020

**Expiry Date:** 01 Jun 2026

**Review Dates:** Jun 2020

**Activity Class:** Discretionary

**Location:** True left bank of the Te Henui  
Stream mouth, New Plymouth

**Application Purpose:** Review

To erect, place and maintain a rock groyne structure, and to occupy the associated coastal space, at the Te Henui Stream mouth within the coastal marine area

Review of conditions to include monitoring requirements

**Rohe:**

Te Atiawa

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/0671-4.0](#)

Seaport Land Company Limited  
PO Box 883, New Plymouth 4340

**Commencement Date:** 05 Aug 2020

**Expiry Date:** 01 Jun 2030

**Review Dates:** Jun 2026

**Activity Class:** Discretionary

**Location:** 20 Hakirau Street, Moturoa

**Application Purpose:** Replace

To discharge cooling water and groundwater seepage from an onsite reservoir into the New Plymouth District Council reticulated stormwater network that discharges to Ngamotu Beach

**Rohe:**

Te Atiawa (Statutory Acknowledgement)

**Engagement or consultation:**

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *Inconsistent with Iwi Environmental Management Plan*
- *Application lacks sufficient detail*

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[R2/1020-4.1](#)

Z Energy Limited  
PO Box 2091, Wellington 6140

**Commencement Date:** 06 Aug 2020

**Expiry Date:** 01 Jun 2032

**Review Dates:** Jun 2026

**Activity Class:** Discretionary

**Location:** 8-22 Ngamotu Road, New Plymouth **Application Purpose:** Review

To discharge stormwater and treated wastewater from a petroleum storage facility into the Coastal Marine Area of Ngamotu Beach

Review of conditions to update requirements for site sampling access

**Rohe:**

Te Atiawa

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/2333-4.4](#)

Taranaki Sawmills Limited  
PO Box 7145, Fitzroy, New Plymouth 4341

**Commencement Date:** 06 Aug 2020

**Expiry Date:** 01 Jun 2032

**Review Dates:** Jun 2026

**Activity Class:** Discretionary

**Location:** 32 Hudson Road, Bell Block

**Application Purpose:** Review

To discharge stormwater from a sawmill site into the Waitaha Stream

Review of conditions to update requirements for site sampling access

**Rohe:**

Te Atiawa

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[R2/3865-4.1](#)

Devon 662 Limited Partnership  
PO Box 11057, Palm Beach, Papamoa 3151

**Commencement Date:** 06 Aug 2020

**Expiry Date:** 01 Jun 2026

**Review Dates:** Jun 2021, Jun 2022,  
Jun 2023, Jun 2024, Jun 2025

**Activity Class:** Discretionary

**Location:** Corner of Devon Road & Smart  
Road, Glen Avon

**Application Purpose:** Review

To discharge stormwater from a fertiliser storage depot onto and into land and into the  
Mangaone Stream and into the Waiwhakaiho River

Review of conditions to update requirements for site sampling access

**Rohe:**

Te Atiawa

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/3913-3.1](#)

OMV New Zealand Limited  
PO Box 8311, New Plymouth 4310

**Location:** 29 Paraita Road, Bell Block

To discharge stormwater from an industrial site into an unnamed tributary of the Mangati Stream

Review of conditions to update requirements for site sampling access

**Rohe:**

Te Atiawa

**Commencement Date:** 06 Aug 2020

**Expiry Date:** 01 Jun 2032

**Review Dates:** Jun 2026

**Activity Class:** Discretionary

**Application Purpose:** Review

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[R2/4664-3.1](#)

Greymouth Petroleum Acquisition Company  
Limited

PO Box 3394, New Plymouth 4341

**Location:** 15 De Havilland Drive, Bell Block

To discharge treated stormwater from a pipeyard used for the cleaning and storage of casing and drilling equipment, and the storage of hazardous substances, onto and into land in circumstances where it may enter the Mangati Stream

Review of conditions to update requirements for site sampling access

**Rohe:**

Te Atiawa

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**Commencement Date:** 06 Aug 2020

**Expiry Date:** 01 Jun 2026

**Review Dates:**

**Activity Class:** Discretionary

**Application Purpose:** Review



**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/7389-1.2](#)

**Commencement Date:** 06 Aug 2020

Tegel Foods Limited - Poultry Processing Plant **Expiry Date:** 01 Jun 2026

Private Bag 2015, New Plymouth 4340

**Review Dates:**

**Activity Class:** Discretionary

**Location:** 91-95 Paraita Road, Bell Block

**Application Purpose:** Review

To discharge stormwater from a poultry processing plant via a wetland into the Mangati Stream

Review of conditions to update requirements for site sampling access

**Rohe:**

Te Atiawa

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[R2/9912-1.1](#)

**Commencement Date:** 06 Aug 2020

Meredith Scrap Metals Limited

**Expiry Date:** 01 Jun 2032

312 Corbett Road, RD 3, New Plymouth 4373

**Review Dates:** Jun 2026

**Activity Class:** Discretionary

**Location:** De Havilland Drive, Bell Block

**Application Purpose:** Review

To discharge stormwater from scrap metal storage and processing into the Waitaha Stream and into an unnamed tributary of the Mangaoraka Stream via the New Plymouth District Council reticulated stormwater system

Review of conditions to update requirements for site sampling access

**Rohe:**

Te Atiawa

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**Non-notified authorisations issued by the Taranaki Regional Council  
between 10 Jul 2020 and 20 Aug 2020**

[R2/10513-1.1](#)

Ravensdown Limited  
PO Box 16921, Hornby, Christchurch 8441

**Commencement Date:** 06 Aug 2020

**Expiry Date:** 01 Jun 2032

**Review Dates:** Jun 2026

**Activity Class:** Discretionary

**Location:** Katere Road, Avon, New Plymouth  
To discharge stormwater from a fertiliser storage site onto and into land and into the Mangaone Stream

**Application Purpose:** Review

**Rohe:**

Te Atiawa

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[R2/2436-3.0](#)

Fernhill Farms Koru Limited  
C/- Gary & Angela Green, 350 Plymouth  
Road, RD 4, New Plymouth 4374

**Commencement Date:** 18 Aug 2020

**Expiry Date:** 01 Dec 2044

**Review Dates:** Jun 2026, Jun 2032, Jun 2038

**Activity Class:** Controlled

**Location:** 350 Plymouth Road, Koru  
To discharge farm dairy effluent onto land

**Application Purpose:** Replace

**Rohe:**

Taranaki (Statutory Acknowledgement)

**Engagement or consultation:**

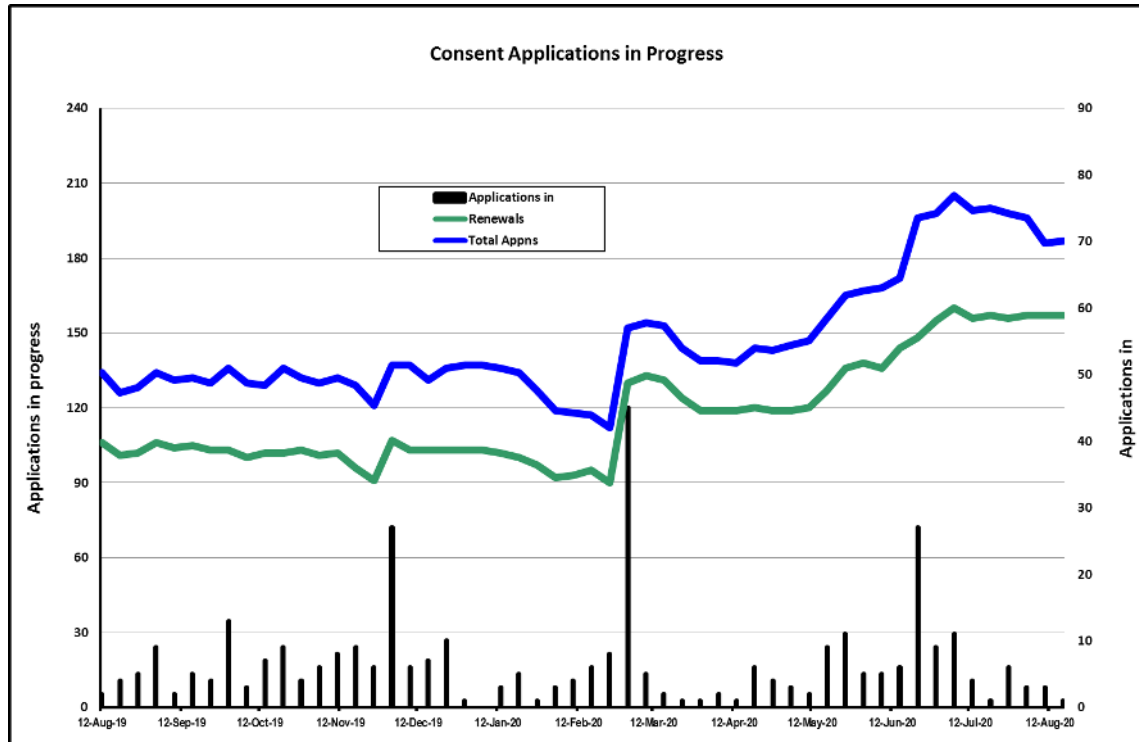
Te Kahui o Taranaki Trust

Provided with application

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## Consent Processing Information

### 1) Applications in progress



### 2) Month Ending

|           | July  |     | Aug   |     | Sept  |     | Oct   |     | Nov   |     | Dec   |     | Jan   |     | Feb   |     | Mar   |     | Apr   |     | May   |     | Jun   |     |
|-----------|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|
|           | Total | R   | Total | R   | Total | R   | Total | R   | Total | R   | Total | R   | Total | R   | Total | R   | Total | R   | Total | R   | Total | R   | Total | R   |
| 2020/2021 | 196   | 157 | 187   | 157 |       |     |       |     |       |     |       |     |       |     |       |     |       |     |       |     |       |     |       |     |
| 2019/2020 | 136   | 107 | 126   | 101 | 136   | 103 | 129   | 101 | 130   | 101 | 136   | 103 | 135   | 100 | 152   | 130 | 139   | 119 | 142   | 119 | 165   | 136 | 205   | 160 |
| 2018/2019 | 144   | 53  | 124   | 44  | 127   | 43  | 143   | 43  | 142   | 45  | 91    | 58  | 94    | 61  | 98    | 73  | 107   | 70  | 105   | 69  | 105   | 67  | 129   | 92  |

R = Renewals

Note: August part month

### 3) Potential Hearings

| Applicant | Description | Notification date | Status | Date Issued |
|-----------|-------------|-------------------|--------|-------------|
| Nil       |             |                   |        |             |

#### 4) Consents Issued (running totals)

|                  | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | April | May | June |
|------------------|------|-----|------|-----|-----|-----|-----|-----|-----|-------|-----|------|
| <b>2020-2021</b> | 20   |     |      |     |     |     |     |     |     |       |     |      |
| <b>2019-2020</b> | 26   | 51  | 72   | 102 | 148 | 162 | 188 | 218 | 239 | 245   | 248 | 263  |
| <b>2018-2019</b> | 32   | 55  | 66   | 84  | 109 | 186 | 195 | 211 | 225 | 242   | 265 | 286  |

#### 5) Breakdown of consents issued

|                              | New | Renewal | Change | Review | Totals |
|------------------------------|-----|---------|--------|--------|--------|
| <b>2020-2021 to end July</b> | 5   | 10      | 5      | 0      | 20     |
| 2019-2020 Total              | 81  | 138     | 44     | 0      | 263    |
| 2018-2019 Total              | 148 | 93      | 45     | 0      | 286    |

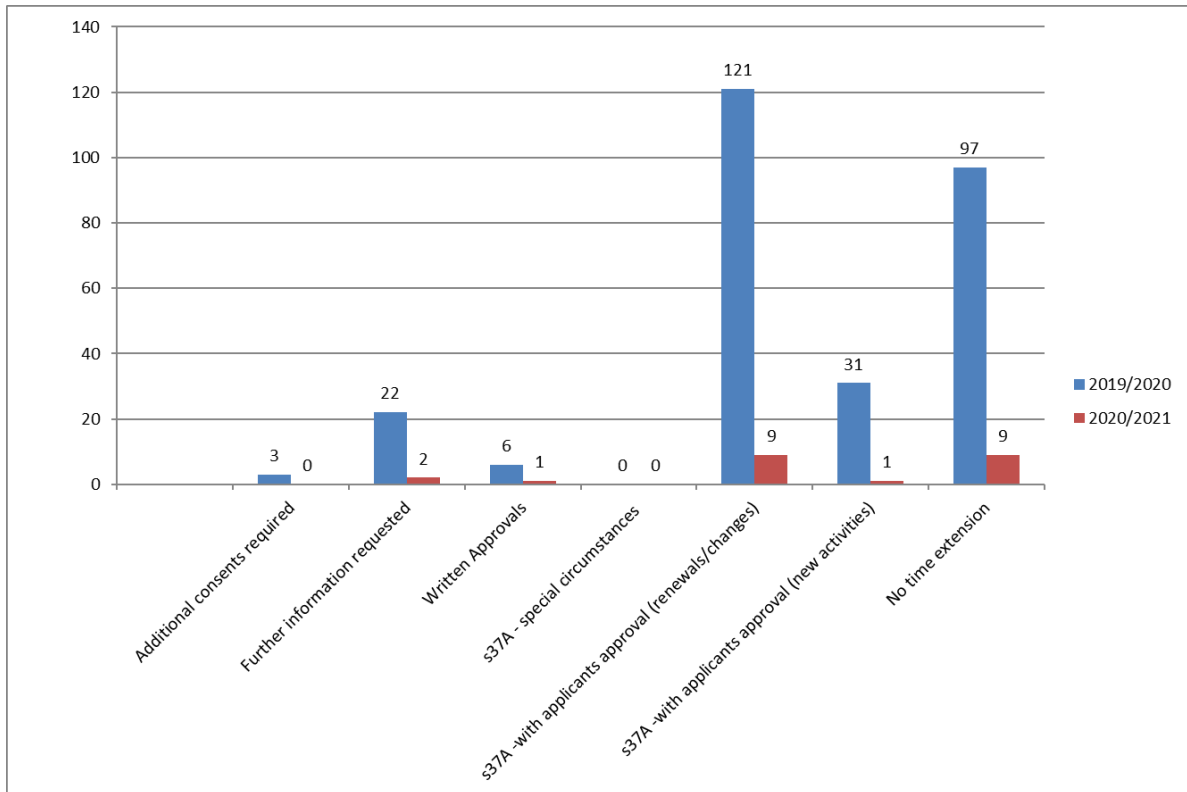
#### 6) Types of consents issued - year to date comparison

|                        | Publicly Notified |                          |        |          |       |                           | %  |   | Limited      |                          |        |          |       |                        | %   |    | Non Notified |                          |        |          |       |                    | % |  | Grand Total |
|------------------------|-------------------|--------------------------|--------|----------|-------|---------------------------|----|---|--------------|--------------------------|--------|----------|-------|------------------------|-----|----|--------------|--------------------------|--------|----------|-------|--------------------|---|--|-------------|
|                        | Agricultural      | Central/Local Government | Energy | Forestry | Other | Total publically notified |    |   | Agricultural | Central/Local Government | Energy | Forestry | Other | Total Limited Notified |     |    | Agricultural | Central/Local Government | Energy | Forestry | Other | Total Non-notified |   |  |             |
| July 2018 to June 2019 | 0                 | 57                       | 0      | 0        | 0     | 19.9%                     | 57 | 6 | 2            | 0                        | 0      | 1        | 3.1%  | 9                      | 103 | 32 | 41           | 10                       | 34     | 76.9%    | 220   | 286                |   |  |             |
| July 2019 to June 2020 | 0                 | 1                        | 0      | 0        | 0     | 0.4%                      | 1  | 1 | 4            | 0                        | 0      | 2        | 2.7%  | 7                      | 147 | 30 | 28           | 8                        | 42     | 97.0%    | 255   | 263                |   |  |             |
| July 2020 to June 2021 | 0                 | 0                        | 0      | 0        | 0     | 0.0%                      | 0  | 0 | 0            | 0                        | 0      | 0        | 0.0%  | 0                      | 4   | 3  | 8            | 0                        | 5      | 100.0%   | 20    | 20                 |   |  |             |

#### 7) Involvement with third parties for applications granted year to date

|  | Consultation/Involved (number of parties) | Number of Affected Party Approvals (written) | Totals    |
|--|---|--|-----------|
| District Councils                        |   |  | 0         |
| DOC                                      |   |  | 0         |
| Environmental/Recreational Groups        |   |  | 0         |
| Fish & Game                              |   |  | 0         |
| Individuals/Neighbours/Landowners        | 0   | 1  | 1         |
| Network Utilities                        |   |  | 0         |
| Non Govt Organisations                   |   |  | 0         |
| Other Govt Departments                   |   |  | 0         |
| Iwi/hapu                                 | 32  | 2  | 34        |
| <b>Totals - July 2019 - 30 June 2020</b> | <b>32</b>                                 | <b>3</b>                                     | <b>35</b> |

**8) Application processing time extensions used 2019-2020 versus 2020-2021**



**9) Consent type process**

|   | Last 10 year average 2009 - 2018 | July 2019 to June 2020 | July 2020 |
|---|----------------------------------|------------------------|-----------|
| Total consents granted                                    | 371                              | 263                    | 20        |
| Publically Notified                                       | 9                                | 1                      | 0         |
| Limited-notified  | 12                               | 7                      | 0         |
| Non-notified  | 352                              | 255                    | 20        |
| Applications submitted on (in opposition and to be heard) | 14                               | 5                      | 0         |
| Application Pre-hearing resolution (%)                    | 82%                              | 100%                   | 0%        |
| Hearings (no. of applications)                            | 1 (6)                            | 0 (0)                  | 0 (0)     |
| Appeals (no. of applications)                             | 1 (6)                            | 0 (0)                  | 0 (0)     |
| Total current consents                                    | 4708                             | 4622                   | 4627      |

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

For the 2020-2021 year, 1 application has been returned incomplete under S88 of the RMA for insufficient information.

**11) Deemed Permitted Activities issued**

| <b>Date Issued</b> | <b>DPA No</b> | <b>Holder</b>        | <b>Activity</b>  | <b>Plan</b> | <b>Rule</b> |
|--------------------|---------------|----------------------|--|-------------|-------------|
| 06/07/2020         | 6484-2.0      | Bridge Petroleum Ltd | To erect, place and maintain a culvert in an unnamed tributary of the Waiongana Stream for access purposes | RFWP        | 52          |



**Date** 1 September 2020

**Subject:** **Appointment of Hearing Committee - Remediation NZ Uruti composting facility consents**

**Approved by:** A D McLay, Director - Resource Management  
M J Nield, Acting Chief Executive

**Document:** 2557836

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### **Purpose**

1. The purpose of this memorandum is to delegate to a Hearing Committee the authority to determine applications by Remediation (NZ) Limited (consents 05838-3.0 & 05839-3.0) to:
  - discharge waste material to land for composting, and treated stormwater and leachate from composting operations onto land and into an unnamed tributary of the Haehanga Stream; and
  - discharge emissions into the air, namely odour and dust, from composting operations.

### **Recommendations**

That the Taranaki Regional Council:

- a) receives this memorandum
- b) subject to a hearing being necessary, in accordance with section 34A(1) of the Resource Management Act appoints Cr M Joyce and Cr N Walker as hearing commissioners, and delegates them the power to hear and determine the applications lodged by Remediation (NZ) Limited (consents 05838-3.0 & 05839-3.0).
- c) subject to a hearing being necessary, also appoints an accredited hearing commissioner, with cultural expertise, to the panel, under the same terms as (b) above; who will be appointed by the Acting Chief Executive.

### **Background**

2. Remediation (NZ) Limited ('the applicant') lodged applications on 30 November 2017 to renew their existing consents associated with the operation of their vermicast (worm casting) and compost production business.

3. The applications were publicly notified on 12 January 2019, and a total of 22 submissions were received (10 in support and 12 in opposition). Those in support are suppliers of material to be composted, and those in opposition are neighbours, Ngati Mutanga, Climate Justice Taranaki, Taranaki Energy Watch and Mr U Signer.
4. Only accredited hearing commissioners can hear the applications and any submissions under the Resource Management Act 1991. The Council has only two accredited hearing commissioners- M Joyce (Chair) and N Walker.
5. Concerns have been raised by submitters (in opposition) regarding the management of the site. Particular concerns include the receipt of drilling waste products onsite, the occurrence of offsite odours from its operations, site management, potential adverse health effects, and the sustainability of the operation.

### **Discussion**

6. The applications have taken some time to progress because of further information requests. Recent amendments to the applications note that drilling waste will not be received at the site after 2020, as a contract has been cancelled by the applicant.
7. A site inspection by submitters has been organised. If agreement on consent conditions cannot be achieved through the pre-hearing process, a hearing will be necessary.
8. The Council is required to decide who should be delegated the authority to determine the application and who should hear the application and any unresolved submissions.
9. A hearing is likely after the election and before Christmas. Provision for an independent accredited commissioner with cultural expertise has been made, given some of the submissions that have been received. Mr R Faulkner, who successfully assisted the Council in the Regional Coastal Plan hearing, may be available.

### **Decision-making considerations**

10. 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**

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

### **Policy considerations**

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



**Iwi considerations**

13. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
14. Given that submissions have been received from Ngati Mutanga and iwi members, provision has been made for there to be an independent commissioner with cultural expertise on the hearing panel.

**Legal considerations**

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



**Date** 1 September 2020

**Subject:** **Consents Monitoring Annual Report**

**Approved by:** G K Bedford, Director - Environment Quality  
M J Nield, Acting Chief Executive

**Document:** 2566014

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### **Purpose**

1. The purpose of this memorandum is to advise the Council of 14 tailored compliance monitoring reports that have been prepared since the last meeting.

### **Executive summary**

2. 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. Reporting describes the effective value of investment in environmental systems;
  - 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; and
  - The Council's accountability and transparency. Reporting gives validity to investment in monitoring and to assessments of effective intervention.
  - These Council reports have been submitted to the 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 being reported and provide recommendations for the following monitoring year.
3. These Council reports have been submitted to the 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 being reported, and provide recommendations for the following monitoring year.

4. There are 14 tailored compliance monitoring reports. Within the reports 10 high and 4 good environmental gradings were assigned (Table 2).
5. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
6. In 2018 the Ministry for the Environment published Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991. These guidelines include the following recommendation: “It is good practice for councils to provide regular (e.g. annual) reports to the public on Compliance Monitoring and Enforcement (CME) activities. Council public reporting on CME gives assurance to the public that rules/policies are being enforced, and educates the public on how the council responds to non-compliance.” (MfE, 2018). The Council has been providing annual compliance reports to consent holders and the public for over three decades.
7. Recommendations pertaining to each site or programme are set out in the relevant report. The attention of Committee members is directed to the Executive Summary at the front of this report.
8. In the past, memoranda presenting the compliance annual reports have also included a section outlining the stakeholder and iwi engagement within the consenting assessment process for the existing consents covered by the reports. With the completion of a full annual reporting cycle, this material on existing consents will no longer be included, as the Committee have now been fully appraised of this historical information and its inclusion would simply be repetitive. Information on iwi and stakeholder engagement in new consents will be presented separately to the Committee, within the agenda report on consenting activity.

*Table 1 Historical environmental and compliance performance ratings*

| Year      | High | Good |
|-----------|------|------|
| 2012-2013 | 59%  | 35%  |
| 2013-2014 | 60%  | 29%  |
| 2014-2015 | 75%  | 22%  |
| 2015-2016 | 71%  | 24%  |
| 2016-2017 | 74%  | 21%  |
| 2017-2018 | 76%  | 20%  |
| 2018-2019 | 83%  | 13%  |
| 2019-2020 | 81%  | 17%  |

*Table 2 List of annual reports with overall environmental performance rating*

| <b>Report Name</b>   | <b>Overall environmental performance</b> |
|--|--|
| 20-6 STDC Patea Beach Green Waste Discharge Monitoring Programme Annual Report 2019-2020                                     | High                                     |
| 20-13 Waiinu Beach Settlement Monitoring Programme Annual Report 2019-2020   | High                                     |
| 20-14 Wai-iti Beach Retreat Monitoring Programme Annual Report 2019-2020   | High                                     |
| 20-18 Todd Energy Aquatic Centre Monitoring Programme Annual Report 2019-2020  | Good                                     |
| 20-19 Urenui and Onaero Beach Camps Monitoring Programme Annual Report 2019-2020   | Good                                     |
| 20-31 Port Taranaki Ltd Maintenance Dredging Monitoring Programme Biennial Report 2018-2020                                  | High                                     |
| 20-34 Westside Kauri-E Hydraulic Fracturing Monitoring Programme Report 2018-2019  | High                                     |
| 20-35 Greymouth Petroleum Ltd Radnor-B Hydraulic Fracturing Monitoring Programme Report 2018-2019                            | High                                     |
| 20-36 Todd Petroleum Ltd Mangahewa-C Hydraulic Fracturing Monitoring Programme Report 2018-2019                              | High                                     |
| 20-37 Greymouth Petroleum Mining Group Ltd Kowhai-D Kowhai-5 well Hydraulic Fracturing Monitoring Programme Report 2018-2019 | High                                     |
| 20-47 ANZCO Foods Waitara Ltd Monitoring Programme Annual Report 2019-2020   | High                                     |
| 20-49 Taranaki Galvanizers Monitoring Programme Annual Report 2019-2020  | Good                                     |
| 19-50 NPDC Crematorium Monitoring Programme Annual Report 2019-2020  | Good                                     |
| 20-54 STDC Coastal Structures Monitoring Programme Annual Report 2019-2020   | High                                     |

## **Recommendations**

That the Taranaki Regional Council:

- a) receives the 20-6 STDC Patea Beach Green Waste Discharge Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- b) receives the 20-13 Waiinu Beach Settlement Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- c) receives the 20-14 Wai-iti Beach Retreat Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- d) receives the 20-18 Todd Energy Aquatic Centre Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- e) receives the 20-19 Urenui and Onaero Beach Camps Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- f) receives the 20-31 Port Taranaki Ltd Maintenance Dredging Monitoring Programme Biennial Report 2018-2020 and adopts the specific recommendations therein.
- g) receives the 20-34 Westside Kauri-E Hydraulic Fracturing Monitoring Programme Report 2018-2019 and adopts the specific recommendations therein.
- h) receives the 20-35 Greymouth Petroleum Ltd Radnor-B Hydraulic Fracturing Monitoring Programme Report 2018-2019 and adopts the specific recommendations therein.

- i) receives the 20-36 Todd Petroleum Ltd Mangahewa-C Hydraulic Fracturing Monitoring Programme Report 2018-2019 and adopts the specific recommendations therein.
- j) receives the 20-37 Greymouth Petroleum Mining Group Ltd Kowhai-D Kowhai-5 well Hydraulic Fracturing Monitoring Programme Report 2018-2019 and adopts the specific recommendations therein.
- k) receives the 20-47 ANZCO Foods Waitara Ltd Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- l) receives the 20-49 Taranaki Galvanizers Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- m) receives the 19-50 NPDC Crematorium Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- n) receives the 20-54 STDC Coastal Structures Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.

### **20-6 STDC Patea Beach Green Waste Discharge Monitoring Programme Annual Report 2019-2020**

- 9. South Taranaki District Council (STDC) operates a green waste disposal area located on Beach Road at Patea Beach. The site was established as a public facility that could accept green waste for sand dune stabilisation purposes. The site is consented to accept green waste from the Patea community and from STDC's kerbside and transfer station collection. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess STDC's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of STDC's activities.
- 10. STDC holds one resource consent, which includes a total of 12 conditions setting out the requirements that they must satisfy. The consent is for the purpose of discharging green waste onto land for dune stabilisation purposes.
- 11. **During the monitoring period, STDC demonstrated an overall high level of environmental performance.**
- 12. The Council's monitoring programme for the year under review included four compliance monitoring inspections of the site focussing on types of materials discharged, stormwater and leachate control, and emissions to air.
- 13. The monitoring during the period under review showed that the closing of the site to the general public resulted in no unacceptable material being dumped on site. There were no issues noted relating to stormwater or odour.
- 14. During the year, STDC demonstrated a high level of environmental and administrative performance with the resource consents.
- 15. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
- 16. 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 in the year under review.

17. This report includes recommendations for the 2020-2021 year.

### **20-13 Waiinu Beach Settlement Monitoring Programme Annual Report 2019-2020**

18. The South Taranaki District Council (STDC) operates a wastewater treatment system located at the Waiinu Beach Settlement, in the Waitotara catchment. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess STDC's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of STDC's activities.
19. STDC holds one resource consent, which includes a total of 16 conditions setting out the requirements that STDC must satisfy. This resource consent was renewed early on 1 December 2017, as STDC was in the process of upgrading the wastewater treatment system. The upgraded system was installed and commissioned in December 2019. The consent allows them to discharge treated domestic wastewater from the Waiinu Beach Wastewater Treatment Plant to land.
20. **During the monitoring period, STDC demonstrated an overall high level of environmental performance.**
21. The Council's monitoring programme for the year under review included three site inspections, with associated bacteriological sampling of seawater.
22. The monitoring showed that the wastewater treatment system was well maintained. As in previous years, the monitoring indicated that the discharges from the wastewater treatment system had no adverse effects on coastal water quality. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.
23. During the year, STDC demonstrated a high level of environmental and administrative performance with the resource consent.
24. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
25. 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 in the year under review.
26. This report includes recommendations for the 2020-2021 year.

### **20-14 Wai-iti Beach Retreat Monitoring Programme Annual Report 2019-2020**

27. Wai-iti Motor Camp Ltd (the Company) operates the Wai-iti Beach Retreat (the Retreat), located in North Taranaki. The Company holds resource consents to discharge septic tank treated sewage to groundwater via soakage trenches and to erect, place and maintain a rock wall along the front of the accommodation on the Wai-iti Beach foreshore. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period

under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

28. The Company holds two resource consents, which include a total of 24 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow them to discharge treated septic tank effluent to groundwater, and one consent for a boulder rip rap toe protection in the coastal marine area.
29. **During the monitoring period, the Company demonstrated an overall high level of environmental performance.**
30. The Council's monitoring programme for the year under review included three routine inspections of the wastewater system, one inspection of the rock wall, and routine bacteriological water sampling of the Wai-iti Stream and Wai-iti Beach on one occasion.
31. The monitoring showed that the Retreat was well maintained during the period under review. The wastewater treatment system at the Retreat did not adversely affect the water quality of the local freshwater and coastal environments. Although high bacteriological results were returned from one site during the routine sampling round in January 2019, these counts were attributed to surface runoff draining the upstream agricultural catchment. The results of this sampling suggested that the Retreat was not influencing the water quality of the Wai-iti Stream.
32. By comparison with previous years, the monitoring remains at a high level in the Company's environmental performance. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.
33. During the year, the Company demonstrated a high level of environmental and administrative performance with the resource consents.
34. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
35. 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 is improving in the year under review.
36. This report includes recommendations for the 2020-2021 year.

### **20-18 Todd Energy Aquatic Centre Monitoring Programme Annual Report 2019-2020**

37. The New Plymouth District Council (NPDC) operates the Todd Energy Aquatic Centre (the Aquatic Centre) located on Tisch Avenue, New Plymouth. Wastewater from backwashing the water filtration system and emptying the outdoor pools is discharged from the ocean outfall situated on the Kawaroa Reef foreshore, to the east of the facility. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess NPDC's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of NPDC's activities.
38. NPDC holds two resource consents relating to the Aquatic Centre, which include a total of 13 special conditions setting out the requirements that NPDC must satisfy. NPDC

holds one consent to allow them to discharge swimming pool wastewater into the Tasman Sea, and one consent to erect, place, use and maintain an ocean outfall at the site.

39. **During the monitoring period, NPDC demonstrated an overall good level of environmental performance.**
40. The Council's monitoring programme for the year under review included one site inspection, two marine ecological inspections, and two routine physicochemical samplings of the indoor or outdoor pool water, and receiving waters.
41. The monitoring showed that the indoor and outdoor pool wastewater discharges were compliant with consent conditions. Neither of the discharges appeared to have any significant effects on the ecology of the Kawaroa Reef outside of the designated mixing zone.
42. There was one unauthorised incident recording non-compliance in respect of this consent holder during the period under review. The non-compliance was discovered during routine monitoring of the indoor pool emptying, when a milky looking discharge was found to be coming from the marine outfall. The discharge was found to be causing a conspicuous change in colour where it entered the Tasman Sea, in contravention of the Coastal Plan for Taranaki. A chemical sample of the discharge was obtained and an ecological survey was carried out. A follow-up marine ecological inspection was also undertaken the following day. There were no chemical constituents found in the discharge sample at any concentrations of concern. Both the marine ecological survey and follow-up inspection found that the range and health of the intertidal species identified was normal for that environment. The cause of the discharge was discussed with Aquatic Centre management who advised the pool cleaning, which is usually undertaken by a contractor, was being undertaken by staff due to Covid-19 restrictions. Washwater had been washed down the drains which are usually blocked off during cleaning to prevent such a discharge. The cleaning process was changed to prevent further discharge. No further action was deemed necessary.
43. During the year, NPDC demonstrated a good level of environmental and high level of administrative performance with the resource consents. By comparison with previous years, the monitoring indicated a decline in NPDC's environmental performance.
44. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
45. 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 is declining.
46. This report includes recommendations for the 2020-2021 year.

### **20-19 Urenui and Onaero Beach Camps Monitoring Programme Annual Report 2019-2020**

47. New Plymouth District Council (NPDC) operates the sewage disposal systems located at Urenui Beach Camp and Onaero Bay Holiday Park. NPDC holds resource consents to allow it to discharge septic tank treated sewage to groundwater via infiltration trenches at each of the beach camps. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the



Council) to assess NPDC's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the NPDC's activities.

48. NPDC holds one resource consent per beach camp, which each include a total of five special conditions setting out the requirements that NPDC must satisfy.
49. **During the monitoring period, NPDC demonstrated an overall good level of environmental performance.**
50. The Council's monitoring programme for the year under review included three inspections per beach camp. One of these inspections included routine bacteriological sampling at four sites at Urenui and five sites at Onaero.
51. The bacteriological monitoring showed that the wastewater treatment systems at the beach camps did not adversely affect the water quality of local freshwater and coastal environments. Although high bacteriological results were returned from a site in Urenui during water quality sampling efforts, these counts could be attributed to either a discharge from the Urenui Township on the other side of the estuary, or other localised source of contamination. Elevated bacteriological counts are uncommon at the site in question. Subsequent sampling carried out as part of the Council's State of the Environment Recreational Bathing Monitoring Programme returned bacteriological counts more typical of historical results at the site.
52. There were two unauthorised incidents recording non-compliance in respect of NPDC during the period under review. Abatement notices were issued following self-notification from NPDC that data from flow meters at Urenui and Onaero showed that on multiple occasions, treated septic tank sewage effluent was discharged to groundwater in excess of consented limits. The flow exceedances were directly influenced by high rainfall, increasing inflow and infiltration into the sewer networks. The abatement notices have been extended until 31 December 2020 to allow suitable remedial actions to be scoped and implemented, noting that no adverse environmental effects have been detected as a result of the non-compliances. The Council is continuing to liaise closely with NPDC regarding the situation.
53. During the year, NPDC demonstrated a good level of environmental performance and a high level of administrative performance with the resource consents for the Urenui Beach Camp (2046-3) and the Onaero Bay Holiday Park (1389-3). This rating was influenced by the occurrence of the unauthorised incidents during the monitoring period, noting that there has been no adverse effect on the environment due to the unauthorised incidents. As a result, NPDC's environmental performance has declined in comparison to previous years.
54. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
55. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance has deteriorated from a high level to a good level in the year under review.
56. This report includes recommendations for the 2020-2021 year.

## **20-31 Port Taranaki Ltd Maintenance Dredging Monitoring Programme Biennial Report 2018-2020**

57. Port Taranaki Ltd (the Company) is the commercial operator of the port located on Breakwater Road, New Plymouth. Port Taranaki is an artificially created harbour which is contained by two breakwaters enclosing 94 hectares of sheltered water. The Company undertakes regular dredging to maintain navigable channels within the port. Sand accumulates in large quantities around the tip of the main breakwater and this has to be removed on a regular basis in order to maintain the required depth in the entrance channel. Due to this accumulation of sand around the breakwater, the city beaches to the north east of the port have previously been starved of sand.
58. This report for the period July 2018 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance relating to the dredge campaign during the period under review and the results and environmental effects of the campaign.
59. The Company holds three resource consents related to this report, which include a total of 28 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to dredge accumulated sediments within Port Taranaki and two consents that allow them to discharge sediment into the inshore and offshore spoil disposal areas in the Tasman Sea.
60. **During the monitoring period, the Company demonstrated an overall high level of environmental performance.**
61. The Council's monitoring programme for the 2018-2020 period included reviewing the dredge campaign information, four intertidal sand inspections along the New Plymouth foreshore, one intertidal survey at four sites and one kaimoana survey at five sites.
62. The monitoring showed no adverse effects in the coastal environment attributable to the 2019 maintenance dredging campaign. For the first time since 2004, the Company did not exercise their resource consent to deposit dredge material at the inshore disposal ground, due to there being insufficient remaining capacity at the time. There is growing evidence that the rate of natural sediment transport into the harbour has increased in recent years, resulting in the Company having to remove greater volumes when dredging. There were no unauthorised incidents recording non-compliance in respect of this Company's maintenance dredging campaign during the period under review.
63. During the period, the Company demonstrated a high level of environmental and administrative performance with the resource consents covering their maintenance dredging activities.
64. For reference, in the 2018-2019 year, consent holders were found to achieve a high level of environmental performance and compliance for 83% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 13% of the consents, a good level of environmental performance and compliance was achieved.
65. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
66. In terms of overall environmental and compliance performance over the last several years, this report shows that the Company's performance has improved in the year under review.

67. This report includes recommendations for the 2020-2022 monitoring period.

### **20-34 Westside Kauri-E Hydraulic Fracturing Monitoring Programme Report 2018-2019**

68. Westside New Zealand Ltd (Westside) operates the Kauri-E hydrocarbon exploration site located on Geary Road, Manutahi. This report outlines and discusses the results of the monitoring programme implemented by the Council in relation to hydraulic fracturing activities conducted by Westside at the wellsite over the period 29 August 2018 to 31 August 2018. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.
69. The programme of hydraulic fracturing undertaken by Westside at the Kauri-E wellsite included the hydraulic fracturing of one well. The well targeted for stimulation was the Kauri-E2 well.
70. **During the monitoring period, Westside demonstrated an overall high level of environmental performance.**
71. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2017-2018 and 2018-2019 monitoring years. Monitoring included pre and post-discharge groundwater sampling. Samples of hydraulic fracturing fluids, and fluids returning to the wellhead post-fracturing, were also obtained for physicochemical analysis in order to characterise the discharges and to determine compliance with consent conditions.
72. This is the second monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Kauri-E wellsite.
73. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by Westside had no significant adverse effects on local groundwater resources. There were no unauthorised incidents recording non-compliance in respect of the resource consent held by Westside in relation to these activities or provisions in regional plans, during the period under review.
74. Westside demonstrated a high level of environmental and good level of administrative performance and compliance with the resource consents over the reporting period.
75. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
76. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Kauri-E wellsite.

### **20-35 Greymouth Petroleum Ltd Radnor-B Hydraulic Fracturing Monitoring Programme Report 2018-2019**

77. Greymouth Petroleum Ltd (GPL) operates the Radnor-B hydrocarbon exploration site located on Radnor Road, Midhirst, in the Patea Catchment. This report outlines and discusses the results of the monitoring programme implemented by the Council in relation to hydraulic fracturing activities conducted by GPL at the wellsite over the period 27 April 2018 to 26 September 2018. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.

78. The programme of hydraulic fracturing undertaken by GPL at the Radnor-B wellsite included the hydraulic fracturing of one well. The well targeted for stimulation was the Radnor-2 well.
79. **During the monitoring period, GPL demonstrated an overall high level of environmental performance.**
80. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2017-2018 and 2018-2019 monitoring years. Monitoring included pre and post-discharge groundwater sampling. One biomonitoring survey was also carried out on the Piakau Stream prior to commencement of the hydraulic fracturing programme. Samples of hydraulic fracturing fluids, and fluids returning to the wellhead post-fracturing, were also obtained for physicochemical analysis in order to characterise the discharges and to determine compliance with consent conditions.
81. This is the first monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Radnor-B wellsite.
82. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by GPL 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 GPL in relation to these activities or provisions in regional plans, during the period under review.
83. GPL demonstrated a high level of environmental and administrative performance and compliance with the resource consents over the reporting period.
84. For reference, in the 2018-2019 year, consent holders were found to achieve a high level of environmental performance and compliance for 83% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 13% of the consents, a good level of environmental performance and compliance was achieved.
85. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
86. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Radnor-B wellsite.

### **20-36 Todd Petroleum Ltd Mangahewa-C Hydraulic Fracturing Monitoring Programme Report 2018-2019**

87. Todd Energy Ltd (Todd) operates the Mangahewa-C hydrocarbon exploration site located on Tikorangi Road, Tikorangi. This report outlines and discusses the results of the monitoring programme implemented by the Council in relation to hydraulic fracturing activities conducted by Todd at the wellsite over the period 27 June 2018 to 10 July 2018. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.
88. The programme of hydraulic fracturing undertaken by Todd at the Mangahewa-C wellsite included the hydraulic fracturing of one well. The well targeted for stimulation was the Mangahewa-3 well.
89. **During the monitoring period, Todd demonstrated an overall high level of environmental performance.**

90. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2017-2018 and 2018-2019 monitoring years. Monitoring included pre and post discharge groundwater sampling. Biomonitoring surveys were also carried out to assess the impact of any site discharges during the hydraulic fracturing programme on the Waiiau Stream. Samples of hydraulic fracturing fluids, and fluids returning to the wellhead post fracturing, were also obtained for physicochemical analysis in order to characterise the discharges and to determine compliance with consent conditions.
91. This is the sixth monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Mangahewa-C wellsite.
92. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by Todd 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 Todd in relation to these activities or provisions in regional plans, during the period under review.
93. Todd demonstrated a high level of environmental and administrative performance and compliance with the resource consents over the reporting period.
94. For reference, in the 2018-2019 year, consent holders were found to achieve a high level of environmental performance and compliance for 83% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 13% of the consents, a good level of environmental performance and compliance was achieved.
95. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
96. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Mangahewa-C wellsite.

### **20-37 Greymouth Petroleum Mining Group Ltd Kowhai-D Kowhai-5 well Hydraulic Fracturing Monitoring Programme Report 2018-2019**

97. Greymouth Petroleum Mining Group Ltd (GPL) previously known as Petrochem Ltd operates the Kowhai-D hydrocarbon exploration site located on Manganui Road, Everett Park. This site is 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 GPL at the wellsite over the period 22 January 2019 to 11 March 2019. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.
98. The programme of hydraulic fracturing undertaken by GPL at the Kowhai-D wellsite included the hydraulic fracturing of one well. The well targeted for stimulation was the Kowhai-5 well.
99. **During the monitoring period, GPL demonstrated an overall high level of environmental performance.**
100. The programme of monitoring implemented by the Council in relation to these hydraulic fracturing activities spanned the 2018-2019 and 2019-2020 monitoring years. Monitoring included pre and post-discharge groundwater sampling. One biomonitoring survey was also carried out on a tributary of the Waitara River prior to commencement

of the hydraulic fracturing programme. Samples of hydraulic fracturing fluids, and fluids returning to the wellhead post-fracturing, were also obtained for physicochemical analysis. In order to characterise the discharges and to determine compliance with consent conditions, samples of hydraulic fracturing and return fluid were also obtained for physicochemical analysis.

101. This is the second monitoring report produced by the Council in relation to the hydraulic fracturing activities at the Kowhai-D wellsite.
102. The monitoring carried out by the Council indicates that the hydraulic fracturing activities undertaken by GPL 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 GPL in relation to these activities or provisions in regional plans, during the period under review.
103. GPL demonstrated a high level of environmental and administrative performance and compliance with the resource consents over the reporting period.
104. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
105. This report includes recommendations for the future monitoring of any hydraulic fracturing activities at the Kowhai-D wellsite.

#### **20-47 ANZCO Foods Waitara Ltd Monitoring Programme Annual Report 2019-2020**

106. ANZCO Foods Waitara Ltd (ANZCO) operates a food (meat) manufacturing complex located on Domett Street at Waitara, in the Waitara River catchment. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess ANZCO's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of ANZCO's activities.
107. ANZCO holds two resource consents, which include a total of 11 conditions setting out the requirements that ANZCO must satisfy. The consents allow the discharge of wastewater and stormwater into the Waitara River.
108. **During the monitoring period, ANZCO demonstrated an overall high level of environmental performance.**
109. The Council's monitoring programme for the year under review included two site inspections. Cooling water was sampled by an ANZCO contractor on a monthly basis, and additional samples were collected by the Council on one occasion for an inter-laboratory comparison.
110. The monitoring showed that the site was generally tidy and well managed. No evidence of adverse environmental effects was discovered in the Waitara River adjacent to the site. Elevated concentrations of un-ionised ammonia were discovered in five cooling water samples during the first four months of the monitoring period. These occurrences coincided with the offseason maintenance window, when plant maintenance and repairs can inadvertently introduce ammonia into the cooling waters. Despite these elevated concentrations, cooling water discharges during this maintenance window likely had

little environmental effect, due to their low volumes and that they were redirected to land. Near the start of 2020, ANZCO installed a new treatment and land disposal system for the cooling water discharges. There is now no direct conveyance of cooling water into the Waitara River.

111. There were no unauthorised incidents recording non-compliance in respect of this Company during the period under review.
112. During the year, the Company demonstrated a high level of environmental and administrative performance with the resource consents.
113. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
114. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance has improved during the year under review.
115. This report includes recommendations for the 2020-2021 year, including a recommendation that this tailored monitoring programme, as it currently stands, be discontinued; given that the cooling water discharge consent is no longer exercised. Two inspections will still be carried out each year for the purpose of monitoring the site's environmental performance and compliance with resource consent 5436-3, however, annual reporting is no longer required.

#### **20-49 Taranaki Galvanizers Monitoring Programme Annual Report 2019-2020**

116. Taranaki Galvanizers Ltd (the Company) operates a zinc galvanising plant located on Monmouth Road, approximately 1 km north of Stratford, in the Kahouri Stream catchment. The Company utilises a hot-dip galvanising process to provide a protective coating for steel materials. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Company's activities.
117. The Company holds two resource consents, which include a total of 16 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to discharge stormwater into an unnamed tributary of the Kahouri Stream, and one consent to discharge emissions into the air at this site.
118. **During the monitoring period, Taranaki Galvanizers Ltd demonstrated an overall good level of environmental performance.**
119. The Council's monitoring programme for the year under review included two inspections and eight water samples collected for physicochemical analysis.
120. During an inspection, on 17 June 2020, sampling detected elevated dissolved zinc and suspended solids discharging from the site. Dissolved zinc and suspended solids were also elevated in the receiving waters. In response to these results, repeat sampling was undertaken at both locations on 30 June 2020. A reduction of dissolved zinc and suspended solids was recorded at both sites and results had returned to within consented limits.

121. The historical disposal of galvanising waste materials into a bore on the Company's site is considered to be the most likely source of zinc contamination in the discharge. Physicochemical water quality monitoring over previous monitoring periods indicated that elevated zinc levels were continuing to occur from the discharges of stormwater and groundwater leachate from the galvanising site, as a result of historical disposal of spent acid to a bore on the property. The results have shown that in general, zinc concentrations have continued to decline over time. Sampling undertaken in the current period showed that the latest concentrations of zinc (30 June 2020) were within the resource consent condition requirements at site and there was no likely effect on the receiving environment downstream of the site.
122. In the reported period, no effects from the emissions to air from the galvanising site were detected at or beyond the boundary of the site.
123. During the year, the Company demonstrated a good level of environmental and a high level of administrative performance with the resource consents.
124. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
125. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance has deteriorated from high to good in the year under review.

#### **19-50 NPDC Crematorium Monitoring Programme Annual Report 2019-2020**

126. The New Plymouth District Council (NPDC) operates a crematorium located on Junction Road, New Plymouth. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess NPDC's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of NPDC's activities.
127. NPDC holds one resource consent, which includes a total of 22 conditions setting out the requirements that they must satisfy.
128. **During the monitoring period, NPDC demonstrated an overall good level of environmental performance.**
129. The Council's monitoring programme for the year under review included four compliance monitoring inspections, focusing on process control and possible visible emissions and odours.
130. There were a total of 414 cremations carried out at the NPDC crematorium during the 2019-2020 monitoring period.
131. A total of 767 cremations were performed in the Taranaki region between the NPDC and Abraham's crematorium during the 2019-2020 monitoring period.
132. NPDC is in the process of replacing the Newton cremator and completion of this work is anticipated to occur in the 2020-2021 monitoring period.
133. During the year, NPDC demonstrated a good level of environmental and a high level of administrative performance with the resource consent.



134. During the monitoring year, there was one incident involving the emission of black smoke self-reported by the consent holder. The matter was addressed and the new cremator proposed will further mitigate this type of event.
135. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.
136. 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 improved in the year under review.
137. This report includes recommendations for the 2020-2021 year.

### **20-54 STDC Coastal Structures Monitoring Programme Annual Report 2019-2020**

138. South Taranaki District Council (STDC) holds coastal permits for various structures along the South Taranaki coast. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess STDC's environmental and consent compliance performance during the period under review.
139. STDC now holds a total of 11 coastal permits relating to coastal structures, which include a total of 51 conditions setting out the requirements that the STDC must satisfy. STDC holds three coastal permits relating to boat ramps, wharves and jetties, one permit relating to an access structure and seven permits relating to coastal protection from erosion. A further two coastal permits are held for outfall structures which are the subject of other monitoring programmes, namely, the Patea Wastewater Treatment Plant, and the Opunake Wastewater Treatment Plant, and are therefore not discussed in this report.
140. **During the monitoring period, STDC demonstrated an overall high level of environmental performance.**
141. The Council's monitoring programme for the period under review included an annual inspection of the various structures.
142. The monitoring found that the majority of the coastal structures were compliant with consent conditions. Three of the four issues that were identified during the 2018-2019 inspection round were resolved by STDC during the monitoring period under review. The remaining issue has since been addressed. No definitive environmental effects were discovered in 2019-2020. It should be recognised, however, that the ability of the current monitoring programme to detect such effects is limited. To address this, monitoring changes are proposed within this report.
143. During the year, STDC demonstrated a high level of environmental and administrative performance with the resource consents.
144. For reference, in the 2019-2020 year, consent holders were found to achieve a high level of environmental performance and compliance for 81% of the consents monitored through the Taranaki tailored monitoring programmes, while for another 17% of the consents, a good level of environmental performance and compliance was achieved.

145. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance has improved in the year under review.
146. This report includes recommendations for the 2020-2021 year, including a recommendation to develop an additional survey programme for the seawall at Middleton Bay.

### Decision-making considerations

147. 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

148. 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

149. 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

150. 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.

### Legal considerations

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

### Appendices/Attachments

| Report Name  | PDF Number | Reporting period |
|--|------------|------------------|
| <a href="#">20-6 STDC Patea Beach Green Waste Discharge Monitoring Programme Annual Report</a> | 2555485    | 2019-2020        |
| <a href="#">20-13 Waiinu Beach Settlement Monitoring Programme Annual Report</a>               | 2537709    | 2019-2020        |
| <a href="#">20-14 Wai-iti Beach Retreat Monitoring Programme Annual Report</a>                 | 2540387    | 2019-2020        |
| <a href="#">20-18 Todd Energy Aquatic Centre Monitoring Programme Annual Report</a>            | 2536969    | 2019-2020        |

Consents and Regulatory Committee - Consent Monitoring Annual Reports

| Report Name  | PDF Number | Reporting period |
|--|------------|------------------|
| <a href="#">20-19 Urenui and Onaero Beach Camps Monitoring Programme Annual Report</a>   | 2546458    | 2019-2020        |
| <a href="#">20-31 Port Taranaki Ltd Maintenance Dredging Monitoring Programme Biennial Report</a>                                  | 2503492    | 2018-2020        |
| <a href="#">20-34 Westside Kauri-E Hydraulic Fracturing Monitoring Programme Report</a>  | 2523002    | 2018-2019        |
| <a href="#">20-35 Greymouth Petroleum Ltd Radnor-B Hydraulic Fracturing Monitoring Programme Report</a>                            | 2522566    | 2018-2019        |
| <a href="#">20-36 Todd Petroleum Ltd Mangahewa-C Hydraulic Fracturing Monitoring Programme Report</a>                              | 2522811    | 2018-2019        |
| <a href="#">20-37 Greymouth Petroleum Mining Group Ltd Kowhai-D Kowhai-5 well Hydraulic Fracturing Monitoring Programme Report</a> | 2523544    | 2018-2019        |
| <a href="#">20-47 ANZCO Foods Waitara Ltd Monitoring Programme Annual Report</a>   | 2545615    | 2019-2020        |
| <a href="#">20-49 Taranaki Galvanizers Monitoring Programme Annual Report</a>  | 2553122    | 2019-2020        |
| <a href="#">19-50 NPDC Crematorium Monitoring Programme Annual Report</a>  | 2547889    | 2019-2020        |
| <a href="#">20-54 STDC Coastal Structures Monitoring Programme Annual Report</a>   | 2549604    | 2019-2020        |



**Date** 1 September 2020

**Subject:** **Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 1 July 2020 to 13 August 2020**

**Approved by:** A D McLay, Director - Resource Management  
M J Nield, Acting Chief Executive

**Document:** 2570660

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### **Purpose**

1. The purpose of this memorandum is to allow the Council to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 1 July 2020 to 13 August 2020.
2. The annual inspection for farm dairy effluent monitoring programme commences in September each year and usually finishes around March, however follow up inspections and winter milking inspections are also carried out during the rest of the year.

### **Executive summary**

#### **Incidents**

3. There are seventy (70) incidents reported.
4. Thirty five (35) of the incidents were found to be compliant and twenty five (25) were found to be non-compliant. Ten (10) of the incidents reported relate to non-compliances from previous periods (updates). The action taken on the incidents is set out for Members information.

#### **Compliance monitoring non-compliances**

5. There are twenty three (23) compliance monitoring non-compliances reported. Thirteen (13) of the compliance monitoring non-compliances reported are updates from previous periods.
6. One (1) of the non-compliances reported are as a result of the annual dairy inspection round.

## Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 1 July 2020 to 13 August 2020
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 1 July 2020 to 13 August 2020, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

## Background

7. The Council receives and responds to pollution events and public complaints throughout the year. Consent compliance monitoring undertaken can also identify non-compliance. This information is recorded in the IRIS database together with the results of investigations and any follow-up actions. Such incidents and non-compliances are publicly reported to the Council through the Consents and Regulatory Committee via the Incidents, Compliance Monitoring Non-compliances and Enforcement Report or the Annual Compliance Monitoring Reports.
8. Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 1 July 2020 to 13 August 2020.
9. Staff have been delegated by the Council to undertake enforcement actions. The enforcement policy and procedures are approved by the Council and then consistently implemented and reported on by staff.

## Disclosure Restrictions

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

## Discussion

11. Council responds to all complaints received with most complaints responded to within four hours. This usually involves a site visit. Responses to complaints and non-compliances with rules in the Council's regional plans, resource consents and the Resource Management Act 1991 are recorded in the IRIS database. Where necessary, appropriate advisory or enforcement actions are undertaken. The latter may include issuing an inspection, abatement or infringement notice, or initiating a prosecution. Where an infringement notice or prosecution is possible, details of the information in the Incidents, Compliance Monitoring Non-compliances and Enforcement agenda item and staff comment will be restricted for legal disclosure reasons. Further information will be

provided at a later date to the Council and for prosecutions a detailed report will be provided for information purposes, in the confidential section of the agenda.

12. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 1 July 2020 to 13 August 2020 is attached. The 'compliant' incidents are presented first in a table and the 'non-compliant' incidents are presented after in a more detailed summary, followed by the compliance monitoring non-compliances.
13. Generally incidents in the 'compliant' table have a recommendation of 'no further action'. However, an incident is considered 'compliant' until such time as a non-compliance is found. Therefore occasionally an incident in the 'compliant' table will have a recommendation of 'investigation continuing', if an ongoing investigation is still underway to confirm compliance.
14. A series of graphs are also attached comparing the number of incidents between 2016-2017 and 2020-2021, and also showing how the incidents are tracking in 2020-2021 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 2020-2021.
15. The data in the graphs for 2020-2021 to date is showing that there are more incidents but less compliance monitoring non-compliances.

### **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.

**Legal considerations**

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

**Appendices/Attachments**

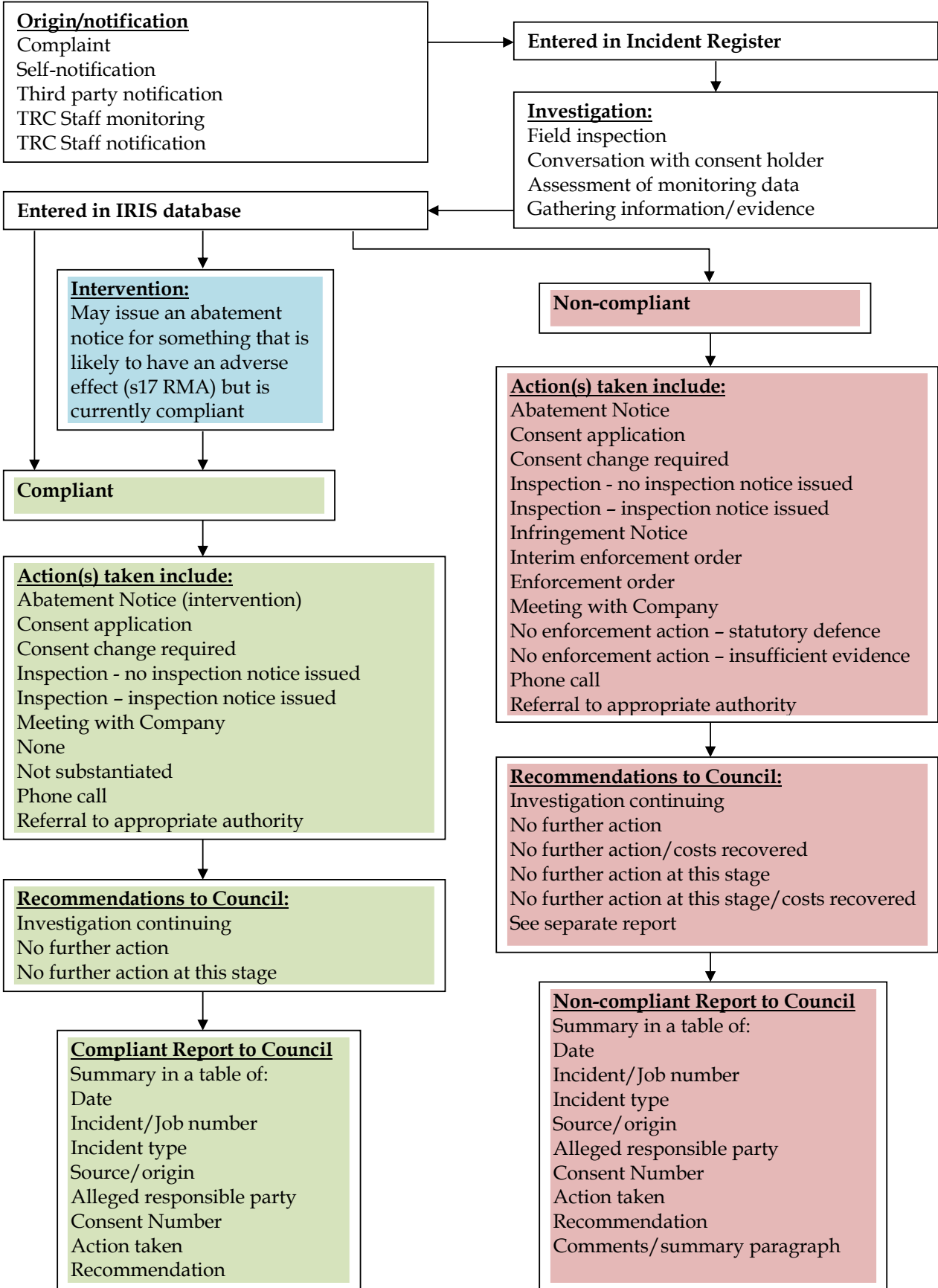
Document 1081324: Incident flowchart and terms explained

Document 2570679: Incident and Enforcement Graphs to 31 July 2020

Document 2570575: Incidents and Enforcement Summary 1 July 2020 to 13 August 2020

**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 issued       | An inspection was undertaken, however no inspection notice was issued as there was no alleged offender/landowner to issue one to (natural event, unsourced etc).   |
| Interim Enforcement Order         | An interim enforcement order has been issued by the Environment Court requiring action to be undertaken or something to cease. Notice must be complied with or further enforcement action can be considered. |
| Meeting with Company              | A meeting was held with the Company to discuss the incident and ways to resolve any issues.  |
| None                              | No action was required.  |
| Not Substantiated                 | The incident could not be substantiated (i.e. it is not likely/possible/probable that the alleged incident could have taken place).  |
| Phone call                        | A phone call was made to the alleged offender/authority.   |
| Prosecution                       | A prosecution is being initiated for this incident.  |
| Referral to Appropriate Authority | The incident was referred to the appropriate authority (District Council, Department of Conservation etc).   |

**Recommendations to Council**

|                                   |  |
|-----------------------------------|--|
| Investigation continuing          | Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents will continue to be reported as updates in the following agendas. |
| No Further Action                 | Investigation is completed, any required enforcement action has been undertaken and no further action is required.   |
| No Further Action At This Stage   | Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date.  |
| No Further Action/Costs Recovered | Investigation is completed, any required enforcement action has been undertaken and no further action is required. Costs will be recovered from the alleged offender for the investigation.  |

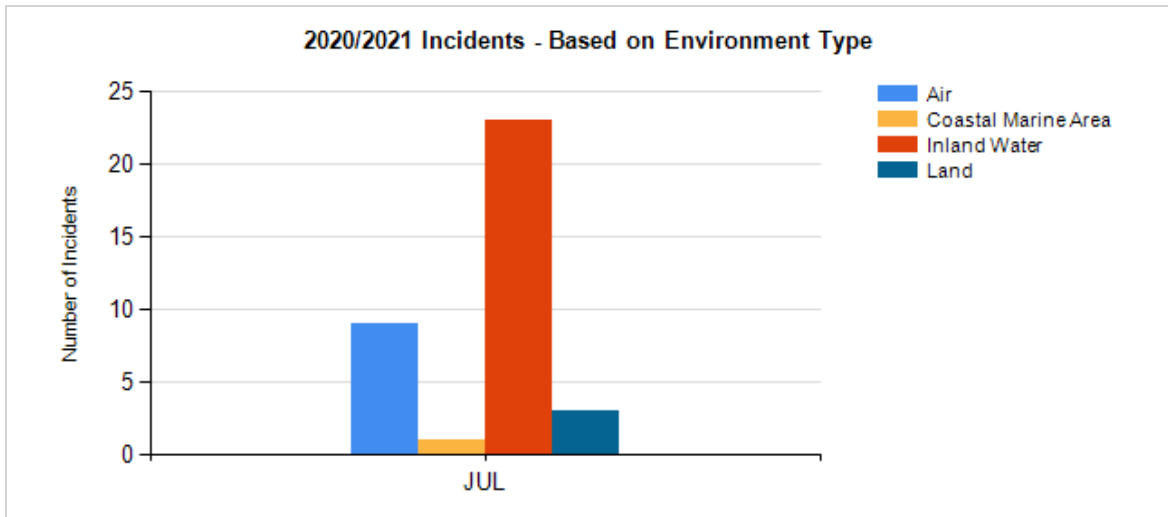
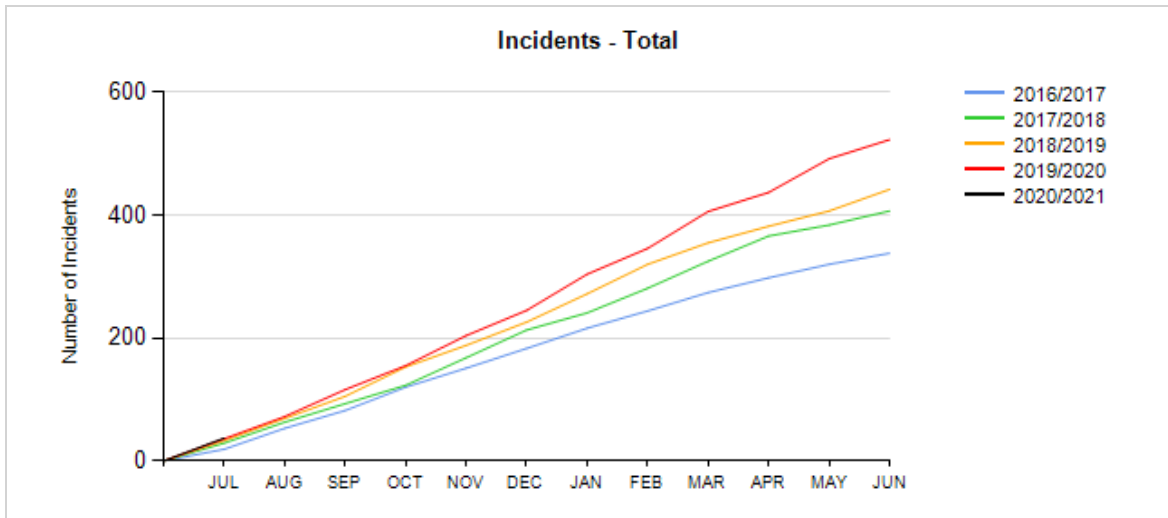
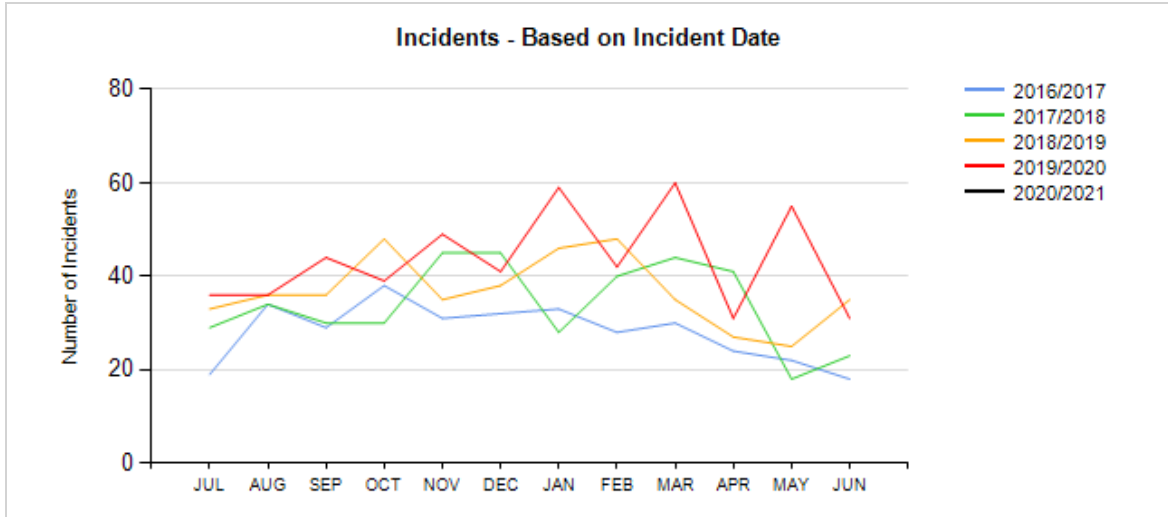
|   |   |
|---|---|
| No further Action at this Stage/Costs Recovered | Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the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

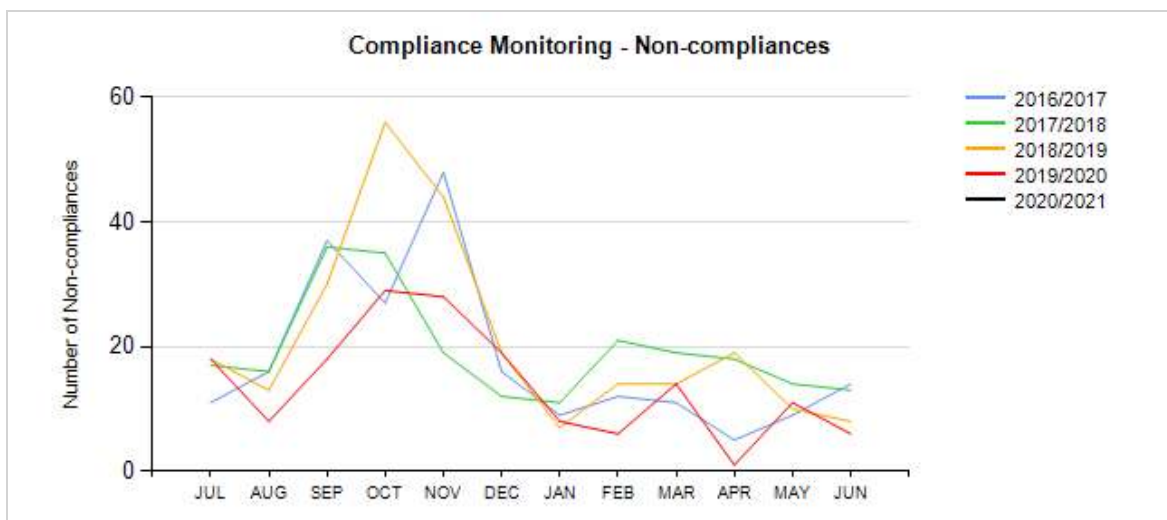
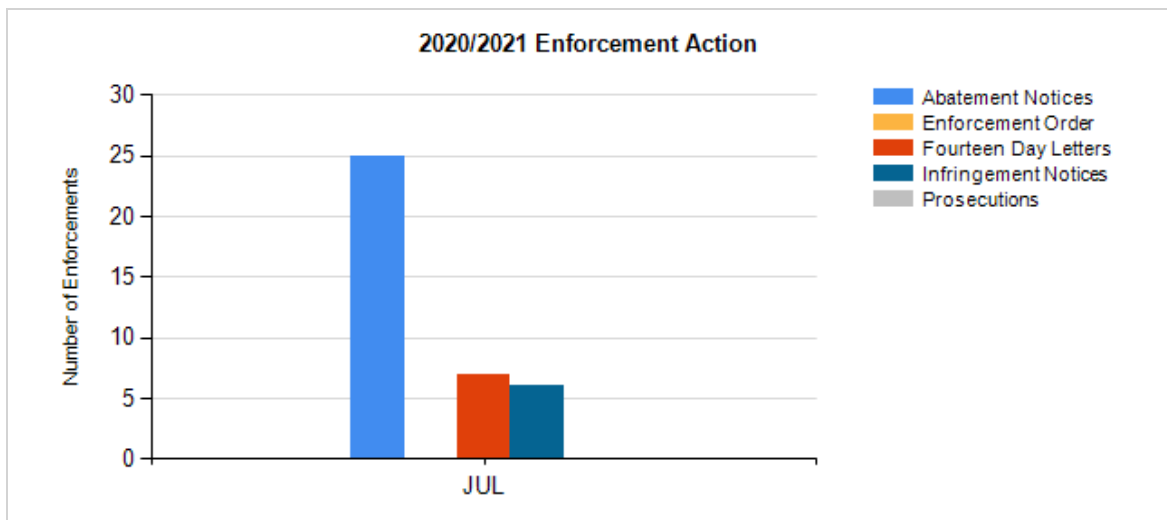
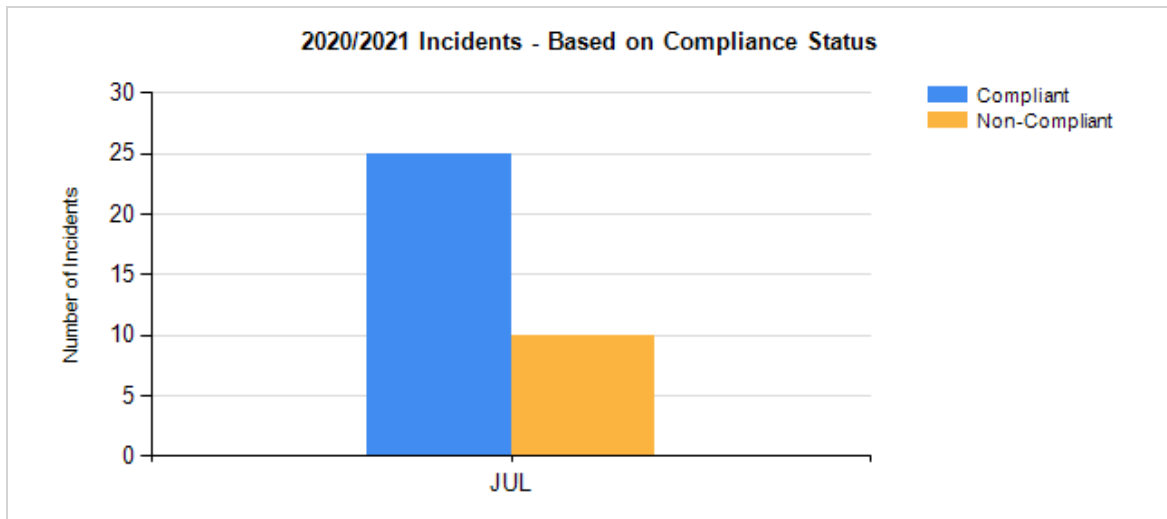
**Defences under Sections 340 and 341 of the Resource Management Act 1991**

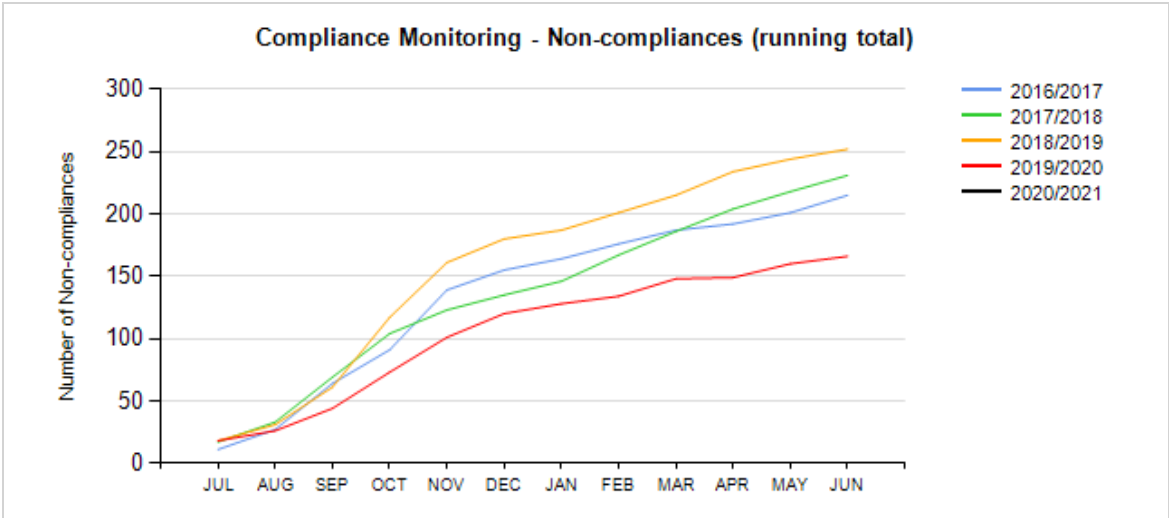
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

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

### Incident and Enforcement Graphs to 31 July 2020







**Compliant Incidents for the period 01 Jul 2020 to 13 Aug 2020**

| <b>Incident Date</b> | <b>Job Number / IRIS ID</b> | <b>Incident Type</b>                                     | <b>Source</b>            | <b>Alleged Responsible Party</b>   | <b>Consent Number</b> | <b>Compliance Status</b>     | <b>Recommendation</b> |
|----------------------|-----------------------------|--|--------------------------|--|-----------------------|------------------------------|-----------------------|
| 01 Jul 2020          | 3301-21-001<br>IN/39978     | Alleged Poultry odour - Henwood Road, Lepperton          | Complaint                | Shane & Adele Ward   | R2/5280-2.0           | RAQP Allowed                 | No Further Action     |
| 02 Jul 2020          | 3301-21-006<br>IN/39998     | Alleged Pig effluent discharge - Rugby Road, Tariki      | Complaint                | Gary Davies  |                       | RFWP Allowed                 | No Further Action     |
| 03 Jul 2020          | 3301-21-004<br>IN/39997     | Alleged Mussel shells in Mimi River - Uruti              | Complaint                | Unsourced  |                       | RFWP Allowed                 | No Further Action     |
| 03 Jul 2020          | 3301-21-005<br>IN/40001     | Alleged Substance on beach - Komene Road, Okato          | Complaint                | Unsourced  |                       | Not Applicable/Natural Event | No Further Action     |
| 03 Jul 2020          | 3301-21-010<br>IN/40026     | Alleged Car storage site - Uruti Rd - Uruti              | Complaint                | Andrew Brown<br>Carl Weston<br>Daniel Weston<br>Mathew Weston<br>Maxine Beales |                       | RFWP Allowed                 | No Further Action     |
| 03 Jul 2020          | 3301-21-016<br>IN/40037     | Alleged Dam - Burns Street, New Plymouth                 | Third Party Notification | Graeme Lowe<br>Greensill L & H Family Trust<br>Nick Greensill                  |                       | RFWP Allowed                 | No Further Action     |
| 06 Jul 2020          | 3301-21-007<br>IN/40003     | Alleged Vehicle down bank - Alfred Road - Egmont Village | Complaint                |  |                       | RFWP Allowed                 | No Further Action     |
| 06 Jul 2020          | 3301-21-003<br>IN/40005     | Alleged Concrete discharge - Burns Street, New Plymouth  | Complaint                | Jeremy Baker<br>Nick Greensill   |                       | RFWP Allowed                 | No Further Action     |

**Compliant Incidents for the period 01 Jul 2020 to 13 Aug 2020**

| <b>Incident Date</b> | <b>Job Number / IRIS ID</b> | <b>Incident Type</b>   | <b>Source</b> | <b>Alleged Responsible Party</b> | <b>Consent Number</b> | <b>Compliance Status</b>     | <b>Recommendation</b> |
|----------------------|-----------------------------|--|---------------|----------------------------------|-----------------------|------------------------------|-----------------------|
| 08 Jul 2020          | 3301-21-011<br>IN/40027     | Alleged Palm kernel on road - Mountain Road, Midhurst          | Complaint     | Unsourced                        |                       | RFWP Allowed                 | No Further Action     |
| 09 Jul 2020          | 3301-21-012<br>IN/40032     | Alleged Cows in Stream - Grays Road, Okato                     | Complaint     | P & E Grylls                     |                       | RFWP Allowed                 | No Further Action     |
| 10 Jul 2020          | 3301-21-014<br>IN/40028     | Alleged Gas odour - State Highway 45, Rahotu                   | Complaint     | Natural Event                    |                       | RFWP Allowed                 | No Further Action     |
| 10 Jul 2020          | 3301-21-013<br>IN/40031     | Alleged Smoke - Turatura Road, Hawera                          | Complaint     | Desmond Graeme Baylis            |                       | RAQP Allowed                 | No Further Action     |
| 10 Jul 2020          | 3301-21-015<br>IN/40042     | Alleged Bore discharge - Wairau Road, Oakura                   | Complaint     | New Plymouth District Council    | R2/10770-1.0          | RFWP Allowed                 | No Further Action     |
| 18 Jul 2020          | 3301-21-018<br>IN/40199     | Alleged Burning - Willow Place, New Plymouth                   | Complaint     | Unsourced                        |                       | Not Applicable/Natural Event | No Further Action     |
| 18 Jul 2020          | 3301-21-019<br>IN/40205     | Alleged Dead fish - Lake Rotomanu, New Plymouth                | Complaint     | Unsourced                        |                       | Not Applicable/Natural Event | No Further Action     |
| 19 Jul 2020          | 3301-21-020<br>IN/40206     | Alleged Orange discharge - Tawhiti Stream - Mason Road, Hawera | Complaint     | Unsourced                        |                       | Not Applicable/Natural Event | No Further Action     |
| 19 Jul 2020          | 3301-21-021<br>IN/40207     | Alleged Poultry odour - Kaipi Road, Egmont Village             | Complaint     | Tegel Foods Limited              | R2/9500-1.1           | Consent Compliance           | No Further Action     |



**Compliant Incidents for the period 01 Jul 2020 to 13 Aug 2020**

| <b>Incident Date</b> | <b>Job Number / IRIS ID</b> | <b>Incident Type</b>                                  | <b>Source</b>          | <b>Alleged Responsible Party</b>             | <b>Consent Number</b> | <b>Compliance Status</b> | <b>Recommendation</b> |
|----------------------|-----------------------------|---|------------------------|--|-----------------------|--------------------------|-----------------------|
| 20 Jul 2020          | 3301-21-022<br>IN/40208     | Alleged Poultry odour - Kaipi Road, Egmont Village    | Complaint              | Tegel Foods Limited                          | R2/9500-1.1           | Consent Compliance       | No Further Action     |
| 22 Jul 2020          | 3301-21-026<br>IN/40094     | Alleged Piped stream - Weld Road, Oakura              | TRC Staff Notification | Brett Adlam<br>Gordon Cocker<br>Kerry Cocker |                       | RFWP Allowed             | No Further Action     |
| 23 Jul 2020          | 3301-21-028<br>IN/40210     | Alleged Sewage discharge - Brois Street, New Plymouth | Self-Notification      | NPDC Water and Waste EM                      |                       | RFWP Allowed             | No Further Action     |
| 24 Jul 2020          | 3301-21-030<br>IN/40122     | Alleged Smoke - Waitara Road, Brixton                 | Complaint              | Rua Kiwi Gardens                             |                       | RAQP Allowed             | No Further Action     |
| 24 Jul 2020          | 3301-21-029<br>IN/40209     | Alleged Dumped soil - Tapuae Road, New Plymouth       | Complaint              | Robert Sadler                                |                       | RFWP Allowed             | No Further Action     |
| 28 Jul 2020          | 3301-21-032<br>IN/40124     | Alleged Cows in stream - Tiromoana Road, Eltham       | Complaint              | Allan Hawkes                                 |                       | RFWP Allowed             | No Further Action     |
| 29 Jul 2020          | 3301-20-033<br>IN/40120     | Alleged Smokey fire - State Highway 3, Normanby       | Complaint              | Anthony Munro<br>Bruce & Pauline Nickel      |                       | RAQP Allowed             | No Further Action     |
| 29 Jul 2020          | 3301-21-037<br>IN/40152     | Alleged Smoke/burning - Thompson Road, Egmont Village | Complaint              | Edward & Rayleen Straathof                   |                       | RAQP Allowed             | No Further Action     |
| 31 Jul 2020          | 3301-21-038<br>IN/40153     | Alleged Dairy effluent - Upper Timaru Road, Oakura    | Complaint              | Unsourced                                    |                       | RFWP Allowed             | No Further Action     |
| 03 Aug 2020          | 3301-20-041<br>IN/40155     | Alleged Smokey fire - Rimu Street, Hawera             | Complaint              | Jonno Noonan                                 |                       | RAQP Allowed             | No Further Action     |

**Compliant Incidents for the period 01 Jul 2020 to 13 Aug 2020**

| <b>Incident Date</b> | <b>Job Number / IRIS ID</b> | <b>Incident Type</b>   | <b>Source</b>            | <b>Alleged Responsible Party</b> | <b>Consent Number</b> | <b>Compliance Status</b>     | <b>Recommendation</b>    |
|----------------------|-----------------------------|--|--------------------------|----------------------------------|-----------------------|------------------------------|--------------------------|
| 04 Aug 2020          | 3301-21-046<br>IN/40165     | Alleged Pollen discharge - McLean Street, Hawera                 | Complaint                | Natural Event                    |                       | Not Applicable/Natural Event | No Further Action        |
| 05 Aug 2020          | 3301-21-045<br>IN/40163     | Alleged Water - Sybrandy - Toko                                  | Complaint                | Peter & Sue Sybrandy             |                       | RFWP Allowed                 | No Further Action        |
| 05 Aug 2020          | 3301-21-047<br>IN/40164     | Alleged Composting odour - Mokau Road, Uriti                     | Complaint                | Remediation (NZ) Limited         | R2/5838-2.2           | RAQP Allowed                 | No Further Action        |
| 06 Aug 2020          | 3301-21-049<br>IN/40189     | Alleged Discoloured stormwater - Te Henui Stream - New Plymouth  | Complaint                | Unsourced                        | R2/6095-1             | Not Applicable/Natural Event | Investigation Continuing |
| 06 Aug 2020          | 3301-21-048<br>IN/40216     | Alleged Chemical Odour - Swansea Road, Stratford                 | Complaint                | Unsourced                        |                       | RAQP Allowed                 | No Further Action        |
| 07 Aug 2020          | 3301-21-061<br>IN/40171     | Alleged Dairy effluent - Eltham Road, Kaponga                    | TRC Staff Notification   | Nilock & Camole Trusts           | R2/0687-2             | RFWP Allowed                 | No Further Action        |
| 12 Aug 2020          | 3301-21-059<br>IN/40203     | Alleged Earthworks and cleanfill - Carrington Road, New Plymouth | Third Party Notification | Derek Sampson                    |                       | RFWP Allowed                 | Investigation Continuing |
| 13 Aug 2020          | 3301-21-058<br>IN/40200     | Alleged In stream works - Namu Road, Opunake.                    | Complaint                | Darrell Hickey                   |                       | RFWP Allowed                 | No Further Action        |

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

| Incident Date                | Job Number / IRIS ID    | Incident Type                                 | Source                    | Alleged Responsible Party                    | Consent Number | Action Taken                    | Recommendation              |
|------------------------------|-------------------------|---|---------------------------|--|----------------|---------------------------------|-----------------------------|
| 16 Oct 2019<br><u>Update</u> | 3301-20-303<br>IN/38998 | Sewage discharge - Urenui<br>Estuary - Urenui | TRC Staff<br>Notification | John Honeyfield (71950)<br>Un sourced (9768) |                | EAC-23440 - Abatement<br>Notice | Investigation<br>Continuing |

**Comments:** During a Citizen Science project undertaken with Te Rūnanga o Ngāti Mutunga, samples of stormwater that discharges into the Urenui Estuary were taken. Subsequent analysis of the samples found that there was strong evidence of human sewage contamination. A meeting was held with New Plymouth District Council (NPDC), Te Rūnanga o Ngāti Mutunga and Taranaki District Health Board where the results were discussed. NPDC have undertaken to investigate the stormwater system and any possible problem areas to try to locate the source of the contamination. An update report was received outlining that further water sampling has identified 33 possible sources, which were further investigated. As a result of the investigation NPDC prepared an action plan which outlines remedial works to be undertaken to resolve the problem. NPDC and TRC have undertaken a series of inspections and sampling to more specifically locate the pathways of contamination. One abatement notice has been issued requiring works to be undertaken to ensure compliance with the Regional Fresh water Plan for Taranaki. Reinspection will be undertaken to ascertain compliance.

|                              |                         |   |           |                       |  |  |                             |
|------------------------------|-------------------------|---|-----------|-----------------------|--|--|-----------------------------|
| 18 May 2020<br><u>Update</u> | 3301-20-477<br>IN/39723 | Black smoke - Inland North<br>Road, Tikorangi | Complaint | Darryl Horgan (71455) |  |  | Investigation<br>Continuing |
|------------------------------|-------------------------|---|-----------|-----------------------|--|--|-----------------------------|

**Comments:** A complaint was received regarding black smoke discharging across the Pohokura/Methanex sites from the Inland North Road, Tikorangi area. Investigation found that a fire was burning at a property on Inland North Road. Some unauthorised materials were present on the fire, including 20 litre plastic chemical containers, car parts and a rubber mat, in contravention of rules in the Regional Air Quality Plan for Taranaki. The fire burnt out during the inspection. Enforcement action is being considered.

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

| Incident Date                | Job Number / IRIS ID    | Incident Type  | Source    | Alleged Responsible Party  | Consent Number | Action Taken   | Recommendation           |
|------------------------------|-------------------------|--|-----------|--|----------------|--|--------------------------|
| 09 Jun 2020<br><u>Update</u> | 3301-20-503<br>IN/39884 | Unauthorised dumping and burning - Lower King Road, Bell Block | Complaint | Clelands Construction Ltd (22615)<br>Jeremy & Racheal Cottam (24684)<br>Maxwell Gray (55411)<br>Offshore Plumbing & Pipeline (55449)<br>Papa Rererangi i Puketapu Limited (NP Airport) (55471) |                | EAC-23450 - Abatement Notice<br>EAC-23445 - Abatement Notice<br>EAC-23422 - Abatement Notice<br>EAC-23390 - Abatement Notice<br>EAC-23384 - Explanation Requested - Letter<br>EAC-23382 - Explanation Requested - Letter<br>EAC-23376 - Explanation Requested - Letter<br>EAC-23360 - Abatement Notice<br>EAC-23359 - Abatement Notice<br>EAC-23358 - Abatement Notice | Investigation Continuing |

**Comments:** A complaint was received concerning a smoky fire at a property on Lower King Road, Bell Block. Investigation found that a fire was burning on the property, with generators and lights set up around the fire area. Large amounts of rubbish were observed being transported onto the property. Trucks were followed and it was found that materials from the demolition of the old New Plymouth Airport terminal were being dumped and burnt on the property. An inspection of the property was undertaken and it was found that unauthorised materials were being dumped and burnt. Photographs and samples were taken. Abatement notices were issued requiring the deposition and disposal of unauthorised materials to cease. Reinspection the next day found that the abatement notices were being complied with at the time of inspection. A further inspection was undertaken under search warrant to obtain further evidence. Te Ataiawa were advised of the incident. Further enforcement action is being considered.

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

| <b>Incident Date</b>  | <b>Job Number / IRIS ID</b> | <b>Incident Type</b>                       | <b>Source</b> | <b>Alleged Responsible Party</b> | <b>Consent Number</b> | <b>Action Taken</b>                     | <b>Recommendation</b>             |
|---|-----------------------------|--|---------------|----------------------------------|-----------------------|---|-----------------------------------|
| 13 Jun 2020<br><u>Update</u>  | 3301-20-513<br>IN/39922     | Black smoke - South Road, Hawera           | Complaint     | Bruce Commerer (71670)           |                       |   | Investigation Continuing          |
| <b>Comments:</b> A complaint was received concerning black smoke from small rubbish fire at rear of building on South Road, Hawera. Investigation found that unauthorised materials were being burnt on site. Photographs were taken. Enforcement action is being considered.   |                             |  |               |                                  |                       |   |                                   |
| 20 May 2020<br><u>Update</u>  | 3301-20-479<br>IN/39745     | Poultry odour - Kaipi Road, Egmont Village | Complaint     | Tegel Foods Limited (9994)       | R2/9500-1.1           | EAC-23453 - Infringement Notice (\$750) | No Further Action/Costs Recovered |
| <b>Comments:</b> A complaint was received regarding odour discharging from poultry sheds on Kaipi Road, Egmont Village. An odour survey was undertaken and objectionable odour was found beyond the boundary of the site, around the complainant's property, in contravention of Abatement Notice EAC-22075, issued as a result of a previous incident.   |                             |  |               |                                  |                       |   |                                   |
| 21 May 2020<br><u>Update</u>  | 3301-20-488<br>IN/39776     | Poultry odour - Kaipi Road, Egmont Village | Complaint     | Tegel Foods Limited (9994)       | R2/9500-1.1           |   | No Further Action/Costs Recovered |
| <b>Comments:</b> A complaint was received regarding odour discharging from poultry sheds on Kaipi Road, Egmont Village. An odour survey was undertaken and objectionable odour was found beyond the boundary of the site, in contravention of Abatement Notice EAC-22075, issued as a result of a previous incident. As this incident was related to events of the previous incident, it was decided that one infringement notice was appropriate in this instance. |                             |  |               |                                  |                       |   |                                   |

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

| <b>Incident Date</b>  | <b>Job Number / IRIS ID</b> | <b>Incident Type</b>   | <b>Source</b>     | <b>Alleged Responsible Party</b> | <b>Consent Number</b> | <b>Action Taken</b>  | <b>Recommendation</b>                           |
|---|-----------------------------|--|-------------------|----------------------------------|-----------------------|--|---|
| 22 May 2020<br><u>Update</u>  | 3301-20-486<br>IN/39772     | Unauthorised discharge - Styrene into Mangahewa Stream - Tikorangi | Self-Notification | Todd Energy Limited (36724)      |                       |  | No Further Action At This Stage/Costs Recovered |
| <b>Comments:</b> Self-notification was received that works to re-line an existing old underground stormwater pipe had resulted in the release of a styrene product to the Mangahewa Stream. Styrene is normally contained within the pipe liner structure and once cured there is no longer any residual styrene that could enter a waterway, thereby eliminating risk, once full cure is achieved. During installation of the liner the resin that contains the styrene is double isolated within the applicable protective pre-liners. During the install process a section of the liner became damaged resulting in styrene release into the Mangahewa Stream. Steps were immediately taken to ensure that no further styrene entered the stream. The damaged section of pipe liner was safely repaired. Further inspections have found no adverse environmental effects. Ongoing monitoring will occur. |                             |  |                   |                                  |                       |  |   |
| 28 May 2020<br><u>Update</u>  | 3301-20-495<br>IN/39817     | Septic tank overflow - South Road, Rahotu                          | Complaint         | Beverley Burkitt (71527)         |                       | EAC-23356 - Explanation Requested - Letter<br>EAC-23354 - Abatement Notice | No Further Action                               |
| <b>Comments:</b> A complaint was received concerning a septic tank overflow pipe directed to the stream at South Road, Rahotu. Investigation found that a pipe from a house on the property was discharging an odorous and turbid liquid into the stream. Sewage fungus was present in the stream bed but was localised to below the discharge point. Samples of the discharge were taken. An abatement was issued requiring the discharge to cease. Reinspection found that the discharge pipe had been blocked off and the septic tank emptied. The discharge had ceased and the abatement notice was being complied with at the time of inspection. Work was underway to construct an effluent soakage bed to prevent any further discharge to surface water. Reinspection found that the abatement notice was being complied with at the time of inspection.  |                             |  |                   |                                  |                       |  |   |

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

| <b>Incident Date</b>         | <b>Job Number / IRIS ID</b> | <b>Incident Type</b>            | <b>Source</b> | <b>Alleged Responsible Party</b>    | <b>Consent Number</b>    | <b>Action Taken</b>                         | <b>Recommendation</b>                   |
|------------------------------|-----------------------------|---------------------------------|---------------|-------------------------------------|--------------------------|---|---|
| 22 Jun 2020<br><u>Update</u> | 3301-20-524<br>IN/39969     | Odour - Composting site - Uruti | Complaint     | Remediation (NZ) Limited<br>(30679) | R2/5839-2<br>R2/5838-2.2 | EAC-23455 - Infringement<br>Notice (\$1000) | No Further<br>Action/Costs<br>Recovered |

**Comments:** A complaint was received concerning odour emanating from a composting site on Mokau Road, Uruti. An odour survey was undertaken and offensive odour was found beyond the boundary of the property. The company were advised of the outcome.

|                              |                         |                                 |           |                                     |             |   |   |
|------------------------------|-------------------------|---------------------------------|-----------|-------------------------------------|-------------|---|---|
| 23 Jun 2020<br><u>Update</u> | 3301-20-525<br>IN/39993 | Odour - Composting site - Uruti | Complaint | Remediation (NZ) Limited<br>(30679) | R2/5838-2.2 | EAC-23456 - Infringement<br>Notice (\$1000) | No Further<br>Action/Costs<br>Recovered |
|------------------------------|-------------------------|---------------------------------|-----------|-------------------------------------|-------------|---|---|

**Comments:** A complaint was received concerning odour emanating from a composting site on Mokau Road, Uruti. An odour survey was undertaken and objectionable odour was found beyond the boundary of the property. The company were advised of the outcome.

**Non-Compliant incidents for the period 01 Jul 2020 to 13 Aug 2020**

| Incident Date | Job Number / IRIS ID    | Incident Type                           | Source                          | Alleged Responsible Party            | Consent Number | Action Taken | Recommendation           |
|---------------|-------------------------|---|---------------------------------|--------------------------------------|----------------|--------------|--------------------------|
| 26 May 2020   | 3301-21-054<br>IN/40172 | Unauthorised culvert - Puke Road, Uruti | TRC Staff Compliance Monitoring | New Plymouth District Council (9565) |                |              | Investigation Continuing |

**Comments:** During unrelated monitoring it was found that a culvert had been installed under Puke Road at Uruti in contravention of rules in the Regional Fresh Water Plan for Taranaki. Enforcement action is being considered.

|             |                         |   |                                 |                                      |           |  |                          |
|-------------|-------------------------|---|---------------------------------|--------------------------------------|-----------|--|--------------------------|
| 21 Jul 2020 | 3301-21-055<br>IN/40178 | Groundwater - Colson Road Landfill - New Plymouth | TRC Staff Compliance Monitoring | New Plymouth District Council (9565) | R2/4621-1 | EAC-23457 - Explanation Requested - Letter | Investigation Continuing |
|-------------|-------------------------|---|---------------------------------|--------------------------------------|-----------|--|--------------------------|

**Comments:** During analysis of data it was found that three groundwater monitoring bores were compromised and also that there were some changes in parameters that likely exceeded the maximum natural background variation that should be identified in the sites management plan, at the Colson Road Landfill in New Plymouth. A meeting was held with New Plymouth District Council (NPDC) staff, where it was confirmed that the groundwater bores were compromised. A report from an environment consultant confirmed that monitoring of the under liner drainage had shown that there were changes in a number of parameters that exceeded the maximum natural background variations. A letter requesting explanation was sent. NPDC are undertaking further investigation and a report on their findings will be provided to this Council.

|             |                         |                                 |           |                    |  |  |                          |
|-------------|-------------------------|---------------------------------|-----------|--------------------|--|--|--------------------------|
| 31 Jul 2020 | 3301-21-034<br>IN/40151 | Odour - Swansea Road, Stratford | Complaint | Interdrill (71978) |  |  | Investigation Continuing |
|-------------|-------------------------|---------------------------------|-----------|--------------------|--|--|--------------------------|

**Comments:** A complaint was received concerning odour in the Swansea Road area at Stratford. Investigation found that odour was emanating from a fire on an industrial site on Swansea Road. Some unauthorised materials were being burnt on the fire. The fire was extinguished at the time of inspection. Enforcement action is being considered.



**Non-Compliant incidents for the period 01 Jul 2020 to 13 Aug 2020**

| Incident Date   | Job Number / IRIS ID    | Incident Type                          | Source    | Alleged Responsible Party                        | Consent Number | Action Taken   | Recommendation           |
|---|-------------------------|--|-----------|--|----------------|--|--------------------------|
| 03 Aug 2020   | 3301-21-044<br>IN/40162 | Sewage discharge - High Street, Eltham | Complaint | Shayna Pemberton (72026)<br>William Jane (69832) |                | EAC-23462 - Abatement Notice   | Investigation Continuing |
| <p><b>Comments:</b> A complaint was received concerning a sewage discharge into a paddock at High Street, Eltham. Investigation found that some sewage was ponding on the surface of a paddock in contravention of an abatement notice issued as a result of previous non-compliances. The property was in the process of being sold. The current owner (at that time) undertook to clean out the septic tank. A further inspection after the property had been sold found this had not been done. Further enforcement action is being considered against the previous owner. The new owner was spoken to about what is required and it was agreed that an abatement notice would be issued requiring compliance with rules in the Regional Fresh Water Plan for Taranaki. Reinspection will be undertaken after 18 September 2020.</p> |                         |  |           |  |                |  |                          |
| 03 Aug 2020   | 3301-21-057<br>IN/40195 | Discoloured wetland - East Road, Toko  | Complaint | Burgess Crowley Partnership (67500)              | R2/7963-1      |  | Investigation Continuing |
| <p><b>Comments:</b> A complaint was received regarding water in a wetland being discoloured at a property on East Road, Toko. Investigation found the water was discoloured. The discoloration was traced to a quarry site on East Road. Samples were taken. Results are pending.</p>   |                         |  |           |  |                |  |                          |
| 04 Aug 2020   | 3301-21-036<br>IN/40147 | Odour - Young Street, New Plymouth     | Complaint | Modern Day Miners Limited (71967)                |                | EAC-23449 - Explanation Requested - Letter<br>EAC-23448 - Abatement Notice | Investigation Continuing |
| <p><b>Comments:</b> A complaint was received regarding odour in the Young Street area in New Plymouth. Investigation found that there was an objectionable chemical type odour in the area, which was traced to a neighbouring property where a Company was melting solder from computer mother boards with inadequate ventilation extraction. An abatement notice was issued requiring the works to cease. Reinspection found that the abatement notice was being complied with. A letter requesting explanation was sent. Further enforcement action is being considered.</p>   |                         |  |           |  |                |  |                          |

**Non-Compliant incidents for the period 01 Jul 2020 to 13 Aug 2020**

| Incident Date  | Job Number / IRIS ID         | Incident Type  | Source                    | Alleged Responsible Party      | Consent Number   | Action Taken | Recommendation                          |
|--|------------------------------|--|---------------------------|--------------------------------|------------------|--------------|---|
| 11 Aug 2020  | 3301-21-057<br>IN/40196      | Trees in stream -<br>Tauwharenikau Road, Tututawa        | TRC Staff<br>Notification | Powerco Limited (12931)        |                  |              | Investigation<br>Continuing             |
| <p><b>Comments:</b> During unrelated monitoring it was found that some trees had been felled into and across a stream on a property at Tauwharenikau Road, Tututawa. Investigation found that a power company had engaged contractors to clear power lines and in the process trees had been dropped in and around the stream. The company have been instructed to remove the trees. Enforcement action is being considered.</p> |                              |  |                           |                                |                  |              |   |
| 01 Jul 2020  | 3301-21-002<br>IN/39987      | Silt/sediment discharge -<br>Tukapa Street, New Plymouth | Complaint                 | Smudgy Developments<br>(56784) | R2/10585-<br>1.0 |              | No Further<br>Action/Costs<br>Recovered |
| <p><b>Comments:</b> A complaint was received concerning a discharge of silt and sediment laden stormwater from an industrial site at Tukapa Street New Plymouth. Investigation found that some back filling had been occurring using clean soil. Inadequate silt and sediment controls were in place. The occupier immediately installed extensive silt controls to prevent reoccurrence.</p>                                    |                              |  |                           |                                |                  |              |   |
| 02 Jul 2020  | 3301-121-<br>008<br>IN/40214 | Dead cow on beach  | Complaint                 | Un sourced (9768)              |                  |              | No Further Action                       |
| <p><b>Comments:</b> A complaint was received concerning a dead cow on Waitara Beach. Investigation found that there was a dead cow on the beach with no identification tag. The owner could not be traced. New Plymouth District Council were contacted and undertook burial of the carcass.</p>   |                              |  |                           |                                |                  |              |   |

**Non-Compliant incidents for the period 01 Jul 2020 to 13 Aug 2020**

| Incident Date  | Job Number / IRIS ID    | Incident Type                                    | Source            | Alleged Responsible Party                   | Consent Number | Action Taken | Recommendation    |
|--|-------------------------|--|-------------------|---|----------------|--------------|-------------------|
| 08 Jul 2020  | 3301-21-009<br>IN/40012 | Hydrocarbon spill - Junction Road, New Plymouth  | Complaint         | Unsourced (9768)                            |                |              | No Further Action |
| <p><b>Comments:</b> Notification was received concerning hydrocarbons on a road at the corner of Junction Road and Junction Street, New Plymouth. Investigation found that hydrocarbons were on the road and had likely discharged into the roadside drain. A contractor was already on site applying absorbent material onto the road and in the drain. No environmental effects could be found in any receiving waters. The responsible party could not be traced.</p>   |                         |  |                   |   |                |              |                   |
| 13 Jul 2020  | 3301-21-017<br>IN/40041 | Hydrocarbons in gutter - McClean Street, Waitara | Complaint         | Unsourced (9768)                            |                |              | No Further Action |
| <p><b>Comments:</b> A complaint was received regarding hydrocarbons in a roadside drain on McClean Street, Waitara. Investigation found that a hydrocarbon sheen was present in the drain outside BP Waitara. The inspection found no spill had occurred and it appeared that moss in the drain had at some stage absorbed hydrocarbons and this was leaching in to the drain when the moss became covered in stormwater. The area was bunded to prevent further discharge to the stormwater and the moss was cleared from the drain.</p>                                  |                         |  |                   |   |                |              |                   |
| 17 Jul 2020  | 3301-21-024<br>IN/40067 | Acid Spill - Fonterra - Eltham                   | Self-Notification | Fonterra Co-Operative Group Limited (28692) |                |              | No Further Action |
| <p><b>Comments:</b> Self-notification was received concerning a discharge of acid from a dairy processing facility, into the stormwater system in Eltham. Investigation found that acid had discharged from a leaking Intermediate Bulk Container (IBC) container on site. Most of the product was contained onsite within bunded areas under the IBC. A small amount of product had discharge along a driveway and into the stormwater system. The discharge had ceased at the time of inspection. No environmental effects could be found at the time of inspection.</p> |                         |  |                   |   |                |              |                   |

**Non-Compliant incidents for the period 01 Jul 2020 to 13 Aug 2020**

| Incident Date  | Job Number / IRIS ID    | Incident Type                                 | Source    | Alleged Responsible Party   | Consent Number | Action Taken | Recommendation   |
|--|-------------------------|---|-----------|---|----------------|--------------|--|
| 20 Jul 2020  | 3301-21-025<br>IN/40066 | Paint - Pukenui Street, New Plymouth          | Complaint | New Plymouth Boys High School (72017)<br>Peter Robertson (72016)              |                |              | No Further Action  |
| <p><b>Comments:</b> A complaint was received concerning a white substance in the creek behind Pukenui Street, New Plymouth. Investigation found that some paint has been washed into an onsite drain at New Plymouth Boys High School. The facilities manager advised that he had been marking lines with paint on the field, and the nozzle of the gun had been washed out over the drain. He undertook to clean up any residual paint and not to wash to the drain in the future. The stream was running clear at the time of inspection.</p>            |                         |   |           |   |                |              |  |
| 20 Jul 2020  | 330121-023<br>IN/40179  | Cement discharge - Burns Street, New Plymouth | Complaint | Gas & Plumbing Ltd (26366)<br>Nick Greensill (70974)<br>Wayne Eustace (27866) |                |              | No Further Action<br>At This<br>Stage/Costs<br>Recovered |
| <p><b>Comments:</b> A complaint was received concerning the discharge of cement to a pond on Burns Street, New Plymouth. Investigation found that cement had discharged from a man hole at a subdivision development at Burns Street, New Plymouth, in contravention of the Regional Fresh Water Plan for Taranaki. Enforcement action is being considered.</p>  |                         |   |           |   |                |              |  |
| 24 Jul 2020  | 3301-21-027<br>IN/40121 | Sediment - Airedale Street, Waitara           | Complaint | Martin Schimanski (72019)   |                |              | No Further Action  |
| <p><b>Comments:</b> A complaint was received concerning a milky stream near the Waitara Golf Course. Investigation found that stream was running clear. An inspection of the wider area found that a motorbike had been washed outside a property on Airedale Street. A large amount of sediment was noted along the gutter leading into the stormwater system that feeds into the stream. The occupants of the house were spoken and advised of the rules regarding discharges to water. In future the occupants will wash the motorbike at the farm.</p> |                         |   |           |   |                |              |  |

**Non-Compliant incidents for the period 01 Jul 2020 to 13 Aug 2020**

| Incident Date  | Job Number / IRIS ID    | Incident Type                                | Source                          | Alleged Responsible Party  | Consent Number | Action Taken                 | Recommendation                                  |
|--|-------------------------|--|---------------------------------|--|----------------|------------------------------|---|
| 27 Jul 2020  | 3301-21-031<br>IN/40099 | Dairy effluent - Upland Road, Egmont village | TRC Staff Compliance Monitoring | Gerry & Janine Sturkenboom (54973) Sturkenboom Farms Limited (55112) | R2/2106-2      | EAC-23434 - Abatement Notice | No Further Action At This Stage/Costs Recovered |
| <p><b>Comments:</b> During a resource consent application investigation, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Upland Road, Egmont village. Partially treated farm dairy effluent from an anaerobic pond was discharging to surface water. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 30 October 2020.</p>         |                         |  |                                 |  |                |                              |   |
| 31 Jul 2020  | 3301-21-042<br>IN/40149 | Fire - Glover Road, Hawera                   | Complaint                       | Julian Brian Edgecombe (27498)                                       |                |                              | No Further Action                               |
| <p><b>Comments:</b> A complaint was received concerning the burning of unauthorised material at a site on Glover Road, Hawera. Investigation found that a fire was burning at the back of the property and contained various unauthorised material including a bed, a couch, painted timber and treated timber. The occupier was advised of rules in the Regional Air Quality Plan for Taranaki. A further complaint was attended the following week and enforcement action was undertaken on that incident.</p> |                         |  |                                 |  |                |                              |   |
| 31 Jul 2020  | 3301-21-043<br>IN/40150 | Fire - Fabish - Egmont Village               | Complaint                       | Stephen Fabish (50877)   |                |                              | No Further Action                               |
| <p><b>Comments:</b> A complaint was received concerning black smoke from a fire on Egmont Road, Hillsborough. Investigation found that a large vegetation fire was burning with a small amount of unauthorised material on it. The property owner was advised of rules in the Regional Air Quality Plan for Taranaki.</p>  |                         |  |                                 |  |                |                              |   |

**Non-Compliant incidents for the period 01 Jul 2020 to 13 Aug 2020**

| Incident Date  | Job Number / IRIS ID    | Incident Type                                  | Source                 | Alleged Responsible Party             | Consent Number | Action Taken   | Recommendation                  |
|--|-------------------------|--|------------------------|---------------------------------------|----------------|--|---------------------------------|
| 03 Aug 2020  | 3301-20-035<br>IN/40130 | Burning - Glover Road, Hawera                  | Complaint              | Julian Brian Edgecombe<br>(27498)     |                | EAC-23447 - Explanation Requested - Letter<br>EAC-23446 - Abatement Notice | No Further Action At This Stage |
| <p><b>Comments:</b> A complaint was received regarding burning of unauthorised material at a property on Glover Road, Hawera. Investigation found that unauthorised materials, including a mattress, a couch, electrical wire coating, polycarbonated roofing, novoflow and house hold waste, was being burnt on the property. Some of the materials had been generated off-site. An abatement notice was issued requiring Rules in the Regional Air Quality Plan to be complied with. Reinspection found the abatement notice was being complied with at the time of inspection. An explanation was received.</p> |                         |  |                        |                                       |                |  |                                 |
| 03 Aug 2020  | 3301-20-039<br>IN/40154 | Dumped dead stock - Eltham Road, Kaponga       | Complaint              | Un sourced (9768)                     |                |  | No Further Action               |
| <p><b>Comments:</b> A complaint was received concerning dead stock and offal in a road side drain on Mangawhero Road, Riverlea. Investigation found a cow carcass and parts of processed stock had been dumped in and around the roadside drain. All identifying ear tags had been removed. A contractor removed and disposed of the carcass and body parts.</p>   |                         |  |                        |                                       |                |  |                                 |
| 03 Aug 2020  | 3301-20-040<br>IN/40156 | Unauthorised burning - Regan Street, Stratford | TRC Staff Notification | MJ Purvis Earthmoving Limited (14437) |                |  | No Further Action               |
| <p><b>Comments:</b> During unrelated monitoring it was found that burning of unauthorised materials, including plastics and furniture, was being undertaken on a property on Regan Street, Stratford. Odour and black smoke was present beyond the boundary of the site. The property was within the defined urban area but over 5000m<sup>3</sup>. The landowner was advised of rules in the Regional Air Quality Plan for Taranaki. The fire was extinguished at the time of inspection.</p>   |                         |  |                        |                                       |                |  |                                 |

**Non-Compliant incidents for the period 01 Jul 2020 to 13 Aug 2020**

| Incident Date   | Job Number / IRIS ID    | Incident Type   | Source                 | Alleged Responsible Party            | Consent Number | Action Taken                              | Recommendation    |
|---|-------------------------|---|------------------------|--------------------------------------|----------------|---|-------------------|
| 05 Aug 2020   | 3301-20-052<br>IN/40174 | Backyard burning - Glasgow Street, Hawera               | Complaint              | Razie Alluad (72006)                 |                |   | No Further Action |
| <p><b>Comments:</b> A complaint was received concerning backyard burning on a property on Glasgow Street, Hawera. Investigation found that some green waste was being burnt in an outdoor drum at the rear of the property. They were not aware that urban burning was prohibited. The fire was producing a small amount of smoke and was extinguished on request.</p>  |                         |   |                        |                                      |                |   |                   |
| 06 Aug 2020   | 3301-21-051<br>IN/40192 | Dead goat - Te Henui Stream - New Plymouth              | Complaint              | Ying Zhu (72022)                     |                |   | No Further Action |
| <p><b>Comments:</b> A complaint was received concerning a dead sheep in the Te Heuni Stream, New Plymouth. Investigation found a dead goat in the stream which was removed at the time of inspection. The owner was traced who was unaware that the animal had gotten out and died.</p>   |                         |   |                        |                                      |                |   |                   |
| 07 Aug 2020   | 3301-21-050<br>IN/40194 | Sewage discharge - Lemon & Liardet Street, New Plymouth | Complaint              | New Plymouth District Council (9565) |                | No Enforcement Action - Statutory defence | No Further Action |
| <p><b>Comments:</b> Self-notification was received concerning a sewage discharge on the corner of Lemon and Liardet Streets, New Plymouth. Investigation found there was minimal discharge to the stormwater drain and the discharge was stopped immediately. The discharge was caused by a blockage and displaced pipe. The blockage was cleared and repairs will be made to the pipe. Signs were erected and the contingency plan was followed.</p> |                         |   |                        |                                      |                |   |                   |
| 07 Aug 2020   | 3301-21-053<br>IN/40217 | Freezer in stream - Kahouri Stream, Stratford           | TRC Staff Notification | Un sourced (9768)                    |                |   | No Further Action |
| <p><b>Comments:</b> A complaint was received regarding a freezer in the Kahouri Stream, near the Kopuatama Cemetery, Stratford. No responsible party could be traced. The freezer was removed at the time of inspection.</p>  |                         |   |                        |                                      |                |   |                   |

**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                    |
|--|-------------------------|-----------------------------|-------------------|---|----------------|---|-----------------------------------|
| 05 Sep 2018<br><u>Update</u>   | 332119-044<br>ENF-21673 | Compliance Monitoring Insp. | Non-compliance    | Tania Jenna Brown (16070)   | R2/5473-1      |   | Investigation Continuing          |
| <p><b>Comments:</b> During a consent renewal inspection it was found that a weir was not operating within resource consent conditions at State Highway 45, Tataraimaka. Fish passage had not been maintained as required by resource consent conditions. Progress is being made to address this issue.</p>   |                         |                             |                   |   |                |   |                                   |
| 10 Jul 2019<br><u>Update</u>   | 332120-024<br>ENF-22082 | Compliance Monitoring Insp. | Non-compliance    | Bland & Jackson Surveyors Ltd (10034)<br>Settlers Bush Trustees Limited (52723) | R2/10227-1.0   | EAC-22798 - Abatement Notice  | Investigation Continuing          |
| <p><b>Comments:</b> During routine monitoring it was found that a dam site on a property at a subdivision on Honeyfield Drive, New Plymouth was not complying with resource consent conditions. An abatement notice was issued requiring resource consent to be complied with. Reinspection found that the abatement notice was not being complied with at the time of inspection. A letter of explanation has been requested. Further enforcement action is being considered.</p> |                         |                             |                   |   |                |   |                                   |
| 29 Apr 2020<br><u>Update</u>   | 332120-151<br>ENF-22495 | Compliance Monitoring Insp. | Non-compliance    | Fonterra Limited (50606)  | R2/3902-3.0    | EAC-23319 - Abatement Notice<br>EAC-23318 - Explanation Requested - Letter<br>EAC-23427 - Infringement Notice (\$750) | No Further Action/Costs Recovered |
| <p><b>Comments:</b> During routine monitoring it was found that there had been an unauthorised discharge of contaminated stormwater, from the Fonterra Whareroa site in Hawera, into the unnamed tributary of the Tangahoe River. An abatement notice was issued requiring works to be undertaken to prevent any further contaminants being discharged to the stream. Immediate works were undertaken to cease the discharge at the time of inspection.</p>                        |                         |                             |                   |   |                |   |                                   |



**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                    |
|--|-------------------------|-----------------------------------|----------------------------|---|----------------|---|-----------------------------------|
| <u>30 Apr 2020 Update</u>  | 332120-152<br>ENF-22496 | Dairy Non-compliant Re-inspection | Significant non-compliance | GBG Farms Limited (30373)   | R2/1322-3      | EAC-23429 - Infringement Notice (\$750)   | No Further Action/Costs Recovered |
| <p><b>Comments:</b> During the annual dairy re-inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Nopera Road, Urenui. The discharge was dark in colour and turbid. The unnamed tributary was discoloured downstream of the discharge point. Upstream of the discharge point, the stream had very low flow and was also turbid. It was discovered that the wall of pond two was leaking, likely due to the flax planted along the base of the wall. The consent holder undertook immediate works. Reinspection found that the consent was compliant at the time of inspection.</p> |                         |                                   |                            |   |                |   |                                   |
| <u>12 May 2020 Update</u>  | 332120-155<br>ENF-22509 | Compliance Monitoring Insp.       | Non-compliance             | Central Demolition Limited (71454)<br>Hawera High School (12002)<br>Philip John Nixon (3040)<br>TPJ Partnership (12834) | R2/10202-1.0   | EAC-23336 - Explanation Requested - Letter<br>EAC-23335 - Abatement Notice<br>EAC-23338 - Explanation Requested - Letter<br>EAC-23337 - Explanation Requested - Letter<br>EAC-23430 - Infringement Notice (\$750) | No Further Action/Costs Recovered |
| <p><b>Comments:</b> During routine monitoring of a cleanfill site at Rainie Road, Hawera, it was found that unauthorised material had been placed in the cleanfill. It was also found that silt and sediment controls were inadequate. An abatement notice was issued requiring all unauthorised materials to be removed. Reinspection found that the abatement notice was being complied with. Letters of explanation were received.</p>  |                         |                                   |                            |   |                |   |                                   |
| <u>25 May 2020 Update</u>  | 332120-160<br>ENF-22519 | Compliance Monitoring Insp.       | Significant non-compliance | AICA (NZ) Limited (37192)   | R2/2367-3.2    |   | No Further Action/Costs Recovered |
| <p><b>Comments:</b> During routine monitoring it was found that site stormwater was discharging overland and into water from a spray irrigation area in contravention of resource consent conditions and a previously issued abatement notice, at an industrial site on Corbett Road, Bell Block. Sample results showed no effects in the stream. A letter of explanation was received. A meeting was held with the Company and they have undertaken to engage suitably qualified people to make improvements to the system to ensure compliance.</p>  |                         |                                   |                            |   |                |   |                                   |

**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                                  |
|---|-------------------------|-------------------------------|-------------------|--|----------------|--|---|
| 02 Jun 2020<br><u>Update</u>  | 332120-165<br>ENF-22534 | Chemical Sampling Survey      | Non-compliance    | New Plymouth District Council (9565)   | R2/4619-1      | EAC-23372 - Explanation Requested - Letter | No Further Action/Costs Recovered               |
| <b>Comments:</b> During analysis of samples taken during routine monitoring it was found that the faecal coliform concentration was slightly above allowable limits in resource consent conditions at the Colson Road Landfill, New Plymouth. A letter of explanation was received and accepted.                            |                         |                               |                   |  |                |  |   |
| 05 Jun 2020<br><u>Update</u>  | 332120-182<br>ENF-22564 | Instream Structure Inspection | Non-compliance    | South Taranaki District Council (9623) | R2/9403-1      | EAC-23417 - Abatement Notice               | No Further Action At This Stage/Costs Recovered |
| <b>Comments:</b> During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Mangawhio Road, Waverley. An abatement notice was issued requiring works to be undertaken to ensure compliance. Reinspection will be undertaken after 9 November 2020. |                         |                               |                   |  |                |  |   |
| 05 Jun 2020<br><u>Update</u>  | 332120-183<br>ENF-22565 | Instream Structure Inspection | Non-compliance    | South Taranaki District Council (9623) | R2/9404-1      | EAC-23418 - Abatement Notice               | No Further Action At This Stage/Costs Recovered |
| <b>Comments:</b> During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Mangawhio Road, Waverley. An abatement notice was issued requiring works to be undertaken to ensure compliance. Reinspection will be undertaken after 9 November 2020. |                         |                               |                   |  |                |  |   |
| 05 Jun 2020<br><u>Update</u>  | 332120-184<br>ENF-22566 | Instream Structure Inspection | Non-compliance    | South Taranaki District Council (9623) | R2/9405-1      | EAC-23419 - Abatement Notice               | No Further Action At This Stage/Costs Recovered |
| <b>Comments:</b> During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Mangawhio Road, Waverley. An abatement notice was issued requiring works to be undertaken to ensure compliance. Reinspection will be undertaken after 9 November 2020. |                         |                               |                   |  |                |  |   |

**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                                  |
|--|-------------------------|-------------------------------|----------------------------|------------------------------------|----------------|---|---|
| 09 Jun 2020<br><u>Update</u>   | 332120-185<br>ENF-22567 | Instream Structure Inspection | Non-compliance             | Stratford District Council (10048) | R2/9338-1      | EAC-23420 - Abatement Notice  | No Further Action At This Stage/Costs Recovered |
| <b>Comments:</b> During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Swansea Road, Stratford. An abatement notice was issued requiring works to be undertaken to ensure compliance. Reinspection will be undertaken after 9 November 2020.   |                         |                               |                            |                                    |                |   |   |
| 18 Jun 2020<br><u>Update</u>   | 332120-167<br>ENF-22552 | Compliance Monitoring Insp.   | Non-compliance             | Port Taranaki Limited (26226)      | R2/0197-2.1    | EAC-23398 - Explanation Requested - Letter<br>EAC-23454 - Infringement Notice (\$750) | No Further Action/Costs Recovered               |
| <b>Comments:</b> During routine monitoring it was found that the discharge from a stormwater outlet at the end of Blyde Wharf, at Port Taranaki, was discoloured brown and turbid. The receiving waters were discoloured for approximately 20 metres from the discharge point. A sample of the discharge was taken. Analysis of samples found that the suspended solid levels were above allowable limits in consent conditions and was also in contravention with previously issued Abatement Notice EAC-22662. A letter of explanation was received. |                         |                               |                            |                                    |                |   |   |
| 19 Jun 2020<br><u>Update</u>   | 332120-163<br>ENF-22571 | Compliance Monitoring Insp.   | Significant non-compliance | Herd Properties Limited (70488)    | R2/10808-1.0   | EAC-23426 - Abatement Notice<br>EAC-23425 - Explanation Requested - Letter            | Investigation Continuing                        |
| <b>Comments:</b> During routine monitoring it was found that stormwater from disturbed areas was not directed through silt and sediment controls at a development site at Pohutukawa Place, Bell Block. Significant amounts of silt and sediment laden stormwater was discharging off site and into the stormwater network. Analysis of samples taken during the inspection found that suspended solid levels were above allowable limits in resource consent conditions. Enforcement action is being considered.                                      |                         |                               |                            |                                    |                |   |   |

**Compliance Monitoring - Non-compliances for the period 01 Jul 2020 to 13 Aug 2020**

| Inspection Date   | Job Number IRIS ID      | Inspection Type             | Compliance Status | Alleged Responsible Party   | Consent Number | Action Taken  | Recommendation                  |
|---|-------------------------|-----------------------------|-------------------|---|----------------|---|---------------------------------|
| 02 Jul 2020   | 332121-008<br>ENF-22606 | Annual Inspection           | Non-compliance    | The Tom Lance Trust (51397)   | R2/3312-3.1    | EAC-23465 - Explanation Requested - Inspection Notice | Investigation Continuing        |
| <p><b>Comments:</b> During routine monitoring it was found that water abstraction volume limits had been contravened on numerous occasions between 12 October 2019 and 1 May 2020, in contravention of Abatement Notice EAC-22773 issued as a result of previous non-compliances. Also it was found that no dip tube had been installed as instructed during previous monitoring. The dip tube is required before an automatic ground level recording device can be installed, which is also required by Abatement Notice EAC-22773. An explanation has been requested. Further enforcement action is being considered.</p> |                         |                             |                   |   |                |   |                                 |
| 03 Jul 2020   | 332121-010<br>ENF-22608 | Annual Inspection           | Non-compliance    | Kohi Investments Limited (17477)  | R2/5896-2.0    | EAC-23464 - Abatement Notice                          | No Further Action At This Stage |
| <p><b>Comments:</b> During routine analysis of abstraction data (27 July 2020), it was found that abstraction rates had been contravened on numerous occasions between 13 January 2020 and 26 March 2020. An abatement notice was issued requiring works to be undertaken to ensure resource consent compliance. Reinspection will take place after 1 December 2020.</p>  |                         |                             |                   |   |                |   |                                 |
| 06 Jul 2020   | 332121-007<br>ENF-22609 | Compliance Monitoring Insp. | Non-compliance    | Peter John Colman (70249)   | R2/10798-1.0   |   | No Further Action At This Stage |
| <p><b>Comments:</b> During routine monitoring it was found that a culvert had been installed in contravention of resource consent conditions. The consent holder is in the process of applying for a change of conditions on the resource consent.</p>  |                         |                             |                   |   |                |   |                                 |
| 07 Jul 2020   | 332121-001<br>ENF-22587 | Follow Up Inspection        | Non-compliance    | Schlumberger New Zealand Limited (51451)<br>Surrey Road Landfarms Limited (32728) | R2/7591-1.2    |   | Investigation Continuing        |
| <p><b>Comments:</b> During a follow-up inspection It was found that a land farming site was not complying with resource consent conditions. The irrigation pit was discharging into an adjacent drain. A meeting was held with the site operators. They have undertaken mitigation measures to ensure consent compliance. Reinspection found that the site was compliant. Enforcement action is being considered.</p>   |                         |                             |                   |   |                |   |                                 |

**Compliance Monitoring - Non-compliances for the period 01 Jul 2020 to 13 Aug 2020**

| Inspection Date  | Job Number IRIS ID      | Inspection Type             | Compliance Status          | Alleged Responsible Party                  | Consent Number | Action Taken  | Recommendation                    |
|--|-------------------------|-----------------------------|----------------------------|--|----------------|---|-----------------------------------|
| 15 Jul 2020  | 332121-002<br>ENF-22580 | Annual Inspection           | Significant non-compliance | St George By The Sea Limited (50987)       | R2/1466-3      | EAC-23424 - Explanation Requested - Letter            | Investigation Continuing          |
| <p><b>Comments:</b> During routine monitoring it was found that the farm dairy effluent disposal system was not operating within resource consent conditions. The sandtrap was blocked and overflowing to water. The sump was full and overflowing to land. The issues were rectified at the time of inspection. Enforcement action is being considered.</p>   |                         |                             |                            |  |                |   |                                   |
| 20 Jul 2020  | 332121-005<br>ENF-22594 | Annual Inspection           | Non-compliance             | Ample Group Limited (52845)                | R2/5176-2.0    | EAC-23439 - Explanation Requested - Inspection Notice | Investigation Continuing          |
| <p><b>Comments:</b> During routine monitoring it was found that the water abstraction data logger was not working and no abstraction records were available at a property at Mountain Road, Stratford. A letter requesting explanation was sent. Enforcement action is being considered.</p>   |                         |                             |                            |  |                |   |                                   |
| 27 Jul 2020  | 332121-003<br>ENF-22586 | Compliance Monitoring Insp. | Non-compliance             | Waste Remediation Services Limited (50821) | R2/5956-2.0    |   | No Further Action/Costs Recovered |
| <p><b>Comments:</b> During routine monitoring it was found that a landfarm was not operating within resource consent conditions at Lower Manutahi Road, Manutahi. One of the pit liners was compromised and the pit contained waste. An explanation was received and accepted. There was no evidence of any environmental effects. Reinspection found that the site was compliant with resource consent conditions.</p>  |                         |                             |                            |  |                |   |                                   |
| 30 Jul 2020  | 332121-004<br>ENF-22590 | Office Assessment           | Non-compliance             | Burgess Crowley Partnership (67500)        | R2/7964-1.1    | EAC-23436 - Abatement Notice                          | Investigation Continuing          |
| <p><b>Comments:</b> During routine monitoring it was found that no data had been received for the 2018-2019 and 2019-2020 period and that there was no staff gauge located at a water abstraction site at East Road, Stratford. An abatement notice was issued requiring resource consent conditions to be complied with at all times. Compliance with the abatement notice will be ascertained during the next monitoring period. Further enforcement action is being considered.</p> |                         |                             |                            |  |                |   |                                   |

**Compliance Monitoring - Non-compliances for the period 01 Jul 2020 to 13 Aug 2020**

| Inspection Date  | Job Number IRIS ID      | Inspection Type             | Compliance Status | Alleged Responsible Party                                       | Consent Number               | Action Taken                 | Recommendation           |
|--|-------------------------|-----------------------------|-------------------|---|------------------------------|------------------------------|--------------------------|
| 12 Aug 2020  | 332121-009<br>ENF-22607 | Annual Inspection           | Non-compliance    | KL & DE Harvey Family Trusts Partnership (3499)                 | R2/2309-3.0                  |                              | Investigation Continuing |
| <p><b>Comments:</b> During routine monitoring it was found that the dairy effluent disposal system was not operating within resource consent conditions at Kina Road, Rahotu. Enforcement action is being considered.</p>  |                         |                             |                   |   |                              |                              |                          |
| 12 Aug 2020  | 332121-006<br>ENF-22603 | Compliance Monitoring Insp. | Non-compliance    | Forgotten Farms Limited (68504)<br>Growing Gold Limited (72011) | R2/10710-1.1<br>R2/10711-1.1 | EAC-23459 - Abatement Notice | Investigation Continuing |
| <p><b>Comments:</b> During routine monitoring it was found that there were insufficient sediment controls installed and sediment was entering water at a forest harvesting site at Arnold Road, Pohokura. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 26 August 2020.</p> |                         |                             |                   |   |                              |                              |                          |



**Date** 1 September 2020

**Subject:** **Prosecution Sentencing Decision - Mr P Potroz**

**Approved by:** A D McLay, Director - Resource Management  
M J Nield, Acting Chief Executive

**Document:** 2568152

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### **Purpose**

1. The purpose of this memorandum is to update Members on the prosecution of Mr Phillip Potroz, for a breach of the Regional Fresh Water Plan for Taranaki involving the discharge of silt/sediment onto land and into water, diverting water, disturbing and reclaiming the bed of an unnamed tributary of the Kahouri Stream in January and February 2019.

### **Executive summary**

2. The Council responded to public complaints, undertook an investigation and applied the Enforcement Policy (2017).
3. The result is a successful prosecution and reasonably high fine. The sentencing decision provides insight into the rationale for the decision. The decision also acknowledges the effects of the activity on cultural values held by Hapu.

### **Recommendation**

That the Taranaki Regional Council:

- a) receives this report and notes the successful outcome of the prosecution against Mr Phillip Potroz.

### **Background**

4. The environmental incident was considered by the Chief Executive, acting under delegated authority from the Council, and the decision to prosecute was presented to the Committee, for information purposes, on 23 July 2019.

### **Incident**

5. In summary, the prosecution relates to various river works, including unauthorised damming (3 metre high) and reclamation of approximately 250 metres of an unnamed tributary of the Kahouri Stream within the Patea catchment. The purpose of the activity

was to create a farm water supply. This resulted in significant environmental effects within the 250 metre stretch of stream where the works were undertaken and also resulted in water backing up on a neighbouring property for approximately 90 metres, partially flooding the mature, native riparian vegetation on the property.

### **Prosecution update**

6. Three charges were laid against Mr Potroz for offences against section 13 (1)(e), 14(2)(a), 15(1)(b) and section 338(1)(c) of the RMA in January and February 2019.
7. The defendant pleaded guilty to the charges. Sentencing was passed on 4 August 2020 and notes of Judge Dickey on sentencing are attached. The rationale for the decision is set out in the judgement and a number of factors are considered in determining the sentence. The fine reflects the seriousness of the incident.
8. Mr Potroz was fined \$45,500 on three charges.

### **Decision-making considerations**

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

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

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

### **Policy considerations**

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

### **Iwi considerations**

12. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
13. Nga Ruahine Iwi have actively been involved in the prosecution and the issuing of resource consents. A victim impact statement was supplied for sentencing and the Judge, in paragraph 37, acknowledges the cultural effects were significant and highly adverse.



**Legal considerations**

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

**Appendices/Attachments**

Document 2560362: Sentencing Decision - Potroz

**IN THE DISTRICT COURT  
AT NEW PLYMOUTH**

**I TE KŌTI-Ā-ROHE  
KI NGĀMOTU**

**CRI-2019-021-000435  
[2020] NZDC 9077**

**TARANAKI REGIONAL COUNCIL**  
Prosecutor

v

**PHILLIP LEWIS JOHN ALBERT POTROZ**  
Defendant

Hearing: 13 March 2020  
Appearances: KJL de Silva for the prosecutor  
PJ Mooney for the defendant  
Judgment: 4 August 2020

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**SENTENCING DECISION OF JUDGE MJL DICKEY**

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**Introduction**

[1] The defendant has pleaded guilty to three representative charges under sections 13, 14 and 15 of the Resource Management Act 1991 (**Act**). The charges are that on dates unknown between 21 January and 5 February 2019 the defendant undertook the following activities involving an unnamed tributary of the Kahouri Stream:

- (a) drained the bed of a river; and
- (b) dammed water; and
- (c) discharged contaminants, namely sediment and riparian vegetation, into water;

when those activities were not expressly allowed under the Act or by a national environmental standard, a rule in a Regional Plan or a resource consent. The charges relate to a dry stock farm on Pembroke Road, Upper Stratford (**Farm**).

[2] The maximum penalty for each charge is a fine not exceeding \$300,000 or a term of imprisonment not exceeding two years. It was agreed between counsel that a fine is the appropriate sentencing response, and I agree. There has been no suggestion that the defendant should be discharged without conviction and he is convicted accordingly.

[3] The differences between counsel were in respect of the starting point that I should adopt, with the prosecutor submitting that an appropriate starting point is \$70,000. For the defendant, Mr Mooney submitted that a starting point of between \$35,000 - \$40,000 would be appropriate.

#### **Regulatory framework<sup>1</sup>**

[4] Sections 13, 14 and 15 of the Act are relevant, as are Rules 59 and 74 of the Regional Freshwater Plan for Taranaki (**RFWP**).

[5] Section 13 restricts certain uses of the beds of lakes and rivers. Section 13(1)(e) provides that no person may, in relation to the bed of any lake or river, reclaim or drain the bed unless expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one) or a resource consent.

[6] Section 14 of the Act imposes certain restrictions relating to water. Section 14(2)(a) provides that no person may dam water other than open coastal water unless the damming is allowed by s 14(3). Section 14(3) provides that a person is not prohibited by subsection (2) from damming any water if the damming is expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one) or a resource consent; or, in the case of fresh water, the water is required to be taken or used for an

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<sup>1</sup> Summary of Facts, paragraphs 1 and 13.

individual's reasonable domestic needs or the reasonable needs of the person's animals for drinking water and the taking or use does not, or is not likely to, have an adverse effect on the environment.

[7] Section 15 of the Act controls the discharge of contaminants into the environment. Section 15(1)(a) and (b) provide that no person may discharge any contaminant or water into water; or contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.

[8] Rule 59 of the RFWP permits the construction, placement and use of a dam subject to conditions. Rule 74 of the RFWP permits the realignment or modification of a stream or river subject to conditions.

### **Background and offending<sup>2</sup>**

[9] The Farm is identified in the Computer Freehold Register as TND4/733. It does not have an address assigned to it. Mr Potroz's family trust owns the Farm. He has farmed in the area for approximately 45 years.

[10] The Farm consists of approximately 400 hectares of flat to undulating land. It is used for a mixture of dairy and dry stock farming. The area where the works occurred is predominantly used for dry stock farming operations.

[11] The Farm is located within the upper portions of the Patea catchment in the immediate vicinity of the Egmont National Park. There are a number of natural streams that intersect the Farm which flow in an easterly direction, and discharge into a number of various named streams before entering the Patea River. The tributaries are best described as rocky mountain streams of varying size up to approximately five metres in width.

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<sup>2</sup> Summary of Facts, paragraphs 2-26.

[12] The works occurred in an unnamed tributary of the Kahouri Stream, located approximately 600 metres downstream of the boundary with the Egmont National Park. The Kahouri Stream flows into the Patea River to the east of Stratford. The Patea Catchment is identified in the Regional Freshwater Plan for Taranaki as having excellent to good water quality in the upper reaches and high aesthetic, scenic and recreational values.

***History of non-compliance***

[13] Mr Potroz and his wife hold resource consents 0676-2 and 2210-3 (**Resource Consents**) to discharge farm dairy effluent in association with their dairy farming activities.

[14] Between October 2005 and November 2017, five abatement notices were issued to Mr Potroz and his wife for non-compliance with the Resource Consents.

***Offending on dates unknown between 21 January and 5 February 2019 (3 representative charges)***

[15] Mr Potroz carried out a significant amount of earthworks on the Farm in and around a 260 metre section of an unnamed tributary of the Kahouri Stream (**Tributary**).

[16] The works breached a number of conditions of permitted activity Rules 59 and 74 in the RFWP. The works were undertaken in contravention of ss 13(1)(e), 14(2)(a), and 15(1)(a) and (b) of the Act. No resource consent was obtained to authorise the works.

[17] On 4 February 2019, a complaint was received from a member of the public regarding stream works undertaken on the Farm. A Taranaki Regional Council (**TRC**) Officer spoke with the complainant about the alleged works. A decision was made to investigate the complaint the following day to allow sufficient time to fully document the extent of the works and any potential adverse effects arising from the activity.

[18] On 5 February 2019, TRC Enforcement Officers and the TRC's Rivers Manager (Daniel Harrison) inspected the Farm. They found that the following work had been undertaken:

- A three-metre-high earth dam had been constructed across the Tributary approximately eight metres downstream of the property boundary.
- A small area of the Tributary had been excavated immediately upstream of the dam to construct a pond.
- The dam resulted in water backing up within the banks of the Tributary extending 90 metres upstream. This resulted in the submersion (both full and partial) of mature, natural riparian vegetation along the Tributary banks.
- Flow within the Tributary at the time of the inspection was low, with most of the water from the Tributary being collected at the dam and drained through a 50mm gravity fed Alkathene pipe to a concrete storage tank for water supply purposes on the Farm.
- Any excess water overflowed from the concrete tank and re-entered the Tributary 250 metres downstream of the earth dam.
- Mature riparian vegetation had been removed by digger from the Tributary's banks extending 250 metres downstream of the dam. The riparian vegetation had been placed upon the natural bed of the Tributary throughout the length of Tributary that was subject to the works.
- A digger was used to bench into the Tributary bank along the true right bank. The earth from the creation of the bench was placed upon the riparian vegetation overtop of the dry Tributary bed.
- The earth placed upon the Tributary bed was found to be of varying depths and unconsolidated.
- No alternative spillway or flow path had been installed at the dam to cope with increased flows during wet weather or natural seasonal variation. Any increased flow which exceeded the capacity of the gravity fed Alkathene

pipe would have resulted in the overtopping of the dam and the discharge of water through the 250 metre section of unconsolidated earth within the buried section of Tributary.

[19] The Officers took photos and video footage both on the ground and via a drone during the inspection.

***Abatement Notices***

[20] On 8 February 2019 two abatement notices were served on Mr Potroz and Lorraine Potroz:

- (a) Abatement Notice No. EAC-22509 required the recipients to immediately cease and not recommence earthworks activities in contravention of Rules 59 and 74 of the RFWP;
- (b) Abatement Notice No. EAC-22510 required the recipients to install silt and sediment controls and ensure that any discharge from the disturbed areas is directed through the silt controls by 11 February 2019.

[21] On 20 February 2019, Abatement Notice No. EAC-22523 was served on Mr Potroz and Lorraine Potroz. The Notice required, among other matters, the recipients to instruct a Chartered Professional Engineer and an Erosion and Sediment Control Expert to prepare a plan with a design for works to either authorise the diversion works or reinstate the Tributary that had been modified.

**Explanation**

[22] On 8 April 2019, the defendant was formally interviewed by TRC Officers. The Summary of Facts records that Mr Potroz provided the following information (*inter alia*)<sup>3</sup>.

- a) The Farm was farmed as a dairy farm until this season when it was converted to dry stock farming
- b) There has always been a gravity fed water system from the Tributary. This system supplies stock water to approximately 150 acres of the Farm

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<sup>3</sup> Summary of Facts, paragraph 23.

- c) There was originally a 200 mm deep pond at the upper boundary which supplied water to the gravity fed water supply via an Alkathene pipe
- d) The Alkathene pipe was laid upon the Tributary bed running down to the concrete tank
- e) During rainfall events, sticks would wash down the Tributary from the mountain and would block the water intake or during larger floods the Alkathene pipe would get damaged. This would result in stock having no drinking water
- f) The idea was to dig a pond adjacent to the current pond and divert the Tributary into the pond
- g) The gravity fed water intake would be placed within the pond and a grate was to be placed in the channel at the entry to the pond to prevent sticks from entering the pond and potentially blocking the water intake.
- h) A channel would have then been dug from the pond, along the northern boundary where it would re-enter the Tributary at the lower extend of the current works
- i) The original Tributary bed was then to be filled in and re-contoured to create one flat paddock
- j) "I'd like to say I'd thought about the fish and the eels and all that, but I really probably didn't"
- k) The works plan, and the design of the realigned Tributary was the defendant's idea. He also undertook the earthworks using a digger which he owns
- l) He wasn't aware that what he was doing was wrong and if he thought the works were wrong then he wouldn't have done it

### ***Subsequent events***

#### *Re-inspections*

[23] From 8 February 2019 a number of re-inspections were undertaken to assess compliance with the abatement notices issued in February 2019. TRC officers confirmed that the requirements of the abatement notices had been complied with.

#### *Resource Consent*

[24] A retrospective resource consent was granted to the defendant on 3 March 2020 (**Retrospective Resource Consent**). The purpose of the application for consent was to address the work that had been undertaken by the defendant. It requires that the Tributary is to be reinstated to its original channel. Rock, riprap and riffles were to be placed within the channel to provide scour protection. The prosecutor advised the Court that the revegetation management plan is intended to largely



replicate the environment that existed prior to the unauthorised works, but that it will take up to 50 years for the habitat to fully develop.<sup>4</sup>

### **Sentencing principles**

[25] Against that background I adopt a starting point for the fine. The purpose and principles of sentencing under the Sentencing Act 2002 (SA) are relevant insofar as they are engaged by a particular case. Counsel referred me to the sentencing principles for prosecutions under the SA set out by the High Court in *Thurston v Manawatu-Wanganui Regional Council*.<sup>5</sup> The Court set out considerations that frequently assume relevance in sentencing under the Act, which include an assessment of the offender's culpability for the offending, any infrastructural or other precautions taken to prevent the discharges, the vulnerability or ecological importance of the affected environment, the extent of the environmental damage, deterrence, the offender's capacity to pay a fine, disregard for abatement notice or council requirements, remedial steps taken to mitigate the offending or prevent future offending, and cooperation with enforcement authorities.

### ***Environmental effects of the offending***<sup>6</sup>

[26] Attached to the Summary of Facts were three reports that detailed the effects of the works that had been undertaken:

- (a) 'Report on Damming and diversion of an unnamed tributary of Kahouri Stream and deposition of material in the channel at the Potroz Farm' by Daniel Harrison (Rivers Manager) to TRC dated 12 August 2019 (**Harrison Report**). It addressed the effects of the construction of the dam and associated works on the stability and hydro-geological characteristics of the Tributary;
- (b) 'Report on assessment of effects on freshwater fish in relation to works in an unnamed tributary of the Kahouri Stream' by Pdraig Deegan, employed

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<sup>4</sup> Prosecutor's submissions, paragraph 20.

<sup>5</sup> *Thurston v Manawatu-Wanganui Regional Council*, HC, Palmerston North, CRI-2009-454-24, 25,27 August 2010, paragraphs [39]-[51].

<sup>6</sup> Summary of Facts, paragraphs 27-29.

by TRC as an environmental scientist – Freshwater Biology, undated (**Deegan Report**). It addressed the adverse effects on the freshwater fish communities as a result of the earthworks; and

- (c) ‘Report on bio-monitoring of an unnamed tributary of the Kahouri Stream in relation to unauthorised works at the Potroz Farm’ by Brookby Thomas, an environmental scientist employed by TRC, dated 12 August 2019 (**Thomas Report**). The report outlined the results and analysis of a bio-monitoring survey of the Tributary.

*Effects of the damming and diversion*

[27] The Harrison Report concluded that the work undertaken to modify the Tributary has caused significant adverse effects on the environment and had and still has the potential to cause further adverse effects on the environment.

[28] It described the effects as follows:<sup>7</sup>

Adverse effects include: pollution of water and the downstream stream bed from a discharge of silt and sediment; habitat loss in downstream reaches caused by silt and sediment smothering stream bed gravels and cobbles; habitat loss caused by the destruction of the stream bed over the modified reach.

Potential adverse effects include: ongoing silt and sediment loss caused by disturbed earth; erosion of the tributary and associated further silt and sediment loss; destruction of an unmodified high naturalness waterway that could potentially take decades to recover; detriment to natural geomorphic processes.

Had the work continued as planned without intervention from TRC there would have been potential for further adverse effects including: permanent loss of habitat; detriment to natural geomorphic processes and gravel transport; ongoing erosion and silt and sediment loss.

Despite the modification works being halted prior to being completed, the adverse effects from the initial work and the poorly executed remediation works have been significant and will continue for several years.

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<sup>7</sup> Harrison Report, page 10.

Effects on freshwater fish

[29] The Deegan Report described the catchment in which the Tributary is located as being known to contain populations of a diverse range of species, of which many are transported throughout the catchment by a trap and transfer programme related to the Patea Dam. One release location for selected juvenile Galaxias species and shortfin and longfin eel elva is directly below the Kahouri Stream.

[30] Mr Deegan reported that it was not possible to assess the habitat within the 260m reach of the Tributary where the works had been undertaken as it had been filled with a mixture of riparian vegetation slash and dirt at the time. However, historical aerial photographs from 2017 showing the site suggest that the affected Tributary habitat was likely of similar condition to that of the upstream and downstream habitats outside the affected reach, as there was a mature riparian buffer recently present that would have now been the tree slash currently within the Tributary. Mr Deegan described the habitat as follows:

... Habitat diversity and quality was high both upstream and downstream of the site, with a variety of pool, riffle, run, woody, and undercut bank habitat features present. This habitat would support a variety of fish species. It is expected that as a minimum, at least koura, longfin eel, shortfin eel, common bully, upland bully, and Cran's bully would have been found within the tributary reach. It is expected that any other of the identified fish species, if present, would be in very low densities. The conservation status of these species ranged from Not Threatened, At Risk – Declining, and Nationally Vulnerable, while two are Introduced and Naturalised Sportfish (Dunn et al, 2017). Seven of the species were considered 'regionally significant' (TRC, 2016).<sup>8</sup>

...

Overall, I believe the earthworks, damming, and piping of the Tributary has resulted in the significant loss of and loss of access to high quality habitat for a variety of fish species. The works have likely resulted in the deaths of a significant number of fish over several fish species, some of which may have had a conservation status of at risk declining and that were possibly nationally vulnerable, and that were also regionally significant. There is a range of other potential effects that could have possibly occurred, and likely occurred, although the significance of these effects cannot be definitively established. This is due to the lack of knowledge of prework baseline conditions downstream of the Works area as well as the length of time between the investigation and Works, likely making an effect too difficult to detect such as with evidence of fish strandings.<sup>9</sup>

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<sup>8</sup> Deegan Report, page 9.

<sup>9</sup> Deegan Report, page 10.

Effects on Biota and Macro Invertebrates

[31] The Thomas Report concluded:<sup>10</sup>

Overall, in my professional opinion, the unauthorised Works in the tributary has resulted in significant loss of quality habitat, which would support a macro-invertebrate community of ‘good’ health. It has resulted in the displacement and likely death of numerous streambed macro invertebrates. In addition, these Works have likely resulted in the discharge of sediment to the tributary, which could impact biota for hundreds of metres downstream.

Extent of the damage to the Tributary

[32] I was also provided with an excerpt from a report accompanying the application for the Retrospective Resource Consent dated 9 July 2019. The report entitled ‘The Kahouri Stream Rehabilitation Report’ (**Rehabilitation Report**) was undertaken by BTW Company for the Potroz Family Trust. The Rehabilitation Report described the extent of the damage to the Tributary as follows:<sup>11</sup>

4 Streambed rehabilitation

It is recognized the unnamed tributary of the Kahouri Stream has undergone a catastrophic loss to its hydrological and geomorphic features, but also the destruction of the ecosystem function and habitats that previously were located in this stream. Therefore, to fully restore the unnamed tributary of the Kahouri stream is going to take significant time with continued active intervention and management.

The applicant has agreed ‘to put back what was there’ in the original form pre-disturbance. However, replicating both instream hydrological features and ecologically restoring the indigenous vegetation to a pre-disturbance state could be expected to take up to 50 years. Therefore, these works should be monitored by the regulatory authorities (those being TRC and SDC) and not the landowner. It is also recognised this stream rehabilitation will require far more regulatory oversight to ensure the rehabilitation is successful, such as annually [*sic*] site inspections and reporting functions inside both the TRC and SDC resource consents. ...

[33] For the defendant, it was submitted that the length of the Tributary that had been closed in was approximately 260m, and that it is not clear how far below the re-entry point the Tributary had also been affected. Particular reference was made to the Thomas Report and the fact that the number of taxa had reduced from 20 upstream of

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<sup>10</sup> Thomas Report, page 8.

<sup>11</sup> The Kahouri Stream Rehabilitation Report dated 31 May 2019, BTW Company, page 8, section 4.

the dam to 17 immediately below the reach, to 14 at the point 140m downstream. It was submitted, therefore, that the effects of the unauthorised works did not extend to any significant extent beyond the immediate vicinity of the works.<sup>12</sup>

*Victim impact statements*

[34] Two victim impact statements from members of the Ōkahu Inuāwai hapū were submitted prior to the hearing. Darryl Parehana Te Rata Katene and Cathy Esme Katene each provided a written statement.

[35] Mr Katene advised that over the past five to six years he has actively participated as a cultural observer in monitoring any awa, ngahere me nga whenua. He stated that this “mahi has given me the ability to reconnect, understand and walk the path of the lives of my tupuna that walked the rohe before my grandparents, parents and my time with their nature connection with the maunga, ngahere, awa and whenua”.<sup>13</sup> He feels that Mr Potroz’s actions have “hindered my ability to reconnect from a Matauranga Māori me mauri”<sup>14</sup> which has deprived his whanau, hapū and himself of the ability to align the imagery of the waiata, karakia, moteatea with their ngahere, wai, whenua, Matauranga Māori me mauri and walk their path. He stated that the native trees that were destroyed for the sake of stock were generations old, “that we will never witness the beauty of Tane Mahuta, the bird life that would have nestled in those trees or experience the sight in my generation...”.<sup>15</sup> He wanted the Court to understand and “point out that we need to put a stop to the actions of individuals as it prevents, hinders and creates barriers for our generational roles as kaitiaki”.<sup>16</sup>

[36] A statement was also provided from Cathy Esme’ Katene, who is the Mana Taio Lead for Ōkahu Inuāwai (me etehi atu) Hapū o Ngaruahine. Having described the three offences, Ms Katene outlined the mauri of the river and the effects of the diversions. She stated that “the damage has been done, there is no recovery or

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<sup>12</sup> Defendant’s submissions, paragraph 12.

<sup>13</sup> Statement of Darryl Parehana Te Rata Katene dated 11 March 2020 (**Statement of Darryl Katene**), page 1.

<sup>14</sup> Statement of Darryl Katene page 3.

<sup>15</sup> Statement of Darryl Katene page 3.

<sup>16</sup> Statement of Darryl Katene page 3.

restoration of the stream, the mauri of the stream has gone, mahunga kai downstream is depleted”.<sup>17</sup> She asked that “the Court share my pain in the loss of the mauri of the awa, mauri within the awa, mauri of the flora, fauna and whenua...”<sup>18</sup>

[37] In assessing the effects on the environment, I rely on the reports that were annexed to the Summary of Facts, the Rehabilitation Report, and on the Victim Impact Statements provided to the Court. The adverse effects of the damming and diversion were significant; there has been a significant loss of access to high quality habitat for a variety of fish species; there has likely been deaths of a significant number of fish over several fish species, some of which may have had a conservation status of at risk - declining and that were possibly nationally vulnerable; the displacement of likely a tenth of numerous streambed macroinvertebrates and impact on biota for hundreds of metres downstream; and a range of other potential adverse effects. The Rehabilitation Report graphically described the catastrophic loss to the Tributary’s hydrological and geomorphic features, but also the destruction of the ecosystem function and habitats that previously were located in the Tributary. The Report’s authors noted that full restoration of the Tributary is “going to take significant time with continued active intervention and management.”<sup>19</sup> Further, the cultural effects have been described by the Ōkahu Inuāwai Hapū and are deeply felt. I determine that the effects of the works on the environment were significant and highly adverse.

#### ***Culpability of the defendant***

[38] For the prosecutor it was submitted that the offending was highly reckless. Ms de Silva submitted that the work was undertaken to improve farm productivity; it should have been apparent to Mr Potroz that the Tributary was of high quality and contained a number of species of fish; there was no attempt to comply at the time the work was done. Further, that as Mr Potroz has farmed for 45 years and holds two resource consents for the dairy farms owned by his family trusts, he must have been aware that he needed a resource consent for the work, and if he was unsure he should have checked with the Council. Counsel highlighted Mr Potroz’s statement to the Council to the effect that he wasn’t aware that what he was doing was wrong, and if

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<sup>17</sup> Statement of Cathy Esme’ Katene dated 11 March 2020, section 3.

<sup>18</sup> Statement of Cathy Esme’ Katene, section 3.

<sup>19</sup> Rehabilitation Report, page 8, section 4.

he thought the works were wrong then he wouldn't have done it, and "I'd like to say I'd thought about the fish and the eels and all that, but I really probably didn't".<sup>20</sup>

[39] For the defendant Mr Mooney acknowledged that the work was deliberate and that Mr Potroz had freely admitted as such. He submitted that it is unfortunate that at his age he failed to grasp the importance of complying with the various resource management obligations. He referred to the defendant's motivation for the work, which was described as a need for a reliable water source for his stock. He described the water inlet from a ponded area at the top side of the property from which water travelled via an Alkathene pipe to a holding tank that had previously been used. He said, however, that unfortunately the water inlet to the pipe would often become blocked or indeed the pipe itself sometimes damaged. He stated that the defendant decided that if he increased the size of the pond, he could develop a better intake for the piping, which would then provide a more consistent water supply to the holding tank. The defendant believed that, if he redirected the Tributary to approximately follow an existing fence line, then it could re-enter the Tributary a little way downstream. In doing so he would provide a greater protection for the Alkathene pipe, which had previously followed the Tributary itself.

[40] There is no escaping the fact that a significant amount of works was undertaken in and around a 260m section of the Tributary. Mr Petroz undertook the earthworks himself, using a digger which he owns. Mr Potroz freely admitted that he had undertaken the works and that it had never occurred to him that a resource consent would be required. He stated that if he thought the works were wrong then he would not have done them.

[41] It is clear that no steps were taken by Mr Potroz to undertake the works in a way that would protect the fish life and the flow of water in the Tributary. It is clear that his absolute focus was on creating a larger pond for the purpose of water supply for the Farm. He showed no regard for the environment in which he undertook the works and took no steps to ameliorate the effects of the works. I find that Mr Potroz was highly reckless in his approach to trying to resolve his water supply issues.

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<sup>20</sup> Summary of Facts, paragraph 23(j).

### Starting point

[42] The Court is required to take into account the general desirability of consistency with appropriate sentence levels in respect of similar offending. Counsel both referred me to a number of cases they said were relevant in setting the starting point: *Taranaki Regional Council v Bunn Earthmoving Ltd (Bunn)*,<sup>21</sup> *Otago Regional Council v Gibson (Gibson)*,<sup>22</sup> *R v Boyd (Boyd)*<sup>23</sup> and *Hardegger & Hardegger Trustees Ltd v Southland Regional Council (Hardegger)*<sup>24</sup>.

[43] Ms de Silva submitted that the *Bunn* case is the most similar to this case. In *Bunn* there were three charges for continuing offences over a six-week period. Work had been undertaken on a farm owned by the defendant's family trust. A stretch of tributary in the order of 400m long was disturbed and largely obliterated. The work was found to be seriously detrimental to the stream environment and discernible effects were shown to extend for up to 1.3km. It was not possible to reinstate the tributary to its original condition. Mr Bunn was an earthmoving contractor and found to be well aware of the need to obtain resource consents to undertake work in streams. Further, there was found to be a financial motive in undertaking the works, which were for farm improvement purposes. A starting point of \$70,000 was imposed.

[44] In *Gibson* the defendant disturbed the Pool Burn (River). The work involved the removal of vegetation over a distance of about 1.3km and mobilised sediment in the waterbody. The Court recorded the disturbance and degradation of habitats of fish and invertebrates living in the streambed and impacts on fish due to increased turbidity. It was noted that the waterway was originally a significant brown trout fishery and the work was undertaken in the middle of the trout spawning season. The Court adopted a starting point of \$30,000 for the individuals and \$20,000 for the company involved.

[45] Ms de Silva noted that in *Boyd*, the circumstances of that case were more serious, but that the starting point was \$60,000. In that case the defendant cut a

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<sup>21</sup> *Taranaki Regional Council v Bunn Earthmoving Ltd (Bunn)* CRI-2013-021-473, DC New Plymouth, 5 November 2013.

<sup>22</sup> *Otago Regional Council v Gibson (Gibson)* [2016] NZDC 14362.

<sup>23</sup> *R v Boyd (Boyd)* [2016] NZDC 16558.

<sup>24</sup> *Hardegger & Hardegger Trustees Ltd v Southland Regional Council (Hardegger)* [2017] NZHC 469.



channel 430m long in a direct line to transact the strongly meandering pattern of a stream that crossed his farm. It was found that something in the order of 970m of the original stream was affected either directly or ephemerally and that the work had a significant impact on the environment of the stream. There were no attempts made to comply at the time the work was done. It was noted that although there was no direct profit from the offending, the motivation was a combination of improvement of the farm's appearance and financial in terms of a more efficient working of that part of the farm. In that case the Court adopted a starting point of \$60,000.

[46] *Hardegger* involved an appeal against an earlier fine. That case involved excavations of the bed of a river, the straightening of a bend in the river to make fencing of the waterway possible, and the placement of a culvert in the bed of the river. Potential and actual effects on the river were identified. An overall starting point of \$50,000 was imposed.

[47] For the defendant, Mr Mooney submitted that the gravity of the offending is not as serious as the cases referred to, that the offending occurred over a significantly shorter length of waterway and had a much smaller downstream effect. He also submitted that the defendant has gone to great expense to reinstate the waterway. He submitted that a starting point of between \$35,000-\$40,000 would be appropriate. That is to be contrasted with the position of the prosecutor, who submitted that a starting point of \$70,000 should be set on the basis that the offending was in a sensitive waterway which was the habitat of At Risk – Declining, Nationally Vulnerable and Regionally Significant fish; the type of offending can go undetected when it is undertaken without a consent, and that the Council will usually only discover the activity via a complaint (as happened here); the work was undertaken to improve the Farm.

[48] Ms de Silva also submitted that when considering starting points in earlier cases, an uplift in the level of fines is needed over time (not only to take into account inflation).

[49] I have considered the cases to which I was referred, but note that each case largely depends on its own circumstances. Having regard to the extent and seriousness

of the effects of the works undertaken, the cultural effects of the offending, the defendant's culpability which I categorise as highly reckless, and the need for deterrence, I consider it is appropriate to set a starting point of \$65,000.

**Aggravating and mitigating factors**

[50] No aggravating factors are apparent. The Summary of Facts outlined a history of non-compliance relating to the discharge of dairy farm effluent, and the issuing of five abatement notices to the defendant and his wife for non-compliance with resource consents relating to the discharge of dairy farm effluent. I note that the most recent abatement notice was in November of 2017. However, I received no submissions regarding that history, and whether or not it should be taken into account in sentencing. Given that they relate to a different issue, and did not result in prosecutions, I do not take that into account.

[51] Ms de Silva accepted that Mr Potroz entered a guilty plea at the earliest opportunity and that he had fully cooperated with the Council investigation, expressed remorse and immediately instructed consulting engineers, BTW Company, to provide advice and form a plan for remedial works and apply for a retrospective resource consent. I was informed that the Retrospective Resource Consent has largely been implemented and that the Council is satisfied with the works undertaken. Ms de Silva submitted, however, that the defendant should not be given credit for his application for resource consent and the reinstatement work because he must comply with environmental obligations and should not get any credit for having belatedly done so.

[52] The Council accepted however, that Mr Potroz should be given a discount of five percent from the starting point because of his level of cooperation. Mr Mooney submitted that the defendant's remorse and expenditure on remediating the works undertaken should result in a discount of 10 percent.

[53] I do not consider that it is appropriate to make any allowance for the retrospective resource consent that has been obtained and the works undertaken. That simply recognises that the works required a resource consent and that significant expenditure was required to put matters right. I am, however, prepared to accept that

Mr Potroz should be given an allowance of five percent because of the level of his cooperation following the discovery of the offending.

### ***Guilty plea***

[54] The prosecutor accepted that a discount to recognise the prompt plea of guilty is appropriate. The amount suggested was 25 percent. I accept that the full discount should be applied.<sup>25</sup>

### ***Ability to pay a fine***

[55] Mr Mooney submitted that the defendant's finances are in a poor state, and that his position could be described as being asset-rich but income-poor. I was provided with a copy of his cashflow from the start of the current financial year to the end of January. Mr Mooney also submitted that the defendant has incurred significant costs to employ an engineer to design and construct remedial works. I was advised that, up until the end of January 2020, his total costs for both the engineer and TRC have amounted to \$66,497 and that Mr Potroz believes those costs are not yet at an end.

[56] I was advised that Mr Potroz is in a position to pay a fine in the region of that proposed by his lawyer, but that there would be difficulty in immediately paying the amount proposed by the prosecutor for a starting point. The issue is timing. Mr Mooney advised that if any fine could be paid over a six-month period, that would alleviate any issues. Prior to finalising my decision, I asked Mr Mooney if Mr Potroz could be in a position to pay the fine over a 12 month period. He confirmed he would be.

### ***Moses v R***

[57] Again, and prior to finalising my decision, I asked counsel if they agreed to my applying to this matter the two step sentencing methodology set out in the recent Court of Appeal decision of *Moses v R*.<sup>26</sup> They agreed, with the result being that the end fine will be \$45,500.

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<sup>25</sup> In accordance with the principles set out in *Hessell v R*, [2011] NZLR 607.

<sup>26</sup> *Moses v R* [2020] NZCA 296, 15 July 2020.

***Outcome***

[58] Mr Potroz is fined the sum of \$45,500. I direct that 90 percent of that fine should be paid to the Council pursuant to s 342 of the Act. I allow a period of 12 months from the date of this decision for the fine to be paid.

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Judge MJL Dickey  
District Court Judge

Date of authentication: 04/08/2020

In an electronic form, authenticated pursuant to Rule 2.2(2)(b) Criminal Procedure Rules 2012.

## **Consents 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 Consents and Regulatory Committee Meeting on Tuesday 1 September 2020 for the following reason/s:

### **Item 8 - Public Excluded Minutes - 21 July 2020**

*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 where the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.*

### **Item 9 - Schedule of Taranaki Regional Council Prosecutions**

*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 where such disclosure 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.*

### **Item 10 - Prosecution**

*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 where such disclosure 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.*