



AGENDA

Consents & Regulatory

Tuesday 16 March 2021, 9.30am



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.

Consents and Regulatory Committee

16 March 2021 09:30 AM

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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 16 March 2021

Subject: **Confirmation of Minutes - 2 February 2021**

Approved by: G K Bedford, Director - Environment Quality
S J Ruru, Chief Executive

Document: 2724855

Recommendations

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

- a) takes as read and confirms the minutes and resolutions of the Consents and Regulatory Committee of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on 2 February 2021 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 23 February 2021.

Matters arising

Appendices/Attachments

Document 2695505: Minutes Consents and Regulatory - 2 February 2021



Date 2 February 2020, 9.30am
Venue: Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document: 2695505

Members	Councillors	D L Lean C S Williamson M J Cloke M Davey C L Littlewood D H McIntyre D N MacLeod M P Joyce	Committee Chairperson Committee Deputy Chairperson ex officio ex officio
Representative Members	Mr Mr Ms	M Ritai K Holswich E Bailey	Iwi Representative Iwi Representative Iwi Representative
Attending	Messrs Ms Miss	S J Ruru M J Nield G K Bedford A D McLay C McLellan B Pope R Phipps S Tamarapa J Reader L Davidson	Chief Executive Director – Corporate Services Director - Environment Quality Director – Resource Management Consents Manager Compliance Manager Science Manager - Hydrology Iwi Communications Officer Communications Adviser Committee Administrator One member of the media and four members of the public.
Opening Karakia	The meeting opened with a group karakia.		
Apologies	An apology was received from Councillor E D Van Der Leden. Lean/Cloke		
Notification of Late Items	There were no late items.		

1. Confirmation of Minutes – 24 November 2020

Resolves

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

- a) takes as read and confirms the minutes and resolutions 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 24 November 2020 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 15 December 2020.

Lean/Williamson

Matters arising

- It was noted that the requested report *Te Mana o te Wai and Resource Management Processes* has been prepared, however, officers felt that before it is presented to the Committee it should go back to the Wai Māori group for comment and discussion.

2. Resource Consents Issued Under Delegated Authority and Applications in Progress

- 2.1 Mr C McLellan, Consents Manager, spoke to the memorandum advising of consents granted, consents under application and consent processing actions since the last meeting.
- 2.2 It was requested by Members that a glossary be included in the report for ease of understanding terminology, particularly iwi responses on consent applications.
- 2.3 It was noted that some Members were not happy with existing opportunities for iwi engagement in the current consenting process and felt that there were certain areas of improvement to be made in the consenting process and to work towards this. Staff noted this is a work in progress with some individual iwi contact and the development of a Mana Whakahono a Rohe agreement with most iwi in the region. A draft agreement is scheduled for April in a process lead by T Porou.
- 2.9 Councillors C L Littlewood and D N McLeod declared a conflict of interest in relation to Port Taranaki Ltd.

Recommended

That the Taranaki Regional Council:

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

Cloke/Davey

3. Consent Monitoring Annual Reports

- 3.1 Mr R Phipps, Science Manager – Hydrology, spoke to the memorandum advising of the 11 tailored compliance monitoring reports that have been prepared since the last meeting.

Recommended

That the Taranaki Regional Council:

- a) receives the 20-25 STDC Opunake WWTP Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein
- b) receives the 20-39 Lower Waiwakaiho Air Discharges Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein
- c) receives the 20-52 South Taranaki District Council HWWTP Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein
- d) receives the 20-61 SDC Stratford WWTP Monitoring Programme Annual Report 201-2020 and adopts the specific recommendations therein
- e) receives the Stratford District Council Landfills Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein
- f) receives the 20-78 Todd Energy McKee Mangahewa Production Station Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein
- g) receives the 20-85 Taranaki Thoroughbred Racing Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein
- h) receives the 20-88 Waste Remediation Services Ltd Symes Manawapou Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein
- i) receives the 20-90 South Taranaki District Council Closed Landfills Monitoring Annual Report 2019-2020 and adopts the specific recommendations therein
- j) receives the 20-91 Waste Remediation Services Ltd Waikaikai Landfarm Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein
- k) receives the 20-94 Irrigation Water Compliance Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.

Davey/Holswich

4. Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 5 November 2020 to 10 January 2021

- 4.1 Mr B Pope, Compliance Manager, spoke to the memorandum allowing the Committee to consider and receive the summary of incidents, compliance monitoring non-compliances and enforcement for the period 5 November 2020 to 10 January 2021.
- 4.2 Councillor D N McIntyre declared an interest in items relating to Fonterra.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum *Incident, Compliance Monitoring Non-Compliances and Enforcement Summary – 5 November 2020 to 10 January 2021*

- b) receives the summary of incidents, compliance monitoring non-compliances and enforcement for the period 5 November 2020 to 10 January 2021, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

MacLeod/Joyce

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 2 February 2021 for the following reasons:

Item 6 – Schedule of Taranaki Regional Council Prosecutions

THAT the public conduct of whole or relevant part of the proceedings of the meeting would be like to result in the disclosure of information where such disclosure would likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences and the right to a fair trial.

Item 7 – Prosecution

THAT the public conduct of whole or relevant part of the proceedings of the meeting would be like to result in the disclosure of information where such disclosure would likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences and the right to a fair trial.

McIntyre/Cloke

There being no further business the Committee Chairman, Councillor D L Lean, declared the public meeting of the Consents and Regulatory Committee closed at 10.23am.

Confirmed

Consents and Regulatory

Committee Chairperson: _____

D L Lean

16 March 2021



Date: 16 March 2021

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

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

Document: 2689891

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.

Community considerations

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

Legal considerations

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

Appendices/Attachments

Document 2723698: List of non-notified consents

Document 2723740: Schedule of non-notified consents

Document 2723657: Consents processing charts for Agenda

Consents and Regulatory Committee - Consents Issued Under Delegated Authority and Applications in Progress

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

Coastal Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/10096-1.1	OMV NZ Production Limited	Occupy (Coastal)	Energy	Wellsite	Exploration and Production	Change
Discharge Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/1688-4.0	Skafo Trusts 1 & 2	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1707-4.0	Mr John Waldvogel	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2108-3.0	Hardwick-Smith Partners	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2677-3.0	Kaiper Partnership	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2683-3.0	Huirangi Farms	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3381-3.0	PKW Farms LP	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3769-4.1	South Taranaki District Council	Land - Misc	Local Government	Waste Management	Wastewater - Sewage	Change
R2/4903-3.0	Kevin Zimmerman	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/5432-3.1	Lindsay Keith & Cindy Field	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/6440-2.0	Waiongona Flats Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/6608-2.0	Mount View Limited	Land - Animal Waste	Agriculture	Farming - Poultry	Effluent disposal	Replace
R2/6609-2.0	Mount View Limited	Air - Agricultural	Agriculture	Farming - Poultry	Agriculture	Replace
R2/10756-2.0	First Gas Limited	Water - Stormwater	Energy	Gas Supply		Replace
R2/10874-1.0	NZ Surveys 2020 Limited	Land/Water Industry	Energy	Energy Services	Seismic survey	New
R2/10875-1.0	NZ Surveys 2020 Limited	Land/Water Industry	Energy	Energy Services	Seismic survey	New
R2/10893-1.0	JM Honeyfield Trust	Land - Misc	Waste Management		Waste water (sewage)	New
R2/10894-1.0	Manor Property Limited	Water - Stormwater	Property Development		Subdivision	New
R2/10901-1.0	Stratford District Council	Land - Stormwater	Local Government	Swimming Pools	Recreation	New
R2/10906-1.0	St George By The Sea Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	New
Land Use Consent						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/10755-1.1	First Gas Limited	Pipe Waterway	Energy	Gas Supply	Infrastructure	Change
R2/10892-1.0	R & S Dreaver Shelter Trimmers Limited	Forestry – Harvesting	Forestry		Forest Harvesting	New
R2/10898-1.0	Mullag Partnership	Structure - Culvert	Agriculture	Farming - Dairy	Access	New
R2/10902-1.0	ID & JA Armstrong Family Trusts Partnership	Structure - Bridge	Agriculture	Farming - Dairy	Access	New
R2/10904-1.0	New Plymouth District Council	Structure - Outlet	Local Government		Flood Control	New
R2/10909-1.0	Lepperton Farms Limited	Structure - Culvert	Agriculture	Farming - Dairy	Access	New
R2/10910-1.0	South Taranaki District Council	Bore Install	Local Government		Water Supply - Municipal	New
Water Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/2393-3.1	Nova Energy Limited	Take Surface Water	Energy	Power - Thermal Generation	Power Supply - Commercial	Change
R2/10903-1.0	Summerset Villages (Bell Block) Limited	Take Groundwater	General Services		Irrigation - Pasture	New

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10898-1.0](#)

Mullag Partnership

JR & CM Mullin, 60 Ball Road, RD 2, Patea
4598

Location: 150 Opua Road, Opunake

To replace an existing culvert in the Okaweau Stream, including the associated disturbance of the stream bed

Commencement Date: 25 Jan 2021

Expiry Date: 01 Jun 2036

Review Dates: June 2024, June 2030

Activity Class: Discretionary

Application Purpose: New

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Provided with application

[R2/2108-3.0](#)

Hardwick-Smith Partners

424 Upland Road, RD 2, New Plymouth 4372

Location: 178 Airport Drive, Bell Block

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system and constructed drain, into the Mangaoraka Stream

Commencement Date: 25 Jan 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June 2038

Activity Class: Controlled

Application Purpose: Replace

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/2393-3.1](#)

Nova Energy Limited
PO Box 8358, New Plymouth 4342

Location: McKee Oil Field, Bristol Road,
Inglewood

To take water from the Mangaone Stream for use in a gas fired Power Station

Change of consent conditions to reduce the 7 day take from 12,000 m³ to 11,000 m³

Commencement Date: 26 Jan 2021

Expiry Date: 01 Jun 2033

Review Dates: June 2021, June 2024, June
2027, June 2030

Activity Class: Discretionary

Application Purpose: Change

Rohe:

Ngati Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *General opposition*

Te Runanga o Ngati Maru (Taranaki) Trust

Provided with application

[R2/6608-2.0](#)

Mount View Limited
258 Upper Durham Road, RD 8, Inglewood
4388

Location: Durham Road Upper, Inglewood

To discharge washdown water from the cleaning of broiler chickensheds onto and into
land

Commencement Date: 28 Jan 2021

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Controlled

Application Purpose: Replace

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *Generally consistent with Iwi Environmental Management Plan*
 - *Application lacks sufficient details*
-

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/6609-2.0](#)

Mount View Limited

258 Upper Durham Road, RD 8, Inglewood
4388

Location: Durham Road Upper, Inglewood

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

Commencement Date: 28 Jan 2021

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Application Purpose: Replace

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *Application lacks sufficient details*
- *Neither support nor oppose*

[R2/10893-1.0](#)

JM Honeyfield Trust

PO Box 58, Urenui 4349

Location: 42 Whakapaki Street, Urenui

To discharge treated domestic effluent from a wastewater treatment system onto and into land

Commencement Date: 01 Feb 2021

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Application Purpose: New

Rohe:

Ngati Mutunga (Statutory Acknowledgement)

Engagement or consultation:

Te Runanga o Ngati Mutunga

Comment on application received

- *General support*
-

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/3769-4.1](#)

South Taranaki District Council

Chief Executive, Private Bag 902, Hawera 4640

Commencement Date: 03 Feb 2021

Expiry Date: 01 Jun 2034

Review Dates: June 2021, June 2022, June 2023, June 2024, June 2025, June 2026, June 2027, June 2028, June 2029, June 2030, June 2031, June 2032, June 2033

Activity Class: Discretionary

Location: Nukumaru Parade, Waiinu Beach

Application Purpose: Change

To discharge treated domestic wastewater from the Waiinu Beach Waste Water Treatment Plant to land

Change of consent conditions to increase the size of the disposal field

Rohe:

Ngaa Rauru Kiiitahi (Statutory Acknowledgement)

Engagement or consultation:

Department of Conservation

Written approval provided

Te Kaahui o Rauru

Provided with application

[R2/1688-4.0](#)

Skafmo Trusts 1 & 2

C/- Sam & Kristin Lourie, 210 Douglas Road,
RD 22, Stratford 4392

Commencement Date: 04 Feb 2021

Expiry Date: 01 Dec 2046

Review Dates: June 2022, June 2028, June 2034, June 2040

Activity Class: Controlled

Location: 210 Douglas Road, Douglas

Application Purpose: Replace

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system and constructed drain, into an unnamed tributary of the Toko Stream

Rohe:

Ngati Maru

Engagement or consultation:

Te Runanga o Ngati Maru (Taranaki) Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10902-1.0](#)

ID & JA Armstrong Family Trusts Partnership
2856 Eltham Road, RD 32, Opunake 4682

Commencement Date: 04 Feb 2021

Expiry Date: 01 Jun 2036

Review Dates: June 2024, June 2030

Activity Class: Discretionary

Location: 2856 Eltham Road, Opunake

Application Purpose: New

To construct a bridge over the Taungatara Stream

Rohe:

Ngaruahine (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Provided with application

Te Korowai O Ngaruahine Trust

Provided with application

[R2/10096-1.1](#)

OMV NZ Production Limited
Private Bag 2035, New Plymouth 4340

Commencement Date: 04 Feb 2021

Expiry Date: 01 Jun 2033

Review Dates: June 2021, June 2027

Activity Class: Discretionary

Location: Lower Otaraoa wellsite, Lower
Otaraoa Road, Motunui

Application Purpose: Change

To occupy the coastal marine area with six pipelines (well casings) extending from the
Lower Otaraoa Road wellsite for hydrocarbon production purposes

Change of consent conditions to include two proposed infill wells

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *General support*

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10755-1.1](#)

First Gas Limited

Private Bag 2020, New Plymouth 4342

Location: White Cliff Bay, Waiiti

To install piping in Unnamed Stream 79 (Gilbert Stream), including associated stream bed disturbance and reclamation for pipeline access purposes

Change of consent conditions to extend the timeframe for riparian planting

Rohe:

Ngati Tama

Engagement or consultation:

Te Runanga O Ngati Tama

Commencement Date: 05 Feb 2021

Expiry Date: 01 Jun 2033

Review Dates: June 2021, June 2027

Activity Class: Discretionary

Application Purpose: Change

Provided with application

[R2/2683-3.0](#)

Huirangi Farms

MR & AF Andrews, 223 Cross Road, RD 3,
New Plymouth 4373

Location: 416 Waitara Road, Huirangi

To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Commencement Date: 05 Feb 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June
2038

Activity Class: Controlled

Application Purpose: Replace

Comment on application received

- *Generally consistence with Iwi Environmental Management Plan*
 - *Do not oppose, subject to conditions*
-

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10756-2.0](#)

First Gas Limited
Private Bag 2020, New Plymouth 4342

Location: White Cliff Bay, Waiiti

To discharge stormwater and sediment arising from earthworks into Unnamed Stream 79
(Gilbert Stream)

Rohe:

Ngati Tama

Engagement or consultation:

Te Runanga O Ngati Tama

Commencement Date: 05 Feb 2021

Expiry Date: 01 Jun 2023

Review Dates:

Activity Class: Controlled

Application Purpose: Replace

Provided with application

[R2/10903-1.0](#)

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

Location: 70 Pohutukawa Place, Bell Block

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

Rohe:

Te Atiawa

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Commencement Date: 05 Feb 2021

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Controlled

Application Purpose: New

Comment on application received

- *General opposition*
 - *Application lacks sufficient detail*
-

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10904-1.0](#)

New Plymouth District Council
Private Bag 2025, New Plymouth 4342

Location: 3 Bromley Place, Westown

To install a stormwater outlet structure in the Waimea Stream

Commencement Date: 10 Feb 2021

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

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 lacks sufficient detail*
- *Neither support nor oppose*

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

[R2/2677-3.0](#)

Kaiper Partnership
764 Mid Puniho Road, RD 37, New Plymouth
4381

Location: 1234 Richmond Road, Waiongana

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an oxidation pond system, into the Mangarewa Stream

Commencement Date: 10 Feb 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June 2038

Activity Class: Controlled

Application Purpose: Replace

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10874-1.0](#)

NZ Surveys 2020 Limited
14 Connett Road West, Bell Block, New
Plymouth 4312

Location: Tariki 3D Survey Area (various
locations in the Tariki Area)

To discharge contaminants to land where they may enter groundwater, including residues
from detonation of explosive charges and degradation of unexploded charges, associated
with undertaking a seismic survey

Commencement Date: 11 Feb 2021

Expiry Date: 01 Jun 2025

Review Dates:

Activity Class: Discretionary

Application Purpose: New

Rohe:

Ngati Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Department of Conservation

Consulted by applicant

New Plymouth District Council

Consulted by applicant

QEII National Trust

Consulted by applicant

Stratford District Council

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *General opposition*
- *Application incomplete*

Te Runanga o Ngati Maru (Taranaki) Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10875-1.0](#)

NZ Surveys 2020 Limited
14 Connett Road West, Bell Block, New
Plymouth 4312

Location: Tariki 3D Survey Area (various
locations in the Tariki Area)

To discharge contaminants into land where they may enter groundwater from use of
drilling muds associated with undertaking a seismic survey

Commencement Date: 11 Feb 2021

Expiry Date: 01 Jun 2025

Review Dates:

Activity Class: Discretionary

Application Purpose: New

Rohe:

Ngati Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Department of Conservation

Consulted by applicant

New Plymouth District Council

Consulted by applicant

QEII National Trust

Consulted by applicant

Stratford District Council

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Comment on application received

- *General opposition*
- *Application incomplete*

Te Runanga o Ngati Maru (Taranaki) Trust

Provided with application

[R2/5432-3.1](#)

Lindsay Keith & Cindy Field
757 Arawhata Road, RD 31, Opunake 4681

Location: 757 Arawhata Road, Opunake

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an
oxidation pond system and constructed drain, into an unnamed tributary of the Oaonui
Stream

Commencement Date: 16 Feb 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June
2038

Activity Class: Controlled

Application Purpose: Replace

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10906-1.0](#)

St George By The Sea Limited
C/- EHB & LS Newton, 41 Massey Road,
Guelph, Ontario N1H7M6, CANADA

Location: Newall Road, Okato
To discharge farm dairy effluent onto land

Rohe:
Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

Commencement Date: 17 Feb 2021

Expiry Date: 01 Dec 2043

Review Dates: June 2025, June 2031, June
2037

Activity Class: Controlled

Application Purpose: New

Provided with application

[R2/4903-3.0](#)

Kevin Zimmerman
431 Smart Road, RD 2, Hillsborough, New
Plymouth 4372

Location: 431 Smart Road, Hillborough
To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an
oxidation pond system, into the Manganaha Stream

Rohe:
Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Commencement Date: 17 Feb 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June
2038

Activity Class: Controlled

Application Purpose: Replace

Provided with application

[R2/3381-3.0](#)

PKW Farms LP
PO Box 241, New Plymouth 4340

Location: 80 Ketewhata Road, Ohangai
To discharge farm dairy effluent onto land

Rohe:
Ngati Ruanui

Commencement Date: 17 Feb 2021

Expiry Date: 01 Dec 2046

Review Dates: June 2022, June 2028, June
2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/6440-2.0](#)

Waiongona Flats Limited
SM Lepper, 326 Wortley Road, RD 9,
Inglewood 4389

Location: 971 Mountain Road, Waiongona
To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Commencement Date: 17 Feb 2021

Expiry Date: 01 Dec 2044

Review Dates: June 2026, June 2032, June
2038

Activity Class: Controlled

Application Purpose: Replace

Provided with application

[R2/1707-4.0](#)

Mr John Waldvogel
2018 Main South Road, RD 28, Otakeho,
Hawera 4678

Location: 34 Oru Road, Ngaere

To discharge farm dairy effluent onto land, and until 1 December 2022 after treatment in an
oxidation pond system, into an unnamed tributary of the Ngaere Stream

Rohe:

Ngati Ruanui

Engagement or consultation:

Te Runanga O Ngāti Ruanui Trust

Commencement Date: 18 Feb 2021

Expiry Date: 01 Dec 2046

Review Dates: June 2022, June 2028, June
2034, June 2040

Activity Class: Controlled

Application Purpose: Replace

Provided with application

[R2/10892-1.0](#)

R & S Dreaver Shelter Trimmers Limited
257 Kairau Road East, RD 3, New Plymouth
4373

Location: 278 Mokau Road, SH3, Mimi

To harvest a plantation forest

Rohe:

Ngati Mutunga

Engagement or consultation:

Te Runanga o Ngati Mutunga

Commencement Date: 19 Feb 2021

Expiry Date: 01 Jun 2023

Review Dates:

Activity Class: Controlled

Application Purpose: New

Comment on application received

- *Application lacks sufficient detail*

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10909-1.0](#)

Lepperton Farms Limited

Graeme Lepper, 486 Manutahi Road, RD 3,
New Plymouth 4373

Location: 486 Manutahi Road, Lepperton

To install a culvert in an unnamed tributary of the Waiongana Stream, including associated disturbance of the stream bed

Commencement Date: 23 Feb 2021

Expiry Date: 01 Jun 2038

Review Dates:

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 lacks sufficient detail*
- *Neither support nor oppose*

[R2/10910-1.0](#)

South Taranaki District Council

Chief Executive, Private Bag 902, Hawera 4640

Location: Egmont St, Patea

To drill and construct a bore

Commencement Date: 24 Feb 2021

Expiry Date:

Review Dates: June 2028, June 2034, June
2040, June 2046

Activity Class: Discretionary

Application Purpose: New

Rohe:

Ngati Ruanui

Engagement or consultation:

Te Runanga O Ngāti Ruanui Trust

Provided with application

**Non-notified authorisations issued by the Taranaki Regional Council
between 22 Jan 2021 and 02 Mar 2021**

[R2/10901-1.0](#)

Stratford District Council
Chief Executive, PO Box 320, Stratford 4352

Commencement Date: 24 Feb 2021

Expiry Date: 01 Jun 2022

Review Dates:

Activity Class: Controlled

Location: Portia Street, Stratford

Application Purpose: New

To discharge stormwater and sediment from earthworks onto and into land in the vicinity of the Patea River

Rohe:

Ngaruahine

Ngati Maru

Ngati Ruanui

Engagement or consultation:

Te Korowai O Ngaruahine Trust

Provided with application

Te Runanga o Ngati Maru (Taranaki) Trust

Provided with application

Te Runanga O Ngāti Ruanui Trust

Comment on application received

- *Application lacks sufficient detail*

- *Neither support nor oppose*

[R2/10894-1.0](#)

Manor Property Limited
59 Rimu Street, Strandon, New Plymouth 4312

Commencement Date: 01 Mar 2021

Expiry Date: 01 Jun 2026

Review Dates:

Activity Class: Controlled

Location: 19 Egmont Road, New Plymouth

Application Purpose: New

To discharge stormwater and sediment from earthworks into the Mangaone Stream via the stormwater system

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council

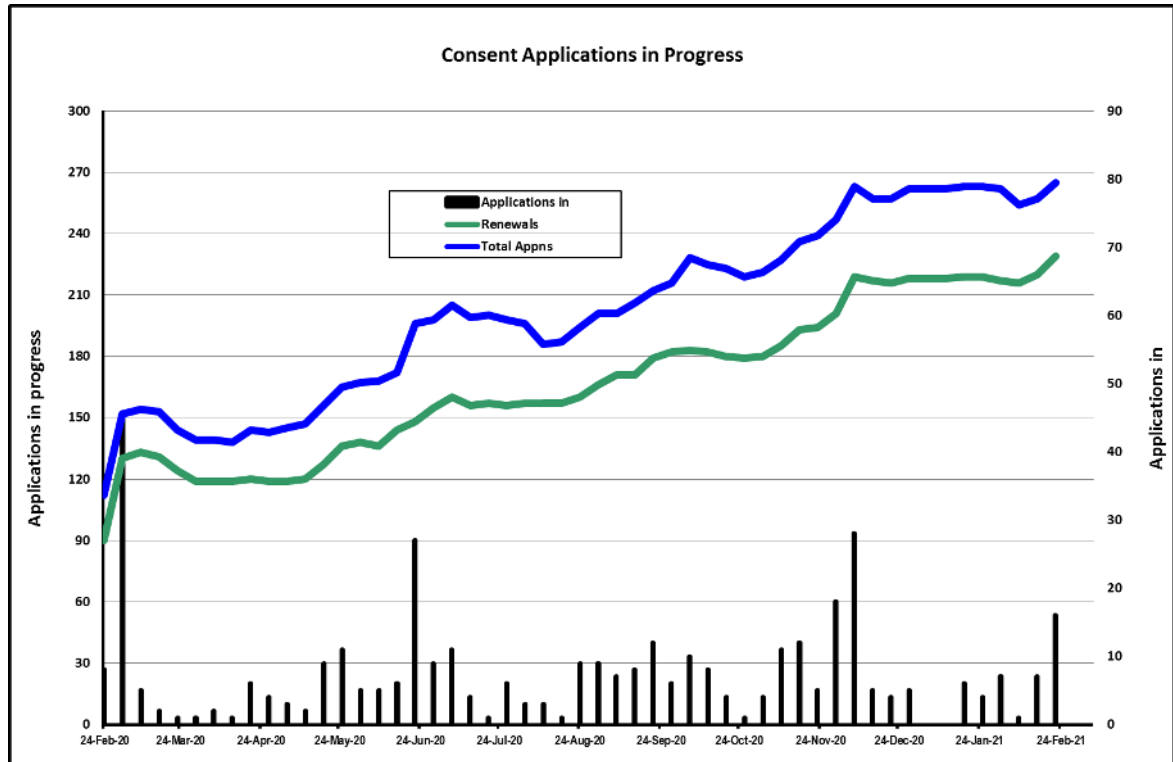
Written approval provided

Te Kotahitanga o Te Atiawa Trust

Provided with application

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	221	182	221	180	263	219	257	216	262	217	265	229								
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: February part month

3) Potential Hearings

Nil

4) Consents Issued (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2020-2021	20	38	53	75	94	116	131	154				
2019-2020	26	51	72	102	148	162	188	218	239	245	248	263
2018-2019	32	55	66	84	109	186	195	211	225	242	265	286

5) Breakdown of consents issued

	New	Renewal	Change	Review	Totals
2020-2021 to 28th December 2020	52	63	28	11	154
2019-2020 Total	81	138	44	0	263
2018-2019 Total	148	93	45	0	286

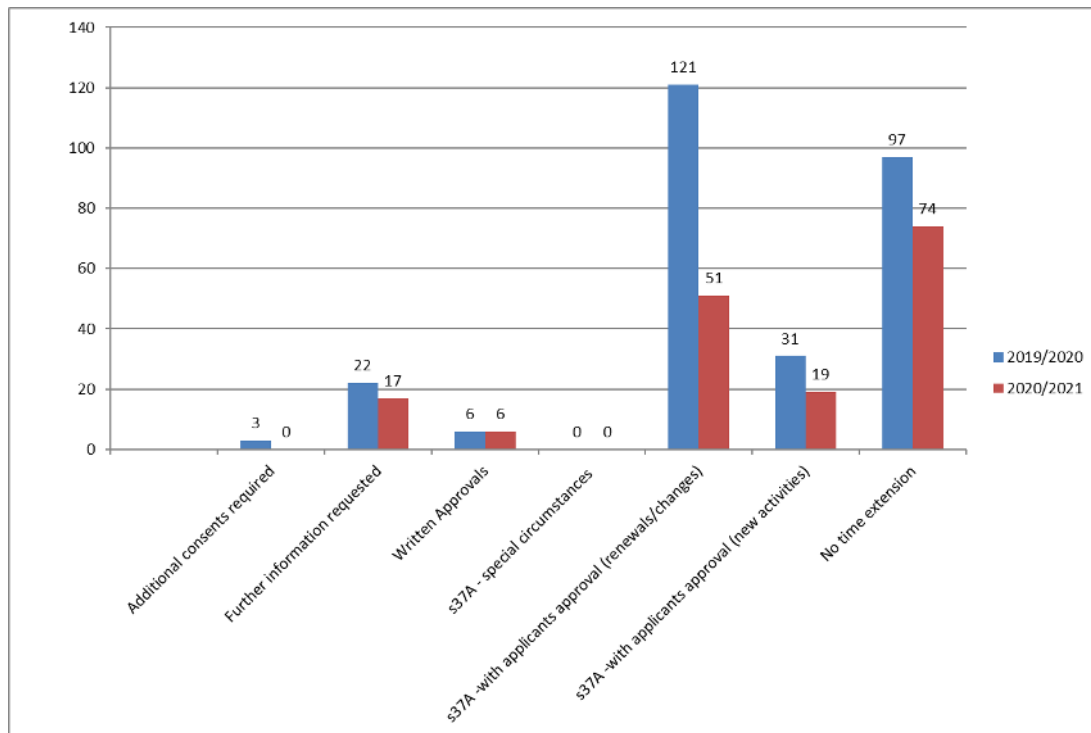
6) Types of consents issued - year to date comparison

	Publically 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 28 February 2020	0	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%	0	58	16	38	4	38	100.0%	154	154

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	9	2	11
DOC	4	3	7
Environmental/Recreational Groups			0
Fish & Game			0
Individuals/Neighbours/Landowners		9	9
Network Utilities			0
Non Govt Organisations	6	2	8
Other Govt Departments			0
Iwi/hapu	233	6	239
Totals - July 2020 - February 2020	252	22	274

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 to February 2021
Total consents granted	371	263	154
Publically Notified	9	1	0
Limited-notified	12	7	0
Non-notified	352	255	154
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	4635

10) Applications returned incomplete under Section 88

For the 2020-2021 year, 10 applications have been returned incomplete under S88 of the RMA for insufficient information. Five of those applications have since been resubmitted by the applicant.

11) Deemed Permitted Activities issued

Nil



Date 16 March 2021

Subject: **Consent Monitoring Annual Reports**

Approved by: G K Bedford, Director - Environment Quality
S J Ruru, Chief Executive

Document: 2719444

Purpose

1. The purpose of this memorandum is to advise the Council of 13 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
 - The Council's accountability and transparency. Reporting gives validity to investment in monitoring and to assessments of effective intervention
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 13 tailored compliance monitoring reports. Within the reports 7 high and 4 good, 1 improvement required and 1 poor 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. Recommendations pertain generally to the continuation of existing monitoring programmes in the case of acceptable environmental performance, or alternatively amendments as appropriate. Where there is an option for a review of conditions on a consent, officers make a further recommendation as to whether a review is justified. The attention of Committee members is directed to the Executive Summary at the front of each 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

Report Name	Overall environmental performance
20-03 Todd Kapuni Gas Treatment Plant (KGTP) Monitoring Programme Annual Report 2019-2020	1 x high
20-11 CD Boyd Landfarming and Landspreading Monitoring Programme Annual Report 2019-2020	1 x poor
20-16 Trustpower Mangorei HEP Monitoring Programme Annual Report 2019-2020	1 x high

Report Name	Overall environmental performance
20-20 STDC Kaponga, Manaia, Patea and Waverley WWTP's Monitoring Programme Annual Report 2019-2020	1 x high
20-44 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2019-2020	1 x high
20-63 Fonterra Kapuni Monitoring Programme Annual Report 2019-2020	1 x high
20-65 Cold Creek Community Water Supply Ltd Monitoring Programme Annual Report 2019-2020	1 x good
20-66 New Plymouth District Council Water Supplies Monitoring Programme Annual Report 2019-2020	1 x high
20-87 ANZCO Eltham Ltd Monitoring Programme Annual Report 2019-2020	1 x good
20-92 Civil Quarries Ltd - Everett Road Quarry Monitoring Programme Annual Report 2019-2020	1 x imprmt req
20-96 Silver Fern Farms Waitotara Monitoring Programme Annual Report 2019-2020	1 x good
20-97 Taranaki By-Products Air and Water Monitoring Programme Annual Report 2019-2020	1 x good
20-98 Groundworkx Taranaki Ltd Monitoring Programme Biennial Report 2018-2020	1 x high

Recommendations

That the Taranaki Regional Council:

- a) receives the 20-03 Todd Kapuni Gas Treatment Plant (KGTP) Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- b) receives the 20-11 CD Boyd Landfarming and Landspreading Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- c) receives the 20-16 Trustpower Mangorei HEP Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- d) receives the 20-20 STDC Kaponga, Manaia, Patea and Waverley WWTP's Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- e) receives the 20-44 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- f) receives the 20-63 Fonterra Kapuni Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- g) receives the 20-65 Cold Creek Community Water Supply Ltd Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- h) receives the 20-66 New Plymouth District Council Water Supplies Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- i) receives the 20-87 ANZCO Eltham Ltd Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- j) receives the 20-92 Civil Quarries Ltd - Everett Road Quarry Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- k) receives the 20-96 Silver Fern Farms Waitotara Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- l) receives the 20-97 Taranaki By-Products Air and Water Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- m) receives the 20-98 Groundworkx Taranaki Ltd Monitoring Programme Biennial Report 2018-2020 and adopts the specific recommendations therein.

20-03 Todd Kapuni Gas Treatment Plant (KGTP) Monitoring Programme Annual Report 2019-2020

9. Todd Petroleum Mining Company Ltd operates a gas treatment plant (Kapuni Gas Treatment Plant, KGTP) located on Palmer Road at Kapuni, in the Kapuni catchment, South Taranaki. The site was previously operated by Vector Gas Ltd, with ownership changing to Todd Petroleum Mining Company (the Company) in April 2020.
10. 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.
11. During the year the Company held a total of nine resource consents, which included a total of 85 conditions setting out the requirements that they must satisfy. The Company held one consent to allow it to take water, two consents to discharge effluent /stormwater into the Kapuni stream, three consents to discharge to land, two land use permits, and one consent to discharge emissions into the air at the site. Two certificates of compliance were also held in relation to activities permitted under the Regional Freshwater Plan.
12. Two of these consents and both of the certificates of compliance were surrendered on 3 April 2020 as they were no longer required in relation to site activities.
- 13. During the monitoring period, the Company demonstrated an overall high level of environmental performance.**
14. The Council's monitoring programme for the year under review included three inspections, six water samples collected for physicochemical analysis and inter-laboratory comparisons, a review of four biomonitoring surveys for receiving waters and two fish surveys. Also, a review of monthly provided effluent data and surface water abstraction data was undertaken throughout the monitoring period. Daily surface water abstraction data was also assessed.
15. The monitoring indicated that the effects of the discharge of stormwater and process waters into the Kapuni Stream were minimal. Inter-laboratory analysis indicated overall good agreement between both parties. Surface water abstraction was compliant across the whole monitoring period.
16. The review of the biological monitoring concluded that overall, the MCI scores for nearly all sites were similar to or higher than their respective means. The Kapuni Stream was generally in 'good' to 'excellent' health and the impact (if any) of the industrial activity at Kapuni was not discernible.
17. The findings of the fish surveys concluded that electric fishing from the neighbouring Kapuni catchment do not provide any conclusive indication that the petrochemical industries are having any significant adverse effects on fish communities in the Kapuni catchment, with results being affected by sedimentation and a significant number of preceding freshes.
18. In terms of emissions to the air, the triennial report required under special condition 4 consent 4087 was provided during the monitoring year. The associated analyses indicated that CO₂ emissions, steam use per unit of gas, and metal depositions all exhibited reduced or similar levels to previous reporting from 2015-2019.

19. Additional ambient air quality monitoring for carbon monoxide (CO) and nitrogen dioxide (NO₂) was conducted per the Company's request under conditions 8 and 9 from consent 4087-2. The results indicated the KGTP was rated in the Ministry for Environment National Environmental Standards and Ambient Air Quality Guidelines "excellent" to "acceptable" categories for 1-hour and 24-hour average NO₂ concentrations, and "excellent" for 1-hour and 8-hour average CO concentrations throughout the November 2019 to January 2020 period.
20. The Council were notified by the Company on two occasions in respect to incidents on site. These two incidents did not result in a consent non-compliance, though on one occasion the incident led to a slight tweak of site processes. There were zero incidences requiring further investigation in respect of this consent holder during the period under review.
21. During the year, the Company demonstrated a high level of environmental and administrative performance with the resource consents.
22. 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.
23. 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.

20-11 CD Boyd Landfarming and Landspreading Monitoring Programme Annual Report 2019-2020

24. Colin Boyd (the consent holder), in conjunction with MI SWACO (the Company), operate a drilling waste stockpiling facility (Surrey Road stockpiling facility) and a landspreading/landfarming operation on his property, near Inglewood. This site is located within the Waitara catchment. Stockpiled drilling mud from the Surrey Road stockpiling facility is landfarmed or landspread on the consent holder's property. The consent holder also dewater water treatment sludge in lagoons at two locations on his property. This material is then applied to land via landfarming.
25. 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.
26. The consent holder holds three resource consents, which include a total of 51 conditions setting out the requirements that the consent holder must satisfy. The consent holder holds three consents to allow it to discharge material to land.
27. **During the monitoring period, the consent holder and the Company demonstrated an overall poor level of environmental performance.**
28. The Council's monitoring programme for the year under review included seven inspections, 38 water samples, eight composite soil samples collected for physicochemical analysis and two biomonitoring surveys of receiving waters.

29. The monitoring showed that a brief impact of petroleum hydrocarbons to groundwater occurred during May 2020, most likely associated with material deliveries and a former storage pit being decommissioned.
30. 1,050 m³ of drilling mud was landfarmed across two paddocks during this monitoring period with a further 1,544 m³ stockpiled during and after the end of the monitoring period.
31. All assessed landfarmed areas remain above the limit for surrender with elevated sodium and petroleum hydrocarbons. To date over 60 paddocks have been landfarmed though no corresponding surrender analysis has been undertaken.
32. There were numerous occurrences of non-compliances associated with the exercise of consents this period. The consent holder and Company were issued three abatement notices and three infringement notices. One of the non-compliances is likely responsible for a decrease in species diversity documented during the biannual biomonitoring surveys of the unnamed tributary of the Mangatengehu Stream.
33. The Company also reused a paddock which had been previously landfarmed in 2010 with prior assessment for chemical parameters of concern, as required by consent.
34. By comparison with previous years, the monitoring indicated a decline in performance, both from an environmental and administrative perspective.
35. There were four unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.
36. In order to mitigate the cause of non-compliances identified in this monitoring period the Company has undertaken additional engineering controls in the form of the following:
 - 36.1. An upgraded irrigation system through the help of third party operator (AgEnviro).
 - 36.2. A solar powered live stream security camera has also been installed to enable constant supervision of the stockpiling facility (DataTalk).
37. The pump which enables stormwater to be irrigated to land from pit 4 has been fitted with an automatic start pump to prevent future over flow events. The associated generator has also been fitted with a reserve fuel tank, in order to prevent the generator from running out of fuel, as had occurred in the past. Which led to overflow events.
38. During the year, the Company demonstrated a poor level of environmental and administrative performance with the resource consents.
39. 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.
40. This report includes recommendations for the 2020-2021 year.

20-16 Trustpower Mangorei HEP Monitoring Programme Annual Report 2019-2020

41. Trustpower Ltd (the Company) operates the Mangorei hydroelectric power (HEP) scheme in the Waiwhakaiho River catchment to the south of New Plymouth. The Company diverts water from the Waiwhakaiho River into Lake Mangamahoe, from where it is directed through penstocks to the Mangorei Power Station, located on Hydro

Road. The water is returned to the Waiwhakaiho River at the Meeting of the Waters, six kilometres downstream of the original diversion. 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.

42. The Company holds seven resource consents, which include a total of 35 conditions setting out the requirements that the Company must satisfy. The Company holds three consents to allow it to divert, use and discharge water and four consents for various structures, including to dam the Mangamahoe Stream, the Waiwhakaiho River intake weir, and an access culvert related to this site.
- 43. During the monitoring period, the Company demonstrated an overall high level of environmental performance.**
44. The Council's monitoring programme for the year under review included 12 hydrological inspections, which included a gauging of the residual flow on each occasion, two macroinvertebrate surveys, the auditing of data provided by the Company, and water temperature monitoring of the Waiwhakaiho River.
45. Gauging of the residual flow recorded a compliant flow on all but one occasion, with the results of the non-compliant gauging prompting immediate remedial action from the Company. Inspections found all aspects of the scheme in good order.
46. Data provided by the Company showed good compliance with lake level restrictions and residual flow requirements, and the requirement to generate at least 950 L/s during the day to provide adequate flow downstream of the scheme.
47. The number of elvers transferred from the Mangorei Power Station to the Waiwhakaiho River during the period under review was the third highest recorded. Downstream migratory adult eel passage was also provided by the Company by manual trapping and transfer. A total of 34 adult eels were transferred in the reported period.
48. Due to a relatively warm spring and summer, water temperatures were generally above average at all sites. Overall, water temperatures in the lower river have not increased significantly, nor reached excessive levels. This is likely due to the spreading of power generation releases during daylight hours, as required by consent conditions. The minor warming seen over the 19 year period since an increased summer residual flow was implemented appears to be due to climatic changes, given a similar trend is apparent upstream of the scheme.
49. During the year, the Company demonstrated a high level of environmental and administrative performance with the resource consents related to the Mangorei HEP scheme.
50. 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.
51. 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.
52. This report includes recommendations for the 2020-2021 year.

20-20 STDC Kaponga, Manaia, Patea and Waverley WWTPs' Monitoring Programme Annual Report 2019-2020

53. The South Taranaki District Council (STDC) operates eight wastewater treatment plant (WWTP) systems within the district of South Taranaki. This report addresses performances of four of these systems, located in the Kaponga, Manaia, Patea and Waverley townships¹. 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 STDC's activities.
54. STDC holds seven resource consents for the Waverley, Kaponga, Manaia and Patea treatment plants, which include a total of 92 conditions setting out the requirements that they must satisfy. Four consents allow STDC to discharge treated wastewater from the various municipal oxidation ponds sewage treatment systems, one consent is held to discharge treated stock truck effluent (Waverley), one consent covers the discharge of untreated municipal sewage in emergencies (Patea), and one consent allows for the placement and use of a discharge structure in the Coastal Marine Area (Patea).
- 55. During the monitoring period, STDC demonstrated an overall high level of environmental performance.**
56. Monitoring was undertaken to ensure continued maintenance and efficient operation of all treatment systems, plus compliance with discharge permit conditions.
57. During the year, STDC demonstrated a high level of environmental and administrative performance with the resource consents held in relation to the Kaponga WWTP. The Kaponga WWTP was well maintained and operated, and performed satisfactorily throughout the monitoring period. The effluent quality data was indicative of well-treated wastewater, with parameters typical of a municipal oxidation pond system receiving minimal industrial waste loadings. No significant impacts on the Kaupokonui River were recorded from the physicochemical parameters analysed during the mid-summer survey conducted in January 2020, when a moderately high discharge rate of well-treated wastewater characterised this system. No impacts of the effluent discharge were indicated by MCI scores through the reach of the river surveyed.
58. During the year, STDC demonstrated a high level of environmental and administrative performance with the resource consents held in relation to the Manaia WWTP. The Manaia WWTP was generally well maintained and operated, and performed satisfactorily throughout the monitoring period. Although localised impacts of the pond discharge on the receiving waters have reduced markedly following the incorporation of wetlands into the treatment system, impacts from the discharge in relation to increased turbidity and bacteria levels were noted. This does not appear to be entirely as a result of the WWTP discharge, and further investigations associated with upstream water quality and bacterial marker source tracking are proposed.
59. During the year, STDC demonstrated a high level of environmental and administrative performance with the resource consents in relation to the Patea WWTP. The Patea WWTP and emergency overflow was well maintained and operated, and performed

¹ The Eltham, Wai-inu Hawera, and Opunake Wastewater Treatment Plants are the subject of separate reports by the Taranaki Regional Council.

satisfactorily throughout the monitoring period. Since the upgrade to the system and the pumping station, the discharge effluent quality has shown marked improvement over the quality typical of the previous single pond treatment system receiving minimal industrial waste loadings. No significant impacts associated with the discharges were measured on the bacteriological quality of the lower reaches of the Patea River.

60. During the year, STDC demonstrated a high level of environmental and administrative performance with the resource consents in relation to the Waverley WWTP. The Waverley WWTP was well maintained and operated, and performed satisfactorily throughout the monitoring period. The performance of the system was considered to be typical of a biological treatment system receiving essentially domestic wastes, and continued to show some improvements compared to historical wastewater quality. Minor impacts from the discharge were noted on the water quality of the Wairoa Stream tributary, mainly in relation to increases in turbidity and *E. coli* and a significant decrease in the black disc measurement. However, these and other effects were readily assimilated, first by the aquatic weed growth in the tributary, and then in the extensive Ihupuku Wetland area located downstream of Beach Road.
61. This report also addresses monitoring of the use of STDC stock truck wastewater disposal system near Waverley, where the consent allows for on-site land discharge of anaerobic-aerobic ponds' treated stock truck effluent. The presence of appropriate signage and surveillance by the consent holder have been effective in maintaining compliance at the facility. Increased monitoring of this facility was instigated by the Council and will continue in conjunction with the programme for the Waverley municipal oxidation ponds system (where the stock truck wastes were disposed of originally).
62. 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.
63. 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.
64. This report includes recommendations for the 2020-2021 year.

20-44 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2019-2020

65. Methanex New Zealand Ltd (Methanex) operates methanol production facilities located at Motunui and Waitara Valley, in the Manu, Waihi and Waitara River catchments. This report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess Methanex'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 Methanex's activities.
66. Methanex holds 11 resource consents, which include a total of 111 special conditions setting out the requirements that Methanex must satisfy. Methanex holds two consents to allow it to take and use water from two abstraction points on the Waitara River. Six consents allow the discharge of effluent/stormwater into the Manu and Waihi Streams and the Tasman Sea via the Waitara marine outfall. Methanex also holds two consents to

discharge emissions into the air at its sites. Finally, one consent provides for a structure in the Waitara River associated with the water take.

67. **During the monitoring period, Methanex demonstrated an overall high level of environmental performance at its Motunui site and a high level of environmental performance at its Waitara Valley site.**
68. The Council's monitoring programme for the year under review included three inspections, continuous self-monitoring by Methanex (specifically involving collection of water samples for physicochemical analysis), review of regularly provided consent holder data and two inter-laboratory comparisons.
69. The monitoring showed that Methanex operated both sites in accordance with the requirements of their resource consents. As in previous years, the facilities were well managed and a high level of housekeeping was maintained. Four minor consent breaches were self-reported by the consent holder during the period under review. These matters were considered of low foreseeability, were appropriately addressed and mitigated and were considered by the Council to likely to result in negligible if any environmental impact.
70. During the year, Methanex demonstrated a high level of environmental and administrative performance and compliance with the resource consents at both facilities.
71. 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.
72. 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.
73. This report includes recommendations for the 2020-2021 year.

20-63 Fonterra Kapuni Monitoring Programme Annual Report 2019-2020

74. Fonterra Limited (the Company) operates a lactose manufacturing factory plant located on Manaia Road at Kapuni, in the Kaupokonui catchment. The plant processes milk and whey permeate from dairy product manufacture around the North Island. There is also an inhalation grade lactose (IGL) plant on the site operated by another entity, with stormwater discharges from the areas around this activity combined with those of the lactose plant under consents held by the Company. 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 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.
75. During the year under review the Company held 17 resource consents, which included a total of 155 conditions setting out the requirements that the Company must satisfy. The Company holds two consents to allow it to take and use water, five consents to discharge stormwater and/or cooling water into the Kaupokonui and Motumate Streams, four consents to discharge wastes to land, five land use consents, and one consent to discharge emissions into the air at this site. Two of the consents, to discharge factory wastewater to land, were varied in July 2015 to include dairy shed effluent which previously had been discharged to surface water. Another two of the consents were

granted in February 2016 to provide for the discharge of farm dairy solids and pond sludge to land. One of the land use consents was granted in March 2017 for the installation of a dual culvert in the Waiokura Stream to allow the reinstatement of a farm track across the stream. The replacement consent for the use of the weir associated with the water abstraction consent was granted in December 2017 for a period until June 2019. Four of the Company's consents expired in June 2017, with the applications put on hold so that the effects of these activities could be considered in combination with the effects of the seven further activities for which the consents expired in June 2019. Applications to renew these consents were received on 1 February 2019 and were put on hold until 19 December 2019 awaiting further information. There have been a number of further extensions to the timeframe by which the further information will be provided, most recently extended to 31 August 2020. There are a total of 11 consented activities where the Company is operating under the expired consents until a decision is made on the renewal, as provided for by Section 124 of the Resource Management Act 1991 (RMA). The applications indicate that the Company wishes to amalgamate activities under single consents where appropriate.

- 76. During the monitoring period, the Company demonstrated an overall high level of environmental performance.**
77. The Council's monitoring programmes for the period under review included 12 inspections, 167 water samples collected for physicochemical analysis, one fish survey, two macroinvertebrate surveys of receiving waters, five ambient air quality analyses, continuous in-stream temperature monitoring at two sites downstream of the site, flow recording in the Kaupokonui Stream, evaluation of the progress of riparian plans that are eligible funding provided by financial contributions from the Company, and review of data provided by the Company.
78. Cooling water discharge volume metering had been introduced at the site as per the agreement between the Council and the Company, in relation to assessment of the consumptive nature of the take and future water allocation for the Kaupokonui Stream. Telemetry of abstraction from and discharge to the stream was installed. However, the ongoing transmission and validity of the data have resulted in the full terms of the agreement not being met within the agreed timeframe. The problems with data transmission were addressed during the 2017-2019 years. However the Council was advised that the location in which the equipment was installed has resulted in the agreed accuracy and validation not being achievable. As the written agreement brought this monitoring within the scope of condition 1 of consent 0919, this was recorded as a consent non-compliance. This was resolved during the year under review, with the installation of a new flow metering system in a location that allowed all the data quality objectives to be met. The data provided indicates that for the most part, the consumptive use is low at between 1 and 21 L/s for 76% of the time excluding losses that may be occurring as the cooling water is discharged via the spray nozzles.
79. Ecological monitoring did not note any problems in regard to the abstraction of water from the Kaupokonui Stream for cooling water and general purposes, from site discharges to the Kaupokonui Stream or from the discharges of wastewater to land on the farms. However, in the macroinvertebrate survey reports it was noted that the sites used for the monitoring of the discharges of wastewater to land on the farms are still appropriate and in the fish survey report it was noted that the removal of the Glenn Road weir is likely to result in a significant change in the fish community composition that will be able to access the reach of stream that is monitored under this programme.

80. Temperature increase limits on cooling water discharged to the Kaupokonui Stream were complied with throughout the review period. The main cooling system was replaced in August 2015 with the system designed to ensure that the temperature differential and downstream temperature limits would be complied with. From November 2018 until part way through the year under review, the Company ran the cooling system at the maximum cooling capacity. This resulted in the discharge temperature being significantly reduced, with a measurable reduction in the instream temperature differential. The reduced discharge temperature would have also minimised the potential for a thermal barrier to fish within the mixing zone. During the year under review, further structural and operational changes were made to the cooling water discharge system that ensure that the temperature differential restrictions on the consent were being met, whilst enabling the Company to operate the system in the most cost effective way. This resulted in the temperature of the cooling water being increased and a loss of some of the gains that would have been made in terms of the reduction in temperature within the mixing zone when compared to the 2018-2019 year.
81. Irrigation onto the two dairy farms was, in general, well managed, including the new dairy shed effluent. No effect from irrigation was found during inspection, sampling or biological monitoring of the Kaupokonui and Waiokura Streams. A 20 m buffer to the bank of water courses was maintained during irrigation activities observed at inspection.
82. Effects on the groundwater in the vicinity of the farms were varied, but most showed an impact on both mineral and organic component levels. This had been addressed through extension of the irrigation disposal system in 2007-2008, and by more intensive wastewater and groundwater monitoring. During the year under review, there was a higher nitrogen load applied to the paddocks than in the 2017-2019 years. The nitrogen application rates increased by about 14% on Farm 1 and 20% on Farms 2 and 3. There was only one bore that was consistently above the drinking water standard, but there were four bores having an annual median above the standard, one of which was the control bore at the northern boundary of Farm 2. The trend of increasing nitrates at the bore that was consistently over the drinking water standard continued at the start of the 2020-2021 year. Therefore the Council requested that Company investigate and mitigate as per consent conditions and the Company's Whole Farm Management Plan. The outcomes of this will be discussed in the 2020-2021 Annual Report.
83. Two of the control bores (Farm 2 and Farm 3 control bores) continued to show significant increases in groundwater nitrate concentrations that are, at times, in excess of drinking water standards. This is still to be explained after suitable investigation, with the anticipation that this will be a requirement of the renewed consent.
84. Stormwater from the site continued to be diverted to containment ponds, with the stormwater batch released after quality checks. Sample results for the discharge samples collected by the Council were within those prescribed by consent conditions. The lactose deposition rates recorded at all sites were above their respective historical medians and all sites except AIR002031 were above the guideline value. However, this is not limited by the Company's consent and no complaints were received by Council in relation to deposited particulates. Inspections also found no evidence of depositions. No odours were noted off site during the year under review
85. There was one consent non-compliance recorded during the year under review in relation to an unforeseen failure with the electronics associated with the recording of the water take abstraction. It could be demonstrated that there were no breaches of the abstraction limits in the period of time it took to undertake the repairs. In addition to

this matter, there was the on-going non-compliance registered in the 2018-2019 year that was a contravention of the monitoring condition in relation to the cooling water discharge rate monitoring as outlined above. This non-compliance was resolved in September 2019.

86. The Company demonstrated a high level of environmental performance and good compliance with resource consents as defined in Section 1.1.4.
87. With respect to the administrative performance, there were still ongoing issues with provision of accurate real time monitoring data that was due by 30 September 2015. A further agreement was made to resolve this issue by 30 September 2019 following the recording of this matter as a consent non-compliance in the 2018-2019. This was resolved in September 2019, and therefore the Company demonstrated a good level of administrative performance and compliance with resource consents as defined in Section 1.1.4.
88. 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.
89. This report includes recommendations for the 2020-2021 year, and an indication of any matters that may need to be accommodated in the 2021-2022 year where possible.

20-65 Cold Creek Community Water Supply Ltd Monitoring Programme Annual Report 2019-2020

90. The Cold Creek Community Water Supply Ltd (CCCWSL) operates a rural water supply scheme located on Cold Stream², Kiri Road, in the Taungatara catchment. The report for the period July 2019 to June 2020 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess CCCWSL'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 CCCWSL's activities.
91. CCCWSL holds three resource consents, which include a total of 27 conditions setting out the requirements that they must satisfy. CCCWSL holds one consent to allow it to take and use water, one consent to discharge filter backwash and one consent to maintain a weir.
92. **During the monitoring period, CCCWSL demonstrated an overall good level of environmental performance.**
93. The Council's monitoring programme for the year under review included five inspections, one discharge sample, three river gaugings, two eight-site macroinvertebrate surveys and a review of water abstraction and stream flow data.
94. The monitoring showed that CCCWSL complied with consent conditions in regards to discharge standards and abstraction rates. By comparison with previous years, the monitoring indicated an improvement with administration and environmental

² Cold Stream is otherwise known as Cold Creek. For the purposes of this report all references to the water body in question will be using the former, or 'Cold Creek'.

performance. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.

95. The summer macroinvertebrate survey found a deterioration at site C3 and lower than usual SQMCI scores at the three upstream sites. At the time there was not sufficient evidence to suggest that this was entirely attributable to CCWSL's activities.
96. Biannual macroinvertebrate surveys will continue to determine if this is an emergent trend of decline at the site.
97. Based on the current survey results, the overall condition of the Taungatara Stream was either similar to or better than what would be expected of a ring plain stream.
98. During the year, CCCWSL demonstrated a good level of environmental performance and high level of administrative performance with resource consents.
99. 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.
100. This report includes recommendations for the 2020-2021 year, including a recommendation relating to an optional review of consent 1134-3.2.

20-66 New Plymouth District Council Water Supplies Monitoring Programme Annual Report 2019-2020

101. New Plymouth District Council (NPDC) operates five water supply schemes in the New Plymouth District. 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 performance and consent compliance 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.
102. During the monitoring period NPDC held 19 resource consents relating to those water supply systems, which included a total of 157 conditions setting out the requirements that the consent holder must satisfy. This included seven consents to take and use water, four consents to discharge to water, seven consents to maintain structures, and one consent to discharge filter backwash onto and into land.
103. Several of the consents expired on 1 June 2020 and three of these will not be renewed. Two of the structure consents were deemed to be permitted activities, while one of the discharge consents is no longer required.
- 104. During the monitoring period, NPDC demonstrated an overall high level of environmental performance across the five schemes reported herein.**
105. The Council's monitoring programme for the year under review included an annual inspection of each water supply scheme, four samples collected for water quality analysis, one fish survey, and an assessment of the abstraction and discharge data provided by NPDC.
106. The monitoring showed that overall the NPDC water schemes are well operated and maintained and appeared to be having no adverse effects on the environment.
107. NPDC provided all the abstraction data required under consent conditions and this showed that all daily volume limits and instantaneous abstraction rates were complied with. Self-monitoring of the Inglewood discharge showed less than minor non-

compliances with suspended solids limits. However, NPDC has since implemented measures to prevent future occurrences of this.

108. During the year, NPDC demonstrated a high level of environmental and administrative performance with the resource consents.
109. 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.
110. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that NPDC has maintained a high to good level of performance.
111. This report includes recommendations for the 2020-2021 year, including a recommendation relating to an optional review of consent 4509-2.

20-87 ANZCO Eltham Ltd Monitoring Programme Annual Report 2019-2020

112. ANZCO Foods Eltham Ltd (the Company) operates a meat processing plant located at Eltham, in the Waingongoro catchment. Until May 2014, the site was known as Riverlands Eltham. The plant has an associated wastewater treatment system from which treated effluent is disposed of either to land or to surface water. This report covers the Company's processing season from October 2019 to September 2020 and describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Company's environmental 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.
- 113. During the monitoring period, the Company demonstrated an overall good level of environmental performance.**
114. The Company held eight resource consents during the review period, which included a total of 91 conditions setting out the requirements that the Company must satisfy. The Company held one consent to allow it to take and use water, two consents to discharge effluent and stormwater into the Waingongoro River, two consents to discharge effluent and solids to land, two consents for structures in watercourses, and one consent to discharge emissions into the air at the plant site.
115. Monitoring is carried out by both the Company and the Council. The Company monitors water abstraction rate, effluent flow rate and composition, receiving water quality, odour at the plant boundaries, effluent loadings and soil and herbage for irrigation areas. The Council undertakes inspections of the plant site and irrigation areas. Monitoring includes effluent quality checks and inter-laboratory comparisons, water quality, air quality and biological monitoring.
116. The Council's monitoring programmes for the period under review included four inspections, 50 groundwater and 22 surface water samples collected for physicochemical analysis and two biomonitoring surveys of receiving waters.
117. The abstraction of water from the Waingongoro River was not found to have any adverse effect on the river and the physicochemical monitoring of the river showed compliance with consent conditions.
118. The biomonitoring surveys did not find any detrimental impact on the river caused by discharges from the meat processing plant to water.

119. The report required to assess the impacts, if any, on dissolved reactive phosphorus (DRP) concentrations in the Waingongoro River was reviewed and was found to only partially meet the requirements of the consent condition. The additional information required was submitted on 19 February 2021.
120. The groundwater monitoring programme indicates that irrigation of effluent by the Company has had an observable effect on localised groundwater quality over time.
121. During the 2019-2020 monitoring period 73% (307,192 m³) of the total plant effluent (421,696 m³) was sprayed onto grazed pasture. The irrigation period lasted 32 weeks from 1 October 2019 to 22 June 2020. The limit on nitrogen loading was not exceeded in any paddock during the irrigation season.
122. With regard to emissions to air over the 2019-2020 period, no incidents were recorded.
123. During the period under review, the Company demonstrated a good level of environmental performance while an improvement is required in their administrative performance.
124. Some improvement is required in regard to nitrate concentrations in groundwater in compliance with the requirements of discharge to land consent 5569-1.
125. 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.
126. In terms of overall environmental and compliance performance by the Company over the last few years, this report shows that the Company's performance has remained at a good level, with improvement required in their administrative performance.
127. This report includes recommendations to be implemented during the 2020-2021 monitoring period.

20-92 Civil Quarries Ltd - Everett Road Quarry Monitoring Programme Annual Report 2019-2020

128. Civil Quarries Ltd (the Company) operates a quarry located on Everett Road at Everett Park, in the Kurapete catchment. The consented activities include taking groundwater, washing aggregate on a recirculation system, and the onsite treatment and discharge of stormwater. 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.
129. The Company holds two resource consents, which include a total of 25 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to take and use groundwater and one consent to discharge stormwater and treated groundwater into an unnamed tributary of the Kurapete stream.
- 130. During the monitoring period, Civil Quarries Ltd demonstrated an overall level of environmental performance that required improvement.**
131. The Council's monitoring programme for the year under review comprised four scheduled inspections and one follow-up inspection, which included stormwater discharge and stream samples collected for physicochemical analysis. A biomonitoring

survey of receiving waters was also carried out, as was the annual hydrology inspection in relation to the flow meters and dataloggers.

132. The monitoring showed that improvements were needed in site management and the management of the stormwater treatment system. By comparison with previous years, the monitoring indicated a decline in the discharge quality from the quarry. A biomonitoring survey carried out in summer showed minor negative impacts of quarry activities on the macroinvertebrate community of the Kurapete Stream. There were two incidents of a non-compliance for exceeding consented turbidity limits in the Kurapete Stream.
133. During the year under review, the Company demonstrated a level of environmental and administrative performance with the resource consents that required improvement, as defined in Section 1.1.4. In addition to the non-compliances with turbidity limits, there were ongoing issues with the positioning of flowmeters and flow data provision. The Company has made upgrades to the stormwater system and recent sampling has shown compliance with consent conditions. Water take and discharge volumes are now being telemetered to the Council, but a review of the placement of the flowmeters is still required. The groundwater monitoring bores have been installed and monitoring will begin in the following year.
134. 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.
135. 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 level that requires improvement.
136. This report includes recommendations for the 2020-2021 year, including a recommendation relating to an optional review of consent 1113-5.1 and consent 10247-1.1.

20-96 Silver Fern Farms Waitotara Monitoring Programme Annual Report 2019-2020

137. Silver Fern Farms Ltd (Silver Fern Farms) operates a meat processing plant located on Wai-inu Beach Road, Waitotara in the Waitotara catchment. This report, for the period 1 October 2019 to 30 September 2020 coincides with the killing season. It describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess Silver Fern Farms' 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 Silver Fern Farms' activities.
138. Silver Fern Farms holds a total of five resource consents, which include a total of 51 conditions setting out the requirements that Silver Fern Farms must satisfy. Silver Fern Farms holds resource consents to allow it to take and use groundwater and spring water, to discharge wastes by spray irrigation to land, to discharge stormwater and cooling water to an unnamed tributary of the Waitotara River, and to discharge emissions into the air.
139. **During the monitoring period, Silver Fern Farms Ltd demonstrated an overall good level of environmental performance.**

140. The Council's monitoring programme for the year under review included four inspections, and the collection of four wastewater and 29 groundwater samples for physicochemical analysis. This includes monitoring of a bore which was installed on 5 November 2019. Silver Fern Farms supplied records of their own monitoring, as well as records of the volume of water abstracted and the volume of wastewater discharged.
141. The groundwater abstraction data showed that the instantaneous volume limit was exceeded frequently by small amounts, although the daily limit was being met. These exceedances continued occasionally throughout the current monitoring period. However the exceedance was greater than the margin of error of the flowmeter on only two occasions during the period under review. No action was taken due to problems with the telemetry system which caused a delay in receipt of the data by both Silver Fern Farms and the Council.
142. Nitrogen loadings exceeded the operational target of 300 kg/ha/y in one sector during the period under review. Monitoring of a site of significance to Ngaa Rauru Kiihahi, a spring at the coast, was continued in relation to the extended irrigation area.
143. Stormwater and cooling water discharges were not found to have significant environmental effect.
144. During this reporting period no odour complaints were received by Silver Fern Farms from residents at the Wai-inu Beach Settlement. Mitigation measures following the complaints in the 2016-2017 year have been undertaken, and operational changes have been made to the irrigation system to minimise the risk of further complaints.
145. During the year, Silver Fern Farms demonstrated a good level of environmental and high level of administrative performance with the resource consents.
146. 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.
147. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a good level.
148. This report includes recommendations for the 2020-2021 year.

20-97 Taranaki By-Products Air and Water Monitoring Programme Annual Report 2019-2020

149. Taranaki By-Products Ltd (TBP/the Company) operates an animal rendering operation located on Kohiti Road at Okaiawa, in the Inaha catchment. Two rendering plants operate on the site: an inedibles plant owned by the TBP, and a food grade plant owned by Taranaki Bio-Extracts Ltd (TBE). A trucking firm, Jackson Transport Ltd (JTL), owned by TBP, also operate from the site.
150. 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.
151. TBP holds 12 resource consents, which include a total of 143 conditions setting out the requirements that they must satisfy. TBP holds two consents to allow it to take and use

water, one consent for placing structures in a water course, one consent to realign a water course, two consents to discharge emissions into air at the site, four consents to discharge to the Inaha Stream and a tributary, and two consents to discharge to land.

- 152. During the monitoring period, TBP demonstrated an overall good level of environmental performance, with some variation between individual consents.**
153. Monitoring was carried out by both the Council and TBP. TBP monitors water abstraction rates, wastewater volumes and composition, effluent loading on irrigation areas, bio-filter performance and weather conditions. The Council undertakes inspections of the plant site, irrigation and burial areas; water quality and biological monitoring of the Inaha Stream and its tributaries, riparian management, and groundwater surveys, and facilitates community and Hapu engagement meetings.
154. The Council's monitoring programme for the year under review included 11 inspections, 119 water samples collected for physicochemical analysis, and three biomonitoring surveys of receiving waters. In addition, one community meeting was also held. Hapu engagement had been on-going with the Company as part of the consent renewal process.
155. The monitoring showed that water abstraction from both the Inaha Stream and groundwater bore were within compliance limits for the full monitoring year. Cooling water discharge analysis and Company provided analysis identified the bore water discharge contained measurable ammonia from the formation extracted water. Surface water abstraction discharge was within compliance limits.
156. The stormwater system was upgraded to a first flush catch system, aimed at reducing the concentration of contaminants entering the firepond.
157. The dilution rate of the wastewater discharge to the Inaha Stream was compliant for the duration of the discharge (101 days). The analysis of the oxygen and the sodium absorption ratio of the wastewater was compliant when assessed.
158. The application of wastewater to land was limited to below 250 kg N/ha across all irrigation paddocks, including fertiliser. The combined volume of nitrogen discharged to land decreased by 14,000 kg N this monitoring period.
159. On one occasion, at two monitoring locations within the Inaha Stream, the corresponding oxygen consumption of the wastewater slightly exceeded the limit set by consent.
160. Groundwater monitoring indicated the concentration of nitrate nitrogen with the drinking water source, Te Koponga Spring, continues to decrease. Four monitoring wells holds value of nitrate nitrogen in excess of 50 g/m³, though three of them are beginning to plateau, which suggests the mitigation undertaken by the Company is starting to take effect.
161. Surface water monitoring of the Northern tributary of the Inaha Stream indicated it is at the national bottom line for nitrate nitrogen, as defined by the National Policy Statement for Freshwater Management. The Western tributary remains below the national bottom line for nitrate nitrogen. However recent results suggest an improvement with a decrease in concentration, though it remains at national attribute state D for nitrate nitrogen.
162. Emissions to the air this monitoring period did not draw any complaints from members of the public.

163. On one occasion an unauthorised discharge was identified by Council officers during a temperature logger download, which was ceased quickly after the initial finding and notification to the Company. This resulted in short term elevated oxygen demand and ammonia within the Inaha Stream. A follow up biological survey indicated no significant adverse effects as a process of the unauthorised discharge.
164. Biannual biological monitoring of the Inaha Stream did not record any significant impacts from the exercise of the consents this monitoring period. However, the gradings of the biological monitoring sites were downgraded from good to fair at and downstream of the Company site. This suggests a subtle decline.
165. During the year, the Company demonstrated an overall good level of environmental and a high level of administrative performance with the resource consents.
166. 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.
167. 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.
168. This report includes recommendations for the 2020-2021 year.

20-98 Groundworkx Taranaki Ltd Monitoring Programme Biennial Report 2018-2020

169. Groundworkx Taranaki Ltd (the Company) operates a cleanfill located on Victoria Road at Stratford, in the Patea catchment. During the period under review activities at the site expanded to also include a green waste facility. 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 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.
170. The Company holds two resource consents, which include a total of 20 conditions setting out the requirements that the Company must satisfy. The Company holds one consents to discharge cleanfill into land and one consent to discharge green waste and any resulting contaminated stormwater and leachate to land in a different area of this site.
- 171. During the monitoring period, Groundworkx Taranaki Ltd demonstrated an overall high level of environmental performance.**
172. The Council's monitoring programme for the period under review included four inspections. No water samples are programmed as the site is well contained and some distance from the nearest waterway.
173. The monitoring indicated that there had been no significant adverse environmental effects in the receiving environment as a result of the Company's cleanfilling activity. The Company managed unauthorised material deposited at the site well, by segregation for subsequent removal from the site. The required structural controls were in place at the green waste area and remained effective during the period under review. There were

no unauthorised incidents in respect of this consent holder during the period under review.

174. During the period, the Company demonstrated a high level of environmental and administrative performance with the resource consents.
175. 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.
176. 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.
177. 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 having improved from a good to a high level in the 2016-2018 period.
178. This report includes recommendations for the 2020-2022 years.

Financial considerations—LTP/Annual Plan

179. 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

180. 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

181. 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 consenting and subsequent adopted work programmes has been recognised in the preparation of this memorandum.

Community considerations

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

Legal considerations

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

Appendices/Attachments

Report Name	PDF Number	Reporting period
20-03 Todd Kapuni Gas Treatment Plant (KGTP) Monitoring Programme Annual Report 2019-2020	2685352	2019-2020
20-11 CD Boyd Landfarming and Landspreading Monitoring Programme Annual Report 2019-2020	2634776	2019-2020
20-16 Trustpower Mangorei HEP Monitoring Programme Annual Report 2019-2020	2679110	2019-2020
20-20 STDC Kaponga, Manaia, Patea and Waverley WWTP's Monitoring Programme Annual Report 2019-2020	2632088	2019-2020
20-44 Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2019-2020	2676866	2019-2020
20-63 Fonterra Kapuni Monitoring Programme Annual Report 2019-2020	2665168	2019-2020
20-65 Cold Creek Community Water Supply Ltd Monitoring Programme Annual Report 2019-2020	2656273	2019-2020
20-66 New Plymouth District Council Water Supplies Monitoring Programme Annual Report 2019-2020	2692117	2019-2020
20-87 ANZCO Eltham Ltd Monitoring Programme Annual Report 2019-2020	2668722	2019-2020
20-92 Civil Quarries Ltd - Everett Road Quarry Monitoring Programme Annual Report 2019-2020	2677205	2019-2020
20-96 Silver Fern Farms Waitotara Monitoring Programme Annual Report 2019-2020	2662683	2019-2020
20-97 Taranaki By-Products Air and Water Monitoring Programme Annual Report 2019-2020	2668027	2019-2020
20-98 Groundworkx Taranaki Ltd Monitoring Programme Biennial Report 2018-2020	2669198	2018-2020



Date 16 March 2021

Subject: **Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 11 January 2021 to 22 February 2021**

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

Document: 2686110

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 11 January 2021 to 22 February 2021.
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 one hundred and five (105) incidents reported.
4. Sixty six (66) of the incidents were found to be compliant and twenty six (26) were found to be non-compliant. Thirteen (13) of the incidents reported relate to non-compliances from previous periods (updates). The action taken on the incidents is set out for Members information.
5. For the second reporting period in row there continues to be a high number of incidents found to be compliant.

Compliance monitoring non-compliances

6. There are fifty three (53) compliance monitoring non-compliances reported. Thirty (30) of the compliance monitoring non-compliances reported are updates from previous periods.
7. Forty (40) 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 - 11 January 2021 to 22 February 2021
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 11 January 2021 to 22 February 2021, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Background

8. 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.
9. Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 11 January 2021 to 22 February 2021.
10. 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

11. 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

12. 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.

13. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 11 January 2021 to 22 February 2021 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.
14. 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.
15. 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.
16. 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

17. 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

18. 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

19. 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

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

Community considerations

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

Legal considerations

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

Appendices/Attachments

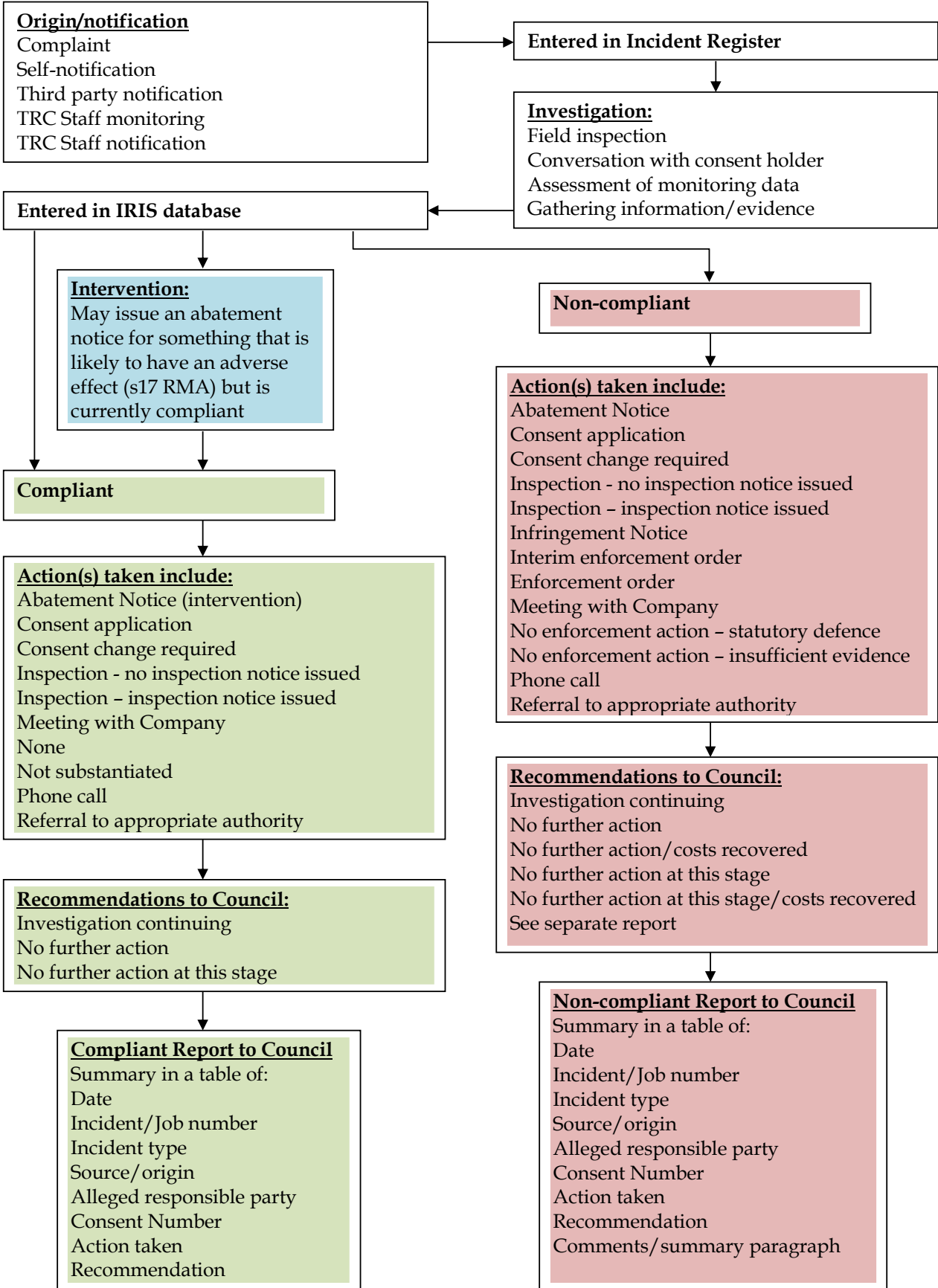
Document 1081324: Incident flowchart and terms explained

Document 2722466: Incident and Enforcement Graphs to 31 January 2020

Document 2723254: Incidents and Enforcement Summary 11 January 2021 to 22 February 2021

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.

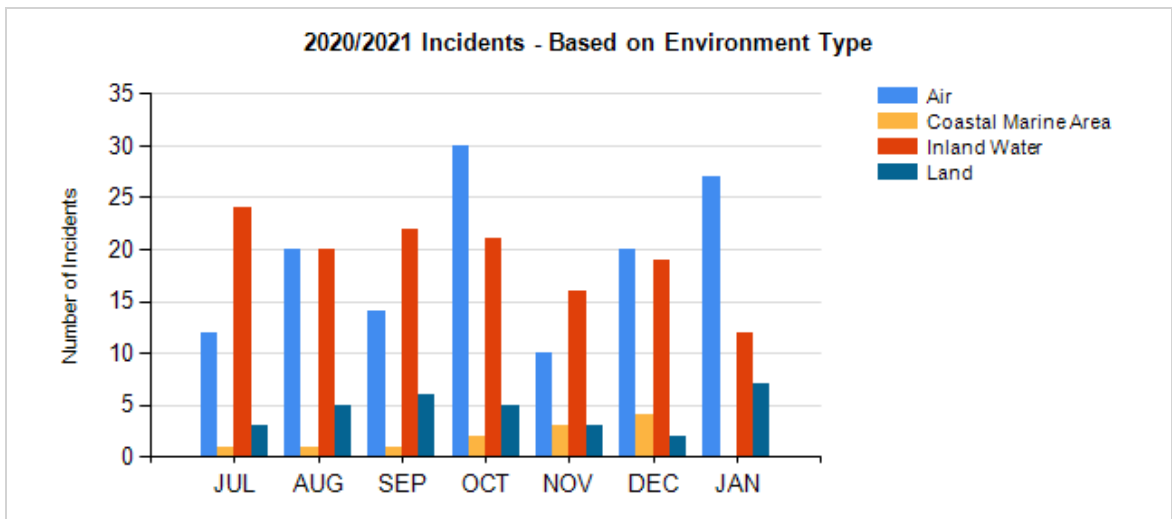
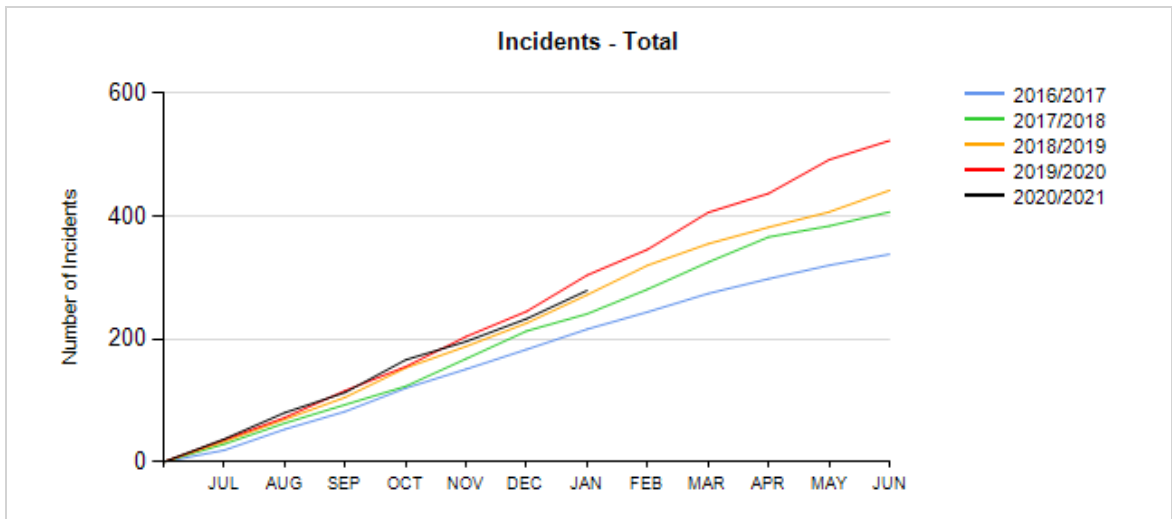
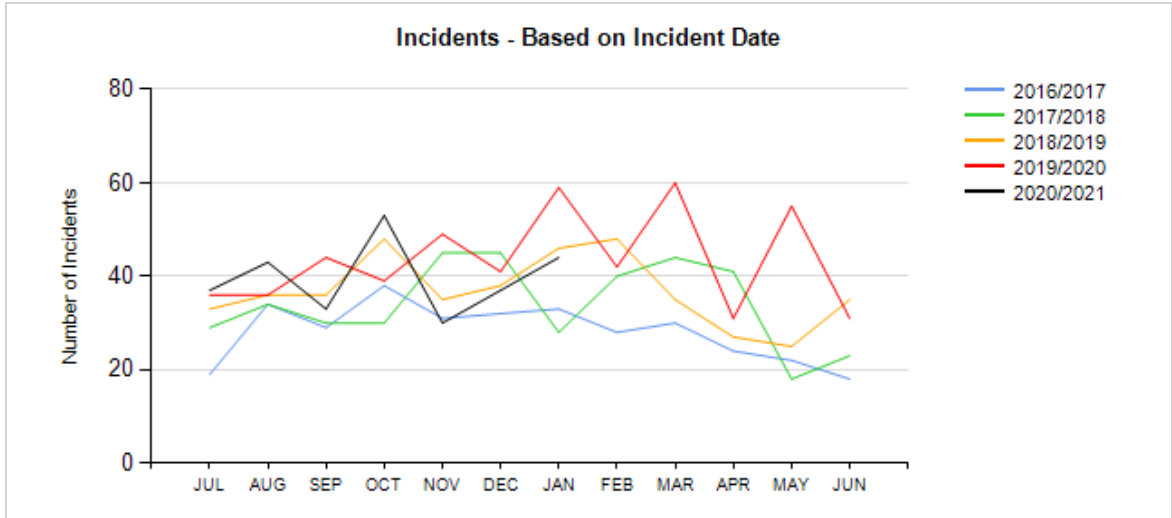
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
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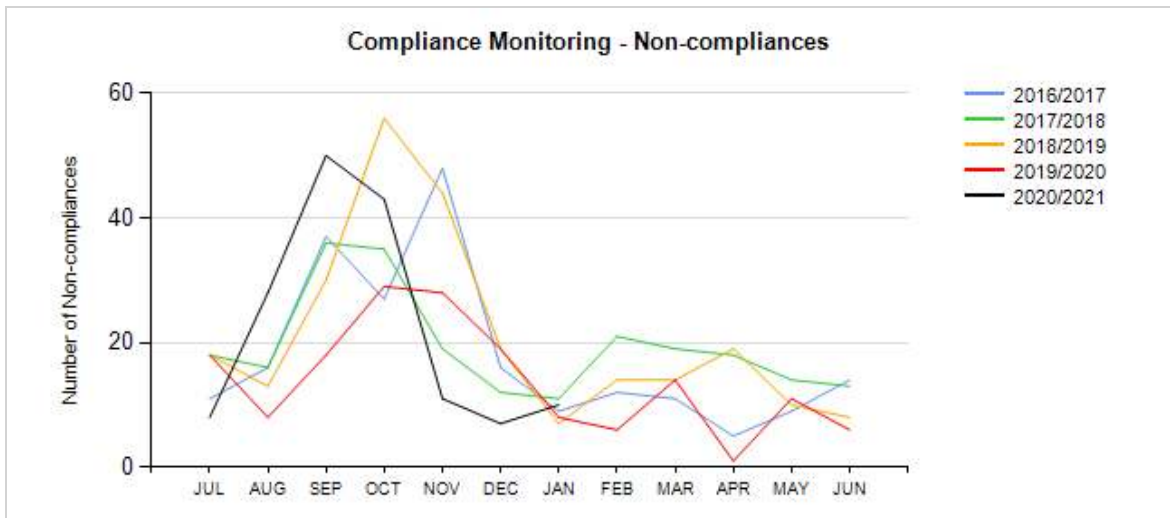
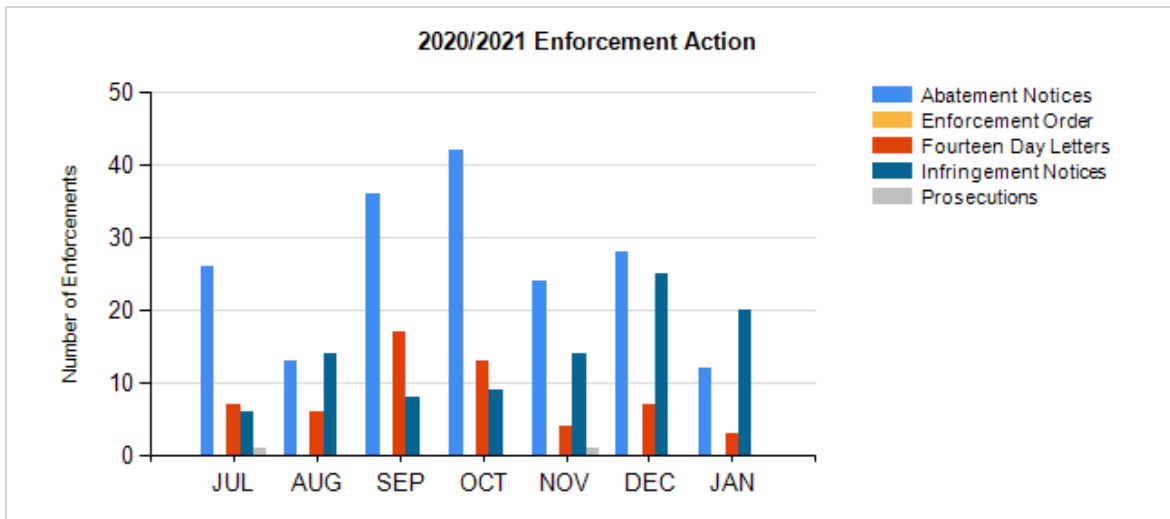
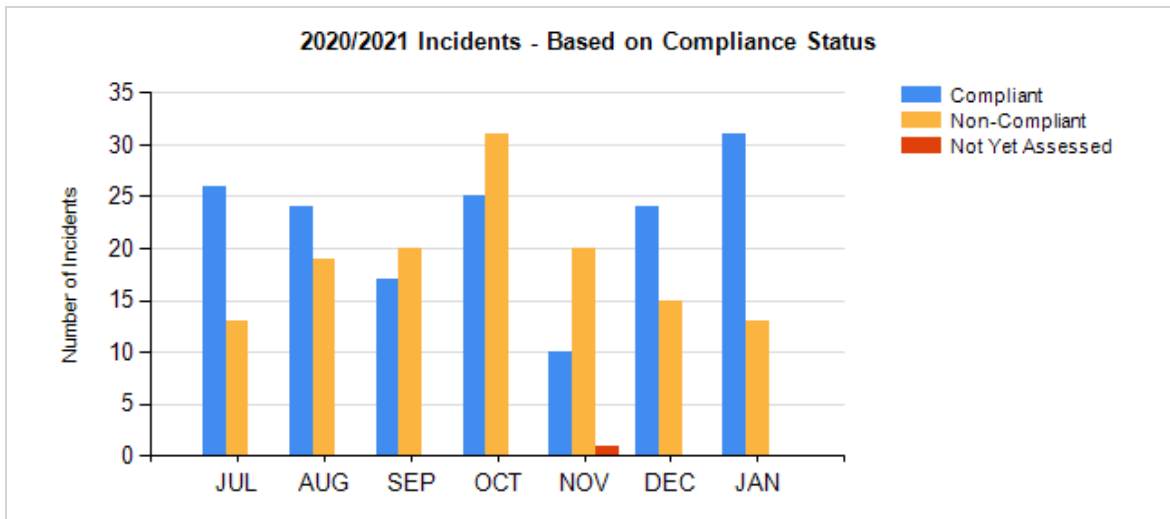
Defences under Sections 340 and 341 of the Resource Management Act 1991

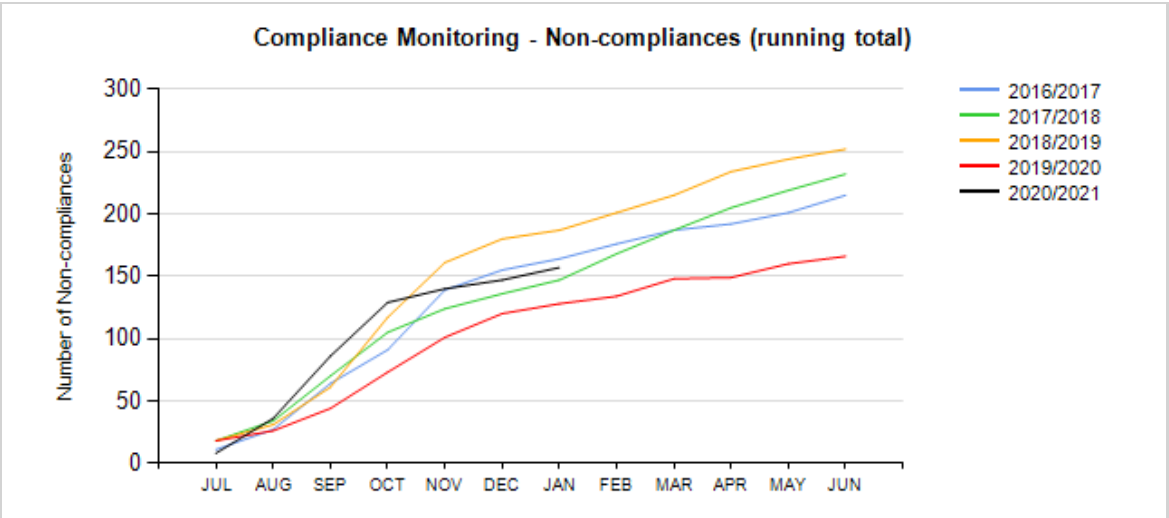
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

- 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 January 2021







Compliant Incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
11 Jan 2021	3301-21-264 IN/41349	Alleged Fertiliser odour - Mountain Road, Inglewood	Complaint	Osflo Fertiliser Limited Osflo Spreading Industries Ltd	R2/10578-1.0	Consent Compliance	No Further Action
11 Jan 2021	3301-21-258 IN/41355	Alleged Odour - Barrett Road, New Plymouth	Complaint	Unsourced		RAQP Allowed	No Further Action
11 Jan 2021	3301-21-259 IN/41356	Alleged Fertiliser odour - Mountain Road, Inglewood	Complaint	Osflo Fertiliser Limited Osflo Spreading Industries Ltd	R2/10578-1.0	Consent Compliance	No Further Action
11 Jan 2021	3301-21-274 IN/41435	Alleged Smoke - High Street, Hawera	TRC Staff Notification	Unsourced		RAQP Allowed	No Further Action
12 Jan 2021	3301-21-260 IN/41366	Alleged Odour - Colson Road, New Plymouth	Complaint	Wayne Eustace		RAQP Allowed	No Further Action
12 Jan 2021	3301-21-261 IN/41368	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
12 Jan 2021	3301-21-263 IN/41409	Alleged Burning - Eltham	Complaint	Matthew Paul		RAQP Allowed	No Further Action
12 Jan 2021	3301-21-275 IN/41437	Alleged Odour - Lincoln Road, Inglewood	Complaint	Osflo Fertiliser Limited	R2/10578-1.0	Consent Compliance	No Further Action
14 Jan 2021	3301-21-279 IN/41613	Alleged Dust - Port Taranaki - New Plymouth	Complaint	Port Taranaki Limited		RAQP Allowed	No Further Action
14 Jan 2021	3301-21-280 IN/41614	Alleged Dust - SH3 Underpass roadworks - Tariki	Complaint	Downer NZ Limited NZ Transport Agency		RAQP Allowed	No Further Action

Compliant Incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
14 Jan 2021	3301-21-281 IN/41615	Alleged Poultry odour - Manutahi Road, Bell Block	Complaint	Shadel Poultry Limited	R2/5280-2.0	Consent Compliance	No Further Action
15 Jan 2021	3301-21-267 IN/41408	Alleged Orange foam in culvert - Mountain Road, Inglewood	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
15 Jan 2021	3301-21-266 IN/41530	Alleged Sewage odour - Goodson Place, Hawera	Complaint	Unsourced		Not Applicable/Natural Event	No Further Action
16 Jan 2021	3301-21-270 IN/41424	Alleged Odour - Mokau Road, Uriti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
19 Jan 2021	3301-21-282 IN/41432	Alleged Historical stream realignment - SH45, Pihama	Complaint	Ritchie Dahm & Gwenda Thomas		Not Applicable/Natural Event	No Further Action
20 Jan 2021	3301-21-271 IN/41429	Alleged Odour - Egmont Road, Egmont Village	Complaint	Paws & Claws Kennels and Cattery Ltd	R2/4969-2.0	Consent Compliance	No Further Action
21 Jan 2021	3301-21-273 IN/41430	Alleged Road sweepings into stream - Mokau Road, Urenui	Complaint	Downer NZ Limited		RFWP Allowed	No Further Action
25 Jan 2021	3301-21-289 IN/41443	Alleged Odour - Mokau Road, Uriti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
27 Jan 2021	3301-21-283 IN/41447	Alleged Odour - Mountain Road, Inglewood	Complaint	Osflo Fertiliser Limited	R2/10578-1.0	Consent Compliance	No Further Action
27 Jan 2021	3301-21-284 IN/41457	Alleged Digger works - Dudley Road, Inglewood	Complaint	Aaron George	R2/10748-1.0	Consent Compliance	No Further Action

Compliant Incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
29 Jan 2021	3301-21-324 IN/41616	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
30 Jan 2021	3301-21-285 IN/41514	Alleged Discoloured Mimi River - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	RFWP Allowed	No Further Action
30 Jan 2021	3301-21-287 IN/41515	Alleged Falring - Mangahewa D - Everett Road, Inglewood	Complaint	Shell Todd Oil Services Limited	R2/7405-1 R2/7406-1	Consent Compliance	No Further Action
30 Jan 2021	3301-21-319 IN/41604	Alleged Fire - Port Taranaki - New Plymouth	Third Party Notification	Port Taranaki Limited		RAQP Allowed	No Further Action/Costs Recovered
31 Jan 2021	3301-21-286 IN/41517	Alleged Poultry odour - Kaipi Road, Egmont Village	Complaint	Tegel Foods Limited		Consent Compliance	No Further Action
31 Jan 2021	3301-21-288 IN/41526	Alleged Dust - Port Taranaki - New Plymouth	Complaint	Port Taranaki Limited		RAQP Allowed	No Further Action
01 Feb 2021	3301-21-290 IN/41465	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
01 Feb 2021	3301-21-291 IN/41468	Alleged Smoke - Olson Street, Egmont Village	Complaint	Janine Moratti		RAQP Allowed	No Further Action
01 Feb 2021	3301-21-325 IN/41563	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
02 Feb 2021	3301-21-292 IN/41496	Alleged Dust - Broadway, Stratford	Complaint	Ronald Tan		RAQP Allowed	No Further Action

Compliant Incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
02 Feb 2021	3301-21-307 IN/41535	Alleged Smokey fire - Clifford Road, Eltham	Complaint	FA & CB Suter		RAQP Allowed	No Further Action
02 Feb 2021	3301-21-308 IN/41536	Alleged Dust - Turuturu Road, Hawera	Complaint	Ngati Ruanui Holdings Corporation Limited		RAQP Allowed	No Further Action
02 Feb 2021	3301-21-309 IN/41537	Alleged Sewage odour - Welbourne Terrace, New Plymouth	Complaint	New Plymouth District Council		RAQP Allowed	No Further Action
02 Feb 2021	3301-21-302 IN/41655	Alleged Effluent in Otahi Stream - Opunake	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
03 Feb 2021	3301-21-317 IN/41475	Alleged Odour - Mountain Road, Inglewood	Complaint	Osflo Fertiliser Limited		RAQP Allowed	No Further Action
03 Feb 2021	3301-21-297 IN/41576	Alleged Brown sludge on river rocks - Kaipi Road, Egmont Village	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
04 Feb 2021	3301-21-296 IN/41487	Alleged waste discharge - Ohangai Road, Hawera	Complaint	Tawhiti Museum Ltd		RFPW Allowed	No Further Action
04 Feb 2021	3301-21-300 IN/41494	Alleged Dust - Carrington Street - New Plymouth	Complaint	Anthony Taylor Elizabeth Askevold		RAQP Allowed	No Further Action
04 Feb 2021	3301-21-299 IN/41502	Alleged Dust - Ainslee Street, New Plymouth	Complaint	Brian Marsden		RAQP Allowed	No Further Action

Compliant Incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
04 Feb 2021	3301-21-304 IN/41532	Alleged Dust - Piharau Crescent, New Plymouth	Complaint	GJ Gardner		RAQP Allowed	No Further Action
04 Feb 2021	3301-21-298 IN/41577	Alleged Effluent overspray - Oeo Road, Awatuna	Complaint	Gayrose Trusts	R2/0908-4.0	Consent Compliance	No Further Action
05 Feb 2021	3301-21-303 IN/41568	Alleged Dust - Carrington Street, New Plymouth	Complaint	Darcy Keene Earthmoving Limited		RAQP Allowed	No Further Action
06 Feb 2021	3301-21-310 IN/41506	Alleged Offal discharge - Mountain Road, Lepperton	Third Party Notification	Wykes Trucking Limited		RFWP Allowed	No Further Action
06 Feb 2021	3301-21-311 IN/41510	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
07 Feb 2021	3301-21-312 IN/41521	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
07 Feb 2021	3301-21-313 IN/41523	Alleged Odour - Antonio Street, Stratford	Complaint	Unsourced		RAQP Allowed	No Further Action
08 Feb 2021	3301-21-314 IN/41525	Alleged Odour - Egmont Rd, Egmont Village	Complaint	Paws & Claws Kennels and Cattery Ltd	R2/4969-2.0	Consent Compliance	No Further Action
08 Feb 2021	3301-21-315 IN/41528	Alleged Poultry odour - Kaipi Road, Egmont Village	Complaint	Tegel Foods Limited	R2/9500-1.1	Consent Compliance	No Further Action
08 Feb 2021	3301-21-316 IN/41531	Alleged Odour - Hua Street, Bell Block	Complaint	New Plymouth District Council		RAQP Allowed	No Further Action

Compliant Incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
10 Feb 2021	3301-21-321 IN/41551	Alleged Odour - Welbourn Terrace, New Plymouth	Complaint	City Care		RAQP Allowed	No Further Action
10 Feb 2021	3301-21-320 IN/41554	Alleged Smokey fire - Galt Street, Hawera	Complaint	Unsourced		RAQP Allowed	No Further Action
11 Feb 2021	3301-21-323 IN/41553	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
12 Feb 2021	3301-21-326 IN/41564	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
12 Feb 2021	3301-21-327 IN/41570	Alleged Green stream - South Road, Rahotu	Complaint	Anonymous		RFWP Allowed	No Further Action
15 Feb 2021	3301-21-329 IN/41580	Alleged Chemical Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
17 Feb 2021	3301-21-330 IN/41593	Alleged Dust - Carrington Street, New Plymouth	Complaint	Darcy Keene Earthmoving Ltd		RAQP Allowed	No Further Action
17 Feb 2021	3301-21-331 IN/41594	Alleged Dust - Carrington Street, New Plymouth	Complaint	Darcy Keene Earthmoving Ltd		RAQP Allowed	No Further Action
17 Feb 2021	3301-21-342 IN/41617	Alleged Chemical odour - Paritutu Road, New Plymouth	Complaint	Corteva Agriscience	R2/4020-4.1	Consent Compliance	No Further Action
17 Feb 2021	3301-21-337 IN/41626	Alleged Lawn clippings in stream - Hamlet Street, Stratford	Complaint	Murray Aspinall		RFWP Allowed	No Further Action

Compliant Incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
17 Feb 2021	3301-21-345 IN/41654	Alleged Drilling mud on tracks - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited		RFWP Allowed	No Further Action
18 Feb 2021	3301-21-338 IN/41607	Alleged Tree in stream - Pinny Drive, Eltham	Complaint	South Taranaki District Council		RFWP Allowed	No Further Action
18 Feb 2021	3301-21-336 IN/41608	Alleged Poultry odour - Kaipia Road, Egmont Village	Complaint	Tegel Foods Limited	R2/9500-1.1	Consent Compliance	No Further Action
19 Feb 2021	3301-21-332 IN/41622	Alleged Odour - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited	R2/5839-2	Consent Compliance	No Further Action
19 Feb 2021	3301-21-335 IN/41646	Alleged Discoloured Herekawe Stream - New Plymouth	Complaint	Unsourced		RFWP Allowed	No Further Action
20 Feb 2021	3301-21-340 IN/41648	Alleged Dust - Smart Road, New Plymouth	Complaint	Nikau Group Ravensdown Fertiliser Co-operative Limited		RAQP Allowed	No Further Action
22 Feb 2021	3301-21-346 IN/41645	Alleged Bitumen Tanker accident - SH3, Midhurst	Complaint	Taranaki Civil Construction Limited		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
26 Nov 2020 <u>Update</u>	3301-21-201 IN/41120	Unauthorised culvert - Mountain Road, Inglewood	Complaint	Tim Verry (72233)			Investigation Continuing

Comments: Complaints were received concerning water backing up from a culvert on a neighbouring property. Investigation found that the water was backing up during heavy rain events, most likely due a historic culvert not being of an adequate size. The culvert had sustained significant damage. The Council's Rivers team is working with the landowner around the reconstruction or replacement of the culvert.

08 Dec 2020 <u>Update</u>	3301-21-215 IN/41182	Effluent discharge - Arawhata Road, Opunake	Complaint	Karl Stanley (72321) Noel Stanley (70950) Ronald Stanley (55413) Stanley Bros Trust (2510)	R2/10671-1.1 R2/5251-2.2	EAC-23774 - Explanation Requested - Letter EAC-23773 - Explanation Requested - Letter EAC-23772 - Explanation Requested - Letter EAC-23756 - Abatement Notice EAC-23754 - Abatement Notice EAC-23753 - Abatement Notice EAC-23752 - Abatement Notice	Investigation Continuing
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Comments: A complaint was received concerning an overflowing effluent pond on Arawhata Road, Opunake. Investigation found that there had been cattle grazing in and around the effluent ponds causing damage to a wall of the second pond. The level of the pond had become high and discharged over the low point of the wall causing untreated effluent to discharge over land and to pond in the adjacent paddock. It was also found that the landowners had cut open and directed the ponded effluent and effluent from the pond via existing underground drainage that had discharged into the Arawhata Stream. Samples, photographs and videos were taken. Abatement notices were issued requiring the discharge to cease and for works to be undertaken to ensure compliance with resource consent conditions. Reinspection the following day found that the abatement notices were being complied with at the time of inspection. Letters seeking explanation were sent. Further 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
23 Dec 2020 <u>Update</u>	3301-21-239 IN/41272	Odour - Colson Road, New Plymouth	Complaint	Wayne Eustace (27866)		EAC-23799 - Explanation Requested - Inspection Notice	Investigation Continuing
Comments: A complaint was received concerning the discharge of odour from a sewage treatment facility at Colson Road, New Plymouth. An odour survey was undertaken and noticeable odour was found beyond the boundary of the site. Enforcement action is being considered.							
23 Dec 2020 <u>Update</u>	3301-21-237 IN/41371	Impounding of water - Glover Road, Hawera	Complaint	Julian Brian Edgecombe (27498)		EAC-23814 - Abatement Notice EAC-23800 - Abatement Notice	Investigation Continuing
Comments: A complaint was received concerning water impounding from a neighbouring property at Glover Road, Hawera. Investigation found that the land owner had blocked a culvert of an unnamed tributary causing the water to impound on the neighbouring property. The restriction in the stream was removed at the time of inspection. Enforcement action is being considered.							
09 Jan 2021 <u>Update</u>	3301-21-257 IN/41352	Unauthorised discharge - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited (30679)	R2/5838-2.2 R2/5839-2	EAC-23794 - Explanation Requested - Letter	Investigation Continuing
Comments: Notification was received concerning a truck entering a composting facility site, at Mokau Road, Uruti, with unauthorised materials. Investigation found that cement washing waste had been accepted onto the site, on 9 January 2021, in contravention of resource consent conditions and Abatement Notice EAC-23628. A meeting was held with the Company and an explanation was received. 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
16 Oct 2019 <u>Update</u>	3301-20-303 IN/38998	Sewage discharge - Urenui Estuary - Urenui	TRC Staff Notification	John Honeyfield (71950) Un sourced (9768)		EAC-23440 - Abatement Notice	No Further Action At This Stage

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 found that the abatement notice was being complied with. Information confirming system compliance has been received from several potential sources. Progress is also being made with other sites.

28 Oct 2020 <u>Update</u>	3301-21-169 IN/40694	Dairy effluent odour - Rowan Road, Auroa	Complaint	James & Lisa Wright (70541) Leslie Symes (51282) LJ Symes Trust (10718)	R2/3106-3.0	EAC-23817 - Infringement Notice (\$300) EAC-23674 - Explanation Requested - Letter	No Further Action/Costs Recovered
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Comments: A complaint was received concerning odour from a dairy effluent irrigator on a property at Rowan Road, Auroa. Investigation found a travelling irrigator was operating at the time of inspection. Odour surveys were carried out in the vicinity. An objectionable/offensive odour was detected at the boundary of the property and the complainant's address. A letter of explanation was received.

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
02 Nov 2020 <u>Update</u>	3301-21-178 IN/40692	Effluent discharge - Arawhata Road, Opunake	Self-Notification	Noel Stanley (70950) Stanley Bros Trust (2510)	R2/10671-1.1	EAC-23819 - Infringement Notice (\$750) EAC-23682 - Abatement Notice	No Further Action/Costs Recovered

Comments: During unrelated monitoring it was found that effluent was discharging from an irrigator, over a cliff and into the coastal marine area at a property on Arawhata Road, Opunake. It was evident that the irrigator had been running for some time and a significant amount of effluent had discharged. The consent holder was spoken to and the discharge was immediately ceased and the irrigator shifted. An abatement notice was issued requiring the resource consent conditions to be complied with. Reinspection found that the abatement notice was being complied with at the time of inspection.

11 Nov 2020 <u>Update</u>	3301-21-183 IN/40890	Discharge of skim milk - Fonterra Whareroa - Hawera	Self-Notification	Fonterra Co-operative Group Limited, Whareroa (21945) Fonterra Limited (50606)	R2/1450-3.1	EAC-23824 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: Self-notification was received concerning a discharge of approximately 170,000 litres of skim milk to the Tasman Sea via the marine outfall, in contravention of resource consent conditions, at the milk processing plant at Rifle Range Road, Hawera. Investigation found no visible effects at the outfall site at the time of inspection. Inspection of Ohawe Beach found visible signs small fat globules along the high tide line. Small fat globules were also found along the foreshore at Waihi Beach and Ohawe Beach the following day. Samples, photographs and videos were taken. A letter of explanation has been received. It could not be established beyond reasonable doubt that the globules were caused by this discharge.

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
17 Nov 2020 <u>Update</u>	3301-21-189 IN/40915	Green Stream - South Road - Oaonui	Complaint	Chris Harvey (33576) Shantilly Farms Limited (12564)	R2/0969-3.0	EAC-23838 - Infringement Notice (\$750) EAC-23697 - Abatement Notice	No Further Action/Costs Recovered
<p>Comments: A complaint was received concerning a stream running 'green' at South Road, Oaonui. Investigation found that the stream was discoloured. The discolouration was traced to a farm dairy effluent disposal system where dairy effluent was discharging over land and into the stream. Samples and photographs were taken. The land owner was spoken to and he took immediate action to cease the discharge. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
23 Nov 2020 <u>Update</u>	3301-21-209 IN/41176	Burning - Raine Road, Manaia	TRC Staff Notification	Philip Nixon (3040) Tanya Nixon (52683)	R2/4172-1	EAC-23843 - Infringement Notice (\$300)	No Further Action/Costs Recovered
<p>Comments: During unrelated monitoring black smoke was observed rising from an area near the Kupe Production Station. Investigation found a rubbish fire burning on a nearby dairy farm on Raine Road, Manaia. The fire contained evidence of domestic waste (cans, plastics etc) plastic plant pots, pallets, green waste, wire, steel and old tyre wire. Photographs were taken. One of the farm owners was spoken to and denied any knowledge of the fire. Two farm workers both indicated that the farm owners burn rubbish there regularly including domestic waste, plastic etc. The farm owner was advised what materials are permitted to be burnt onsite.</p>							
27 Nov 2020 <u>Update</u>	3301-21-197 IN/41205	Water encroachment - Lincoln Road, Inglewood	Complaint	Kelvin Cline (71778)			No Further Action At This Stage
<p>Comments: A complaint was received concerning the level of a dam that was causing water to back up on a neighbouring property at Lincoln Road, Inglewood. Investigation found the dam level was high due to a recent extreme weather event. Works have been undertaken to lower the level of the dam. A reinspection will be undertaken after rainfall to ascertain compliance.</p>							

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
20 Dec 2020 <u>Update</u>	3301-21-231 IN/41372	Sewage odour - Scotland Street, Patea	Complaint	Noel & Kathleen McColl (3190)	R2/0427-3		No Further Action At This Stage

Comments: A complaint was received regarding a sewage odour near Scotland Street, Patea. Investigation found that odour was emanating from two nearby low lying water ponds at the time of inspection. South Taranaki District Council (STDC) were notified as the Scotland Street sewage pump station is very close. It is also possible that the ponds contain groundwater overflow from the disused STDC landfill which is in this area. Samples of the pond water were taken and analysis indicated that some contamination was evident however, further sampling will be undertaken to confirm this. STDC is undertaking an investigation to ensure that no unauthorised discharges are occurring from the wastewater treatment systems and further action will depend on the outcome of that investigation.

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Dec 2020	3301-21-293 IN/41471	Stormwater and leachate pond overflow - NPDC landfill	Self-Notification	New Plymouth District Council (9565)		EAC-23842 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: Notification was received concerning an overflow from a stormwater and leachate pond at the Colson Road Landfill, New Plymouth. An email was received on 14 December 2021 advising that due to a blockage in the overflow pipe no discharge had occurred to the stream, the volume had been small enough to be contained and pumped out. However a final report was received from New Plymouth District Council which showed that an overflow had actually occurred. A letter requesting an explanation was sent.</p>							
16 Dec 2020	3301-21-223 IN/41474	High nitrates in Motumate Stream - Kapuni	TRC Staff Compliance Monitoring	Unsources (9768)			Investigation Continuing
<p>Comments: During routine monitoring it was found that there were elevated nitrates in the Motumate Stream at Kapuni. Sampling has been undertaken to identify the source of the nitrates. The sample results have not identified a point source discharge and further investigation is required.</p>							
21 Jan 2021	3301-21-276 IN/41438	Sewage discharge - Wills Road, Bell Block	Complaint	New Plymouth District Council (9565)		EAC-23833 - Abatement Notice	Investigation Continuing
<p>Comments: A complaint was received concerning a seepage of sewage, underground, from a pump station at Wills Road, Bell Block. Samples and photographs were taken. Samples result show high faecal coliforms in the stream adjacent to the pump station. An abatement notice was issued requiring an investigation to be undertaken to find the source of the discharge and for works to be undertaken to ensure that no contaminants discharge to any waterbody. Reinspection will be undertaken after 28 March 2021.</p>							

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
04 Feb 2021	3301-21-301 IN/41498	Dust - Cowling Road, New Plymouth	Complaint	GJ Gardner (30168)		EAC-23851 - Abatement Notice	Investigation Continuing
<p>Comments: A complaint was received concerning dust discharging from a subdivision construction site located on Cowling Road, New Plymouth. Investigation found that offensive dust was discharging beyond the boundary of the site, affecting neighbouring properties. An abatement notice was issued requiring works to be undertaken to ensure that no objectionable or offensive dust discharges beyond the boundary of the site. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
10 Feb 2021	3301-21-322 IN/41552	Discoloured Haehanga Stream - Mokau Road, Uruti	Complaint	Remediation (NZ) Limited (30679)		EAC-23871 - Letter	Investigation Continuing
<p>Comments: A complaint received regarding the discolouration and foam in the Haehanga Stream at Uruti. Investigation found some slight foaming in the stream. Samples were taken. Analysis of samples found that there was some extremely low levels of detergent in the stream. A letter seeking information was sent.</p>							
19 Feb 2021	3301-21-334 IN/41600	Smoke and odour - Cordelia Street, Stratford.	Complaint	Marcus Caldwell (72607)			Investigation Continuing
<p>Comments: A complaint was received concerning smoke and odour at Cordelia Street, Stratford. Investigation found black smoke and odour discharging from an industrial site. Inspection of the site found that fire, containing furniture, household rubbish and car tyres had been lit. The fire was extinguished at the time of inspection. Enforcement action is being considered.</p>							

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Feb 2021	3301-21-351 IN/41666	Stream diversion - Skeet Road, Auroa	Complaint	Murray Calder & Jill Corbett (31503)		EAC-23868 - Explanation Requested - Letter EAC-23867 - Abatement Notice EAC-23866 - Abatement Notice	Investigation Continuing
<p>Comments: A complaint was received regarding stream works at a property on Skeet Road, Auroa. Investigation found a large trench had been dug with the intention of diverting an unnamed tributary. Abatement notices were issued requiring the works to cease and to reinstate the area where earthworks were undertaken. Reinspection will be undertaken after 26 March 2021.</p>							
11 Jan 2021	3301-21-253 IN/41348	Odour - Mokau Road, Uriti	Complaint	Remediation (NZ) Limited (30679)	R2/5839-2	EAC-23849 - Infringement Notice (\$1000)	No Further Action/Costs Recovered
<p>Comments: A complaint was received concerning an offensive/objectionable odour emanating from a composting facility at Mokau Road, Uriti. An odour survey was undertaken and offensive and objectionable odour was found beyond boundary of the site.</p>							
12 Jan 2021	3301-21-262 IN/41370	Smokey fire - Clive, Street Hawera	Complaint	Patrina King (72475)			No Further Action
<p>Comments: A complaint was received regarding a smoky fire within an urban defined area at Clifford Street, Hawera. Investigation found that the occupants had just moved into the area. They were burning a small amount of cardboard in a large drum. They were unaware of rules around burning and advised of the rules.</p>							

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Jan 2021	3301-21-269 IN/41393	Paint discharge - Mould Street, Waitara	Complaint	Lauren Johnson (72481)			No Further Action
<p>Comments: A complaint was received concerning paint spilled onto Mould Street, Waitara. Investigation found that a pail of paint had accidentally spilled onto the road from a vehicle. In an attempt to remove the paint it was hosed into the roadside stormwater channel and sump. The alleged offender was advised of the potential risks of washing paint into a stormwater drain. New Plymouth District Council were advised of the spill.</p>							
15 Jan 2021	3301-21-272 IN/41404	Sandblasting - Henwood Road, Bell Block	Complaint	Matthews Panelbeaters (72585)			No Further Action
<p>Comments: A complaint was received concerning abrasive sand blasting on a rural property on Henwood Road, Bell Block. Investigation found that a company had recently undertaken sandblasting outside without a resource consent. The Company was advised that sandblasting can only be undertaken inside and that no emissions of contaminants to air shall occur.</p>							
15 Jan 2021	3301-121-268 IN/41421	Burning - Ketemarae Road, Normanby	Complaint	Wayne Sowerby (72498)			No Further Action
<p>Comments: A complaint was received concerning burning on a property in the defined urban area of Normanby. Investigation found that the occupier had a small smouldering fire containing green waste material. There were no off-site effects at the time of inspection. The fire was extinguished immediately and the rules in the Regional Air Quality Plan for Taranaki were explained.</p>							

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Jan 2021	3301-21-277 IN/41434	Discharge of fire fighting foam - Ngamotu Road, Moturoa	Complaint	New Zealand Fire Service (9714)			No Further Action
<p>Comments: Self-notification was received concerning fire fighting foam being used in a car fire at Ngamotu Road, Moturoa, which had resulted in some discharging to the stormwater system. Investigation found the burnt out car and the NZ Fire Service had already left the site. There was some foam on the road and in the the roadside drain. Sorbant material was deployed to contain and recover the foam.</p>							
24 Jan 2021	3301-21-278 IN/41436	Dairy effluent discharge - Parihaka Road, Pungarehu	Complaint	Parihaka X Ahu Whenua Trust (36427)	R2/0314-3		No Further Action/Costs Recovered
<p>Comments: A complaint was received concerning irrigation of dairy effluent beyond the boundary of the property on Parihaka Road, Pungarehu. Investigation found that there was evidence that effluent had discharged onto the road beyond the boundary of the property. No effluent had discharged to any waterbody and was not likely to. The irrigator was turned off at the time of inspection.</p>							
02 Feb 2021	3301-21-295 IN/41472	Black smoke - Austin Road, Normanby	Complaint	Adam Werder (72530)			No Further Action
<p>Comments: A complaint was received concerning black smoke discharging from a fire on a farm at Austin Road, Normanby. Investigation found a small fire, with a minimal amount of plastic, was burning. The occupier was advised of rules in the Regional Air Quality Plan for Taranaki. The fire was immediately extinguished.</p>							

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
02 Feb 2021	3301-21-294 IN/41473	Smoke from fire - Wallscourt Place, Normanby	TRC Staff Compliance Monitoring	Jeff Ward (71385)			No Further Action

Comments: During unrelated monitoring, a large amount of smoke was observed in the main street of Normanby. Investigation found the smoke was from a small fire, burning outside the urban defined area. The occupier was spoken to who advised that the wind had changed direction, and he was advised of rules in the Regional Air Quality Plan for Taranaki. The fire was immediately extinguished.

02 Feb 2021	3301-21-306 IN/41534	Smokey fire - Manawapou Road, Hawera	TRC Staff Notification	Daniel Little (72567)			No Further Action
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Comments: During unrelated monitoring a significant amount of smoke was observed discharging from a number of vegetation fires on a property a Manapaou Road, Hawera. Investigation found that there were a total of 9 piles of boxthorne hedges burning on one property near Hawera that was causing a significant amount smoke which covered a large area of Hawera township. The farm manager was spoken to and agreed that it was very smokey. He was advised of the rules in the Regional Air Quality Plan for Taranaki at the time there were a number of other rural fires burning in the area, including a bush fire in Ararata that had been attended by New Zealand Fire service earlier that day.

03 Feb 2021	3301-21-305 IN/41533	Backyard burning - Riemenschneider Street, Manaia	Complaint	Christopher Sharpe (72565)			No Further Action
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Comments: A complaint was received concerning backyard burning at a property in Manaia. Investigation found that there was minimal smoke discharging from the fire. Advice was given regarding rules in the Regional Air Quality Plan for Taranaki. The fire was extinguished immediately.

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
07 Feb 2021	3301-21-318 IN/41518	Wea Sand clips - Mimi River - Uriti	Complaint	Un sourced (9768)			No Further Action
<p>Comments: A complaint was received concerning a significant number of plastic Wea Sand clips and chicken bones washing up at the mouth of the Mimi River. An extensive investigation was undertaken by a number of Council staff along the beach near the river mouth, up the Mimi River and length of the Haehanga Stream. Approximately twelve (12) Wea Sand clips were found on the beach and only one was found on the river bank near the river mouth. No signs of any clips or chicken bones were found in the river or stream. No source for the Wea Sand clips could be found.</p>							
09 Feb 2021	3301-21-344 IN/41634	Dust - Mason Road, Hawera	Complaint	Downer NZ Limited (50648)		EAC-23864 - Abatement Notice	No Further Action
<p>Comments: A complaint was received regarding dust from an earthworks site at Mason Road, Hawera. Investigation found objectionable dust was discharging from large dirt piles, beyond the boundary of the site, affecting residential homes. An abatement notice was issued requiring no objectionable or offensive dust to discharge beyond the boundary of the property. Reinspection found the abatement notice was being complied with at the time of inspection.</p>							
15 Feb 2021	3301-21-328 IN/41569	Sewage in Waipapa Stream - Main North Road, Waitara	Complaint	Janet Brown (33105)			No Further Action At This Stage
<p>Comments: A complaint was received concerning sewage in unnamed tributary of Waipapa Stream, near Main North Road, Waitara. Investigation found that there was a slight sewage odour from a culvert area. There was some froth evident in the stream. Samples were taken. No unauthorised discharge could be traced at the time of inspection. However, it is likely to be sewage from an upstream property. Sample results were not high in ecoli and therefore inconclusive that the contaminant is from the septic tank. However, the land owner arranged to get the septic tank cleaned out.</p>							

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Feb 2021	3301-21-339 IN/41612	Hydrocarbon spill - Middleton Bay boat ramp - Opunake	Complaint	Un sourced (9768)			No Further Action
<p>Comments: A complaint was received concerning a hydrocarbon spill on the boat ramp at Middletons Bay, Opunake. Investigating found that a small amount of diesel had discharged from a tractor towing a boat onto the boat ramp. The diesel was cleaned up at the time of inspection. The responsible party could not be traced.</p>							
18 Feb 2021	3301-21-333 IN/41651	Earthworks - Morea Road, Ararata	Complaint	Andrew Melvill Larcom (17797)			No Further Action
<p>Comments: A complaint was received concerning earthworks at a property a Morea Road, Ararata. Investigation found that there was a track cut into hillside with steep batter leading to a river. One section had eroded and loose material had discharge into the waterbody. The track was 350 metres in length and the batter required stabilisation. The land owner was spoken to and had undertaken to grass seed the batter to prevent any further erosion.</p>							
19 Feb 2021	3301-21-356 IN/41706	Coastal wall repairs - Onaero Beach, New Plymouth	Complaint	New Plymouth District Council (9565)	R2/10132-1.1	EAC-23874 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: A complaint was received concerning the erosion protection structures at Onaero Beach Road, Onaero, not being maintained. Investigation found evidence of slumping of the temporary constructed rock revetment incision repairs and ongoing erosion of the shoreline. An abatement notice has been issued requiring the consent holder to comply with their consent conditions by 1 June 2021. Reinspection will be undertaken after that date.</p>							
20 Feb 2021	3301-21-341 IN/41625	Smoke complaint - South Road Manaia	Complaint	Richard Shramka (72587)			No Further Action
<p>Comments: A complaint was received concerning black smoke from backyard burning at South Road, Manaia. Investigation found the occupant of the property was burning freshly cut greenwaste and some household rubbish. The fire was smouldering and minimal smoke was discharging beyond the boundary at the time of inspection. The occupant was advised that backyard burning was not allowed in a defined urban area and extinguished the fire during the inspection.</p>							

Non-Compliant incidents for the period 11 Jan 2021 to 22 Feb 2021

Incident Date	Job Number / IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Feb 2021	3301-21-343 IN/41639	Organic waste in river - Inland North Road, Tikorangi	Complaint	Un sourced (9768)			No Further Action

Comments: A complaint was received concerning fish carcasses and sheep body parts dumped in river at Inland North Road, Tikorangi. Investigation found that there were some fish carcasses and a sheep's pelt in the river. The unauthorised materials were removed at the time of inspection and disposed of in an approved manner. The responsible party could not be traced.

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
25 Aug 2020 <u>Update</u>	332121-047 ENF-22677	Compliance Monitoring Insp.	Significant non-compliance	Port Taranaki Limited (26226)	R2/0197-2.1	EAC-23829 - Infringement Notice (\$750)	No Further Action

Comments: During analysis of samples taken during routine monitoring it was found that resource consent conditions were not being complied with, in relation to high suspended solids, and also in contravention of Abatement Notice EAC-22662, issued as a result of a previous non-compliance, at the Port, New Plymouth. A meeting was held with the Company who outlined a number of improvements to be undertaken to ensure compliance. An explanation was received.

31 Aug 2020 <u>Update</u>	332121-028 ENF-22658	Annual Inspection	Significant non-compliance	Kokako Road Limited (31856)	R2/4877-2	EAC-23831 - Infringement Notice (\$750) EAC-23542 - Explanation Requested - Letter	No Further Action/Costs Recovered
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Comments: During analysis of samples (20 September 2020), taken during the annual dairy inspection round (31 August 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21349, issued as a result of a previous non-compliance on Kokako Road, Waverley. A letter requesting explanation was sent. Reinspection found that the abatement notice was being complied with at the time of inspection.

02 Sep 2020 <u>Update</u>	332121-039 ENF-22670	Annual Inspection	Significant non-compliance	Kohinoor Farms Limited (20596)	R2/1343-3	EAC-23574 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During analysis of samples (23 September 2020), taken during the annual dairy inspection round (2 September 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Kohi Road, Waverley. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure consent compliance. Reinspection found that the abatement notice was being complied with at the time of inspection.

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 Sep 2020 <u>Update</u>	332121-094 ENF-22777	Annual Inspection	Significant non-compliance	Langlands Farms Limited (2811)	R2/2969-2	EAC-23681 - Abatement Notice	No Further Action/Costs Recovered

Comments: During analysis of samples (6 November 2020), taken during the annual dairy inspection round (17 September 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Upper Waitieka Road, Te Kiri. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection. The consent holder will renew the resource consent, upgrading to land only disposal of farm dairy effluent.

17 Sep 2020 <u>Update</u>	332121-067 ENF-22719	Annual Inspection	Significant non-compliance	Brian Thomas & Jeanette Fay Rowlands (2472)	R2/1295-3	EAC-23804 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (8 October 2020), taken during the annual dairy inspection round (17 September 2020) it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and Abatement Notice EAC-22513, issued as a result of a previous non-compliance, at Rawhitiroa Road, Eltham. Reinspection found that the abatement notice was being complied with at the time of inspection.

21 Sep 2020 <u>Update</u>	332121-083 ENF-22722	Annual Inspection	Significant non-compliance	Mr Arnold Fitzgerald (72212)	R2/1665-3	EAC-23805 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (14 October 2020), taken during the annual dairy inspection round (21 September 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and Abatement Notice EAC-22143, issued as a result of a previous non-compliance at Eltham Road, Kaponga. Reinspection found that the abatement notice was being complied with at the time of inspection.

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
22 Sep 2020 <u>Update</u>	332121-069 ENF-22729	Annual Inspection	Significant non-compliance	Mr Grant Clough (14937)	R2/1918-3.0	EAC-23635 - Abatement Notice EAC-23636 - Abatement Notice	No Further Action/Costs Recovered

Comments: During analysis of samples (15 October 2020), taken during the annual dairy inspection round (22 September 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Waiteika Road, Opunake. Abatement notices were issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notices were being complied with at the time of inspection.

25 Sep 2020 <u>Update</u>	332121-081 ENF-22755	Annual Inspection	Significant non-compliance	Cairns Farming Company Limited (52154)	R2/7490-1	EAC-23806 - Infringement Notice (\$750) EAC-23659 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Lincoln Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.

25 Sep 2020 <u>Update</u>	332121-080 ENF-22753	Annual Inspection	Significant non-compliance	Tensar Co Limited (25922)	R2/4757-2	EAC-23832 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (30 October 2020), taken during the annual dairy inspection round (25 September 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-22251, issued as a result of a previous non-compliance at Waiteika Road, Opunake. Reinspection found that the abatement notice was being complied with at the time of inspection.

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
28 Sep 2020 <u>Update</u>	332121-059 ENF-22696	Annual Inspection	Significant non-compliance	Kelvin Patrick Clince (71778) Marie Josephine Clince (71779)	R2/2490-2	EAC-23808 - Infringement Notice (\$750) EAC-23587 - Abatement Notice	No Further Action/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Lincoln Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.

04 Oct 2020 <u>Update</u>	332121-096 ENF-22767	Annual Inspection	Significant non-compliance	Oud-Ade Farms Limited (24792)	R2/1457-4.0	EAC-23812 - Infringement Notice (\$750) EAC-23696 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During analysis of samples (2 November 2020), taken during the annual dairy inspection round (4 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Lower Parihaka Road, Pungarehu. Reinspection found that the abatement notice was being complied with at the time of inspection.

05 Oct 2020 <u>Update</u>	332121-097 ENF-22773	Annual Inspection	Non-compliance	Mr Samuel Digby Lourie (31257)	R2/1688-3	EAC-23695 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During analysis of samples (5 November 2020), taken during the annual dairy inspection round (5 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Douglas Road, Stratford. Reinspection found that the abatement notice was being complied with at the time of inspection.

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 Oct 2020 <u>Update</u>	332121-104 ENF-22783	Annual Inspection	Significant non-compliance	Nelson & Ruth Morgan (1612)	R2/0732-2	EAC-23809 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During analysis of samples (15 November 2020), taken during the annual dairy inspection round (8 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-22454 issued as a result of a previous non-compliance at at Wiremu Road, Rahotu. Reinspection found that the abatement notice was being complied with at the time of inspection.

06 Oct 2020 <u>Update</u>	332121-103 ENF-22786	Annual Inspection	Non-compliance	Mr Stephen Daniel Coomey (50274)	R2/3307-2		Investigation Continuing
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Comments: During analysis of samples (9 November 2020), taken during the annual dairy inspection round (6 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Opunake Road, Kaponga. Enforcement action is being considered.

06 Oct 2020 <u>Update</u>	332121-105 ENF-22784	Annual Inspection	Non-compliance	Mr Stephen Daniel Coomey (50274)	R2/1784-3		Investigation Continuing
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Comments: During analysis of samples (9 November 2020), taken during the annual dairy inspection round (5 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Upper Rowan Road, Kaponga. Enforcement action is being considered.

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
08 Oct 2020 <u>Update</u>	332121-106 ENF-22796	Annual Inspection	Significant non-compliance	BR Bevan Trust No 1 (35815) Brent Robert Bevan (51011)	R2/1107-3	EAC-23841 - Infringement Notice (\$750) EAC-23693 - Abatement Notice	No Further Action/Costs Recovered

Comments: During analysis of samples (18 November 2020), taken during the annual dairy inspection round (8 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-22331, issued as a result of a previous non-compliance, at Ihaia Road, Opunake. A further abatement notice was issued requiring the discharge to cease immediately. Reinspection found that the abatement notices were being complied with at the time of inspection.

12 Oct 2020 <u>Update</u>	332121-136 ENF-22835	Annual Inspection	Significant non-compliance	LJ Fleming & Co Limited (12607)	R2/4287-2	EAC-23813 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (25 November 2020), taken during the annual dairy inspection round (12 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21793, issued as a result of a previous non-compliance at Opourapa Road, Rahoitu. Reinspection found the abatement notice was being complied with at the time of inspection.

12 Oct 2020 <u>Update</u>	332121-129 ENF-22840	Annual Inspection	Non-compliance	LJ Fleming & Co Limited (12607)	R2/0487-3	EAC-23778 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During analysis of samples (15 November 2020), taken during the annual dairy inspection round (12 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Opourapa Road, Rahoitu. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found the abatement notice was being complied with at the time of inspection.

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
13 Oct 2020 <u>Update</u>	332121-114 ENF-22837	Annual Inspection	Significant non-compliance	Goodin Farms Limited (1692)	R2/0400-3	EAC-23815 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During analysis of samples (14 December 2020), taken during the annual dairy inspection round (14 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-21821, issued as a result of a previous non-compliance at Kahui Road.

15 Oct 2020 <u>Update</u>	332121-120 ENF-22819	Annual Inspection	Significant non-compliance	Kawa Farms Limited (35923)	R2/4840-2	EAC-23741 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During analysis of samples (7 December 2020), taken during the annual dairy inspection round (15 October 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Urekawa Road, Patea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found the abatement notice was being complied with at the time of inspection. The consent holder has undertaken to change the effluent disposal system to a landbased system.

19 Oct 2020 <u>Update</u>	332121-098 ENF-22749	Annual Inspection	Significant non-compliance	Mr Christopher Gatenby (3058)	R2/3972-2	EAC-23847 - Infringement Notice (\$750) EAC-23816 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions, and Abatement Notice EAC-23237, issued as a result of a previous non-compliance, on Eltham Road, Mangatoki. A reinspection was undertaken and the abatement notice was still not being complied with. A further reinspection found that the abatement notice was being complied with at the time of inspection.

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
30 Oct 2020 <u>Update</u>	332121-102 ENF-22788	Annual Inspection	Non-compliance	Lethol Farms Limited (27658)	R2/0504-3		No Further Action/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Arawhata Road, Opunake. A re-inspection was undertaken of the dairy effluent disposal system and it was compliant with resource consent conditions at the time up inspection. The consent holder has applied to renew the resource consent, upgrading to only a land disposal system.

02 Nov 2020 <u>Update</u>	332121-112 ENF-22842	Annual Inspection	Significant non-compliance	Steve Taylor (51743)	R2/0259-3	EAC-23779 - Abatement Notice EAC-23823 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples (25 November 2020), taken during the annual dairy inspection round (2 November 2020), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Manaia Road, Manaia. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.

06 Nov 2020 <u>Update</u>	332121-108 ENF-22815	Compliance Monitoring Insp.	Non-compliance	Colin David Boyd (3013) Schlumberger New Zealand Limited (51451)	R2/7559-1.4	EAC-23821 - Infringement Notice (\$750) EAC-23820 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples taken during routine monitoring it was found that contaminated stormwater had discharged into an unnamed tributary of the Mangatengehu Stream in breach of resource consent conditions and Abatement Notice EAC-23349 and EAC-23344. Further samples were taken during a reinspection and analysis showed compliance with resource consent conditions. An explanation was received.

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
11 Nov 2020 <u>Update</u>	332121-137 ENF-22866	Annual Inspection	Significant non-compliance	John Frederick Mitchell (71410) Mitchell Family Trust (22004) Mr Paul Ian Mitchell (24675) Sam Graham Lenox (53768)	R2/5776-2.0	EAC-23837 - Abatement Notice	Investigation Continuing

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Rakaupiki Road, Patea. Enforcement is being considered.

30 Nov 2020 <u>Update</u>	332121-142 ENF-22877	Chemical Sampling Survey	Non-compliance	Port Taranaki Limited (26226)	R2/0197-2.1		No Further Action/Costs Recovered
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Comments: During analysis of samples taken during routine monitoring, it was found that the suspended solids were slightly higher than allowable consent conditions limits in the discharge to the Tasman Sea at Port Taranaki, New Plymouth. Further investigation found that the likely source was the logging laydown area. Reinspection found no discharge to the receiving environment was occurring, the abatement notice was being complied with and port activities were within resource consent conditions at the time of inspection. Extensive works are being undertaken to prevent further non-compliances.

01 Dec 2020 <u>Update</u>	332121-115 ENF-22813	Annual Inspection	Significant non-compliance	Willica Farms Limited (52483)	R2/0626-3.0	EAC-23726 - Abatement Notice EAC-23861 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Mangawhero Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.

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
08 Dec 2020 <u>Update</u>	332121-116 ENF-22821	Compliance Monitoring Insp.	Significant non-compliance	Brendan Attrill Agriculture Limited (36469) Mr Christian Palmer (72325) Radcliffe Rugby Road Limited (50994)	R2/3206-2	EAC-23862 - Infringement Notice (\$750) EAC-23750 - Abatement Notice EAC-23759 - Abatement Notice EAC-23784 - Explanation Requested - Letter EAC-23785 - Explanation Requested - Letter EAC-23782 - Explanation Requested - Letter	No Further Action/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Rugby Road, Tariki. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was not being complied with at the time of inspection.

16 Dec 2020 <u>Update</u>	332121-134 ENF-22863	Compliance Monitoring Insp.	Non-compliance	Mr John David Hickman (55982)	R2/1281-4.0	EAC-23846 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of samples taken during routine monitoring, it was found that the suspended solids were above allowable consent limits at a road transport depot at Waitara Road, Brixton. Works are being undertaken to ensure consent compliance in the future.

Updates of Compliance Monitoring - Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Dec 2020 <u>Update</u>	332121-098 ENF-22749	Follow Up Inspection	Significant non-compliance	Mr Christopher Gatenby (3058)	R2/3972-2	EAC-23847 - Infringement Notice (\$750) EAC-23816 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions, and Abatement Notice EAC-23237 issued as a result of a previous non-compliance, on Eltham Road, Mangatoki. A reinspection was undertaken and the abatement notice was still not being complied with. A further reinspection found that the abatement notice was being complied with at the time of inspection.

Compliance Monitoring - Non-compliances for the period 11 Jan 2021 to 22 Feb 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
24 Aug 2020	332121-014 ENF-22615	Annual Inspection	Significant non-compliance	Wayne Bruce & Christine Louise Foreman (52343)	R2/10310-1.1	EAC-23474 - Abatement Notice EAC-23703 - Infringement Notice (\$750)	Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the dairy effluent disposal system was not in compliance with resource consent conditions. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was not being complied with at the time of inspection. Cow numbers were in excess of consent limits. Further enforcement action is being considered.</p>							
11 Jan 2021	332121-122 ENF-22858	Annual Inspection	Non-compliance	Mrs Diane M Honeyfield (72391)	R2/1101-4.0	EAC-23793 - Abatement Notice	No Further Action/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Wiremu Road, Warea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							
13 Jan 2021	332121-141 ENF-22875	Annual Inspection	Non-compliance	St George By The Sea Limited (50987)	R2/3526-3.0	EAC-23798 - Abatement Notice	No Further Action/Costs Recovered
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Wataroa Road Warea. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.</p>							

Compliance Monitoring - Non-compliances for the period 11 Jan 2021 to 22 Feb 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
13 Jan 2021	332121-140 ENF-22865	Annual Inspection	Significant non-compliance	Mr Leighton Andrew Ritchie (20576) Ngatahi Trust (15586)	R2/2489-3.0	EAC-23850 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Upper Dudley Road, Inglewood. A reinspection was undertaken and resource consent conditions were being complied with at the time of inspection.

13 Jan 2021	332121-157 ENF-22911	Instream Structure Inspection	Non-compliance	BJ & LM Bailey Trusts (69347)	R2/7982-1		Investigation Continuing
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Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Poto Road, Stratford. Enforcement action is being considered.

14 Jan 2021	332121-153 ENF-22868	Annual Inspection	Non-compliance	Hey Trust No 1 & No 2 (21926)	R2/2716-2	EAC-23801 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Monmouth Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions, immediately upon receipt of the notice. Reinspection found that the abatement notice was being complied with at the time of inspection.

Compliance Monitoring - Non-compliances for the period 11 Jan 2021 to 22 Feb 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Jan 2021	332121-143 ENF-22879	Annual Inspection	Significant non-compliance	Mr Murray Collins (10620)	R2/1533-3	EAC-23803 - Abatement Notice EAC-23810 - Explanation Requested - Letter	Investigation Continuing

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Patiki Road, Te Kiri. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. A letter of explanation was received. Reinspection will be undertaken after 9 March 2021.

20 Jan 2021	332121-147 ENF-22893	Instream Structure Inspection	Non-compliance	Stratford District Council (10048)	R2/10720-1.0		Investigation Continuing
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Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Beaconsfield Road, Stratford. Enforcement action is being considered.

21 Jan 2021	332121-144 ENF-22881	Annual Inspection	Significant non-compliance	Rosglo Farms (51898)	R2/0697-3.0	EAC-23811 - Abatement Notice	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Bedford Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 16 March 2021. Further enforcement action is being considered.

Compliance Monitoring - Non-compliances for the period 11 Jan 2021 to 22 Feb 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
21 Jan 2021	22121-154 ENF-22907	Annual Inspection	Significant non-compliance	Mr Alex Wilkie (11027)	R2/2483-3.0		Investigation Continuing
<p>Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-23169, issued as a result of a previous non-compliance, on State Highway 45, Pungarehu. Enforcement action is being considered.</p>							
22 Jan 2021	332121-146 ENF-22892	Instream Structure Inspection	Non-compliance	New Plymouth District Council (9565)	R2/10243-1.0		Investigation Continuing
<p>Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Everett Road, New Plymouth. Enforcement action is being considered.</p>							
22 Jan 2021	332121-158 ENF-22912	Instream Structure Inspection	Non-compliance	New Plymouth District Council (9565)	R2/7035-1		Investigation Continuing
<p>Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Mangamaio Road, New Plymouth. Enforcement action is being considered.</p>							

Compliance Monitoring - Non-compliances for the period 11 Jan 2021 to 22 Feb 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
22 Jan 2021	332121-145 ENF-22890	Instream Structure Inspection	Non-compliance	New Plymouth District Council (9565)	R2/10359-1.0		Investigation Continuing
Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Hill Road, Egmont Village. Enforcement action is being considered.							
22 Jan 2021	332121-152 ENF-22884	Annual Inspection	Non-compliance	Barron Holdings (25304)	R2/1895-3.0	EAC-23822 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions South Road, Opunake. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 16 March 2021.							
27 Jan 2021	332121-148 ENF-22899	Annual Inspection	Non-compliance	Kevin Allan & Jocelyn Mary Wisnewski (3298)	R2/0503-2.1	EAC-23856 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Norfolk Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 12 May 2021.							

Compliance Monitoring - Non-compliances for the period 11 Jan 2021 to 22 Feb 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
28 Jan 2021	332121-159 ENF-22913	Instream Structure Inspection	Non-compliance	New Plymouth District Council (9565) Tonkin & Taylor Limited - WELLINGTON (10305)	R2/10502-1.0		Investigation Continuing

Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert at a property on Rotokare Road, Eltham. Enforcement action is being considered

03 Feb 2021	332121-149 ENF-22900	Annual Inspection	Significant non-compliance	Mile Square Farms Limited (3884)	R2/4940-2.0	EAC-23857 - Explanation Requested - Letter	Investigation Continuing
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and was also in contravention of Abatement Notice EAC-23070 issued as a result of a previous non-compliance on Surrey Road, Tariki. A letter of explanation has been received. Enforcement action is being considered.

04 Feb 2021	332121-150 ENF-22902	Annual Inspection	Non-compliance	Bonnington No 3 Trust (36376)	R2/2218-2	EAC-23859 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Surrey Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 16 March 2021.

Compliance Monitoring - Non-compliances for the period 11 Jan 2021 to 22 Feb 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
10 Feb 2021	332121-155 ENF-22898	Annual Inspection	Significant non-compliance	Hinton Contracting Limited (24122)	R2/4679-4.0	EAC-23853 - Abatement Notice EAC-23855 - Explanation Requested - Inspection Notice	Investigation Continuing
Comments: During the annual monitoring round it was found that the Agricultural Contractor was not operating within resource consent conditions at Eltham Road, Kaponga. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. A letter of explanation was received. Enforcement action is being considered.							
10 Feb 2021	332121-156 ENF-22901	Annual Inspection	Non-compliance	JB Dairy 2015 Limited (54565)	R2/2209-3.0	EAC-23858 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at Kent Road, Korito. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 2 March 2021.							
11 Feb 2021	332121-160 ENF-22914	Instream Structure Inspection	Non-compliance	New Plymouth District Council (9565) WSP New Zealand Limited (55852)	R2/10712-1.0		Investigation Continuing
Comments: During routine monitoring it was found that resource consent conditions were not being complied with for a culvert on a road reserve at Wiri Road, Tarata. Enforcement action is being considered.							

Compliance Monitoring - Non-compliances for the period 11 Jan 2021 to 22 Feb 2021

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Feb 2021	332121-151 ENF-22904	Annual Inspection	Non-compliance	Matt Pease (54867)	R2/0583-2	EAC-23863 - Abatement Notice	No Further Action/Costs Recovered

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Hastings Road, Cardiff. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was being complied with at the time of inspection.

18 Feb 2021	332121-163 ENF-22923	Annual Inspection	Non-compliance	TPJ Partnership (12834)	R2/10202-1.1	EAC-23877 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During routine monitoring it was found that insufficient notifications and record keeping was occurring, in contravention of resource consent conditions, for a cleanfill site at Rainie Road, Hawera. An abatement notice was issued requiring consent conditions to be complied with. Compliance with the abatement notice will be ascertained after 5 April 2021.



Date 16 March 2021

Subject: **Prosecution Sentencing Decision – New Plymouth District Council and City Care**

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

Document: 2726407

Purpose

1. The purpose of this memorandum is to update Members on the prosecution of New Plymouth District Council and City Care Limited, for a breach of the Regional Fresh Water Plan for Taranaki, involving the discharge of industrial wastewater and untreated sewage from the Mangati Sewer Pump Station, Bell Block, into the Mangati Stream in January 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 fines. The sentencing decision provides insight into the rationale for the decision.

Recommendation

That the Taranaki Regional Council:

- a) receives this report and notes the successful outcome of the prosecution against New Plymouth District Council and City Care Limited.

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 2 April 2019.

Incident

5. In summary, the prosecution relates to a power failure at the Mangati Sewer Pump Station, Bell Block, causing over 1500m³ of industrial wastewater and untreated sewage to discharge into the Mangati Stream over a period of 9 hours. The discharge caused

adverse effects downstream for almost one kilometre to the sea. The discharge was lethal to fish species with many dead fish observed in the stream, including three at risk species. An estimated 100 to 1500 fish were killed.

Prosecution update

6. One charge was laid against New Plymouth District Council for an offence against 15(1)(a) of the RMA in January 2019.
7. One charge was laid against City Care Limited for an offence against 15(1)(a) of the RMA in January 2019.
8. Both defendants pleaded guilty to the charges. Sentencing was passed on 23 February 2021 and notes of Judge Dwyer 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.
9. The court extensively used council scientific evidence in its deliberations. A power failure triggered the incident and then the system and its management failed, resulting in the adverse discharge.
10. New Plymouth District Council were fined \$66,500 on one charge.
11. City Care Limited were fined \$112,500 on one charge, reflecting their greater culpability.

Decision-making considerations

12. 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

13. 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

14. 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

15. 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.
16. Te Atiawa have actively been involved in the prosecution, but no victim impact statement was provided.

Community considerations

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

Legal considerations

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

Appendices/Attachments

Document 2726624: NPDC-City Care – Sentencing Notes of Judge Dwyer

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

**I TE KŌTI-Ā-ROHE
KI NGĀMOTU**

**CRI-2019-043-001245
JUDGE VIA AVL
[2021] NZDC 3372**

TARANAKI REGIONAL COUNCIL
Prosecutor

v

**NEW PLYMOUTH DISTRICT COUNCIL
CITY CARE LIMITED
JAMIE JEFF DOMBROSKI**
Defendant(s)

Hearing: 23 February 2021

Appearances: K de Silva for the Prosecutor
P Lang for the Defendant New Plymouth District Council
B Williams for the Defendants City Care Limited and
J Dombroski

Judgment: 23 February 2021

SENTENCING NOTES OF JUDGE B P DWYER

[1] New Plymouth District Council (the District Council) and City Care Limited (City Care) each appear for sentence on one charge brought by Taranaki Regional Council (the Regional Council) of breach of s 15(1)(a) Resource Management Act relating to the discharge of industrial wastewater and untreated sewage from the Mangati Sewer Pump Station, Bell Block into the Mangati Stream. The charge against the District Council is contained in charging document ending 0419 and in the case of City Care 0420.

TARANAKI REGIONAL COUNCIL v NEW PLYMOUTH DISTRICT COUNCIL [2021] NZDC 3372 [23 February 2021]

[2] Both Defendants have pleaded guilty to the charge against them. A proposed restorative justice process did not resolve issues and counsel confirm that I may proceed to sentencing. No suggestion has been made that there should be a discharge without conviction and each Defendant is hereby convicted of the charge against them.

[3] The District Council sought a sentence indication in this matter from Judge Dickey. That was given on 14 September 2020 and has been accepted. City Care has not sought a sentence indication but has pleaded guilty to the charge.

[4] I will proceed in this instance on the basis of imposing the sentence indicated by Judge Dickey on the District Council and dealing with the merits and relevant considerations pertinent to the City Care matter.

[5] I do not propose traversing the facts in detail. The summary of facts pertaining to both Defendants is generally the same and the relevant facts were traversed in considerable detail in Judge Dickey's sentence indication whose publication was previously prohibited. I formally authorise release of the sentence indication upon completion of this sentence, as well as the summary of facts should the media wish to view those documents.

[6] In brief background to this sentencing for context, the District Council owns the Mangati Sewer Pump Station at Bell Block which pumps domestic and industrial wastewater from Bell Block to its main wastewater treatment plant where the wastewater is treated and discharged into the Tasman Sea.

[7] Since 2012 operation of the pump station has been outsourced to City Care which is in the business of providing infrastructure services throughout New Zealand. City Care's obligations in this case included checking, maintaining and operating the pump station, including responding to alarms.

[8] The circumstances which led to the discharge of wastewater from the pump station are described in paragraphs [16]–[32] of the sentence indication decision. I have read Judge Dickey's comments in conjunction with the agreed summary of facts. I concur that the submission on behalf of the Regional Council that the information

before the Court shows a number of substantial inadequacies and failures on the part of City Care staff and systems which led directly to the discharge which occurred.

[9] In this instance an inadequately informed employee still in the course of training was unable to obtain back up assistance from a more senior employee which should have been in place to enable City Care to respond properly to the pump system failure which occurred. Ms de Silva describes the employee's training as woefully inadequate and I concur with that. City Care contends that this was not a situation where it had no systems in place to deal with alarms but it is self-evident that the systems it did have were inadequate.

[10] The sentence indication decision points to a number of deficiencies on the District Council's part, particularly as to the provision of guidelines and ensuring that City Care had robust alarm procedures in place. The pump station had little capacity to handle any volume of unauthorised discharge or overflow, something which was known to the District Council but would also have been well known to City Care which was responsible to supervise the station and deal with alarms and had been doing so for some years.

[11] It is apparent from the information before the Court that the primary responsibility for the discharge lay with City Care and its inadequate response to the alarms which went off on the night in question. The District Council has, of course, acknowledged its vicarious liability for the offending through its guilty plea. However, I concur with Ms de Silva's submission that City Care was much more culpable for the offending than the District Council. If City Care had done its job the offending would not have happened.

[12] I consider there to be a high degree of culpability attaching to City Care due to its failures. The environmental consequences of the offending are described in considerable detail in the sentence indication decision and the environmental report forming part of the summary of facts.

[13] In brief summary the discharge involved 1500 cubic metres of contaminant being discharged into the Mangati Stream over a period of nine hours, creating odour

and discolouration which extended out to sea for almost one kilometre. The discharge was lethal to fish species with many dead fish observed in the stream including three at risk species. An estimated 1000 to 1500 fish were killed.

[14] It might well be correct (as contended by City Care) that the quality of water in the stream was historically poor and that the fish population may already have been impacted by previous incidents but I am somewhat surprised that those propositions were advanced. The fact that a water body might be in poor condition cannot minimise or justify the effects of further degradation. In any event, what happened in this case was not just a cumulative addition to an existing unsatisfactory situation. It was a significant kill of multiple species. Long-term effects of the discharge are unknown. The adverse environmental effects of the discharge were severe on the fish population, even if they might prove to be short-lived.

[15] In considering the appropriate starting point for penalty considerations for City Care I have had regard to the provisions of s 8(e) of the Sentencing Act 2002 which records the desirability of consistency of levels of sentences with similar offenders committing similar offences in similar circumstances. Counsel have referred me to a number of cases in that regard.

[16] The obvious figure for initial comparison is the \$95,000 starting point identified by Judge Dickey for the District Council and accepted by it. That must provide a bottom line comparison but as I have observed I consider City Care's culpability for this offending to be at a much higher level than the District Council which was relying on City Care to do its job properly.

[17] In her submission for the Regional Council, Ms de Silva contends that the appropriate starting point for penalty consideration is between \$180,000 and \$200,000. Mr Williams suggests a figure of \$80,000, a staggering difference to say the least. I am inclined toward Ms de Silva's assessment but not entirely.

[18] In my view the combination of high culpability and the environmental effects of the discharge with its significant adverse effects on fish, as well as other amenity and possible cultural effects combine to put this offending into a category of

seriousness well above many of the other cases cited to me which had generally not involved the extent of fish kill seen in this case. The two nearest comparable cases seem to me to be the *Canterbury Regional Council v Emergent Cold Ltd* and *Auckland Council v Jenners Worldwide Freight Ltd* cases where starting points of \$180,000 were adopted.¹ I think that the environmental effects of the discharges were greater in both of those cases.

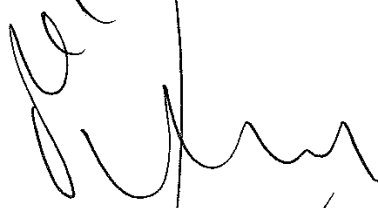
[19] Having regard to all of those matters I determine that the appropriate starting point for penalty considerations for City Care is \$150,000 which I note is 25 per cent of maximum penalty.

[20] I would make reductions from starting point of 30 per cent, being five per cent on past good character, co-operation and remorse and 25 per cent for prompt guilty plea, giving an end penalty of \$112,500. City Care is fined that amount accordingly.

[21] In accordance with Judge Dickey's sentence indication New Plymouth District Council is fined \$66,500.

[22] In each case the Defendants will pay solicitor costs in accordance with the Costs in Criminal Cases Regulations (to be fixed by the Registrar if need be) and Court costs \$130.

[23] Finally, pursuant to s 342 Resource Management Act I direct that the fines, less 10 per cent Crown deduction are to be paid to Taranaki Regional Council.



B P Dwyer
Environment/District Court Judge

¹ *Canterbury Regional Council v Emergent Cold Ltd* [2019] NZDC 23930, *Auckland Council v Jenners Worldwide Freight Ltd* DC Auckland CRI-2014-092-257, 4 February 2015.

NOTE: PUBLICATION OF THE JUDGMENT AND OF THE REQUEST FOR A SENTENCING INDICATION IN ANY NEWS MEDIA OR ON THE INTERNET OR OTHER PUBLICLY ACCESSIBLE DATABASE IS PROHIBITED BY SECTION 63 OF THE CRIMINAL PROCEDURE ACT 2011 UNTIL THE DEFENDANT HAS BEEN SENTENCED OR THE CHARGE DISMISSED. SEE

<http://www.legislation.govt.nz/act/public/2011/0081/latest/DLM3865734.html>

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

**I TE KŌTI-Ā-ROHE
KI NGĀMOTU**

CRI-2019-075-001245

TARANAKI REGIONAL COUNCIL

Prosecutor

v

NEW PLYMOUTH DISTRICT COUNCIL

Defendant

Hearing: 13 March 2020
Appearances: KJL de Silva for the Prosecutor
PM Lang for the defendant
Judgment: 14 September 2020

SENTENCE INDICATION OF JUDGE MJL DICKEY

Introduction

[1] This is a request for a sentence indication in respect of one charge of contravening s 15(1)(a) of the Resource Management Act 1991 (Act) on 21 and 22 January 2019 in that the defendant discharged a contaminant, namely industrial

wastewater and untreated municipal sewage, into the Mangati Stream. The location of the offence is the Mangati Sewer Pump Station, Bell Block (**Pump Station**).

[2] The maximum fine for the offending is \$600,000. For Taranaki Regional Council (**TRC**), Ms de Silva submitted that the starting point for the fine should be at least \$150,000. Mr Lang, for New Plymouth District Council (**NPDC**), submitted that a starting point of around \$50,000 is appropriate in this case. He also submitted that environmental remediation may provide a better alternative to a fine in this case. I was advised that a restorative justice process will be undertaken following receipt of the sentencing indication.

[3] The Summary of Facts on which I base my decision has been agreed, save for one qualification. Annexed to the Summary is a report from Lowe Environmental Impact dated September 2019 (**Lowe Report**),¹ which assesses the steps that each party took, or failed to undertake, that led to or contributed to the discharge. Mr Lang advised that its contents are not accepted, and observed:²

...
The opinions expressed in the report ... are accepted as being the genuinely held conclusions of the author of that document, but not all of the comments and conclusions are accepted by the defendant.

[4] Ms de Silva observed that the findings in the Lowe Report largely replicate what is in NPDC's own investigative report dated 25 February 2019 (**NPDC Report**).³ I address these issues later in the decision.

[5] Finally, I record that City Care Limited (**City Care**) has also been charged with an offence in relation to the incident giving rise to the charge against New Plymouth District Council. It is yet to plead.

¹ 'Assessment of Unauthorised Discharge from Mangati Pump Station', prepared for Taranaki Regional Council by Lowe Environmental Impact, September 2019 (**Lowe Report**). Attachment 15 to the Summary of Facts.

² Defence submissions, at [1].

³ 'Unauthorised Discharge – Wastewater into the Mangeti Stream 22 January 2019', prepared by S Vennick, Quality and Compliance Lead (**NPDC Report**), Attachment 2 to the Summary of Facts.

Regulatory framework⁴

[6] NPDC holds a resource consent allowing the discharge of treated municipal wastewater from the New Plymouth Wastewater Treatment Plant through a marine outfall structure into the Tasman Sea (**Resource Consent**).

[7] Rule 45 of the Regional Freshwater Plan for Taranaki prohibits the discharge of untreated municipal sewage to water.

[8] Section 15(1)(a) of the Act states that no person may discharge any contaminant or water into water unless the discharge is expressly allowed by a national environment 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.

Background⁵

[9] NPDC owns the Pump Station. It operated the Pump Station until 2 July 2012, when its operation was outsourced to City Care. It remained responsible for inspections, infrastructure improvements and project maintenance, including all electrical and control systems and mechanical upgrades of the Pump Station.

[10] City Care Limited (**City Care**) was incorporated in 1996. It is responsible for operating the Pump Station. Its responsibilities have been described as:⁶

Operating the Pumping Station requires City Care to, for example, check pump rotations, manually operate the pumps and check that all lighting is working at the site. It also requires City Care to respond to alarms – including the alarms that were triggered on 21 January 2019.

City Care's routine maintenance responsibilities cover things like cleaning out the wet well, checking pump amperage and kilowatt hours to review power use, checking pump floats for buoyancy, and lifting and checking clearances on the impeller and wear ring if a pump is not running correctly.

[11] The Pump Station is located within the Bell Block township on NPDC reserve land. It is situated adjacent to the Mangati Stream approximately 950m from where

⁴ Summary of Facts, at [11]-[12].

⁵ Summary of Facts, at [3]-[4], [7]-[10], [13]-[19].

⁶ Letter dated 1 March 2019 from the lawyers for City Care, referenced at [10] of the Summary of Facts.

the stream enters the Tasman Sea. A public walkway follows the Mangati Stream to the sea.

[12] The Pump Station receives and pumps wastewater from a catchment in Bell Block. The catchment comprises approximately 143 hectares of residential properties and a further 159 hectares of industrial property. The Tegel Processing Plant is located within the Bell Block's industrial catchment. NPDC has an agreement with Tegel that their discharges to the sewer network occur during the night to balance the load on the Wastewater Treatment Plant.

[13] The Pump Station pumps wastewater approximately 800 metres to a manhole in Hickford Park where it then gravity feeds to NPDC's Wastewater Treatment Plant for treatment before being discharged into the Tasman Sea via the marine outfall. An overflow pipe is installed at the manhole immediately upstream of the Pump Station which discharges wastewater into the Mangati Stream should the Pump Station fail.

[14] In the case of a failure of the Pump Station to pump the wastewater to the rising main, the Pump Station has approximately 4-18 minutes storage before a discharge of untreated wastewater occurs via the overflow pipe into the Mangati Stream adjacent to the Pump Station.

[15] Should there be a failure of the Pump Station for any reason, it takes approximately 30 minutes for a technician to attend and re-start the pumps – but this depends on a number of factors such as time of day, traffic congestion, and where staff are located. The contract between City Care and NPDC requires City Care to be onsite within an hour.

Offending on 21 and 22 January 2019⁷

[16] On 21 January 2019, a power supply at the Pump Station failed. Subsequently, a fuse on the backup power supply blew. With both power supplies out of service there was no power supply to the control cabinet and level transmitter, which monitors

⁷ Agreed Summary of Facts, at [20]-[48].

the wastewater levels within the wet well (the chamber from which wastewater is pumped).

[17] With the level transmitter not working (due to no power) the Programming Logic Controller (**PLC**) was receiving a zero reading, which it interpreted as meaning there was a low level of wastewater in the wet well. It did not, therefore, activate the pumps to pump the wastewater to the rising main.

[18] Subsequently, the wet well filled with wastewater, which then began discharging into the Mangati Stream via the Pump Station's overflow pipe.

[19] A low-level alarm was received by the on-call City Care technician, Mr Dombroski, at approximately 2245 hrs. Overflow situations usually trigger a specific overflow alarm. That alarm relies on the power supply, however, and was not triggered.

[20] Mr Dombroski visited the Pump Station at 2310 hrs on 21 January 2019:

- He noted that the lamps on the indicator panel were not illuminated.
- He then tried to test the control cabinet lamps and noted that none of the lamps lit up. He incorrectly concluded that this was due to the alarm status for the building alarm. The lamps will not light up if the alarm is armed.
- He noted that the wet well level transmitter display was blank. These screens have a backlight, and they should always display the wet well level regardless of the building alarm status so long as they have power, which is supplied from a 24 volt power supply.
- He then checked the power supply to the pumps by switching them to manual. Both pumps started up. In automatic mode the pumps are controlled via the control panel, which is powered by the 24 volt supply. In manual, this control is over-ridden, and the pumps will start up regardless of whether the 24 volt power supply is operating or not.

- He then turned the pumps back to automatic, which resulted in the pumps stopping. He incorrectly concluded that the pumps stopped because there was a low level of wastewater in the wet well.
- He did not physically check the level of wastewater within the wet well, and left the Pump Station.

[21] At approximately 0730 hrs on 22 January 2019, NPDC's Reticulation Engineering Officer checked the SCADA (Supervisory Control and Data Acquisition), and noticed that the Pump Station's wet well pumps had been off since 2245 hrs the night before. The officer called the City Care on-duty pump technician. He then, on receiving no reply, called the foreperson, who advised that the on-duty technician was on the road. This was interpreted as meaning on the road to the Pump Station.

[22] At about 0740 hrs on 22 January 2019, TRC received a complaint from a member of the public about discolouration of the Mangati Stream. At 0750 hrs on 22 January 2019, NPDC received a call from a member of the public reporting that the Mangati Stream was discoloured. A report of the discharge was made to TRC at 0825 hrs.

[23] At approximately 0810 hrs, City Care staff entered the Pump Station and switched the pump to manual to recommence pumping.

[24] By approximately 0840 hrs, NPDC staff had identified the cause of the PLC failure, replaced the internal power supply component and fuse, and the Pump Station resumed operating as designed.

[25] A TRC Officer arrived at the Pump Station at 0850 hrs and observed City Care and NPDC staff at the Pump Station. City Care and NPDC staff told the TRC Officer about the discharge.

[26] At the time of the inspection the discharge had ceased. The TRC Officer undertook an inspection of the Mangati Stream and noted the following:

- The Stream was odorous and discoloured about the Pump Station. The discoloration extended to the Tasman Sea.
- A 'yellow/white' film was also observed on the vegetation along the banks of the Stream and also on the Streambed.
- Various solid items associated with wastewater were observed throughout the length of the Stream extending to the coast.

[27] The Officer took photos and video footage and collected samples during the inspection. The Officer issued an Inspection Notice to NPDC.

[28] The discharge of industrial wastewater and untreated municipal sewage from the Pump Station into the Mangati Stream occurred for approximately 9 hours, and approximately 1,500m³ was discharged.

City Care's on-call technician

[29] City Care's on-call technician on the night of the discharge had worked for City Care in a similar role between 2008 and 2014. He recommenced employment with City Care in March 2018. The night of 21 January 2019 was his first night carrying out on call duties for City Care.

[30] Although he had undertaken training while previously employed with City Care, he was still completing refresher training at the time of the incident.

[31] The technician had not been advised about the existence of the overflow pipe for the Pump Station, nor had he been advised that he must physically check the levels in the wet wells when responding to such an incident as outlined above.

[32] Due to the limited experience and training of the on-call technician, City Care put in place a protocol whereby the on-call technician was to call a more senior technician should an alarm be triggered. The on-call technician called the back-up senior technician for assistance; however, the back-up technician did not answer his phone. No other guidance was sought by the on-call technician while responding to the alarm.

Re-inspection – 23 January 2019

[33] At about 1115 hrs on 23 January 2019, a TRC Officer re-inspected the Mangati Stream. The Officer observed a number of dead fish and other aquatic life on the Stream bed and surrounding vegetation. The dead fish (for example, native fish and eels) were observed throughout the Stream, extending from the Pump Station to the coast (approximately 1km). The Stream was found to be discoloured and odorous. Solid material was also observed throughout the Stream. Samples were collected.

[34] TRC freshwater biologists inspected the Stream and undertook further assessments to quantify the effects on the Stream as a result of the discharge.

[35] Further inspections, photographs and sampling were undertaken by TRC Officers in the days following the discharge.

Abatement Notice

[36] On 30 January 2019, TRC issued an Abatement Notice to NPDC requiring it to undertake steps to ensure that no contaminants discharge into the Mangati Stream from the Pump Station.

Prior discharges

[37] The Contingency Plan referred to in special condition 21 of the Resource Consent requires NPDC or their contractors to notify TRC about unauthorised discharges. TRC investigates the incidents and takes enforcement action when appropriate.

[38] Between August 2010 and February 2019 there have been 14 unauthorised discharges from the Pump Station, prior to the one on 21/22 January 2019. None of the prior discharges were determined to warrant enforcement action.

[39] Details were supplied of abatement and infringement notices issued by TRC to NPDC for unauthorised discharges from NPDC owned wastewater networks.

Sentencing principles

[40] Against that background I must adopt a starting point for the fine. The purpose and principles of sentencing under the Sentencing Act 2002 are relevant insofar as they are engaged by a particular case. The factors identified and outlined in *Thurston v Manawatu-Wanganui Regional Council*⁸ are particularly relevant to RMA sentencing cases. The factors 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, cooperation with enforcement authorities, and guilty pleas.

Environmental effects of the offending⁹

[41] Three reports assessing the effects of the discharge were attached to the Summary of Facts:

- 'Report on the results of water sampling undertaken to assess the effects of the unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station', Victoria McKay, Science Manager – Chemistry at TRC;¹⁰
- 'Report on Bio-monitoring of the Mangati Stream in relation to an unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station', Dr Darin Sutherland, Freshwater Biologist for TRC;¹¹
- 'Report on the assessment of fish killed and likely effect on fish community in the Mangati Stream as a result of the unauthorised discharge of industrial

⁸ *Thurston v Manawatu-Wanganui Regional Council* HC Palmerston North, CRI-2009-454-24, 25, 27 August 2010, at [41].

⁹ Summary of Facts, at [49]-[51] and reports at Attachments 10-12.

¹⁰ 'Report on the results of water sampling undertaken to assess the effects of the unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station' dated 12 July 2019, Tab 10 to the Summary of Facts.

¹¹ 'Report on Biomonitoring of the Mangati Stream in relation to an unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station' undated Tab 11 to the Summary of Facts.

wastewater and untreated municipal sewage from the Mangati Sewer Pump Station,¹² Pdraig Deegan, Environmental Scientist – Freshwater Biology, employed by TRC.

Mangati Stream

[42] The Mangati Stream is identified in Appendix 1B of the Regional Freshwater Plan for Taranaki, “Rivers and stream catchments identified for enhancement of natural, ecological and amenity values and life supporting capacity”, as having important recreational use, and notes under the heading “Comments” the walkways and gardens in Bell Block.

[43] Dr Sutherland describes the Stream in his Report:¹³

The Mangati Stream is a small, lowland stream, running through Bell Block in North Taranaki. The upper reaches of this Stream drain the area of farmland between Paraita Road and Corbett Road, approximately 5 kilometres from the coast. The farmland to the south (inland) and east of this catchment area feeds the Mangaoraka Stream. Between the New Plymouth-Marton railway and Devon Road (along the mid-reaches of the Mangati Stream) is an industrial area, which has been the source of spillages in past years resulting in fish kills. The Mangati Stream is capable of supporting significant native fish communities, including members of the native eel, galaxiid (whitebait group) and bully families but has historically had poor macroinvertebrate health, which was probably due to poor water quality.

[44] The unauthorised discharge from the Pump Station occurred over approximately nine hours and comprised approximately 1,500m³ (1.5 million litres) of wastewater.

[45] Effects on water quality, macroinvertebrates, fish, recreation and iwi were identified.

¹² ‘Report on the assessment of fish killed and likely effect on fish community in the Mangati Stream as a result of the unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station’ dated 12 July 2019, Tab 12 to the Summary of Facts.

¹³ ‘Report on Bio-monitoring of the Mangati Stream in relation to an unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station’, see above n 11, page 1.

Effects on water quality

[46] An inspection on 22 January, after the discharge had ceased, noted that the Mangati Stream was odorous and discoloured about the Pump Station, with the discolouration extending to the Tasman Sea. A yellow/white film was also observed on the vegetation along the banks of the stream and on the stream bed. Various solid items associated with wastewater were observed throughout the length of the stream extending to the coast.¹⁴

Effects on macroinvertebrates

[47] Three surveys (on 23 January, 29 January and 20 February 2019) were undertaken to investigate the effects of the discharge of wastewater. Dr Sutherland concluded:¹⁵

The results indicate that there was a minor impact on the macroinvertebrate communities immediately downstream of the discharge point during the first survey ... The second and third surveys [*sic*] results found little impact from the Wastewater discharge. This could be partly due to re-colonisation of habitat from macroinvertebrates drifting down from upstream of the discharge but also due to a lack of an affect [*sic*] from the Wastewater discharge on the macroinvertebrate communities in the Mangati Stream, possibly due to the communities being in 'poor' health and relatively tolerant of poor water quality.

Effects on fish

[48] In her Report,¹⁶ Ms McKay observed that when water sampling commenced on 22 January 2019, contamination of the Mangati Stream had taken place and the discharge had ceased. She observed:

...
Whilst results pick up contamination at the point of discharge, the highest results for both E.coli and BOD were picked up further downstream. There is also clear evidence of an adverse impact on the immediate marine environment (ammonia at toxic levels, extreme bacteriological contamination), indicating that the slug of contamination was moving rapidly

¹⁴ Agreed Summary of Facts, at [39].

¹⁵ 'Report on bio-monitoring of the Mangati Stream in relation to an unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station', above n 11, page 9.

¹⁶ 'Report on the results of water sampling undertaken to assess the effects of the unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station', see above n 10, page 5.

through the system. Subsequent days sampling confirmed this with levels of contaminants of concern decreasing with time and returning to normal within days.

It is my view that based on the analytical data, the adverse effect of the discharges, i.e. high turbidity, ammonia, organic loading and E.coli on the Mangati stream would have been significant. The discharge of Wastewater would have been toxic to Stream life, and resulted in significant impact. This is particularly due to the high loading of putrescible matter depleting the Stream of oxygen combined with the smothering and disruptive effects of the elevated turbidity.

[49] In his Report, Mr Deegan discussed the result of fish kill from the discharge of wastewater and likely effect on the fish community within the Mangati Stream. The discharge point is located approximately 1km (as the fish swims) upstream from the mouth of the Stream into the sea. The fish kill event was quantified using the results of an impacted site walkover, the collection of dead fish over several days (23, 24 and 29 January 2019) and an impact/control spotlighting night survey undertaken on the night and early morning of 24 January and 25 January 2019 respectively. Mr Deegan concluded:¹⁷

It is apparent that the discharge of Wastewater to the Stream caused the death of many fish. An approximate one kilometre Reach of Stream was affected, from the discharge point to the mouth of the Stream, with signs of the lethal kill in the form of dead fish observed throughout the Reach. At least six identified fish species were affected by the Wastewater discharge, of which three are classified as being 'at risk' being the giant kokopu, inanga, and the longfin eel (Dunn et al, 2017). The majority of the lethal effect was on that of the bullies, with a considerable number of dead specimens collected, there was also an obvious difference observed in community structure seen between the two spotlighting survey sites where the upstream control site had in the order of 19.5 times as many live bullies as that of the downstream impact site. The impact of the discharge on all fish species was apparent, as size classes of all fish (from large to small) had been found dead within the affected Reach, with the exception of giant kokopu as only large dead specimens were found.

Live fish were observed during all inspections by myself in the affected Reach following the Wastewater discharge. It is possible that the fish had migrated into the Reach following the discharge, possibly being attracted by the scent of decomposing fish or had somehow avoided the brunt of the toxic discharge in a refuge area. While it would appear not all fish within the affected Reach were killed, it is likely that many of the survivors who had been in the Reach at the time would have likely been adversely effected [*sic*] in some way by the discharge.

¹⁷ 'Report on the assessment of fish killed and likely effect on fish community in the Mangati Stream as a result of the unauthorised discharge of industrial wastewater and untreated municipal sewage from the Mangati Sewer Pump Station', see above n 12, pages 7 and 8.

It is possible that fish numbers and the fish community composition... within the Stream is already degraded compared to what may be present in the absence of past fish kill events in the catchment (which would also include undetected discharge incidents). Therefore, the weight of the incident may have been greater had the catchment been in a better state. It should also be noted that fortunately, due to the location of the Wastewater discharge relative to the sea, the effects were also minimised by the length of stream that could have been affected.

Overall, based on the length of the affected Stream Reach, the results of the total fish abundance in the control reach, and the evidence of the effect across size classes where the majority of species, an estimated 1,000-1,500 fish, were killed across multiple species by the discharge of Wastewater. It is not possible to quantify the actual number of fish killed, or give an accurate estimate of the proportion of the population killed for each species, however it is believed to be significant.

[50] It is of note that Mr Deegan, in his Report, addressed the immediate impacts of the discharge only. He observed that a future spotlighting survey could be undertaken to assess any potentially long lasting adverse effects in the stream, as well as to determine recruitment of fish back into the Stream Reach affected by the discharge.

Recreation and cultural effects

[51] I record that the Mangati Stream is identified in the Regional Freshwater Plan as having important recreational use. For NPDC, Mr Lang accepted that there would also have been effects on the ability of local residents and regular visitors to enjoy the Stream and foreshore environments over the days when the discharge affected those areas. In that regard, I note that signage was erected warning the public of the discharge, and a person was stationed at the beach to warn beach users not to swim or collect shellfish.

[52] Finally, I consider that it is highly likely that there were also cultural effects from the discharge. I was advised at the hearing that restorative justice is to be pursued so as to provide an opportunity for any victims of the discharge to participate in that process and have a say. I accept for present purposes that there would have been recreational and cultural effects arising from the discharge.

[53] Ms de Silva described this case as being significantly more serious than any of the other discharges from wastewater treatment systems that have come before the

Court. That is because between 1,000 – 1,500 fish were killed, with at least three of the six identified species being classified as ‘At Risk’. Mr Lang acknowledged this, but noted that the majority of the lethal effect was on bullies. He also acknowledged that it is not possible to quantify the actual number of fish killed, or accurately estimate the proportion of the population killed, however noted it was determined to be significant. Mr Lang accepted that the overall culpability and environmental effects put this case at the top of the range to date. He raised no issue with the Reports assessing the effects of the discharge.

[54] Having regard to the volume of discharge and the time over which it occurred, together with the effect on water quality, macroinvertebrates, fish life and recreation and cultural matters, I conclude that the adverse effects of the discharge were significant. The stream was odorous and discoloured in the vicinity of the Pump Station, with the discolouration extending to the Tasman Sea; a yellow-white film was observed on the vegetation along the banks of the stream and in the stream bed; and various solid items associated with wastewater were observed along the stream’s length extending to the coast.

[55] It was clear, however, that in terms of water quality, while the discharge was toxic to stream life and resulted in a significant impact, it decreased over the few days immediately following the discharge. Again, while there was a minor impact on macroinvertebrate communities, second and third survey results found little impact from the wastewater discharge. That said, it is inescapable that a significant number of fish across multiple species were killed. Three of those species are classified as being ‘At Risk’, being the giant kokopu, inanga and long finned eel. I note, however, that the majority of the lethal effect was on bullies. The long term effect on the Stream and fish life is not known, as the assessments with which I was provided assessed only the immediate effects in the days following the discharge.

Culpability

[56] Ms de Silva submitted that there was a high level of carelessness on NPDC’s part, pointing to the causes outlined in the Lowe Report¹⁸ and the nine point action

¹⁸ Attachment 15 to the Summary of Facts.

plan developed by NPDC from its own internal investigation and contained in the NPDC Report.¹⁹ In short, Ms de Silva submitted that the systems for the Pump Station at the time of the offence were inadequate in several areas.

[57] Ms de Silva acknowledged that the Lowe Report was only agreed by NPDC as an appropriate document for attachment to the Summary of Facts as opposed to there being acceptance of the conclusions contained in that Report. Ms de Silva submitted, however, that the matters listed in the Report as causes and contributing factors are directly from the information provided by NPDC.

[58] Under the heading ‘Conclusions’, the Lowe Report set out the following matters that were submitted to be relevant when assessing NPDC’s culpability, with reference to section 6 of the NPDC Report:²⁰

- a. Inconsistent implementation of Risk Frameworks;
- b. Inadequate project handover and/or document control processes;
- c. Inadequate contractor control processes; and
- d. Inadequate or lack of documented procedures and instructions.

They outlined contributing factors as:

- a. Inadequate monitoring and alarms;
- b. Inadequate risk assessment and prioritising of works;
- c. Inadequate staff back-up and support, training and competency assessment;
- d. Reliance on undocumented knowledge; and
- e. Inadequate organisational learning.”

[59] The Lowe Report concluded:²¹

Although some of the causes outlined above are directed at the contractor (CC), most are the responsibility of NPDC, with the main factors being lack of design/As-built details, lack of documented knowledge of the alarms, controls and troubleshooting, and not requiring the contractor to take environmental risk as a priority such as H&S. It could also be considered that NPDC did not ensure CC adhered to obligations under the contract.

¹⁹ Attachment 2 to the Summary of Facts

²⁰ Lowe Report at section 3.1.

²¹ Lowe Report, Attachment 15 to Summary of Facts, at section 3.1.

[60] Ms de Silva also referred to the fact that the Pump Station was designed so that, in the case of failure, untreated wastewater would be discharged via the overflow pipe into the Mangati Stream. She noted that there was only 4-18 minutes of storage.²² She pointed to comments made by Judge Dwyer in *Otago Regional Council v Queenstown-Lakes District Council*²³ where he treated a similar discharge as deliberate, in the sense that the system did what it was designed to do, and the discharge was predictable. In a recent decision, *Southland Regional Council v Invercargill City Council* he again expressed concern about the constructed overflow systems used by territorial authorities. Judge Dwyer said:²⁴

Constructed overflows are features of sewage systems intended to provide a release mechanism in cases of overloading. However, as the Court observed in the other cases referred to, local authorities have no more right to discharge contaminants into our waterways than anyone else, and if it is necessary for them to do so, they need to obtain a discharge permit. If such discharges are prohibited local authorities must find some other means of dealing with overflows or face prosecution.

[61] Mr Lang for NPDC acknowledged that its culpability lies mainly in two aspects of its own system and two operational errors by its contractor. He submitted:²⁵

- ...
- (a) The overflow alarm for the pump station was dependent on the power supply component functioning, and there was no alarm for failure of the power supply;
 - (b) The absence of substantial storage capacity or other backup system to avoid or reduce any discharge to the stream;
 - (c) The Council has vicarious liability for the acts and omissions of its contractor, being an incorrect interpretation of the situation at the pump station and a failure to respond to a backup call.

Alerts and power source

[62] Mr Lang submitted that an alert requiring attendance at the Pump Station was sent to and received by the City Care technician. This was an alert about an extraordinarily low level in the Pump Station well. He submitted that the absence of an overflow alarm at the Pump Station and alarm for failure of the power supply did not deprive the on-call technician from knowledge of there being a significant issue to

²² Prosecutor's submissions at [19].

²³ *Otago Regional Council v Queenstown-Lakes District Council* [2017] NZDC 28767, at [18].

²⁴ *Southland Regional Council v Invercargill City Council* [2019] NZDC 17852, at [10].

²⁵ Defence primary submissions, at [15].

attend to at the Pump Station. There are varying levels of alert, but in this case the alert required immediate attention at the Pump Station, indicating a serious issue.

[63] Mr Lang described the unfortunate circumstances which meant that a call by the on-call technician for assistance from a more experienced back-up technician was not answered. The Summary of Facts described what then occurred, the upshot of which was that it was not until the next day that remedial steps were taken to address the issues.

Storage options

[64] Mr Lang submitted that NPDC continually investigates and plans for additional storage for its numerous sewage facilities. With reference to the NPDC Report,²⁶ Mr Lang referred to the ongoing reviews of the risk profiles, upgrade priorities and upgrade options for pump stations and other similar facilities that have been carried out in relation to the Pump Station, including in 2015, 2017 and 2018.

[65] He advised that, in 2018, the criticality assessment for all sewer pump stations was reviewed. The assessment placed the Pump Station at eighth on the criticality scale. The electrical and control system and pump upgrade since 2012 had mitigated the risk of failure of the Pump Station, hence its place at eighth. A further upgrade by installation of a permanent power generator in December 2018 mitigated the risk further, placing the Pump Station at thirteen on the criticality scale.

[66] Mr Lang submitted that NPDC has to prioritise the improvement of storage capacities that avoid any discharges to a watercourse in an emergency in terms of its financial resources. It has taken advice on the design and costing of additional storage at the Pump Station based on the provision of four hours storage for varying sewage inflows. Various storage options in the range of 620m³ to 1,020m³ have been assessed. The estimated costs of providing that storage range from \$2,783,000 (if inflows can be excluded from Inglewood and the Tegel industrial park plant) through to \$4,467,000 if all inflows are received and stored in an emergency.²⁷

²⁶ Annexure 2 to the Agreed Summary of Facts.

²⁷ Defence Submissions, at [21].

[67] He submitted that to avoid a discharge similar to that which occurred here, the storage capacity at the Pump Station would have had to have been substantially larger than any of the storage options for four hours that have been considered. He stated that, although the Council will continue to plan, prioritise and implement the addition of storage at its facilities, there is not the financial ability to do so at all its facilities instantly.

[68] In response to the prosecutor's submissions regarding the comments of Judge Dwyer about the risks of constructed overflow systems, Mr Lang said that the Council wished to make it absolutely clear that there was no deliberate plan to ever discharge sewage to a stream. The overflow mechanism is intended to provide at least a controlled discharge if the system gets overloaded for any reason. The alternative is an uncontrolled overflow through a private gully trap, manhole or other system opening. Provision for emergency discharge to an open watercourse delivers certainty about where the sewage will be released in an emergency.

[69] Finally, in relation to the operational errors of technicians employed by NPDC's contractor, NPDC acknowledged that it has a vicarious liability but submitted that it should not bear full responsibility for those errors. Mr Lang observed that the contractor is also being prosecuted for its role in the discharge.

[70] Given Mr Lang's reservations about the Lowe Report, I have compared the conclusions on causes and contributing factors with those in the NPDC Report. The Summary set out at page 8 is, to all intents and purposes, the same as that contained in section 6 of the NPDC Report. It is that on which I rely for the purpose of determining culpability. I have also considered the more detailed explanations of the cause and contributing factors contained in the NPDC Report²⁸ rather than relying only on the conclusions of the Lowe Report.

[71] In particular and from the NPDC Report, I note:

- While Council's contractor control processes are strong on Health & Safety they are weak on managing environmental risk. This is likely due

²⁸ NPDC Report, see n 3 at section 6.1-6.5.

to the new HSE Framework implementation plan to extend to environmental risk in 2020/2021 ...²⁹

- There is an absence of documented learning/training materials, e.g. Operations and Maintenance Manuals, design specifications and/or functional descriptions for the Mangati Pump Station... there is currently a project underway to discover all asset information and implement more robust systems to manage and keep this information up to date.³⁰
- There are no documented procedures, checklists or other control features to support troubleshooting upon receiving alarms to identify and rectify faults for the sewer pump stations.³¹
- The standby pump technician's lack of knowledge was a major contributing factor due to inadequate training and competency assessment relying on undocumented knowledge. There is no documented procedures or instructions to support the technician to troubleshoot and accurately diagnose Pump Station failures. Also a lack of back-up support due to the buddy system breaking down... . In addition; the acceptance as business as usual of workers working alone was identified as a contributing factor.³²
- ... Upgrade works for both the overflow alarm and the 24 volt power supply failure alarm are on current E&CS [the Council's] upgrade work plans, however the work for Mangati had not yet been completed.³³
- Risk assessment and hence prioritisation of upgrade works for mechanical upgrades and E&CS [Council] upgrade works were inconsistent.³⁴
- While Council does have a culture of continual improvement ... there is little evidence that any 'near miss' discharges have had the same level of structural investigation applied as actual discharges. This has therefore resulted in reliance on undocumented knowledge and hence a lack of organisational learning in this area.³⁵

[72] In determining NPDC's culpability I take into account four primary factors:

- (a) that two separate power sources failed – the main power supply to the control cabinet and level transmitter, and the back-up power supply. That failure meant that the wet well filled with wastewater that was not pumped to the rising main – this wastewater then discharged into the Stream via the overflow pipe;
- (b) a low level alarm was triggered but there was no overflow alarm, because that relies on a power supply;

²⁹ NPDC Report, see n 3 at section 6.3

³⁰ NPDC Report, see n 3 at section 6.2.

³¹ NPDC Report, see n 3 at section 6.4.

³² NPDC Report, see n 3 at section 6.5

³³ NPDC Report, see n 3 at section 6.5.

³⁴ NPDC Report, see n 3 at section 6.5.

³⁵ NPDC Report, see n 3 at section 6.5.

- (c) a City Care technician responded to the low level alarm, but did not recognise the significance of the problem – and therefore took no action save to telephone his back-up technician. The back-up technician did not, however, answer his phone. No further action was taken.
- (d) the system issues that ‘sit behind’ the above three factors; those that can be described as management failings and those relating to programmed work. NPDC’s own report admits of certain failings in these areas:
 - i. the Council’s contractor control processes do not have a focus on environmental risk; and
 - ii. there are no documented procedures or checklists to support troubleshooting at the Pump Station, and certain upgrade works had not been completed.

[73] Clearly, the problem began with the failure of the two power sources. The failure was not then remedied as quickly as it could have been because an on-call technician did not recognise the significance of the problem, and the back-up system City Care had in place for its on-call person failed because the senior technician did not answer his telephone.

[74] I do not have the benefit of City Care’s attendance at this hearing, and acknowledge that the Summary of Facts was agreed only as between TRC and NPDC. However, the Summary of Facts did outline City Care’s responsibilities and the steps its on-call technician took.

[75] I am prepared to accept that the double power failure was an event that was highly unusual and therefore, to an extent, unforeseeable. However, the consequences of a failure at the Pumping Station are well known, and systems to address those consequences should be subject to rigorous testing and ongoing review, which had not occurred. I leave to one side for the moment the issue of storage capacity. It seems that NPDC admits that certain of those systems were not as robust as they could have

been because it developed an Action Plan to address certain matters. I set out its Proposed Action Plan contained in the NPDC Report:³⁶

- Installation of monitoring and alarm for the 24 volt power supplies and upgrading the overflow alarm to reduce reliance on the 24 volt power supply at the Mangati pump station;
- Undertake an issues and options review to consider how Council can ensure that no contaminants discharge into the Mangati Stream from the Mangati pump station. This may include but not be limited to the installation of additional storage or alternative solutions such as reducing the load on the pump station;
- Review Council Risk Management and HSE Framework risk identification and control processes to ensure consistency;
- Review timing of extending the Council's HSE Framework implementation to environmental risk based on risk and cost;
- Undertake refresher training on Council Risk and HSE Management risk identification and control processes for Council staff who make budgeting decisions;
- Review plans for sewer pump station upgrade works to ensure they are based on risk;
- Improve contractor control processes to ensure City Care have adequate support, written instructions, training and competency assessment for sewer pump station crews;
- Review lone worker policy in light of environmental risk; and
- Improve design specifications, learning materials and other control features to reduce reliance on undocumented knowledge.

[76] Mr Lang advised that most, if not all, of the Action points have been or will be implemented.

[77] The causes and contributing factors identified in the NPDC Report combined to leave the Station vulnerable to equipment failure. Having said that, I note that NPDC did have in place systems to ensure that alarms for the Pump Station were responded to. They were described earlier in this decision, but for the most part depended on City Care to:

- (a) respond to alarms within a certain time; and
- (b) to investigate the cause of the alarm, combined with routine maintenance responsibilities.

³⁶ NPDC Report, see n 3 at page 14, Attachment 2, Summary of Facts.

[78] NPDC acknowledged that there are no documented procedures or checklists to support troubleshooting upon receiving alarms but, from the information I have, it is clear that if the on-call City Care technician had been more familiar with the operating systems at the Pump Station, or had his Supervisor been available, the system failure may have been identified and remedied earlier.

[79] I record also that this Pump Station (like many others) is engineered to overflow, in the event of an issue occurring, to the nearby stream and from there into the sea. There is no particular storage capacity. The fact that there is no room for error in the management of pump stations places a high obligation on the Council to ensure, as far as it is possible to do so, that the risk of overflow is removed.

[80] I note that the initial failure of two power sources to the Pump Station created the issue which ultimately led to the discharge. While there were works programmed to upgrade the alarm systems in the Pump Station, I do not understand there to have been any particular event that would lead the Council to foresee that two power points would fail at one time. However, while the Council had in place a contract with City Care to monitor and address any alarms that may emanate from its Pump Stations, it did not do as much as it could have done to provide information to the contractor as to how alarm problems at the Pump Station could be trouble-shooted, identified and actioned. It could have done more to formulate and document such guides. Further, it is clear that it did not go as far as it could have done to ensure that City Care had in place robust procedures for addressing and responding to alarms from its Pump Stations. Having said that, City Care must bear some responsibility for its actions in responding to the alarm, and for its systems in providing support for its frontline workers. From the information I had, they do not appear to have been adequate.

[81] In all the circumstances, I determine that NPDC was more than careless but not highly careless in this matter.

[82] Mr Lang acknowledged some vicarious liability by NPDC for the errors of its contractor, but submitted that it should not bear full responsibility for those errors. On the basis of the facts outlined in the Summary of Facts, I agree that NPDC does not carry full responsibility for the offending.

Starting point

[83] The Court is required to take into account the general desirability of consistency, with appropriate sentence levels in respect of similar offending. Counsel referred me to a large number of cases involving wastewater and similar discharges from Council facilities. Particular reference was made to *Waikato Regional Council v Hamilton City Council*³⁷ (**Hamilton**) *Wellington Regional Council v Porirua City Council*,³⁸ (**Porirua**), *Waikato Regional Council v Waikato District Council*,³⁹ (**Waikato District Council**), *Waikato Regional Council v Waipa District Council*.⁴⁰ (**Waipa**).

[84] Ms de Silva provided me with a table that summarised sentencing decisions for prosecutions against territorial authorities for discharges from wastewater treatment systems. She pointed to a number of cases where the wastewater systems were designed so that overflow from the system would discharge to a waterway, and where the systems were inadequate in several areas,⁴¹ but no particular elements of those decisions were drawn to my attention save for her reference to the *Hamilton* decision.

[85] Ms de Silva did refer in particular to the *Hamilton*⁴² case, involving a discharge to the Waikato River from a pumping station (starting point \$80,000), where the Court referred to the fact that any overflow from the pump station would result in a direct discharge of untreated human effluent into a river of significance, and required, therefore, a more robust set of protections.

[86] Ms de Silva differentiated the present case from those summarised in her table of cases on the basis that the discharge in this case resulted in a “very large fish kill”.⁴³

³⁷ *Waikato Regional Council v Hamilton City Council* [2019] NZDC 16254.

³⁸ *Wellington Regional Council v Porirua City Council* DC Wellington, CRI-2014-091-769, 12/6/2014.

³⁹ *Waikato Regional Council v Waikato District Council* DC Hamilton, CRI-2013-019-6418, 4/7/2014.

⁴⁰ *Waikato Regional Council v Waipa District Council* DC Hamilton, CRI-2007-072-361, 19/3/2008.

⁴¹ *Waikato Regional Council v Hamilton City Council* [2019] NZDC 16254; *Southland Regional Council v Invercargill City Council* [2019] NZDC 17852; *Manawatu-Wanganui Regional Council v Whanganui District Council* [2018] NZDC 26705; *Otago Regional Council v Clutha District Council* [2018] NZDC 16724 and final decision DC Dunedin, CRI-2018-012-263, 21/2/2019; and *Otago Regional Council v Queenstown-Lakes District Council* [2017] NZDC 28767.

⁴² *Waikato Regional Council v Hamilton City Council* [2019] NZDC 16254 at [42].

⁴³ Prosecutor’s submissions at [32].

She submitted that this case is, therefore, significantly more serious than any of the other discharges from wastewater treatment systems, pointing to the fact that 1,000 to 1,500 fish were killed and at least six of the identified fish species affected are classified as being 'At Risk'.

[87] Ms de Silva submitted that a starting point of \$150,000 was appropriate. In response, Mr Lang submitted that, if the District Council was fully responsible for the spill in this case, comparable cases of this type indicate a starting point of around \$70,000.

[88] Mr Lang had also compiled a table of cases he submitted were relevant.⁴⁴ However, aside from referring to the *Porirua*, *Waikato District Council* and *Waipa* cases, the other cases in the table were not generally referenced. He submitted that NPDC's culpability is lower than the defendants' culpability in the most serious previous wastewater discharges cases. He referred in particular to the *Porirua* and *Waikato District Council* cases, and submitted that there were very serious shortcomings in the responses by those two councils to spills, producing large volume spills over a substantial period in each case.

[89] In *Porirua* there was a substantial discharge from the City Council's wastewater treatment plant that entered stormwater drains, discharging into the sea near Tirau Bay. It created a large brown plume in the bay, estimated at 100m in length and 100m in width, producing a strong grease/fat type smell in the area, and faecal contamination that would have rendered the affected bay unsafe for any form of recreation or contact. The Court found a failure by the Council to take routine maintenance steps for cleaning of a grate in the system, which caused a blockage that ultimately led to the overflow. It found there was a systemic failure on the part of the

⁴⁴ *Northland Regional Council v Whangarei District Council* DC Whangarei, CRN-0608850911, 19/11/2007; *Waikato Regional Council v Waipa District Council*, DC Hamilton, CRI-2007-072-361, 19/3/2008; *Waikato Regional Council v Taupo District Council* DC Tokoroa, CRI-2009-077-156, 25/03/2010; *Waikato Regional Council v Hamilton City Council* DC Hamilton, CRN-120-195-240, 7/08/2012; *Wellington Regional Council v Porirua City Council*, DC Wellington, CRI-2014-091-769, 12/6/2014; *Waikato Regional Council v Waikato District Council* DC Hamilton, CRI-2013-019-6418, 4/7/2014; *Manawatu-Wanganui Regional Council v Whanganui District Council* [2018] NZDC 26705; and *Otago Regional Council v Queenstown-Lakes District Council* [2017] NZDC 28767.

Council involving a significant degree of carelessness. The Court set a starting point of \$70,000.

[90] In the *Waikato District Council* case there was a discharge of partially treated sewage into a reach of the Raglan Harbour from the final storage pond in the Council's wastewater treatment plant. The discharge occurred during the course of both the ebb and the flood tide twice each day over a three-day period,⁴⁵ presumably mixing with harbour water throughout that period. The Court found that there were errors by staff of a systemic nature revealing poor training, supervision and ultimate management, finding that the Council's culpability was significant: alarms failed to get to treatment plant operators, the pumps used to manage the sewage level in a pond were programmed so that there was an upper limit, preventing remedial pumping from occurring. When the discharge was detected, a decision was made not to escalate the pond overflow incident because of an employee's concern about the effect on the reputation of the Council in the community. A starting point of \$70,000 was set.

[91] Mr Lang submitted that all of the systemic and operational errors in the *Porirua* and *Waikato District Council* cases seem the most serious of the past cases, with the responsibility on the Council rather than any contractor or other participant in the wastewater system. He submitted that a significant part of the cause of the discharge in the present case was due to the contractor's action, and that the Council's culpability must be lower than if those actions were the actions of its own employees.⁴⁶

[92] Mr Lang submitted that a starting point for a fine imposed on the Council should sit substantially below the \$70,000 starting point set in those cases, and that a starting point of around \$50,000 was appropriate here. He challenged the prosecutor's suggested overall starting point of "at least \$150,000", noting that little explanation was given for that submission in relation to the level of fines imposed in comparable cases; that the starting point would be more than double the starting point in any previous case, and it is relevant to note that the NPDC is not wholly responsible for the discharge.

⁴⁵ *Waikato Regional Council v Waikato District Council* DC Hamilton, CRI-2013-019-6418, 13/12/2018, at [35].

⁴⁶ Defence submissions, at [32].

[93] In response to the prosecutor's submission that it is the extent of fish killed that provides a differentiation between this case and other recent cases, Mr Lang observed that, although previous sentencing decisions in relation to sewage discharges do not include details of fish mortality, there is a relevant sentencing decision in relation to a water treatment discharge involving the Waipa District Council.⁴⁷ In the *Waipa* case, the Council was prosecuted for discharging caustic soda from a storage tank at a water treatment plant to a very high-quality stream, causing a very high kill of trout and eels. The Court found that the offending involved human error combined with system failures. It set a starting point of \$35,000, reflecting the quality of the stream into which the discharge was made; the offending arose from human error but also was allowed to occur by significant systems failure; the toxicity of the discharge; the significant profound and immediate short term effect the discharge had on aquatic life in the stream. The Court noted that a large number of trout, eels, native fish and invertebrates were killed.

[94] For completeness, I think it is also appropriate to refer to *Wellington Regional Council v Wellington Water Limited (Wellington Water)*.⁴⁸ Activated sludge from the Porirua Wastewater Treatment Plant was discharged into Titahi Bay, resulting in a visible plume of discoloured water. The discharge was described as having a moderate adverse effect on the environment, as well as adverse cultural and amenity effects. The Court found that the defendant's conduct bordered on recklessness. A starting point of \$90,000 was imposed.

[95] Starting points for effluent discharge offending in the cases to which I was referred range from \$10,000 to \$90,000. Some of the decisions to which I was referred predated the 2009 change to the Act, which significantly increased the maximum fine for offences of this nature.

[96] There is a large disparity between the starting points proposed by counsel, demonstrating their different characterisation of culpability, the seriousness of the environmental effects and the relevance of other cases involving effluent discharges from public wastewater systems.

⁴⁷ *Waikato Regional Council v Waipa District Council* DC Hamilton, CRI-2007-072-361, 19/3/2008.

⁴⁸ *Wellington Regional Council v Wellington Water Limited* [2019] NZDC 18588.

[97] This case has some points of similarity with the *Hamilton* case; the amount of the discharge, the effects of the discharge on a river of significance, and the failure of two primary mechanisms. There, the Council's culpability was described as careless. Here, I have characterised it as more than careless.

[98] In *Porirua*, the discharge was substantial and the effects highly noticeable. The Court identified systemic failures involving a significant degree of carelessness. In *Waikato District*, the discharge was of partially treated wastewater. There were effects on 'aspects of social and economic well-being'. Systemic errors were identified. In *Wellington Water* the discharge had moderate adverse effects on the environment, including cultural and amenity effects. In *Waipa* there was a loss of aquatic life, but it was decided in 2008 when the maximum penalty for the fine was substantially less than that which is now applicable.

[99] Again, there are points of similarity between this case and those cases, but the circumstances of this case combine in a way to place it among the more serious cases of effluent offending. First, there are the adverse effects which I have categorised as significant. They are significant in terms of the fish killed. I do not have any information as to how long those effects will be felt. As they relate to water quality and effects on recreation, the effects were significant, albeit short term. Further, I have found there to have been adverse effects on cultural values. Secondly, on culpability, I have found that, while the events leading to the discharge were, to an extent, unforeseeable, the Council's systems to manage incidents at the Pump Station could have been better. The Council has no real storage capacity at the Pump Station – the potential adverse effects of any failure at the station gives rise to a responsibility to ensure that all that can be done is done to guard against that failure, and mitigate that failure if it were to occur. The Council had not done all it could do in that regard.

[100] In this case, taking into account the purposes and principles of sentencing, and the circumstances I have outlined, I determine a starting point of \$95,000 is appropriate. In setting that starting point, I have also taken into account what I know of City Care, its role and responsibilities, and its actions.

Aggravating factors

[101] There is no suggestion of an uplift in this case for aggravating factors.

Mitigating factors

[102] TRC acknowledged that NPDC fully cooperated with the TRC investigation, and promptly undertook its own internal investigation. Ms de Silva submitted that NPDC should not be given any credit for improvements it has made because they have simply been made in order to fulfil its environmental obligations. TRC advised that four abatement and four infringement notices had been issued to NPDC for its wastewater networks, and that between August 2010 and February 2019 there have been 14 unauthorised discharges from the Pump Station.

[103] Mr Lang submitted that, as there had been no previous convictions, and given NPDC's conduct in this matter, a ten percent reduction in the starting point would be appropriate. TRC did not make any submissions on that point. As matters currently stand, I allow a five per cent reduction for no previous convictions and recognising NPDC's conduct in responding to the discharge.

Guilty Plea

[104] The Council acknowledged that, if NPDC accepted the sentence indication the plea should be classed as a plea made at the earliest opportunity. Mr Lang submitted that a 25 percent reduction should be allowed for that. I agree.

Alternative to a fine

[105] Following the filing of his original submissions, Mr Lang made additional submissions regarding an alternative to a fine. Pointing to previous cases where the Court has, he said, encouraged parties to take such an approach where a regional council is prosecuting, Mr Lang suggested that, as an alternative to a fine, a contribution could be made to an environmental enhancement or conservation

project.⁴⁹ He made particular reference to Judge Dwyer's findings in *Otago Regional Council v Clutha District Council*.⁵⁰

...

There is an unsatisfactory aspect of the situation where a fine imposed on one local authority (the District Council) is paid into the pocket of another local authority (the Regional Council). The ratepayers of Clutha District Council do the paying (*sic*) are also the ratepayers of Otago region which will receive most of any fine imposed. My preference in that situation is to suggest to the authorities that the equivalent of any fine which might be imposed is better directed to some environmental project which might benefit the district and region.

...

[106] Ms de Silva did not agree with Mr Lang's proposal, submitting, among others, that the usual polluter-pays principle should be applied; there are very significant adverse effects and a high level of culpability in this case. She submitted that a meaningful fine should be imposed in order to meet the purposes of general deterrence and accountability; general deterrence is an important factor because of the high level of resource use by territorial authorities as shown by the number of resource consents held. Ms de Silva also observed that TRC only receives a small proportion of rates relative to NPDC, and that the ratepayer base is not identical.

[107] I do not intend to determine this issue until the restorative justice process has been completed and its outcomes advised to me.

[108] If the sentence indication were to be accepted, the amount of fine would be \$66,500, subject to receiving advice about the outcome of the restorative justice process and considering further the submissions about alternatives to a fine.⁵¹

Judge MJL Dickey
District Court Judge

Date of authentication: 14/09/2020

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

⁴⁹ References to *Otago Regional Council v Clutha District Council* [2018] NZDC 16724 at [24]; *Northland Regional Council v Whangarei District Council*, DC Whangarei, CRN-0608850911, 19/11/2007; *Waikato Regional Council v Taupo District Council* DC Tokoroa, CRI-2009-077-156, 25/03/2010.

⁵⁰ *Otago Regional Council v Clutha District Council* [2018] NZDC 16724 at [24].

⁵¹ Adopting the two-step process in *Moses v R*, [2020] NZCA 296, paragraphs [45] to [47].



Date 16 March 2021

Subject: **Prosecution Sentencing Decision – GrainCorp Liquid Terminals NZ Limited**

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

Document: 2726504

Purpose

1. The purpose of this memorandum is to update Members on the prosecution of GrainCorp Liquid Terminals NZ Limited, for a breach of the Regional Fresh Water Plan for Taranaki, involving the discharge of tallow and untreated wastewater into the Hongihongi Stream and onto Ngamotu Beach, in September 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 GrainCorp Liquid Terminals NZ Limited.

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 7 April 2020.

Incident

5. In summary, the prosecution relates to a discharge of about 60 tonnes of tallow discharging to land and into the wastewater system, causing a blockage as it cooled, ultimately rendering the pump station and part of the wastewater network inoperable.

Tallow and a significant amount of wastewater subsequently discharged into the Hongihongi Stream. Tallow from the discharge was also present on Ngamotu Beach.

Prosecution update

6. Two charges were laid against GrainCorp Liquid Terminals NZ Limited for offences against 15(1)(a) of the RMA in January 2019.
7. The defendant pleaded guilty to the charges. Sentencing was passed on 23 February 2021 and notes of Judge Dwyer on sentencing are attached. No trade waste agreement was held and system and staff failings occurred and the company was culpable. Both tallow and untreated human wastewater were discharged. New Plymouth District Council provided a victim impact statement.
8. 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.
9. GrainCorp Liquid Terminals Nz Limited were fined \$42,000 on each charge (\$84,000 in total).

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. Te Atiawa have actively been involved in the prosecution, but were unable to provide a victim impact statement.

Community considerations

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

Legal considerations

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

Appendices/Attachments

Document 2726490: Grain Corp Liquid Terminals NZ Ltd - Sentencing Notes of Judge Dwyer

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

**I TE KŌTI-Ā-ROHE
KI NGĀMOTU**

**CRI-2020-043-000450
JUDGE VIA AVL
[2021] NZDC 3320**

TARANAKI REGIONAL COUNCIL
Prosecutor

v

GRAINCORP LIQUID TERMINALS NZ LIMITED
Defendant

Hearing: 23 February 2021

Appearances: K de Silva for the Prosecutor
S de Groot for the Defendant

Judgment: 23 February 2021

ORAL JUDGMENT OF JUDGE B P DWYER

[1] GrainCorp Liquid Terminals NZ Limited (GrainCorp) appears for sentence on two charges brought by Taranaki Regional Council (the Council) for breach of s 15(1)(b) of the Resource Management Act by discharging contaminants (tallow and untreated wastewater in one instance and untreated wastewater in the other) in circumstances where those contaminants may enter water, as we know they did in fact do. The charges are contained in charging documents ending 0123 and 0124.

[2] GrainCorp has pleaded guilty to both charges. Counsel advised that s 24A Sentencing Act 2002 is not applicable. No suggestion has been made that there should

be a discharge without conviction so GrainCorp is hereby convicted on both charges accordingly.

[3] Both offences occurred overnight on 5/6 September 2019 at GrainCorp's terminal site at Port Taranaki. GrainCorp carries out the business (inter alia) of bulk molasses and tallow storage at the site.

[4] On the night of 5/6 September 2019 heated tallow in two of the plant's storage tanks escaped from tank eight due to a sight glass valve which enabled checking of the level of the tallow in the tanks having become disconnected and a valve having been left open. The heated tallow spilled into a bunded area designed to hold any overflow where it filled on site interceptors and flowed into the District Council wastewater network. The summary of facts records that about 60 tonnes of tallow had entered the bund but does not state how much got into the wastewater system. The spilled tallow entered a pump station in the wastewater system causing a blockage at the pump station as it cooled. Ultimately this rendered the pump station and part of the wastewater network inoperative. Tallow and wastewater began discharging into the Hongihongi Stream via a wastewater overflow pipe which had also become blocked. The stream flows into the Tasman Sea and some tallow from the discharge washed up onto Ngamotu Beach.

[5] The summary of facts records that it is not known what volume of tallow discharged into the stream and the sea. It is estimated that between 3,000 and 9,000 litres per hour of wastewater would have discharged into the stream but there was a nearly 12 hour window during which the discharge could have commenced, so no definite calculation of volume of escaped wastewater can be made. The environmental impact report appended to the summary of facts estimates that over a four hour period, wastewater would have made up somewhere between 7 and 19 per cent of stream flow volume.

[6] The effects of tallow on the coastal environment which it entered are summarised in these terms in the environmental report:

Summary

Overall, the discharge of tallow into the Port Taranaki Harbour had the potential for significant adverse ecological effects, however, none were discovered. The event had a significant impact on the amenity of Ngamotu Beach, as it detracted from the beach's aesthetic values and prompted its closure.

[7] The effects of the wastewater discharge were somewhat more complex and serious than the tallow discharge. A series of flow samples was taken at a location in the harbour. Two were taken on 6 September. One was while the discharge was ongoing and one after it had ceased with further samples taken on 7 and 9 September.

[8] The first sample showed faecal indicator bacteria (FIB) levels at the sample site being the highest ever recorded at that sampling location. The second sample, taken after the discharge had ceased, showed a decrease in FIB levels but still above any previously recorded levels.

[9] The report concludes that the untreated wastewater would have been the principal source of FIB detected at the coast on 6 September and notes that *E. coli* samples downstream of the discharge were approximately 300 times higher than upstream levels. These levels decreased over the following samples but clearly demonstrate the contribution to contamination in the stream being made by this particular discharge. The report noted various amenity and potential health effects from the discharge. These included closure of the beach and shellfish collection, objectionable odours, visual scums, films and sanitary tissue and other similar debris.

[10] The summary of the environmental report on page 9 described these outcomes in the following terms (I formally record that the media can access the summary of facts and any attachments to it if it wants to see specific terms of those things):

Summary

Overall, the discharge of untreated wastewater into the Port Taranaki Harbour is considered the primary cause for a temporary decline in water quality at the shoreline. Because FIB are widespread in aquatic environments, the untreated wastewater was unlikely to have been the only source detected in the coastal water samples. However, the substantial loading of FIB in the untreated wastewater discharge, and the duration of the event meant that this was likely the principal source of contamination at this time. Furthermore, it is important to note that the risk that untreated wastewater poses to human health is generally much higher than that of other FIB sources, due to the human specific pathogen

content. As such, the discharge adversely affected the recreational values of Ngamotu Beach by rendering it unsafe to swim and collect shellfish; with public warnings implemented by NPDC. Localized impacts on visual appeal and odour were also observed at the western end of the beach in the vicinity of the discharge.

[11] I note that the maximum penalty for each of the two charges is the sum of \$600,000. Counsel have approached their sentencing submissions on the basis that there should be one global penalty starting point identified for the two charges and I concur with that. The charges represent two consequential outcomes of what was in reality one offending incident.

[12] For the Council, Ms de Silva contends that the appropriate penalty starting point is the sum of \$140,000 and Ms de Groot, for GrainCorp, submits that the appropriate figure is \$100,000.

[13] In resolving the differences between counsel I am going to address four issues:

- An assessment of environmental effects;
- An assessment of culpability;
- Consideration of attitude, co-operation and remorse;
- Some comparison with sentencing levels in other cases.

[14] Dealing firstly with environmental effects, I concur with the proposition advanced by Ms de Groot for GrainCorp that the direct environmental effects of the tallow discharge were limited. Spread of the tallow would have been restricted as it solidified in the wastewater network. Only about 10 kilograms of tallow was subsequently scraped up off the beach. However I think that the submission in that regard fails to adequately weight the flow on effects of the discharge into the wastewater system, namely the gumming up of pumps and pipes and consequential discharge of untreated wastewater. These effects are direct consequences of the tallow discharge and cannot be severed from it. Ms de Groot assesses the effects of

wastewater discharge as falling in the minor to moderate category. I disagree with any suggestion that the effects were minor.

[15] It is correct that the effects were temporary but that is a common feature of offending such as this where effects of wastewater, sewage, et cetera discharges diminish, are remedied and disappear once the contamination tap is turned off. That is a common feature of this sort of offending and certainly does not diminish their seriousness, but it is obvious that such discharges are time limited because people stop them when they are discovered.

[16] Of particular significance in my consideration are the highly elevated levels of FIB, being the highest ever detected at the measuring location in the harbour and the massive increase in E. coli levels upstream and downstream of the point where the discharge entered the stream. Even acknowledging that the stream was already far from pristine, the action zone for a response in the harbour extended some 300–400 metres from the outlet point of the stream into the harbour. The potential for adverse health effects was real but avoided by prompt action on the part of the Council and port authority. Had there been actual health effects we would have been looking at a considerably elevated starting point.

[17] Amenity effects of odour and visual indicators of contamination were apparent and also need to be taken into account.

[18] In short, I recognise that the effects of the discharges were temporary and limited in spatial extent but strongly disagree with any suggestion that they were minor.

[19] I also part company from GrainCorp in my assessment of culpability. Its submission contained an explanation as to various procedures which it had in place to guide the safe and efficient operation of the facility but failed to give any adequate explanation as to how it was that two valves or cut off mechanisms were left open on 5/6 September. Not only was the sight glass valve open, but a directional or shutoff valve in the system was also left open directing liquid in the bunded tank area to the wastewater network. The obvious explanations for these failures are carelessness by

staff or some form of systems failure. Nothing in the material before the Court remotely begins to establish the likelihood of intervention by an unnamed, unknown outside person as hinted by GrainCorp.

[20] However, from my point of view, the most staggering fact is the absence of a warning system to warn of any discharge into the bund which was connected by pipe to the District Council wastewater system and where any discharge must go. I note that the bund is also connected to the District Council's stormwater system, although the connection into the stormwater system was fortunately turned off. I am told that an alarm has now been fitted. In my experience (and I see many of these situations), alarms are commonly incorporated into bund systems to warn when there are discharges occurring. I find the absence of such a device in this case to be very strange indeed.

[21] A matter of contention between the Council and GrainCorp is the fact that GrainCorp did not hold a trade waste consent allowing discharges from its plant into the trade waste system in the first place. Ms de Silva submitted that this established that discharge to the system was deliberate, fraudulent and deceitful, something which GrainCorp strongly disputes, although I note that it does not offer any satisfactory explanation for the failure to hold the necessary consent.

[22] I do not have to resolve that dispute and it must be recognised that the discharge would probably have occurred under these circumstances even if GrainCorp held a permit. However, it must also be recognised that GrainCorp is a business which specialises in storing and handling material such as tallow. It can reasonably be expected to be aware of the rules under which it must operate. It must certainly have been aware of the risks involved and the appropriate processes for handling tallow. In my experience, the requirement to obtain permits or licences to discharge trade waste is common in many industrial and commercial facilities. GrainCorp's failures to provide a warning system in the bund and to have obtained a trade waste discharge permit belie its claim as to having good systems in place.

[23] This combination considerably aggravates GrainCorp's culpability for the offending, in my view. The most generous interpretation of events to GrainCorp is that

a failure of its staff or systems or a combination of the two, demonstrate a high degree of carelessness and hence culpability for the offending.

[24] It is apparent from the submissions made on GrainCorp's behalf that it responded appropriately to the discharge and did all it could to put things right once the discharge was known to have occurred. That, of course, is how things should be. GrainCorp has apparently revamped its systems and training processes. Again, that is how things should be.

[25] I return to the fact that GrainCorp is a business which specialises in handling material such as tallow and can be expected to act in accordance with appropriate procedures and rules. In that situation, deterrence from poor practice is a significant factor in sentencing considerations.

[26] I have considered all of the various cases to which I was referred by counsel for comparative purpose. Section 8(e) of the Sentencing Act 2002 recognises the desirability of consistency of sentencing levels when imposing sentence on similar offenders committing similar offences in similar circumstances. Counsel acknowledge that that is a difficult exercise in this case. Many of the cases referred to relate to local authority offending. Starting points in cases referred to by counsel for GrainCorp range from \$35,000–\$90,000.

[27] I think that an unusual feature of this case is the dual nature of the discharge which involved discharges of both tallow and wastewater. I have determined that the appropriate starting point for penalty considerations is the sum of \$120,000. I do not do so because it is mid way between the Council's \$140,000 and GrainCorp's \$100,000. I do so because I note that it constitutes 20 per cent of the maximum penalty. I consider that it gives the Defendant the benefit of uncertainty as to the duration and volume of the wastewater discharge while recognising the elevated contaminant levels attributable to the offending. If there was hard evidence before the Court establishing significantly higher volumes, duration and/or spatial extent of the contaminant spread I would have adopted a higher starting point.

[28] The \$120,000 recognises the clear failings and high culpability on the Defendant's part even having regard to uncertainties as to effects. The figure is of such an amount as to have a deterrent effect appropriate to drive home to businesses such as GrainCorp the need to carry out their activities legally and in accordance with best practice. The figure appropriately reflects the dual discharge nature of the offending, combined with the failure to have a proper warning system and trade waste consents in place.

[29] I will allow reduction of the starting point of 5 per cent on account of past good character and co-operation, with an additional 25 per cent for prompt guilty plea, giving an end penalty of \$84,000 which I will divide \$42,000 on each charge. GrainCorp is fined that amount accordingly.

[30] It will pay solicitor costs as per the Costs in Criminal Cases Regulations (to be fixed by the Registrar if need be) and Court costs \$130.

[31] Finally, pursuant to s 342 Resource Management Act, I direct that the fines less 10 per cent Crown deduction are to be paid to Taranaki Regional Council.



B P Dwyer
Environment/District Court Judge

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 16 March 2021 for the following reason/s:

Item 8 - Confirmation of Minutes - 2 February 2021

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.