



AGENDA

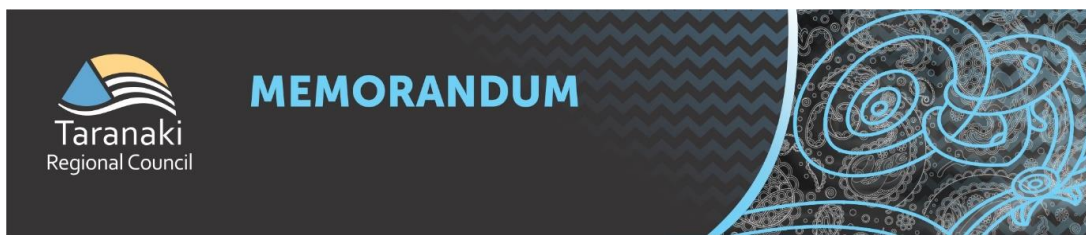
Operations & Regulatory

Operations and Regulatory Committee

22 November 2022 10:30 AM - 12:00 PM



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



Purpose of Operations 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 Operations and Regulatory Committee

Councillor S W Hughes (Chairperson)	Councillor D M Cram (Deputy Chairperson)
Councillor B J Bigham	Councillor M G Davey
Councillor M J Cloke	Councillor D H McIntyre
Councillor D L Lean	Councillor N W Walker (ex officio)
Councillor C L Littlewood (ex officio)	

Representative Members

Mr D Luke

To be Appointed:

2 Additional Iwi Reps

1 Federated Farmers Rep

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.



Date 22 November 2022

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: 3122875

Purpose

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

Executive summary

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

Recommendation

That the Taranaki Regional Council:

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

Background

3. The attachments show resource consent applications, certificates of compliance and deemed permitted activities that have been investigated and decisions made by officers of the Taranaki Regional Council. They are activities having less than minor adverse effects on the environment, or having minor effects where affected parties have agreed to the activity. In accordance with sections 87BB, 104 to 108 and 139 of the Resource Management Act 1991, and pursuant to delegated authority to make these decisions, the Chief Executive or the Director – Resource Management, has allowed the consents, certificates of compliance and deemed permitted activities.
4. The exercise of delegations under the Resource Management Act 1991 is reported for Members' information. Under the delegations manual, consent processing actions are to be reported to the Consents and Regulatory Committee.

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

Decision-making considerations

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

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

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

Legal considerations

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

Appendices/Attachments

Document 3122731: List of non-notified & limited-notified consents

Document 3120492: Schedule of non-notified consents

Document 3122725: Schedule of limited-notified consents

Document 3120760: Consents processing charts for Agenda

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

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

Coastal Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/2339-4.1	New Plymouth District Council	Discharge (Coastal)	Local Government	Swimming Pools		Review
R2/4573-2.1	South Taranaki District Council	Structure - Protection (Coastal)	Local Government		Seawall	Review
R2/6462-2.0	Wai-iti Motor Camp Limited	Structure - Protection (Coastal)	Recreational		Erosion protection	Replace
Discharge Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/0736-4.0	Brian Ian Julian & Claire Burnadette Tungia Mathieson	Land/Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0840-3.0	C & J Cathie Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/0867-3.0	Te Pohutukawa Farm Limited	Water - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1130-4.0	Windy Ridge Farm Company Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1523-4.0	CR & DE Coulton Trust Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1886-3.0	Collingwood Farm Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/1971-4.0	Wai-iti Motor Camp Limited	Water - Misc	Recreational	Waste Management	Wastewater - Sewage	Replace
R2/2130-3.0	Eswyndale Farm Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2173-3.0	Macklebo Farm Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2269-3.0	James & Bronwyn Murdoch	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2519-3.0	Yates Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2712-3.0	Saunders Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2715-3.0	Estate of Edmond Alfred Bonner	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2749-3.0	Milkoad Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2883-3.0	TR Jane Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2889-3.0	GBG Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/2909-3.0	Green Range Farms Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3023-3.0	Grass to Gold Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3309-3.0	The Tom Lance Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3517-3.0	Cameron Richards Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3576-3.0	Cardiff United Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3688-2.1	NZEC Waihapa Limited	Land - DWI	Energy	Wellsite	Exploration and Production	Review
R2/3712-3.0	Bolton Walker Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/4371-3.0	Hickey Farms: John M Hickey Trust & Beverley A Hickey Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/4517-3.0	Hickey Farms: John M Hickey Trust & Beverley A Hickey Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/6107-2.0	The Tom Lance Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/6651-2.0	Energy Services International Limited	Water - Stormwater	Manufacturing and Processing	Energy Services		Replace
R2/10314-1.1	Oaonui Water Supply Limited	Water - Industry	Private Water Supply		Water Supply - Private	Review
R2/10942-1.1	Panda Development Limited	Land - Stormwater	Property Development		Subdivision	Change
R2/11031-1.0	Sandford Bros Limited	Land - Industry	Transport	Trucking	Truck Wash	New
R2/11031-1.1	Sandford Bros Limited	Land - Industry	Transport	Trucking	Truck Wash	Change
R2/11039-1.1	Stockwell & Co Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	New
R2/11042-1.0	Kelly Stewart & Darrin Cranson	Land - Misc	Property Development	Waste Management	Wastewater - Sewage	New
R2/11045-1.0	EB Developments Limited	Water - Stormwater	Property Development		Subdivision	New

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

Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/11052-1.0	Todd Energy Limited	Land - DWI	Energy	Wellsite	Exploration and Production	New
R2/11056-1.0	New Plymouth District Council	Water - Stormwater	Local Government		Recreation	New

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

Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
Land Use Consent						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/5985-2.0	Flaxwood Family Trusts No 1 & 2 & Flaxwood Trustees Limited	Structure - Culvert	Agriculture	Farming - Dairy	Access	Replace
R2/11009-1.0	Tautaiiao Developments Limited	Structure - Culvert	Property Development		Access	New
R2/11046-1.0	EB Developments Limited	Structure - Culvert	Property Development		Subdivision	New
R2/11047-1.0	EB Developments Limited	Structure - Culvert	Property Development		Subdivision	New
R2/11048-1.0	EB Developments Limited	Realign Waterway	Property Development		Subdivision	New
R2/11049-1.0	EB Developments Limited	Disturb	Property Development		Subdivision	New
Water Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/0231-4.1	Oaonui Water Supply Limited	Take Surface Water	Private Water Supply		Water Supply - Rural	Review
R2/3388-3.2	South Taranaki District Council	Take Groundwater	Local Government		Water Supply - Municipal	Change
R2/11054-1.0	EB Developments Limited	Divert	Property Development		Subdivision	New

**Limited Notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

Water Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/6628-2.0	JW & MT Hamblin Family Trusts	Take Surface Water	Agriculture	Farming - Dairy	Irrigation - Pasture	Replace

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/0736-4.0](#)

Brian Ian Julian & Claire Burnadette Tungia
Mathieson

Commencement Date: 19 Aug 2022

Expiry Date: 01 Dec 2027

Review Dates: Jun 2023, Jun 2025

Activity Class: Controlled

Location: 455 Surrey Road, Tariki

Application Purpose: Replace

To discharge farm dairy effluent onto land and after treatment in an oxidation pond system and constructed drain into an unnamed tributary of the Mangatengehu Stream if the land disposal area is unsuitable for effluent disposal

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

The proposed discharge to land is generally in accordance with the objectives and policies set out in the EMP specifically section Te Tai Awhi Nuku Inland and Coastal Whenua for intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8; Ob. TTAN9.1; Pol. TTAN9.1, 9.3, 9.4); however, as detailed above, the direct discharge to water is opposed.

Pukerangiora Hapū and Te Kotahitanga o Te Atiawa recommend:

- 1. The application is returned as incomplete in accordance the section 88 of the Resource Management Act 1991 processes;*
- 2. Further information is requested in accordance with the section 92 of the Resource Management Act 1991 processes - we look forward to receiving the further information requested as noted below;*
- 3. The discharge to water is refused in accordance with section 104 of the Resource Management Act 1991.*
- 4. Pukerangiora Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with the section 95 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

We have provided below, a response to your comments, which hopefully provides a better understanding of the Taranaki Regional Council's (the Council) position and steps which will be taken during the assessment of this application.

The National Policy Statement for Freshwater Management (NPS-FM)

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

The NPS-FM contains a hierarchy of obligations (as expressed in the objective of the NPS-FM) that the Council must have regard to in its assessment of the effects of a proposed activity for which resource consent is sought. This means as part of its assessment of an application, the Council must consider whether a proposed activity will

- *first, prioritise the health and well-being of a particular water body/freshwater ecosystem*
- *second, the health and needs of people and*
- *third, the ability of people and communities to provide for their social, economic and cultural well-being.*

Similarly, the Council must have regard to the objectives and policies of the Regional Policy Statement for Taranaki (RPS) and the Regional Freshwater Plan for Taranaki (RFP). The situation is more challenging in this case where the activity is a controlled activity.

Almost every application for a farming dairy effluent consent received is for a replacement of an existing activity, and a controlled activity under Rules 35 & 36 of the Regional Freshwater Plan for Taranaki. The Council must have regard to the NPS-FM, the RPS as well as the RFP when considering a resource consent application. If an activity is described as a controlled activity, Council must grant a resource consent, and the power to impose conditions on the consent is restricted to the matters over which control is reserved (sections 87A and 104A of the Resource Management Act). Rules 35 and 36 of the RFP do not include any matters of control that expressly allow for the consideration of matters such as those expressed in the NPS-FM objective. Given that the Council can only consider policies that relate to the matters over which the Council has reserved control through the plan itself, the Council is unable to take into account matters that fall outside this scope.

In terms of the notification assessment and when deciding whether a person is an affected person, the Council is limited in terms of matters that it can take into account when determining an application for a controlled activity.

[R2/0231-4.1](#)

Oaonui Water Supply Limited

Location: Arawhata Road, Oaonui

To take and use water from the Oaonui Stream for a rural community water supply scheme including the Maui Production Station

Review of Special Condition 9 pertaining to the measuring point along the Oaonui Stream

Rohe:

Taranaki (Statutory Acknowledgement)

Commencement Date: 25 Aug 2022

Expiry Date: 01 Jun 2036

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

Activity Class: Discretionary

Application Purpose: Review

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/0840-3.0](#)

C & J Cathie Family Trust

Commencement Date: 16 Sep 2022

Expiry Date: 01 Dec 2048

Review Dates: Jun 2024, Jun 2030, Jun 2036, Jun 2042

Activity Class: Controlled

Application Purpose: Replace

Location: 68 Hone Road, Pihama

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

No return correspondence was received

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- Te Korowai notes that the existing consent (R2/0840-2) is to discharge animal waste to water. Te Korowai requests that TRC confirms whether this application is to renew the existing consent to discharge treated dairy farm effluent from an oxidation pond to the Mangatawa Stream or is an application to only discharge to land.
- In section 4.2 of the application, the applicant has indicated that there is a wetland within 100 metres of the discharge point, yet this is not indicated on the attached map. We would like the applicant to provide a copy of their most recent Riparian Management Plan (if available). This will assist us in assessing the potential impacts of the discharge activity on the Mangatawa River and its tributaries.
- Te Korowai opposes discharges of any type directly to water bodies within the rohe of Ngāruahine. This is regardless of whether the discharge is treated or untreated.
- Te Korowai will advocate for the fencing and riparian planting of all tributaries to the Mangatawa to provide the maximum protection available to this valued waterway. It is our expectation that this goes beyond the minimum requirements of TRC's riparian management plans.
- We recommend that this application is returned to the applicant as incomplete as per section 88 of the RMA. The information required is the location of the wetland referred to in section 4.2 of the application

Response and considerations during processing of application

We have provided below, a response to your comments, which hopefully provides a better understanding of the Taranaki Regional Council's (the Council) position and steps which will be taken during the assessment of this application.

The National Policy Statement for Freshwater Management (NPS-FM)

The NPS-FM contains a hierarchy of obligations (as expressed in the objective of the NPS-FM) that the Council must have regard to in its assessment of the effects of a proposed activity for which resource consent is sought. This means as part of its assessment of an application, the Council must consider whether a proposed activity will

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

- first, prioritise the health and well-being of a particular water body/freshwater ecosystem
- second, the health and needs of people and
- third, the ability of people and communities to provide for their social, economic and cultural well-being.

Similarly, the Council must have regard to the objectives and policies of the Regional Policy Statement for Taranaki (RPS) and the Regional Freshwater Plan for Taranaki (RFPW). The situation is more challenging in this case where the activity is a controlled activity.

Almost every application for a farming dairy effluent consent received is for a replacement of an existing activity, and a controlled activity under Rules 35 & 36 of the Regional Freshwater Plan for Taranaki. The Council must have regard to the NPS-FM, the RPS as well as the RFPW when considering a resource consent application. If an activity is described as a controlled activity, Council must grant a resource consent, and the power to impose conditions on the consent is restricted to the matters over which control is reserved (sections 87A and 104A of the Resource Management Act). Rules 35 and 36 of the RFPW do not include any matters of control that expressly allow for the consideration of matters such as those expressed in the NPS-FM objective. Given that the Council can only consider policies that relate to the matters over which the Council has reserved control through the plan itself, the Council is unable to take into account matters that fall outside this scope.

In terms of the notification assessment and when deciding whether a person is an affected person, the Council is limited in terms of matters that it can take into account when determining an application for a controlled activity.

The Council has also followed up with the consent holder to provide the Riparian Plan as requested by Ngāruahine. This will be sent through once we have a response.

[R2/0867-3.0](#)

Te Pohutukawa Farm Limited

Location: 149 Sole Road, Ngaere

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

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Commencement Date: 16 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/10314-1.1](#)

Oaonui Water Supply Limited

Commencement Date: 25 Aug 2022

Expiry Date: 01 Jun 2036

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

Activity Class: Discretionary

Location: Arawhata Road, Oaonui

Application Purpose: Review

To discharge water and contaminants into the Oaonui Stream from sluicing a weir

Review of Special Condition 1 pertaining to sluicing a weir along the Oaonui Stream.

Rohe:

Taranaki (Statutory Acknowledgement)

[R2/10942-1.1](#)

Panda Development Limited

Commencement Date: 03 Nov 2022

Expiry Date: 01 Jun 2025

Review Dates:

Activity Class: Discretionary

Location: 70-74 Turuturu Road, Turuturu

Application Purpose: Change

To discharge stormwater and sediment associated with earthworks onto land that may reach water

Cancellation of consent condition fifteen, to enable road building and stabilization works to proceed between 1 May and 31 October

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/11009-1.0](#)

Tautaiiao Developments Limited

Commencement Date: 29 Aug 2022

Expiry Date: 01 Jun 2038

Review Dates: Jun 2026, Jun 2032

Activity Class: Discretionary

Location: 26 Olson Street, Egmont Village

Application Purpose: New

To install two culverts in an unnamed tributary of the Mangaoraka Stream

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

After reviewing the application and aligning it with the provisions of Tai Whenua, Tai Tangata, Tai Ao, we provide the following comments:

- *We do not support the direct discharge of stormwater to our awa (Pol. TTAN7.1, 7.2). We would wish to see low impact stormwater management systems used (e.g. wetlands, swales, rain gardens) utilised prior to any stormwater being discharged from the development to the awa (Pol. TTAN7.3, 7.4)*

Recommendations:

- *Further information is requested in accordance with section 92 of the Resource Management Act 1991*
- *If council are mindful to grant the application, conditions of consent are applied in accordance with section 108 of the Resource Management Act 1991. Alternatively, Puketapu and te Kotahitanga request to be identified as affected parties in accordance with processes under section 95 of the Act*

Response and considerations during processing of application

Upon lodgement, the Taranaki Regional Council (Council) sent a copy of the application to Te Kotahitanga o Te Atiawa on 21 March 2022. Te Kotahitanga o Te Atiawa provided a response on behalf of Puketapu Hapū on 31 March 2022. Their comments have been used to inform the request for further information which was sent to the applicant on 7 April 2022.

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/11031-1.0](#)

Sandford Bros Limited

Commencement Date: 07 Sep 2022

Expiry Date: 01 Jun 2036

Review Dates: Jun 2024, Jun 2030

Activity Class: Discretionary

Location: 2118 Skeet Road, Auroa, Hāwera

Application Purpose: New

To discharge truck wash water from the Sandford Bros Limited Depot to various land sites

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Allan Thomas Hughes

Written approval provided

Andrew Graham Mead

Written approval provided

Jill Corbett

Written approval provided

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- *Te Korowai advocates for daylighting of any piped streams as per Policies 5.8 and 5.10 of Te Uru Taiao o Ngāruahine.*
- *Te Korowai acknowledges this application is a new discharge permit to land moving from the applicants existing consent 6898-1; discharge to water. This aligns with bottom lines of Te Uru Taiao o Ngāruahine which opposes discharges of any type directly to water bodies within the rohe of Ngāruahine. This is regardless of whether the discharge is treated or untreated. We acknowledge and commend the applicant is moving from direct water discharge to land discharge to prioritise the protection and health of the Otākeho Stream.*
- *We acknowledge the applicant, or their consultant have read and understood Te Uru Taiao o Ngāruahine.*
- *The applicant has consulted early and requested comment from Te Korowai on their application. Unfortunately, we were unable to respond before the application was lodged with the council.*
- *While applicant has provided for buffer distances to protect receptors including those identified in Policy 1.9 of Te Uru Taiao o Ngāruahine, Te Korowai expects the applicant to fence and riparian plant all areas of the Otākeho and Kaupokonui Streams and their tributaries to a width of 20 metres.*
- *Any increase in riparian planting offers enhanced protection to the Otākeho and Kaupokonui Streams and their tributaries which is significant given the predicted increase in precipitation for the region.*

Response and considerations during processing of application

The Consent Planner discussed the application with Ngāruahine and ran through the proposed consent conditions. Ngāruahine commented they had no problems with this and they are in support of the overall process. The Consent Planner included a number of consent conditions to mitigate any environmental effects that Ngāruahine agreed was required.

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/11031-1.1](#)

Sandford Bros Limited

Commencement Date: 27 Oct 2022

Expiry Date: 01 Jun 2036

Review Dates:

Activity Class: Discretionary

Location: 2118 Skeet Road, Auroa, Hāwera

Application Purpose: Change

To discharge truck wash water from the Sandford Bros Limited Depot to various land sites

Change to consent condition 3(a) relating to minimum land discharge area requirements

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Responded they had no comment to make

[R2/11039-1.1](#)

Stockwell & Co Limited

Commencement Date: 12 Sep 2022

Expiry Date: 01 Dec 2047

Review Dates: Jun 2023, Jun 2029, Jun 2035, Jun 2041

Activity Class: Controlled

Location: 30 Cornwall Road, Stratford

Application Purpose: New

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/11042-1.0](#)

Kelly Stewart & Darrin Cranson

Commencement Date: 13 Sep 2022

Expiry Date: 01 Jun 2032

Review Dates: Jun 2023, Jun 2025, Jun 2027, Jun 2029, Jun 2031

Activity Class: Discretionary

Location: 53 Ngakoti Street, Urenui

Application Purpose: New

To discharge treated domestic effluent from a septic tank onto and into land within 25 metres of an unnamed tributary of the Punawhakakau Stream

Rohe:

Ngāti Mutunga

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

Consulted by applicant

Te Rūnanga o Ngāti Mutunga

Response received

Comments from Ngāti Mutunga

Thank you for sending this through to us and putting us in touch with the planner. We have looked at the application, make a site visit and discussed it with the land owner. We have also talked to the TRC planner about the proposed consent conditions and how this consent is going to be monitored.

We support the Resource Consent being given and would like a copy of the final Resource Consent when issued.

Response and considerations during processing of application

The applicant has consulted directly with Ngāti Mutunga regarding the proposed discharge. Ngāti Mutunga representatives visited the site, and discussed the proposal with the applicant. After reviewing the proposed conditions and monitoring programme, Ngāti Mutunga confirmed their support for the granting of the consent

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/11045-1.0](#)

EB Developments Limited

Commencement Date: 30 Sep 2022

Expiry Date: 01 Jun 2026

Review Dates:

Activity Class: Controlled

Location: Cunningham Lane, Oakura

Application Purpose: New

To discharge stormwater and sediment from earthworks

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council

Written approval provided

Ngāti Tairi Hapu

Consulted by applicant

Oakura Pa Trustees

Consulted by applicant

Te Kahui o Taranaki Trust

No return correspondence was received

Te Kahui o Taranaki Trust

Consulted by applicant

[R2/11046-1.0](#)

EB Developments Limited

Commencement Date: 30 Sep 2022

Expiry Date: 01 Jun 2037

Review Dates: Jun 2025, Jun 2031

Activity Class: Discretionary

Location: Cunningham Lane, Oakura

Application Purpose: New

To install a culvert in an unnamed tributary of the Wairau Stream

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council

Written approval provided

Ngāti Tairi Hapu

Consulted by applicant

Oakura Pa Trustees

Consulted by applicant

Te Kahui o Taranaki Trust

No return correspondence was received

Te Kahui o Taranaki Trust

Consulted by applicant

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/11047-1.0](#)

EB Developments Limited

Commencement Date: 30 Sep 2022

Expiry Date: 01 Jun 2037

Review Dates: Jun 2025, Jun 2031

Activity Class: Discretionary

Location: Cunningham Lane, Oakura
To install a culvert in the Wairau Stream

Application Purpose: New

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council

Written approval provided

Ngāti Tairi Hapu

Consulted by applicant

Oakura Pa Trustees

Consulted by applicant

Te Kahui o Taranaki Trust

No return correspondence was received

Te Kahui o Taranaki Trust

Consulted by applicant

[R2/11048-1.0](#)

EB Developments Limited

Commencement Date: 30 Sep 2022

Expiry Date: 01 Jun 2037

Review Dates: Jun 2025, Jun 2031

Activity Class: Discretionary

Location: Cunningham Land, Oakura
To realign a waterway and reclaim a river bed

Application Purpose: New

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council

Written approval provided

Ngāti Tairi Hapu

Consulted by applicant

Oakura Pa Trustees

Consulted by applicant

Te Kahui o Taranaki Trust

No return correspondence was received

Te Kahui o Taranaki Trust

Consulted by applicant

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/11049-1.0](#)

EB Developments Limited

Commencement Date: 30 Sep 2022

Expiry Date: 01 Jun 2037

Review Dates: Jun 2025, Jun 2031

Activity Class: Discretionary

Location: Cunningham Lane, Oakura
To disturb a waterway

Application Purpose: New

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council

Written approval provided

Ngāti Tairi Hapu

Consulted by applicant

Oakura Pa Trustees

Consulted by applicant

Te Kahui o Taranaki Trust

No return correspondence was received

Te Kahui o Taranaki Trust

Consulted by applicant

[R2/11052-1.0](#)

Todd Energy Limited

Commencement Date: 05 Oct 2022

Expiry Date: 01 Jun 2039

Review Dates: Jun Annually

Activity Class: Discretionary

Location: McKee-D wellsite, 1444 Otaraoa
Road, Tikorangi

Application Purpose: New

To discharge contaminants to land via deep well injection

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Otaraua Hapu Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

Thank you for providing a copy of the application. Otaraua Hapū, the Te Atiawa hapū with mana whenua over the application site, and Te Kotahitanga o Te Atiawa, the post settlement governance entity for Te Atiawa, have now reviewed.

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

The application property is in close proximity and could affect tributaries of the Waitara River. The Waitara River and its tributaries are scheduled statutory acknowledgement to Te Atiawa under the Te Atiawa Claims Settlement Act 2016.

Otaraua and Te Kotahitanga encourage and are supportive of early and meaningful engagement. We commend Todd Energy on their engagement on this kaupapa. Otaraau Hapū are comfortable with the proposal and will continue to engage with Todd Energy.

Response and considerations during processing of application

Te Kotahitanga o Te Atiawa confirmed that a hui was being held between Te Atiawa and Otaraau representatives on 22 September 2022. Advice from this hui was provided to Council on 27 September 2022. A summary of which is provided below:

- the proposal has the potential to affect tributaries of the Waitara River which are in close proximity to the application site. Te Atiawa has a strong cultural, traditional, spiritual and historical relationship with the Waitara River and its tributaries; which is recognised through their statutory acknowledgement for those areas.*
- the iwi and hapū commend Todd Energy for their early engagement, and are comfortable with the proposal.*
- Otaraua and Te Kotahitanga will continue to engage with Todd Energy following the granting of the consent*

[R2/11054-1.0](#)

EB Developments Limited

Commencement Date: 30 Sep 2022

Expiry Date: 01 Jun 2037

Review Dates: Jun 2025, Jun 2037

Activity Class: Discretionary

Location: Cunningham Lane, Oakura

Application Purpose: New

To divert water, associated with the realignment of a waterway

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

New Plymouth District Council

Written approval provided

Ngāti Tairi Hapū

Consulted by applicant

Ōakura Pā Trustees

Consulted by applicant

Te Kahui o Taranaki Trust

No return correspondence was received

Te Kahui o Taranaki Trust

Consulted by applicant

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/11056-1.0](#)

New Plymouth District Council

Commencement Date: 31 Oct 2022

Expiry Date: 01 Jun 2033

Review Dates:

Activity Class: Discretionary

Location: 130 Coronation Ave, New Plymouth **Application Purpose:** New

To discharge stormwater and sediment associated with earthworks required for the site establishment of the Tūparikino Active Community Hub (the 'Sports Hub')

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

[R2/1130-4.0](#)

Windy Ridge Farm Company Limited

Commencement Date: 19 Sep 2022

Expiry Date: 01 Dec 2049

Review Dates: Jun 2025, Jun 2031, Jun 2037, Jun 2043

Activity Class: Controlled

Location: 132 Goodwin Road, Okato

Application Purpose: Replace

To discharge farm dairy effluent onto land

Rohe:

Taranaki (Statutory Acknowledgement)

Engagement or consultation:

Te Kahui o Taranaki Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/1523-4.0](#)

CR & DE Coulton Trust Partnership

Commencement Date: 30 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 24 Brewer Road, Strathmore

To discharge farm dairy effluent onto land

Rohe:

Ngāti Maru

Engagement or consultation:

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

[R2/1886-3.0](#)

Collingwood Farm Family Trust

Commencement Date: 24 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 235 Waitangi Road, Waverley

To discharge farm dairy effluent onto land

Rohe:

Ngaa Rauru Kiiitahi

Engagement or consultation:

Te Kaahui o Rauru No return correspondence was received

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/1971-4.0](#)

Wai-iti Motor Camp Limited

Commencement Date: 07 Sep 2022

Expiry Date: 01 Jun 2039

Review Dates: Jun 2023, Jun 2025, Jun 2027, Jun 2029, Jun 2031, Jun 2033, Jun 2035, Jun 2037

Activity Class: Discretionary

Location: 30 Beach Road, Wai-iti

Application Purpose: Replace

To discharge treated domestic wastewater via soakage trenches onto and into land at the Wai-iti Beach Motor Camp

Rohe:

Ngāti Mutunga (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

Applicant provided application

Te Rūnanga o Ngāti Mutunga

Response received

Comments from Ngāti Mutunga

Thank you for sending this through. We have met with the applicant on two occasions and he has provided us with a copy of his application and supporting documents.

I would like to discuss this application with the Consenting officer when one is appointed as I have some questions for TRC as follows:

- We have not received an AEE for the application to renew the septic tank system – have we missed this and if not is TRC going to require the applicant to provide one*
- Does the TRC think that the current consent conditions and levels of monitoring will be acceptable under the National Policy Statement for Freshwater.*

Response and considerations during processing of application

Consent Planner discussed the application with Pou Taiao.

Recommended conditions requiring a monitoring bore to be installed, adding groundwater monitoring to the program.

Ngāti Mutunga confirmed acceptance of the draft conditions before the application was granted.

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/2130-3.0](#)

Eswyndale Farm Limited

Commencement Date: 08 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: Garsed Road, Kakaramea

To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

[R2/2173-3.0](#)

Macklebo Farm Limited

Commencement Date: 14 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2040, Jun 2034

Activity Class: Controlled

Application Purpose: Replace

Location: Upper Taumaha Road, Manutahi

To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/2269-3.0](#)

James & Bronwyn Murdoch

Commencement Date: 16 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 342 Hukatere Road North, Patea
To discharge farm dairy effluent onto land

Rohe:

Ngaa Rauru Kiitahi (Statutory Acknowledgement)

Ngāti Ruanui (Statutory Acknowledgement)

Engagement or consultation:

Te Kaahui o Rauru

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

[R2/2339-4.1](#)

New Plymouth District Council

Commencement Date: 22 Aug 2022

Expiry Date: 01 Jun 2032

Review Dates: Jun 2026

Activity Class: Discretionary

Location: Tisch Avenue, New Plymouth

Application Purpose: Review

To discharge public swimming pool wastewater and filter backwash wastewater via an ocean outfall into the Tasman Sea

Review of special condition 2 being the removal of the daily discharge limit from the indoor children's pool and spa sand treated filter backwash.

Rohe:

Te Atiawa (Statutory Acknowledgement)

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/2519-3.0](#)

Yates Family Trust

Commencement Date: 22 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 44 Suffolk Road South, Norfolk
To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

Thank you for providing a copy of the application. The application has been reviewed by Pukerangiora Hapū and Te Kotahitanga o Te Atiawa.

The proposed discharge to land is generally in accordance with the objectives and policies set out in the Te Kotahitanga o Te Atiawa environmental management plan Tai Whenua, Tai Tangata, Tai Ao (EMP), specifically the section Te Tai Awhi Nuku (Inland and Coastal Whenua) for intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8; Ob. TTAN9.1; Pol. TTAN9.1, 9.3, 9.4; Ob. TTOM1.1). Discharge to land is generally in accordance with the EMP and is supported by Pukerangiora Hapū and Te Kotahitanga o Te Atiawa as this practice can and must be avoided.

For the Taranaki Regional Council to give consideration to the values of Pukerangiora Hapū and Te Kotahitanga o Te Atiawa, we recommend:

- 1. Further information is requested in accordance with section 92 of the Resource Management Act 1991 processes.*
- 2. Pukerangiora Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with section 95 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

We have provided below, a response to your comments, which hopefully provides a better understanding of the Taranaki Regional Council's (the Council) position and steps which will be taken during the assessment of this application.

The National Policy Statement for Freshwater Management (NPS-FM)

The NPS-FM contains a hierarchy of obligations (as expressed in the objective of the NPS-FM) that the Council must have regard to in its assessment of the effects of a proposed activity for which resource consent is sought. This means as part of its assessment of an application, the Council must consider whether a proposed activity will

- first, prioritise the health and well-being of a particular water body/freshwater ecosystem*
- second, the health and needs of people and*
- third, the ability of people and communities to provide for their social, economic and cultural well-being.*

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

Similarly, the Council must have regard to the objectives and policies of the Regional Policy Statement for Taranaki (RPS) and the Regional Freshwater Plan for Taranaki (RFPW). The situation is more challenging in this case where the activity is a controlled activity.

Almost every application for a farming dairy effluent consent received is for a replacement of an existing activity, and a controlled activity under Rules 35 & 36 of the Regional Freshwater Plan for Taranaki. The Council must have regard to the NPS-FM, the RPS as well as the RFPW when considering a resource consent application. If an activity is described as a controlled activity, Council must grant a resource consent, and the power to impose conditions on the consent is restricted to the matters over which control is reserved (sections 87A and 104A of the Resource Management Act). Rules 35 and 36 of the RFPW do not include any matters of control that expressly allow for the consideration of matters such as those expressed in the NPS-FM objective. Given that the Council can only consider policies that relate to the matters over which the Council has reserved control through the plan itself, the Council is unable to take into account matters that fall outside this scope.

In terms of the notification assessment and when deciding whether a person is an affected person, the Council is limited in terms of matters that it can take into account when determining an application for a controlled activity.

[R2/2712-3.0](#)

Saunders Family Trust

Commencement Date: 15 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 114 Cheal Road, Ngaere

To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/2715-3.0](#)

Estate of Edmond Alfred Bonner

Commencement Date: 30 Aug 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 83 Skinner Road, Stratford

To discharge farm dairy effluent onto land

Rohe:

Ngāti Maru (Statutory Acknowledgement)

Ngāti Ruanui (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

[R2/2749-3.0](#)

Milkoad Limited

Commencement Date: 14 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 226 Kaharoa Road, Whenuakura

To discharge farm dairy effluent onto land

Rohe:

Ngāa Rauru Kīitahi (Statutory Acknowledgement)

Ngāti Ruanui (Statutory Acknowledgement)

Engagement or consultation:

Te Kaahui o Rauru

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/2883-3.0](#)

TR Jane Family Trust

Commencement Date: 22 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 466 Tariki Road, Tariki

To discharge farm dairy effluent onto land

Rohe:

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust	No return correspondence was received
Te Kotahitanga o Te Atiawa Trust	Response received

Comments from Te Kotahitanga

Thank you for providing a copy of the application. The application has been reviewed by Pukerangiora Hapū and Te Kotahitanga o Te Atiawa.

The proposed discharge to land is generally in accordance with the objectives and policies set out in the Te Atiawa environmental management plan Tai Whenua, Tai Tangata, Tai Ao (EMP), specifically the section Te Tai Awhi Nuku (Inland and Coastal Whenua) regarding intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8; Ob. TTAN9.1; Pol. TTAN9.1, 9.3, 9.4; Ob. TTOM1.1). Discharge to land is generally in accordance with the EMP and is generally supported by Pukerangiora Hapū and Te Kotahitanga o Te Atiawa.

For the Taranaki Regional Council to give consideration to the values of Pukerangiora Hapū and Te Kotahitanga o Te Atiawa, the following is recommended:

- 1. Further information is requested in accordance with section 92 of the Resource Management Act 1991 processes.*
- 2. Pukerangiora Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with section 95 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

We have provided below, a response to your comments, which hopefully provides a better understanding of the Taranaki Regional Council's (the Council) position and steps which will be taken during the assessment of this application.

The National Policy Statement for Freshwater Management (NPS-FM)

The NPS-FM contains a hierarchy of obligations (as expressed in the objective of the NPS-FM) that the Council must have regard to in its assessment of the effects of a proposed activity for which resource consent is sought. This means as part of its assessment of an application, the Council must consider whether a proposed activity will

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

- first, prioritise the health and well-being of a particular water body/freshwater ecosystem
- second, the health and needs of people and
- third, the ability of people and communities to provide for their social, economic and cultural well-being.

Similarly, the Council must have regard to the objectives and policies of the Regional Policy Statement for Taranaki (RPS) and the Regional Freshwater Plan for Taranaki (RFP). The situation is more challenging in this case where the activity is a controlled activity.

Almost every application for a farming dairy effluent consent received is for a replacement of an existing activity, and a controlled activity under Rules 35 & 36 of the Regional Freshwater Plan for Taranaki. The Council must have regard to the NPS-FM, the RPS as well as the RFP when considering a resource consent application. If an activity is described as a controlled activity, Council must grant a resource consent, and the power to impose conditions on the consent is restricted to the matters over which control is reserved (sections 87A and 104A of the Resource Management Act). Rules 35 and 36 of the RFP do not include any matters of control that expressly allow for the consideration of matters such as those expressed in the NPS-FM objective. Given that the Council can only consider policies that relate to the matters over which the Council has reserved control through the plan itself, the Council is unable to take into account matters that fall outside this scope.

In terms of the notification assessment and when deciding whether a person is an affected person, the Council is limited in terms of matters that it can take into account when determining an application for a controlled activity.

[R2/2889-3.0](#)

GBG Farms Limited

Location: 956 Pukearuhe Road, Waiiti
To discharge farm dairy effluent onto land

Rohe:
Ngāti Tama

Engagement or consultation:

Te Rūnanga o Ngāti Tama

Commencement Date: 19 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Controlled

Application Purpose: Replace

No return correspondence was received

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/2909-3.0](#)

Green Range Farms Limited

Commencement Date: 22 Aug 2022

Expiry Date: 01 Dec 2045

Review Dates: Jun 2027, Jun 2033, Jun 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 318 Kaimata Road North, Kaimata
To discharge farm dairy effluent onto land

Rohe:

Ngāti Maru

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Kotahitanga

Thank you for providing a copy of the application. The application has been reviewed by Pukerangiora Hapū and Te Kotahitanga o Te Atiawa.

The proposed discharge to land is generally in accordance with the objectives and policies set out in the EMP specifically section Te Tai Awhi Nuku Inland and Coastal Whenua for intensive farming and discharges to land (Ob. TTAN1.1, 1.2, 1.8; Ob. TTAN9.1; Pol. TTAN9.1, 9.3, 9.4).

For the Taranaki Regional Council to give consideration to the comments provided, Pukerangiora Hapū and Te Kotahitanga o Te Atiawa recommend:

- 1. Further information is requested in accordance with the section 92 of the Resource Management Act 1991 processes.*
- 2. Pukerangiora Hapū and Te Kotahitanga o Te Atiawa are identified as affected parties in accordance with the section 95 of the Resource Management Act 1991 processes.*

Response and considerations during processing of application

We have provided below, a response to your comments, which hopefully provides a better understanding of the Taranaki Regional Council's (the Council) position and steps which will be taken during the assessment of this application.

The National Policy Statement for Freshwater Management (NPS-FM)

The NPS-FM contains a hierarchy of obligations (as expressed in the objective of the NPS-FM) that the Council must have regard to in its assessment of the effects of a proposed activity for which resource consent is sought. This means as part of its assessment of an application, the Council must consider whether a proposed activity will

- first, prioritise the health and well-being of a particular water body/freshwater ecosystem*
- second, the health and needs of people and*
- third, the ability of people and communities to provide for their social, economic and cultural well-being.*

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

Similarly, the Council must have regard to the objectives and policies of the Regional Policy Statement for Taranaki (RPS) and the Regional Freshwater Plan for Taranaki (RFP). The situation is more challenging in this case where the activity is a controlled activity.

Almost every application for a farming dairy effluent consent received is for a replacement of an existing activity, and a controlled activity under Rules 35 & 36 of the Regional Freshwater Plan for Taranaki. The Council must have regard to the NPS-FM, the RPS as well as the RFP when considering a resource consent application. If an activity is described as a controlled activity, Council must grant a resource consent, and the power to impose conditions on the consent is restricted to the matters over which control is reserved (sections 87A and 104A of the Resource Management Act). Rules 35 and 36 of the RFP do not include any matters of control that expressly allow for the consideration of matters such as those expressed in the NPS-FM objective. Given that the Council can only consider policies that relate to the matters over which the Council has reserved control through the plan itself, the Council is unable to take into account matters that fall outside this scope.

In terms of the notification assessment and when deciding whether a person is an affected person, the Council is limited in terms of matters that it can take into account when determining an application for a controlled activity.

[R2/3023-3.0](#)

Grass to Gold Trust

Location: 41 Urupa Road, Ohangai
To discharge farm dairy effluent onto land

Rohe:
Ngāti Ruanui

Engagement or consultation:
Te Rūnanga o Ngāti Ruanui Trust

Commencement Date: 08 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Responded they had no comment to make

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/3309-3.0](#)

The Tom Lance Trust

Commencement Date: 16 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 123 Parahaki Road, Waverley
To discharge farm dairy effluent onto land

Rohe:

Ngaa Rauru Kiitahi

Engagement or consultation:

Te Kaahui o Rauru

No return correspondence was received

[R2/3388-3.2](#)

South Taranaki District Council

Commencement Date: 06 Oct 2022

Expiry Date: 01 Jun 2028

Review Dates:

Activity Class: Discretionary

Application Purpose: Change

Location: Egmont Street and Taranaki Road,
Patea

To take and use groundwater from four bores (known as Bore 1, Bore 4, Bore 5 and 6) for Patea Township water supply purposes

Change of consent conditions to add Bore and remove reference to the Brannigan bore which has been decommissioned

Rohe:

Ngāti Ruanui (Statutory Acknowledgement)

Engagement or consultation:

Andrea Mary Burling

Written approval provided

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Applicant provided application

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/3517-3.0](#)

Cameron Richards Family Trust

Commencement Date: 28 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 145 Bayly Road, Huinga

To discharge farm dairy effluent onto land

Rohe:

Ngāti Maru

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

[R2/3576-3.0](#)

Cardiff United Limited

Commencement Date: 16 Sep 2022

Expiry Date: 01 Dec 2047

Review Dates: Jun 2023, Jun 2029, Jun 2035, Jun 2041

Activity Class: Controlled

Application Purpose: Replace

Location: 137 Ronald Road, Cardiff

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

- Te Korowai notes that the discharge is to land only and not a dual discharge application. We would like the applicant to provide a copy of their most recent Riparian Management Plan (if available). This will assist us in assessing the potential impacts of the discharge activity on the Waingongoro River and its tributaries.
- Te Korowai will advocate for the fencing and riparian planting of all tributaries to the Waingongoro to provide the maximum protection available to this valued waterway. It is our expectation that this goes beyond the minimum requirements of TRC's riparian management plans.

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

Response and considerations during processing of application

We have provided below, a response to your comments, which hopefully provides a better understanding of the Taranaki Regional Council's (the Council) position and steps which will be taken during the assessment of this application.

The National Policy Statement for Freshwater Management (NPS-FM)

The NPS-FM contains a hierarchy of obligations (as expressed in the objective of the NPS-FM) that the Council must have regard to in its assessment of the effects of a proposed activity for which resource consent is sought. This means as part of its assessment of an application, the Council must consider whether a proposed activity will

- first, prioritise the health and well-being of a particular water body/freshwater ecosystem
- second, the health and needs of people and
- third, the ability of people and communities to provide for their social, economic and cultural well-being.

Similarly, the Council must have regard to the objectives and policies of the Regional Policy Statement for Taranaki (RPS) and the Regional Freshwater Plan for Taranaki (RFP). The situation is more challenging in this case where the activity is a controlled activity.

As you are aware, almost every application for a farming dairy effluent consent received is for a replacement of an existing activity, and a controlled activity under Rule 36 of the Regional Freshwater Plan for Taranaki. The Council must have regard to the NPS-FM, the RPS as well as the RFP when considering a resource consent application. If an activity is described as a controlled activity, Council must grant a resource consent, and the power to impose conditions on the consent is restricted to the matters over which control is reserved (sections 87A and 104A of the Resource Management Act). Rules 35 and 36 of the RFP do not include any matters of control that expressly allow for the consideration of matters such as those expressed in the NPS-FM objective. Given that the Council can only consider policies that relate to the matters over which the Council has reserved control through the plan itself, the Council is unable to take into account matters that fall outside this scope.

You will be aware that, with few exceptions, when a dairy consent involving a discharge to water is replaced, the Council only allows the water discharge to continue until 1 December 2022, then the only discharge allowed is to land.

In terms of the notification assessment and when deciding whether a person is an affected person, the Council is limited in terms of matters that it can take into account when determining an application for a controlled activity.

The Council has also followed up with the consent holder to provide the Riparian Plan as requested by Ngāruahine. This will be sent through once we have a response.

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/3688-2.1](#)

NZEC Waihapa Limited

Commencement Date: 25 Aug 2022

Expiry Date: 01 Jun 2034

Review Dates: Jun 2023, Jun 2024, Jun 2025, Jun 2026, Jun 2027, Jun 2028, Jun 2029, Jun 2030, Jun 2031, Jun 2032, Jun 2033

Activity Class: Discretionary

Location: Waihapa-D wellsite, Cheal Road, Ngaere, Stratford

Application Purpose: Review

To discharge waste drilling fluids, produced water, hydraulic fracturing fluids, including return fluids, and stormwater from hydrocarbon exploration and production operations by deepwell injection at the Waihapa-D wellsite

Review of consent to update all the consent conditions

Rohe:

Ngāti Ruanui (Statutory Acknowledgement)

[R2/3712-3.0](#)

Bolton Walker Limited

Commencement Date: 01 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Location: 309 Ball Road, Alton

Application Purpose: Replace

To discharge farm dairy effluent onto land

Rohe:

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/4371-3.0](#)

Hickey Farms: John M Hickey Trust &
Beverley A Hickey Trust

Location: 377 Kohi Road, Waverley
To discharge farm dairy effluent onto land

Rohe:
Ngaa Rauru Kiitahi

Engagement or consultation:

Te Kaahui o Rauru

Commencement Date: 22 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun
2040

Activity Class: Controlled

Application Purpose: Replace

No return correspondence was received

[R2/4517-3.0](#)

Hickey Farms: John M Hickey Trust &
Beverley A Hickey Trust

Location: 125 Medlicott Road, Waverley
To discharge farm dairy effluent onto land

Rohe:
Ngaa Rauru Kiitahi

Engagement or consultation:

Te Kaahui o Rauru

Commencement Date: 22 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun
2040

Activity Class: Controlled

Application Purpose: Replace

No return correspondence was received

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/4573-2.1](#)

South Taranaki District Council

Commencement Date: 19 Aug 2022

Expiry Date: 01 Jun 2034

Review Dates: Jun 2028

Activity Class: Discretionary

Location: Patea River Mouth, Patea

Application Purpose: Review

To occupy the coastal marine area of the Patea River mouth with the following existing structures the:

- River Mouth Training Groynes, comprising the North mole (west) and South mole (east);
- Rock Training Wall;
- Mana Bay Seawall;
- Wave Guide Wall; and
- Carlyle Beach Rock Protection Works

Review of consent to delete one condition and to insert an additional four conditions pertaining to structure upkeep and maintenance, effects on the surrounding environment, monitoring plan requirements, and investigation requirements in the event that an issue is identified

Rohe:

Ngaa Rauru Kiiitahi (Statutory Acknowledgement)

Ngāti Ruanui (Statutory Acknowledgement)

[R2/5985-2.0](#)

Flaxwood Family Trusts No 1 & 2 & Flaxwood Trustees Limited

Commencement Date: 09 Sep 2022

Expiry Date: 01 Jun 2039

Review Dates: Jun 2027, Jun 2033

Activity Class: Discretionary

Location: 84 Ohanga Road, Onaero

Application Purpose: Replace

To use a culvert in the Motukara Stream for farm access purposes

Rohe:

Ngāti Mutunga

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

No return correspondence was received

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

[R2/6107-2.0](#)

The Tom Lance Trust

Commencement Date: 16 Sep 2022

Expiry Date: 01 Dec 2046

Review Dates: Jun 2028, Jun 2034, Jun 2040

Activity Class: Controlled

Application Purpose: Replace

Location: 28 Kohi Road, Waverley

To discharge farm dairy effluent onto land

Rohe:

Ngaa Rauru Kiitahi

Engagement or consultation:

Te Kaahui o Rauru

No return correspondence was received

[R2/6462-2.0](#)

Wai-iti Motor Camp Limited

Commencement Date: 07 Sep 2022

Expiry Date: 01 Jun 2039

Review Dates: Jun 2027, Jun 2033

Activity Class: Discretionary

Application Purpose: Replace

Location: 30 Beach Road, Waiiti

To continue to occupy the coastal space associated with boulder riprap toe protection in the coastal marine area on the Wai-iti Beach foreshore

Rohe:

Ngāti Mutunga (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

Applicant provided application

Te Rūnanga o Ngāti Mutunga

Response received

Comments from Ngāti Mutunga

Thank you for sending this through. We have met with the applicant on two occasions and he has provided us with a copy of his application and supporting documents.

I would like to discuss this application with the Consenting officer when one is appointed as I have some questions for TRC as follows:

- We have not received an AEE for the application to renew the septic tank system – have we missed this and if not is TRC going to require the applicant to provide one*

Non-notified authorisations issued by the Taranaki Regional Council between 18 Aug 2022 and 04 Nov 2022

- *Does the TRC think that the current consent conditions and levels of monitoring will be acceptable under the National Policy Statement for Freshwater.*

Response and considerations during processing of application

Consent Planner discussed the application with Pou Taiao.

Recommended conditions requiring a monitoring bore to be installed, adding groundwater monitoring to the program.

Ngāti Mutunga confirmed acceptance of the draft conditions before the application was granted.

[R2/6651-2.0](#)

Energy Services International Limited

Commencement Date: 23 Sep 2022

Expiry Date: 01 Jun 2040

Review Dates: Jun 2028, Jun 2034

Activity Class: Controlled

Location: 730 Rawhitiroa Road, Rawhitiroa

Application Purpose: Replace

To discharge treated stormwater into an unnamed tributary of the Mangimangi Stream

Rohe:

Ngāti Ruanui (Statutory Acknowledgement)

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

**Limited Notified authorisations issued by the Taranaki Regional Council
between 18 Aug 2022 and 04 Nov 2022**

[R2/6628-2.0](#)

JW & MT Hamblyn Family Trusts

194 Egmont Road, RD 2, New Plymouth 4372

Location: 115 Faull Road, Waitara

To take and use water from the Waitara River for pasture irrigation purposes

Commencement Date: 19 Sep 2022

Expiry Date: 01 Jun 2032

Review Dates: Jun 2023, Jun 2026, June 2029

Activity Class: Discretionary

Application Purpose: Replace

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Department of Conservation

Fish & Game New Zealand

Methanex Motunui Limited

Te Kotahitanga o Te Atiawa Trust

Te Kotahitanga o Te Atiawa Trust

Te Runanga o Ngati Maru (Taranaki) Trust

Served Notice

Served Notice

Served Notice

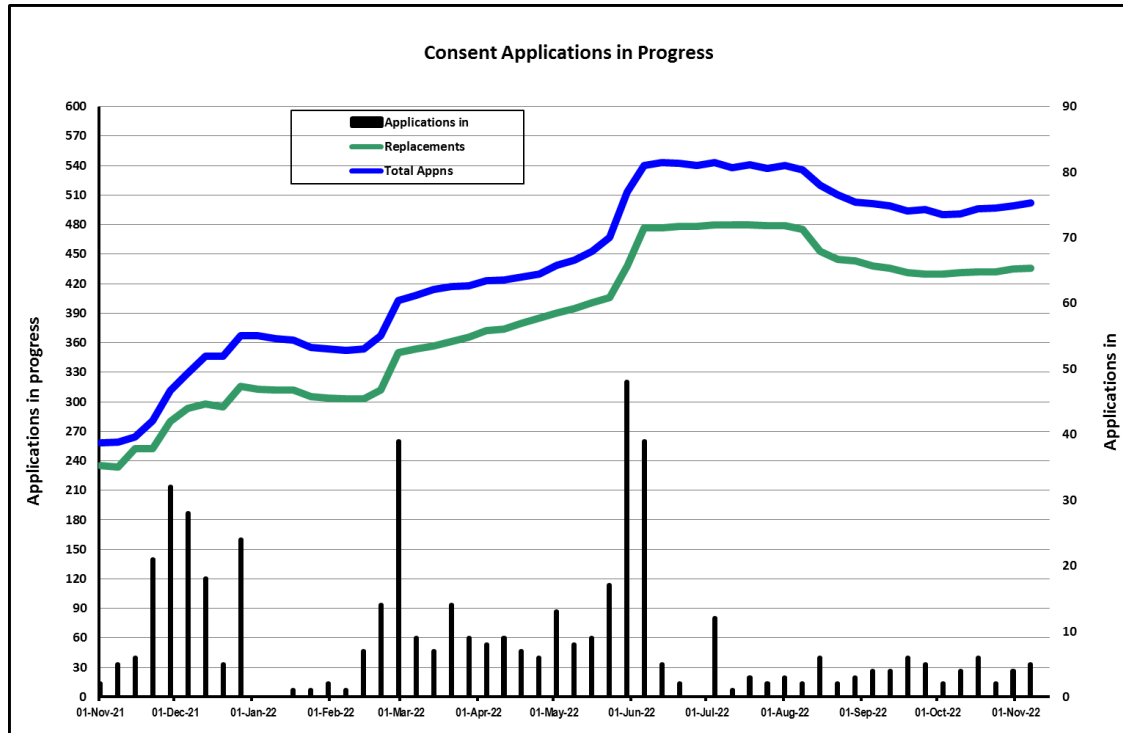
Submitter - withdrawn

Applicant provided application

Applicant provided 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
2022/2023	540	479	520	453	490	430	499	435																
2021/2022	310	274	310	277	276	246	258	235	311	280	367	313	354	304	403	350	423	372	439	390	466	406	542	480
2020/2021	196	157	187	157	221	182	221	180	263	219	257	216	262	217	300	229	297	259	293	258	271	238	312	271

R = Replacements

3) Potential Hearings

Nil

4) Consents Processed (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2022-2023	7	53	82	86								
2021-2022	17	37	87	114	123	136	152	162	184	202	218	225
2020-2021	20	38	53	75	94	116	131	154	178	209	247	269

5) Breakdown of consents processed

	New	Replace	Change	Review	Totals
2022-2023 - to end October	18	60	3	5	86
2021-2022 Total	54	149	16	6	225
2021-2021 Total	71	148	39	11	269

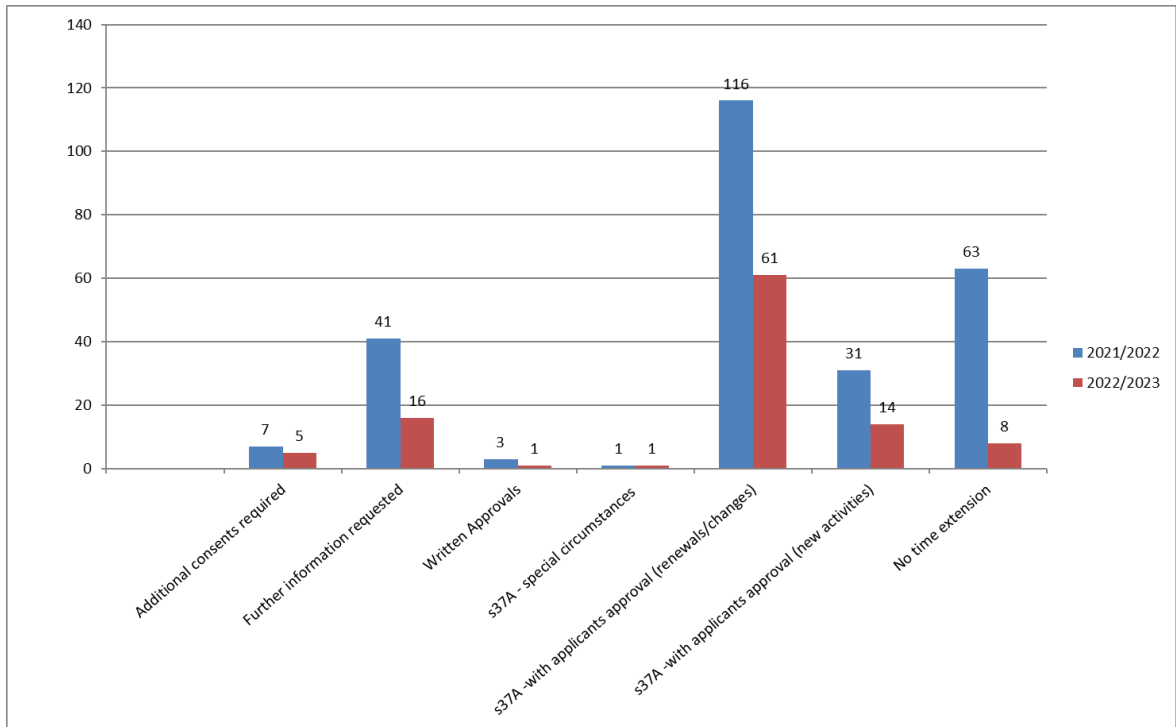
6) Types of consents issued - year to date comparison

	Publicly Notified					%	Total publically notified	Limited					%	Total Limited Notified	Non Notified					%	Total Non-notified	Grand Total
	Agricultural	Central/Local Government	Energy	Forestry	Other			Agricultural	Central/Local Government	Energy	Forestry	Other			Agricultural	Central/Local Government	Energy	Forestry	Other			
July 2020 to June 2021	0	0	0	0	2	0.7%	2	0	1	0	0	0	0.4%	1	146	20	44	6	50	98.9%	266	269
July 2021 to June 2022	0	0	8	0	0	3.6%	8	1	0	0	0	0	0.4%	1	132	36	18	3	27	96.0%	216	225
July 2022 to end October	0	0	0	0	0	0.0%	0	1	0	0	0	0	0.0%	1	58	6	2	0	19	98.8%	85	86

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

	Consultation/Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
Councils	1	6	7
DOC	0	0	0
Environmental/Recreational Groups	0	0	0
Fish & Game	0	0	0
Individuals/Neighbours/Landowners	0	6	6
Network Utilities	0	0	0
Non Govt Organisations	0	0	0
Other Govt Departments	0	0	0
Iwi/hapu	121	0	121
Totals - October 2022	122	12	134

8) Application processing time extensions used 2021/2022 versus 2022/2023



9) Consent type process

	Last 10 year average 2013 - 2022	July 2021 to June 2022	October 2022
Total consents granted	347	225	86
Publically Notified	9	8	0
Limited-notified	10	1	1
Non-notified	330	216	85
Applications submitted on (in opposition and to be heard)	13	9	1
Application Pre-hearing resolution (%)	7 81%	8 89%	1 100%
Hearings (no. of applications)	1 (6)	1 (1)	0 (0)
Appeals (no. of applications)	1 (6)	0 (0)	0 (0)
Total current consents	4714	4372	4430

10) Applications returned incomplete under Section 88

For the 2022-2023 financial year, 9 applications have been returned incomplete under S88 of the RMA for insufficient information. Two of those applications have since been resubmitted by the applicant.

11) Deemed Permitted Activities issued

Nil



Date 22 November 2022

Subject: **Consent Monitoring Annual Reports**

Approved by: A J Matthews, Director - Environment Quality
S J Ruru, Chief Executive

Document: 3119055

Purpose

1. The purpose of this memorandum is to advise Council of 19 tailored compliance monitoring reports, for the 2021-2022 reporting year.

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.
 - 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. This compliance monitoring report has 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. Recommendations pertaining to each site or programme are set out in the relevant report. These recommendations may include continuation of existing monitoring programmes in the case of acceptable environmental performance, or alternatively amendments as appropriate.
4. A total of 19 tailored compliance monitoring reports have been completed for the 2021-2022 reporting year. The reports were assigned an overall environmental rating of 18 high and one improvement required. (Table 1).

Table 1 List of annual reports with overall environmental performance rating

	Report Name	Performance Rating	Document Number
4	Groundworkx Taranaki Ltd Monitoring Programme Biennial Report 2020-2022	1 X high	3080540
5	Central Greenwaste & Firewood Monitoring Programme Annual Report 2021-2022	1 X high	3105589
11	STDC Closed Landfills Monitoring Programme Annual Report 2021-2022	1 X high	3086958
16	Cheal Petroleum Ltd Cheal Production Station Monitoring Programme Annual Report 2021-2022	1 X high	3086943
17	WestSide New Zealand Ltd Rimu Production Station Monitoring Programme Annual Report 2021-2022	1 X high	3086926
28	Todd Generation Taranaki Ltd McKee Power Plant Monitoring Programme Annual Report 2021-2022	1 X high	3086798
31	NPDC Closed and Contingency Landfills Monitoring Programme Annual Report 202-2022	1 X high	3087534
32	SDC Water Supplies Monitoring Programme Annual Report 2021-2022	1 X high	3103991
35	Greymouth Petroleum Ltd - Southern Sites Monitoring Programme Annual Report 2021-2022	1 X high	3088325
38	Oaonui Water Supply Ltd Monitoring Programme Annual Report 2021-2022	1 X improvmt req	3093940
39	Cold Creek Community Water Supply Ltd Monitoring Programme Annual Report 2021-2022	1 X high	3105567
40	Tamarind New Zealand Onshore Ltd Sidewinder Production Station Monitoring Programme Annual Report 2021-2022	1 X high	3087593
50	NPDC Crematorium SH3, New Plymouth Monitoring Programme Annual Report 2021-2022	1 X high	3088766
55	Westside New Zealand Ltd Deep Well Injection Monitoring Programme Annual Report 2021-2022	1 X high	3086145
64	Beach Energy Resources Kupe Production Station Monitoring Programme Annual Report 2021-2022	1 X high	3099595
72	Greymouth Petroleum Limited - Deep Well Injection	1 X high	3094873
77	Cheal Petroleum Deep Well Injection Monitoring Programme Annual Report 2021-2022	1 X high	3099829
79	Todd Petroleum Mining Company Limited KGTP Monitoring Programme Annual Report 2021-2022	1 X high	3108352
88	Taranaki Galvanizers Monitoring Programme Annual Report 2021-2022	1 X high	3098310

5. For reference, in the 2021-2022 year, consent holders were found to achieve a high level of environmental performance and compliance for 876 (88%) of a total of 998 consents monitored through the Taranaki tailored monitoring programmes, while for another 97 (10%) of the consents a good level of environmental performance and compliance was achieved. A further 24 (2%) of consents monitored required improvement in their performance, while the remaining one (<1%) achieved a rating of poor (Table 2).

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

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

Year	High	Good	Improvement Required	Poor
2020-2021	86%	11%	2.5%	0.5%
2021-2022	88%	10%	2%	<1%

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

Recommendations

That the Taranaki Regional Council:

- a) receives the compliance monitoring reports listed in Table 1 and notes any specific recommendations therein.

Discussion

7. During the reporting period, overall compliance with resource consent requirements remained high for the majority of these consent holders. Only one consent holder, Oanui Water Supply Ltd., required improvement. Detailed information around the performance of all of these consented activities is set out in the relevant compliance report, copies of which are available on the Council's website.

22-4 Groundworkx Taranaki Ltd Monitoring Programme Biennial Report 2020-2022

8. Groundworkx Taranaki Ltd (the Company) operates a cleanfill and green waste facility located on Victoria Road at Stratford, in the Patea catchment
9. **During the monitoring period, Groundworkx Taranaki Ltd demonstrated a high level of environmental performance and high level of administrative performance.**
10. The Company holds one consent 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. These consents include a total of 20 conditions setting out the requirements that the Company must satisfy.
11. The Council's monitoring programme for the period under review included four inspections. The monitoring showed that the site was well managed. Any unauthorised materials brought on to the site were addressed appropriately, in a timely manner. Although not a requirement of the consent, proactive waste diversion strategies were being implemented at the site. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review, and no significant effects were found in the receiving environment.
12. The consent to discharge cleanfill expired on 1 June 2022. An application for the re-issue of this consent was received on 7 December 2021 and the Council has exercised its

discretion to allow the Company to continue to operate under the terms and conditions of the existing consent until a decision has been made on the application as provided for in Section 124 of the *Resource Management Act 1991* (RMA).

22-5 Central Greenwaste & Firewood Monitoring Programme Annual Report 2021-2022

13. Central Greenwaste and Firewood (the Company) operates a green waste collection and composting operation located at Victoria Road, Stratford, in the Patea catchment.
14. The Company collects green waste from domestic sources in the Stratford urban area and then composts it at its Victoria Road site. The principal components of green waste collected are lawn clippings and material from garden pruning.
15. **During the monitoring period, the Company demonstrated a high level of environmental performance, while improvement was required in their administrative performance.**
16. The Company held consent 6876-1, which included a total of 11 conditions setting out the requirements that the consent holder must satisfy. This consent covers the discharge of green waste, stormwater and leachate to land. The consent was originally held by the Central Taranaki Employment Trust. It was subsequently transferred to Greenwaste 2007, then to Greenwaste 2008 and again to Central Greenwaste 2012. On 21 September 2017, the consent was transferred to Central Greenwaste and Firewood. The consent expired on 1 June 2022. An application for the re-issue of the consent was received on 28 June 2022 in the name of Westend Hire Ltd.
17. The Council's monitoring programme for the period under review included four inspections that focussed on assessing the materials being accepted for composting, general site operation, stormwater and leachate control, and odour. The programme liaison and management in the latter part of the period under review included an investment of time by the Council related to advising the Company on the requirements for an application to renew the consent.
18. As in previous years, the monitoring showed the site was compliant with consent conditions at the time of the inspections during the period under review. There were no unauthorised incidents recording noncompliance in respect of this consent holder during the period under review.
19. During the monitoring period, the Company demonstrated a high level of environmental performance and an improvement was required in their administrative performance. This is due to the expiry of the consent on 1 June 2022. Although two applications have been submitted, a satisfactory application for re-issue of this consent is yet to be received, therefore an improvement in the administrative performance of the Company is required.

22-11 STDC Closed Landfills Monitoring Programme Annual Report 2021-2022

20. South Taranaki District Council (STDC) holds consents to cover the discharge of leachate and stormwater from seven closed landfills. The landfills are at Kaponga and Manaia in the Waiokura catchment, Patea in the Patea catchment, Opunake in the Otahi catchment, Hawera in the Tangahoe catchment, Otakeho in the Taikatu catchment, and Eltham in the Waingongoro catchment.
21. **During the monitoring period, STDC demonstrated a high level of environmental performance and high level of administrative performance.**

22. This report details the results of the monitoring undertaken and assesses the environmental effects of STDC's activities at the Eltham, Hawera, Manaia, Opunake, and Patea landfills. Triennial monitoring of the Kaponga and Otakeho closed landfills was not scheduled to take place during the year under review.
23. To monitor compliance with these conditions during the 2021-2022 year, Council staff conducted ten inspections and collected 33 discharge and receiving environment samples.
24. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a high level.

22-16 Cheal Petroleum Ltd Cheal Production Station Monitoring Programme Annual Report 2021-2022

25. Cheal Petroleum Ltd (the Company), a subsidiary of Tamarind NZ Onshore Ltd, operates a petrochemical production station located on Mountain Road at Ngaere, in the Waingongoro catchment. The Cheal Production Station processes oil and gas from the Cheal group of wellsites.
26. **During the monitoring period, Cheal Petroleum Ltd demonstrated an overall high level of environmental performance and a high level of administrative performance.**
27. The Company holds three resource consents in relation to the Cheal Production Station, which include a total of 42 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to take and use groundwater for water flooding purposes, one consent to discharge stormwater and treated wastewater onto land in circumstances where it may subsequently enter an unnamed tributary of the Mangawharawhara Stream, and one consent to discharge emissions related to production activities into the air at the site.
28. The Council's monitoring programme for the year under review included four inspections, six water samples collected for physicochemical analysis, and two ambient air quality analyses. Stormwater system inspections showed that discharges from the sites complied with consent conditions. Receiving water sampling showed that the discharges complied with consent conditions. No adverse effects were observed in the tributary of the Mangawharawhara Stream at the time of monitoring.
29. There were no adverse effects on the environment found as a result of the exercise of the air discharge consent. Ambient air quality monitoring at the site showed that levels of carbon monoxide, combustible gases, PM₁₀ particulates, and nitrogen oxides were all below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections.

22-17 WestSide New Zealand Ltd Rimu Production Station Monitoring Programme Annual Report 2021-2022

30. Cheal Petroleum Ltd (the Company), a subsidiary of Tamarind NZ Onshore Ltd, operates a petrochemical production station located on Mountain Road at Ngaere, in the Waingongoro catchment. The Cheal Production Station processes oil and gas from the Cheal group of wellsites.
31. **During the monitoring period, Cheal Petroleum Ltd demonstrated an overall high level of environmental performance and a high level of administrative performance.**

32. The Company holds three resource consents in relation to the Cheal Production Station, which include a total of 42 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to take and use groundwater for water flooding purposes, one consent to discharge stormwater and treated wastewater onto land in circumstances where it may subsequently enter an unnamed tributary of the Mangawharawhara Stream, and one consent to discharge emissions related to production activities into the air at the site.
33. The Council's monitoring programme for the year under review included four inspections of the Rimu Production Station, six water samples collected for physicochemical analysis, and two ambient air quality analyses. The monitoring showed that the site was generally tidy and well managed and that the stormwater discharge was not having a significant adverse effect on the water quality of the unnamed tributary of the Manawapou River.
34. There were no adverse effects on the environment found as a result of the exercise of the air discharge consent. Ambient air quality monitoring at the site showed that levels of carbon monoxide, combustible gases, PM₁₀ particulates, and nitrogen oxides were all below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections, and there were no complaints in relation to air emissions from the site.

22-28 Todd Generation Taranaki Ltd McKee Power Plant Monitoring Programme Annual Report 2021-2022

35. Todd Generation Taranaki Ltd (the Company) operates the McKee Power Plant on Otaraoa Road near Tikorangi, bridging the Waitara and Onaero catchments. Located to the south of the McKee Production Station (which processes oil and gas from the McKee and Mangahewa groups of wellsites), the McKee Power Plant was completed and commissioned during the 2012-2014 period. The 100 MW electricity generating facility provides both peak and base load power for the national grid.
36. **During the monitoring period, Todd Generation Taranaki demonstrated an overall high level of environmental performance and a high level of administrative performance.**
37. Todd Generation holds five resource consents, which include a total of 41 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to take and use water, two consents to discharge wastewater/stormwater into the Mangahewa Stream and Waitara River, one consent to discharge emissions into the air at the site, and one consent to install and use an outlet structure.
38. The Council's monitoring programme for the year under review included four inspections and six water samples collected for physicochemical analysis. The Company provided water abstraction data as required by consent conditions.
39. Stormwater system inspections showed that discharges from the site complied with consent conditions at the time. Receiving water inspections and sampling showed that the discharges were not causing any adverse effects on the Mangahewa Stream at the time of monitoring.

22-31 NPDC Closed and Contingency Landfills Monitoring Programme Annual Report 2021-2022

40. The New Plymouth District Council (NPDC) maintains two closed landfills, one at Inglewood and one at Okato. Both of these sites are now used as transfer stations and are held in reserve to accept refuse, if required, as a contingency. The Inglewood landfill is an active cleanfill (inert materials) site, located on King Road at Inglewood, in the Waiongana catchment. The Okato landfill is an active cleanfill and green waste disposal site; located on Hampton Road at Okato, in the Kaihihi catchment. NPDC also maintains Marfell Park (Marfell) landfill in the Huatoki catchment. This landfill does not accept any waste for disposal (even cleanfill) and the site has been fully reinstated to a park.
- 41. During the monitoring period, NPDC demonstrated a high level of environmental performance and high level of administrative performance.**
42. NPDC holds seven resource consents in relation to these landfills, which include a total of 62 conditions setting out the requirements that they must satisfy. NPDC holds three consents to discharge leachate and stormwater into various streams, two consents to discharge contaminants onto and into land, and two consents to discharge emissions into the air.
43. The Council's monitoring programme for the year under review included six inspections, two discharge samples, 11 receiving water samples, two biomonitoring surveys of receiving waters, and one ambient air quality analysis.
44. Overall during the year, NPDC demonstrated a high level of environmental and administrative performance for the three landfills discussed in this report.

22-32 SDC Water Supplies Monitoring Programme Annual Report 2021-2022

45. The Stratford District Council (SDC) operates three water treatment plants (WTPs) in the Stratford District that supply water to Stratford, Midhirst, and Toko.
- 46. During the monitoring period, SDC demonstrated a high level of environmental performance and high level of administrative performance.**
47. Stratford District Council hold three resource consents, which allow them to take and use water, three consents to discharge backwash onto land and into water, and three consents for land use permits, to allow for repair and maintenance of structures and to dam water behind concrete weirs. These consents include a total of 59 conditions setting out the requirements that SDC must satisfy.
48. The Council's monitoring programme for the year under review included an annual inspection of all of SDC's water treatment plants, weirs and discharges, a review of abstraction and discharge data, and collection of a sample from the Stratford WTP backwash pond.
49. The monitoring showed that SDC's activities were being carried out in compliance with their consent conditions. As in previous years, the monitoring indicated that there were no adverse environmental effects to the surrounding environment due to their activities. There were no unauthorised incident/s recording non-compliance in respect of this consent holder during the period under review.

22-35 Greymouth Petroleum Ltd - Southern Sites Monitoring Programme Annual Report 2021-2022

50. Greymouth Petroleum Ltd (GPL) operates the Kaimiro Production Station located at Inglewood, in the Waiongana catchment, and the associated Ngatoro-A satellite wellsite

also located at Inglewood, in the Waitara catchment. Radnor Production Station is also operated by GPL and this is located at Midhirst in the Patea catchment.

51. **During the monitoring period, Greymouth Petroleum Ltd demonstrated a high level of environmental performance and a high level of administrative performance.**
52. GPL hold eight resource consents relating to production activities at the southern sites during the monitoring period, which included a total of 132 conditions setting out the requirements that GPL must satisfy. GPL held two consents to allow it to take and use water, three consents to discharge treated stormwater and wastewater into the Mangaoraka and Ngatoro Streams, and three consents to discharge emissions into the air.
53. The Council's monitoring programme for the year under review included four inspections each of the Kaimiro and Radnor production stations and the Ngatoro-A satellite site; and an annual inspection of associated wellsites. Six water samples each were collected from the Kaimiro Production Station and the Ngatoro-A site for physicochemical analysis, while two biomonitoring surveys of receiving waters and two ambient air quality surveys were carried out in relation to the Kaimiro Production Station.
54. The results of biomonitoring carried out in the Mangaoraka Stream, indicated that the discharges were not having a significant adverse effect on the water quality downstream of the Kaimiro Production Station.
55. There were no adverse effects on the environment resulting from the exercise of the air discharge consents. Ambient air quality monitoring at the Kaimiro Production Station showed that levels of carbon monoxide, combustible gases, PM₁₀ particulates, and nitrogen oxides were all below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections.

22-38 Oaonui Water Supply Ltd Monitoring Programme Annual Report 2021-2022

56. The Oaonui Water Supply Ltd (OWSL) operates a rural water supply scheme located on Arawhata Road, Oaonui. The site lies within the Oaonui catchment.
57. **During the monitoring period, OWSL demonstrated an improvement required for environmental performance and high level of administrative performance.**
58. The Company holds one resource consent, which allows it to take and use water, one consent to discharge stormwater into the Oaonui stream and one consent to use and maintain a weir and water intake structure. These consents include a total of 26 conditions setting out the requirements that the Company must satisfy.
59. The Council's monitoring programme for the year under review included one inspection, a review of water abstraction data, two macroinvertebrate surveys, and various stream gaugings.
60. The monitoring showed that OWSL were compliant for their weekly volume of 28,000 m³/day and were compliant 98% of the time for their abstraction rate. However, OWSL still had a number of breaches as a result of the sluicing, which saw the stream drop below 151 L/s for short periods of time and continued to operate. This is an ongoing issue that OWSL continue to work on and make refinements to their operations.
61. As in previous years, the monitoring indicated improvement required in the operation of the sluicing of the weir. There were no unauthorised incidents recording non-

compliance in respect of this consent holder during the period under review. However, an abatement notice is currently active for consent 10314-1 and work is ongoing by OWSL to find solutions to continue to minimise the effect of this activity. This has also resulted in consent 10314-1 being reviewed by the Council to have regard to the objectives and policies of the National Policy Statement for Freshwater Management (NPSFM) 2020.

22-39 Cold Creek Community Water Supply Ltd Monitoring Programme Annual Report 2021-2022

62. The Cold Creek Community Water Supply Ltd (CCCWSL) operates a rural water supply scheme located on Cold Stream, Kiri Road, in the Taungatara catchment.
- 63. During the monitoring period, CCCWSL demonstrated a high level of environmental performance and high level of administrative performance.**
64. CCCWSL holds three resource consents, which include a total of 24 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.
65. The Council's monitoring programme for the period under review included one inspection, one discharge sample, three river gaugings, two macroinvertebrate surveys, one fish survey and a review of water abstraction and stream flow data.
66. The monitoring showed that CCCWSL complied with consent conditions in regards to discharge standards and abstraction rates. There were no unauthorised incidents recording non-compliance in respect of this consent holder during the period under review.
67. The results of the biomonitoring surveys and the fish survey found no evidence of adverse environmental effects as a result of the discharge, intake weir and fish pass structure or the water abstraction

22-40 Tamarind New Zealand Onshore Ltd Sidewinder Production Station Monitoring Programme Annual Report 2021-2022

68. Tamarind New Zealand Onshore Ltd (the Company), holds consents for a hydrocarbon production station located on Upper Durham Road at Inglewood, in the Waitara catchment. The Sidewinder Production Station, previously operated by TAG Oil (NZ) Ltd, processes condensate and gas from the Company's adjacent Sidewinder wellsite.
- 69. During the monitoring period, Tamarind New Zealand Onshore Ltd demonstrated a high level of environmental performance and a high level of administrative performance.**
70. The Company holds three resource consents in relation to the Sidewinder Production Station, which include a total of 43 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to discharge treated stormwater and production water from hydrocarbon exploration and production operations at the Sidewinder site into the Piakau Stream, and two consents to discharge emissions related to production activities into the air at this site.
71. The Council's monitoring programme for the year under review included four inspections and two ambient air quality analyses.

72. Visual inspections of the stormwater system and receiving waters indicated that the discharge from the site was unlikely to be causing any adverse effects in the Piakau Stream.

22-50 NPDC Crematorium SH3, New Plymouth Monitoring Programme Annual Report 2021-2022

73. The New Plymouth District Council (NPDC) operates a crematorium located on Junction Road, New Plymouth. NPDC holds one resource consent, which includes a total of 22 conditions setting out the requirements that they must satisfy.
- 74. During the monitoring period, NPDC demonstrated a high level of environmental performance and high level of administrative performance.**
75. The Council's monitoring programme for the year under review included four compliance monitoring inspections, focusing on process control and possible visible emissions and odours.
76. There were a total of 449 cremations carried out at the NPDC crematorium during the 2021-2022 monitoring period. A total of 777 cremations were performed in the Taranaki region between the NPDC and Abraham's crematorium during the 2021-2022 monitoring period.
77. NPDC is in the process of replacing the Newton cremator and completion of this work is anticipated to occur in the 2022-2023 monitoring period.

22-55 Westside New Zealand Ltd Deep Well Injection Monitoring Programme Annual Report 2021-2022

78. Westside New Zealand Ltd (the Company) currently operates the Manutahi, Rimu, Kauri and Pohutukawa wellsites located between Hawera and Patea, in South Taranaki. Each wellsite contains varying numbers of producing wells and associated production infrastructure.
- 79. During the monitoring period, the Company demonstrated a high level of environmental performance and high level of administrative performance.**
80. The Company held three resource consent for DWI activities during the review period, which included a total of 45 conditions setting out the requirements that the Company must satisfy.
81. The Council's monitoring programme for the year under review included four inspections, two injectate samples and two groundwater samples collected for physicochemical analysis. The monitoring programme also included a significant data review component, with all injection data submitted by the Company assessed for compliance on receipt.
82. The monitoring showed that the Company's DWI activities were being carried out in compliance with the conditions of the applicable resource consents. There is no evidence of any issues with any injection well currently in use or the ability of the receiving formation to accept injected fluids. The results of groundwater quality monitoring undertaken show no adverse effects of the activity on local groundwater resources.
83. Inspections undertaken during the monitoring year found sites being operated in a professional manner and there were no unauthorised incidents reported in relation to the Company's DWI consents.

22-64 Beach Energy Resources Kupe Production Station Monitoring Programme Annual Report 2021-2022

84. Beach Energy Resources NZ (Kupe) Ltd (the Company) operates a hydrocarbon production station located on Inaha Road at Manaia, in the Inaha and Kapuni catchments. The Kupe Production Station processes oil and gas from the offshore Kupe wells.
85. **During the monitoring period, Beach Energy Resources NZ (Kupe) Ltd demonstrated a high level of environmental performance and high level of administrative performance.**
86. The Company holds 14 resource consents in relation to the Kupe facilities, which include a total of 154 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to take and use groundwater, one consent to discharge stormwater into the Kapuni Stream, one consent to install groundwater bores, two consents to discharge emissions into the air from the production station, four coastal consents relating to the offshore facilities, and five consents which covered activities during the development phase of the Kupe project.
87. The Council's monitoring programme for the year under review included four inspections, seven samples collected for physicochemical analysis, two biomonitoring surveys of receiving waters, and two ambient air quality analyses. The consent holder provided data on flaring, water abstraction and stormwater discharges.
88. Site inspections found that the stormwater systems were constructed and maintained in accordance with consent conditions and were operating effectively.

22-72 Greymouth Petroleum Limited - Deep Well Injection

89. Greymouth Petroleum Ltd and its subsidiaries (the Company) operate a number of wellsites across the Taranaki region, with major fields located in the Tikorangi and Kaimiro areas. Each wellsite contains varying numbers of producing wells and associated production infrastructure.
90. **During the monitoring period the Company demonstrated an overall high level of environmental and administrative performance.**
91. The Company held eight resource consents for DWI activities during the review period, which include a total of 139 conditions setting out the requirements that the Company must satisfy. Five of the eight consents were exercised during the period being reported.
92. The Council's monitoring programme for the year under review included five annual inspections, one injectate sample and 13 groundwater samples collected for physicochemical analysis. The monitoring programme also included a significant data review component, with all injection data submitted by the Company assessed for compliance on receipt.
93. The monitoring showed that the Company's DWI activities were being carried out in compliance with the conditions of the applicable resource consents. There is no evidence of any issues with any injection well currently in use, or the ability of the receiving formation to accept injected fluids. The results of groundwater quality monitoring undertaken show no adverse effects of the activity on local groundwater resources. Inspections undertaken during the monitoring year found sites being operated in a professional manner. There was one slight exceedance of the consented daily volume recorded at the Kaimiro -G wellsite during the monitoring period.

22-77 Cheal Petroleum Deep Well Injection Monitoring Programme Annual Report 2021-2022

94. Cheal Petroleum Ltd (the Company) operate a number of wellsites located within their Cheal oil and gas field, south of Stratford. Each wellsite contains varying numbers of producing wells and associated production infrastructure.
95. **During the monitoring period, the Company demonstrated a high level of environmental performance and high level of administrative performance.**
96. The Company held four resource consents for DWI activities during the review period, which included a total of 68 conditions setting out the requirements that the Company must satisfy. All four consents were exercised during the period.
97. The Council's monitoring programme for the year under review included four annual site inspections, two injectate samples and seven groundwater samples collected for physicochemical analysis. The monitoring programme also included a significant data review component, with all injection data submitted by the Company assessed for compliance on receipt.
98. The monitoring showed that the Company's DWI activities were being carried out in compliance with the conditions of the applicable resource consents. There is no evidence of any issues with any injection well currently in use, or the ability of the receiving formations to accept injected fluids. The results of groundwater quality monitoring undertaken show no adverse effects of the activity on local groundwater resources. Inspections undertaken during the monitoring year found sites being operated in a professional manner and there were no unauthorised incidents in relation to any of the Company's DWI consents.

22-79 Todd Petroleum Mining Company Limited KGTP Monitoring Programme Annual Report 2021-2022

99. Todd Petroleum Mining Company Ltd (the Company) operates a gas treatment plant (Kapuni Gas Treatment Plant, KGTP) located on Palmer Road at Kapuni, in the Kapuni catchment, South Taranaki.
100. **During the monitoring period, Todd Petroleum Mining Company Ltd demonstrated a high level of environmental performance and high level of administrative performance.**
101. During the year the Company held seven resource consents, which included a total of 72 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, two consents to discharge to land, one land use permit, and one consent to discharge emissions into the air at the site.
102. The Council's monitoring programme for the year under review included four inspections, six water samples collected for physicochemical analysis and inter-laboratory comparisons, and a review of four biomonitoring surveys and two fish surveys of receiving waters. A review of monthly consent holder provided effluent data and surface water abstraction data was undertaken throughout the monitoring period.
103. The monitoring indicated that the discharge of process and stormwater was undertaken in a compliant manner for the duration of the monitoring period.

22-88 Taranaki Galvanizers Monitoring Programme Annual Report 2021-2022

104. Taranaki Galvanizers Ltd (the Company) operates a zinc galvanising plant located on Monmouth Road, approximately 1 km north of Stratford, in the Kahouri Stream catchment. The Company utilises a hot-dip galvanising process to provide a protective coating for steel materials.
- 105. During the monitoring period, Taranaki Galvanizers Ltd demonstrated a high level of environmental and administrative performance.**
106. The Company holds two resource consents, which include a total of 16 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow it to discharge stormwater into an unnamed tributary of the Kahouri Stream, and one consent to discharge emissions into the air at this site.
107. The Council's monitoring programme for the year under review included two inspections and eight water samples collected for physicochemical analysis.
108. Elevated zinc concentrations were recorded in the receiving waters upstream and downstream of the Company's discharge. The historical disposal of galvanising waste materials into a bore on the Company's site is considered to be the most likely source of zinc contamination in the discharge. However, monitoring results have shown that zinc concentrations have generally continued to decline over time. Sampling undertaken in the current period found zinc concentrations were within the resource consent condition limits and that there was no likely effect on the receiving environment downstream of the site.

Financial considerations - LTP/Annual Plan

109. 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

110. 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

111. 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.
112. Seeking continued improvement in the environmental and administrative performance of consented activities through Council's compliance monitoring programmes contributes to addressing a range of issues and priorities identified by iwi/hapū, such as those as set out in Iwi Management Plans.

Community considerations

113. 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

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



Date 22 November 2022

Subject: **Incident, Compliance Monitoring Non-Compliances and Enforcement Summary - 12 August 2022 to 27 October 2022**

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

Document: 3122677

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 12 August 2022 to 27 October 2022.
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 ninety nine (99) incidents reported.
4. Forty two (42) of the incidents were found to be compliant and forty nine (49) were found to be non-compliant. Eight (8) 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 time in the last fifteen reporting periods the trend of a high number of incidents found to be compliant has changed and there are slightly more non-compliant incidents than compliant incidents reported in this report.

Compliance monitoring non-compliances

6. There are sixty four (64) compliance monitoring non-compliances reported. Seven (7) of the compliance monitoring non-compliances reported are updates from previous periods.
7. Thirty eight (38) 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 – 12 August 2022 to 27 October 2022*
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 12 August 2022 to 27 October 2022, 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 12 August 2022 to 27 October 2022.
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 publicly discussed. The second section provides an update on non-compliant incidents from previous meetings and where an incident has been resolved it can be publicly discussed. The third and fourth sections provide information on non-compliant incidents and non-compliances found during compliance monitoring during the period that are still under investigation and staff are limited in terms of public disclosure of information, while the investigation is ongoing and enforcement responses have not been determined. The incident flow chart and definition of terms provide further operational detail.

Discussion

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 12 August 2022 to 27 October 2022 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 2021-2022, and also showing how the incidents are tracking in 2021-2022 in relation to environment type and compliance status. There is a graph showing the non-compliances found during compliance monitoring. There is also a graph showing enforcement action taken to date during 2021-2022.
16. The data in the graphs for 2021-2022 to date is showing that there are more incidents but less compliance monitoring non-compliances. Although in the first month of this period, there is limited data.

Decision-making considerations

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

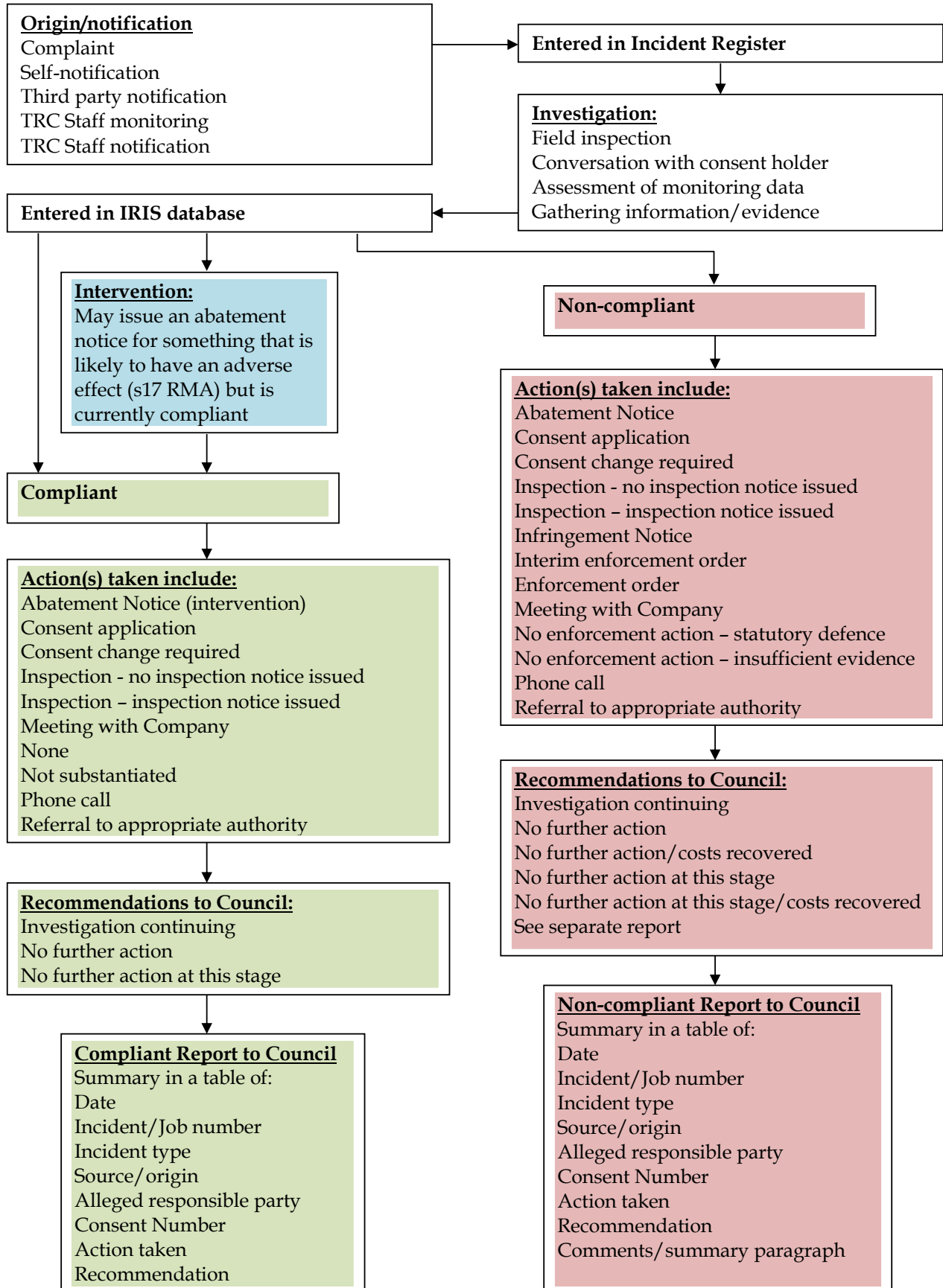
Document 1081324: Incident flowchart and terms explained

Document 3122816: Incident and Enforcement Graphs to 30 September 2022

Document 3122636: Incidents and Enforcement Summary 12 August 2022 to 27 October 2022

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.

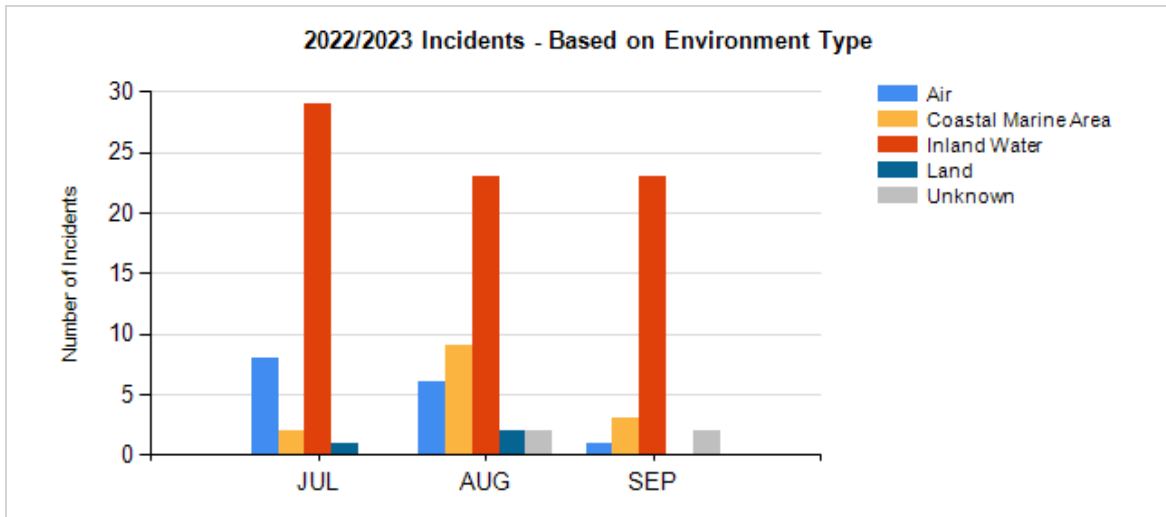
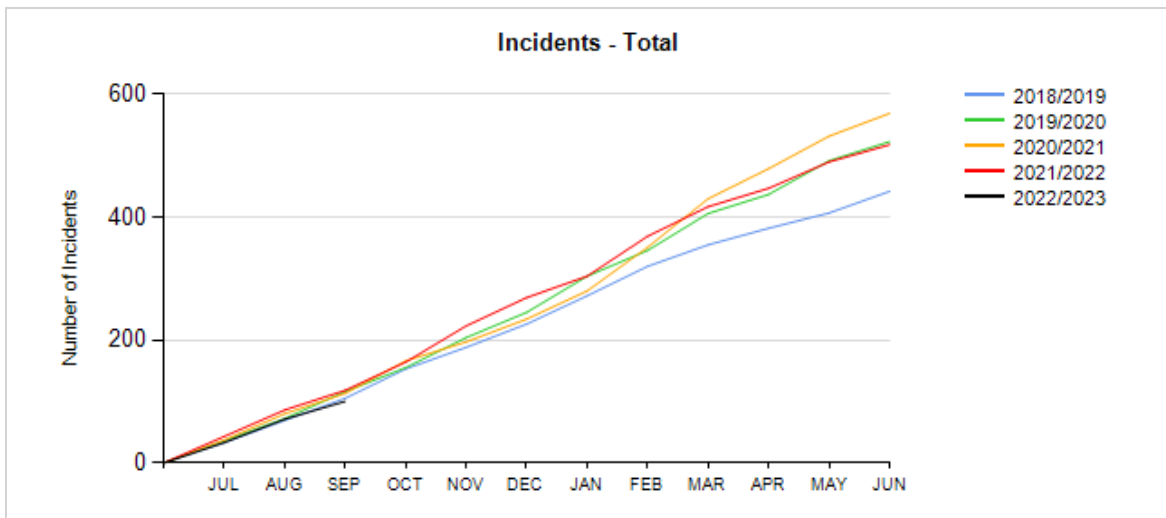
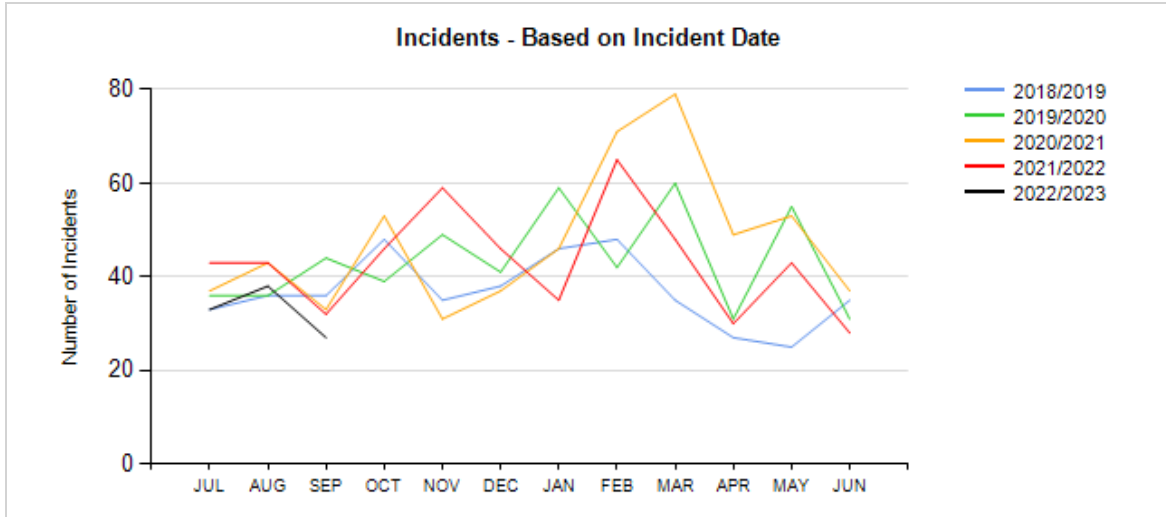
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
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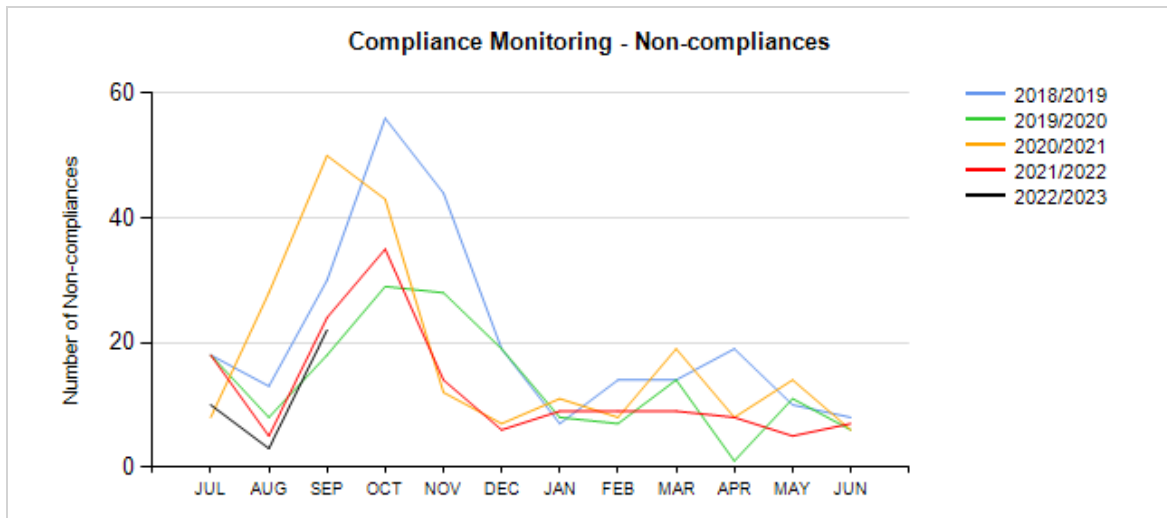
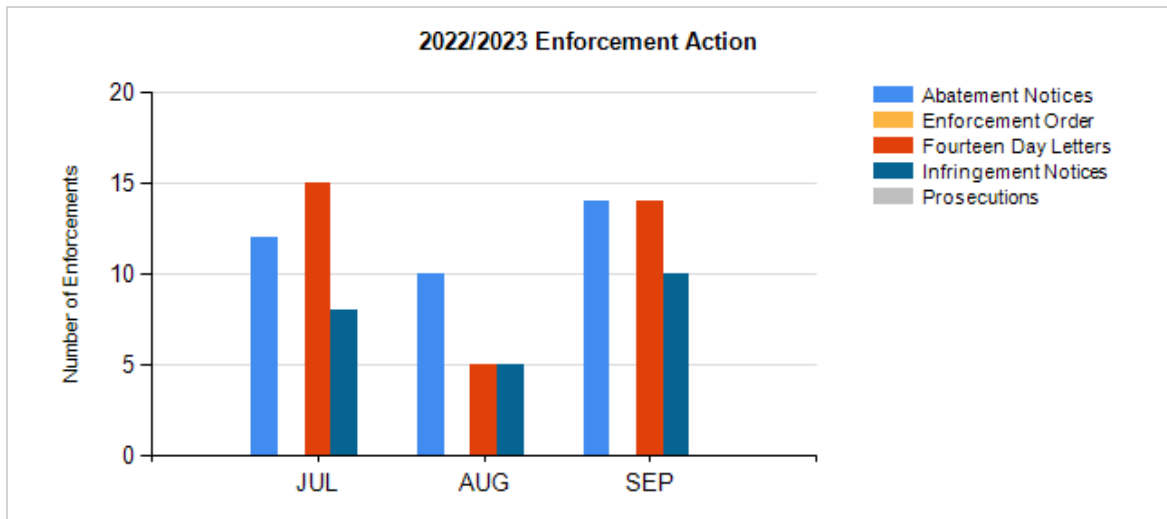
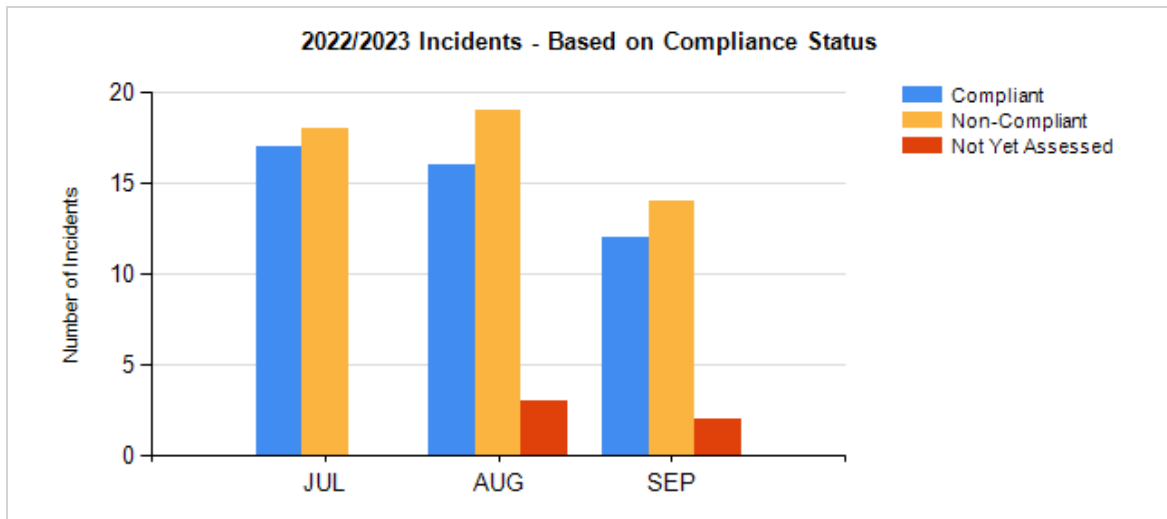
Defences under Sections 340 and 341 of the Resource Management Act 1991

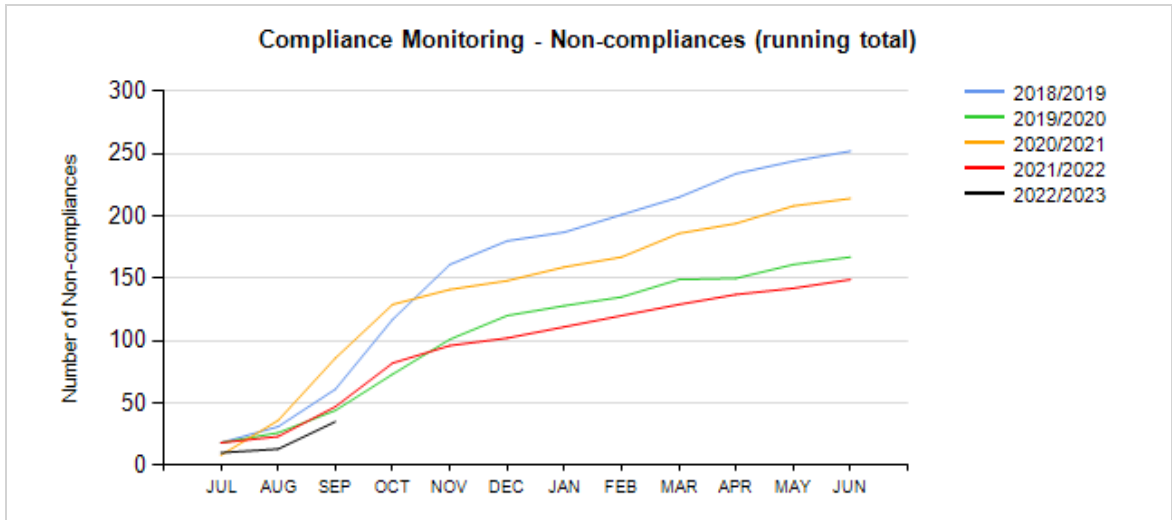
Sometimes no enforcement action is undertaken against an alleged offender for a non-compliant incident as they have a defence under Section 340 of the Resource Management Act 1991 including reasons such as:

- 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 30 September 2022







Compliant Incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
1 Jul 2022	330123-002 IN/45561	Alleged rubbish into Stormwater - Scott Street, Hawera	Complaint	Egmont Refuse & Recycling Ltd		RFWP Allowed	No Further Action
2 Jul 2022	330123-004 IN/45600	Alleged burning - Hurford Road, New Plymouth	Complaint	Pepper Construction LTD Royce & Carol Dimock		RAQP Allowed	No Further Action
12 Aug 2022	330123-041 IN/45828	Alleged dead calves on beach - Lower Kina Road, Oaonui	Third Party Notification	Unsourced		RCP Allowed	No Further Action
13 Aug 2022	330123-045 IN/45847	Alleged smoke - Bishop Road, New Plymouth	Complaint	Graeme Hunter		RAQP Allowed	No Further Action
13 Aug 2022	330123-046 IN/45848	Alleged hydrocarbon discharge - Everett Park, Inglewood	Complaint	Unsourced		RFWP Allowed	No Further Action
14 Aug 2022	330123-048 IN/45850	Alleged odour - Castle Street, Eltham	Complaint	Brian Renshaw		RAQP Allowed	No Further Action
15 Aug 2022	330123-049 IN/45851	Alleged paint spill - Maratahu Street, New Plymouth	TRC Staff Notification	Unsourced		RFWP Allowed	No Further Action
15 Aug 2022	330123-051 IN/45856	Alleged discoloured stream - Norfolk Road, Inglewood	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
17 Aug 2022	330123-054 IN/45861	Alleged pollen - Grey Street, Normanby	Complaint	Natural Event		Not Applicable/Natural Event	No Further Action
17 Aug 2022	330123-055 IN/45862	Alleged odour - Back Beach - New Plymouth	Complaint	Unsourced		RAQP Allowed	No Further Action

Compliant Incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
18 Aug 2022	330123-056 IN/45870	Alleged oil spill - Birdwood Avenue, Moturoa	Third Party Notification	Unsourced		Not Applicable/Natural Event	No Further Action
19 Aug 2022	330123-057 IN/45876	Alleged pond overflow - Mountain Road, Stratford	Self-Notification	Ample Group Limited	R2/6570-1	Consent Compliance	No Further Action
19 Aug 2022	330123-061 IN/45893	Alleged slip - Mt Messenger	Self-Notification	Waka Kotahi NZ Transport Agency		Not Applicable/Natural Event	No Further Action
20 Aug 2022	330123-059 IN/45912	Alleged leachate pond overflow - Colson Road, New Plymouth	Self-Notification	New Plymouth District Council	R2/2370-3	Consent Compliance	No Further Action
30 Aug 2022	330123-071 IN/45937	Alleged backyard burning - Clifford Street, Hawera	Complaint	Jody Peacock Stephan McCulloch		RAQP Allowed	No Further Action
31 Aug 2022	330123-072 IN/45943	Alleged white stream - East Road, Stratford	Complaint	Unsourced		RFWP Allowed	No Further Action
2 Sep 2022	330123-073 IN/45955	Alleged wetland drainage - SH3, Mokoia	TRC Staff Notification	G & A Hill Trust		RFWP Allowed	No Further Action
6 Sep 2022	330123-075 IN/45980	Alleged green stream - Karaka Street, Manaia	Complaint	Greg Hill		Consent Compliance	No Further Action
8 Sep 2022	330123-149 IN/45990	Alleged greenwaste dump and leachate - Tongaporutu	Complaint	Unsourced		RFWP Allowed	No Further Action At This Stage
9 Sep 2022	330123-082 IN/46035	Alleged discoloured discharge - Herekawe Stream - Back Beach	Complaint	Unsourced		RFWP Allowed	No Further Action

Compliant Incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
10 Sep 2022	330123-083 IN/46050	Alleged sewage - Waitara River - Waitara	Complaint	New Plymouth District Council		Not Applicable/Natural Event	No Further Action
11 Sep 2022	330123-084 IN/46055	Alleged sewage odour - Railway Street, Eltham	Complaint	Un sourced		RAQP Allowed	No Further Action
12 Sep 2022	330123-079 IN/46006	Alleged white discharge - SH45, Oakura	Complaint	BG Goodin		RFPW Allowed	No Further Action
21 Sep 2022	330123-092 IN/46077	Alleged dairy effluent - Radnor Road, Midhirst	Complaint	Hinrows Farm Limited	R2/2543-2	Consent Compliance	No Further Action
22 Sep 2022	330123-098 IN/46114	Alleged silage wrap in stream - Pungarehu Road, Pungarehu	Complaint	Ashley Greenway		RFPW Allowed	No Further Action
22 Sep 2022	330123-100 IN/46324	Alleged culvert installation and silt discharge - Alfred Road, Egmont Village	Complaint	Red Jacket Consultants Limited		RFPW Allowed	No Further Action
23 Sep 2022	330123-094 IN/46084	Alleged land drainage - Croydon Road, Midhirst	Complaint	Leilah Mclean		RFPW Allowed	No Further Action
27 Sep 2022	330123-096 IN/46105	Alleged dead sheep in stream - Kent Terrace, Midhirst	Complaint	Francis Prior		RFPW Allowed	No Further Action
1 Oct 2022	330123-104 IN/46239	Alleged prolic spill discharge - Bayly Road, Pungarehu	Self-Notification	Garry Joseph Brophy		RFPW Allowed	No Further Action
1 Oct 2022	330123-103 IN/46240	Alleged green stream - Lower Hunter Road, Eltham	Complaint	Un sourced		RFPW Allowed	No Further Action

Compliant Incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
4 Oct 2022	330123-105 IN/46156	Alleged dairy effluent odour - Pembroke Road, Stratford	Complaint	D & S Hancock Trusts		Consent Compliance	No Further Action
6 Oct 2022	330123-107 IN/46173	Alleged hydrocarbon discharge - Frankley Road, New Plymouth	Complaint	Un sourced		RFPW Allowed	No Further Action
10 Oct 2022	330123-110 IN/46205	Alleged discharge into stormwater - Motukari Place, Onaero	Complaint	Ian & Justine Howe		RFPW Allowed	No Further Action
11 Oct 2022	330123-113 IN/46221	Alleged agrichemical spraydrift - Waitara Road, Brixton	Complaint	Eddie & Kylie Hollard		RAQP Allowed	No Further Action
12 Oct 2022	330123-115 IN/46225	Alleged green stream - Beaconsfield Road, Midhirst	Complaint	Un sourced		RFPW Allowed	No Further Action
12 Oct 2022	330123-116 IN/46229	Alleged dairy effluent - Radnor Road, Midhirst	Complaint	Hinrows Farm Limited	R2/2543-2	Consent Compliance	No Further Action
13 Oct 2022	330123-118 IN/46234	Alleged wash water discharge - Sealy Road, Omata	Complaint	Trent Agent	R2/3971-2	Consent Compliance	No Further Action
17 Oct 2022	330123-120 IN/46241	Alleged dust - Monmouth Road, Stratford	Complaint	Hey Trust		RAQP Allowed	No Further Action
18 Oct 2022	330123-121 IN/46243	Alleged dairy effluent - Kina Road, Oaonui	Complaint	Un sourced		RCP Allowed	No Further Action
19 Oct 2022	330123-123 IN/46328	Alleged odour - Mountain Road, Inglewood	Complaint	Osflo Spreading Industries Ltd		RAQP Allowed	No Further Action

Compliant Incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Compliance Status	Recommendation
26 Oct 2022	330123-130 IN/46314	Alleged cloudy Stream - SH3, Inglewood	Complaint	Unsourced		Not Applicable/Natural Event	No Further Action
27 Oct 2022	330123-132 IN/46330	Alleged smoke - Waverley township	Complaint	Unsourced		RAQP Allowed	No Further Action

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
27 Jun 2022 <u>Update</u>	330122-525 IN/45521	Rubbish dumping/burning - Warwick Road, Stratford.	Complaint	Mathew Watt (74076) Mountain View Developments and Construction Limited (73659) Tony Clements (70724)		EAC-24619 - Abatement Notice EAC-24620 - Abatement Notice EAC-24622 - Abatement Notice EAC-24623 - Explanation Requested - Letter EAC-24625 - Abatement Notice EAC-24626 - Abatement Notice EAC-24661 - Abatement Notice EAC-24682 - Abatement Notice EAC-24729 - Infringement Notice (\$750) EAC-24730 - Infringement Notice (\$300) EAC-24731 - Infringement Notice (\$300) EAC-24732 - Infringement Notice (\$750) EAC-24733 - Infringement Notice (\$300) EAC-24734 - Infringement Notice (\$300)	No Further Action/Costs Recovered

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
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Comments: A complaint was received concerning the potential unauthorised dumping of demolition material at a property on Warwick Road, Stratford. Investigation found that materials from a house demolition, on Cordelia Street, Stratford, had been disposed of and burnt at a property on Warwick Road, Stratford, in contravention of rules in the Regional Air Quality Plan for Taranaki (RAQP) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFW). Abatement Notices were issued requiring the operation to cease and for works to be undertaken to ensure compliance with the RAQP and NESFW. Reinspection found that the abatement notices were being complied with at the time of inspection.

4 Jul 2022 <u>Update</u>	330123-003 IN/45574	Silt and erosion - Mangamahoe Stream, New Plymouth	Complaint	Downer EDI Works (29406) New Plymouth District Council (9565)	R2/10192-1.0	EAC-24642 - Explanation Requested - Letter EAC-24646 - Explanation Requested - Letter EAC-24647 - Abatement Notice	Investigation Continuing
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Comments: A complaint was received concerning silt and sediment discharging into the Mangamahoe Stream near Lake Mangamahoe, New Plymouth. Investigation found that there had been work undertaken on an instream structure known as the Lower Head Dam. A significant amount of silt and sediment had been discharged downstream of the structure with evidence of some deposition into the Waiwhakaiho River, downstream of the confluence with the Mangamahoe Stream. Upstream of the structure it was evident that significant erosion had occurred and would continue to occur. Further investigation found that silt controls that had been installed downstream had failed and were offering no sediment control. Photographs, videos, and samples were taken. Letters of explanation have been 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
<u>11 Jul 2022 Update</u>	330123-008 IN/45622	Unauthorised discharge into stream - Rimutauteka Road, Inglewood	TRC Staff Compliance Monitoring	Codylan Farms Limited (36519)	R2/10321-1.0	EAC-24667 - Abatement Notice EAC-24669 - Abatement Notice	Investigation Continuing

Comments: During unrelated monitoring of a wellsite, it was found that farm dairy effluent was discharging to a skimmer pit outfall and then into surface water at Rimutauteka Road, Inglewood. Photographs, video and samples were taken. Whilst collecting a sample of the discharge it was also noted that silage leachate was discharging to the stream causing sewage fungus growths downstream of the discharge. The discharge of farm dairy effluent was in contravention of consent conditions and the discharge of leachate was in contravention of Rule 30 of the RFWP. Abatement notices were issued requiring the discharge of dairy effluent to cease and for works to be undertaken to prevent the discharge of silage leachate. Reinspection found the abatement notice was not being complied with. Further enforcement action is being considered.

<u>20 Jul 2022 Update</u>	330123-019 IN/45698	Burning - Johns Road, Tariki	Complaint	Jesse Little (74185) Scott Keegan (74186)		EAC-24719 - Infringement Notice (\$300)	No Further Action
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Comments: A complaint was received concerning black smoke from a fire burning on Johns Road, Tariki. Investigation found that unauthorised materials were being burnt in a fire, including tyres and road cones.

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
25 Jul 2022 <u>Update</u>	330123-025 IN/45717	Silt/sediment discharge - South Road, Oakura	Complaint	Brough Earthworks Limited (68645) KO & KO Consultancy Limited (74194)		EAC-24689 - Explanation Requested - Letter EAC-24691 - Explanation Requested - Letter EAC-24746 - Infringement Notice (\$750)	No Further Action

Comments: A complaint was received concerning top soil being washed off a neighbouring property during rain, into their property and then into a stream, at South Road, Oakura. Investigation found that recent landscaping had been undertaken and silt and sediment from exposed earth was discharging to the Wairau Stream. There were no silt and sediment controls in place at the time of inspection. Silt fencing was subsequently installed and monitored. Letters of explanation were received.

29 Jul 2022 <u>Update</u>	330123-039 IN/45795	Silt/sediment discharge - Rainie Road, Hawera	TRC Staff Compliance Monitoring	TPJ Partnership (12834)		EAC-24693 - Abatement Notice EAC-24784 - Infringement Notice (\$750)	No Further Action At This Stage
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Comments: During unrelated monitoring it was found that silt and sediment from earthworks in relation to drainage had discharged into an unnamed stream at a property at Rainie Road, Hawera. Investigation found that there were no silt and or sediment controls installed at the time of inspection. An abatement notice was issued requiring silt and sediment controls to be installed. Reinspection will be undertaken after 12 November 2022.

29 Jul 2022 <u>Update</u>	330123-038 IN/45838	Earthworks - Connett Road, Bell Block	Complaint	Tobias Lecher (36043)		EAC-24712 - Abatement Notice	No Further Action
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Comments: A complaint was received concerning unconsented earthworks at Connett Road, Bell Block. Investigation found that earthworks had been undertaken and were in contravention of Rule 26 of the Regional Fresh Water Plan for Taranaki. An abatement notice was issued requiring works to be undertaken to ensure compliance. A resource consent has been applied for.

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
30 Jul 2022 <u>Update</u>	330123-037 IN/45749	Hydrocarbons in Mangati Stream - Bell Block	Complaint	Schlumberger New Zealand Limited (51451) Un sourced (9768)		EAC-24768 - Explanation Requested - Letter No Enforcement Action - Insufficient evidence	No Further Action

Comments: A complaint was received concerning hydrocarbons in the Mangati Stream at Bell Block. Initial investigation could not find any hydrocarbons. However during unrelated monitoring in the following days it was found that there was a significant amount of oil in the water ponds at the end of the industrial catchment. New Plymouth District Council undertook clean up of the product in the ponds. An extensive investigation upstream was undertaken with a likely source being located. An explanation was received and a meeting was held with the Company.

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Aug 2022	330123-040 IN/45827	Silage wrap in Kapuni Stream - Opunake Road	Complaint	Unknown (17345)			No Further Action
<p>Comments: A complaint was received concerning silage wrap in the Kapuni Stream at Opunake Road near Kaponga. Investigation found that a small amount of silage wrap was located in the stream. However due to the small amount and the fact that it was well within the stream and access was difficult it could not be removed due to health and safety concerns. The origin of the silage wrap could not be traced.</p>							
14 Aug 2022	330123-047 IN/45849	Smoke - Swansea Road, Stratford	Complaint	Keith Baskin (74282)			No Further Action
<p>Comments: A complaint was received regarding smoke from a fire at a property on the corner of Swansea Road and Victoria Street, Stratford. Investigation found that there was a fire burning on the property within in the defined urban area. The responsible party was advised of rules in the Regional Fresh Water Plan for Taranaki and the fire was extinguished.</p>							
15 Aug 2022	330123-042 IN/45834	Diesel/oil in stream - Upland Road/SH3 Egmont Village	Third Party Notification	Nicholas Magan (74262) Tony Magan (74263)		No Enforcement Action - Statutory defence	No Further Action
<p>Comments: Notification was received from NZ Police concerning hydrocarbons discharging from a motor vehicle accident in a stream near the corner of Upland Road and State Highway 3, Egmont Village. Investigation found that the vehicle was in the stream, as a result of an accident, and hydrocarbons were discharging into the stream. Sorbant booms and pads were deployed and all hydrocarbons were contained and recovered.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Aug 2022	330123-044 IN/45845	Green stream - Hurford Road, Omata	Complaint	Martin Strauss (74270) Nicholas & Christine Barrett (3403) Zenith Farms Family Trust (36016)	R2/1702-3	EAC-24698 - Abatement Notice EAC-24703 - Abatement Notice EAC-24704 - Abatement Notice EAC-24705 - Abatement Notice EAC-24739 - Explanation Requested - Letter	Investigation Continuing

Comments: A complaint was received concerning a green 'stream' at Hurford Road, Omata. Investigation found that farm dairy effluent had overflowed from the sandtrap and discharged into a waterbody which flows into an unnamed tributary of the Ngakara Stream. Abatement notices were issued requiring works to be undertaken to ensure consent compliance. Reinspection found that the abatement notice was being complied with. Further enforcement action is being considered.

16 Aug 2022	330123-050 IN/45854	Oil Spill - Lake Mangamahoe	Self-Notification	Manawa Energy Limited (74010)	R2/2056-3.1	EAC-24706 - Explanation Requested - Letter No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
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Comments: Self-notification was received concerning an oil spill at the Lake Mangamahoe Power Station intake. Investigation found that as a result of a burst hydraulic oil hose, hydrocarbons had discharged into the lake. Immediate response was undertaken by the Company and TRC staff. Sorbant booms and pads were deployed. All hydrocarbons were contained and recovered.

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
17 Aug 2022	330123-053 IN/45859	Sheep in Wetland - Cornwall Street, Patea	Complaint	Lee Meyer (29423)			No Further Action
<p>Comments: A complaint was received concerning sheep in a wetland/estuary near Cornwall Street, Patea. The landowner was contacted. He had realised there was a hole in the fence and was undertaking removal of the animals and repairing the fence.</p>							
19 Aug 2022	330123-058 IN/45879	Dead Cow on Beach - East End	Complaint	The Hardcase Family Trust (32016)			No Further Action
<p>Comments: A complaint was received concerning a dead cow and calf on East End Beach at the end of Buller Street. Investigation confirmed that there was a cow and calf carcass on the beach. New Plymouth District Council were notified and removed the carcasses.</p>							
19 Aug 2022	330123-064 IN/45907	Sewage overflows - New Plymouth District area	Self-Notification	New Plymouth District Council (9565)		No Enforcement Action - Statutory defence	No Further Action
<p>Comments: Self-notifications were received that during a severe rainfall event in the region, several overflows of sewage had occurred, in the New Plymouth district area. The overflows occurred due to the catchments being overloaded. The Council's contingency plan was followed and signs were erected.</p>							
19 Aug 2022	330123-065 IN/45908	Sewage overflows - Stratford district area	Self-Notification	Stratford District Council (10048)			No Further Action
<p>Comments: Self-notification was received that during a severe rainfall event in the region, several overflows of sewage had occurred, in the Stratford district area. The overflows occurred due to the catchments being overloaded. The Council's contingency plan was followed and signs were erected.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
21 Aug 2022	330123-060 IN/45913	Diesel discharge - Fillis Street, New Plymouth	Complaint	New Plymouth District Council (9565)			No Further Action
<p>Comments: A complaint was received that a generator was leaking diesel into stormwater system at Fillis Street, New Plymouth. Investigation found a generator located on the side of the road, coned off, and diesel was leaking and discharging into the stormwater drain. Contact with New Plymouth District Council revealed that the generator was hired for a weekend event at the park and arrangements made to pick it up. Absorbant sock was put around the drain to prevent further discharge.</p>							
22 Aug 2022	330123-062 IN/45894	Dead animals - Waitara Beach	Complaint	Unknown (17345) Unsourced (9768)			No Further Action
<p>Comments: A complaint was received concerning many dead animals on Waitara Beach, Waitara. Investigation found two very badly decomposed animals. Due to the decomposition of the carcasses and difficult location, the decomposing carcasses could not be accessed to be removed or disposed of, and were left to bioremediate naturally.</p>							
22 Aug 2022	330123-066 IN/45910	Sewage overflows - South Taranaki district	Self-Notification	South Taranaki District Council (9623)	R2/7521-1	No Enforcement Action - Statutory defence	No Further Action
<p>Comments: Self-notification was received that during a severe rainfall event in the region, several overflows of sewage had occurred, in the South Taranaki district area. The overflows occurred due to the catchments being overloaded. The Council's contingency plan was followed and signs were erected.</p>							
23 Aug 2022	33023-063 IN/45901	Dead cow - Waitara Beach	Complaint	Unsourced (9768)			No Further Action
<p>Comments: A complaint was received concerning a dead cow washed down the river and onto the beach at Waitara, by the river mouth. Investigation could not find any cow carcass. However, two calf carcasses were found. The owner could not be traced. New Plymouth District Council were advised and undertook disposal of the carcasses.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
23 Aug 2022	330123-067 IN/45904	Wastewater discharge – Manaia Road, Kapuni	Self-Notification	Fonterra Limited (50606)	R2/0922-3.2	EAC-24722 - Explanation Requested - Letter No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
Comments: Self-notification was received concerning a discharge of wastewater from an unforeseen irrigation pipeline breach, into the Kaipokonui Stream at Manaia Road, Kapuni. Investigation found that the river was running clear. There had been heavy rain in the previous two days. No environmental effects could be found at the time of inspection. A letter of explanation was received confirming that a mechanical failure had occurred.							
25 Aug 2022	330123-068 IN/45916	Stream works - Sisson Terrace, Lepperton	Complaint	Donald Searle (11191)		EAC-24723 - Explanation Requested - Letter	Investigation Continuing
Comments: A complaint was received concerning stream works in the Waiongana Stream at Sisson Terrace, Lepperton. Investigation found that there had been earthworks undertaken on the riverbed of the stream. Vegetation was removed and rock armouring undertaken as part of flood control/erosion control measures. However, this Council's Rivers Officer had previously advised that the works could not be done until October, as this would be a contravention of Rule 61(h) of the Regional Fresh Water Plan for Taranaki. A letter requesting explanation was sent.							
26 Aug 2022	330123-069 IN/45926	Dead cow - New Plymouth foreshore	Complaint	Fabish Bros Farms Limited (27296)			No Further Action
Comments: Notification was received concerning a dead cow on the New Plymouth foreshore. New Plymouth District Council undertook disposal of the carcass. The owner was identified and advised of the situation.							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
27 Aug 2022	330123-070 IN/45927	Dead cow - Kaupokonui Beach	Complaint	Unknown (17345)			No Further Action
<p>Comments: A complaint was received concerning a dead cow on the beach at Kaupokonui. Investigation confirmed the location of the carcass. Department of Conservation were contacted, who identified the owner. The owner undertook works to dispose of the carcass.</p>							
4 Sep 2022	330123-074 IN/46004	Sewage overflow notification	Self-Notification	New Plymouth District Council (9565)			No Further Action
<p>Comments: Self-notification was received concerning a sewage overflow at Roto Street, New Plymouth. Investigation found that the overflow had occurred due to a blockage. New Plymouth District Council's contingency plan was followed and signs were erected.</p>							
7 Sep 2022	330123-080 IN/46007	Stream realignment - Komene Road, Okato	Complaint	Denis James & Raewyn Edna Gladys Goodwin (2605)		EAC-24741 - Abatement Notice EAC-24744 - Abatement Notice	Investigation Continuing
<p>Comments: A complaint was received concerning instream stream works being undertaken on a property at Komene Road, Okato. Investigation found that works had been undertaken to realign two sections of stream, totalling approximately 380 metres. The works were in contravention of Rules in the Regional Fresh Water Plan for Taranaki and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. An abatement notice was issued requiring works to be undertaken to reinstate the streams. Reinspection found that works were being undertaken to ensure compliance with the abatement notices. A further reinspection will be undertaken after 25 November 2022.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
8 Sep 2022	330123-078 IN/46005	Stream realignment - Opunake Road, Opunake	TRC Staff Notification	Neville Lynsay & Beverley Louisa Ardern (3462)		EAC-24762 - Explanation Requested - Letter	Investigation Continuing

Comments: During unrelated monitoring it was found that a section of stream had been realigned on a dairy farm at Opunake Road, Opunake. Investigation found that the work had been undertaken in 2020. A meeting was held with the landowner and steps are being undertaken to achieve compliance with the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

13 Sep 2022	330123-081 IN/46021	Dairy effluent - Hurford Road, Omata	Complaint	Martin Strauss (74270) Nicholas & Christine Barrett (3403) Zenith Farms Family Trust (36016)	R2/1702-3	EAC-24753 - Explanation Requested - Letter EAC-24754 - Explanation Requested - Letter	Investigation Continuing
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Comments: A complaint was received concerning a discharge of farm dairy effluent into a stream at Hurford Road, Omata. Investigation found that an upstream dairy effluent disposal system was not operating within resource consent conditions and an abatement notice issued as a result of a previous non-compliance. An explanation has been received. Further enforcement action is being considered.

16 Sep 2022	330123-085 IN/46042	Dead sheep - Wai-iti Beach	Complaint	Un sourced (9768)			No Further Action
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Comments: A complaint was received concerning a dead sheep on Wai-iti Beach. Investigation confirmed the location of the carcass and the inspecting officer undertook disposal of the carcass at the time of inspection.

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
16 Sep 2022	330123-086 IN/46049	Historic rubbish and erosion - Waitara Beach	Complaint	New Plymouth District Council (9565) Waitara Golf Club Inc (3579)			No Further Action At This Stage
<p>Comments: A complaint was received concerning rubbish from an historic rubbish dump at the Waitara Golf Club being exposed due to erosion, discharging onto the Waitara Beach and into the Tasman Sea. Investigation found that New Plymouth District Council (NPDC) own the land and are aware of three historic rubbish dumps along the coastline that have varying levels of exposure as a result of coastal erosion. NPDC are aware of the situation and currently in talks with various stakeholders, including Iwi to develop a works programme to address the situation and prevent further discharges.</p>							
19 Sep 2022	330123-088 IN/46053	Green stream - Hurford Road, Omata	Complaint	Martin Strauss (74270) Nicholas & Christine Barrett (3403) Zenith Farms Family Trust (36016)	R2/1702-3		Investigation Continuing
<p>Comments: A complaint was received concerning a 'green' stream at Hurford Road, Omata. Investigation found that farm dairy effluent was discharging into two streams, on an upstream property, as a result of an overflowing holding pond and poor irrigation practises. This is the third such incident in a two monthly period. Works are being undertaken to upgrade the effluent disposal system. Enforcement action is being considered.</p>							
19 Sep 2022	330123-093 IN/46082	Stream piping - Komene Road, Okato	TRC Staff Compliance Monitoring	P & E Grylls (33912)		EAC-24765 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: During unrelated monitoring it was found that a 500 metre section of the headwaters of a stream had been piped on a drystock property at Komene Road, Okato. Investigation found that the works had recently been completed and were in contravention of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. A letter of explanation was received. A meeting is to be held with the landowner and enforcement action is being considered.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Sep 2022	330123-090 IN/46061	Dairy effluent - Skeet and Hunter Road - Eltham	Complaint	GJ & DA Carter Family Trust (21880) Mark Carter (74368)	R2/3786-2.2	EAC-24756 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: A complaint was received concerning dairy effluent in a stream at the corner of Skeet and Hunter Roads, Eltham. Investigation found the unnamed tributary was running slightly green at the time of the inspection. Investigation of upstream properties found that an effluent irrigator had been running the previous night and effluent had ponded and run off into a tributary. A letter of explanation was received. Enforcement action is being considered.</p>							
20 Sep 2022	330123-089 IN/46063	Sewage overflow - Parklands Avenue, Bell Block	Self-Notification	New Plymouth District Council (9565)		No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
<p>Comments: Self-notification was received from City Care that a sewage overflow had occurred into the Mangati Stream, due to a blocked sewer main, at Parklands Avenue, Bell Block. Investigation found the discharge had ceased. New Plymouth District Council's contingency plan was followed and signs were erected.</p>							
21 Sep 2022	330123-091 IN/46075	Discoloured Stream - Connett Road, Bell Block	Complaint	Taranaki Sawmills Limited (10015)	R2/2333-4.4	EAC-24757 - Abatement Notice EAC-24758 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: A complaint was received concerning a 'black' stream at Connett Road, Bell Block. Investigation found the Waitaha Stream was running 'black' at the time of inspection. Investigation of an upstream business found that the stormwater discharge point from timber treatment site was black in colour as a result of high tannin concentration. The outlet to the pond was blocked off to prevent further discharge. An abatement notice was issued requiring works to be undertaken. Reinspection found that the abatement notice was being complied with at the time of inspection. Further enforcement action is being considered</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
26 Sep 2022	330123-095 IN/46107	Milk discharge to stream - Flint Road East, Stratford	Self-Notification	Ian Oliver (2054)	R2/0486-2	No Enforcement Action - Statutory defence	No Further Action At This Stage/Costs Recovered

Comments: Self-notification was received regarding an accidental discharge of milk to a stream at Flint Road East, Stratford. Investigation found that the discharge had occurred as a result of a breakdown of a cooler system and milk had discharged via the yard, into the oxidation ponds, which is allowed as a contingency plan. However, a small amount of milk had overflowed into the stream via the stormwater by-pass. The stream was running clear at the time of inspection and no adverse environmental effects could be found.

27 Sep 2022	330123-097 IN/46106	Dead cow on Beach - Cape Road, Pungarehu	Complaint	Un sourced (9768)			No Further Action
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Comments: A complaint was received concerning a dead cow on the beach near the Kapoiaia Stream mouth, Pungarehu. Investigation confirmed there was a dead cow on the beach and the owner could not be traced. South Taranaki District Council were advised and undertook disposal of the carcass.

27 Sep 2022	330123-106 IN/46213	Farm dump - Waitara River - Waitara	Complaint	Collin Megaw (74400)		EAC-24780 - Abatement Notice	Investigation Continuing
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Comments: A complaint was received concerning a farm dump on the bank of the Waitara River, near Waitara Road, Waitara. Investigation, using a drone, found that there was a farm dump on the bank of the river. An abatement notice was issued requiring works to be undertaken to comply with Rule 30 of the Regional Fresh Water Plan for Taranaki. Reinspection will be undertaken after 22 November 2022.

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
30 Sep 2022	330123-101 IN/46130	Vehicle in waterbody - Waiwhakaiho	Third Party Notification	Unsourced (9768)			No Further Action
<p>Comments: Notification was received from New Plymouth Police about hydrocarbons discharging from a vehicle dumped in an unnamed tributary of the Waiwhakaiho River, near the Te Rewa Rewa bridge in New Plymouth. Police could find nothing to identify the owner of the vehicle. Investigation confirmed the car was in the estuary and there was a small amount of hydrocarbons discharging into water. Sorbant booms were deployed to capture and recover the hydrocarbons. New Plymouth District Council arranged for the car to be removed later that day.</p>							
30 Sep 2022	330123-102 IN/46131	White stream - Cloten Road, Stratford	Complaint	Downer NZ Limited (50648)		EAC-24782 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: A complaint was received concerning a 'white' stream at Cloten Road, Stratford. Investigation found that an unnamed tributary of the Patea River was running white at the time of inspection. Investigation upstream found that water was running over the unpaved surface of the state highway and was picking up fine silt and sediment which was discharging into the reticulated stormwater system. No silt and sediment controls were in place. Samples were taken. An explanation was received from the roading Company, who admitted responsibility. Enforcement action is being considered.</p>							
6 Oct 2022	330123-108 IN/46175	Backyard burning - Tasman Street, Opunake	Complaint	Aaron Robins (29900)			No Further Action
<p>Comments: A complaint was received concerning backyard burning on a property in a defined urban area, at Tasman Street, Opunake. Investigation found a small backyard fire. The responsible party was advised of the rules in the Regional Air Quality Plan for Taranaki and they immediately extinguished the fire.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
6 Oct 2022	330123-109 IN/46177	Green stream - Cape Road, Pungarehu	Complaint	Haidee Parkinson (74416) Nash Winter (74415) PJ Radford Estate (70044)	R2/3495-2	EAC-24785 - Explanation Requested - Letter EAC-24787 - Explanation Requested - Letter EAC-24788 - Explanation Requested - Letter EAC-24790 - Abatement Notice EAC-24791 - Abatement Notice EAC-24792 - Abatement Notice EAC-24793 - Abatement Notice	Investigation Continuing

Comments: A complaint was received concerning a 'green' stream at Cape Road, and Parihaka Road, Pungarehu. Investigation found that a stormwater diversion was broken on an upstream property and some farm dairy effluent was discharging directly to the stream. Samples were taken. Abatement notices were issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection found that the abatement notices were being complied with. Letters requesting explanation were sent. Further enforcement action is being considered.

6 Oct 2022	330123-112 IN/46219	No fish passage - Kent Terrace, Midhirst	TRC Staff Notification	Francis Prior (71038)			No Further Action
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Comments: During unrelated monitoring it was found that fish passage on a dam was not operational at a property at Kent Terrace, Midhirst. It was found that no water was flowing for fish to travel through, as the structure had misaligned. The landowner was advised and was unaware. He undertook steps to rectify the situation.

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
7 Oct 2022	330123-114 IN/46222	Smokey fire - George Street, Eltham	Complaint	Barry Barraclough (74475) Tracy Shepard (74476)			No Further Action
<p>Comments: A complaint was received regarding smoke near George Street, Eltham. Investigation found that there was a small vegetation fire at the back of a property in the defined urban area. The owner of the property was advised of rules in the Regional Air Quality Plan for Taranaki. The fire was immediately extinguished.</p>							
10 Oct 2022	330123-111 IN/46207	Backyard burning - Wilson Street, Waverley	Complaint	Capri Dormis (74414)			No Further Action
<p>Comments: A complaint was received concerning backyard burning at a property at Wilson Street, Waverley. Investigation found that there was evidence that a fire had been burning in an incinerator in the backyard. The fire was out at the time of inspection. The responsible party was new to the area and was advised of rules in the Regional Air Quality Plan for Taranaki.</p>							
12 Oct 2022	330123-119 IN/46305	Smoke - Victoria Street, Patea	Complaint	Terry White (74479)			No Further Action
<p>Comments: A complaint was received regarding smoke in the Victoria Street area in Patea. Investigation found that there was a small fire containing household rubbish at a property in the defined urban area. The responsible party was advised of rules in the Regional Air Quality Plan for Taranaki.</p>							
13 Oct 2022	330123-117 IN/46233	Sheep in waterbody - Celia Street, Stratford	Complaint	Huria Eraio (74471)			No Further Action
<p>Comments: A complaint was received concerning sheep in a waterbody at a property at Celia Street, Stratford. Investigation confirmed that there was a sheep and some lambs grazing around and in the waterbody, with access via an open gate. The owner was advised to ensure that animals do not enter that waterbody. Reinspection found that the waterbody had been closed off.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
18 Oct 2022	330123-122 IN/46244	Backyard burning - Graham Street, Eltham	Complaint	Josh Cowley (74473)			No Further Action
<p>Comments: A complaint was received concerning backyard burning at a property at Graham Street, Eltham. Investigation found a small green waste fire in a small concrete trough that had been extinguished prior to the officer's arrival. The responsible party was advised of rules in the Regional Air Quality Plan for Taranaki, with regards to burning in an defined urban area.</p>							
19 Oct 2022	330123-124 IN/46272	Offal discharge - Okey Lane, Bell Block	Complaint	Un sourced (9768)			No Further Action
<p>Comments: Notification was received concerning offal discharging from a truck into a stormwater drain at Okay Lane, Bell Block. Investigation found that there was offal in the drain and that the truck had left the area. The alleged offender could not be traced. Offal was removed from the drain and disposed of in an approved manner.</p>							
19 Oct 2022	330123-125 IN/46274	Farm dump and burning - Watino Road, Opunake	TRC Staff Compliance Monitoring	Matthew Lawn (74449) MPL Farms Limited (54245)		EAC-24798 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During unrelated monitoring it was found that a farm rubbish dump was located within 25 metres of a waterbody, at a property of Watino Road, Opunake. There was also evidence that burning of unauthorised materials had been occurring. Advice was given about rules in the Regional Air Quality Plan for Taranaki in relation to burning. An abatement notice was issued requiring works to be undertaken to ensure the farm dump is compliant with the Regional Fresh Water Plan for Taranaki. Reinspection will be undertaken after 25 November 2022.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Oct 2022	330123-128 IN/46286	Smokey fire - Strathmore	Complaint	Ralph Henry Vosseler (11788)			No Further Action
<p>Comments: A complaint was received concerning a smoky fire, near Strathmore. Investigation found that a large vegetation pile was burning on a property. Further investigation found other piles of vegetation, containing some unauthorised materials, which had been attempted to be lit on site. Education was provided with regards to the rules of burning in the Regional Air Quality Plan for Taranaki.</p>							
20 Oct 2022	330123-126 IN/46329	Vegetation burning - Henwood Road, Bell Block	TRC Staff Notification	Andrew & Jill Adlam (14477)			No Further Action
<p>Comments: A complaint was received concerning smoke from a fire on a property at Henwood Road, Bell Block. Investigation found that a small amount of smoke from the vegetation fire was impacting neighbouring properties. The responsible party advised that the wind had changed since lighting the fire and was letting the fire go out. The neighbours were happy with the outcome.</p>							
21 Oct 2022	330123-127 IN/46285	Dead sheep in stream - Karo Park - Inglewood	Complaint	Un sourced (9768)			No Further Action
<p>Comments: A complaint was received concerning a dead sheep in a stream at Karo Park, Karo Street, Inglewood. Investigation confirmed the location of the carcass, at a sports ground, which was subsequently removed and disposed of.</p>							
24 Oct 2022	330123-129 IN/46369	Rubbish in Waiwhakaiho River - Fitzroy	Complaint	Fitzroy Engineering Group Limited (9482)			No Further Action
<p>Comments: A complaint was received concerning rubbish in the Waiwhakaiho River at Fitzroy. Investigation found that windbreak material from a work site on the Te Rewa Rewa Bridge had been thrown in the river by unknown persons. The material was removed at the time of inspection.</p>							

Non-compliant incidents for the period 12 Aug 2022 to 27 Oct 2022

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
26 Oct 2022	330123-131 IN/46319	Green stream- Salisbury Road, Midhirst	Complaint	Shane Helms (72152)	R2/2696-3.0	EAC-24818 - Explanation Requested - Letter	Investigation Continuing

Comments: A complaint was received concerning a 'green' stream at Salisbury Road, Midhirst. Investigation found the stream was running green and was as a result of the decommissioning of a farm dairy oxidation pond treatment system. Samples were taken and analysis confirmed non-compliance with resource consent conditions. A letter requesting explanation was sent. Enforcement action is being considered.

27 Oct 2022	3301123-133 IN/46365	Hydrocarbon discharge - Port Taranaki - New Plymouth	Complaint	Whitaker Civil Engineering Limited (14442)			No Further Action/Costs Recovered
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Comments: Self-notification was received concerning a discharge of hydrocarbons from an excavator on the boat ramp at Port Taranaki. Investigation found that a blown hydraulic hose had caught fire and hydraulic oil had discharged into the Tasman Sea. The fire service extinguished the fire and it was estimated that approximately 30-40 litres had discharged into the sea. The contracting Company, Port staff and Council staff undertook containment and recovery operations.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<u>30 May 2022 Update</u>	330122-503 ENF-23534	Dairy Non-compliant Re-inspection	Significant non-compliance	Clark Peters Farms Limited (50939) Kevin Clark (74311) Ross Clark (36528)	R2/2708-2	EAC-24714 - Infringement Notice (\$750) EAC-24713 - Infringement Notice (\$750) EAC-24632 - Explanation Requested - Letter EAC-24581 - Abatement Notice EAC-24580 - Abatement Notice	No Further Action/Costs Recovered

Comments: During a compliance monitoring inspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions at York Road, Midhirst. Abatement notices were issued requiring the discharges to cease and for works to be undertaken to prevent further unauthorised discharges. Reinspection found that the abatement notices were being complied with at the time of inspection.

<u>10 Jun 2022 Update</u>	332122-138 ENF-23574	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 suspended solids in the stormwater discharge exceeded allowable resource consent levels at Port Taranaki, New Plymouth. An explanation was received. Processes have been put in place to ensure compliance. The resource consent is being renewed and changes may be made to consent conditions.

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
15 Jun 2022 <u>Update</u>	332122-135 ENF-23560	Compliance Monitoring Insp.	Non-compliance	New Plymouth District Council (9565)	R2/10804-1.0 R2/2370-3 R2/4619-1 R2/6177-2.0		No Further Action At This Stage/Costs Recovered

Comments: During routine monitoring it was found that resource consent conditions were being contravened at the Colson Road Landfill in New Plymouth. The site was not adequately stabilised for the winter period and some ponding was occurring in the Stage 3 area. Works were found to have been undertaken at the time of the site meeting and inspection on 19 July 2022. There was no ponding on the northern end of Stage 3, but there were still some bare patches. Hay mulch had not yet been applied and the contractor advised that this was planned but so far the wet weather had prevented it. Reinspection on 5 August 2022 found that consent conditions were being complied with.

6 Jul 2022 <u>Update</u>	332123-004 ENF-23567	Follow Up Inspection	Significant non-compliance	Colin Boyd (3013) Mile Square Farms Limited (3884)	R2/4940-2.0	EAC-24717 - Infringement Notice (\$750) EAC-24662 - Explanation Requested - Letter	No Further Action/Costs Recovered
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Comments: During a follow up inspection, as part of 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-23073, which was issued as a result of a previous non-compliance at Surrey Road, Inglewood. Further reinspection found that the disposal system was compliant with resource consent conditions. A letter of explanation was received.

12 Jul 2022 <u>Update</u>	332123-001 ENF-23573	Office Assessment	Non-compliance	Westown Agriculture Limited (55300)	R2/10884-1.0	EAC-24674 - Abatement Notice	No Further Action/Costs Recovered
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Comments: During review of Council records it was found that the Soil Erosion and Sediment Control Plan had not been received as required by resource consent conditions for a cleanfill site at Cowling Road, New Plymouth. An abatement notice was issued requiring the Soil Erosion and Sediment Control Plan to be submitted. A plan was subsequently received and the abatement notice was complied with.

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 Jul 2022 <u>Update</u>	332123-005 ENF-23577	Dairy Non-compliant Re-inspection	Significant non-compliance	Beaufort Farm Trust (23628) Marcus Smith (16291)	R2/4347-2.1	EAC-24672 - Explanation Requested - Letter	Investigation Continuing

Comments: During a compliance monitoring inspection, it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and an abatement notice EAC-24302, issued as a result of a previous non-compliance at Opunake Road, Cardiff. A letter requesting explanation was sent. Reinspection found the system to be compliant with resource consent conditions and abatement notice at the time of inspection. Further enforcement action is being considered.

26 Jul 2022 <u>Update</u>	332123-002 ENF-23588	Office Assessment	Non-compliance	Molten Metals Limited (25848)	R2/9974-1.0	EAC-24694 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of sampling results, from a wet weather sampling run undertaken on 8 July 2022, it was found that the stormwater discharge exceeded resource consent suspended solid limits at a scrap metal site at Centennial Drive, New Plymouth. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Compliance will be ascertain during the next sampling round. Improvements have been made to infrastructure on the site to ensure compliance.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
26 May 2022	332123-006 ENF-23604	Compliance Monitoring Insp.	Non-compliance	Remediation (NZ) Limited (30679)	R2/5838-2.2	EAC-24761 - Infringement Notice (\$750) EAC-24715 - Explanation Requested - Letter	No Further Action/Costs Recovered

Comments: During analysis of samples taken during routine monitoring it was found that the ammonia concentrations within the Heihanga Stream exceeded allowable limits in resource consent conditions at a composting site at Mokau Road, Uruti. A letter requesting explanation was sent.

7 Jul 2022	332123-057 ENF-23691	Annual Inspection	Non-compliance	Waitotara Kiwifruit Limited Partnership (72630)	R2/10916-1.0	EAC-24821 - Abatement Notice	Investigation Continuing
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Comments: During routine monitoring it was found that there was no data logger installed on a water abstraction site at State Highway 3, Waitotara. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 December 2022.

13 Jul 2022	332123-013 ENF-23616	Annual Inspection	Non-compliance	Kaitake Golf Club Inc (1731)	R2/0124-5.0	EAC-24738 - Explanation Requested - Letter No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
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Comments: During routine monitoring it was found that the water abstraction daily volume had been exceeded on numerous occasions between 10 November 2021 and 9 March 2022. An explanation was received and accepted. There was a mechanical fault in the system which has since been rectified.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
18 Jul 2022	332123-049 ENF-23617	Annual Inspection	Non-compliance	Te Rua O te Moko 2B Ahuwhenua Trust (31494)	R2/7497-1	EAC-24802 - Explanation Requested - Letter	Investigation Continuing

Comments: During routine monitoring it was found that the abstraction rates and abstraction daily volumes were contravened on numerous occasions between 2 October 2021 and 18 May 2022. A letter requesting explanation was sent.

19 Jul 2022	332123-021 ENF-23644	Annual Inspection	Non-compliance	David Alexander (67748) Kenneth Lupton (53199)	R2/10907-1.0	EAC-24774 - Abatement Notice EAC-24773 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During routine monitoring it was found that no data logger was installed as required by resource consent conditions at a water abstraction site at Peat Road, Waverley. An abatement notice was issued requiring compliance with resource consent conditions. Compliance will be ascertained after 1 December 2022.

19 Jul 2022	332123-022 ENF-23646	Annual Inspection	Non-compliance	Lupton Trust (30526)	R2/10113-1.2	EAC-24776 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of data it was found that allowable consented water abstraction volumes had been exceeded at a water abstraction site at Lennox Road, Waverley. An abatement notice was issued requiring compliance with resource consent conditions. Compliance will be ascertained during the next monitoring round.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
25 Jul 2022	332123-015 ENF-23619	Office Assessment	Non-compliance	Intergroup Limited (50186)	R2/4776-2.0		Investigation Continuing

Comments: During analysis of samples taken during routine monitoring it was found that the suspended solids limit in resource consent conditions had been contravened at a site at Hudson Road, Bell Block. The discharge was also in contravention of Abatement Notice EAC-24188, issued as a result of a previous non-compliance. An explanation was received. Enforcement action is being considered.

27 Jul 2022	332123-030 ENF-23658	Annual Inspection	Non-compliance	Roger Dickie Family Trust (16312)	R2/5807-2.0	EAC-24796 - Explanation Requested - Letter	Investigation Continuing
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Comments: During routine monitoring it was found that there was no power to the data logger at a water abstraction site at Waverley Beach Road, Waverley. No data could be downloaded from the data logger. A letter requesting explanation was sent.

27 Jul 2022	332123-011 ENF-23614	Annual Inspection	Non-compliance	Construction Mechanics (1993) Limited (51102)	R2/10112-1.0	EAC-24736 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
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Comments: During an annual compliance monitoring inspection it was found that a screen on a flow meter was not operational at a water abstraction site at Lower King Road, Bell Block. An explanation was received. A contactor has been engaged to fix the screen, however they are waiting for parts to arrive. Compliance will be ascertained during the next monitoring round.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
3 Aug 2022	332123-012 ENF-23615	Annual Inspection	Non-compliance	Manukorihi Golf Club Inc (2018)	R2/1721-3.1	EAC-24737 - Explanation Requested - Letter	No Further Action/Costs Recovered
<p>Comments: During an annual routine monitoring inspection it was found that the daily volume and rate had been contravened on multiple occasions across the monitoring year. It was thought that the contraventions may have been caused by electrical interference and water run-off from a nearby shed. An explanation was received, outlining that the non-compliance was due to interference to the logger when a nearby variable speed water pump was operating (which caused spikes to occur in the water take logger). The issues has since been resolved.</p>							
4 Aug 2022	332123-010 ENF-23613	Office Assessment	Non-compliance	Oaonui Water Supply Limited (14982)	R2/0231-4.0	No Enforcement Action - Statutory defence	No Further Action/Costs Recovered
<p>Comments: During analysis of data on 3 August 2022, it was found that the water abstraction rate limit, 50 litres per second, had been contravened, up to 72 litres per second, at a property at Arawhata Road, Oaonui. An explanation was received and accepted. A direct lightning strike had occurred on the plant.</p>							
10 Aug 2022	332123-014 ENF-23618	Advice & Information	Non-compliance	Greymouth Facilities Limited (30688)	R2/9868-1.1	EAC-24747 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples taken during routine monitoring it was found that the suspended solids limit on the resource consent had been exceeded for an industrial site at Corbett Road, Bell Block. An abatement notice was issued requiring works to be undertaken to ensure consent compliance. Compliance will be ascertained during routine monitoring.</p>							

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
10 Aug 2022	332123-016 ENF-23620	Advice & Information	Non-compliance	Symons Property Developments Limited (34584)	R2/7805-1		No Further Action/Costs Recovered

Comments: During analysis of samples taken during routine monitoring it was found that the consented allowable suspended solids limit had been contravened at an industrial site at Connett Road East, Bell Block. The discharge was also in contravention of Abatement Notice EAC-22786 issued as a result of a previous non-compliance. The Company advised that at the time of the non-compliance some significant works were being done on the site to improve the systems and this could have been the cause of the non-compliance. A significant amount of money has been spent on the site to ensure compliance.

24 Aug 2022	332123-008 ENF-23606	Office Assessment	Significant non-compliance	Ample Group Limited (52845)	R2/5221-2	EAC-24771 - Infringement Notice (\$750)	No Further Action/Costs Recovered
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Comments: During analysis of wastewater irrigation data it was found that the consented allowable application depth had been exceeded on multiple occasions through the monitoring year at an abattoir site just north of Stratford.

24 Aug 2022	332123-007 ENF-23605	Annual Inspection	Non-compliance	Tractormeisters Limited (21002)	R2/3602-2	EAC-24718 - Abatement Notice EAC-24716 - 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 Hu Road, Eltham. 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 Abatement Notice EAC-24718 was not being complied with. A letter requesting explanation was sent. Further enforcement action is being considered.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
1 Sep 2022	332123-018 ENF-23623	Annual Inspection	Non-compliance	Farquhar Property Trust (20109)	R2/4366-2	EAC-24750 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During analysis of samples (14 September 2022), taken during the annual dairy inspection round (01 September 2022), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Eltham 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.

1 Sep 2022	332123-009 ENF-23612	Office Assessment	Non-compliance	Cold Creek Community Water Supply Limited (50581)	R2/1134-3.2	EAC-24735 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of data it was found that water abstraction limits had been contravened at a property at Kiri Road, Opunake. An explanation was received. An abatement notice was issued requiring resource consent conditions to be complied with at all times. Compliance will be ascertained during routine monitoring.

1 Sep 2022	332123-029 ENF-23685	Compliance Monitoring Insp.	Non-compliance	Malandra Downs Limited (34941)	R2/7374-1.5		Investigation Continuing
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Comments: During routine monitoring it was found that resource consent conditions were not be complied with at a green waste disposal site at Albany Street, Patea. Site management was not adequate to ensure consent compliance. Council is working with the consent holder to establish a planting plan to ensure consent compliance. Enforcement action is being considered.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
2 Sep 2022	332123-041 ENF-23665	Annual Inspection	Significant non-compliance	Ian Honeyfield Trust (37545)	R2/1129-2	EAC-24800 - Abatement Notice	Investigation Continuing
<p>Comments: During analysis of samples (11 October 2022), taken during the annual dairy inspection round (2 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Patea Road, Whenuakura An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 25 November 2022</p>							
2 Sep 2022	332123-042 ENF-23680	Annual Inspection	Significant non-compliance	Crawford AM & TF Trust (24209) Otauto Farms Limited (56833)	R2/3436-3.0		Investigation Continuing
<p>Comments: During analysis of samples (13 October 2022), taken during the annual dairy inspection round (02 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and an abatement notice EAC-24349, issued as a result of a previous non-compliance, at Otauto Road, Patea. Further enforcement action is being considered</p>							
6 Sep 2022	332123-035 ENF-23684	Annual Inspection	Significant non-compliance	Drought & Kalin Family Trusts Partnership (35241)	R2/1579-3		Investigation Continuing
<p>Comments: During analysis of samples (21 September 2022), taken during the annual dairy inspection round (06 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and an abatement notice EAC-23596, issued as a result of a previous non-compliance, at Kearin Road, Hawera. Further enforcement action is being considered.</p>							

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
6 Sep 2022	332123-032 ENF-23625	Annual Inspection	Non-compliance	Capella Farms (34937)	R2/0322-3	EAC-24751 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During analysis of samples (19 September 2022), taken during the annual dairy inspection round (06 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Taikatu Road, Otakeho. 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 27 October 2022.

6 Sep 2022	332123-033 ENF-23626	Annual Inspection	Non-compliance	Estriver Farms Limited (25302)	R2/0515-3	EAC-24752 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of samples (23 September 2022), taken during the annual dairy inspection round (06 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Turangi Road, Motunui. 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.

6 Sep 2022	332123-034 ENF-23628	Annual Inspection	Non-compliance	Blue Star Farms Limited (69235)	R2/1346-3	EAC-24755 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of samples (21 September 2022), taken during the annual dairy inspection round (06 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Tikorangi Road, Tikorangi. 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.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
7 Sep 2022	332123-039 ENF-23635	Annual Inspection	Non-compliance	Craig Rowe (1771)	R2/1320-3	EAC-24763 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (28 September 2022), taken during the annual dairy inspection round (07 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Otaraoa Road, Waitara. 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>							
7 Sep 2022	332123-037 ENF-23664	Annual Inspection	Non-compliance	Kawa Farms Limited (35923)	R2/4840-2	EAC-24799 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (20 October 2022), taken during the annual dairy inspection round (07 September 2022), 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 will be undertaken after 25 November 2022.</p>							
12 Sep 2022	332123-038 ENF-23641	Annual Inspection	Non-compliance	Robins Dairy Farming Limited (19443)	R2/1392-4.0	EAC-24769 - Abatement Notice	No Further Action/Costs Recovered
<p>Comments: During analysis of samples (28 September 2022), taken during the annual dairy inspection round (12 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Otaraoa Road, Tikorangi. 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 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
12 Sep 2022	332123-017 ENF-23624	Office Assessment	Non-compliance	New Plymouth District Council (9565)	R2/2055-3.1	EAC-24748 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During analysis of information it was found that fish screens had not been installed by the date required in resource consent conditions at three water abstraction sites at LaKe Managamahoe, New Plymouth. An abatement notice was issued requiring the fish screens to be installed. Compliance will be ascertained during routine monitoring.							
13 Sep 2022	332123-019 ENF-23642	Annual Inspection	Non-compliance	Robert Swindlehurst (1639)	R2/0334-3.1	EAC-24770 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During analysis of samples (03 September 2022), taken during the annual dairy inspection round (13 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Kaiapoi Road, Midhurst. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 October 2022.							
13 Sep 2022	332123-026 ENF-23632	Annual Inspection	Significant non-compliance	Brent Bevan (51011)	R2/1107-3	EAC-24760 - Explanation Requested - Letter EAC-24759 - Abatement Notice	No Further Action At This Stage/Costs Recovered
Comments: During analysis of samples (27 September 2022), taken during the annual dairy inspection round (13 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Ihaia Road, Opunake. An abatement notice was issued requiring the discharge of dairy effluent to cease and do not recommence until consent conditions can be complied with. An explanation was received. Further enforcement action is being considered.							

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
16 Sep 2022	332123-023 ENF-23648	Hydrological Inspection	Non-compliance	Manawa Energy Limited (74010)	R2/2053-3.2	EAC-24778 - Explanation Requested - Letter	No Further Action/Costs Recovered

Comments: During routine monitoring it was found that the fish passage was completely blocked by sediment (no fish passage) in contravention of resource consent conditions, at the Waiwhakaiho intake weir at Lake Mangamahoe. A letter of explanation was received. Works have been undertaken to clear the fish passage and the site is now compliant with resource consent conditions.

19 Sep 2022	332123-024 ENF-23647	Annual Inspection	Significant non-compliance	Tynedale Farms (12587)	R2/1594-3	EAC-24777 - 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 an abatement notice EAC-23472, issued as a result of a previous non-compliance, at Manihi Road, Rahotu. Enforcement action is being considered.

21 Sep 2022	332123-027 ENF-23649	Annual Inspection	Non-compliance	Kay Fleming (35664)	R2/1745-3	EAC-24779 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of samples (07 October 2022), taken during the annual dairy inspection round (21 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Arawhata 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 31 October 2022. Abatement notice compliance date has been extended, due to unforeseen circumstances related to absentee land owner. Re-inspection will take place after 16 December 2022.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
28 Sep 2022	332123-040 ENF-23652	Annual Inspection	Significant non-compliance	Bellevue Farming (2007) Limited (30733)	R2/0971-3	EAC-24781 - Explanation Requested - Letter	No Further Action/Costs Recovered

Comments: During analysis of samples (10 October 2022), taken during the annual dairy inspection round (28 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and an abatement notice EAC-23521, issued as a result of a previous non-compliance, at Kaharoa Road, Patea. A letter of explanation was received and accepted. Works are being undertaken to upgrade the disposal system.

28 Sep 2022	332123-051 ENF-23645	Annual Inspection	Non-compliance	Wayne Douglas & Sandra Christine Morrison (27091)	R2/3556-2	EAC-24783 - Explanation Requested - Letter EAC-24775 - 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 Rangikura-Elslea Road, Waverley. 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 26 October 2022. A letter of explanation was received. Further enforcement action is being considered.

28 Sep 2022	332123-043 ENF-23661	Annual Inspection	Non-compliance	Lloyd William & Joanne Margaret Morgan (3383)	R2/3925-2	EAC-24804 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of samples (18 October 2022), taken during the annual dairy inspection round (28 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Upper Ngariki Road, Rahotu. 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 15 November 2022.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
29 Sep 2022	332123-044 ENF-23662	Annual Inspection	Non-compliance	Kokako Road Limited (50357)	R2/4877-3.0	EAC-24797 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During analysis of samples (18 October 2022), taken during the annual dairy inspection round (29 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Kokako Road, Waverley. 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 22 November 2022.

3 Oct 2022	332123-028 ENF-23656	Annual Inspection	Non-compliance	Daniel McPhillips (1646)	R2/0458-3	EAC-24794 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of samples (13 October 2022), taken during the annual dairy inspection round (03 October 2022), 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 to take place after 6 January 2023.

3 Oct 2022	332123-062 ENF-23686	Annual Inspection	Non-compliance	Hardgate Farms Limited (28131) RM & AS Gatenby (28061)	R2/1516-3		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 Upper Waiteika 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 10 December 2022.

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
3 Oct 2022	332123-063 ENF-23688	Annual Inspection	Non-compliance	Kandahar Neilson Farm Limited (74300)	R2/2833-2		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, Opunake. Enforcement action was not required as works were carried out on the disposal system on the day the annual inspection was undertaken. Reinspection found the disposal system was compliant with resource consent conditions.</p>							
4 Oct 2022	332123-031 ENF-23660	Annual Inspection	Non-compliance	Gardiner Partnership (12821)	R2/3300-2	EAC-24795 - 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 Hunter Road, Mangatoki, Eltham. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found the abatement notice was being complied with at the time of inspection.</p>							
5 Oct 2022	332123-025 ENF-23650	Office Assessment	Non-compliance	Riverlands Eltham Limited (9422)	R2/5569-1		Investigation Continuing
<p>Comments: During routine monitoring it was found that the groundwater monitoring bores had not been maintained to a standard that was safe for monitoring to occur, at a property at Lower Stuart Road, Eltham. The Company was contacted and advised of the technical contravention of resource consent conditions. The Company has undertaken to complete the necessary works by the end of December 2022.</p>							

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
7 Oct 2022	332123-052 ENF-23668	Annual Inspection	Non-compliance	LJ Fleming & Co Limited (12607)	R2/4287-2	EAC-24805 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (29 November 2022), taken during the annual dairy inspection round (07 November 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Opourapa Road, Rahotu. 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.</p>							
7 Oct 2022	332123-046 ENF-23673	Annual Inspection	Significant non-compliance	Joblin Partners Limited (35408)	R2/7056-1	EAC-24810 - Abatement Notice	Investigation Continuing
<p>Comments: During analysis of samples (02 November 2022), taken during the annual dairy inspection round (07 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and an abatement notice EAC-23513, issued as a result of a previous non-compliance at Lower Stuart Road, Eltham. An abatement notice was issued requiring the discharge of dairy effluent to cease until the resource consent conditions can be complied with. Reinspection will be undertaken after 3 November 2022. Further enforcement action being considered.</p>							
10 Oct 2022	332123-045 ENF-23666	Annual Inspection	Significant non-compliance	Delbrae Farms (2015) Limited (52646)	R2/0527-2		Investigation Continuing
<p>Comments: During analysis of samples (20 October 2022), taken during the annual dairy inspection round (10 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and an abatement notice EAC-23652, issued as a result of a previous non-compliance, at Hastings Road Matapu. Reinspection found the abatement notice was being complied with at the time of inspection. Further enforcement action is being considered.</p>							

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
11 Oct 2022	332123-048 ENF-23669	Annual Inspection	Non-compliance	Bernard & Josephine Kelly (15357)	R2/1521-3	EAC-24807 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (31 October 2022), taken during the annual dairy inspection round (11 October 2022), it was found that the farm dairy effluent disposal system was not operating within resource consent conditions on Skeet Road, Matapu. 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 30 November 2022.</p>							
12 Oct 2022	332123-059 ENF-23687	Annual Inspection	Non-compliance	Tim M Hurley & Sarah C Walker (3835)	R2/0951-3		No Further Action/Costs Recovered
<p>Comments: During analysis of samples (31 October 2022), taken during the annual dairy inspection round (12 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Ngariki Road, Rahoitu. Works were carried out to the disposal system. Reinspection found the system to be compliant with resource consent conditions.</p>							
12 Oct 2022	332123-053 ENF-23670	Annual Inspection	Non-compliance	Willcox Farms Ltd (69291)	R2/0782-3	EAC-24808 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (31 September 2022), taken during the annual dairy inspection round (12 September 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Kahui 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 will be undertaken after 30 November 2022.</p>							

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
14 Oct 2022	ENF-23683	Annual Inspection	Non-compliance	Goodin Farms Limited (1692) Tom Goodin (72669)	R2/0400-3		Investigation Continuing
<p>Comments: During analysis of samples (8 November 2022), taken during the annual dairy inspection round (14 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and an abatement notice EAC-21821, issued as a result of a previous non-compliance, at Mid Kahui Road, Rahotu. Further enforcement action being considered.</p>							
17 Oct 2022	332123-054 ENF-23672	Annual Inspection	Non-compliance	JL & KA Crawford Trust (19692)	R2/3466-2	EAC-24809 - Abatement Notice	No Further Action At This Stage/Costs Recovered
<p>Comments: During analysis of samples (01 November 2022), taken during the annual dairy inspection round (17 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Skeet 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 will be undertaken after 30 November 2022.</p>							
17 Oct 2022	332123-064 ENF-23689	Annual Inspection	Significant non-compliance	Mataikahawai Land Holdings Limited (31925) Paul O'Rorke (52063)	R2/1518-3		Investigation Continuing
<p>Comments: During analysis of samples (01 November 2022), taken during the annual dairy inspection round (17 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and an abatement notice EAC-22272, issued as a result of a previous non-compliance, at Waiteika Road, Opunake. Further enforcement action is being considered.</p>							

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Oct 2022	332123-065 ENF-23690	Annual Inspection	Significant non-compliance	Matthew Lawn (74449) MPL Farms Limited (54245)	R2/1445-3	EAC-24823 - Abatement Notice EAC-24822 - 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 Watino Road, Opunake. Enforcement action is being considered

19 Oct 2022	332123-047 ENF-23674	Annual Inspection	Non-compliance	Blake Farms Limited (12818)	R2/0550-2	EAC-24812 - Abatement Notice	No Further Action At This Stage/Costs Recovered
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Comments: During analysis of samples (02 November 2022), taken during the annual dairy inspection round (19 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Lower Duthie Road, Kaponga. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 30 November 2022.

20 Oct 2022	332123-056 ENF-23675	Annual Inspection	Significant non-compliance	Francis Mullan (2715)	R2/1176-3	EAC-24817 - Explanation Requested - Letter EAC-24813 - Abatement Notice	Investigation Continuing
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Comments: During analysis of samples (02 November 2022), taken during the annual dairy inspection round (20 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Lower Kahui Road, Rahunu. 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 17 November 2022. Further enforcement action is being considered

Compliance Monitoring – Non-compliances for the period 12 Aug 2022 to 27 Oct 2022

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Oct 2022	332123-036 ENF-23667	Compliance Monitoring Insp.	Non-compliance	Firth Industries (25111)	R2/1274-3	EAC-24803 - Abatement Notice	No Further Action At This Stage/Costs Recovered

Comments: During routine monitoring it was found that the site was not operating within resource consent conditions. Silt and sand had been tracked from the site into the roadside gutter and onto the roadway. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. Reinspection will be undertaken after 30 November 2022.

21 Oct 2022	332123-066 ENF-23681	Annual Inspection	Significant non-compliance	Arnold Fitzgerald (72212) Fitzgerald AG & EE Trusts Partnership (10546)	R2/1665-3		Investigation Continuing
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Comments: During analysis of samples (8 November 2022), taken during the annual dairy inspection round (21 October 2022), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions and an abatement notice EAC-22143, issued as a result of a previous non-compliance, at Eltham Road, Kaponga. Further enforcement action is being considered.



Date 22 November 2022

Subject: **Analysis of the 2021-2022 Compliance Monitoring and Enforcement metrics for the Regional Sector**

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

Document: 3115771

Purpose

1. The purpose of this memorandum is to present a report following an independent analysis of the 2021-2022 compliance monitoring and enforcement metrics for the regional sector.
2. The report provides an opportunity to put what this council does, in terms of compliance monitoring and enforcement, into context.
3. A copy of the report is attached to this agenda item.

Executive summary

4. In 2018 the Compliance Monitoring and Enforcement Special Interest Group (CESIG), with support from regional council and unitary council chief executives, commissioned an independent consultant to complete a report into Compliance, Monitoring and Enforcement (CME) using data from 2017-2018.
5. The report has been prepared using data from the sector every year since 2018. In year one and two the report was conducted by independent consultant Dr Marie Doole from the Catalyst Group. From year three onward reporting was conducted by Sprout Customer Research.
6. All 16 regional and unitary councils provided data, resulting in the most comprehensive report available on the sector's CME activities under the RMA's 30-year history. The report exceeds the publicly available detail on the activities of any other environmental regulatory regime in the country.
7. Effective compliance, monitoring and enforcement of the activities carried out under resource consents or permitted activities is a significant tool in protecting the environment and taonga. Carried out well CME can drive good environmental

outcomes and prevent incidents. Carried out poorly, it can allow environmental damage to occur.

8. Across New Zealand there are around 220,000 resource consents issued by the 16 regional and unitary councils under the Resource Management Act 1991. There are also regional plans, including national standards, that allow activities to occur as permitted activities. Both allow people and organisations to use natural resources – air, land, water – provided they comply with conditions to minimise any potential environmental effects.
9. Around 36,000 of these resource consents needed monitoring because of possible environmental effects, and 83% were monitored in the reporting year. There were, however, variable levels of compliance from region to region.
10. In addition, regional and unitary councils received over 22,000 pollution complaints, of which 98% were responded to, 54% were physically attended.
11. Across the 16 regional and unitary councils, 591 full time employees were assigned to compliance, monitoring and enforcement roles including monitoring of resource consents and responding to pollution incidents. The Council has a high level of resourcing in this important area relative to other councils.
12. The independent report found across the country, CME activities are in relatively good shape. Regional and unitary councils have generally improved significantly over the past decade in the way they administer their compliance monitoring and enforcement role. Increasing capacity, professionalism, and monitoring and reporting processes are evident.
13. This Council has an established CME regime in place that is mostly funded by resource users. The regime compares very well against that existing elsewhere in the country and has been successful in maintaining and enhancing environmental quality in Taranaki, over the years, including when environmental pressures have increased.
14. As part of the CESIG Strategic Compliance Framework, adopted by Council in March 2017, audits are completed of Council CME activities against best practice. The Council was thoroughly audited by our peers in 2018 and received a very positive audit report.
15. The Council has a long and successful history in CME and considers it to be a vital part of a properly functioning resource management system. The Council has been a national leader in many aspects of CME for many years and has made continuous improvements in its systems and processes, when needed. The report is a very useful review of CME for the sector as a whole and for this Council.

Recommendations

That the Taranaki Regional Council:

- a) receives the Memorandum Analysis of the 2021-2022 Compliance Monitoring and Enforcement Metrics for the Regional Sector
- b) notes the survey shows this Council's compliance monitoring and enforcement regime is well established and resourced
- c) notes the Council's compliance monitoring and enforcement regime compares very well against that existing elsewhere in the country.

Background

16. The report arose from criticism from the incoming government that the sector was not undertaking sufficient CME. There was also a lack of accurate reporting of these activities in sufficient detail at a national level by the Ministry for the Environment.
17. Effective compliance, monitoring and enforcement of the activities carried out under resource consents or permitted activities is a significant tool in protecting the environment. Carried out well CME can drive good environmental outcomes and prevent incidents. Carried out poorly it can allow environmental damage to occur.
18. The Compliance Monitoring and Enforcement Special Interest Group, with support from regional council and unitary council chief executives, commissioned an independent consultant (Dr M Doole from the Catalyst Group) to complete a report into CME using data from 2017-2018. Dr M Doole had previously prepared a report for the Environmental Defence Society Last line of defence- compliance, monitoring, and enforcement of NZ's environmental law (2017). Members received an agenda memorandum on this report in May 2017.
19. The report has been prepared annually since 2018. In year one and two the report was conducted by independent consultant Dr M Doole. From year three onward reporting was conducted by Sprout Customer Research.

Report

20. The report was compiled from questionnaire information supplied by the 16 regional councils and unitary councils. As such, the report represents the most comprehensive survey available on the sector's CME activities under the RMA's 30-year history. The report exceeds the publicly available detail on the activities of any other environmental regulatory regime in the country.
21. Across New Zealand there are around 220,000 resource consents issued by the 16 regional and unitary councils under the Resource Management Act. There are also regional plans and national standards that allow activities to occur as permitted activities. Both allow people and organisations to use natural resources – air, land, water – provided they comply with conditions to minimise any potential environmental effects.
22. Around 36,000 of these resource consents needed monitoring because of possible environmental effects, and 83% were monitored in the reporting year. There were, however, variable levels of compliance from region to region.
23. Across the 16 regional and unitary councils, 591 full time employees were assigned to CME and responding to pollution incidents. The Council has a high level of resourcing in this important area relative to other councils.
24. During the reporting year, the sector took more than 5,500 formal actions – 493 formal warnings, 3,513 abatement notices, 1,486 infringement fines and 8 enforcement orders. Twenty-five individuals and 21 corporate defendants were convicted, with the dominant offence being the discharge of contaminants. Collectively, the prosecutions resulted in over \$1,300,000 in fines, in addition to other approaches such as restorative work.
25. In Taranaki during 2021-2022 there were no formal warnings issued as the Council believes in using abatement notices instead. One hundred and fifty abatement notices were issued, representing 4% of the total. One hundred and three infringement fines were issued, representing 7% of the total. No enforcement orders were issued. One

corporate was convicted, as a result of a prosecution, representing 5% of the total. No individuals were convicted.

26. The fines imposed by the Courts were some of the highest in NZ and showed the seriousness of the non-compliance.
27. Collectively, the sector receives over 22,000 complaints annually, 99% of which were responded to. Regional councils and unitary authorities monitored 83% of consents requiring monitoring and encountered highly variable levels of compliance region by region.
28. This Council is responding to a growing number of complaint calls, receiving calls about 531 incidents in 2021-2022. All of these were responded to (100%). Other council response rates were between 78 and 100%.
29. The Council also administers around 4,372 resource consents. Potential environmental risks of those activities mean that about 2,500 of these consents need to be regularly monitored. The Council monitored a relatively high number of consents and during the period monitored 100% of those requiring monitoring. Other councils managed to monitor between 36% and 100%.
30. The report concluded regional and unitary councils have generally improved significantly over the past decade in the way they administer their compliance monitoring and enforcement role. Increasing capacity, professionalism, and monitoring and reporting processes are evident. The report and its recommendations provide a blueprint for the regional sector as it looks at the sectors collective capability and performance, highlighting where we are doing well and where we can make improvements.
31. The Council has a long and successful history in CME and considers it to be a vital part of a properly functioning resource management system. The Council has been a national leader in many aspects of CME for many years and has made continuous improvements in its systems and processes, when needed. The report is a very useful review of CME for the sector as a whole and for this Council.

Strategic Compliance Framework

32. As part of the CESIG Strategic Compliance Framework, adopted by Council in 2017, audits are completed of Council CME activities against best practice. The Council was thoroughly audited by our peers in late 2018 and received a very positive audit report. There was no criticism of the Council's approach, particularly concerning how prosecution decisions are made, and of any political interference.

Financial considerations—LTP/Annual Plan

33. 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

34. 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

35. 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.
36. Iwi are involved in major non compliances incidents and in providing victim impact assessments at sentencing time for prosecutions. Funding for such assessments is now available.

Community considerations

37. 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

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

Appendices/Attachments

Document 3115922: 2021-2022 CME Metrics Report



Regional and
Unitary Councils
Aotearoa

ANALYSIS OF THE 2021/2022 COMPLIANCE MONITORING AND ENFORCEMENT METRICS FOR THE REGIONAL SECTOR

PREPARED BY

SPROUT

OCTOBER 2022



FOREWORD

Kia ora,

Welcome to the fifth annual CME Metrics report capturing performance in the areas of compliance and enforcement under the Resource Management Act.

The intention of the report is to provide commentary on strengths and improvements within the CME sector, with a key focus on achieving consistency and best practice.

Designed to provide easy reference to the reader, I believe the summary of the regional CME activity on page 3 demonstrates the extensive work that goes on within the sector. Despite the number of active resource consents being down this year, the sector still administers over 216,000 active resource consents. The sector has also recouped over \$1.3 million in court-imposed fines, with 93 active prosecutions still before the courts. The regional scorecards on page 48 also help to break down the national findings further to each individual regional and unitary council.

The CME sector is currently faced with a challenging employment market that makes it difficult to recruit and retain staff. Councils have experienced a large turnover of staff, with some councils reporting a 50% turnover in teams. This not only impacts the level of resourcing, but also creates issues of continued financial costs and time associated with training new staff.

Over the past few years COVID 19 has also challenged the sector. Moving forward, we are keen to see how the scrapping of the traffic light system will assist the CME function.

The Compliance and Enforcement Special Interest Group (CESIG) is made up of representatives from regional and unitary councils in New Zealand. Its focus is on the continuous improvement of the CME function. In its fifth year, the intention is to have this, and previous year data reviewed independently to show key trends within the sector which will help update work programs.

Ngā mihi nui,



Gary McKenzie

Compliance Monitoring and Enforcement Manager – Gisborne District Council

SUMMARY



578 FTES
IN CME ROLES



216,404
ACTIVE RESOURCE
CONSENTS



DOWN
24% FROM
LAST YEAR

86%

COUNCILS MONITORED AN AVERAGE
OF **86%** OF ALL CONSENTS THAT
REQUIRED MONITORING UNDER THE RMA



493
FORMAL
WARNINGS



3,512
ABATEMENT
NOTICES



1,486
INFRINGEMENT
FINES



8

**ENFORCEMENT
ORDERS**



40

PROSECUTIONS
(93 IN PROGRESS)



**21 CORPORATES
CONVICTED**



**25 INDIVIDUALS
CONVICTED**



\$1,320,250
IN FINES

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INTRODUCTION

PART 1

This year marks a milestone, with this series of reports running for five years now. Accessibility of comparable information on CME functions is a sector-led effort, under the leadership of CESIG. Questions have been designed by the regional sector with the aim of improving and accompanying the national monitoring system's compliance, monitoring and enforcement related questions and analysis. All 16 of New Zealand's regional councils and unitary authorities (the 'regional sector') have participated between 2018 and 2022. Each year we see three distinct groups within the regional sector; Auckland Council, the small unitary councils and the regional councils. The reports are aimed at expanding information available to the sector and tracking the sectors progression over time.

The Resource Management Act 1991 (RMA) is New Zealand's environmental legislation with the purpose of sustainably managing natural and physical resources. The success of that management is largely dependent on the quality of implementation. Regional councils, unitary authorities and territorial local authorities have the primary role in compliance, monitoring and enforcement of the RMA. CME is a tool in achieving the purpose of the RMA. Monitoring and understanding implementation remain critical to understanding our nations environmental management.

In this reporting period COVID-19 continues to challenge the sector. The Alert System was more localised compared to last year. On 2nd December 2021 the COVID-19 Alert System ended, and we moved into the COVID-19 Protection Framework (traffic light system). On the 12th of September 2022 the COVID-19 Protection Framework (traffic light system) ended.

Job security is high, 46% of employees say there is almost no chance of them losing their job in the next 12 months (The Winners and Losers in the Latest Jobs Data. Chris Renney, Feb 2022). An additional 101,000 people are in employment since last year (Businesses Falling Over Themselves for Talent in 2022, Newsroom). With this comes the challenge of recruiting and retaining staff in a highly competitive market.

READING THIS REPORT

Each council was sent an online survey comprising 40 questions (Appendix 1). Councils were given two weeks to collect and input the data into an online platform. After inputting the initial data, councils were sent a link that allowed them to log in and change their information at any time.

This report sets out data provided for each section of the survey, as follows:

- A short analysis of the findings, at both a regional and national scale
- The tables and graphs of the information
- A boxed section containing the exact questions relevant to that section
- Responses to open-ended questions have been aggregated and analysed and the theme of the response presented in this report.
- Verbatim answers are provided where responses cannot be summarised

HOW DOES THIS REPORTING PROCESS DIFFER YEAR ON YEAR?

The main information to be collected was set out in the first year (2017/2018). Following the first year there were significant learnings and improvements to the questionnaire. The questionnaire remained the same between year two and four. Last year some of the recommendations by the Ministry for the Environment were adopted by all councils and have therefore served their purpose. These questions related specifically to compliance grades, enforcement policies, conflict of interest policies and supporting education/engagement projects. As a result of all councils action these questions have been removed. Other questions were kept consistent. Consistency allows us to track the successes and improvements over time.

In year one and two the report was conducted by independent consultant Dr Marie Doole. From year three onwards collection and reporting was conducted by Sprout Customer Research.

DATA LIMITATIONS

Reporting of activities in complex, reflective measures can be difficult. When reading the report keep in mind the following aspects and data:

- Not all requested information can be provided by all councils which results in gaps in the dataset.
- The project does not include any data auditing and it is therefore unknown how accurate the information provided by councils is. Each council had a representative that sense checked and was responsible for the final data points entered into the survey.
- Throughout the report there are some instances where the way a council reports has changed or improved, this makes the data incomparable to prior years.

CME UNDER THE RESOURCE MANAGEMENT ACT NEW ZEALAND

This report is a sector led effort by the Compliance and Enforcement Special Interest Group (CESIG). It aims to improve the quality of information available on the CME functions. Whilst the data set is not perfect, it provides interesting insight into CME operations under the RMA, and it's value increases year on year. Having the ability to track trends over a five year period is a milestone. The outcomes of improvements made by individual councils to improve in how they implement CME are evident.

Implementation of CME and the way it is adopted and exercised is up to individual councils under the broad framework of the RMA. Implementation in a robust manner leads to positive environmental outcomes. Limited national direction has placed an emphasis on individual councils to develop their own operations under the relatively broad framework of the RMA. This role has developed differently over the jurisdictions. The regions also differ based on GDP, area, population, and population growth.

As the sector develops, formalisation and standardisation of parameters have been developed. In 2018 the Ministry released Best Practice Guidelines and this has influenced the measures we report on.

KEY DEFINITIONS

Compliance: adherence to the RMA, including the rules established under regional and district plans and meeting resource consent conditions, regulations and national environmental standards.

Monitoring: the activities carried out by councils to assess compliance with the RMA. This can be proactive (e.g., resource consent or permitted activity monitoring) or reactive (e.g., investigation of suspected offenses).

Enforcement: the actions taken by councils to respond to non-compliance with the RMA. Actions can be punitive (seek to deter or punish the offender) and/or directive (e.g., direct remediation of the damage or ensure compliance with the RMA).

ANALYSIS

PART 2

REGIONAL CONTEXT

Regionally New Zealand is diverse; contextually there are large differences between regions population, growth rates, areas and Gross Domestic Product (GDP). The graph below illustrates the diversity of the regions we report on.

Auckland has the highest population; it's home to 1/3 of New Zealanders, in comparison to the West Coast, home to only 1% of all New Zealanders. Northland, Waikato and BOP are seeing the largest growth rates. Population growth rates have slowed in Auckland, Canterbury and Otago this year.

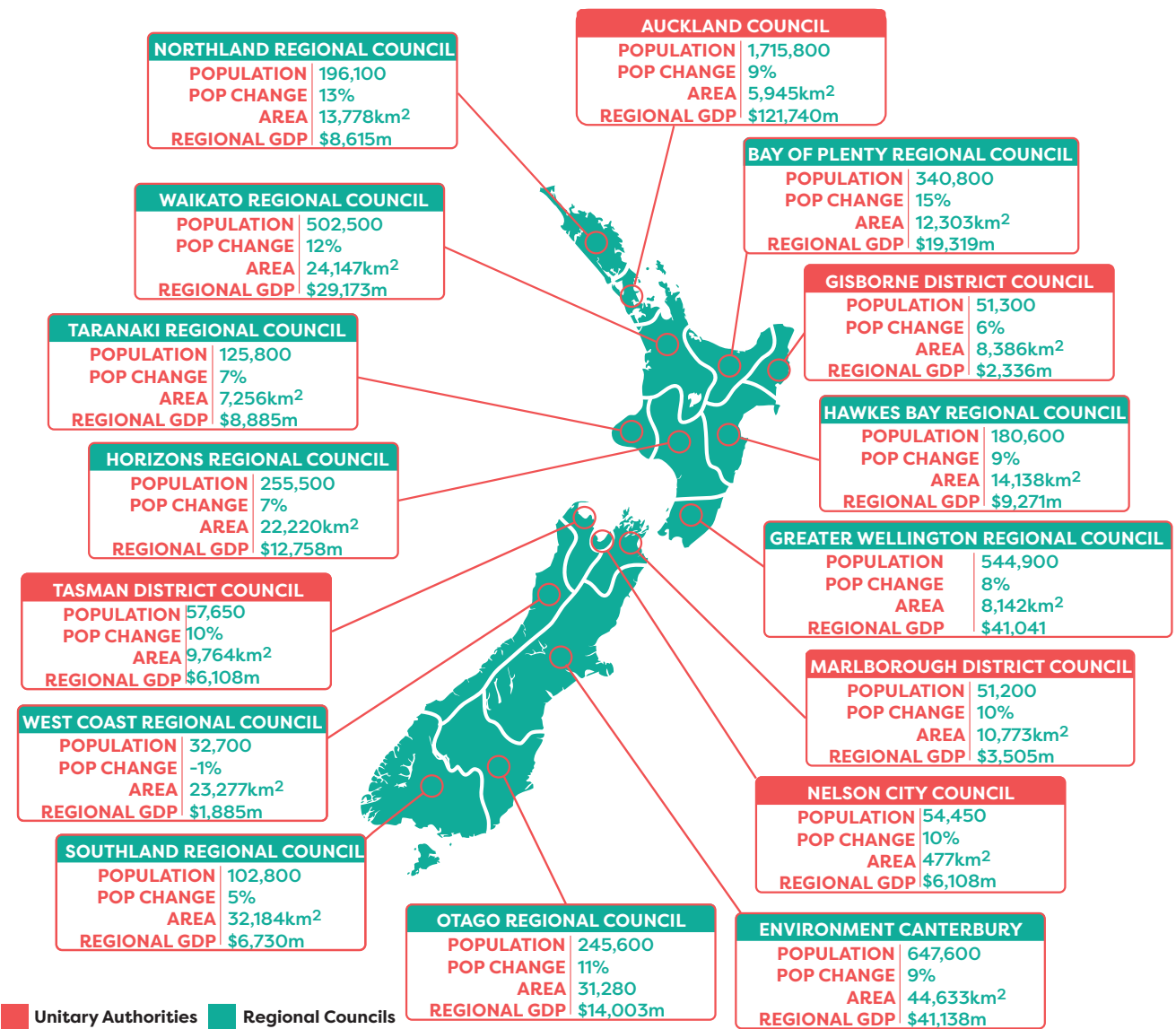


Figure 1: Regional context data

WORKING WITH IWI

Councils continue to strengthen relationships and commitments with iwi and hapū. They do this by engaging them in CME matters.

The majority of councils have formalised agreements or are actively working towards these; five councils have no formal agreements. For those who do not have a formal arrangement in place, they are working towards doing better through increased involvement and more focus at organisational level as a priority.

Key commitments include:

- Development of frameworks for iwi and council co-management.
- Strategic and leadership support within council. Involvement in strategic meetings.
- Creating working parties/ advisory committees that meet regularly. Equal representation on working parties/ committees.
- Aspirations for, or implementation of, joint management arrangements or partnerships/ development of collaborative work strategies.
- Involving mana whenua through regulatory decisions.
- Establishment of cultural health monitoring practices.
- Involvement when incidents occur/ iwi monitoring officers.
- Reporting and notifications to iwi e.g. resource applications, incidents, major incidents and investigations.
- Prosecution and victim impact or cultural impact statements.
- Council having responsibilities towards cultural and spiritual values.

Question 4: In no more than 300 words describe your regional key commitments to work with iwi/ Māori on CME. For example, joint management agreements or other co-management agreements.

CME OPERATIONS MANAGING THE WORKLOAD

REGISTERING NOTIFICATIONS

Complaints are registered by individual councils as individual incidents or by event. Events may include multiple separate complaints. Individual incidents are usually higher and this needs to be taken into account when doing comparative analysis.

A standardised approach is optimal for the sector. The sector continues to be divided in its approach. Eight councils report an incident per event, nine report an incident per notification. Compared to previous years the recording convention remained consistent for majority of councils.

RECORDING CONVENTIONS FOR INCOMING COMPLAINTS

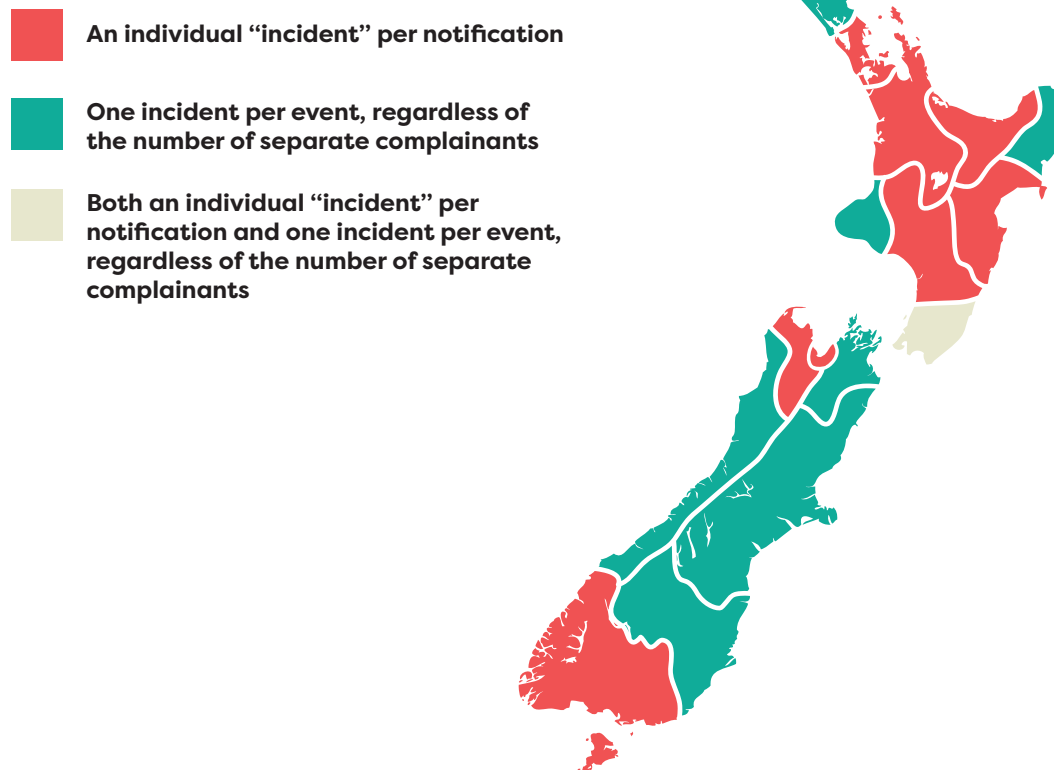
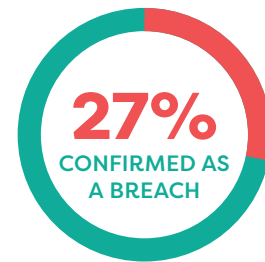
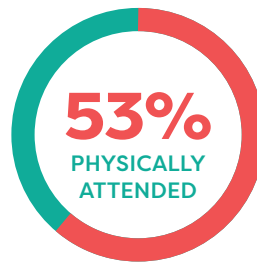


Figure 2: Recording conventions for incoming complaints across the regional sector

Question 5. Does your council register/count:

- An individual "incident" per notification?
- One incident per event, regardless of the number of separate complainants?

NATIONWIDE COMPLAINTS



COMPLAINTS RECEIVED

Each year there are a large variation in complaints caused by contextual differences of regions. Variation tends to reflect population bases; those regions with higher populations have a higher number of complaints. This year nationwide individual complaints have reduced by over four thousand, incidents have reduced by one and a half thousand.

Most councils had a decrease in complaints this year. Significant points of interest are decreases in:

- Individual complaints (-907) and (-678) incidents for Environment Canterbury.
- Individual complaints for Bay of Plenty (-602), Auckland Council (-458) and Waikato (-358).

COMPLAINTS RESPONDED TO AND ATTENDED

Almost all councils responded to 100% of complaints. Southland Regional Council responded to 94% of complaints, Environment Canterbury responded to 78% of complaints. All unitary authorities responded to 100% of complaints. Overall, the nationwide response rate was 99%.

Attending a complaint physically is the most resource-intensive response possible, but it does enable officers to assess an issue first-hand. This year the percentage of events physically attended decreased from 63% to 53%. Last year's increases were driven by increased physical attendance by Horizons Regional Council, West Coast Regional Council and Southland Regional Council. This year we see complaints physically attended reduce across all councils.

Question 6. How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties but excludes information from council monitoring activity. Please note answer unknown if your council does not record the information requested.

Question 7. How many of these notifications were responded to by council?

This response may be in any form – e.g. phone call, site visit, desktop audit.

Question 8. How many of these notifications were physically attended by council staff?

If one incident had multiple visits, only count this as one.

NUMBER OF INDIVIDUAL COMPLAINTS AND INCIDENTS

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

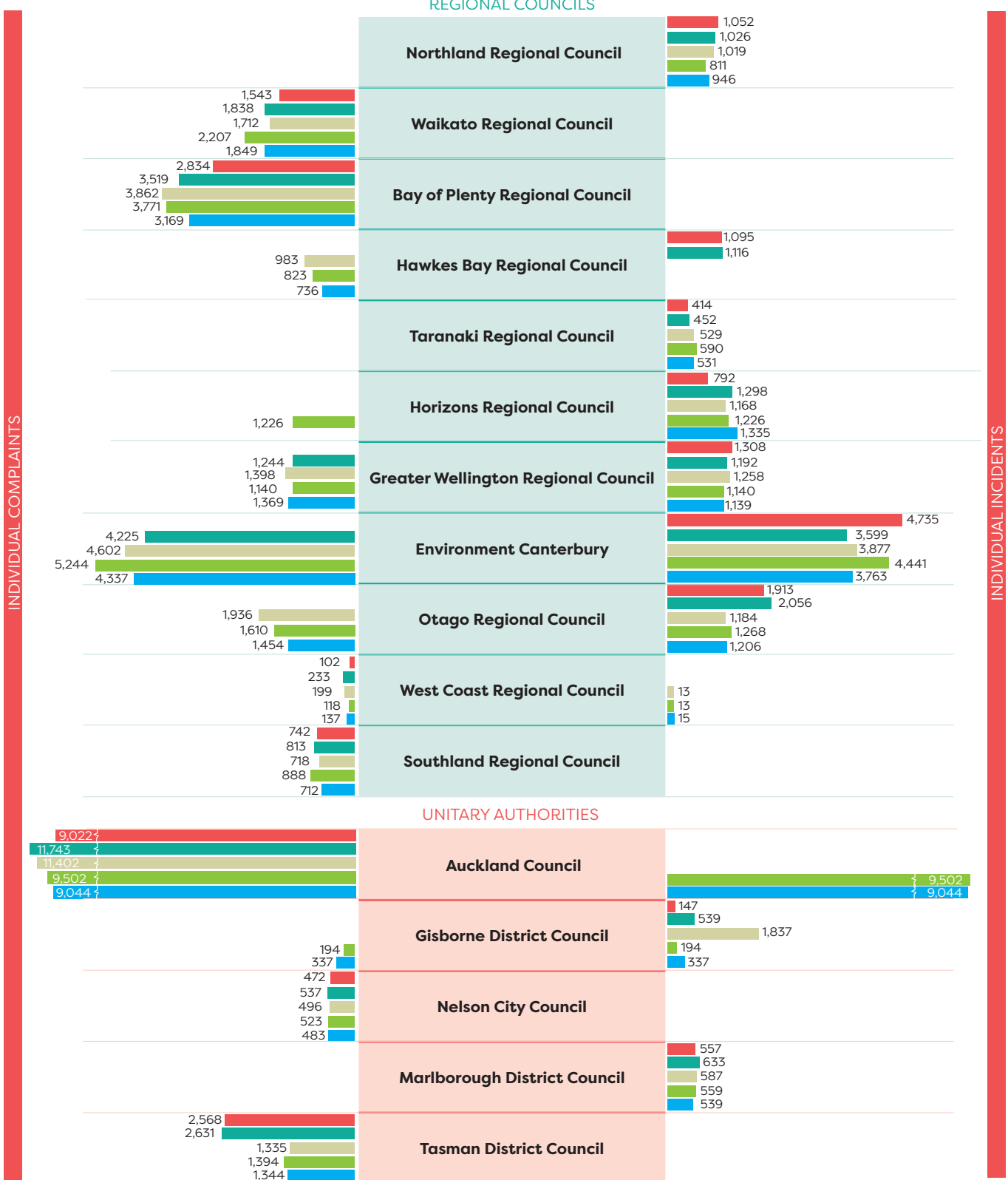


Figure 3: Number of individual complaints and incidents

NUMBER OF INDIVIDUAL COMPLAINTS RESPONDED TO AND PHYSICALLY ATTENDED

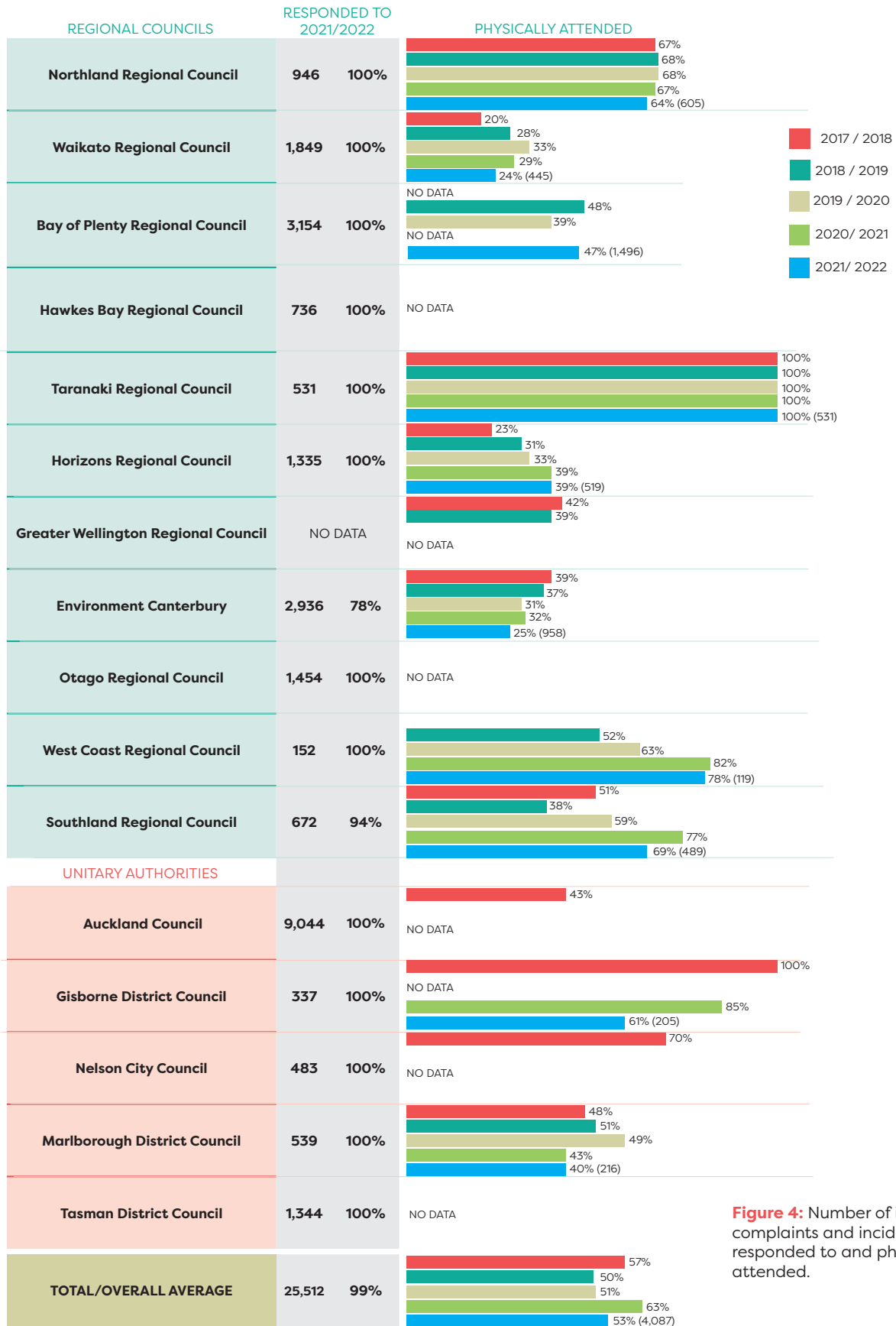


Figure 4: Number of individual complaints and incidents responded to and physically attended.

CONFIRMED BREACHES

The average confirmed breaches have remained relatively stable year on year for Unitary Authorities. At regional level there is a lower percentage of confirmed breaches this year. Environment Canterbury has the highest number of breaches, followed by Northland Regional Council. This year Waikato Regional Council had a significant decrease in confirmed breaches, putting it in-line with pre COVID figures. Percentage of breaches for Southland Regional Council reduced by half.

PERCENTAGE OF CONFIRMED BREACHES

REGIONAL COUNCIL	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2021 / 2022	Breaches by Type	
						Resource consent	Non-consented activity
Northland Regional Council		48%	42%	47%	46% (433)	5%	95%
Waikato Regional Council	24%	7%	26%	37%	21% (386)		
Bay of Plenty Regional Council		25%	20%	23%	25% (789)		
Hawkes Bay Regional Council							
Taranaki Regional Council	37%	37%	40%	39%	35% (186)	20%	80%
Horizons Regional Council							
Greater Wellington Regional Council	17%	15%	18%	19%	13% (148)		
Environment Canterbury	23%	29%	68%	24%	19% (732)	66%	34%
Otago Regional Council							
West Coast Regional Council	50%	41%	17%	21%	21% (32)	44%	56%
Southland Regional Council	17%	18%	29%	34%	15% (104)	54%	NA
UNITARY AUTHORITIES							
Auckland Council		29%	22%				
Gisborne District Council				35%	39% (132)	66%	2% NA
Nelson City Council	70%						
Marlborough District Council	34%	23%	21%	22%	20% (106)	19%	81%
Tasman District Council							
TOTAL/AVERAGE	40%	27%	27%	29%	27% (3,048)		

Table 1: Percentage and types of breaches

Question 9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?
Question 10. How many of the breaches were for:
 Breach of a resource consent?
 Breach of permitted activity rules?

NATIONWIDE COMPLIANCE INSPECTIONS

CONSENTS **216,404** / REQUIRED MONITORING **35,810** / PERCENTAGE MONITORED **86%**

MONITORING RESOURCE CONSENTS

This year active resource consents reduced by 24% (67,066 consents). Auckland Council is the largest processor of consents and accounted for 55,354 less active resource consents. This year due to data integrity they have excluded tree consents (LUC) that were issued more than five years ago as these are likely to have lapsed.

For those consents that are active 17% (35,810) required monitoring. Northland Regional Council, Gisborne District Council and Horizons Regional Council have the largest increases in consents that are required to be monitored.

The number monitored was similar to last year at 86%. Waikato Regional Council continues to monitor more than is required. Gisborne District Council have a lower percentage monitored; this has decreased over this year. Tasman District Council has the largest increase in monitoring.

Question 11. How many individual, active resource consents exist in your region?

Exclude Land Use Consents where the activity is completed e.g., Land use subdivisions where the subdivision is complete, and certificates issued or land use – building where the building has been constructed.

Question 12. How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?

Question 13. How many of these consents were monitored (including desktop audit) in the period?

		TOTAL CONSENTS					REQUIRED MONITORING					NUMBER MONITORED					
		2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2021 / 2022	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2021 / 2022	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2021 / 2022	
REGIONAL COUNCILS	Northland Regional Council	3,812	9,738	9,910	10,164	10,779	3,724	3,847	3,731	3,505	4,153	94%	93%	88%	86%	95%	3,945
	Waikato Regional Council	4,500	4,787	11,419	11,839	12,511	1,500	525	1,674		575	77%	100%+	100%+		100%+	932
	Bay of Plenty Regional Council	5,500	9,057	8,458	8,407	7,608	1,900	2,380	3,316	3,324	3,398	69%	70%	85%	86%	93%	3,173
	Hawkes Bay Regional Council	3,144	5,928	8,300	8,452	8,620	3,144	3,446	3,550	3,355	3,358	94%	93%	93%	93%	91%	3,056
	Taranaki Regional Council	4,837	4,784	4,625	4,517	4,372	2,930	2,743	2,788	2,510	2,408	100%	100%	100%	100%	100%	2,408
	Horizons Regional Council	4,700	5,204	5,468	6,619	5,638	1,700	1,648	1,367	1,823	2,175	82%	80%	81%	89%	95%	2,068
	Greater Wellington Regional Council	6,375	6,604	6,863	7,138	7,259	1,544	1,782	1,633	1,779	1,843	94%	95%	94%	87%	88%	1,630
	Environment Canterbury	20,417	18,500	22,051	22,648	23,079	20,417	4,625	4,410	1,314	882	28%	72%	89%	96%	76%	674
	Otago Regional Council	5,984	5,588	5,656	5,785	5,829	3,827	1,161	3,256	3,136	3,144	66%	52%	64%	71%	77%	2,421
	West Coast Regional Council		3,474	3,000	5,682	5,809		868	900	1,268	1,275		100%+	87%	92%	92%	1,170
	Southland Regional Council	5,376	5,590	5,824	5,995	4,916	3,188	4,586	4,127	5,920	3,752	100%	78%	73%	72%	84%	3,151
REGIONAL SUBTOTAL		64,645	79,254	91,574	97,246	96,420	43,874	27,611	30,752	27,934	26,963	80%	85%	87%	87%	96%	24,628
UNITARY AUTHORITIES	Auckland Council	103,690	108,326	115,723	130,371	75,017	17,759	11,778	13,162			71%	60%	72%			19,089
	Gisborne District Council	1,250		10,500	8,893	7,753	699			1,135	1,600	34%			60%	47%	746
	Nelson City Council	1,200	784	656	675	594	550	619	656	675	594	100%	100%	100%	100%	100%	594
	Marlborough District Council	20,802	21,377	29,459	29,459	27,817	2,686	3,261	3,529	3,529	3,326	83%	89%	93%	98%	85%	2,837
	Tasman District Council	15,764	13,042	7,230	16,826	8,803	4,250	2,478	6,389	4,941	3,327	46%	75%	26%	57%	73%	2,426
	UNITARY SUBTOTAL		142,706	143,529	163,568	186,224	119,984	25,944	18,136	23,736	10,280	8,847	67%	81%	73%	79%	76%
TOTAL		207,351	222,783	255,142	283,470	216,404	69,818	45,747	54,488	38,214	35,810	74%	83%	80%	83%	86%	50,320

Table 2: Total consents that require monitoring



COMPLIANCE ASSESSMENT

In 2018 the MfE released Best Practice Guidelines regarding compliance gradings. Last year as a sector we achieved 100% adoption of the recommended compliance categories, meaning data is now comparable on a national level. This section focuses on the levels of compliance against the framework. This data reflects the compliance gradings of over 66,000 consent monitoring events.

This is higher than the last two years, with 2,436 more consents over the categories. Auckland and Bay of Plenty having significant increases.

It must be noted that data may vary from Table 2. This is because some sites have more than one monitoring visit over the year. Figure 5 relates to the percentage of monitoring visits (not consents) within the categories.

*Numbers provided will not equate to the consents totals earlier in this report as some sites had more than one monitoring visit over the year. The tables below relate to the percentage of monitoring visits that fit within different grades.

Question 14. What grades do you apply to non-compliance? (e.g. technical non-compliance, significant non-compliance)

- Fully Compliant
- Technical/Low Non-Compliance
- Moderate Non-Compliance
- Significant Non-Compliance
- Other (please specify)

Question 15. What were the levels of compliance with consents according to the grades you use?

Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored four times in the year: on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add three to the total of Fully Compliant and one to the total for Technical Non-compliance.

Note 2: The compliance grade is based on the condition with the worst compliance grade. e.g. a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance.

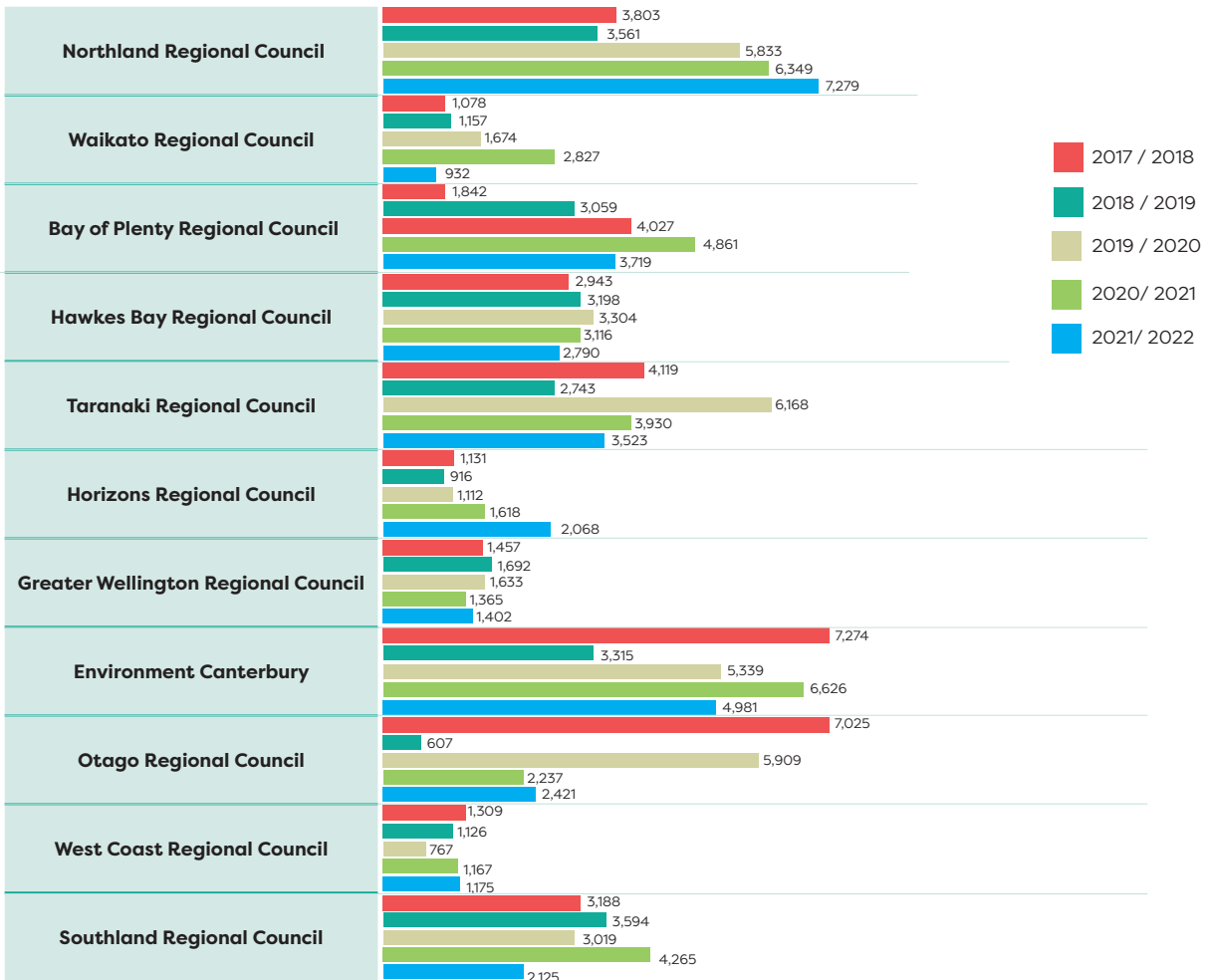
Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.

- Significant Non-Compliance
- Other (please specify)

*Consistent with previous years GWRC are unable to exclude telemetered Water Takes from these figures. Their grading of compliance is over the year not per event.

TOTAL NUMBER OF CONSENTS IN DIFFERENT CATEGORIES OF COMPLIANCE ON A PER MONITORING EVENT BASIS

REGIONAL COUNCILS



UNITARY AUTHORITIES

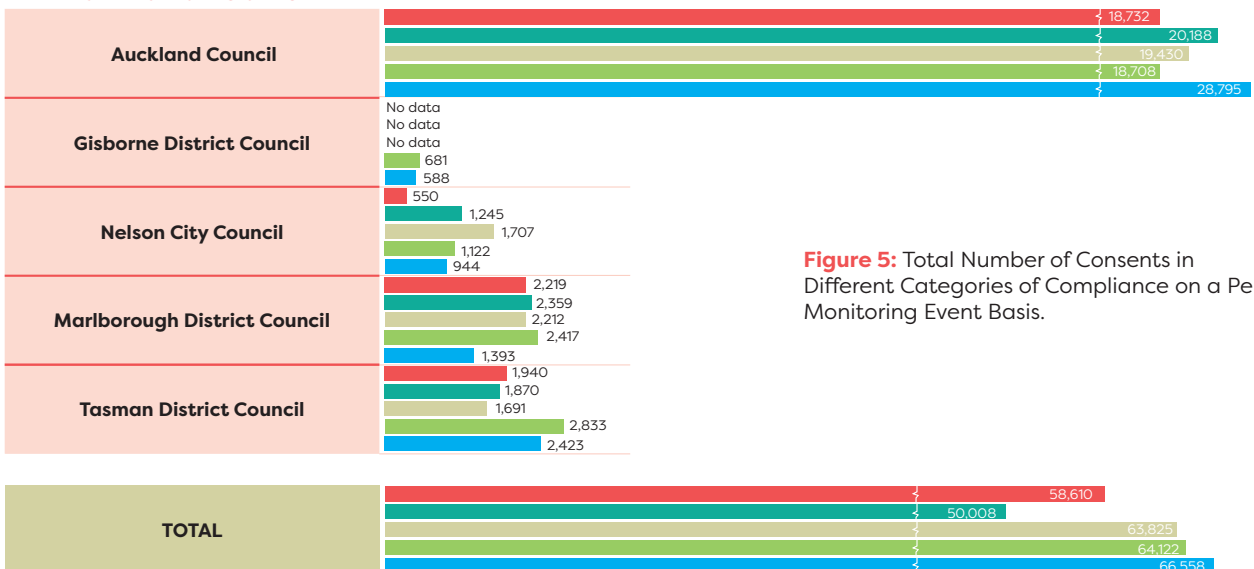
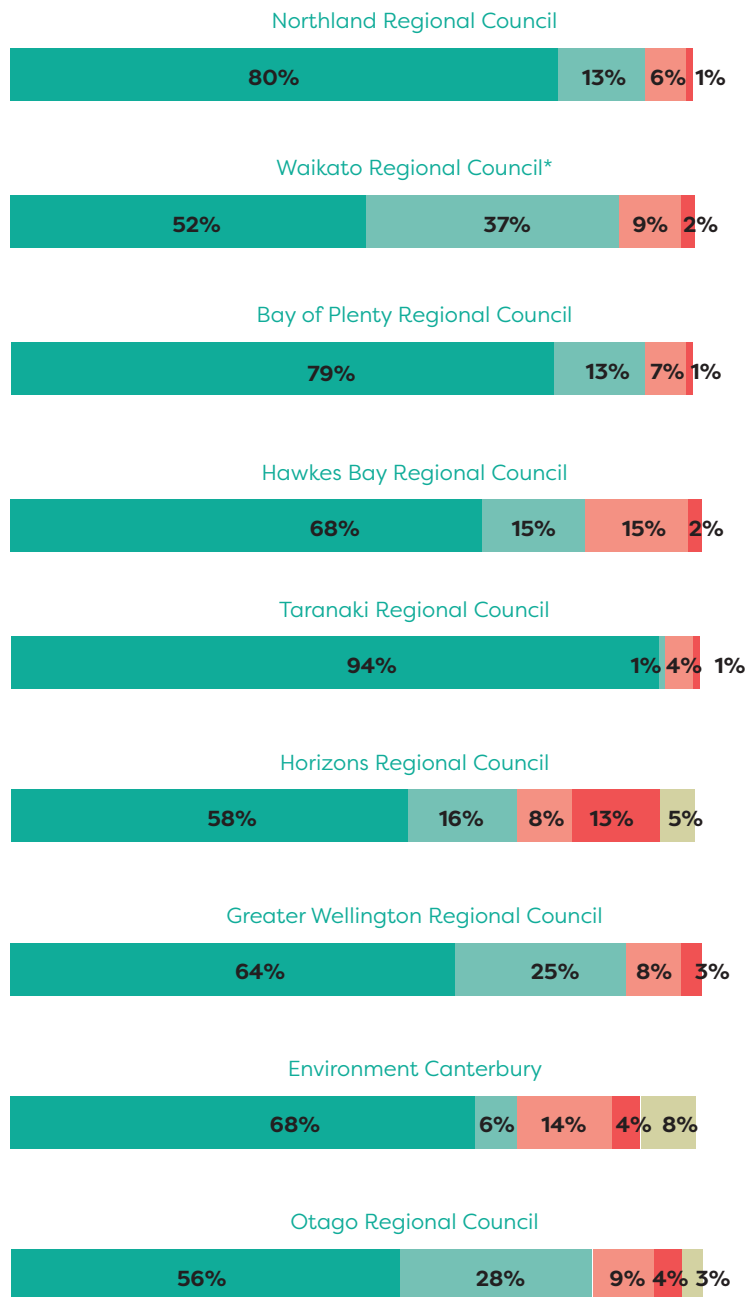


Figure 5: Total Number of Consents in Different Categories of Compliance on a Per Monitoring Event Basis.

PERCENTAGES OF CONSENTS IN FULL COMPLIANCE, LOW RISK/ TECHNICAL NON COMPLIANCE, MODERATE NON COMPLIANCE AND SIGNIFICANT NON COMPLIANCE ON A PER MONITORING EVENT BASIS

■ FULL COMPLIANCE
 ■ LOW RISK/ TECHNICAL NON-COMPLIANCE
 ■ MODERATE NON-COMPLIANCE
 ■ SIGNIFICANT NON-COMPLIANCE
 ■ OTHER GRADING



* The non-compliance rating system used at WRC considers multiple factors, and not solely whether the non-compliance results in actual significant environmental effect. As such the data is not directly comparable to those Councils that apply the MfE compliance rating system.

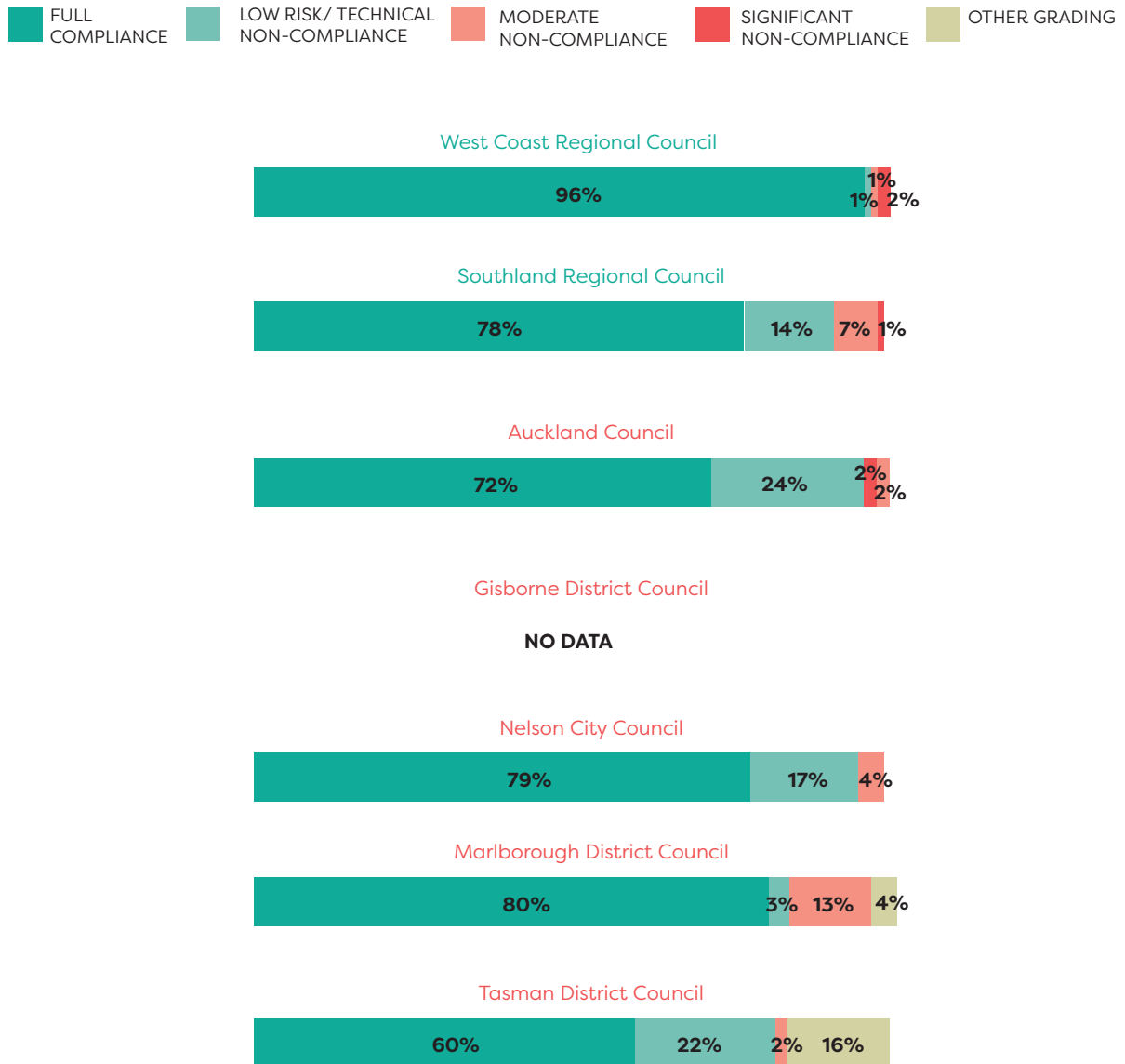


Figure 6: Percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.

NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

TOTAL CONSENTS MONITORED **66,558**

NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

■ FULL COMPLIANCE
 ■ LOW RISK/ TECHNICAL NON-COMPLIANCE
 ■ MODERATE NON-COMPLIANCE
 ■ SIGNIFICANT NON-COMPLIANCE
 ■ OTHER GRADING

REGIONAL COUNCILS



UNITARY AUTHORITIES



Figure 7: Nation-wide percentages of consents in full compliance, low risk/ technical non-compliance, moderate non-compliance and significant non-compliance on a per monitoring event basis.

MONITORING PERMITTED ACTIVITIES

Permitted activities are similar to previous years. Forestry and dairy make up nearly half of permitted activities.

PERMITTED ACTIVITY MONITORING PROGRAMMES FOR DIFFERENT INDUSTRIES

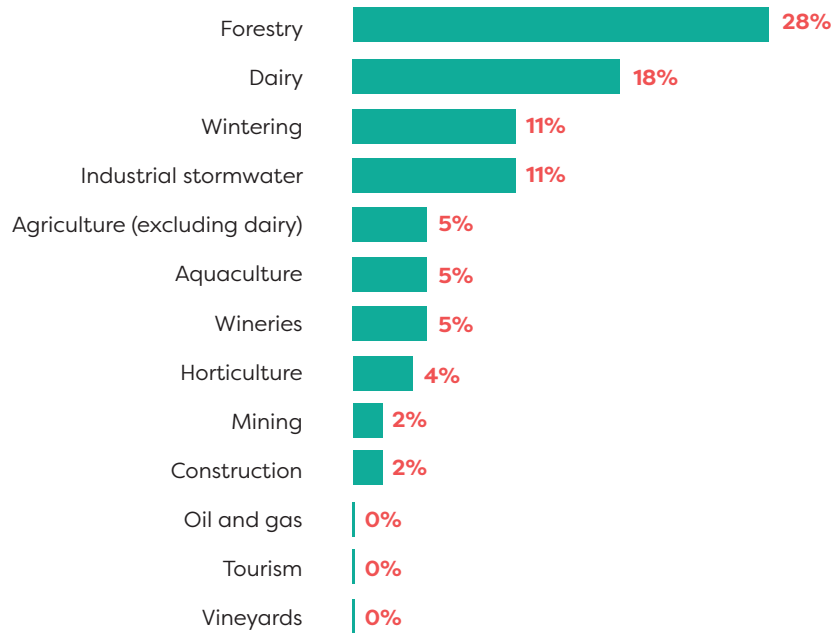


Figure 8: Proportion of permitted activity monitoring programmes for different industries

Question 16. Which permitted activities do you have a monitoring programme for?

List of activities with tick box if yes:

- Agriculture (excluding dairy)
- Aquaculture
- Construction
- Dairy
- Forestry
- Horticulture
- Mining
- Oil and gas
- Tourism
- Vineyards
- Wineries
- Wintering
- Other (please specify)

Note: A number of the activities listed, which may be permitted in other regions, require consents in the Greater Wellington Region (e.g. Dairy).

MAKING DECISIONS ON PRIORITIES

The following questions help us understand prioritisation and the way matters are addressed; they look at the workstreams and rationale for prioritisation.

All councils have well established systems for determining prioritisation assessment for complaints, notifications and incidents. Many have a triaging system or some form of coding to prioritise. Basis for determining priority and urgency for physical attendance are:

- Scale
- Risk/ degree of adverse effect/ environmental harm
- Veracity of complaint/ quality of information
- Number and frequency of complaints
- If incident is still happening or not
- Ability/ practicality of response. For example, time of day (H&S for outside daylight hours)

Assessments included:

- Priority setting matrix
- Elevated response programs
- Risk based priority model/ assessment
- Desktop/ phone assessments
- Dedicated role for determining urgency

Risk based models were commonly the basis for determining which consents are monitored and how frequently. These were based on:

- Resource consent requirements
- Regional rules
- Consent type
- Potential adverse effects
- Compliance history
- Scale of activity
- Environmental impact
- Complaints and council science
- Iwi and community interests
- Seasonal activity

Type of activity and risk determined monitoring and frequency

QUESTION 17. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?

QUESTION 18. Describe how you determine which consents are monitored and how frequently?
If there is a prioritisation model or compliance strategy, add link

QUESTION 19. Describe the basis, which was used for determining what, if any, permitted activities were monitored. *If there is a prioritisation model or compliance strategy, add link*

STAFFING LEVELS

The number of FTEs has increased by a further seven percent this year (+36). Environment Canterbury have had the largest increase accounting for over half of all new FTEs (21). Consistent with previous years there is a large variation ranging from 6 to 178 FTEs. Resourcing does differ in the sector given the diversity of population size, area, development type/ intensity and council funding base.

This year there is a decrease in Environmental Incident or Pollution FTEs (-6). The largest increase is for Combination FTEs (+25), followed by Support (+11) and Monitoring (+10). For Unitary Councils there is a reduction in Combination Roles (-67), driven by Auckland Council (-68). An increase in Environmental Incident or Pollution (51), again driven by Auckland Council (47).

Question 20. How many FTEs does your council have who carry out monitoring roles?

Question 21. How many FTEs does your council have who carry out environmental incident or pollution response roles?

Question 22. How many FTEs does your council have who carry out investigation or enforcement roles?

Question 23. How many FTEs does your council have who carry out a combination of the above roles?

Note 1: Include contractors

Note 2: Only answer this question if you have not included these staff in questions 20, 21 or 22

Question 24. How many FTEs does your council have in CME support roles?

This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to Ministry of Justice.

COUNCIL FTES IN CME ROLES

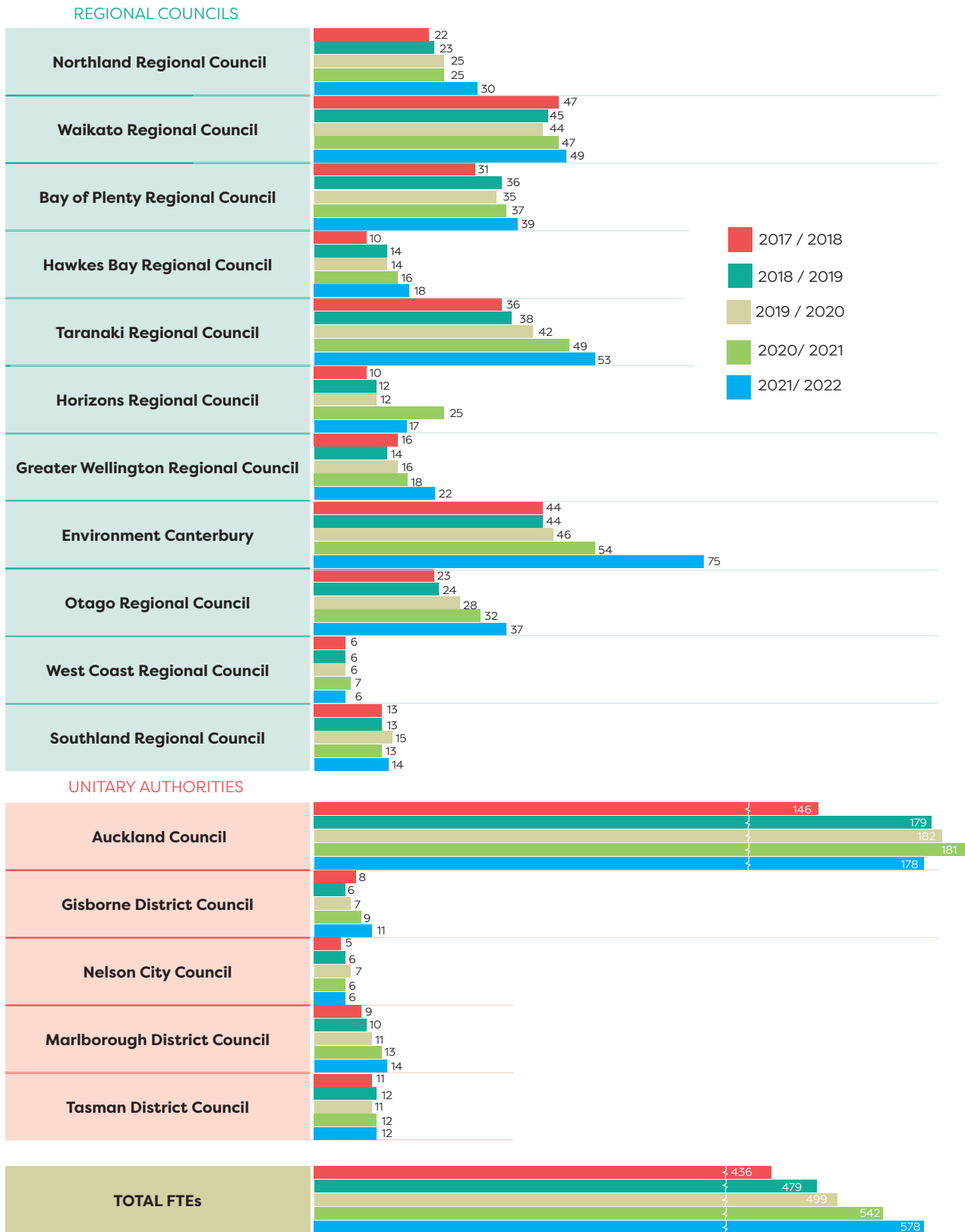


Figure 9: Council FTEs in CME roles

COUNCIL FTE'S IN SPECIFIC ROLES

	MONITORING			COMBINATION			ENVIRONMENTAL INCIDENT OR POLLUTION			INVESTIGATION OR ENFORCEMENT			SUPPORT			
	2019 / 2020	2020 / 2021	2021 / 2022	2019 / 2020	2020 / 2021	2021 / 2022	2019 / 2020	2020 / 2021	2021 / 2022	2019 / 2020	2020 / 2021	2021 / 2022	2019 / 2020	2020 / 2021	2021 / 2022	
REGIONAL COUNCILS	Northland Regional Council	0	0	0	21	22	26	0	0	0	1	1	1	3	2	3
	Waikato Regional Council	20	22	20	0	0	0	8	9	9	10	10	13	6	6	7
	Bay of Plenty Regional Council	16	17	20	0	0	0	4	4	4	3	4	3	12	12	12
	Hawkes Bay Regional Council	9	10	12	0	0	0	2	3	3	1	1	1	2	2	2
	Taranaki Regional Council	29	35	37	2	2	2	4	5	5	5	5	6	2	2	3
	Horizons Regional Council	0	13	0	10	0	16	0	9	0	1	1	0	1	2	1
	Greater Wellington Regional Council	0	0	0	15	17	20	0	0	0	0	0	0	1	1	2
	Environment Canterbury	31	28	42	0	0	1	5	7	6	4	4	4	6	15	22
	Otago Regional Council	15	18	20	3	2	4	3	4	4	3	3	4	4	5	5
	West Coast Regional Council	0	0	0	5	6	5	0	0	0	0	0	0	1	1	1
	Southland Regional Council	8	8	9	0	0	0	1	1	1	3	2	2	3	2	3
	REGIONAL SUBTOTAL	128	151	160	56	49	73	27	42	32	31	31	34	40	50	61
UNITARY AUTHORITIES	Auckland Council	69	69	77	16	88	20	41	0	47	43	0	18	13	24	16
	Gisborne District Council	0	0	0	7	8	10	0	0	0	0	0	0	0	1	0
	Nelson City Council	0	0	0	6	5	5	0	0	0	0	0	0	1	1	1
	Marlborough District Council	2	5	6	8	1	0	0	0	5	0	5	2	1	2	1
	Tasman District Council	0	0	0	9	10	10	0	0	0	0	0	0	2	2	2
	UNITARY SUBTOTAL	71	74	83	46	112	45	41	0	52	43	5	20	17	30	21
	UNITARY SUBTOTAL MINUS AUCKLAND	2	5	6	30	24	25	0	0	5	0	5	2	4	6	5
TOTAL	198	225	243	102	160	117	68	42	83	74	36	54	57	79	82	
TOTAL MINUS AUCKLAND	129	156	166	86	72	97	27	42	36	31	36	36	44	55	66	

Table 3: Council FTEs for different aspects of the CME role

COUNCIL FTES AND FORMAL ACTIONS BASED ON POPULATION

		FTE/1000					FTE 2021/2022	Population Estimates 2021	Formal actions per 1000 2021/2022
		2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2020 / 2021			
REGIONAL COUNCILS	Northland Regional Council	.13	.13	.13	.13	0.15	30.0	196,100	1.5
	Waikato Regional Council	.10	.10	.09	.10	.10	48.6	502,500	0.6
	Bay of Plenty Regional Council	.10	.11	.11	.11	.11	39.0	340,800	0.5
	Hawkes Bay Regional Council	.06	.08	.08	.09	.10	18.0	180,600	1.2
	Taranaki Regional Council	.31	.32	.34	.40	.42	53.0	125,800	2.0
	Horizons Regional Council	.04	.05	.05	.10	.07	17.0	255,500	0.4
	Greater Wellington Regional Council	.03	.03	.03	.03	.04	21.7	544,900	0.2
	Environment Canterbury	.07	.07	.07	.08	.12	75.0	647,600	0.5
	Otago Regional Council	.10	.10	.12	.13	.15	36.5	245,600	0.5
	West Coast Regional Council	.17	.16	.17	.20	.17	5.5	32,700	0.8
	Southland Regional Council	.13	.13	.15	.12	.14	14.0	102,800	0.7
	REGIONAL AVERAGE/ TOTAL	.11	.12	.12	.14	.14	32.6	288,627	0.8
	UNITARY AUTHORITIES	Auckland Council	.09	.11	.11	.11	.10	178.0	1,715,800
Gisborne District Council		.18	.13	.14	.18	.21	11.0	51,300	1.6
Nelson City Council		.10	.10	.12	.10	.10	5.5	54,450	1.2
Marlborough District Council		.20	.20	.21	.25	.27	13.7	51,200	1.1
Tasman District Council		.15	.22	.20	.21	.21	12.0	57,450	2.1
UNITARY AVERAGE/ TOTAL		.15	.15	.16	.17	.18	44.0	386,040	1.6
AVERAGE		.12	.13	.13	.15	.15			

TABLE 4: Comparison of council FTEs, population and number of formal actions (excluding prosecutions but including warnings)

The affect of resource on formal actions is shown below on the graph. We can see the relationship that higher resourcing levels tend to have more formal actions. Taranaki Regional Council and Gisborne District Council with the highest resource levels also have the highest number of formal actions. This indicates better use of formal actions when there are higher staffing levels.

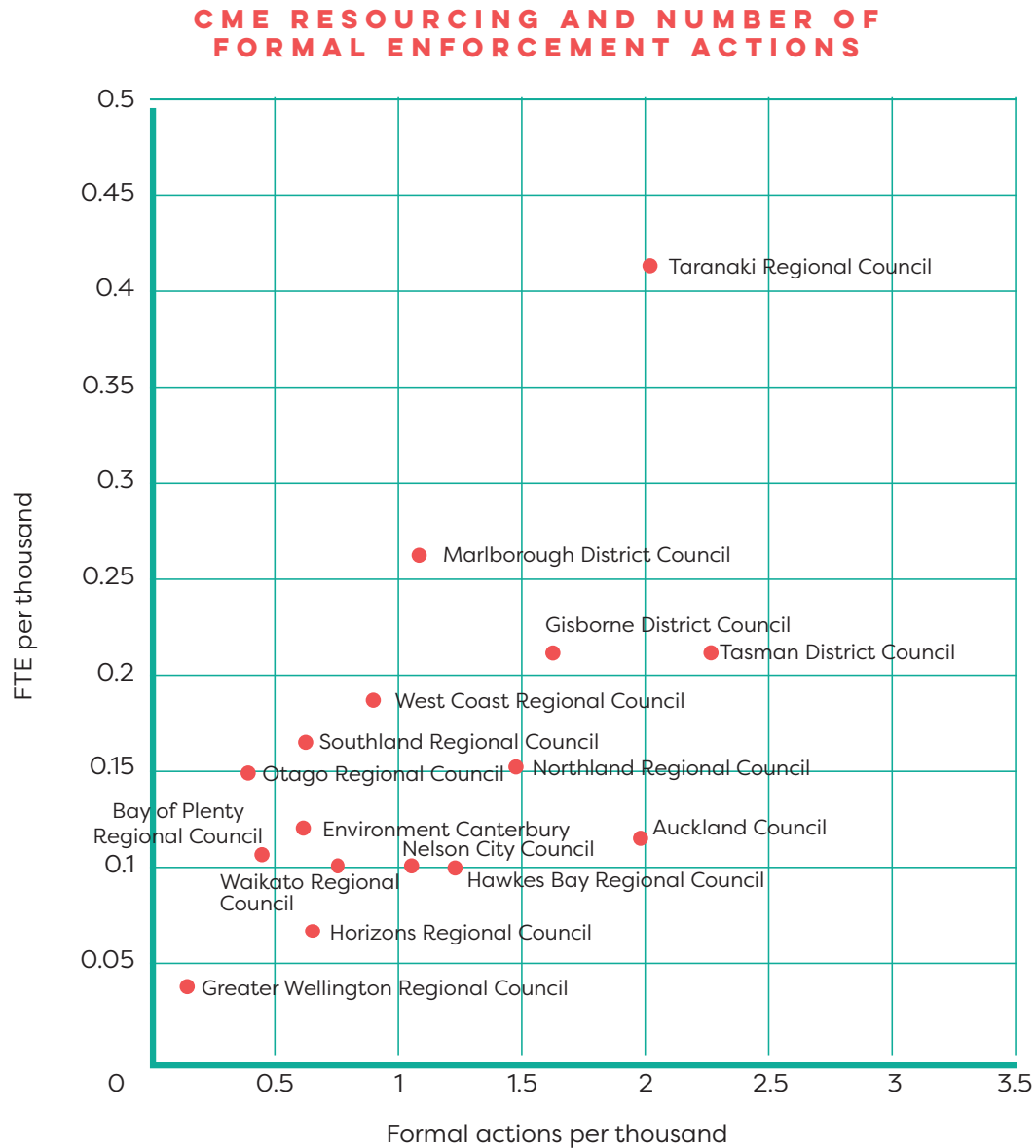


Figure 10: Comparison of CME resourcing and number of formal enforcement actions

Furthermore Figure 11 demonstrates the impact GDP has on the number of FTE's. Areas with higher GDP tend to have more FTE's, those with lower GDP have less resource.

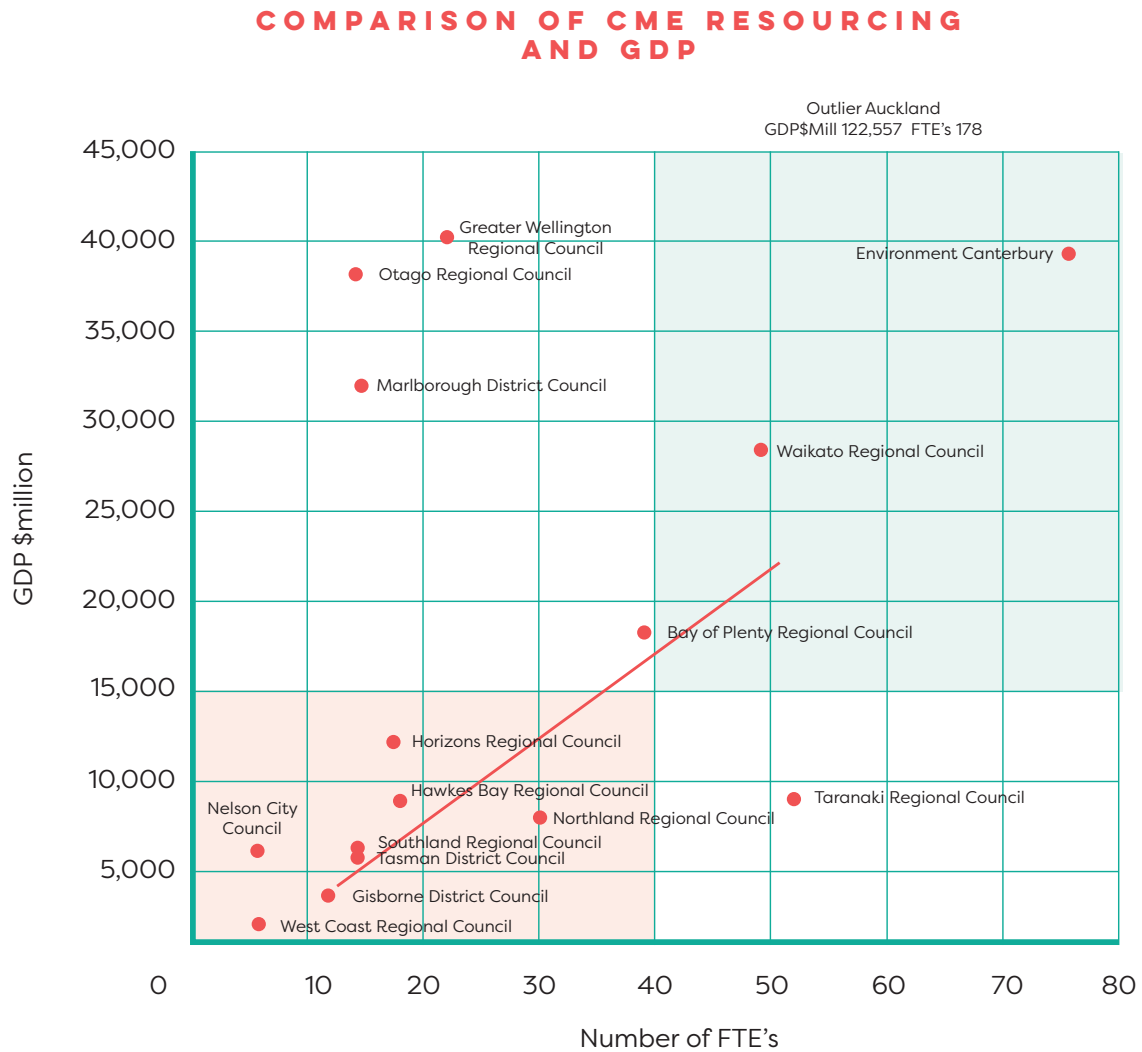


Figure 11: Comparison of CME resourcing and GDP

CME POLICIES AND PROCEDURES

Credibility and trustworthiness of regulators is sustained through having sound, transparent policies in place.

Guidelines state that all councils *'should have an operational enforcement policy, which the council uses to determine what enforcement action (if any) to take in response to non-compliance.'*

Last year all councils had adopted both Enforcement Policies and Conflict of Interest Policies.

For all councils decisions on prosecutions were made by more than one party. Usually, it involved an enforcement decision group or panel. The following are involved in making decisions about prosecutions.

- Investigating Officer
- Investigating Officer's Manager
- Enforcement Specialist
- Compliance Monitoring Manager
- Group Manager Regulatory Services
- Legal Counsel
- Chief Executive Officer
- Manager separate from consents and compliance
- Directors and tiers of managers
- Team Leaders
- Director Resource Management
- General Manager Regulatory
- Group Manager Strategy and Regulation
- Policy and Regulation Group Manager

Final delegation to authorise filing of charges was with the Chief Executive, Group Managers, Directors, General Managers, Specific Environment Managers, Enforcement and Prosecution Committee, Senior Managers or a panel.



ENFORCEMENT
POLICIES



CONFLICT OF
INTEREST POLICIES

* MfE Best Practice Guidelines at p73

Question 25. What is your process for making decisions on prosecutions?

Question 26. Who has the delegation to authorise filing of charges for a prosecution at your council?

DECISION MAKING PROCESS AND DELEGATION TO AUTHORISE FILING OF CHARGES

DECISIONS ON PROSECUTION	DELEGATION
Northland Regional Council	
Enforcement decision group meets (membership of the group changes depending on the alleged offence). Usually consists of the investigating officer plus their manager, plus the Enforcement Specialist. May also include Compliance Monitoring Manager and/or Group Manager Regulatory Services.	Group Manager - Regulatory Services and the Compliance Monitoring Manager/Deputy GM - Regulatory Services.
Waikato Regional Council	
Investigating officer reports to a panel of three senior managers with recommendations. If the panel authorises prosecutions, this will be conditional on an independent legal review, which studies the file in its entirety and applies the Evidential and Public Interest Tests. If the legal review is satisfied that the tests are met, charges are filed. This process is in keeping with our Enforcement Policy https://waikatoregion.govt.nz/services/regional-services/investigation-and-enforcement/enforcement-policy/	
Bay of Plenty Regional Council	
Significant incidents/breaches are delegated to our dedicated investigators, who will undertake a thorough investigation of the matter and present the outcomes to an Enforcement Decision Group (EDG). The EDG makes a recommendation (by consensus) for a response; if the recommendation is to prosecute, then the recommendation is subject to a legal opinion, before being referred to the General Manager for Regulatory Services.	General Manager - Regulatory Services
Hawkes Bay Regional Council	
The senior investigating officer investigates all serious breaches/incidents. The outcome is presented to the Enforcement Decision Group (EDG). If the EDG makes a recommendation for prosecution, the Compliance Manager and Policy & Regulation Group Manager sign off. A legal opinion is then sought and if it passes the evidential and public interest tests, the CEO signs off and charges laid.	Chief Executive Officer
Taranaki Regional Council	
Chief executive in collaboration with Director Resource Management and Compliance Manager	Chief Executive
Horizons Regional Council	
All incidents and significantly noncomplying resource consent assessments are assessed. If the matter is deemed serious it is referred to the investigation programme. If a subsequent investigation determines a prosecution is required, then the investigation file is sent for legal review. This review focuses on whether the evidential sufficiency and public interest tests have been satisfied. Once this review is completed a report is prepared and provided to the Regulatory Manager and Group Manager Strategy and Regulation, who then pass the matter onto the Chief Executive for consideration and final decision	Chief Executive
Greater Wellington Regional Council	
All decisions on enforcement outcomes for breaches of the RMA are made by the Enforcement Decision Group (EDG) to ensure consistency, transparency and fairness, with the exception of some formal warnings and advice letters. Any EDG recommendations to prosecute are required to go to the Prosecution Decision Group (PDG). Normally an EDG consists of a minimum 3 persons. Delegation on decisions sits at team leader level. Decisions are generally made by consensus of the attendees. Where agreement cannot be reached the person with the delegated authority will make the decision. In extreme circumstances consultation with other delegated authority holders may be required. For recommendations of Infringement or less EDG may consist only of Officer and Team Leader. All enforcement action taken must be in accordance with the Resource Management Act 1991, Summary Proceedings Act 1957, Criminal Procedure Act 2011, Search and Surveillance Act 2012, Disclosure Act 2008, Sentencing Act 2002, Resource Management (Infringement Offences) Regulations 1999 and the GWRC Environmental Regulation Prosecution Guidelines.	General Manager, Environment Management

REGIONAL COUNCILS

REGIONAL COUNCILS	Environment Canterbury	Follow MFE CME guidelines, and an internal enforcement Decision Panel to make recommendations	Chief Executive
	Otago Regional Council	Recommendations for prosecution are considered at an 'Enforcement Decision Group' with Compliance Manager, Team Leaders, in-house legal counsel and Senior officer presenting the case. If considered appropriate by EDG, the file is reviewed by legal counsel to consider whether it meets the evidential test for prosecution. If it meets the evidential test, the file is considered by a 'Prosecution Decision Group' meeting with CEO, GM Regulatory, Compliance Manager and senior officer presenting the case.	To initiate and/or withdraw a prosecution for an offence against the RMA (GM Regulatory or GM Operations). If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences (Compliance Manager).
	West Coast Regional Council	Recommendation on action report submitted to the manager. Approval given to prepare a staff report for consideration at an EGD meeting. EDG consists of the CE, another manager separate from consents and compliance, the C&C manager and officer in charge of the case. Final decision rests with the CE.	The CE and the Consents and Compliance Manager.
	Southland Regional Council	Incident response – investigation – enforcement decision group meeting – legal opinion – CEO approval	Chief Executive
UNITARY AUTHORITIES	Auckland Council	Enforcement criteria is utilised, followed by team leader discussion, then Manager discussion. Prosecution panel made up Manager(s) and legal counsel is the final step.	Manager Compliance Response and Investigations
	Gisborne District Council	Investigator prepares an internal memo based on investigation including details of offence, breaches identified, formal interview notes, supporting information (sampling results etc) and external factors (weather etc). This memo is supported with external legal advice which considers solicitor-general guidelines and litigation risk. This is considered by the Enforcement Decision Group (EDG) – membership comprises Director (2nd tier management) and four managers (3rd tier management) for decision.	Director Environmental Services & Protection. Compliance Monitoring and Enforcement Manager (after consultation with the Chief Executive).
	Nelson City Council	Recommendation by investigating officer to Team Leader, then Manager, then to two group managers (tier 2) after receiving legal advice	Authorised by two group managers after receiving legal advice
	Marlborough District Council	Stage 1: QA per review panel Stage 2: Enforcement and Prosecution Committee Stage 3: Legal Counsel Review	Enforcement and Prosecution Committee
	Tasman District Council	Utilise an enforcement decision making group that assesses the case against a set of standards and tests. Successful cases are referred to the officer holding delegated authority.	Group manager (Tier 2)

Table 5: Decision making process and delegation to authorise filing of charges

Question 25. What is your process for making decisions on prosecutions?

Question 26. Who has the delegation to authorise filing of charges for a prosecution at your council?

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

Giving clear direction on what is expected to the regulated community creates a robust approach. This is outlined in the 'four E approach'. The following section helps us understand the programs councils have in place.

All councils have education/ engagement projects in place and have done for several years. Digital inclusion is becoming more common as a result of Covid-19. Many have not being able to attend events due to lockdowns or self isolation. This year there is an increase in digitally inclusive delivery methods such as webinars and online trainings. Benefits to this are being able to utilise expertise nationwide.



DELIVERY METHODS

- Pocket guides
- Printed material (info sheets)
- Website (updated regularly)
- Advertising campaigns via social media
- Emails
- Information sessions, workshops and presentations
- Webinars/ online training
- Industry groups/ catchment groups
- Liaison/ one on one meetings/ educational visits
- Audit panels
- Attendance at industry stakeholder meetings
- Attendance at Field Days, dairy effluent forums and Shed Talk
- Superhero programs to promote behavior change within the community

TOPICS COVERED

- Erosion and sediment control
- Earthworks
- Fresh water
- Stormwater
- Wastewater
- Citizen science
- Reporting issues
- NES guidance
- Burning

INDUSTRIES/ GROUPS TARGETED

- Construction
- Farming
- Forestry
- Horticulture (Kiwifruit)
- Viticulture
- Catchment groups
- Community engagement

Question 38. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes No

If yes, briefly describe

ACTING ON NON-COMPLIANCE

The following section helps us to understand priority areas and challenges for compliance programs. It does this by identifying at a sector level what is occupying the largest proportion of resources and if that is shifting over time.

This year there were a total of 5,499 actions; this is significantly less than last year (8,195). This was lower across all action types. Typically, abatement notices take up the largest proportion of formal actions; this year follows the same trend. Waikato Regional Council, Taranaki Regional Council, Environment Canterbury and Auckland Council all had significant decreases in formal actions.

The section with the largest number of actions is Section 15: Discharges of contaminants. This section remains the section with the most breaches, however it has been decreasing. In 2018/2019 there were 4,018 breaches, last year there were 2,364 breaches this year 1,604 breaches.

QUESTION 27. Question 27 relates to the instruments issued in relation to the different sections of the Act (listed once for brevity)

- Section 9 Use of land
- Section 12 Coastal marine area
- Section 13 Beds of lakes and rivers
- Section 14 Water
- Section 15 Discharges of contaminants
- Section 17 Duty to avoid, remedy & mitigate
- Other breach e.g. Section 22

Formal warnings issued

Abatement notices issued

Infringement notices issued

Enforcement orders applied for

Note: Previously we have summed to give totals, this allows a more accurate figure where responses fall into more than one category.

NATIONWIDE ENFORCEMENT ACTIONS AND SECTIONS BREACHED





	 FORMAL WARNINGS	 ABATEMENT NOTICES	 INFRINGEMENT ORDERS	 ENFORCEMENT ORDERS	TOTAL ACTIONS
	493	3,512	1,486	8	5,499
SECTION 9 Use of land	38	144	183	1	366
SECTION 12 Coastal marine area	7	40	14	2	63
SECTION 13 Beds of lakes and rivers	29	56	30	1	116
SECTION 14 Water	205	156	23	0	384
SECTION 15 Discharges of contaminants	192	682	727	3	1,604
SECTION 17 Duty to avoid, remedy & mitigate	0	2	0	0	2
OTHER e.g. Section 22	7	4	506	1	518
Only able to provide totals	17	2,435			

Table 6: Total use of formal instruments against relevant section of the Act (i. e., group of possible offences).

Note: Database issues mean only total Formal Warnings available for GWRC. Auckland Council can only provide total Abatement Notices

TOTAL USE OF FORMAL INSTRUMENTS (EXCLUDING PROSECUTION)

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

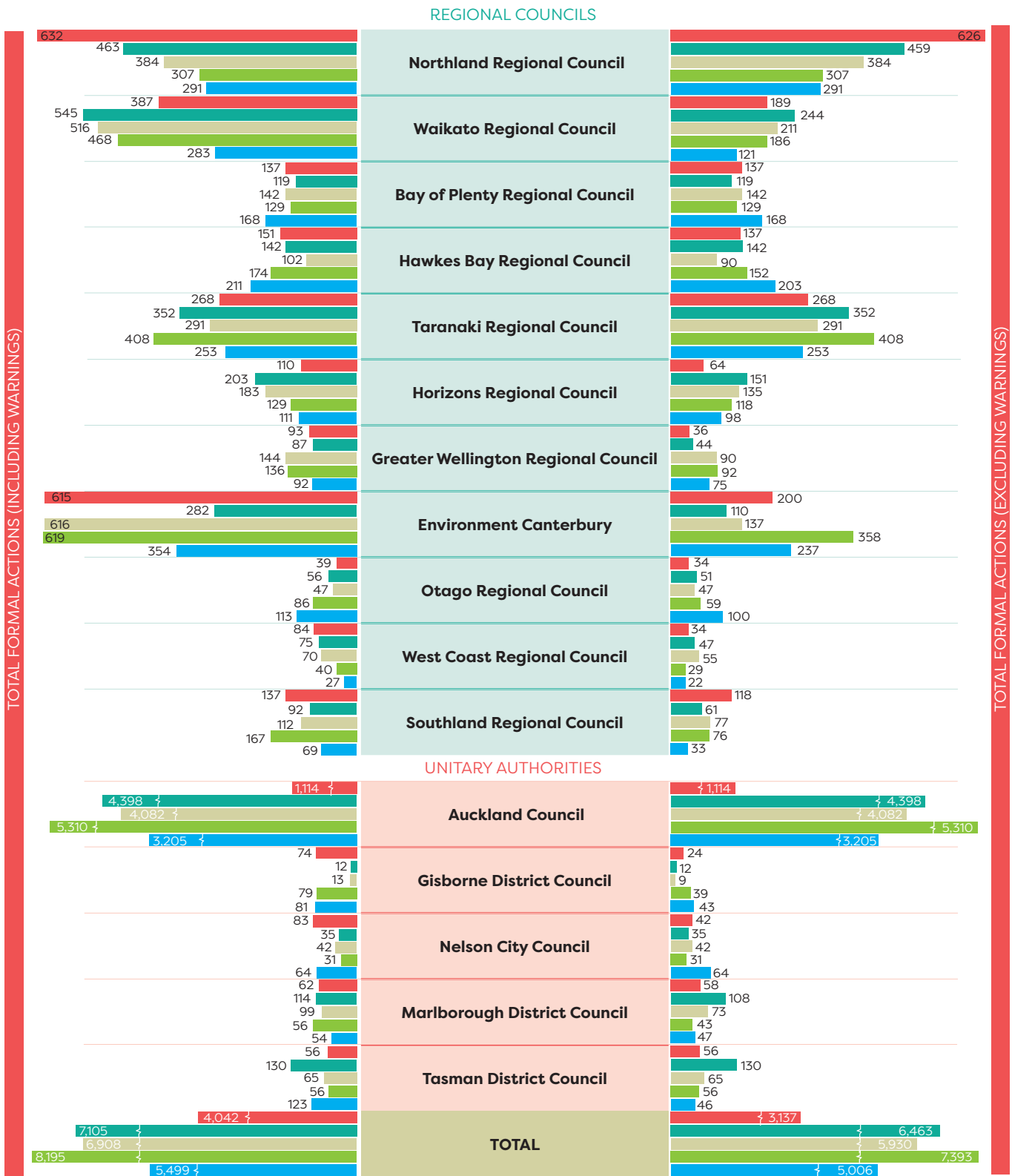


Figure 12: Total use of formal instruments (excluding prosecution)

TOTAL FORMAL WARNINGS AND ABATEMENT NOTICES

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

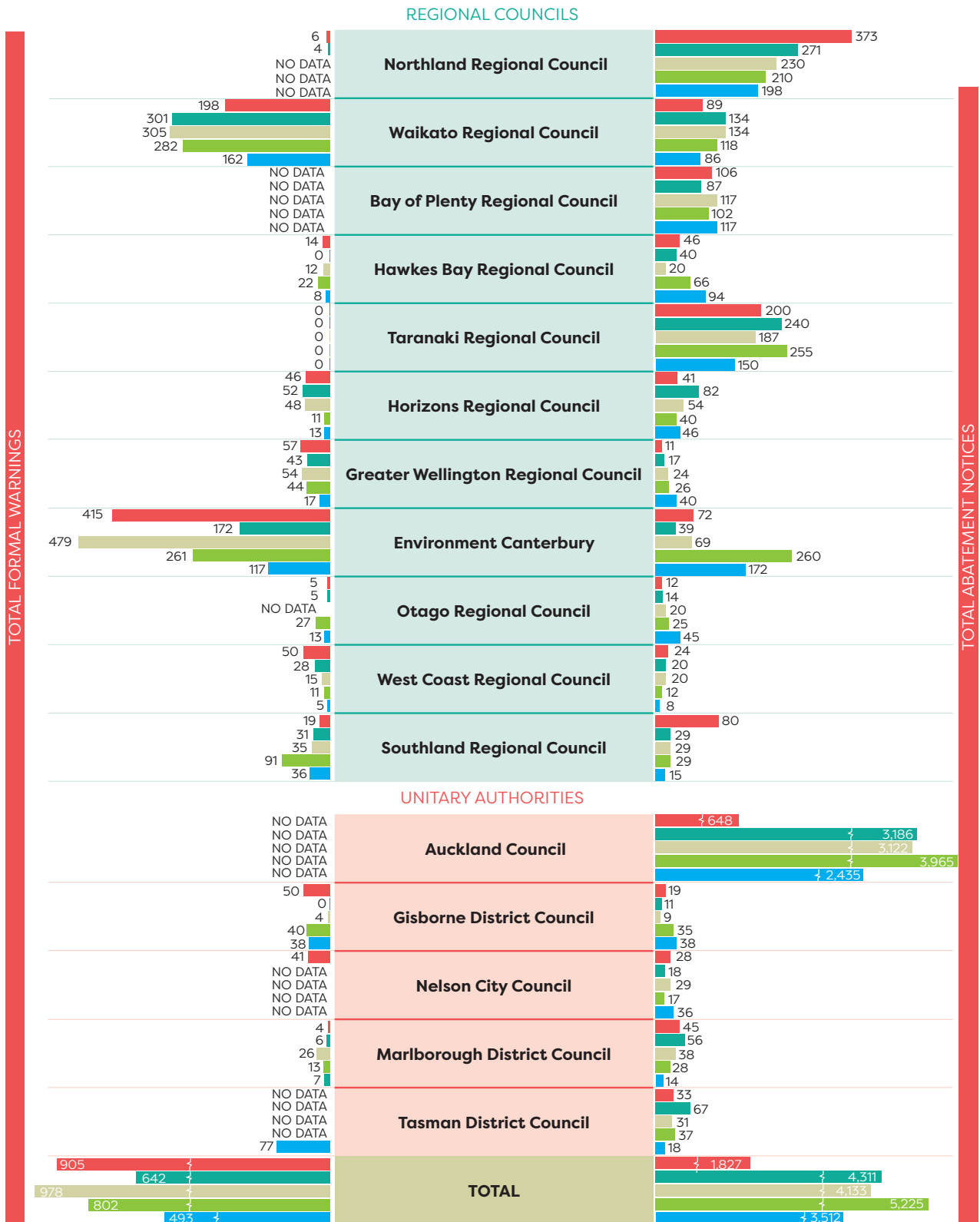


Figure 13: Total formal warnings and abatement notices

TOTAL INFRINGEMENT NOTICES AND ENFORCEMENT ORDERS

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

REGIONAL COUNCILS

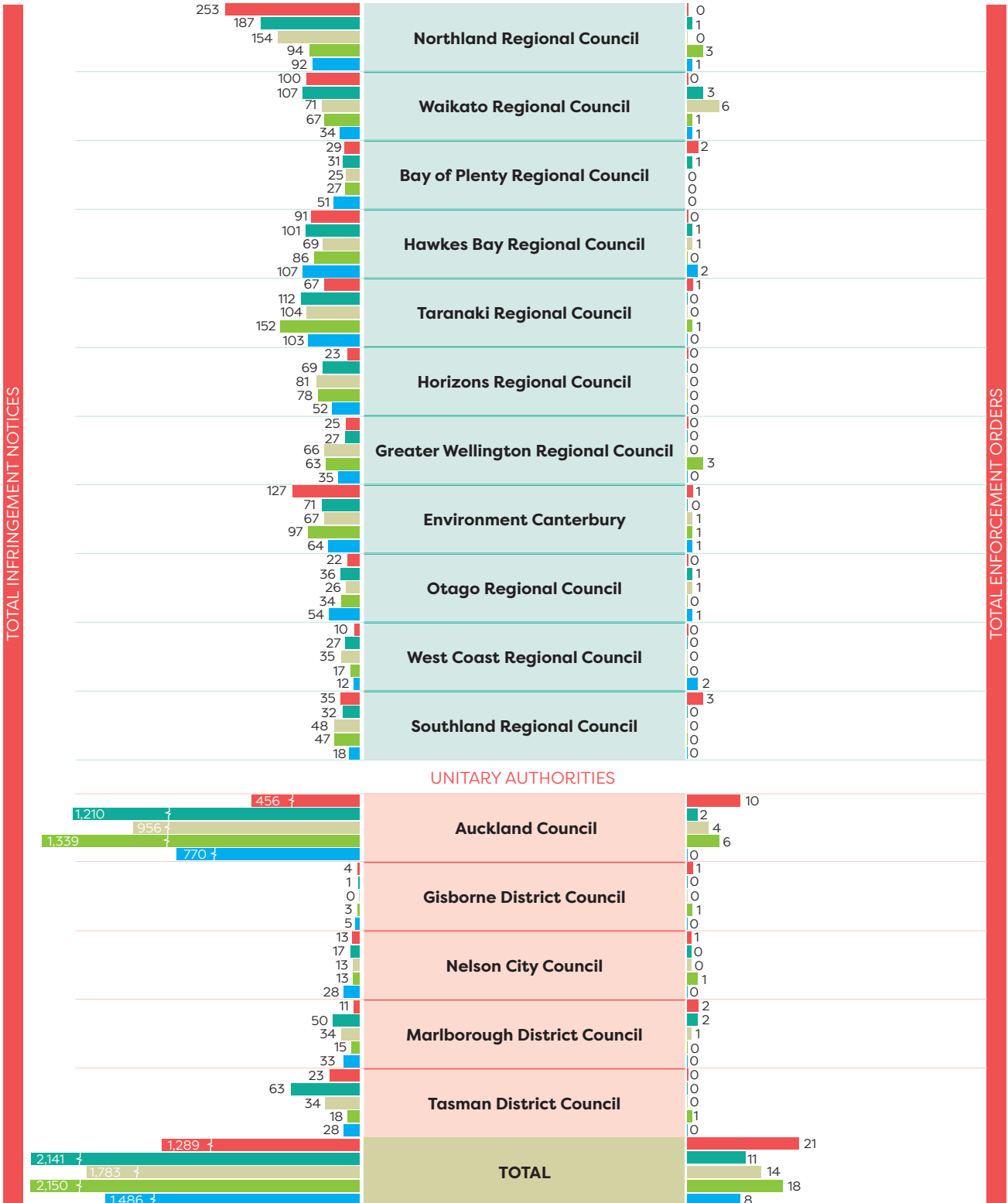


Figure 14: Total infringement notices and enforcement orders



PROSECUTIONS

Questions 28 to 33 address prosecutions, defendants and convictions. Use of these tools where appropriate encourages compliance and behavior change by deterring offenders. The degree to which prosecutions are used shows the willingness of agencies to use tools at the heavy end of the spectrum. Where councils are unlikely to prosecute it may be perceived that non-compliance is unlikely to result in consequence.

This year the total number (both in progress and concluded) is lower with 133 prosecutions, last year it was 166. A higher number are in progress this year, compared to last year where majority were concluded.

There are less individuals convicted, however more convictions by those individuals. For corporates there are less corporates convicted and less convictions.

QUESTION 28. How many RMA prosecutions were:

Note: For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

Concluded in the period?

Still in progress in the period?

QUESTION 29. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

QUESTION 30. For all of these (person) defendants what is the total number of convictions entered against them? For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.

QUESTION 31. What is the total number of corporate (e.g. Crown, company, body corporate etc.) defendants convicted as a result of RMA prosecutions concluded in this period?

QUESTION 32. For all of these (corporate) defendants what is the total number of convictions entered against them? For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.

QUESTION 33. Total number of convictions against an individual [see categories for sections of the Act as above]
 Total fine potential (Total x \$300,000)

Total number of convictions against a corporate entity [see categories for sections of the Act as above] Total fine potential (Total x \$600,000)

NATIONWIDE PROSECUTIONS ACROSS THE REGIONAL SECTOR

■ 2018 / 2019
 ■ 2019 / 2020
 ■ 2020/ 2021
 ■ 2021/ 2022

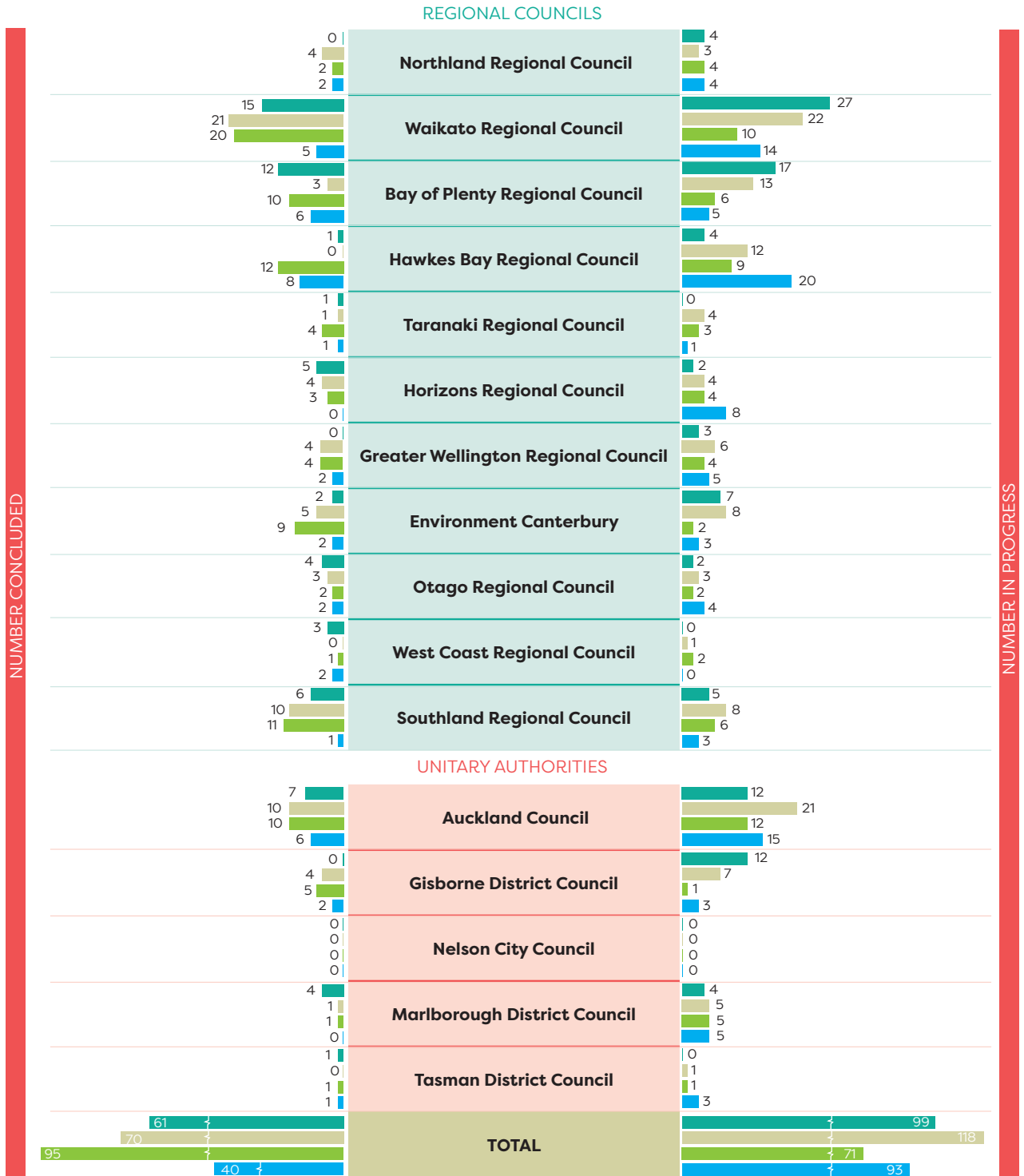


Figure 15: Prosecutions across the regional sector

INDIVIDUALS CONVICTED ACROSS THE REGIONAL SECTOR

2017 / 2018 2018 / 2019 2019 / 2020 2020/ 2021 2021/ 2022

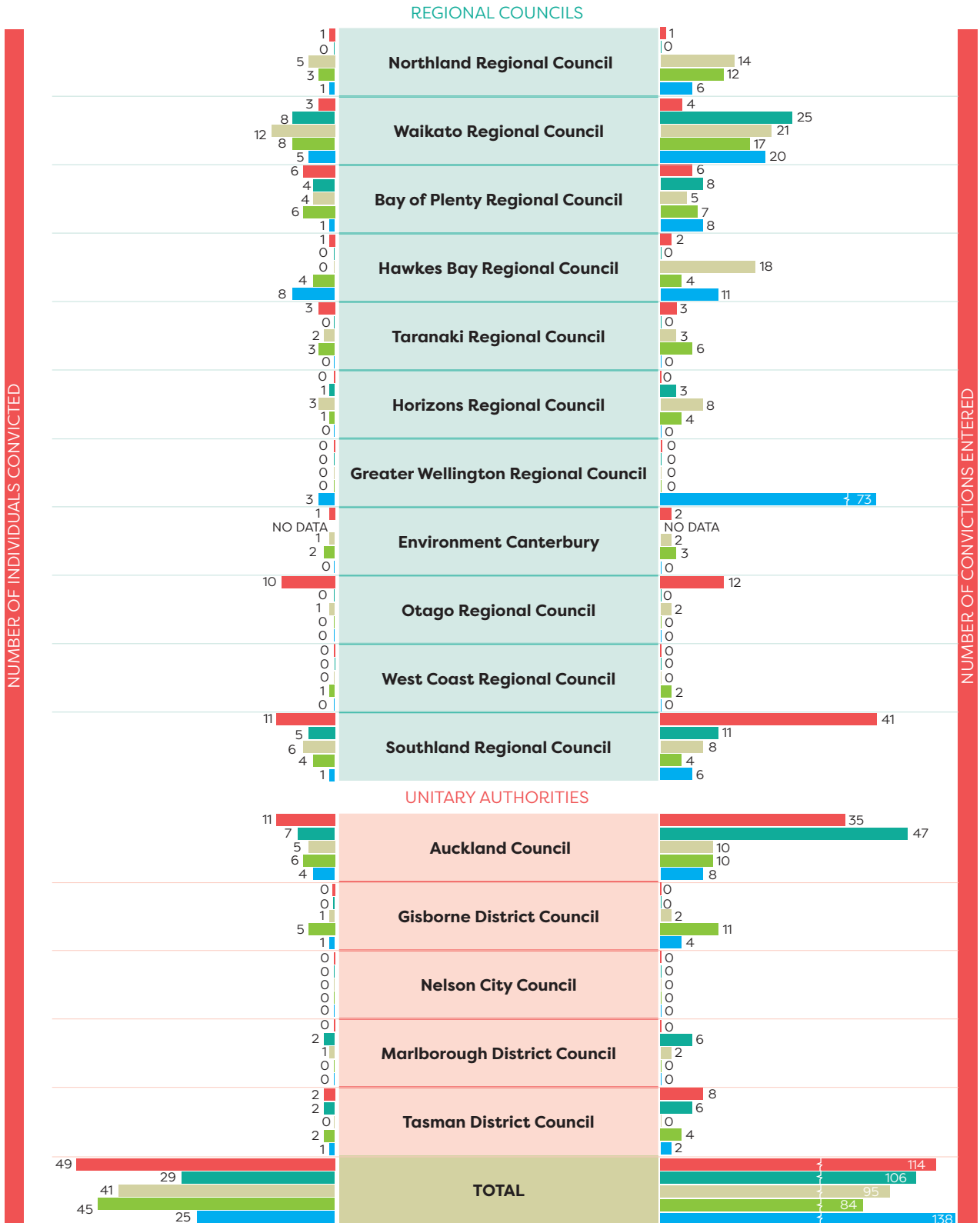


Figure 16 : Individuals convicted across the regional sector

CORPORATES CONVICTED ACROSS THE REGIONAL SECTOR

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021 2021 / 2022

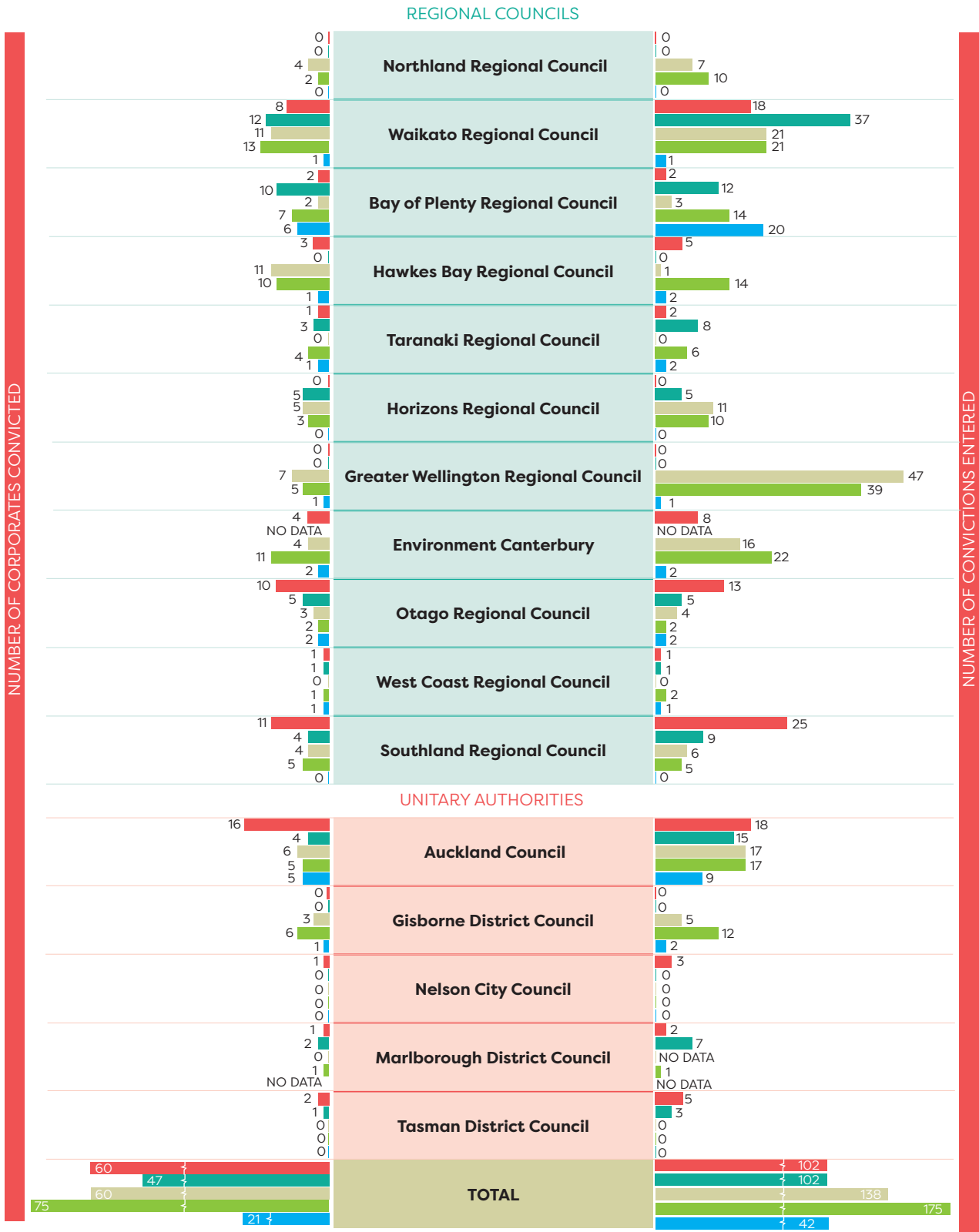


Figure 17 : Corporates convicted across the regional sector

PENALTIES

Lower concluded prosecutions impact penalties this year. Fines decreased significantly this year. In 2020/2021 corporate fines totaled just over \$4m, this year \$726k. In the 2020/2021-year individual fines totaled just over \$900k, this year \$595K.

Compared to last year many councils did not report any fines. Ten councils report no individual fines, six report no corporate fines. There were a range of sanctions handed down.

On two occasions the Courts have imposed prison sentences as a result of council prosecutions, this is rare under the RMA. Restorative justice was also less.

	NUMBER OF COUNCILS
PRISON SENTENCE	2
ENFORCEMENT ORDER	7
REPARATION	2
COMMUNITY SERVICE	3
RESTORATIVE JUSTICE	1
DIVERSION	2
ALTERNATIVE JUSTICE	1
DISCHARGE WITHOUT CONVICTION	2

Table 7: Other sanctions handed down under the RMA

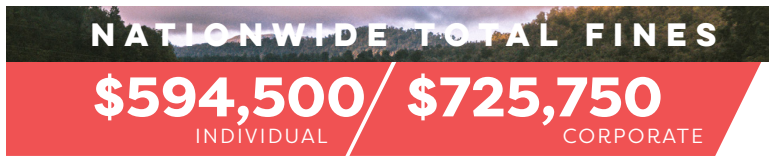
QUESTION 34. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period? Individual / Corporate

QUESTION 35. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period? Prison sentence / Enforcement order / Reparation / Community Service / Discharge without conviction / Other

QUESTION 36. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- Restorative justice
- Diversion
- Alternative justice
-

QUESTION 37. Describe any outcomes relating to these processes.



	INDIVIDUAL FINES	CORPORATE FINES
REGIONAL COUNCILS		
NORTHLAND REGIONAL COUNCIL	\$0	\$0
WAIKATO REGIONAL COUNCIL	\$185,050	\$60,000
BAY OF PLENTY REGIONAL COUNCIL	\$0	\$279,500
HAWKES BAY REGIONAL COUNCIL	\$53,000	\$18,750
TARANAKI REGIONAL COUNCIL	\$0	\$48,750
HORIZONS REGIONAL COUNCIL	\$0	\$0
GREATER WELLINGTON REGIONAL COUNCIL	\$118,750	\$50,000
ENVIRONMENT CANTERBURY	\$0	\$76,000
OTAGO REGIONAL COUNCIL	\$0	\$48,100
WEST COAST REGIONAL COUNCIL	\$0	\$28,000
SOUTHLAND REGIONAL COUNCIL	\$42,000	\$0
REGIONAL SUBTOTAL	\$398,800	\$609,100
UNITARY AUTHORITIES		
AUCKLAND COUNCIL	\$83,700	\$88,650
GISBORNE DISTRICT COUNCIL	\$112,000	\$28,000
NELSON CITY COUNCIL	\$0	\$0
MARLBOROUGH DISTRICT COUNCIL	\$0	\$0
TASMAN DISTRICT COUNCIL	\$0	\$0
UNITARY SUBTOTAL	\$195,700	\$116,650
TOTAL	\$594,500	\$725,750

Table 8: Prosecution outcomes: fines

QUESTION 34. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

PROSECUTIONS INVOLVING OTHER SANCTIONS IMPOSED BY COURTS

	PRISON SENTENCE	ENFORCEMENT ORDER	REPARATION	COMMUNITY SERVICE	DISCHARGE WITHOUT CONVICTION
REGIONAL COUNCILS					
NORTHLAND REGIONAL COUNCIL		1			1
WAIKATO REGIONAL COUNCIL		1		170 hours	
BAY OF PLENTY REGIONAL COUNCIL	1	1	1 (\$80,000)		
HAWKES BAY REGIONAL COUNCIL				2	
TARANAKI REGIONAL COUNCIL					
HORIZONS REGIONAL COUNCIL					
GREATER WELLINGTON REGIONAL COUNCIL	1	1			
ENVIRONMENT CANTERBURY		1			
OTAGO REGIONAL COUNCIL					
WEST COAST REGIONAL COUNCIL		1			
SOUTHLAND REGIONAL COUNCIL					
REGIONAL SUBTOTAL		6			1
UNITARY AUTHORITIES					
AUCKLAND COUNCIL		1	\$10,913.50		1
GISBORNE DISTRICT COUNCIL					
NELSON CITY COUNCIL					
MARLBOROUGH DISTRICT COUNCIL					
TASMAN DISTRICT COUNCIL				150 hours	
UNITARY SUBTOTAL		1			1
TOTAL		7			2

Table 9: Prosecutions involving other sanctions imposed by courts

QUESTION 35. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?

PROSECUTIONS INVOLVING RESTORATIVE JUSTICE, DIVERSION OR OTHER ALTERNATIVE JUSTICE

	RESTORATIVE JUSTICE	DIVERSION	ALTERNATIVE JUSTICE
REGIONAL COUNCILS			
NORTHLAND REGIONAL COUNCIL			
WAIKATO REGIONAL COUNCIL			
BAY OF PLENTY REGIONAL COUNCIL	1		
HAWKES BAY REGIONAL COUNCIL		1	
TARANAKI REGIONAL COUNCIL			
HORIZONS REGIONAL COUNCIL			
GREATER WELLINGTON REGIONAL COUNCIL			
ENVIRONMENT CANTERBURY			
OTAGO REGIONAL COUNCIL		1	
WEST COAST REGIONAL COUNCIL			1
SOUTHLAND REGIONAL COUNCIL			
REGIONAL SUBTOTAL	1	2	1
UNITARY AUTHORITIES			
AUCKLAND COUNCIL			
GISBORNE DISTRICT COUNCIL			
NELSON CITY COUNCIL			
MARLBOROUGH DISTRICT COUNCIL			
TASMAN DISTRICT COUNCIL			
UNITARY SUBTOTAL	0	0	0
TOTAL	1	2	1

Table 10: Prosecutions involving restorative justice, diversion or other alternative justice

QUESTION 36. How many prosecutions involved restorative justice, diversion or other alternative justice process?

CME REPORTING

Reporting on councils CME functions is done through contributing to the National Monitoring System. Outside the National Monitoring System councils are responsible for determining their reporting.

Commonly reporting is done through annual reports, reports to councillors and reports to council committee meetings. There is increased uptake of reporting to the public. This is done through the annual report and reports to council committee meetings that are open to the public. Most councils use three or more reporting channels.

CME REPORTING CHANNELS

	ANNUAL REPORT	REPORT TO COUNCILLORS	SNAPSHOT	REPORT(S) TO COUNCIL COMMITTEE MEETINGS (OPEN TO PUBLIC)	OTHER	TOTAL REPORTING CHANNELS
REGIONAL COUNCILS						
NORTHLAND REGIONAL COUNCIL	✓	✓	✓	✓	✓	5
WAIKATO REGIONAL COUNCIL		✓	✓	✓	✓	4
BAY OF PLENTY REGIONAL COUNCIL	✓	✓	✓	✓		4
HAWKES BAY REGIONAL COUNCIL	✓	✓	✓	✓		4
TARANAKI REGIONAL COUNCIL	✓	✓		✓	✓	4
HORIZONS REGIONAL COUNCIL	✓	✓		✓		3
GREATER WELLINGTON REGIONAL COUNCIL	✓	✓		✓		3
ENVIRONMENT CANTERBURY	✓	✓	✓	✓	✓	5
OTAGO REGIONAL COUNCIL	✓			✓		2
WEST COAST REGIONAL COUNCIL		✓		✓	✓	3
SOUTHLAND REGIONAL COUNCIL	✓	✓		✓	✓	4
UNITARY AUTHORITIES						
AUCKLAND COUNCIL					✓	1
GISBORNE DISTRICT COUNCIL	✓	✓		✓	✓	4
NELSON CITY COUNCIL	✓	✓		✓		3
MARLBOROUGH DISTRICT COUNCIL	✓	✓	✓	✓		4
TASMAN DISTRICT COUNCIL	✓	✓		✓		3

Table 11: CME reporting channels



REGIONAL SCORECARDS

PART 3

The following pages are summaries of the key data for the regional and unitary councils on an individual basis. They enable councils to quickly and easily communicate the findings of the national scale analysis as it applies to them, and to use these figures as a basis for regional scale performance improvement. All pages contain identical categories of information, all of which is based on tables found elsewhere throughout the report.

CME METRICS REPORT 2021/ 2022

NATIONAL SUMMARY



5,105,100
NEW ZEALAND POPULATION
ESTIMATE 2021



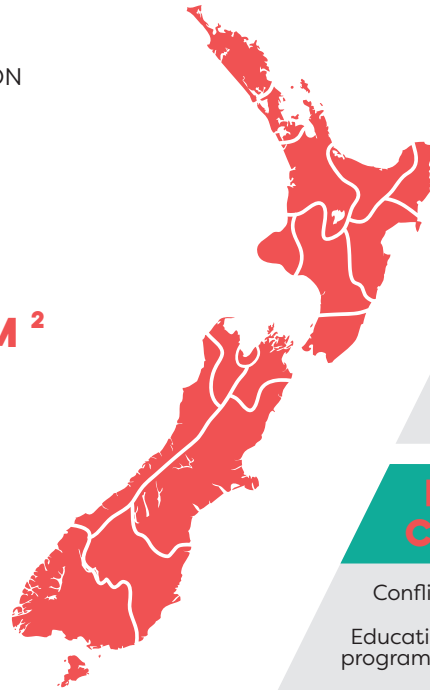
9.5%
POPULATION GROWTH
2016-2021



268,000KM²
GEOGRAPHIC
AREA



\$326,507M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **578**

FTE/1000 **0.15**

POLICY CHECKLIST



Conflict of interest policy **16 / 16**

Education / engagement programmes **16 / 16**

Enforcement policy **16 / 16**

CONSENTS



216,404
ADMINISTERED



35,810
REQUIRED
MONITORING



86%
CONSENTS MONITORED
OF THOSE REQUIRING IT

INCIDENTS



27,285
ENVIRONMENTAL
INCIDENTS REPORTED



99%
RESPONSE
RATE

ENFORCEMENT

493

WARNINGS
ISSUED

3,512

ABATEMENT NOTICES
ISSUED

1,486

INFRINGEMENT FINES
ISSUED

8

ENFORCEMENT ORDER
APPLICATIONS

40

PROSECUTIONS
CONCLUDED

93

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

NORTHLAND REGIONAL COUNCIL



196,100
NEW ZEALAND POPULATION
ESTIMATE 2021



12.5%
POPULATION GROWTH
2016-2021



13,778 KM²
GEOGRAPHIC
AREA



\$8,615 M
GDP TO MARCH
2021



CME STAFF



FULL TIME
EMPLOYEES **30**

FTE/1000 **0.15**

NATIONAL AVERAGE 0.15

CONSENTS



10,779
ADMINISTERED



4,153
REQUIRED
MONITORING



95%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



946
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

198

ABATEMENT NOTICES
ISSUED

92

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

WAIKATO REGIONAL COUNCIL



502,500
NEW ZEALAND POPULATION
ESTIMATE 2021



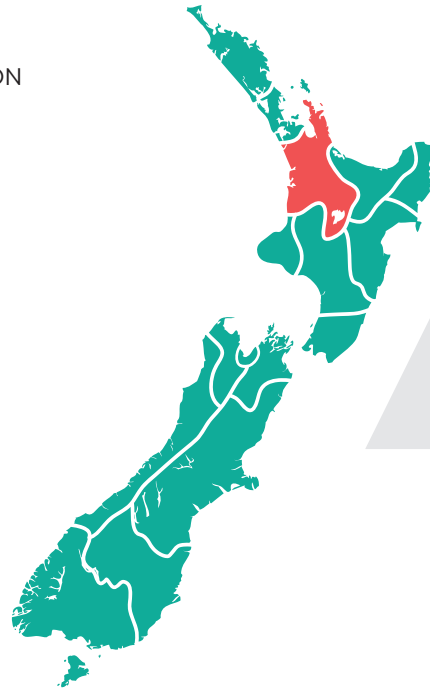
12.2%
POPULATION GROWTH
2015-2021



24,147KM²
GEOGRAPHIC
AREA



\$29,173M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **49**
FTE/1000 **0.1**
NATIONAL AVERAGE 0.15

CONSENTS



12,511
ADMINISTERED



575
REQUIRED
MONITORING



100%+
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,849
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

162

WARNINGS
ISSUED

86

ABATEMENT NOTICES
ISSUED

34

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

5

PROSECUTIONS
CONCLUDED

14

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

BAY OF PLENTY REGIONAL COUNCIL



340,800
NEW ZEALAND POPULATION
ESTIMATE 2021



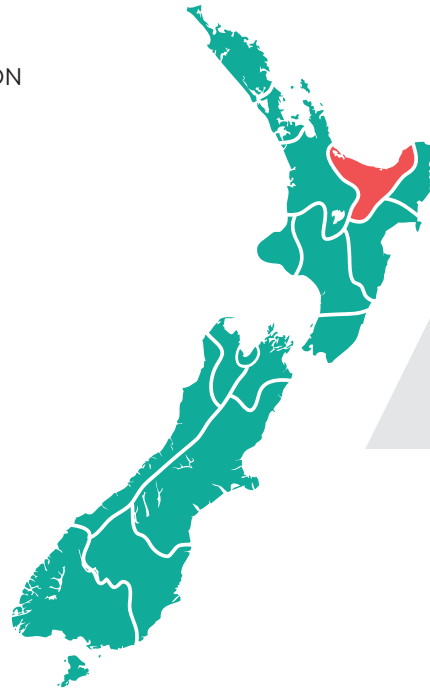
14.6%
POPULATION GROWTH
2016-2021



12,303 KM²
GEOGRAPHIC
AREA



\$19,319 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **39**
FTE/1000 **0.11**
NATIONAL AVERAGE 0.15

CONSENTS



7,608
ADMINISTERED



3,398
REQUIRED
MONITORING



93%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



3,169
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

117

ABATEMENT NOTICES
ISSUED

51

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

6

PROSECUTIONS
CONCLUDED

5

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

HAWKES BAY REGIONAL COUNCIL



186,600
NEW ZEALAND POPULATION
ESTIMATE 2021



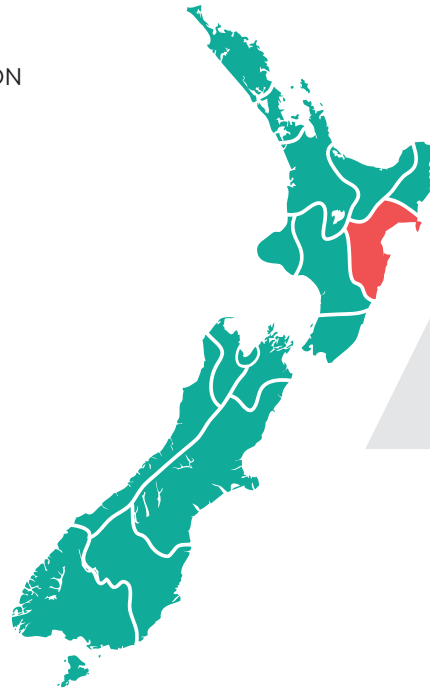
9.2%
POPULATION GROWTH
2016-2021



14,138 KM²
GEOGRAPHIC
AREA



\$9,271M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **18**
FTE/1000 **0.10**
NATIONAL AVERAGE 0.15

CONSENTS



8,620
ADMINISTERED



3,358
REQUIRED
MONITORING



91%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



736
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

8

WARNINGS
ISSUED

94

ABATEMENT NOTICES
ISSUED

107

INFRINGEMENT FINES
ISSUED

2

ENFORCEMENT ORDER
APPLICATIONS

8

PROSECUTIONS
CONCLUDED

20

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

TARANAKI REGIONAL COUNCIL



125,800
NEW ZEALAND POPULATION
ESTIMATE 2021



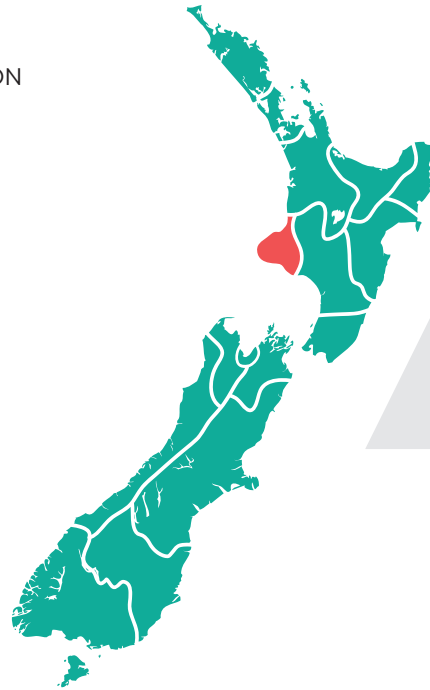
7.0%
POPULATION GROWTH
2016-2021



7,256 KM²
GEOGRAPHIC
AREA



\$8,885 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **53**
FTE/1000 **0.42**
NATIONAL AVERAGE 0.15

CONSENTS



4,372
ADMINISTERED



2,408
REQUIRED
MONITORING



100%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



531
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

0

WARNINGS
ISSUED

150

ABATEMENT NOTICES
ISSUED

103

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

1

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

HORIZONS REGIONAL COUNCIL



255,500
NEW ZEALAND POPULATION
ESTIMATE 2021



6.7%
POPULATION GROWTH
2016-2021



22,220 KM²
GEOGRAPHIC
AREA



\$12,758 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **17**
FTE/1000 **0.07**
NATIONAL AVERAGE 0.15

CONSENTS



5,638
ADMINISTERED



2,175
REQUIRED
MONITORING



95%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,335
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

13

WARNINGS
ISSUED

46

ABATEMENT NOTICES
ISSUED

52

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

0

PROSECUTIONS
CONCLUDED

8

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

GREATER WELLINGTON REGIONAL COUNCIL



544,900
NEW ZEALAND POPULATION
ESTIMATE 2021



7.6%
POPULATION GROWTH
2016-2021



8,142KM²
GEOGRAPHIC
AREA



\$41,041M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **22**
FTE/1000 **0.04**

NATIONAL AVERAGE 0.15

CONSENTS



7,259
ADMINISTERED



1,843
REQUIRED
MONITORING



88%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,139
ENVIRONMENTAL
INCIDENTS REPORTED



NO DATA
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

17

WARNINGS
ISSUED

40

ABATEMENT NOTICES
ISSUED

35

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

5

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/2022

ENVIROMENT CANTERBURY



647,600
NEW ZEALAND POPULATION
ESTIMATE 2021



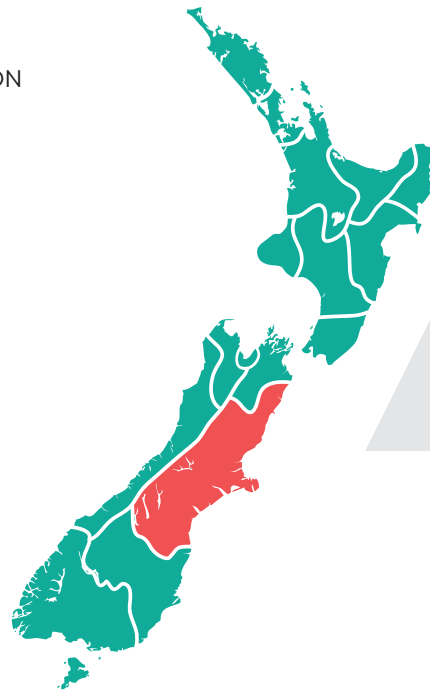
8.9%
POPULATION GROWTH
2016-2021



44,633 KM²
GEOGRAPHIC
AREA



\$41,138 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **75**
FTE/1000 **0.12**
NATIONAL AVERAGE 0.15

CONSENTS



23,079
ADMINISTERED



882
REQUIRED
MONITORING



76%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



3,763
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

117

WARNINGS
ISSUED

172

ABATEMENT NOTICES
ISSUED

64

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

OTAGO REGIONAL COUNCIL



245,600
NEW ZEALAND POPULATION
ESTIMATE 2021



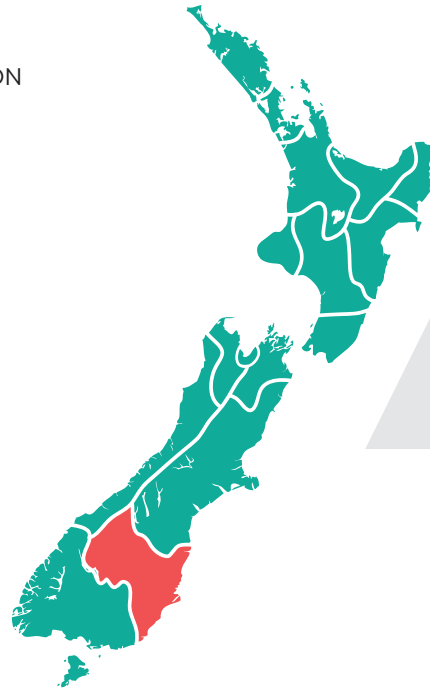
11.4%
POPULATION GROWTH
2016-2021



31,280 KM²
GEOGRAPHIC
AREA



\$14,003 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **37**
FTE/1000 **0.15**
NATIONAL AVERAGE 0.15

CONSENTS



5,829
ADMINISTERED



3,144
REQUIRED
MONITORING



77%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,206
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

13

WARNINGS
ISSUED

45

ABATEMENT NOTICES
ISSUED

54

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

WEST COAST REGIONAL COUNCIL



32,700
NEW ZEALAND POPULATION
ESTIMATE 2021



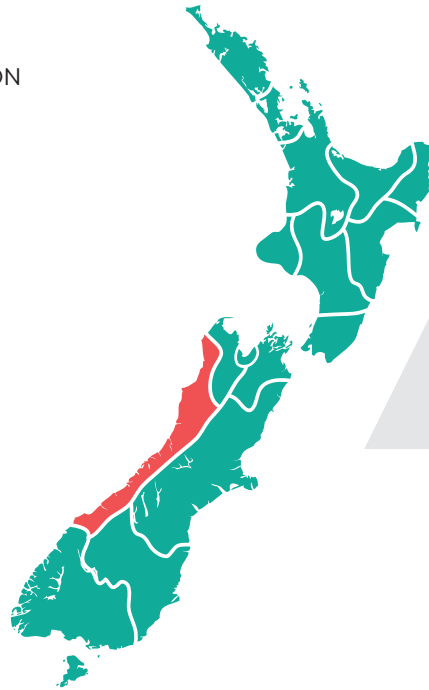
-0.6%
POPULATION GROWTH
2016-2021



23,277 KM²
GEOGRAPHIC
AREA



\$1,885 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **6**
FTE/1000 **0.17**
NATIONAL AVERAGE 0.15

CONSENTS



5,809
ADMINISTERED



1,275
REQUIRED
MONITORING



92%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



152
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

5

WARNINGS
ISSUED

8

ABATEMENT NOTICES
ISSUED

12

INFRINGEMENT FINES
ISSUED

2

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

0

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/2022

SOUTHLAND REGIONAL COUNCIL



102,800
NEW ZEALAND POPULATION
ESTIMATE 2021



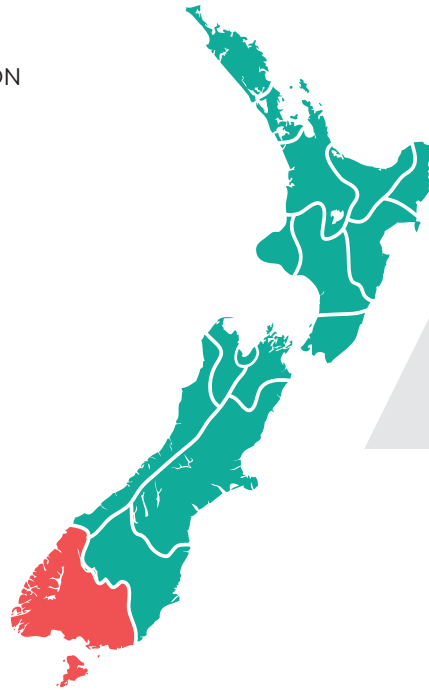
4.5%
POPULATION GROWTH
2016-2021



32,184 KM²
GEOGRAPHIC
AREA



\$6,730 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **14**
FTE/1000 **0.14**
NATIONAL AVERAGE 0.15

CONSENTS



4,916
ADMINISTERED



3,752
REQUIRED
MONITORING



57%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



712
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

36

WARNINGS
ISSUED

15

ABATEMENT NOTICES
ISSUED

18

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/2022

AUCKLAND COUNCIL



1,715,800
NEW ZEALAND POPULATION
ESTIMATE 2021



9.1%
POPULATION GROWTH
2016-2021



5,945 KM²
GEOGRAPHIC
AREA



\$121,740 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **178**
FTE/1000 **0.10**
NATIONAL AVERAGE 0.15

CONSENTS



75,017
ADMINISTERED



NO DATA
REQUIRED
MONITORING



NO DATA
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



9,044
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

2,435

ABATEMENT NOTICES
ISSUED

770

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

6

PROSECUTIONS
CONCLUDED

15

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

GISBORNE DISTRICT COUNCIL



51,300
NEW ZEALAND POPULATION
ESTIMATE 2021



6.0%
POPULATION GROWTH
2016-2021



8,386 KM²
GEOGRAPHIC
AREA



\$2,336 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **11**
FTE/1000 **0.21**
NATIONAL AVERAGE 0.15

CONSENTS



7,753
ADMINISTERED



1,600
REQUIRED
MONITORING



47%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



337
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

38

WARNINGS
ISSUED

38

ABATEMENT NOTICES
ISSUED

5

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

TASMAN DISTRICT COUNCIL



57,450
NEW ZEALAND POPULATION
ESTIMATE 2021



9.6%
POPULATION GROWTH
2016-2021



9,764 KM²
GEOGRAPHIC
AREA



\$6,108 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **12**
FTE/1000 **0.21**
NATIONAL AVERAGE 0.15

CONSENTS



8,803
ADMINISTERED



3,327
REQUIRED
MONITORING



73%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



1,344
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

77

WARNINGS
ISSUED

18

ABATEMENT NOTICES
ISSUED

28

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/2022

NELSON CITY COUNCIL



54,450
NEW ZEALAND POPULATION
ESTIMATE 2021



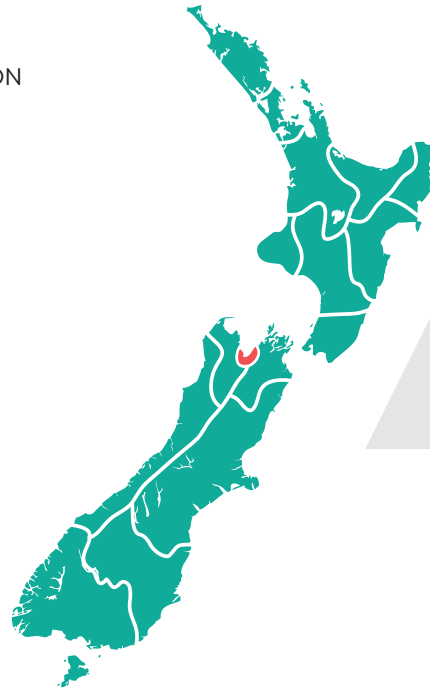
9.6%
POPULATION GROWTH
2016-2021



477 KM²
GEOGRAPHIC
AREA



\$6,108 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **6**
FTE/1000 **0.1**
NATIONAL AVERAGE 0.15

CONSENTS



594
ADMINISTERED



594
REQUIRED
MONITORING



100%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



483
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

36

ABATEMENT NOTICES
ISSUED

28

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

0

PROSECUTIONS
CONCLUDED

0

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2021/ 2022

MARLBOROUGH DISTRICT COUNCIL



51,200
NEW ZEALAND POPULATION
ESTIMATE 2021



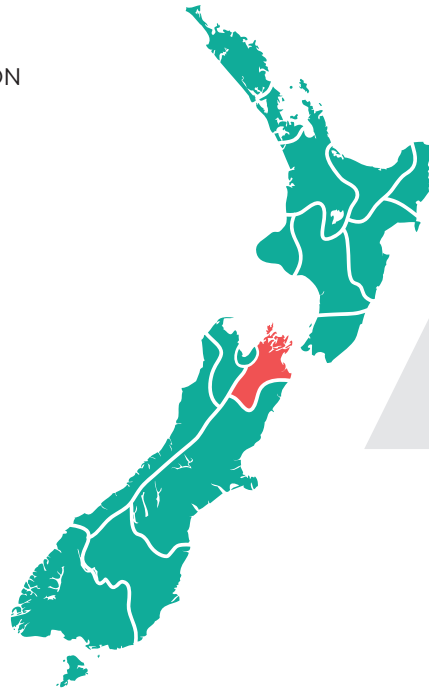
9.6%
POPULATION GROWTH
2016-2021



10,773KM²
GEOGRAPHIC
AREA



\$3,505 M
GDP TO MARCH
2021



CME STAFF



FULL TIME EMPLOYEES **14**
FTE/1000 **0.27**
NATIONAL AVERAGE 0.15

CONSENTS



27,817
ADMINISTERED



3,326
REQUIRED
MONITORING



85%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 86%

INCIDENTS



539
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

7

WARNINGS
ISSUED

14

ABATEMENT NOTICES
ISSUED

33

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

0

PROSECUTIONS
CONCLUDED

5

PROSECUTIONS IN
PROGRESS



APPENDIX 1

1. Which council are you completing this survey on behalf of? [Regional/ Unitary]
2. And this is for?
 - Northland Regional Council
 - Waikato Regional Council
 - Bay of Plenty Regional Council
 - Hawkes Bay Regional Council
 - Taranaki Regional Council
 - Horizons Regional Council
 - Greater Wellington Regional Council
 - Environment Canterbury
 - Otago Regional Council
 - West Coast Regional Council
 - Southland Regional Council
 - Auckland Council
 - Gisborne District Council
 - Nelson City Council
 - Marlborough District Council
 - Tasman District Council
3. What is your name and contact details?

COMMITMENTS TO IWI

Post 2017/2018 regional context data from common national sources (e.g. Statistics New Zealand) instead of requiring councils to submit it. This also helped ensure comparability

4. In no more than 300 words describe your regional key commitments to work with iwi/Māori on CME. For example, joint management agreements or other co-management agreements.
Note: The report author may contact you for further information or clarification of your response.

CME OPERATIONS (MANAGING THE WORKLOAD)

COMPLAINTS

5. Does your council register/count:
 - an individual “incident” per notification?
 - one incident per event, regardless of the number of separate complainants?

6. How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties, but excludes information from council monitoring activity.

- No. of individual complaints/calls?
 - No. of individual incidents logged?
 - Unknown
7. How many of these notifications were responded to by council?
This response may be in any form – e.g. phone call, site visit, desktop audit
8. How many of these notifications were physically attended by council staff?
If one incident had multiple visits, only count this as one.
9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?
10. How many of the breaches were for:
- Breach of a resource consent?
 - Breach of permitted activity rules?

MONITORING RESOURCE CONSENTS & PERMITTED ACTIVITIES

RESOURCE CONSENTS

11. How many individual, active resource consents exist in your region?
Exclude Land Use Consents where the activity is completed e.g. Land use subdivisions where the subdivision is complete and certificates issued or land use – building where the building has been constructed.
12. How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?
13. How many of these consents were monitored (including desktop audit) in the period?

COMPLIANCE GRADINGS

From 2020/2021 onwards all councils adopted the four compliance gradings, these questions were removed.

14. What grades do you apply to non-compliance? (e.g. technical non-compliance, significant non-compliance)
- Fully Compliant
 - Technical/Low Non-Compliance
 - Moderate Non-Compliance
 - Significant Non-Compliance
 - Other (please specify)
15. What were the levels of compliance with consents according to the grades you use?

Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored 4 times in the year; on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add 3 to the total of Fully Compliant and one to the total for Technical Non-compliance.

Note 2: The compliance grade is based on the condition with the worst compliance grade e.g. a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance.

Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.

- Fully Compliant
- Technical/Low Non-Compliance
- Moderate Non-Compliance
- Significant Non-Compliance
- Other (please specify)

MONITORING PERMITTED ACTIVITIES

16. Which permitted activities do you have a monitoring programme for?
- Agriculture (excluding dairy)
 - Aquaculture
 - Construction
 - Dairy
 - Forestry
 - Horticulture
 - Industrial Stormwater
 - Mining
 - Oil and gas
 - Tourism
 - Vineyards
 - Wineries
 - Wintering
 - Other (please specify)

MAKING DECISIONS ON PRIORITIES

17. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?
18. Describe how you determine which consents are monitored and how frequently?
If there is a prioritisation model or compliance strategy, add link
19. Describe the basis, which was used for determining what, if any, permitted activities were monitored.
If there is a prioritisation model or compliance strategy, add link

STAFFING LEVELS

20. How many FTEs does your council have who carry out monitoring roles?
Include contractors.
21. How many FTEs does your council have who carry out environmental incident or pollution response roles?
Include contractors.
22. How many FTEs does your council have who carry out investigation or enforcement roles?
23. How many FTEs does your council have who carry out a combination of the above roles?
Note 1: Include contractors
Note 2: Only answer this question if you have not included these staff in questions 21, 22 or 23
24. How many FTEs does your council have in CME support roles?
This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to MoJ.

CME POLICIES AND PROCEDURES

From 2020/2021 onwards all councils had an enforcement and conflict of interest policy, these questions were removed.

25. What is your process for making decisions on prosecutions?
26. Who has the delegation to authorise filing of charges for a prosecution at your council?

ACTING ON NON-COMPLIANCE

27. What was the total number of actions taken during the period for:

Note: This relates to the instruments issued in relation to the different sections of the Act (listed once for brevity)

- Formal warnings issued
- Abatement notices issued
- Infringement notices issued
- Enforcement orders applied for
- Section 9 Use of land
- Section 12 Coastal marine area
- Section 13 Beds of lakes and rivers
- Section 14 Water
- Section 15 Discharges of contaminants
- Section 17 Duty to avoid, remedy & mitigate
- Other breach e.g. Section 22

PROSECUTION

28. How many RMA prosecutions were:

Note: For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

- Concluded in the period
- Still in progress in the period

29. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

30. For all of these (person) defendants what is the total number of convictions entered against them?

For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.

31. What is the total number of corporate (e.g. Crown, company, body corporate etc) defendants convicted as a result of RMA prosecutions concluded in this period?

32. For all of these (corporate) defendants what is the total number of convictions entered against them?

For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.

33. Total number of convictions against: [see categories for sections of the Act as above]

- an individual
- a corporate entity

Total fine potential (Individual total x \$300,000, corporate entity total x \$600,000)

34. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

- Individual fines
- Corporate fines

35. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?

- Prison sentence
- Enforcement order
- Reparation
- Community Service
- Discharge without conviction
- Other

36. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- *Restorative justice*
- *Diversion*
- *Alternative justice*

37. Describe any outcomes relating to these processes.

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

38. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes/No

39. If yes, briefly describe

CME REPORTING

40. What mechanisms does your council use to report CME data to the public? e.g. annual reports, reports to councillors

- *Annual Report*
- *Report to Councillors*
- *Snapshot*
- *Report(s) to Council committee meetings (open to public)*
- *Other (please specify)*

LONG FORM RESPONSES (QUESTION 3)

APPENDIX 2

NORTHLAND REGIONAL COUNCIL

NRC has a range of initiatives to work in partnership with Māori. A key one is the Te Tai Tokerau Maori & Council Working Party (TTMAC), which is an advisory committee established in 2014. This group meets monthly. Four of council's five other working parties have an equal number of Māori representatives sitting alongside councillors. This includes the Planning & Regulatory Working Party, which has oversight of CME as part of its purpose. Council has signed with two hapu; the Mana Whakahono a Rohe; Patuharakeke and Ngatirehia with the intention to sign with other hapu. There is an agreed process for hapu signatories to meet with the Northland Regional Council to discuss opportunities for hapu to be involved in council compliance and monitoring activities.

WAIKATO REGIONAL COUNCIL

The WRC has operative Joint Management Agreements (JMAs) with five "River" Iwi - Waikato-Tainui, Raukawa, Te Arawa, Ngati Maniapoto and Ngati Tuwharetoa - as required by legislation. A key purpose of JMAs is to provide a framework for Iwi and the Council to discuss and agree processes for enabling co-management of planning, regulatory and other functions within the relevant Iwi's geographic area of interest. For all currently operative JMAs, this includes RMA compliance, monitoring and enforcement (CME) functions of Council. Whilst each of the JMAs was individually negotiated, there are common themes across all in relation to CME. The key commitments relating to CME within the JMAs generally include biannual operational meetings to discuss monitoring priorities, extent and methods; the potential for Iwi involvement in monitoring and enforcement processes; responses to non-compliance; consent review opportunities; the effectiveness of conditions and the effectiveness of compliance policies and procedures generally. The JMAs require various CME-related information to be provided, at different times - for example, summary updates of enforcement actions (prosecutions, enforcement orders, abatement notices and infringement notices) undertaken by the Council under the RMA for the JMA area. Agreed outcomes and actions from biannual operational meetings will, where appropriate, be reported up to the corresponding co-governance committees. The JMAs have facilitated closer personal and working relationship with Iwi which itself has engendered more effective engagement, co-operation and flow of information in both directions.

BAY OF PLENTY REGIONAL COUNCIL

BOPRC is continuing to build relationships between council and tangata whenua, and identify opportunities to work together in the regulatory space. Māori as kaitiaki is considered in the day to day implementation of our compliance programme. In practical terms, this may include ensuring tangatawhenua are notified of incidents in their rohe ('no surprises' approach) and involved in projects where appropriate (e.g. marae wastewater). CME information is also formally reported to co-governance groups (eg. Rangitaiki River Authority and TeMaru o Kaituna).

HAWKES BAY REGIONAL COUNCIL

The Council has a Māori Partnership Group who advises and offers strategic support and leadership to the Council and all staff in order to enable effective partnerships, engagement, and meaningful participation with tānagata whenua. The Council has the Māori committee, which includes both elected councillors and 12 representatives of the four Ngāti Kahungunu Taiwhenua/executive in our region. Additionally, there is the Regional Planning Committee and the Post Settlement Governance Entity representatives who work closely together and make recommendations to the Council to ensure the effective implementation of plans, processes, monitoring and enforcement. The Council work closely with Iwi with significant incidents, investigations and prosecutions. The Council regularly obtains cultural impact statements from Iwi for most prosecutions.

TARANAKI REGIONAL COUNCIL

The Council has 3 Iwi appointed representatives on each of its Consents and Regulatory and Policy and Planning Committees. This provides for CME input at this level. In addition, the Council engages directly with Iwi over prosecutions and obtains victim impact statements.

HORIZONS REGIONAL COUNCIL

No formal agreements are in place at this stage with Iwi around CME; however, in the event of a major incident or comprehensive investigation, the relevant Iwi are notified. In relation to comprehensive investigations Council endeavors to obtain cultural impact statements from Iwi that are then put before the court as part of the sentencing process.

GREATER WELLINGTON REGIONAL COUNCIL

The Council has no formal CME agreements with Iwi. The proposed Natural Resource Plan for the Wellington Region lays out the collaborative work and strategy for involving Iwi. Part of that collaborative work is the ongoing establishment of Whaitua's to engage Iwi and communities in a catchment focused approach to management of the environment. This intrinsically includes a CME element.

ENVIRONMENT CANTERBURY

While we do not currently have any CME joint management arrangements in place, there is an aspiration to do so in the future. In the meantime, we alert some of the rūnanga to incidents as they occur, to enable them to indicate those that they want to advise on, and we currently fund cultural impact statements to support decision making processes regarding enforcement decisions with those rūnanga. We have a pilot project in South Canterbury with one rūnanga regarding a co-design approach to fish screen compliance, which is progressing positively. In 2022-23 we will be extending that to other parts of the region, as rūnanga see fit. In response to concerns from a rūnanga in the northern part of the region, we have established a new CME position, and involved the rūnanga in the appointment process. In 2022-23 we plan to deliver on greater rūnanga involvement in our CME functions.

OTAGO REGIONAL COUNCIL

No formal agreements at this stage with iwi around CME, however, in the event of a major incident or comprehensive investigation iwi are advised. We have used iwi for cultural impact assessment reports on prosecution cases. We also notify Aukaha of any incidents involving waterways. ORC is working with Aukaha and Te Aō Marama Incorporated to improve engagement and involvement in CME activities, including notification of relevant pollution incidents and monthly hui to discuss cases and provide progress updates.

WEST COAST REGIONAL COUNCIL

The West Coast Regional Council and Poutini Ngai Tahu have signed a Mana Whakahono a Rohe - Iwi Participation Arrangement. The arrangement formally acknowledges the partnership and relationship between Council and Ngai Tahu. The document can be found on Councils web site under Strategies - publications. Te Runanga Ngati Waewae and Te Runanga Makaawhio have representation on Council and in decision making on relevant Council committees such as the Resource management Committee.

SOUTHLAND REGIONAL COUNCIL

Ngāi Tahu ki Murihiku (tangata whenua) have a particular interest in the work of Environment Southland. And mutually, the council has responsibilities towards Māori and Māori cultural and spiritual values. The approach we have in Southland today is unique in the South Island. Its aim is to ensure Māori values are reflected in the council's decision-making, so that Southland's mauri is protected for now and generations to come. Te Aō Marama Incorporated (the environmental arm of Ngāi Tahu ki Murihiku) was one of the key facilitators when the relationship between the council and iwi began in the early 90s. Te Aō Marama was delegated the responsibility of dealing with councils on environmental matters, on behalf of the four papatipu rūnanga who hold mana whenua over all ancestral lands in Murihiku – Awarua, Hokonui, Ōraka Aparima and Waihōpai. For 25 years the relationship with Environment Southland continues to grow, with various protocols being developed to ensure smooth and efficient processes for plan development and consents management, a jointly funded iwi policy advisor position, an iwi management plan Te Tangi a Tauira, and a partnership to improve Southland's water and land through the People Water and Land programme – Te Mana o te Tangata, te Wai, te Whenua. The most recent milestone in the council's relationship with iwi is the inclusion of mana whenua positions on two of Environment Southland's committees. Environment Southland, refers to the iwi relationship as te kōura tuia the 'golden thread' that we weave through all our work. It's just part of how we operate. There is a commitment to the responsibility of improving Southland's local government understanding of all things Māori.

AUCKLAND COUNCIL

One of the organisational strategy focus is to give effect to Te Teriti through outcomes for Māori. For us that means involving mana whenua through regulatory decisions and help protect the history and environment of Auckland by CME and education.

GISBORNE DISTRICT COUNCIL

Council is committed to providing for the rights of Māori in decision-making processes and allowing the roles as tino-rangitiratanga and kaitiaki to be exercised. Whilst there are no specific CME agreements GDC has several relationship and management agreements with Māori stakeholder groups (iwi/hapū, land trusts and others). These include memorandums of understanding, joint management agreements, co- management and co-governance arrangements and joint protocols for a particular site or process. Internally GDC has developed a resource for staff (Te Matapihi) to develop confidence when engaging with Māori. This resource provides an interactive map of iwi/hapū groups that identifies areas of interest for hapū/iwi groups in the region and lists all engagements/projects with mana whenua to reduce duplicity of contact.

NELSON CITY COUNCIL

No formal agreements are in place; Iwi are involved in revising Plan provisions and Council facilitates having an iwi monitor on site alongside Council's monitoring officer when this is requested. All iwi are sent a summary of all resource consent applications on a weekly basis. Council is also financially supporting iwi to build capacity in state of the environment monitoring and to establish cultural health monitoring practices.

TASMAN DISTRICT COUNCIL

No formal arrangement around CME at this stage. Strategy being developed as part of wider engagement and being given priority. Some engagement is occurring through consent monitoring where conditions allow.



Date: 22 November 2022

Subject: **Prosecution Sentencing Decision - C Boyd**

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

Document: 3115993

Purpose

1. The purpose of this memorandum is to update Members on the prosecution of Mr C Boyd for a breach of the Regional Fresh Water Plan for Taranaki. This involved diverting a 530 metre section of an unnamed tributary of the Mangatengahu Stream via two separate diversion channels, between 15 October 2019 and 29 November 2019; and failing to comply with two subsequent abatement notices requiring all earthworks to cease and to ensure silt and sediment controls were installed and maintained about the works site.

Executive summary

2. The Council responded to a complaint about a discoloured stream, undertook a thorough investigation and applied the Council's Enforcement Policy (2017). Non-compliance by Mr Boyd has been ongoing with abatement notices and infringement notices issued, without a change in behaviour. A prosecution was the next step under the Council's Enforcement Policy.
3. The result is a guilty plea and successful prosecution with a reasonable fine. 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 of Mr C Boyd.

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 19 May 2020.

Incident

5. In summary, between 15 October 2019 and 29 November 2019, Mr Colin Boyd carried out a significant amount of earthworks in and around the Mangatengahu Stream. The works included extensive stream modification (diversion), the construction of two diversion channels, the installation of two culverts and insufficient silt and sediment controls resulting in the discharge of contaminants into the tributary.
6. Two abatement notices were subsequently served on Mr Boyd requiring the installation, monitoring and maintenance of silt and sediment controls; and all for earthworks to cease.
7. An appeal of Abatement Notice EAC-22969 was lodged by Mr Boyd. All issues were resolved at a court directed mediation hearing and the appeal was subsequently withdrawn. Iwi attended the mediation and were very concerned about Mr Boyd's actions.
8. Subsequent inspections of the site found that both abatement notices had been contravened by Mr Boyd.
9. Non-compliance by Mr Boyd has been ongoing with abatement notices and infringement notices issued, without a change in behaviour. A prosecution was the next step under the Council's Enforcement Policy.
10. In summary, the prosecution relates to the discharge of contaminants, namely sediment into water, the reclamation of a tributary and contravention of an abatement notice.

Prosecution update

11. The defendant pleaded guilty to the four charges against him. Sentencing was passed on 4 October 2022 and judgement of Judge Dickey on the sentencing is 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.
12. The Court extensively used Council scientific evidence in its deliberations. There were several systematic failures, resulting in the adverse discharges. Further details are set out in the decision.
13. Mr Boyd was convicted and fined \$78,750 for the three discharge and reclamation charges and \$17,000 for the abatement notice charge, \$95,750 in total.
14. The Court also issued an Enforcement Order which was served on Mr Boyd, requiring reinstatement of the unnamed tributary of the Mangatengahu Stream and infilling of a diversion channel.
15. Mr Boyd has now appealed the sentence imposed by the court.

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

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

Community considerations

19. 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

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

Appendices/Attachments

Document 3115712: Boyd – Sentencing decision – 14-10-22

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

**I TE KŌTI-Ā-ROHE
KI NGĀMOTU**

**CRI-2020-043-000533
[2022] NZDC 19123**

TARANAKI REGIONAL COUNCIL
Prosecutor

v

COLIN DAVID BOYD
Defendant(s)

Hearing: 22 July 2022 via AVL
Appearances: K de Silva for the Prosecutor
PJ Mooney for the Defendant
Judgment: 4 October 2022

JUDGMENT OF JUDGE MJL DICKEY

Introduction

[1] The defendant, Mr Colin Boyd, pleaded guilty to four charges relating to the discharge of contaminants, namely sediment, into water being an unnamed tributary of the Mangatengehu Stream (in October 2019),¹ the reclamation of that unnamed tributary (in October 2019)² and the breach of an abatement notice (between December 2019 and 13 March 2020).³

[2] The maximum penalty for each charge is a fine not exceeding \$300,000.

¹ CRN 20043500159 and CRN20043500160.

² CRN 20043500162.

³ CRN 20043500165.

[3] Ms de Silva, for the Council, proposed a starting point of at least \$100,000 for the discharge and reclamation charges and a separate starting point of \$30,000 for the abatement notice offence. Mr Mooney, for the defendant, proposed a starting point of \$40,000, with an increase of \$5,000 for the abatement notice offence.

Background⁴

[4] The offences occurred at Mr Boyd's farm (**the Farm**) at Surrey Road, Inglewood. The Farm is approximately 480 hectares and is predominantly used as a dairy platform, however quarrying and land farming (disposal of waste drilling muds and fluids) activities are also undertaken on the Farm.

[5] The Farm is owned by Mile Square Farms Limited. Prior to this Mr Boyd owned the Farm for approximately 25 years. Mr Boyd is the sole director and shareholder of Mile Square Farms Limited.

[6] The Farm covers approximately six land titles, however it is run as one single farming operation. The works were carried out on one of these titles, namely Identifier TNJ1/397, comprising approximately 63.5043 hectares.

[7] The Mangatengehu Stream and a tributary flow west to east through the Farm. The tributary has large bends and pools within it and its banks harbour a riparian margin with vegetation that is very mature in places.

Circumstances of the offending⁵

[8] The Defendant carried out a significant amount of earthworks on part of the land (title TNJ1/397) in and around a section of the tributary (**the Site**) to reclaim part of the bed of the tributary. There was discharge of sediment into the tributary because the silt and sediment controls were inadequate.

[9] On the evening of 27 October 2019, a Council Officer responded to a complaint that the tributary below the Site was discoloured.

⁴ Summary of facts dated 7 March 2022 at [2] – [8].

⁵ Summary of facts at [12] – [35].

[10] Between 27 October 2019 and 13 March 2020, a number of inspections were undertaken at the Site.

29 October 2019 - inspection

[11] On 29 October 2019 Council Officers inspected the Site. They found that the following works had been undertaken to reclaim the bed of the tributary. The works that resulted in the reclamation included diversion of the tributary and therefore the following description of the works includes "diversion":

- (a) a diversion (**Diversion 2**) was under construction at the Site;⁶
- (b) the Diversion 2 channel intercepted the tributary and directed both surface water and ground water into an existing land drainage channel which then directed the flow back into the tributary approximately 180 metres downstream at a neighbouring property;
- (c) significant scour/erosion of the Diversion 2 channel had occurred resulting in silt/sediment discharging into the tributary in the neighbouring property. No silt control measures were in place throughout the worked area;
- (d) the cross-sectional area of the channel of Diversion 2 ranged from approximately 4 metres deep and 5 metres wide (20 m²) to smaller sections of 2.5 metres deep to 3 metres wide (7.5 m²); and
- (e) as a result of the construction of the Diversion 2 channel, a 160 metre length of the tributary, between the upper point where the Diversion 2 channel intersected the tributary and the lower point on the neighbouring property where the water was reintroduced into the tributary from the diversion channel, has been drained.

[12] A 278 m long section (approximately) of the tributary had been reclaimed as a result of diversion and/or filling in and the majority of associated riparian vegetation had been removed.

⁶ A charge CRN 20043500163 relating to Diversion 1 was withdrawn.

30 October 2019 – Abatement notices

[13] On 30 October 2019, two abatement notices were served on Mr Boyd:

- (a) Abatement Notice EAC-22969 required Mr Boyd to immediately cease all earthworks and the associated silt and sediment discharge which are in contravention of Rules 55 and 74 of the Regional Freshwater Plan for Taranaki (**RFWP**); and
- (b) Abatement Notice EAC-22970 required Mr Boyd to install silt and sediment controls and ensure that runoff from disturbed areas is directed through the silt controls by 3 November 2019.

4 November 2019 – Re-inspection

[14] On 4 November 2019 a re-inspection was undertaken to assess compliance with the Abatement Notices.

[15] Silt and sediment controls had been installed within the channel of Diversion 2 but were insufficient to cope with significant rainfall events. A significant amount of erosion had occurred within the channel of Diversion 2.

21 November 2019 – Re-inspection

[16] On 21 November 2019, a re-inspection found contravention of Abatement Notice EAC- 22969 (there is no charge for this contravention):

- (a) the installed silt and sediment controls had failed within the channel of Diversion 2 and were providing no treatment of the water within the channel prior to discharging into the tributary; and
- (b) significant erosion had occurred within the channel of Diversion 2 and surrounding areas.

25 November 2019 – Abatement notice

[17] On 25 November 2019, a Council Officer spoke with the Defendant via phone about the inspection on 21 November 2019 and advised him of the requirement to maintain silt and sediment controls at the Site.

[18] On 25 November 2019, a further Abatement Notice (EAC-23018) was posted and emailed to Mr Boyd. The Notice required Mr Boyd to:

Action 1. Install silt and sediment controls to replace the silt and sediment controls that have failed.

Action 2. Ensure that all storm water runoff from disturbed area is directed through the silt and sediment controls.

Action 3. Check and maintain the silt and sediment controls.

Action 4. Replace any silt and sediment controls that fail.

29 November 2019 – Re-inspection

[19] On 29 November 2019, a re-inspection of the Site found contravention of Abatement Notice EAC-22969.⁷

[20] A large yellow digger was found at the Site. The digger was not in operation at the time of the inspection.

[21] Further works had been undertaken sometime after the 21 November 2019 inspection:

- (a) a large concrete culvert had been installed within the tributary and a significant amount of scouring and erosion was observed on the downstream (eastern) side of the Large Culvert; and
- (b) further north and bordering on the boundary of the Site was evidence that further works had been conducted within the tributary.

⁷ The charge for contravention of Abatement Notice EAC-22969 has been withdrawn.

[22] The Officer phoned Mr Boyd and discussed the recently discovered Works. Mr Boyd stated that he believed that he could do the works as he believed the cease Abatement Notice (EAC- 22969) only applied to the immediate area about the diversion works.

3 December 2019 – Re-inspection

[23] On 3 December 2019, a re-inspection of the Site found contravention of Abatement Notice EAC-23018. The charge CRN 20043500165 is for contravention of Abatement Notice EAC-23018.

[24] At the time there was sustained light rainfall, the installed silt and sediment controls were operating, however were offering minimum treatment:

- (a) there was heavy silting within the tributary downstream of the discharge from the Site;
- (b) there had been no further silt and sediment controls installed;
- (c) the two controls were full of silt and offering no treatment; and
- (d) a significant amount of erosion of the batter within the channel of Diversion 2 had occurred since the previous inspection and rilling from overland water flow was evident on exposed areas.

13 March 2020 – Re-inspection

[25] On 13 March 2020, a re-inspection of the Site found contravention of Abatement Notice EAC-23018.

[26] At the time there was light water flows within the channel of Diversion 2:

- (a) there was heavy silting within the channel of Diversion 2 and the installed silt controls were full and offering no treatment;
- (b) there had been no further silt and sediment controls installed;

- (c) a significant amount of erosion of the batter of the channel of Diversion 2 had occurred since the previous inspection; and
- (d) the silt and sediment controls had not been maintained.

Regional Freshwater Plan for Taranaki⁸

[27] Rule 74 allows for minor realignments or modifications of a stream as a permitted activity, provided the stated conditions can be met. Rule 74 contains nine conditions to avoid, remedy or mitigate actual or potential adverse effects that could potentially arise from the activity. The works undertaken breached a number of conditions of Rule 74, including those set out in the Table below.

Rule 74 - Conditions breached	Assessment of Works undertaken
<i>Drainage channel shall be no greater than 4m² in cross-sectional area</i>	The Diversion 2 channel had been cut through the land and, at points measured in excess of 5m across and 4m deep.
<i>No significant erosion, scour or deposition shall result or be liable to result from channel modification</i>	Significant amounts of silt and sediment evident in the tributary.
<i>Realignment or modification shall not restrict the passage of fish</i>	Parts of the tributary had been filled in for the purposes of land reclamation. Any filling in of a stream results in the permanent loss of fish habitat and passage.
<i>Realignment or modification shall not cause flooding or erosion of downstream or adjacent properties</i>	Significant erosion as evident from the amounts of silt and sediment discharged and/or deposited in the tributary.

[28] The works are not expressly allowed by a national environmental standard or a resource consent.

⁸ Summary of facts at [36] – [38].

Sentencing principles

[29] The purposes and principles of the Sentencing Act 2002 are relevant. The High Court in *Thurston v Manawatu Wanganui Regional Council*⁹ provides a useful summary of the approach to be taken to sentencing, which includes consideration of culpability; precautions taken to prevent discharges; the vulnerability or importance of the affected environment; extent of damage; deterrence; capacity to pay a fine; disregard for abatement notices; co-operation and guilty pleas.

Environmental effects

[30] There was a disputed facts hearing on this matter. The central disputed facts related to the environmental effects of the offending. In my decision I found:¹⁰

[36] Having taken all the evidence presently available to me into account, I find beyond reasonable doubt that the unnamed tributary the subject of this prosecution would have retained either a permanent or intermittent flow of water, which would have supported instream biodiversity and which in turn has been adversely affected by Diversion 2. The extent to which historical works upstream of this area would have impacted flows in the unnamed tributary is not clear. However, the only evidence I have on effects of the offending works is that provided by the Council witnesses.

...

[38] Having determined that the unnamed tributary in which works were undertaken was either a permanent or intermittent stream at the time the offending works were undertaken, there is no basis to reject the evidence of the Council's witnesses on effects.

[39] Further, I accept the evidence of the Council's witnesses that their assessments and conclusions as to the effects of the offending relate to Diversion 2. Therefore, for the purpose of assessing the environmental effects of the offending, I would place significant weight on the reports of the Council witnesses.

[31] Reports from the Council were provided by:

- (a) Mr DR Harrison, Director-Operations at the Council. He provided a tracked change version of his report dated 11 March 2022 entitled *Reclamation and diversion of an unnamed tributary of Mangatengehu*

⁹ *Thurston v Manawatu Wanganui Regional Council* HC Palmerston North CRI-2009-454-24, -25, -27, 27 August 2010.

¹⁰ *Taranaki Regional Council v Boyd* [2022] NZDC 10744 at [36] – [39].

Stream and deposition of material in the channel at the Mile Square Farms Limited property, Derby Road, Tariki;

- (b) Mr PJ Deegan is an Environmental Scientist – Freshwater Biology with the Council. He provided a tracked-change version of his report entitled *Assessment of effects on freshwater fish in unnamed tributaries of the Mangatengehu Stream in relation to unauthorised earthworks and reclamation at a property at Derby Road;*
- (c) Ms BR Zieltjes is an Environmental Scientist with the Council. Her report is entitled *Report on bio-monitoring of an unnamed tributary of the Mangatengehu Stream in relation to unauthorised earthworks at a property at Derby Road.*

[32] Mr Harrison made several observations about the effects of the recent works in his report:

- 14. The infilled channel has been completely removed from the environment and no longer provides natural ecological, hydrological and geological services.
...
- 18. The excavated channels are steep sided, run in straight lines with occasional 90 degree bends, and typically have a uniform cross-section and grade. The ground material that the channels have been cut into predominantly consists of loose gravels, sand overlain with clay, and a thin layer of topsoil (see Figure 5).
- 19. This gravel and sand material is highly erodible ...
...
- 24. ... The excavated channels have no riparian vegetation.
- 25. Riparian vegetation provides habitat and food for a range of native and beneficial organisms.
- 26. This reach was a stream of high naturalness that supported instream biodiversity and was a continuation of the natural channel upstream and downstream of the works area, allowing geomorphic processes, such as gravel transport and erosion, to happen naturally.
- 27. The excavated channel would not have the same life supporting capacity as the natural channel. Erosion rates will be high for many years, and geomorphic and hydrological processes will be altered indefinitely.

28. In my opinion, the potential adverse effects of infilling the natural channel and diverting the stream into an excavated channel will be significant and long lasting.

[33] Mr Harrison concluded that the work undertaken to modify the unnamed tributary “has caused significant adverse effects on the environment, and still has the potential to cause further adverse effects on the environment”. He said:

29. It is my view that the work undertaken to modify the unnamed tributary of Mangatengehu Stream on the Mile Square Farms Ltd Property on Derby Road, Tariki, has caused significant adverse effects on the environment, and still has the potential to cause further adverse effects on the environment.
30. Adverse effects include: pollution of water and the downstream streambed from a discharge of silt and sediment; habitat loss in downstream reaches caused by silt and sediment smothering streambed gravels and cobbles; habitat loss caused by the destruction of mature riparian vegetation; habitat loss caused by the destruction of the streambed over the modified reach.
31. Potential adverse effects include: ongoing silt and sediment loss caused by disturbed earth and erosion of the excavated channel; increased flood flows; reduced summer low flows; and a major adjustment to natural geomorphic processes causing an increase in downstream erosion, and damage and loss of capacity to downstream culverts and bridges.
32. The adverse effects have been significant and will continue for many years.

[34] Mr Deegan’s summary and conclusion includes:¹¹

The stream channel that was altered by reclamation no longer provided any suitable permanent fish habitat as a result of the infilling of the Stream. The work likely resulted in the loss of all fish within that 278 metre stretch (as per the agreed summary of facts) of stream, by result of crushing from dirt and other substrates. ... It is expected that anywhere from 200-600 non-juvenile fish were killed by the direct infilling of the Stream, although in terms of total fish life stages killed this could be a very conservative figure depending on the abundance of larvae or juvenile non-migratory bully species, or other species that spawn in the headwaters of streams, such as lamprey and shortjaw kokopu.

... In my professional opinion, based on the sediment loading I have witnessed, I expect that there has been a significant displacement of fish from the Stream above the confluence as a result of the loss of habitat diversity. I also expect that the effects of prolonged exposure of fish to suspended sediment and deposited sediment reach beyond the confluence, although the level of effects is hard to quantify, and will be lower than that above the confluence due to the additional flows from Stream 2. The discharge of

¹¹ At pages 18 – 19.

sediment has and likely continues to be causing damage to fish gills (and the subsequent increased risk of infection, disease, and predation for those fish), the changing of normal behaviours of resident fish (including migration away from the area and feeding activities), and the loss of food resources available to those fish (loss of macroinvertebrates displaced by sediment). Deposited sediments will also be smothering egg habitat for fish, and making it less available, resulting in the loss of eggs and increasing the competition for egg laying locations respectively.

It is important to outline the long term effects of habitat loss from stream reclamations. In contrast to ‘one off’ contaminant discharge incidents where recruitment into an affected area can instantly begin when the water quality is below chronic and acute levels (in most cases), it can take years to thousands of years for the habitat values of reclaimed stream to become available either through anthropogenic intervention or natural processes. The implications of loss of habitat can extend for a significant period, and therefore, the effects can be cumulative over many generations for fish species. ...

Overall, I believe the earthworks and reclamation in the Stream has resulted in the significant loss of and loss of access to high quality habitat for a variety of fish species. The works have likely resulted in the deaths of a significant of fish over several species, some of which may have had a conservation status of at risk declining and possibly nationally vulnerable, and that were also regionally significant species.

[35] Ms Zieltjes’ report concluded:¹²

Extensive sediment was evident throughout the Stream below the unauthorised earthworks. The impacts from the sediment discharge from the works will likely be problematic for some time. It is probable the sediment will only be removed by high flows, and is expected to require numerous floods to be completely removed, provided there is no additional input of sediment into the Stream. Overall, in my opinion, the unauthorised earthworks and reclamation of the Stream has resulted in significant loss of high quality macroinvertebrate habitat. It has resulted in the displacement and likely death of numerous macroinvertebrates and fish. These works resulted in the discharge of sediment into the Stream, which will have had chronic impacts on biota for hundreds of metres downstream.

[36] A cultural impact statement was provided by Anaru Parker White and Sarah Katarina Mako on behalf of Pukerangiora Hapū and Te Kotahitanga o Te Atiawa Trust (**Te Kotahitanga**). Te Kotahitanga is the post settlement governance entity for Te Atiawa. The statement records:

In our opinion, the works have not recognised and provided for the relationship and culture and traditions of Pukerangiora and Te Atiawa with our ancestral lands and waters, nor the cultural, traditional, historical and spiritual relationship Pukerangiora and Te Atiawa have with the area as statutory acknowledgement.

¹² At page 11.

[37] The statement identified that the works undertaken are inconsistent with principles, values, objectives and policies of *Tai Whenua, Tau Tangata and Tai Ao – Te Atiawa environmental management plan*. The objectives include the protection and enhancement of mauri or life supporting potential of freshwater resources. The policies include opposing man-made alterations to river courses.

[38] The statement further observes:

It is important to note that these are not the first works Mr Boyd has undertaken on his property. These works contribute to a continuation of cumulative effects from works Mr Boyd has undertaken on the ancestral lands and waters of Pukerangiora. Those cultural and environmental effects include, but are not limited to:

- a. Pollution of water and the downstream streambed from discharge of silt and sediment;
- b. Habitat loss caused by the diversion and in the downstream reaches caused by silt and sediment smothering streambed gravels and cobbles;
- c. Habitat loss caused by the destruction of mature riparian vegetation;
- d. Habitat loss caused by the destruction of the streambed over the modified reach;
- e. Increased flood flows;
- f. Adjustment to natural geomorphic processes;
- g. The loss of a significant number of fish over several fish species, including taonga species.

[39] Mr Mooney referred to my decision on the disputed facts and submitted that I can still consider the impact of earlier work, which would have had cumulative effects on the environment. In my decision I noted that the impact of those works on flows in the tributary was not clear. However, the evidence I received on effects of the works in terms of other matters is clear.

[40] I accept the conclusions on environmental effects from the three report writers. The effects include loss of biodiversity, impacts on geomorphic and hydrological processes, increased erosion rates, pollution, habitat loss, displacement and killing of macroinvertebrates and fish, exposure of fish to sediments, and smothering of egg habitat for fish. I agree with the report writers that the effects are significant, cumulative and long-lasting. I am concerned with the effects on the relationship,

culture and traditions of Pukerangiora and Te Atiawa. In all the circumstances I determine that the environmental and cultural effects of this offending are serious.

Culpability

[41] Ms de Silva submitted that Mr Boyd's culpability falls into the most serious category as the works were deliberate and blatant and there were no attempts to comply.

[42] Ms de Silva submitted Mr Boyd was well aware that the work was in breach of the RMA. She submitted Mr Boyd's history of non-compliance is relevant here but in the sense that, given the extraordinary level of non-compliance and resulting interaction with the Council, Mr Boyd was well aware that a resource consent was required for the work, in particular:

- (a) the enforcement order that he agreed to in December 2013 required remedial work including erosion and sediment controls; and
- (b) his convictions and sentence in August 2016 were for work in and adjacent to the Mangatengehu Stream: one charge for contravention of the December 2013 enforcement order; and seven charges under ss 13, 14 and 15 of the RMA involving the damage of habitats in the bed of the Stream, discharge of sediment into the Stream, reclaiming and disturbing the bed of the Stream, diverting water and draining the bed of the Stream and depositing in the bed of the Stream;
- (c) the six abatement notices issued in relation to earthworks in 2011, 2013 and 2018; and
- (d) all of the site inspections and other communication from the Council in relation to the above enforcement action.

[43] Ms de Silva highlighted that the Court found in the 2016 sentencing decision that the work was undertaken to improve farm productivity and was deliberate.¹³ The same can be said of the work discovered in October 2019.

¹³ *R v Boyd* [2016] NZDC 16558 at [4] – [6].

[44] Ms de Silva submitted Mr Boyd was well aware that the tributary was of high quality and contained a number of species of fish and sediment would affect habitats downstream because this was noted by the Court in the 2016 sentencing decision.¹⁴

[45] Mr Mooney disputed that the offending falls within the most serious category. Mr Boyd was aware that he was permitted to construct drains within the property; he had done so over many years without criticism.

[46] In relation to the 2016 offending, Mr Mooney advised that related to a stream that was 830 metres long which had been dammed and diverted away. The stream that was diverted was significantly different from what had been flowing beneath the original diversion which is not the subject of these charges. Further, any water flow within the diversion channel was as much a reflection of underground springs as opposed to any surface water.

[47] It is disputed that the contravention of the abatement notice was blatant. Rather, Mr Mooney submitted, it reflects a failure by the defendant to maintain the silt and sediment controls. In terms of the abatement notice the controls had been installed but were 'insufficient to cope with significant rain fall events'. It was submitted a blatant disregard would have been a failure to install any controls at all.

[48] Mr Boyd's history of interactions with the Council and the past prosecution would have put him on notice of the need to take care in undertaking earthworks on the property. Mr Boyd maintains that he can construct drains as a permitted activity, and has done so without criticism. I am to infer, I think, that this offending therefore is somewhat of an aberration and not indicative of a deliberate or blatant failure to observe the rules. I do not agree.

[49] Given the nature and extent of the works undertaken I conclude that Mr Boyd was highly reckless in his approach to earthworks and in his response to directions from Council officers and abatement notices. Mr Boyd could have checked with the Council prior to undertaking the works but chose not to. He could have taken more

¹⁴ At [16] and [17].

care in his response to the Abatement Notices. No reason has been offered for that failure.

Starting point

[50] Ms de Silva referred me to the following cases: *Taranaki Regional Council v Potroz (Potroz)*;¹⁵ *Hardegger & Hardegger Trustees Ltd v Southland Regional Council (Hardegger)*;¹⁶ *R v Boyd*;¹⁷ *Otago Regional Council v Gibson (Gibson)*;¹⁸ and *Taranaki Regional Council v Bunn Earthmoving Ltd (Bunn Earthmoving)*.¹⁹

[51] Ms de Silva submitted the *Potroz* case is the most relevant comparison, in relation to the nature of the environment and extent of damage. She submitted the point of difference is culpability; Mr Potroz was found to be highly reckless and she submitted Mr Boyd's culpability falls into the most serious category.

¹⁵ *Taranaki Regional Council v Potroz* [2020] NZDC 9077 – three representative charges relating to draining the bed of a stream, damming water and discharging contaminants into water undertaken on the defendant's farm in an unnamed tributary. The Court concluded that the effects of the works on the environment were significant and highly adverse. Regarding Mr Potroz's culpability, the Court found that he had been highly reckless in his approach to trying to resolve his water supply issues. Starting point of \$65,000.

¹⁶ *Hardegger & Hardegger Trustees Ltd v Southland Regional Council* [2017] NZHC 469 – three charges relating to excavating and disturbing the bed of the Oreti River, placing a culvert in the bed of Starvation Creek and disturbing the bed of the Creek. The High Court adopted a global starting point of \$50,000, apportioned as \$35,000 to Mr Hardegger and \$15,000 to the company.

¹⁷ *R v Boyd* [2016] NZDC 16558 – eight charges, seven related to damaging habitats in or on the bed of a river, discharging silt and sediment into water, reclaiming and disturbing the bed of a river, diverting water draining the bed of a river and depositing substances in the bed of a river, one charge of contravening an enforcement order. The environment affected by the offending was almost a kilometre of the original stream and the works had a significant impact on the stream environment. Meanders were cut off and dried, sediment deposited and the habitat of freshwater fish, crayfish, bullies and other species destroyed. Further, the resulting erosion led to significant deposition of sediment further downstream. Given Mr Boyd's long history in farming and his connections with quarrying and the earthmoving industry, the Court said there was no doubt that Mr Boyd must have been aware of the need to obtain resource consents prior to undertaking the works; however, no such application was made. The Court concluded that the works were a considered and deliberate breach of known responsibilities. Starting point \$60,000.

¹⁸ *Otago Regional Council v Gibson* [2016] NZDC 14362 – four defendants to a joint charge relating to the unlawful disturbance of the bed of a stream, used a digger to remove vegetation over 1.3km. In the case of this particular waterbody the effects were serious. Starting points ranging from \$20,000 to \$30,000.

¹⁹ *Taranaki Regional Council v Bunn Earthmoving Ltd* DC New Plymouth CRI-2013-021-473, 5 November 2013 – three charges related to work in and around a tributary of a river on a farm. A combination of factors led the Court to conclude that this was a matter of some considerable seriousness: the extent of the works; the seriously detrimental effects on the stream environment; the extent of discernible effects and the fact that it was not possible to reinstate the tributary to its original condition. Further, the offending was deliberate. Starting point \$70,000.

[52] Ms de Silva submitted the starting point for Mr Boyd for the s 15(1)(a), s 15(1)(b), and s 13(1)(e) charges should be at least \$100,000 to reflect his much higher culpability.

[53] Ms de Silva submitted there should be a separate starting point for the abatement notice offence of \$30,000. She referred to *Southland Regional Council v Dodds* in which the Court stated:²⁰

Turning to the charge of breach of abatement notice, I record the Court's common observations that such breaches are inherently serious matters in and of themselves and warrant the imposition of penalties which deter non-compliance with legally issued Council notices. Abatement notice penalty considerations without any particularly aggravating factors commonly range in the \$20,000-\$30,000 range.

[54] Ms de Silva submitted that penalties should ensure that it is unattractive to take the risk of offending on economic grounds; the penalty should have a sting and cause the polluter to internalise the environmental cost.

[55] Ms de Silva submitted there is a real need for specific deterrence because Mr Boyd has complete disregard for the RMA. She also submitted there is a need for general deterrence because:

- (a) the offending was in a sensitive waterway which was the habitat of at Risk-Declining Nationally Vulnerable and Regionally Significant fish;
- (b) this type of offending can go undetected. When the activity is undertaken without a consent, the Council will usually only discover the activity via a complaint as happened here; and
- (c) in this case (and those she referred to) the work was undertaken to "improve" the farm.

[56] Mr Mooney observed the facts of each case are always different and comparisons are often difficult. In relation to the cases referred to by the prosecution he made the following comments:

²⁰ *Southland Regional Council v Dodds* [2021] NZDC 16836 at [16].

- (a) in relation to *Potroz*, he submitted that the offending in that case was a much higher level. Mr Potroz dammed a river such that water backed up 90 metres upstream. Mature riparian vegetation had been removed for a distance of about 250 metres. In the current case, there was no damming or similar, rather, it was the earlier drainage work (and associated diversion) that caused a significant reduction in the flow in the unnamed tributary. There was no riparian planting;
- (b) in *Hardegger*, he submitted that involved more significant offending. The river was a significant river;
- (c) in *Boyd*, that involved a diversion of an 830 m section of a stream;
- (d) in *Gibson*, it was submitted the facts of that case are significantly more serious. A digger was used to remove vegetation from a water body over 1.3 km. The reservoir downstream of the work was a regionally significant brown trout fishery and the waterway was one of two spawning streams which stocked the reservoir;
- (e) in *Bunn Earthmoving*, there were significant adverse effects for between 2100 and 3000 metres. The waters were rendered toxic. The effects persisted for at least a month.

[57] Mr Mooney submitted that this case is not dissimilar from *Waikato Regional Council v Tui Glen Farm*.²¹

[58] Mr Mooney stated that the main difficulty for the prosecutor in this case is that it is unable to isolate any adverse effects when any supposed effects are a reflection of earlier work undertaken on the farm. In the circumstances, it was submitted that a starting point of \$40,000 would be appropriate.

²¹ *Waikato Regional Council v Tui Glen Farm* DC Hamilton CRI-2011-072-126, -129, -130, -131, - 132, -135, 14 August 2012 – earthworks undertaken for farming purposes without resource consent. Regarding the effects by Tui Glen Farm Ltd the effects on the environment were minimal. The Court found that Mr Walling had a somewhat cavalier attitude to the issue of sediment and erosion control, and ought to have known that a more precautionary approach was required. Tui's behaviour, as exhibited by Mr Walling, was reckless, though not at the highest level. Starting point \$40,000. As to the offending by Walling Family Farms Ltd, Mr Walling was extremely careless in his approach to the checking of a resource consent to see if it covered the works in question. Starting point \$35,000.

[59] Mr Mooney submitted that there could be an increase for the breach of the abatement notice. He submitted that any such breach was a reflection of the installed controls not being able to cope with heavy weather conditions. He submitted an increase of \$5,000 would be appropriate, bringing the starting point to \$45,000.

[60] There is a considerable difference in starting points proposed by counsel. The cases to which I was referred provided some assistance, but are not determinative of the outcome. *Potroz* and the earlier case involving Mr Boyd assist. It needs to be remembered, however, that the environmental effects of this offending are serious and ongoing. Further, I have found Mr Boyd to have been highly reckless in his approach to these works and insufficiently responsive to the abatement notices issued requiring the installation and maintenance of silt and sediment controls.

[61] In these circumstances I impose starting points of \$75,000 for the discharge and reclamation charges and \$20,000 for the abatement notice offence.

Aggravating and mitigating factors

Uplift

[62] Mr Boyd has previous convictions under the RMA and abatement notices, infringement notices and enforcement orders issued to him:²²

- (a) enforcement order dated 18 December 2013 requiring remedial works including installation of erosion and sediment controls for earthworks and stream works discovered by the Council in 2013;
- (b) convictions for earthworks undertaken in 2013 in and around the Mangatengehu Stream;²³
- (c) conviction for obstruction in 2001,²⁴ and

²² Summary of Facts at [10].

²³ *R v Boyd* [2016] NZDC 16558.

²⁴ *Taranaki Regional Council v Boyd* DC New Plymouth CRN0043008466-68, 5 November 2001 – obstructing or hindering enforcement officers, fined \$750.

- (d) a total of 17 abatement notices (2009, 2011, 2012, 2013, 2014, 2016, 2017, 2018 and 2019) and six infringement notices (2015, 2016 and 2018).

[63] Ms de Silva submitted an uplift should be applied for Mr Boyd's previous convictions. She referred me to a number of cases where an uplift has been applied for previous convictions.²⁵ Most of those cases refer to *Yates v Taranaki Regional Council* where the High Court described an uplift of one-third of the starting point as being within the upper range appropriate to reflect previous offending.²⁶ Factors such as lapse of time since the previous offending, similarity with previous offending, relative seriousness of respective offences and the number of offending incidents will all come into play.

[64] Ms de Silva submitted an uplift of 25 percent is appropriate for Mr Boyd when the following factors are applied:

- (a) Mr Boyd had eight convictions imposed in 2016 for offences found in November 2013. These offences are serious with a combined starting point of \$60,000;
- (b) the previous offending is very similar: earthworks and stream works; in the same catchment, on the same farm and a few hundred metres from the offences discovered in October 2019;
- (c) the 2013 enforcement order, 17 abatement notices and six infringement notices are also relevant;

²⁵ *Otago Regional Council v Clutha District Council* [2020] NZDC 26125 – one previous conviction, five percent uplift; *Gisborne District Council v PF Olsen Ltd* [2020] NZDC 19089 – two previous convictions, 10 percent uplift; *Southland Regional Council v Fernlea Farm Ltd & W Carpenter* [2020] NZDC 10046 – 18 previous offences, uplift of 25 percent; *Waikato Regional Council v B & B Singh Ltd & G Singh* [2019] NZDC 15895 – one previous conviction on four charges, 10 percent uplift; *Southland Regional Council v Gladvale Farms Ltd & G Lindsay* [2018] NZDC 25071 – previous conviction, uplift of 10 percent; *Porirua District Council v Judgeford Heights Ltd, McPhee & C&M Transport Ltd* [2017] NZDC 27346 – one previous conviction, defendants subject to 57 infringement notices, 20 percent uplift; *Yates v Taranaki Regional Council* HC New Plymouth CRI-2010-443-8, 14 May 2010 – two previous convictions, one-third uplift.

²⁶ *Yates v Taranaki Regional Council* HC New Plymouth CRI-2010-443-8, 14 May 2010.

- (d) it is acknowledged that the conviction imposed in 2001 for obstruction is not very relevant.

[65] Mr Mooney submitted that if an uplift is reflected as a percentage, then any such percentage when expressed in dollar terms must be such that it does not become a significant penalty when compared with the original penalty imposed for those earlier offences. It was thus submitted that an uplift of 20 percent may be more appropriate.

[66] Having regard to the previous conviction in 2016 and the numerous abatement notices and infringement notices issued since 2009, I determine that an uplift of 25 per cent is appropriate. That is to be applied to the discharge and reclamation charges.

Guilty plea

[67] Ms de Silva highlighted that the guilty pleas were entered on 9 March 2022 as a result of an agreement reached on 7 March 2022. The trial was scheduled for 21 – 24 March 2022. She submitted the pleas are very late and that the appropriate discount is 10 percent.

[68] Mr Mooney submitted the discount should be higher. He noted that Mr Boyd originally faced a number of other charges. The matter was resolved following discussions whereby some of those earlier charges were withdrawn. He submitted that in such circumstances a discount of between 15 percent and 20 percent would be more appropriate.

[69] The Council, having first reconsidered its position proposed 15 per cent but has now retracted that and remains with its original proposal of 10 percent. Ms de Silva noted that the three charges withdrawn were lesser charges. Counsel referred to a number of decisions where a guilty plea was made on the day of or very close to the hearing. In those cases the discounts were between 10 and 15 per cent.²⁷

²⁷ *Huka View Dairies v Manawatu-Whanganui Regional Council* [2021] NZHC 1462; *Te Kinga Farms Ltd v West Coast Regional Council* [2015] NZDC 293; *Banora v Auckland Council* [2019] NZHC 2545.

[70] Ms de Silva submitted that the Council expected sentencing to proceed on 22 March 2022. Instead a disputed facts hearing was necessary. The Council's position is that the appropriate discount should be 10 percent because of the findings in the decision on the disputed facts.

[71] Ms de Silva referred to *Bay of Plenty Regional Council v Specialised Container Services (Tauranga) Ltd*,²⁸ a prosecution for discharge of hydraulic oil. There was a disputed facts hearing and an early guilty plea. The Court allowed a discount of 15 percent.

[72] Given the outcome of the disputed facts hearing and the relatively late entry of four guilty pleas I allow a discount of 15 per cent.

Enforcement order

[73] The Council seeks an enforcement order for remedial work as part of the sentence.

[74] After several opportunities for discussion, the parties agreed on the terms of a draft enforcement order.

[75] Ms de Silva submitted that Mr Boyd should not be given credit for work required by an enforcement order because this falls into the category described in *Thurston*; that the defendant must comply with environmental obligations and should get no credit for having belatedly done so. Mr Mooney submitted that a discount of five percent is appropriate for his co-operation in agreeing an enforcement order.

[76] While the works that have been agreed are in effect Mr Boyd remedying a situation of his own creation, I find it is appropriate to recognise that agreement and allow a discount of five per cent on the discharge and reclamation charges.

²⁸ *Bay of Plenty Regional Council v Specialised Container Services (Tauranga) Ltd* [2018] NZDC 23159.

[77] In the circumstances I consider it desirable to make orders largely on the terms proposed in the draft orders attached to the joint memorandum dated 17 August 2022. The orders are attached as **Appendix 1**.

Financial circumstances

[78] In the hearing there was some discussion as to how the fine ought to be paid. Following further enquiry from the Court in a Minute dated 16 September 2022 I understand there to be no issue as to payment of the fine.

Outcome

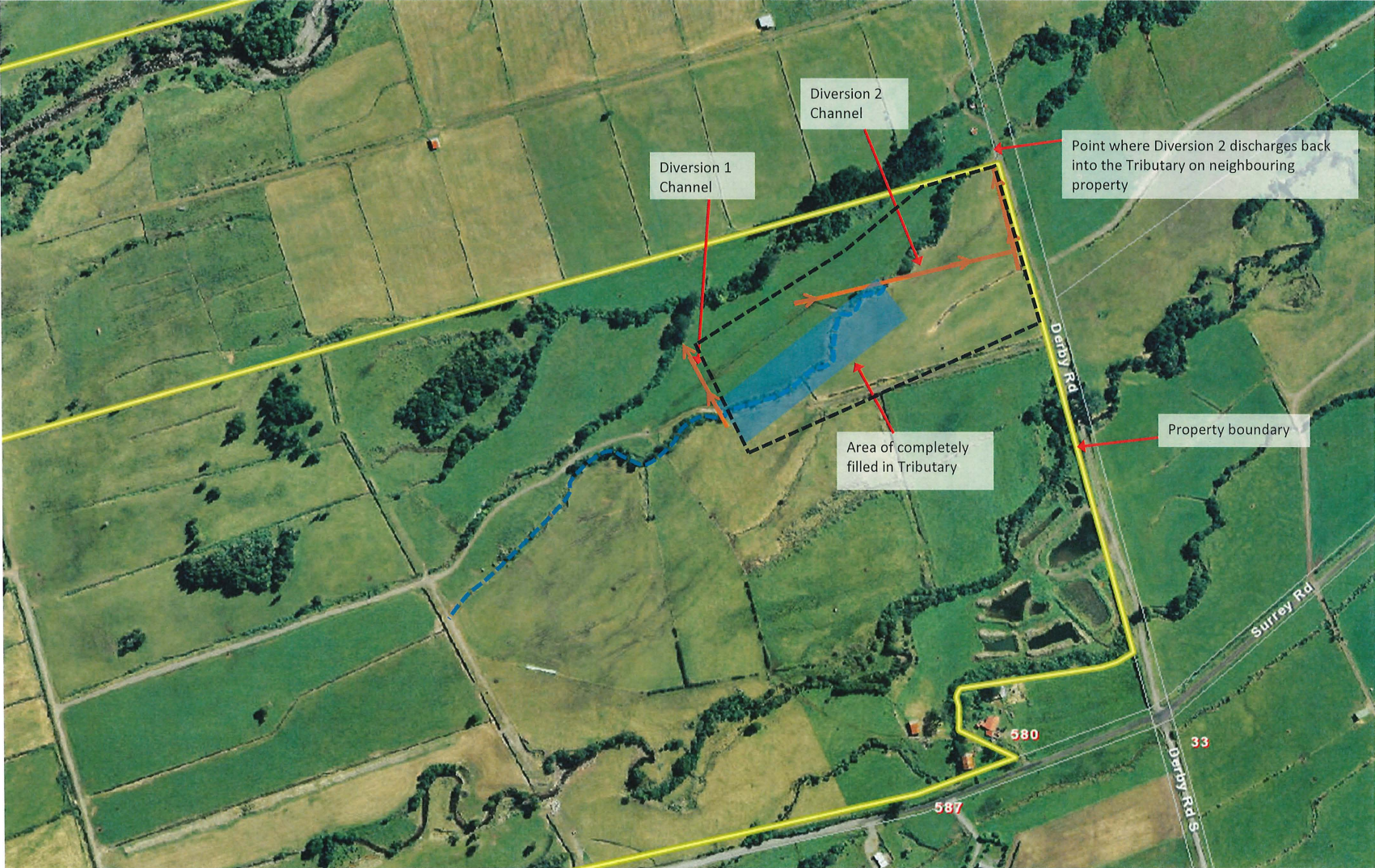
[79] I have adopted the two-step methodology outlined by the Court in *Moses v R*.²⁹

[80] Accordingly, Mr Boyd is convicted and ordered to pay a fine of \$78,750 for the discharge and reclamation charges and \$17,000 for the abatement notice charge. In terms of s 342(2) of the RMA, I order that 90 percent of the fine be paid to the Taranaki Regional Council. The fine is to be paid within 28 days of the date of this Judgement.

Judge MJL Dickey
District Court Judge | Kaiwhakawā o te Kōti ā-Rohe
Date of authentication | Rā motuhēhēnga: 04/10/2022

²⁹ *Moses v R* [2020] NZCA 296 at [45] to [47].

Annexure "A" to Enforcement Orders. Taranaki Regional Council v Colin David Boyd. The approximate boundary of the Area is shown by the dotted black line.



Constructed Diversion 2 Channel with stream flow direction. The Diversion 1 Channel is included as a reference point.
Doc # 3052097

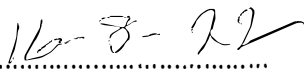
Annexure B

Mile Square Farms Limited, the owner of the land, contained in Record of Title identifier TNJ1/397 (legal description: Part Section 13 Block XII Egmont Survey District), situated at Surrey Road, Inglewood (**the Property**) agrees, on an unconditional and irrevocable basis, to allow:

1. The work required by the Enforcement Orders; and
2. Any access required by Mr Colin David Boyd and any experts, contractors, Taranaki Regional Council staff and representatives of Pukerangiora Hapū, Te Kotahitanga o Te Atiawa Trust and any other parties to the Property to allow compliance and monitoring and any other necessary work for the Enforcement Orders.


.....

Colin David Boyd, sole director and shareholder of Mile Square Farms Limited


.....

Date

Appendix 1

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

**Decision [2022] NZEnvC 185
ENV-2022-AKL-000177**

**IN THE DISTRICT COURT
AT NEW PLYMOUTH**

**I TE KŌTI-Ā-ROHE
KI NGAMOTU**

**Decision [2022] NZDC 19123
CRI-2020-043-000553**

IN THE MATTER OF	enforcement orders under sections 339(5)(a), 314(1)(a)(i), 314(1)(b)(ii), 314(1)(d), 314(2), 314(3) and 314(5) of the Resource Management Act 1991
BETWEEN	TARANAKI REGIONAL COUNCIL Applicant/Prosecutor
AND	COLIN DAVID BOYD Respondent/Defendant

Date of Issue: 4 October 2022

ENFORCEMENT ORDERS

[1] The District and Environment Courts make the following Enforcement Orders under sections 339(5)(a), 314(1)(a)(i), 314(1)(b)(ii), 314(1)(d), 314(2), 314(3) and 314(5) of the Resource Management Act 1991 (**the RMA**).

Remedial works orders

[2] Colin David Boyd (**the Respondent**) shall instruct experts, namely WSP New Zealand Limited and Mr Hugh Barnes, Consultant Engineer of Hugh Barnes Consultants Limited to prepare a proposed plan (**the Plan**) in (as a minimum) the approximate area shown by the dotted black line (**the Area**) on annexure “A” for remedial works (**the Remedial Works**) at the property, which is described in Record of Title identifier TNJ1/397 (legal description: Part Section 13 Block XII Egmont Survey District) situated at Surrey Road, Inglewood (**the Property**) being:

- (a) reinstatement of the unnamed tributary of the Mangatengehu stream (**Tributary**); and
- (b) the infilling of the Diversion 2 Channel.

[3] The Plan is to include the following (inter alia):

- (a) a requirement to appoint one or more of the experts as a Project Manager (**the Project Manager**) to supervise the Remedial Works;
- (b) details of suitably experienced contractor/contractors to undertake the Remedial Works;
- (c) a requirement for the Project Manager to notify Pukerangiora Hapū and Te Kotahitanga o Te Atiawa Trust and provide them with an opportunity to identify cultural values and issues of tikanga for the Remedial Works;
- (d) consideration of cultural values and issues of tikanga identified by Pukerangiora Hapū and Te Kotahitanga o Te Atiawa Trust;
- (e) a requirement to adopt and implement best practice for erosion and sediment control for the Remedial Works;

- (f) the objectives of the Remedial Works shall include restoration of the riparian margins and instream habitat;
- (g) a requirement for fencing of the Area in order to protect the Remedial Works once the Remedial Works are completed;
- (h) consideration of whether the Remedial Works should include area(s) outside of the approximate area shown by the dotted black line (identified on annexure “A”) in order to achieve the objectives of the Remedial Works and any of the requirements listed above in 10 d) – g);
- (i) a schedule with the date by which each step of the Remedial Works is to be completed and information explaining why the dates are considered reasonable;
- (j) a requirement for the Remedial Works to be completed within one year of the date of issue of these Enforcement Orders;
- (k) information about the appropriate applications and consents required, to complete and implement the Plan, in accordance with the requirements of the RMA, the Regional Freshwater Plan for Taranaki and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
- (l) a requirement to undertake regular monitoring and maintenance of the Remedial Works including: maintenance of fencing for stock exclusion; monitoring and mitigation works to control erosion within the vicinity of the Remedial Works; maintenance of fish passage throughout the Remedial Works; maintenance of riparian margins; and monitoring and maintenance to ensure suitable aquatic habitat is maintained.

[4] The Respondent shall, submit the proposed Plan, to the Council by Monday, 14 November 2022.

[5] The Council may obtain a review of the proposed Plan, by appropriately qualified expert(s) (either Council staff and/or external experts), and make any amendments to

the proposed Plan on their recommendations, for the Remedial Works. The Council shall either approve or amend the proposed Plan and provide to the Respondent the approved or amended Plan, by Monday, 19 December 2022.

[6] Once the Plan has been approved or amended by the Council, the Respondent shall:

- (a) Ensure that any necessary resource consents are applied for and obtained in accordance with the requirements of the RMA to complete the Plan; and
- (b) Arrange for the Remedial Works to be undertaken in accordance with the Plan.

Prohibition orders

[7] The Respondent is prohibited from undertaking any earthworks and/or streamworks and/or any activity that compromise the Remedial Works, on the Property, except as permitted by: resource consent and/or any Regional Plan and/or the Resource Management (National Environmental Standards for Freshwater) Regulations 2020; and/or these or any other enforcement orders.

Further orders, terms and conditions

Correspondence with Council & Respondent

[8] Correspondence with the Council shall be made (in relation to notifications, agreements and timeframes within these Enforcement Orders) by contact with Jared Glasgow at jared.glasgow@trc.govt.nz or another representative of the Council as notified, in writing, by the Council to the Respondent.

[9] Correspondence with the Respondent shall be made (in relation to notifications, agreements and timeframes within these Enforcement Orders) by contact with the Respondent at 9 Kohe Place, Inglewood 4330 or a representative of the Respondent at another address as notified, in writing, by the Respondent to the Council.

Costs

[10] The Council pursuant to sections 314(1)(d) and 314(2) is entitled to recover from the Respondent any actual and reasonable costs and expenses incurred by the Council for: monitoring and steps to require compliance by the Respondent with these Enforcement Orders; and any review and amendments of the Plan referred to in order 5 of these Enforcement Orders.

Applies to personal representatives, successors and assigns of the Respondent

[11] An order pursuant to section 314(5) of the RMA that all obligations of the Respondent, Colin David Boyd shall apply to each of his personal representatives, successors or assignees to the same extent as it applies to the Respondent.

Commencement of orders

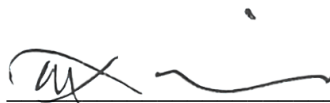
[12] These Enforcement Orders shall take effect when the Orders are issued.

Service of orders

[13] These orders shall be served on the Respondent and the owner of the Property, Mile Square Farms Limited. The Court records the owner's consent to the works required by the orders: see Annexure B.

Registration in the Environment Court

[14] These Enforcement Orders made in the District and Environment Courts and shall be registered in the Environment Court at Wellington so that any further proceedings under the RMA in relation to these Enforcement Orders may be commenced, dealt with and heard in the Environment Court at Wellington.



MJL Dickey
District Court and Environment Judge

AGENDA AUTHORISATION

Agenda for the Operations and Regulatory Committee meeting held on Tuesday 22 November 2022.

Confirmed:



16 Nov, 2022 12:53:48 PM GMT+13

A J Matthews
Director-Environment Quality

Approved:



16 Nov, 2022 1:44:31 PM GMT+13

S J Ruru
Chief Executive