



AGENDA

Operations & Regulatory

Tuesday 21 November 2023, 9.00am

Operations and Regulatory Committee

21 November 2023 09:00 AM - 05:00 PM



Agenda Topic	Page
1. Cover	1
2. Karakia	3
3. Confirmation of Operations and Regulatory Minutes - 10 October 2023	4
4. Resource Consents Issued under Delegated Authority and Application in Progress	10
5. Consent Monitoring Annual Reports	35
6. Incidence Compliance Monitoring, Non-compliance and Enforcement Summary - 15 September 2023 to 26 October 2023	48
7. Towards Predator Free Taranaki - November 2023 Update	89
8. Changes to the Duration of Consents Related to Freshwater – New Analysis	94
9. Public Excluded	
10. Public Excluded Recommendations	106
11. Confirmation of Public Excluded Operations and Regulatory Minutes - 10 October 2023	107
12. Agenda Authorisation	110



Whakataka te hau

Karakia to open and close meetings

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Nau mai e ngā hua

Karakia for kai

Nau mai e ngā hua	Welcome the gifts of food
o te wao	from the sacred forests
o te ngakina	from the cultivated gardens
o te wai tai	from the sea
o te wai Māori	from the fresh waters
Nā Tāne	The food of Tāne
Nā Rongo	of Rongo
Nā Tangaroa	of Tangaroa
Nā Maru	of Maru
Ko Ranginui e tū iho nei	I acknowledge Ranginui above and
Ko Papatūānuku e takoto ake nei	Papatūānuku below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!



Date: 21 November 2023

Subject: **Operations and Regulatory Committee Minutes – 10 October 2023**

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

Document: 3223052

Recommendations

That the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Operations and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on 10 October 2023 at 9.00am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 31 October 2023.

Matters arising

Appendices/Attachments

Document 3213052: Minutes Operations and Regulatory Committee 10 October 2023.



Date 10 October 2023, 9.00am
Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford
Document: 3213052

Present		D M Cram M J Cloke M G Davey D H McIntyre D L Lean N W Walker C L Littlewood D Luke Ā White R Buttimore P Muir	<i>Chairperson</i> <i>(zoom)</i> <i>ex officio</i> <i>(zoom)</i> Iwi Representative Iwi Representative Iwi Representative Federated Farmers
Attending	Mr Ms Mr Mr Mr Ms Ms Ms Mrs Mr	S J Ruru A J Matthews A D McLay D R Harrison J Glasgow L Millar V McKay C Woollen M Jones C Vicars	Chief Executive Director - Environment Quality Director - Resource Management Director - Operations Compliance Manager Manager - Resource Consents Manager - Environmental Assurance Communications Adviser <i>(zoom)</i> Governance Administrator Rivers Manager

One media representative joined at 9.17am

Karakia: The meeting opened with a group karakia at 9.00am.

Apologies: Were received and sustained from, S W Hughes, noted D H McIntyre as late Walker/Davey

1. Confirmation of Minutes Operations and Regulatory Committee 29 August 2023

Recommended

That the Taranaki Regional Council:

- a) took as read and confirmed the minutes of the Operations and Regulatory Committee of the Taranaki Regional Council held on 29 August 2023 at Taranaki Regional Council 47 Cloten Road Stratford
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 19 September 2023.

Walker/Davy

- Councillor Walker requested a further update on farmer compliance for recording on-farm nitrogen application.
- Mr A D McLay responded that we are now at 80% compliance and that reminder letters have been sent to farmers.

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

- 2.1 Ms L Millar spoke to the memorandum to advise the Committee of consents granted, consents under application and of consent processing actions since the last meeting.

Recommended

That the Taranaki Regional Council:

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

Cloke/Muir

3. **Consent Monitoring Annual Reports**

- 3.1 Ms V McKay spoke to the memorandum to provide the committee with an update on the five tailored monitoring reports.

Recommended

That the Taranaki Regional Council:

- a) received the five compliance monitoring reports listed in table 1
- b) noted the recommendations therein.

Cloke/Walker

4. **Incidents, Compliance Monitoring Non Compliances and Enforcement Summary 1 August 2023 - 14 September 2023**

- 4.1 Mr J Glasgow spoke to the memorandum to provide the Committee with a summary of the incidents, compliance monitoring non-compliances and enforcement for the period 1 August 2023 - 14 September 2023.

Recommended

That the Taranaki Regional Council:

- a) received the memorandum *Incident, Compliance Monitoring Non- Compliance and Enforcement Summary - 1 August 2023 - 14 September 2023*

- b) received the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 1 August 2023 – 14 September 2023, noted the action taken by staff acting under delegated authority and adopted the recommendations therein.

McIntyre/Davey

5. Appointment of Hearing Commissioners – Manawa Energy

- 5.1 Mr A D McLay spoke to the Committee to inform the members of the pre hearing process and the likeliness that there will be a requirement for a hearing.
- 5.2 Mr A White and Mr D H McIntyre declared conflicts of interest, took no part in discussions and abstained from the vote.

Recommended

That the Taranaki Regional Council:

- a) received this memorandum *Appointment of Hearing Commissioners - Manawa Energy Ltd*
- b) noted that subject to a hearing being necessary, the Chief Executive will appoint hearing commissioners to hear the applications and any submissions under delegated authority.

Walker/Davey

6. Appointment of Hearing Commissioners – Horizon Trust Management

- 6.1 Mr A D McLay spoke to the Committee to inform the members of the pre-hearing process and the submissions received thus far, which would determine whether a hearing would be required moving forward.

Recommended

That the Taranaki Regional Council:

- a) received this memorandum *Appointment of Hearing Commissioners - Horizon Trust Management Ltd*
- b) noted that subject to a hearing being necessary, the Chief Executive will appoint hearing commissioners to hear the applications and any submissions under delegated authority.

Davey/Walker

7. Nature Based Solutions for Flooding

- 7.1 Mr D Harrison introduced Chris Vicars, who spoke to the memorandum and provided a presentation on nature based solutions for flooding.

Recommended

That the Taranaki Regional Council:

- a) received the memorandum on the funding opportunity provided by MfE for nature based solutions to flooding and the successful application made to this fund.

- b) noted the opportunity this provides the Council to work closely with mana whenua and stakeholders to better understand flood risks and potential nature based solutions in the Waitōtara Catchment and the wider region.

McIntyre/Walker

8. Prosecution Decision – Technix Industries Limited & Waireka Properties Ltd

8.1 Mr J Glasgow spoke to the memorandum to provide the committee with an update on successful prosecution of the June 2022 incident.

Recommended

That the Taranaki Regional Council:

- a) received this report and noted the successful outcome of the prosecution of Technix Industries Limited and Waireka Properties Limited.

Cloke/Muir

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Operations and Regulatory Committee Meeting on Tuesday 10 October 2023:

Item 10: Public Excluded Operations and Regulatory Minutes

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

General subject of each matter to be considered	Ground(s) under section 48(1) for the passing of this resolution	Reason for passing this resolution in relation to each matter
Item 10: Confirmation of public excluded minutes – 29 August 2023	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 (a) and section 7 (2) (a) and (2) (g) of the <i>Local Government Official Information and Meetings Act 1987</i> .	Making any of this information publically available would result in a breach of the <i>Privacy Act 2020</i> .

Cloke/Walker

There being no further business the Committee Chairperson, Councillor D M Cram, declared the public meeting of the Operations and Regulatory Committee closed at 9.58am.

Operations and

Regulatory

Committee Chairperson: _____

D M Cram Chair



Date 21 November 2023

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: 3219539

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 Operations and Regulatory Committee.

5. In addition to the details of the activity consented, the information provided identifies the Iwi whose rohe (area of interest) the activity is in. If the activity is in an area of overlapping rohe both Iwi are shown. If the activity is within, adjacent to, or directly affecting a statutory acknowledgement (area of special interest), arising from a Treaty settlement process with the Crown, that is also noted.
6. Also shown, at the request of Iwi members of the Council, is a summary of the engagement with Iwi and Hapū, undertaken by the applicant and the Council during the application process. Other engagement with third parties to the consent process is also shown. The summary shows the highest level of involvement that occurred with each party. For example, a party may have been consulted by the applicant, provided with a copy of the application by the Council, served notice as an affected party, lodged a submission and ultimately agreed with the consent conditions. In that case the summary would show only 'agreed with consent conditions', otherwise reporting becomes very complicated.
7. The attachment titled 'Consent Processing Information' includes the figure 'Consent Applications in Progress' which shows the total number of applications in the consent processing system over the last twelve months. The number of applications for the renewal of resource consents is also shown. The difference between the two is the number of new applications, including applications for a change of consent conditions. New applications take priority over renewal applications. Renewal applications are generally put on hold, with the agreement of the applicant, and processed when staff resources allow. A consent holder can continue to operate under a consent that is subject to renewal. The above approach is pragmatic and ensures there are no regulatory impediments to new activities requiring authorisation.
8. The attachment also includes:
 - 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.

Legal considerations

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

Appendices/Attachments

Document 3219173: [List of non-notified consents](#)

Document 3219538: [Schedule of non-notified consents](#)

Document 3219100: [Consents processing charts for Agenda](#)

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

Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023

Discharge Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/0786-3.1	Kellydale Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	New
R2/2397-3.0	Megaw Family Trust	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3056-3.0	Unibuds Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3291-3.0	M & D Smith Trust Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3463-3.0	Luscombe Partnership	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/3878-3.0	Greymouth Petroleum Central Limited	Land/Water Industry	Energy	Wellsite	Exploration and Production	Replace
R2/4920-4.0	Todd Energy Limited	Air - Industry	Energy	Wellsite	Exploration and Production	Replace
R2/7317-2.0	Todd Energy Limited	Air - Industry	Energy	Wellsite	Exploration and Production	Replace
R2/7341-2.0	Coxhead Hillcrest Company Limited	Land - Animal Waste	Agriculture	Farming - Dairy	Effluent disposal	Replace
R2/11137-1.1	M Hareb Excavating Limited	Land - Animal Waste	Agricultural Services	Horticulture	Effluent disposal	New
R2/11154-1.0	Arxada NZ Limited	Air - Industry	Manufacturing and Processing	Chemical Manufacture		New
Land Use Consent						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/5986-2.0	Greymouth Petroleum Central Limited	Structure - Culvert	Energy	Wellsite	Access	Replace
R2/6794-2.0	New Plymouth District Council	Structure - Culvert	Local Government		Access	Replace
R2/6812-2.0	OMV New Zealand Limited	Structure - Culvert	Energy	Infrastructure	Access	Replace
R2/6838-2.0	New Plymouth District Council	Structure - Culvert	Local Government		Roading	Replace
R2/6896-2.0	New Plymouth District Council	Structure - Culvert	Local Government		Flood Control	Replace
R2/6976-2.0	New Plymouth District Council	Structure - Culvert	Local Government		Access	Replace
R2/11098-1.0	First Gas Limited	Structure - Pipeline	Energy	Gas Supply		New
R2/11135-1.0	NZ Forestry Limited	Structure - Bridge	Forestry		Access	New
R2/11149-1.0	New Plymouth District Council	Bore/Well	Local Government		Recreational	New
Water Permit						
Consent	Holder	Subtype	Industry Primary	Industry Secondary	Purpose Primary	Activity Purpose
R2/1875-3.0	Te Ngutu Golf Club Incorporated	Dam	Recreational		Irrigation - Golf Greens	Replace
R2/1877-4.0	Te Ngutu Golf Club Incorporated	Take Surface Water	Recreational		Irrigation - Golf Greens	Replace
R2/11099-1.0	First Gas Limited	Divert	Energy	Gas Supply		New

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/0786-3.1](#)

Kellydale Partnership

Commencement Date: 06 Oct 2023

Expiry Date: 01 Dec 2033

Review Dates: June 2026, June 2029, June 2032

Activity Class: Controlled

Application Purpose: New

Location: 240 Ball Road, Patea
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

[R2/11098-1.0](#)

First Gas Limited

Commencement Date: 18 Sep 2023

Expiry Date: 01 Jun 2033

Review Dates: June 2026, June 2029

Activity Class: Discretionary

Location: 169 Clifton Road, Tongaporutu

Application Purpose: New

To construct, place and use erosion protection structures within the Unnamed Stream 81/South Boundary Stream, to protect the DN200 Kapuni to Papakura gas pipeline

Rohe:

Ngāti Tama

Engagement or consultation:

Te Rūnanga o Ngāti Tama

Consulted by applicant

Te Rūnanga o Ngāti Tama

Response received

Comments from Ngāti Tama

Return correspondence was received from Te Rūnanga o Ngāti Tama on 21 February 2023. Frances White, Chairperson, confirmed that Te Rūnanga o Ngāti Tama had no objections to the application.

Response and considerations during processing of application

The applicant has consulted with Te Rūnanga o Ngāti Tama prior to the lodgement of this application. The agent's response to the Council's further information request included a copy of email correspondence with Te Rūnanga o Ngāti Tama, in which Ngāti Tama representative, Conrad O'Carroll, confirmed that iwi were in agreeance with the planned works, and would try and visit the site during the works period.

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/11099-1.0](#)

First Gas Limited

Commencement Date: 18 Sep 2023

Expiry Date: 01 Jun 2033

Review Dates: June 2026, June 2029

Activity Class: Discretionary

Location: 169 Clifton Road, Tongaporutu

Application Purpose: New

To temporarily dam and divert water within the Unnamed Stream 81/South Boundary Stream, to allow for the placement of erosion protection structures to protect the DN200 Kapuni to Papakura gas pipeline

Rohe:

Ngāti Tama

Engagement or consultation:

Te Rūnanga o Ngāti Tama

Consulted by applicant

Te Rūnanga o Ngāti Tama

Response received

Comments from Ngāti Tama

Return correspondence was received from Te Rūnanga o Ngāti Tama on 21 February 2023. Frances White, Chairperson, confirmed that Te Rūnanga o Ngāti Tama had no objections to the application.

Response and considerations during processing of application

The applicant has consulted with Te Rūnanga o Ngāti Tama prior to the lodgement of this application. The agent's response to the Council's further information request included a copy of email correspondence with Te Rūnanga o Ngāti Tama, in which Ngāti Tama representative, Conrad O'Carroll, confirmed that iwi were in agreement with the planned works, and would try and visit the site during the works period.

[R2/11135-1.0](#)

NZ Forestry Limited

Commencement Date: 28 Sep 2023

Expiry Date: 01 Jun 2040

Review Dates: June 2028, June 2034

Activity Class: Controlled

Location: 369 Puniwhakau Road, Stratford

Application Purpose: New

To construct and use a forestry bridge over the Puniwhakau Stream

Rohe:

Ngāti Maru

Engagement or consultation:

Stratford District Council

Consulted by applicant

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/11137-1.1](#)

M Hareb Excavating Limited

Commencement Date: 02 Oct 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033, June 2036

Activity Class: Discretionary

Location: 112 Tate Road, Waitara

Application Purpose: New

To discharge farm dairy effluent from stock effluent sites onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

Return correspondence was received on 25 August 2023. Sarah Mako of Te Atiawa raised several concerns with the application but expressed general support for discharge of dairy effluent to land subject to conditions. The concerns of Te Atiawa were:

- *Incomplete Section 7 (consultation) of the application form, no iwi engagement and no assessment against the National Policy Statement for Freshwater Management.*
- *The zoning of the land as General Residential in the NPDC Proposed District Plan – Decisions Version affects the spread of dairy effluent.*
- *A resource consent application to NPDC at a neighbouring property would be affected by the activity.*
- *Effects on and avoidance of discharge to onsite waterbodies.*
- *Requested more evidence of riparian planting and fencing, of effluent source, and soil monitoring.*

Te Atiawa made 3 recommendations:

- *To return the application as incomplete in accordance with Section 88 or:*
- *Request further information in accordance with Section 92 and:*
- *Manukorihi, Otaraua and Te Kotahitanga o Te Atiawa are identified as affected parties to the proposal in accordance with Section 95 of the RMA 1991.*

Response and considerations during processing of application

Council made an initial response to Te Atiawa which is summarised below:

- *The applicant would be required to assess against the correct Iwi Environmental Management Plan and be advised to contact Te Atiawa for their cultural assessment.*
- *Council deem the activity to be discretionary under Rule 44 of the RFWP.*
- *The applicant would not be granted consent to discharge to water.*
- *At this stage Council understands zoning issues to be a matter for the applicant and NPDC, but Council acknowledges the increasing overlap Regional and District authorities are having regarding urban environments.*
- *At this stage the required setbacks from dwellings and Marae would be in line with standard dairy discharge to land conditions.*
- *A site visit was undertaken by a member of the Compliance team who gained further information.*
- *The effluent is sourced from a stock effluent dump site in Ahititi. The discharge volume and frequency was supplied.*
- *The applicant is willing to withdraw their request to discharge at 2 Johnston Street.*

Council updated Te Atiawa with the S92 response once it was received. On 01 August 2023 Te Atiawa requested an update regarding compliance after expressing concern earlier that week.

Council informed Te Atiawa on 6 August 2023 that the applicant had amended their consent to no longer include the discharge at 2 Johnston St which they were concerned about.

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/11149-1.0](#)

New Plymouth District Council

Commencement Date: 03 Oct 2023

Expiry Date: 01 Jun 2028

Review Dates:

Activity Class: Discretionary

Location: Coastal Reserve, 36 Battiscombe Terrace, Waitara

Application Purpose: New

To drill/auger up to 12 temporary wells during geotechnical investigation works, for the purpose of informing the design of Stages 1A & 1B of the coastal walkway extension between MaNgāti and Waitara

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Ngā Hapū (Te Atiawa)

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

A response was received from Te Kotahitanga on 20 September 2023. Te Kotahitanga commented that the Coastal Walkway Extension Project has been informed by a co-design process between the applicant and Manukorihi, Otaraua, Pukerangiora and Puketapu Hapū ('Ngā Hapū'). A Cultural Impact Assessment has also informed the project design. Given the extensive collaboration and consultation undertaken to date, provided the proposed consent conditions (detailed in the application documentation) are recommended, Ngā Hapū and Te Kotahitanga are comfortable with the proposal.

Response and considerations during processing of application

The applicant, as part of the broader coastal walkway extension project, has been working in partnership with ngā hapū at both a project management and design level. As part of this partnership approach, the applicant has coordinated and attended over 25 hui with ngā hapū and Te Kotahitanga.

Ngā hapū and Te Kotahitanga have also completed a Cultural Impact Assessment ('CIA') to inform the applicant's design of Stage 1 of the project. A copy of the CIA was provided in the application documentation as Appendix C.

Within the CIA, ngā hapū and Te Kotahitanga confirm that they have no objections to the proposed Stage 1 geotechnical investigations, provided that sediment and erosion controls and accidental discovery protocols ('ADP') are implemented, and the applicant provides for the attendance of on-site cultural monitors. The applicant has volunteered erosion and sediment, ADP and cultural monitoring consent conditions accordingly (refer to the section of the report titled 'Actual and potential effects').

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/11154-1.0](#)

Arxada NZ Limited

Commencement Date: 20 Oct 2023

Expiry Date: 01 Jun 2044

Review Dates: June 2026, June 2032, June 2038

Activity Class: Discretionary

Location: 95-99 Corbett Road, Bell Block

Application Purpose: New

To discharge emissions into the air associated with the manufacturing of crop and wood protection products for industrial and commercial use

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

Te Atiawa replied 04 October 2023 and said they were pleased with the willingness of the applicant to engage and their assessment of Tai Whenua, Tai Tangata, Tai Ao. They recommended native plantings to offset the discharges to air and Puketapu hapū intend to contact the applicant directly to provide further advice.

Response and considerations during processing of application

Council responded to Te Atiawa 04 October 2023 to thank them for their response and to advise them that draft conditions were under review by the applicant.

Council contacted Te Atiawa on 06 October 2023 to advise them that draft conditions were accepted by the applicant and that the applicant was interested in working with Te Atiawa on the creation of their conditioned Air Quality Management Plan.

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/1875-3.0](#)

Te Ngutu Golf Club Incorporated

Commencement Date: 28 Sep 2023

Expiry Date: 01 Jun 2041

Review Dates: June 2029, June 2032, June 2035, June 2038

Activity Class: Discretionary

Location: Mawhitiwhiti Road, Normanby

Application Purpose: Replace

To dam the Waihi Stream for golf green irrigation purposes

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Ōkahu-Inuawai Mana Taiao

Response received

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

No return correspondence had been received as at the requested response date of 9 June 2023. However, on 2 August 2023, Taela O'Shea – Herewini, Environmental Planner at Te Korowai O Ngāruahine Trust contacted Council requesting a copy of the S92 Further Information Request. Copies of the S92, as well as the applicant's response were emailed to Ms O'Shea-Herewini. Feedback from iwi and hapū was received on 22 August 2023. A summary of this feedback is as follows:

Te Korowai Comments

- There has been no pre-application consultation or communication from the applicant with Te Korowai, Ōkahu-Inuawai or Kanihi-Umutahi hapū
- We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.
- However, it is the expectation of Te Korowai that applicants and/or their consultants are following best practice and engaging early with hapū and iwi to identify potential issues.

Ōkahu-Inuawai comments are as follows:

- The Waihi Awa is an important awa to Ōkahu-Inuawai, Kanihi Umutahi, Araukuku hapū
- We Ngāruahine have a statutory acknowledgement over this awa
- The potential residual flow of only 20% in the hot months is of concern, we would like to co-monitor this in the first 3 years (Ōkahu and TKONT)
- We need to sight a recent (less than 6 months old) e DNA test of the Waihi awa upstream of the weir
- Consent to be no longer than 10 years, then review

Response and considerations during processing of application

Unfortunately, the draft consent conditions had been sent to the applicant for review and consultation prior to receiving this feedback. A response email was sent to Te Korowai O Ngāruahine Trust addressing iwi and hapū's concerns regarding residual flow, fish passage and duration and the draft consent conditions were attached to this email. The matters below were included in this email:

- The residual flow has been set at 100% of Mean Annual Low Flow, this is common practice at the Council and has been set this way to avoid adverse effects associated with the flow of the awa;
 - We have recommended conditions 1 and 2 in the damming consent to combat any potential fish passage concerns into the future; and
 - The duration has been recommended based on the standard catchment dates and has already been agreed on by the applicant.
-

Non-notified authorisations issued by the Taranaki Regional Council between 14 Sep 2023 and 26 Oct 2023

Subsequent to the above, it was agreed that Te Korowai O Ngāruahine Trust, Ōkahu-Inuawai me ētehi atu and Kanihi-Umutahi me ētehi atu hapū would be included within consent conditions 1 and 2 of consent 1875-3.0 to be recipients of the (fish passage investigation) Report and the Action Plan (to remediate if recommended).

[R2/1877-4.0](#)

Te Ngutu Golf Club Incorporated

Commencement Date: 28 Sep 2023

Expiry Date: 01 Jun 2041

Review Dates: June 2029, June 2032, June 2035, June 2038

Activity Class: Discretionary

Location: Mawhitiwhiti Road, Normanby

Application Purpose: Replace

To take and use water from a dam in the Waihi Stream for golf green irrigation purposes

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Rūnanga o Ngāti Ruanui Trust

No return correspondence was received

Ōkahu-Inuawai Mana Taiao

Response received

Te Korowai o Ngāruahine Trust

Response received

Comments from Ngāruahine

No return correspondence had been received as at the requested response date of 9 June 2023. However, on 2 August 2023, Taela O'Shea – Herewini, Environmental Planner at Te Korowai O Ngāruahine Trust contacted Council requesting a copy of the S92 Further Information Request. Copies of the S92, as well as the applicant's response were emailed to Ms O'Shea-Herewini. Feedback from iwi and hapū was received on 22 August 2023. A summary of this feedback is as follows:

Te Korowai Comments

- *There has been no pre-application consultation or communication from the applicant with Te Korowai, Ōkahu-Inuawai or Kanihi-Umutahi hapū*
- *We acknowledge that Section 36A of the RMA does not require applicants to consult with anyone about resource consent applications.*
- *However, it is the expectation of Te Korowai that applicants and/or their consultants are following best practice and engaging early with hapū and iwi to identify potential issues.*

Ōkahu-Inuawai comments are as follows:

- *The Waihi Awa is an important awa to Ōkahu-Inuawai, Kanihi Umutahi, Araukuku hapū*
- *We Ngāruahine have a statutory acknowledgement over this awa*
- *The potential residual flow of only 20% in the hot months is of concern, we would like to co-monitor this in the first 3 years (Ōkahu and TKONT)*
- *We need to sight a recent (less than 6 months old) e DNA test of the Waihi awa upstream of the weir*
- *Consent to be no longer than 10 years, then review*

Response and considerations during processing of application

Unfortunately, the draft consent conditions had been sent to the applicant for review and consultation prior to receiving this feedback. A response email was sent to Te Korowai O Ngāruahine Trust addressing iwi and hapū's concerns regarding residual flow, fish passage and duration and the draft consent conditions were attached to this email. The matters below were included in this email:

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

- *The residual flow has been set at 100% of Mean Annual Low Flow, this is common practice at the Council and has been set this way to avoid adverse effects associated with the flow of the awa;*
- *We have recommended conditions 1 and 2 in the damming consent to combat any potential fish passage concerns into the future; and*
- *The duration has been recommended based on the standard catchment dates and has already been agreed on by the applicant.*

Subsequent to the above, it was agreed that Te Korowai O Ngāruahine Trust, Ōkahu-Inuawai me ētehi atu and Kanihi-Umutahi me ētehi atu hapū would be included within consent conditions 1 and 2 of consent 1875-3.0 to be recipients of the (fish passage investigation) Report and the Action Plan (to remediate if recommended).

[R2/2397-3.0](#)

Megaw Family Trust

Commencement Date: 16 Oct 2023

Expiry Date: 01 Dec 2045

Review Dates: June 2027, June 2033, June 2039

Activity Class: Controlled

Application Purpose: Replace

Location: 59 Tikorangi Road West, Tikorangi
To discharge farm dairy effluent onto land

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

[R2/3056-3.0](#)

Unibuds Limited

Commencement Date: 16 Oct 2023

Expiry Date: 01 Dec 2033

Review Dates: June 2026, June 2029, June 2032

Activity Class: Controlled

Application Purpose: Replace

Location: 190 Inaha Road, Hawera
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/3291-3.0](#)

M & D Smith Trust Partnership

Commencement Date: 26 Oct 2023

Expiry Date: 01 Dec 2033

Review Dates: June 2026, June 2029, June 2032

Activity Class: Controlled

Application Purpose: Replace

Location: 249 Inaha Road, Manaia

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

[R2/3463-3.0](#)

Luscombe Partnership

Commencement Date: 19 Oct 2023

Expiry Date: 01 Dec 2033

Review Dates: June 2026, June 2029, June 2032

Activity Class: Controlled

Application Purpose: Replace

Location: 199 Palmer Road, Kapuni

To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Engagement or consultation:

Te Korowai o Ngāruahine Trust

No return correspondence was received

[R2/3678-3.0](#)

Greymouth Petroleum Central Limited

Commencement Date: 09 Oct 2023

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Controlled

Application Purpose: Replace

Location: Kaimiro-B Wellsite, 1112 Upland Road, Inglewood

To discharge treated stormwater from hydrocarbon exploration and production operations at the Kaimiro-B wellsite onto and into land in circumstances where it may enter water

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/4920-4.0](#)

Todd Energy Limited

Commencement Date: 05 Oct 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Restricted discretionary

Location: Mangahewa-A wellsite, Otaraoa Road, Tikorangi

Application Purpose: Replace

To discharge emissions to air during flaring from well workovers and in emergency situations and miscellaneous emissions associated with production activities at the Mangahewa-A wellsite

Rohe:

Ngāti Mutunga

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Otaraoa Hapū Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Response received

Te Rūnanga o Ngāti Mutunga

Response received

Comments from Ngāti Mutunga 8 January 2021

Ngāti Mutunga stated the applicant had not consulted with them about any of the applications and queried the Council regarding 4919-3.0 but made no comment on this application.

Comments from Te Atiawa 16 December 2020

Te Atiawa acknowledged the willingness of the applicant to consult with them but stated the proposed renewal of the consents and the continued land use will continue to have cultural effects on Otaraoa and Te Kotahitanga that are unacceptable. They advised the Council to require the applicant to engage the cultural expertise of tangata whenua under section 92 of the RMA 1991 and they themselves have already advised the applicant that the most appropriate and effective method for this engagement is via a Cultural Impact Assessment.

Te Atiawa had two recommendations for the Council to ensure the cultural values of Otaraoa Hapū and Te Kotahitanga o Te Atiawa are provided for:

- Request further information to address their concerns, specifically requiring the applicant to engage the expertise of tangata whenua to inform the renewal application, in accordance with section 92 of the RMA 1991.
- In the absence of engaging this expertise the application is not complete, Otaraoa Hapū and Te Kotahitanga o Te Atiawa request affected party status to the proposal in accordance with section 95 of the RMA 1991.

Response and considerations during processing of application

The Council responded by thanking Te Atiawa for their comment and stating the Consents Manager will have regard to their comment when making the notification decision and that the matters raised will be addressed in Council officer's report.

The applicant consulted with Te Kotahitanga o Te Atiawa and Otaraoa Hapū but made no comment on the outcome in their application.

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/5986-2.0](#)

Greymouth Petroleum Central Limited

Commencement Date: 12 Oct 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Location: Ngatoro-F Wellsite, Bedford Road,
Inglewood

Application Purpose: Replace

To use a culvert in an unnamed tributary of the Ngatoroiti stream for access purposes

Rohe:

Taranaki (Statutory Acknowledgement)

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kāhui o Taranaki Trust

No return correspondence was received

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

A detailed response was received from Sarah Mako, on behalf of Te Atiawa, on 18 March 2021. The bulk of this response focussed on effects relating to the stormwater and air discharge renewals, although some comments were made in respect of the culvert onsite and its intended renewal. These comments are paraphrased below:

- Te Atiawa believe the renewal application document (AEE) did not draw on expertise and specific knowledge of tangata whenua, via a Cultural Impact Assessment (CIA).
- Te Atiawa are vehemently opposed to culverts within waterbodies because of the effect it has on our relationship with those waterbodies.
- Te Atiawa believe they have not been engaged to identify the offsets and compensation for these [the culvert] to exist given TRC considers there are no effects from their retention.

Response and considerations during processing of application

The Council responded by thanking Te Atiawa for their comment and stating the Consents Manager will have regard to their comment when making the notification decision and that the matters raised will be addressed in Council officer's report.

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/6794-2.0](#)

New Plymouth District Council

Commencement Date: 13 Oct 2023

Expiry Date: 01 Jun 2038

Review Dates: June 2026, June 2032

Activity Class: Discretionary

Location: Karamea Street, Whalers Gate

Application Purpose: Replace

To use a culvert in the Mangaotuku Stream for access purposes

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

Te Atiawa aligned the application with Tai Whenua, Tai Tangata, Tai Ao (Te Atiawa Environmental Management Plan), and their concerns and comments are as follows:

- Ngāti Te Whiti hapū and TKoTAT (Te Kotahitanga o Te Atiawa Trust) shall be identified as affected parties to the activity, in accordance with Section 95E of the Resource Management Act 1991;
- We were not engaged when the culvert was originally installed. Structures in the beds of statutory acknowledgement waterways affect our relationship with those waterbodies, and the existing culvert continues to have an adverse effect on our relationship with the waterway, and the mauri of the waterway;
- We require all structures in the beds and margins of waterways to support and enable fish passage for migratory native species (Pol. TTOM6.7);
- Regular monitoring shall occur to ensure the culvert does not present a barrier to fish passage. All monitoring results shall be made available to Ngāti Te Whiti and TKoTAT, and provision shall be made for cultural monitors to be present during any fish surveys, and/or monitoring of the structure (Pol. TTHA4.1);
- No assessment is provided against the relevant provisions of Tai Whenua, Tai Tangata, Tai Ao. The Part II Resource Management Act 1991 assessment is lacking, we consider Sections 6(e), 7(a), and 8 to be particularly relevant. Provisions of the National Policy Statement for Freshwater 2020, the Regional Policy Statement for Taranaki, and the Regional Freshwater Plan for Taranaki are also relevant to the assessment, and the application has not considered these;
- Ngāti Te Whiti hapū and TKoTAT shall be supported and resourced to develop and implement a Cultural Health Index monitoring programme for the Mangaotuku Stream (Gen. Pol. TTOM1.6);
- Ngāti Te Whiti hapū and TKoTAT shall be resourced to prepare and implement a Restoration Planting Programme along the Mangaotuku Stream, or an alternative programme as decided by Ngāti Te Whiti;
- It is noted that the provisions in the NES Freshwater 2020 apply – please demonstrate that the culvert meets the conditions for a permitted activity in Regulation 70, otherwise resource consent is required as a Discretionary Activity under Regulation 71. The information required in Regulations 62 and 63 must be provided, and regular monitoring of the culvert is required under Regulation 69;
- The consent shall be issued for a limited time only (i.e. 5 years). If the structure is no longer necessary and an alternative solution is available (i.e. a bridge, a more suitable environmentally friendly culvert), NPDC need to seriously consider removing the structure from the bed of the river and constructing an appropriate solution as we will oppose any further renewals for unnecessary structures in the beds of statutory acknowledgement waterways or along their margins.

Te Atiawa recommended that:

- Ngāti Te Whiti hapū and TKoTAT are identified as affected parties in accordance with Section 95E of the Resource Management Act 1991;

Non-notified authorisations issued by the Taranaki Regional Council between 14 Sep 2023 and 26 Oct 2023

- Please demonstrate how the culvert will meet the conditions for a permitted activity under Regulation 70 of the NES Freshwater 2020. If consent is required under Regulation 71 of the NES Freshwater 2020, processing of the consent application shall be deferred under Section 91 of the Resource Management Act 1991 until all necessary resource consents are applied for. This will enable the actual and potential adverse effects of the proposed activity to be better understood;
- Conditions of consent shall be applied pursuant to Sections 104 and 108 of the Resource Management Act 1991, in line with the response provided above.

Response and considerations during processing of application

The Council's response to these comments and recommendations are as follows:

- The culvert is not regulated under the NES-FM as the structure was in place before its commencement date;
- The information supplied with the application meets the requirements of the Resource Management Act for the application to be properly assessed, and appropriate conditions have been recommended.
- Iwi Management plans express iwi values and are taken into account by Councils during consent assessment;
- We have reviewed the Iwi Management Plans ('IMP') for Te Atiawa, being the Te Kotahitanga o Te Atiawa Environmental Management Plan. Within this document, the applicable policy for replacement structures is TTOM6.8 which states that:

"All structures in beds and margins of waterways and lake support and enable fish passage for migratory native species."

Through this work, it is assessed that the ongoing use of the culvert will not contravene the directives and aspirations of the Te Kotahitanga o Te Atiawa Environmental Management Plan and appropriate conditions have been recommended.

[R2/6812-2.0](#)

OMV New Zealand Limited

Commencement Date: 18 Oct 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Location: 96 Bertrand Road, Tikorangi

Application Purpose: Replace

To use a culvert in an unnamed tributary of the Waitara River for pipeline protection and farm access purposes

Rohe:

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Kevin Andrews

Written approval provided

Otaraua Hapū Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Response received

Comments from Te Atiawa

Te Atiawa aligned the application with Tai Whenua, Tai Tangata, Tai Ao (Te Atiawa Environmental Management Plan), and their concerns and comments are as follows:

- Otaraua Hapū and Te Kotahitanga have not been engaged to inform the application. Only tangata whenua have the expertise to advise on cultural effects.
-

Non-notified authorisations issued by the Taranaki Regional Council between 14 Sep 2023 and 26 Oct 2023

- Policy TTAN1.4 expressly requires culverts to be avoided because of the cultural effects these structures have on our waterways. There are further objectives and policies in relationship to Freshwater including restriction on fish barriers, riparian planting, water quality and quantity, mahinga kai and sites and areas of significance to Māori.
- No assessment of Tai Whenua, Tai Tangata, Tai Ao has been undertaken. The Environmental Management Plan is required to be taken into account in all resource management processes.
- No assessment of the effects of the culvert's retention on the Statutory Acknowledgement.
- No Part 2 of the Resource Management Act 1991 (RMA) assessment has been undertaken. We consider sections 6(e), 7(a) and 8 of the RMA to be particularly relevant.
- As set out in the TRC Committee Hui last week, expiry dates must be restricted to five (5) years).

Otaraua Hapū and Te Kotahitanga o Te Atiawa made contact with the applicant and requested to undertake a site visit to better understand the effects of the culvert's on-going retention.

Te Atiawa recommended that to ensure the values of Otaraua Hapū and Te Kotahitanga o Te Atiawa are considered during assessment of the application, the Taranaki Regional Council should:

- Request further information in accordance with section 92 of the RMA; and
- Identify Otaraua and Te Kotahitanga as affected parties in accordance with section 95 of the RMA.

Response and considerations during processing of application

Iwi Management plans express iwi values and are taken into account during consent assessment; This consent is for the continued use of an established structure. We have reviewed the Iwi Management Plans ('IMP') for Te Atiwa, being the Te Kotahitanga o Te Atiawawa Environmental Management Plan – Tai Whenua, Tai Tangata, Tai Ao. Within this document, the applicable policy TTOM6.8 states that:

"All structures in beds and margins of waterways and lake support and enable fish passage for migratory native species."

The applicant held a hui regarding the consent application on 11 November 2022, which was held between Otaraua hapū and OMV representatives. The applicant provided a summary of this meeting to the Council for review. In the meeting minutes, it was observed that a number of requests from Otaraua hapū were made to the applicant, in respect of managing potential cultural effects from the ongoing use of the structure. The applicant has agreed to a condition of consent requiring the remediation of the fish passage barrier caused by the structural lip at the culvert outlet. Through this work, it is assessed that the ongoing use of the culvert will not contravene the directives and aspirations of the Te Kotahitanga o Te Atiawa Environmental Management Plan.

[R2/6838-2.0](#)

New Plymouth District Council

Commencement Date: 10 Oct 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Location: Tariki Road, Kaimata

Application Purpose: Replace

To use a culvert in the Mangaone Stream for access purposes

Rohe:

Ngāti Maru

Engagement or consultation:

Te Rūnanga o Ngāti Maru (Taranaki) Trust

No return correspondence was received

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/6896-2.0](#)

New Plymouth District Council

Commencement Date: 10 Oct 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Location: Piko Road, Okoki

Application Purpose: Replace

To use and maintain a culvert in the Mangatana Stream for flood control purposes

Rohe:

Ngāti Mutunga

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

No return correspondence was received

[R2/6976-2.0](#)

New Plymouth District Council

Commencement Date: 11 Oct 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Discretionary

Location: Mataro Road, Onaero

Application Purpose: Replace

To use a culvert in the Kakapo Stream for access purposes

Rohe:

Ngāti Mutunga

Engagement or consultation:

Te Rūnanga o Ngāti Mutunga

Response received

Comments from Ngāti Mutunga

A response was received from Marlene Benson on behalf of Ngāti Mutunga on 25th February 2021, requesting assurance "that [the] culvert has been checked recently by TRC to see if it presents a barrier to fish passage".

Response and considerations during processing of application

The Council's Consents Officer Anna Johnston subsequently responded via email on 29th April 2021 confirming that the culvert was monitored by the Council and that the structure presented no barrier to fish passage.

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/7317-2.0](#)

Todd Energy Limited

Commencement Date: 05 Oct 2023

Expiry Date: 01 Jun 2039

Review Dates: June 2027, June 2033

Activity Class: Controlled

Location: Mangahewa-A wellsite, Otaraoa Road, Tikorangi

Application Purpose: Replace

To discharge emissions to air from flaring of hydrocarbons and miscellaneous emissions associated with drill stem testing, well clean-up, well testing and production testing at the Mangahewa-A wellsite

Rohe:

Ngāti Mutunga

Te Atiawa (Statutory Acknowledgement)

Engagement or consultation:

Otaraoa Hapū Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Consulted by applicant

Te Kotahitanga o Te Atiawa Trust

Response received

Te Rūnanga o Ngāti Mutunga

Response received

Comments from Ngāti Mutunga 7 January 2021

Ngāti Mutunga stated the applicant had not consulted with them about any of the applications and queried the Council regarding 4919-3.0 but made no comment on this application.

Comments from Te Atiawa 16 December 2020

Te Atiawa acknowledged the willingness of the applicant to consult with them but stated the proposed renewal of the consents and the continued land use will continue to have cultural effects on Otaraoa and Te Kotahitanga that are unacceptable. They advised the Council to require the applicant to engage the cultural expertise of tangata whenua under section 92 of the RMA 1991 and they themselves have already advised the applicant that the most appropriate and effective method for this engagement is via a Cultural Impact Assessment.

Te Atiawa had two recommendations for the Council to ensure the cultural values of Otaraoa Hapū and Te Kotahitanga o Te Atiawa are provided for:

- Request further information to address their concerns, specifically requiring the applicant to engage the expertise of tangata whenua to inform the renewal application, in accordance with section 92 of the RMA 1991.
- In the absence of engaging this expertise the application is not complete, Otaraoa Hapū and Te Kotahitanga o Te Atiawa request affected party status to the proposal in accordance with section 95 of the RMA 1991.

Response and considerations during processing of application

The Council responded by thanking Te Atiawa for their comment and stating the Consents Manager will have regard to their comment when making the notification decision and that the matters raised will be addressed in this report.

The applicant has consulted with Te Kotahitanga o Te Atiawa and Otaraoa Hapū but make no comment on the outcome in their application.

**Non-notified authorisations issued by the Taranaki Regional Council
between 14 Sep 2023 and 26 Oct 2023**

[R2/7341-2.0](#)

Coxhead Hillcrest Company Limited

Commencement Date: 06 Oct 2023

Expiry Date: 01 Dec 2033

Review Dates: June 2026, June 2029, June 2032

Activity Class: Controlled

Application Purpose: Replace

Location: 489 Waingongoro Road, Stratford
To discharge farm dairy effluent onto land

Rohe:

Ngāruahine (Statutory Acknowledgement)

Ngāti Ruanui

Engagement or consultation:

Te Korowai o Ngāruahine Trust

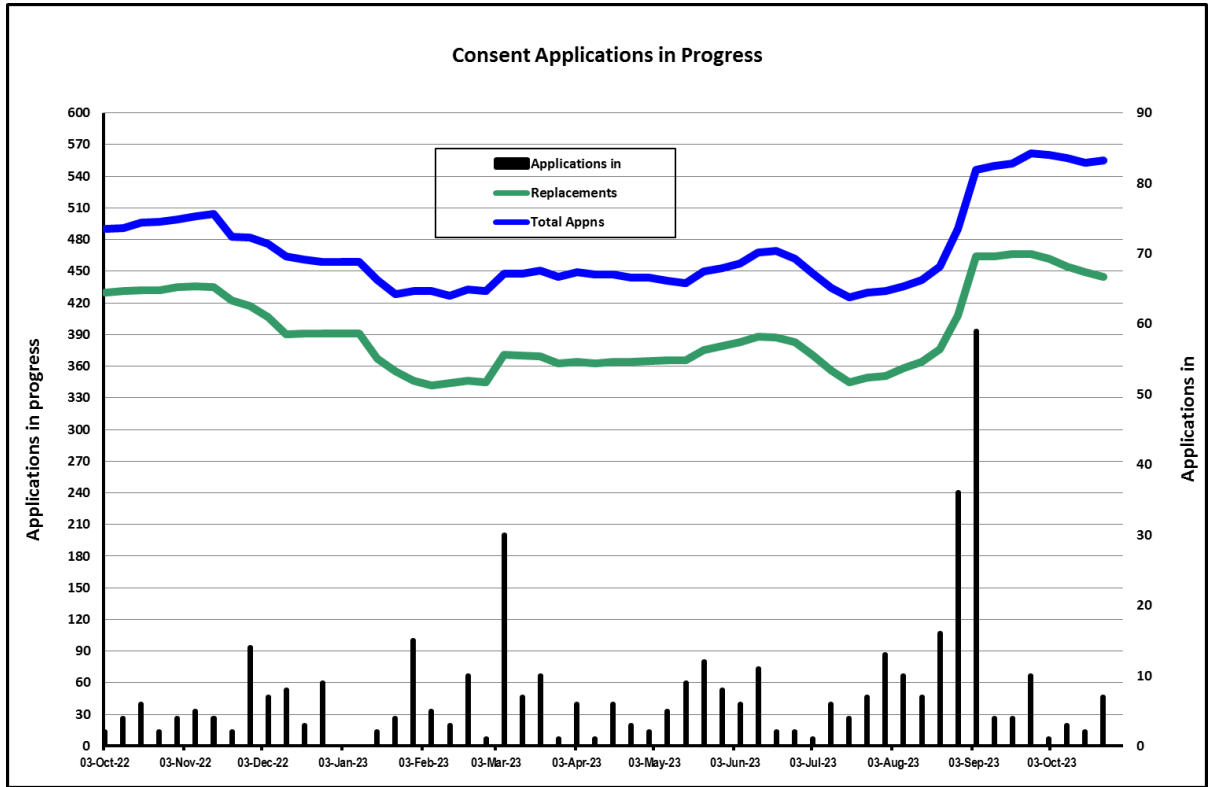
No return correspondence was received

Te Rūnanga o Ngāti Ruanui Trust

Responded they had no comment to make

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
2023/2024	431	351	545	464	556	462	542	445																
2022/2023	540	479	520	453	490	430	499	435	482	417	459	391	431	342	448	371	448	364	444	365	452	379	462	383
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

R = Replacements

Note: October Part Month

3) Potential Hearings

Applicant	Description	Notification date	Status	Date Issued
Manawa Energy Ltd	For 14 replacement consents associated with the Motukawa Hydroelectric Power Scheme, and 5 replacement consents and 1 new consent associated with the Mangorei Hydroelectric Power Scheme	04 March 2023 (Motukawa) and 4 February 2023 (Mangorei)	Pre-hearing process continuing	
Horizon Trust Management Ltd	For 5 applications associated with the expansion of the existing Whenuku Road quarry	Limited Notified 20 January 2021	Pre-hearing process continuing	

4) Consents Processed (running totals)

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2023/2024	39	49	57	75								
2022-2023	7	53	82	86	139	171	211	228	249	261	283	307
2021-2022	17	37	87	114	123	136	152	162	184	202	218	225

Note: October part month

5) Breakdown of consents processed

	New	Replace	Change	Review	Totals
2023-2024 - to 26th October	17	57	1	0	75
2022-2023 Total	65	227	10	5	307
2021-2022 Total	54	149	16	6	225

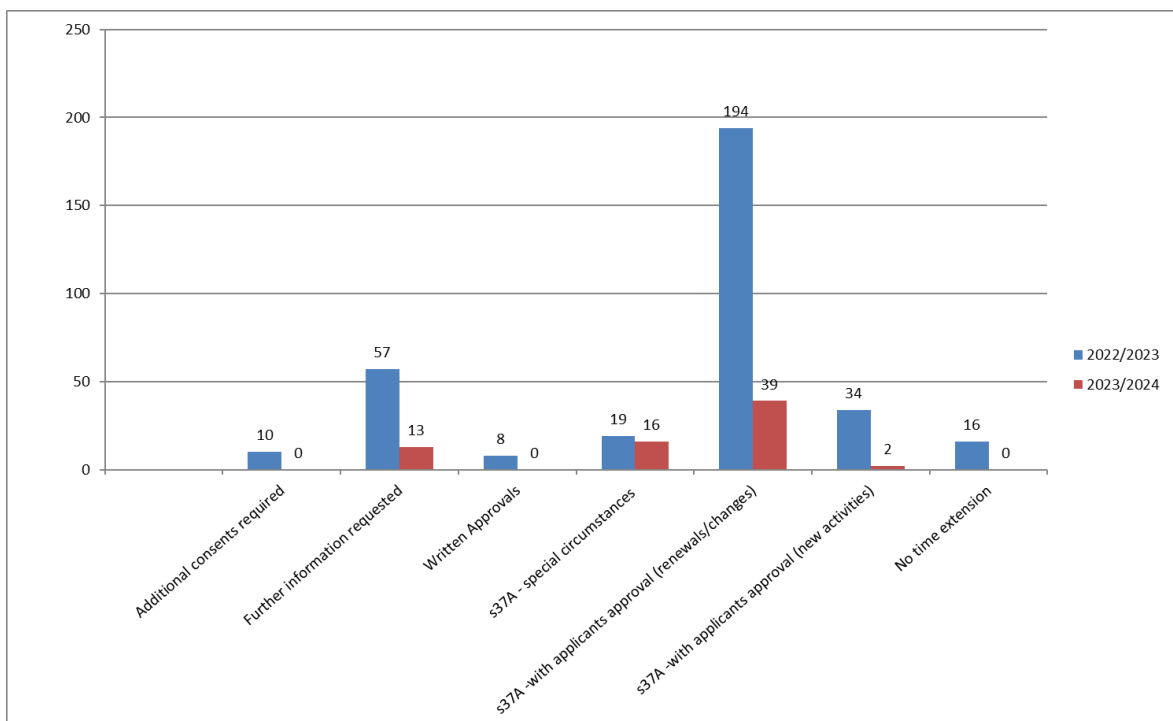
6) Types of consents issued - year to date comparison

	Publically 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 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 June 2023	0	0	0	0	0	0.0%	0	1	1	0	0	0	0.0%	2	222	16	26	0	41	99.3%	305	307			
To 26th October 2023	0	0	0	0	0	0.0%	0	0	0	0	0	0	0.0%	0	47	5	14	1	8	100.0%	75	75			

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

	Consultation/ Involved (number of parties)	Number of Affected Party Approvals (written)	Totals
Councils	5	0	5
DOC	0	0	0
Environmental/Recreational Groups	0	0	0
Fish & Game	2	0	2
Individuals/Neighbours/Landowners	1	12	13
Network Utilities	0	0	0
Non Govt Organisations	0	0	0
Other Govt Departments	2	0	2
Iwi/hapu	87	0	87
Totals - September 2023	97	12	109

8) Application processing time extensions used 2022/2023 versus 2023/2024



9) Consent type process

	Last 10 year average 2013 - 2022	July 2022 to June 2023	July 2023 to September 2023
Total consents granted	334	307	57
Publically Notified	9	0	0
Limited-notified	8	2	0
Non-notified	318	305	57
Applications submitted on (in opposition and to be heard)	12	2	0
Application Pre-hearing resolution (%)	6 82%	2 100%	0 -
Hearings (no. of applications)	1 (6)	0 (0)	0 (0)
Appeals (no. of applications)	1 (6)	0 (0)	0 (0)
Total current consents	4679	4316	4303

10) Applications returned incomplete under Section 88

For the 2023-2024 financial year, 2 applications have been returned incomplete under S88 of the RMA for insufficient information.

11) Deemed Permitted Activities issued

Nil



Date 21 November 2023

Subject: **Consent Monitoring Annual Reports**

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

Document: 3219806

Purpose

1. The purpose of this memorandum is to advise the Committee of eleven tailored compliance monitoring reports for the 2022-2023 reporting year.

Executive summary

2. Taranaki Regional Council (the Council) considers the regular reporting of comprehensive and well-considered compliance monitoring is vital to undergird:
 - Community standing and reputation enhancement for companies that consistently attain good or high levels of environmental performance. Informed feedback is appropriate and valuable, and assists a proactive alignment of industry's interests with community and Resource Management Act 1991 expectations.
 - A respectful and responsible regard for the Taranaki region's environment and our management of its natural resources. Reporting allows evaluation and demonstration of the overall rate of compliance by sector and by consent holders as a whole, and of trends in the improvement of our environment.
 - The Council's accountability and transparency. Reporting gives validity to investment in monitoring and to assessments of effective intervention.
3. These compliance monitoring reports have been submitted to each consent holder for comment and confirmation of accuracy prior to publication. All reports provide environmental performance and administrative compliance ratings for each consent holder in relation to their activities over the period reported. Recommendations pertaining to each site or programme are set out in the relevant report. These recommendations may include continuation of existing monitoring programmes in the case of acceptable environmental performance, or alternatively amendments as appropriate.
4. There are eleven tailored compliance monitoring reports. Within the reports, eight environmental ratings were assigned high, two required an improvement and one received a poor rating.

Table 1 List of annual reports with overall environmental performance rating

Report Name	Environmental Performance Rating	Document Number
23-04 Waste Remediation Services Ltd Waikakai Landfarm Monitoring Programme Annual Report 2022-2023	High	3206229
23-05 Remediation New Zealand Ltd Uruti Composting Facility Monitoring Programme Annual Report 2022-2023	Poor	3202384
23-16 TPJ Partnership Cleanfill Monitoring Programme Annual Report 2022-2023	Impvmt required	3191623
23-19 Greymouth Petroleum Ltd Southern Sites Monitoring Programme Annual Report 2022-2023	High	3211154
23-22 Westown Haulage Cowling Road Monitoring Programme Annual Report 2022-2023	Impvmt required	3206026
23-58 NPDC Inglewood WWTP Monitoring Programme Annual Report 2022-2023	High	3199836
23-61 OMV NZ Pohokura Production Station Monitoring Programme Annual Report 2022-2023	High	3206252
23-64 NPDC Crematorium Monitoring Programme Annual Report 2022-2023	High	3206172
23-68 New Zealand Energy Corporation DWI Monitoring Programme Annual Report 2022-2023	High	3210921
23-69 Stratford District Council Water Supplies Monitoring Programme Annual Report 2022-2023	High	3209797
23-71 Dow Chemical (NZ) Ltd Monitoring Programme Annual Report 2022-2023	High	3213648

5. For reference, in the 2022-2023 year, consent holders were found to achieve a high level of environment performance and compliance for 878 (87%) of a total of 1007 consents monitored through the Taranaki tailored monitoring programmes, while for another 96 (10%) of the consents a good level of environmental performance and compliance was achieved. A further 27 (3%) 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%
2020-2021	86%	11%	2.5%	0.5%
2021-2022	88%	10%	2%	<1%
2022-2023	87%	10%	3%	<1%

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

Recommendations

That the Taranaki Regional Council:

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

Discussion

7. Findings and recommendations of each of the compliance monitoring reports are summarised below.

23-04 Waste Remediation Services Ltd Waikaikai Landfarm Monitoring Programme Annual Report 2022-2023

8. Waste Remediation Services Ltd (the Company) operates a drilling waste landfarm (Waikaikai Landfarm) located off Lower Manutahi Road at Manutahi, South Taranaki, in the Mangaroa catchment.
9. **During the monitoring period, the Company demonstrated an overall high level of environmental and administrative performance.**
10. The Company holds one resource consent, which includes 32 conditions setting out the requirements that the Company must satisfy. The consent allows the Company to discharge drilling waste from hydrocarbon exploration and production activities from well sites and contaminated soil onto and into land via landfarming.
11. The Council's monitoring programme for the year under review included three inspections, twenty groundwater samples and six composite soil samples collected for physicochemical analysis. Inspections found the site to be compliant on all occasions. Previously landfarmed areas held good pasture cover.
12. Groundwater sample results indicated compliance with consent conditions. Most of the samples demonstrated stability for the analytes tested. However, there is some evidence that recent landfarming has increased the analyte concentrations in one of the groundwater samples. Soil sample analysis found that further bioremediation would be required prior to surrender of the two areas sampled.
13. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a high level in the year under review.
14. This report includes recommendations for the 2023-2024 year.

23-05 Remediation New Zealand Ltd Uruti Composting Facility Monitoring Programme Annual Report 2022-2023

15. Remediation New Zealand Ltd (the Company) operates a composting facility and worm farm which produces vermicast. It is located on State Highway 3, Mokau Road, Uruti, Taranaki.
16. **During the monitoring period, the Company demonstrated an overall poor level of environmental and administrative performance.**
17. The Company holds nine resource consents, which include a total of 135 conditions setting out the requirements that the Company must satisfy. The Company holds one consent to allow for discharges to air, and one consent to allow the discharge to land and water (both of which expired in 2018). One consent allows the discharge to water, and there are six land use consents. Consent 6211-1, to realign and divert the Haehanga Stream in the Mimitangiata catchment for land improvement purposes, expired on 1st June 2021. This is now a permitted activity. In March 2021, the Council held a hearing of applications by the Company for renewal of the two expired consents. A further hearing is scheduled for November 2023. The Company is allowed to continue exercising the expired consents while the appeals are being considered.
18. The Council's monitoring programme for the year under review included 11 scheduled inspections (and additional specific visits), 130 water samples collected for physicochemical analysis (surface and groundwater), one biomonitoring survey of receiving waters, a soil survey across all irrigation areas, and 81 odour surveys. Because of matters raised during the first Environment Court hearing and because of numerous ongoing complaints, the Council monitoring (requiring both inspections and sampling) extended beyond that originally planned. The Council's annual monitoring programmes may be extended and additional costs recovered where additional Council work is necessitated.
19. The monitoring showed that the Company was in compliance with their consent requirements for six of their eight active consents, which related to culverts, fish passage and quarry operations. However, operational and site practices are still highly variable, particularly in relation to consent 5838-2.2 regulating the discharge of waste, treated stormwater and leachate to land and consent 5839-2 to discharge emissions to air.
20. Changes to infrastructure and some operational procedures such as the rehabilitation of the materials drop-off pond, the timing of irrigation activities to drier months, the reduction in the areal extent of Pad 1, the reduction in the size of the Pad 2 paunch dewatering pond and the bunding around the north-eastern vermiculture which were made during the year have brought improvements to some aspects of the Company's administrative and environmental performance.
21. These improvements have been primarily evident in respect of the degree of environmental effects caused by the Company's air discharges relative to previous years. Offsite odour was detected on about one-third (30%) of Council surveys (which is an improvement on the proportion in the previous year (44%)), although the number of complaints received increased in the year under review. Increased wastewater aeration, better vegetation cover of Pad 3, and a smaller Pad 1 would serve to reduce odour strength. However, the findings from on-site inspections and odour surveys by the Council and the complaints record indicated there remains a need for improved composting and wastewater management if non-compliance is to be eliminated. There remains the potential for levels of odour offsite, even if they do not reach the threshold of being offensive and objectionable on an acute basis, to cumulatively still have an

impact that is unacceptable to the neighbouring community. However, it is noted that no offensive and objectionable odours were encountered at the boundary during any of the Council officers inspections.

22. Surface water was found to be impacted beyond consent limits, for at least one monitoring site and one or more contaminants, on more than half of the scheduled surveys of the Haehanga Stream. The Council undertook further enforcement action by way of Infringement Notices at the end of the year under review in respect of degraded water quality discovered on 4 October 2022 and again on 23 March 2023. Impacts on the Mimitangiataua awa were measureable but usually not significant in terms of recognised environmental thresholds. Detailed investigation and remediation during the year of the unauthorised long-term seepage from the southern end of Pad 3 that was under abatement notice was undertaken by the Company.
23. While groundwater quality is generally improving in respect of some markers of irrigation, from the peak levels of some contaminants evident in previous years, this is not the case for all irrigation areas, and in particular nitrogen species (ammonia and nitrate) in the applied irrigation wastewaters (where their concentrations are increasing) and in the receiving groundwater warrant continued close surveillance.
24. Irrigation of wastewater during the year led to mass loadings of nitrogen per hectare that were well in excess of those recommended by the Council and the description of N loadings previously provided by RNZ. As was the case for the 2021-2022 year, the rates of application in 2022-2023 raise questions about whether the ability of pasture to take up nitrogen could be or is being surpassed. On the other hand, the timing and volume of irrigation events in 2022-2023 suggest that these inputs were being managed more intentionally as a means of utilising pasture uptake for optimal nitrogen capture and treatment, rather than as a means to prevent the irrigation pond from overflowing.
25. Soil sampling in the new irrigation area L6 prior to its use (in 2021-2022) indicated that drilling wastes or contaminated compost had been spread or applied in the field, contrary to the consent. While soils in the remaining irrigation areas also show evidence of the re-distribution of contaminants derived from drilling wastes or the treated sawdust (unauthorised) that has been blended with the drilling wastes in the past, or of contaminated compost, levels of contamination are not of concern in terms of recognised soil quality criteria. However it should be noted that monitoring shows increasing trends in some key parameters within irrigation areas L3, L4 and L5. A Detailed Site Investigation of levels of contamination across the Uruti property was provided to the Council during the year, and results and their implications were under Council review at the end of the year.
26. During the year under review, despite compliance with a number of consents, the monitoring indicated poor management of the maintenance of water quality within the Haehanga Stream, leading to an overall categorisation of administrative and environmental performance as 'poor'. Delivery of best practices for odour minimisation and mitigation was observed to be variable during the year. While a number of complaints were unresolved, the absence of any proven episode of offensive or objectionable odour together with the efforts made by RNZ to improve odour control at the site has meant the categorisation of the environmental effects of the exercise of the air discharge consent during the year as 'good'.
27. In summary, during or as a consequence of their activities and effects during the 2022-2023 year, RNZ were issued one Abatement Notice for a non-compliant discharge to air, and three Infringement Notices for non-compliant discharges to land/water. The latter

were in respect of a situation found during the previous monitoring period, and two incidents during the year under review. A breach of the RAQP was addressed without formal enforcement. In the previous monitoring year, there had been five unauthorised incidents recording non-compliance in respect of this consent holder, leading to three infringement notices and consideration of further action in respect of the remaining two incidents.

28. 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 continued to be rated as poor in the year under review. This grading relates especially to issues around water quality.
29. This report includes recommendations for the 2023-2024 year, including liaising with RNZ and the Council's analytical laboratories to resolve discrepancies in measurements of ammoniacal and total nitrogen in irrigated wastewaters. As noted above, the Environment Court is considering the Company's application for consents to continue to discharge to land, water and air from its composting and vermiculture activities. These, and other consents held by the Company remain in effect. As such, the Council has prepared an appropriate interim monitoring programme based on the expired consents and the Company's environmental and administrative performance.

23-16 TPJ Partnership Cleanfill Monitoring Programme Annual Report 2022-2023

30. TPJ Partnership (the Partnership) operates a cleanfill located on Rainie Road at Hawera, in the Inaha catchment. The cleanfill material discharged at the site is predominantly construction and demolition waste. This is not typical for cleanfills in the region, which normally only accept minor amounts of acceptable materials from this type of waste stream.
31. **Overall, during the monitoring period, an improvement in TPJ Partnership's environmental performance was required, while the Partnership demonstrated a good level of administrative performance.**
32. The Partnership holds two resource consents, which allow it to discharge cleanfill and inert materials onto and into land, and to install piping in unnamed tributaries of the Inaha Stream. These consents include a total of 30 conditions setting out the requirements that the Partnership must satisfy.
33. The Council's monitoring programme for the year under review included four inspections and five water samples collected for physicochemical analysis. Notification was received prior to discharges where required. In the 2019-2020 to 2021-2022 years there had been ongoing liaison with the Partnership required. This was due to issues with notifications not containing all the information required by the conditions of the consent or where the suitability of material for cleanfill was uncertain. These issues were resolved during the year under review.
34. The monitoring showed that the cleanfill area was well-managed during the year, with no unacceptable materials found on site. Sampling indicated that the cleanfill may be contributing to small increases in metal concentrations immediately downstream of the area of the site that had been filled, but these did not persist further downstream.
35. During the year, the Partnership demonstrated a high level of environmental performance and a good level of administrative performance with the resource consents as defined in Appendix II. However, overall an improvement was required in the

Partnership's environmental performance, as an abatement notice and infringement notice were issued in relation to a discharge of silt and sediment to an unnamed stream during earthworks at the property. In relation to the Partnership's administrative performance, although the contents of the Management Plan have been agreed and been put into practice, a copy of the final version of the plan has not yet been provided to Council.

36. 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 in relation to the cleanfilling operation has improved, particularly with regard to improved control of the material brought onto the site for disposal.
37. This report includes recommendations for the 2023-2024 year, including a recommendation relating to an optional review of consents 10202-1 in June 2024.

23-19 Greymouth Petroleum Ltd Southern Sites Monitoring Programme Annual Report 2022-2023

38. 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.
39. **During the monitoring period, Greymouth Petroleum Ltd demonstrated a high level of environmental and administrative performance.**
40. GPL holds seven resource consents relating to production activities at the southern sites during the monitoring period, which includes a total of 123 conditions setting out the requirements that GPL must satisfy. GPL also has one consent 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.
41. 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. Seven water samples were collected from the Kaimiro Production Station and six from the Ngatoro-A site for physicochemical analysis, while two biomonitoring surveys of receiving waters and one ambient air quality survey was carried out in relation to the Kaimiro Production Station.
42. Minor issues were noted during some inspections, however no adverse effects on the environment were observed. Stormwater sampling found a generally clean discharge, with no significant differences between upstream and downstream samples of the receiving waters.
43. 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.
44. 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 nitrogen oxides were below levels of concern at the time of sampling. No offensive or objectionable odours were detected beyond the boundary during inspections.

45. In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance remains at a high level.
46. This report includes recommendations for the 2023-2024 year.

23-22 Westown Haulage Cowling Road Monitoring Programme Annual Report 2022-2023

47. Westown Haulage Limited/Westown Agriculture Limited (the Company) operates a cleanfill located on Cowling Road in Hurdon, in the Huatoki catchment. The activity relates to the filling of the southern portion of a gully with cleanfill material, with a contingency to receive a small amount of untreated sawdust from the Taranaki Pine site in Bell Block.
48. **During the monitoring period, an improvement was required in the Company's environmental performance, while the Company demonstrated a good level of administrative performance.**
49. The Company holds one resource consent for the discharge of cleanfill to land, which includes a total of 15 conditions setting out the requirements that the Company must satisfy.
50. The Council's monitoring programme for the year under review included three inspections and two water samples collected for physicochemical analysis. The monitoring showed that only acceptable materials were discharged at the site. Although good erosion and sediment controls were in place at the start of the monitoring year, and no visible effects were noted in the receiving waters, these were found to have deteriorated towards the end of the monitoring period.
51. During the year under review, an abatement notice was issued as a result of there being inadequate erosion and sediment control measures in place at the site and the sampling results showed that the suspended solids concentration of the receiving waters was elevated. Re-inspection found that the abatement notice had been complied with. The improvement that had been required in the Company's administrative performance in the 2021-2022 year (due to the lack of provision of the Erosion and Sediment Control Plan) was achieved early in the 2022-2023 year.
52. This report includes recommendations for the 2023-2024 year.

23-58 NPDC Inglewood WWTP Monitoring Programme Annual Report 2022-2023

53. The New Plymouth District Council (NPDC) operates a municipal wastewater treatment plant (WWTP) located on Lincoln Road at Inglewood, in the Kurapete catchment.
54. **During the monitoring period, NPDC demonstrated a high level of environmental and administrative performance.**
55. NPDC holds one resource consent to intermittently discharge treated wastewater to the Kurapete Stream, which includes a total of nine conditions setting out the requirements that they must satisfy.
56. The Council's monitoring programme for the year under review included three inspections and wastewater effluent analyses.

57. NPDC's maintenance programme continues to generally enhance the operation and appearance of the plant and effectively control any produced odour. No complaints were received in relation to the operation of the WWTP. Regular inspections indicated no immediate problems with the performance of the plant.
58. Five consented overflows were recorded during the monitoring year. No adverse environmental impacts were observed in the receiving waters as a result of these.
59. 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.
60. This report includes recommendations for the 2023-2024 year.

23-61 OMV NZ Pohokura Production Station Monitoring Programme Annual Report 2022-2023

61. OMV New Zealand Ltd (OMV), previously Shell Exploration NZ Ltd, operates a hydrocarbon production station and associated wellsites, located on Lower Otaraoa Road at Motunui in the Waipapa and Manu catchments.
62. **During the monitoring period, OMV New Zealand Ltd demonstrated a high level of environmental and administrative performance.**
63. OMV holds 13 resource consents which were actively monitored during the period under review, including a total of 133 conditions setting out the requirements that OMV must satisfy. OMV holds one consent to allow it to take and use water, four consents to discharge stormwater, two consents to discharge emissions into the air, two consents for various structures, two consents relating to deep well injection, and one consent each to disturb and occupy the coastal marine area.
64. The Council's monitoring programme for the year under review included two inspections, two water samples collected for physicochemical analysis and one ambient air quality analyses. The consent holder collected various data as required by consent conditions and for self-monitoring purposes.
65. The monitoring showed that the results from stormwater samples complied with the limits prescribed by consents. The results from OMV's stormwater monitoring also complied with consent limits. No adverse effects were noted on the receiving environment as a result of the discharge.
66. There were no adverse effects on the environment resulting from the exercise of the air discharge consent. Ambient air quality monitoring at the site showed that levels of nitrogen oxides were 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. Monitoring commissioned by OMV showed that the relevant New Zealand Workplace Exposure Standards for BTEX constituents were complied with.
67. Ecological assessments voluntarily commissioned by OMV of the intertidal coastal area surrounding the Pohokura site showed that the health of the reefs in the vicinity of the production station is comparable to other reefs around the Taranaki coastline that are subjected to periodic sand inundation. OMV's activities in the area did not appear to have had any adverse effect on the coastal environment.

68. 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.
69. This report includes recommendations for the 2023-2024 year.

23-64 NPDC Crematorium Monitoring Programme Annual Report 2022-2023

70. The New Plymouth District Council (NPDC) operates the Taranaki Crematorium located on State Highway 3 at 629 Junction Road, New Plymouth, located within the Waiwhakaiho catchment and the rohe of Te Atiawa.
71. **During the monitoring period NPDC demonstrated a high level of environmental and administrative performance.**
72. NPDC holds one resource consent which authorises the discharge of contaminants to air from three natural gas-fired cremators. The consent includes 22 conditions which impose monitoring and management measures to minimise the discharge of contaminants to air. The conditions also control ambient air quality limits to avoid significant adverse human health effects which may result from the activity.
73. This year Council's monitoring programme consisted of four compliance monitoring inspections which inspected the management controls in place and observed discharges from the stack while cremation was occurring.
74. This year the crematorium carried out 469 cremations, 20 more than the previous year. There were 101 in the Newton Cremator, 173 in the Elecfurn cremator, and 195 in the Austen Joule cremator. The Newton cremator was decommissioned and removed from the Site in October 2022, and replaced with the Austeng Joule cremator.
75. NPDC has achieved a 'high' rating for its overall performance for the last three years, and has improved notably since 2011.
76. This report recommends that the monitoring programme structure remains the same as for the 2023-2024 year. The inspection frequency will be reduced from four times per year to two in recognition of the high level of performance maintained over several years. Additionally, the emissions are largely minimised by computer controlled parameters rather than being reliant on staff input and site management.

23-68 New Zealand Energy Corporation DWI Monitoring Programme Annual Report 2022-2023

77. New Zealand Energy Corporation (the Company) and its subsidiaries operate the Tariki, Toko, Waihapa and Waitapu wellsites.
78. **During the monitoring period, the Company demonstrated a high level of environmental and administrative performance.**
79. The Company holds seven resource consents, which include a total of 103 conditions setting out the requirements that the Company must satisfy. Three of the seven consents were exercised during the reporting period.
80. The Council's monitoring programme for the year under review included seven inspections, two injectate samples and fourteen groundwater samples collected for physicochemical analysis. The monitoring programme also included a significant data review component, with all injection data submitted by the Company assessed for compliance on receipt.

81. 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. Consent 3688-2 was reviewed as recommended in the 2021-2022 report, during the period under review.
82. In terms of overall environmental and compliance performance by the Company over the last several years, this report shows that the Company's performance remains at a high level in the year under review.
83. This report includes recommendations for the 2023-2024 year.

23-69 Stratford District Council Water Supplies Monitoring Programme Annual Report 2022-2023

84. The Stratford District Council (SDC) operates three water treatment plants (WTPs) in the Stratford District that supply water to Stratford, Midhirst, and Toko. Each of the WTPs has a water take consent, and a consent to discharge backwash water either to land or to water.
85. **During the monitoring period, SDC demonstrated a high level of environmental and administrative performance.**
86. 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.
87. 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.
88. 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 incidents recording non-compliance in respect of this consent holder during the period under review.
89. In terms of overall environmental and compliance performance by SDC over the last several years, this report shows that SDC's performance remains at a high level in the year under review.
90. This report includes recommendations for the 2023-2024 year.

23-71 Dow Chemical (NZ) Ltd Monitoring Programme Annual Report 2022-2023

91. Corteva Agriscience New Zealand Ltd (Corteva) and subsequently Dow Chemical (NZ) Ltd (Dow) operated a former agrichemical production and packaging site situated on Paritūtū Road, New Plymouth in the Herekawe catchment. Corteva announced the closure of the plant in 2020. The final product was packed in February 2021 and by the end of May 2021 all chemicals had been removed and the site thoroughly cleaned in

preparation for the demolition of all above ground structures. This was completed in early 2023 and ownership of the site was transferred from Corteva to Dow on 21 February 2023, along with the site's resource consents.

- 92. During the monitoring period, both Corteva and Dow demonstrated a high level of environmental and administrative performance.**
93. Dow holds two resource consents, which allow it to discharge stormwater into the Herekawe Stream and to discharge emissions into the air at this site. These consents include a total of 24 conditions setting out the requirements that the Company must satisfy.
94. The Council's monitoring programme for the year under review included four inspections, two water samples collected for physicochemical analysis, two biomonitoring surveys of receiving waters, and one marine ecology inspection.
95. The monitoring showed that activities at the Paritūtū site had no significant impact on air quality in the vicinity of the plant or on water quality in the Herekawe Stream. There were no unauthorised incidents recording non-compliance in respect of the consent holders during the period under review.
96. 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.
97. This report includes recommendations for the 2023-2024 year.

Financial considerations - LTP/Annual Plan

98. 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

99. 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

100. 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.
101. 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

102. 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

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



Date: 21 November 2023

Subject: **Incidents, Compliance Monitoring Non-Compliances and Enforcement Summary – 15 September 2023 to 26 October 2023**

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

Document: 3222074

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 15 September 2023 to 26 October 2023.
2. The annual inspection for farm dairy effluent monitoring programme commences in September each year and usually finishes around March, however follow up inspections and winter milking inspections are also carried out during the rest of the year.

Executive summary

Incidents

3. There are seventy seven (77) incidents reported.
4. Forty one (41) of the incidents were found to be compliant and twenty nine (29) were found to be non-compliant. Seven (7) of the incidents reported relate to non-compliances from previous periods (updates). The action taken on the incidents is set out for members' information.

Compliance monitoring non-compliances

5. There are thirty six (36) compliance-monitoring non-compliances reported. Twenty six (26) of the compliance monitoring non-compliances reported are updates from previous periods.
6. Six (6) 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 – 15 September 2023 to 26 October 2023*
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 15 September 2023 to 26 October 2023, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Background

7. The Council receives and responds to pollution events and public complaints throughout the year. Consent compliance monitoring undertaken can also identify non-compliance. This information is recorded in the IRIS database together with the results of investigations and any follow-up actions. Such incidents and non-compliances are publicly reported to the Council through the Consents and Regulatory Committee via the Incidents, Compliance Monitoring Non-compliances and Enforcement Report or the Annual Compliance Monitoring Reports.
8. Attached is the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 15 September 2023 to 26 October 2023.
9. Staff have been delegated by the Council to undertake enforcement actions. The enforcement policy and procedures are approved by the Council and then consistently implemented and reported on by staff.

Disclosure Restrictions

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

Discussion

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

12. A summary of Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 15 September 2023 to 26 October 2023 is attached. The 'compliant' incidents are presented first in a table and the 'non-compliant' incidents are presented after in a more detailed summary, followed by the compliance monitoring non-compliances.
13. Generally, incidents in the 'compliant' table have a recommendation of 'no further action'. However, an incident is considered 'compliant' until such time as a non-compliance is found. Therefore, occasionally an incident in the 'compliant' table will have a recommendation of 'investigation continuing', if an ongoing investigation is still underway to confirm compliance.
14. A series of graphs are also attached comparing the number of incidents between 2016-2017 and 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.
15. 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

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

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

19. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan.

Community considerations

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

Legal considerations

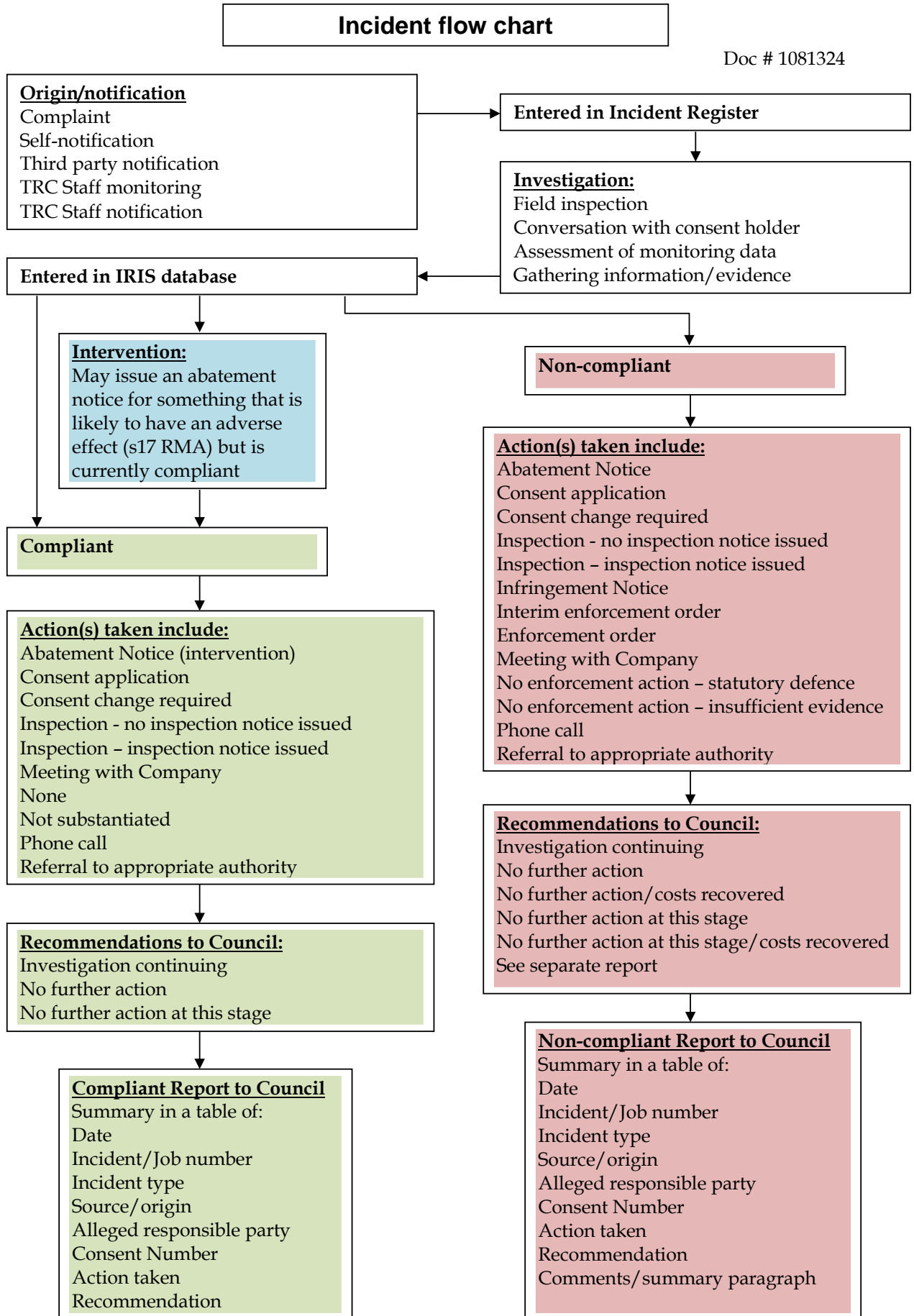
21. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

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

Document 3222065: [Incident and Enforcement Graphs to 26 October 2023](#)

Document 3222250: [Incidents, Compliance Monitoring and Enforcement Summary 15 September 2023 to 26 October 2023](#)



Terms explained

Compliance rating

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

Origin/Notification:

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

Action/s Taken:

14 day Letter	A letter was sent requesting an explanation for the non-compliance and why enforcement action should not be considered. The recipient is given 14 days to reply.
Abatement Notice	A notice was issued requiring something to be undertaken or something to cease to ensure compliance with Rules in the regional plans, resource consent or Resource Management Act 1991. Notice must be complied with or further enforcement action can be considered.
Consent application	A consent application has been received as a result of the investigation.
Consent change required	During the investigation it was found that a consent change was required.
Emergency Works	Emergency works was allowed under section 330 of the RMA. Often a subsequent resource consent is required.
Enforcement Order	An enforcement order has been issued by the Environment Court requiring action to be undertaken or something to cease. Notice must be complied with or further enforcement action can be

	considered.
Infringement Notice (\$xxx.xx)	An infringement notice was issued under Section 338(1)(a) of the Resource Management Act 1991 and Councils delegated authority.
Inspection Notice	An inspection was undertaken and a notice of advice/instruction was issued to landowner/alleged offender.
Inspection/no notice issued	An inspection was undertaken, however no inspection notice was issued as there was no alleged offender/landowner to issue one to (natural event, unsourced etc).
Interim Enforcement Order	An interim enforcement order has been issued by the Environment Court requiring action to be undertaken or something to cease. Notice must be complied with or further enforcement action can be considered.
Meeting with Company	A meeting was held with the Company to discuss the incident and ways to resolve any issues.
None	No action was required.
Not Substantiated	The incident could not be substantiated (i.e. it is not likely/possible/probable that the alleged incident could have taken place).
Phone call	A phone call was made to the alleged offender/authority.
Prosecution	A prosecution is being initiated for this incident.
Referral to Appropriate Authority	The incident was referred to the appropriate authority (District Council, Department of Conservation etc).

Recommendations to Council

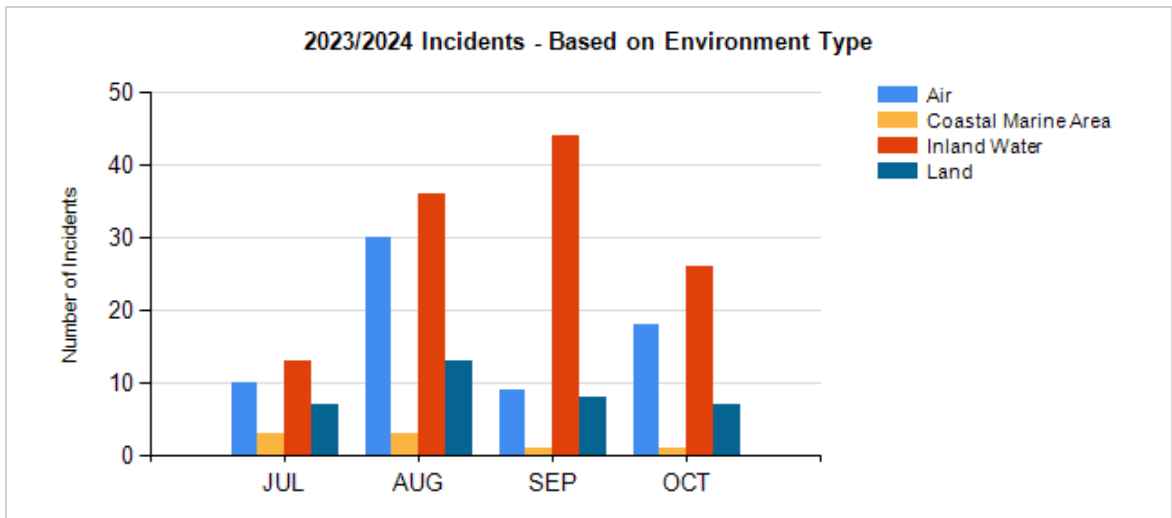
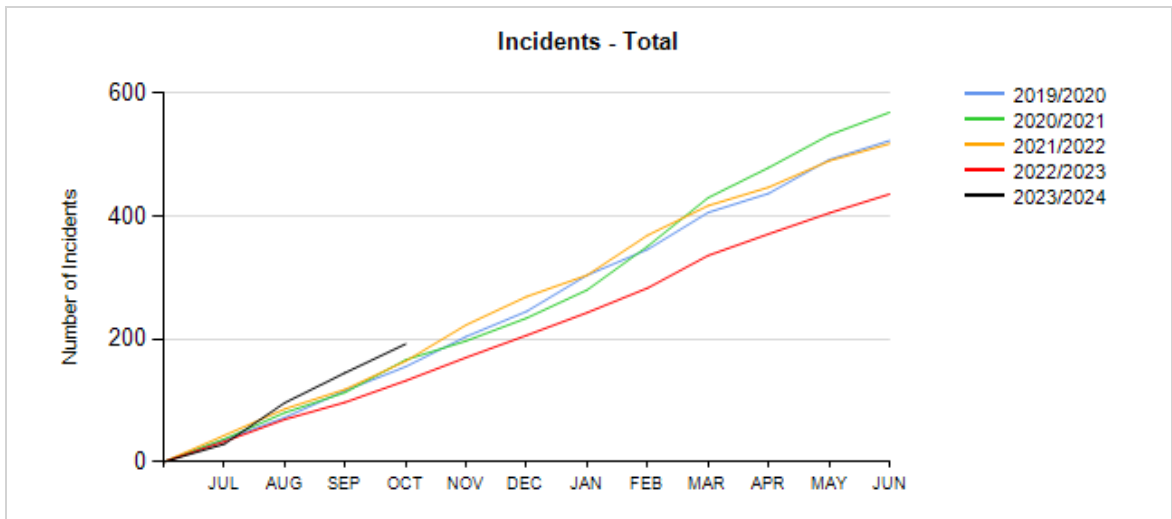
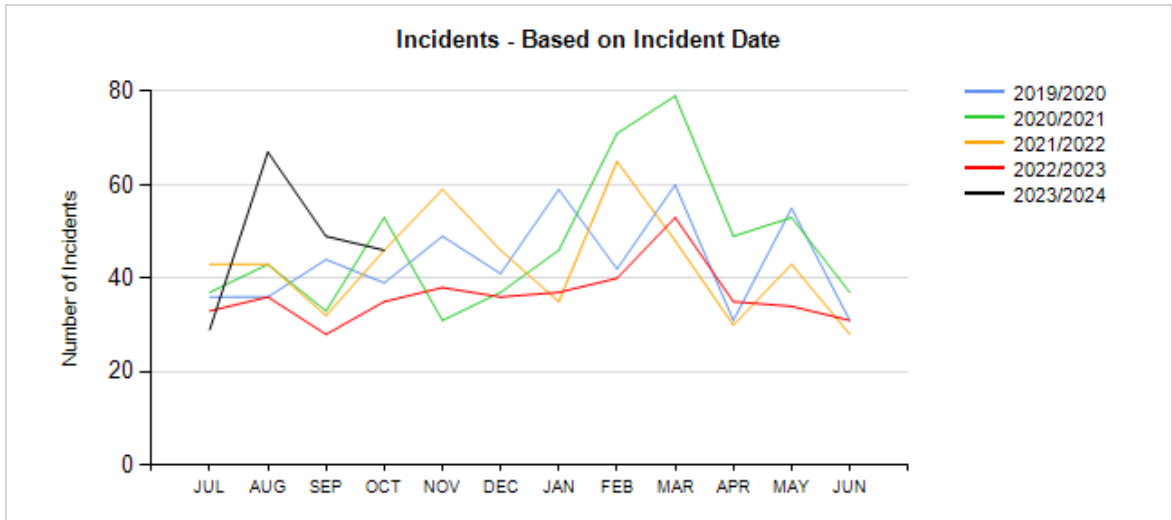
Investigation continuing	Outcome has not been finalised. Investigation is continuing on this incident, information/evidence still being gathered. Further action, including enforcement are being considered and therefore legally all information cannot be reported on this incident at this stage. These incidents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

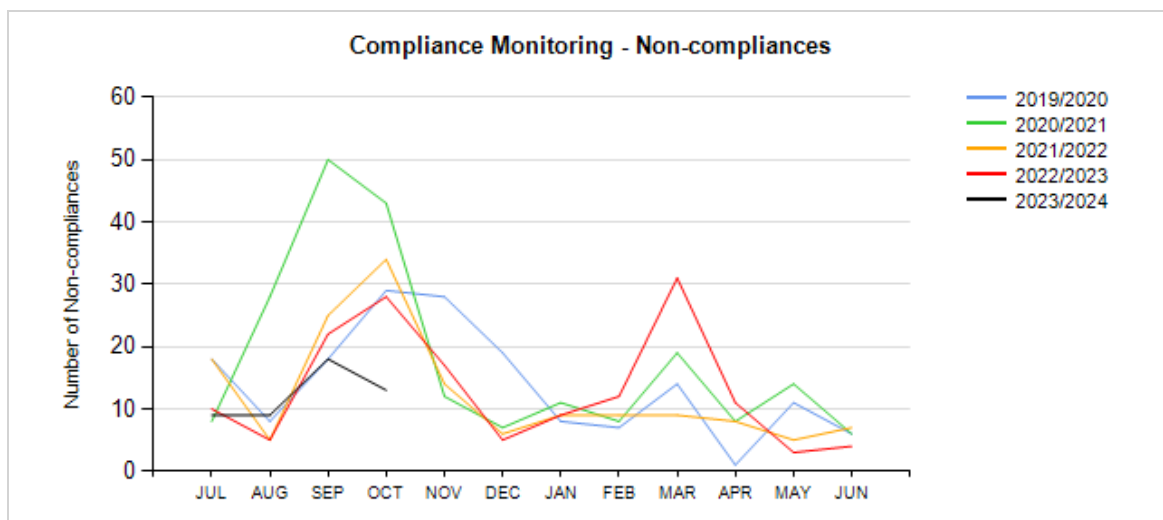
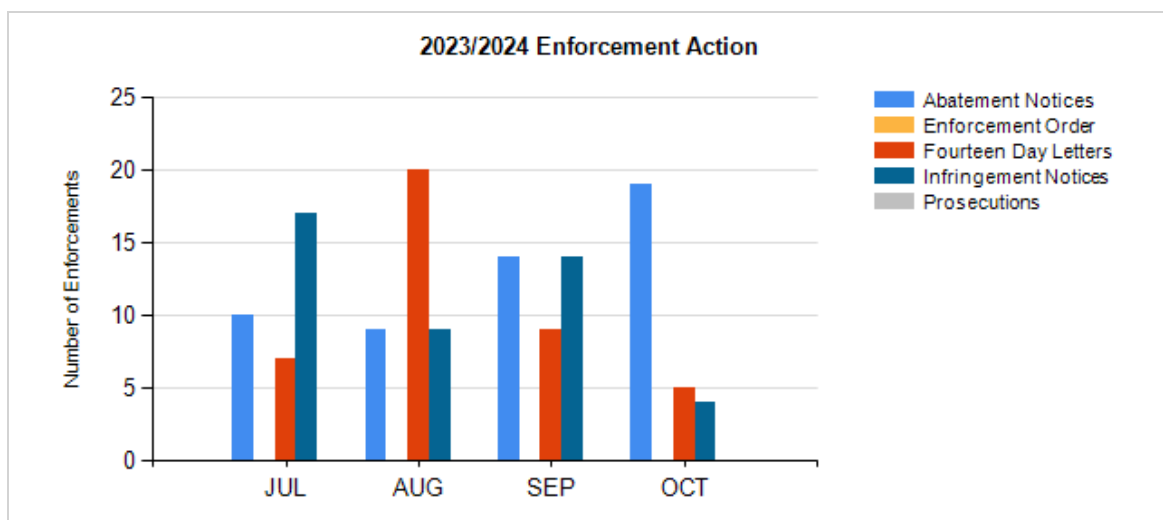
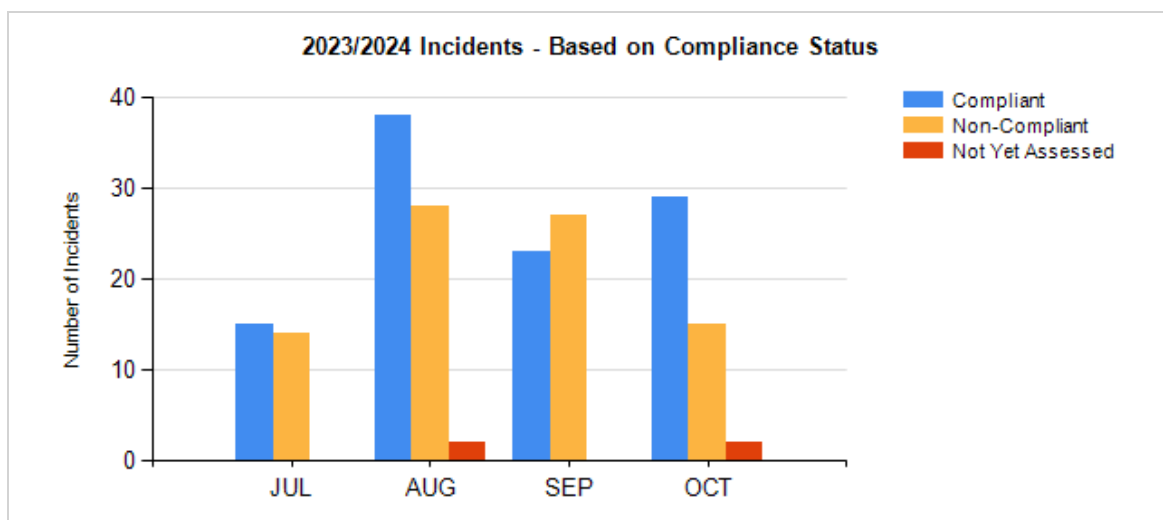
No further Action at this Stage/Costs Recovered	Investigation is completed, any required enforcement action has been undertaken and further action may be required at a later date (reinspection of Abatement Notice etc). Costs will be recovered from the alleged offender for the investigation.
---	---

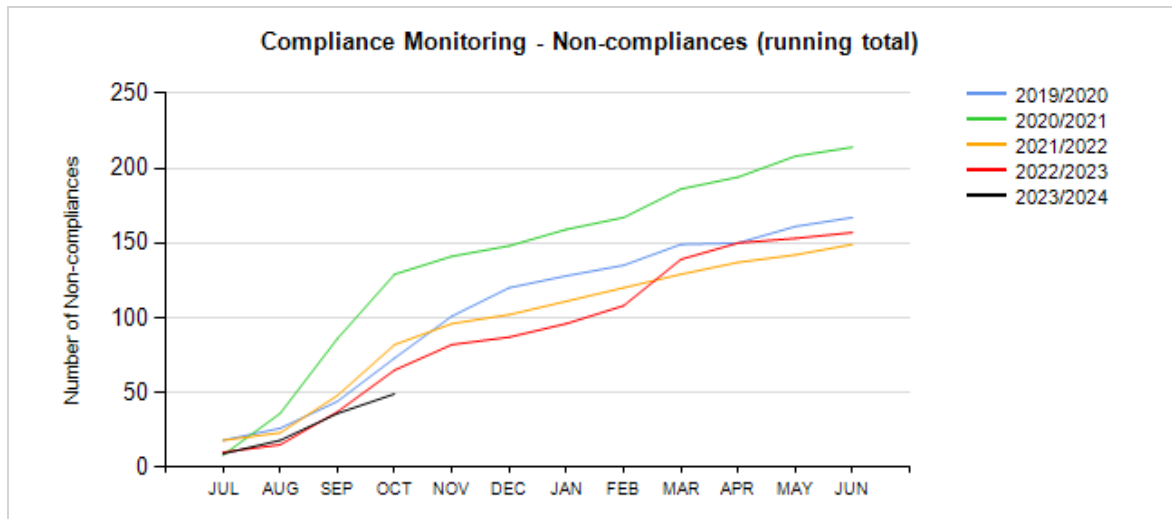
Defences under Sections 340 and 341 of the Resource Management Act 1991

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

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







Compliant Incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
5 Sep 2023	330124-103 IN/48333	Alleged earthworks - Oxford Road, Okato.	Complaint	RFWP Allowed	Investigation Continuing
18 Sep 2023	330124-130 IN/48452	Alleged odour - Mokau Road, Mimi.	Complaint	RAQP Allowed	No Further Action
19 Sep 2023	330124-125 IN/48416	Alleged flooded field - Opunake Primary School, Longfellow Road, Opunake.	Third Party Notification	RFWP Allowed	No Further Action
20 Sep 2023	330124-129 IN/48428	Alleged green stream - PG Nops scenic reserve, Inglewood.	Complaint	RFWP Allowed	No Further Action
22 Sep 2023	330124-133 IN/48449	Alleged stormwater discharge - Mayne Street, Waitara.	Complaint	RFWP Allowed	No Further Action
23 Sep 2023	330124-132 IN/48448	Alleged green stream - Plymouth Road, Hurford.	Complaint	Consent Compliance	No Further Action
25 Sep 2023	330124-137 IN/48463	Alleged cows in wetland - Parihaka Road, Pungarehu.	Complaint	Stock Exclusion Regs Allowed	No Further Action
25 Sep 2023	330124-138 IN/48464	Alleged cows in wetland - Upper Parihaka Road, Pungarehu.	Complaint	Stock Exclusion Regs Allowed	No Further Action
26 Sep 2023	330124-134 IN/48458	Alleged earthworks - Huatoki Street, New Plymouth.	Complaint	RFWP Allowed	No Further Action
28 Sep 2023	330124-142 IN/48472	Alleged petroleum/oil spill - corner of State Highway 3 and Princess Street, Waitara.	Complaint	RFWP Allowed	No Further Action

Compliant Incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
29 Sep 2023	330124-145 IN/48480	Alleged odour - Monmouth Road, Stratford.	Complaint	RAQP Allowed	No Further Action
29 Sep 2023	330124-148 IN/48484	Alleged stock crossing a stream - Pungarehu Road, Pungarehu.	Complaint	Stock Exclusion Regs Allowed	No Further Action
1 Oct 2023	330124-146 IN/48481	Alleged green stream - Patea River, Stratford.	Complaint	RFWP Allowed	No Further Action
4 Oct 2023	330124-150 IN/48499	Alleged odour - Mountain Road, Inglewood.	Complaint	Consent Compliance	No Further Action
4 Oct 2023	330124-151 IN/48500	Alleged odourant leak - Kapuni Gas Treatment Plant, Palmer Road, Kapuni.	Self-Notification	Consent Compliance	No Further Action
5 Oct 2023	330124-152 IN/48512	Alleged rubbish dumped - Okoki Road, Urenui.	Complaint	RFWP Allowed	No Further Action
5 Oct 2023	330124-153 IN/48518	Alleged wastewater discharge to Tawhiti Stream - Glasgow Street, Hawera.	Complaint	RFWP Allowed	No Further Action
5 Oct 2023	330124-154 IN/48519	Alleged odour - Clifton Drive, Waitara.	Complaint	RAQP Allowed	No Further Action
6 Oct 2023	330124-155 IN/48529	Alleged stock in waterway - Celia Street, Stratford.	Huria Eraio	Stock Exclusion Regs Allowed	No Further Action
6 Oct 2023	330124-160 IN/48555	Alleged earthworks - Mamuku Road, Brixton.	Complaint	RFWP Allowed	No Further Action

Compliant Incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
6 Oct 2023	330124-158 IN/48650	Alleged smoke - Hunter Street, Hawera.	Complaint	RAQP Allowed	No Further Action
6 Oct 2023	330124-159 IN/48651	Alleged wastewater overflow - Hurford Road, Omata.	Complaint	Consent Compliance	No Further Action
7 Oct 2023	330124-165 IN/48584	Alleged odour from a fire - Rimutauteka Road, Inglewood.	Complaint	RAQP Allowed	No Further Action
8 Oct 2023	330124-167 IN/48588	Alleged spray drift - Powderham Street, New Plymouth.	Complaint	RAQP Allowed	No Further Action
9 Oct 2023	330124-161 IN/48543	Alleged stock in wetland - Mid Parihaka Road, Pungarehu.	Complaint	Stock Exclusion Regs Allowed	No Further Action
9 Oct 2023	330124-162 IN/48546	Alleged burning - Devon Road, New Plymouth.	Complaint	RAQP Allowed	No Further Action
11 Oct 2023	330124-168 IN/48562	Alleged stock grazing waterway - Coastal Road, Pungarehu.	Complaint	RFWP Allowed	No Further Action
11 Oct 2023	330124-169 IN/48564	Alleged burning - Mangorei Road, New Plymouth.	Complaint	RAQP Allowed	No Further Action
11 Oct 2023	330124-188 IN/48669	Alleged unauthorised farm dairy effluent discharge - Upper Parihaka Road, Pungarehu.	Complaint	Consent Compliance	No Further Action
12 Oct 2023	330124-171 IN/48571	Alleged earthworks - Upper Duthie Road, Kaponga.	Complaint	RFWP Allowed	No Further Action

Compliant Incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
12 Oct 2023	330124-173 IN/48575	Alleged burning - Mangorei Road, New Plymouth.	Complaint	RAQP Allowed	No Further Action
13 Oct 2023	330124-174 IN/48589	Alleged discharge of offal - Motukawa Road, Tarata.	Third Party Notification	RFPW Allowed	No Further Action
17 Oct 2023	330124-175 IN/48603	Alleged discharge to water - Huatoki Stream, New Plymouth.	Complaint	RFPW Allowed	No Further Action
17 Oct 2023	330124-177 IN/48618	Alleged dead cow in stream - Te Henui Stream, New Plymouth.	Complaint	RFPW Allowed	No Further Action
18 Oct 2023	330124-176 IN/48609	Alleged diesel spill - Frankley Road, New Plymouth.	Complaint	RFPW Allowed	No Further Action
19 Oct 2023	330124-180 IN/48621	Alleged burning - Rowan Road, Kaponga.	Complaint	RAQP Allowed	No Further Action
19 Oct 2023	330124-182 IN/48625	Alleged odour - Clifton Drive - Waitara.	Complaint	RAQP Allowed	No Further Action
19 Oct 2023	330124-183 IN/48626	Alleged oil discharge - State Highway 3, Midhurst.	Complaint	RFPW Allowed	No Further Action
19 Oct 2023	330124-187 IN/48703	Alleged water run-off - Carthew Street, Okato.	Complaint	RFPW Allowed	No Further Action
24 Oct 2023	330124-185 IN/48654	Alleged discharge to air - Portland Drive, New Plymouth.	Complaint	RAQP Allowed	No Further Action

Compliant Incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Compliance Status	Recommendation
25 Oct 2023	330124-186 IN/48660	Alleged green stream - Mid Puniho Road, Warea.	Complaint	RFWP Allowed	No Further Action

Updates of Non-Compliant incidents from previous agendas

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
4 Aug 2023 Update	330124-036 IN/48091	Green Stream - Puniho Road, Warea.	Complaint	Greg Collins (55885) Neil Holdom (13251) Pinewood Dairy Limited (35681)	R2/0457-4.0	EAC-25273 - Explanation Requested - Letter EAC-25475 - Infringement Notice (\$750)	No Further Action At This Stage/Costs Recovered

Comments: A complaint was received regarding a 'green' stream at Mid Puniho Road, Warea. Investigation found that a stormwater diversion had been left open at the farm dairy resulting in untreated dairy effluent discharging directly to the stream. A letter requesting explanation has been sent and a response received.

7 Aug 2023 Update	330124-045 IN/48107	Earthworks - Huatoki Street, New Plymouth.	Complaint	Alisa Ravji (74741)		EAC-25259 - Abatement Notice	No Further Action
--------------------------------------	--	--	-----------	---------------------	--	------------------------------	-------------------

Comments: A complaint was received regarding insufficient silt and sediment controls at an earthworks site at Huatoki Street, New Plymouth. Investigation found that earthworks had been undertaken at a residential property in preparation for dwelling to be established. No silt and sediment controls were in place meaning that a discharge of sediment into the Huatoki Stream via the stormwater network during rainfall events was likely. An abatement notice was issued requiring erosion and sediment controls to be installed at the site. A number of reinspections found that the abatement notice was being complied with.

22 Aug 2023 Update	330124-071 IN/48242	Burning - Parakau Road, Waiwhakaiho.	Complaint	Christopher Herd (22706)		EAC-25348 - Explanation Requested - Letter	No Further Action
---------------------------------------	--	--------------------------------------	-----------	--------------------------	--	--	-------------------

Comments: A complaint was received regarding burning at a vacant site, open to the public at Parakua Road, Waiwhakaiho, New Plymouth. Inspection found that materials associated with household renovations had been burnt on the property. A letter requesting an explanation was sent to the landowner. A response received and accepted.

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>28 Aug 2023 Update</u>	330124-084 IN/48275	Dumping of carcasses - Kelly Road, Lepperton.	Complaint	Lloyd & Shona Bracegirdle (16679)		EAC-25330 - Explanation Requested - Letter EAC-25331 - Abatement Notice	Investigation Continuing

Comments: A complaint was received regarding the dumping of offal on land within the immediate vicinity of a stream at Kelly Road, Lepperton. Inspection found that a farm dump had been positioned adjacent to an unnamed tributary of the Mangaonia Stream in contravention of rules in the Regional Freshwater Plan for Taranaki. An abatement notice was issued requiring the materials to be removed. A letter of explanation has been sent and a response received. Due to wet weather an extension of the abatement notice was granted to allow the responsible party to remove the farm dump. Reinspection found that despite the top area being cleared of debris and planted out, some of the debris that was previously at the top of the valley had been moved down further into the valley including but not limited to a spa bath. At the time of inspection the abatement notice was not complied with. Further reinspection is required and enforcement action is being considered.

<u>31 Aug 2023 Update</u>	330124-091 IN/48298	Breach of discharge limits - New Plymouth Wastewater Treatment Plant, Rifle Range Road, New Plymouth.	Self-Notification	New Plymouth District Council (9565)	R2/0882-4.1 R2/10406-1.0		Investigation Continuing
---------------------------	--	---	-------------------	--------------------------------------	-----------------------------	--	--------------------------

Comments: A self notification was received to advise of an unplanned power outage at the New Plymouth Wastewater Treatment Plant, Rifle Range Road, New Plymouth. They advised during that period they were under the consent for total chlorine. Their response plan is to put up signs at Bell Block Beach and Waiwhakaiho Stream for no swimming or gathering of shellfish for 48 hours that afternoon. The caller advised she would follow up with a written explanation around what happened during the power outage. The power outage resulted in the total chlorine in the wastewater discharge falling below the consent limit for the period of the outage. Warning signs were erected at nearby beaches in accordance with the management plan for the site. An investigation report will be submitted to this council.

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
8 Sep 2023 <u>Update</u>	330124-108 IN/48346	Wastewater discharge - Pembroke Road, Stratford.	Complaint	Rikki & Michelle Parrett (69805)			No Further Action
<p>Comments: A complaint was received regarding wastewater discharging onto land and into an unnamed tributary of the Kahouri Stream at a residential property at Pembroke Road, Stratford. A number of inspections and samples were taken and while it was confirmed that a new wastewater treatment system had recently been installed at the dwelling, it was found that wastewater from a portion of the dwelling had not been redirected into the new treatment system resulting in the discharge to land. The responsible party has engaged a plumber to undertake a review of the system and address the known issue. A follow up inspections post the upgrade works have not identified any further unauthorised discharges from the onsite wastewater system.</p>							
14 Sep 2023 <u>Update</u>	330124-119 IN/48391	Farm Dump - Auroa Road, Kaponga.	TRC Staff Compliance Monitoring	Barker KA Trust (20027)	R2/0279-2	EAC-25390 - Abatement Notice	No Further Action
<p>Comments: During unrelated compliance monitoring, it was found that a farm dump had been placed within 25 metres of the Awatuna Stream at Auroa Road, Kaponga in contravention of rules in the Regional Freshwater Plan for Taranaki. An abatement notice was issued requiring the dump to be removed. A reinspection found that the farm dump had been removed to ensure compliance with the abatement notice.</p>							

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
15 Sep 2023	330124-120 IN/48395	Burning - Skeet Road, Kapuni.	Complaint	Corey Dew (75758)			No Further Action
<p>Comments: A complaint was received concerning the burning of unauthorised materials and nuisance smoke at the ex Kapuni primary school grounds at Skeet Road, Kapuni. An investigation found some items were being burned in breach of the rules in the Regional Air Quality Plan for Taranaki. An explanation was received at the time of the inspection. The occupier was advised of the rules in the Regional Air Quality Plan for Taranaki. The fire was immediately extinguished.</p>							
18 Sep 2023	330124-121 IN/48401	Cows grazing wetland - Parihaka Road Upper, Pungarehu.	Complaint	George Thony (3282)			No Further Action At This Stage
<p>Comments: A complaint was received regarding dairy cattle grazing and having access to an unnamed tributary of the Otahi Stream 1 at Upper Parihaka Road, Pungarehu. Investigation found that although temporary fencing had been placed along the stream bank, it was insufficient to ensure stock were excluded from the stream to ensure compliance with the Resource Management (Stock Exclusion) Regulations 2020. The matter has been referred to the Land Management Officer for follow-up with the responsible party.</p>							
18 Sep 2023	330124-122 IN/48403	Sewage overflow to stormwater - Devon Street West, New Plymouth.	Self-Notification	New Plymouth District Council (9565)	R2/0882-4.1 R2/10406-1.0		No Further Action At This Stage
<p>Comments: Notification was received regarding a discharge for wastewater from the New Plymouth District Council wastewater reticulation system at Devon Street West, New Plymouth. Investigation found that a blockage had resulted in wastewater discharging to land, into the stormwater network and into the Te Henui Stream. City Care undertook works to clear the blockage and utilised a sucker truck to retrieve the wastewater that had discharged to land. Further actions were undertaken to ensure that the contingency plan for unauthorised wastewater discharges was being complied with.</p>							

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Sep 2023	330124-124 IN/48412	Septic Tank Discharge - Pembroke Road, Stratford.	Complaint	Rikki & Michelle Parrett (69805)			No Further Action
<p>Comments: A complaint was received regarding wastewater discharging onto land at Pembroke Street, Stratford. This incident is a follow up to a previous complaint on 8 September 2023 (IN/48346 relates). A reinspection found a small discharge occurring from a culvert pipe into an unnamed tributary of the Kahouri Stream. Samples were taken of the discharge. The responsible party engaged a suitably qualified individual to update the onsite wastewater collection and treatment system to ensure compliance with the rules in the Regional Freshwater Plan for Taranaki. Reinspection found no unauthorised discharges at the property.</p>							
19 Sep 2023	330124-126 IN/48418	Farm dairy effluent discharge- Goodwin Road, Okato.	Self-Notification	Greg & Jess Rowe (37134) Windy Ridge Farm Company Limited (27602)	R2/1130-4.0	EAC-25395 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: Self notification was received regarding farm dairy effluent ponding and discharging to an unnamed tributary of the Waiweranui Stream at Goodwin Road, Okato. Mechanical failure had resulted in a discharge of farm dairy effluent from a travelling irrigator on the property into the unnamed tributary. Upon discovery, mitigation measures had been taken to stop the discharge. A letter requesting explanation has been sought.</p>							
20 Sep 2023	330124-128 IN/48419	Unauthorised burning - Mountain Road, Stratford.	Complaint	Ample Group Limited (52845) Henry Xie (75695)		EAC-25385 - Explanation Requested - Letter EAC-25403 - Infringement Notice (\$1,000)	No Further Action
<p>Comments: A complaint was received regarding black smoke discharging from a fire at Mountain Road, Stratford. An investigation found that a fire containing various unauthorised materials including, but not limited to fencing wire, tanalised posts and a tyre were being burnt at the site in contravention of rules in the Regional Air Quality Plan for Taranaki. A letter requesting explanation was sent and an explanation has been received.</p>							

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
20 Sep 2023	330124-127 IN/48421	Chicken Feathers - State Highway 3, Urenui.	Complaint	Bulk Lines (51551)		EAC-25394 - Explanation Requested - Letter	No Further Action At This Stage
Comments: A complaint was received regarding the discharge of chicken feathers along State Highway 3 extending from Urenui to Mount Messenger. Investigation found that chicken feathers and some small portions of offal, had discharged from a truck which was carting the product from a New Plymouth processing facility to a site in the Waikato district for disposal. The discharge was a result of a partially insecure tailgate on the truck during transport. The responsible party was contacted who immediately engaged the appropriate organisations who commenced a clean up of the state highway network in both Taranaki and Waikato regions. An explanation was subsequently provided and accepted.							
22 Sep 2023	330124-131 IN/48438	Unauthorised discharge - Waiwhakaiho River, New Plymouth.	Complaint	Unknown Unsourced (9768)			No Further Action
Comments: Notification was received from a New Plymouth District Council contractor working on the Te Rewa Rewa Bridge that an unknown person had tipped paint into the Waiwhakaiho River. The paint appeared to have been aged and partially solidified which resulted in the product settling in clumps on the river bed. The material was removed by the contractor and disposed of appropriately. The responsible party could not be identified.							
25 Sep 2023	330124-136 IN/48462	Green Stream - Mid Parihaka Road, Pungarehu.	Complaint	Wainui Dairies Partnership (28940)	R2/2080-3.0	EAC-25488 - Abatement Notice	Investigation Continuing
Comments: A complaint was received regarding a 'green' stream on Mid Parihaka Road, Pungarehu. An investigation found that the infrastructure associated with the oxidation pond treatment system had failed resulting in dairy effluent and associated washwater discharging to the Waitotoroa Stream via the stormwater diversion system in contravention of resource consent conditions. The responsible party undertook immediate works to cease the discharge and address the cause. A reinspection found that the resource consent conditions were being complied with. A letter of explanation was requested and a response received. Further enforcement action is being considered.							

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
26 Sep 2023	330124-135 IN/48459	Unauthorised earthworks - Ainsley Street, New Plymouth.	Complaint	Maia Properties Limited (50420)			Investigation Continuing
<p>Comments: A complaint was received regarding earthworks at a residential subdivision at Ainslee Street, New Plymouth. The complainant advises there is an extra 40 metres of a stream that has been piped and may not have resource consent.</p>							
26 Sep 2023	330124-139 IN/48465	Abandoned vehicle - Patea River, Patea.	Complaint	Unknown Unsourced (9768)			No Further Action
<p>Comments: A complaint was received regarding an abandoned vehicle in the Patea River, Patea. An investigation found that New Zealand Police were aware of the vehicle that had been stolen from outside the region and dumped in the river. An inspection found that there was no evidence of a discharge of hydrocarbons from the vehicle. The vehicle was subsequently removed from the river by this council.</p>							
26 Sep 2023	330124-140 IN/48467	Stock in stream - Mid Parihaka Road, Pungarehu.	Complaint	Cape View Farms (13074)		EAC-25484 - Abatement Notice	No Further Action At This Stage
<p>Comments: A complaint was received concerning a discoloured stream on Mid Parihaka Road, Pungarehu. An investigation found a herd of dairy cows were in a paddock that had an unfenced stream. The stock were found to be accessing the stream in contravention of rules in the Resource Management (Stock Exclusion) Regulations 2020. A re-inspection was undertaken and the responsible party had undertaken works to exclude stock from the waterway.</p>							

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
26 Sep 2023	330124-141 IN/48468	Unauthorised discharge - Weld Road, State Highway 45, Oakura.	Complaint	Sarten Family Partnership (3655)	R2/3488-2	EAC-25413 - Abatement Notice	No Further Action/Costs Recovered

Comments: A complaint was received concerning a potential 'green' stream at Weld Road, Oakura. Inspection found that farm dairy effluent had been applied to land via a travelling irrigator. The effluent had flowed downhill towards the Whenuariki Stream in contravention of resource consent conditions. There was no evidence of effluent entering surface water. An abatement notice was issued requiring works to be undertaken to ensure that resource consent conditions are being complied with at all times. A reinspection found that the abatement notice was being complied with.

28 Sep 2023	330124-143 IN/48476	Dead Cow adjacent to stream - Waiteika Road, Opunake.	Complaint	Kevandra Farms Limited (34919)			No Further Action
-------------	--	---	-----------	--------------------------------	--	--	-------------------

Comments: A complaint was received regarding a dead cow in close proximity to a stream at Waiteika Road, Opunake. An inspection found a dead cow next to an unnamed tributary of the Waiteika Stream. The owner of the animal was contacted and undertook action to remove the animal and dispose of it appropriately. A reinspection found it had been removed.

28 Sep 2023	330124-144 IN/48479	Dead cow in the Patea River- Swansea Road, Stratford.	Complaint	Unknown Unsourced (9768)			No Further Action
-------------	--	---	-----------	--------------------------	--	--	-------------------

Comments: A complaint was received regarding a dead cow in the Patea River on the Carrington Walkway, Stratford. An inspection found a dead calf and a small lamb washed up in a pile of vegetation on the side of the waterway. The animals were not able to be identified and the owner could not be found. The animals were removed and disposed of by Taranaki Regional Council staff in an appropriate manner.

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
1 Oct 2023	330124-147 IN/48483	Discoloured stormwater discharge - Te Henui Stream, New Plymouth.	Complaint	Unknown Unsourced (9768)			No Further Action
Comments: A complaint was received regarding the discolouration of a stormwater discharge into the Te Henui Stream at Northgate, New Plymouth. Investigation found that the stormwater from a New Plymouth District Council stormwater outlet was flowing white in colour resulting in discolouration within the immediate vicinity of the stormwater outlet into the Te Henui Stream. The discharge began to clear during the inspection and the responsible party could not be identified.							
3 Oct 2023	330124-149 IN/48497	Rubbish dumped - Wataroa Road, Pungarehu.	Complaint	St George By The Sea Limited (50987)			No Further Action
Comments: A complaint was received regarding farm rubbish being dumped adjacent to Wataroa Road, Pungarehu. An investigation found dumped rubbish within 25 metres of the Kapoaiaia Stream at Wataroa Road, Pungarehu. The responsible party was contacted and undertook immediate action to remove the rubbish and dispose of it appropriately. No detrimental effects were noted to either land or water.							
6 Oct 2023	330124-156 IN/48531	Sewage discharge - Gregory Road, Rahotu.	Complaint	Rahotu Primary School (17474)			Investigation Continuing
Comments: A complaint was received regarding a potential sewage discharge into a stream at Gregory Road, Rahotu. An inspection found an unnamed tributary of the Rautini Stream to be odorous. Further investigation upstream found the school field at Rahotu Primary School was soggy in the area above the sewage treatment system which is located approximately 30 metres from the stream. Samples were taken upstream and downstream of the field. Investigation continuing.							
7 Oct 2023	330124-166 IN/48587	Odour - John Mana Way, New Plymouth.	Complaint	Unknown Unknown (74681)			No Further Action
Comments: A complaint was received regarding an odour emanating in the vicinity of John Mana Way, New Plymouth. On arrival an odour was detected however, the odour plume was narrow and intermittent. The source of the odour could not be identified.							

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
9 Oct 2023	330124-157 IN/48538	Oil spill - Broadway, Stratford.	Complaint	Envirowaste Services Limited (51916)			No Further Action
<p>Comments: A complaint was received regarding a hydraulic oil spill on the road at Broadway, Stratford. An investigation found that a hydraulic hose had failed on a heavy motor vehicle resulting in the discharge of hydraulic oil onto the road surface. The responsible party undertook immediate works to cease the discharge and recover the spilt hydrocarbons. No hydrocarbons had entered the stormwater system. A reinspection found staining resulting from the spill with all contaminants at risk of being mobilised during wet weather events recovered and disposed of appropriately.</p>							
9 Oct 2023	330124-163 IN/48553	Unauthorised discharge of farm dairy effluent - Ihaia Road, Opunake.	Complaint	Ihaia Te-Mara Trust (20380)	R2/3764-2	EAC-25458 - Abatement Notice EAC-25474 - Explanation Requested - Letter	Investigation Continuing
<p>Comments: A complaint was received regarding farm dairy effluent pooling on land and discharging overland into a neighbouring property at Ihaia Road, Opunake. An investigation found that farm dairy effluent had been applied to land in a method and rate that was in contravention of resource consent conditions at various locations across the property. One area of application had resulted in significant ponding and pooling of effluent onto land where it had discharged onto a neighboring property. An abatement notice was issued requiring works to be undertaken to ensure compliance with resource consent conditions. A reinspection found that further applications of farm dairy effluent had been applied to land resulting in further ponding in contravention of resource consent conditions. A letter requesting an explanation has been sought. Further enforcement action is being considered.</p>							
10 Oct 2023	330124-164 IN/48554	Discharge to air - Katere Road, New Plymouth.	Complaint	Agrifeeds Ltd (15217)			No Further Action
<p>Comments: A complaint was received regarding dust discharging beyond the boundary on an industrial site at Katere Road, Bell Block. At the time of the inspection the site was not occupied and no dust was observed discharging. However, further enquiries revealed that the discharge of dust was associated with the loading and unloading of trucks at the site. The site operator was contacted and advised of the complaint and the rules regarding the discharge of contaminants (dust) to air from industrial and trade premise in accordance with rules in the Regional Air Quality Plan for Taranaki.</p>							

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
10 Oct 2023	330124-172 IN/48577	Unauthorised earthworks - Hurford Road, Omata.	Complaint	Richard Kalin (54479)			Investigation Continuing
<p>Comments: A complaint was received regarding earthworks that had been undertaken on a property at Hurford Road, Omata. An inspection found evidence of recent earthworks and two dammed areas constructed on the property. Fish passage had not been provided for across the dams and there was evidence of a discharge of sediment within the vicinity of a wetland on the property. Photographs were taken. Further investigation is required.</p>							
11 Oct 2023	330124-170 IN/48567	Discharge to water - Waionganaiti Stream, Humphries Street, Inglewood.	Complaint	Unknown Unsourced (9768)			No Further Action
<p>Comments: A complaint was received regarding the Waionganaiti Stream running cloudy in colour at Humphries Street, Inglewood. An investigation found the stream still had some 'cloudy' discolouration but it had cleared since the initial complaint. The stream continued to clear during the inspection and the investigation was unable to locate the source of the discolouration.</p>							
18 Oct 2023	330124-178 IN/48619	Dead cow - Te Henui River Mouth, East End Beach, New Plymouth.	Complaint	Unknown Unsourced (9768)			No Further Action
<p>Comments: A complaint was received regarding a dead cow in the Te Henui Stream at the East End Reserve, New Plymouth. An inspection found that the animal was significantly decomposed. The owner of the animal could not be identified and New Plymouth District Council contractors undertook the removal and appropriate disposal of the carcass.</p>							
19 Oct 2023	330124-181 IN/48622	Green stream - Hall Terrace, Oakura.	Complaint	Unknown Unsourced (9768)			No Further Action
<p>Comments: A complaint was received regarding an unnamed tributary of the Oakura River flowing 'green' in colour at Hall Terrace, Oakura. At the time of the inspection the stream had begun to clear. An inspection of neighbouring properties was unable to identify the source of the discolouration.</p>							

Non-compliant incidents for the period 15 Sep 2023 to 26 Oct 2023

Incident Date	Job Number IRIS ID	Incident Type	Source	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
19 Oct 2023	330124-179 IN/48629	Oil Spill - Vivian Street, New Plymouth.	Online Services	Power Co - Emergency Contact (30180)			No Further Action
<p>Comments: Self-notification was received regarding a discharge of oil onto land at Vivian Street, New Plymouth. Inspection found that a transformer had failed resulting in the discharge of approximately 10 litres of oil onto land within the immediate vicinity of the transformer. Contractors had been engaged and undertook immediate works to contain and recover the spill. The transformer was subsequently replaced. An inspection of the adjacent stormwater system confirmed that no oil had discharged into the stormwater network.</p>							
22 Oct 2023	330124-184 IN/48648	Discoloured Stream - Te Henui Stream, New Plymouth.	Complaint	Unknown Unsourced (9768)			No Further Action
<p>Comments: A complaint was received regarding the discolouration of a stormwater discharge into the Te Henui Stream at Northgate, New Plymouth. Investigation found that the stormwater from a New Plymouth District Council stormwater outlet was flowing white in colour resulting in discolouration within the immediate vicinity of the stormwater outlet into the Te Henui Stream. The discharge began to clear during the inspection and the responsible party could not be identified. This is the second similar incident at this location (IN/48483 relates). Proactive weekend inspections have been initiated in an attempt to identify the source of the discolouration.</p>							
23 Oct 2023	3301-24-189 IN/48685	Odour - Barrett Road, New Plymouth.	TRC Staff Notification	Unknown Unsourced (9768)			No Further Action
<p>Comments: A complaint was received regarding an odour within the vicinity of Barrett Road, New Plymouth. Investigation detected the odour as a 'poultry' type odour. Further inspections eliminated the nearby broiler sheds. It was thought that the odour may have originated from the use of organic fertiliser on nearby pastoral farming operations, however the source of the odour was unable to be identified.</p>							

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<u>23 Mar 2023 Update</u>	332124-002 ENF-23987	Compliance Monitoring Insp	Non-compliance	Remediation (NZ) Limited (30679)	R2/5838-2.2	EAC-25341 - Infringement Notice (\$750)	No Further Action/Costs Recovered

Comments: During analysis (16 June 2023) of surface water sampling results, taken on 23 March 2023, associated with routine compliance monitoring, it was found that the Biochemical Oxygen Demand in the surface waters was in contravention of resource consent conditions and Abatement Notice EAC-24147 at the Remediation (NZ) Limited composting facility at Mokau Road, Uruti. A letter requesting an explanation has been sent and an explanation received.

<u>27 Apr 2023 Update</u>	332123-144 ENF-23930	Compliance Monitoring Insp	Non-compliance	Fonterra Limited (50606)	R2/3902-3.0	EAC-25401 - Infringement Notice (\$750) EAC-25251 - Explanation Requested - Letter	No Further Action/Costs Recovered
---------------------------	---	-------------------------------	----------------	--------------------------	-------------	---	-----------------------------------

Comments: Analysis of samples taken during routine monitoring found that the oil and grease concentrations within the stormwater discharge were above the consented limits at a milk processing site at Whareroa Road, Hawera. The company is undertaking an investigation into the non-compliance. A letter requesting an explanation has been sent and a response has been received.

<u>3 Jul 2023 Update</u>	332124-001 ENF-23978	Compliance Monitoring Insp	Non-compliance	Ferndene Group Limited (70308)	R2/10848-1.0	EAC-25195 - Abatement Notice	No Further Action/Costs Recovered
--------------------------	---	-------------------------------	----------------	--------------------------------	--------------	------------------------------	-----------------------------------

Comments: During routine compliance monitoring it was found that a water abstraction meter and data logger had not been installed in contravention of resource consent conditions at a quarry operation at Upland Road, Egmont Village. An abatement notice was issued requiring the devices to be installed to ensure compliance with resource consent conditions. A reinspection found that the data logger had been installed to ensure compliance with the resource consent and abatement notice.

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
7 Jul 2023 Update	332124-006 ENF-23991	Compliance Monitoring Insp	Non-compliance	ForestryCo (73350) JNS Harvesting Ltd (75314)	PA/20451-01	EAC-25487 - Infringement Notice (\$750) EAC-25486 - Infringement Notice (\$750) EAC-25226 - Explanation Requested - Letter EAC-25225 - Explanation Requested - Letter EAC-25220 - Abatement Notice EAC-25219 - Abatement Notice EAC-25218 - Abatement Notice EAC-25215 - Abatement Notice	No Further Action

Comments: During routine compliance monitoring of a plantation forest harvesting operation it was found that the site was not operating in accordance with rules in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 at Puniwhakau Road, Puniwhakau. The inspection found that inadequate erosion and sediment controls were present on the site and slash had been deposited within the surface water 5% annual exceedance probability flow exclusion zone. Abatement notices were issued requiring all harvesting to cease and for works to be undertaken to ensure the site is operating in accordance with the rules. Reinspections have been undertaken at the site confirming works have been undertaken to remove slash and manage stormwater flows at the site. Further works are still being completed at the site and officers continue to monitor the site and associated works on a regular basis.

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>1 Aug 2023 Update</u>	332124-051 ENF-24150	Hydrological Inspection	Non-compliance	Duncan Wilson (27464)	R2/9608-1.2	EAC-25471 - Abatement Notice EAC-25433 - Explanation Requested - Letter	Investigation Continuing

Comments: During routine compliance monitoring it was found that a bore was not being operated and maintained in accordance with resource consent conditions at Hawken Road, Waitotara. The infrastructure associated with the bore was leaking resulting in inaccurate water take data being recorded. Access to the bore for static water level measuring was not possible. An abatement notice was issued requiring works to be undertaken to remedy the issues. A reinspection will be undertaken after 30 November 2023.

<u>3 Aug 2023 Update</u>	332124-017 ENF-24059	Annual Inspection	Significant non-compliance	Greg Hill (55389)	R2/3632-3.0	EAC-25402 - Infringement Notice (\$750) EAC-25318 - Explanation Requested - Letter	No Further Action At This Stage/Costs Recovered
--------------------------	---	-------------------	----------------------------	-------------------	-------------	---	---

Comments: During the annual dairy inspection round it was found that the farm dairy effluent disposal system was not operating within resource consent conditions and Abatement Notice, EAC-25071, which was issued as a result of a previous non-compliance at Manaia Road, Kapuni. Reinspection found that the abatement notice and resource consent conditions were not being complied with at the time of inspection. A letter of explanation was sent and a response received.

<u>11 Aug 2023 Update</u>	332124-016 ENF-24043	Office Assessment	Non-compliance	Molten Metals Limited (25848)	R2/9974-1.0	EAC-25300 - Explanation Requested - Letter	Investigation Continuing
---------------------------	---	-------------------	----------------	-------------------------------	-------------	--	--------------------------

Comments: During analysis 10 August 2023 of stormwater samples taken during routine compliance monitoring, it was found that the suspended solid concentration was in contravention of resource consent conditions, and previously issued Abatement Notice EAC-25118 at a scrap metal recycling site at Centennial Drive, New Plymouth. A letter of explanation had been sent and an explanation received. The responsible party has engaged suitably qualified consultants to undertake a review and potential upgrade of the stormwater management system at the site. Further enforcement action is being considered.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<u>14 Aug 2023 Update</u>	332124-015 ENF-24075	Compliance Monitoring Insp.	Non-compliance	Taranaki Sawmills Ltd (10015)	R2/3491-3.0	EAC-25337 - Explanation Requested - Letter No Enforcement Action - Other	No Further Action/Costs Recovered

Comments: During analysis (29 August 2023) of stormwater samples taken during routine compliance monitoring, it was found that the suspended solid concentration (250 gm/m³) was in contravention of resource consent conditions at an industrial site at Katere Road, New Plymouth. A letter of explanation was sent and an explanation received and accepted.

<u>17 Aug 2023 Update</u>	332124-042 ENF-24167	Annual Inspection	Non-compliance	Alexander Farms Limited (69447)	R2/10767-1.0	EAC-25460 - Explanation Requested - Letter EAC-25449 - Abatement Notice	Investigation Continuing
---------------------------	---	-------------------	----------------	---------------------------------	--------------	--	--------------------------

Comments: During routine compliance monitoring, it was found that water was being abstracted from a bore in contravention of resource consent conditions at Peat Road, Waverley. An abatement notice was issued and a letter requesting an explanation has been sent. Further enforcement action is being considered.

<u>6 Sep 2023 Update</u>	332124-024 ENF-24097	Annual Inspection	Significant non-compliance	The Country Roads Limited (75203)	R2/1250-3	EAC-25512 - Infringement Notice (\$750) EAC-25371 - Abatement Notice	No Further Action At This Stage/Costs Recovered
--------------------------	---	-------------------	----------------------------	-----------------------------------	-----------	---	---

Comments: During analysis of samples (14 September 2023), taken during the annual dairy inspection round (06 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Victoria Road, Oakura. 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 and resource consent was being complied with at the time of inspection.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<u>7 Sep 2023 Update</u>	332124-021 ENF-24086	Annual Inspection	Non-compliance	Childs Creek Limited (69351)	R2/2941-2	EAC-25353 - Abatement Notice	No Further Action/Costs Recovered

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

<u>7 Sep 2023 Update</u>	332124-025 ENF-24098	Annual Inspection	Non-compliance	Jaska Farm Trust (31533)	R2/1667-3	EAC-25372 - Abatement Notice	Investigation Continuing
--------------------------	---	-------------------	----------------	--------------------------	-----------	------------------------------	--------------------------

Comments: During analysis of samples (15 September 2023), taken during the annual dairy inspection round (7 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Ratapiko Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken prior to 24 November 2023.

<u>12 Sep 2023 Update</u>	332124-035 ENF-24146	Annual Inspection	Significant non-compliance	Rocky River Limited and Piakau Limited (72927)	R2/4304-2	EAC-25511 - Explanation Requested - Letter EAC-25429 - Abatement Notice	No Further Action/Costs Recovered
---------------------------	---	-------------------	----------------------------	--	-----------	--	-----------------------------------

Comments: During analysis of samples (12 September 2023), taken during the annual dairy inspection round (7 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Mountain Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice and resource consent was being complied with at the time of inspection.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
13 Sep 2023 <u>Update</u>	332124-030 ENF-24124	Chemical Sampling Survey	Non-compliance	Taranaki By-Products Limited (9197)	R2/5426-1	EAC-25399 - Abatement Notice	No Further Action/Costs Recovered

Comments: During analysis of samples (13 September 2023), taken during routine compliance monitoring (15 August 2023), it was found that the suspended solids concentration within the fire water pond was not within resource consent conditions at the Taranaki By-Products rendering facility on Kohiti Road, Okaiawa. An investigation found that the exceedance was due to a digger damaging a discharge pipe at the time of the sampling. The pipe was immediately repaired and the explanation was accepted. No adverse effects on the receiving environment was noted as a result of the consent non-compliance.

13 Sep 2023 <u>Update</u>	332124-038 ENF-24142	Annual Inspection	Non-compliance	Gydeland Farm Limited (30735)	R2/0655-4.0	EAC-25425 - Abatement Notice	Investigation Continuing
------------------------------	---	-------------------	----------------	-------------------------------	-------------	------------------------------	--------------------------

Comments: During analysis of samples (22 September 2023), taken during the annual dairy inspection round (13 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Upper Durham Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 October 2023.

14 Sep 2023 <u>Update</u>	332124-040 ENF-24144	Annual Inspection	Non-compliance	Sabarr Trusts Partnership (24758)	R2/0565-3.1	EAC-25427 - Abatement Notice	Investigation Continuing
------------------------------	---	-------------------	----------------	-----------------------------------	-------------	------------------------------	--------------------------

Comments: During analysis of samples (24 September 2023), taken during the annual dairy inspection round (14 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Egmont Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 31 October 2023.

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>18 Sep 2023 Update</u>	332124-039 ENF-24140	Annual Inspection	Non-compliance	Kau Taonga Limited (75636)	R2/1351-3.1	EAC-25422 - Abatement Notice	Investigation Continuing

Comments: During analysis of samples (27 September 2023), taken during the annual dairy inspection round (18 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Dudley Road Upper, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 3 November 2023.

<u>20 Sep 2023 Update</u>	332124-044 ENF-24179	Annual Inspection	Non-compliance	Melpaca Trusts (11046)	R2/1599-3	EAC-25464 - Abatement Notice	Investigation Continuing
---------------------------	---	-------------------	----------------	------------------------	-----------	------------------------------	--------------------------

Comments: During analysis of samples (9 October 2023), taken during the annual dairy inspection round (27 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Upper Durham Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 17 November 2023.

<u>21 Sep 2023 Update</u>	332124-029 ENF-24119	Annual Inspection	Significant non-compliance	Mark Tobeck (32071)	R2/2967-2	EAC-25397 - Abatement Notice EAC-25396 - Explanation Requested - Letter	Investigation Continuing
---------------------------	---	-------------------	----------------------------	---------------------	-----------	--	--------------------------

Comments: During analysis of samples (26 September 2023), taken during the annual dairy inspection round (21 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Opunake Road, Awatuna. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice was not being complied with at the time of inspection. A letter requesting explanation was sent. Further enforcement action is being considered.

Updates of Compliance Monitoring – Non-compliances from previous agendas

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
<u>21 Sep 2023 Update</u>	332124-036 ENF-24145	Annual Inspection	Non-compliance	Tariki Pines Limited (75334)	R2/0697-3.0	EAC-25428 - Abatement Notice	Investigation Continuing

Comments: During analysis of samples (2 October 2023), taken during the annual dairy inspection round (21 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Bedford Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 5 November 2023.

<u>27 Sep 2023 Update</u>	332124-045 ENF-24180	Annual Inspection	Non-compliance	Highgarth Trusts Partnership, (4162)	R2/1647-3	EAC-25462 - Abatement Notice	Investigation Continuing
---------------------------	---	-------------------	----------------	--------------------------------------	-----------	------------------------------	--------------------------

Comments: During analysis of samples (27 September 2023), taken during the annual dairy inspection round (11 October 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Hastings Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 17 November 2023.

<u>2 Oct 2023 Update</u>	332124-043 ENF-24178	Annual Inspection	Significant non-compliance	Gillett Farms Limited (30418)	R2/0258-3	EAC-25461 - Abatement Notice	Investigation Continuing
--------------------------	---	-------------------	----------------------------	-------------------------------	-----------	------------------------------	--------------------------

Comments: During analysis of samples (2 October 2023), taken during the annual dairy inspection round (9 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Richmond Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 18 November 2023.

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>4 Oct 2023 Update</u>	332124-046 ENF-24184	Annual Inspection	Non-compliance	Altitude Farms Limited (50958)	R2/3773-3	EAC-25469 - Abatement Notice	Investigation Continuing

Comments: During analysis of samples (11 October 2023), taken during the annual dairy inspection round (4 October 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Richmond Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 17 November 2023.

<u>5 Oct 2023 Update</u>	332124-048 ENF-24186	Annual Inspection	Non-compliance	RS & RD Gordon Trust (33568)	R2/1844-3	EAC-25472 - Abatement Notice	Investigation Continuing
--------------------------	---	-------------------	----------------	------------------------------	-----------	------------------------------	--------------------------

Comments: During analysis of samples (16 October 2023), taken during the annual dairy inspection round on (5 October 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Monmouth Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 24 November 2023.

<u>6 Oct 2023 Update</u>	332124-047 ENF-24185	Annual Inspection	Non-compliance	Clark Peters Farms Limited (50939)	R2/2708-3.1	EAC-25470 - Abatement Notice	Investigation Continuing
--------------------------	---	-------------------	----------------	------------------------------------	-------------	------------------------------	--------------------------

Comments: During analysis of samples (16 October 2023), taken during the annual dairy inspection round (6 October 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at York 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 17 November 2023.

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
20 Oct 2023 <u>Update</u>	332124-050 ENF-24199	Annual Inspection	Non-compliance	Vernon Farms (55499)	R2/3837-3.0	EAC-25491 - Abatement Notice	Investigation Continuing

Comments: During analysis of samples (30 October 2023), taken during the annual dairy inspection round (20 October 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Denbigh Road, Midhirst. 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 2023.

Compliance Monitoring – Non-compliances for the period 15 Sep 2023 to 26 Oct 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
18 Sep 2023	332124-037 ENF-24143	Annual Inspection	Significant non-compliance	Mount Egmont Farm Limited (30741)	R2/1353-3	EAC-25426 - Abatement Notice	Investigation Continuing

Comments: During analysis of samples (26 September 2023), taken during the annual dairy inspection round (18 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Brookes Road, Stratford. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection found that the abatement notice and resource consent was being complied with. Further enforcement action is being considered.

19 Sep 2023	332124-041 ENF-24148	Annual Inspection	Non-compliance	JHE Family Trust (37581)	R2/2263-3.0		No Further Action/Costs Recovered
-------------	---	-------------------	----------------	--------------------------	-------------	--	-----------------------------------

Comments: During analysis of samples (2 October 2023), taken during the annual dairy inspection round (19 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Porikapa Road, Warea. Works were immediately undertaken to ensure resource consent conditions were being complied with. Reinspection found that, resource consent conditions were being complied with at the time of inspection.

21 Sep 2023	332124-026 ENF-24114	Annual Inspection	Significant non-compliance	DNA Mountain View Farms Limited (53349)	R2/3870-3.0	EAC-25392 - Abatement Notice	Investigation Continuing
-------------	---	-------------------	----------------------------	---	-------------	------------------------------	--------------------------

Comments: During analysis of samples (2 October 2023), taken during the annual dairy inspection round (21 September 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Carrington Road, Okato. 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 and resource consent was being complied with at the time of inspection.

Compliance Monitoring – Non-compliances for the period 15 Sep 2023 to 26 Oct 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
2 Oct 2023	332124-034 ENF-24141	Follow Up Inspection	Significant non-compliance	Tui Sutton Charitable Trust (69175)	R2/3632-3.0	EAC-25424 - Explanation Requested - Letter EAC-25421 - Explanation Requested - Letter	Investigation Continuing

Comments: During a follow-up inspection in relation to a previous non-compliance, it was found that the farm dairy effluent disposal system was not operating in accordance with resource consent conditions at Manaia Road, Kapuni. Large piles of dairy effluent solids were observed covering pasture adjacent to the sandtrap. The responsible party was spoken to advised of the potential for leaching of contaminants to surface or ground water. Further inspections will be undertaken to ensure compliance with resource consent conditions and a previously issued abatement notice is achieved. Further enforcement action is being considered.

5 Oct 2023	332124-058 ENF-24204	Annual Inspection	Significant non-compliance	Broadmore Farms Limited (12639) Matthew & Janice Broadmore (31591)	R2/2358-4.0		Investigation Continuing
------------	---	-------------------	----------------------------	---	-------------	--	--------------------------

Comments: During analysis of samples (18 October 2023), taken during the annual dairy inspection round (05 October 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Hill Road, Kaimiro. The responsible party had engaged a contractor who pumped out the oxidation ponds on the property prior to the sample analysis being received by this Council. A reinspection confirmed the ponds had been pumped out with no discharges to the receiving environment to ensure compliance with resource consent conditions.

20 Oct 2023	332124-049 ENF-24196	Annual Inspection	Non-compliance	Mossy Road Limited (50248)	R2/3492-3.0	EAC-25489 - Abatement Notice	Investigation Continuing
-------------	---	-------------------	----------------	----------------------------	-------------	------------------------------	--------------------------

Comments: During analysis of samples (30 October 2023), taken during the annual dairy inspection round (20 October 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Denbigh Road, Midhirst. 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 2023.

Compliance Monitoring – Non-compliances for the period 15 Sep 2023 to 26 Oct 2023

Inspection Date	Job Number IRIS ID	Inspection Type	Compliance Status	Alleged Responsible Party	Consent Number	Action Taken	Recommendation
24 Oct 2023	332124-059 ENF-24206	Advice & Information	Non-compliance	Waka Kotahi NZ Transport Agency (70589)	R2/10655-1.0	EAC-25495 - Abatement Notice	Investigation Continuing

Comments: During the review of the annual monitoring report required by the general consent conditions, it was found that the Ecology and Landscape Management Plan: Appendix E: Fish Recovery and Rescue Protocols notification process was not followed at Te Ara o Te Ata (Mount Messenger Bypass Project), Uruti. A fish mortality event on 9-10 February 2023 and a number of pre and post fish rescue and recovery notification summaries were not sent to the Taranaki Regional Council as required by resource consent conditions. An abatement notice was issued to undertake works to comply with the Ecology and Landscape Management Plan. Compliance with the abatement notice will be determined during routine compliance monitoring.

25 Oct 2023	332124-055 ENF-24212	Annual Inspection	Non-compliance	Kent Dairies Limited (51016)	R2/3707-2	EAC-25508 - Abatement Notice	Investigation Continuing
-------------	---	-------------------	----------------	------------------------------	-----------	------------------------------	--------------------------

Comments: During analysis of samples (02 November 2023), taken during the annual dairy inspection round (25 October 2023), it was found that the farm dairy effluent oxidation pond disposal system was not operating within resource consent conditions at Kent Road, Inglewood. An abatement notice was issued requiring works to be undertaken to the farm dairy effluent disposal system to ensure compliance with resource consent conditions. Reinspection will be undertaken after 23 November 2023.



Date 21 November 2023

Subject: **Towards Predator-Free Taranaki Project**

Approved by: D Harrison, Director - Operations
S J Ruru, Chief Executive

Document: 3222277

Purpose

1. The purpose of this memorandum is to present for Members' information an update on the progress of the *Taranaki Taku Tūrangā Our Place - Towards Predator-Free Taranaki* project.
2. Officers will provide a presentation.

Executive summary

3. Launched in 2018, *Taranaki Taku Tūrangā Our Place - Towards Predator-Free Taranaki* was the first large-scale project funded by Predator Free 2050 Limited with the long-term aim of progressing towards removing introduced predators from a region.
4. Three different phases of work are continuing around the mouna, working from north to south. This item reports on the three different elements to the project: urban trapping; rural control; and zero possums.
5. Roll out of the rural programme continues, along with scheduled battery changes for the remote checking system and trap maintenance.
6. Within the Kaitake Zero possum project the A block area continues to be classed as possum-free for 28 months.
7. Within the B block, six individuals have been detected and removed.
8. The virtual barrier is functioning well within the Kaitake Zero project, with 16 possums caught since February.
9. The 'jobs for nature' funded extension of the Zero possum area is making good progress with over 2,500 possums being removed.
10. Coastal areas of the new block are close to finding a few individual survivors only.

Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum *Taranaki Taku Tūrangā Our Place - Towards Predator-Free Taranaki project*
- b) notes the progress achieved in respect of the urban, rural and zero density possum projects of the *Taranaki Taku Tūrangā Our Place - Towards Predator-Free Taranaki project*.

Background

11. On 30 May 2018, the Minister of Conservation launched the *Taranaki Taku Tūrangā Our Place -Towards Predator-Free Taranaki project*.
12. The *Taranaki Taku Tūrangā Our Place -Towards Predator-Free Taranaki project* is the first large-scale project with the long-term aim of progressing towards removing introduced predators from the region. Supported by more than \$11 million from Predator Free 2050 Ltd (the company set up by the Government to help New Zealand achieve its predator-free 2050 goals), the Taranaki Regional Council (the Council) aims to restore the sound and movement of our wildlife, rejuvenate native plants in urban and rural Taranaki, and protect agriculture.
13. The project's ultimate aim is to support the eradication of mustelids, rats, and possums across the region by 2050. This ambitious goal had not been attempted before, and the first phases of the project have trialled control methodologies and new tools to inform future implementation, both regionally and nationally. The latest technologies – including remote sensors, wireless nodes and a trapping app are being used to help remove predators and prevent re-infestations. This high-tech equipment makes trapping more efficient, particularly in rural areas, and sends an alert to the user when a trap goes off.
14. Project work is well underway around the mouna. There are three elements to the project:
 - Urban predator control
 - Rural landscape predator control
 - Zero density possums.
15. There has been a hugely positive response from communities wanting to restore our regional biodiversity by getting behind the *Taranaki Taku Tūrangā Our Place -Towards Predator-Free Taranaki Project* as it continues to roll out across the region. Monitoring work and site-led work is well advanced and officers have had input into several technological innovations.
16. Set out below is an update of key progress and milestones in respect of the main elements of the project and details future work.

'Urban' Predator control

17. The urban project is now focused on South Taranaki with traps continuing to be distributed. Officers are working with South Taranaki District Council and keen local champions to increase trapping in the district's urban areas.
18. The team have successfully completed a number of trapping workshops, catchment committee meetings, Seaside market stalls and engagement with landowners at market stalls. Feedback has been positive especially around the Zero block extension area around Ōkato.

19. The Urban programme is now focusing on keeping traps active through ongoing engagement programmes including social media, workshops, markets and working with schools to keep the children reminding parents to check the traps.
20. Community champions are continuing to support the programme and are a key tool in providing localised support to backyard trappers.

Rural landscape predator control

21. Phase five covering 15,000 hectares of Rural Mustelid Control was completed with support for the project within the community remaining high.
22. Preparation for the next deployment area covering 15,000 hectares around the Kapuni area is well underway with traps starting to go out in the New Year.
23. Ongoing support for landowners within the previous phases continues, through councils biosecurity team with traps are being serviced and any econode batteries replaced to ensure the trap network is maintained to a high level
24. Completed areas now fall under the rules of the *Regional Pest Management Plan for Taranaki*. Officers continue to take a supportive rather than regulatory stance at this stage.

Zero-density possums Original “Restore Kaitake” block

25. Blocks A and B (see attached map) continue to be in an incursion detection and response phase, with only 10 incursions detected on cameras within the B block since February this year, 6 possums have been successfully removed using specially trained dogs and intensive trapping.
26. We are confident that the farmland area in the original Kaitake block (A block) has now been possum free for 28 months, and that any individuals who re-infest the area are quickly identified and removed.
27. On Kaitake the remove phase of "detect and remove" continues, any possums detected are hunted down and removed.

Z.I.P Virtual Barrier

28. Recently the Virtual Barrier at Pukeiti has been overhauled with new nodes; this saves significant staff time fixing false reports. A total of 16 possums have been caught on the barrier since February.

Zero Possum Extension area

29. The contract to extend this area by up to 5,800 hectares was funded by PF2050 Limited in January: the team have focused on the area between the coast and State Highway 45. Through intensive searching with both traps and scat dogs, we are confident that this area is nearing an incursion response phase.
30. Above the SH45 (E and F blocks), we are blanket trapping and baiting prior to using the scat dogs. All up, over 2,500 possums have been removed from this area
31. Moving forward, the focus is on creating buffers and a barrier system to prevent possums from re-entering the cleared area. This will involve the use of camera traps, self-setting traps, and scat detection dogs.

Decision-making considerations

32. 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

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

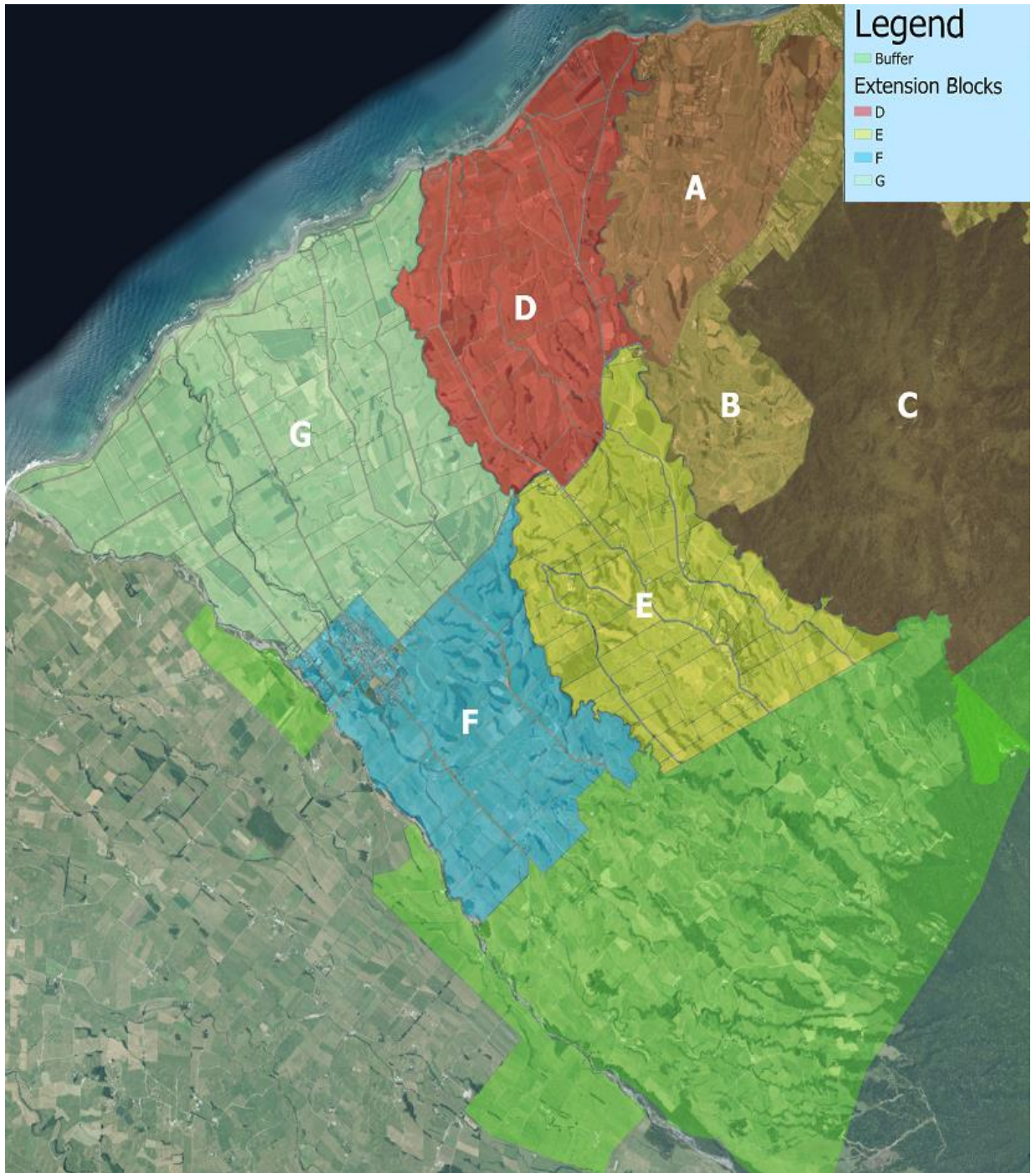
35. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan.
36. All eight iwi provided letters of support for the funding of this project, Council are in regular contact with both Ngāti Tairi and Ngā Mahanga regarding the Zero-density possum operation within their rohe and iwi chairs are updated through the Taranaki Mouna Board.

Legal considerations

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

Appendices/Attachments

Map of Original "Restore Kaitake" block (Areas A,B,C) and Zero Possum Extension block (Areas D,E,F,G)





Date: 21 November 2023

Subject: **Changes to the Duration of Consents Related to Freshwater – New Analysis**

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

Document: 3211067

Purpose

1. To inform the Taranaki Regional Council (the Council) of developments in the regional sector's thinking of the changes to the maximum duration available for freshwater consents and seek agreement on related matters.

Executive summary

2. Te Uru Kahika, the regional sector's umbrella organisation, has released guidance on how to implement the changes to the duration of freshwater consents. Based on this advice, the position taken by the Council in the *Changes to the Duration of Consents Related to Freshwater* memorandum of 29 August 2023 is no longer appropriate. Although the forecast date of when rules would have legal effect of 30 June 2032 remains accurate.
3. The guidance sets out that the legislation requires forecasting a maximum date. Council officers must also assess if a duration may be appropriate below that maximum based on a wide range of factors. The previous recommendation adopted by the Council may have been interpreted as applying a blanket date, and therefore being too restrictive.
4. Revised recommendations are set out in this memorandum that maintain the discretion of Council officers to apply a lesser duration than the maximum forecast (currently 30 June 2037). They also request that council officers consider the most up to date estimate of when rules in region's first Natural and Built Environment Plan take legal effect, and the benefits of avoiding an unmanageable number of resource consents expiring on the same date.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum titled *Changes to the Duration of Freshwater Consents – New Analysis*

- b) notes that one immediate impact of the Natural Built Environment Act is that, for resource consent applications lodged from 24 August 2023, clause 39 of Part 6 Schedule 12 of the *Resource Management Act 1991* introduces additional restrictions on consent duration, such that:
- (i) the consent authority may grant the affected resource consent for a fixed period or require that it expire by a fixed date; and
 - (ii) in either case, the duration of the consent must not exceed 5 years after when rules in the region's first Natural and Built Environment Plan take legal effect
- c) notes that when relevant rules in the region's first Natural and Built Environment Plan will take legal effect at this stage is estimated to be 30 June 2032
- d) request that, when processing affected resource consent applications, Council officers consider (alongside all other relevant matters) the most up to date estimate of the Taranaki region's Natural Built Environment Act date and the benefits of avoiding an unmanageable number of resource consents expiring on the same date
- e) notes that recommendations b), c) and d) supersede recommendations b), c), d) and e) in the *Changes to the Duration of Consents Related to Freshwater* memorandum (#3193096) presented at the 29 August 2023 meeting of the Operations and Regulatory Committee
- f) determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- g) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

5. At the 29 August 2023 meeting, an agenda item was presented on changes to the duration of consents related to freshwater. Subsequently, Te Uru Kahika (the regional sector's umbrella organisation) has undertaken further analysis on how best to apply the changes. Council officers have provided input to this process. The full guidance document is contained in Appendix One.
6. The key takeaways from this guidance are that:
- Durations for freshwater-related consents lodged during the transitional period are limited to five years past the expected date that rules in region's first Natural and Built Environment Plan take legal effect.
 - Decisions on the timing of each region's transition to the new system are critical for determining when rules in a region's first Natural and Built Environment Plan will take legal effect.
 - The Minister for the Environment is responsible for making decisions on the timing of each region's transition to the new system.
 - Consent authorities will need to make decisions on freshwater consent durations using the 'best available information'. Information that should be taken into account includes known information, reasonable assumptions and contextual information.
 - Consent authorities will need to consider freshwater consent durations following a stepwise process:

- the first step is to determine an expected date for a region’s transition;
 - the second step is to determine the maximum expiration date for a freshwater consent; and
 - the third step is determine the actual duration taking into account all relevant considerations and contextual matters.
- Consent durations can be specified as either a fixed date, or a fixed date with narrative backstop. The consent authority will need to make a decision on which option is most appropriate, taking into account the need for certainty, legal compliance and local context.
 - Consent authorities should summarise the information and assumptions that underpin their decisions on consent duration in their decision reports. This will help ensure transparency in the decision-making process and help with resisting challenges through consent objection processes.
7. The document also provides useful guidance on the full range of factors that are considered in determining the actual duration of a consent. These include:
- national direction on freshwater management;
 - treaty settlement legislation and regional or local planning documents;
 - the state of the receiving environment for a discharge;
 - the effects of the activity and the value of the consent holder’s investment;
 - prior non-compliance on behalf of the applicant; and
 - a wide range of case law, including whether a particular period of duration would better achieve administrative efficiency.

Issues

8. As thinking on how to apply the legislation has developed, it has become clear that the approach set out in the memorandum presented on 29 August 2023 needs refinement.

Discussion

9. The memorandum on 29 August 2023 had the key recommendation that the Council “agrees that from Royal Assent of the Natural and Built Environment Act 2023, the Council adopt an expiry date for all affected resource consents of either 10 years from the consent being granted or 30 June 2037, whichever is less”. The estimated date remains sound; however, this recommendation overall is too restrictive. The full recommendations from the previous memorandum are in Appendix Two.
10. As emphasised in the Te Uru Kahika guidance, the 30 June 2037 date is a maximum duration. A blanket date less than that duration cannot be imposed (i.e. the 10 years), as Council officers must still assesses each application on its own merits and determine an appropriate consent duration. This duration may be less than to 30 June 2037.
11. In determining an appropriate consent duration, a key consideration is if a particular duration would better achieve administrative efficiency. This consideration can be used to apply a lesser duration to avoid an un-manageable amount of consents expiring on 30 June 2037.

12. Finally, it is not necessary for the Committee to approve the estimated maximum date. This is a consideration that can be done within the existing delegations of the consents team, and will allow greater flexibility if the estimate changes.

Options

13. Council could either retain the approach presented in the memorandum on 29 August 2023 or adopt the approach presented in this memorandum. The approach in this memorandum is recommended. It aligns best with legislative requirements by preserving the flexibility of council officers to apply their discretion when determining consent duration below the maximum specified date.

Significance

14. This item is assessed as not significant. It is being implemented in-response to legislative changes and there is a level of uncertainty about the full effect of the provisions until the new planning instruments are developed.

Financial considerations—LTP/Annual Plan

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

Policy considerations

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

Iwi considerations

17. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan.
18. This revised approach will still help alleviate an unmanageable amount of consents expiring on the same date, and the corresponding impact on iwi authority workloads.

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 3220783: [Advice to inform decisions on freshwater consents](#)

Document 3221017: [Recommendations from Changes to the Duration of Consents Related to Freshwater of 29 August 2023](#)

DATE: 25 OCTOBER 2023
TO: TE URU KAHIKA NETWORK
SUBJECT: ADVICE TO INFORM DECISIONS ON FRESHWATER CONSENTS

PREAMBLE AND PURPOSE

Regional councils and unitary authorities are key partners in the delivery of the Government’s reformed resource management system. However, as implementers of central government policy we often find ourselves at the ‘pointy end’ of RM programme, needing to make decisions at pace and with incomplete information.

This is the case for our Consent departments who are required to implement some provisions in the Natural and Built Environment Act from Day One (24 August 2023). New provisions include restrictions on the duration of freshwater consents lodged during the transitional period. Implementing this requirement is challenging because:

- decisions on consent duration must be made now;
- decisions on consent duration are closely connected to and dependent on the timing of each region’s transition to the new system; and
- the Minister has not yet made decisions on when each region will transition.

In the absence of concrete information on the timing of each region’s transition, consent authorities will need to make decisions on applications now, taking into account the best available information¹. These decisions will need to be based on what we know, what we can reasonably assume, and information specific to the region or application.

Currently, there is no agreed process, criteria, or legislative guidance to inform these decisions and a risk that consenting authorities could implement different or divergent approaches. Should this occur, it would create individual and collective risks with the potential for consent applicants to play off differences in approach through consent objection processes.

Fortunately, Te Uru Kahika has a wealth of expertise and experience that can be called on to inform a collective position for how we determine freshwater consent durations. This memo has been prepared by a small cross-regional government working group and sets out information, criteria and considerations to inform decisions freshwater consent durations. The intent here is not to agree a universal duration, but to instead to agree a consistent approach, criteria and assumptions to inform decisions.

¹ Clause 10 of Part 1 of the NBA directs all persons exercising powers and performing functions to use the “best available information” when making decisions; to avoid delays in making decisions solely because of uncertainty about the quality or quantity of the information available; and to favour caution and a level of protection for the natural environment and cultural heritage that is proportionate to the risks and effects involved.

By agreeing a collective approach we ensure a stronger position to defend against future consent objections and other legal challenges.

NEW REQUIREMENTS FOR FRESHWATER CONSENTS

Clause 39 of Schedule 12 of Schedule 16 of the Natural and Built Environment Act sets out new provisions for applications for freshwater consents lodged during the transitional period². The duration of any freshwater-related consent³ must not⁴ exceed 5 years after the date the relevant rules have legal effect in accordance with clause 6(4) of Schedule 1 of the Natural and Built Environment Act 2023.

Determining when rules in a region's first Natural and Built Environment Plan will take legal effect.

The date rules in a region's first Natural and Built Environment Plan take legal effect are dependent on the timing of each region's transition to the new system.

Until such time as the Minister for the Environment makes decisions on the timing of each region's transition, the following information should inform a consent authority's assessment of when rules are likely to take effect:

- Transition to the new resource management system is expected to take between 8 and 10 years. This requires every region to have begun the transition process within two years of Royal Assent.
- The timing for when a region commences its transition to the new system is set through an Order in Council.
- An Order in Council can only be made once the Crown and iwi / hapū have agreed a process for how existing Treaty settlements will be upheld in the new system.
- Once an Order in Council has been made, a region has up to 18 months to establish its Regional Planning Committee (RPC) and secretariat. The Act sets a 12⁵ month timeframe but allows an additional 6 months⁶ if parties cannot reach agreement on the composition of the RPC and if the matter needs to be referred to the Local Government Commission for a final determination.
- Once the composition of the RPC has been determined, the Regional Spatial Strategy must be developed and approved within 3 years⁷.
- Once the RSS is close to being finalised, the Natural and Built Environment Plan may be developed. The RPC must complete the development process (i.e. notify its decision on the NBE Plan) within a 4 year + 4 month window.

² The period from 24 August 2023 and before rules in a region's first Natural and Built Environment Plan take legal effect

³ Freshwater-related consents are permits to take, use, dam or divert freshwater, discharges to freshwater or to land in circumstances where contaminants may enter freshwater, and land uses that result in a discharge of contaminants to freshwater.

⁴ Exemptions exist for specified infrastructure, critical / lifeline utilities and local authority networks – refer to clause 40.

⁵ 8 months to agree a composition arrangement Schedule 7, Clause (3)(5) + 4 months from when that timeframe has passed Schedule 7, Clause 15(7)(a)

⁶ Schedule 7, Clause 15(7)(b)

⁷ Development in this context means the timeframe to complete all steps in the process after public notification of the planning instrument and up until the point a regional planning committee makes its decision on the planning instrument.

- For a region's first natural and built environment plan, the majority of rules have legal effect 10 working days after the notification of the RPC's decision on the independent hearing panel's recommendations on the NBE plan.
- Rules relating to market-based allocation methods have legal effect only after appeals are beyond challenge. These methods cannot be used for the taking, diverting or use of freshwater, but can be used for discharges and the taking or use of heat or energy from water.
- Taking into account the above timelines, the earliest rules in an NBE plan may take legal effect is 8 years from the date the Order in Council is made. This is a conservative estimate that includes a 4 month and 10 day buffer for any steps in the process that happen faster than the maximum in the Act. In reality, there are likely to be a range of factors that influence timeframes which are outside the control of regional councils. The above timeframe also assumes the RPC establishment process takes only 12 months, that Treaty settlement matters are resolved on time, and that market-based allocation mechanisms are not in effect. Based on this timeframe all regions could expect to have relevant rules with legal effect by 24 August 2033.
- Rules in a region's first Natural and Built Environment Plan do not have legal effect while the plan is a proposed state⁸, and have legal effect only once rules in the plan are treated as operative.⁹

INFORMATION TO GUIDE DECISIONS ON THE TIMING OF EACH REGION'S TRANSITION

Having established the 'bookends' for when rules in NBE plans are likely to take effect (i.e. somewhere between 2031 and 2033), consent authorities must determine when, within that window, their region is likely to transition.

Information that can be used to guide a consent authority's assessment includes:

- any preliminary discussions between regional parties (i.e. local authorities, iwi authorities, and hapū) and the Ministry for the Environment on a region's participation as a first-tranche region.
- any views expressed by regional parties in, meetings, forums, formal or informal communications which provide insights as to the party's preference on transition timeframes.
- information and assumptions made as part of long-term planning processes.
- plan review cycles and projected dates for the completion of current and future planning processes.
- for regions within a single takiwā (e.g. Canterbury, West Coast, Southland, Otago etc), any views expressed by iwi authorities or hapū on the preferred sequencing of regions within that takiwā.

⁸ Clause 4 of Schedule 1 of the Natural and Built Environment Act.

⁹ Clause 7 of Schedule 1 of the Natural and Built Environment Act. In general, rules take effect 10 days after the decisions version of the plan is released (unless clause (9) applies).

DETERMINING THE MAXIMUM EXPIRATION DATE FOR FRESHWATER CONSENTS GRANTED DURING THE TRANSITIONAL PERIOD

Once a consent authority has determined the likely transition date, it will then need to determine the maximum expiration date for freshwater consents granted during the transitional period.

For regions expected to be in the first tranche to transition, a maximum expiration date of 2036 (2031 + 5 years) could be assumed. In contrast, where regions expect to be in the last tranche to transition, a date of 2038 could be assumed (2033 +5 years). Within these bookends there is scope for consent authorities to consider alternative dates.

DETERMINING THE ACTUAL DURATION FOR FRESHWATER CONSENTS GRANTED DURING THE TRANSITIONAL PERIOD

Having established a maximum expiration date, consent authorities will then need to determine the actual duration for the freshwater consent. The actual duration could be the same as the maximum or may be less, depending on contextual matters. When determining an appropriate consent duration or expiration date, consent authorities need to be mindful that opportunities to revisit and change the duration of a consent are limited. While the NBA provides for durations to be set as a condition of consent, consent holders cannot apply to change the duration¹⁰, and consent authorities can only review conditions relating to duration where directed through the national planning framework or plan¹¹ (and even then only where specific criteria are met¹²).

Information that can be used to guide decisions on actual duration includes:

- **national direction on freshwater management** – central Government' Essential Freshwater Package contains a range of policies and regulations relevant to the management of freshwater. It includes a [National Policy Statement for Freshwater Management](#), [National Environmental Standard for Freshwater](#), [Stock Exclusion Regulations](#), [Freshwater Farm Plan Regulations](#). Some provisions may be relevant when determining actual durations for freshwater consents. For example, rules in the Stock Exclusion Regulations require certain types of stock to be excluded from lakes, rivers and wetlands within specified timeframes (e.g. land use consents for farming, or consents for access to waterbodies).
- **treaty settlement legislation, regional or local planning documents** – provisions in regionally specific Acts, treaty settlements, strategies, policy statements, plans (including iwi management plans) may also be relevant. For example, some plans include policies on consent durations for specific activities, while some iwi management plans set out aspirations for the cessation of certain activities by specified dates (e.g. discharges to water).
- **NPSFM implementation** – expected dates for completion of planning processes under the NPSFM may also be relevant when considering consent duration. For example, in circumstances where consent authorities wish to ensure consent durations remain in lockstep with plan outcomes.
- **state of freshwater and sensitivity of the receiving environment** – the state of freshwater in the catchment (quality and quantity) and the sensitivity of the receiving environment

¹⁰ Clause 334(1) of the Natural and Built Environment Act

¹¹ Clause 337(5) of the Natural and Built Environment Act

¹² Clause 337(8) and (4) of the Natural and Built Environment Act

(ecological and cultural significance) will both be relevant when determining the actual duration for a consent.

- **effects of the activity and value of investment** - the effects of the activity (positive and negative), the scale and significance of any effects, any measures proposed to offset or mitigate adverse effects (including financial assurances) and the value of investment of the consent holder will need to be taken into account when making decisions on duration.
- **prior non-compliance** – prior non-compliance¹³ that has led to enforcement action is now a relevant consideration when processing applications for resource consent under the RMA. Types of enforcement action that may be considered include applications to the Environment Court for enforcement orders or interim enforcement orders, abatement notices, infringement notices, and the filing of charging documents.
- **case law** – principles and guidance established under relevant case law including :
 - whether adverse effects would be likely to increase or vary during the term of the consent;
 - whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
 - whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
 - that conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
 - whether review conditions are able to control adverse effects (the extent of the review conditions proposed is also relevant bearing in mind that the power to impose them is not unlimited);
 - whether the relevant plan addresses the question of the duration of a consent;
 - the life expectancy of the asset for which consents are sought;
 - whether there was/is significant capital investment in the activity/asset;
 - whether a particular period of duration would better achieve administrative efficiency.

While the above provides a base set of considerations, there will likely be other matters or contextual information that needs to be taken into account when making these decisions. Consent authorities must therefore ensure decisions are made using the best available information, at the time the decision is made.

CONSENT DURATION

Once the consent authority has determined an appropriate consent duration, a decision will need to be made on how the duration should be expressed in the consent. There are two possible options:

- a fixed expiry date - e.g. 1 July 2038.
- a fixed date with a narrative backstop – e.g. the consent expires on the earliest of either a fixed date or five years after the date ‘freshwater-related’ rules in a region’s first natural and built environment plans come into force.

Consent authorities will need to make their own decision on which option to choose, and how the consent condition should be expressed, taking into account relevant factors including the need for

¹³ Clause 65(8) of Schedule 1 to the Natural and Built Environment Act

certainty (for resource users, communities and consent authorities) and the need for consent decisions to be clear on their face, certain and enforceable.

RECORDING THE REASONS FOR THE DECISION

Consent authorities should record the reasons and assumptions used to inform their decision on maximum and actual consent duration as part of the consent decision report. Recording this information helps improve transparency and robustness of decision-making and should help with resisting challenges through consent objection processes.

KEY TAKEAWAYS

- Durations for freshwater-related consents lodged during the transitional period are limited to 5 years past the expected date that rules in region's first Natural and Built Environment Plan take legal effect.
- Decisions on the timing of each region's transition to the new system are critical for:
 - determining when rules in a region's first Natural and Built Environment Plan will take legal effect; and
 - the maximum expiration date for freshwater consents granted during the transitional period
- The Minister for the Environment is responsible for making decisions on the timing of each region's transition to the new system. As at the date of this memo, no decisions have been made by the Minister.
- Consent authorities will need to make decisions on freshwater consent durations using the 'best available information'. Information that should be taken into account includes known information, reasonable assumptions and contextual information.
- Consent authorities will need to consider freshwater consent durations following a stepwise process.
 - The first step is to determine an expected date for a region's transition
 - The second step is to determine the maximum expiration date for a freshwater consent.
 - The third step is determine the actual duration taking into account all relevant considerations and contextual matters.
- Consent durations can be specified as either a fixed date, or a fixed date with narrative backstop. The consent authority will need to make a decision on which option is most appropriate, taking into account the need for certainty, legal compliance and local context.
- Consent authorities should summarise the information and assumptions that underpin their decisions on consent duration in their decision reports. This will help ensure transparency in the decision-making process and help with resisting challenges through consent objection processes.

Recommendations from *Changes to the Duration of Consents Related to Freshwater* of 29 August 2023

That the Taranaki Regional Council:

- a) receives the memorandum titled *Changes to the duration of freshwater consents*
- b) notes that upon Royal Assent of the *Natural and Built Environment Act*, the maximum duration for "affected resource consents" related to freshwater under the *Resource Management Act 1991* will be five years after the estimated date upon which relevant rules in the region's first Natural and Built Environment Plan under the *Natural and Built Environment Act* have legal effect
- c) notes the estimated date upon which such rules would have legal effect is 30 June 2032, giving a maximum duration of until 30 June 2037 for affected resource consents
- d) notes that applying a single end date for all affected resource consents will very likely lead to an unmanageable amount of resource consent applications after that date
- e) agrees that from Royal Assent of the *Natural and Built Environment Act 2023*, the Council adopt an expiry date for all affected resource consents of either 10 years from the consent being granted or 30 June 2037, whichever is less
- f) directs Council officers to develop and distribute dedicated communications material outlining the new duration limits
- g) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- h) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Operations and Regulatory Committee Public Excluded Minutes – 10 October 2023

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Operations and Regulatory Committee Meeting on Tuesday 21 November 2023:

Item 11: Confirmation of public excluded Operations and Regulatory minutes – 10 October 2023

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 (a) and [section 7](#) (2) (a) and (2) (g) of the *Local Government Official Information and Meetings Act 1987*.



Date 21 October 2023

Subject: **Operations and Regulatory Committee Public Excluded Minutes – 10 October 2023**

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

Document: 3203053

Recommendations

That the Taranaki Regional Council:

- a) takes as read and confirms the Public Excluded minutes of the Operations and Regulatory Committee meeting of the Taranaki Regional Council at the Taranaki Regional Council, 47 Cloten Road, Stratford on Tuesday 10 October 2023 at 9.00am
- b) notes the recommendations were adopted by the Taranaki Regional Council on 31 October 2023.

Matters arising

Appendices/Attachments

Document 3216862: [Operations and Regulatory Public Excluded Minutes 10 October 2023](#)



Date 10 October 2023
Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford
Document: 3216862

Present		D M Cram M J Cloke M G Davey D H McIntyre D L Lean N W Walker C L Littlewood D Luke Ā White R Buttimore P Muir	<i>Chairperson</i> <i>(zoom)</i> <i>ex officio</i> <i>ex officio (zoom)</i> Iwi Representative Iwi Representative Iwi Representative Federated Farmers
Attending	Mr Ms Mr Mr Mr Mrs Mr Ms Ms	S J Ruru A J Matthews A D McLay D R Harrison J Glasgow M G Jones C Vicars L Millar V McKay	Chief Executive Director - Environment Quality Director - Resource Management Director - Operations Compliance Manager Governance Administrator Rivers Manager Manager - Resource Consents Manager - Environmental Assurance

The Public Excluded meeting opened at 9.50am

Apologies: Were received and sustained from S W Hughes.

1. **Confirmation of public excluded Minutes - Operations and Regulatory Committee 29 August 2023**

Recommended

That the Taranaki Regional Council

- a) took as read and confirmed the Public Excluded minutes of the Operations and Regulatory Committee meeting of the Taranaki Regional Council at the Taranaki Regional Council, 47 Cloten Road, Stratford on Tuesday 29 August 2023 at 9.00am
- b) noted the recommendations were adopted by the Taranaki Regional Council on 19 September 2023.

Cloke/McIntyre

There being no further business the Committee Chairperson, Councillor D M Cram, declared the Public Excluded meeting of the Operations and Regulatory Committee closed at 9.58am.

**Operations and
Regulatory**

Committee Chairperson: _____

D M Cram Chair

AGENDA AUTHORISATION

Agenda for the Operations and Regulatory Committee meeting held on Tuesday 21 November 2023

Confirmed:



14 Nov, 2023 8:49:52 AM GMT+13

A J Matthews
Director-Environment Quality

Approved:



14 Nov, 2023 7:41:31 AM GMT+13

S J Ruru
Chief Executive