

Report No.	20-154
Information Only - No Decision Required	

REGULATORY MANAGEMENT REPORT - AUGUST TO OCTOBER 2020

1. PURPOSE

- 1.1. This report updates Members on regulatory activity, for the period August to October 2020. It also provides a summary of compliance with municipal **Wastewater Treatment Plants (WWTP)** and summarises the current work that is taking place in relation to the implementation of the Resource Management **(National Environmental Standards for Freshwater) Regulations 2020 (NES-FW)**.

2. RECOMMENDATION

That the Committee recommends that Council:

- a. receives the information contained in Report No. 20-154 and Annexes.

3. FINANCIAL IMPACT

- 3.1. As with previous years, we are still anticipating there will be significant costs associated with processing large and complex applications, which may in turn be subject to appeal. On-going investigations and prosecutions within the compliance monitoring programme are likely to have an impact on both expenditure and revenue. In addition to the above, we are also anticipating costs to be incurred in relation to the implementation of **National Environmental Standard – Freshwater (NES-FW)**

4. COMMUNITY ENGAGEMENT

- 4.1. This is a public item and therefore Council may deem this sufficient to inform the public.

5. SIGNIFICANT BUSINESS RISK IMPACT

- 5.1. There is no significant business risk associated with this item.

6. CLIMATE IMPACT STATEMENT

- 6.1. As this report relates to statutory functions there is no climate change impact.

7. REGULATORY ACTIVITY 2019-2020

Consent Processing

- 7.1. Year to date 107 applications have been lodged, resulting in 74 applications being granted and 240 activities being authorised. Eighty eight percent (88%) of applications were processed within the required statutory timeframes and 11 administrative discounts have been applied as required under the **Resource Management (Discount on Administrative Charges) Regulations 2010 (Discount Regulations)**.

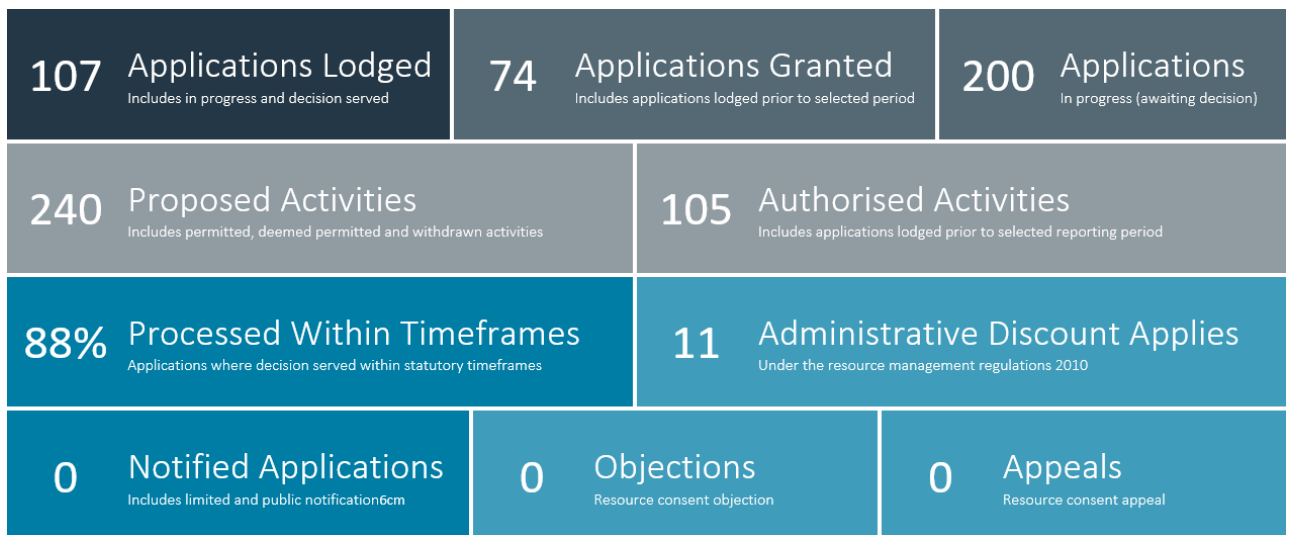


Figure 1. Resource consent processing year to date.

7.2. During the reporting period progress continues to be made on a number of significant applications. These are reported to Council on a regular basis and the following provides an update on these:

7.2.1. Department of Conservation

- i. The **Department of Conservation (DOC)** is progressing the Whakapapa **Wastewater Treatment Plant (WWTP)** application. DOC has now moved to plan for the relocation of the wastewater treatment plant out of the Tongariro National Park to a less sensitive (both culturally and environmentally) receiving environment. This is a positive move and one Horizons has advocated. A move outside the park will take 2-4 years to go through consenting and construction. In the meantime, Horizons is requiring investment into the existing plant to improve, as far as possible, its environmental performance.
- ii. DOC has confirmed that it will be lodging a resource consent application for the new proposal in December 2020. With this in mind, Horizons has suspended work on seeking an Enforcement Order. However, if the timeframes slip then the Enforcement Order will be lodged with the Court.

7.2.2. Tararua District Council

- i. The appeals regarding the Pahiatua and Eketahuna WWTP have now been resolved and we are now waiting on decisions from the Environment Court.
- ii. Regarding the Woodville WWTP, we are also awaiting a response from **Tararua District Council (TDC)** in relation to a section 92 request in relation to groundwater monitoring information. At this stage we are still anticipating a hearing will be required.

7.2.3. Horowhenua District Council

- i. The Tokomaru WWTP consent application was granted for a term of 5 years. The consent authorises the discharge of treated wastewater into land via a wetland and to water, namely the Centre Drain.
- ii. The application seeking to discharge stormwater into Koputaroa Stream catchment is preceding to a pre-hearing in November and at this stage we are anticipating a hearing in February 2021.
- iii. Regarding the application seeking to discharge stormwater from the Levin Township into Lake Horowhenua, further information has been requested and HDC has asked for time to engage with the relevant parties. The COVID-19 pandemic has impacted on when HDC will be providing the further information requested and HDC is to

provide an updated timeframe for provision of this information. Given the values of Lake Horowhenua, this is not expected to be a simple process.

- iv. HDC is preparing a consent application seeking to discharge stormwater from the Foxton Township to the Manawatū River.

7.2.4. Ruapehu District Council

- i. **Ruapehu District Council (RDC)** has lodged a consent application in relation to the National Park WWTP. RDC are currently consulting with the Wai Group in relation to the proposed activity and is considering growth implications on the existing consent. RDC is proposing to re-submit a revised set of conditions for consideration.
- ii. Ohakune and Raetihi WWTP applications may be impacted by the submission of an additional **Tourism Infrastructure Fund (TIF)** application to **Ministry of Business Innovation and Employment (MBIE)**. RDC is looking to provide an update on the applications and the impact growth implications may have on these applications.
- iii. The application associated with the Taumarunui water supply is currently on hold for further information, including assessing water efficiency.
- iv. Rangataua WWTP application was publically notified during the week commencing 26 October 2020.

7.2.5. Manawatu District Council

- i. As previously reported, the **Manawatu District Council (MDC)** have a number of WWTP whose discharges are currently authorised under the existing use rights of the RMA; including the Sanson, Cheltenham, Halcombe, Awahuri and Kimbolton. The applications relating to these WWTP have being placed on hold as MDC progresses its centralisation project, which is aiming to have discharges from these and other WWTP centralised into the Feilding WWTP. To this end, MDC lodged a consent application that is seeking to amend the Feilding WWTP consents to allow for centralisation of these discharges into the Feilding WWTP. A decision has now been made on the application; however, MDC have objected to a number of the conditions. This is currently being worked through with MDC
- ii. The MDC consent application to enable expansion of the current land disposal area for the Feilding WWTP has now been granted for term of 26 years to align with the existing resource consents that authorise the discharge of treated wastewater to land.

7.2.6. Te Ahu a Turanga

- i. The Manawatu Gorge replacement project “Te Ahu a Turanga” is progressing.
- ii. The project is being processed via the Direct Referral Process allowed for under the RMA.
- iii. Over the reporting period a hearing occurred before the court and we are now waiting on the decision.
- iv. In addition to the direct referral process, a number of enabling consents have been and are to be lodged. These enabling consents include activities such as construction of access roads into the main alignment and extraction of gravel from the Pohangina River.
- v. The **Special Projects Team (SPT)** has been established and is now operational. The focus of the SPT over the period has been undertaking compliance inspections and reporting of activities occurring under the granted enabling consents, and working with the Alliance in relation to the preparation of several **Site Specific Environmental Management Plans (SSEMP)** and the draft **Ecological Management Plan (EMP)**.

11 November 2020

Implementation of NES-FW

- 7.3. The National Environmental Standard – Freshwater (NES-FW) and **Resource Management (Stock Exclusion) Regulations 2020 (Regulations)** came into effect on 3 September 2020.
- 7.4. The NES-FW provides a national regulatory framework in relation to a number of activities including farming activities (e.g. stock holding areas and feedlots, intensive winter grazing etc) and regulating other activities that relate to freshwater, including structures that effect fish passage (e.g. installation, operation and maintenance of culverts, weirs etc).
- 7.5. The stock exclusion regulations provide for the exclusion of stock from waterways in a staged manner. The regulations also provide for the issuing of infringement notices with offences for a natural person, non-natural person or per animal. The infringement offence fees being \$2,000, \$4,000 and \$100 (per animal), respectively. The infringement offence fees relate to Regulations 9 to 18.
- 7.6. Regarding the NES-FW and regulations certain matters come into effect over a period time. In summary:
- Intensive winter grazing regulations come into effect on 1 May 2021 and apply to farms comprising 5 hectares or more of horticulture, 20 hectares of pasture or arable crops or 20 hectares or more of a combination of any of these ;
 - Feedlot regulations came into effect on 3 September 2020 with regulations relating to stockholding areas coming into force on 1 July 2021.
 - Regarding exclusion of stock from lakes and rivers the regulations came into effect for any new pastoral system as of 3 September 2020; dairy cattle and pigs regardless of slope and beef cattle and deer on low slope land by 1 July 2023 and dairy support cattle regardless of slope by 1 July 2025.
 - Fish passage and natural wetlands regulations came into effect on 3 September 2020.
- 7.7. Work continues at a national level in relation to implementation. The main focus is to ensure how the NES-FW and regulations are implemented is consistent, whilst allowing for regional variations. At present this work has focused on looking at how councils can develop a consistent approach to consent processing and interpretation of key terms within the NES-FW.
- 7.8. At the same time as this work is occurring, Horizons is actively pursuing implementation of the NES-FW by taking a risk based approach. This has resulted in Horizons focussing its initial regulatory implementation on intensive winter grazing as this is an area which is causing the most immediate concern in the rural community has been identified as resulting in a significant increase in consent applications. Implementation focus will move onto other areas, such as stock holding areas and feedlots in the new year.
- 7.9. Horizons implementation is currently focused on preparing for a workshop with the sector (and at the time of writing this report, other regional councils) in relation to IWG. The purpose of the workshop is to assess how a resource consent process will run for particular farming operations, identify any gaps in the process and then work with the sector to address, where possible, these gaps. This is seen as an important step as we prepare for receiving and processing applications by 1 May 2021.
- 7.10. Horizons has also established a designated page on its website where information on the NES-FW and regulations are held. This is being constantly updated and added to as new information comes available. The page can be accessed at:
<https://www.horizons.govt.nz/managing-natural-resources/water/freshwater-policy>
- 7.11. In addition to this the Ministry for the Environment has also made available a number of fact sheets and guides. This information can be accessed at:
<https://www.mfe.govt.nz/fresh-water/freshwater-guidance/factsheets-policies-and-regulations-essential-freshwater>

8. Compliance Monitoring and Enforcement

The intention of this section is to focus on one key part of the compliance programme and also provide an overall summary of the programme for the reporting period. The focus for this report is to provide a summary of the municipal WWTP programme.

Municipal WWTP programme

- 8.1.1. There are 46 municipal WWTPs in the region that are consented. Nineteen of these are currently operating under the existing use provisions of the **Resource Management Act 1991 (RMA)**, whilst the remainder are operating under current resource consents. As previously reported, those WWTP operating under existing use provisions are still required to comply with their resource consents.
- 8.1.2. The WWTP programme is categorised, based on a number of factors that include; the potential environmental risk the site poses, its compliance history, nature of the receiving environment and the complexity and public interest of the consent. There are 7, 20, 18 and 1 category 1, 2, 3 and 4 sites, respectively. Given a site can encompass a number of consents, the current programme currently focus' on assessing compliance with 92 consents. The current programme is focused on proactively assessing compliance with category 1 and 2 sites. Category three sites are generally assessed only if a complaint is received.
- 8.1.3. Since 1 July 2020, Horizons has undertaken ten assessments of WWTP. These assessments are a combination of both site inspections and data assessments. The latter effectively assesses information provided by the consent holder, as required by their resource consent. It is important to note that data assessments can take some time, as the information provided by consent holders can be long, complex and require significant analysis.
- 8.1.4. Of the ten assessments completed since 1 July 2020, four WWTP are complying whilst one and five are non-complying and significant non-complying, respectively.
- 8.1.5. Notwithstanding the above, **Annex A** summarises the current compliance status of the WWTP in the programme and where a significant non-compliance has been identified, what action has been taken. It is important to note, the compliance status of a number of WWTP is based on assessments done outside of the reporting period and that a number of these sites are currently being assessed, such as the Feilding WWTP. Therefore, the compliance grading for some of the WWTP may change in the next couple of months.
- 8.1.6. Non-compliances generally relate to issues associated with reporting and maintenance, whilst significant non-compliances typically relate to non-compliance with those conditions of consent that directly control adverse environmental effects, such as discharge standards; or there has been a repeated non-compliance, such as a continued failure to provide information.
- 8.1.7. Where a significant non-compliance occurs, Horizons will in the first instance typically seek an explanation for the significant non-compliance and a timeframe by which the non-compliance will be resolved. If the significant non-compliance continues, and/or is having an actual or potential adverse effect, which is more than minor on the environment, Horizons would typically consider taking more formal enforcement action, such as issuing abatement and infringement Notices.

COMPLIANCE PROGRAMME SUMMARY FOR AUGUST TO OCTOBER 2020

- 8.2. This section of the report provides a summary on the compliance programme for the period.
- 8.3. During the reporting period, there were 150 compliance monitoring assessments completed. Of the completed assessments, 80 Comply Full, 32 Comply At-Risk, 17 Low

11 November 2020

Risk Non-Compliance, 11 Moderate Non-Compliance and 10 Significant Non-compliance gradings were issued. Overall, this equates to a 75% compliance rate across the entire programme for the reporting period.

8.4. Below is a breakdown of the non-compliances by consent area, for the reporting period:

Industry: Nine Low risk non-compliance, five moderate non-compliance and eight significant non-compliances; and

Rural: Eight Low risk non-compliance, six moderate non-compliance and two significant non-compliances.

8.5. Horizons currently has five prosecutions and one sentencing matter before the District Court. One prosecution cannot be named at this stage. There is also one significant investigation underway. Table 1 provides a summary of the prosecutions currently before the Court.

Defendant	Summary
Huka View Dairies and Derek Berendt	Sentencing to occur on 9 November 2020
John Turkington Limited and Mr Kim Speedy	Charges laid before the Court
John Turkington Limited	Charges laid and before the Court.
NZL Forestry Limited	Sentencing completed
Mr Leslie Fugle, Mr Kane Davidson and Pacific Farms Development Limited	Charges laid before the Court

Table 1. Summary of Court proceedings

9. INCIDENTS

9.1. Over the reporting period, a total of 268 complaints were received. For this reporting period, the majority of these complaints related to discharges to air (163). The remainder of the complaints related to discharges to land (61) and water (66).

9.2. All complaints are categorised and responded to accordingly. A response can include an immediate or planned inspection, a phone call, or being referred to another agency such as a territorial authority or Civil Aviation

10. REGULATORY ACTION

10.1. During the reporting period, 16 abatement and 21 infringement notices were issued. Table 2 below provides a summary of the formal regulatory action taken during the reporting period.

Recipient	Enforcement	District	Date Notice Served	Section of Act contravened	Nature of Offence
Wayne Bishop Group Limited	Infringement Notice	Horowhenua	3/07/2020	15(2A)	Burning of Prohibited Items
Forest 360	Infringement Notice	Ruapehu	3/07/2020	338 (1)(c)	Breach of Abatement Notice
Eastown Timber Processors Limited	Infringement Notice	Whanganui	15/07/2020	338 (1)(c)	Breach of abatement notice

11 November 2020

Eastown Timber Processors Limited	Infringement Notice	Whanganui	15/07/2020	15(1) (c)	Discharge of contaminant to air from industrial trade premise
Craig Barber	Infringement Notice	Palmerston North	31/07/2020	338 (1) (c)	Breach of Abatement notice
Craig Barber	Infringement Notice	Palmerston North	31/07/2020	9(2)	Earthworks exceeding 2500 m ²
Hones Family Trust	Infringement Notice	Dannevirke	7/08/2020	15(1)(b)	Exceeding irrigation area
Hones Family Trust	Infringement Notice	Dannevirke	7/08/2020	338 (1) (c)	Breach of Abatement Notice
Siteworx (2006) Limited	Infringement Notice	Manawatu	8/09/2020	15(2A)	Burning prohibited materials
Manawatu District Council	Infringement Notice	Manawatu	12/08/2020	338 (1) (c)	Breach of abatement notice
Manawatu District Council	Infringement Notice	Manawatu	12/08/2020	15 (1)(b)	discharge of contaminant to land where it may enter water
Palmerston North Industrial & Residential Developments Limited	Infringement Notice	Palmerston North	24/09/2020	9(2)	Multiple SNC's against consents - did not stabilise prior to winter
Palmerston North Industrial & Residential Developments Limited	Infringement Notice	Palmerston North	24/09/2020	15(1)(b)	Multiple SNC's against consents - did not stabilise prior to winter
Natural Bark and Compost Limited	Infringement Notice	Horowhenua	2/10/2020	338(1) (c)	Breach of abatement notice
Natural Bark and Compost Limited	Infringement Notice	Horowhenua	2/10/2020	15(1) (c)	Offensive Odour Beyond Boundary
High Spec Forestry	Infringement Notice	Tararua	25/08/2020	338(1)(c)	Breach of Abatement Notice 1120
High Spec Forestry	Infringement Notice	Tararua	25/08/2020	9(1)	Breaching National Environmental Standard for plantation forestry.
AB Roofing Ltd	Infringement Notice	Palmerston North	22/09/2020	15(1)(c)	Burning prohibited materials on industrial and trade premise
AFFCO	Infringement Notice	Whanganui	7/10/2020	15(1)(b)	Unauthorised discharge of stormwater
Lyndon Currie (LC Bulders)	Infringement Notice	PNCC	7/10/2020	15(1)(c)	Burning prohibited materials on industrial and trade premise

11 November 2020

Rangitikei District Council	Infringement Notice	Rangitikei	7/10/2020	15(1)(a)	Ongoing water quality exceedances at Hunterville WWTP
Dhalson Halidone	Abatement notice	Horowhenua	2-Jul-20	9(2), 15(1)(a) and 15(1)(b)	Cease unauthorised earthworks
Dhalson Halidone	Abatement notice	Horowhenua	2-Jul-20	9(2), 15(1)(a) and 15(1)(b)	Stabilise unauthorised earthworks
Rangitikei District Council	Abatement notice	Rangitikei	6-Oct-20	15(1)(a)	Undertake monitoring required by resource consent for Bulls WWTP
Rangitikei District Council	Abatement notice	Rangitikei	6-Oct-20	15(1)(a)	Undertake monitoring required by resource consent for Marton WWTP
Wayne Bishop Group Limited	Abatement notice	Horowhenua	3-Jul-20	15 (2A)	Cease burning of prohibited materials
Eastown Timber Processors	Abatement notice	Whanganui	14-Jul-20	15(1) (c)	Provide management plan
James Robert and William John McVitty	Abatement notice	Manawatu	17-Aug-20	9(2), 13(1)(d), 14(3)(a), 15(1)(a) & 15(1)(b)	Cease unauthorised tracking and associated diversion, damming of watercourse. Discharge of contaminants to water and land where it may enter water
Brendon Cole	Abatement notice	Ruapehu	31-Jul-20	9(2)	Stabilise unauthorised earthworks
Siteworx (2006) Ltd	Abatement notice	Manawatu	7-Sep-20	15(2A)	Burning demolition waste - 402-406 Pohangina Road
Palmerston North Industrial & Residential Developments Ltd	Abatement notice	Palmerston North	24-Sep-20	9(2), 13(1) & (15(1)(b)	Undertake to confirm fish passage. Failure to stabilise site before winter. Fish passage not provided. SNC's with consent in general.
Palmerston North Industrial & Residential Developments Ltd	Abatement notice	Palmerston North	24-Sep-20	9(2), 13(1) & (15(1)(b)	Cease unauthorised earthworks
Glenn Martin Ltd	Abatement notice	Taumararui	10-Sep-20	15(1)(b) & 9(1)	Under take stabilisation and remedial works relating to forestry
Malcolm Govenlock	Abatement notice	Rangitikei	2-Sep-20	15(1)(b)	Cease unauthorised truck wash
Malcolm Govenlock	Abatement notice	Rangitikei	2-Sep-20	15(1)(b)	Undertake remedial works to clean up effluent and disposal of at authorised facility
Kakariki	Abatement	Horowhenua	23-Sep-20	15 (2A)	Cease excess nitrogen

11 November 2020

Proteins Limited	notice				loading
PF Olsen Limited	Abatement notice	Rangitikei/Wanganui	15-Oct-20	9(1) and 15(1)(b)	Under take stabilisation and remedial works relating to forestry

Table 2. Regulatory action taken during reporting period.

11. SIGNIFICANCE

11.1. This is not a significant decision according to the Council’s Policy on Significance and Engagement.

Greg Bevin
REGULATORY MANAGER

Nic Peet
GROUP MANAGER STRATEGY & REGULATION

ANNEXES

A Wastewater Reporting