

Report No.	19-119
Information Only - No Decision Required	

REGULATORY MANAGEMENT REPORT - APRIL TO JUNE 2019

PURPOSE

- 1.1. This report updates Members on regulatory activity, for the period April 2019 to June 2019 and summarises regulatory activities for the 2018-2019 year. It also provides a summary of the regulatory work programme for the 2019-2020 year.

2. RECOMMENDATION

That the Committee recommends that Council:

- a. receives the information contained in Report No. 19-119 and Annexes.

3. FINANCIAL IMPACT

- 3.1. We are still anticipating that there will be significant costs associated with processing large and complex applications, which may in turn be subject to appeal. Also, on-going investigations and prosecutions within the compliance monitoring programme, coupled with an increase in environmental incidents being received, are likely to have an impact on both expenditure and revenue within this programme. Regular updates will be provided to the Audit and Risk Committee throughout the year.

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. OVERVIEW

- 6.1. Regulatory activity has once again been busy this year. Of note is that during the 2018-2019 year Horizons processed and authorised 558 activities (or consents), with 89 percent being processed with the relevant statutory timeframes, compared to 324 consents being granted in 2017-2018 year. Four consents were subject to full public notification.
- 6.2. There are also 181 applications that are in currently still in the process.
- 6.3. The 2018-2019 year saw the resolution of a number of high profile applications, including the Foxton Wastewater Treatment Plant and AFFCO Feilding.
- 6.4. In relation to the major applications, the following provides a summary of their current status:
- i. Regarding the **Department of Conservation (DOC) Whakapapa Wastewater Treatment Plant (WWTP)** application DOC is engaging with iwi on whether the discharge should be located either within or outside of Tongariro National Park. A potential move to locate the plant outside the dual World Heritage Area and its associated ecological, environmental, and cultural values is significant. Whilst this engagement will delay the final consenting process, it is important that it occurs. The focus of this process is to make sure that the best possible solution for the maunga

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- and waterways is identified. At the same time DOC are still progressing with significant upgrades to the current WWTP to improve its environmental performance. Officers continue to liaise with DOC and iwi.
- ii. Re-consenting of Pahiatua wastewater treatment plant remains the subject of a mediation process. This process is confidential to the parties involved.
 - iii. A decision on the Eketāhuna WWTP was made on 11 March 2019. This has subsequently being appealed to the Environmental Court.
 - iv. Submissions closed for the Woodville WWTP on 19 April 2019, with seven submissions being received, of which six were in opposition.
 - v. The Tokomaru WWTP is now onto its second iteration of draft conditions, which are now with the **Horowhenua District Council (HDC)** for review.
 - vi. Further information requested, relating to the discharge of stormwater into the Koputaroa Stream catchment, has been provided by HDC and is currently being reviewed. After this the next step in the process is to determine whether the applications need to be notified in accordance with section 95 of the **Resource Management Act 1991 (RMA)**.
 - vii. HDC has lodged a consent application for the operation of the Levin WWTP discharges (commonly known as 'The Pot'). The consent application has been notified and at the close of submissions 17 submissions had been received. Most are in opposition to the proposal. A hearing is set down for the week of 27-29 August.
 - viii. HDC lodged a resource consent application prior to Christmas, seeking to authorise the discharge of stormwater from the Levin Township into Lake Horowhenua for a period of five years. Further information has been requested and HDC has asked for time to engage with the relevant parties. Given the tensions around Lake Horowhenua this is not expected to be a simple process.
 - ix. HDC is preparing a consent application, seeking to discharge stormwater from the Foxton Township to the Manawatū River.
- 6.5. The Manawatu Gorge replacement project "Te Ahu a Turanga" is progressing. A decision on the **Notice of Requirement (NOR)** has been made and subsequently appealed by the three parties, including the Department of Conservation.
- 6.6. Horizons staff have continued to meet with **New Zealand Transport Authority (NZTA)** in relation to the pending regional consenting process. At this stage NZTA are anticipating lodging the main resource consents with Horizons either late this year or early in the 2020.
- 6.7. To date, Horizons has processed one 'enabling' consent application in relation to geo-technical investigations in the Manawatu River. Another enabling consent application was lodged in July, in relation to the construction of an access road into the main alignment. NZTA have indicated that further enabling consent applications are likely to be lodged in the near future.
- 6.8. As previously reported officers have also been considering the regulatory demands that such a major civil construction project will have on its business. These lie in three main areas: the large numbers of consent variations that need to be managed and processed following the main consenting process; large volumes of management reports and compliance inspections required to enable works to occur or follow up on consent conditions; and a significant administration process to manage large volumes of data and information.
- 6.9. To this end staff have initially assessed the capacity and capability required to meet its statutory obligations in these areas. This assessment indicates that a Special Projects Team (**the Team**) of at least four full time equivalent (**FTE**) will be required. This FTE would consist of a Senior Planner, Senior Compliance Officer, a Compliance Officer and an

Administrator. At the time of writing this report conversations were still occurring with NZTA on resource demands for the “Te Ahu a Turanga” project and how these demands can be funded.

- 6.10. Mercury Energy have announced they are to commence construction of the Turitea Windfarm in August this year. The conditions associated with these resource consents are extensive and the project will require development and implementation of a robust compliance monitoring programme. At present the focus is on the certification of a number of management plans associated with the project, which has to occur prior to construction commences. The certification process has been very involved and require significant staff time and input from various internal and external experts. Once construction commences, Horizons will be undertaking active monitoring of the site, with a particular focus on ensuring land disturbance activities are being undertaken in accordance with the various resource consents and management plans. Given the nature and scale the project, a significant amount of compliance time will be required to both assess compliance with the number of conditions and management plans.
- 6.11. As reported below there has been a significant increase in the number of environmental incidents received during the 2018-2019 year. This along staff vacancies in the first half of the year and continued implementation of the NES-PF has had a direct impact on the delivery of the compliance programmes.
- 6.12. The year has also seen the release of the report titled “**Independent Analysis of the 2017/2018 Compliance Monitoring and Enforcement Metrics for the Regional Sector**”. This was a first for the sector and was the most comprehensive survey on **Compliance Monitoring and Enforcement (CME)** activities under the RMA in its 27 year history. A number of recommendations were made, including ensuring adequate resource is in place to undertake CME functions, ensuring information systems are appropriate and Councils have good internal policy frameworks in place. Regarding Horizons, the report noted that whilst there is a well-developed policy framework, it has some of the lowest CME resourcing in the sector on per population basis and information management was an area for improvement. Whilst comments were also made regarding the level of enforcement action, it must be noted that for the period of the report, Horizons had a number of matters before the courts and since there were not completed, they were not counted in the statistics for the period. A copy of this report is attached as **Annex A**.
- 6.13. A Compliance Monitoring Policy for Horizons RMA regulatory activities has recently been developed. This policy details at a high level the general principles that guide Horizons compliance business and how Horizons takes a risk based approach to compliance monitoring. This policy should be read in conjunction with Horizons Enforcement Guidelines. A copy the policy is attached as **Annex B**

7. COMPLIANCE PROGRAMME

- 7.1. This section of the report will summarise activities in the key programmes within the wider compliance programme for the 2018-2019 year.

Programme Overview (2018-2019)

- 7.2. For the 2018-2019 a total of 1246 resource consents were assessed, with a total of 373 Non-compliances being recorded, of which 80 were significant. This equates to a compliance rate of 66 percent across the entire compliance monitoring programme for the year. Table 1 provides a comparison of these numbers against the 2017-2018 year.

2017-2018 year			2018-2019 year		
Consents inspected	Non-compliances detected	Overall Compliance rate	Consents Inspected	Non-Compliances detected	Overall compliance rate
1400	174	88%	1246	373	66%

Table 1 - Summary of compliance programme for 2018-2019

Rural Programme

7.3. This programme primarily assesses compliance with **Farm Dairy Effluent (FDE)**, **Intensive Land Use (ILU)** and stock water consents.

Farm Dairy Effluent

7.4. During the year a total of 307 FDE resource consents were inspected. In addition to this 12 follow-up inspections occurred due to significant non-compliance being detected. The number of consents inspected is less than the planned 450. This is due to vacancies and staff resource being diverted to support a significant increase in incidents received, and implementation of the **National Environment Standard for Plantation Forestry (NES-PF)**.

7.5. Table 2 summarises the compliance assessments in relation to FDE consents for the year. In summary there were 9, 14 and 17, low risk, moderate and significant non-compliances, respectively. This represents an 87% compliance rate across those consents assessed (compared to 91.5% in the 2017-2018 year). The significant non-compliances related to significant pond overflows, failure to install adequate storage and significant ponding at or in the vicinity of the irrigator. Figures 1-3 illustrate some of the issues that have been identified during the year.

Compliance Rating	No. Consents
Comply - Full	178
Comply - At Risk	89
Low Risk Non - Compliance	9
Moderate Non-Compliance	14
Significant Non Compliance	17
Total Consents Monitored This Season	307

Table 2 – Number of FDE Consents Inspected and Associated Compliance Gradings



Figure 1 – Sump Overflow – Effluent in a drain



Figure 2 – Effluent ponding – result of slurry wagon spill



Figure 3 – Runoff and ponding of effluent from unconsented standoff/feed pad

Intensive Land Use Consents

7.6. During the year a total of 75 ILU on farm inspections were undertaken. As previously reported, the focus of these inspections is to assess those conditions that can be assessed on-site. Table 3 summarises the compliance gradings received. Of particular note is no moderate or significant non-compliances were detected, with only two low risk non-compliances being detected due to minor non-compliances with mitigations under the Sustainable Milk Plan (SMP). The latter included not introducing the specific crop as identified in the SMP, however the overall impact of this on nitrogen leaching was considered insignificant.

Compliance Rating	Number of Consents
Comply - Full	65
Comply - At Risk	8
Low Risk Non - Compliance	2
Moderate Non-Compliance	0
Significant Non Compliance	0
Total	75

Table 3 – ILU Consents Inspected

7.7. The ILU programme also assesses compliance against nutrient budget reporting. During the year a total of 239 nutrient budgets were assessed. Given the annual nature of the assessment and when the budgets are provided, the budgets assessed were for the 2017-2018 year. Table 4 below summarises the gradings for the year.

7.8. The high number of low risk non-compliances were due consent holders failing to supply nutrient budgets within timeframes required by consent conditions, whilst moderate and significant non-compliances were due to failures to comply with consented Nitrogen leaching limits specified in the conditions of consent. Regarding the latter, these ILU were

referred to Horizons Rural Advice Team to give advice on how nitrogen leaching on the farm could be achieved.

Compliance Rating	Number of Consents
Comply Full	28
Comply at Risk	9
Low Risk Non Compliance	154
Moderate Non-Compliance	40
Significant Non Compliance	8
Total Assessed	239

Table 4 - ILU Nutrient Budgets Assessed

Stock Water Takes

7.9. The Rural programme also assess compliance against stock water consents. Table 4 summarises the stock water programme for the year.

Compliance Rating	Number of Consents
Comply - Full	54
Comply - At Risk	12
Low Risk Non - Compliance	18
Moderate Non-Compliance	9
Significant Non Compliance	6
Not Assessed	22
Total Assessed	98
Permitted Activity	135
Require Consent	7

Table 5 - Rural Water Takes Assessed

- 7.10. Overall 33 non-compliances were detected from 98 consents that were assessed. This represents a compliance rate of 66 percent. The non-compliances related to flow meters not being verified, minor exceedances in volumes and flow meters not being installed, whilst the significant non-compliances typically related to repeated non-compliance.
- 7.11. In addition to this, 135 permitted activities were assessed and an additional 7 water takes were identified as requiring resource consent. In relation to the latter, timeframes were set for resource consent applications to be lodged.
- 7.12. Table 6 summarises the enforcement action undertaken as part of the Rural Programme. The action taken ranged from Formal Warnings to a prosecution before the District Court. Formal warnings were all issued for failing to provide nutrient budgets, Abatement notices were issued for moderate and significant non-compliances with water stock water take and farm dairy effluent discharge consents and infringement notices largely related to significant effluent ponding or run-off and failure to install effluent storage facilities as required by resource consents.

Type Of Enforcement	Number
Formal Warnings	46
Abatement Notices	28
Infringement Notices	8
Prosecutions before the Court	1

Table 6 - Rural Programme Enforcement Action

Water Programme

- 7.13. This programme focuses primarily on those consents (or authorisations) associated with Hydro electricity generation, municipal water supplies and irrigation stockwater takes. This programme also undertakes compliance monitoring against the National Water Regulations which includes all water takes greater than 5 litres per second. The programme is characterised by a mixture of automated monitoring, assessing manual records, and undertaking physical inspections and in the case of consents associated with hydro-electricity generation and some municipal water supplies, assessing annual reports. The programme is currently prioritised along assessing large water takes and/or takes that occur within fully allocated catchments.
- 7.14. Currently there are 402 consents that are monitored via the council telemetry system. Activities subject to this automated monitoring system include large irrigation takes, takes within fully allocated catchments, municipal water supplies and hydro electricity generation. This system of monitoring involves compliance staff receiving automated notification reports in the event non-compliance has occurred with the amount of water taken by a consent holder. Over the reporting period 43 non-compliances (10 of moderate risk, 35 low risk) were identified and verified via this automated reporting system. The non-compliances were related to system leaks, poor management and emergency situations for municipal water supplies.
- 7.15. In addition to this, compliance monitoring has occurred against the Water Regulations. Over the reporting period, a number of non-compliances were identified, with the primary issue being the failure to have water meters installed. In the reporting period, enforcement action was taken for an overdue flow meter install and an overdue verification certificate. A letter went out to 200 consent holders requesting they contact Horizons with regard to whether flow meter/s are installed as required by either consent conditions or the National Water Regulations. To date, 70 meters have been confirmed as installed, the remainder are currently being followed up to confirm if these are installed or not. This will require working closely with consent holders to establish compliance and taking enforcement action when appropriate.

Industry Programme

- 7.16. This programme consists of monitoring those resource consents associated with industrial and municipal activities, including discharges to land, air and water. It also includes the monitoring of land disturbance activities associated with residential sub-divisions, windfarms, industrial developments and works associated road construction activities.
- 7.17. The consents associated with this programme range from the small and simple to large and complex, with the latter generally being associated with major activities such as WWTP discharges, industry discharges and windfarm developments. The consents generally authorise numerous activities and can contain conditions spanning numerous pages of varying complexity.
- 7.18. Given the breadth of the programme, activities in this programme are categorised based on risk, with the following factors being considered when assessing site risk:

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- Actual and potential effects¹;
 - Natural and scale;
 - Compliance History;
 - Public profile or interest, including tangata whenua expectations; and
 - Complexity of resource consent(s).
- 7.19. Consideration of these factors will determine whether the activity is high, medium or low risk, which in turn will determine the frequency by which an activity is monitored, with higher risk activities being subjected to more intensive monitoring than lower risk activities. This ensures Horizons finite resources are directed to those activities that pose a greater risk to the environment.
- 7.20. Compliance reporting in this programme is based on a site as opposed to individual consent basis as is the case in the Rural Programme. Therefore, a single site assessment, typically includes an assessment of numerous conditions. For example, the annual audit report conducted for the Feilding WWTP covered seven consents, however, this was only recorded as one assessment.
- 7.21. Considering this, over the reporting period a total of 89 sites were assessed for compliance. This included 14, 30 and 18 C1, C2 and C3 sites respectively, and 23 inspections associated with land disturbance activities. Over the reporting period 37 received significant non-complaint, 29 non-compliant and 23 fully compliant gradings. This represents an overall compliance rate for sites monitored for this programme of 26%, whilst the compliance rate for individual consents assessed is 48%. It is also important to note that whilst two and nine and three, C1, C2 and C3 sites, respectively were not assessed in the year, these were at the time of writing this report being assessed.
- 7.22. In relation to non-compliances these related to low and moderate risk non-compliances and significant non-compliances. The first two include one off or first time failures to comply with reporting requirements or minor exceedances in discharge volumes, whilst the latter is due to repeated failure to comply with monitoring requirements, continued non-compliance with water quality standards, failure to follow management plans and failure to report non-compliances. Whilst some of these have been on-going and are being addressed via consent renewals, a number have resulted in enforcement action being taken, including the issuing of Abatement and Infringement Notices.

National Environmental Standards

- 7.23. This is a new stream of work and deals with the monitoring of activities that occur under National Environmental Standards. Currently the NES-PF is the only NES subject to this programme, however, this may change in the event other National Environmental Standards come into effect.
- 7.24. As previously reported staff have adopted a risk based approach to implementation of the NES-PF. Tables 7 to 9 summarises the key permitted activity notifications, consent applications and enforcement action that has occurred in this area.

¹ This includes assessing the toxicity of any discharge, value of the receiving environment and any actual or potential adverse effects.

TYPE	IN FLIGHT	FINALISED	TOTAL
Permitted Activity Notices	26	147	173
Afforestation	3	23	26
Pruning & Thinning (to Waste)	-	2	2
Forestry Earthworks	15	77	92
Forestry River Crossings	3	10	13
Forestry Quarrying	2	3	5
Forestry Harvesting	22	126	148
Forestry Mechanical Land Preparation	-	-	-
Replanting	1	2	3
Forestry Ancillary Activities	-	1	1
Forestry General Provisions	25	128	153
Resource Consent Applications	2	9	11
Afforestation	-	1	1
Pruning & Thinning (to Waste)	-	-	-
Forestry Earthworks	2	2	4
Forestry River Crossings	1	3	4
Forestry Quarrying	-	-	-
Forestry Harvesting	-	3	3
Forestry Mechanical Land Preparation	-	-	-
Replanting	-	2	2
Forestry Ancillary Activities	-	1	1
Forestry General Provisions	-	1	1
TOTAL	28	156	184

Table 7 – Summary of PA notifications and consent applications

	Afforestation	Earthworks	Harvesting	Quarrying	River Crossings	Slash Traps
Compliance Inspections	1	30	28	0	1	2
Non-Compliance	0	16	13	0	0	0

Table 8 – Summary of inspections and non-compliance

	Formal Warning	Infringement Notice	Abatement Notice	Enforcement Order	Investigation
Enforcement Action	0	0	8	0	1

Table 9 – Summary of NES-PF enforcement action

7.25. The main issues identified during the year primarily relate to management of slash and earthworks, and the risk these activities pose to the receiving environment. Figures 5-9 provide examples of some of the issues identified during the reporting period.



Figure 5 – Poor erosion and sediment controls



Figure 6 – Slash deposited in and close to a small waterway



Figure 7 – Slash placed close to a stream/river



Figure 9 – Side casting of material

Enforcement

7.26. During the 2018-2019 year 52 Formal Warnings, 69 Infringement Notices and 82 Abatement Notices were issued. Table 9 provides a summary of the actions taken. This is an increase from the 2017/2018 year which saw 48 Formal Warnings, 17 Infringement notices and 36 Abatement Notices issued.

	Section 9 (land)	Section 12(CMA)	Section 13 (beds of lakes/ivers)	Section 14 (water)	Section 15 (Discharges)	S338(1)(c) Abatement Notice
Formal Warnings	46	0	0	0	6	0
Infringement notices	14	0	0	1	42	12
Abatement notices	28	0	0	6	48	0

Table 10 – Enforcement Action for 2018-2019

7.27. Formal warnings are typically used for very minor offending, but are referred to and taken into consideration if further non-compliance occurs. Abatement notices are issued under section 324 of the Resource Management Act and can be issued on a person to either cease, not undertake or take a certain action, whilst an infringement notice is a fine that can be issued on a person or organisation. The fines associated with an infringement notice are set by the Infringement Notice RMA Regulations 1999 and range between \$300 and \$1000 depending on what section of the RMA has been contravened.

7.28. During the reporting period a number of prosecutions were resolved, resulting in fines of \$290,000, of which 90% is paid to Horizons. These cases are summarised in table 10 below.

Prosecution	Section of RMA contravened	Nature of Offence	Fine/Sentence imposed
MWRC v Land Meat NZ Ltd	s15(1)(b)	Discharge of wastewater associated with meat processing that entered into the Whanganui River.	\$66,500
MWRC v WDC	s15(1)(b)	Discharge of treated human effluent into the Mowhanau Stream	\$21,000
MWRC v Le Poulet Fabuleux	s15(1)(b)	Discharge wastewater from intensive chicken growing operation to land	\$57,000
MWRC v Fyfe Charles Williamson	s9(2) s13(1)(b) s13(1)(e)	Earthworks in the bed of a lake and earthworks within 10m of a wetland.	80 hours community work
MWRC v PGG Wrightsons Ltd and Carfileds Livestock Ltd	s15(1)(b)	Discharge of animal effluent from the Feilding stockyards to Makino Stream	\$75,000 and \$71,200 respectively

Table 11 – Summary of prosecutions completed for 2018-2019

7.29. Regarding the Fyfe Williamson case the Court noted that if the defendant was in a position to pay a fine a starting point of between \$80,000 to \$100,000 would have been adopted, which is between 25 to 33 percent of the maximum penalty for an individual under the RMA.

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- 7.30. In relation to fines, where possible Horizons endeavours to put money associated with the fine back into the catchment affected, to assist projects that help enhance the overall environmental status catchment.
- 7.31. In addition to the above there are currently seven active investigations underway in relation to serious non-compliances and two matters before the Courts.

Incident Response Programme

7.32. This programme focuses on Horizons 24-hour incident response function and involves incidents relating to both consented and unconsented activities. When received, incidents are categorised on priority basis from 1 to 5. The categorisation is based on a number of factors, including environmental risk, compliance history and public interest. From an operational perspective, the categorisation means that for:

- Category 1 incidents - there must be an immediate response. These incidents are normally characterised by an organizational wide response, such as the Raetihi diesel spill in 2013;
- Category 2 incidents are to be responded to within one day;
- Category 3 incidents are to be responded to within two weeks;
- Category 4 incidents are to be responded to when an officer is next in the area; and
- Category 5 incidents no physical response is required

7.33. During the 2018-2019, 1298 incidents were received and responded to by Horizons. This is a significant increase from previous years (see figure 9 below). Additionally most the complaints related to discharges to air, followed by complaints regarding impacts on streams and rivers and then land related activities, such as land or vegetation disturbance (see figure 10).



Figure 9 – Complaints received between 2005 and 2019



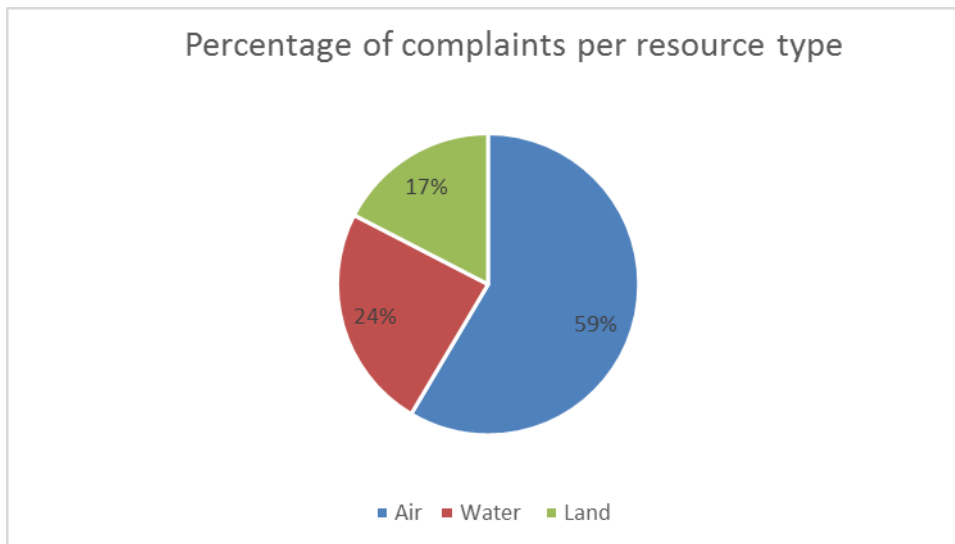


Figure 10 – Complaints by Resource Type

8. COMPLIANCE AND NON-COMPLIANCE

8.1. During the reporting period there were 190 compliance monitoring assessments. Of these, 49 non-compliances and 27 significant non-compliances were detected. This equates to a 60% compliance rate across the entire programme for the reporting period.

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

- Industry:** 11 non-compliance and 17 significant non-compliances; and
- Rural:** 38 non-compliances and 10 significant non-compliances

9. REGULATORY ACTION

9.1. During the reporting period 31 abatement and 27 infringement notices were issued. Table 11 below provides a summary of the formal regulatory action taken during the reporting period.

Person	Regulatory Action Taken	District	Date Issued	Section of RMA Contravened	Actions
Milson Foundry	Infringement Notice	Palmerston North	3/04/2019	15(1)(c)	Objectionable odour
Robert Wells	Infringement Notice	Wanganui	03.04.19	15(2A)	Discharge of a contaminant into air
Easttown Timber Products Limited	Infringement Notice	Wanganui	18.04.2019	15(1)(c)	Discharge of a contaminant into air
SDG Horopito Limited	Infringement Notice	Ruapehu	21/05/2019	15(1)(b)	Discharge of a contaminant to land
SDG Horopito Limited	Infringement Notice	Ruapehu	22/05/2019	15(1)(b)	Discharge of a contaminant to land
Mead and Vickery	Infringement Notice	Ruapehu	22/05/2019	15(1)(b)	Discharge of a contaminant to land
Ivan Thomas Mead & Suzanne Helena Mead	Infringement Notice	Ruapehu	22/05/2019	15(1)(b)	Discharge of a contaminant to land
Desley and Stephen McGougan	Infringement Notice	Ruapehu	22/05/2019	15(1)(b)	Discharge of a contaminant to land

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Person	Regulatory Action Taken	District	Date Issued	Section of RMA Contravened	Actions
SDG Horopito Limited	Infringement Notice	Ruapehu	21/05/2019	9(2)	Unauthorised earthworks
SDG Horopito Limited	Infringement Notice	Ruapehu	22/05/2019	9(2)	Unauthorised earthworks
Mead and Vickery	Infringement Notice	Ruapehu	22/05/2019	9(2)	Unauthorised earthworks
Ivan Thomas Mead & Suzanne Helena Mead	Infringement Notice	Ruapehu	22/05/2019	9(2)	Unauthorised earthworks
Desley and Stephen McGougan	Infringement Notice	Ruapehu	22/05/2019	9(2)	Unauthorised earthworks
Owen Rush Contracting Limited	Infringement Notice	Manawatu	17/05/2019	15 (1) (c)	Discharge contaminant into air
A1 Digger Hire	Infringement Notice	Palmerston North	5/06/2019	15 (1)(c)	Discharge contaminant into air
SDG Horopito Limited	Infringement Notice	Ruapehu	21/05/2019	338(1)(c)	Breach of Abatement notice (AN)
SDG Horopito Limited	Infringement Notice	Ruapehu	22/05/2019	338(1)(c)	Breach of AN
Mead and Vickery	Infringement Notice	Ruapehu	22/05/2019	338(1)(c)	Breach of AN
Ivan Thomas Mead & Suzanne Helena Mead	Infringement Notice	Ruapehu	22/05/2019	338(1)(c)	Breach of AN
Desley and Stephen McGougan	Infringement Notice	Ruapehu	22/05/2019	338(1)(c)	Breach of AN
Roger Wilson GLOYN	Infringement Notice	Manawatu	23/05/2019	15(2A)	Objectionable odour beyond property boundary.
Tamatarau Farms Limited	Infringement Notice	Horowhenua	18/06/2019	15(1)(b)	Ponding
Tamatarau Farms Limited	Infringement Notice	Horowhenua	18/06/2019	338(1)(c)	Breach of AN
Tamatarau Farms Limited	Infringement Notice	Horowhenua	18/06/2019	15(1)(b)	Ponding
Tamatarau Farms Limited	Infringement Notice	Horowhenua	18/06/2019	338(1)(c)	Breach of AN
Manawatu District Council (Feilding WWTP)	Infringement Notice	Manawatu	14/06/2019	15(1)(b)	Exceeding Soluble Inorganic Nitrogen limits
Paranui Organics (2006) Ltd	Infringement Notice	Horowhenua	11/06/2019	15(1)	Offensive odour Beyond Boundary
HRC River Management Group	Infringement Notice	Whanganui	11/06/2019	9(2)	Unauthorised land disturbance
Koputara Farm Limited	Abatement Notice	Foxton	16-Apr-19	14(2)	Cease unauthorised water abstraction and use above Permitted activity rule

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Person	Regulatory Action Taken	District	Date Issued	Section of RMA Contravened	Actions
Higgins Contractors Limited	Abatement Notice	Region Wide	2-Apr-19	15(1)(b) & 9(2)	Cease all unauthorised land disturbance activities within the Manawatu-Wanganui Region
Grant Wright (Property Owner 235 No.2 Line)	Abatement Notice	Whanganui	15-Apr-19	15(2A)(b)	Cease the unauthorised discharges of contaminants, namely domestic wastewater, onto or into land
Te Paratai Farms Limited	Abatement Notice	Manawatu	9-Apr-19	9(2)	Nutrient Budget not submitted
Ross Mclean Burnett	Abatement Notice	Manawatu	9-Apr-19	9(2)	Nutrient Budget not submitted
Moonbiana Farms	Abatement Notice	Tararua	9-Apr-19	9(2)	Nutrient Budget not submitted
Forest Owner Marketing Services Limited (FOMS)	Abatement Notice	Whanganui	18-Apr-19	9(1) & 15(1)(b)	Forestry Earthworks stabilised by 17 May 2019
Eastown Timber Processors	Abatement Notice	Whanganui	16-Apr-19	15 (1) (c)	Cease the discharge of objectionable dust beyond its boundary
Hones Family Trust	Abatement Notice	Tararua	30-Apr-19	15(1)(b)	Under irrigation area
Forest 360 Limited	Abatement Notice	Whanganui	14-May-19	9(1) & 15(1)(b)	Remove slash from watercourse.
Forest360 Limited	Abatement Notice	Whanganui	20-May-19	9(1) & 15(1)(b)	Forestry Earthworks stabilisation
Owen Rush Contracting Ltd	Abatement Notice	Manawatu	17-May-19	15 (1) (c)	Cease unauthorised discharge to air.
John Turkington Limited	Abatement Notice	Whanganui	21-May-19	9(1) & 15(1)(b)	Forestry Earthworks stabilisation
Forest 360 Limited	Abatement Notice	Whanganui	14-May-19	9(1) & 15(1)(b)	Forestry Earthworks stabilisation
NZL Forest Group	Abatement Notice	Tararua	16-May-19	9(1) & 15(1)(b)	Forestry Earthworks stabilisation
Kerry Ian Griffiths	Abatement Notice	Palmerston North	20-May-19	15(2A)	To cease burning of prohibited materials
A1 Digger Hire	Abatement Notice	Palmerston North	5-Jun-19	15 (1) (c)	To cease burning of prohibited materials
A1 Digger Hire	Abatement Notice	Palmerston North	5-Jun-19	15 (1) (c)	To appropriately clean up burn site

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Person	Regulatory Action Taken	District	Date Issued	Section of RMA Contravened	Actions
GLOYN, Roger Wilson	Abatement Notice	Manawatu	30-May-19	15 (2A)	Cease any objectionable odour and smoke discharging beyond property boundary
SKRC Farms Limited	Abatement Notice	Manawatu	30-May-19	15(1)(b)	Cease effluent ponding
Ngatahaka Holdings Limited	Abatement Notice	Tararua	6-Jun-19	15(1)(b)	Cease effluent discharge to drain
Ngatahaka Holdings Limited	Abatement Notice	Tararua	6-Jun-19	15(1)(b)	Cease effluent discharge to drain
John Turkington Limited	Abatement Notice	Whanganui	13-Jun-19	9(1) & 15(1)(b)	Forestry Earthworks stabilisation
Ray Coles Transport Ltd	Abatement Notice	Rangitikei	10-Jun-19	15(1)(b)	Cease use of effluent pond and discharge of effluent to Rangitikei river
Ray Coles Transport Ltd	Abatement Notice	Rangitikei	10-Jun-19	15(1)(b)	Remove contents of effluent pond
KR and SD Farrier	Abatement Notice	Manawatu	12-Jun-19	15(1)(b)	Failure to line feedpad open drains in breach of condition 6 of consent
Glen Bartosh, Paranui Organics (2006)	Abatement Notice	Horowhenua	25-Jun-19	15(1)c	Offensive odour detected beyond property boundary.
Tamatarau Farms Limited	Abatement Notice	Horowhenua	18-Jun-19	14 (2) (a)	Install working flow meter and verify
SKRC Farms Limited	Abatement Notice	Manawatu	25-Jun-19	15(1)(b)	Cease effluent run off.
D.L.R. Farms Limited	Abatement Notice	Rangitikei	14-Jun-19	14(2)(a)	Verify flow meter
Manawatu District Council	Abatement Notice	Manawatu	28-Jun-19	15(1)(b) and (d)	Provide water budget

Table 11 – Regulatory action taken during reporting period

10. INCIDENT REPONSE

- 10.1. An annual summary of incidents for the year is detailed above, however over the reporting period, a total of 300 complaints were received. For this reporting period, the majority of these complaints (162) related to discharges to air. The remainder of the complaints related to discharges to land (67) and water (71).
- 10.2. 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.

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11. 2019-20120 REGULATORY PROGRAMME

11.1. This section of the report provides a high level summary of the regulatory work programme for the 2019-2020 year.

Consents

11.2. In addition to processing Business as Usual applications, continued implementation of the NES-PF, and implementing any new regulation from central government, the focus this year will be on advancing those WWTP that have been on existing use rights for extended periods of time and whose environmental effects are considered more than minor. However in setting this priority it must be noted that not all WWTP can be advanced at the same time due to resourcing capacity for both Horizons and the district councils and the fact the pace at which applications proceed are to certain extent beyond Horizons control as these applications are typically notified, subject to a hearing and then potentially subject to Environment Court appeal.

11.3. It is expected that consents for the 'Te Ahu a Turanga' will be lodged and processed during the 2019-2020 year. This will also include significant input from staff at various stages. It is also possible, depending on the outcome of the consent process that Horizons compliance programme for the 'Te Ahu a Turanga' project will commence.

Compliance

11.4. The compliance programme has been reviewed against the key risk factors detailed above. To this end, the following priorities have been set:

- Inspect 300 FDE consents. This will focus on those operations that have been assessed as non-compliant and had a comply at risk grading in the 2018-2019 year;
- Assess 239 nutrient management budgets associated with ILU consents;
- Undertake aerial monitoring in the Tararua and Ruapehu districts to assess compliance with the NES-PF;
- Assess Category 1 and Category 2 sites on the industry programme;
- Assess compliance of water abstraction activities and performance against the National Water Regulations;
- Undertake active monitoring of the Turitea windfarm development;
- Follow-up on all significant non-compliances;
- Respond to environmental incidents as per the existing risk based model; and
- Investigate and take appropriate enforcement action when non-compliance is detected.

11.5. After considering resource capacity, increasing demands in other areas (such as incident response, investigations and enforcement, and continued implementation of the NES-PF) and matching this to the risk framework around compliance monitoring, the review has identified that site inspections associated with ILU consents and proactive monitoring of C3 sites (including C3 WWTP) will only occur in the event there is a complaint.

11.6. The inspection process for Dairy Farms has been reviewed. Those farms that were assessed in the 2018-2019 year as being Comply At-Risk, Moderately Non-compliant or Significantly Non-Compliant will be inspected on a non-notified basis. A courtesy call when staff arrive at the farm gate to the consent holder or site contact. Farms that were assessed as compliant will be given 24 hours' notice.

12. RURAL ADVICE

12.1. During the reporting period the team has continued to provide technical advice internally and externally. A particular focus has been on discharge consents, and changed to land use consents, along with providing pre-consenting advice to farmers. Over the past year the team completed 52 technical reviews of consents submitted, completed 35 farm visits

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and fielded over 385 enquiries. These site visits included dairy farms, horticultural operations, goat farms and cropping farms, as well as activities with the compliance team.

- 12.2. The team has continued to communicate broadly with the sector, including meeting with agricultural sector representatives, rural banking specialists, real estate agents and a range of scientists based at Lincoln. We held regular meetings with Dairy NZ, Federated Farmers, Horticulture NZ, Foundation for Arable Research and the Rural Professionals Network.
- 12.3. Presentations on our work were provided to various groups and conferences including at the Fertiliser and Lime Research Centre conference, and to high school groups, farmer groups, and stakeholder groups. The team also provided advice to the public at the Central District Fieldays held in Feilding earlier this year.
- 12.4. To maintain professional practice, members of the team attended various conferences and events, including the **New Zealand Agricultural and Resource Economics Society (NZARES)** conference in Wellington, the New Zealand effluent expo in Hamilton, the **Fertiliser and Lime Research Centre (FLRC)** conference in Palmerston North, the ACRE group in Palmerston North, and the Grow2019 AgriSummit at Lincoln. Staff also contributed to papers to the NZARES, FLRC and Grasslands conferences.
- 12.5. In the latter part of the year the team became heavily involved in providing technical support, project management, and stakeholder engagement support for the recently notified Proposed Plan Change 2, and have also begun similar work to support draft Plan Change 3.
- 12.6. Staff have kept up-to-date with advances to Overseer. This has included attending Regional Council Overseer workshops & arranging transfer of all Overseer files to new OverseerFM system. The team is continuing to train Horizons staff and provide ongoing advice to staff and stakeholders on the new Overseer platform.
- 12.7. Various members of the team are members of project teams for Dairy NZ Partner Farms and Plantain Project, and one of the team has undertaken a short term secondment to Whanganui and Partners to support the land optimisation project team.

13. SIGNIFICANCE

- 13.1. 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 Independent Analysis of the 2017-18 Compliance Monitoring and Enforcement for the Regional Sector
- B Compliance Monitoring Policy