

s 9(2)(a)

TO:

66 McFetridge Drive
RD 6
Rotorua 3096

1. The Bay of Plenty Regional Council gives notice that you must cease the following action:

Clause 1 Contravening condition 7.5 of Resource Consent RM18-0698 (**the consent**)
Clause 2 Contravening condition 8.1 of the consent

2. The location to which this abatement notice applies is:

The dairy farm located at 66 McFetridge Drive, Hamurana, Rotorua District, legally described as Lot 8 DP 392696, Rotorua District. Supply number: OCD237 (**the farm**)

3. You must comply with this abatement notice:

Immediately and continue to comply with this notice thereafter.

4. This notice imposes the following further conditions:

Bay of Plenty Regional Council enforcement officers will from time to time undertake inspections to check whether you are complying with the Resource Management Act 1991 and this abatement notice.

5. This notice is issued under:

Section 322(1)(a)(i) of the Resource Management Act 1991.

6. The reasons for this notice are:

Factual Basis

On 09 October 2025, Jared CROWLEY, a Bay of Plenty Regional Council enforcement officer, attended the farm to assess compliance with the consent.

While on site CROWLEY observed:

- Excessive effluent ponding in paddock 34 from the farm's stationary travelling irrigator.
- Effluent from paddock 34 flowing approximately 400 m before soaking into vegetation.
- Leaks in the irrigator body and drag hose connection.
- Effluent from the washdown area at the dairy shed yard entrance was directed to paddock via a pipe, resulting in ponding and runoff.
- The storm water diversion outlet pipe was leaking, causing ponding in the receiving paddock.
- Holes in the pond liner.
- The dairy effluent system not laid out as per plan, as effluent discharging via yard diversion and uncontained sections of the yard.

Legislative Background

Condition 7.5 of the consent states:

The rate of application shall not result in excessive ponding of effluent

Condition 8.1 of the consent states:

The consent holder shall ensure that the storage pond is:

- (i) Capable of holding a minimum of 405 m³ of pumpable effluent;
- (ii) Lined with a high density polyethylene (HDPE) liner;

- (iii) Installed and maintained so as to ensure all effluent is contained within the storage pond to prevent contamination of groundwater;*
- (iv) Designed so the pond base is located at least 600 mm above ground water*

The travelling irrigator, observed irrigating while immobile in paddock 34 on 09 October 2025, discharged effluent to sufficient to completely submerge a significant area of grass. This would be considered excessive ponding.

The storage pond, observed to have a number of holes in its HDPE liner on 09 October 2025, was not being maintained in a manner that would ensure complete effluent containment and prevent groundwater contamination.

Therefore, I have reasonable grounds to believe, and am of the opinion that, Section 15(1)(b) of the Resource Management Act 1991 (**the Act**) and condition 7.5 and 8.1 of the consent have been breached.

Note - The sustainable management of natural and physical resources is set out by the Act. Section 15 of the Act relates to discharge of contaminants into environment.

Section 15(1) of the Act states *no person may discharge any—*

- (a) contaminant or water into water; or*
- (b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*
- (c) contaminant from any industrial or trade premises into air; or*
- (d) contaminant from any industrial or trade premises onto or into land—*

unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.

IMPORTANT NOTES – PLEASE READ

If you do not comply with this notice, you may be prosecuted under section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stayed as explained below).

You have the right to appeal to the Environment Court against the whole or any part of this notice. If you wish to appeal, you must lodge a notice of appeal in form 49 with the Environment Court within 15 working days of being served with this notice.

An appeal does not automatically stay the notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under section 325(3A) of the Resource Management Act 1991 (see form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

You also have the right to apply in writing to the Bay of Plenty Regional Council to change or cancel this notice in accordance with section 325A of the Resource Management Act 1991.

The Bay of Plenty Regional Council authorised the enforcement officer who issued this notice. Its address is:

Bay of Plenty Regional Council, Quay Street, PO Box 364, Whakatāne 3158
Phone: 0800-884-880, Fax:0800-884-882

The enforcement officer is acting under the following authorisation:

A warrant issued on 03 October 2022 by the Bay of Plenty Regional Council pursuant to section 38 of the Resource Management Act 1991.



Signature of enforcement officer – Gary Ryburn

Date 15 October 2025