

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2023] NZEnvC 166

IN THE MATTER OF

an application pursuant to s 320 of the
Resource Management Act 1991

BETWEEN

WAIKATO REGIONAL COUNCIL

(ENV-2023-AKL-000139)

Applicant

AND

RAWHITI ENVIRONMENTAL
PARK LIMITED

Respondent

Court: Environment Judge MJL Dickey

Hearing: Judicial Telephone Conferences held 8 and 9 August 2023, and
on the papers

Last case event: 9 August 2023

Counsel: N Spier for Waikato Regional Council
J Gurnick for Rawhiti Environmental Park Limited

Date of Decision: 9 August 2023

Date of Issue: 9 August 2023

**DECISION OF THE ENVIRONMENT COURT ON APPLICATION TO
CHANGE INTERIM ENFORCEMENT ORDERS**

A: The application to change the interim enforcement orders is granted. The orders
are as follows:

Orders

1. Pursuant to ss 320(1) and 314(1)(a)(i) of the Resource Management Act 1991

Waikato Regional Council v Rawhiti Environmental Park Limited



(RMA), the Respondent is to immediately cease:

- a. discharging contaminant, namely pig effluent, onto 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, on the property legally described as:
 - i. Lot 5 Deposited Plan 7035, Section 31-32; and
 - ii. Part Section 30 Block V Aroha Survey District.

(the Property).

2. Pursuant to ss 320(1) and 314(1)(da) of the RMA, the Respondent is to carry out the following actions over the course of the next ten (10) days and starting immediately:

- a. reduce stock numbers in the piggery by sending an additional 100 pigs per week to Wilson Hellaby (a 25% increase in the numbers being sent currently); and
- b. reduce the level of pig effluent currently stored at the property by 1.5 million litres by:
 - i. transporting 50,000 litres per weekday to Hamilton City Council's Wastewater Treatment Plant;
 - ii. spreading 400,000 litres of effluent on Rawhiti Environmental Park Limited's farm (**the home farm**) as permitted by ground/weather conditions and nutrient loading rates; and
 - iii. transporting and spreading 750,000 litres of effluent (or more if spreading on the home farm is not possible) at Wainui Farm, Tokoroa under the Orion consent variation on 10 August 2023 at the following rate:

	Wainui Farm spreading
10 August	50,000 ltrs
11 August	50,000 ltrs
12 August	100,000 ltrs
13 August	-
14 August	50,000 ltrs
15 August	100,000 ltrs
16 August	100,000 ltrs
17 August	100,000 ltrs

18 August	100,000 ltrs
19 August	100,000 ltrs
20 August	-

Terms and conditions

3. Pursuant to s 314(3) of the RMA, the Respondent is required to adhere to the following terms and conditions:
 - a. the orders apply to the personal representatives, successors and assigns of the Respondent to the same extent as they apply to the Respondent.
 - b. the respondents are to provide a daily report to Waikato Regional Council for the next ten (10) days. That report shall be sent to IR@waikatoregion.govt.nz by 12 p.m. each day and must provide an update under separate headings of each of the orders outlined above.

Service

4. The orders should take effect from when they are served on the Respondent, via their counsel.

Costs

5. Costs are reserved.

REASONS

Introduction

[1] On 4 August 2023 the Court issued a decision granting an *ex parte* application for interim enforcement orders in respect of the operation of a piggery at a property located at 242A Rawhiti Road, Te Aroha, Waikato (**the Property**).¹

[2] On 8 August 2023, the Court issued a decision setting out the reasons for granting the application.²

¹ *Waikato Regional Council v Rawhiti Environmental Park Limited* [2023] NZEnvC 161.

² *Waikato Regional Council v Rawhiti Environmental Park Limited* [2023] NZEnvC 164.

Application to change interim enforcement orders

[3] On 7 August 2023, the Respondent filed an application pursuant to s 320(5) RMA, for a change to the interim enforcement orders, in particular, an extension to the period in which compliance is required. A 10-day extension was sought.

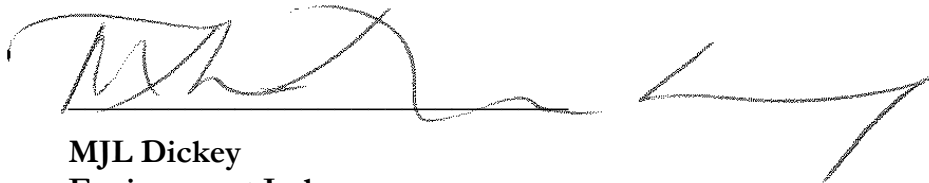
Decision

[4] Following Judicial Telephone Conferences held on 8 and 9 August 2023, draft amended interim enforcement orders were provided to the Court on 9 August 2023.

[5] I am satisfied that the interim enforcement orders should be changed. The reasons will follow in a separate decision.

[6] The application to change the interim enforcement order is granted. Under s 320(5) I change the interim enforcement orders as set out at the beginning of this decision.

[7] Costs are reserved.



MJL Dickey
Environment Judge

