

Please Quote File: EAC.070102.01  
BKEL:LWEB

18 August 2020

Kaipara District Council  
Private Bag 1001  
Dargaville 0340

Dear Sir/Madam

**EAC.070102.01: ABATEMENT NOTICE**

**Enclosed** is an abatement notice served on you for the reasons given in Section 5 of the notice.

Please note that contravention of an abatement notice may result in an infringement notice being issued for \$750.

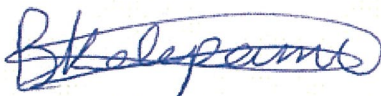
If you wish to appeal the abatement notice, the address of the Environment Court is:

Department of Justice  
Tribunals Division  
DX: SX11154  
Wellington

It is also your right, under Section 325A of the Resource Management Act 1991 (as amended), to apply in writing to this council to have the abatement notice changed or cancelled. However, please note that this does not act as a stay of this notice.

Please contact me if you wish to discuss the above or enclosed.

Yours faithfully



Baylee Kelepamu  
Environmental Monitoring Officer

A1349930

File: EAC.070102.01

## **ABATEMENT NOTICE**

Section 324, Resource Management Act 1991

**To:** Kaipara District Council  
Private Bag 1001  
Dargaville 0340

**1. Northland Regional Council gives notice that you must take the following action:**

Ensure any open burning that occurs on Kaipara District Council owned land is authorised by resource consent or permitted by a rule in a Regional Plan or Proposed Regional Plan.

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

Your property with the legal description Lot 2 DP 450057, at or about location coordinates 1742484E 6003249N.

**3. You must comply with this abatement notice within the following period:**

Immediately upon receipt of this notice. You must continue to comply with this notice after that date.

**4. This notice is issued under:**

Section 322(1)(b)(ii) of the Resource Management Act 1991, which states that:

*"An abatement notice may be served on any person by an enforcement officer—*

*(b) Requiring that person to do something that, in the opinion of the enforcement officer, is necessary to ensure compliance by or on behalf of that person with this Act, any regulations, a rule in a plan or a proposed plan, or a resource consent, and also necessary to avoid, remedy, or mitigate any actual or likely adverse effect on the environment—*

*(ii) Relating to any land of which the person is the owner or occupier."*

**5. The reasons for this notice are:**

A Northland Regional Council enforcement officer (Armourguard contractor) visited the property on 16 June 2020 and found that:

- There was an open fire burning.
- There were unpermitted materials being burnt including rubber hoses, vehicle parts, a mattress, spray cans and polystyrene.

The discharge to air observed on 16 June 2020 from your property contravened rule C.7.1.1 of the Proposed Regional Plan for Northland due to the burning of unpermitted materials. The open burning was not authorised by a resource consent.

Section 15(2A) of the Resource Management Act 1991 prohibits the discharge of any contaminants to air from any source (other than trade and industrial premises), in contravention of a regional rule unless it is expressly allowed by a National Environmental Standard or other regulation, a resource consent, or an activity allowed by section 20A of the Resource Management Act 1991.

The discharge to air from the open burning on 16 June 2020 contravened section 15(2A) of the Resource Management Act 1991.

Contravention of section 15(2A) of the Resource Management Act 1991 is an offence under section 338(1)(a) of the Resource Management Act 1991.

This notice has been issued to you to require you to take the action as set out in clause 1 because, in the opinion of the enforcement officer that issued this notice, this action is necessary to ensure compliance by you or on your behalf with section 15(2A) of the Resource Management Act 1991, regulations, a rule in a plan or a proposed plan for the same region, or a resource consent and also necessary to avoid, remedy, or mitigate any actual or likely adverse effect on the environment relating to any land of which you are the owner or occupier, namely the open burning of unpermitted materials.

The open burning of unpermitted materials releases toxic contaminants to air such as carbon monoxide, metals, particle pollution and dioxins. These contaminants can cause serious health problems, exacerbate pre-existing health issues and reduce amenity. The health problems range from a headache and cough to more serious diseases like asthma and cancer. Eventually contaminants to air settle either on land or in waterways and can contaminate water and/or soil.

- 6. 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), or an infringement notice may be served on you under section 343C of the Resource Management Act 1991.**

**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 Northland Regional Council to change or cancel this notice in accordance with section 325A of the Resource Management Act 1991.**



7. **The Northland Regional Council authorised the enforcement officer who issued this notice. Its address is:**

Northland Regional Council  
Private Bag 9021  
Whangarei Mail Centre  
Whangarei 0148

8. **The enforcement officer is acting under the following authorisation:**

A warrant of authority issued by the Northland Regional Council, pursuant to section 38 of the Resource Management Act 1991, authorising the officer to carry out specified functions and powers as an enforcement officer under the Resource Management Act 1991 including issue of abatement notices.



Baylee Kelepamu  
Enforcement Officer  
Northland Regional Council

18 August 2020