

# Waimakariri Irrigation Limited – Notification of Non-Compliances Policy



Version 1 – August 2019

## **Summary**

*All shareholders shall as soon as reasonably practicable notify WIL of any material non-compliances with any Resource Consent, Regulatory Requirement or WIL Policy.*

*Such non-compliances may relate to either (or both) authorisations held or relied on by WIL (for example, WIL Scheme consents) or individual authorisations held or relied on by a Shareholder (for example, effluent consents and the requirements of individual Farm Environment Plans).*

*The primary purpose of this policy is to emphasise the importance of Shareholders making immediate contact with WIL so that WIL can (if appropriate) provide positive support and guidance to address any non-compliance(s).*

## **Background**

- 1 Waimakariri Irrigation Limited (*WIL*) holds resource consents entitling it to take, convey, store, discharge and use water from the Waimakariri River and to construct, maintain and operate infrastructure for those purposes (*Resource Consents*).
- 2 Shareholders are supplied water subject to a Water Supply Agreement that requires Shareholders not do or omit to any act, matter or thing that may cause or contribute to any non-observance of any (as defined in the Water Supply Agreement):
  - 2.1 Resource Consent;
  - 2.2 Regulatory Requirement (noting this includes requirements that apply to WIL and requirements that apply individually to a shareholder); and
  - 2.3 WIL Policy.
- 3 Together these are referred to as shareholder obligations for the purposes of this Policy (*Shareholder Obligations*).
- 4 Without limiting the above, it is noted that a number of Shareholder Obligations relate to matters that are not directly connected to the supply of water by WIL (but which are still relevant Regulatory Requirements or relevant considerations under a WIL Policy). Examples of such Shareholder Obligations include compliance with all resource consents, plan rules and WIL Policies (often held by or relied on by a shareholder itself) relating to:
  - 4.1 effluent systems;

- 4.2 irrigation and water storage infrastructure (including ensuring irrigation only occurs within the areas identified within a Farm Environment Plan);
  - 4.3 agri-chemical, fuel and fertiliser storage and application;
  - 4.4 individually-held water take and use consents;
  - 4.5 farm enterprise consents or other resource consents relevant to nutrient management that are held by an individual shareholder; and
  - 4.6 all other matters listed in a shareholder's Farm Environment Plan and wider WIL Policy requirements (noting that the *Waimakariri Irrigation Limited - Environmental Management Strategy* and *Waimakariri Irrigation Limited - Audited Self-Management Programme* are to be regarded as Policies for the purposes of the Water Supply Agreement and this and all other Policies).
- 5 This Policy sets out further detail on the obligation on shareholders to give notice to WIL of any material non-compliances in relation to the breach of any Shareholder Obligation by a Shareholder (or a Shareholder's agent(s)).

**Non-compliance in relation to Shareholder Obligations**

- 6 Following any actual or likely material non-compliance(s) in relation to a Shareholder Obligation, a shareholder is required to give notice to WIL as soon as reasonably practicable and in all cases no less than 24 hours after the discovery of the material non-compliance(s).
- 7 A non-compliance is regarded as 'material' for the purposes of this Policy if it:
- 7.1 has had, or may have, adverse environmental effect(s) (including but not limited to actual or potential discharges to water) that are not authorised by a relevant permitted activity rule or resource consent; and
  - 7.2 is relevant to a shareholder's compliance with the Water Supply Agreement and/or any Shareholder Obligation.
- 8 If there is uncertainty over the extent of any non-compliance then shareholders are encouraged, as a matter of caution, to advise WIL.
- 9 Notice shall be given by:
- 9.1 Phoning WIL Chief Executive on 0220 869986, or WIL Operations Manager on 021 2411125, or WIL Environmental Manager on 027 7314433; or
  - 9.2 emailing [brent.walton@wil.co.nz](mailto:brent.walton@wil.co.nz) or [jamie.hamilton@wil.co.nz](mailto:jamie.hamilton@wil.co.nz) or [compliance@wil.co.nz](mailto:compliance@wil.co.nz)
- 10 The notice shall include such detail as is necessary to describe the nature and occurrence(s) of the non-compliance(s); the steps (if any) that have been taken avoid, remedy, or mitigate any effects; and the contact details of the person providing the notice and any other persons involved in the non-compliance incident(s).

## **Application**

- 11 This policy will apply whether or not WIL also has an obligation or liability in respect of any non-compliance. Nothing in this Policy:
  - 11.1 is to be taken as an admission of liability or an acknowledgement of any legal or other obligation by WIL; or
  - 11.2 will affect or limit the liability of a Shareholder under any other provision of the Water Supply Agreement (including the *Waimakariri Irrigation Limited – Cost Recovery Policy* or any other legal requirement (including but not limited to the Waimakariri District Council Stock Water Race Bylaw 2019 and the Resource Management Act 1991).
- 12 All Shareholders are required to comply with all sections of this Policy (in accordance with their Water Supply Agreement).