

**Before the Commissioners appointed by
Canterbury Regional Council**

IN THE MATTER OF The Resource
Management Act 1991

AND

IN THE MATTER OF Applications CRC201187
to undertake earthworks;
and CRC201191 to take
groundwater for
dewatering; and
CRC201192 for
discharge of dewatering
water to land or water by
Oceania Dairy Limited.

Section 42A Officer's Report

Date of Hearing: April 2020

Report of *Kelly Walker*

1. My name is Kelly Walker and I have been employed by the Canterbury Regional Council (CRC) as a Consent Planner since February 2018. I hold a Master of Science (Hons) in Freshwater Ecology from the University of Canterbury and a Postgraduate Diploma in Water Resource Management from Lincoln University. I have experience in processing applications for water takes, discharges and earthworks.
2. This report is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA). This section allows a Council officer to provide a report to the decision-maker on resource consent applications made to the Council, and allows the decision-maker to consider the report at the hearing. Section 41(4) of the RMA allows the decision-maker to request and receive from any person who makes a report under Section 42A "any information or advice that is relevant and reasonably necessary to determine the application". This report will provide the decision-maker with information and advice related to:
 - a. The background to the applications;
 - b. An outline of the relevant legal and planning provisions;
 - c. Comments on the assessment of environmental effects provided;
 - d. Details of Regional Council policies relevant to the applications;
 - e. Comments in relation to the matters specified in Part 2 of the RMA; and
 - f. Comments on the decision to be made by the decision-maker including comments on whether the applications can be granted or should be declined; if the applications are to be granted what measures are

required to avoid, remedy or mitigate any adverse effects; what monitoring should be undertaken and the duration of consent.

3. Details of the notification of the applications and submissions received are outlined in the Hearings Report for CRC201188, CRC201190 and CRC201194. Submissions that directly relate to the construction of this section of pipeline are discussed in this report.
4. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the decision-maker. It should not be assumed that the decision-maker would reach the same conclusion or decision having considered all the evidence to be brought before it by the applicant and submitters.

INTRODUCTION

5. Oceania Dairy Limited, “the applicant” has applied to the Canterbury Regional Council (CRC) for a s9 land use consent in order to undertake earthworks to install a pipeline, and for take and discharge of groundwater from dewatering during these earthworks.
6. The earthworks are required for the installation of a seven-kilometre wastewater pipeline and associated structures from a milk processing factory at 30 Cooney’s Road, Glenavy. The installation is expected to require the excavation of 30,000 m³ of material over the seven-kilometre pipeline. This section of pipeline, on road reserve owned by Waimate District Council, covers the area between the factory boundary and a surge tank at the end of Archibald Road.
7. Earthworks within the Coastal Hazard Zones and Coastal Marine Area (CMA) and discharge of treated factory wastewater from the pipeline into the CMA are covered in a separate Hearing Report for consent numbers CRC201188, CRC201190 and CRC201194. Consultation and submissions for the entire project are summarised in Part A of that report. Submissions pertaining to this section of the pipeline are summarised in this report.
8. The applicant considers that the land-based construction will take approximately four to six months to complete and will be carried out in stages.
9. The application and associated assessment of environmental effects has been submitted by Joe Gray (the consultant) of Babbage Consultants Limited on behalf of the applicant.
10. A site visit was undertaken by myself with other CRC staff on 23 May 2019. This involved a tour of the factory and discussion of the wastewater streams and driving the proposed pipeline route to the coastal location of the proposal outfall.

DESCRIPTION OF THE PROPOSED ACTIVITY

11. The applicant proposes to undertake earthworks for the installation of a new wastewater pipeline. Refer to Section 5.1.1. (Page 15) of the Specimen Design Report, which accompanied this application for a more detailed description.
12. The proposed pipeline is shown in Figure 1 below. This consent application is limited to the area shown on this figure between the two red arrows. As mentioned above, the pipeline earthworks seaward of the right red marker is

considered under separate consents and the detailed assessment can be found in the coastal report.

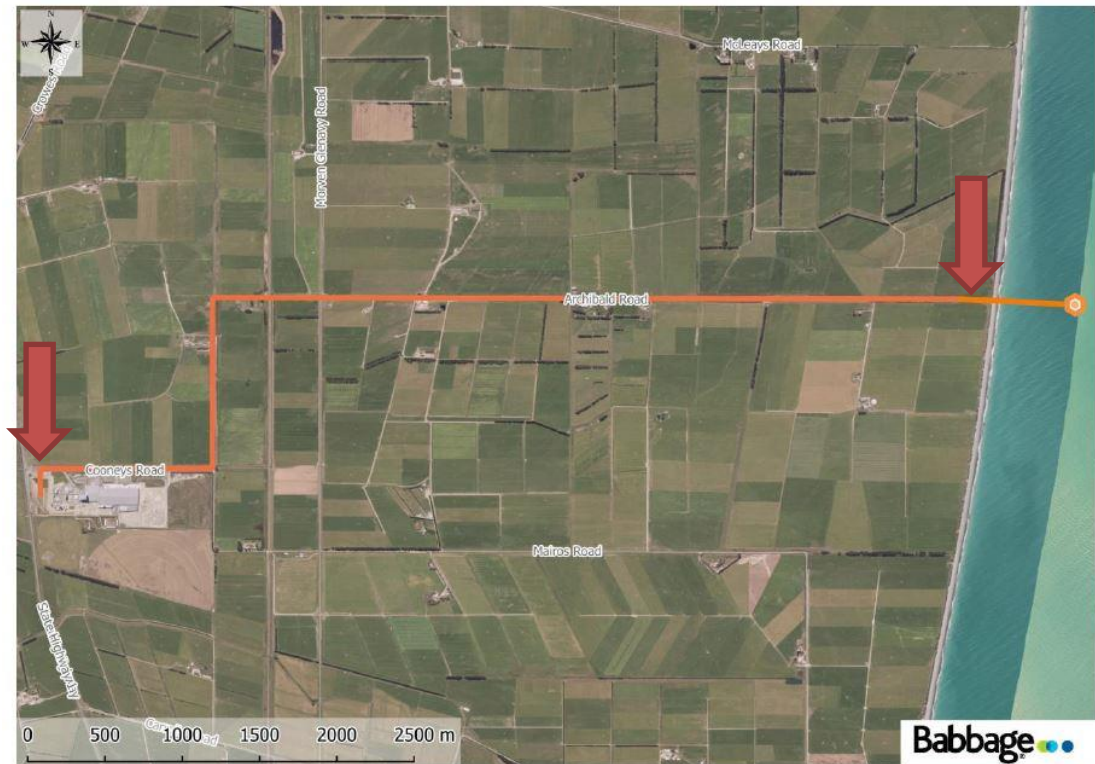


Figure 1: subject area for this report, between red arrows.

13. In summary, the proposal includes:
 - a. Earthworks relating to a 300-450 millimetre diameter pipeline approximately 7,500 metres in length and associated structures in the road reserve between the milk processing factory at 30 Cooney's Road, and Archibald's Road.
 - b. The pipeline will be at depths between one and three metres and constructed using either trenchless methods or conventional trenching.
 - c. Excavations will be no deeper than five metres below ground level.
 - d. Parts of the excavation will occur within two metres of Morven-Glenavy-Ikawai Irrigation (MGI) Company irrigation channels. The pipes will be installed underneath the MGI channel at two locations along the proposed pipeline. No works will occur within flowing water.
 - e. The proposed pipeline also crosses beneath the main south line (freight only) of the South Island Main Trunk Railway and the Morven-Glenavy Road.
 - f. Micro-tunnelling will be used to cross beneath the two irrigation channels and the railway line. Micro-tunnelling will involve the wastewater pipeline being encased in a larger concrete or steel casing pipe of approximately 600 millimetres in diameter. The pipeline in this instance will be constructed with a jacking pit on one side and a receiving pit on the other side. The casing pipe will be thrust progressively into place.
 - g. To take dewatering water during earthworks for the pipeline, either by well-pointing or open sump pumping. The rate and timeframe of

dewatering will be determined by the contractor at commencement of work to meet on site conditions.

- h. To provide a Dewatering Management Plan (DMP) prior to commencing dewatering activities. The DMP will include the following:
 - i. The methodology for dewatering including location and type of take points
 - ii. a description of how the pump rate will be monitored;
 - iii. a programme of works including an indicative timeframe; and
 - iv. a well interference assessment against Schedule 12 of the Land and Water Regional Plan.
 - i. To discharge dewatering water either to land or to nearby irrigation channels. These irrigation channels cross the pipeline route.
 - j. To treat the dewatering water in settlement tanks to remove sediment prior to discharge to land and water.
14. The applicant has proposed a duration of 10 years for each of these three consents.

LEGAL AND PLANNING MATTERS

The Resource Management Act 1991 (RMA)

CRC201187-Earthworks

15. Section 9 (1) and (2) of the RMA states:
- “(1) No person may use land in a manner that contravenes a national environmental standard unless the use—*
- (a) is expressly allowed by a resource consent; or*
 - (b) is allowed by section 10; or*
 - (c) is an activity allowed by section 10A; or*
 - (d) is an activity allowed by section 20A.*
- (2) No person may use land in a manner that contravenes a regional rule unless the use—*
- (a) is expressly allowed by a resource consent; or*
 - (b) is an activity allowed by section 20A.”*
16. The proposed excavation and land disturbance cannot comply with the relevant permitted activity regional rules therefore a resource consent is required.

Regional Plans

Canterbury Land and Water Regional Plan (LWRP)

17. Resource consent is required for the earthworks to undertake the installation of the water supply pipeline. The activity cannot comply with permitted activity Rule 5.175 for earthworks exceeding 100 m³ over a semi-confined or unconfined aquifer, as there is less than one metre of undisturbed material between the deepest part of the excavation and the seasonal high water table.

18. Resource consent is therefore required under Rule 5.176 of the LWRP as a **restricted discretionary** activity.

The exercise of discretion is restricted to the following matters:

- a. *The actual and potential adverse environmental effects on the quality of water in aquifers, rivers, lakes, wetlands; and*
 - b. *Any need for remediation or long-term treatment of the excavation; and*
 - c. *The protection of the confining layer and maintaining levels and groundwater pressures in any confined aquifer, including any alternative methods or locations for the excavation; and*
 - d. *The management of any exposed groundwater.*
19. Proposed Plan Change 7 (pPC7) to the Land and Water Regional Plan was notified on 20 July 2019. Specific to this proposal is that with regard to Rule 5.176, while the excavation works are still a restricted discretionary activity, pPC7 proposes to include an additional area of discretion, which is relevant to the proposal:
- a. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.

CRC201191-Take of groundwater for dewatering during construction

The Resource Management Act 1991 (RMA)

20. Section 14 states that:
- (1) *No person may take, use, dam, or divert any—*
 - (a) *Water (other than open coastal water); or*
unless the taking, use, damming, or diversion is allowed by subsection (3).
 - (3) *A person is not prohibited by subsection (1) from taking, using, damming, or diverting any water, heat, or energy if—*
 - (a) *The taking, use, damming, or diversion is expressly allowed by a rule in a regional plan [and in any relevant proposed regional plan] or a resource consent; or*
 - (b) *In the case of fresh water, the water, heat, or energy is required to be taken or used for—*
 - (i) *An individual's reasonable domestic needs; or*
 - (ii) *The reasonable needs of an individual's animals for drinking water,—*
and the taking or use does not, or is not likely to, have an adverse effect on the environment; or...
 - (e) *The water is required to be taken or used for fire-fighting purposes.*
21. Therefore, unless expressly allowed by a rule in a regional plan a resource consent is required.

CRC201192-Discharge of dewatering water to land or water

The Resource Management Act 1991 (RMA)

22. Section 15 of the RMA states that:
- “(1) 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.”

23. The proposed discharge cannot comply with the relevant regional rules and there is no national environmental standard that authorises the discharge, therefore a resource consent is required.

Canterbury Land and Water Regional Plan (LWRP)

24. Rule 5.119 of the LWRP states that the taking and discharge of water from groundwater for the purpose of dewatering for carrying out excavation, construction, maintenance and geotechnical testing and the associated use and discharge of that water is a permitted activity provided certain conditions are met. The take and discharge of dewatering water to land or water cannot meet Permitted Activity Rule 5.119 as the take will last longer than six months, the applicant has not provided a well interference assessment and a land subsidence assessment has not been provided. Take and discharge of dewatering water to land or water is therefore a **restricted discretionary activity** under Rule 5.120 of the LWRP.
25. The matters of discretion are restricted to the actual and potential environmental effects of not meeting the condition or conditions of Rule 5.119.
26. Proposed Plan Change 7 (pPC7) to the Land and Water Regional Plan was notified on 20 July 2019. Specific to this proposal is that with regard to Rule 5.120, take and discharge of dewatering water are still restricted discretionary activities, however pPC7 proposes to include an additional two areas of discretion, which is relevant to the proposal:
- Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.
 - The potential adverse effects on significant habitats of indigenous fauna and flora.

Overall

27. The activities have been bundled as they are inextricably linked. The overall status is **restricted discretionary**.

Permitted activities

Discharge of construction-phase stormwater

28. Rule 5.94A of the LWRP permits the discharge of construction-phase stormwater, other than into or from a reticulated stormwater system to a surface water body or onto or into land in circumstances where a contaminant may enter groundwater or surface water provided certain requirements are met. The application will not result in:
- an area greater than 1,000m² being exposed at any one time;
 - the concentration of total suspended solids in the discharge will not exceed 100g/m³;

- c. the discharge will not increase the flow in the receiving body;
 - d. the discharge is not from contaminated or potentially contaminated land;
 - e. the discharge does not contain any hazardous substance; and
 - f. the discharge is not within a community drinking water supply protection zone.
29. The applicant can meet all conditions of this rule. Therefore, the application meets the permitted activity requirements of Rule 5.94A of the LWRP.

Discharge of dust to air during construction

30. Rule 7.32 of the Canterbury Air Regional Plan (CARP) permits the discharge of dust beyond the boundary of the property of origin if the area of unsealed surface or unconsolidated land is less than 1,000 m² or where more than 1000 m² a dust management plan is prepared. As the area of unconsolidated land is likely to exceed 1000 m² during the proposed earthworks and a dust management plan has been prepared and submitted by the applicant. Therefore, the activity is considered a permitted activity under the CARP, and resource consent is not required.

Storage of hazardous materials during construction

31. The applicant has assessed the proposal against LWRP Rule 5.179 for storage of hazardous substances, noting that any hazardous substance used onsite will be approved and stored in accordance with the Hazardous Substances and New Organisms Act 1996, the site is not located within a community drinking water protection zone and measures will be in place to ensure that containers with hazardous substances are not located within 20 metres of a surface water body. Therefore, it is a permitted activity under LWRP Rule 5.179.

ASSESSMENT OF POTENTIALLY AFFECTED PARTIES

32. The applicant has identified a number of potentially adversely affected parties and consultation occurred with these parties prior to the application being submitted. This is discussed in Part A of the Hearing Report for the Coastal part of this proposal. The section of the pipeline covered by this report is proposed to be within Road Reserve owned by Waimate District Council (WDC). Mr. Robert Moffat, WDC Roading Manager, has provided an email stating that they agree in principal to the pipeline being located within the Road Reserve. I note the applicant will need to obtain formal written approval for the works from WDC, prior to works commencing.
33. The proposed pipeline will cross beneath infrastructure owned by Kiwirail, Morven-Glenavy Irrigation (MGI) company, Transport New Zealand and Transpower. These companies were all directly notified of the proposal and any submissions received discussed in the Assessment of Environmental Effects section below.
34. Further details of consultation for the entire proposal carried out by the applicant can be viewed in the Hearings Report for the Coastal consents for this proposal.
35. CRC contacted the following interested parties regarding the overall proposal on Wednesday 11 September 2019.
- a. Waihao Rūnanga;

- b. Waimate District Council;
 - c. Fish and Game-Central South Island.
 - d. Department of Conservation;
 - e. Canterbury Regional Council Harbour Master;
 - f. Canterbury District Health Board;
 - g. Save the Rivers Mid-Canterbury Inc;
 - h. NZ Bee Keeping Inc; and
 - i. Forest and Bird.
36. A response from these parties was requested by 18 September 2019.
37. One response was received by Mr. Guy Harris on behalf of Canterbury Regional Council Harbour Master on 11 September 2019, who stated they had no concerns with the overall proposal from a navigation and safety perspective.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

38. The applicant has provided a description of the affected environment in Section 5 (page 18) of the AEE which accompanied the application.
39. In summary, the applicant states:
- a. The pipeline is proposed to run through a predominantly a rural setting;
 - b. The pipeline will be situated in road reserve;
 - c. The route along the road reserve is flat;
 - d. The land is zoned Rural in the Waimate District Plan
 - e. The factory is located in the Lower Waitaki catchment, forming part of the Northern Fan Freshwater Management Unit and the Whitney's Creek groundwater allocation zone;
 - f. There are no heritage features, outstanding natural landscape or outstanding natural features along the pipeline route.
 - g. The geology is described as rounded gravels and sands with occasional boulders.
 - h. Groundwater levels are estimated to be between one and 3.5 metres below ground level.
40. In addition, I note:
- a. The site is located within the Morven Drain catchment;
 - b. The site is located over a semi-confined or unconfined aquifer;
 - c. According to S-maps, soil in the area is moderately well-drained Darnley stony silty loam and Darnley shallow silty loam and well-drained Balmoral very stony silty loam.
 - d. There are four bores located within a one kilometre radius of the proposed pipeline with depth to groundwater measurements. The depth to groundwater is shown in the table below, therefore I agree with the applicant's assessment of depth to groundwater as being at least one metre below ground level:

Bore	Depth	Location	Highest groundwater (mBGL)
J40/0106	18.2m	70m S from route	1.48
J40/0086	18m	549m N of route	1.6
J40/0707	23m	329m S of route	1.77
J40/0477	18.8	812m S of route	6.32

- e. The site is not located within a community drinking water protection zone, the closest zone is located over five kilometres away;
- f. The closest natural surface water bodies are Whitney's Creek, the mouth of which is located over one kilometre to the south and the Waitaki River, the mouth of which is located seven kilometres to the south of the proposed outfall;
- g. The proposed pipeline route is not listed on Canterbury Regional Council's Listed Land Use Register as a contaminated site;
- h. The pipeline will cross underneath one road, the main trunk line railway and two irrigation canals;
- i. Works will occur underneath powerlines;
- j. The proposed pipeline route is located within the rohe of Waihao Rūnanga;
- k. The pipeline route is not located within a Rūnanga Sensitive Area, Silent File or Statutory Acknowledgement Area. The closest area of significance to Ngai Tahu is the Runanga Sensitive area of the local coastline for Wahi Taonga. This is discussed further in the Hearing Report for the coastal sections of the proposal.

ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

- 41. Refer to Section 5 of the AEE, (Page 7), which accompanied this application for the assessment of effects that may arise from this proposal. The areas of discretion CRC is limited to for different activities are described in the legal and planning section of this report.
- 42. In accordance with Section 104C of the RMA, when considering an application for a resource consent for a restricted *discretionary activity*, a consent authority must consider only those matters over which it has restricted the exercise of its discretion in its plan or proposed plan.
- 43. The matters of discretion have been restricted under Rules 5.176 and 5.120 of the LWRP.
- 44. Based on these restrictions I have focussed on the following effects for my audit of the proposal:
 - a. Effects on groundwater quality;

- b. Effects on surface water quality;
- c. Effects on groundwater quantity and users
- d. Effects on land stability;
- e. Effects on significant habitats of indigenous flora and fauna;
- f. Conflicts with existing services; and
- g. Effects on Cultural values

Potential adverse effects on groundwater quality

- 45. The excavation works have the potential to have a negative impact on ground water quality if left unchecked. In particular, excavation works can result in discharge of contaminants to waterways.
- 46. The level of protection of groundwater from land use and the associated potential release of contaminants is generally dependent on the depth to the underlying groundwater and the aquifer's susceptibility to the proposed land use, as well as the underlying soils and drainage patterns.
- 47. The earthworks are situated over an unconfined or semi-confined aquifer.
- 48. The applicant has stated that the maximum depth of any excavations will be five metres below ground level. The applicant has identified that groundwater in the area is expected to be at least one metre below ground level. Due to this, the applicant has also applied for take and discharge consents for dewatering.
- 49. The irrigation channel that runs in close proximity to the excavations is lined and therefore seepage from the water race into the excavations is not expected. Micro-tunnelling using a casing around the pipeline will be used to place the pipeline underneath irrigation channels.
- 50. The applicant notes that the only contaminant likely be present in the discharged groundwater is sediment, which will be settled out in tanks before clean water is discharged to land or a nearby irrigation channel, therefore groundwater quality will not be impacted.
- 51. The earthworks undertaken has the potential for spills to occur from hydraulic or fuel leaks from vehicles or machinery. These contaminants have the potential to directly contaminate groundwater or contaminate land and slowly migrate into groundwater. The applicant has proposed standard conditions around accidental spill management. In addition to this, the applicant has proposed vehicle refuelling and incident response procedures. These procedures include:
 - a. No refuelling of vehicles or machinery within 20 metres of excavated areas;
 - b. All fuel will be stored securely or removed from the site overnight;
 - c. A suitably sized spill kit will be stored on site at all times with staff trained in spill kit usage on site at all times;
 - d. In the event of a spill of fuel or other contaminant, the contractor will take appropriate actions to minimise any further spillage and to minimise any environmental impact;
 - e. Any contaminated material (as a result of the spill) must be disposed of at a facility authorised to receive such material;

- f. The construction firm will liaise with CRC and the Pollution Hotline as required.
52. Provided these conditions are adhered to, I consider that the effects on groundwater quality from accidental spills can be adequately managed.
53. I also note that earthworks will not be occurring on land that is listed as contaminated.
54. Mr. Peter Francis, who owns a dairy farm immediately to the north of the pipeline, submitted in opposition to this proposal. Mr. Francis expressed concern that the discharge of groundwater from dewatering during excavations could affect his property by reducing his ability to take water and to negatively affect groundwater quality.
55. As the applicant has not specified a maximum rate for the dewatering take, I have proposed a condition requiring that if discharge occurs to land ponding of groundwater shall not occur. In addition to that, the Dewatering Management Plan that the applicant will be prepared and submitted to CRC prior to commencing any dewatering should cover the following:
- a. How the rate of take will be monitored.
 - b. An assessment under Schedule 12 of the Land and Water Regional Plan.
56. The soil type in the area is moderately well-draining and well-draining stony silty loam, therefore groundwater discharged to land at a low enough rate should drain back into groundwater beneath the discharge point without ponding occurring. However, the applicant will have to monitor any ponding as per the recommended conditions when they are undertaking any dewatering discharges to land.
57. Given the above, I consider the potential adverse effects on groundwater quality is likely to be less than minor and can be mitigated through proposed conditions.

Potential adverse effects on surface water quality

58. Earthworks have the potential to cause erosion and mobilise sediments into nearby surface water bodies if left unchecked.
59. I note that the nearest natural surface water body is Whitney's Creek, located at least 1,000 metres south of the proposed works.
60. As a mitigation measure, I have recommended conditions that erosion and sediment control measures be consistent with the CRC erosion and sediment control toolbox for the Canterbury region. The controls for this include but are not limited to:
- a. Perimeter controls to prevent runoff entering or leaving the site;
 - b. Minimisation of total exposed area;
 - c. Measures to restrict the impact of heavy rainfall events;
 - d. Dust suppression techniques;
 - e. Protection of and appropriate location of soil stockpiles;
 - f. Inspections, maintenance and improvements of erosion and sediment control measures;
 - g. Specific procedures when in close proximity to the irrigation race;

- h. Minimum of five metres separation between stockpiles and surface water and isolated by the use of bunds, sediment logs and silt fences as required; and
 - i. The finished profile of the site will be consistent with the natural ground level of the site.
61. Due to dewatering of the site, groundwater (Dewatered water) may be discharged to irrigation channels in the area. The applicant notes that dewatered water will first be discharged to settling tanks and will therefore be low in sediment when it enters irrigation channels.
62. I have recommended conditions requiring that the concentration of suspended solids in discharge to the irrigation channels does not exceed 100 g/m³, that the discharge to irrigation channels does not cause erosion or scouring and the rate of flow in the channel is at least five times the rate of the discharge.
63. Given the mitigation measures proposed and provided the applicant adheres to recommended conditions regarding excavation, I consider that the effects of excavation and discharge of groundwater from dewatering in relation to erosion and sedimentation to surface water bodies are likely to be less than minor.

Effects on groundwater quantity and users

64. Dewatering can adversely affect other groundwater users, if the cone of depression in the water table that results from the pumping of shallow groundwater interferes with any existing take.
65. The applicant has not provided an assessment of the potential effects on groundwater users in accordance with Schedule 12 of the LWRP.
66. The applicant states the type of dewatering is yet to be finalised, but will be either well-pointing, where water is pumped out of spears jetted into the ground, or sump-pumping with submersible pumps. The applicant has proposed that a Dewatering Management Plan shall be submitted to and approved by the Canterbury Regional Council, prior to dewatering commencing. This plan shall include the methodology for dewatering (covering the Schedule 12 well interference assessment), location of take points, discharge, and a programme of works.
67. Mr. Peter Francis, who owns a dairy farm immediately to the north of the pipeline, submitted in opposition to this proposal. Mr. Francis expressed concern that the take of groundwater could affect his property by reducing his ability to take water.
68. I note that the closest active bores to the pipeline route, J40/0297, J40/0707, J40/0086 and J40/0106 are screened from 10.5 metres deep.
69. The applicant considers that temporary dewatering will not result in significant lowering of the groundwater table or affect the water level in nearby bores, as the trenches are relatively shallow compared to groundwater bores. This will be assessed in the required well interference assessment.
70. Provided compliance with the proposed conditions, I consider the effects on groundwater users due to the proposed dewatering will be less than minor.

Effects on land stability

71. Dewatering during construction has the potential to temporarily lower groundwater levels, which may cause surface settlement on surrounding land.
72. The applicant has not provided an assessment of the activity on land stability. However, I note that bore logs in the area show that the aquifer in the vicinity of this take is predominantly gravel based therefore aquifer subsidence as a result of the take is considered unlikely.
73. I have proposed conditions requiring that the dewatering take shall not, in combination with other takes, result in ground subsidence on neighbouring properties.
74. Given the above, I consider the potential adverse effects on the stability of nearby land will be unlikely, provided the recommended conditions are adhered to.

Effects on significant habitats of indigenous flora and fauna

75. Earthworks may impact indigenous flora and fauna by modification or destruction of habitat.
76. The dewatering for the pipeline occurs in road reserve. Surrounding properties are modified farmland, however it is possible that habitat for indigenous lizards may be present along the pipeline route.
77. In Technical report 6, Herpetofauna Assessment, provided with the application, Mr. Dylan van Winkel walked the length of the proposed pipeline route from the intersection with State Highway 1 and Cooney's Road to the beach off Archibald's Road. The potential effect on herpetofauna in the gully is addressed in the separate Hearings Report for the Coastal section of the proposal. Visual and hand searching methods were used to survey herpetofauna, this including searching for suitable habitat.
78. In terms of the pipeline route covered under this report, Mr. van Winkel did not find any sign of herpetofauna present but noted that potential habitat existed in the form of large piles of logs and branches under trees and a large pile of broken concrete slabs in a paddock.
79. Ms. Jean Jack, Canterbury Regional Council Senior Scientist-Land Ecology, provided Lizard Management Plan (LMP) conditions to mitigate the effects on herpetofauna for the overall construction phase of this proposal, and I have proposed these as conditions on CRC201187.
80. Provided the LMP conditions are adhered to, I consider effects on habitats for indigenous flora and fauna are likely to be minor.

Effects on Cultural values

81. Waihao and Arowhenua Runanga both submitted in opposition to the proposal. The cultural impacts of the proposal as a whole are discussed in detail in the Hearing Report for the coastal section of this proposal as concerns mainly centre on the effects of the discharge into the Coastal Marine Area.
82. The applicant has proffered an accidental discovery protocol condition for cultural artefacts. I note this is not the standard ADP condition used by Canterbury Regional Council and therefore I have recommended the standard Accidental Discovery Protocol as a condition of the earthworks consent.
83. The applicant has provided a Cultural Impact Assessment (CIA) prepared by Ms. Courtney Guise of Aukaha on behalf of Te Runanga o Waihao. The CIA is discussed in more detail relating to the overall cultural effects of the proposal

in the Hearing Report for the coastal consents CRC201188, CRC201190 and CRC201194.

84. In terms of the works covered by this report, the CIA provided recommendations for mitigating effects of construction on the coastal environment. I consider some of this mitigation is also appropriate for this report, for example, that construction methods are used which reduce disturbance and sedimentation, and that a Lizard Management Plan is written in consultation with Te Runanga o Waihao.
85. I consider that the conditions proposed should mitigate the above concerns.
86. However, I consider I am unqualified to provide a conclusion of the effects of the activities on cultural values. I understand the applicant will be presenting further details at the Hearing.

Conflicts with existing services

87. The applicant notes that construction of the pipeline will be carried out in proximity to existing power and communication services. This includes works under overhead powerlines and within the vicinity of underground services. The consultant notes that after consultation with service providers, an Existing Services Management Plan will be developed with the contractor.
88. The applicant proposes that design and construction works will be carried out with the guidelines based on the *National Code of Practice for Utility Operators Access to Transport Corridors* and the *Guide for Safety with Underground Services*.
89. Several existing service providers that will be affected by the proposed works have submitted and requested some conditions to be added to the consent to cover their concerns:
 - a. Kiwirail noted in their submission that the proposed pipeline is to pass under the Main South Line and have submitted in a neutral stance, providing that future approvals are obtained for the legal ability to legally install the pipe within railway land. This will include provision of the detailed design and drawings for the section of pipeline proposed under the Main South Line, and a Deed of Grant being obtained along with a permit to enter.
 - b. Morven Glenavy Irrigation (MGI) submitted in support, requesting that construction around existing water pipelines under Archibald Road occur during summer and requested the following condition be added to the consent:

There shall be no disruption to the embedment and compaction standards around the existing water pipelines owned by Morven-Glenavy Irrigation Company.
 - c. Transpower noted in their submission that the Glenavy-Timaru national grid transmission line intersects a section of the proposed pipeline, and submitted in a neutral stance, requesting that the following condition be added to the consent:

All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) or any subsequent revision of the code.

90. I have considered those requests from Morven Glenavy Irrigation and Transpower and recommended conditions to cover their concerns. I have also suggested an advice note noting that prior to commencement of works, Kiwirail, MGI and Transpower should be notified by the applicant.
91. Provided the applicant adheres to proposed conditions and standards regarding works around existing infrastructure, I consider effects on existing services are likely to be less than minor.
92. The applicant states that the contractors will be required to submit a Temporary Traffic Management Plan, this will minimise the temporary disruption to road users along Cooney's Road and Archibald Road as far as practicable.
93. The applicant notes that the wide road verges and flat terrain will allow the verge to be used for traffic.
94. The applicant notes this road already carries vehicles of the type and weight bringing pipes and other materials to the site.

Noise, vibration and dust

95. The applicant notes that the construction may create a nuisance in terms of temporary localised noise, vibration, light and dust.
96. The applicant notes no piling is proposed.
97. The area is rural and the nearest dwelling is located 500 metres to the west. The applicant notes that while separation distances are large, background noise in rural areas is typically low, therefore inhabitants may have a low tolerance for construction noise.
98. The applicant notes that in order to meet the permitted activity limits for noise in the Waimate District Plan, the contractors will muffle all machinery on site, and manage noise and vibration in accordance with NZS 6903:1999 and DIN 4150-3:1999.
99. The applicant notes that dust is unlikely to be a nuisance due to the small area to be excavated at a time.
100. Overall, I consider disruption to local road users and local residents as a result of the proposal is likely to be less than minor.

Potential positive effects

101. In section 7.1 of the AEE, the applicant provided the positive effects of the proposal.
102. The following economic, social and resource use benefits have been identified by the applicant:
 - a. Development worth \$650 million on site;
 - b. Employ a total of 315 staff on site and handle more than 650 million litres of milk from local farm suppliers;
 - c. Significant contributions to local community activities via Oceania's role as a responsible employer and good citizen;

- d. Increasing or retaining economic activity and population in Glenavy, Morven, Waimate and Timaru, enabling increased economies of scale in the local provision of good and services;
 - e. Providing for job opportunities in Glenavy, Morven, Waimate, Timaru and surrounding residents, both during the construction phase and continued operation of the factory;
 - f. Providing greater employment choice for local residents;
 - g. Broadening the rating base of the Waimate District Council.
103. The applicant indicates the proposed marine outfall will provide an environmental benefit by removing the need for reliance on land application of factory wastewater, especially due to issues in managing odour. The applicant also recognises that groundwater and surface water resources are coming under increasing pressure from discharges of nitrogen from farming and other activities.

OBJECTIVES AND POLICIES

104. The relevant objectives and policies are identified below

National Policy Statement on Electricity Transmission 2008.

105. *The National Policy Statement on Electricity Transmission 2008 (NPSET)* confirms the national significance of the National Grid and the need to appropriately manage both the transmission network and activities as well as development under, and close to it.
106. Policy 2 of the NPSET specifically requires decision makers to recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.
107. Policies 10 and 11 of the NPSET specifically guide the management of activities undertaken by other parties and the associated potential adverse effects on the transmission network.
108. Policy 10 of the NPSET requires all decision makers (including consideration of resource consent applications) to ensure that:

“to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.”

109. The proposed pipeline will not compromise the on-going operation and maintenance of the National Grid, and the applicant will be required to consult with Transpower prior to works commencing.

110. CANTERBURY REGIONAL POLICY STATEMENT¹

Chapter 5: Land use and Infrastructure

¹ The CRPS became operative 15 Jan 2013, and was amended 28 May 2015 (hazards) with the changes taking legal effect from 12 Jun 2015.

111. Objective 5.2.1 - Location, design and function of development (Entire Region)
The proposal will help to ensure economic development in the Glenavy area.

112. Policy 5.3.1 - Regional growth (Wider Region)

Chapter 7: Fresh Water

113. Objective 7.2.1 - Sustainable management of fresh water

114. Objective 7.2.3 – Protection of Intrinsic value of waterbodies and their riparian zones

The recommended conditions specify erosion and sediment control measures which will mitigate the effects on water quality.

115. Policy 7.3.1 - Natural character of freshwater

116. Policy 7.3.6 - Freshwater quality

117. Policy 7.3.7 - Water quality and land uses

The recommended conditions specify erosion and sediment control measures which will mitigate the effects on water quality.

Chapter 15: Soils

118. Objective 15.2.1 - Maintenance of soil quality

Erosion controls will be put in place to protect soils.

Chapter 17: Contaminated Land

119. Objective 17.2.1 – Protection from adverse effects of contaminated land

The site is not contaminated

120. Overall, I consider the proposal is consistent with relevant policies and objectives of the Canterbury Regional Policy Statement.

121. Land and Water Regional Plan (LWRP)

Objectives

122. Objective 3.1 - Recognise and enable Ngāi Tahu culture, traditions, customary uses and relationships with land and water.

The recommended conditions specify erosion and sediment control measures, a lizard management plan, and accidental discovery protocols for archaeological finds which will help to mitigate the effects on Ngāi Tahu values.

123. Objective 3.2 – Management of water applies ki uta ki tai, recognising the connectivity between surface water, groundwater, fresh water, land and the coast.

The recommended conditions specify erosion and sediment control measures and accidental discovery protocols for archaeological finds which will help to mitigate the effects on Ngāi Tahu values.

124. Objective 3.5 - Land uses develop and change in response to socio-economic and community demand.

125. Objective 3.6 - Intrinsic values of water.

Values of water have been considered, EMP to be implemented during earthworks. The applicant will apply sufficient mitigation techniques to ensure the issues associated with excavations near a water race are consistent with this objective.

126. Objective 3.24 - Activities operate at good environmental practice or better to optimise efficient resource use and protect freshwater resources.

Good practice Erosion and sediment control guidelines will be adhered to.

Policies

127. Policy 4.2 – Management of fresh water will take into account outcomes, limits and cumulative effects.

128. Policy 4.3 – Surface water bodies are managed.

129. Policy 4.13 – Minimise effects of any discharges of contaminants into or onto land where it may enter water or to surface water bodies or groundwater.

Good practice Erosion and sediment control guidelines will be adhered to as well as implementation of spill control procedures.

130. Policy 4.14 – Discharges into ground shall not exceed capacity of soil to treat, or shall minimise plume, not accumulate contaminants, not raise groundwater levels, and not adversely affect drinking water quality.

131. Policy 4.14B – Have regard to Ngai tahu values expressed within an IMP.

A cultural impact assessment was provided by the applicant which addressed the Waitaki Iwi Management Plan (2019) and the Kai Tahu ki Otago Natural Resource Management Plan 2005.

132. Policies 4.18; 4.19 – Earthworks, land excavation and deposition of material into land over aquifers

133. Policy 4.22 - Sedimentation of water bodies as a result of land clearance, earthworks and cultivation is avoided or minimised.

The applicant will apply best practice erosion and sediment control practices.

134. Policy 4.96: The consequential effects of seismic activity are recognised and timely and appropriate responses to such activity are facilitated.

The design of the pipeline has taken into account natural hazards such as seismic activity. The proposed plastic pipe will allow a degree of flex to accommodate movement in the soil. The proposed surge tank would also be capable of containing flows in case of failure due to an extreme seismic event.

135. Policy 4.76: Localised land subsidence or other significant effects on the flows or levels of surface or groundwater from dewatering of construction sites or other sites, is avoided by limiting the rate or duration of pumping or other appropriate mitigation matters.

Dewatering will be temporary, done in sections, and only in shallow depths (less than five metres). The water will be discharged to the ground where, based on local soil information, it will recharge the aquifer. As such, any effects on groundwater flows or levels will be localized and less than minor.

136. Policy 4.76A: Adverse effects on surface water quality are minimised through limiting the concentration of sediment and other contaminants present in the dewatering water prior to its discharge to surface water.

According to the AEE, dewatering of the pipeline trench will be completed either by well-pointing or open sump pumping. In both instances, any sediment laden water will be discharged to a tank for primary treatment (settlement) before being discharged. The discharge will be undertaken well clear of any irrigation lines or other surface water bodies and will be controlled or dispersed to avoid any scour.

137. Overall, I consider the proposal is consistent with relevant policies and objectives of the Canterbury Regional Policy Statement.

RECOMMENDATION FOR GRANT OR REFUSE

Consideration of Application (Section 104(1)(a) –(c))

138. The assessment of adverse effects undertaken for the purpose of notification determination concluded that adverse effects were no more than minor. I consider that this assessment is also relevant to the assessment required under s104(1)(a).
139. In summary, in accordance with Section 5 of the RMA I consider that any adverse effects will be acceptable and are able to be avoided, remedied or mitigated subject to an appropriate set of conditions.
140. In accordance with section 104(1)(b) of the RMA, I have had regard to all relevant objectives and policies for this application. I consider this application is consistent with the objectives and policies of the relevant planning provisions.
141. In accordance with section 104(1)(c) I have had regard to any other matters relevant to this application including:

a. Canterbury Water Management Strategy

The proposal is located within the area managed by the Lower Waitaki Coastal South Canterbury Zone Committee. The committee have generated a Zone Implementation Programme (ZIP) for this zone. ZIPs are non-statutory documents that are being completed by each of the Zone Committees within the Canterbury region. ZIPs contain zone-specific recommendations for water management to achieve the CWMS targets. The key areas of concern addressed in this ZIP are protection of mauri and flows of the Waitaki River, restoration of Wainono Lagoon, protection of coastal lagoons and lowland streams, and water quality and nutrient management. The ZIP addendum also requires that farms receiving industrial discharge operate within good management practice for their landuse. In terms of the overall proposal, this could limit the number of the farms that the applicant can discharge wastewater to.

Determination of applications for restricted discretionary activities (Section 104C)

142. *When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*

- a. a discretion is restricted in national environmental standards or other regulations:
 - b. it has restricted the exercise of its discretion in its plan or proposed plan.
143. The consent authority may grant or refuse the application.
144. However, if it grants the application, the consent authority may impose conditions under section [108](#) only for those matters over which—
- a. a discretion is restricted in national environmental standards or other regulations:
 - b. it has restricted the exercise of its discretion in its plan or proposed plan.

Part 2 Matters (Purpose and Principles of the RMA)

145. Under section 104(1) of the RMA, the consent authority must consider applications "subject to Part 2" of the Resource Management Act 1991 (RMA), specifically sections 5, 6, 7 and 8.
146. The Purpose of the RMA (Section 5) is to:
- “promote the sustainable management of natural and physical resources.”*
147. The Court of Appeal has recently considered the application of Part 2 under section 104 in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283. This decision found that decision-makers are required to consider Part 2 in making decisions on consent applications, where it is appropriate to do so. Whether it is “appropriate” to refer to Part 2 depends on the planning documents in question.
148. The Court of Appeal stated that consent authorities should continue to undertake a meaningful assessment of the objectives and policies of the relevant plan. Where the planning documents have been prepared having regard to Part 2 of the RMA, and with policies designed to achieve clear environmental outcomes, consideration of Part 2 is not likely to be necessary.
149. Where this is the case, the Court of Appeal found that the consent authority should implement the policies of the plan. In this case, “genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome.” The consideration of Part 2 is not prevented, but it cannot be used to justify an application that is otherwise not supported by objectives and policies.
150. Consideration under Part 2 is appropriate where the consent authority has doubt as to whether the planning documents have been prepared in a manner that appropriately reflects Part 2.
151. In light of the Court of Appeal judgment, Part 2 is required to be considered when determining an application for resource consent, but the objectives and policies still hold significant weight, and in most cases (unless the plan has not been prepared in accordance with Part 2), will largely be determinative.
152. Given the direction of the Court of Appeal judgement, I have still considered this application against Part 2 of the RMA 1991, and I am of the view that this activity will achieve the purpose of the RMA.

Conditions of resource consent (Section 108)

153. I recommend including the conditions attached as Appendix 1.

Duration (Section 123)

154. In considering an adequate consent duration, I have had regard to the following factors developed through case law that are relevant to the determination of the duration of a resource consent:²

- a. The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
- b. Whether adverse effects would be likely to increase or vary during the term of the consent;
- c. Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
- d. Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
- e. That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
- f. Whether review conditions are able to control adverse effects (the extent of the review conditions proposed is also relevant bearing in mind that the power to impose them is not unlimited);
- g. Whether the relevant plan addresses the question of the duration of a consent;
- h. The life expectancy of the asset for which consents are sought;
- i. Whether there was/is significant capital investment in the activity/asset; and
- j. Whether a particular period of duration would better achieve administrative efficiency.

155. The applicant has sought a consent duration of 10 years.

156. In considering the requested duration I have had regard to the following matters:

- a) the nature and sensitivity of the affected environment, including
 - i) the degree to which the sensitivity of the affected environment may become more sensitive over time; and
 - ii) the probability of future adverse effects arising from the consented activity; and

² *Ngati Rangi Trust v Genesis Power Ltd* [2009] NZRMA 312 (CA); *Genesis Power Ltd v Manawatu-Wanganui Regional Council* (2006) 12 ELRNZ 241, [2006] NZRMA 536 (HC); Royal Forest and Bird Protection Society of New Zealand Inc v Waikato Regional Council [2007] NZRMA 439 (EnvC); *Curador Trust v Northland Regional Council* EnvC A069/06.

- iii) the level of knowledge about the affected environment; and
 - b) the nature of the activity.
157. I have taken into consideration these matters, and I am satisfied a duration of 10 years for this bundle of consents is appropriate.

DECISION

158. Having considered all relevant matters under sections 104 and 104C, I recommend that CRC201187, CRC201191 and CRC201192 are granted for a period of ten years each.
159. However, I note these consents are part of a proposal to discharge treated factory wastewater into the Coastal Marine Area via an outfall, which includes consents in a separate Hearing Report, CRC201188, CRC201190 and CRC201194. Due to concerns regarding effects on coastal water quality and cultural values, I have recommended these consents be declined in their current form.

Signed: *KJ Walker* Date: 18 March 2020
Name: Kelly Walker
Consents Planner

Reviewed by:

Signed by *Deeviratna* Date: 19th March 2020
Reviewer: _____
Name: Deepani Seneviratna
Team Leader Consents
Planning

APPENDIX 1: RECOMMENDED CONDITIONS

Applicants Name: Oceania Dairy Limited

Recommended Conditions for Consent Application CRC201187

Proposed Activity: Land Use Consent (s9) to use land for earthworks for installation of a pipeline

Site Location: MORVEN ROAD & ARCHIBALD ROAD, GLENAVY

Proposed Consent Duration: 10 years

Proposed Conditions:

	Limits
1	The works authorised under this consent shall be limited to: <ul style="list-style-type: none">a. Earthworks associated with the installation and maintenance of the wastewater pipeline and surge chamber; andb. Earthworks adjacent to the pipeline corridor to accommodate ancillary activities such as construction access, erosion and sediment controls, dewatering controls and laydown areas for equipment and spoil.
2	The works carried out in accordance with Condition (1) shall be located within the area of land identified on the accompanying Plan CRC201187 which forms part of this consent. Adjacent lot numbers are shown on Schedule CRC201187, attached to and forming part of this consent.
3	Excavations shall not exceed a maximum depth of five metres below existing ground level.
4	The works shall be limited to the excavation of 30,000 cubic metres of material, and installation of pipes and associated structures.
	Prior to works
5	The Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance shall be notified: <ul style="list-style-type: none">a. at least seven working days prior to the commencement of the works; andb. within seven working days after the completion of the works.

6	<p>Prior to the commencement of the works described in Condition (1) of this resource consent, all persons undertaking works shall be made aware of, and have access to the contents of:</p> <ul style="list-style-type: none"> a. This resource consent document; and b. The Erosion and Sediment Control Plan required under Condition (11) of this resource consent.
7	<p>The consent holder shall consult with the following parties with the details of the design plans and drawings at least 7 days prior to commencement of the authorised works under condition (1):</p> <ul style="list-style-type: none"> a. Kiwirail; b. Transpower; c. Morven-Glenavy Irrigation Company; d. Waimate District Council; and e. Owners and occupiers of neighbouring lots, as shown in Schedule CRC201187, attached to and forming part of this consent. <p>The consent holder shall provide a copy of such consultations to the Canterbury Regional Council on request.</p>
8	<p>Prior to the commencement of any removal/disturbance works authorised under condition (1) of this consent, the Consent Holder shall submit to Canterbury Regional Council, Regional Leader-Monitoring and Compliance, a Lizard Management Plan (LMP) prepared by a suitably qualified and experienced ecologist/herpetologist for approval. The LMP Plan shall be designed to achieve the following objective:</p> <ul style="list-style-type: none"> a. The habitat of each species of indigenous lizard present on the site at which habitat clearance is to occur shall be maintained or enhanced, either on the same site or at an appropriate alternative site. <p>Advice note: The LMP should align with any guidelines produced by the Department of Conservation's (DOC's) Lizard Technical Advisory Group (TAG).</p>
9	<p>The LMP shall address the following (where relevant):</p> <ul style="list-style-type: none"> a. Credentials and contact details of the ecologist/herpetologist who will implement the plan. b. Timing of the implementation of the LMP. c. A full description on the effects of the development on lizard values/habitat (species-by-species) at the site d. A description of all lizard impact management proposed including: <ul style="list-style-type: none"> i. Identification of habitat areas where disturbance/clearance is to be avoided or minimised. ii. Restoration of an amount of native vegetation habitat comparable to any cleared.

	<ul style="list-style-type: none"> iii. Maintenance provisions for any planted vegetation to ensure plant establishment. iv. Rock-cairn [or other 'surrogate habitat'] indigenous lizard habitat creation v. Any further impact management actions agreed to with the Department of Conservation as part of any requirements under a Wildlife Act authorisation [i.e. salvage]. <p>e. Lizard monitoring to determine habitat-use/colonisation of all remediated/created habitat within two years of the completion of the vegetation clearance activities (methods such as systematic search or a simple index count sufficient).</p> <p>f. Contingency provisions.</p> <p>Advice note: Any plantings should use ecosourced native plant material.</p>
10	<p>Reporting of LMP to Canterbury Regional Council:</p> <ul style="list-style-type: none"> a. A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the Lizard Management Plan (LMP) shall certify and report to Council that the lizard habitat related works have been carried out/initiated according to the certified LMP within one year of the completion of the vegetation clearance activities. b. A report shall be prepared, following the completion of monitoring required by Condition B, that details the methods used and results of the monitoring, including recommendations for future habitat remediation/creation in similar environments. c. If the findings of the ecologist/herpetologist are that changes to the LMP is required to achieve its objective, including any additional measures or actions, they shall make recommendations to the consent holder as to the changes and/or additional measures or actions that are required.
	Erosion and Sediment Controls
11	<p>The works authorised under Condition (1) of this resource consent shall occur in accordance with an Erosion and Sediment Control Plan (ESCP). The ESCP shall:</p> <ul style="list-style-type: none"> a. Detail best practicable sediment control measures that will be taken to ensure compliance with this consent; and b. Be prepared in accordance with Environment Canterbury's "Erosion and Sediment Control Toolbox for the Canterbury Region" (ESCT), which can be accessed at http://esc.canterbury.co.nz/.
12	<p>The ESCP shall include:</p> <ul style="list-style-type: none"> a. A map showing the location of all works; b. Detailed plans showing the location of sediment control measures, on-site catchment boundaries, and sources of runoff;

	<ul style="list-style-type: none"> c. Drawings and specifications of designated sediment control measures; d. A programme of works, which includes but is not limited to, a proposed timeframe for the works; e. Inspection and maintenance of the sediment control measures; f. The methodology for stabilising the site if works are abandoned; and g. The methodology for stabilising the site and decommissioning erosion and sediment control measures after works have been completed.
13	<p>The ESCP shall be submitted to the Canterbury Regional Council, Attention: Regional Leader –Monitoring and Compliance at least 2 months prior to the works described in Condition (1) commencing, for certification that it complies with the ESCT, and the conditions of this consent.</p> <ul style="list-style-type: none"> a. The earthworks shall not commence until the consent holder has received the certification from the Canterbury Regional Council. b. Notwithstanding Condition 13(a), if the consent holder has not received the certification within 2 months of the Regional Manager, RMA Monitoring and Compliance receiving the ESCP, the discharge may commence.
14	<p>Any subsequent amendment to the ESCP shall require certification from the Canterbury Regional Council in accordance with the procedure outlined in Conditions (11) to (13) (as if the reference to the ESCP were references to the amendment).</p>
	<p>Accidental Discovery</p>
15	<p>In the event of any discovery of archaeological material:</p> <ul style="list-style-type: none"> a. the consent holder shall immediately: <ul style="list-style-type: none"> i. Cease earthmoving operations in the affected area and mark off the affected area; and ii. Advise the Canterbury Regional Council of the disturbance; and iii. Advise Heritage New Zealand Pouhere Taonga of the disturbance. b. If the archaeological material is determined to be Koiwi Tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the consent holder shall immediately advise the office of the appropriate runanga (office contact information can be obtained from the Canterbury Regional Council) of the discovery. c. If the archaeological material is determined to be Koiwi Tangata (human bones) by Heritage New Zealand Pouhere Taonga, the consent holder shall immediately advise the New Zealand Police of the disturbance. d. Work may recommence if Heritage New Zealand Pouhere Taonga Trust (following consultation with runanga if the site is of Maori origin) provides a statement in writing to the Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance that appropriate action has been undertaken in relation to the

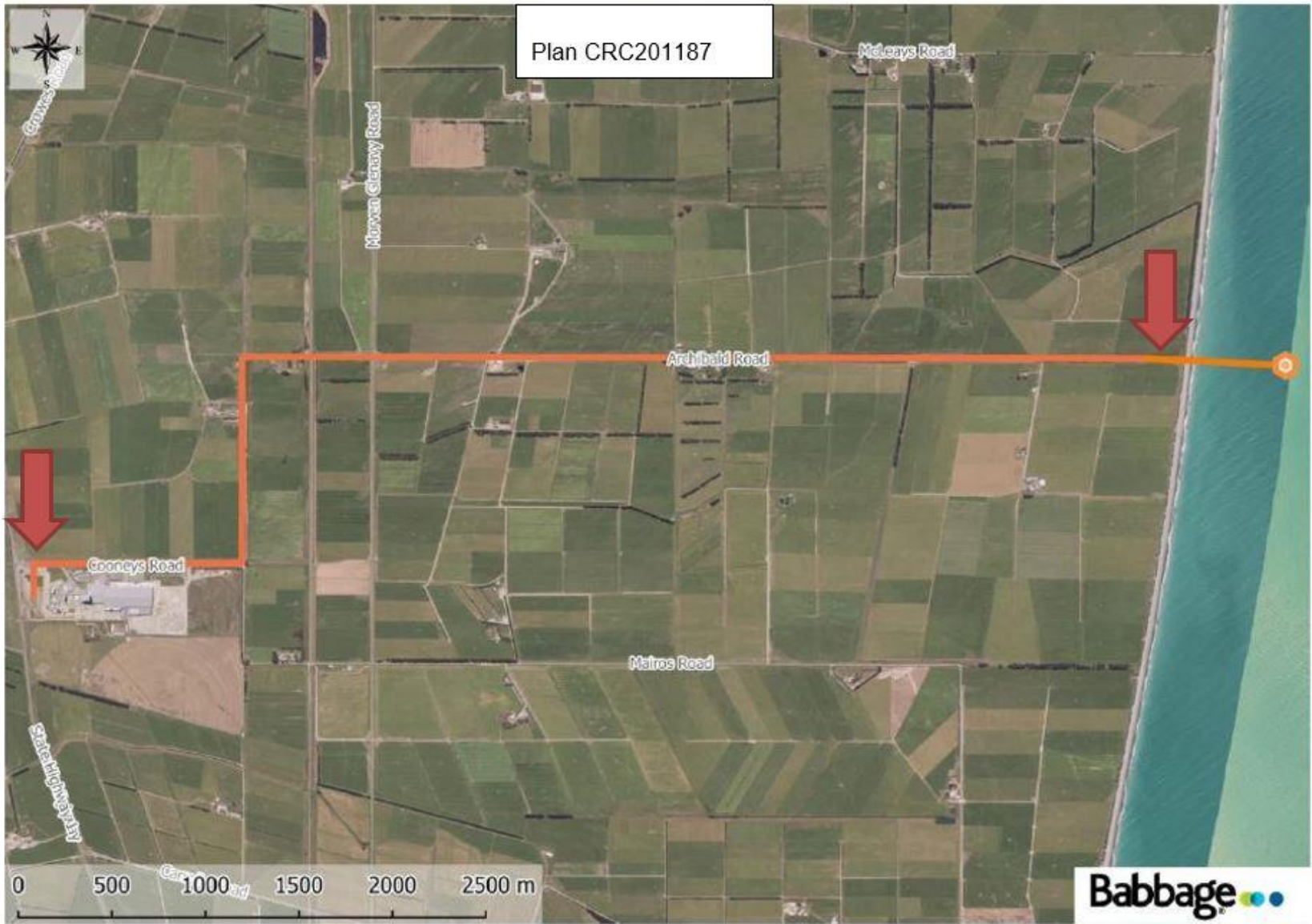
	<p>archaeological material discovered. The Canterbury Regional Council shall advise the consent holder on written receipt from Heritage New Zealand Pouhere Taonga that work can recommence.</p> <p>Advice Note:</p> <p>This may be in addition to any agreements that are in place between the consent holder and the Papatipu Runanga. (Cultural Site Accidental Discovery Protocol).</p> <p>Advice Note:</p> <p>Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. For sites solely of Maori origin, this evidence may be in the form of accumulations of shell, bone, charcoal, burnt stones, etc. In later sites, artefacts such as bottles or broken glass, ceramics, metals, etc, may be found or evidence of old foundations, wells, drains, tailings, races or other structures. Human remains/koiwi may date to any historic period.</p> <p>It is unlawful for any person to destroy, damage, or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 provides for substantial penalties for unauthorised damage or destruction</p>
	<p>During works</p>
16	<p>During construction, the consent holder shall take all practicable measures to prevent spills of fuel or any other hazardous substances within the site.</p> <ol style="list-style-type: none"> a. The consent holder shall maintain spill kits capable of containing or absorbing any hazardous substance used on the site; b. In the event of a spill of fuel or any other hazardous substance, the consent holder shall clean up the spill as soon as practicable, inspect and take measures to prevent a recurrence. c. The consent holder shall inform the Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance, within 24 hours of a spill event, and shall provide the following information: <ol style="list-style-type: none"> i. The date, time, location and estimated volume of the spill; ii. The cause of the spill; iii. The type of contaminant spilled; iv. Clean up procedures undertaken; v. Details of the steps taken to control and remediate the effects of the spill on the receiving environment; vi. An assessment of any potential effects of the spill; and vii. Measures to be undertaken to prevent an occurrence.

17	<p>All practicable measures shall be undertaken to prevent oil and fuel leaks from vehicles and machinery. The protocol for managing hazardous substances onsite shall include but not be limited to:</p> <ul style="list-style-type: none"> a. No refuelling or maintenance of vehicles or machinery to occur within 20 metres of an excavation; b. No storage of fuel or lubricants, refuelling, or lubrication of vehicles and machinery is to occur within 20 metres any surface waterway or exposed groundwater; and c. Any fuel at the site shall be stored securely or removed from the site overnight.
18	<p>On the completion of works:</p> <ul style="list-style-type: none"> a. all disturbed areas shall be stabilised and/or revegetated; and b. all spoil and other waste material from the works shall be removed from site. <p>Advice Note: for the purposes of this consent "Stabilised" means an area inherently resistant to erosion such as rock (excluding sedimentary rocks), or rendered resistant to erosion by the application of aggregate, geotextile, vegetation or mulch. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80 percent vegetation cover has been established.</p>
	<p>Complaints register</p>
19	<p>The consent holder shall maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of this resource consent. The Complaints Register shall record, where this information is available:</p> <ul style="list-style-type: none"> a. the date, time and duration of the incident that has resulted in a complaint; b. the location of the complainant at the time of the incident; and c. any corrective action undertaken by the consent holder in response to the complaint, including timing of that corrective action.
20	<p>The Complaints Register shall be made available to the Canterbury Regional Council at all reasonable times on request. Complaints relating to the conditions of this resource consent shall be forwarded to the appropriate Council within 48 hours of the complaint being received.</p>
	<p>Review</p>
21	<p>The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:</p>

	<ul style="list-style-type: none"> a. Dealing with any adverse effect on the environment that may arise from the exercise of the consent or b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment. c. Requiring monitoring in addition to, or instead of, that required by the consent.
22	<p>This consent shall lapse ten years after the commencement date, unless the consent is exercised before that lapsing date in accordance with section 125 of the Resource Management Act 1991.</p> <p>Advice note: 'Exercised' is defined as implementing any requirements to operate this consent and undertaking the activity as described in these conditions and/or application documents.</p>

Schedule CRC201187, legal descriptions of the land parcels adjacent to proposed earthworks associated with the pipeline construction.

Lot 2 DP 484323
Section 3 Reserve 1815
Section 4 Reserve 1815
Section 5 Reserve 1815
RS 35317
RS 31776
RS 35823
Section 5 Reserve 1816
RS 31034
RS 32728
Lot 1 DP 4369
Part RS 31796
Lot 1 DP 300901
Lot 2 DP 42589
Lot 2 DP 69022
RS 35637



Recommended Conditions for Consent Application CRC201191

Proposed Activity: Water Permit (s14) to and take groundwater for dewatering

Site Location: MORVEN ROAD & ARCHIBALD ROAD, GLENAVY

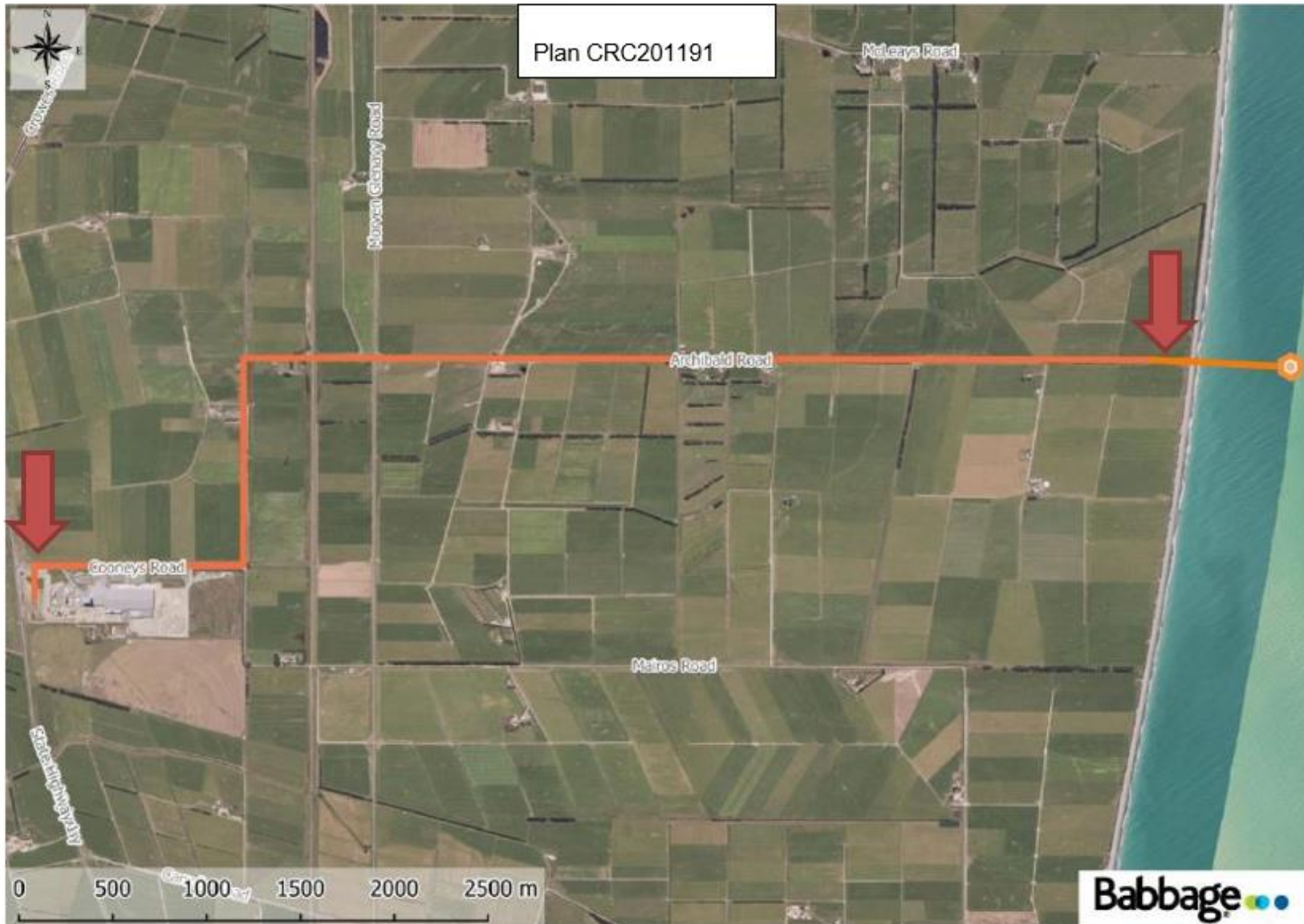
Proposed Consent Duration: 10 years

Proposed Conditions:

1	<p>The activity authorised by this resource consent shall be only the abstraction of groundwater for dewatering purposes during earthworks authorised under resource consent CRC201187.</p> <p>Advice Note: Dewatering water shall be discharged in accordance with the conditions of resource consent CRC201192.</p>
2	<p>The take of groundwater for dewatering purposes shall only occur:</p> <ul style="list-style-type: none">a. From excavation areas located within the area shown on Plan CRC201191; andb. In accordance with the Dewatering Management Plan prepared under Condition (6).
3	<p>Dewatering shall be carried out using sump-pumping or well-pointing as required</p>
4	<p>The dewatering during each stage of the project shall only occur for the time required to carry out the works within the stage.</p>
5	<p>The dewatering operation shall not, in combination with other groundwater takes, cause ground subsidence on adjacent properties. If any ground subsidence occurs on an adjacent property:</p> <ul style="list-style-type: none">a. The dewatering water take shall cease immediately, and the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance shall be notified within 24 hours; andb. The dewatering activity may only recommence once:<ul style="list-style-type: none">i. The construction methodology has been reconsidered and revised to prevent any further ground subsidence from occurring; andii. Confirmation for the recommencement of the dewatering activity has been received from the Canterbury Regional Council.

6	<p>If the consent holder determines that dewatering is necessary, then at least one month prior to commencing site construction, the consent holder shall submit a Dewatering Management Plan (DMP) to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance.</p> <p>The DMP shall contain the following:</p> <ul style="list-style-type: none"> a. the methodology for dewatering, including: <ul style="list-style-type: none"> i. a map showing the location of any wells, sumps or well pointing equipment; and ii. a description of how the pump rate will be monitored; and b. a programme of works, including an indicative timeframe. c. an assessment against the Schedule 12 of the Land and Water Regional Plan.
7	<p>Dewatering shall not commence until:</p> <ul style="list-style-type: none"> a. the Canterbury Regional Council has certified that the DMP includes the matters described in Condition (6); or b. if the Canterbury Regional Council confirms receipt but then fails to provide any further response to the consent holder within a period of one month then the DMP shall be deemed to be certified.
8	<p>Any subsequent amendment to the DMP shall require certification from the Canterbury Regional Council in accordance with the procedure outlined in Conditions (6) and (7) (as if the references to the DMP were references to the amendment).</p>
9	<p>The dewatering operation shall be limited to that reasonably necessary to lower and sustain the level of groundwater to no more than 0.5 metres below the deepest excavation.</p>
10	<p>At least five working days prior to the commencement of dewatering, the Consent Holder shall inform the Canterbury Regional Council, Attention: Regional Leader –Monitoring and Compliance in writing, of the start date of works.</p>
11	<p>Prior to the commencement of dewatering operations, sediment and erosion control measures shall be installed, as required by Consent CRC201187.</p>
Complaints register	
12	<p>The consent holder shall ensure that all personnel undertaking dewatering on site are made aware of and have access to the contents of this consent document and associated plans, including the DMP.</p>
13	<p>The consent holder shall maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent</p>

	<p>holder in relation to the exercise of this resource consent. The Complaints Register shall record, where this information is available:</p> <ol style="list-style-type: none"> a. the date, time and duration of the incident that has resulted in a complaint; b. the location of the complainant at the time of the incident; and c. any corrective action undertaken by the consent holder in response to the complaint, including timing of that corrective action.
14	The Complaints Register shall be made available to the Canterbury Regional Council at all reasonable times on request. Complaints relating to the conditions of this resource consent shall be forwarded to the appropriate Council within 48 hours of the complaint being received.
	Review
15	<p>The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <ol style="list-style-type: none"> a. Dealing with any adverse effect on the environment that may arise from the exercise of the consent or b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment. c. Requiring monitoring in addition to, or instead of, that required by the consent.
	Lapsing
16	<p>This consent shall lapse ten years after the commencement date, unless the consent is exercised before that lapsing date in accordance with section 125 of the Resource Management Act 1991.</p> <p>Advice note: 'Exercised' is defined as implementing any requirements to operate this consent and undertaking the activity as described in these conditions and/or application documents.</p>



Recommended Conditions for Consent Application CRC201192

Proposed Activity: Discharge Permit (s15) to discharge dewatering water to land or water

Site Location: MORVEN ROAD & ARCHIBALD ROAD, GLENAVY

Proposed Consent Duration: 10 years

Proposed Conditions:

1	This consent shall authorise the discharge of groundwater from site dewatering associated with CRC201191 to land parcels shown on Plan CRC201192 and/or adjacent irrigation channels in connection with the earthworks authorized under CRC201187.
2	Groundwater shall be discharged into settling tanks for removal of sediment prior to discharge.
3	If discharge of groundwater occurs to irrigation channels, the consent holder shall ensure: <ul style="list-style-type: none">a. That the concentration of total suspended solids in the discharge does not exceed 100g/m³;b. That the rate of flow in the irrigation channel is at least five times the rate of the discharge;c. That the discharge shall not cause erosion or scouring to the banks or bed.
4	If discharge of dewatering water occurs to land, the consent holder shall monitor the discharging quantities to ensure that no ponding of groundwater on the land surface occurs.
Complaints register	
5	The consent holder shall maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of this resource consent. The Complaints Register shall record, where this information is available: <ul style="list-style-type: none">(a) the date, time and duration of the incident that has resulted in a complaint;(b) the location of the complainant at the time of the incident; and(c) any corrective action undertaken by the consent holder in response to the complaint, including timing of that corrective action.

	The Complaints Register shall be made available to the Canterbury Regional Council (and the Waimate District Council) at all reasonable times on request. Complaints relating to the conditions of this resource consent shall be forwarded to the appropriate Council within 48 hours of the complaint being received.
	Review
6	<p>The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <ul style="list-style-type: none"> a. Dealing with any adverse effect on the environment that may arise from the exercise of the consent or b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment. c. requiring monitoring in addition to, or instead of, that required by the consent.
	Lapse date
7	<p>This consent shall lapse ten years after the commencement date, unless the consent is exercised before that lapsing date in accordance with section 125 of the Resource Management Act 1991.</p> <p>Advice note: 'Exercised' is defined as implementing any requirements to operate this consent and undertaking the activity as described in these conditions and/or application documents.</p>



APPENDIX 2: S42A ADDENDUM

RESOURCE MANAGEMENT ACT

Section 5 Purpose

“(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

*(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

I consider the application meets the purpose of the RMA.

Section 6 (Matters of National Importance)

- recognise and provide for the following:

(a) the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.

(f) the protection of historic heritage from inappropriate subdivision, use, and development.

(g) the protection of recognised customary activities.

(h) the management of significant risks from natural hazards.

Section 7 (Other Matters)

- have particular regard to the following:

(a) kaitiakitanga.

(aa) the ethic of stewardship.

(b) the efficient use and development of natural and physical resources.

(ba) the efficiency of the end use of energy.

- (c) the maintenance and enhancement of amenity values.
- (d) intrinsic values of ecosystems.
- (f) maintenance and enhancement of the quality of the environment.
- (g) any finite characteristics of natural and physical resources.
- (h) the protection of the habitat of trout and salmon.
- (i) the effects of climate change.
- (j) the benefits to be derived from the use and development of renewable energy.

Section 8 (Treaty of Waitangi)

- takes into account the principles of the Treaty of Waitangi

