

BEFORE THE CANTERBURY REGIONAL COUNCIL (CRC)

IN THE MATTER OF the Resource Management Act 1991 ('the RMA')

AND A RESOURCE CONSENT APPLICATION by Oceania Dairy Limited under section 88 of the RMA for the construction of a 7.5 kilometre pipeline and discharge of treated wastewater from a milk-processing factory situated at 30 Cooney's Road, Glenavy, into the Coastal Marine Area.

COMMISSIONER QUESTIONS FOR APPLICANT AND S42A REPORT WRITERS

12 MAY 2020

INTRODUCTION

The following are Commissioner Questions principally for the Applicant and Section 42A Reporting Officers. There is one question addressed to all experts.

COMMISSIONER QUESTIONS

Document	Page/Para	Question
Application & Assessment of Environmental Effects	Pg. 1	Is the Ocean outfall site near any other rivers, other than the Waitaki River?
	Pg. 2	The application records that the outfall pipe is to be located within the road reserve? Are there any issues, legal or otherwise, that need to be addressed to ensure this can be achieved?
	Pg. 2	Can you explain in lay person terms why three diffusers are used in the outfall, there purpose and how they work.
	Pg. 2	The application states that the discharge capacity is greater than the 4000m ³ /day discharge anticipated after completion of Stage 3 of the planned expansion of the factory. Can you explain why that is and whether the excess capacity is likely to create any issues?
	Pg. 3	Can you please explain how you intend the existing wastewater irrigation system will be maintained and used in conjunction with the proposed outfall discharge?
	Pg. 3	Can you please provide us with copies of any conditions of consent that have been imposed with the grant of consent for stages 1 and 3 relevant to this application?
	Pg.4	Can you please explain how Oceana only have access to 278ha of the 404ha to irrigate its wastewater?
	Pg. 4	What has the applicant done to acquire the additional land required to meet the current consent conditions and/or obtain sufficient land to meet existing consent?

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	Pg. 4	Why has the additional 90h not be connected? Is this an option to increase land based discharge?
	Pg. 4	Why can pivot irrigation not be used across all of the current 314h rectangular blocks?
	Pg. 5	During the engagement meetings with the community were they given the option of considering marine vs land discharge as a preference?
	Pg. 7	How do you work out when there is sufficient volume in the holding tank to create the necessary pressure for all three diffusers to operate, so that the treated wastewater will be discharged via the ocean outfall?
	Pg. 7	If the consent was granted and required the surrender of the existing consents that allowed for discharge to land then what alternative options have been considered for maintenance or periods where it may not be possible to discharge to the marine environment?
	Pg. 7	What proportion of wastewater is 'treated v 'clean'? Could the waste streams be separated and the clean water be disposed of by alternative means more easily than the treated, e.g. irrigation with no odour, to reduce the volume discharged to sea?
	Pg. 9	The application states that a calibrated numerical model is utilised to determine the reasonable mixing zone. Can you please explain why this model is appropriate here? What are the risks with the model both positive and negative? What should be included in conditions to check that the modelled outcomes reflect reality? What are the assumptions and risks around those assumptions?
	Pg. 9	As part of a local bathymetry survey, the application states that a wave/current/water level measurement instrument was deployed for 28 days for the development of the near shore model domain and for model calibration. Can you please explain what determines 28 days is a suitable period for this survey?
	Pg. 10	The application states that ocean outfalls in the region are not uncommon. Can you please set out how many others are in the region and the proximity to the application site?

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	Pg.10	The application records that the dispersion modelling report considers the modelling results to be conservative. Can you please advise how these modelled results compare with Fonterra Studholme?
	Pg. 13	How does Oceania propose to ensure the design of the final outfall diffuser configuration will meet the minimum dilution requirements in the proposed resource consent conditions?
	Pg. 14	Is consent required, and has it been obtained, for the crossing of the South Island Main Trunk Railway Line?
	Pg. 15	The application states that any sediment laden water will be discharged to a tank for primary treatment (settlement) before being discharged. Can you please advise which proposed condition of consent reflects this?
	Pg. 17	Is dredging the seabed included as one on the applications for consent?
	Pg. 19	What is the significance of the pipeline route crossing under a high voltage electricity line, which is noted on the planning maps?
	Pg. 19	The application notes there are two consented outfalls in to the north of the assessment area. Are either of those being operated yet? Have any other outfall applications been made?
	Pg. 34	Please expand on why the predicted increases in nutrients are unlikely to trigger more frequent algal blooms.
	Pg. 34	Please elaborate on why Dr Wilson concludes the effects will be less than minor?

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	Pg. 36	What would be required to ensure that the treatment system can effectively reduce faecal?
	Pg. 37	What measurements are to be used to check for any in-situ microbial regrowth in wastewater treatment and disposal system as recommended by NIWA? Please explain how measurement are taken, for how long and why this approach will work? What should be done if the results are not satisfactory?
	Pg. 38	Are there any migratory freshwater fish in the Waitaki River and Whitney Creek or any freshwater habitats, including eels that could have migratory patterns effected by the discharge?
	Pg. 41	Which condition links with the applications proposal for the preparation of a lizard management plan?
	Pg. 43	Which proposed condition gives effect to Mr Don's recommendation that the subject gully should be checked for little penguin presence prior to construction commencing?
	Pg. 49	What condition gives effect to Mr Coutinho's recommendation of a monitoring programme and the specific requirements for that programme?
	Pg. 49	Which condition requires the CMP to be prepared prior to construction and submitted to ECan for approval? Does the condition provide enough detail to ensure compliance with this comment in the Application?
	Pg. 52	What proposed condition of consent requires a traffic management plan to be prepared?

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	Pg. 56	Why has a cultural assessment not been completed yet?
	Pg. 56	<p>What is the status of the two CMA applications referred to in the application? Are they ready to progress to hearing?</p> <p>Have these two CMA applicants provided their feedback now?</p>
	Pg. 57	Are any other alternatives viable? E.g. further treatment, storage until conditions suitable to irrigate? Submitters have suggested some alternatives.
	Pg. 57	What is the capacity of the Waimate system? Is there a cost to applicant to join this and if so, what is it. What form of treatment occurs before discharge from this facility and is that better quality than application what are benefits in having single discharge point.
	Pg. 58	Can you please elaborate on why it is considered that connecting to a municipal sewage system is not a feasible option?
	Pg. 59	What neighbours would be affected by a discharge to land and for how long? Please explain with reference to the FIDOL factors.
	Pg. 60	Considering the more than 100 submissions, have the social and cultural costs of discharging to the marine environment been compared against discharge to land? If not can this be done?

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	Pg. 61	Please provide the dates that the regional policy statements and plans relevant to this application were recently prepared.
	Pg. 61	How does the application provide for the protection of the natural character of the coastal environment from inappropriate subdivision, use, and development?
	Pg. 67	Is the smallest mixing zone necessary to achieve the required water quality in the receiving environment used to achieve policy 23 of the NZECP?
	Pg. 68	Through the submission process, it has been identified that there are recreational values that will be impacted upon. What consideration has been given to avoid, remedy or mitigate these? Specifically the undertaking of recreational fishing at the proposed outfall site?
	Pg. 70	How will the application restore or enhance cultural values in accordance with Objective 8.2.4 of the CRPS?
	Pg. 71	Can you please provide further details on the recognition that the Regional Coastal Environment Plan provides that industrial discharges are causing localised reductions in water quality as a resource management issue.
	Pg. 77	Can you please provide us with details of the consent that has been granted by the Waimate District Council to the planned expansion of Stage 3 of the Factory?
	Pg. 80	Was a full copy of the application provided to Lesley Te Maiharoa – Sykes upon lodgement with ECan?

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Technical Report 11 Cultural Impact Assessment	Pg. 17	Has the applicant sort agreement on how the impacted values will be addressed with mana whanau during both the construction phase and operation of the discharge?
Response to Aukaha Waihao submission		Other than responding to the concerns of Te Rūnanga o Waihao what has been done to reach agreement with Mana Whenua with regard to their request for consideration of alternatives and impacts on cultural values? How has this been progressed and what were the outcome of the undertaking you provided to meet them in person?
Generic question on Cultural Impacts		As there are more than one Papatipu Runaka that is impacted? How has the applicant progressed mitigating avoiding or remedying their individual concerns? We are aware that the Papatipu Runaka have indicated they wish to voice their specific concerns in detail at the hearing, but how has the applicant sort to deal with these prior to the hearing?
S42A report	Para 154, para p265	The s42A report and Ms Bolton-Ritchie's evidence refers to an 'interim period' and 'interim triggers' in relation to monitoring for pathogens and faecal indicator bacteria. We are unable to find discussion of this in the application - can the applicant elaborate?
	Para 113	In the reporting officer's view should we receive a copy of the construction management plan before we make a decision on the application?
	Para 131	Do you consider that the concerns expressed by Mr Andrews have been addressed by the applicant and are those solutions provided for in conditions, if so, where?
	Para 133 to 142	Explain how the dispersion modelling results are for provided for in the proposed conditions? In particular, what form of monitoring do you recommend?
	Para 151	Please confirm that all the water quality parameters for treated wastewater have been included in the proposed conditions? And, please update us on the circumstances relating to the pathogens and the related interim 2 year monitoring condition.
	Para 152 a. - d	In your view have the issues covered in these paragraphs been provided for in the proposed conditions.
	Para 153/154	Please explain how these issues have been provided for in the proposed condition sets.

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	Para 182	Have Dr Childerhouse's recommendations relating to levels of treatment been included within the conditions, and if so, where?
	Para 184 to 202	Dr Bolton-Ritchie, can you advise if the further baseline survey referred to at paragraph 198 need be completed before a consent is granted and if not, explain why not.
	Para 195	Dr Bolton-Ritchie, assuming consent is granted inclusive of water quality monitoring at the three edges of the mixing zone, what remedial steps can be undertaken if the discharge results in an increase in the occurrence of phytoplankton blooms?
	Para 201	Dr Bolton-Ritchie and Reporting Officer, in your opinion how significant in trying to understand effects is the point that the final design of the outfall diffuser and the WWTP is yet to be carried out?
	Para 203	Dr Bolton- Ritchie and Reporting Officer, given the matters raised in this paragraph relating to water quality standards at the edge of the mixing zone, in your opinions what is required to address this issue enabling consent to issue. Alternatively, do you consider there is insufficient information available enabling a determination of effects to be made at this time?
	Para 232	Reporting Officer and Ms Gean Jack, does the condition provide an objective and purpose that the lizard management plan must achieve?
	Para 305	Reporting Officer, are you aware of any proposals or plans for the Waimate Municipal Disposal System to be upgraded. If so, please provide details including timing.
	Para 308	Reporting Officer, what do you understand to be the main reasons why the applicant contends it is not possible to purchase extra land to enable land discharge of wastewater?
	Para 421-422	Reporting Officer, assuming the discharge of wastewater from the Fonterra plants at Clondeboyne and Studholme are similar to what is here proposed, are the proposed conditions of consent consistent? And if not, can explain the reasons for this?
Lesley Bolton-Ritchie s42A Report		Do you agree with Dr Bolton-Ritchie's trigger values for water quality parameters, conclusions in terms of breaches of those trigger values and recommendations for monitoring?

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S42A Report coastal consents	Para 19	<p>The s42A report says that: "during processing the applicant changed this stance to the coastal outfall will be used when discharge to land ... is not possible, that is discharge to land will occur in preference to the coastal discharge."</p> <p>Can the applicant/officer confirm what is intended operationally, and how preference for land discharge might be formalised in consent conditions?</p>
Water quality report / ecological report		<p>Can the applicant/officer comment on the likely change in the salinity around the diffusers when discharge occurs? Can further comments be made on the impact on fish species, particularly in regard to the effect on shore-based fishing in the vicinity of the outfall?</p>
S92 response	Pg. 4	<p>Can the officer/applicant comment on what is the likely impact of the discharge of the cleaning chemicals on marine species?</p>
	Pg. 9	<p>Can the Officer applicant advise what RO retentate is?</p>
General Questions		<p>Can Officers and applicant advise from the consultation meeting 28th November 2020 in Waimate, specifically what outcomes arose to provide opportunity to avoid or mitigate impacts on the environment?</p>
		<p>The application implies the operation / discharge is seasonal at present, but will become year round if consent is granted. Can the applicant confirm this is correct, and indicate how production / wastewater volumes will generally vary over the year?</p>
		<p>Can the Applicant and officers advise are all proposed conditions agreed with? If not, please explain why.</p>
		<p>Can all experts highlight any matters of disagreement in terms of conclusions in the s42A and associated expert s42A report, and the recommended conditions?</p>



Paul Rogers

Independent Commissioner – Chair - on Behalf of the Panel

Dated: 12 May 2020