

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.

**MINUTE OF THE HEARINGS PANEL IN RESPONSE TO SECTION 133A
REQUEST**

7 OCTOBER 2020

PURPOSE

- 1 The Commissioners have received a request from the applicant, Oceania Dairy Limited (ODL) under section 133A of the Resource Management Act 1991 (the Act) dated 2 October 2020.
- 2 ODL explains that minor errors have been identified by Te Rūnanga o Arowhenua and Te Rūnanga o Waihao (the Rūnanga), and ODL and the Rūnanga have agreed relief to address these purported errors. Accordingly, ODL requests the Commissioners correct the purported errors in the consent conditions.
- 3 This minute sets out the Commissioner's consideration of the relief sought to the consent conditions to address the purposed errors and our decision.
- 4 In addition a further error in the numbering of a consent condition has been identified. They too will be corrected.

APPLICANT'S REQUEST

- 5 The errors and relief sought to the consent conditions by the Rūnanga and ODL is as follows:

Consent CRC201187

Condition 9

- 6 Condition 9 relates to the monitoring of the Lizard Management Plan. Condition 9 (g) relates to "any further monitoring measures agreed to following consultation with Te Rūnanga o Waihao". ODL and the Rūnanga consider that this condition should also refer to Te Rūnanga o Arowhenua. The inclusion of Te Rūnanga o Arowhenua appears to be consistent with the report prepared by the Commissioners. On that basis, we consider the exclusion of Te Rūnanga o Arowhenua was an error, and can be remedied by section 133A the Act.
- 7 Relief sought: That condition 9 (g) be reworded as follows:

"any further monitoring measures agreed to following consultation with Te Rūnanga o Waihao **and Te Rūnanga o Arowhenua**".

Condition 10

- 8 Condition 10 relates to reporting of the Lizard Management Plan to the Canterbury Regional Council. Condition 10 (b) requires a report to be prepared. The Rūnanga seek clarification about who will prepare the report. ODL do not consider this change is in the nature of a mistake or defect, however the parties agree that the relief sought by the Rūnanga would provide greater clarity.
- 9 Relief Sought: That condition 10 (b) be reworded as follows:

“A report shall be prepared **by the suitable qualified and experienced ecologist/herpetologist**, following the completion of monitoring required by Condition 9, that details the methods used and results of the monitoring, including recommendations for future habitat remediation/creation in similar environments.”

Consent CRC201188

Condition 12

- 10 The error is the same as that in Consent CRC201187 outlined above at paragraphs 7 and 8, where condition 12 (b) relates to the reporting of the Lizard Management Plan.
- 11 Relief Sought: That condition 12 (b) be reworded as follows:

“A report shall be prepared **by the suitable qualified and experienced ecologist/herpetologist**, following the completion of monitoring required by condition 9, that details the methods used and results of the monitoring, including recommendations for future habitat remediation/creation in similar environments.”

Consent CRC201190

Condition 20

- 12 Condition 20 requires the submission of a report when certain inspections are made. The consent conditions as currently worded refers to conditions 14, 15 and 16. This appears to be an error, as the cross-referencing is not consistent with the inspections referred to by condition 20.
- 13 Relief Sought: Condition 20 is reworded to remove reference to conditions 14, 15 and 16, and replace these with conditions 15, 16 and 18.

Further errors

- 14 In our decision conditions for CRC201187 condition 7 h. should be a numbered condition 8. So we have within Appendix 2 renumbered condition 7 h. to be condition 8. The remaining condition numbers do not need adjustment as they are numbered as though condition 7h. was actually numbered 8. So no consequential adjustment to renumber the remaining conditions is required.

SECTION 133A

- 15 Section 133A of the Resource Management Act 1991 provides that:

“A consent authority that grants a resource consent may, within 20 working days of the grant, issue an amended consent that corrects minor mistakes or defects in the consent.”

- 16 The Commissioners agree that section 133A of the Act is available to them to consider the relief sought by the ODL and the Rūnanga.

17 Upon consideration of the relief sought and the reasons for that relief, the Commissioners concur that these amendments are minor mistakes and appropriately dealt with section 133A of the Act.

18 For completeness, the Commissioners confirm that the error identified with condition 10 of CRC201187 was a minor mistake and the condition should have correctly included the proposed wording to ensure consistency with the other conditions of consent.

TIME

19 Any amended consent must be issued within 20 working days of the grant of consent. Consent was granted to ODL on 8 September 2020 and therefore we are now outside of the 20 working day timeframe under section 133A of the Act to issue an amended consent, by 2 working days.

20 The reason for this delay is that the correspondence was filed only 3 working days before the expiry of the section 133A timeframe, and provided to the Commissioners on Monday, 5 October 2020. Unfortunately, the Commissioners were unable to consider the request and respond within that 20 working day period due to pre-existing engagements outside of Christchurch.

21 Under section 37(1)(a) of the Act we can extend a time period specified in the Act whether or not it has expired. Accordingly we extend the timeframe under section 133A of the Act by 3 working days. We do not consider that any party to this application will be adversely affected by this extension.

DECISION

22 Accordingly, the Commissioners accept that minor mistakes have occurred and agree to amend them as requested and as identified by the Rūnanga and ODL within the application dated 2 October 2020.

23 For ease of reference, we **attach** the amended consent conditions in final format (using the original appendix references to our decision) for the following consents:

- (a) CRC201187 – Appendix 2;
- (b) CRC201188 – Appendix 5; and
- (c) CRC201190 – Appendix 6.

24 The remaining consent conditions as contained in Appendix 1, 3 and 4 to our decision dated 8 September 2020 remained unaltered.

25 Any correspondence regarding this minute should be directed to Alison Cooper, Hearings Administrator at CRC Email: Alison Cooper hearings@ecan.govt.nz

A handwritten signature in blue ink, appearing to read 'P G Rogers'.

P G Rogers

Independent Commissioner – Chair - on Behalf of the Panel

Dated: 7 October 2020

CONDITIONS FOR CRC201187**Conditions for Consent Application: CRC201187****Land Use Consent (s9) to use land for earthworks for installation of a pipeline****Site Location: MORVEN ROAD & ARCHIBALDS ROAD, GLENAVY****Duration: 10 years****Limits**

1. The works authorised under this consent shall be limited to:
 - a. earthworks associated with the installation and maintenance of the wastewater pipeline and associated infrastructure; and
 - b. 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.
5. The Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance shall be notified:
 - a. at least seven working days prior to the commencement of the works; and
 - b. within seven working days after the completion of the works.

Prior to works

6. 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:
 - a. this resource consent document; and
 - b. the Erosion and Sediment Control Plan required under Condition 11 of this resource consent.

7. 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:
 - a. KiwiRail;
 - b. Transpower;
 - c. Morven-Glenavy Ikawai Irrigation Company(MGI) to protect their infrastructure;
 - d. Waimate District Council;
 - e. Owners and occupiers of neighbouring lots, as shown in Schedule CRC201187, attached to and forming part of this consent;
 - f. The consent holder shall ensure that consultation with MGI Irrigation Company results in a construction methodology that MGI Irrigation Company agrees adequately protects the existing irrigation infrastructure;
 - g. The consent holder shall provide a copy of such consultations to the Canterbury Regional Council on request; and
8. 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 and prepared in consultation with Te Rūnanga o Waihao Te Rūnanga o Arowhenua. The LMP Plan shall be designed to achieve the following objective:
 - a. Protect each species of indigenous lizard present on the site at which habitat clearance is to occur and rehabilitate and enhance the habitat of each species, either on the same site or at an appropriate alternative site to help ensure that any long-term impact is a positive impact.
9. The LMP shall address the following (where relevant):
 - 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:
 - 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;
 - iii. maintenance provisions for any planted vegetation to ensure plant establishment.
 - iv. rock-cairn (or other 'surrogate habitat') indigenous lizard habitat creation; and
 - 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);

- e. Canterbury Regional Council shall have 10 working days to confirm that the LMP is prepared in general accordance with the requirements of Condition 11. If the Canterbury Regional Council fails to provide a response to the consent holder within 10 working days, then the LMP shall be deemed to be confirmed.

Advice note: *The LMP should align with any guidelines produced by the Department of Conservation's (DOC's) Lizard Technical Advisory Group (TAG).*

- f. 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);
- g. any further monitoring measures agreed to following consultation with Te Rūnanga o Waihao and Te Rūnanga o Arowhenua; and
- h. contingency provisions.

Advice note: *Any plantings should use eco sourced native plant material.*

10. Reporting of LMP to Canterbury Regional Council:

- 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 by the suitable qualified and experienced ecologist/herpetologist, following the completion of monitoring required by Condition 9, 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; and
- d. 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.

11. The consent holder shall commission a report from an arborist in order to ensure that the proposed works do not impact on the root zone of the trees identified on Plan CRC201187.

Erosion and Sediment Controls

12. Prior to the commencement of works 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:
- 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/>.

13. The ESCP shall include:

- 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;
- 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.

14. 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.

- a. the earthworks shall not commence until the consent holder has received the certification from the Canterbury Regional Council; and
- b. notwithstanding Condition 14.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.

15. Any subsequent amendment to the ESCP shall require certification from the Canterbury Regional Council in accordance with the procedure outlined in Conditions 12 to 14 (as if the reference to the ESCP were references to the amendment).

Accidental Discovery

16. In the event of any discovery of archaeological material:

- a. the consent holder shall immediately:
 - 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 Kōiwi Tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the consent holder shall

immediately advise the office of the appropriate Rūnanga (office contact information can be obtained from the Canterbury Regional Council) of the discovery.

- c. if the archaeological material is determined to be Kōiwi Tangata (human bones) by Heritage New Zealand Pouhere Taonga, the consent holder shall immediately advise the New Zealand Police of the disturbance; and
- d. work may recommence if Heritage New Zealand Pouhere Taonga Trust (following consultation with Rūnanga if the site is of Māori 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 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.

Advice Note:

This may be in addition to any agreements that are in place between the consent holder and the Papatipu Rūnanga. (Cultural Site Accidental Discovery Protocol).

Advice Note:

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 Māori 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/kōiwi may date to any historic period.

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.

During Works

17.

- a. During construction, the consent holder shall take all practicable measures to prevent spills of fuel or any other hazardous substances within the site.
- b. The consent holder shall maintain spill kits capable of containing or absorbing any hazardous substance used on the site.
- c. 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.
- d. 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:
 - 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.
18. All practicable measures shall be undertaken to prevent oil and fuel leaks from vehicles and machinery. The protocol for managing hazardous substances on site shall include but not be limited to:
- 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.
19. On the completion of works:
- 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.

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.

Complaints Register

20. 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:
- 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.
21. 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

22. 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:

- 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; or
 - c. requiring monitoring in addition to, or instead of, that required by the consent.
23. 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.

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.



Schedule CRC201187: Lot numbers legal descriptions adjacent to proposed pipeline.

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

CONDITIONS FOR CRC201188

Resource Consent Number: CRC201188**Activity: Land Use Consent (s9) to use land for erection and placement of structures in the Coastal Hazard Zones****Consent Duration: 10 years**

1. The activity shall be limited to the erection and placement of structures within Coastal Hazard Zones 1 and 2 used for the discharge of treated factory wastewater authorised under CRC201194 or any subsequent variations.
2. The erection and placement of structures authorised under Condition 1 above shall be limited to:
 - a. the structures required for the operation of the outfall pipeline and man-hole.
 - b. any temporary structures required during the construction period.
3. The structures referred to in Condition 2 shall be located within the area labelled as “location of structures” on Plan CRC201188, which forms part of this resource consent.

Prior to works

4. The consent holder shall notify the Canterbury Regional Council, Attention Regional Leader - Monitoring and Compliance, at least seven working days prior to the commencement of the authorised works under Condition 1 and within seven working days after the completion of the works.
5. 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:
 - a. this resource consent document; and
 - b. the Construction Management Plan required under Condition 6 of this resource consent.

Construction Management Plan

6. No later than two months prior to the commencement of the construction works authorised by this consent, the consent holder shall prepare and submit to the Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance, a Construction Management Plan.

The objectives of the Construction Management Plan shall be:

- a. to ensure that the construction activities achieve compliance with the conditions of this resource consent;

- b. to avoid, where practicable, adverse environmental effects and, where not practicable, to ensure appropriate mitigation or appropriate remediation is undertaken;
 - c. to minimise the release of sediment, either to water or to air, during construction activities;
 - d. to provide methods to ensure that persons under its control respect and apply the Construction Management Plan; and
 - e. to integrate good environmental practice into construction activities.
7. In achieving the objectives described in Condition 6, the Construction Management Plan shall be prepared in consultation with the Canterbury Regional Council and shall include, but not be limited to, the following:
- a. a description of the location and extent of the works;
 - b. the best practicable measures that will be adopted during construction to avoid, remedy or mitigate construction effects within the coastal hazard zones;
 - c. the contact details of the lead contractor;
 - d. the timing and duration of each phase, including the working hours within which works will be undertaken;
 - e. the construction method(s) to be adopted including but not limited to dust and sediment control.
 - f. public access and pipeline signage during the construction period;
 - g. measures to avoid adverse effects on penguins during construction;
 - h. a description of the use and details as to volumes of any hazardous chemicals, including fuels and oils, stored or used and their storage requirements; and
 - i. emergency procedures.
8. Construction Works shall not commence until:
- a. the Canterbury Regional Council has certified that the Construction Management Plan meets the objectives described in Condition 6 and includes the matters described in Condition 7; 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 1 month then the Construction Management Plan shall be deemed to be certified.
9. Any subsequent amendment to the Construction Management Plan shall require certification from the Canterbury Regional Council in accordance with the procedure outlined in Conditions 6 to 8 (as if the references to the Construction Management Plan were references to the amendment).

Lizard Management Plan

10. Prior to the commencement of any removal/disturbance works the Consent Holder shall submit to Canterbury Regional Council Attention Regional Leader - Monitoring and Compliance, a Lizard Management Plan (**LMP**) prepared by a suitably qualified and experienced ecologist/herpetologist. The LMP Plan shall be prepared in consultation with Te Rūnanga o Waihao and Te Rūnanga o Arowhenua, and shall be designed to achieve the following objective:
- a. protect each species of indigenous lizard present on the site and where habitat clearance is to occur then rehabilitate and enhance the habitat of each species to be maintained or enhanced, either on the same site or at an appropriate alternative site to help ensure that any long-term impact is a positive impact; and
 - b. the Canterbury Regional Council shall have 10 working days to confirm that the LMP is prepared in general accordance with the requirements of Condition 11. If the Canterbury Regional Council fails to provide a response to the consent holder within 10 working days, then the LMP shall be deemed to be confirmed.

Advice note: *The LMP should align with any guidelines produced by the Department of Conservation's (DOC's) Lizard Technical Advisory Group (TAG).*

11. The LMP shall address the following (where relevant):
- 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:
 - i. identification of habitat areas where disturbance/clearance is to be avoided or minimised;
 - ii. rehabilitation, restoration and enhancement of an amount of native vegetation habitat comparable and commensurate to any cleared;
 - 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);
 - 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);
 - f. any further monitoring measures agreed to following consultation with Te Rūnanga o Waihao and Te Rūnanga o Arowhenua; and

g. contingency provisions.

Advice note: *Any plantings should use eco sourced native plant material.*

12. Reporting of LMP to Canterbury Regional Council:

- a. a suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the Lizard Management Plan (LMP) shall certify and report to Canterbury Regional 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 by the suitable qualified and experienced ecologist/herpetologist, following the completion of monitoring required, that details the methods used and results of the monitoring, including recommendations for future habitat remediation/creation in similar environments; and
- c. if the findings of the ecologist/herpetologist are that changes to the LMP are 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

13. 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:

- 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 current "Erosion and Sediment Control Toolbox for the Canterbury Region" (**ESCT**), which can be accessed at <http://esc.canterbury.co.nz/>.

14. The ESCP shall include:

- 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;
- 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. any monitoring requirements for sediment plumes in the coastal waters of the immediate vicinity of the works. Recording of such observations (photos if possible) and reporting programme to the Canterbury Regional Council;
- g. the methodology for stabilising the site if works are abandoned;
- h. the methodology for stabilising the site and decommissioning erosion and sediment

control measures after works have been completed;

- i. details of the timing of inspections of the gully for evidence of significant, short term or ongoing erosion caused by the works, and if found, details of stabilisation measures and the timing of the same.
15. 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.
- a. The earthworks shall not commence until the consent holder has received the certification.
 - b. Notwithstanding Condition 15.a., if the consent holder has not received the certification within 2 months of the Regional Leader - Monitoring and Compliance receiving the ESCP, the discharge may commence.

During Works

16. Prior to construction commencing, a suitably qualified and experienced ornithologist shall check the gully located at the seaward end of Archibalds legal but unformed road for penguin presence. If penguins are observed, the consent holder shall implement the penguin management measures specified in the Construction Management Plan.
17. All practicable measures shall be undertaken to prevent oil and fuel leaks from vehicles and machinery, including, but not limited to:
- a. ensuring that there is no storage of fuel or refuelling of vehicles and machinery within 20 metres of the coastal marine area; and
 - b. ensuring that fuel is stored securely or removed from the site overnight.

Certification

- 18.
- a. At least two months prior to the commencement of construction of the ocean outfall and associated works, the consent holder shall submit to the Canterbury Regional Council, Attention Regional Leader - Monitoring and Compliance, all design plans and certification for the outfall pipeline and associated works.
 - b. The certificate shall be signed by a suitably qualified and experienced Engineer, certifying that the design plans comply with, or enable compliance with all the conditions of this consent. The certificate shall include sufficient technical information to demonstrate the basis for the certification.
19. Within two months of completion of construction of the ocean outfall, a certificate signed by a suitably qualified and experienced Engineer, certifying that the systems have been constructed in full accordance with the design, and installation specifications submitted in accordance with Condition 18 of this consent, shall be submitted to the Canterbury Regional Council, Attention Regional Leader - Monitoring and Compliance. This engineer shall also sign a statement confirming that they are competent to certify the engineering work

Archaeological discovery

20. In the event of any discovery of archaeological material:

- a. the consent holder shall immediately:
 - 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 Kōiwi Tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the consent holder shall immediately advise the office of the appropriate Rūnanga (office contact information can be obtained from the Canterbury Regional Council) of the discovery;
- c. if the archaeological material is determined to be Kōiwi Tangata (human bones) by Heritage New Zealand Pouhere Taonga, the consent holder shall immediately advise the New Zealand Police of the disturbance; and
- d. work may recommence if Heritage New Zealand Pouhere Taonga Trust (following consultation with Rūnanga if the site is of Māori 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 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.

Advice Note:

*This may be in addition to any agreements that are in place between the consent holder and the Papatipu **Rūnanga**. (Cultural Site Accidental Discovery Protocol).*

Advice Note:

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 Māori 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/kōiwi may date to any historic period.

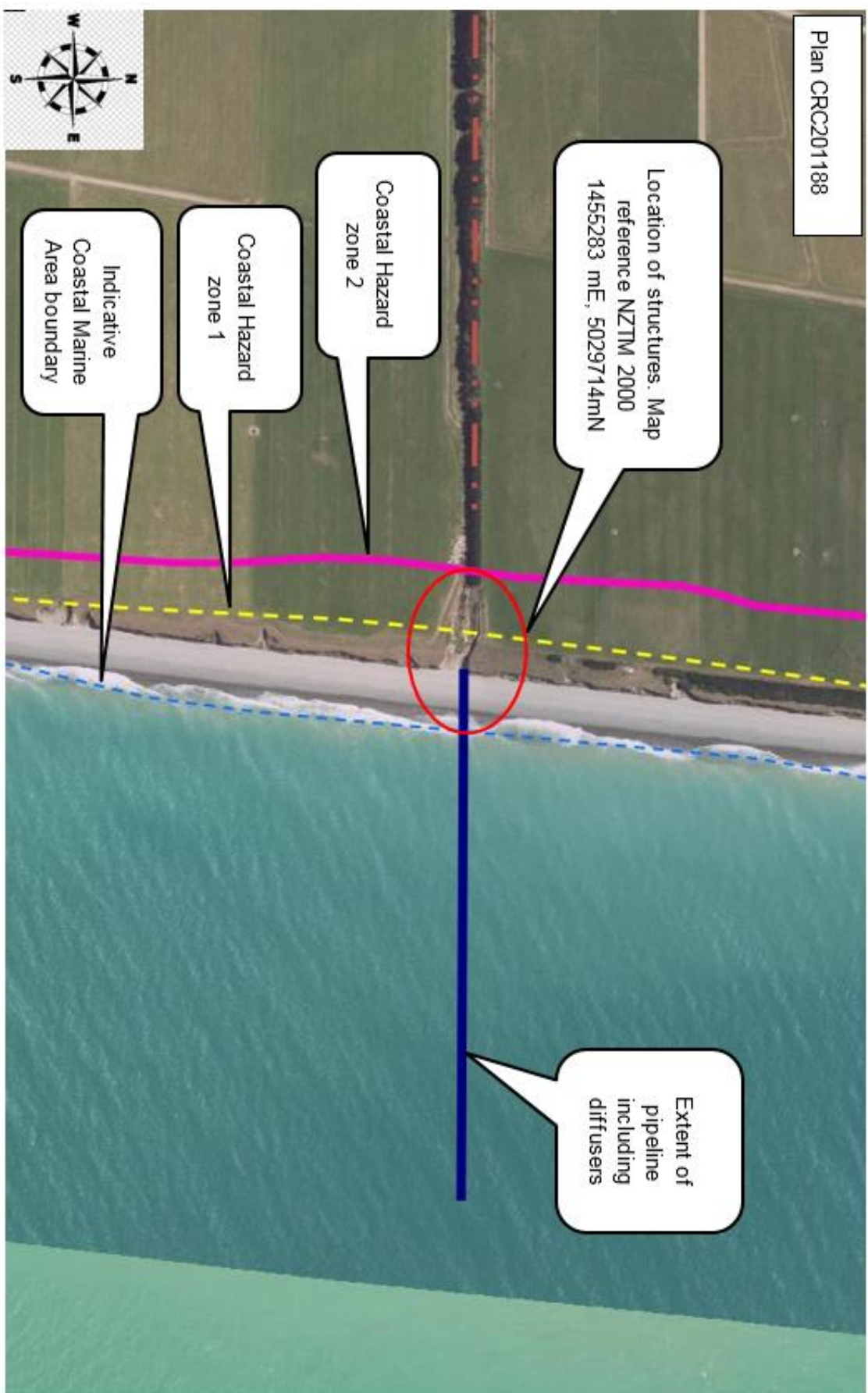
It is unlawful for any person to destroy, damage, or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under 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.

Review

21. 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:
- 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.
22. This consent shall lapse ten years after the commencement date, unless the consent is before that lapsing date in accordance with section 125 of the Resource Management Act 1991.

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.*



CONDITIONS FOR CRC201190

Resource Consent Number: CRC201190

Activity: Coastal Permit (s12) to disturb and deposit material to the foreshore or seabed, to erect and place structures and to occupy CMA

Consent Duration: 35 years

General

1. The activity shall be limited to:
 - a. the disturbance and deposition of material on the foreshore and seabed;
 - b. erection and placement of structures in the Coastal Marine Area; and
 - c. the permanent occupation of the Coastal Marine Area by structures.

associated with the discharge of treated factory wastewater authorised under CRC201194 or any subsequent variations.
2. The permanent occupation of the Coastal Marine Area shall be limited to the structures required for the operation of the outfall pipeline and outfall diffusers, located between the Coastal Marine Area boundary, and the end of the furthestmost diffuser as shown on Plan CRC201190 which forms part of this resource consent.
3. The structures referred to in Condition 2 shall be located within the area shown on Plan CRC201190.

Prior to Works

4. The consent holder shall notify the Canterbury Regional Council, : Attention Regional Leader - Monitoring and Compliance, at least seven working days prior to the commencement of the authorised works under Condition 1 and within seven working days after the completion of the works.
5. 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:
 - a. this resource consent document; and
 - b. the Construction Management Plan required under Condition 6 of this resource consent.

Construction Management Plan

6. No later than two months prior to the commencement of the construction works authorised by this consent, the consent holder shall prepare and submit to the Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance, a Construction Management Plan.

The objectives of the Construction Management Plan shall be:

- a. to ensure that the construction activities achieve compliance with the conditions of this resource consent;
 - b. to avoid, where practicable, adverse environmental effects and, where not practicable, to ensure appropriate mitigation or appropriate remediation is undertaken;
 - c. to minimise the release of sediment to water during construction activities;
 - d. to provide methods to ensure that persons under its control respect and apply the Construction Management Plan;
 - e. where dredging methods are employed to minimise the total duration of the works; and
 - f. to integrate good environmental practice into construction activities.
7. In achieving the objectives described in Condition 6, the Construction Management Plan shall be prepared in consultation with the Canterbury Regional Council and shall include, but not be limited to, the following:
- a. a description of the location and extent of the works;
 - b. the best practicable measures that will be adopted during construction to avoid, remedy or mitigate construction effects within the coastal marine area;
 - c. confirming that the duration of works, including details of how the construction period is to be minimised as far as practicable;
 - d. the contact details of the lead contractor;
 - e. the timing and duration of each phase, including the working hours within which works will be undertaken;
 - f. the construction method(s) to be adopted including but not limited to sediment control.
 - g. public access and pipeline signage during the construction period;
 - h. details of all Maritime Safety Authority permits and notices to mariners that have been obtained in relation to the works;
 - i. details of any permanent maritime signage required
 - j. a description of the use of any hazardous chemicals, including fuels and oils, stored or used and their storage requirements;
 - k. emergency procedures;
 - l. an accidental discovery protocol, developed in consultation with the Department of Conservation, Te Rūnanga o Waihao and Te Rūnanga o Arowhenua; and
 - m. an Environmental Management Plan covering an assessment of environmental effects on the following:
 - i. noise;
 - ii. lights on vessels;

- iii. marine biosecurity;
 - i. hydrocarbon and other contaminant spills; and
 - ii. environmental monitoring and reporting that will be undertaken during the construction period.
8. Construction Works shall not commence until:
- a. the Canterbury Regional Council has certified that the Construction Management Plan meets the objectives described in Condition 6 and includes the matters described in Condition 7; 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 Construction Management Plan shall be deemed to be certified.
9. Any subsequent amendment to the Construction Management Plan shall require certification from the Canterbury Regional Council in accordance with the procedure outlined in Conditions 6 to 8 (as if the references to the Construction Management Plan were references to the amendment).

Site Remediation

10. Following the completion of works:
- a. all areas subject to earth working shall be stabilised and reinstated to the natural beach profile of neighbouring adjacent beach areas as soon as practicable;
 - b. material used to reinstate the beach profile shall only be natural excavated beach material, or material of similar type and size consistent with the neighbouring natural beach material; and
 - c. all accumulated debris and other waste material shall be removed from the site.

Beach Signage and Marine Charts

11. Immediately following construction of the outfall, the consent holder shall:
- a. erect warning signage on the beach, in a position clearly visible from the coastal marine area, if required to do so by the Director of Maritime Safety appointed under the Marine Transport Act 1994 (the DMS), or by Land Information New Zealand (LINZ), as the National Hydrographic Authority for New Zealand;
 - b. ensure the signage includes, for any recreational users of the beach, notice that the outfall for the Oceania Dairy Processing site is located at that location; and
 - c. provide map references of the position of the outfall pipeline and outfall diffuser to the DMS and LINZ.

Certification

12. At least two months prior to the commencement of construction of the ocean outfall and associated works, the consent holder shall submit to the Canterbury Regional Council, Attention Regional Leader - Monitoring and Compliance, all design plans and certification for the outfall pipeline and associated works.
13. The certificate shall be signed by a suitably qualified and experienced Engineer, certifying that the design plans comply with, or enable compliance with all the conditions of this consent. The certificate shall include sufficient technical information to demonstrate the basis for the certification.

14. Within two months of completion of construction of the ocean outfall, a certificate signed by a suitably qualified and experienced Engineer, certifying that the systems have been constructed in full accordance with the design, and installation specifications submitted in accordance with Condition 13 of this consent, shall be submitted to the Canterbury Regional Council, Attention Regional Leader - Monitoring and Compliance. This engineer shall also sign a statement confirming that they are competent to certify the engineering work.

Inspection and Maintenance of the outfall pipeline and outfall diffusers

15. The consent holder shall undertake a visual sea surface inspection of the area in the proximity of the outfall pipeline and outfall diffusers once a year (from the date of commencement of this consent) and after any significant earthquake or tsunami event in the vicinity of the outfall diffusers, to ensure that the structures are working correctly, have not been moved and are maintained in good working order.
16. If no significant movement is detected after five years of annual inspections, the inspection rate shall be changed to every 5 years and after any significant earthquake event.
17. The consent holder shall, within two months of this inspection, submit a report to the Canterbury Regional Council Attention: Regional Leader - Monitoring and Compliance, describing the outcome of the inspection.
18. Following Commencement of this consent for the duration of this consent, the consent holder shall undertake:
 - a. six monthly visual inspections of the beach; and
 - b. where the pipeline has been laid and 100 metres north and south of the beach crossing point.
19. The consent holder shall undertake visual inspection of any exposed pipeline or its components surfaces annually, and clean any surfaces that compromises its operation which show any signs of biofouling.
20. The consent holder shall, within two months of any inspection undertaken in accordance with Condition 15, 16 and 18 above, submit a report to the Canterbury Regional Council Attention: Regional Leader - Monitoring and Compliance, that includes but is not limited to detail on:
 - a. the date and time of the inspection;
 - b. the condition of the outfall pipeline and outfall diffuser; and
 - c. should there be any evidence of beach weakness or gravel washout, this shall be reported to the Canterbury Regional Council together with the remediation to be undertaken (if any) in regards to the pipeline and outfall infrastructure;
 - d. Any cleaning of biofouling undertaken on exposed surfaces of the pipeline or diffusers.

Review

21. 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:
- 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.

Lapsing

22. 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.

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.*

