

Ashford Park - Change of consent conditions – report and decision

Summary of decision

File Reference: WGN160103 [33757] (new ID [35062]) and [33758] (new ID [35063])

Date Granted: 17 November 2017

Applicant: Winstone Aggregates (a Division of Fletcher Concrete and Infrastructure Ltd)
PO Box 17915
Greenlane
Auckland 1546

Attention: Dan McGregor

Decision made under: Section 127 of the Resource Management Act 1991 (the Act)

Condition(s) changed: Conditions 1 and 13-17 of both [33757] and [33758] (see Section 1 of this report)




Processing timeframes:

Application lodged: 25/10/2017 **Application officially received:** 25/10/2017

Applicant to be notified of decision by: 22/11/2017 **Applicant notified of decision on:** 17/11/2017

Time taken to process application: 17 working days

Decision:

Decision recommended by:	Claire Baldwin	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Kirsty Van Reenen	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Jeremy Rusbatch	Team Leader, Environmental Regulation	

Reasons for decision report

1. Background and proposal

1.1 Regional and District Council resource consent applications

On 11 December 2015 Greater Wellington Regional Council (GWRC) granted consents WGN160103 [33757] and [33758] to Winstone Aggregates (the applicant) for the construction of a bore (quarry pit), which is defined by the Operative Regional Freshwater Plan (RFP) as including a hole which intercepts groundwater within an aquifer, and the associated sediment discharge for the excavation. The purpose of the consent is to allow the applicant to operate a gravel quarry at Ashford Park.

Ashford Park Quarry is located at 61-67 Te Roto Road, Otaki. The quarry is neighboured by the GBC Winstone ballast plant to the west, olive orchards at 72 Te Roto Road to the north-west, the Otaki Maori Racing Club to the north, farmland to the east and the Otaki River to its south. GWRC hydrology team assessed the application and considered the effects of the proposed activity on groundwater and the river to be no more than minor.

On 24 March 2016, by way of a decision made by a Hearing Commissioner, Kapiti Coast District Council (KCDC) authorised the applicant to establish a gravel quarry at Ashford Park. The KCDC decision was publicly notified, and during the hearing, submitters raised concerns about the effect the quarrying would have on groundwater quality by creating a waterbody which intercepts groundwater. The commissioners noted that the GWRC consent WGN160103 [33757] included conditions requiring the consent holder to take all necessary precautions to prevent any discharge of contaminants to the pit or formed water body, however there was no requirement to undertake any water sampling until 1 March 2050 or six months prior to gravel extraction ceasing.

Based on the advice received, and with the intent of controlling the potential effects of faecal contamination from birds and other potential activities occurring on the surface of the lake, during the hearing the Commissioners requested a change to the proposed conditions. Condition 61 of the KCDC consent RM150184 requires the applicant to undertake 6 monthly water sampling to understand the effects the quarrying will have on groundwater quality.

1.2 Groundwater monitoring under RM150184

To meet condition 61 of the KCDC consent, the applicant installed a monitoring bore on the boundary of Ashford Park and 72 Te Roto Road, down gradient of the quarrying activities (GWRC Resource Consent WGN170160 granted 9 February 2017). Prior to the installation of this bore, the applicant had sampled the bore on 72 Te Roto Road (S25/5424). Sample results taken on the 23 January 2017 from bore S25/5424 detected 2 coliform forming units per 100mL of *Escherichia coli* (*E. coli*). The water from bore S25/5424 is used for domestic and irrigation purposes. Previous sample results from that bore taken in July, August and December 2016 had not detected *E. coli*.

E.coli is a bacterium that lives in the intestines of warm blooded animals including humans. Not all *E.coli* is harmful to humans; however, its presence in water suggests a source of contamination. Water quality testing uses *E.coli* as an indicator of other harmful bacteria and viruses that can sometimes be present in the same contamination source.

On receipt of the water quality results, the Paxie-Bolger family who live at 72 Te Roto Road and use that bore water for residential purposes, along with other members of the Ashford Park Community Liaison Group (CLG) raised concerns about the quality of the ground water. Their concerns were around the effect the quarry was having on groundwater quality along Te Roto Road, and concerns for their access to safe drinking water, as most properties along Te Roto Road rely on the groundwater for water supply. Concern was also raised in regard to the quality of assessment of environmental effects undertaken by GWRC when processing consents WGN160103.

1.3 GWRC internal review on consideration of effects

In response to the concern, GWRC conducted an internal review on the decision process for resource consent WGN160103. The review assessed whether the potential effects of the quarry expansion on groundwater quality and, therefore, neighbouring property owners who abstract groundwater had been adequately considered. The findings of this internal review found that GWRC considered the potential effects of the proposed development on groundwater quality, but this was limited to the effects of sediment and did not include an assessment of the potential for contamination from other sources of contamination (such as bird droppings).

The reviewing officer recommended that GWRC engage an external consultant to assess the effects of the quarry on groundwater quality (not already covered by the original officer's report). Based on the external consultants findings, GWRC were then to review GWRC's notification decision on consent WGN160103 and work with the applicant to amend the conditions of their consent to reflect the recommendations of the assessment undertaken.

1.4 Jacobs Assessment of Environmental Effects

On behalf of GWRC, consultancy Jacobs New Zealand Limited (Jacobs) completed an assessment of the environmental effects of additional contaminants on the groundwater from the gravel extraction activities at Ashford Park. The report *GBC Winstone Aggregates Ltd – Ashford Park Quarry – Assessment of Environmental Effects – Groundwater (2017)*, found that based on an *E. coli* die off rate, should *E. coli* counts of up to 58,000 cfu/100mL be present on the surface of the formed water body, the only bores which may still have traces of that *E. coli* would be the bores on the Ashford Park property – owned by the applicant.

An onsite inspection of private bores along Te Roto Road found that bore security varied significantly. Poor bore security can (and probably has) allow contaminants to enter the bore, and groundwater.

Regardless of the findings that it would be highly unlikely for groundwater contamination to move beyond the Ashford Park boundary, Jacobs

recommended a range of changes to the current WGN160103 consents to ensure that any contamination of the groundwater is monitored accurately, and that there are thorough response mechanisms in place *should* a contaminated sample be received again. The additional monitoring will also provide confirmation that should a down-gradient bore present *e. coli* contamination, ongoing monitoring from Ashford Park can confirm or deny if it is from the quarrying activities or another localised source.

1.5 Application for change of conditions

The applicant has been receptive of the recommendations made by Jacobs. Under section 127 (1) of the Act, Winstone Aggregates – the applicant, has applied to change and add the following conditions to consents WGN160103 [33757] and [33758] as follows:

WGN160103 [33757], new ID [35062] – To construct a bore, being the extraction of gravel which will form a lake once groundwater is intercepted.	
No.	Condition details
1	<p>Current condition:</p> <p>The location, design, implementation and operation of the gravel extraction activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 3 November 2015.</p> <p>Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.</p> <p>Note 1: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.</p> <p>Note 2: For the avoidance of doubt the consent holder cannot exercise this consent until such time as the necessary land use consents have been obtained from Kāpiti Coast District Council.</p>
	<p>Proposed condition:</p> <p>The location, design, implementation and operation of the gravel extraction activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 3 November 2015 <u>as well as the application and any other supporting information for the Change of Consent conditions received 25 October 2017.</u></p> <p>Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply</p> <p>Note 1: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource</p>

WGN160103 [33757], new ID [35062] – To construct a bore, being the extraction of gravel which will form a lake once groundwater is intercepted.

No.	Condition details
	<p>Management Act 1991.</p> <p>Note 2: For the avoidance of doubt the consent holder cannot exercise this consent until such time as the necessary land use consents have been obtained from Kāpiti Coast District Council.</p>
13	<p>Current condition:</p> <p>The consent holder shall forward the results of any water quality analyses of the formed waterbody to the Manager, Environmental Regulation, Wellington Regional Council, within one month of samples being analysed.</p> <p>Note: The results of any water quality analyses and/or monitoring must be sent to notifications@gw.govt.nz. Please include the consent reference (WGN170160) and the name and phone number of a contact person responsible for the results.</p> <hr/> <p>Proposed condition:</p> <p>The consent holder shall forward the results of any water quality analyses of the formed waterbody to the Manager, Environmental Regulation, Wellington Regional Council, within one month of samples being analysed.</p> <p>Note: The results of any water quality analyses and/or monitoring must be sent to notifications@gw.govt.nz. Please include the consent reference (WGN170160) and the name and phone number of a contact person responsible for the results.</p> <p>The consent holder shall take water samples from the following two locations on the same day at intervals not greater than 3 months unless a different frequency is agreed to in writing by the Manager, Environmental Regulation, Wellington Regional Council:</p> <ul style="list-style-type: none"> (a) Groundwater from Bore BN33/0023 (on the boundary of Ashford Park and 72 Te Roto Rd); and (b) Surface water from the lake being created by the consent holder's extraction activities at Ashford Park. <p>The samples shall be analysed for:</p> <ul style="list-style-type: none"> (a) Escherichia coli (cfu/100ml); and (b) Total Petroleum Hydrocarbons (g/m3). <p>These parameters and frequency of sampling may be amended as agreed with the Manager, Environmental Regulation, Wellington Regional Council.</p>

WGN160103 [33757], new ID [35062] – To construct a bore, being the extraction of gravel which will form a lake once groundwater is intercepted.

No.	Condition details
	<p>All samples shall be analysed within two days of collection, and in accordance with the latest edition of "The standard Methods for the Examination of Water and Wastewater" APHA, AWWA, WPCE, or such other standards as may be approved by Wellington Regional Council.</p> <p>The results of sample analyses shall be forwarded to Wellington Regional Council, the Community Liaison Group and Kapiti Coast District Council within a week of the samples results being received by the consent holder.</p> <p>Note 1: The results of any water quality analyses can be sent to notifications@gw.govt.nz. Please include the consent reference (WGN160103 [35062] / WGN160103 [35063]) and the name and phone number of a contact person responsible for the results.</p> <p>Note 2: The basis for Condition 13 is taken from KCDC land use consent RM150184 Condition 61. RM150184 authorises the extraction of gravel, removal of vegetation and earthworks of Ashford Park and was a notified consent, meaning that the conditions of consent incorporate the views of all parties to the hearing.</p>
New 14	<p>Proposed condition:</p> <p>The consent holder shall ensure all water samples are taken by a suitably trained person, are as per the latest edition of "The standard Methods for the Examination of Water and Wastewater" APHA, AWWA, WPCE and the Ashford Park Water Sampling Plan approved by Wellington Regional Council (September 2017).</p>
New 15	<p>Proposed condition:</p> <p>At the time of monitoring water quality as required by condition (13), the consent holder should record the weather conditions at the time of sampling, and rainfall in the 48 hours prior to the sampling.</p> <p>Note: Local rainfall data can be obtained from the closest operational Wellington Regional Council rainfall monitoring site as listed at www.graphs.gw.govt.nz</p>
New 16	<p>Should the measured value of E.coli at the groundwater bore BN33/0023 be greater than the alert level (>260cfu/100mL) for Recreational Water Quality and a similar or greater E.coli count is measured in the surface water sample of the excavated lake, then the consent holder shall:</p> <ul style="list-style-type: none"> • Immediately advise the Manager, Environmental Regulation, Wellington Regional Council within 48 hours of receipt of the results; • Immediately begin an investigation into the cause of the elevated <i>E. coli</i> in the groundwater bore and surface water. The investigation is to include,

WGN160103 [33757], new ID [35062] – To construct a bore, being the extraction of gravel which will form a lake once groundwater is intercepted.	
No.	Condition details
	<p>but is not limited to; activities at Ashford Park, rainfall in the past 48 hours, stock access to Ashford Park, additional water quality monitoring;</p> <ul style="list-style-type: none"> • Within one month of receipt of the elevated sample results, submit a report to the Manager, Environmental Regulation, Wellington Regional Council on the investigation undertaken, any potential sources of contamination identified, and any remedial measures that shall be undertaken to mitigate any adverse environmental effects. <p>Note 1: The report and notification must be set to notifications@gw.govt.nz. Please include the consent reference (WGN160103 [33757] / WGN160103 [33758]) and the name and phone number of a contact person responsible for the report).</p>
New 17	<p>From 2018, the consent holder shall provide an annual report which analyses the water quality sample results as required under condition (13) and assess the results for any trend against all water quality samples taken to date. The trend analysis shall look at any increases or decreases in <i>E.coli</i> and total petroleum hydrocarbon samples, and the relationship between the groundwater and surface water results. The analysis should also consider weather conditions and rainfall at the time of sampling as required by condition (15). The report shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council, by 1 November each year.</p> <p>Note 1: The report can be submitted with the annual gravel extraction report required by condition (12) of consent WGN160103 [35062] and condition (18) of consent WGN160103 [35063].</p> <p>Note 2: The report must be set to notifications@gw.govt.nz. Please include the consent reference WGN160103 [35062] / WGN160103 [35063] and the name and phone number of a contact person responsible for the report.</p>

New conditions 14,15,16 and 17 are all related to the water quality sampling required by condition 13. To keep the related conditions together, existing conditions 14 (Complaint records), 15 (GWRC ability to review the consent under S128 of the Act) and 16 (GWRC entitlement to recover costs of review) have been renumbered as conditions 18, 19 and 20 respectively.

WGN160103 [33758], new ID [35063] – To discharge sediment in stormwater runoff to the formed waterbody, created by the gravel extraction activities.

No.	Condition details
1	<p>Current condition:</p> <p>The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 3 November 2015.</p> <p>Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.</p> <p>Note 1: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.</p> <p>Note 2: For the avoidance of doubt the consent holder cannot exercise this consent until such time as the necessary land use consents have been obtained from Kapiti Coast District Council.</p> <hr/> <p>Proposed condition:</p> <p><u>The location, design, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 3 November 2015 as well as the application and any other supporting information for the Change of Consent conditions received 25 October 2017</u></p> <p><u>Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.</u></p> <p><u>Note 1: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.</u></p> <p><u>Note 2: For the avoidance of doubt the consent holder cannot exercise this consent until such time as the necessary land use consents have been obtained from Kapiti Coast District Council.</u></p>
13	<p>Current condition:</p> <p>The consent holder shall forward the results of any water quality analyses of the formed waterbody to the Manager, Environmental Regulation, Wellington Regional Council, within one month of samples being analysed.</p> <p>Note: The results of any water quality analyses and/or monitoring must be sent to notifications@gw.govt.nz. Please include the consent reference</p>

WGN160103 [33758], new ID [35063] – To discharge sediment in stormwater runoff to the formed waterbody, created by the gravel extraction activities.

No.	Condition details
	<p>(WGN170160) and the name and phone number of a contact person responsible for the results.</p> <p>Proposed condition:</p> <p>The consent holder shall forward the results of any water quality analyses of the formed waterbody to the Manager, Environmental Regulation, Wellington Regional Council, within one month of samples being analysed.</p> <p>Note: The results of any water quality analyses and/or monitoring must be sent to notifications@gw.govt.nz. Please include the consent reference (WGN170160) and the name and phone number of a contact person responsible for the results.</p> <p>The consent holder shall take water samples from the following two locations on the same day at intervals not greater than 3 months unless a different frequency is agreed to in writing by the Manager, Environmental Regulation, Wellington Regional Council:</p> <ul style="list-style-type: none"> (a) Groundwater from Bore BN33/0023 (on the boundary of Ashford Park and 72 Te Roto Rd); and (b) Surface water from the lake being created by the consent holder's extraction activities at Ashford Park. <p>The samples shall be analysed for:</p> <ul style="list-style-type: none"> (a) Escherichia coli (cfu/100ml); and (b) Total Petroleum Hydrocarbons (g/m3). <p>These parameters may be amended as agreed with the Manager, Environmental Regulation, Wellington Regional Council.</p> <p>All samples shall be analysed within two days of collection, and in accordance with the latest edition of "The standard Methods for the Examination of Water and Wastewater" APHA, AWWA, WPCE, or such other standards as may be approved by Wellington Regional Council.</p> <p>The results of sample analyses shall be forwarded to Wellington Regional Council, the Community Liaison Group and Kapiti Coast District Council within a week of the samples results being received by the consent holder.</p> <p>Note 1: The results of any water quality analyses can be sent to notifications@gw.govt.nz. Please include the consent reference (WGN160103 [35062] / WGN160103 [35063]) and the name and phone number of a contact person responsible for the results.</p> <p>Note 2: The basis for Condition 13 is taken from KCDC land use consent RM150184 Condition 61. RM150184 authorises the extraction of gravel, removal of vegetation and earthworks of Ashford Park and was a notified consent, meaning that the conditions of consent incorporate the views of</p>

WGN160103 [33758], new ID [35063] – To discharge sediment in stormwater runoff to the formed waterbody, created by the gravel extraction activities.

No.	Condition details
	all parties to the hearing.
New 14	<p>Proposed condition:</p> <p>The consent holder shall ensure all water samples are taken by a suitably trained person, are as per the latest edition of “The standard Methods for the Examination of Water and Wastewater” APHA, AWWA, WPCE and the Ashford Park Water Sampling Plan approved by Wellington Regional Council (September 2017).</p>
New 15	<p>Proposed condition:</p> <p>At the time of monitoring water quality as required by condition (13), the consent holder should record the weather conditions at the time of sampling, and rainfall in the 48 hours prior to the sampling.</p> <p>Note: Local rainfall data can be obtained from the closest operational Wellington Regional Council rainfall monitoring site as listed at www.graphs.gw.govt.nz</p>
New 16	<p>Should the measured value of E.coli at the groundwater bore BN33/0023 be greater than the alert level (>260cfu/100mL) for Recreational Water Quality and a similar or greater E.coli count is measured in the surface water sample of the excavated lake, then the consent holder shall:</p> <ul style="list-style-type: none"> • Immediately advise the Manager, Environmental Regulation, Wellington Regional Council within 48 hours of receipt of the results; • Immediately begin an investigation into the cause of the elevated <i>E. coli</i> in the groundwater bore and surface water. The investigation is to include, but is not limited to; activities at Ashford Park, rainfall in the past 48 hours, stock access to Ashford Park, additional water quality monitoring; • Within one month of receipt of the elevated sample results, submit a report to the Manager, Environmental Regulation, Wellington Regional Council on the investigation undertaken, any potential sources of contamination identified, and any remedial measures that shall be undertaken to mitigate any adverse environmental effects. <p>Note 1: The report and notification must be set to notifications@gw.govt.nz. Please include the consent reference (WGN160103 [33757] / WGN160103 [33758]) and the name and phone number of a contact person responsible for the report).</p>
New 17	<p>From 2018, the consent holder shall provide an annual report which analyses the water quality sample results as required under condition (13) and assess the results for any trend against all water quality samples taken to date. The trend analysis shall look at any increases or decreases in E.coli and total petroleum hydrocarbon samples, and the relationship between the groundwater and surface water results. The analysis should also consider weather conditions and rainfall at the time of sampling as</p>

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No.	Condition details
	<p>required by condition (15). The report shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council, by 1 November each year.</p> <p>Note 1: The report can be submitted with the annual gravel extraction report required by condition (12) of consent WGN160103 [35062] and condition (18) of consent WGN160103 [35063].</p> <p>Note 2: The report must be sent to notifications@gw.govt.nz. Please include the consent reference WGN160103 [35062] / WGN160103 [35063] and the name and phone number of a contact person responsible for the report.</p>

New conditions 14,15,16,17 and 18 are all related to the water quality sampling required by condition 13. To keep the related conditions together, existing conditions 14 (Annual gravel extraction report), 15 (Rehabilitation of the site) 16 (Complaints), 17 (Review condition) and 18 (Ability to recover costs of review) have been renumbered as conditions 18, 19, 20, 21 and 22 respectively.

As both consents currently include identical water quality conditions, it was decided that both were to be replaced with the new collection of water quality sampling conditions in this S127 application.

In accordance with section 127(3) of the Act this application has been considered as a **discretionary activity**.

2. Consultation

Iwi authority	Comments
Nga Hapu O Otaki	No comment provided, therefore it is assumed they have no concerns.
Ashford Park CLG	There was no formal consultation of the contents of this change of condition with the Ashford Park CLG. However, as part of the regulatory response to the issues raised, GWRC updated the CLG on 14 September 2017 as to what the general intentions of the change of conditions are trying to achieve. At that point, the exact form of trend analysis had not been confirmed to be able to give more information. However, the CLG was supportive of the nature of the changes to the consent.

3. Notification decision

In regard to s127(4)(a) of the Act, when determining who is adversely affected by the change, the consent authority must consider in particular, every person who (a) made a submission on the original application; and (b) may be affected by the change or cancellation. The original application was not notified, therefore there were no submissions on the original application.

When the positive e.coli results were received from the Paxie-Bolger bore at 72 Te Roto Road, Mr Paxie believed that the excavation of the pit at Ashford Park was having an effect on the groundwater quality of their bore.

In the assessment undertaken by Jacobs, modelling showed that based on applicable die-off rates, the effects on nearby bores would be limited to approximately four down-gradient bores (BN33/0023, Otaki 15-5 and Otaki 15-6 and S25/5283), all owned by the applicant.

In addition, in order for bacterial contamination to affect the Paxie-Bolger downgradient bore, the bacterial concentrations in the surface water of the excavation would have to be in the vicinity of 10^5 to 10^6 cfu/100 mL. This is similar to E. coli counts in raw sewage, and therefore highly improbable.

However, as set out in section 1.1 of this report, the KCDC resource consent RM150184 was a notified decision. Up until this S127 change of conditions, consent RM150184 is the only consent requiring groundwater sampling to be undertaken at Ashford Park during operation. In response to the positive *E. coli* sample taken from the bore at 72 Te Roto Road, GWRC and KCDC have come to an agreement that it is more suitable for the water quality conditions to be actively monitored by GWRC.

The water quality condition on the KCDC consent RM150184 will still remain. However, should such a time come in the future where there is a request to amend or remove these new water quality sampling conditions from WGN160103, the consenting officer should take into consideration the background of these conditions and the relationship with the KCDC RM150184 consent.

The changes to this consent require the applicant to undertake additional surface and groundwater monitoring, and includes follow up actions depending on the levels of contaminants in the sample results. The additional sampling and follow-up steps will not negatively affect any persons, if anything; the change will have a positive effect as it will provide more information and protection to downstream users.

A decision was made to process the application on a non-notified basis on 1 November 2017. Further information on the notification decision is provided in document #160103-7-95.

4. Environmental effects

A full assessment of environmental effects was made under WGN160103 as set out in the decision report on 11 December 2015. This assessment focusses on the environmental effects of changing conditions 13-17 of both [33757] and [33758] only.

The applicant provided an Assessment of Environmental Effects (AEE) with the application. I concur with the summary of the applicants AEE that the overall proposal set out in this application will have no effects on the Otaki River, and any effects on the local groundwater system will be less than minor.

In addition to this statement, I believe the changes in this application allow for better environmental management as the changes will identify if the quarry is causing an environmental effect not identified in the applicants original AEE. Should the additional water quality monitoring show that the site is causing a negative environmental effect on groundwater, beyond what has already been identified as minor, the applicant and GWRC as the regulator now have the ability to assess the situation and determine if the effects of the activity are still within the scope of the original application.

5. Statutory assessment

5.1 Part 2

Part 2 of the Act outlines the purposes and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

5.2 Matters to be considered – Section 104-108AA

The original decision provided a detailed assessment of the activity against Section 104-108AA of the Act. I have assessed the change of conditions application against that assessment and consider that the proposed change is consistent with that assessment. However, considering the new information that we now know in terms of the potential effects of *E. coli* contamination entering the formed water body, sections 5.2.1 and 5.2.2 of this report add to the original assessment.

5.2.1 Further comments to Section 105(1)

In the original Section 105(1) assessment the officer assessed the nature of the discharge as sediment in stormwater. What also needs to be considered is the unintentional discharge of animal effluent entering the formed water body e.g. by either stock accessing the waterbody or bird droppings.

The applicant does not propose to allow stock to access the waterbody during excavation. Condition 8 of [33757] and condition 10 of [33758] already account for situations like this by requiring the consent holder to take all necessary precautions to prevent any discharge of contaminants to the formed waterbody, other than sediment in stormwater runoff. I do not believe that there is a reasonable method to prevent bird droppings from entering the waterbody, especially considering how low the risk is of this causing *E. coli* contamination beyond the boundary.

5.2.2 Further comments to Section 107

In the original Section 107 assessment the officer assessed the nature of the possible effects of sediment discharging into the waterbody. Again, the

possible contamination of the formed water body by faecal matter also needs to be assessed. Based on the conclusions of the Jacobs report (refer to S1.4 of this report), I am satisfied that any unintentional discharge of animal effluent into the waterbody will not cause any of the environmental effects outlined in S107(1) (a) – (g).

5.3 Weighting of the Proposed Natural Resources Plan

As the conclusion reached under the operative Regional Freshwater Plan assessment is consistent with that reached under the Proposed Natural Resources Plan there is no need to undertake a weighting exercise between the two Plans.

6. Duration of consent

Under section 127(1)(b) of the Act, no consent holder may apply for a change of the consent duration and so the consent expiry date will remain as 11 December 2050 for consent [33758] (new ID35063) and unlimited for consent [33757] (new ID35062) .

7. Monitoring

The current compliance monitoring programme and associated charges will remain. Due to the nature of the changes of this consent, more compliance monitoring may be involved, especially if contamination levels result in an investigation under condition 16 of both consents.