

Fonterra Limited
Edgecumbe Site

Application to Change
Conditions of Consent 65800

FINAL

8 AUGUST 2016

Prepared by:

Environmental Management Services Limited
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Environmental Management Services



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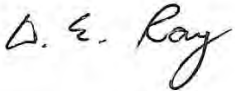

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REPORT INFORMATION

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Report Status	File Location	Our Reference
Final	Google Drive/Fonterra Pinedale 2016 Variation H1694/	H1694
Author	Signed	
David Ray		
Reviewer		
Mark Chrisp		



Part A
Application for Changes to Consent Conditions



APPLICATION FOR CHANGES TO A RESOURCE CONSENT UNDER
SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991

To: Bay of Plenty Regional Council
PO Box 364
Whakatāne 3158

1. **FONTERRA LIMITED**, Private Bag 1, Edgcumbe 3120, applies to change the conditions of resource consent number 65800.
2. The application relates to the specific conditions of the resource consent set out in Part B of this document.
3. The proposed changes are as set out in Part B of this document.
4. The site that the resource consent relates to is a number of properties to the west of Edgcumbe, in the general vicinity of map reference NZTopo50-BE39 330915 (NZTM 5833000 E 5791500 N).
5. There are no other activities that are part of the proposal to which the application relates.
6. Attached (in Part B of this document) is an assessment of the effects on the environment from the proposed changes that:
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects the activity may have on the environment.
7. Attached (in Part B of this document) is an assessment of the proposed change against the matters set out in Part 2 of the Resource Management Act 1991.
8. Attached (in Part B of this document) is an assessment of the proposed change against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
9. No other information is required to be included in the application by the district or regional plan, the Resource Management Act 1991, or any regulations made under that Act.



Dated this: 8th day of August 2016

Signature: Fonterra Ltd, by its duly authorised agents
Environmental Management Services Limited:

A handwritten signature in black ink that reads "D. E. Ray".

David Ray

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Part B

Assessment of Environmental Effects



1 Description of the Proposal

1.1 Background

Fonterra Limited (Fonterra) holds Bay of Plenty Regional Council (BoPRC) consent number 65800 for the discharge of treated wastewater from the Edgcumbe Dairy Manufacturing Site ('the site') onto land, and associated discharges of contaminants (including odour) to air. Conditions 2.1, 2.2 and 2.3 specify the areas of land onto which three different types of wastewater can be discharged, and the methods of discharge – medium strength wastewater (MSW) irrigation, high strength wastewater (HSW) irrigation, and truck spreading of either HSW or MSW, respectively.

Fonterra is currently in the process of renewing a number of other consents that relate to wastewater management at the Edgcumbe site, including the discharge of treated wastewater to the Rangitāiki River. As part of that process, Fonterra has developed a Wastewater Strategy that it has discussed with both BoPRC and a number of stakeholders, including tangata whenua. A key part of that strategy is to increase the area of land onto which MSW can be irrigated.

Fonterra is therefore seeking changes to the conditions of consent 65800 to enable an expansion of the MSW irrigation area.

1.2 Proposed Changes to the Consented Activities

The existing MSW irrigation scheme involves a land area of 104 hectares. Irrigation is carried out in accordance with a Medium Strength Wastewater Irrigation Management Plan (MSWIMP).

Fonterra proposes to more than triple the MSW irrigated land area by adding an additional 229 hectares of land to this irrigation system. This will involve the construction of a new pipeline from the Edgcumbe site to Omeheu along with associated pump station(s), a storage facility, and mechanical and electrical work.

In addition to facilitating a reduction in the volume of wastewater discharged to the Rangitāiki River (discussed below), the expansion of the irrigation area will provide the following benefits:

- Wastewater application rates during wet spring months will be lower than currently used on the Omeheu fixed in-ground irrigation system, but will allow for application rates to be increased during the summer.
- More flexibility will be provided for farmers to join and leave the scheme.
- The scheme will be less vulnerable to farmers leaving the scheme, as there will be a 'buffer' of extra land available for irrigation.

When the irrigation system was originally consented, the farms onto which MSW was irrigated were specified in Schedule 1 of consent 65800, which included specification of the legal descriptions of the irrigated properties.

Addition of new properties to the irrigation scheme is required from time to time to increase the irrigation land area, or to replace farms that withdraw from the scheme, which can occur for a variety of reasons. Fonterra's understanding at the time consent 65800 was granted in 2009 was that new properties could be added to the scheme without needing a change to the consent. However, it has transpired that an application to change the conditions has been required each time a new property has been added, by way of a change to Schedule 1 (as a minimum). Fonterra considers this an unnecessarily inflexible system.



Fonterra is therefore seeking to change the consent conditions to allow for an MSW irrigation area envelope, within which Fonterra can bring new properties into the scheme, provided BoPRC certifies in writing that the proposed irrigation of the new properties meets the criteria set out in the new consent conditions. The written certification approach can be processed in a much quicker and less expensive manner than is required by a change to the consent conditions, and provides the same level of security regarding avoidance of adverse environmental effects.

The proposed irrigation envelope is shown on the Medium Strength Wastewater Irrigation Envelope Map in Appendix A of this AEE (the 'Irrigation Envelope Map').

The envelope approach clearly requires a number of standards to be complied with to ensure that adverse environmental effects will not be caused. Fonterra proposes the following approach to any new property being included in the scheme:

- The irrigation areas will be mapped by a suitably experienced soils specialist, who will identify the appropriate wastewater application rates for the different soil types and groundwater conditions of the property to avoid ponding, overland flow or excessive leaching to groundwater. Soil/groundwater characteristics such as infiltration rates, hydraulic conductivity, depth to groundwater and slope will be taken into account during this mapping exercise.
- Required buffer distances to water courses, property boundaries, and neighbouring dwellings that are required to comply with condition 5.9 of consent 65800 will be mapped.
- If the irrigation area crosses beneath any high voltage electricity transmission lines (as shown on the Whakatāne District Planning Maps), irrigation will be restricted in accordance with the following requirements prescribed by Transpower:
 - All equipment or mobile plant being manoeuvred on site shall maintain a distance not less than 4 metres from the electric line conductors in accordance with Section 5 of the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
 - Equipment shall be located and operated so that a 20 metre buffer distance (no spray zone) is maintained at all times. The buffer distance shall apply 20 metres either side of the centre line drawn directly underneath the electric lines.
- The above assessment will be used to prepare an MSW Property Irrigation Plan for the property (the 'Property Irrigation Plan'), clearly showing:
 - the areas that can be irrigated
 - water bodies (including rivers, streams, farm drains, natural ponds and wetlands)
 - paddocks with sub-surface drainage
 - paddocks that are used for dairy farm effluent irrigation
 - roads, property boundaries, neighbouring houses and community facilities
 - relevant utilities, e.g. high voltage electricity transmission lines
 - any proposed soil, groundwater bore and surface water monitoring locations
- Fonterra will prepare a brief assessment report on the new property that summarises the above information.

Some of the areas within the Irrigation Envelope Map are unsuitable for MSW irrigation due to high groundwater table or poor soil drainage characteristics. The Landcare S-map online system identifies some of these areas in broad terms, as shown on the Irrigation Envelope Map. However, the S-map provides only a high-level assessment of soil characteristics, and a more detailed soils assessment will be required to accurately map the areas that are suitable for irrigation.



Fonterra will also establish and keep updated an MSW Irrigation Property Register ('the Property Register') for all new irrigation properties. The Register will as a minimum include for each new irrigation property:

- Name of the farm/property
- Owner of the property
- Physical address and NZTopo50 map reference
- Legal title(s) of the property
- Property Irrigation Plan, as described above
- Any irrigation issues specific to the property that Fonterra irrigation operations staff need to be aware of (this information will also be included in an updated version of the MSWIMP).

The following information will be provided to BoPRC for its certification of the addition of the new property to the irrigation scheme:

- The property assessment report
- The updated Property Register, including the Property Irrigation Plan
- An updated version of the MSWIMP, if it requires updating

1.3 Proposes Changes to Conditions of Consent 65800

To authorise the proposed expansion to the irrigation scheme, a number of changes to the conditions of consent 65800 are sought, as follows (words to be deleted shown in ~~strikethrough~~; words to be added shown in **bold underline**; only those conditions for which changes are sought are shown):

Definitions

Irrigation Property Register: **A register of all new properties that are certified by the Bay of Plenty Regional Council for medium strength wastewater irrigation after 1 August 2016, this being in addition to those properties authorised prior to 1 August 2016 and identified in Schedule 1 of this consent.**

Irrigation Envelope Map: **The Medium Strength Wastewater Irrigation Envelope Map contained in Schedule 8 of this resource consent, showing the area within which new properties are authorised for medium strength wastewater irrigation, subject to certification from the Bay of Plenty Regional Council as described in condition 3.2A of this consent.**

2.1 Medium strength wastewater shall be irrigated onto the land described in Schedule 1 (Schedule of Irrigation Properties – medium strength wastewater) and shown on BOPRC 65800/1, **and onto land described in the Irrigation Property Register.**

3.2 The consent holder shall notify the Bay of Plenty Regional Council of proposed additions to the **high strength wastewater** irrigation areas or wastewater storage facilities authorised by this consent (see Advice Notes 1, 3 and 4). This notification shall occur prior to the commissioning of any new areas of irrigation or new storage facilities not already authorised by this consent, and shall include the following information:

- a) A map clearly showing the proposed irrigation area - irrigation areas only;
- b) The irrigable area (ha) - irrigation areas only;
- c) Legal description(s);
- d) The current land owners;



- e) The type of wastewater that will be irrigated or stored; and
- f) The irrigation or storage system to be used.

3.2A Unless otherwise certified in writing by the Bay of Plenty Regional Council, medium strength wastewater irrigation shall not occur on any properties other than those identified in Schedule 1 of this consent. Council may certify medium strength wastewater irrigation onto new properties provided they are within the Irrigation Envelope Map in Schedule 8 of this consent. When any new properties are proposed for medium strength wastewater irrigation within the Irrigation Envelope Map, the consent holder shall provide the following information to the Council, as a minimum:

- a) A Property Assessment Report**
- b) An updated Irrigation Property Register, including a Property Irrigation Plan**
- d) An updated version of the Medium Strength Wastewater Irrigation Management Plan described in condition 5.1 of this consent, if an update is required**

The Property Assessment Report shall as a minimum:

- e) Identify required irrigation buffer distances and other irrigation controls**
- f) Include an assessment by a suitably experienced soils specialist of the suitability of the property's soils and groundwater conditions for medium strength wastewater irrigation, taking into account maximum wastewater irrigation rates**
- g) Specify the requirements for any groundwater monitoring bores, surface water monitoring, soil monitoring, and updates to the riparian management plan required by condition 15.3 of this consent**

The Irrigation Property Register shall be updated to include for the new property:

- h) The name of the farm/property**
- i) The owner of the property**
- j) The physical address and NZTopo50 map reference for the property**
- k) Legal title(s) of the property**
- l) A Property Irrigation Plan, identifying:**
 - i) medium strength wastewater irrigation areas, including maximum wastewater application rates for those areas**
 - ii) all rivers, streams, farm drains, natural ponds and wetlands**
 - iii) paddocks with sub-surface drainage**
 - iv) paddocks that are used for dairy farm effluent irrigation**
 - v)**
 - vi) neighbouring boundaries, houses, and community facilities such as marae, community halls and schools**
 - vii) relevant utilities, e.g. high voltage electricity transmission lines**
 - viii) any proposed groundwater monitoring bores, surface water monitoring locations, and soil monitoring**
- m) Any irrigation issues specific to the property that Fonterra irrigation operations staff need to be aware of.**

Any issues identified in the Irrigation Property Register in condition m) shall be addressed in an updated version of the Medium Strength Wastewater Irrigation Management Plan described in condition 5.1 of this consent. Furthermore, the riparian management plan referred to in condition 15.3 of this consent shall be updated if changes are required.

To avoid doubt:



- I. **The addition of new medium strength wastewater irrigation properties through the above certification process does not require a variation to the conditions of this consent.**
- II. **This condition does not prevent truck spreading of medium strength wastewater as provided for under condition 2.3 of this consent.**

5.1 The consent holder shall prepare and submit updated versions of the Medium Strength Waste Water Irrigation Management Plan...

- o) Any other matters that are relevant to new irrigation properties that are added to the Irrigation Property Register.**

5.9 The consent holder shall ensure that the following buffer zones are maintained at all times during irrigation operations:

- a) A buffer zone no less than 10 metres wide between the sprayed irrigated area and any stream or drain; and
- b) A buffer zone no less than 10 metres wide between the sprayed irrigated area and property boundaries (except where that property is identified in Schedule 1 or 2 or the written approval to a lesser buffer has been received by the Bay of Plenty Regional Council from the owner and occupier of the neighbouring property); and
- c) a buffer zone of no less than 45 metres wide between the sprayed irrigated areas and any residential dwelling (except where that property is identified in Schedule 1 or 2 or the written approval to a lesser buffer has been received by the Bay of Plenty Regional Council from the owner and occupier of the neighbouring property).
- d) A buffer distance not less than 60 metres between the sprayed irrigated area and the Murnane's current residential dwelling on 87 Angle Road, RD 3, Whakatāne.

5.15 Where the wastewater application occurs on properties crossed by high-voltage transmission lines, sub-transmission lines or distribution lines ('electric lines'), the activity shall be undertaken in accordance with the following conditions to ensure that the spray discharge will not directly contact the electric lines or support structures:

- (a) All equipment or mobile plant being manoeuvred on site shall maintain a distance not less than 4 metres from the electric line conductors in accordance with Section 5 of the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).**
- (b) For Jet Spraying and Pod application methods, equipment shall be located and operated so that a 20 metre buffer distance (no spray zone) is maintained at all times. The buffer distance shall apply 20 metres either side of the centre line drawn directly underneath the electric lines.**
- (c) For the spreader truck application, a 4 metre buffer distance from any tower base. The buffer distance shall apply within a radius of 4 metres from the footing of any tower base.**

Advice Note: High-voltage transmission line locations are shown on the Whakatāne District Planning Maps.

9.1 The consent holder shall maintain the groundwater monitoring bores (identified in Schedule 3 of this consent **and in the Property Irrigation Plans prepared in accordance with condition 3.2A of this consent**) to the satisfaction of the Chief Executive of the Bay of Plenty Regional Council or delegate.

10.1 The consent holder shall establish surface water monitoring points at a minimum of three points along the Awaiti Canal (that runs adjacent to Awaiti South and North Roads), **and at any additional locations specified on the Property Irrigation Plans prepared in accordance with condition 3.2A of this consent**, and submit details of these locations, including GPS references to the Bay of Plenty



Regional Council. The sampling points shall be to the satisfaction of the Chief Executive of the Bay of Plenty Regional Council or delegate, and shall include at least one site upstream of all current and proposed irrigation activities, one site downstream of all current and proposed irrigation activities and one site immediately downstream of the confluence of the western arm of the Awaiti Canal (approximate grid reference 2843150, 6354500).

Advice Notes

- 4) *New irrigation properties will be added to the relevant Schedule(s) of this consent **or to the Irrigation Property Register**. In some circumstances this may need a formal change to the consent conditions. **To avoid doubt, no change to the consent conditions is required when new medium strength wastewater irrigation properties are added within the area of the Irrigation Envelope Map, provided this is undertaken in accordance with the conditions of this consent.***
- 7) *Once approved, the additional monitoring bores will be added to Schedule 3, **or to the Irrigation Property Register**. The consent holder may also propose that existing monitoring bores be removed from the Schedule as part of this process.*

SCHEDULE 1

PROPERTIES ONTO WHICH MEDIUM STRENGTH WASTEWATER IS IRRIGATED AND PROPOSED TO BE IRRIGATED (NOT INCLUDING THOSE LISTED IN THE IRRIGATION PROPERTY REGISTER)

[The rest of Schedule 1 is unchanged]

SCHEDULE 3

GROUNDWATER MONITORING BORES ASSOCIATED WITH THE FONTERRA EDGEKUMBE IRRIGATION OPERATIONS (NOT INCLUDING THOSE SHOWN IN THE IRRIGATION PROPERTY REGISTER)

[The rest of Schedule 3 is unchanged]

SCHEDULE 7

SOIL MONITORING PROGRAMME

- 1 Prior to the commencement of spraying each season, the consent holder shall take a representative soil sample from each irrigation property, identified in Schedule 1 **and in the Irrigation Property Register**, from each of the main soil types at a depth of 0-7.5cm. These samples shall be analysed for the following parameters:

[The rest of Schedule 7 is unchanged]

SCHEDULE 8

IRRIGATION ENVELOPE MAP

[Irrigation Envelope Map from Appendix A of this AEE to be inserted here]



2 Assessment of Environmental Effects

The actual and potential environmental effects associated with the proposed changes to the consent conditions are discussed as follows. The assessment of effects required under section 127 of the RMA is only in relation to the proposed changes to the conditions.

2.1 Beneficial Effects

The expansion of the irrigation areas will have a number of environmental benefits, and economic benefits to both farmers and Fonterra, as discussed in Section 1 of this AEE. In summary, these are:

- More wastewater will be applied to land during the summer, which will reduce the volume of treated wastewater discharged to the Rangitāiki River.
- Summer wastewater irrigation will also maximise benefits to the irrigated third party farms, through both the water and nutrient components of the wastewater.
- The nutrient benefit in the wastewater will apply to a greater number of farms, with the associated reduction in use of artificial fertilisers, which require energy to produce.
- Allowing more flexibility for farmers to join or leave the scheme.
- The scheme being less vulnerable to farmers leaving the scheme, as there will be a 'buffer' of extra land available for irrigation.
- Reduced time and costs involved in new properties being brought into the scheme (compared to the existing process of requiring a variation to the consent each time a new property is included).

2.2 Adverse Effects on Soils, Groundwater and Surface Waters

There will be no change to the effects on the natural environment (including soils, groundwater and surface waters) beyond those effects that are already authorised under the existing consent, provided that the irrigation activity is carried out in accordance with the proposed conditions of consent.

It is noted that effects monitoring on soils, groundwater and (if required and appropriate) surface waters is proposed for all new irrigation properties. €

2.3 Adverse Effects on People

The existing MSW irrigation activities are undertaken in accordance with the controls set out in the existing consent conditions and the MSWIMP. These measures and controls are designed to avoid odour and spray drift nuisance effects on neighbours, amongst other things.

While there will be new neighbours to the new irrigation properties, the effects experienced by those new neighbours will be no greater than the effects on neighbours of the existing irrigation properties, which have already been authorised by BoPRC under the existing consent. We therefore consider that the effects on people will be no greater than those authorised under the current consent.

2.4 Effects on Cultural and Spiritual Values

Whilst we do not purport to have specialist expertise in assessing the effects of treated wastewater irrigation on cultural and spiritual values, in our experience with a number of wastewater discharge projects, tangata



whenua are usually supportive of discharging wastewater onto land, where Papatuanuku can cleanse the contaminants in the wastewater, rather than discharging into surface waters. We also note that mana whenua for the area are supportive of the overall proposal for discharging more of the wastewater onto land rather than the Rangitāiki River (refer to Section 4 below).

2.5 Conclusions

Based on the above assessment, it is concluded that the effects on the environment of the proposed changes to the conditions of consent 65800 will be no more than minor, and that the effects on people will be less than minor.



3 Policy and Planning Matters

3.1 Bay of Plenty Regional Water and Land Plan

The most relevant policy instrument in relation to the proposed change to the consent conditions is the Bay of Plenty Regional Water and Land Plan. The most relevant objectives and policies of that Plan are assessed below.

<p>Objective 26 Discharges of contaminants to land are managed to:</p> <ul style="list-style-type: none"> (a) Not exceed the natural treatment capacity of the soil. (b) Avoid, remedy or mitigate the adverse effects of run off to surface water. (c) Prevent the long-term contamination of the soil by hazardous substances, and safeguard the life-supporting capacity of soil. (d) Ensure that any adverse effects on high quality groundwater are no more than minor: <ul style="list-style-type: none"> (i) Where there is potable water, including aquifers used for municipal water supply. (ii) Where natural water quality has not been adversely affected by land use or point source discharges. (iii) Where there are recharge areas of (i) and (ii) (iv) In the groundwater catchments of the Rotorua lakes, Ohiwa and Tauranga harbours. (e) Ensure adverse effects on groundwater not otherwise addressed by (d) are avoided, remedied or mitigated. (f) Prevent adverse effects on lake water quality in relation to the TLI of the lake, where the discharge is in the catchment of a lake. 	<p>The proposal is consistent with all these objectives, where relevant.</p>
<p>Policy 41 To encourage the change from the discharge of contaminants to water to the land based treatment and disposal of contaminants, where this is environmentally sustainable.</p>	<p>The proposal clearly supports the achievement of this policy.</p>
<p>Policy 42 To recognise and provide for the effects on the mauri of the receiving environment caused by the discharge of contaminants to water by:</p> <ul style="list-style-type: none"> (a) ... (c) Encouraging a shift to land based treatment and disposal systems, where appropriate and environmentally sustainable and socially, technically and economically feasible. This includes disposal of sewage by passage through land, soil or wetlands. <p>...</p>	<p>The proposal clearly supports the achievement of this policy.</p>



<p>Policy 44 To require the appropriate management of discharges of contaminants to land, and to land where the contaminant may enter water, to ensure that:</p> <p>(a) The rate and volume of the discharge does not exceed the natural treatment and assimilative capacity of the soil and its vegetative cover.</p> <p>(b) Surface runoff of contaminants to rivers, streams, lakes, wetlands and drains is avoided, remedied or mitigated.</p> <p>(c) The creation of contaminated sites is prevented.</p> <p>(d) Any adverse effects on high quality groundwater are no more than minor:</p> <p>(i) Where there is potable water, including aquifers used for municipal water supply.</p> <p>(ii) Where natural water quality has not been adversely affected by land use or point source discharges.</p> <p>(iii) Where there are recharge areas of (i) and (ii).</p> <p>(iv) In the groundwater catchments of the Rotorua lakes, Ohiwa and Tauranga harbours.</p> <p>(e) Adverse effects on groundwater not otherwise addressed by (d) are avoided remedied or mitigated.</p> <p>(f) There is no net increase of nitrogen or phosphorus in lake catchments.</p>	<p>The proposal is consistent with these policies.</p> <p>Through compliance with the consent conditions and MSWIMP, MSW runoff to surface waters will be avoided, and effects on groundwater will be no more than minor.</p>
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3.2 Whakatāne District Plan

3.2.1 Proposed Whakatāne District Plan

The Whakatāne District Council released its decisions on submissions in relation to the Proposed Whakatāne District Plan on 4 December 2015, from which time onwards the provisions in the Plan have legal effect.

The proposed MSW irrigation envelope shown on the map in Appendix A of this AEE is located entirely within the Rural Plains Zone in the Proposed Whakatāne District Plan. Within the Rural Plains Zone *“Spray irrigation of treated wastewater (excluding human wastewater) and whey and dairy factory by-products”* is a Permitted Activity (see Item 33 in the Activity Status Table in Section 20.2.1 of the Plan).

Permitted Activities must comply with the applicable performance standards. In this regard, it is noted that Section 19.2.1 of the Plan (relating to hazardous substances) lists the following as one of the “Exempted Activities”:

“p. The storage, transportation and spreading of dairy factory wastewater, whey and/or other dairy factory by-products.”

3.2.2 Operative Whakatāne District Plan

To the extent it is still applicable, there are corresponding provisions in the Operative Whakatāne District Plan which are essentially the same as the provisions in the Proposed Whakatāne District Plan as set out above.

It is therefore concluded that the proposed irrigation of MSW onto new properties as set out in this AEE is a Permitted Activity under both the Proposed and Operative Whakatāne District Plans.



3.3 Part 2 of the RMA

It is considered that the proposed changes to the consent conditions are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

The cornerstone of Part 2 is the purpose of the RMA as set out in section 5(1), which is:

To promote the sustainable management of natural and physical resources.

Section 5(2) of the RMA defines sustainable management as:

Managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

The overarching intention of the resource consent application process is to ensure that the proposed activity is consistent with the purpose of the RMA. The promotion of sustainable management requires an overall broad judgement of whether a proposal will meet the requirements of section 5(2) of the RMA. The approach recognises that the RMA has a single purpose – sustainable management. Such a judgement allows for the comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome.

In terms of section 5 of the RMA, the proposed expansion of the MSW irrigation area is intended to reduce the volume of wastewater discharged to the Rangitāiki River. Sustainable management enables the use and development of resources while ensuring that the circumstances in section 5(2)(a)-(c) are able to be satisfied. The proposal will have no adverse effects on reasonably foreseeable needs of future generations or the life supporting capacity of any aspect of the environment. The potential adverse environmental effects of the proposal have been evaluated in this AEE, and are considered to be no more than minor in relation to effects on the environment (in fact there will be positive effects), and less than minor in terms of effects on people. The proposal also enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety by through the productive use of a nutrient rich resource that would otherwise be wasted.

The proposal is not contrary to any of the matters set out in sections 6, 7 and 8 of the RMA. It facilitates the efficient use of natural resources (primarily the use of the land resource for productive farming purposes).

Ultimately, an assessment of the application under Part 2 of the RMA requires an overall consideration of all aspects of the proposal measured against the statutory purpose in section 5 of the RMA. In the writer's opinion, such an overall assessment in this case leads to a conclusion that the purpose of the RMA is better served by granting the consent than declining it.



4 Consultation and Notification Requirements

4.1 Consultation

Fonterra has consulted Te Runanga O Ngati Awa, Ngati Tuwharetoa Settlement Trust, the Rangitāiki River Forum, Te Manawa o Tuhoe, and Rangitāiki Hapu Coalition in relation to the overall Edgcumbe Site Wastewater Strategy. The results of that consultation were that tangata whenua were supportive of the concept of reducing discharges to the Rangitāiki River through an increased discharge to land.

Fonterra has also consulted Reuben Fraser, Consents Manager and Terri Payne, Senior Consent Processing Officer of BoPRC, in relation to the subject proposal. No specific feedback was provided from BoPRC in relation to this consent application, but general support was provided for the increased irrigation area concept.

4.2 Notification Considerations

Section 95 of the RMA states the provisions for determining the need for notification of a consent application. Section 95A(2)(a) states that Council must publicly notify the application if it decides that the “activity will have or is likely to have adverse effects on the environment that are more than minor”. In all other circumstances, Council may determine whether to notify an application (section 95A(1)). Section 95D then goes on to clarify that for the purpose of determining whether effects will be more than minor pursuant to section 95A(2)(a), that Council must disregard any effects on persons who own or occupy the application site or adjacent land. Council must also disregard any effect on a person who has given written approval to the relevant application.

As described in Section 6 of this AEE, the potential adverse environmental effects from the proposed activities do not generate adverse environmental effects that are more than minor. Accordingly, it is considered that Council can be satisfied that for the purposes of section 95A(2)(a) of the RMA the adverse effects on the environment are not more than minor.

Section 95B(1) of the RMA states that “if a consent authority does not publicly notify an application..., it must decide if there are any affected persons”. Subsection (2) then states that “the consent authority must give limited notification of the application to any affected persons”. Section 95E clarifies in subsection (1) that for a person to be an ‘affected person’ that the adverse effects on the person must be “minor or more than minor”. Section 95E subsection (3) states that a person cannot be an ‘affected person’ if they have provided their written approval. Due to the absence of adverse environmental effects (beyond those effects that are less than minor due to the proposed conditions addressing all actual and potential effects), there are not considered to be ‘affected parties’. Accordingly, there are not considered to be any ‘affected persons’ for the purpose of section 95B(1), and therefore limited notification of the application is not necessary.

It is therefore considered that **non-notification** of this application is appropriate (without the need for any written approvals from third parties).



5 Conclusions








Fonterra proposes changes to the conditions of consent 65800 to allow for the expansion of the medium strength wastewater irrigation area. These changes will result in no increase in adverse effects on the environment, including people, beyond those that are authorised by the existing consent.

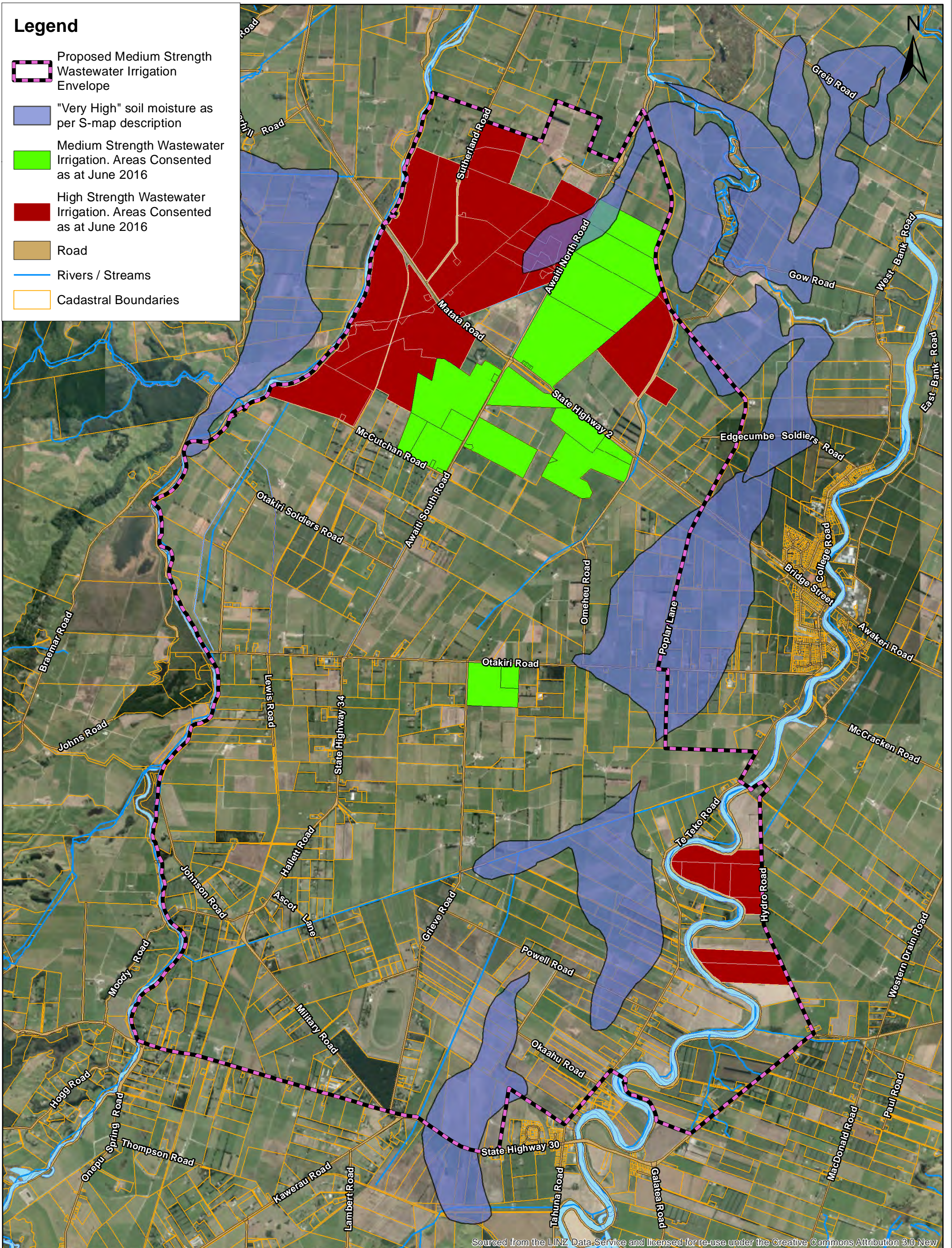
Fonterra requests that this application be processed on a non-notified basis.



Appendix A: Wastewater Irrigation Envelope Map

Legend

-  Proposed Medium Strength Wastewater Irrigation Envelope
-  "Very High" soil moisture as per S-map description
-  Medium Strength Wastewater Irrigation. Areas Consented as at June 2016
-  High Strength Wastewater Irrigation. Areas Consented as at June 2016
-  Road
-  Rivers / Streams
-  Cadastral Boundaries



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VERSION CONTROL	1	2	3	4	5	6	7	8	9	10
Property boundaries sourced from LINZ http://data.linz.govt.nz/layer/772-nz-primary-parcels and licensed by LINZ for re-use under the Creative Commons Attribution 3.0 New Zealand licence. Property boundaries accuracy: +/-1m in urban areas, +/-30m in rural areas. Aerial Imagery sourced from the LINZ https://data.linz.govt.nz/layer/1872-waikato-05m-rural-aerial-photos-2012-2013/ and licensed by Waikato Regional Aerial Photography Service (WRAPS) 2012 for re-use under the CC 3.0 NZ licence. Areas are approximate and subject to survey.										
PREPARED BY	JK Bellamkonda				DATE	2/08/2016				

Fonterra Ltd - Edgcumbe Site
Proposed Medium Strength Wastewater Irrigation Envelope Map

SHEET 1 OF 1 TPG REF 712979



A3 Scale: 1:40,000