## Appendix 3

### Comment on Proposed Draft Conditions Received on 24 September 2019

<table>
<thead>
<tr>
<th>Lodged Condition No</th>
<th>Updated Condition No</th>
<th>Purpose of Condition</th>
<th>Proposed Draft Condition</th>
<th>ORC Response</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td><strong>As lodged black text</strong></td>
<td><strong>As lodged black text</strong></td>
<td><strong>The intent of this condition is reasonable and appropriate. This ensures that the consent authorises only the activity as applied for.</strong></td>
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<td></td>
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<td><strong>Changes from lodged version in red text and strikethrough</strong></td>
<td><strong>Changes from lodged version shown in red text and strikethrough</strong></td>
<td><strong>If the panel were of the opinion to grant the consent, it is recommended that this condition is modified to the following:</strong></td>
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<td><strong>Purpose of Condition</strong></td>
<td><strong>Proposed Draft Condition</strong></td>
<td><strong>ORC Response</strong></td>
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<tr>
<td><strong>Administrative Conditions</strong></td>
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<td><strong>In General Accordance</strong></td>
<td><strong>Except as modified by the conditions below, the Wastewater Network Overflow Discharge Consent shall be undertaken in general accordance with the information provided by the Consent Holder, Queenstown Lakes District Council (QLDC), being:</strong></td>
<td><strong>The discharge authorised by this consent must only be overflow of wastewater as described in the discharge permit application lodged with the Consent Authority on 8 April 2019 and subsequent amendments made to the application on 5 June 2019 and 13 September 2019. If there are any inconsistencies between the application and this consent, the conditions of consent shall prevail.</strong></td>
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<td>1</td>
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<td>It is expected that ORC will have a standard “in general accordance with the application material” condition. However, this resource consent is slightly different to typical consents because something that already occurs is being consented, and the conditions are key to the ongoing management of adverse effects. Therefore an “except as modified by the condition below” is requested to be included in this condition as this stipulates that the conditions, where different or advancing something beyond the application documentation, take precedence. <strong>Physical response chart lodged with application removed from this condition as replaced by the Wastewater Overflow Response Procedure in Condition 8 and 9 below.</strong></td>
<td><strong>In General Accordance</strong> Except as modified by the conditions below, the Wastewater Network Overflow Discharge Consent shall be undertaken in general accordance with the information provided by the Consent Holder, Queenstown Lakes District Council (QLDC), being: a) The Assessment of Environmental Effects prepared by Beca Ltd dated 5 April 2019 b) [The—Physical—Response Flow Chart (attached to these conditions as Attachment 1)] c) The ecological assessment prepared by Ryder Consultants Ltd d) The public health assessment prepared by NIWA e) The Cultural Impact Statement received from Aukaha dated May 2019 on behalf of the relevant Kāi Tahu rūnanga**</td>
<td><strong>While this achieves the same intent, the wording is preferred as it provides further clarity.</strong></td>
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<td>2</td>
<td>2</td>
<td>Describes what is authorised by the <strong>Physical Scope of Network Consent</strong></td>
<td><strong>This condition restricts the locations that the</strong></td>
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resource consent so that the application material does not need to be referred back to and is clear for compliance monitoring purposes for both ORC and QLDC. The assessment of environmental effects undertaken for this application has assessed the receiving environment for all the areas listed, including those areas that are not currently under the ownership and/or management of QLDC. Note that Fernhill/Sunshine Bay and Kelvin Heights, now added for clarity purposes only to the condition given the other Queenstown areas named, were included in the lodged application and assessments. This inclusion is not an increase in consent scope. The proposed conditions set out below seek to manage the adverse effects of overflows through physical response procedures that apply no matter the location/waterbody, and through improvements to the wastewater network over time. Ongoing improvements to wastewater systems technology is envisaged to assist in reducing the likelihood that overflows will occur from new manholes and pump stations.

This Network Consent authorises wastewater overflow discharges from the following:

**a)** At the time of consent approval QLDC owned and/or operated managed wastewater collection networks (including existing and new manholes, pump stations, engineered overflow points, and pipes):
- Queenstown including Arthurs Point, Fernhill/Sunshine Bay, Frankton, Kelvin Heights, Shotover Country and Lakes Hayes Estate, Lake Hayes, and Arrowtown;
- Wanaka and Albert Town;
- Lake Hāwea;
- Luggate (part); and
- Cardrona township (part).

**b)** Future Wastewater collection networks areas (including manholes, pump stations, engineered overflow points, and pipes) which at the time of consent approval either do not exist, or are not currently owned and/or operated managed by QLDC, but have the potential to be in the future, including but not limited to the following areas (including existing and new manholes, pump stations, engineered overflow points, and pipes):
- Kingston;
- Glenorchy;
- discharge can occur from, to reflect what has been outlined in the application. Though condition 2b) has been amended the condition however still lacks certainty and clarity. If the panel were of the opinion to grant the consent, it is recommended that this condition is modified to the following:

>The discharge authorised by this consent must only be wastewater that has overflowed from the wastewater collection networks as shown in Appendix I of this consent.

Appendix I would contain maps to indicate accurate locations of the wastewater collection networks.

As a matter of clarity, a definition should also be outlined in the advice notes of the consent for 'wastewater collection networks'.
- Cardrona;
- Hāwea Flat;
- Glendhu Bay;
- Luggate;
- Jacks Point and Village;
- Hanley Farms;
- Coneburn (industrial zoned area and special housing area); and
- Millbrook Resort area.

Refer to Condition 40 for the timing of when these future areas will be subject to the conditions of this consent.

- For clarity this Network Consent does not authorise wastewater discharges from wastewater treatment plants.

c)

3 3

| A general condition to allow monitoring and inspections of the network by the consenting authority. |
| Access QLDC shall enable ensure that access to relevant parts of the wastewater network is available at all reasonable times to the Otago Regional Council or its agents for the purpose of carrying out inspections, surveys, investigations, tests, measurements and to take samples. |
| This condition is reasonable and appropriate. |

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| To ensure that a robust record of overflows (and relevant information relating to them) is kept by QLDC going forward. This will assist it to meet its reporting obligations to ORC under this consent and will built up a history of overflow data allowing easy identification of where repeat overflows are occurring in the same area of the network. Note deletions in this condition are because the information is captured under another bullet point already in the condition or in the Wastewater Overflow Response Procedure (see condition 8) |
| Maintain Records on Overflows QLDC shall maintain a record of wastewater overflows that reach water or have the potential to reach water. This record shall include: a) The specific location the overflow occurred; b) The approximate start time and end time of the overflow if this is known or can be estimated; c) The day and time the overflow was notified to QLDC (and then or its operations and maintenance contractors if relevant); d) The time that the respondent person(s) was onsite at it took from being notified about the overflow to. |
| This condition would require recording of the discharges. This will help to inform on the location and duration of the discharges. Generally, this condition is appropriate. |

It is noted that no water quality monitoring has been proposed or recording the volume of the discharges. Without this information the effect of each discharge remains relatively unknown. For instance, an overflow could occur for only short period but be of a significant volume; equally a discharge could occur over an extended period of time at a very low
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<td>5</td>
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<td>This wording proposed within this condition is considered necessary to reflect that the consent is authorising an activity that is already occurring, as opposed to a fully new activity which may not start immediately.</td>
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|   |   | Lapsing of Consent
|   |   | In accordance with section 125(1) and (1A)(a) of the Resource Management Act this consent shall have no lapsing date as it has been given effect to immediately upon the consent being granted. |
|   |   | Under Section 125 of the Act, a consent will lapse if it is not given effect to within 5 years (or earlier if required by conditions of consent) of its commencement. The wording of this is not appropriate as a consent condition. ‘Giving effect’ would be
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<td>6</td>
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<td>Reasons for this duration set out in section 1.5 of the AEE. QLDC evidence will contain further justification for the proposed duration of consent.</td>
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**Duration of Consent**

The duration of this consent in accordance with section 123 of the Resource Management Act 1991 shall be 35 years.

A discussion regarding the duration is provided in Section 9.6 of this report.

| 7 | 7 | QLDC is accepting of a review condition being imposed on this consent, particularly given the given the 35-year consent duration being sought. The timing for review suggested is to line up with the Annual Monitoring Report process. |

**Review of Consent Conditions**

The Otago Regional Council, under section 128 of the Resource Management Act, may within 3 months of the Annual Monitoring Report being provided in accordance with condition 44 serve notice on QLDC of its intention to review the conditions of this consent for the purpose of reviewing the effectiveness of these conditions in avoiding, remedying or mitigating any adverse effects on the environment resulting from the wastewater overflows authorised by this consent. The review of conditions shall allow for:

a) Deletion or amendment to any condition(s) of this consent to ensure

This review clause would enable the Consent Authority to review the consent should any unforeseen adverse effect occur. It is noted that unforeseen does not include uncertain effect.

A review clause of this nature is appropriate, particularly for a consent with a long duration. If the panel were of the opinion to grant the consent subject to this condition, it is recommended that the condition is amended to the following:

*The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its...*
that any adverse effects are appropriately avoided, remedied or mitigated; and / or
b) Addition of new condition(s) as necessary to avoid, remedy or mitigate any unforeseen adverse effects on the environment.

- **Physical Response Conditions**

|   | 8 | A draft Wastewater Overflow Response Procedure is to be attached to QLDC evidence. This condition provides for a finalised version to be completed within 2 months of the Consent decision to enable that any changes to the contents of this procedure determined through the Hearing process can be reflected. The specific wording of Wastewater Overflow Response Procedure QLDC shall prepare a Wastewater Overflow Response Procedure which sets out the procedures in the event of a wastewater overflow. It shall include:
  a) How QLDC is notified of an overflow;
  b) What authorities are to be notified of a wastewater overflow event (including those parties listed in
|   |   | This condition is reasonable and appropriate as it adds certainty as to how the applicant will respond to an event.
Condition 8(f) states that **trigger points for a review/investigation process is if there has previously been repeat overflows occurring at the same asset, or in the same immediate area.**
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<td>this condition is subject to change because the Wastewater Overflow Response Procedure is currently being drafted and the condition should reflect the final contents. The draft Wastewater Overflow Response Procedure is being prepared with input from Neale Hudson (NIWA), QLDC’s public health expert for this project. As part of the QLDC response to the first section 92 further information request, the following wording was provided as a potential condition reflecting an update and expansion to the incident response flow chart included as part of the application lodged: An updated incident response procedure document shall be prepared by QLDC and issued to its wastewater network operations and maintenance contractors within 6 months of consent being granted. A copy of the incident response procedure along with confirmation of its issue to contractors shall be provided to the ORC for its information within 48 hours (Monday – Friday) of issue to QLDC contractors. The incident response procedure shall: a) include the existing incident response process and be updated to refer to Section H of the MfE Microbiological Water Quality Guidelines for Recreational Water; and</td>
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<td>condition 4 of this consent); c) How the wastewater overflow is to be cleaned up, including when it is appropriate to check underwater areas where there is a potential for wastewater or solids to build up; d) Where an overflow appears to have reached surface water, a sampling protocol for the collection of water samples; e) The format and content for an Incident Report; f) Trigger points for a review/investigation process e.g. if there has previously been repeat overflows occurring at the same asset, or in the same immediate area; g) If an investigation is triggered in (f) above, the review process to be undertaken to ascertain the underlying cause and recommend potential remediation if required; h) How lessons learnt from each overflow incident are to be conducted, including timeframes, and how any lessons learnt are to be implemented and then monitored going forward; and i) A copy of these consent conditions as an appendix.</td>
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<td>A finalised version of the Wastewater Overflow Response Procedure (the Procedure) shall be prepared by QLDC and issued to its wastewater network</td>
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<td>However, a review/investigation should occur after every discharge event e.g. f) Trigger points for a review/investigation process will be any wastewater overflow discharge.</td>
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<td>b) require contractors to respond to each overflow with flexibility as recommend by the NIWA Wastewater overflow discharge consent – Queenstown Lakes District Council Microbial Risk Assessment dated April 2019 submitted with the application.</td>
<td>operations and maintenance contractors within 2 months of consent being granted. A copy of the Procedure along with confirmation of its issue to contractors shall be provided to the Otago Regional Council for its information within 5 working days of issue to QLDC contractors.</td>
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This condition has now been altered to reflect the introduction of condition 8 above and the development of the more detailed Wastewater Overflow Response Procedure. Parties that need to be notified when an overflow has occurred are specified in this condition so that they are not just hidden away in the Wastewater Overflow Procedure Response. Note we have contacted Kāi Tahu to find out from them how and when they would like to be notified of an operation. The results of sampling obtained under condition 8 (d) should be provided to the Council as soon as practicable after the results are received. |

This condition is reasonable and appropriate as Council should be advised of any discharge as soon as practicable. |

8 9

Responding to a Wastewater Overflow covered under this Consent Notification of Wastewater Overflows.

Once QLDC is notified of a wastewater overflow authorised under this consent, it shall respond to the overflow in general accordance with the process set out in the flow chart in Attachment 1 to these conditions. As part of responding to an overflow authorised under this consent the QLDC shall notify Otago Regional Council and the Ministry of Health as
overflow occurring so that this detail can be reflected in the condition. Inclusion of Kāi Tahu reflects a request in the submissions received.

The flow chart included in Appendix B to the AEE sets out how the overflows are physically responded to in order to manage (avoid, remedy or mitigate) any adverse effects on public health and the environment. This condition ties that response process to this consent, however it is preferred if the words in general accordance are included in the condition wording to reflect that this is a collated summary of the process undertaken. Condition 4 above requires the more detailed recording of what process was undertaken in responding to an overflow and provides that it can be monitored by ORC. Condition 4 requires that the record keeping be available upon request to ORC.

Condition 13 also requires that this information be included in the Annual Monitoring Report to be provided to ORC. It is recommended that the flow chart in Appendix B of the AEE be attached to these conditions as Attachment 1 to remove the need to refer back to the consent application documentation soon as practicable.

As part of responding to an overflow authorised under this consent the QLDC shall notify Kāi Tahu within X hours of responding to the incident.

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<th>Ongoing Community Awareness</th>
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<td>9</td>
<td>10</td>
<td>As the predominant</td>
<td>QLDC shall continue to educate</td>
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reason for overflows occurring relates to foreign objects being put down the wastewater network, QLDC recognises the importance of continuing its education and raising awareness to the community and visitors to the District.

Ongoing and regular education via a number of methods (media including social, Scuttlebutt, targeted meetings/communication with key parts of the community such as eating establishments, hotels, industrial premises, and local construction industry) will assist in reducing the likelihood of overflows occurring over time.

That the education is occurring can be monitored by ORC as the condition requires that the Annual Monitoring Report (Condition 10 13) includes the education initiatives that QLDC has undertaken throughout the previous year.

and raise awareness throughout the community, including residents, the construction industry, food industry, and visitors to the District, on how the wastewater system should be used.

The methods (e.g. media, social media, newsletters, print material, meetings) QLDC may use to educate the community is not restricted under prescribed by this consent, but the following shall be covered in education content (in no particular order and not all to be covered in every education initiative):

a) What should go down wastewater pipes – i.e. only water, human waste, toilet paper, and soaps

b) The implications of putting other things down the wastewater pipes for domestic and commercial connections (i.e. breakages and blockages potentially resulting in a wastewater overflow into the community environment)

c) How construction material/debris should be properly disposed of

d) The correct process for obtaining approved connections to the QLDC stormwater and wastewater networks and the importance of engaging appropriately qualified trades people

e) What sort of trees to avoid planting in the vicinity of wastewater pipes

The education initiatives that QLDC has undertaken each year shall be included in As ongoing education to members of the public on the correct use of the wastewater system. This education may result in a reduction in overflow events caused by inappropriate use of the wastewater system.

This condition is reasonable and appropriate.

The Education Communications Plan should be provided as a stand-alone document to avoid cluttering the Annual Monitoring Report.
part of the Annual Monitoring Report provided to Otago Regional Council in accordance with Condition 13 of this consent, an Education Communications Plan shall be prepared within 2 months of consent being approved, and then annually, setting out for the coming financial year:

a) What education activities are proposed with construction, food and tourism industries to relay to d) above, and the timing for these activities through the year;

b) What wider community education activities are proposed to relay a) to e) above, and the timing for these activities through the year;

c) Any other initiatives Council is undertaking through the improvement of systems and / or changes to, or development of, bylaws which will subsequently assist in educating about the correct use of the wastewater network.

The Education Communications Plan can be a standalone document or part of the Annual Monitoring Report document.

<table>
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<th>Network Improvements</th>
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<td>Minimising adverse environmental effects resulting from wastewater overflows from the</td>
<td>Assessment of existing wastewater network to minimise environmental effects</td>
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existing network through auditing the existing network to identify where preventative measures to reduce the likelihood of an overflow reaching water could be practicably implemented.

This condition has a cost implication requiring funding through the 10 year and Annual Plan process, the condition requires the QLDC to provide a timeline of when preventative measures will be implemented.

Within 12 months of this consent being granted the Consent holder shall undertake a review of its current wastewater network (excluding wastewater treatment plants), identifying where measures to prevent or minimise overflows reaching water could be practicably implemented. Preventative or minimisation measures could include, but are not limited to:

a) Providing or increasing storage capacity;

b) Providing standby generators at pump stations;

c) Installing alarms which notify a potential problem in the network;

d) Constructing overflow ponding areas or diversion flow paths which particularly direct or hold an overflow away from waterbodies or public places.

Before the end of the 13th calendar month following this consent being granted, the Consent Holder shall provide to the Otago Regional Council written communication that details:

a) A summary of the methodology undertaken for the review of the network;

b) The infrastructure locations where it is practicable to implement preventative measures, what these are, and the proposed timeframe improvements.

There remains uncertainty with the Consent Holder reviewing its network and determining where it is not practicable or appropriate to undertake preventative maintenance.

This review should be undertaken by an independent party.
Reducing adverse environmental effects from wastewater overflows from future networks that QLDC designs through applying design requirements that minimise the risk of an overflow reaching water. This is in line with the QLDC 30 year Infrastructure Plan which includes a statement around moving critical infrastructure away from water.

Future Wastewater Networks under QLDC control

Future wastewater networks designed by QLDC shall be designed to the following requirements (as relevant at each location):

a) Where practicable wastewater pipes, manholes, and pump stations shall be located or designed such that any overflow occurs to land and not water;

   o Note: ‘to land’ is satisfied if this is to a storage tank, ponding area, or diversion flow path which directs an overflow away from a waterbody or public area

b) Pump stations shall be designed with suitable levels of resilience/redundancy including:

   1) appropriate level of emergency storage capacity;

   2) Redundancy in the configuration of pumps

This condition is reasonable and appropriate as further systems should be constructed in such a manner to minimise risk of pollution.

However there remains uncertainty with the Consent Holder determining what is practicable and what is not practicable.

All new infrastructure should be constructed away from lakes and rivers.
and pumped mains

c) Where practicable wastewater pipes, manholes, and pump stations are located away from key recreation areas on lake and river banks;

d) Where practicable wastewater pipes, manholes, and pump stations are not located in proximity to community drinking water takes from lakes and rivers;

e) Design capacity is to allow for future capacity required for potential upstream development, as zoned in the district plan at the time or as reasonably foreseeable;

f) That the wastewater pipes, manholes, and pump stations are easily accessible by personnel and vehicles responding to an overflow event;

g) That any visual screening of pump stations does not outweigh the need to prevent overflows from reaching water;

h) Mitigation measures, where practicable, to prevent overflows reaching water from below ground infrastructure that is located within a high water table area;
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<td><strong>This condition is intended to provide ORC on an annual basis with the evidence that QLDC is:</strong></td>
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<td>□ Physically responding to any wastewater overflow in accordance with required procedures</td>
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<td>□ Identifying through data collection any areas of the network that have had repeat overflows occurring in the same area of the network and the measures undertaken to fix these problems</td>
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<td>□ Carrying out ongoing education and raising awareness with the community including visitors to the District</td>
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<td>□ Making Annual Monitoring Report</td>
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<td>QLDC shall prepare and submit an Annual Monitoring Report to the Regulatory / Consenting Manager, Otago Regional Council by 1 September each year. The report shall cover the previous financial year (1 July to 30 June) and provide, where required below, information for the current financial year.</td>
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<td>The Annual Monitoring Report shall include the following information (in no particular order):</td>
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<td>a) The data collected under Condition 4 of this consent;</td>
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<td>b) The Education Communications Plan required under condition 10 of this consent;</td>
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<td>c) A summary (including evidence) of the education initiatives undertaken by QLDC in accordance with Condition 10 of this consent for the previous financial year; and what education initiatives are planned for the current financial year;</td>
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<td><strong>This condition would ensure that Council’s compliance unit is provided all necessary information to audit compliance with the consent.</strong></td>
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<td><strong>This condition requires reporting on wastewater capital investment works, the reporting should also include wastewater overflow mitigation works.</strong></td>
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investments to improve the wastewater network to reduce the likelihood of overflows occurring over time

The 1 September timing for providing the Annual Monitoring Report to Council is to line up with Councils financial year, being 1 July to 30 June, allowing the months of July and August to prepare the report for the previous financial year as well as capturing investment information for the coming financial year.

Why 1 September is proposed as opposed to one month later (i.e. 1 August) is that this datelines up with QLDCs financial allocation systems for the coming financial year, whereby it will be confirmed what investments are being made to the wastewater network in the coming year.

d) What work QLDC has undertaken in the previous financial year to reduce the likelihood of blockages to the wastewater pipes from tree root ingress, and what work it intends to undertake in regard to this matter in the current financial year;

e) Confirmation of what wastewater networks are owned and/or managed by QLDC, including whether any of the future networks listed in Condition 2 of this consent are now owned and/or managed by QLDC and therefore are subject to the conditions of this consent for the current financial year;

- Note: QLDC shall notify ORC within 1 week that it has taken ownership and/or is operating a new part of the wastewater network to which these consent conditions will apply.

f) Confirmation including evidence that QLDC has implemented a wastewater preventative inspection programme by CCTV or other technology, and how this was implemented in the previous financial year;

g) A summary of any wastewater maintenance or
remedial works beyond “business as usual operating and maintaining the network” implemented in the previous financial year;

h) Whether any areas of the network were identified as having repeat overflows and what works were undertaken to fix these problem areas;

i) A summary of what wastewater capital investment works were implemented in the previous financial year;

j) Subsequent to the first Annual Monitoring Report a summary of what wastewater capital investment works were programmed for the previous financial year did not get implemented, the reasons why, and what was implemented instead; and

k) What wastewater capital investment works are programmed to be implemented in the current financial year.

For clarity the Annual Monitoring Report does not need to include information relating to wastewater treatment plants in the Queenstown Lakes District, unless in relation to capital works investment where it would be helpful as supporting evidence to network improvements.