



25 September 2019

Hearings Commissioners  
Southland Regional Council  
Private Bag 901  
INVERCARGILL

**Ministry of Education Submission – APP – 20191052 Woldwide One Limited and Woldwide Two Limited and APP – 20191140 Woldwide Four Limited and Woldwide Five Limited**

**Attention: Lacey Bragg**

The Ministry of Education (“the Ministry”) has chosen not to attend the hearing set for 30 September 2019, regarding the resource consent application by Woldwide One Limited and Woldwide Two Limited and the hearing set for 3<sup>rd</sup> October 2019 regarding the resource consent application by Woldwide Four Limited and Woldwide Five Limited in respect of the proposal to expand an existing dairy farm operation. We request that this letter be tabled for the Hearing Panel’s consideration in lieu of attendance.

The Ministry’s submissions related to the discharge and water permit aspects of the applications and how potential discharge of nutrients and take of water may affect the drinking water supply for Heddon Bush School (the School). The School operates a drinking water supply bore (E45/0718) 14.9m deep on its site, which was installed in 2017 when the previous bore lost supply. The School is located approximately 2.3 km downgradient from the applicant’s Woldwide One Limited and Woldwide Two Limited site at Shaws Trees Road.

The Ministry sought the Woldwide One Limited and Woldwide Two Limited application be refused unless:

*(i) The applicant establishes that the water quality of the Heddon Bush School bore is not adversely affected by the discharge of contaminants (including Nitrogen and E. coli) from the proposed operation. If a monitoring bore is proposed as part of the operation the proposed location, proposed depth and frequency of sampling and testing and the proposed trigger levels need to be specified by the applicant.*

*(ii) The applicant provides a quantitative interference assessment to establish that the water supply of the Heddon Bush School bore is not adversely affected.*

The Ministry sought the Woldwide Four Limited and Woldwide Five Limited application be refused unless:

*(i) The applicant provides a quantitative interference assessment to establish that the water supply of the Heddon Bush School bore is not adversely affected.*

The Staff reports and the evidence of the applicant has been received. As noted in the Staff reports the applications are very complex and have been subject to multiple changes by the applicant. This has made the applications difficult to follow and ascertain relevant information, although we note that the Staff reports have attempted to provide a better understanding of the proposal and its effects. Notwithstanding this, the Staff report notes that there is still significant uncertainty in relation to such matters as the Overseer modelling, good management practices and mitigations and even the land holding associated with applications.

The Staff report for Woldwide One Limited and Woldwide Two Limited recommends refusal of the application for many reasons including “1.1.6 The proposed intensification on the WW1 side of the proposed platform is likely to lead to an increase in contaminants lost to groundwater used for drinking water supply by the Heddon Bush School” (page 2).

The evidence of the applicant in response (and in particular Dr Freeman in 9.1-9.9 of Water Quality Assessment) in essence submits that it appears the monitoring bore readings (E45/0060, E45/0330 and E45/0768-0772) referred to in the Ministry’s submission which show elevated nitrate concentrations are



unreliable; there will be a reduction in the loss of nitrogen concentrations and; the school bore tests show that land use activities currently do not significantly affect the bore.

In respect of this evidence the Ministry notes that the comments of Dr Freeman in respect of the monitoring bores is speculative, but it does highlight the uncertainty around trends of water quality; the reduction in nitrogen losses is clearly contradicted in the Staff report; and while it is agreed that the school bore readings are satisfactory at present, there is no guarantee this situation will continue as highlighted in the reference in the Ministry's submission to lag time. The definition of "effect" in the RMA includes future and cumulative effects, which are required to be addressed in the Proposed Southland Land and Water Plan (SLWP). Accordingly, the Ministry considers that significant doubt still exists as to the effects on the school bore.

The Ministry's submission also referred to the need for the applicant to monitor its discharges and the effects on groundwater quality and the requirement to put in robust standards and triggers, if the application proceeds. The Ministry notes that it appears this matter is not addressed at all by the applicant in their evidence notwithstanding reference in the original application to the construction of a new monitoring bore south of the Woldwide One Limited and Woldwide Two Limited site (page 131 in the application prepared by Dairy Green Ltd, dated 27 March 2019).

The application referenced bore E45/0622 that is located at the south of the Woldwide One Limited and Woldwide Two Limited property and "believed to be in the same stream of groundwater flow as the school's groundwater supply bore". However, it was referenced as "being unsuitable for use as a monitoring bore as it suffers from localised contamination due its design." The evidence of Dr Freeman (5.43 of Water Quality Assessment) concludes that "the location of many of groundwater monitoring bores and the many examples of poor wellhead protection mean that is challenging to interpret results". Although the Water Quality Assessment included a photograph with the remediation works undertaken to reduce surface water entering the applicant's bore E45/0622 and to make it meet the requirements of NZS4411:2001, there is no mention of monitoring the well to confirm the groundwater quality downstream of Woldwide One Limited and Woldwide Two Limited. It appears that there are no proposed conditions of consent.

Policy 41 of the proposed Southland Water and Land Plan states the risk of adverse environmental effects occurring and their likely magnitude when determining requirements for auditing and supply of monitoring information on resource consents must be considered. Given the uncertainty of the Overseeing modelling it appears the risk is high and if consent is to be granted robust monitoring of discharges is required.

The other matter of concern of the Ministry outlined in its submissions is the potential quantitative interference on the school bore, given that no assessment was provided for Woldwide One Limited and Woldwide Two Limited or Woldwide Four Limited and Woldwide Five Limited applications. It appears this matter was addressed by the applicant in an Aqualink report dated 22 May 2019 and a LandPro report dated 2 August 2019 after the Ministry submissions were lodged (but does not appear to be addressed in the applicant's evidence or the Staff report). Notwithstanding this, it appears from the applicant's assessments that there will not be interference effects on the school bore in terms of water quantity.

## **Summary**

The Ministry retains significant concerns in respect of the application. Under water quality issues on page 15 of the Southland Water and Land Plan highlights that land use intensification tends to increase the quantity contaminants entering water, therefore requiring appropriate mitigations to be put in place to ensure water quality can be maintained or improved over time when intensification occurs. The Staff report highlights that if contaminant discharges increase, the application is contrary to the objective and policy framework of the Southland Water and Land Plan. The Ministry also highlights Objective 13B of the Southland Water and Land Plan which states "the discharges of contaminants to land or water that have significant or cumulative adverse effects on human health are avoided." At present an increase in contaminant discharges cannot be discounted as a result of the application.

Accordingly, the Ministry maintains its position in respect of water quality for Woldwide One Limited and Woldwide Two Limited and submits that the application be refused unless the applicant establishes that the water quality of the Heddon Bush School bore is not adversely affected by the discharge of contaminants. If consent is granted appropriate monitoring needs to be implemented.

The Ministry appreciates the opportunity to be involved in the resource consent process, in the interests of effectively managing education property owned by the Crown.

Should you have any queries please contact myself as the Planning agent to the Ministry in this matter in the first instance.

*mfallowfield*

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cc: De Thomson – Infrastructure Manager EIS, Ministry of Education