



# **Wairoa Wastewater Treatment Plant Discharge Resource Consent Application**

Planning Assessment

Wairoa District Council

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## OVERVIEW

The purpose of this report is to support the resource consent application (RCA) prepared by Wairoa District Council (WDC).

This report is divided into two analysis sections. The first identifies the relevant planning provisions referred to in Section 104(1)(b) and Schedule 4(2)(2) of the Resource Management Act (the RMA). It is these matters that have been taken into account by the project team in developing the proposal, which is detailed in the RCA and summarised in Section 1 of this report. The first analysis goes on to identify the approvals required to facilitate the proposal.

With the proposal being developed in having regard to the relevant planning provisions referred to in Section 104(1)(b) and Schedule 4(2)(2), the second analysis provides specific commentary around the condition framework proposed to give effect to/implement the various components of the proposal and goes on to assess the proposal in regard to the identified provisions so as to inform an overall judgement in terms of Part 2 of the RMA. The second analysis is completed with consideration of the proposed consent duration followed by a final summary.

The structure of this report has been based on the reader referring back to the RCA after the first analysis to review the Assessment of Environmental Effects in that report, and its supporting documents, prior to returning to the second analysis section of this report.

For clarity, all Schedule 4 and Section 88, 95A-95F, 104, 105, 107, 123 and 125 matters of the Act and Section 62 of the Marine and Coastal Area (Takutai Moana) Act 2011 are addressed in the WDC RCA report.



## EXECUTIVE SUMMARY

The proposed activity is characterised by a total of five discharge points into water, two associated with the main outlet structure and three associated with discharge pipes from three pump stations upstream. There is also a discharge to air component from the treatment plant as well as works associated with maintaining the main outlet structure.

Although there are some aspects of the overall proposal that fall to be classified as a Restricted Discretionary, it is considered appropriate that all aspects of the proposal are bundled and assessed in the round as a Discretionary Activity, being the more restrictive activity type.

With the main outlet structure being located within the Whakamahi Lagoon Government Purpose (Wildlife Management) Reserve, and although the existing outlet pipe is acknowledged as a lawfully established structure in Schedule S of the RCEP, the Department of Conservation (DoC) has confirmed that there is no record of any current or previous authorization. A concession is therefore required for the outlet pipe and associated discharge into the reserve. Resource Consent from the Wairoa District Council may also be required in associated with any future works to the outlet structure. It is not considered necessary to require any such applications to be lodged at this stage to be better understand the nature of the proposal however.

Although containing elements that are located outside the Coastal Marine Area, which introduces consideration of the National Policy Statement for Freshwater Management and the Regional Plan, the primary wastewater discharge is to the Coastal Marine Area which is governed instead by the Regional Coastal Environment Plan and New Zealand Coastal Policy Statement.

Guideline 3 of Policy 16-1 of the Regional Coastal Environment Plan, which gives effect to Policy 23(2) of the New Zealand Coastal Policy Statement is perhaps the most relevant provision, and in essence, contemplates/allows the disposal of sewage (which does not pass through soil or wetland) directly into the Coastal Marine Area, where, amongst other criteria, it is the best practicable option.

It is very clear from the Resource Consent Application that the primary focus of this process has been to develop an adaptive and progressive management framework that provides opportunity for the applicant to put in place a series of measures that are intended to reduce uncontrolled overflow discharges, improve the quality of effluent and reduce discharges to the river under a best practicable option approach.

To give effect to this, a condition framework has been developed along the principles of a MERI (Monitoring, Evaluation, Reporting and Improvement) strategy. The proposed conditions provide for initial implementation that is monitored, followed by evaluation and reporting to develop further actions according to strict objectives, built into the consent, that are then implemented thereafter. The proposed framework provides a roadmap towards enhancing water quality, being the very outcome sought by the array of planning documents against which this proposal is being assessed, and provides for considerable community input over the term of consent.

In having regard to the relevant provisions of the applicable planning documents, the proposal is considered to be largely consistent with their direction and outcomes, and in general respects, sets down a framework that has potential to exceed bottom line approaches.



Cultural and social interests have been the primary driver, but overall, the proposal provides a platform for continuous improvement over time so as to progressively improve the robustness of the wastewater system and to work towards an enhancement in water quality guided by a road map that provides direction and the ability/time to make informed and considered decisions as contributed to by the community and monitoring data.

In coming to a broad judgment, the proposal overall is considered to be consistent with the principals and purpose of the RMA and deserving of consent. Specific consideration has been given to the proposed consent duration of 35 years, and taking Section 8.2.4 of the Regional Resource Management Plan into account, this is considered an appropriate term so as to provide for the proposed approach which is considered to represent the most clear, constructive and certain approach to giving effect to the outcomes sought by the community in improving the water quality of the river.



# ANALYSIS 1: STATUTORY CONSIDERATIONS

## 1. SUMMARY OF PROPOSAL

The proposal is to replace Resource Consent CD940404W to discharge treated effluent from the Wairoa wastewater treatment plant into the Wairoa River, which is due to expire on 31 May 2019.

The proposed activity is essentially characterised by a total of five discharge points into water, two associated with the main outlet structure and its surcharge overflow pipe, and three associated with overflow discharge pipes from three pump stations upstream. There is also a discharge to air component from the treatment plant as well as works associated with relocating and maintaining the main outlet structure.

The specific details of the proposal are outlined in the RCA, which has been informed having taken guidance from the policy direction as identified in Section 3 of this report. Section 5 of this report provides specific commentary around the condition framework proposed to give effect to/implement the various components of the proposal.

## 2. REGIONAL PLANNING ENVIRONMENT

As shown in **Figure 1** below, the discharges from the main outlet structure and overflow pipe occur within the CMA, with the overflow discharge from the Kopu Road pump station being within the Coastal Margin. These discharges are therefore subject to the Regional Coastal Environment Plan (RCEP), while the discharges from the North Clyde and Alexandra Park pump stations are outside the Coastal Margin and are therefore subject to the Regional Resource Management Plan (RRMP). As the wastewater treatment Plant site is also outside the Coastal Margin, activities are subject to the RRMP.

In terms of the RCEP, the discharge from the main outlet structure and overflow pipe in particular occurs within:

- Coastal Hazard Zone 1,
- The Coastal Marine Area,
- A Significant Conservation Area (SCA15), and
- A Vegetation Clearance Management Area.

The District planning environment i.e. the Wairoa District Plan, is discussed in Section 3.3.

**Figure 1:** Regional Coastal Environment Plan (with features from Map 107)







SCA15 extends along the coast south of Whakaki, and in addition to Whakamahi to the west and Ngamotu to the east of the Wairoa River mouth, includes the coastline adjacent to the Wairau, Ohuia, Te Paeroa and Whakaki lagoons as shown in **Figure 2** below.

**Figure 2:** Area of Significant Conservation Value



There are 7 main reasons why this area of the coastal environment is identified as a Significant Conservation Area<sup>1</sup>:

**1. Maori Cultural Values**

The iwi of Ngati Kahungunu consider the entire Coastal Marine Area to be of significance to Maori (Hawke's Bay Regional Council, 1994).

**2. Protected Areas**

The Ngamotu Lagoon is a Government Purpose Administration Reserve and gazetted Wildlife Management Reserve. It is a saline lagoon with saltmarsh communities and waterfowl and waders present. The Whakamahi Lagoon Conservation area is a Closed Game Area managed by Department of Conservation. A QE2 Covenant over the Wairau Lagoon is in process.

**3. Wetlands, Estuaries, Coastal Lagoons**

The system of coastal wetlands including the Wairoa river estuary and the Whakamahi, Ngamotu, Wairau, Ohuia, Te Paeroa and Whakaki lagoons is the largest on the east coast of the North Island. It is recognised as a nationally significant wildlife habitat due to the presence of significant populations of both threatened and common coastal bird species, and a large waterfowl population (Rasch, 1989; Seymour et al., 1990).

<sup>1</sup> This information is taken from a draft version of the Hawke's Bay Regional Council report 'Areas of Significant Conservation Value in the Coastal Marine Area'. HBRC Publication 4203. It has never been finalized and formally issued.



#### 4. Nationally Significant Bird Habitat

Whakaki Lagoon [to the north] has a High SSWI rating, and is rated as a nationally significant wildlife habitat in the WERI database (Seymour et al., 1990). It is a large rush-sedge bordered wetland with mostly open water which supports a large population of wading and waterfowl birds. Threatened species present include white heron (*Egretta alba modesta*), Australasian bittern (*Botaurus poiciloptilus*), fernbird (*Bowdleria punctata vealeae*), New Zealand dabchick (*Podiceps rufopectus*) and spotless crane (*Porzana tabuensis plumbea*). Migratory species using the lagoon include wrybill (*Anarhynchus frontalis*), golden plover (*Pluvialis fulva*) and eastern bar tailed godwit (*Limosa lapponica*) and several sandpiper species. Waterfowl include grey teal (*Anas gibberifrons gracilis*), New Zealand shoveler (*Anas rhynchotis*) and Canada geese (*Branta canadensis*).

#### 5. Regionally Significant Habitat of Indigenous Vegetation

The Whakaki Beach dune plant communities [to the north] were rated as priority 2 by Partridge (1992). Partridge (1992) rated priority areas from 1-4. Priority 1 areas having the highest botanical values, whereas priority 3 and priority 4 areas have little or no botanical value. The priority 2 classification rating was based on the relatively unmodified nature of the dune system, the absence of marram and the presence of a relatively diverse native flora. The latter includes species such as coastal scabweed (*Raoulia* sp), and the native sand binders spinifex (*Spinifex sericeus*) and pingao (*Desmoschoenus spiralis*) (Partridge, 1992). Ngamotu Lagoon has high botanical values as it contains some of the few representative examples of estuarine vegetation found within the Waihua Ecological District, including populations of two species, *Mimulus repens* and *Spergularia media*, that are of botanical interest (Beadel, 1989).

#### 6. Regionally Significant Fishery Habitat

The Wairoa River estuary and its associated coastal wetlands provide regionally important whitebait (*Inanga*, *Galaxias maculatus*) spawning habitat. The estuary and coastal lagoons provide important habitat for shortfinned eel (*Anguilla australis*) (Seymour et al., 1990). The estuary provides access to inland waters for native freshwater species including longfinned eel (*Anguilla dieffenbachii*), smelt (*Retropinna retropinna*), koaro (*Galaxias brevipinnis*), torrentfish (*Cheimarrichthys forsteri*) and Cran's bully (*Gobiomorphus basalis*) (McDowall, 1990).

#### 7. Scenic Values

The best representative example of this coastal landscape type in the region (Smale, 1993).

The following objectives have been defined by HBRC in order to guide the management of the area from a conservation perspective:

1. *Protection and restoration of wildlife habitat;*
2. *Protection and restoration of fish habitat, particularly spawning and nursery habitat of native freshwater species;*
3. *Protection of the significant flora in the Ngamotu Lagoon;*
4. *Maintenance of the ecology and natural processes of the estuary, to the extent practicable, by avoiding, remedying or mitigating adverse effects on:*
  - *water, sediment and nutrient flows;*
  - *water quality including: temperature, salinity, clarity and oxygen and nutrient concentrations;*
  - *near shore sediment processes which support the estuary, lagoonal and beach landforms;*
5. *Avoidance of the discharge of any untreated pathogens or any toxic substances directly to the estuary;*



6. *Maintenance of fish passage to and from marine, estuarine and freshwater habitats; and*
7. *Minimal disturbance to wildlife.*

In all areas that are not specifically classified in the RCEP as being used for contact recreation purposes (Class CR(HB)), such as in this case, the following standards referred to as Class AE(HB) (from Schedule E of the RCEP) apply to discharges of contaminants, which are intended to provide for the protection of aquatic ecology:

*The discharge of contaminants shall comply with the following standards after reasonable mixing and disregarding the effect of any natural perturbations that may affect the receiving water body:*

- a) *The natural temperature of the receiving water shall not be changed by more than 3 degrees Celsius.*
- b) *The following shall not be allowed if they have an adverse effect on aquatic life:*
  - i) *any pH change*
  - ii) *any increase in the deposition of matter on the foreshore or seabed*
  - iii) *any discharge of a contaminant into the water.*
- c) *The concentration of dissolved oxygen shall exceed 80% of the saturation concentration.*
- d) *There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.*

### **3. SECTION 104(1)(B) CONSIDERATIONS**

In accordance with Section 104(1), and when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 of the Act, have regard to the following:

- a) *Any actual and potential effects on the environment of allowing the activity; and*
- ab) *Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- b) *Any relevant provisions of:*
  - i) *a national environmental standard:*
  - ii) *other regulations:*
  - iii) *a national policy statement:*
  - iv) *a New Zealand coastal policy statement:*
  - v) *a regional policy statement or proposed regional policy statement:*
  - vi) *a plan or proposed plan; and*
- c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(1)(a) and (c) are addressed in the RCA. In terms of (b), which is essentially echoed in Schedule 4(2)(2) of the RMA, and with the primary point of discharge being within the CMA, only the New Zealand Coastal Policy Statement, Regional Policy Statement (RPS) and Regional Coastal Environment Plan would be applicable.



With the potential for some degree of mixing to approach and possibly cross the CMA however, and with the discharge points from the pump stations being upstream of the CMA, the National Policy Statement for Freshwater Management comes into play, and with it the RPS and Regional Plan as they apply to surface water resources. The RPS and Regional Plan also contain provisions relating to the discharge of odour from the treatment plant, which is located outside the Coastal Environment.

With the primary receiving environment being the CMA however, Section 3.1 will firstly introduce the New Zealand Coastal Policy Statement, Regional Policy Statement and Regional Coastal Environment Plan as they apply to the Coastal Environment, with Section 3.2 introducing the National Policy Statement for Freshwater Management, RPS and Regional Plan as they apply to the freshwater/land environment. With the Kopu Road pump station overflow discharge being within the Coastal Margin, albeit outside the CMA, the Regional Coastal Environment Plan is relevant here also. The Wairoa District Plan is considered in Section 3.3.

Owing to the broader activity involving multiple discharge points subject to different planning documents as well as activities involving discharges to ground and surface water and air and structures within a freshwater and coastal environment, there are a plethora of provisions that apply. The following attempts to focus on the most relevant and in Section 3.4 summarises the key points that can be taken on to be considered throughout the remaining sections of this report.

## **3.1 Coastal Environment**

### **3.1.1 New Zealand Coastal Policy Statement**

The purpose of the Coastal Policy Statement (NZCPS) is to state policies to be included in Regional and/or District Plans, as well as priorities for the management of coastal resources as a means of achieving the purpose of the RMA in relation to the coastal environment. The Regional Coastal Environment Plan (RCEP) gives effect to the NZCPS, which became operative (subsequently) on 8 November 2014. As such, and while the following provision of the NZCPS are applicable, more specific and applicable direction is found in the RCEP.

The NZCPS contains 7 Objectives supported by 29 Policies. Owing to the activity involving a discharge within an area of public use, or in the vicinity of, a Significant Conservation Area within an environment also characterized by coastal hazard matters, aspects of all the Objectives are relevant to some degree.

#### **Objective 1**

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;



- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

### **Objective 2**

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

### **Objective 3**

To take account of the principles of the Treaty of Waitangi, recognize the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating matauranga Maori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

### **Objective 4**

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

### **Objective 5**

To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation;
- and



- protecting or restoring natural defences to coastal hazards.

### **Objective 6**

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Aspects of many of the 29 Policies are also relevant, however those considered most applicable are those pertaining to water quality and marine habitat, particularly Policies 21, 23 and 11 as follows.

### **Policy 21 Enhancement of Water Quality**

Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:

- (a) identifying such areas of coastal water and water bodies and including them in plans;
- (b) including provisions in plans to address improving water quality in the areas identified above;
- (c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats;
- (d) requiring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and
- (e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.



### **Policy 23 Discharge of Contaminants**

- 1) In managing discharges to water in the coastal environment, have particular regard to:
  - (a) The sensitivity of the receiving environment;
  - (b) The nature of the contaminants to be discharges, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and
  - (c) The capacity of the receiving environment to assimilate the contaminants; and
  - (d) Avoid significant adverse effects on ecosystems and habitats after reasonable mixing;
  - (e) Use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and
  - (f) Minimize the adverse effects on the life-supporting capacity of water within the mixing zone.
  
- 2) In managing discharge of human sewage, do not allow:
  - (a) discharge of human sewage directly to water in the coastal environment without treatment; and
  - (b) the discharge of treated human sewage to water in the coastal environment, unless:
    - (i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and
    - (ii) informed by an understanding of tangata whenua values and the effects on them.

### **Policy 11 Indigenous biological diversity (biodiversity)**

To protect indigenous biological diversity in the coastal environment:

- (a) avoid adverse effects of activities on:
  - (i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
  - (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
  - (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
  - (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
  - (v) areas containing nationally significant examples of indigenous community types; and
  - (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
  
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
  - (i) areas of predominantly indigenous vegetation in the coastal environment;
  - (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;



- (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
- (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
- (v) habitats, including areas and routes, important to migratory species; and
- (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Also relevant are Policies 2, 3, 4, 13 and 14.

Policy 2 relates to taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) and kaitiakitanga in relation to the coastal environment and contains 7 key points lists as (a) – (g).

Subsection (a) seeks to recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations. Subsection (b) applies to preparation of regional policy statements and plans so is not applicable to this resource consent application. Subsection (c) seeks to incorporate mātauranga Māori in the consideration of applications for resource consents, while Subsection (d) provides opportunities for Māori involvement in decision making and applies to the consent authority in appointing decision makers. Subsection (e) requires any relevant iwi resource management plan or any other relevant planning document recognised by the appropriate iwi authority or hapū to be taken into account. Subsection (f) is to provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment, while in particular, Subsection (g) recognises the importance of Māori cultural and heritage values through such methods as cultural impact assessments.

Policy 3 is to adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

Policy 4 relates to integration and seeks to provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This is relevant in two respects. One, multiple bodies and agencies have interests in the receiving environment, while two, the functions of different agencies have implications on the receiving environment and therefore context in which this proposal is to be assessed and managed. An example of this is the Hawke's Bay Regional Councils role in managing the mouth of the Wairoa River at the coast which influences the discharge regime and the flow patterns of the adjacent estuaries.

Policies 13 – 15 relate to natural character and natural features and natural landscapes.

In terms of preserving natural character, Policy 13 seeks to avoid any adverse effects (on natural character) in areas with outstanding natural character, but in weighing matters takes





a more relaxed approach in other areas and focuses on avoiding only 'significant' adverse effects.

Alongside this, Policy 14 is to promote restoration or rehabilitation of the natural character of the coastal environment and identifies 10 possible approaches that could be imposed through conditions of consent, including reducing or eliminating discharges of contaminants.

Policy 15 takes a similar approach to natural features and landscapes as Policy 13 does with natural character. First and foremost, it seeks to avoid any adverse effects on outstanding natural features and landscapes, and in relation to other natural features and natural landscapes, to avoid only 'significant' adverse effects, and then either avoid, remedy, or mitigate other adverse effects.

Policies 24 – 27 relate to natural hazards. A specific framework to give effect to these has been developed in the RCEP as expanded upon below.

### **3.1.2 Regional Policy Statement**

The Regional Policy Statement is contained in Chapters 2 and 3 of the Regional Resource Management Plan document. Relevant to this application are the provisions relating to the "Sustainable Management of Coastal Resources", the "Maintenance and Enhancement of Physical Infrastructure" and "Recognition of Matters of Significance to Iwi/Hapu" as outlined in Chapters 3.2, 3.13 and 3.14 respectively.

In terms of the "Sustainable Management of Coastal Resources", Objective 6 seeks the management of coastal water quality to achieve appropriate standards, taking into account spatial variations in existing water quality, actual and potential public uses, and the sensitivity of the receiving environment, while Objective 7 seeks the promotion of the protection of coastal characteristics of special significance to iwi, including waahi tapu, Tauranga waka, taonga raranga, mahinga kai and mahinga mataitai.

Objective 9 seeks the appropriate provision of economic development within the coastal environment, including the maintenance and enhancement of infrastructure, network utilities, industry and commerce, and aquaculture.

There are no specific policies set out in the RPS relating to the coastal environment. Instead these are contained in the Regional Coastal Environment Plan.

Turning to the "Maintenance and Enhancement of Physical Infrastructure", Objective 32 seeks the ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety, while Policy 56 identifies non-regulatory methods as being the primary means of enabling the development of significant infrastructure.

Chapter 3.14 relates to "Matters of Significance to Iwi". Here Objectives 34 to 37 and Policies 57 to 66 are relevant. Objective 34 is to recognise tikanga Maori values and the contribution



they make to sustainable development and the fulfilment of HBRC's role as guardians, as established under the RMA, and tangata whenua roles as kaitiaki, in keeping with Maori culture and traditions. Policy 57 relates to policy development, while Policy 58 is to share information on matters of resource management significance to Maori and on processes to address them.

Objective 35 is to consult with Maori in a manner that creates effective resource management outcomes. This is supported by Policies 59-60. Key points include:

- Consultation with tangata whenua should be undertaken in a manner that acknowledges Maori values, with the fundamental approach in consultation being "kanohi ki te kanohi" (face to face) or personal contact,
- To encourage hapu to develop resource management plans, and to use the plan, when recognised by an iwi authority, to assess the incorporation of Maori values in the planning process,
- Resource management decisions made subsequent to consultation shall show regard for that consultation,
- Where the issue is at a macro, region-wide level consultation be with iwi,
- Where the issue is localised, yet non site-specific, consultation be with hapu,
- Where the issue is site-specific consultation be with whanau,
- Consultation involving iwi or hapu is expected generally to be undertaken on a marae.

Finally, Objective 36 sets out to protect and where necessary aid the preservation of wahi tapu (sacred places) and tauranga waka (landings for waka), while Objective 37 sets out to protect and where necessary aid the preservation of mahinga kai (food cultivation areas), mahinga mataitai (sea-food gathering places), taonga raranga (plants used for weaving and resources used for traditional crafts) and taonga rongoa (medicinal plants, herbs and resource). Policies 64-66 state:

- Activities should not have any significant adverse effects on wahi tapu, or tauranga waka.
- Activities should not have any significant adverse effects on taonga raranga, mahinga kai or mahinga mataitai.
- The importance of coastal, lake, wetlands and river environments and their associated resources to Maori should be recognised in the management of those resources.

### 3.1.3 Regional Coastal Environment Plan

The following outlines the objectives and policies of the Regional Coastal Environment Plan that are relevant to this application.

Objective 16.1 seeks to maintain or enhance water quality in the coastal marine area in order that it is suitable for sustaining or improving aquatic ecosystems, and for contact recreation purposes where appropriate.



Objective 16.2 seeks to promote the avoidance, remediation or mitigation of the adverse effects of activities on the mauri in the coastal marine area.

Objective 16.3 seeks to avoid, remedy or mitigate the adverse effects on the environment associated with the discharge of contaminants to the coastal marine area.

Objective 16.4 seeks to safeguard the life supporting capacity of water in the coastal marine area.

Policy 16.1 sets environmental guidelines that the discharge of contaminants to the coastal marine area are to be managed in accordance with. Guidelines 1, 2, 3 and 5 are particularly relevant to this application, and are detailed in **Table 1** below. In terms of Guideline 1, and as outlined above, it's the Class AE(HB) standards that apply in this particular case rather than the contact recreation standards. Guideline 3 gives effect to Policy 23(2) of the NZCPS.

**Table 1:** Relevant Guidelines of Policy 16.1

Issue	Guideline
<b>1. Control of discharges</b>	(a) Discharges of contaminants and the effects of such discharges on water in the coastal marine area shall be managed for aquatic ecosystem purposes (Class AE (HB) Water) and contact recreation purposes (Class CR (HB) Water) where appropriate.
<b>2. Reasonable mixing</b>	Discharges of contaminants into classified water should comply with receiving water quality standards in Schedule E after reasonable mixing.
<b>3. Sewage discharges</b>	<p>(a) The discharge of sewage from land which does not pass through soil or wetland, directly into water in the coastal marine area is inappropriate, unless:</p> <ul style="list-style-type: none"> <li>(i) the disposal of sewage directly into the coastal marine area is the best practicable option and</li> <li>(ii) significant adverse effects on ecosystems, natural character of the coastal environment and on water quality classified for contact recreation purposes are avoided, or remedied or mitigated where avoidance is not practicable.</li> <li>(iii) there has been consultation with: <ul style="list-style-type: none"> <li>• tangata whenua in accordance with tikanga Maori and due weight has been given to s6, s7 and s8 of the RMA and</li> <li>• the affected community in determining the suitability of the treatment and disposal system.</li> </ul> </li> </ul> <p>(b) The location and extent of any mixing zone for discharge of sewage shall ensure that there are no significant adverse effects on:</p> <ul style="list-style-type: none"> <li>(i) any Significant Conservation Area or</li> <li>(ii) the use of receiving waters for recreation or</li> <li>(iii) the use of receiving waters for collection of seafood for human consumption.</li> </ul> <p>(c) The adverse effects of sewage discharges on the present and reasonably foreseeable use of the receiving waters have been avoided where practicable, remedied or mitigated, particularly in:</p> <ul style="list-style-type: none"> <li>(i) areas where there is high recreational use or</li> <li>(ii) areas of maintenance dredging or</li> <li>(iii) areas adjacent to commercial or residential development</li> </ul>
<b>5. Water quality</b>	<p>(a) Subject to b), application to discharge any contaminants that either on its own or in combination with other lawful discharges will result in the water quality standards set out in Schedule E not being maintained, shall be declined.</p> <p>(b) Discharges of any contaminant that either on its own or in combination with other lawful discharges will result in the water quality standard set out in Schedule E not being maintained, may be provided for where:</p> <ul style="list-style-type: none"> <li>(i) Exceptional circumstances justify the granting of a permit or</li> <li>(ii) The discharge is of a temporary nature or</li> <li>(iii) The discharge is associated with necessary maintenance work.</li> </ul>



Policy 16.2 states that the guidelines in Policy 16.1 should be implemented via resource consents, regional rules and non-regulatory methods, and also states that conditions can be imposed on resource consents that require coastal water quality parameters to comply with limits measured at the point of discharge.

Policy 16.3 states that when considering new applications, or application to renew discharge permits, the following should be taken into account:

- The existing state of the receiving environment, its resources and its assimilative capacity, including seasonal fluctuations,
- Tangata whenua relationships with, and use of, resources within the receiving environment, and
- Cumulative effects of all discharge activities within the area on ecosystems and indigenous flora and fauna.

Relevant to the outlet of the Kopu Road pump station, Objective 13.1 seeks the maintenance or enhancement of the natural and physical resources and use and values of the beds of rivers and lakes within the region as a whole, while Policy 13.1 sets out a number of environmental guidelines that activities affecting the beds of river and lakes should be managed in accordance with. These relate to matters including:

- a) Fish passage and habitat,
- b) Bed stability,
- c) Flow regimes,
- d) Flood and debris risk,
- e) Damage to property,
- f) Outstanding natural features, and
- g) Historic heritage and significant cultural values.

Policy 13.2 provides for the environmental guidelines contained in Policy 13.1 to be used when making decisions on resource consents.

Policy 13.7A has been inserted in accordance with the direction stated in Policy B7 of the National Policy Statement for Freshwater Management 2014.

In terms of the primary outfall structure being within the CMA, Objectives 18.1 and 18.2 are that adverse effects on the environment arising from the use and development of structures in the coastal marine area and associated the occupation of space are avoided, remedied or mitigated.

Policy 18.1 sets out a number of environmental guidelines that structures and any associated occupation of space in the coastal marine area are to be managed in accordance with. In particular, Guideline (2) states that existing and lawfully established structures (and new small-scale structures) directly associated with activities that have a functional need to locate in, or adjacent to, the coastal marine area (including network utility operations), shall be provided for. For new structures, those that have functional need to locate in the coastal marine area may be appropriate where:



- (i) they do not adversely affect navigation and mooring within navigation channels
- (ii) they do not adversely affect coastal hydrological and geomorphic processes
- (iii) they do not contribute to a proliferation of structures in the coastal marine area or do not promote the inefficient use of existing structures, facilities and network utility corridors
- (iv) adverse effects on historic heritage, sites of cultural significance, indigenous flora, fauna, benthic organisms and their habitats, are avoided, or mitigated where avoidance is not practicable.

Guideline 6 relates to coastal hazards and under (a) states that structures in the coastal marine area should not be located in, or adjacent to areas that are, or are likely to be, subject to coastal erosion, unless

- (i) it is for a temporary activity and/or
- (ii) it protects or enhances natural buffers between existing development and the sea and
- (iii) it presents a less than minor risk of exacerbating coastal erosion or inundation

Guideline 6(b) relates to structures used to mitigate coastal hazards so is not relevant.

## 3.2 Freshwater / Land Environment

### 3.2.1 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management (NPSFM) took effect on 1 August 2014 (Amended 2017) and generally relates to freshwater water quantity and quality matters. It sets out four water quality objectives as follows:

#### **Objective A1**

To safeguard:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
- b) the health of people and communities, as affected by contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants.

#### **Objective A2**

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;
- b) protecting the significant values of wetlands; and
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.



### **Objective A3**

The quality of fresh water within a freshwater management unit is improved so it is suitable for primary contact more often, unless:

- a) regional targets established under Policy A6(b) have been achieved; or
- b) naturally occurring processes mean further improvement is not possible

### **Objective A4**

To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality, within limits.

The NPS sets out a number of Policies to achieve these Objectives and a number of these require Regional Councils to set freshwater quality limits and targets through Regional Plans.

When being applied in the consideration of a resource consent application however, only Policies A3, A4 and A7 are applicable.

Policy A3 is to achieve the Objectives above by regional councils:

- a) imposing conditions on discharge permits to ensure the limits and targets specified pursuant to Policy A1 and Policy A2 can be met; and
- b) where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

Subclause (a) refers to limits and targets developed under Policies A1 and A2. As this process has been undertaken for the Wairoa River however, Policy A4 and the existing framework under the Regional applies. Subclause (b) relates to making rules and is not applicable to the consideration of a resource consent application. Its underlying theme does however introduce the concept of the best practicable option as a means of minimising adverse effects. This concept been introduced in relation to Policy 16.1 of the RCEP.

Policy A4 sets out the policy direction to apply (via Councils amending regional plans without using the Schedule 1 process) until any changes to the Regional Plan to give effect to Policy A1 and Policy A2 have become operative. The following Policy has been inserted into the RRMP as Policy 72A pertaining to 'Surface Water Quality':

- (1) When considering any application for a discharge the consent authority must have regard to the following matters:
  - (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and
  - (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.



- (2) When considering any application for a discharge the consent authority must have regard to the following matters:
  - (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of the people and communities as affected by their secondary contact with fresh water; and
  - (b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of the people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided

Lastly, Policy A7 is to achieve the Objectives above by every regional council considering, when giving effect to the national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits.

The NPS contains a suite of further provisions relating to integrated management, setting national objectives, monitoring plans, information recording, tangata whenua roles and interests and a progressive implementation programme. The following provisions are particularly relevant at this point of time, and in relation to the consideration of a resource consent application:

- Objective C1 seeks to improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment,
- Objective D1 seeks to provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

### **3.2.2 Regional Policy Statement**

In addition to the provisions identified above in relation to “Maintenance and Enhancement of Physical Infrastructure” and “Recognition of Matters of Significance to Iwi/Hapu”, Objective 27 and Policies 46 and 47 pertaining to “Surface water Quality” are relevant.

Objective 27 is the maintenance or enhancement of the water quality of rivers, lakes and wetlands in order that it is suitable for sustaining or improving aquatic ecosystems in catchments as a whole, and for contact recreation purposes where appropriate. Policy 46 is to use non regulatory methods in support of regulatory methods for avoiding adverse effects of point source discharges and recognises the importance of educating resource users as to the effects of point source discharges on the water quality of the region's waterways and encouraging sound waste management practices.

Policy 47 sets down the regulatory approach and is to manage activities affecting the quality of water in rivers and lakes in accordance with the environmental guidelines and implementation approaches set out in Chapter 5 of the Plan, being the Regional Plan component of the document.



Also relevant to the proposal are provisions relating to odour. In the case of an existing activity (including its expansion), Objective 17 sets out to remedy or mitigate the 'extent' of nuisance effects arising from the present location of conflicting land use activities.

For the expansion of existing activities that are tied operationally to a specific location, Objective 18 seeks the mitigation of off-site impacts or nuisance effects arising from the location of conflicting land activities adjacent to, or in the vicinity of areas required for current or future operational needs.

Both Objectives consider the expansion of existing activities, however the main difference between the two is that Objective 18 ensures that land surrounding areas required for an expansion are considered in the same manner as land surrounding the existing areas of an activity.

Policy 7 sets out the approach for addressing existing problems arising from conflicting land use activities that are adjacent to, or within the vicinity of each other. On the basis that there are no known specific problems in this case, Policy 7 is not particularly relevant.

Policy 8 is perhaps the most applicable and requires regard to be given to the following matters when considering conditions of resource consents for activities involving the discharge of odour into air:

- (a) The likely frequency and duration of odour events,
- (b) The nature of the odour,
- (c) The nature of the local environment where odour may be experienced and the reasonable expectation of amenity within that environment given its zoning,
- (d) Any antecedent or contributing factors, including climatic or topographical features,
- (e) The extent to which lawfully established resource use activities operate in a manner that adopts the *best practical option*, or which is otherwise environmentally sound.

There is specific reference in the explanatory notes to taking into account such factors as the frequency, intensity, duration, offensiveness and location of odour events when determining resource consent conditions - confirming the intention is not to prevent odour outright, rather avoid, remedy or mitigate as appropriate and reasonable.

### 3.2.3 Regional Plan

Objective 40 is the maintenance of the water quality of specific rivers in order that the existing species and natural character are sustained, while providing for resource availability for a variety of purposes, including groundwater recharge. This is given effect to through Policy 71 which sets out the environment guidelines for the effects of activities affecting the quality of water in rivers, lakes and wetlands to be managed in accordance with. Table 7 outlines Guidelines that apply across the entire Hawke's Bay region and reproduced in **Table 2** below, while Table 8 sets out faecal coliforms and suspended solids guidelines for specific water bodies. For the Wairoa River at and downstream of Frasertown, the guideline for faecal





coliforms is 200 cfu/100ml and for suspended solids 25 mg/l after reasonable mixing and disregarding the effect of any natural perturbations that may affect the water body.

It is stated in the footnote associated with this Policy that “reasonable mixing in surface water” of contaminants in surface water will generally be considered to have occurred as follows:

- a) In relation to flowing surface water bodies, at whichever of the following is the least:
  - (i) a distance 200 metres downstream of the point of discharge
  - (ii) a distance equal to seven times the bed width of the surface water body, but which shall be not less than 50 metres, or
  - (iii) the distance downstream at which mixing of contaminants has occurred across the full width of the surface water body, but which shall not be less than 50 metres.

Alternatively, for activities that are subject to resource consents, “reasonable mixing” may be determined on a case by case basis through the resource consent process.

Sub-policy (a)(i) applies in this case.

**Table 2:** Table 7 (RRMP) Environmental Guidelines – Surface Water Quality

Issue	Guideline
<b>1. Temperature</b>	The temperature of the water should be suitable for sustaining the aquatic habitat
<b>2. Dissolved oxygen</b>	The concentration of dissolved oxygen should exceed 80% of saturation concentration.
<b>3. Ammoniacal nitrogen</b>	The concentration of ammoniacal (N-NH <sub>4</sub> + ) should not exceed 0.1 mg/l.
<b>4. Soluble reactive phosphorus</b>	The concentration of soluble reactive phosphorus should not exceed 0.015 mg/l
<b>5. Clarity</b>	In areas used for contact recreation, the horizontal sighting range of a 200 mm black disk should exceed 1.6 m

Policy 72 goes on to provide guidance around the implementation of these guidelines. Relevantly, subclause (b) states that all environmental guidelines, except those for suspended solids, apply to (flowing) surface water bodies when the flow of water is at or less than the median flow – meaning they do not apply during flows above the median flow.

In relation to suspended solids, subclause (c) sets out a number of scenarios depending on the concentration of the receiving water body. At times when the suspended solids concentration is less than the specified guideline (for a particular location), (i) states that an activity should not cause, or contribute to, a breach of the specified guideline, and that in no case should an activity cause more than a doubling of the suspended solids concentration or turbidity of the receiving water body.

At times when the suspended solids concentration is equal to or greater than the specified guideline, (ii) states that an individual activity should not cause the concentration of suspended solids or the turbidity in any river or lake to increase by more than 10%, as determined on a case by case basis.



Subclauses (d) and (e) provide further guidance depending on the nature of the receiving environment. Where existing water quality is better than the guidelines, (d) states that no more than minor degradation of water quality will be allowed, while (e) sets out the approach to be adopted where existing water quality is poorer than the guidelines, such as is reported in this case.

For regulated activities, there are separate approaches depending on whether the activity is the predominant cause of the poorer water quality or not. If it is the predominant cause, then (i) states improvements will be sought while having regard to the:

- degree to which the activity adversely affects aquatic ecosystems and contact recreation,
- the extent to which the activity causes the poor water quality relative to other activities,
- for existing activities, the need to allow time to achieve the required improvements.

Where activities are not the predominant cause of degraded water quality, rather than requiring improvements, the Policy simply states that conditions will be imposed to avoid further degradation of water quality. If HBRC is satisfied of the following however, no such conditions need be imposed:

- the activity will not cause any significant adverse effects on aquatic ecosystems and contact recreation,
- exceptional circumstances justify allowing further degradation, or
- in the case of discharges, the discharge is of a temporary nature, or is associated with necessary maintenance work.

As outlined above, Policy 72A has been inserted in accordance with the direction stated in Policy A4 of the NPSFM.

These provisions apply to the discharges from the Alexandra Park and North Clyde pump stations. In terms of the Kopu Road pump station, although it is not within the CMA, is still located within the Coastal Margin meaning the provisions of the Regional Coastal Plan as they apply to the Coastal Margin rather than the CMA apply.

In this regard, Objective 9.1 is essentially the same as Objective 40 of the RRMP, while Policy 9.1 sets out the same guidelines as Policy 72 of the RRMP with the addition of Guideline 6 applying to heavy metals as follows:

*The concentration of heavy metals should not exceed the relevant limits contained in:*

- (a) The contact recreation guidelines contained in 'Microbial Guidelines for Marine and Freshwater Recreational Areas' (Ministry of Health and Ministry for the Environment, June 2003); and*
- (b) The guidelines for the protection of aquatic ecosystems contained in the 'Guidelines for Fresh and Marine Water Quality 2000' (ANZECC, 2000).*

Policy 9-2 sets out the same approach as Policy 72 of the RRMP for implementing these guidelines, while Policy 9.2A is the same as Policy 72A.



In terms of works and structures within the bed of a stream, such as an outlet pipe from a pump station, Objective 45 and Policies 79 and 80 are relevant. Objective 45 is the maintenance or enhancement of the natural and physical resources and use and values of the beds of rivers and lakes within the region as a whole, while Policy 79 sets out a number of environmental guidelines that activities affecting the beds of river and lakes should be managed in accordance with. These relate to matters including:

- Fish passage and habitat,
- Bed stability,
- Flow regimes,
- Flood and debris risk, and
- Damage to property.

Policy 80 provides for the environmental guidelines contained in Policy 79 to be used when making decisions on resource consents. Policy 80A was inserted in response to the NPSFM and requires similar matters as 72A to be considered.

In terms of odour, Objective 39 seeks the maintenance of a standard of ambient air quality that is not detrimental to human health, amenity values, or the life-supporting capacity of air, and which meets National Environmental Standards. Objective 39a is similar and refers to maintaining a standard of local air quality that is not detrimental to human health, amenity values or the life supporting capacity of air. Objectives 39b and 39c relate to PM<sub>10</sub> and are not applicable.

Objectives 39 and 39a are supported by Policy 69, which goes on to outline a number of environmental guidelines to manage the effects of activities affecting air quality in accordance with. These guidelines are contained in Table 6 of the RRMP, of which only Guideline 1 pertaining to odour is applicable. Here it is stated that “there should be no ‘offensive’ or ‘objectionable’ odour beyond the boundary of the subject property”.

*‘Offensive’ is defined in Chapter 6.1.4(b) of the RRPM document as “giving or meant to give offence, disgusting, foul-smelling, nauseous, repulsive”. ‘Objectionable’ is defined as “open to objection, unpleasant, offensive”. Chapter 6.1.4(b) goes onto state “Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances”.*

It is further stated that an assessment in relation to ‘offensive’ or ‘objectionable’ odour will take into account the FIDOL factors, these being frequency, intensity, duration, offensiveness and location. It is implicit that implementation of Guideline 1 in Policy 69 does not anticipate the prevention of odour beyond the boundary outright, rather the avoidance of *offensive* or *objectionable*.

Policy 69a relates to PM10 levels and is not applicable.



### 3.3 Wairoa District Plan

The Wairoa wastewater treatment plant is located at on Whakamahi Road within Pt Lot 1 DP 3350, which although has an underlying Rural zoning, is Designated in the Wairoa District Plan as 'D53 Wastewater Treatment'. Part 8 of the RMA therefore applies, with an Outline Plan being required rather than a Resource Consent under the District Plan for any works that may occur on the site in the future.

All other infrastructure is located within Road Reserve, with the various discharge pipes themselves being located within the Conservation and Reserves Zone, with the exception of the North Clyde Pump Station where the outlet traverses a strip of the Residential Zone that runs along the river.

Being a Network Utility however, activities associated with this infrastructure are subject to Chapter 26 of the District Plan pertaining to Utilities, Minerals Exploration and Energy Development, rather than the specific Zone based provisions.

Here Objective 26.3.1 is to enable utilities to establish and operate in a safe, efficient and effective manner whilst ensuring that adverse effects on the environment are avoided, remedied or mitigated. Objective 26.3.2 applies to mineral exploration, energy development, generation and distribution facilities so is not relevant.

Policy 26.4.1 is to ensure that, as far as practicable, utilities are located in a manner consistent with the character and amenity values of an area, while Policy 26.4.2 is to manage the use and development of land in such a way that buildings and structures are sited and designed so as not to compromise the operational and design requirements of, and access rights to, network utility facilities. Here we note that the various pump stations are existing structures and are part of the existing environment in this regard.

Policy 26.4.3 seeks to ensure that new and existing utilities are operated to enable people and the community to provide for their social, economic and cultural wellbeing and for their health and safety, in a way that safeguards the life supporting capacity of the District's water resources and ecosystems and that avoids, remedies or mitigates any adverse effects on the environment. Lastly, Policy 26.4.4 seeks to ensure that the provision of utilities generally is done in a way that safeguards the life supporting capacity of the District's air, water, soils and ecosystems and avoids, remedies or mitigates any adverse effects on the environment, particularly:

- Significant indigenous vegetation and/or significant habitats of indigenous fauna as defined in Chapter 31, and threatened plants and animals (Schedule 6);
- The natural character of lakes, rivers, and wetlands and their margins, particularly those in Schedule 5;
- Reserves in Schedule 3;
- Heritage resources listed in Schedule 1 – Historic Buildings, Sites, Waahi Tapu and Notable Trees;
- Amenity values of the surrounding area;
- Transportation routes and facilities; and
- Human health and safety.



Both these Policies are particularly relevant in terms of managing the discharge regime from the various discharge points, particularly as discharges will occur in the vicinity of Reserves and into the Wairoa River and Whakamahi Lagoon, both of which are listed in Schedule 5 of the District Plan as Significant Rivers and Lakes.

### 3.4 Key Points

Key points guiding the outcomes sought by the planning framework for this particular proposal in this particular environment include:

- 1) Objective 1 of the NZCPS focuses on the maintenance of coastal water or enhancement where significant adverse effects on ecology and habitat have arisen because of discharges associated with human activity. Objective 16.1 RCEP has a consistent theme in terms of 'maintenance and enhancement', but introduces contact recreation purposes, where appropriate, as a reason.
- 2) Guideline 3 of Policy 16-1 of the RCEP gives effect to Policy 23(2) of the NZCPS and acknowledges aspects Objective 6 of the NZCPS and Objective 32 of the RPS i.e. the ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety, and in essence contemplates/allows the disposal of sewage (which does not pass through soil or wetland) directly into the coastal marine area where it is the best practicable option and:
  - 'significant' adverse effects on ecosystems, natural character of the coastal environment and on water quality classified for contact recreation purposes are avoided, or remedied or mitigated where avoidance is not practicable, and,
  - there has been consultation with tangata whenua in accordance with tikanga Maori and due weight has been given to s6, s7 and s8 of the RMA and the affected community in determining the suitability of the treatment and disposal system
- 3) Here it is noted that the receiving environment is not classified for contact recreation purposes,
- 4) Use of mixing zones is acknowledged throughout Policy 23 of the NZCPS and the Guidelines in Policy 16-1 of the RCEP. Some degree of effect is therefore entertained, however Policy 23(1)(d) of the NZCPS seeks to limit this zone to the smallest necessary to achieve the required water quality in the receiving environment, which in this case are those for aquatic ecosystem purposes rather than contact recreation,
- 5) Guideline 3(b) of Policy 16-1 of the RCEP is similar and seeks to limit the location and extent of any mixing zone such that there are no 'significant' adverse effects on any Significant Conservation Area i.e. SCA15 or, subject to the above, the use of receiving waters for recreation or the use of receiving waters for collection of seafood for human consumption.
- 6) As provided to be acknowledged under Policy 4 of the NZCPS, the Hawke's Bay Regional Council has a role in managing the mouth of the Wairoa River at the coast, which influences the discharge regime and the flow patterns of the estuary.



- 7) Culturally, Objective 3 and Policies 2 and 21(e) of the NZCPS, Objectives 34-37 and Policies 57-66 of the RPS and Guideline 3 of Policy 16-1 expects meaningful consultation with tangata whenua and recognition of traditional and continuing cultural relationships with areas of the coastal environment, while Objective 16-2 of the RCEP is to promote the avoidance, remediation or mitigation of the adverse effects of activities on mauri in the CMA,
- 8) Turning to the freshwater environment, the processes to be applied by Regional Councils to set limits and targets through Regional Plans are yet to commence for the Wairoa River, so in the interim Policy A4 requires the following to be considered:
  - the extent to which the discharge would avoid contamination that will have an adverse effect on
    - the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and
    - on the health of the people and communities as affected by their secondary contact with fresh water, and
  - the extent to which it is feasible and dependable that any more than minor adverse effect on":
    - fresh water,
    - any ecosystem associated with fresh water,
    - the health of the people and communities as affected by their secondary contact with fresh water,resulting from the discharge would be avoided.
- 9) In terms of specific limits and targets, the RRMP applies.
- 10) Objective 27 of the RPS shares the same 'maintenance' or 'enhancement' themes as the provisions applying to the coastal environment and talks of either 'sustaining' or 'improving' water quality for aquatic ecosystems and contact recreation purposes. Whether it's 'maintaining' and 'sustaining', or 'enhancing' and 'improving' is dictated by Policy 72 of the RRMP,
- 11) In this case, Policy 72 would set out that:
  - The guidelines in Table 7 and the faecal coliform standard in Table 8 of the RRMP and the standards in Guideline 6 of Policy 9.1 of the RCEP only apply below the median flow,
  - That the extent of the mixing zone after which the guidelines apply during flows less than the median flow is 200m,
  - The discharge should not cause the concentration of suspended solids or the turbidity in the river to increase by more than 10%,
  - On the basis that existing water quality in this case is poorer than the guidelines and that this is obviously due to upstream influences rather than the discharge concerned, conditions need not be imposed to improve water quality, rather avoid further degradation. As such, the outcome sought by Objective 27 of the RPS, in this particular case, is to 'maintain' and 'sustain', rather than 'enhance' and 'improve'.
- 12) Objective 26.3.1 and Policy 26.4.3 of the Wairoa District Plan are to enable utilities to establish and operate, however this is based on any adverse effects on the environment being avoided, remedied or mitigated, while both Policies 26.4.3 and 26.4.4 go on to refer to operations in a way that safeguards the life supporting



capacity of the District's water resources and ecosystems, which is largely consistent with the provisions of the RPS and Regional Plans.

## 4. REQUIRED APPROVALS

Section 4.1 identifies the resource consents required under the RRMP and RCEP while Sections 4.2 and 4.3 consider the Wairoa District Plan and approvals under other legislation.

### 4.1 Regional Plans

The primary activity subject to this application is the discharge of treated effluent from the Wairoa wastewater treatment plant into the Wairoa River estuary (via the main outfall structure and its overflow pipe). Associated activities include:

#### ***Within the Coastal Margin of the Regional Coastal Environment Plan***

- 1) The maintenance and potential re-establishment (and on-going maintenance) of the outlet structure, also involving:
  - (a) Construction of a new structure within CHZ1 for the purposes of a network utility operation,
  - (b) Disturbance associated with construction and maintenance,
  - (c) Vegetation clearance and soil disturbance,
  - (d) The associated occupation of space,
- 2) The discharge of wastewater into the Wairoa River from an existing pump station (Kopu Road) during times of system capacity exceedance.

#### ***Outside the Coastal Margin and subject to the Regional Resource Management Plan***

- 3) The discharge of odour from the treatment plant,
- 4) The maintenance of existing outlet structures within the bed of the Wairoa River in association with the existing pump stations,
- 5) The discharge of wastewater into the Wairoa River from existing pump stations (Alexandra Park and North Clyde) during times of system capacity exceedance.

**Table 3** summarises the relevant rule and activity status of each aspect of the proposal in terms of the relevant Regional Plan.

With the ponds within the treatment plant being lined and there be no being evidence of seepage, there is no need to obtain resource consent for any discharge to groundwater. We understand HBRC concurs with this view and note that if the situation changes over time and a resource consent is deemed to be required, then this process can be undertaken at that time.



**Table 3:** Activity Analysis

Activity		Regional Coastal Plan (RCEP)			Regional Plan (RRMP)		
	Rule	Description	Status	Rule	Description	Status	
<b>Discharge of wastewater from main outlet</b>	160	The discharge of a contaminant or water into water in the coastal marine area, or the discharge of a contaminant into or onto land in the coastal marine area in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water in the coastal marine area that: <ol style="list-style-type: none"> <li>1. is not specifically classified by any other rule in this Plan as a non-complying or prohibited activity 147; or</li> <li>2. does not comply with all relevant conditions on a permitted activity rule or</li> <li>3. does not comply with all relevant standards and terms on a controlled activity rule or a restricted discretionary rule.</li> </ol>	<b>Discretionary</b>				
<b>Comment</b> Although Rule 167 prohibits the discharge of sewage from land which has not passed through soil or wetland into a SCA, the Wairoa River (SCA15) is specifically excluded thus the proposal falls to be assessed under Rule 160. This rule applies to both the main outfall and its overflow pipe adjacent o Kopu Road and the riverbank.							
<b>The maintenance and potential re-establishment (and on-going maintenance) of the outlet structure</b>	117	The erection, reconstruction, placement, alteration, extension, removal, or demolition of a structure in the coastal marine area that is fixed in, on, under or over the foreshore or seabed, that: <ol style="list-style-type: none"> <li>1. is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity 111; or</li> <li>2. does not comply with all relevant conditions on a permitted activity rule; or</li> <li>3. does not comply with all relevant standards and terms on a controlled activity rule.</li> </ol>	<b>Discretionary</b>				
<b>Comment</b>							





Activity	Rule	Regional Coastal Plan (RCEP) Description	Status	Rule	Regional Plan (RRMP) Description	Status
<p><b>Although the maintenance and repair of lawfully established structures, which according to Schedule S the outlet pipe is, would fall to be considered under Rule 118 as a Permitted Activity, its potential extension or relocation as proposed to be provided for is considered to fall outside the extent of what is provided for under Rule 118 and is therefore best accommodated under Rule 117.</b></p>						
Construction of a new structure within CHZ1 for the purposes of a network utility operation	97	Except as provided for in Rule 89, Rule 98, Rule 99 and Rule 100, any of the following activities in CHZ1 or CHZ2 not within a road reserve: <ol style="list-style-type: none"> <li>1. construction of a new structure and any associated earthworks for purposes of a network utility operation;</li> <li>2. upgrading of an existing lawfully established structure and any associated earthworks for purposes of a network utility operation.</li> </ol>	Restricted Discretionary			
<p><b>Comment</b> Being associated with a Network Utility operation the structure does not fall under Rule 102 (Non-Complying Activity).</p>						
Disturbances of the foreshore or seabed not regulated by, or not complying with, other rules	130	The excavation, dredging, drilling or tunnelling, the use of explosives or any other disturbance in, on, or under the foreshore or seabed, that: <ol style="list-style-type: none"> <li>1. is not specifically classified by any other rule in this Plan as a non-complying or prohibited activity; or</li> <li>2. does not comply with all relevant conditions on a permitted activity rule; or</li> <li>3. does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary activity rule</li> </ol>	Discretionary			
<p><b>Comment</b> Covers any disturbance associated with construction or maintenance in the event that this is not provided for under Rule 117 or 97.</p>						
Vegetation clearance and soil disturbance that does not comply with Rule 7	8	Vegetation clearance or soil disturbance in the Coastal Margin which does not comply with Rule 7.	Restricted Discretionary			
<p><b>Comment</b> Rules 7 and 8 do not apply within the CMA, however the approach around the outlet structure may involve works along the bank of the River.</p>						
The associated occupation of space	178	Occupation of the coastal marine area that –	Discretionary			



Activity	Rule	Regional Coastal Plan (RCEP) Description	Status	Rule	Regional Plan (RRMP) Description	Status
		<ol style="list-style-type: none"> <li>is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity; or</li> <li>does not comply with all relevant conditions on a permitted activity rule or</li> <li>does not comply with all relevant standards and terms on a controlled activity or a restricted discretionary rule</li> </ol>				
<p><b>Comment</b> Although the existing outlet structure (sewage pipe) is identified as a lawfully established structure within the CMA (refer 24 of Schedule S) and would therefore be permitted under Rule 180, there is uncertainty as to whether this would apply if it was to be extended or relocated as is proposed to be provided for. A conservative approach has therefore been adopted with this aspect of the proposal being assumed to fall under Rule 178.</p>						
<b>The discharge of wastewater into the Wairoa River from the Kopu Road pump station during times of system capacity exceedance</b>	9	<p>The discharge of contaminants onto or into land, or into water; or water into water in the Coastal Margin that:</p> <ol style="list-style-type: none"> <li>is not specifically classified by any other rule in this Plan as a discretionary, non-complying or prohibited activity or</li> <li>does not comply with all relevant conditions on a permitted activity rule or</li> <li>does not comply with all relevant standards and terms on a controlled activity rule or restricted discretionary activity rule.</li> </ol>	<b>Discretionary</b>			
<p><b>Comment</b> The point of discharge is within the Coastal Margin but not the CMA.</p>						
<b>The discharge of odour from the treatment plant</b>				28	<p>The discharge of contaminants into air from any industrial or trade premises arising from any of the following activities, that is not specifically regulated by any other rule within this Plan:</p> <ul style="list-style-type: none"> <li>waste disposal</li> </ul>	<b>Discretionary</b>
<p><b>Comment</b> HBRC has advised that this aspect of the proposal is to be assessed under Rule 28 rather than Rule 30.</p>						
<b>The establishment of (existing) outlet structures within the bed of the Wairoa River in</b>				69	<p>Any activity which cannot comply with any of the rules in section 6.8 of this Plan and which is not expressly regulated by other rules in this Plan.</p>	<b>Discretionary</b>



Activity	Rule	Regional Coastal Plan (RCEP) Description	Status	Rule	Regional Plan (RRMP) Description	Status
association with the existing pump stations						
<p><b>Comment</b> As it is unclear as how the outlets (associated with the pump stations) within the bed of the Wairoa River were established, retrospective resource consent is proposed for completeness. In assessing compliance with Rule 72 pertaining to the erection or placement of any structure in, on, under, or over the bed of a river, and owing to a lack detail, a conservative approach has been taken the area occupied by each is assumed to be greater than 10m<sup>2</sup>, thus the activities are unable to comply with Condition (a)(ii). Ongoing maintenance will fall to be considered under Rule 64.</p>						
The discharge of wastewater into the Wairoa River from existing pump stations (Alexandra Park and North Clyde) during times of system capacity exceedance				52	<p>The discharge of:</p> <ul style="list-style-type: none"> <li>contaminants onto or into land, or into water, or</li> <li>water into water</li> </ul> <p>which does not comply with any condition on a permitted activity rule, or any standard or term on a controlled activity rule within this Plan, but which is not expressly classified as a discretionary, noncomplying or prohibited activity</p>	<b>Discretionary</b>
<p><b>Comment</b> The points of discharge are not within the CMA or Coastal Margin.</p>						



Although there are some aspects of the overall proposal that fall to be classified as a Restricted Discretionary, it is considered appropriate that all aspects of the proposal are bundled and assessed in the round as a **Discretionary Activity**, being the more restrictive activity type.

An application for a Discretionary Activity can be processed on a notified or non-notified basis with any relevant resource management matter being considered. Pursuant to Section 104B, an application for a Discretionary Activity may be granted or refused, and if granted, conditions may be imposed under section 108 of the RMA.

## 4.2 Wairoa District Plan

As outlined above, owing to its Designation status, any works within the treatment plant site will be subject to an Outline Plan rather than a Resource Consent under the District Plan.

Being Network Utilities, any activities associated with the main outlet, pump stations and the overflow outlets from the pump stations are subject to Chapter 26 of the District Plan pertaining to Utilities, Minerals Exploration and Energy Development rather than the specific Zone based provisions.

Rule 26.5.1 sets out a number of Permitted Activities. In particular Rule 26.5.1(1):

- (1) The operation, maintenance, minor upgrading, or removal of any lawfully established utilities.

This includes the removal or alteration of vegetation within an area that is not defined as an area of 'significant indigenous vegetation and/or significant habitat of indigenous fauna' (as defined in Chapter 31 – Definitions, and Schedule 4). It also includes tree 'trimming' and 'selective removal' of vegetation where this is to prevent a safety hazard or to ensure continued delivery of a service, including within an area of 'significant indigenous vegetation and/or significant habitat of indigenous fauna' as defined in Chapter 31, and of notable trees identified in Schedule 1;

Although the actual landuse is permitted, any works associated with maintenance or minor upgrading involving the removal or alteration of vegetation within 20m of the Wairoa River, owing to being listed in Schedule 5 of the Plan, may require landuse consent as a Discretionary Activity under Rule 26.5.6. Any such consent would be applied for at the appropriate time once the nature of works was defined, and it is not considered necessary to require any such application to be lodged at this stage to better understand the nature of the proposal. Indeed, these are future works that may or may not occur.

Nevertheless, the matters to be considered as part of that process are likely to be similar to those considered under Rule 8 of the RCEP pertaining to Vegetation Clearance and Soil Disturbance in any case.



### 4.3 Other Approvals

With the main outlet structure being located within the Whakamahi Lagoon Government Purpose (Wildlife Management) Reserve, and although the existing outlet pipe is acknowledged as a lawfully established structure in Schedule S of the RCEP, the Department of Conservation (DoC) has confirmed that there is no record of any current or previous authorization. A concession is therefore required for the outlet pipe and associated discharge into the reserve.

DoC has recently advised however that with the *Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018* (the Claims Settlement Act) becoming law on 13 September 2018, and although the reserve remains 'vested in' the Crown and the concessions regime continues to apply under Section 59A of the Reserves Act, the Claims Settlement Act provides for the establishment of a joint board to administer and manage the reserve (with members appointed by the trustees of Tatau Tatau o Te Wairoa and Wairoa District Council), and it is this joint board rather than DoC that now has the delegated authority, as if it were a local authority, to consider and grant concessions.

DoC has advised that Part 3B of the Conservation Act 1987 would still apply, with Section 17s setting out the requirements regarding the content of concession applications as follows:

#### **17S Contents of application**

Every application for a concession must include the following information:

- (a) a description of the proposed activity;
- (b) a description identifying the places where the proposed activity will be carried out (including the status of those places);
- (c) a description of—
  - (i) the potential effects of the proposed activity;
  - (ii) any actions that the applicant proposes to take to avoid, remedy, or mitigate any adverse effects of the proposed activity;
- (d) details of the type of concession for which the applicant is applying;
- (e) a statement of
  - (i) the proposed duration of the concession; and
  - (ii) the reasons for the proposed duration;
- (f) relevant information relating to the applicant, including any information relevant to the applicant's ability to carry out the proposed activity;
- (g) if the applicant applies for a lease, a licence granting an interest in land, or an easement,—
  - (i) reasons for the request; and
  - (ii) sufficient information to satisfy the Minister that, in terms of section 17U, it is both lawful and appropriate to grant the lease, licence, or easement (as the case may be).

Many of these matters mirror those being considered in this resource consent application process. Although it is acknowledged that a concession will be required, given the infancy of the Claims Settlement Act, that this application has to be lodged by 30 November 2018 to retain its Section 124 of the RMA rights, and on the basis that the process and outcome of this resource consent application will no doubt inform the concessions process, it seemed sensible to defer the concession process until after lodgement of the Resource Consent



application. It is noted that Section 91 of the RMA only applies to resource consents under the RMA and not to approvals under other legislation.

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**It is suggested that the Reader refer back the Resource Consent Application prepared by WDC to review the details of the proposal and assessment of environmental effects before progressing to the second analysis section of this report.**

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# ANALYSIS 2: PLANNING ASSESSMENT

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**The following is informed by the Resource Consent Application prepared by WDC and its associated technical reports. It is recommended that the Reader is familiar with that content prior to reviewing the following assessments.**

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## 5. CONDITION FRAMEWORK

It is very clear from the RCA that the primary focus of this application process has been to develop an adaptive and progressive management framework that provides opportunity for the applicant to put in place a series of measures that are intended to reduce unanticipated overflow discharges, improve the quality of effluent and reduce discharges to the river.

To give effect to this, the proposed condition framework has been developed along the principles of a MERI strategy. MERI stands for Monitoring, Evaluation, Reporting and Improvement, and enables a continuous improvement approach to be taken, while also enabling any investment in works/actions to be both targeted and effective.

The MERI approach in this instance has essentially 4 components. Firstly, it focuses on:

- Reducing inflow and infiltration and upgrading pump stations to reduce overflow discharges,
- Improving effluent quality,
- Establishing a land discharge option and expanding storage,
- Increasing the public's understanding and awareness of how their [the public's] actions/activities can influence wastewater volumes, and the ways in which the public can reduce water use,
- Establishing an initial monitoring program,
- Commencing a catchment enhancement plan to facilitate the involvement of the Wairoa District Council in activities that improve the quality of freshwater within the wider Wairoa River Catchment.

Secondly, it then moves on to establishing a Wastewater Stakeholder Group to assist the consent holder in reviewing the effectiveness of works previously undertaken and to decide what should then be done over the next 5-10 years to achieve specific objectives around system storage, land discharge and wider catchment enhancement initiatives. This exercise is rounded off with the production of a System Improvement Plan to implement the actions decided, which is also provided to the consent authority.



This exercise repeats itself a further two times, being the third and fourth components of the MERI approach, to ensure on-going progress over the term of consent towards reduced discharges to the river.

Key aspects of the approach include:

- The conditions around the 'Stage A' improvements and actions are clear and certain and respond to immediate issues,
- The Stakeholder Holder Group, system review and system improvement processes provide for monitoring, evaluation, review, improvement and community involvement throughout the term of the consent,
- What is to be considered through the system review process is clear and certain,
- Feedback loops are provided so that progress and compliance can be monitored by the consent authority,
- The consent voluntarily facilitates a broader approach to improving water quality in the catchment as opposed to focusing solely on the specific discharge activities.

Alongside the conditions and exercises associated with the MERI approach, the consent sets out defined discharge regimes and parameters together with defined processes to be followed in the event of river mouth closures or pump station overflows to improve inter-agency collaboration and to increase the public's awareness of these incidence to better manage recreation and public health interests. Improved tracking of these incidences will also enable trends in their frequency to be considered as part of the system review exercises.

The consent also provides a framework for alterations to be carried out to the outlet structure so as to ensure it is optimally located for mixing purposes but to also avoid any delay in responding to issues that pose the potential for greater effects. This framework includes certification processes to mitigate any areas of risk.

Alongside the discharge and receiving environment monitoring, the opportunity for cultural monitoring is also provided.

Overall, and although some elements still need to be work through in consultation with the consent authority, the proposed conditions contain baseline certainty and enforceability, while also providing for ongoing processes and actions under a more adaptive approach to progress towards a reduction in discharges to the river. Although this may not be under a fully prescriptive approach, the outcomes are clear, the steps are enforceable, the timeframes are reasonable and the end goal consistent with the policy framework.

The proposed condition framework, and a sound understanding of it, is fundamental to the following assessment.





## 6. SECTION 104(1)(B) ASSESSMENT

In accordance with Section 104(1)(b) of the RMA, a consent authority must, subject to Part 2 of the RMA, have regard to the relevant provisions of any statutory plans and policy statements. This includes any relevant provisions of the following. The same is essentially required under Schedule 4(2)(2) of the RMA:

- i) National Environmental Standards (**NES**)
- ii) Other regulations
- iii) National Policy Statements (**NPS**)
- iv) The New Zealand Coastal Policy Statement (**NZCPS**)
- v) Regional Policy Statements or proposed Regional Policy Statements (**RPS**)
- vi) A Plan or Proposed Plan.

As outlined in Section 3 of this report, the New Zealand Coastal Policy Statement, Regional Policy Statement and Regional Coastal Environment Plan are applicable to the primary point of discharge (being within the CMA), while the National Policy Statement for Freshwater Management, RPS and Regional Plan are applicable to the pump station overflow discharges and the discharge of odour from the treatment plant.

The context of these documents and how their relevant provisions apply are traversed in Sections 3.1 and 3.2, with the key policy directions identified in Section 3.4.

The primary activity is the discharge of treated effluent from the Wairoa wastewater treatment plant into the Wairoa River estuary (via the main outfall structure), with a number of associated activities including providing for alterations to the outlet structure and pump station overflow discharges during storm events.

Although different provisions or different documents apply to each, consideration of Tangata Whenua and cultural values is a matter common to both. These provisions are considered in Section 6.1 in the first regard, with the consideration of the associated activities in Section 6.2 and primary discharge activities in Section 6.3, which also considers the provisions applying to natural character, features and landscapes.

### 6.1 Tangata Whenua and Cultural Values

As outlined in Section 3.4 above, Objective 3 and Policies 2 and 21(e) of the NZCPS, Objectives 34-37 and Policies 57-66 of the RPS and Guideline 3 of Policy 16-1 expects meaningful consultation with tangata whenua and recognition of traditional and continuing cultural relationships with areas of the coastal environment, while Objective 16-2 of the RCEP is to promote the avoidance, remediation or mitigation of the adverse effects of activities on mauri in the CMA.

In this regard we note:

- Tangata Whenua has been consulted with through numerous channels, including WDC's Maori Standing Committee, tangata whenua participation in the initial



Stakeholder Group, commissioning of the Tangata Whenua Worldviews report (How, 2017:A4I2) and efforts to consult with Coastal Marine Title claimant groups in recognition of key aspects of Objective 3 of the NZCPS i.e.

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
  - promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
  - incorporating mātauranga Māori into sustainable management practices; and
  - recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.
- The proposal is characterised by a framework that seeks to improve discharge quality and to progressively reduce discharges to water and manage wastewater via discharge to land, which is understood to be more in keeping with cultural values. Furthermore, and although the activity itself is not characterised by significant adverse effects, the proposal gives regard to the general theme in Policy 21 (e) of the NZCPS as highlighted below, as well as Objective 16-2 of the RCEP which is to promote the avoidance, remediation or mitigation of the adverse effects of activities on mauri in the CMA,

Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:

- e. engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.
- The Cultural Impact Assessment (How, 2018:C8), a tool as advocated for under Policy 2(g)(i) of the NZCPS, identifies key cultural values and confirms that the initial upgrades/works to be undertaken move the activity away from one which is culturally unacceptable to one characterised by a solid framework for mitigating cultural concerns, and while not fulfilled completely i.e. a discharge to the river may still remain, the overall package (as represented in the proposed conditions) does incorporate tangata whenua world views around the management of wastewater,
  - Ongoing collaboration throughout the life of the consent is provided for within the Stakeholder Group and system review and development framework as part of the proposed consent conditions. Although not listed as one of the examples in Objective 2 of the NZCPS, this gives regard to its intent and Objective 34 of the RPS as highlighted below:



In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

- a. recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;
- d. provide opportunities in appropriate circumstances for Māori involvement in decision making, for example ....
- f. provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:

#### **Objective 34 (PRS)**

To recognise tikanga Maori values and the contribution they make to sustainable development and the fulfilment of HBRC's role as guardians, as established under the RMA, and tangata whenua roles as kaitiaki, in keeping with Maori culture and traditions.

- Provision for cultural monitoring is provided for in proposed consent conditions. This gives regard to Policy 2(f)(i) and Policy 66 of the RPS, which state:

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

- g. provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:
  - (i) bringing cultural understanding to monitoring of natural resources;

#### **Policy 66 (RPS)**

The importance of coastal, lake, wetlands and river environments and their associated resources to Maori should be recognised in the management of those resources.

The proposal has been developed in recognition of tangata whenua values with consultation being undertaken as generally outlined in Policies 59-60 of the RPS. Overall, the proposal takes significant steps towards aligning itself with the outcomes sought by tangata whenua, and together with the process undertaken to arrive upon it, can be considered to have given regard to the relevant provisions of the applicable planning documents in a general sense and as specifically highlighted.

## **6.2 Associated Activities**

The proposal involves the following activities associated with the primary discharge:

- 1) The maintenance and potential re-establishment (and on-going maintenance) of the WWTP outlet structure, also involving:
  - (a) Construction of a new structure within CHZ1 for the purposes of a network utility operation,



- (b) The associated occupation of space,
  - (c) Disturbance associated with construction and maintenance, and
  - (d) Vegetation clearance and soil disturbance.
- 2) The discharge of wastewater into the Wairoa River from existing pump stations (Alexandra Park, North Clyde and Kopu Road) during times of system capacity exceedance (storm events).
  - 3) The maintenance of existing outlet structures within the bed of the Wairoa River in association with the existing pump stations,
  - 4) The discharge of odour.

### **6.2.1 The Maintenance and Potential Re-Establishment of the Primary Outlet Structure**

As outlined in the RCA, it is proposed to build a framework into the conditions of consent that would allow for alterations to the outlet structure to be undertaken under a design and certification process. While the maintenance and repair of the existing structures would fall to be considered under Rule 118 as a Permitted Activity, its potential extension or relocation falls outside the extent of what is provided for under Rule 118 and is to be considered as a new activity.

Structures within the CMA are subject to Chapter 18 of the RCEP rather than Chapter 13 as discussed below. Here Objectives 18.1 and 18.2 relating to structures and the associated occupation of space within the CMA are that adverse effects on the environment are avoided, remedied or mitigated.

Policy 18.1 sets out a number of environmental guidelines that structures and any associated occupation of space in the coastal marine area are to be managed in accordance with. In particular, Guideline (2) states that existing and lawfully established structures (and new small-scale structures) directly associated with activities that have a functional need to locate in, or adjacent to, the coastal marine area (including network utility operations), shall be provided for. For new structures, those that have functional need to locate in the coastal marine area may be appropriate where:

- (i) they do not adversely affect navigation and mooring within navigation channels
- (ii) they do not adversely affect coastal hydrological and geomorphic processes
- (iii) they do not contribute to a proliferation of structures in the coastal marine area or do not promote the inefficient use of existing structures, facilities and network utility corridors
- (iv) adverse effects on historic heritage, sites of cultural significance, indigenous flora, fauna, benthic organisms and their habitats, are avoided, or mitigated where avoidance is not practicable.

Guideline 6 relates to coastal hazards and under (a) states that structures in the coastal marine area should not be located in, or adjacent to areas that are, or are likely to be, subject to coastal erosion, unless

- (i) it is for a temporary activity and/or



- (ii) it protects or enhances natural buffers between existing development and the sea and
- (iii) it presents a less than minor risk of exacerbating coastal erosion or inundation

Here we note:

- The existing structure and any alteration to it has a functional and public health protection need under the current municipal wastewater system design,
- When the modification of the existing structure is considered through the lens of a 'new activity', the proposed condition framework provides for the consideration of the matters referred to in (b)(i) and (b)(ii) of Guideline 2 of Policy 18.1,
- The proposed consenting and design framework don't necessarily introduce additional structures, rather it applies to ensuring that the existing outlet is maintained in a functional state and that is optimally located in the event of changing river dynamics, thus it will not involve multiple structures or contribute to a proliferation of structures in the coastal marine area in terms of Guideline 2(b)(iii) of Policy 18-1. Indeed, the purposes of the approach is to promote the efficient use of a single discharge structure as also referred to in the Guideline,
- The proposed condition framework includes conditions during construction to avoid or mitigate any potential adverse effects on historic heritage, sites of cultural significance, indigenous flora, fauna, benthic organisms and their habitats.

In terms of coastal hazards, in the context of there being an existing structure, and that the framework simply provides for this to be optimised, there is not considered to be any change in the risk of coastal erosion or inundation, while the certification process of any new works and structures will ensure that any works to the bank are fit for purpose in this regard. Any such works can therefore be considered to be provided for under Guideline 6(a)(iii) of Policy 18-1.

Chapter 15 of the RCEP also considers coastal hazards, and in regard to network utility structures, Guideline 13 of Policy 15.1 states:

- (a) The continued use and protection of essential infrastructure and services in coastal hazard areas shall be provided for as a permitted activity where the infrastructure and service is located in a road reserve.
- (b) New and upgraded infrastructure and services should not be located in areas that are, or have potential to be, subject to coastal erosion or inundation risk unless:
  - (i) it is for a temporary activity and/or
  - (ii) it protects or enhances natural features (for example, dunes, wetlands, gravel barriers, intertidal rock platforms) between existing development and the sea and
  - (iii) it presents less than a minor risk of exacerbating hazards and
  - (iv) Council is satisfied that risks from coastal hazards are not increased and no other reasonable alternative location or service delivery option exists beyond a CHZ

The same views as those applied to Guideline 6(a)(iii) of Policy 18-1 can be applied to Guideline 13 of Policy 15.1.



Overall, providing for alterations to be undertaken to the outlet structure as proposed can be considered consistent with the relevant provisions of the RCEP and unlikely to compromise any of the relevant environmental guidelines or anticipated outcomes.

## 6.2.2 The Discharge of Wastewater into the Wairoa River from Existing Pump Stations

The discharges of wastewater from the Alexandra Park and North Clyde pump stations occur outside the Coastal Margin so are subject to the NPSFM, RPS and Regional Plan.

The processes set down under the NPSFM for Regional Councils to set limits and targets through Regional Plans are yet to commence for the Wairoa River, so in the interim, Policy A4 requires the following to be considered:

- the extent to which the discharge would avoid contamination that will have an adverse effect on
  - the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and
  - on the health of the people and communities as affected by their secondary contact with fresh water, and
- the extent to which it is feasible and dependable that any more than minor adverse effect on":
  - fresh water,
  - any ecosystem associated with fresh water,
  - the health of the people and communities as affected by their secondary contact with fresh water,resulting from the discharge would be avoided.

In terms of specific limits and targets, the RRMP falls to apply. Overall, we note:

- The RCA describes that pump station overflows have typically occurred during storm events when the river is also flowing above its median flow, thus only the suspended solids standards would apply. The RCA goes on to state that the combination of discharged suspended solids concentrations and rapid dilution downstream will ensure that the pump station discharges will not increase the concentration of suspended solids or the turbidity in the river by more than 10%.
- In terms of any incidences that may occur below median flow,
  - The RCA states that the existing discharges of wastewater from the pump station overflows have not been shown to cause, or be likely to cause, any adverse effects on river water quality or its inter-related habitats or ecology,
  - Although not ideal, overflow facilities are a fundamental requirement to manage system exceedances, and in having regard to Objective 32 of the RPS, which is 'the ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety', are the preferred to alternative to uncontrolled overflows within manholes, roads and private properties,



- That said, conditions of consent and a programme to reduce inflow and infiltration to reduce the frequency and volume of such incidences is proposed to see a progressive reduction in occurrences,
- Notice/signage actions are also proposed to manage potential effects on human health and recreation values arising from overflow discharges and during river mouth closures where there is a greater risk of effects on water quality.
- Furthermore, as implied in the RCA:
  - most incidences have only occurred for a short period of time and during storm events which coincide with elevated river flows, elevated river contaminant levels, and times where there is limited to no recreational use of the river,
  - The discharges are dominated by stormwater and only contain low wastewater concentrations,
  - The river is receiving much larger volumes of urban stormwater from multiple outlets during such storm events.

In terms of the Kopu Road pump station, this is located within the Coastal Margin meaning the provisions of the Regional Coastal Plan, as they apply to the Coastal Margin, are applicable. Those pertaining to the CMA are not relevant.

In this regard, Objective 9.1 is essentially the same as Objective 40 of the RRMP, while Policy 9.1 sets out the same guidelines as Policy 72 of the RRMP with the addition of Guideline 6 applying to heavy metals as follows:

*The concentration of heavy metals should not exceed the relevant limits contained in:*

- (a) *The contact recreation guidelines contained in 'Microbial Guidelines for Marine and Freshwater Recreational Areas' (Ministry of Health and Ministry for the Environment, June 2003); and*
- (b) *The guidelines for the protection of aquatic ecosystems contained in the 'Guidelines for Fresh and Marine Water Quality 2000' (ANZECC, 2000).*

Policy 9-2 sets out the same approach as Policy 72 of the RRMP for implementing these guidelines, while Policy 9.2A is the same as Policy 72A.

The RCA considers different parameters and guidelines. Overall, the same views adopted in regard to RRMP above can be applied to Policy 9-2 of the RCEP.

### **6.2.3 The Maintenance of Existing Outlet Structures within the Bed of the Wairoa River in Association with the Existing Pump Stations**

It is unclear as to how the outlets associated with the pump stations within the bed of the Wairoa River were established, and while retrospective resource consent is proposed for completeness and for on-going operation and maintenance, it must be acknowledged that they were constructed some time ago in the 1950's when originally developing Wairoa's reticulation and form part of the existing environment.



In considering this aspect of the proposal it is important to acknowledge that the Alexandra Park and North Clyde pump stations are located outside the Coastal Margin so are subject to the RRMP, while the Kopu Road pump station is subject to the RCEP.

In terms of the Alexandra Park and North Clyde pump stations Policy 45 of the RRMP sets out a number of environmental guidelines that activities affecting the beds of rivers and lakes should be managed in accordance with. An appraisal of these guidelines is provided in **Table 4** below.

**Table 4:** Environmental Guidelines – Beds of Rivers and Lakes

Issue	Guideline	Proposed Activity
<b>Fish passage</b>	<b>The activity should be undertaken in a manner that continues to provide for the existing passage of fish past the structure.</b>	Given the width of the Wairoa River and that the pipes only protrude a very short distance from the riverbank fish passage is unlikely to be compromised.
<b>Fish spawning</b>	<b>In areas of fish spawning the activity should be undertaken in a manner that minimises adverse effects on overall fish spawning patterns.</b>	The outlet pipes are already existing and occupy a very small area of the River. Overall, they are unlikely to raise any issues in relation wider fish spawning values.
<b>Bed stability</b>	<b>No long term or ongoing acceleration of the rate of erosion or accretion of the bed of a river or lake as a result of any activity in a river bed or lake bed.</b>	The outlet pipes are of a relatively minor scale with no known evidence of any bed stability issues.
<b>Habitat</b>	<b>Adverse effects on the habitat of aquatic and terrestrial flora and fauna within the bed of a river or lake should be avoided, remedied or mitigated.</b>	The outlet pipes are already existing and occupy a very small area of the River. Overall, they are unlikely to raise any issues in relation to wider habitat values.
<b>Flow regimes</b>	<b>Adverse effects on natural flow regimes should be avoided where this is possible, or remedied or mitigated where avoidance is not possible.</b>	The outlet pipes are of a relatively small scale and have not resulted in any effects on natural flow regimes.
<b>Other structures &amp; activities</b>	<b>There should be no significant adverse effects, including by way of destabilisation, on lawful existing structures or activities within the bed of a river or lake.</b>	No other structures are likely to be affected.
<b>Flood &amp; debris risk</b>	<b>There should be no reduction in the ability of the channel to convey flood flows, and no significant impedance to the passage of floating debris.</b>	The outlet pipes are of a relatively small scale and will not compromise the capacity of the Wairoa River to convey flood flows, nor are they of nature or sale or pose a significant impedance to the passage of floating debris.
<b>Damage to property</b>	<b>There should be no damage caused, and no increase in the risk of damage, to any property, including river control works, unless written approval is obtained from any affected parties.</b>	The outlet pipes are unlikely to result in any damage to property.
<b>Temporary activities</b>	<b>Upon completion of any temporary activity affecting the bed of a river or lake, the bed should as far as practicable be restored to no less than the state it was in prior to the activity taking place.</b>	The outlet pipes are existing and no works are required. Any surfaces exposed during maintenance will be re-vegetated at the completion of works.
<b>Outstanding natural features</b>	<b>Adverse effects on any outstanding natural features within river and lake beds should be avoided, remedied or mitigated.</b>	The outlet pipes are existing, are not visually apparent, and are not considered to be of a scale or proximity to affect any outstanding natural features.





In terms of the Kopu Road pump station, Policy 13.1 of the RCEP sets out the same environmental guidelines as Policy 79 of the RRMP above, with the addition of the following as assessed in **Table 5** below.

**Table 5:** Environmental Guidelines – Beds of Rivers and Lakes

Issue	Guideline	Proposed Activity
Historic heritage and significant cultural values	Adverse effects on historic heritage features and areas of significant cultural heritage within river and lake beds should be avoided, remedied or mitigated.	The outlet pipes are existing, of a very small scale and are not visually apparent nor close to any known features of historic or significant cultural heritage value.

Overall, the retrospective establishment and ongoing operation and maintenance of the outlet structures can be considered consistent with the relevant provisions of the Regional Plan and RCEP and unlikely to compromise any of the relevant environmental guidelines or anticipated outcomes.

## 6.2.4 The Discharge of Odour

The discharge of odour is subject to the RPS and RRMP. Objectives 17 and 18 of the RPS effectively require the 'remedy or mitigation' of the extent of 'existing' off site nuisance effects, and 'mitigation' in the case of effects arising from 'future expansions'.

Taking the more specific Policies into account, it has been demonstrated that the intent through Policies 7 and 8 of the RPS and Policy 69 of the Regional Plan is not to prevent odour beyond the boundary outright, rather the avoidance of *offensive or objectionable* odour – applying a *best practical option* approach. Furthermore, Policy 7 clearly states that existing lawfully established activities that are operated in a manner that adopts the *best practicable option* must be recognized.

Policy 8 is perhaps the most applicable and requires regard to be given to the following matters when considering conditions of resource consents for activities involving the discharge of odour into air:

- (a) The likely frequency and duration of odour events,
- (b) The nature of the odour,
- (c) The nature of the local environment where odour may be experienced and the reasonable expectation of amenity within that environment given its zoning,
- (d) Any antecedent or contributing factors, including climatic or topographical features,
- (e) The extent to which lawfully established resource use activities operate in a manner that adopts the *best practical option*, or which is otherwise environmentally sound.

Here we note:

- 'Offensive' is defined in Chapter 6.1.4(b) of the RRPM document as "giving or meant to give offence, disgusting, foul-smelling, nauseous, repulsive", while



'Objectionable' is defined as "open to objection, unpleasant, offensive". Chapter 6.1.4(b) goes on to state "Case law has established that what may be offensive or objectionable under the RMA cannot be defined or prescribed except in the most general of terms. Each case will depend upon its own circumstances. In this case, as outlined in the RCA, odours from the WWTP are generally of low intensity and readily dissipate within the site's boundaries. Where odours do become apparent, these usually indicate some sort of failure of treatment processes and performance. Plant operators are generally able to remedy the treatment processes long before there is any risk of generating offensive or objectionable odours beyond the site boundaries,

- The site is relatively isolated from areas characterized by a high sensitivity to adverse effects, with only one dwelling located within 200m and six dwellings (all of which are rural) within 500m of its boundaries,
- Given the low intensity of odour, distances between receptors, nature of the receiving environment and operating procedures, wastewater management procedures around odour can be considered to be environmentally sound in regard to the nature and risk of objectional and offensive odour in the semi isolated rural setting.

Overall, the discharge of odour in association with the treatment plant can be considered to be of nature accepted by the relevant provisions of the Regional Plan and unlikely to compromise any of the relevant environmental guidelines or anticipated outcomes.

## 6.3 Primary Discharge

The primary discharge occurs within the CMA, meaning the New Zealand Coastal Policy Statement, Regional Policy Statement and Regional Coastal Environment Plan are applicable. The relevant provisions of these documents have been introduced above and with those applying to Tangata Whenua and cultural values having already being considered, those remaining can generally be grouped as follows:

- (a) Water Quality and Habitat Values,
- (b) Natural character, features and landscapes.

The remaining relevant provisions of the NZCPS, RPS and RCEP as they fall under these two general headings are considered below.

### 6.3.1 Water Quality and Habitat Values

As outlined in Section 3.4, Objective 16.3 of the RCEP gives effect to the general direction of the Objectives of the NZCPS and seeks to avoid, remedy or mitigate the adverse effects on the environment associated with the discharge of contaminants to the coastal marine area.

Guideline 3 (containing (a) – (c)) of Policy 16-1 acknowledges aspects Objective 6 of the NZCPS and Objective 32 of the RPS (i.e. the ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural



wellbeing of the region's people and communities and provides for their health and safety) and gives effect to the implementation of Policy 23(2) of the NZCPS which states:

2. In managing discharge of human sewage, do not allow:
  - a) discharge of human sewage directly to water in the coastal environment without treatment; and
  - b) the discharge of treated human sewage to water in the coastal environment, unless:
    - i there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and
    - ii informed by an understanding of tangata whenua values and the effects on them.

In essence, Policy 23 of the NZCPS and Guideline 3(a) of Policy 16.1 of the RCEP contemplate/allow the disposal of sewage directly into the CMA where:

- it is the best practicable option, and,
- 'significant' adverse effects on ecosystems, natural character of the coastal environment and on water quality classified for contact recreation purposes are avoided, or remedied or mitigated where avoidance is not practicable, and,
- there has been consultation with tangata whenua in accordance with tikanga Maori and due weight has been given to s6, s7 and s8 of the RMA and the affected community in determining the suitability of the treatment and disposal system.

We note the following in regard to Guideline 3(a):

- The overall approach embodied within the condition framework is considered to represent the best practicable option, and furthermore, sets down a framework to progressively reduce discharges to river,
- As outlined in the RCA, the proposal is not expected to give rise to 'significant' adverse effects on ecosystems, natural character of the coastal environment and on water quality classified for contact recreation purposes. Here we note:
  - As referred to in the RCA, eCoast, 2018:A3D3 and eCoast, 2018:C5 report there are currently no discernible adverse effects from the existing WWTP's main discharge on the benthic ecological values of the Wairoa River. The RCA goes on to state that as future discharges of wastewater reduce in frequency and volume, and are managed to coincide with higher river flow rates, any adverse effects on aquatic and benthic ecology, and marine ecology will be correspondingly reduced,
  - Despite its reserve and SCA15 status, the actual area of discharge is influenced by urban and rural characteristics, with areas of higher natural character value further east and west and south. Furthermore, and although perhaps people are intrinsically aware of the activity within this environment, it is generally visually discreet,
  - The receiving environment is not classified for contact recreation purposes,



- As outlined in the RCA, consultation has been undertaken with tangata whenua and the affected community in determining the suitability of the treatment and discharge system. Here we note:
  - A summary of consultation undertaken is provided in Section 6 of the RCA and has involved engagement with a Stakeholder Group representative of Wairoa's demographics to identify concerns with the existing wastewater system and receiving environment, describe the community's values and aspirations, propose potential options for future improvements, assess the effectiveness and acceptability of various options, and help WDC to identify and refine a preferred option for implementation, engagement with tangata whenua through numerous channels, including WDC's Maori Standing Committee, tangata whenua participation in the Stakeholder Group, commissioning of the Tangata Whenua Worldviews report (How, 2017:A4I2), hui-a-iwi, and CMT consultation efforts and consultation as part of the LTP which included adopting the program of initiatives referred to as 'The Package'; components of which form part of this application,
  - Tangata Whenua and cultural values have been considered in Section 6.1 where it has been concluded that the proposal takes significant steps towards aligning itself with the outcomes sought by tangata whenua, and together with the process undertaken to arrive upon it, can be considered to have given regard to the relevant provisions of the applicable planning documents,
  - Notice/signage actions are also proposed to manage potential effects on human health and recreation values arising from overflow discharges and during river mouth closures where there is a greater risk of effects on water quality.

Having met the criteria in Guideline 3(a), the proposal goes onto to be considered in regard to Guideline 3(b), which seeks to limit the location and extent of any mixing zone such that there are no 'significant' adverse effects on:

- any Significant Conservation Area i.e. SCA15 or,
- the use of receiving waters for recreation or,
- the use of receiving waters for collection of seafood for human consumption.

Here we note:

- The discharge regime has been designed to ensure a 'common' or 'standard' mixing zone of in the order of 100-200m. Taking guidance from Policy 71 of the RRMP, which contemplates a distance 200 metres downstream of the point of discharge, this can be considered to give regard to the general theme of Guideline 3(b) and Policy 23(d) of the NZCPS, which states "in managing discharges to water in the coastal environment, have particular regard to use the smallest mixing zone necessary to achieve the required water quality in the receiving environment",



- Based on the findings of the RCA in regard to water quality and ecological habitat, any effects on SCA15 are not anticipated to be 'significant',
- In weighing the following factors, effects on recreation are not considered to be 'significant':
  - The receiving environment is not classified for contact recreation purposes in the first instance,
  - The Public Health Risks Summary (LEI, 2018:A313) report concludes that the Wairoa River upstream from the wastewater discharge generally has an unacceptably high exceedance rate of safe contact recreation standards each summer for E. coli levels,
  - During summer/low flows i.e. where the receiving environment is generally more likely to be used for contact recreational purposes, discharge quality will be improved, and the volume reduced, with the objective of the proposed condition framework being that discharge during these times will cease entirely in time,
- In weighing the following factors, effects in regard to public health and the use of receiving waters for collection of seafood for human consumption are not considered to be 'significant':
  - Following consultation with the DHB, the Public Health Risks Summary (LEI, 2018:A313) report states, with the exception of once case in 2016,
    - There is recorded occurrence of shellfish contamination in the lower reaches of the Wairoa River,
    - No information could be sourced on illness outbreaks associated with waterborne activities,
    - There are no recorded public health incidents in the lower reaches of the Wairoa River that can be attributed to poor water quality.
  - Although the river's water quality from upstream sources of contaminants will continue to dominate its public health risks for recreational contact and food supplies, treatment upgrades are nevertheless proposed and will target pathogens.

Lastly, Guideline (c) states that the adverse effects of sewage discharges on the present and reasonably foreseeable use of the receiving waters should (have been) avoided where practicable, remedied or mitigated, particularly in:

- (i) areas where there is high recreational use or
- (ii) areas of maintenance dredging or
- (iii) areas adjacent to commercial or residential development

As outlined above, although located on the periphery of Wairoa, the site of the primary discharge is not an area where there is high recreational use, nor is it an area of any specific maintenance dredging or close to commercial or residential development.

Policy 16.1 contains a number of additional Guidelines that discharges of contaminants in the CMA are to be managed in accordance with as follows.



**Table 6:** Policy 16.1 Guidelines

Issue	Guideline	Proposed Activity
<p><b>1. Control of discharges</b></p>	<p><b>(a) Discharges of contaminants and the effects of such discharges on water in the coastal marine area shall be managed for aquatic ecosystem purposes (Class AE (HB) Water) and contact recreation purposes (Class CR (HB) Water) where appropriate.</b></p> <p><b>(b) N/A</b></p>	<p>The receiving environment is classified as Class AE coastal waters (being water managed for aquatic ecosystem purposes)</p>
<p><b>2. Reasonable mixing</b></p>	<p><b>Discharges of contaminants into classified water should comply with receiving water quality standards in Schedule E after reasonable mixing,</b> [which in this case are:</p> <p>"The discharge of contaminants shall comply with the following standards after reasonable mixing and disregarding the effect of any natural perturbations that may affect the receiving water body:</p> <p>a) The natural temperature of the receiving water shall not be changed by more than 3 degrees Celsius.</p> <p>b) The following shall not be allowed if they have an adverse effect on aquatic life:</p> <p>(i) any pH change</p> <p>(ii) any increase in the deposition of matter on the foreshore or seabed</p> <p>(iii) any discharge of a contaminant into the water.</p> <p>c) The concentration of dissolved oxygen shall exceed 80% of the saturation concentration.</p> <p>d) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water."]</p>	<p>Reasonable mixing within the CMA is not defined, however the following is noted from RCA (having considered a mixing zone of 100-200m) in regard to the applicable standards:</p> <ul style="list-style-type: none"> <li>- The temperature of the wastewater will be very similar to the river and therefore it will not change the river's temperature by more than 3°C after reasonable mixing.</li> <li>- The estuary's normal pH will be in the range of 7-8, but ANZECC guidelines allow for the pH of marine waters to be in the range of 7.0-8.7. The treated wastewater pH is within a range of 6.4-8.4 and has a median of 7.6. These pH levels are unlikely to cause pH changes in the river after reasonable mixing.</li> <li>- The existing wastewater discharge generally contains lower suspended solids concentrations than the river, so it is not capable of increasing the deposition of matter on the riverbed. Once filtration has been installed at the WWTP the discharge will contain low suspended solids concentrations.</li> <li>- The dissolved oxygen concentration of the treated wastewater and its residual BOD are not likely to reduce the river's dissolved oxygen levels.</li> <li>- There is no evidence of the discharged contaminants contributing to any undesirable biological growths in the river.</li> <li>- The potential for any such effects will be further reduced through the proposed filtration and reduction of discharge during low flows.</li> </ul>



3. Sewage discharges	Considered above	
4. Stormwater	N/A	
5. Water quality	<p>(a) Subject to b), application to discharge any contaminants that either on its own or in combination with other lawful discharges will result in the water quality standards set out in Schedule E not being maintained, shall be declined.</p> <p>(b) Discharges of any contaminant that either on its own or in combination with other lawful discharges will result in the water quality standard set out in Schedule E not being maintained, may be provided for where:</p> <ul style="list-style-type: none"> <li>(i) Exceptional circumstances justify the granting of a permit or</li> <li>(ii) The discharge is of a temporary nature or</li> <li>(iii) The discharge is associated with necessary maintenance work.</li> </ul>	<p>As outlined in the RCA, the proposed discharge is not expected on its own to result in the Class AE standards not being maintained after reasonable mixing. Refer below regarding comment in relation to 'in combination with other lawful discharges'.</p> <p>N/A</p>
6. Review of consent	<p>(a) HBRC will retain discretion to impose conditions requiring consent holders, who rely on the exceptions in Guideline 5(b), to undertake such works in such stages throughout the term of the consent to ensure that upon expiry of the consent (or such earlier date as specified in the conditions) the holder can achieve and maintain the water quality standards set out in Schedule E.</p> <p>(b) HBRC will consider whether or not it is appropriate to review the conditions of existing resource consents in order to enable the water quality standards set out in Schedule E to be maintained. Where a discharge needs to be upgraded, consideration will be given to the likely costs that will be imposed on the consent holder by upgrading the discharge and establish reasonable timeframes within which the existing discharge will be upgraded</p>	<p>Guideline 5(b) is not relied upon.</p> <p>N/A – guides HBRC in determining the need for a review and is not applicable in the assessment of a resource consent application.</p>
7. Shellfish Gathering	<p>Commonly used areas will be identified during the life of this Plan where coastal waters should be managed for shellfish gathering purposes. The criteria to be used in assessing the appropriateness of coastal waters being managed for shellfish gathering purposes are:</p> <ul style="list-style-type: none"> <li>(i) the extent and location of existing shellfish gathering areas and their utilisation as a food resource for human consumption</li> <li>(ii) the extent to which known shellfish are able to be safely eaten</li> <li>(iii) the existing water quality</li> <li>(iv) existing lawful discharges and financial implications for dischargers</li> <li>(v) current state of technical knowledge and treatment and disposal options for dischargers</li> <li>(vi) the nature and extent of tangata whenua relationships with customary shellfish gathering areas.</li> </ul>	<p>N/A - this Guideline applies to Plan development.</p>
8. Dredging Activities	N/A	



In terms of Guideline 5(a), where it refers to the effect of the proposed discharge 'in combination with other lawfully established discharges' in meeting the water quality standards, Policy 16.3 of the RCEP states that the existing state of the receiving environment should be taken into account.

Although there may be some conflict in interpreting these provisions, the receiving environment is already degraded in terms of the standards, the proposal is considered to meet the criteria in Guideline 3 and is characterized by changes and actions to enhance water quality even if those improvements are unable to be detected or are negligible against the background effects of the upstream and other marine sources of contaminants. Overall, the proposal need not be considered inappropriate in terms of what is contemplated by the policy framework.

Testing this against Objective 16.1 of the RCEP, which seeks the maintenance or enhancement of water quality of the coastal marine area in order that it is suitable for sustaining or improving aquatic ecosystems and for contact recreation purposes where appropriate, the proposal seeks to improve the quality of discharge during low flows and establishes a framework to progressively reduce discharges to the river, with the expected outcome being an enhancement of water quality.

The proposal can therefore be considered to surpass what is contemplated under Guideline 3 of Policy 16.1 and to be consistent with Objective 16-1 of the RCEP, and although the quality of water in the river is not considered to have deteriorated to a degree that it is having a 'significant' adverse effect on ecosystems, natural habitats, or water-based recreational activities in terms of Policy 21 of the NZCPS, the proposal is consistent with the general thrust of Objective 1 and Policy 21 of the NZCPS as highlighted below in that sets down a framework for the progressive enhancement coastal water quality:

#### **Objective 1**

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- .....
- .....
- maintaining coastal water quality and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

#### **Policy 21**

Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:

- c. where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats;





Objective 16.3 is that 'adverse effects on the environment associated with discharge and dumping of contaminants to the coastal marine area are avoided, remedied or mitigated'. As the Objective does not articulate what scale of adverse effects it applies to, it is difficult to conclude that all actual or potential adverse effects will be avoided, remedied or mitigated. In weighting this with the provisions above however, the proposal sets down a road map for enhancing water quality and is considered to meet the Anticipated Outcome 16.1 of the RCEP, being 'Class AE water is maintained and enhanced where practicable for sustaining aquatic ecosystems'.

Provisions relating to the maintenance and enhancement of physical infrastructure also need to be weighed when considering the strict interpretation of Objective 16.3. In this regard, the proposal focuses on enhancing water quality via multiple avenues and on balance is considered to represent the 'appropriate' maintenance and enhancement of infrastructure in context of Objective 9 of the RPS which states:

"Appropriate provision for economic development within the coastal environment, including the maintenance and enhancement of infrastructure, network utilities, industry and commerce, and aquaculture."

In terms of Objective 16.4, which is the life supporting capacity of water in the coastal marine area is safeguarded, the proposal takes significant steps to contributing to the improved management of the CMA, with the changes/actions provided for under the condition framework both individually and collectively enhancing the life supporting capacity of water.

Objective 16.2 relating to the mauri of the CMA has been considered in Section 6.1 above.

We also note:

- 13) The need to manage the discharge during times of river mouth closure as provided for responds to an unavoidable matter, while the approach to response to the situation maintains a collaborative approach with HBRC as advocated under Policy 4(b) of the NZCPS as below. Here we note it is a Permitted Activity for HBRC to undertake works to open the river mouth,

Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

- b. working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management,
- The proposal has been developed (as outlined in the BPO report (LEI, 2018:B4), and the Conceptual Design report (LEI, 2018:C1.0) and assessed having given particular regard to the following matters as outlined in Policy 23(1) of the NZCPS:
    - a. sensitivity of the receiving environment, the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and
    - b. the capacity of the receiving environment to assimilate the contaminants; and:



- c. avoid significant adverse effects on ecosystems and habitats after reasonable mixing; and
  - d. use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and
  - e. minimise adverse effects on the life-supporting capacity of water within a mixing zone.
- Policy 3 of the NZCPS of adopting a precautionary approach is recognised in that while there may not be any detectable adverse effects, a road map to enhancement and reducing discharges to the river in the future is nevertheless proposed, and also acknowledges the possibility of cumulative adverse effects from the discharges being masked by the upstream sources of contaminants,
  - Integrating land discharge into the servicing solution and establishing a framework to contribute to wider catchment management initiatives acknowledges and gives regard to Policy 4 of the NZCPS, which provides for and recognises the value of integrated management in managing activities that affect the coastal environment,

### 6.3.2 Natural Character, Features and Landscapes

Natural character has been considered in the context of Guideline 3 of Policy 16.1 of the RCEP. The following specific consideration of the higher order provisions of the NZCPS has been included for completeness.

Objective 2 of the NZCPS is to preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

This is given effect in the RCEP, in part, by establishing Significant Conservation Areas, while Policy 13(1)(a) of the NZCPS seeks to avoid any adverse effects (on natural character) in areas with 'outstanding' natural character, but in weighing matters, takes a more relaxed approach in other areas and focuses on avoiding only 'significant' adverse effects.

Policy 15 takes a similar approach to natural features and natural landscapes as Policy 13 does with natural character. First and foremost, it seeks to avoid any adverse effects on 'outstanding' natural features and landscapes, and in relation to other natural features and landscapes, seeks to avoid only 'significant' adverse effects, and then either avoid, remedy, or mitigate other adverse effects.

Significant Conservation Areas are defined in the RCEP as meaning "an area within the coastal marine area identified for the purposes of this Plan to manage activities and the effects of activities within areas having significant conservation values, particularly cultural, ecological, historic, or wildlife values", and are derived from work undertaken by Department of Conservation in the early 1990s for input into the first generation regional coastal plans.



Nowhere in the Plan however is it suggested that these are to be considered 'outstanding' in the context of the above provisions or Section 6(b) of the RMA. The tests borne out the policy framework is therefore to avoid only 'significant' adverse effects, and then either avoid, remedy, or mitigate other adverse effects.

Nevertheless, Policy 11 of the NZCPS, which seeks to protect indigenous biological diversity, is also relevant, particularly given that the system of wetlands that the Wairoa River estuary is part of is recognised as a nationally significant wildlife habitat containing significant populations of both threatened and common coastal bird species, and a large waterfowl population. Based on the findings of the eCoast reports (2018:A3D3 and 2018:C5) however, there have been no detectable adverse effects that would suggest any significant adverse effects on these populations.

Having assessed the proposal in regard to Policy 16.1 of the RCEP however, which takes and weighs the Significant Conservation Area into account alongside other matters, it has been concluded that the proposal is contemplated by the policy framework giving effect to the NZCPS. Furthermore, the proposal is in keeping with Policy 14 of the NZCPS which promotes restoration or rehabilitation of the natural character of the coastal environment in that opportunities for restoration as referred to in subclause (a) of Policy 14 of the NZCPS have been identified through effluent quality improvements and an array of measures to reduce discharges to the river as referred to in subclause (c)(vi) of Policy 14 of the NZCPS i.e. reducing or eliminating discharges of contaminants. It is also noted the very low scale and unobtrusive nature of the outfall structure and the nearby WWTP generate negligible effects on the landscape values. The proposed condition framework around future relocations of the outfall pipeline will also ensure that any such works will be undertaken with sensitivity for ecological and landscape values, and that rehabilitation will be undertaken.

Overall, due regard, in line with the directions of the RCEP and NZCPS is considered to have been given to the policy direction around natural character, features and landscapes, in that there will be no significant adverse effects and that other effects can be avoided, remedied, or mitigated. Even if components of the broader receiving environment were to be considered 'outstanding, due regard can still be considered to have been given.

## **7. PART TWO ASSESSMENT**

The assessments contained in the AEE of the RCA report and Section 6 of this report are subject to the matters contained in Part 2 of the RMA, which contains Sections 5, 6, 7 and 8.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources and is supported by Sections 6, 7 and 8 of the RMA. Sections 6 and 7 contain the "matters of national importance" and "other matters" respectively and Section 8 provides for the principles of the Treaty of Waitangi. These sections are hierarchical and provide for a different level of consideration to be given to each.



In coming to a broad judgment, the proposal overall is considered to be consistent with the principals and purpose of the RMA and deserving of consent. The following key points are noted in relation to the relevant subsections of Sections 6, 7 and 8 in coming to this view:

#### **6 Matters of national importance**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
  - Although the natural character of the coastal environment is not considered to be at threat, the proposal will provide for the ongoing use of essential infrastructure while providing a framework for reducing its effects in recognition of the direction in Section 6(a) of the RMA, the SCA15 classification of the receiving environment and the policy framework of the applicable planning documents,
  - Overall, and as supported by the BPO process which considered environmental, cultural, social and economic factors, and the policy assessment above, the proposal and its associated framework is not one that is considered 'inappropriate',
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
  - Although not strictly an 'outstanding' natural feature or landscape, the SCA15 classification of the receiving environment has been acknowledged and considered in the manner set down for this type of activity in the Policy framework of the RCEP.
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
  - Effects on freshwater and marine ecology and habitat values, taking the values expressed in the reasons for the SCA15 classification into account, have been considered and it has been assessed that although any associated effects are largely undetectable, the proposal will nevertheless provide opportunities for enhancement that will in an overall manner contribute to the protection of indigenous vegetation and significant habitats of indigenous fauna no matter its significance.
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
  - The associated structure will not affect public access,
  - Effects on contact recreation values have been considered with improvements targeting a reduction in pathogens proposed,



- Conditions of consent provide for improved notice to organizations and the community when events occur that may increase the risk of greater effects on water quality.
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- The actions and approaches around improving discharge quality and reducing discharges to the river as provided for within the proposed condition framework are primarily in response to recognising cultural concern with the manner of the existing discharge.
- (g) the protection of protected customary rights:
- The topic of customary rights has been recognized in consultation and provided for within the approach around the stakeholder group and cultural monitoring framework.
- (h) the management of significant risks from natural hazards.
- Natural hazards have been considered in the BPO exercise and although located within a coastal hazard zone, the proposal in the first instance is not considered to be one that presents a significant risk from natural hazards, certainly not to an extent that would justify wholesale relocation or reconsideration of the discharge method. Nevertheless, although land discharge alternatives bear their own risks in relation to the natural hazards, establishing various alternative discharge options does increase the systems robustness in terms of its vulnerability to natural hazards. Reticulation upgrades are also proposed to reduce inflow and infiltration, which can occur during significant rainfall, flooding and high river levels.

## 7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

- Kaitiakitanga and the ethic of stewardship has been given particular regard through early engagement with tangata whenua and in developing the approaches around the Stakeholder Group and system review exercises. Also provided is an opportunity for cultural monitoring, the outcome of which will provide for ongoing engagement, collaboration and input throughout the life of the consent.

(b) the efficient use and development of natural and physical resources:

- The proposal will provide for the ongoing use of essential infrastructure, being a physical resource, while providing a framework for upgrades in



response to primarily cultural and social drivers to occur under a considered approach in order to promote the efficient management of this physical resource over time,

(c) the maintenance and enhancement of amenity values:

- Social and cultural values and aspirations together with focusing upgrades around reducing surcharge to the river during times of generally greater recreational use have been the key drivers in developing the proposal and its associated framework.

(d) intrinsic values of ecosystems:

- The intrinsic values of ecosystems have been acknowledged in the precautionary approach taken to the potential cumulative effects.

(f) maintenance and enhancement of the quality of the environment:

- Although the activity as influenced by its receiving environment is one where maintenance is essentially the bar, the proposal nevertheless surpasses what is contemplated by the Policy framework and is characterized by an array of components that will individually and collectively contribute to the enhancement of the receiving environment and social and cultural values.

(i) the effects of climate change:

- Effects of climate change have been considered in a similar manner as natural hazards as commented on under Section 6(h).

## 8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

- The consultation undertaken, commissioning of the Tanagta Whenua Worldviews report and Cultural Impact Assessment, acknowledgement of the *Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018* and its implications (which includes a joint reserve management board comprising iwi and WDC members) and the proposed approach around the Stakeholder Group and system review exercises together with the provision for cultural minoring is considered to take into account and give effect to the principles of the Treaty of Waitangi.

Cultural and social interests have been the primary driver, but overall, the proposal provides a platform for continuous improvement over time so as to progressively improve the robustness of the wastewater system and to work towards an enhancement in water quality guided by a road map that provides direction and the ability/time to make informed and considered decisions as contributed to by the community and monitoring data.



## 8. CONSENT DURATION

Section 123 of the RMA allows a discharge permit to be granted for up to 35 years. Section 8.2.4 of the RRMP also relates to consent duration and states that resource consents will be granted for a period of 20 to 35 years unless one or more of the following exceptions apply:

- a) The activity has a duration of less than 20 years, in which case a consent will be granted for the duration of the activity.
- b) There is a need to align the consent expiry date with others, in order that the cumulative effects of activities can be considered through a common consent renewal process.
- c) The consent is for the allocation of gravel or another resource whose availability changes over time in an unpredictable manner.
- d) The type of activity has effects that are unknown or potentially significant for the locality in which it is undertaken.

Matters a), b) and c) are not relevant. This is because the proposed activity is intended to have a duration of greater than 20 years and there is no need to align the expiry date of the consent being sought with other activities to address cumulative effects. In regard to (c), the proposed activity does not involve the allocation of a resource.

Turning to (d), cultural and social expectations are well understood, while environmental effects have not been assessed as significant. In fact, conclusions have been made that effects in this regard are essentially undetectable.

Responding primarily to cultural and social expectations, but in also taking a precautionary approach around environmental outcomes, the proposed condition framework seeks to improve the quality of the discharge and reduce discharges to the river. This is achieved through the implementation of a series of initial actions followed by a framework of reviews and further actions to achieve specific objectives around increased storage and the establishment of land based discharge options.

The condition framework is a progressive one following the principals of a MERI framework, which provides for initial implementation that is monitored, followed by evaluation and reporting to develop further actions according to strict objectives, built into the consent, and then the implementation of these actions. The consent includes 3 'rounds' of this across its term to progress in a sound and considered manner towards reducing discharges to the river.

Each of these 'rounds' takes time to complete and implement, and it is important to allow sufficient time for monitoring of the previous stage to develop the actions for the next stage in a considered manner, particularly given that the source of funding is likely to be the community rating base.

Given the proposed framework, which provides a road map towards enhancing water quality being the very outcome sought by the array of planning documents against which this proposal is being assessed, the proposed 35 year consent duration is supported from a planning perspective on the simple basis that little more is to be gained by a shorter consent



duration. In fact, taking a shorter-term view may just as likely halt momentum and raise additional barriers to implementing the clear objective of the consent of reducing discharge to the river.

In this regard, the consent:

- Includes actions traversing environmental, social and cultural matters/interests,
- Responds to immediate and longer term issues and provides clear direction for further actions,
- Provides for community involvement the whole way through,
- Has defined and enforceable milestones,
- Accommodates any need to modify the monitoring program,
- Includes reporting to the consent authority, and
- Includes certification processes by the consent authority on key aspects/works.

The consent authority also has the ability to review the conditions of consent if their intent and direction is not being fulfilled. The level of reporting and defined stages of the consent present ample and sensible opportunities for this exercise if needed, and there is little reason to opt for a shorter consent duration as a preferred alternative.

Lastly, it is relevant that the strength of this consenting approach sits in a context of almost undetectable environmental effects, yet it brings with it significant commitments to surpass the expectations of the policy framework set down to manage such activities in the environment concerned.

Overall, it is considered appropriate to grant consent for a period of 35 years so as to provide for the proposed approach which is considered to represent the most clear, constructive and certain approach to giving effect to the outcomes sought by the community in improving the water quality of the river.

## 9. SUMMARY

Although containing elements that are located outside the Coastal Marine Area, which introduces consideration of the National Policy Statement for Freshwater Management and the Regional Plan, the primary wastewater discharge is to the Coastal Marine Area which is governed instead by the Regional Coastal Environment Plan and New Zealand Coastal Policy Statement.

Guideline 3 of Policy 16-1 of the Regional Coastal Environment Plan, which gives effect to Policy 23(2) of the New Zealand Coastal Policy Statement is perhaps the most relevant provision, and in essence, contemplates/allows the disposal of sewage (which does not pass through soil or wetland) directly into the Coastal Marine Area, where, amongst other criteria, it is the best practicable option.





It is very clear from the Resource Consent Application that the primary focus of this process has been to develop an adaptive and progressive management framework that provides opportunity for the applicant to put in place a series of measures that are intended to reduce unanticipated overflow discharges, improve the quality of effluent and reduce discharges to the river under a best practicable option approach.

To give effect to this, a condition framework has been developed along the principles of a MERI strategy. The proposed conditions provide for initial implementation that is monitored, followed by evaluation and reporting to develop further actions according to strict objectives, built into the consent, that are then implemented thereafter. The proposed framework provides a roadmap towards enhancing water quality, being the very outcome sought by the array of planning documents against which this proposal is being assessed, and provides for considerable community input over the term of consent.

In having regard to the relevant provisions of the applicable planning documents, the proposal is considered to be largely consistent with their direction and outcomes, and in general respects, sets down a framework that has potential to exceed bottom line approaches.

Cultural and social interests have been the primary driver, but overall, the proposal provides a platform for continuous improvement over time so as to progressively improve the robustness of the wastewater system and to work towards an enhancement in water quality guided by a road map that provides direction and the ability/time to make informed and considered decisions as contributed to by the community and monitoring data.

In coming to a broad judgment, the proposal overall is considered to be consistent with the principals and purpose of the RMA and deserving of consent. Specific consideration has been given to the proposed consent duration of 35 years, and taking Section 8.2.4 of the Regional Resource Management Plan into account, this is considered an appropriate term. A 35 year term would provide for the proposed approach which is considered to represent the most clear, constructive and certain approach to giving effect to the outcomes sought by the community in improving the water quality of the river.