

**Before the Hearings Panel of the Greater Wellington Regional Council**

**In the matter** of the Resource Management Act 1991

**And** resource consent applications to Greater Wellington Regional Council by South Wairarapa District Council for the discharge of treated wastewater to land and water from the Martinborough Wastewater Treatment Plant

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**Joint Statement of Planning Matters  
Nicola Arnesen and Kerry Geange**

**Date:** 28 May 2015

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## **Introduction**

- 1 This joint statement documents the outcome of conferencing on planning matters in relation to the applications by South Wairarapa District Council (SWDC) for the discharge of treated wastewater to land and water from the Martinborough Wastewater Treatment Plant. The purpose of the conferencing was to assist the Panel by identifying and narrowing down areas of agreement and disagreement.
- 2 Conferencing was held on 25 May 2015 following the circulation of the preliminary legal submissions of Mr Philip Milne, and rebuttal evidence by Dr Brian Coffey and Mr Kerry Geange on behalf of SWDC (the Applicant). We both note that no expert evidence was provided by or on behalf of any submitters.
- 3 Both parties have visited the site, read the application, all submissions, the Section 42A report and all of the evidence lodged by SWDC and GWRC.

## **Duration**

- 4 We agree that all consents applied for should be granted by the Panel, subject to conditions of consent. The area of disagreement lies in the duration for which these consents should be granted. Mr Geange considers consents should be granted for duration of 35 years, and Ms Arnesen considers that a duration of no more than 25 years is appropriate.
- 5 Mr Geange considers that the points raised in Ms Arnesen's Section 42A report with respect to limiting the duration of consent do not individually or collectively necessitate or justify a reduced duration (he assesses these matters in both his Evidence in Chief and Rebuttal Evidence).
- 6 Ms Arnesen considers that the matters raised in Section 15 of her Section 42A report cannot be considered on an isolated basis, that they must be considered collectively and when they are, a maximum duration of 25 years is justified.
- 7 As we cannot reach agreement on this matter, we both consider that consent duration necessarily becomes a key one for Panel consideration at the hearing.
- 8 We also discussed the matter of duration if Stage 2A and Stage 2B were to be removed from the consent or declined. We agree that a duration of 15 years is an appropriate term if consent was granted without the requirement for the implementation of Stage 2A

and 2B land treatment. Ms Arnesen notes 15 years is the maximum duration for which effects have been considered as acceptable by Dr Aussiel without the certainty of Stage 2 land treatment, and which Mr Geange understands would be an acceptable alternative duration for SWDC, where Stage 2 was not required within the granted consent.

## **Water Quality**

- 9 We both agree that instream water quality monitoring is appropriate in the context of the proposal; we recognise the environmental thresholds contained within the joint statement of Dr Aussiel and Dr Coffey; and we acknowledge there is outstanding uncertainty in relation to the effects on aquatic ecology associated with deficit irrigation regime during Stage 1B. We also acknowledge and we agree that water quality standards are not specifically required in all cases by law, as advised in preliminary legal submissions by Mr Milne and confirmed by DLA Piper in their legal advice to GWRC (dated 8 May 2015).
- 10 The area of disagreement lies in where these water quality standards should sit within the consent framework. Ms Arnesen considers they should be regulatory standards included as a condition of consent, whereas Mr Geange considers they can be included as environmental baseline thresholds incorporated into a Management Plan. The rationale for these respective opinions is set out in the s42A report and evidence of Ms Arnesen, and in the evidence of Mr Geange.
- 11 The principle reason agreement could not be reached on this matter is that following assessment of the evidence regarding aquatic ecology:
- 11.1 Ms Arnesen considers that water quality standards are an important environmental bottom line which should be in place for the entire duration of the discharge to water consent. Ms Arnesen considers these are best placed by way of a consent condition as this provides a certainty, enforceability and clarity for all parties from the outset, and for the entire duration, as to what is expected to be met. She considers that if these were to be left to the future preparation of a Management Plan (of which parameters have not been detailed) that the clarity required for such an important environmental bottom line cannot be satisfied; and,
- 11.2 Mr Geange considers the evidence supports a conclusion that the adverse effects of the proposed activity on aquatic ecology will be significantly less than the existing situation; that the effects (including principally during Stage 1B) contain some uncertainty but only moderate risk; and that prioritisation is best targeted at implementing the long-term land based solution. As such, a non-

regulatory approach is preferred which focuses on transparency and collaborative management (incorporating the principles of adaptive management) specified within the management plan(s), compliance management, and reporting framework. Mr Geange considers this will be more effective, less reactive and a considerably more positive approach which both focuses on the shared desired outcome, but importantly aligns with the partnership approach to long-term compliance it is understood GWRC seeks to develop for large projects within the region.

- 12 As we cannot reach agreement on this matter, we both consider that the matter of how instream water quality monitoring is managed necessarily becomes a key matter for Panel consideration at the hearing.

### **Planning framework**

- 13 We both agree that it is unnecessary to put the application on hold until such a time as the new GWRC plan is publically notified and/or the Whaitua have set standards for the Ruamahanga River.

- 14 We both agree that all consents required have been correctly identified and included within the applications, and we also agree on the status of the activities under the relevant Regional Plans and the Resource Management Act 1991. On this matter, we reiterate that we both consider on balance that consent can be granted subject to conditions.

- 15 We note that the Masterton District Council consent (WAR090066) specifically includes the discharge of stormwater (in addition to wastewater) in its suite of consents. This was primarily associated with the surface runoff of stormwater to water from the land irrigation area. Neither of us has commented on stormwater directly (in the Section 42A or any subsequent evidence) as we had both individually made, and then together agreed, the interpretation that once stormwater enters the system (at any point) that it then forms part of the wastewater stream. The definition of "Stormwater"<sup>1</sup> in the Regional Freshwater

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<sup>1</sup> We note that the definition of 'Stormwater' in the Regional Freshwater Plan had a footnote '*The meaning of stormwater is subject to a reference in the Environment Court*'. This has been clarified with Murray McLea (GWRC Senior Policy Advisor) and he has confirmed that this footnote should have been deleted during Plan Change 1 and this Environment Court reference has been resolved and the definition of Stormwater in the RFWP stands as read.

Plan is however ambiguous in this respect, and for certainty the Panel may wish to include Stormwater in the activity description for certainty.

16 We both agree that the all of the relevant policies and objectives have been identified in correct context during the course of the AEE, Section 42A report and in evidence; and that the application as it stands is, on balance, consistent with these.

17 We note and confirm that there is no specific policy on consent duration in any of the relevant regional planning documents.

18 It is also agreed that the proposal is consistent with Part II of the RMA when considered from Stage 1A through to Stage 2B with the only exception to this being in relation to consent duration outlined in this statement.

### **Effects**

19 We agree that the actual and potential adverse effects on the environment can be appropriately dealt with through conditions of consent. The only exception is in regard to the effectiveness of regulatory vs non-regulatory instream water quality monitoring, as outlined earlier in this statement.

20 In relation to the potential effects on water quality in Pain Farm surface waterways (in association with Stage 2A & 2B land discharge), we acknowledge that this matter has not been dealt with in detail in the AEE or in evidence by Dr Coffey or Dr Ausseil. We however note it has been considered in the assessment and evidence of Ms Beecroft. We are both of the opinion that groundwater monitoring and issues relating to surface water runoff can (and should) be comprehensively quantified and managed through irrigation regime detailed design and in the preparation of the relevant management plans required as conditions of consent.

### **Conditions of consent**

21 We have worked through the set of conditions which were attached to Mr Geange's Evidence in Chief and have noted the following. A set of annotated conditions are attached to our joint statement as Attachment A.

22 The following is noted:

- 22.1 Schedule 1, Condition 17 – GWRC agrees that this condition can be removed (as per SWDC request) as inflow and infiltration will be extensively covered in the *'Inflow and Infiltration reduction Management Plan'* which is to be prepared within 12 months of the granting of this consent.; and
- 22.2 Schedule 2, Condition 3 – Both parties are in agreement that these figures are now correct.
- 23 Agreement could not be reached on the following conditions:
- 23.1 Schedule 2, Condition 2(b) – GWRC wishes this condition to remain as it was in order to differentiate between flows of Stage 1B and Stage 2A; SWDC wish to manage those flows through the management plan framework, which Mr Geange concurs is appropriate;
- 23.2 Schedule 2, Condition 8 – Stage 1B health and mixing zone investigation – SWDC has recommended rewording of this condition, GWRC would like to see a complete reword of this condition in line with the Joint Statement prepared by Dr Ausseil and Dr Coffey; Mr Geange would like to view the reworded condition before making any conclusion; and
- 23.3 Schedule 2, Condition 16 and 17 – Receiving Water Standards - these conditions (and all subsequent references throughout all Schedules which refer to Management Plans) cannot be agreed on for the detailed reasons within paras 9 – 12 of this Joint Statement.

**Date:** 28 May 2015