

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

**Supplementary Report
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Date: 12 August 2015**

Introduction

- 1 This is a supplementary report to the panel that has been prepared to provide an assessment on the Martinborough Wastewater Treatment Plant (MWWTP) under the Proposed Natural Resource Management Plan (PNRP).
- 2 The PNRP was publically notified by the Greater Wellington Regional Council on 31 July 2015 and takes immediate legal effect from this date under section 86B(3) of the Resource Management Act 1991 (the Act).

Activity status

- 3 Under Section 88A of the Act, the activity status is determined as it was at the date of filing the application. The operative plans determine the activity status and the application continues to be processes considered and decided as an application for that type of activity – in this case the MWWTP is a **discretionary** activity under the Operative Plans.
- 4 The objectives and policies of the PNRP will however be relevant for the Section 104(1)(b) assessment.
- 5 Below is an assessment of the relevant objectives and policies under the PNRP and also an outline of the relevant rules.

Objectives

- 6 The following objectives are relevant to this application;

Ki uta ki Tai: mountains to the sea

- Objective O3 – Mauri is sustained and enhanced, particularly the mauri of fresh and coastal waters.
- Objective O4 – The intrinsic values of aquatic freshwater and marine ecosystems and the life supporting capacity of water are recognised.
- Objective O5 – Freshwater bodies and the coastal marine area, as a minimum are managed to:
 - (a) Safeguard aquatic ecosystem health and mahinga kai;
and
 - (b) Provide for contact recreation and Maori customary
use, and

- (c) In the case of freshwater, provide for the health needs of people.

Beneficial use and development

- Objective O9 – The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and enhanced
- Objective O11 - Opportunities for Maori customary use of the coastal marine area, rivers and lakes and their margins and natural wetlands for cultural purposes are recognised, maintained and improved
- Objective O12 – The social, economic, cultural and environmental benefits of regionally significant infrastructure and renewable energy generation activities are recognised

Maori relationships

- Objective O14 – Maori relationships with air, land and water are recognised, maintained and improved

Water quality

- Objective O23 – The quality of the water in the region’s rivers, lakes, natural wetlands, groundwater and coastal marine area is maintained or improved
- Objective O24 – Rivers, lakes, natural wetlands and coastal water are suitable for contact recreation and maori customary use, including by:
 - (a) Maintaining water quality, or
 - (b) Improving water quality in:
 - (i) Significant contact recreation freshwater bodies¹ to meet, as a minimum, the primary contact recreation objectives in Table 3.1². and...

¹ Significant contact recreation freshwater bodies are listed in Schedule H1 and Map 20 of the PNRP. The Ruamahanga River is listed in Schedule H1 and Map 20.

² Table 3.1. page 40 contains various standards to be met to ensure rivers meet primary contact recreation in significant contact recreation freshwater bodies.

Biodiversity, aquatic ecosystem health and mahinga kai

- Objective O25 – This objective lists a number of standards which needs to be meet to safeguard aquatic ecosystem health and mahinga kai in fresh water bodies.
- Objective O30 – The habitat of trout identified in Schedule I (trout habitat)³ is maintained and improved

Discharges

- Objective O49 – Discharges of wastewater to land are promoted over discharge to freshwater and coastal water
- Objective 50 – Discharges of wastewater to freshwater are progressively reduced

Comment

- 7 It is considered that the application generally meets the intent of the objectives in the PNRP. This is because the water quality and subsequent effects on aquatic ecosystems and contact recreational values will, over time, be improved. In addition to this, the MWWTP is considered to be regionally significant infrastructure which has social, economic benefits to the Martinborough township.

Policies

- 8 The following policies are relevant to this application;

Ki uta ki Tai and integrated catchment management

- Policy P1: Ki uta ki tai and integrated catchment management

Land and water resources will be managed recognising ki uta ki tai⁴ by using principles of catchment management.

- Policy P4: Minimising adverse effects

³ The Ruamahanga River is listed in Schedule I of the PNRP

⁴ Ki uta ki Tai means *From the mountains to the sea, inclusive of the whole catchment*

Where minimisation of adverse effects is required...minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include...

Beneficial use and development

- Policy P7: Uses of land and water

The cultural, social and economic benefits of using land and water for:...

(b) treatment, dilution and disposal of wastewater and stormwater, and...

...shall be recognised

- Policy P10: Contact recreation and Maori customary use

The management of natural resources shall have particular regard to the actual and potential adverse effects on contact recreation and maori customary use in fresh and coastal water, including by:

- Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities

The benefits of regionally significant infrastructure....are recognised by having regard to:...

(b) the location of existing infrastructure and structures, and...

(e) operational requirements associated with developing, operating, maintain and upgrading regionally significant infrastructure...

Maori relationships

- Policy 17: Mauri

The mauri of fresh and coastal waters shall be recognised as being important to Maori by a number of factors.

- Policy P19: Maori values

The cultural relationship of Maori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be minimised.

- Policy P20: Exercise of Kaitiakitanga

Kaitiakitanga shall be recognised and provided for by a number of ways.

Biodiversity, aquatic ecosystems health and mahinga kai

- Policy P31: Aquatic ecosystems health and mahinga kai

Aquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes.

- Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai

Significant adverse effects on aquatic ecosystem health and mahinga kai shall be managed by a number of means, such as avoiding significant adverse effects.

- Policy P33: Protecting indigenous fish habitat

The more than minor adverse effects of activities on species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species⁵ ...shall be avoided. These activities include the following:

(a) discharges of contaminants...

- Policy P40: Ecosystems and habitats with significant indigenous biodiversity values

Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values:

(a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1

Sites with significant mana whenua values

- Policy P44: Protection and restoration of sites with significant mana whenua values

⁵ The Ruamahanga River is listed in Schedule F1

Sites with significant mana whenua values identified in Schedule C⁶ shall be protected and or restored

- Policy P45: Managing adverse effects on sites with significant mana whenua values

In the first instance, activities in sites with significant mana whenua values identified in Schedule C shall be avoided. If the site cannot be avoided

Discharges to land and water

- Policy P62: Promoting discharges to land

The discharge of contaminants to land is promoted over direct discharges to water, particularly where there are adverse effects on:

- (a) Aquatic ecosystems health and mahinga kai or
- (b) Contact recreation and maori customary use.

- Policy P66: National Policy Statement for Freshwater Management requirements for discharge consents

This policy covers the matters to be considered by a consent authority when considering an application for a discharge consent. The consent authority will have regard to whether the discharge would avoid contamination that will have an adverse effect on life supporting capacity of freshwater.

- Policy P67: Minimising effects of discharges

The adverse effects of discharges of contaminants to land and water will be minimised by...

- (c) Minimising the volume or amount of the discharges, and/or
- (d) Using land based treatment...or other systems to treat contaminants prior to discharge where appropriate, and
- (e) Irrespective of actions taken in accordance with (a) to (d) above, where a discharge is a point source discharge to a river or

⁶ The Ruamahanga River is listed in Schedule C

stream, the discharge achieve the water quality standards in Policy P71 after reasonable mixing.

- Policy P71: Quality of discharges

The adverse effects of point source discharges to rivers shall be minimised by the use of measures that result in the discharge meeting the water quality standards listed in this policy in the receiving water after the zone of reasonable mixing

- Policy P72: Zone of reasonable mixing

Where not otherwise permitted by a rule, the zone of reasonable mixing shall be minimised and will be determined on a case-by-case basis, in determining the zone of reasonable mixing, particular regard shall be given to a number of factors listed in this policy.

- Policy P80: Replacing wastewater discharge consents

Applicants replacing existing resource consents to discharge wastewater to freshwater...shall identify a number of considerations such as consultation, how the discharge sits with limits in the plan, short and long term goals and infrastructure changes.

- Policy P81: Minimising and improving wastewater discharges

The adverse effects of existing discharge of wastewater to freshwater...shall be minimised, and where this is from a wastewater treatment plant, the quality shall be progressively improved and quantity of discharges shall be progressively reduced.

- Policy P82: Mana whenua values and wastewater discharges

Reasonable steps shall be taken to reflect mana whenua values and interests in the management of wastewater discharges and receiving waters, including adverse effects on Maori customary values and mahinga kai.

- Policy P95: Discharges to land

The discharge of contaminants to land shall be managed by: a number of factors listed in this policy such as soil health, capacity of soils, public health and discharges not entering water.

Comment

9 It is considered that the MWWTP largely meets the policies in the PNRP. This is because the water quality and subsequent effects on aquatic ecosystems and contact recreational values will be improved. In addition to this, the MWWTP is considered to be regionally significant infrastructure which has social, economic benefits to the Martinborough township.

910 The only policies which the application will not be consistent with, is those relating to the Zone of Reasonable Mixing (ZRM). These new ZRM policies are more detailed than those in the Operative Plan. Given the detailed site specific work being undertaken by the ecologists to determine the ZRM, I do not consider it to be of concern that the application is not consistent with this policy. Also in addition to this, more weight is to be given to the ZRM policy under the Operative Plan than the one under the PNRP.

Rules

4011 The discharge to water component of the MWWTP would fall under the following rule:

Rule R61: Existing wastewater – discretionary activity -

The discharge of wastewater:

(a) into coastal water, or

(b) that is an existing discharge into freshwater

is a discretionary activity

4112 With regards to the discharge to land component, the new rules in the PNRP are complex in nature and would require a detailed assessment of the application under each rule. *Rule R79: Discharge of treated wastewater - controlled activity* which details an extensive list of conditions which must all be met for an activity to be processed as a controlled activity. If the application does not meet these conditions then it triggers *Rule 80: Discharge of treated wastewater – restricted discretionary activity*. This rule also has an extensive list of conditions which must be met for the activity to be processed under this rule. If the application does not meet this rule then it defaults to *Rule R93: All other discharges to land – discretionary activity*.

4213 It is considered that the detailed assessment that would be required to determine which rule the application fits under is not required to be undertaken for this

application. This is because as set out above, the application was lodged prior to the 31 July 2015, and therefore the activity status does not change and remains as a discretionary activity. The PNRP rules are more permissive than under the Operative Plans and the 'worst case scenario' is that the MWWTP would be a discretionary activity.

Conclusion

4314 In conclusion the PNRP does not change any of the recommendation in my Section 42A report. In fact it backs up, in particular, my recommendation for a maximum duration of 25 years. In that the policy direction of the PNRP promotes discharges to land over discharges to water, in particular where there are adverse effects on aquatic ecosystem health.