

Decision Report

Martinborough Wastewater Treatment Plant

South Wairarapa District Council's

Resource Consent Applications to Greater Wellington Regional Council

11 February 2016

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## 1 Appointments

The Greater Wellington Regional Council (GWRC), acting under section 34A of the Resource Management Act 1991 (RMA), appointed the following independent hearing commissioners to conduct a hearing into the South Wairarapa District Council's (SWDC or Applicant) applications (WAR120258 [31707, 32044, 32045, 33045]) to the GWRC for resource consents for the continued operation and upgrading of the Martinborough wastewater treatment plant (Martinborough WWTP):

- Rob van Voorthuysen<sup>1</sup> (Chair);
- David McMahon;<sup>2</sup> and
- Anthony Olsen.<sup>3</sup>

The same three commissioners have also appointed to hear the SWDC's applications for the continued operation and upgrading of the Greytown and Featherston WWTPs<sup>4</sup>.

## 2 Description of the Proposal and Approvals Sought

The nature of the SWDC's Martinborough WWTP proposal was described in the application documents, the GWRC Section 42A Report, the Applicant's AEE<sup>5</sup> and hearing evidence. By way of high level overview, we adopt that description<sup>6</sup> and note that the proposal comprises the following key elements:<sup>7</sup>

"In summary the proposal is split into four main stages ...:

- Stage 1A involves a series of minor upgrades to the existing wastewater treatment plant to improve and optimise its performance. This stage is outlined in the AEE to begin at the commencement of this consent and occurs for the first two and a half years of the consent;
- Stage 1B involves the discharge of 24% (52,731m<sup>3</sup>) of treated wastewater (on an annual basis) to 5.3ha of vacant land at the MWWTP site during low-flows in the Ruamahanga River (to be measured when the river is below half median flow at Waihenga Bridge). A detailed design and an Effluent Discharge Management Plan will be prepared and submitted to GWRC within 12 months of the commencement of the consent. However at this stage the AEE outlines that the discharge will likely be by way of surface sprinkler irrigation system, and a maximum application rate of 15mm/day in any 24 hours is proposed with a three day rotation, which equates to a maximum weekly application rate of 35mm. This stage also includes Infiltration and Inflow work being undertaken to reduce flows from the site. This will be a non-deficit irrigation regime where the likely limiting factor will be the hydraulic application rates for the soils, rather than nutrient limits.

This stage is outlined in the AEE originally lodged in 2012 to commence no later than 31 December 2015, however this has subsequently been amended by the applicant

<sup>1</sup> Commissioner van Voorthuysen is an experienced independent commissioner, having sat on over 240 hearings throughout New Zealand since 1998. He has qualifications in natural resources engineering and public policy and is a full member of the New Zealand Planning Institute (NZPI).

<sup>2</sup> Commissioner McMahon is a RMA/Planning practitioner with over 30 years' experience in resource and environmental management. He has qualifications in Geography and planning. He is an independent commissioner who has practiced since 2000. He is a member of the Resource Management Law Association (RMLA).

<sup>3</sup> Commissioner Olsen is an independent commissioner with an extensive knowledge of Maori cultural landscape and has qualifications in geography and sediment science.

<sup>4</sup> At the time of decision completion for the MWWTP, the decision on the Greytown WWTP application was also completed and ready for release; however, the hearing for the Featherston WWTP had yet to be set down.

<sup>5</sup> Martinborough Waste Water Treatment Plant - Proposed operation upgrade and maintenance to 2047 - Application for Resource Consents, Activity, Description and Assessment of Environmental Effects, 6 April 2014 (the AEE), pages 22 to 32.

<sup>6</sup> As mandated under s113(3) (a) and (b) of the RMA.

<sup>7</sup> Taken from the GWRC Section 42A Report, Section 4, pages 5 and 6.

to be no later than 1 November, 2017. This stage occurs for a period of 13 years of the consent;

- Stage 2A involves the irrigation of 42% (93,200m<sup>3</sup>) of annual wastewater to Pain Farm (a Council owned property) and at this point in time the discharge onto the adjacent land which is undertaken during Stage 1B will cease (as this land is potentially required for Stage 2B storage). Discharge will only occur in the Ruamahanga River when there are capacity issues in the ponds and where the river is at more than three times median flow.

A detailed design and an Effluent Discharge Management Plan will be prepared and submitted to GWRC within 12 months of the commencement of the consent. However at this stage the AEE outlines that the discharge will be by way of spray irrigation equipment, such as centre pivot, and at a maximum application rate of 9.6mm/day using a deficit irrigation regime. The Stage 2 land treatment area will be used to grow high nutrient uptake crops, in a cut and carry operation and harvested crops are proposed in the AEE to be sold. The effluent will be piped to the Pain Farm by way of a pumping (located at the Stage 1B site) and distribution system.

This stage is outlined in the AEE to commence no later than 31 December 2030, and will operate without Stage 2B for a period of five years;

- Stage 2B involves the construction of additional storage at the MWWTP or Pain Farm to contain all treated wastewater, other than in extreme weather events. The location of the storage will be confirmed during detailed design stages and in the Effluent Discharge Management Plan which will be prepared and submitted to GWRC within 12 months of the commencement of the consent.

This stage is outlined in the AEE to commence no later than 31 December 2035 and once in place will operate in conjunction with Stage 2A to be the operation system for the MWWTP.”

Figure 9 in the AEE shows the location of the Martinborough WTP, together with the Stage 1B and Stage 2A and 2B land irrigation areas.

The resource consents sought from the GWRC are as follows<sup>8</sup>:

**[31707]: Discretionary Activity**

Discharge permit (Water) – to discharge treated effluent into the Ruamahanga River through the whole term of the consent.

**[32044]: Discretionary Activity**

Discharge permit (Land) – to discharge treated effluent to land adjacent to the plant (Stage 1B) and the Pain Farm (Lake Ferry Road) (Stage 2A and 2B).

**[32045]: Discretionary Activity**

Discharge permit (Air) – to discharge contaminants to air (odour from the ponds and treatment process, and effluent associated with land application).

**[33045]: Discretionary Activity**

Discharge permit (Land) – to discharge contaminants to land and water via seepage from the ponds and channel.

<sup>8</sup> Section 42A Report, Summary of Application.

We are satisfied that all of the activities proposed, including monitoring and mitigation, are provided for under the four resource consent applications. We understand that no land use consents are required from the SWDC<sup>9</sup> and we discuss that further in section 6.4 of this decision report.

### **3 Notification, Submissions and Written Approvals**

The applications were publicly notified and 16 submissions were received.<sup>10</sup> Of these, 1 submission was in support, 10 were in opposition and 5 were neutral. The submissions were summarised in Appendix 5 to the Section 42A Report. We adopt that summary, but do not repeat it here for the sake of brevity.

No written approvals were obtained by the Applicant.

### **4 Process Issues**

#### **4.1 Section 113 of the RMA**

Section 113(3) of the Resource Management Act (RMA) states:

A decision prepared under subsection (1) may, -

- (a) instead of repeating material, cross-refer to all or a part of -
  - (i) the assessment of environmental effects provided by the applicant concerned;
  - (ii) any report prepared under section 41C, 42A, or 92; or
- (b) adopt all or a part of the assessment or report, and cross-refer to the material accordingly.

In this case the Applicant's AEE and expert evidence were of a high level of comprehensiveness and quality. The same can be said of the Section 42A Report and expert evidence. We were also assisted by the preparation of Joint Statements by the water quality scientists<sup>11</sup> and planners<sup>12</sup>. The evidence presented by the submitters who chose to appear at the hearing was also helpful and in some cases quite detailed.

Accordingly, in the interests of brevity and economy, we intend to make use of section 113 of the RMA and we will not dwell on matters that were not in contention. That is not to say we have glossed over or ignored any such matters. We have carefully reviewed the documentation relating to those matters and have satisfied ourselves that any outcomes agreed between the Applicant, reporting officers or submitters are appropriate. We discuss that further in section 7 of this decision report.

#### **4.2 Consultation**

Under section 36A of the RMA there was no obligation on the Applicant to undertake consultation for the resource consent applications. Notwithstanding that, the Applicant nevertheless completed what in our view was a very comprehensive consultation process with key stakeholders, the SWDC Maori Standing Committee, the SWDC Wastewater Combined Steering Committee<sup>13</sup>, and the wider community.<sup>14</sup> The rigour of this process was reflected in the fact that somewhat unusually for a WWTP application, none of the submitters expressed concerns regarding a lack of consultation. We are satisfied that in light of the

<sup>9</sup> As confirmed by Mr Geange (Consultant Planner for the Applicant) in his Evidence and during questioning by us at the hearing.

<sup>10</sup> 13 within time together with three late submissions. GWRC officers and the Applicant agreed to extend the submission period under Section 37A(4) of the RMA to allow for the late submissions to be accepted.

<sup>11</sup> Dr Brian Coffey and Dr Olivier Ausseil.

<sup>12</sup> Nicola Arnesen and Kerry Geange.

<sup>13</sup> The Steering Committee includes representatives from Tangata Whenua, the SWDC Maori Standing Committee, Greater Wellington Regional Council, the Fish and Game Council, the Department of Conservation, Wairarapa Public Health, Sustainable Wairarapa, adjacent landowners, Federated Farmers, SWDC Councillors and the Featherston, Greytown, and Martinborough Community Boards.

<sup>14</sup> AEE, Section 7.4, pages 11 and 112.

consultation process undertaken by the Applicant and the range and nature of submissions lodged, all relevant issues are squarely on the table before us.

### **4.3 SWDC Strategic Approach**

As we noted in section 1 above, we three commissioners have been appointed to hear and decide the applications for the renewal of the resource consents for all three of SWDC's WWTPs; namely the Martinborough, Featherston and Greytown WWTPs. We mention this because it is consistent with the SWDC's strategic approach documented in the SWDC Wastewater Strategy,<sup>15</sup> a copy of which formed Appendix 1 to the AEE. The Strategy is focussed on the treatment of wastewater through land, and removal of effluent from local rivers and streams.<sup>16</sup>

The relevant key aspects of the Strategy were described in the AEE which we paraphrase as follows:

- A long-term (50+ year horizon) integrated view of WWTP solutions has been taken in light of the significant capital costs involved in upgrading the three plants and the financial constraints of the SWDC community;
- SWDC consider that they have selected the best practicable option<sup>17</sup> for each of the three sites based on an assessment of risk, public health, environmental effects, and community affordability; and
- SWDC also sought to provide certainty through a commitment in the short term (i.e. to 2022) by optimising the performance of the existing WWTP infrastructure where practicable, and implementing the preliminary stages of the best practicable option at each site.<sup>18</sup>

We find the SWDC's approach in this regard to be both responsible and commendable. We also note that the SWDC's strategic approach was supported by a number of submitters.<sup>19</sup>

## **5 Hearing and Appearances**

The hearing was held in Masterton on Wednesday 3 June 2015. We undertook a site visit on the preceding afternoon of Tuesday 2 June 2015 accompanied by Ms Paula Pickford.<sup>20</sup>

A list of the parties who appeared at the hearing is provided in Appendix 1 of this decision report.

Consistent with section 103B of the RMA we pre-read the expert evidence that was circulated to us before the hearing commenced. We have not attempted to summarise the written and verbal submissions, statements and evidence received during the course of the hearing as that would result in an unnecessarily lengthy decision. Copies of that written material, including material tabled during the hearing, are held by the GWRC. We took our own notes of the verbal statements and evidence presented to us and any answers to our questions. We have however referred to, summarised or quoted from relevant elements of some of the submissions, statements and evidence in the balance of this decision report.

<sup>15</sup> We are advised that the SWDC Wastewater Strategy is in a 'final draft' form and that it will be reviewed following grant of the current consents for all three urban plants to ensure that review is fully informed.

<sup>16</sup> AEE, section 1, page 1.

<sup>17</sup> Best Practicable Option is defined in the Resource Management Act 1991 as "in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and (b) the financial implications, and the effects on the environment, of that option when compared with other options; and (c) the current state of technical knowledge and the likelihood that the option can be successfully applied"

<sup>18</sup> AEE, section 1.1.2, page 2.

<sup>19</sup> Including Mr Styles; Federated Farmers of New Zealand; Kahungunu Ki Wairarapa; Mahaki Trustees Ltd and Hikinui Trustees; Regional Public Health; and the South Wairarapa Biodiversity Group.

<sup>20</sup> Ms Pickford is a GWRC Senior Resource Advisor who was not directly involved with the assessment of the application.

The Applicant provided a verbal Reply at the end of the Hearing.

As a result of our site visit it became evident that the state of the Ruamahanga River receiving environment had altered dramatically from that which was described in the AEE and evidence. At some point after the AEE had been completed, the GWRC Flood Protection Department excavated a large 'high flow back channel' through the true left river berm from a point approximately 200m downstream of the WWTP discharge location to a point around 800m downstream of the discharge location. While we were advised that the 'high flow back channel' was designed with an entrance lip which would prevent less than 'normal flows' entering it, there was no certainty regarding the amount of Ruamahanga River flow that would enter the 'high flow back channel' and the amount of flow that would remain in the original river bed. That would clearly affect the fate of the WWTP discharge, the in-stream ecology and the likely zone of reasonable mixing.

Accordingly, we adjourned the Hearing on Wednesday 3 June 2015 having sought further information on the likely implications of the 'high flow back channel', together with further information from the Applicant and the GWRC reporting officers regarding (amongst other things) the detailed conditions setting out the purpose and contents of the various management plans, the Community Liaison Group terms of reference, and consent conditions dealing with *inter alia*:

- precluding the human consumption of cut and carry crops from the land irrigation areas,
- water quality monitoring triggers and responses,
- inflow and infiltration,
- enabling a transition between Stage 1B and 2A coupled with the cessation of Stage 1B,
- groundwater monitoring,
- wastewater irrigation, and
- UV treatment.

To further complicate matters, in August 2015 GWRC notified a Natural Resources [regional] Plan for the Wellington Region dealing with water quality, both generally and in the Ruamahanga River, and wastewater discharges. We therefore requested a supplementary S42A Report from Ms Arnesen that assessed the SWDC application against the objectives and policies of the Natural Resources Plan. We asked for that planning assessment to be included within the further information outlined above.

The further information was not received by the commissioners until 18 December 2015.

We reviewed the further information in the New Year and thereafter closed the hearing on Friday 22 January 2016, having satisfied ourselves that we did not require any additional information from the Applicant, reporting officers, or submitters.

## **6 Statutory Instruments**

### **6.1 Policy statements and plans**

The planning instruments that provide the planning and policy framework for our consideration of the applications are as follows:

- National Policy Statement for Freshwater Management 2014 (NPSFM);
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-Soil);<sup>21</sup>

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<sup>21</sup> As noted in section 11.1.2 of the Section 42A Report, the October 2011 HAIL list includes land used for wastewater treatment (activity "G.6"). Consequently, the SWDC will need to take the NES-Soil into consideration to ensure the wastewater

- Operative Regional Policy Statement (RPS);
- Operative Regional Freshwater Plan (RFP);
- Operative Regional Discharges to Land Plan (RDLP);
- Proposed Natural Resources Plan for the Wellington Region (PNRP) (notified August 2015); and
- Operative Regional Air Quality Management Plan (RAQMP).

The applications were comprehensively evaluated against the statutory instruments in the GWRC Section 42A Report<sup>22</sup> and in the further information provided to us by Ms Arnesen on 18 December 2015 (in terms of the NRP).

Regarding the operative RPS, Ms Arnesen advised that the relevant provisions were in Chapter 4 Policies and Methods (Section 4.1 Regulatory Policies). Ms Arnesen concluded that the proposal would not meet the intent of Objective 40 or part of Objective 43 for the first two and half years of the WWTP's operation. However, she went on to state that the adverse effects that led her to that conclusion were of a temporary nature and were acceptable when balanced with the overall proposal and other RPS objectives and policies regarding regionally significant infrastructure.<sup>23</sup>

Regarding the operative regional plans, Ms Arnesen advised that the intent of the RFP is to promote sustainable management of the natural and physical resources of the region. She considered that the Applicant's proposal, when considered as a whole, would meet the intent of the RFP's objectives and policies, other than Objective 4.1.5. Regarding Objective 4.1.5, Ms Arnesen considered that the effects of the proposal on aquatic ecosystem health would be significant (albeit localised) for the first two and a half years of the consent, and would gradually reduce thereafter.

However, we note Policy 5.2.13 of the RFP, which is to encourage users to discharge to land as an alternative to surface water where discharging the land has less adverse environmental effects than discharging to water, and there are no significant cultural, environmental, technical or financial constraints associated with discharging to land. We find that the Applicant's proposal is consistent with Policy 5.2.13. Any residual adverse effects on the receiving waters arising during the two and a half years of Stage 1A need to be considered in that context.

Ms Arnesen also advised that Appendix 7 of the RFP requires enhancement of the Ruamahanga River for recreational purposes. We find that in the short term the UV treatment of the wastewater prior to its discharge as part of Stage 1A will substantially reduce public health risks to recreational users and, moreover, in the longer term the recreational values of the Ruamahanga River will be enhanced once the discharge is removed from the River.

Ms Arnesen concluded that the intent of the RFP would be met after the initial two and half year period of the existing discharge during Stage 1A. We would go further than that, as in our view the entirety of the Applicant's proposal meets the intent of the RFP, given the context of the SWDC's reasonable and responsible strategic approach to its three WWTPs as outlined in section 4.3 of this decision report.

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irrigation system is designed to minimise contaminant levels in soil to ensure human health is protected. We do not consider that particular matter further.

<sup>22</sup> Sections 11.2.2 to 11.2.4, pages 40 to 44.

<sup>23</sup> Section 42A Report, section 11.2.1, pages 38 and 40.



Regarding the RDLP, Ms Arnesen advised that its objectives seek to avoid, remedy or mitigate any actual or potential adverse effects which may occur from discharging wastewater to land. She considered that the Applicant's proposal would meet those objectives. The RDLP's policies seek to ensure that, when wastewater is being discharged to land, important matters are considered and assessed. Ms Arnesen advised that those matters had all been considered in the AEE and the relevant policies of the RDLP were therefore met.

Regarding the RAQMP, Ms Arnesen advised that its objectives and policies aim to ensure that discharges to air in the region are managed in a way which enables people and communities to provide for their social and cultural wellbeing, and for their health and safety, while ensuring effects on human health, tangata whenua, and amenity are avoided, remedied or mitigated. In that regard Ms Arnesen considered that the effects on the people near to the WWTP and the Stage 2A and 2B land treatment site, and the wider community of Martinborough, would be no more than minor. Consequently, Ms Arnesen concluded that the Applicant's proposal met the objectives and policies and the intent of the RAQP. We comment further on air quality matters in respect to odour and aerosols in section 8.5 of this decision report.

For the Applicant, Mr Kerry Geange (a consultant planner) advised us that the RFP policy framework recognised the importance of wastewater infrastructure. It did not require a move to land treatment, but it strongly encouraged that approach. He concluded that the SWDC's proposal was consistent with the RFP framework. With regard to water quality, Mr Geange noted that the RFP recognised the specific values of significance associated with receiving water bodies and assigned a respective management purpose and associated level of protection to water bodies. In the case of the lower Ruamahanga River, Appendices 5 and 7 of the RFP resulted in the river being targeted for enhancement for "*Contact Recreation Purposes*". He concluded that RFP sought to enable various uses of water, while sustainably managing the effects of a discharge activity in the context of the relevant receiving environment. In this case, Mr Geange considered that the proposed discharge regime would not have any significant adverse effects on surface water quality or aquatic ecosystems following the commissioning of the Stage 1B upgrade and on that basis he considered that the SWDC proposal was in keeping with the intent of the RFP policy framework.

Regarding the RDLP, Mr Geange advised that plan recognised a preference to discharge sewage to land and the SWDC proposal was directly aligned to the overriding objective of a transition toward sustainable land based wastewater treatment and was therefore consistent with the RDLP.<sup>24</sup>

As noted above, at our request Ms Arnesen undertook an assessment of the applications against the provisions of the PNRP. She concluded:

"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."<sup>25</sup>

We received no other qualified planning evidence from any party.

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<sup>24</sup> Brief of Evidence of Kerry Michael Geange on behalf of South Wairarapa District Council, Planning and Resource Management, Dated April 21 2015, paragraphs 97, 100, 102, 110, 112 and 114.

<sup>25</sup> Martinborough WWTP Consent Application – Additional Information requested by the Panel (undated and no page numbers) but received 18 December 2015, Attachment 7 (Supplementary Report Nicola Arnesen Date: 12 August 2015), paragraph 9.

We have reviewed the relevant provisions of the regional plans ourselves and we concur with the advice of Ms Arnesen and Mr Geange, other than where outlined above. We additionally note that once Stage 1A is implemented and the existing discharge receives UV treatment (as is proposed), the potential adverse effects on public health and contact recreation will be largely avoided.

We consider that the SWDC proposal is consistent with Objectives A1(a), A1(b) and A2(c) of the NPSFM 2014. We note in particular that the staged transition to land treatment will safeguard the health of people and communities insofar as that might have otherwise been adversely affected by secondary contact with fresh water in the Ruamahanga River downstream of the WWTP discharge.

We record that we have had regard to all of the relevant statutory instruments outlined earlier in this decision report and have considered their relevant objectives and policies which we must have regard to under section 104(1)(b) of the RMA when evaluating the applications and the matters raised in the submissions.

We find that the SWDC's proposal is generally consistent with the relevant objectives and policies of the RPS and relevant regional plans and where it may not be fully consistent with those provisions, the adverse effects giving rise to any inconsistency can be avoided, remedied or mitigated by appropriate conditions of consent imposed under section 108 of the RMA. We discuss those conditions further in sections 7, 8 and 10 of this decision report.

## **6.2 Sections 105 and 107 of the RMA**

We must have regard to sections 105 and 107 of the RMA, the latter section being only relevant to those discharges that are directly to water.

With regard to section 105, we note that as outlined in the RFP the Ruamahanga River is a sensitive receiving environment, particularly with regard to contact recreation (section 105(1)(a)). However, the reason for continuing with the WWTP discharge to that river in the short to medium term (namely to the end of Stage 2A) is related to the limited capacity of the SWDC to upgrade its three WWTP plants in an affordable manner (section 105(1)(b)). There is no alternative environment into which the Martinborough WWTP discharges can reasonably occur prior to the implementation of upgrade Stages 1B, 2A and 2B (section 105(1)(c)). With regard to the discharge of contaminants to air, we note that the receiving environment is not particularly sensitive and there is no viable alternative.

In terms of section 107, we note that we received no expert evidence suggesting that the discharges which are the subject of the applications will result in the production of any conspicuous oil or grease films, scums or foams. The WWTP discharges to the Ruamahanga River will however result in floatable or suspended materials (algae from the WWTP ponds) which may in turn result in a conspicuous change in the colour or visual clarity of the river. The Stage 1A discharge will compromise the macroinvertebrate community in the Ruamahanga River. However, this will only continue for a further two and a half years, and after that the Stage 1B discharge will not result in any more than minor effects on Ruamahanga River water quality and relevant ecological parameters after full or near-full mixing. The Stage 2A and 2B discharges to the Ruamahanga River will have no more than minor adverse effects.<sup>26</sup>

Nevertheless, to the extent that any of the section 107(1) effects occur in the Ruamahanga River as a result of the SWDC proposal, we allow those effects under section 107(2) because we are satisfied that granting the discharge permits constitutes an exceptional

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<sup>26</sup> Joint Statement of Water Quality/ Aquatic Ecology Experts, Dr Brian Coffey and Dr Olivier Ausseil, Undated, Sections 4.1 to 4.3.

circumstance (section 107(2)(a)). We make that finding because to decline the discharge permits would leave Martinborough without an authorised wastewater treatment system. That would not, in our view, promote sustainable management, particularly in light of the SWDC's commendable commitment to move to a full land treatment system at Martinborough in the medium term, coupled with the SWDC's strategic approach to its three WWTPs (Martinborough, Greytown and Featherston).

### **6.3 Consent category**

It was common ground that the applications are to be collectively assessed as a Discretionary Activity.

### **6.4 District land use consents**

In terms of land use consents that might be required from the SWDC in its regulatory planning capacity, we note the Martinborough WWTP site and the proposed Stage 1A land treatment site are both covered by an existing designation<sup>27</sup> in the Wairarapa Combined District Plan (WCDP) in favour of SWDC for 'Sewage Disposal' purposes. No land use consents are required for those activities. However, the Stage 2A and 2B land treatment site (Pain Farm) is not covered by the existing designation. That latter site is situated within a Rural (Special) Zone.

However, the Applicant advised that Plan Change 3 to the WCDP introduced new rules relating to the discharge of treated wastewater to land. Specifically Rule 4.5.2(m)(ii)(a) provides for the spray irrigation of treated wastewater that has a median *E.Coli* concentration less than 100cfu/100ml as a permitted activity, subject to a range of conditions.<sup>28</sup> The SWDC is comfortable that the Stage 2A and 2B land treatment proposal will comply with Rule 4.5.2(m)(ii)(a) and so they consider that no land use consent is required for that site.<sup>29</sup>

We accept the Applicant's view on that matter and note that even if it is incorrect (or if there is a subsequent change in WCDP rules in the meantime), there is ample time to seek any necessary land use consents prior to the development of Stages 2A and 2B.

## **7 Matters not in Contention**

By the conclusion of the hearing in June 2015 there were relatively few matters of significance that remained in contention for a proposal of this scale. Some matters of concern to submitters were resolved prior to, or during, the hearing. Other matters that we were initially concerned about, as a result of our reading of the application documents, evidence, submissions and Section 42A Reports, were similarly addressed.

Matters initially agreed between the Applicant and the reporting officers were helpfully set out in a Joint Statement of Planning Matters.<sup>30</sup> It was agreed that:

- all consents required have been correctly identified and included within the applications;
- all consents applied for should be granted, and actual and potential adverse effects on the environment can be appropriately dealt with through conditions of consent;
- there is outstanding uncertainty in relation to the effects on aquatic ecology associated with deficit irrigation regime during Stage 1B;
- instream water quality monitoring is appropriate;

<sup>27</sup> Wairarapa Combined District Plan, Appendix 6 - Designation (Ds065); also illustrated on Planning Map 67.

<sup>28</sup> A setback distance of 25m from the property boundary is provided; a low pressure (less than 1.4 bar) irrigation system is used; the irrigation system has a low boom height (less than 1.52m from the ground); the irrigation system does not have end spray guns; and irrigation will not occur during wind speeds exceeding 4m/s (14.4km/hr).

<sup>29</sup> AEE, section 5.2.4, page 62.

<sup>30</sup> Joint Statement of Planning Matters, Nicola Arnesen and Kerry Geange, 28 May 2015,

- receiving water quality standards are not specifically required in all cases by law;
- with regard to Stages 2A and 2B, groundwater monitoring and other issues relating to surface water runoff can (and should) be comprehensively quantified and managed through the detailed design of the wastewater irrigation to land regime and in the preparation of the relevant management plans required as conditions of consent;
- all of the relevant regional plan policies and objectives have been identified in the AEE, Section 42A report, and in evidence and that the application as it stands is, on balance, consistent with those provisions;
- it is unnecessary to put the applications on hold until the PNRP is publically notified and/or the Whaitua have set standards for the Ruamahanga River. In the event, as we have noted, the PNRP was notified in August 2015;
- the SWDC proposal is consistent with Part II of the RMA when considered from Stage 1A through to Stage 2B.<sup>31</sup>

Having considered these agreed matters we are satisfied with the outcomes reached and so we see no need to traverse all of them again, other than with regard to the matters that we canvas in sections 8, 9 and 10 of this decision report.

As we outlined earlier in this decision report, at the conclusion of the hearing in June 2015 we asked the Applicant and reporting officers to provide us with further information on a range of matters. That information was provided on 18 December 2015. We discuss that information in section 10 of this decision report.

## **8 Matters of Contention**

The matters that remained in contention by the conclusion of the hearing were relatively few in number. In this section of our decision report we consider those matters.

### **8.1 Consent Duration**

A primary area of disagreement was the appropriate consent duration. The SWDC sought the maximum available duration of 35 years, which we note in our experience is not uncommon for public wastewater treatment infrastructure. In terms of the planning advice we received, Mr Geange for the Applicant considered all consents should be granted for duration of 35 years, whereas Ms Arnesen for the GWRC considered that a duration of no more than 25 years was appropriate.

With regard to the submitters that we heard from, the Regional Public Health unit of the Hutt Valley District Health Board<sup>32</sup> supported a 35 year duration coupled with a review at 25 years. The Wairarapa Water Users Society sought a duration of five years. A duration of five years for significant public infrastructure such as the Martinborough WWTP is simply nonsensical and we reject that particular submission.

Having considered the matters raised by the parties, we find that a consent duration of 35 years is appropriate. A shorter duration, of say 25 years, would only be appropriate if there was some non-fanciful or credible reason that the discharges should be required to cease at the conclusion of that shorter duration. We were not presented with any such reasons during the course of these proceedings. By year 25 Stage 2B will have been commissioned and the wastewater will be discharged to land at all times other than when, during rare events, the wastewater storage capacity is exceeded. We can see no plausible reason why an almost permanent discharge to land of treated wastewater should be required to cease.

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<sup>31</sup> Joint Statement of Planning Matters, Nicola Arnesen and Kerry Geange, 28 May 2015, paragraphs 4, 9, 13, 14, 16, 19 and 20.

<sup>32</sup> In the verbal evidence of Dr Jill McKenzie provided in response to our questions.

We find it likely that any unforeseen adverse effects can be adequately dealt with by way of a section 128 review of consent conditions. In saying that, we note that the discharge of treated wastewater to land is not a new or unique technique and the means by which its potential adverse effects can be managed are well known.

## **8.2 High flow back channel**

As we noted in section 5 of this decision report, the ‘discovery’ of the GWRC’s newly (at that time) high flow back channel during our site visit resulted in our adjourning the hearing and seeking further information. This was addressed in the water quality experts December 2015 JWS.<sup>33</sup> We summarise their advice below.

The current<sup>34</sup> state of high flow back channel is such that only greater than normal river flows (in excess of 50 cumecs as measured at Waihenga) will enter it. No wastewater discharge from the Martinborough WWTP is expected during Stages 1B and 2A when flow in the Ruamahanga River at Waihenga is less than half median flow (< 25cumecs). During Stages 1B and Stage 2A, the wastewater discharges most at risk of causing ecological effects in the river are those at river flows between half median flow and 50 cumecs. On that basis the high flow back channel will not affect water quality considerations at times of low river flow. At river flows in excess of 50 cumecs some wastewater may be entrained in the high flow back channel and enter the Ruamahanga River downstream of the GWRC monitoring site located 500m downstream of the wastewater discharge. However, wastewater discharges to the Ruamahanga River at river flows greater than 50 cumecs are highly unlikely to cause significant adverse effects on water quality or ecology.

The water quality JWS went on to consider what might happen if the entrance lip of the high back flow channel was eroded such that it allowed flows significantly lower than 50 cumecs to enter it. However, we find that to be a speculative scenario and one that is better addressed by the GWRC regularly monitoring the state of its high flow back channel and advising the SWDC if the high flow back channel’s characteristics alter such that a section 128 review of the WWTP discharge consent is warranted. We imagine in that case the GWRC might well assume responsibility for the costs of such a review as it would be the GWRC’s high flow back channel that would necessitate such a review occurring.

## **8.3 Water quality standards**

The reporting officers and the Applicant agreed that discharge standards should be imposed on the WWTP discharges to the Ruamahanga River. We call these ‘end of pipe standards’ and they comprise both volumetric limits (Schedule 2: Conditions 1 and 2) and discharge quality limits (Schedule 2: Condition 5). We note that ‘end of pipe standards’ are routinely imposed on wastewater discharges to surface water.

However, the GWRC reporting officers considered that additional receiving environment water quality standards (standards to be met in the Ruamahanga River after reasonable mixing of the treated wastewater had occurred) should also be imposed. This led to a great deal of conjecture in the evidence and at the hearing regarding how far downstream of the wastewater discharge reasonable mixing should be deemed to have occurred and whether the ‘zone of reasonable mixing’ was the same for each of the receiving environment water quality standards recommended by the officers. This also led to the officers’ recommendation that, following the commencement of Stage 1B, the consent holder should be required to produce a “*Near Zone River Health and Mixing Report*”. Such a report would be based on intensive monitoring of periphyton, macroinvertebrates, ammoniacal-N,

<sup>33</sup> Martinborough WWTP Discharge to the Ruamahanga River Joint Response of Dr Brian Coffey and Dr Olivier Ausseil to questions raised by the Hearing Panel, 12 November 2015, paragraphs 3.1 to 3.7

<sup>34</sup> As at 13 August 2015 when Dr Ausseil and Mr Kerry Geange undertook a further site visit.

dissolved oxygen, dissolved reactive phosphorous and biological oxygen demand at distances 250m, 500m and 1000m downstream of the wastewater discharge over a range of river and wastewater flow conditions in both winter and summer.<sup>35</sup>

We note that the monitoring required for the “*Near Zone River Health and Mixing Report*” would be additional to the regular effects based water quality, macroinvertebrate and periphyton receiving environment monitoring that the consent holder will be obliged to undertake (Schedule 2: Conditions 10 to 14).

We are not persuaded that the officers’ focus on the effects of the Stage 1B discharge on river water quality is appropriate in the circumstances. The discharge of treated wastewater to land commences as part of Stage 1B when around 24% of the annual wastewater volume will be discharged to land, particularly when flows in the Ruamahanga River are low. The Stage 1B discharge will continue until December 2030 (Schedule 1: Condition 3). In our view, the recommended “*Near Zone River Health and Mixing Report*” therefore serves no useful purpose as it has no impact on the timing of Stage 2A. Rather, we find that the regular monitoring of water quality, macroinvertebrate and periphyton receiving environment required by conditions (Schedule 2: Conditions 10 to 14) will provide sufficient information for GWRC to ascertain whether the Stage 1B discharge is causing significant adverse effects such that a section 128 review should be initiated to bring forward Stage 2A from its 2030 implementation date. For completeness, we note that we have added a clause (Schedule 1, Condition 42(e)) to the general review condition to make this explicit.

We consequently see no merit in the “*Near Zone River Health and Mixing Report*” and the intensive additional monitoring required to produce it and accordingly we decline to require it.

Returning to the receiving environment water quality standards recommended by the officers,<sup>36</sup> we note that in contrast Mr Geange considered that receiving water standards should take the form of environmental baseline ‘thresholds’ incorporated into a management plan. Mr Geange advised us:

“I cannot see the need to impose instream water quality standards as conditions of consent. It would be more appropriate in my opinion to specify that the instream water quality standards recommended by Ms Arnesen become instream monitoring baselines within the management plan framework. These baselines could then be monitored, assessed, and reported through the required quarterly (exception reporting) and annual reporting process. If significant adverse effects were identified, then a targeted review of management plans and/or operational conditions could be undertaken accordingly.”<sup>37</sup>

In this case we prefer the type of approach suggested by Mr Geange. However, we find that the ‘instream monitoring baselines’ should take the form of monitoring parameters (or thresholds) that will helpfully inform the ongoing assessment of whether or not the wastewater discharges to the Ruamahanga River are having unacceptable adverse effects. To provide certainty, we consider that those monitoring parameters should be included in actual consent conditions (now Schedule 2: Condition 3) and not in a management plan.

Additionally, we find that the monitoring parameters should be assessed at a point in the Ruamahanga River 250m downstream of the current wastewater discharge point because the water quality experts December 2015 JWS advised.<sup>38</sup>

<sup>35</sup> Planner’s JWS recommended Schedule 2: Conditions 8 and 9.

<sup>36</sup> Planner’s JWS recommended Schedule 2: Conditions 16 and 17.

<sup>37</sup> Brief of Evidence of Kerry Michael Geange on behalf of South Wairarapa District Council, Planning and Resource Management, Dated April 21 2015, paragraph 231.

<sup>38</sup> Martinborough WWTP Discharge to the Ruamahanga River Joint Response of Dr Brian Coffey and Dr Olivier Ausseil to questions raised by the Hearing Panel, 12 November 2015, paragraph 2.6.

“... we agree that it is likely that the discharge will not cause significant adverse effects on aquatic life at the first downstream monitoring site [250m downstream of the discharge] recommended above during stage 1A. Specifically, we consider it likely that the “no more than 20% reduction in QMCI” target will be met at this site. It is highly likely that this target will be met at the second downstream site during Stage 1A [500m downstream of the discharge].”

As a consequence of choosing a monitoring point 250m downstream of the wastewater discharge we see no merit in requiring additional regular water quality monitoring 50m downstream of the wastewater discharge and we note that the water quality experts' December 2015 JWS recommended abandoning that site for ecological monitoring.<sup>39</sup> We also see no useful purpose in requiring regular water quality monitoring 500m downstream of the wastewater discharge. If, contrary to the opinions of the water quality scientists set out above, adverse ecological effects are evident at 250m downstream of the discharge then that is all GWRC needs to know when determining whether or not to initiate a section 128 review of the consent conditions. Conversely if there are no adverse effects 250m downstream of the discharge it is improbable that there would be any 500m downstream. As such, we consider the GWRC officers' recommendation for regular water quality monitoring 500m downstream of the wastewater discharge to be redundant and we have amended Schedule 6: Table 2 accordingly to delete it.

Lastly, we note that the water quality experts' December 2015 JWS stated that in the unlikely event that the “*no more than 20% reduction in QMCI*” target was not met at either of the downstream monitoring sites (250m and 500m downstream) during Stage 1A or 1B, then the consent holder should shift the discharge point approximately 70m upstream of its current location (to immediately downstream of the SWDC existing water take).<sup>40</sup> We are not convinced of the merits of that suggestion. All that would do is move the area ‘adversely effected’ 70m upstream at some unknown cost the consent holder. Accordingly, we decline to impose any such requirement.

#### **8.4 Management Plans**

The Applicant proposes to prepare a range of management plans. The additional material we received in December 2015 from Ms Arnesen and Mr Geange stated:

“... the proposed structure for the Management Plans has changed significantly between the hearing for these consents for Martinborough WWTP and the hearing for Greytown WWTP. We agree it is preferable and important that the two consents have a consistent framework both in terms of efficiency and the operation of the activity under the respective consents and compliance management.”<sup>41</sup>

We agree with Ms Arnesen and Mr Geange and so we have aligned the required management plans and manuals with those required for the Greytown WWTP. For the Martinborough WWTP they will comprise (Schedule 1: Condition 5):

- Martinborough WWTP Operations and Maintenance Manual;
- Tangata Whenua Values Monitoring Plan;
- Inflow and Infiltration Reduction Management Plan;
- Discharge to Water Management Plan
- Discharge to Land Management Plan
- Odour Management Plan; and
- Environmental Monitoring Plan.

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<sup>39</sup> Ibid, paragraph 2.4(a).

<sup>40</sup> Ibid, paragraph 2.8.

<sup>41</sup> Martinborough WWTP Consent Application –Additional Information requested by the Panel, Item 1, first unnumbered page.

The preparation of management plans as part of a consent is fairly routine for major infrastructure projects such as the Martinborough WWTP. In our view, and provided they are supplemented by appropriate conditions, management plans are an appropriate mechanism to ensure that conditions of consent are complied with and they avoid the necessity for excessive detail in the conditions themselves, particularly with regard to the detail of how, when and where certain construction works, mitigation actions and monitoring will occur. However, consent conditions relating to management plans must meet certain standards and we found the conditions governing management plans recommended to us at the June 2015 hearing to be inadequate in that sense.

Each suite of management plan conditions should specify a set number of matters that the preparation and certification of a management plan should address. They are:

- The purpose or objective of the plan,
- Which condition(s) it is designed to assist with implementing,
- The minimum contents of the plan,
- How it is to be prepared; and
- Who should be involved in that process.

The conditions should also specify that each management plan is to be submitted to GWRC and thereafter technically certified. A process should be set out for reviewing or amending the plans. If there is conflict between the management plan and the conditions, then it must be clear that the conditions prevail.

We have imposed conditions (Schedule 1: Conditions 5 to 13) that we consider to meet the above requirements, noting that the detail of those conditions was not recommended to us by either Ms Arnesen or Mr Geange in their December 2015 further information despite us outlining the above parameters in some detail at the hearing. They instead recommended:

“We are in agreement that the preference is for the Management Plan approach to be consistent across both sites, and that the commissioners decisions on the Greytown site Management Plans will necessarily be reflected in the decision for the Management Plans for the Martinborough WWTP applications.”<sup>42</sup>

We agree that consistency between the Greytown and Martinborough WWTP sites is highly desirable. Consequently, and where relevant, we have aligned the Martinborough WWTP management plan conditions with those that we have imposed on the Greytown WWTP discharge consents.

## **8.5 Odour and aerosols**

We note that some submitters, including Beverley Clark and Nalini and Colin Barucuh, were concerned about potential adverse odours and aerosols from the land treatment areas. We are satisfied that this matter can be addressed by conditions of consent and the implementation of industry standard operating procedures, such as were outlined in the evidence of Ms Beecroft for the Applicant.

We also note and accept the helpful evidence of Dr Jill McKenzie for Regional Public Health (RPH), who advised us that RPH was satisfied that compliance with the Combined District Plan rule (we discussed this in section 6.4 of this decision) was sufficient to limit aerosol spray drift (including associated odours) beyond the land treatment site boundaries to no

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<sup>42</sup> Ibid.



more than 0.1% of the application rate and that the public health risk arising from treated wastewater spray drift exposure would be negligible.<sup>43</sup>

## **8.6 Maori cultural matters**

Written submissions were received from Kahungunu ki Wairapapa and Mahaki Hikinui Trust (MHT) Trustees. Both submitters indicated that they wished to be heard. In the interim Mr Gordon, a lawyer representing Mr William Herrick, indicated that he had become a successor<sup>44</sup> to the MHT submission. In the event, neither submitter appeared at the hearing, therefore only the points raised in their written submissions have been considered by us.

Kahungunu ki Wairapapa supports the intent of the Martinborough WWTP upgrade including the 35 term of the consent, however they want the consent conditions reinforced, such as reducing the timeframes to implement the land based discharge Stages 2A and 2B and they highlighted monitoring as a concern. Kahungunu ki Wairapapa supported the proposed land discharge as long as the land was not used for food cropping, and asked that the spray discharge (nozzles) be developed to avoid spray drift.

Rawiri Smith from Kahungunu ki Wairapapa provided both a Cultural Impact Assessment<sup>45</sup> and a Cultural Impact Assessment Supplementary<sup>46</sup> as part of the application documents. Mr Smith referred to the development of a Tangata Whenua Values Management Plan (TWVMP), including a protocol to identify and monitor effects on cultural health associated with the discharge. The TWVMP forms part of a suite of plans discussed in section 8.4 of this decision report. It is proposed that the TWVMP will be developed in a joint process with Kahungunu ki Wairarapa and Rangitane o Wairarapa to provide cultural health indicators and a methodology in accordance with the Ministry for the Environment's 'Cultural Health Index for Streams and Waterways, 2006'. While Mr Smith advised that he considers a floating mat style remediation, in conjunction with UV treatment, to be the most culturally appropriate, he seems reconciled to a partial or total discharge to land as suitable remediation.

The focus of the tangata whenua (Kahungunu ki Wairarapa) cultural assessment is on the removal of discharge to the Ruamahanga River at Waihenga, Martinborough. Kahungunu ki Wairarapa consider that this will give effect to their role as Kaitiaki or guardians of the Ruamahanga River that they consider to be a taonga or treasure and sacred river of their people. We find that to be appropriate.

## **9 Part 2 matters**

### **9.1 Positive effects**

In sections 7 and 8 of this decision report we addressed some of the potential adverse effects of the proposal. However, the proposal will also yield a number of positive effects which are relevant to our Part 2 assessment. As Mr Geange noted, these were described in the AEE<sup>47</sup> and were recognised in various submissions. Those positive effects include the obvious benefits to the Martinborough and South Wairarapa community of having an operating and efficient wastewater treatment system so as to maintain public health standards. In that regard the RPS includes the WWTP as "*regionally significant infrastructure*".

<sup>43</sup> Oral [in writing] Submission of Dr Jill McKenzie on behalf of Regional Public Health, Hutt Valley District health Board, 3 June 2015, paragraph 8.

<sup>44</sup> In terms of section 2A of the RMA

<sup>45</sup> Appendix 14 of the BECA application document.

<sup>46</sup> Appendix 14A of the BECA application document.

<sup>47</sup> AEE, Section 6.2.

As we have noted, the SWDC has integrated the necessary upgrade projects at Greytown and Featherston with the Martinborough applications, taking into consideration the financial constraints of these South Wairarapa communities. The proposal before us consequently has the positive effect of being affordable and hence deliverable, whilst achieving significant environmental improvements. In that regard, the proposal will remove treated wastewater from the Ruamahanga River in clearly defined stages and a significant improvement will be made in the short-term, with the UV treatment removing pathogens in Stage 1A, while under Stage 1B nutrients will be removed from the river during low-flow conditions when the susceptibility to adverse effects is greatest.

Mr Geange also noted, and we agree, that the principles of the SWDC wastewater strategy in moving to land based treatment for the District were widely supported in submissions, including the submissions of Mr Styles; Federated Farmers of New Zealand; Kahungunu Ki Wairarapa; Mahaki Trustees Ltd and Hikinui Trustees; Regional Public Health; and the South Wairarapa Biodiversity Group.<sup>48</sup>

## **9.2 Part 2**

Part 2 of the RMA sets out the purpose and principles of general application in giving effect to the Act. We understand that the RMA has a single purpose, which calls for an overall broad judgement of potentially conflicting considerations, the scale or degree of them, in terms of their relative significance or proportion in promoting the sustainable management of natural and physical resources.<sup>49</sup> The enabling elements of section 5 are not absolute or necessarily predominant and they must be able to co-exist with the purposes in paragraphs (a) to (c) of section 5.<sup>50</sup>

Section 6 of the RMA identifies matters of national importance that we are required to recognise and provide for. The SWDC's proposal may have some minor adverse effects on the natural character of the Ruamahanga River, but we do not consider it to be an inappropriate use or development. (section 6(a)). The proposal does not impact on any outstanding natural features and landscapes (section 6(b)) or areas of significant indigenous vegetation or significant habitats of indigenous fauna (section 6(c)). Public access (section 6(d)) to and along the Ruamahanga River is not currently great, as we evidenced on our site visit, and it will not be adversely affected by the SWDC proposal.

Sections 6(e) and 6(g) relate to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and to protection of protected customary rights. As discussed in section 8.6 of this decision report, the Applicant consulted with local Maori, and Kahungunu ki Wairarapa supported the intent of the SWDC's proposal. We share that submitter's concerns regarding the monitoring plans (see section 8.4 of this decision) and the use of land treatment area crops for human consumption, and find that those matters can be addressed in conditions. Matters of historic heritage (section 6(f)) will not be adversely affected by the proposal.

Section 7 directs that in achieving the purpose of the RMA, we must have particular regard to some eleven listed matters. The applicable matters in this case include sections 7(a), 7(b), 7(c), 7(d), 7(f), 7(h) and 7(j). In terms of section 7(a) the Applicant has agreed to prepare a Tangata Whenua Values Monitoring Plan. Regarding section 7(b), we consider that the proposal will result in the efficient use and development of the Martinborough WWTP, which is recognised in the RPS as regionally significant infrastructure. In terms of section 7(c), we find that the implementation of Stages 1B, 2A and 2B will improve the amenity value of the

<sup>48</sup> Brief of Evidence of Kerry Michael Geange on behalf of South Wairarapa District Council, Planning and Resource Management, Dated April 21 2015, paragraph 117

<sup>49</sup> *Green & McCahill Properties v Auckland Regional Council* [1997] NZRMA 519 (HC).

<sup>50</sup> *Day v Manawatu-Wanganui Regional Council* [2012] NZEnvC 182 [5-215] (not questioned on appeal: *Horticulture NZ v Manawatu RC* [2013] NZHC 2492)

Ruamahanga River. Similarly, in terms of section 7(d), 7(f) and 7(h), those staged improvements will enhance the intrinsic values of the Ruamahanga River ecosystem, environment and aquatic habitat, including any habitat utilised by trout.

Section 8 directs us to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). We have done so to the extent that those principles are consistent with the scheme of the RMA. We note that the Treaty of Waitangi is a partnership between the Crown and Maori, however in our view the Applicant has been respectful of the Treaty principles and has sought to reflect these principles in their consultation with tangata whenua, in the development of the overall proposal and in agreeing to prepare a Tangata Whenua Values Monitoring Plan.

We have sought to give effect to Part 2 of the RMA in making our decisions on the applications in light of the submissions received. In that regard, we find that the proposal will sustain the potential of both the Martinborough WWTP physical resource and the Ruamahanga River natural resource to meet the reasonably foreseeable needs of future generations (section 5(2)(a)). Conditions imposed on the proposal will safeguard the life-supporting capacity of air, water, soil, and ecosystems (section 5(2)(b)). We are also satisfied that the comprehensive suite of conditions for the resource consents will ensure that potential adverse effects on freshwater resources, land and air quality (amongst other matters) will be avoided, remedied or mitigated (section 5(2)(c)).

In overall terms we are satisfied that granting the applications is consistent with Part 2 of the Act and that in so doing the purpose of the RMA will be achieved.

## 10 Conditions

The Applicant suggested (and volunteered) conditions for the consents as part of its application documentation. The Applicant's proposed conditions were reviewed by the reporting officers and some amendments were recommended in the Section 42A Reports. We posed a considerable number of questions regarding the recommended conditions during the June 2015 hearing. We received further recommended conditions in December 2015 together with advice on some 17 separate matters from Ms Arnesen and Mr Geange regarding the alternative approaches advocated by the Applicant and GWRC.<sup>51</sup>

We now discuss the conditions we have imposed and we do so by dealing sequentially with the 17 matters referred to above. We have also made minor formatting, grammatical and cross-referencing corrections to the recommended conditions, but we do not discuss those further. All references to condition numbers relate to the conditions attached to this decision report, not to any of the versions of conditions recommended to us:<sup>52</sup>

1. We have imposed a revised suite of management plan conditions as discussed in section 8.4 of this decision report;
2. We have imposed conditions (Schedule 1: Conditions 27 to 29) requiring the establishment of a community liaison group (CLG) and have included the Terms of Reference for the CLG (with some minor modifications) recommended to us by Mr Geange;
3. We have imposed a condition (Schedule 1: Condition 14) requiring that the Land Discharge Management Plan specify that the discharge of treated wastewater should not occur on crops being grown for human consumption;

<sup>51</sup> Martinborough WWTP Consent Application – Additional Information requested by the Panel (undated and no page numbers) but received 18 December 2015.

<sup>52</sup> Readers should refer to the 18 December 2015 document for the detail of what was finally recommended to us by Ms Arnesen and Mr Geange.

4. We have discussed the GWRC's high flow back channel in section 8.2 of this decision report;
5. We have discussed water quality receiving environment standards in section 8.3 of this decision report;
6. With regard to stormwater inflow and infiltration the December 2015 advice concluded that this matter can be appropriately dealt with in the purpose description of the relevant discharge consents. We accept that advice and have amended the wording of Schedule 2 accordingly;
7. Regarding the intent of the Applicant to implement a strategy of moving to a land discharge regime, we have imposed a condition (Schedule 1: Condition 10(a)) that is based on a similar condition recommended to us for the Greytown WWTP consents;
8. Regarding the mandatory 25-year review, we have imposed conditions (Schedule 1: Conditions 43 to 46) that are based on similar conditions imposed on the Greytown WWTP consents. We note that these conditions are similar to those recommended to us in Attachment 4 to the December 2015 advice;
9. We have imposed a condition (Schedule 1: Condition 4) that requires all discharges to land associated with Stage 1B (i.e. discharge to the "*Martinborough WWTP Adjacent*" block) to cease on or before 31 March 2031. We have also imposed an advice note which clarifies that the intent of that condition is to provide a reasonable transition and commissioning period between Stages 1B and 2A, but to then ensure that Stage 1B discharges to land are not continued in preference to Stage 2A land discharges;
10. We have adopted the revised Table 1 for Schedule 6 that was included in the December 2015 advice;
11. We note the provision of the Carterton and Masterton WWTP consent conditions for our information;
12. Consistent with our approach to the Greytown WWTP consents, we have imposed (Schedule 4: Condition 6) standards relating to buffer distances from property boundaries. These conditions were sought by Dr Jill McKenzie for Regional Public Health. The December 2015 advice recommended not including these conditions. However, we find that the conditions of consent we impose must endure for the life of the consents. It would be inappropriate to rely instead, even by way of precise cross-reference, on District Plan standards that can be amended or removed at any time in the future;
13. We have included (Schedule 4: Condition 3) *E.coli* standards for the discharge of treated wastewater to land. We note that Dr Jill McKenzie for Regional Public Health supported that approach as a means of ensuring that the discharge of treated wastewater to land did not present a contamination risk to groundwater;
14. Item 14 of the December 2015 advice addressed a number of matters. We have discussed the revised management plan conditions in section 8.4 of this decision report. We do not consider that the further amendments sought by Ms Arnesen to recommended Condition 19 (now Condition 26) are necessary. Nor are we persuaded that a nitrate limit is required for what is now Schedule 2: Condition 3; particularly as we have declined to impose receiving water standards, preferring instead receiving water monitoring parameters as discussed in section 8.3 of this decision report;
15. We note the information provided regarding stock water takes in the vicinity of the WWTP discharge;

16. We note the information provided regarding possible impediments in the recommended conditions to an advancement of the proposed land discharge stages; and
17. We note and accept the assessment of the applications against the PNRP, as discussed in section 6.1 of this decision report.

In addition to the above, in Schedule 6: Table 1 we have omitted references that indicated that the groundwater sampling locations for either pond seepage or the land discharge area are shown on Figure 1, as those sampling locations are yet to be determined.

The final conditions we have imposed are set out in Appendix 2 of this decision report.

We are satisfied that our final resource consent conditions, both singularly and in total, are necessary and appropriate to avoid, remedy or mitigate potential adverse effects identified by the technical reports and investigations, the peer reviews, the expert evidence and the submitters. We are also satisfied that the monitoring and reporting conditions will enable the ongoing effects of the SWDC's proposal to be assessed over time, thereby informing whether or not future reviews of conditions under section 128 of the RMA are necessary.

However, we are cognisant that we have made numerous amendments to the wording of recommended conditions, as discussed above. Consequently, we find that we should issue a decision that is final with regard to grant, duration and other matters of substance but is 'interim' with regard to the detailed wording of conditions.

We give the parties 10 working days to file comments on any improvements that can be made to the detailed wording of the conditions that does not alter their substantive intent. We will disregard any comments that seek to re-litigate our decisions and findings on the substantive matters addressed in this decision report.

## 11 Determination

Pursuant to the powers delegated to us by the Greater Wellington Regional Council under section 34A of the Resource Management Act 1991, we record that having read the application documents, the officer's report, the submissions and the evidence presented at the hearing, and having considered the various requirements of the RMA, we are satisfied that:

- i. The South Wairarapa District Council has undertaken a thorough assessment of the potential adverse effects that might arise from the continued operation and upgrading of the Martinborough wastewater treatment plant (the proposal);
- ii. The potential adverse effects of the proposal are either no more than minor or can be adequately avoided, remedied or mitigated by the imposition of conditions under section 108 of the RMA;
- iii. The effects of the proposal, when managed in accordance with those conditions, will not be inconsistent with the relevant statutory instruments and plans; and
- iv. Allowing the proposal to proceed will be consistent with the Purpose and Principles of the RMA.

We therefore **grant** the resource consent applications sought by the South Wairarapa District Council for the proposal as listed in section 2 of this decision report subject to the imposition of the conditions set out in Appendix 2 for the reasons listed above and as further discussed in the body of this decision report.

We invite the parties (including the GRWC reporting officers) to provide us (via Mr Andrewartha) with comments outlining any improvements that can be made to the detailed

wording of the conditions that does not alter their substantive intent within 10 working days of the receipt of this decision. Accordingly, comments lodged should note when the decision was received.

Following the receipt of any comments on the interim conditions we will issue a final suite of conditions within 10 working days thereafter.

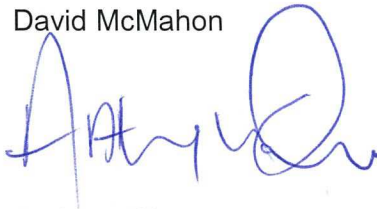
Signed by the commissioners:

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Rob van Voorthuysen (Chair)

A handwritten signature in blue ink, appearing to be 'David McMahon', with a stylized, cursive script.

David McMahon

A handwritten signature in blue ink, appearing to be 'Anthony Olsen', with a large, looped 'A' and a cursive 'Olsen'.

Anthony Olsen

Dated: 11 February 2016

## **Appendix 1   Appearances**

### **Hearings Committee**

Rob Van Voorthuysen (Chair)

David McMahon

Anthony Olsen

### **Applicant**

Phillip Milne (Legal Counsel)

Paul Crimp – SWDC CEO

Mark Allingham – SWDC Group Manager Infrastructure and Services

Kevin Brian – consultant engineer

Dr Brian Coffey – consultant scientist

Katie Beecroft – consultant environmental engineer

Kerry Geange – consultant planner

### **Council Officers**

Nicola Arnesen - Senior Resource Advisor, Environmental Regulation

Shaun Andrewartha - Team Leader, Environmental Regulation

Olivier Ausseil – consultant water quality scientist

Robert Docherty – consultant engineer

### **Submitters**

Dr Jill McKenzie for Regional Public Health, Hutt Valley District Health Board

Liz McGruddy for Federated Farmers of NZ

Lee Vollebregt for Wairarapa Water Users Society

Bernard Hudepohl

Beverly Clark

Don Bell for Sustainable Wairarapa Inc

Stacy Tahere for Wellington Fish and Game Council (tabled evidence in support)

William Herrick (tabled document as purchaser of land owned by submitter Mahaki Trustees Ltd and Hikunui Trustees Ltd)

## **Appendix 2   Interim Conditions and Plans**