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# Section 42A Report

## *Section 42A of the Resource Management Act 1991*

**Date:** 2 September 2021

**To:** Bruce Halligan  
Acting Consents Manager

**From:** Stephen West, Principal Consents Officer

**IRIS ID:** APP-20211306 APP-20147220-02-V1

**Subject:** ***Section 42A Report – Resource Consent Application considered under Delegated Authority***

## 1. The Application

### 1.1 The proposed activities

**Applicant:** Southland District Council

**Application:** To discharge treated wastewater into the ground and intermittently into the Meadow Burn, and to amend the conditions of a resource consent for the discharge of treated wastewater into the ground via Rapid Infiltration Beds.

**Site address or location:** 2 Boston Street, Riversdale

**Legal description:** Part Lots 5 and 6 DP 92, Part Section 509 Hokonui SD, Lot 7 DP 92 and Lot 8 DP 92

**Map Reference:** 1,271,090E 4,907,925N NZTM

Southland District Council has applied for a resource consent to discharge treated wastewater from Riversdale township into the Meadow Burn and into the ground through the base of a soakage channel. The application is for replacement of discharge permit AUTH-20147220-01. The rate of discharge is about 260 m<sup>3</sup>/day.

The application also seeks amendments to resource consent AUTH-20147220-02, which authorises the discharge of treated wastewater into the ground via Rapid Infiltration Beds and a soakage channel, with provision to discharge to water in the Meadow Burn in emergency or extreme events.

The background is that Southland District Council has an existing wastewater treatment and discharge system for Riversdale township that involves an oxidation pond and a soakage channel, but which also discharges to the Meadow Burn when the soakage channel is insufficient. In 2016 the Council obtained a short term consent to continue with that discharge while it developed a new Rapid Infiltration Bed system to discharge primarily to land. A longer term consent AUTH-20147220-02, was granted for the Rapid Infiltration Bed discharge.

However, largely due to land acquisition delays, the applicant now needs a further short term consent for the existing activity, and needs to defer some of the milestone timeframes specified in the longer term consent.

<b>Discharge permit</b>	
Rule – Discharge to Water – Community Sewage	Rule 2 of the Regional Water Plan (Non-complying) Rule 33A of the proposed Water and Land Plan (Non-complying)
Rule – Discharge to Land – Community Sewage	Rule 5.2.1 of the Regional Effluent Land Application Plan (Discretionary) Rule 33 of the proposed Water and Land Plan (Discretionary)

The proposed amendments to AUTH-20147220-02 are a discretionary activity.

Overall, bundling the activities to the highest category, the application is a **non-complying** activity.

**1.2 Description of the affected environment**

The discharge occurs to land and into the Meadow Burn in a designated sewage treatment area and road reserve, about 600 metres east of Riversdale township. The site is surrounded by developed pasture.



The site is underlain by the Riversdale groundwater zone, a shallow riparian aquifer. Groundwater flow is approximately parallel to the Mataura River<sup>1</sup>, which is similar to the alignment of the straight section of the

<sup>1</sup> <https://maps.es.govt.nz/apps/groundwater/zones/Riversdale.pdf>

Meadow Burn near the treatment pond as shown in the diagram above. There are numerous wells in the area, but in the expected direction of movement to the south and southeast the nearest neighbours' well are about 1 km and 2.5 km from the treatment pond and soakage discharge.

There is a registered human drinking water supply bore 1 km to the east, which supplies water to Riversdale School. It is not in the expected direction of groundwater movement from the applicant's discharge.

At the point of discharge to the Meadow Burn it has been modified and straightened, running approximately northwest to southeast. The Meadow Burn is only a few metres wide and has a flow of about 30 litres per second in the vicinity of the discharge.



A biological survey by Ryder Environmental indicated that the stream had low periphyton biomass upstream and downstream of the discharge. There was extensive cover of the stream by watercress and other macrophytes at each of the sampling sites (as shown by the photo on the right). Macroinvertebrate scores were similar upstream and downstream of the discharge, and were indicative of poor quality conditions.

The application describes the Meadow Burn as ecologically significant and notes that it supports populations of two threatened or at risk species, the longfin eel/tuna and Gollum galaxias/kanakana. It also provides a refuge area for brown trout during times of high flow in the Mataura River, and is an important brown trout spawning area. Other fish species present in the Meadow Burn include Upland Bully, Freshwater Mussel, Koura and Freshwater shrimp.

The Springfed water standards apply in the Meadow Burn. Immediately upstream of the discharge the median E. Coli result (2017-2020) was 60 cfu/100ml, with the 95%ile of 765 cfu/100ml, putting the stream in the B Attribute band under Table 9 of Appendix 2A of the National Policy Statement for Freshwater Management 2020. The upstream site is also in Band A for ammonia concentrations.

The Meadow Burn joins the Mataura River, which is a statutory acknowledgement area under the Ngāi Tahu Claims Settlement Act, about 9.5 km downstream. Ngāi Tahu has an acknowledged cultural, spiritual, historic and traditional association with the Mataura River. The Mataura River flows through Gore and Mataura townships, before reaching the Toetoes estuary at Fortrose about 75 km downstream. On the way it provides water supply to Gore and Mataura townships and to industry, particularly the Alliance Group Ltd meatworks at Mataura.

The Mataura River and its tributaries above Otamita, including the Meadow Burn, is subject to the Water Conservation (Mataura River) Order. The Order states that the protected waters of the Mataura catchment include outstanding fisheries and angling amenity features. The Order also imposes water quality standards for the Meadow Burn, and requirements on discharges.

### 1.3 Planning framework

Resource consents are required under the Regional Effluent Land Application Plan, Regional Water Plan and the proposed Water and Land Plan.

The discharge of treated wastewater from a community scheme to land via the soakage trench is a discretionary activity under Rule 5.2.1 of the Effluent Land Application Plan and Rule 33A of the proposed Water and Land Plan.

The intermittent discharge of treated wastewater from a community scheme into the Meadow Burn is a non-complying activity under Rule 2 of the Regional Water Plan and Rule 33 of the proposed Water and Land Plan.

In addition, the amendments to the existing discharge permit are discretionary under s127 of the Resource Management Act.

Overall, the application is considered to be a **non-complying** activity.

When considering a **non-complying activity**, the Council may only, in accordance with Section 104D, grant a resource consent for the activity if it is satisfied that the adverse effects of the activity are minor or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan or proposed plan. If the application passes the “gateway” tests in Section 104D, under Section 104B the Council may grant or refuse consent for a non-complying activity, and if it grants the application, may impose conditions under Section 108 of the RMA.

### 1.4 Notification and written approvals

A decision was made to publicly notify the application on 25 June 2021.

No submissions were received.

I note that the applicant had obtained written approvals for the proposal from Hokonui Rūnanga Inc, the Department of Conservation, Fish & Game New Zealand, Public Health South and R & ER Stewart (the landowners at the site). I also note that Te Ao Marama Inc did not provide a separate approval but confirmed that they supported the Hokonui Rūnanga view.

### 1.5 Effects on the environment

Effects on the environment may include:

- Social and health effects
- Cultural and spiritual effects, due to discharge of human wastewater into the Meadow Burn
- Effects on groundwater quality
- Effects on water quality in the stream
- Effects of changes to discharge permit timeframes

I have also provided consideration in terms of overall effects or the holistic approach.

### *Social and health effects*

Section 6.2 of the application refers to the positive effects of the proposal. I note that it was not possible to consider positive effects for the notification determination.

The proposed system is important for the health of the Riversdale community. The system provides treatment and discharge of domestic wastewater more safely than individual systems would within the township. This in turn enables the social needs of the township, in that the community is not impaired by health risk and there is scope for development. The shift to the Rapid Infiltration Basin system will further reduce the risk to human health by reducing risks associated with contact with the waters of the Meadow Burn.

### *Cultural and spiritual effects*

Section 6.4 of the application states that the discharge to the Meadow Burn is culturally offensive. However, the application refers to a significant positive effect on Maori cultural values from the planned change to the Rapid Infiltration Beds.

The applicant has obtained written approval from Hokonui Rūnanga Inc, subject to a minor reporting requirement. According to the Hokonui Rūnanga website<sup>2</sup> the Riversdale sewage discharge occurs outside Hokonui's exclusive area of interest, in an area of shared interest with other Southland/Murihiku rūnanga. The approval is solely for Hokonui Rūnanga, and is not on behalf of the other rūnanga with a shared interest in the area. However, Te Ao Marama has confirmed that they agree with Hokonui Rūnanga's position with regard to this application.

I am mindful of Policy 3.5.2.8 of Te Tangi a Tauria, which states that kaitiaki rūnanga are in the best position to assess potential impacts on the mauri and values of individual rivers. Therefore, as both Hokonui Rūnanga and Te Ao Marama Inc. have given written approval (or indicated that the approval covers them as well), I consider that the adverse effects on the mauri of the Meadow Burn, and effects on cultural values, are not significantly adverse.

### *Water quality effects*

The effects of the discharge on water quality and ecology are in two stages. The interim stage with the existing discharge system and the later stage which utilises the Rapid Infiltration Basins for discharge of the wastewater.

#### *Interim stage:*

Sections 6.2.6 and 6.10 refer to moderate (more than minor) adverse effects on water quality in the Meadow Burn. Section 6.2.3.2 of the application notes that total ammoniacal nitrogen, total phosphorus and dissolved reactive phosphorus concentrations were higher downstream of the discharge compared to upstream. Ammoniacal nitrogen has also exceeded the Spring Fed water quality standards downstream of the discharge.

Section 6.6 of the application states that cumulative effects on the Meadow Burn and the Mataura River are moderate (more than minor) overall. The context of that statement is that the water quality of the Meadow Burn is already adversely affected due to the effects of land use (such as agricultural activities) and influences such as waterfowl. Therefore, the discharge, which adds further contaminants, has a cumulative adverse effect.

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<sup>2</sup> <https://www.hokonuirunanga.org.nz/about-us/where-are-we/>



On the broader catchment scale, I note that Section 8.1.8 of the report, “Current Environmental State and the “Gap” to Draft Freshwater Objectives for Southland<sup>3</sup>” states that Toetoes Estuary is currently receiving nutrient and sediment inputs beyond its assimilative capacity, and is showing signs of eutrophication and degraded areas. While the applicant’s discharge is existing, and will be relatively tiny compared to the overall contaminant loads on the estuary, and I assume that some assimilation of the nutrients will occur in the more than 80 km of distance, I cannot definitely state that the discharge is not contributing to a significant adverse cumulative effect in Toetoes Estuary.

I note that other parameters, such as E. coli, total nitrogen and total oxidised nitrogen are not statistically different in the Meadow Burn between upstream and downstream of the discharge. Similarly, the Ryder Environmental report concluded that the discharge was not having an adverse effect on aquatic periphyton, macrophyte and macroinvertebrate communities in the Meadow Burn. That said, I am unclear whether the discharge has an adverse effect on trout spawning habitat, or the habitats of longfin eels and Gollum galaxiids (on the other hand it may be that the discharge has a barrier effect preventing predation of galaxiids by trout).

Adverse effects on groundwater quality are likely to be only minor due to filtration through the ground, dilution factors and distance to sensitive receptors (borewater users and surface waters). It is unlikely, due to relative levels, that the groundwater plume from the wastewater discharge would affect the Meadow Burn before reasonable mixing had occurred.

#### *Later stage*

Based on Section 6.1 of the application, the shift to the Rapid Infiltration Basin system will reduce the effects of the discharge on the water quality and ecology of the Meadow Burn, and have lesser effect on nutrient loads in the Meadow Burn and the lower Mataura catchment.

#### *Effects of changes to discharge permit conditions*

The adverse effects of the changes are tied to the temporary retention of the existing method of discharge. Delaying the change to the Rapid Infiltration Basin system does retain the effects of the current method of discharge for longer. But that is unavoidable due to the delay in land acquisition, so the change will occur as soon as practicable. Therefore, taking a holistic view, the effect of the change to the conditions is only minor, in that the timeframes will be set to achieve the implementation of the new system as soon as practicable.

#### *Effect of upcoming changes to the wastewater system*

For a similar matter situation at Te Anau (APP-20202156) I sought further information from the applicant whether a holistic view of the wastewater system, with the upcoming change to land disposal, affected how the current application should be viewed.

The applicant noted that the activity was a non-complying activity and, while it was contrary to some provisions, it was consistent with others, including those relating to critical infrastructure. The applicant was also of the view that the proposal had to be seen in the context of the wider scheme, which was to shift to a land disposal system. A legal opinion from Michael Garbett of Anderson Lloyd was provided to support this view. Mr Garbett referenced SKP Incorporated v Auckland Council, [2018] NZEnvC 81, in which the Court considered that the evaluation should be undertaken on a “holistic basis, looking over the entire application and a range of effects” (paragraph 49), not individual effects.

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<sup>3</sup> Current Environmental State and the “Gap” to Draft Freshwater Objectives for Southland, Technical Report, Environment Southland, (2019) <https://www.es.govt.nz/repository/libraries/id:26gi9ayo517q9stt81sd/hierarchy/document-library/reports/Values%20and%20Objectives%20reports%20-%20People%2C%20Water%20and%20Land/Current%20environmental%20state%20and%20the%20E2%80%9Cgap%20to%20draft%20ofreshwater%20objectives%20for%20Southland%20%28December%202019%29.pdf>

Since that time I have been made aware of the judgement in *Trilane Industries Ltd v Queenstown Lakes District Council NZHC 1647*. Paragraph 58 of that judgement indicates that the holistic approach, as suggested in Mr Garbett's advice (which was drafted prior to that judgement), may be appropriate to the decision to grant the application, but for the notification decision. The judgement indicates that, for the notification consideration, a temporary adverse effect that is more than minor cannot be averaged out by later improvements. Paragraph 60 illustrates the point by indicating that the (holistic) approach "*would be the equivalent of saying that temporary construction noise effects could be ignored simply because, once built, the noise effects of the activity would be negligible.*" Therefore, while I determined that the adverse effects of the proposal were more than minor for the notification consideration, it is not inconsistent to take a more holistic view, which may result in effects being considered no more than minor, for the decision on the application under s104.

In this case I note that it was the applicant's intention to have ceased the existing form of discharge and switched to the Rapid Infiltration Basin system by now. However, they have encountered delays with land acquisition. Overall I believe that considering the current application within the overall wastewater scheme project is appropriate.

## **2. Statutory Considerations**

Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. Section 104(1) of the Resource Management Act, 1991, states:

- (1) *When considering an application for a resource consent and any submission received, the consent authority must, subject to Part 2, have regard to:*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (b) *any relevant provisions of –*
    - (i) *a national environmental standard;*
    - (ii) *other regulations;*
    - (iii) *a national policy statement;*
    - (v) *a regional or proposed regional policy statement;*
    - (vi) *a plan or proposed plan; and*
  - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Those matters which relevant for this application are discussed in the following sections.

### **2.1 Part 2 of the Resource Management Act 1991**

This application is consistent with the purpose and the principles of the Act, as set out in Section 5. There are adverse effects in the short term, but in the medium term the proposed activities will have no more than minor adverse effects on the ability of the receiving environment to meet the reasonably foreseeable needs of future generations, or on the life-supporting capacity of the land or any ecosystem associated with it.

In terms of Section 7 of the Act, particular regard must be given to the maintenance and enhancement of the quality of the environment.

With regard to Sections 6(e), 7(a) and 8 of the Act, I note that the applicant has obtained written approval from Hokonui Rūnanga, with agreement from Te Ao Marama Inc. I also note that the provisions of Te Tangi a Tauria will be considered later in this report.

## **2.2 Actual and potential effects (Section 104(1)(a))**

The actual and potential effects of the proposed activities were considered earlier of this report. Recommended conditions of consent will ensure that any adverse effects are avoided, remedied or mitigated.

## **2.3 Relevant provisions of National Environmental Standards and other regulations (Section 104(1)(b)(i) and (ii))**

In terms of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007, there is a registered drinking water supply groundwater take 1 km to the east that supplies water to Riversdale School. It is not in the expected direction of groundwater movement from the applicant's discharge. The next nearest is the Otama Rural Water Supply take at the Pyramid bridge site, but that is upstream of the confluence of the Meadow Burn so would not be affected by the discharge. Gore District Council takes water from the Mataura River over 25 km downstream, and below that is the Otikerama Rural Water Supply take (a bore take a short distance from the river) and a large unregistered take for Alliance Mataura. Due to scale and dilution, and because those takes already have to cope with bacteriological and suspended solids levels in the Mataura River due to non-point contamination, I don't consider that the discharge will adversely affect those water takes during normal operations.

In the event of a spill of partly treated or untreated wastewater that could adversely affect downstream water quality, the applicant will need to notify registered drinking water supplies downstream, such as Gore District Council, under a condition imposed under Clause 12 of the NES for Human Drinking Water.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 are not relevant to this application.

## **2.4 Relevant provisions of national policy statements (Section 104(1)(b)(iii))**

### National Policy Statement for Freshwater Management 2020 (NPSFM 2020)

The following provisions of the National Policy Statement for Freshwater Management 2020 (NPSFM 2020) are of relevance to the consideration of this application:

- |           |  |
|-----------|--|
| Policy 1  | Freshwater is managed in a way that gives effect to Te Mana o te Wai.  |
| Policy 2  | Tangata whenua are actively involved in freshwater management (including decisionmaking processes), and Māori freshwater values are identified and provided for. |
| Policy 7  | The loss of river extent and values is avoided to the extent practicable.  |
| Policy 8  | The significant values of outstanding water bodies are protected.  |
| Policy 9  | The habitats of indigenous freshwater species are protected.   |
| Policy 10 | The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.   |
| Policy 12 | The national target (as set out in Appendix 3) for water quality improvement is achieved.  |



Policy 15        Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

There is a hierarchy of obligations in Te Mana o te Wai that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The NPSFM 2020 also inserts the following policy into the regional plans:

*The loss of river extent and values is avoided, unless the council is satisfied:*

- (a) *That there is a functional need for the activity in that location; and*
- (b) *The effects of the activity are managed by applying the effects management hierarchy.*

The NPSFM 2020 also requires that any such application not be granted unless:

- (a) *the council is satisfied that the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and*
- (b) *any consent granted is subject to conditions that apply the effects management hierarchy.*

Loss of value, in relation to a natural inland wetland or river, means the wetland or river is less able to provide for the following existing or potential values:

- (a) ..... or
- (b) any of the following, whether or not they are identified under the NOF process:
  - (i) ecosystem health
  - (ii) indigenous biodiversity
  - (iii) hydrological functioning
  - (iv) Māori freshwater values
  - (v) amenity

The effects management hierarchy requires that:

- (a) adverse effects are avoided where practicable; and
- (b) where adverse effects cannot be avoided, they are minimised where practicable; and
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and
- (f) if aquatic compensation is not appropriate, the activity itself is avoided

#### Comment

Regarding Te Mana o te Wai, I have already discussed the potential effects of the discharges on the Meadow Burn and on groundwater. I agree with the Mr Garbett's legal opinion, that the proposal and its effects should be seen in the context of the wider scheme, which will shift the system to land disposal of the wastewater. Therefore, while the existing discharge to the Meadow Burn does have some adverse effects

on water quality and instream ecology, the application is part of the transition to a system that will avoid those effects.

I note that the discharge both provides for and potentially impacts on the second criteria of Te Mana o te Wai, which is the health needs of people. There is potential for a localised health risk near the outfall, but the Meadow Burn is too small for swimming. On the other side of the equation, the system removes sewage from the vicinity of dwellings, reducing the potential health risk that would arise if the township was reliant on individual on-site sewage systems.

I consider that viewing the proposal within the wider context of the wastewater scheme means that the application will be consistent with Policies 1, 8, 9 and 10 of the NPSFM 2020. Because the Rapid Infiltration Basin discharge is already consented, and because the change from the discharge to the river cannot be achieved immediately, I view the current proposal as a stage in the development. As this is for a short-term consent, and that the discharge to the stream will cease at the end of the consent period, the proposal is not inconsistent with Policy 12. The proposal is supported by Policy 15.

In terms of Policy 2, I note that Hokonui Rūnanga gave written approval to the application and was supported in its view by Te Ao Marama Inc.

## **2.5 Relevant provisions of the New Zealand Coastal Policy Statement (Section 104(1)(b)(iv))**

Not applicable.

## **2.6 Relevant provisions of the Southland Regional Policy Statement 2017 (Section 104(1)(b)(v))**

The Southland Regional Policy Statement 2017 became operative on 9 October 2017.

The following objectives and policies in the Regional Policy Statement are of particular relevance to this application. In some cases below the policies have been abbreviated to exclude clauses that are not relevant to the application<sup>4</sup>.

Objective TW.3	Mauri and wairua are sustained or improved where degraded, and mahinga kai and customary resources are healthy, abundant and accessible to tangata whenua.
Policy TW.1	Consult with, and enhance tangata whenua involvement in local authority resource management decision-making processes, in a manner that is consistent with the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.
Policy TW.3	Take iwi management plans into account within local authority resource management decision making processes.
Policy TW.4	When making resource management decisions, ensure that local authority functions and powers are exercised in a manner that: (a) recognises and provides for: (i) traditional Māori uses and practices relating to natural resources (e.g. mātaítai, kaitiakitanga, manaakitanga, matauranga, rāhui, wāhi tapu, taonga raranga);

<sup>4</sup> Full versions of the policies can be viewed at:

<https://www.es.govt.nz/Document%20Library/Plans,%20policies%20and%20strategies/Regional%20policy%20statement/Southland%20Regional%20Policy%20Statement%202017.pdf>

- (ii) the ahi kā (manawhenua) relationship of tangata whenua with and their role as kaitiaki of natural resources;
  - (iii) mahinga kai and access to areas of natural resources used for customary purposes;
  - (iv) mauri and wairua of natural resources;
  - (v) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua;
  - (vi) Māori environmental health and cultural wellbeing.
- (b) recognises that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.

Objective WQUAL.1	<p>Water quality in the region:</p> <ul style="list-style-type: none"> <li>(a) safeguards the life-supporting capacity of water and related ecosystems;</li> <li>(b) safeguards the health of people and communities;</li> <li>(c) is maintained, or improved in accordance with freshwater objectives formulated under the National Policy Statement for Freshwater Management 2014;</li> <li>(d) is managed to meet the reasonably foreseeable social, economic and cultural needs of future generations.</li> </ul>
Policy WQUAL.1	<ul style="list-style-type: none"> <li>(a) ....; and</li> <li>(b) Manage discharges and land use activities to maintain or improve water quality to ensure freshwater objectives in freshwater management units are met.</li> </ul>
Policy WQUAL.2	<p>Maintain or improve water quality, having particular regard to the following contaminants:</p> <ul style="list-style-type: none"> <li>(a) nitrogen;</li> <li>(b) phosphorus;</li> <li>(c) sediment;</li> <li>(d) microbiological contaminants.</li> </ul>
Policy WQUAL.6	<p>To manage discharges and land use activities to maintain the quality of water and the associated values where it is in its natural state.</p>
Policy WQUAL.7	<p>Recognise the social, economic and cultural benefits that may be derived from the use, development or protection of water resources.</p>
Policy WQUAL.8	<p>Prefer discharges of contaminants to land over discharges of contaminants to water, where:</p> <ul style="list-style-type: none"> <li>(a) a discharge to land is practicable;</li> <li>(b) the adverse effects associated with a discharge to land are less than a discharge to water.</li> </ul>
Policy WQUAL.9	<p>Avoid the direct discharge of sewage, wastewater, industrial and trade waste and agricultural effluent to water unless these discharges have undergone treatment.</p>
Policy WQUAL.10	<p>Manage the siting and operation of activities that result in point source discharges of contaminants to land to ensure that adverse effects on groundwater, surface water and coastal water quality are avoided, remedied or mitigated.</p>

Objective INF.1	Southland’s regionally significant, nationally significant and critical infrastructure is secure, operates efficiently, and is appropriately integrated with land use activities and the environment.
Policy INF.1	Recognise the benefits to be derived from, and make provision for, the development, maintenance, upgrade and ongoing operation of regionally significant, nationally significant and critical infrastructure and associated activities.

The Regional Policy Statement includes the following definitions:

**Infrastructure**

- ...
- (f) *A drainage or sewerage system;*
- ...
- (l) *Anything described as a network utility operation in regulations made for the purposes of the definition of “network utility operator” in Section 166 of the Act.*

**Critical infrastructure**

*Infrastructure that provides services which, if interrupted, would have a significant effect on the wellbeing and health and safety of people and communities and would require reinstatement, and includes all strategic facilities.*

**Regionally significant infrastructure**

*Infrastructure in the region which contributes to the wellbeing and health and safety of the people and communities of the region, and includes all critical infrastructure.*

**Comment**

With regard to Policies TW.1 and TW.4 I note that the applicant consulted with and obtained written approval from Hokonui Runanga, and that Te Ao Marama has supported Hokonui’s view. The provisions of Te Tangi a Taurira are discussed below in accordance with Policy TW.3. The planned cessation of the discharge to the stream and shift to land discharge is consistent with the requirement for improvement expressed in Objective TW.3.

Policies WQUAL.1 and WQUAL.2 seek to maintain or improve water quality, in order to meet objectives for freshwater management. In the short term the proposal will not improve water quality, but at the end of the consent period the discharge to the stream will cease as the system switches to the Rapid Infiltration Basin system.

With regard to Policy WQUAL.9, the discharge to the Meadow Burn, and the wastewater passing through the soakage trench base, has been treated by the oxidation pond.

The sewerage system and discharge are beneficial to the Riversdale community, so the proposal is supported by Policy WQUAL.7.

I consider that the wastewater system is critical infrastructure. Policy INF.1 does not justify retaining infrastructure that is having adverse effects on the environment, but I believe that the policy provides support for looking at the current proposal as only a phase in the wastewater system development (which involves changing to a land discharge system). In practical terms, the discharge to the stream cannot be just switched off without considerable community disruption. So providing for a phase while change is made to

the method of disposal is consistent with the policy. I note that discharge of the wastewater to land via the Rapid Infiltration Basin system is already consented and is consistent with Policy WQUAL.8.

## 2.7 Relevant provisions of the relevant regional plan objectives, policies and rules (Section 104(1)(b)(vi))

The Regional Effluent Land Application Plan (RELAP), the Regional Water Plan (RWP) and the proposed Southland Water and Land Plan (pSWLP) are of relevance to the proposal.

### Regional Effluent Land Application Plan

The Regional Effluent Land Application Plan became operative on 30 May 1998.

The objectives and policies of the Regional Effluent Land Application Plan that are relevant to this application are:

- |                 |  |
|-----------------|--|
| Objective 4.1.2 | To ensure that water quality and the life supporting capacity of the water ecosystem is safeguarded from the adverse effects of discharges of effluent and sludge onto or into land which may enter water.   |
| Objective 4.1.3 | To ensure that effluent and sludge discharges onto or into land do not adversely affect human and animal health.   |
| Objective 4.1.5 | To recognise and provide for the relationship of takata whenua with ancestral sites, wahi tapu and other taoka.  |
| Policy 4.2.3    | Avoid where practicable, remedy or mitigate adverse effects on water quality, water ecosystems and water potability from effluent and sludge discharges onto or into land.   |
| Policy 4.2.6    | Avoid where practicable, remedy or mitigate any adverse effects to human and animal health arising from discharges of effluent and sludge onto or into land.   |
| Policy 4.2.8    | Recognise and provide for takata whenua concerns related to the discharge of effluent and sludge onto or into land.<br><br>From the explanation to the policy:<br><i>“Takata whenua have concerns relating to the discharge of human effluent. The primary concern is the discharge of effluent and sludge into the water ecosystem. There are also wider concerns relating to the effects on the cultural values of the land. These values include wahi tapu, ancestral sites and other taoka.”</i> |
| Policy 4.2.10   | Monitor, as appropriate, discharges of effluent and sludge onto or into land and, where practicable, the effects.  |

### **Comment**

In terms of Policy 4.2.3, the effects on groundwater quality have been discussed earlier in this report. With regard to Policy 4.2.6, due to the location the discharge is not likely to impact on groundwater use for potable supply.

Policy 4.2.8 requires that concerns by tangata whenua about effluent discharges to land be provided for. I note that the applicant has consulted with, and obtained written approval from Hokonui Rūnanga, and Te Ao Marama has concurred.

Policy 4.2.10 supports monitoring of the discharge and its effects on the environment.

### Regional Water Plan

The Regional Water Plan became operative in January 2010. The objectives and policies of the Regional Water Plan that are relevant to this application are:

- Objective 3 To maintain and enhance the quality of surface water bodies so that the following values are protected where water quality is already suitable for them, and where water quality is currently not suitable, measurable progress is achieved towards making it suitable for them. In surface water bodies classified as mountain, hill, lake-fed, spring-fed, lowland (hard bed), lowland (soft bed) and Mataura 1, Mataura 2 and Mataura 3:
- (a) bathing, in those sites where bathing is popular;
  - (b) trout where present, otherwise native fish;
  - (c) stock drinking water;
  - (d) Ngāi Tahu cultural values, including mahinga kai;
  - (e) natural character including aesthetics.
- Objective 4 To manage the discharge of contaminants and encourage best environmental practice to improve the water quality in surface water bodies classified as hill, lowland (hard bed), lowland (soft bed) and spring fed, and in particular to achieve a minimum of 10 percent improvement in levels of the following water quality parameters over 10 years from the date this Plan became operative (January 2010):
- (a) microbiological contaminants
  - (b) nitrate
  - (c) phosphorus
  - (d) clarity
- Policy 3 Notwithstanding any other policy or objective in this plan, allow no discharges to surface water bodies that will result in a reduction of water quality beyond the zone of reasonable mixing, unless it is consistent with the promotion of the sustainable management of natural and physical resources, as set out in Part 2 of the Resource Management Act 1991, to do so.
- Policy 4 For surface water bodies outside Natural State Waters, manage point source and non-point source discharges to meet or exceed the water quality standards referred to in Rule 1 and specified in Appendix G “Water Quality Standards”, unless it is consistent with the promotion of the sustainable management of natural and physical resources, as set out in Part 2 of the Resource Management Act 1991, to do so and so avoid levels of contaminants in water and sediments that could harm the health of humans, domestic animals including stock and/or aquatic life.
- Policy 25 To avoid, remedy or mitigate the adverse effects arising from point source and non-point source discharges so that there is no deterioration in groundwater quality after reasonable mixing, unless it is consistent with the promotion of the sustainable management of natural and physical resources, as set out in Part 2 of the Resource Management Act 1991, to do so.

### **Comment**



Both Objective 2 and Policy 3 appear to allow nil adverse effect on water quality. The explanation to Objective 2 states that it “adopts the philosophy of Section 69(3) of the Act. .... One of the main purposes of this objective is to take into account the cumulative effects of discharges into water.” The explanation to Policy 3 also refers to s69(3) of the RMA. Section 69(3) prevents the Council from setting water quality standards that lower water quality (for example, by applying a lowland water quality standard that allows higher levels of contaminants to a natural state area with very good existing water quality). Any contaminant discharge must, in absolute terms, have some effect on water quality, even if diluted below the threshold of detection, unless the contaminant settles out, is consumed or evaporates within the mixing zone. I note that Policy 3 includes the phrase “unless it is consistent with [the purpose of the RMA] to do so”. Therefore, bearing in mind that the overall scheme will result in cessation of the discharge to the Meadow Burn, it is my interpretation that approving the application is consistent with the purpose of the Act in this instance, and is therefore not contrary to Policy 3.

Policy 4 is to manage discharges to meet or exceed the water quality standards, in this case the water quality standards that apply in the Meadow Burn are ‘Springfed’. In the wider context of the wastewater scheme the discharge will cease within a relatively short timeframe, so it could be said that it *is* managing towards meeting the standards. As the purpose of the application is to temporarily authorise the discharge to the stream until the applicant can switch over to the Rapid Infiltration Basin system, I consider that the proposal is not contrary to Policy 4.

The discharge to the Meadow Burn is not consistent with Policy 7, but the planned shift to land discharge will be. With regard to Policy 8, the system is not designed to adjust discharge rates for changes in river flows.

Policy 9 refers to the setting of mixing zones. The Meadow Burn is a small waterway, and full mixing should occur within 20-30 metres of the outfall.

In terms of Policy 25, it is difficult to assess reasonable mixing within the aquifer. Contaminant levels are expected to be low within a short distance of the treatment plant site, and there is no groundwater use in the vicinity of the likely plume. Overall, as the proposal is for a short-term consent until the discharge will shift to a Rapid Infiltration Basin discharge, I consider that it is consistent with Policy 25.

The provisions of Te Tangi a Tauria are considered below to give effect to Policy 1A.

### Proposed Water and Land Plan

The proposed Southland Water and Land Plan (2018) was notified by the Consent Authority on 3 June 2016. From 4 April 2018, the decisions version of the plan replaces the version notified on 3 June 2016.

The objectives and policies of the Proposed Southland Water and Land Plan that are relevant to this application are:

- Objective 1 Land and water and associated ecosystems are sustainably managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.
- Objective 2 The mauri of water provides for te hauora o te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the waterbody) and te hauora o te tangata (health and mauri of the people).
- Objective 4 Tangata whenua values and interests are identified and reflected in the management of freshwater and associated ecosystems.

- Objective 6 Water quality in each freshwater body, coastal lagoon and estuary will be:
- (a) Maintained where the water quality is not degraded; and
  - (b) Improved where the water quality is degraded by human activities.
- Policy 15B Where existing water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines, improve water quality including by:
1. ....
  2. requiring any application for replacement of an expiring discharge permit to demonstrate how and by when adverse effects will be avoided where practicable and otherwise remedied or mitigated, so that beyond the zone of reasonable mixing water quality will be improved to assist with meeting those standards or sediment guidelines.
- Policy 17A
1. Minimise adverse effects on water quality, and avoid, remedy, or mitigate other adverse effects of the operation of, and discharges from, community sewerage schemes by:
    - (a) designing, operating and maintaining community sewerage schemes in accordance with recognised industry standards; and
    - (b) implementing measures to progressively reduce the frequency and volume of wet weather overflows from community sewerage schemes; and
    - (c) ensuring community sewerage schemes are operated and maintained to minimise the likelihood of dry weather overflows occurring.
  2. ....

#### **Comment**

In terms of Objective 4 and Policy 1, the applicant consulted with, and obtained written approval from Hokonui Runanga, and Te Ao Marama Inc has indicated support. In addition, Te Ao Marama Inc was involved in the development of the regional plans.

Policy 2 requires that the iwi management plan, Te Tangi a Tauira, be taken into account. The plan is discussed later in this report. Indicators of health are listed in Section 3.5.11 of Te Tangi a Tauira, and include water quality, whether it is safe to eat fish and gather plants, and whether it is safe to drink water. Water quality of the river upstream of the discharge is not adequate for some of these indicators, and the discharge to the Meadow Burn does not improve matters, but the move to the Rapid Infiltration System will reduce contaminant loadings in the stream.

Policy 17A is the most directly relevant policy to a community sewerage scheme. At its heart, the policy seeks to minimise adverse effects on water quality. This is to be achieved by avoiding overflows, and by operating in accordance with recognised industry standards. It's unclear what standard may apply, although the existing system is typical for an oxidation pond treatment system. However, as already mentioned, the scheme is being upgraded to a land disposal system which is more in line with Objective 18, and will ultimately be consistent with the intent of Policy 17A.

In terms of Policy 15B, the proposal is for a short term consent, after which the discharge into the Meadow Burn will cease. That fits the criteria of Policy 15B of demonstrating how and by when adverse effects will be avoided.

**2.8 Any other matters considered relevant and reasonably necessary to determine the application (Section 104(1)(c))**

## Te Tangi a Taurira

Te Tangi a Taurira is relevant and reasonably necessary to the determination of this application. Consideration of this plan is supported by Policy TW.3 of the Regional Policy Statement 2012 and by Policy 1A of the Regional Water Plan. The relevant provisions are:

### **General Water Policy**

- Policy 3.5.10.1            The role of Ngāi Tahu ki Murihiku as kaitiaki of freshwater must be given effect to in freshwater policy, planning and management.
- Policy 3.5.10.3            Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.

### **Wastewater Disposal**

- Policy 3.5.2.6            Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Even if the discharge is treated and therefore considered “clean”, it may still be culturally unacceptable. Generally, all discharge must first be to land.
- Policy 3.5.2.7            Assess waste disposal proposals on a case by case basis, with a focus on local circumstances and finding local solutions.
- Policy 3.5.2.8            Wastewater disposal options that propose the direct discharge of treated or untreated effluent to water need to be assessed by the kaitiaki rūnanga on a case by case, individual waterway, basis. The appropriateness of any proposal will depend on the nature of the proposal, and what waterway is involved. Individual waterways possess their individual mauri and values, and kaitiaki rūnanga are in the best position to assess the potential impacts of a proposal on such values.
- Policy 3.5.2.15           Any discharge activity must include a robust monitoring programme that includes regular monitoring of the discharge and the potential effects on the receiving environment. Monitoring can confirm system performance, and identify and remedy any system failures.
- Policy 3.5.2.18           Recommend a duration not exceeding 25 years, for discharge consents relating to wastewater disposal, with an assumption that upon expiry (if not before), the quality of the system will be improved as technological improvements become available. In some instances, a lesser term may be appropriate, with a condition requiring the system is upgraded within a specified time period.

### **Discharge to Water**

- Policy 3.5.12.3           Consider any proposed discharge activity in terms of the nature of the discharge, and the sensitivity of the receiving environment.
- Policy 3.5.12.4           When existing rights to discharge to water come up for renewal, they must be considered in terms of alternative discharge options.

- Policy 3.5.12.5            When assessing the alternatives to discharge to water, a range of values, including environmental, cultural and social, must be considered in addition to economic values.
- Policy 3.5.12.6            Encourage the establishment of wetland areas, where practical, as an alternative to the direct discharge to water. Discharge to a wetland area allows Papatūānuku the opportunity to filter and clean any impurities.

### ***Stream Health Indicators***

Policy 2(2) of the Proposed Southland Water and Land Plan refers to Ngāi Tahu indicators of health for water quality and water quantity. Section 3.5.11 of Te Tangi a Tauria contains the following:

Indicators used by tangata whenua to assess stream health:

- Shape of the river
- Sediment in the water
- Water quality in the catchment
- Flow characteristics
- Flow variations
- Flood flows
- Sound of flow
- Movement of water
- Fish are safe to eat
- Uses of the river
- Safe to gather plants
- Indigenous vs. exotic species
- Natural river mouth environment
- Water quality
- Abundance and diversity of species
- Natural and extent of riparian vegetation
- Use of river margin
- Temperature
- Catchment land use
- Riverbank condition
- Water is safe to drink
- Clarity of the water
- Is the name of the river an indicator?

### **Comment**

Te Tangi a Tauria is an iwi management plan and was not developed under the same processes as a regional plan.

Policy 3.5.2.8 then clarifies that the kaitiaki rūnanga would need to consider such discharges in terms of the effects on mauri<sup>5</sup> and other cultural and spiritual values. I note that the applicant consulted with, and obtained written approval from, Hokonui Runanga, and that their stance was supported by Te Ao Marama Inc. This fits with Policy 3.5.10.1, which is to give effect to the role of Ngāi Tahu ki Murihiku as kaitiaki of freshwater.

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<sup>5</sup> Defined in Section 2 of Te Tangi a Tauria as '*spiritual essence, lifeforce*'

Policy 3.5.2.6 is clear that discharge to water is to be avoided. This is consistent with Policy 3.5.10.3, which is to protect and enhance the mauri of freshwater resources. In this case it is the applicant's intent that the discharge to the Meadow Burn cease, but there will be a delay while land is acquired and construction activities are completed to allow discharge of the wastewater to land via the Rapid Infiltration Basin system, which I consider complies with Policy 3.5.12.4. I note that Policy 3.5.2.7 allows for decisions to be made case by case, and that the approvals from the iwi authorities are therefore not inconsistent with the stated policies.

Policy 3.5.2.15 requires monitoring of the discharge and its effects. The proposed conditions include monitoring.

Policy 3.5.12.6 refers to the use of wetlands. The current system involves a soakage channel, but I wouldn't consider it to be a wetland, and use of it will be discontinued when the system switches over to Rapid Infiltration System.

I discussed the indicators of health earlier with regard to Policy 2 of the proposed Water and Land Plan. The ability to gather food or drink water from the river will be affected by the direct discharge of wastewater to the river in the short term, although upstream activities will continue to impact on those indicators even after the discharge ceases.

## **2.9 Section 104D Consideration of Non-complying Activities**

Section 104D of the Resource Management Act applies to the consideration of non-complying activities, and states as follows:

- (1) *Despite any decision made ~~[[for the purpose of notification]]~~ ~~[[in relation to adverse effects]]~~, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
  - (a) *the adverse effects of the activity on the environment (other than any effect to which ~~[[section 104(3)(a)(ii)]]~~ applies) will be minor; or*
  - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
    - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
    - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
    - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.]*

### **Comment**

In short, the application can only be approved if the consent authority is satisfied that either the adverse effects on the environment are minor, or that the proposal is not contrary to the objectives and policies of the operative and proposed regional plans. Contrary means “opposed in nature, different or opposed to”. The Environment Court has noted that “an absence of support does not equate to the activity being contrary”<sup>6</sup>.

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<sup>6</sup> Paragraph 35, *Wilson v Whangarei DC EnvC W020/07*

As discussed in the s95 consideration, if I am only allowed to consider adverse effects, and not consider the operation as a whole, then I consider that the adverse effects on the environment will be more than minor. However, taking the overall system into consideration, I don't believe that the proposal is contrary to policy. That view arises from the approval received from the iwi authorities, and particularly from the interpretation that the proposal should be viewed in the wider context of the wastewater scheme and planned shift to land discharge. Taking that wider view, which shifts to a land discharge system via Rapid Infiltration Basins, I don't think that the proposal fits the 'opposed in nature' requirement to be considered contrary to policy.

The effect of s104D is to limit the scope for an application to be approved. Even if an application passes the s104D tests, it must still be assessed under s104 and can be refused on grounds arising from that section.

#### **2.10 Value of investment of the existing consent holder if an application affected by Section 124 (Section 104(2A))**

In terms of the value of investment, the applicant estimates the replacement cost for the wastewater system as a whole is \$3.16 million. The wastewater treatment plant alone is valued at \$1 million.

#### **2.11 Section 105 matters relevant to discharge or coastal permits**

Section 7 of the application discusses alternatives. In the short term there are few alternatives to continuance of the existing discharge, so it is chosen as the most practicable option. Until the RIB system is available, the only immediate alternatives would be to evacuate the town to stop the generation of new wastewater, or operate a fleet of tankers to shift the wastewater to an alternate system. The residents could simply not switch fast enough to on-site systems, and such systems would likely have issues due to section size and the suitability of areas for wastewater soakage in the township.

In 2014 the applicant considered the following options and chose the Rapid Infiltration Basin (RIB) system:

1. Maintain the status quo and continue to discharge via the channel and intermittently to the Meadow Burn
2. Discharge to land via RIBs into silty clay gravel subsoils
3. Discharge to land via RIBs into deeper and more permeable gravels
4. Discharge to land using slow rate irrigation onto topsoil
5. Enhanced treatment process and discharging to Meadow Burn
6. Pumping partially treated wastewater to the Gore WWTP via a 35 km pipeline for treatment and disposal.

#### **2.12 Section 107 restriction on grant of certain discharge permits**

In terms of the matters in s107, the discharge is not having an adverse effect on aquatic life and does not make the stream unsafe for drinking water for stock. There is no statistical difference between upstream and downstream of the mixing zone in the Meadow Burn with regard to E. coli, and the Ryder Environmental report concluded that the discharge was not having an adverse effect on aquatic periphyton, macrophyte and macroinvertebrate communities in the Meadow Burn.

#### **2.13 Water Conservation (Mataura River) Order**



Clause 7(1)(a) requires that any discharge to the protected waters under the order must be substantially free of suspended solids, grease and oil. The application summarised the discharge monitoring results from March 2017 to December 2020, and identified that suspended solids were higher than expected, with a mean of 65 g/m<sup>3</sup>, but results ranged from 5.8 to 130 g/m<sup>3</sup>. However, I note that section 3.2.4.5 of the application discusses turbidity in the Meadow Burn and shows that, while it increases, there is little effect.

### 3. Recommendations

#### 3.1 Whether to grant

I believe that, by itself, the proposal is inconsistent with the general direction and tone of the policies of the regional plans. However, taking a wider view of the wastewater system, and considering the specifics of the individual provisions, I don't consider that it is contrary to the plan provisions. As stated, this view is largely based on:

- 1 Mr Garbett's legal opinion that the proposal and its effects should be seen in the context of the wider scheme, which will shift the system to land disposal of the wastewater. I note that the applicant has resource consents for the land disposal system, and
- 2 That written approval was received from Hokonui Runanga Inc, which was supported by Te Ao Marama Inc., on behalf of the kaitiaki rūnanga whose takiwā includes the site. As a result, I believe that the adverse effects on cultural and spiritual values will be no more than minor; and
- 3 The relatively short-term sought by the consent holder.

I also recognise that there needs to be a degree of pragmatism in this case. Wastewater from Riversdale township cannot realistically be immediately shut-off, and the switch to Rapid Infiltration Basin system cannot occur until the property and the necessary infrastructure is in place. The wastewater treatment and discharge infrastructure for the township is critical infrastructure, and I consider that the current proposal is an unavoidable stage in upgrading that infrastructure.

I note that the applicant was able to obtain written approvals from the Department of Conservation, Fish & Game New Zealand, Public Health South and R & ER Stewart (the landowners at the site), and that no submissions opposing the application were received.

Overall, I recommend, that for the above reasons, the application be granted pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991, subject to the conditions attached.

I have also approved the requested changes to Discharge Permit AUTH-20147220-02. However, I have included notification of both Te Ao Marama Inc and Hokonui Rūnanga Inc under Condition 5. The applicant's activity occurs outside Hokonui Rūnanga's specific takiwā, as stated on their website, in an area where it shares interests with other rūnanga. Therefore, I am reluctant to remove Te Ao Marama Inc from the notification list in the event of a spill.

#### 3.2 Term of consent

The applicant is seeking a 5-year consent period for the existing discharge to continue. That is based on timeframes to provide for land acquisition and then construction.

Policy 40 of the proposed Water and Land Plan provides guidance on the setting of consent durations.

- Policy 40 When determining the term of a resource consent consideration will be given, but not limited, to:
1. granting a shorter duration than that sought by the applicant when there is uncertainty regarding the nature, scale, duration and frequency of adverse effects from the activity or the capacity of the resource;
  2. relevant tangata whenua values and Ngāi Tahu indicators of health;
  3. the duration sought by the applicant and reasons for the duration sought;
  4. the permanence and economic life of any capital investment;
  5. the desirability of applying a common expiry date for water permits that allocate water from the same resource or land use and discharges that may affect the quality of the same resource;
  6. the applicant's compliance with the conditions of any previous resource consent, and the applicant's adoption, particularly voluntarily, of good management practices; and
  7. the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the revised frameworks established in those sections.

#### **Comment**

As mentioned above, the applicant has provided justification for the proposed duration. A shorter consent period would potentially result in a gap between authorisation for the discharge and commissioning of the Rapid Infiltratio Basin system, either creating non-compliance or the need for a further consent to bridge the gap.

Of the other matters listed in the policy I note that:

- The discharges to the Meadow Burn is an existing activity and there is reasonable certainty about the adverse effects on the environment.
- The discharge will impact on indicators of stream health (e.g. water quality) but Hokonui Runanga Inc, supported by Te Ao Marama Inc, along with other affected parties, gave written approvals to the proposal.
- There are no other direct discharges to the Meadow Burn and it would make little sense to align the consent period with much larger discharges to the Mataura River downstream that have even longer consent periods.
- The FMU sections are due to be implemented by the end of 2025, beyond the proposed consent period for this application.

Overall I consider that the term requested is reasonable in the circumstances and that the factors listed in Policy 40 do not warrant a shorter period. Therefore, I support the requested period.



Stephen West  
**Principal Consents Officer**

2 September 2021

**Attached:**

Decision document APP-20211306 APP-20147220-02-V1  
Discharge Permit AUTH-20211306  
Discharge Permit 20147220-02-V1

RECOMMENDATIONS IN COUNCIL REPORTS ARE NOT TO BE CONSTRUED  
AS COUNCIL POLICY UNLESS ADOPTED BY COUNCIL