



Recommendation and decision on notification of resource consent application(s) under sections 95-95G of the Resource Management Act 1991 (RMA)

Summary

The application will be processed on publicly notified basis at the applicant's request.

I recommend that affected parties, which are to be sent direct notice of the application, are confirmed.

The application

Particulars

Applicant:	Southland District Council
Application reference:	APP-20233188
Site address or location:	3 Gap Road West, Winton
New consent(s) for new activity(ies) (s88)	<input type="checkbox"/>
New consent(s) for existing activity(ies) (s88)	<input checked="" type="checkbox"/>
Change to conditions of existing consent(s) (s127)	<input type="checkbox"/>

The proposal

Southland District Council has applied for a resource consent to discharge treated wastewater from Winton township into the Winton Stream. The average rate of discharge is 1,300 m³/day.

This is an existing activity. The applicant is seeking a 5-year consent period, in which time it plans to commission an alternative discharge.

The applicant has requested notification of the application.

FDE discharge permit	
Relevant rule(s)	Rule 2 of the Regional Water Plan Rule 33A of the proposed Water & Land Plan
Activity Status	Non-complying activity

Overall, the application is a non-complying activity.



Public notification consideration

1. Is notification mandatory?

1.1	Has the applicant requested that the application be publicly notified? (s95(3)(a))	<input checked="" type="checkbox"/> Yes	Application <u>must</u> be publicly notified. Go to 8.1
		<input type="checkbox"/> No	Go to 1.2
1.2	Was further information, or commissioning of a report, requested under s92?	<input type="checkbox"/> Yes	Go to 1.3
		<input type="checkbox"/> No	Go to step 2.1
1.3	If yes, was the request refused, or did the applicant fail to respond or fail to provide the information by the deadline?	<input type="checkbox"/> Yes	Public notification is required by s95C. Go to 10.2
		<input type="checkbox"/> No	Go to step 2.1

2. Is notification precluded?

2.1	Is each activity subject to a rule or NES that precludes public notification?	<input type="checkbox"/> Yes	Rule(s): <input type="text" value="enter rule"/>
		<input type="checkbox"/> No	Go to 4.1
2.2	Is each activity a controlled activity?	<input type="checkbox"/> Yes	Application must not be publicly notified unless there are special circumstances. Go to 4.1
		<input type="checkbox"/> No	Go to 3.1

3. Is notification required?

3.1 Are any of the activities subject to a rule or NES that requires notification?	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
	<input type="checkbox"/> No	Go to 3.2
3.2 Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? (see Note)	<input type="checkbox"/> Yes	Application must be publicly notified. Complete 3.3 and go to 10.2
	<input type="checkbox"/> No	Complete 3.3 and go to 4.1.

Note: In forming this opinion (a) to (e) apply:

- (a) we must disregard any effects on persons who own or occupy the land on which the activity will occur or any land adjacent to that land (section 95D(a));
- (b) we may disregard an adverse effect of the activity if a rule or NES permits an activity with that effect (subject to Policy 36 of the pSWLP) (95D(b));
- (c) in the case of a restricted discretionary activity, we must disregard any adverse effects that do not relate to the matters over which the rule or NES restricts discretion (95D(c));
- (d) we must disregard trade competition and the effects of trade competition - 95D(d); and
- (e) we must disregard any effect on a person who has given written approval - 95D(e)

3.3 Reasons adverse effects on the environment are less than minor / minor / more than minor

The existing environment

Adverse effects of the proposed activities on the environment

Planning provisions (policies and objectives) relevant to adverse effects

Conclusion: significance of adverse effects on the environment

4. Special circumstances and public notification

4.1 Do special circumstances exist in relation to the application that warrant the application being publicly notified?	<input type="checkbox"/> Yes	Application must be publicly notified. Explain reasons in 4.2 and go to 10.2
	<input type="checkbox"/> No	Explain reasons in 4.2. If each activity is a controlled activity go to 10.1. Otherwise go to 5.1

4.2 Reasons why special circumstances do or do not exist

Affected Parties and Limited Notification

5. Protected Customary Rights Group or Customary Marine Title group

5.1 Is the activity in the coastal environment, within an area where it may adversely affect a protected customary rights group(s) or a customary marine title group(s) (see s95G)?	<input type="checkbox"/> Yes	Go to 5.2
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	<input type="checkbox"/> No	Go to 6.1
5.2 May the activity have adverse effects on a protected customary right carried out in accordance with the requirements of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011?	<input type="checkbox"/> Yes	The customary rights group(s) is an affected customary rights group(s). Application must be limited notified on them. Record in 5.3 and go to 6.1
	<input type="checkbox"/> No	Go to 6.1

5.3 Adversely affect a protected customary rights group(s) or a customary marine title group(s):

List the parties

6. Statutory Acknowledgement Areas

6.1 Is the activity on or adjacent to, or may it affect, a statutory acknowledgement area?	<input type="checkbox"/> Yes	Go to 6.2
	<input type="checkbox"/> No	Go to 6.3
6.2 Are the adverse effects on Te Rūnanga o Ngāi Tahu minor or more than minor?	<input type="checkbox"/> Yes	Include TRONT in 8.2 and go to 6.3
	<input type="checkbox"/> No	Go to 6.3

6.3 Reasons why adverse effects on Te Rūnanga o Ngāi Tahu are less than minor, minor or more than minor:

Include explanation or NA and go to 7.1

7. Is limited notification precluded?

7.1 Is each activity subject to a rule, NES or regulation that precludes limited notification?	<input type="checkbox"/> Yes	Go to 9.1
	<input type="checkbox"/> No	Go to 8.1

8. Are any people adversely affected?

8.1 Are the adverse effects on a person minor or more than minor (but not less than minor)?	<input checked="" type="checkbox"/> Yes	Go to 8.2
	<input type="checkbox"/> No	Go to 8.3

8.2 Person(s) considered to be adversely affected (complete and go to 8.3)

Person	Effect on person (see Note)
Te Ao Marama Inc	Discharge of treated human sewage into water adversely affected cultural and spiritual values.
Te Rūnanga o Ngāi Tahu	Discharge of treated human sewage into water adversely affected cultural and spiritual values. As the Winton Stream is a tributary of the Oreti River, the discharge may affect a statutory acknowledgement area

Public Health South	The discharge of treated wastewater into surface water poses a public health risk to anyone that comes into contact with the wastewater or the river downstream.
Department of Conservation	The discharge affects the water quality and ecological values of Winton Stream so may impact on the habitat of indigenous fauna that the Department is seeking to protect.
Fish & Game New Zealand	The discharge affects the water quality and ecological values of Winton Stream so may impact on the habitat of trout, affecting the interests of Fish & Game NZ, and its members/the fishermen it represents.
Invercargill City Council	Discharge contributes to contaminants in the Oreti River that may affect the Invercargill City water supply take.
Alliance Group Ltd, Lorneville	Discharge contributes to contaminants in the Oreti River that may affect the Alliance Group Ltd's Lorneville water supply take.
JB & CJ Ferris	Their property is immediately opposite the discharge. The discharge may affect their interaction with the stream. They have also obtained a resource consent for a bore for domestic and stockwater supply that will be drilled 20 metres from the Winton Stream, about 80 metres downstream of the discharge. I doubt that the bore will be affected, but it may be of concern to them.

Note: In forming this opinion (a) to (c) apply:

- (a) We may disregard an adverse effect of the activity on the person if a rule or an NES permits an activity with that effect; and
- (b) We must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- (c) Must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

8.3 Reasons why no other person is considered to be adversely affected

Our records do not show anyone else that draws water from the Winton Stream, or from a bore in close proximity to the stream, downstream of the discharge point.

Winton Dairy Ltd owns the property immediately downstream of both the applicant's property and the Ferris property. However the farm draws groundwater from bores about 900 metres west of the stream. As a dairy farm, its stock should be fenced out of the stream. So it is unlikely that the farm is affected by the discharge upstream.

The application notes that the Winton Stream, due to its size, does not have recognised bathing sites or swimming areas, nor provide any recreational opportunities or significant amenity values. The stream passes through agricultural land, with only scattered dwellings in proximity, and the stream is known to be downstream of the discharge (there is a warning sign), and downstream of the township. So it is unlikely that many people are at risk from direct contact the waters of the stream. However, public notification will allow people that may periodically visit the stream, but that we are unable to identify, to be aware of the application and make submissions on it.

9. Special Circumstances – Limited Notification

9.1 Are there special circumstances that warrant limited notification of any other persons?	<input type="checkbox"/> Yes	Application must be limited notified to those persons and any other affected persons. Go to 9.2
	<input type="checkbox"/> No	Go to 10

9.2 Reasons special circumstances exist and persons to be notified

Recommendation and decision

10. Officer's recommendation

Public notification is required, at the request of the applicant.

I recommend that

The parties listed in Section 8.2 are confirmed as affected parties and sent notice of the application.



Stephen West
Principal Consents Officer

Date: 10 July 2023

Decision under Delegated Authority

11.1 I agree with the recommendation	<input checked="" type="checkbox"/>
11.2 The application will be publicly notified	<input checked="" type="checkbox"/>
11.3 The parties to be served notice are those listed in section 8.2	<input checked="" type="checkbox"/>

PLUS

-The addition of Winton Dairy Limited to the list of parties served notice noting their close proximity downstream of the discharge location , and

-The addition of Taumata Arowai as statutory water regulator. While SDC must fulfil its reporting requirements to this agency separately, it is worth TA being made aware of the application process and being given an opportunity to submit should it desire to do so.

This decision is made under delegated authority by:



Bruce Halligan
Consents Manager

Date: 10 July 2023