

IN THE MATTER of Resource Management Act 1991 (the Act)

AND

IN THE MATTER of applications for resource consent by Wanganui District Council for the Revised Wanganui Wastewater Discharges Nos. 101704 – 101707 and applications for variation to resource consent conditions of existing resource consents for the Wanganui Wastewater discharges namely resource consents MWC912530, MWC912682, MWC912683, MWC912684 and MWC912529

DECISION AND RECOMMENDATIONS OF THE HEARING COMMITTEE TO THE MINISTER OF CONSERVATION

1. THE APPLICATIONS

The applications to be considered by the Hearing Committee were:

- Four applications, 101704-101707, for new resource consents to discharge to the lower Whanganui River, and inshore coastal waters south of the River mouth. These applications are all for discharges to the Coastal Marine Area. In simple terms, they seek to discharge stormwater initially contaminated by wastewater to the lower Whanganui River, and partially treated and then more fully treated tradewaste and domestic sewage to inshore coastal waters via an existing ocean outfall; and
- Applications for some relatively minor changes to existing conditions of consents granted to the District Council in 1992 for the Wanganui Wastewater Scheme.

In addition and beyond the scope of the Hearing Committee, Wanganui District Council made applications to vary the operative Regional Coastal Plan, to enable all the above applications to be authorised. These were the subject of a separate plan change hearing process being considered concurrently with the resource consent applications.

1.1 New Applications for the Revised Wastewater Scheme

On 16 March 2001, Wanganui District Council applied for new resource consents for Coastal Permits for discharges into the Coastal Marine Area (CMA) at Wanganui. The discharges are associated with the Revised Wanganui Wastewater Scheme.

There are two receiving environments for the discharges, the Whanganui River downstream of the Cobham Street Bridge (“the river environment”), and inshore coastal waters south of the river mouth (“the marine environment”). Both receiving environments are in the Coastal Marine Area and are covered by the Regional Coastal Plan for the Manawatu-Wanganui Region.

The applications sought:

- 101704** Coastal Permit (Discharge) for the Discharge of Stormwater (of unquantified volume) (including stormwater from industrial and trade premises which may use hazardous substances) via existing outfall pipes into the reach of the Whanganui River between Cobham Bridge and the North/South moles, within the Coastal Marine Area, as shown in the map below, for a term of thirty-five years.
- 101705** Coastal Permit (Discharge) and Restricted Coastal Activity for the discharge of diluted wet weather overflows of wastewater (of unquantified volume), including tradewaste and domestic sewage via existing outfall pipes into the reach of the Whanganui River between Cobham Bridge and the North/South moles, within the Coastal Marine Area, as shown in the map below, for a term until 1 July 2010.
- 101706** Coastal Permit (Discharge) and Restricted Coastal Activity for the discharge of up to 30,000 cubic metres per day of wastewater (including tradewaste and domestic sewage) partially treated until 1 July 2007 and fully treated after 1 July 2007 via an existing ocean outfall located 1800 metres off South Beach, within the Coastal Marine Area, as shown in the map below, for a term of thirty-five years; and
- 101707** Coastal Permit (Discharge) and Restricted Coastal Activity for the Discharge of stormwater (unquantified) containing diluted wastewater via an existing ocean outfall located 1800 metres off South Beach, into the Coastal Marine Area, as shown in the map below, for a term until 1 July 2010.

These applications are to replace the current permits for these discharges MWC912682, MWC912683 MWC912684 and MWC912529, which expire on 1 July 2007.

The applications result from Wanganui District Council's review of its 1992 Wanganui Wastewater Scheme, in which it was decided to revise the implementation of the Scheme. The original scheme, for which consents were granted in 1992, contemplated:

- § the construction of interceptors to remove dry weather flows of sewage from the river by July 1996;
- § full separation of stormwater and sewage throughout the City by July 2007;
- § treatment of tradewaste and its discharge to the marine environment via the existing ocean outfall by January 1999; and
- § treatment of domestic sewage by July 2001, and land based disposal of this sewage by January 2004.

It was proposed to extend the timeframe for the full separation of sewage and stormwater for the discharges to the Whanganui River below Cobham Bridge, and to the sea via the existing marine outfall, from 1 July 2007 to 1 July 2010. Wanganui District Council also proposed to extend the timeframe for the completion of the sewage treatment plant from 1 July 2001 to 1 July 2007, and to dispose of treated domestic sewage and tradewaste via the existing marine outfall.

The applications are not related to discharges associated with the Wanganui Wastewater Scheme into the Whanganui River above the Cobham Bridge. These discharges are not into the Coastal Marine Area, the upstream boundary of which is the Cobham Street Bridge.

These discharges are covered by existing permits granted in 1992, which require full separation of stormwater and sewage by 1 July 2007. Some minor consequential changes to these permits are required for upstream of the Cobham Street Bridge, primarily because of the way that the original permits were drafted in 1992.

1.2 Applications to Change Conditions on Existing Permits

On 23 March 2001 Wanganui District Council also applied to change conditions on Discharge Permits MWC912530, MWC912682, MWC912683, MWC912684, MWC912529 and MWC912531, granted in 1992 by Manawatu-Wanganui Regional Council for discharges from the Wanganui City Wastewater Scheme. The changes sought are:

- (a) Change general condition 2.1 attached to all the existing permits by adding the words "except that a sewage treatment plant shall be completed and operational by 1 July 2007";
- (b) Change general condition 2.5.3 attached to all the existing permits described above to change the date by which the sewage treatment plant shall be completed from 1 July 2001 to 1 July 2007;
- (c) Change conditions 5.2 (c) and (d) attached to permits 912684 and 912685 for the discharge through the marine outfall to amend the dates by which separation of the wastewater in the discharge to the sea via the existing marine outfall will occur, to 1 July 2007.

2. PUBLIC NOTIFICATION AND SUBMISSIONS

The applications for new resource consents, and for changes of conditions of existing resource consents for the Wanganui Wastewater Scheme were notified separately but concurrently on 25 May 2001, in accordance with Section 93 of the Act.

Six submissions were received; these are listed in Table 1 below, followed by a Summary of the Submissions.

Table 1 Submissions Received

No	Name	Application	Support/Oppose	Wishes to be Heard
1	Royal Forest & Bird Protection Society Inc	Change of Conditions 912530,912682,912683, 912684, 912529 and 912531	Conditional Support	Yes
2	Taranaki Wanganui Conservation Board	New applications 101704, 101705, 101706 and 101707 Change of Conditions (Nos. as above)	Conditional Support	Yes
3	Director General of Conservation – Wanganui Conservancy	New applications (Nos. as above) Change of Conditions (Nos. as above)	Conditional Support	Yes
4	Friends of the Shoreline	New applications (Nos. as above)	Conditional Support	Yes

5	Mr B W Cundle	Not specifically stated - inferred new consent applications	Oppose	Yes
6	MidCentral Health – Public Health Centre-Wanganui	New applications (Nos. as above)	Conditional Support	No

2.1. Summary Of Submissions

2.1.1 Barry Wayne Cundle

Mr Cundle did not identify the applications submitted against but referenced stormwater as his concern. He opposes stormwater separation and objected to paying for it as a Wanganui District Council ratepayer. He believes the Regional Council should pay for the sewage scheme.

Mr Cundle wished to be heard in support of his submission.

2.1.2 Whanganui Forest and Bird

Stephen K Sammons of Whanganui Forest and Bird made a submission conditionally supporting Wanganui District Council's applications for a Change of Conditions to Resource Consent Nos. MWC912530, MWC912682, MWC912683, MWC912684, MWC912529 and MWC912531.

Mr Sammons highlighted concerns about the possible future pollution and environmental effects on the river and sea and negative associated health effects of the activities applied for. He noted the negative visual effects of sewage overflows on the river, sea area and coastline, including the presence of slicks, films and visible plumes from the discharge point, as well as deterioration of Wanganui's natural coastal values. He also noted the negative effect of disposing of effluent into wastewater on tangata whenua cultural spiritual values.

Mr Sammons stated in his submission that Whanganui Forest and Bird would like to have all contaminants that have adverse health, environmental and tangata whenua cultural effects removed from Wanganui District Council's discharge of effluent to water. They also request that warnings for public health are placed on signs along the river and beach, and that a duckbill diffuser be used to disperse the discharge so that it does not have a visible plume.

Mr Sammons indicated that Whanganui Forest and Bird are concerned with the extension of the timeline for changes to the Wanganui Wastewater System, but note their conditional support. They request a condition that Wanganui District Council be kept to the proposed timelines. Mr Sammons wished to be heard in support of his submission.

2.1.3 Director-General of Conservation, Department of Conservation, Wellington

A submission on behalf of the Director-General of Conservation was made in regard to Resource Consent Application Nos. 101704 – 101707 and Change of Conditions Nos. MWC912530, MWC912682, MCW912683, MWC912684, MWC9125269 and MWC912531 by Jeffrey Mitchell-Anyon, Community Relations Manager of the Wanganui Conservancy, Department of Conservation under delegated authority.

Concerns highlighted in the submission related to the visual effects of wastewater discharges in the Coastal Marine Area, with regard to Section 107 matters. These included effects compounded by inefficient operation of the diffuser resulting in a concentration of contaminants in discharge plumes.

The submitter noted the present effects of the discharge are across an extensive zone. These include changes to the animal community of the sea floor, both in close proximity to the discharge and up to 1.2km from the discharge in a southeasterly direction. It is considered these effects should, in future, be limited to the smallest possible area.

The submitter stated that the discharge detracts from the recreational use and enjoyment of the Coastal Marine Area. He noted that using the area for contact recreation and shellfish gathering can give rise to public health concerns. He require that appropriate signage, warning the public of the health risk associated to wastewater discharges be erected in affected areas.

The relief sought by the submitter for the Department of Conservation included conditions on dilution of the discharge, grease concentrations, mixing zone definition from 01 July 2007, maintenance of seafloor communities, erection of warning signs and development of a monitoring programme. In particular, the submitter sought a median 260 fold dilution of effluent from the outfall, reduction of grease discharges to 10g/m³, the adoption of mixing zones as per the Assessment of Environmental Effects for the applications, a balanced composition of seafloor communities that are not significantly different from those outside of the mixing zone of initial dilution from 01 July 2007, and the development of a monitoring programme to assess compliance with consent conditions imposed.

The Department of Conservation wished to be heard in support of the submission.

2.1.4 Taranaki/Wanganui Conservation Board

Gavin Rodley made a submission on all of the applications (new resource consents and Change of Conditions) on behalf of the Taranaki/Wanganui Conservation Board.

Although the Board favoured land disposal of treated sewage effluent, it is aware that the option is not affordable or practical in terms of land area required for Wanganui. The Board considered that financial assistance from the Government is required to relieve cost as a driving factor for wastewater options.

The Board supported the relief sought by the Director-General of Conservation. It also sought that consent conditions require that the Wanganui District Council undertake coastal enhancement works in the South Beach area and assist with the development of a walkway from the treatment plant to the south mole.

Gavin Rodley wished to be heard in support of his submission made on the Board's behalf.

2.1.5 Public Health Centre, MidCentral Health, Wanganui

Daniel McGlynn, Health Protection Officer made submissions on behalf of MidCentral Health for Resource Consent Application Nos. 101704, 101705, 101706 and 101707.

Mr McGlynn's submissions were made under the statutory obligations of MidCentral Health to promote the reduction of environmental effects on the health of people and communities.

In respect of applications 101704 and 101705 to the river environment the submitter's concerns related to the effects of the discharge, in particular on receiving waters. Of consequence to the submitter is the Wanganui District Council's proposal to continue discharging wastewater into the river until 2010, although it is accepted that time is required to achieve the works programme planned.

The submitter believed applications 101704 and 101705 can be granted, provided the timetable within the documents supporting the applications is met.

In respect of applications 101706 and 101707 to discharge to the marine environment the submitter's concerns relate to water quality, in particular, recreational water quality and effects on shellfish and other food sources.

Using an outfall to dispose of sewage is a method accepted by the submitter, however the treatment of the discharge and in particular its chemical constituent sourced from Wanganui's industrial sector was of concern.

The submitter noted there needs to be efforts to ensure there is sufficient treatment prior to effluent entering the outfall.

The submitter sought that monitoring of pre-treated industrial waste be undertaken to ensure that industrial waste is sufficiently treated prior to discharging to the Wastewater Treatment Plant.

Bacterial quality is a further noted concern of the submitter. Runoff to the River from agricultural activities needs to be minimised as it has a large influence on River water quality and in turn coastal areas. The submitter anticipates improvement in the outfall discharge through improved treatment within the next 10 years.

The submitter did not wish to be heard.

2.1.6 Friends of the Shoreline

Allan Wigglesworth, Chairman of Friends of the Shoreline, made a late submission on Resource Consent Application Nos. 101704 – 101707. He wished to be heard on the applications, to elaborate on various issues. These include the historical involvement of Friends of the Shoreline in the issue, a summary of the organization's original evidence to the 1989 Water Right Hearing and changes in the marine shoreline environment since then, contact recreation uses in the marine environment, stresses on the quality of the marine environment and shoreline, and the decision sought in respect of the submissions by Friends of the Shoreline.

2.2 Late Submission

The submission by Allan Wigglesworth on behalf of the Friends of the Shoreline was received on 04 July 2001, two days after the closure of the submission period on 02 July 2001.

The submitter contacted **horizons.mw** Consents Planner on 02 July 2002 indicating the intention to lodge a submission and outlining the reason it was late.

The Hearing Committee determined that the submission of Mr Wigglesworth can be accepted and that in so doing the Applicant would not be unduly prejudiced.

3. OUTLINE OF THE STATUTORY PROCESS

Following closure of the submission period on 02 July 2001, the time period in which a Hearing would be held was extended pursuant to Section 37(5A) of the Act, to coincide with the Hearing on the Changes to the Regional Coastal Plan.

All submitters on the resource consent applications were notified that the resource consent application process was placed 'on hold' to enable the Plan Change process to progress to the Hearing stage. Submitters were also advised that as the consent applications and the Proposed Plan Changes are related matters, a separate but concurrent Hearing was to be held as provided for under Clause 4 of Part I of the First Schedule, and Section 103 of the Act.

4. PRE-HEARING MEETINGS

4.1 Meeting One - 13 September 2001

At the request of the Applicant a pre-hearing meeting was held on 13 September 2001 at the Whanganui River Boat Centre, Wanganui. All submitters to the applications were invited to attend.

The meeting was attended by Dean Taylor - Water and Waste Water Manager, and Richard Munneke - Wanganui District Council, Stephen Sammons - Forest and Bird Protection Society, Whanganui, Allan Wigglesworth - Friends of the Shoreline, Megan Patrick - Wanganui Conservancy for Director-General of Conservation and Gavin Rodley for Taranaki-Whanganui Conservation Board. Gavin Rodley placed an apology for a Board Member, Mr B Millam. **horizons.mw** staff present were Sarah Gardner - Senior Consent Planner, Chris Thomson - Team Leader Consents and Application Manager, and Dr Brent Cowie – Technical Consultant on the applications to **horizons.mw**. The meeting began at 9:00am and concluded at 11:30am.

The purpose of the meeting was to clarify the issues and concerns raised in each submitter's submission and to mediate or facilitate resolution of any matters and issues.

Dean Taylor provided a brief overview of the Revised Wastewater Scheme and applications, including the community consultation undertaken prior to and following lodgment of the applications.

Each submitter present provided a brief overview of the main issues of their submission.

A prepared summary of issues raised in submission and mitigation measures sought by submitters was presented by **horizons.mw**'s Team Leader Consents, Chris Thomson.

It was acknowledged that the summary represented the issues raised. **horizons.mw** staff noted that the verbal overview provided by submitters added the following issues:

Friends of the Shoreline noted the wider water quality issues of the River and coastal area as a result of use and development of wider catchment. In particular they requested **horizons.mw** acknowledge this wider catchment impact on River and marine water quality (which they considered to be significant) and provide an outline of measures that **horizons.mw** was undertaking to address this wider impact.

Friends of the Shoreline were also concerned that Wanganui District Council was not being held to its original consents issued in 1992, and raised concerns over the integrity of the consents process. Friends of the Shoreline sought an explanation as to why the land based system previously consented was being changed by this current process.

The Department of Conservation noted that while it had suggested the installation of a Duckbill to effectively diffuse wastewater and minimize the visible discharge and plume, it was not held specifically to this particular method. The Department of Conservation would consider a method or earlier upgrading to reach a similar result, i.e. the same amount of money or effort spent to upgrade the separation/discharges earlier.

Forest and Bird noted their submission also favoured a maximum effort of upgrading to result in minimum effects and minimum risk of any sewage overflows.

Discussion centered around the issues raised and mitigation measures proposed as detailed in the prepared summary.

The meeting concluded with agreement that draft conditions with explanation be developed by **horizons.mw** and circulated to those present on 21 September 2001. A further meeting was scheduled for 28 September 2001 (rescheduled to 01 October 2001) for those who wished to discuss the conditions. Submitters also had the option to provide **horizons.mw** with written comments in lieu of attending the meeting.

Minutes of the pre-hearing meeting are lodged on the Consent Application file.

4.2 Meeting Two - 01 October 2001

A second pre-hearing was held on 01 October 2001 to discuss **horizons.mw**'s pre-circulated draft consent conditions.

Present were Dean Taylor and Richard Munneke - Wanganui District Council, Stephen Sammons – Forest & Bird Protection Society – Whanganui, Allan Wrigglesworth – Friends of the Shoreline, Megan Patrick and Rosemary Miller – Wanganui Conservancy – Department of Conservation and Chris Thomson and Brent Cowie - **horizons.mw**. Gavin Rodley forwarded an apology on behalf of the Taranaki-Whanganui Conservation Board as he considered the issues he raised in relation to the first Pre-hearing Meeting were adequately covered by the draft conditions.

The meeting began at 1:00pm and concluded at 3:15pm.

The purpose of the meeting was to discuss the draft conditions developed by **horizons.mw** from the discussions of the first pre-hearing meeting. The draft conditions were circulated to all submitters on the applications, who were also advised of the date and time of the second pre-hearing meeting. In response, Mr Cundle wrote to **horizons.mw**'s Team Leader Consents advising he was unable to attend day meetings due to work commitments.

The draft conditions circulated were discussed in full resulting in further amendments. The amended draft conditions were re-circulated twice amongst those present on the day.

A record of the pre-hearing meeting is lodged on the Consent Application file.

5. APPLICATION TO CHANGE THE REGIONAL COASTAL PLAN

Resource consent applications 101704 and 101706 relied on a change being made to the operative Regional Coastal Plan. The application for Plan Change No 1 relating to RCP Rule 1 attracted no submissions in opposition and no submitters that wished to be heard. On 8 November 2001, a Hearing Committee comprising Councillors Lester and Voss of **horizons.mw** agreed to recommend to the Minister of Conservation that the Plan change sought by the Applicant be granted.

6. THE HEARING

6.1 Parties Present

Chris Lester as Chairman, Cr Howard Voss and Dr Ian Stewart, the Minister of Conservation's representative comprised the Hearing Committee that heard the applications. The Hearing Committee held delegated authority from **horizons.mw** to hear the applications and make decisions and recommendations on them to the Minister of Conservation.

The Hearing, held on 09 November 2001 took place in the Seddon Room at the Collegiate Motor Inn, Wanganui. Proceedings commenced at 9:00am and concluded at 2:00pm.

At the commencement of the Hearing Cr Lester explained the protocols of Hearings and what constitutes appropriate conduct. Cr Lester introduced the Hearing Committee and then asked others present to introduce themselves.

In response to a request from Wanganui District Council's Counsel, the Hearing Committee allowed the Department of Conservation to speak first in a departure from usual protocol. The Wanganui District Council considered it necessary for the Department of Conservation to deliver its evidence first, so that the evidence of Wanganui District Council could be interpreted in context. There were no objections to this from the other parties present.

The Hearing Committee heard evidence, presented on behalf of Wanganui District Council, from Mr Rob Goldsbury, Counsel for Wanganui District Council, Mr Dean Taylor, Water and Wastewater Manager for Wanganui District Council and from Mr Ian Robertson, principle of MWH NZ Ltd, Consultant to the Applicant. Also present on behalf of Wanganui District Council were Mr Colin Hovey – Wastewater Project Manager and Mr Richard Munneke, Environmental Manager for Wanganui District Council.

Submitters present were, Geoff Hulbert, Counsel for the Director General of Conservation, Megan Patrick, Community Relations Officer for the Department of Conservation, and Allan Wigglesworth, Chairman of Friends of the Shoreline.

MidCentral Health had advised in their original submission that they did not wish to be heard. Mr Cundle had advised **horizons.mw** prior to the second pre-hearing meeting that he was unable to attend day meetings due to work commitments.

The Hearing Committee took written submissions of those who did not attend the Hearing into account.

horizons.mw's Team Leader Consents, Chris Thomson, and Technical Consultant, Dr Brent Cowie presented a Joint Hearing Report to address the applications. Their report was pre-circulated to all parties prior to the Hearing, including those submitters who did not wish to be heard. **horizons.mw**'s Senior Consents Planner, Sarah Gardner assisted the Hearing Committee.

6.2 Evidence Presented

6.2.1 The Director General of Conservation (Department of Conservation – submitter)

Mr Geoff Hulbert, Counsel for the Director General of Conservation spoke first.

Mr Hulbert tabled written evidence for the Hearing Committee and gave evidence to explain the roles of the Minister and Director General of Conservation in relation to the Applications.

Mr Hulbert noted the distinction between a Restricted Coastal Activity and an application for activities that are not Restricted Coastal Activities. He noted that in this instance, the role of the Hearing Committee is to make recommendations to the Minister of Conservation, the parliamentary head for the Department of Conservation. He further noted that while it is unusual for the decision maker's representative to make submissions on an application, it is useful for those involved in the process. Mr Hulbert explained that the Minister has a constitutional right to seek advice from the Department of Conservation on matters requiring a Ministerial decision.

In respect of Wanganui District Council's applications, Mr Hulbert noted that the Department of Conservation generally concurred with the **horizons.mw**'s Officers Report, in particular, that the proposed conditions relating to the discharge should adequately avoid, remedy or mitigate the longer term effects.

Mr Hulbert noted the Minister's need to have regard to Section 104 Matters when making her decision. He recommended that to assist her the Hearing Committee make recommendations on each Matter of Section 104.

When determining the effects of the proposal Mr Hulbert noted that they are not just limited to effects on aquatic life. He considered that the Hearing Committee must address cultural effects and the Policies of the New Zealand Coastal Policy Statement and the Regional Coastal Plan that identify the need for their consideration.

In respect of the consideration of land as an alternative receiving environment, Mr Hulbert noted that the Hearing Committee must consider alternatives against Section 5(2)(a) and (c) matters. He noted the assistance the Officers' Report provided for Section 104(3) considerations, and that the Department of Conservation is satisfied in that regard. He further noted that the Minister will be seeking particular advice from the Hearing Committee on Section 104(3).

Mr Hulbert referred to consultation with tangata whenua and to the Minister's position as a Treaty partner with obligations. He highlighted the Treaty principles of active protection of taonga and Maori interests and consultation as relevant to the applications. Mr Hulbert was aware of the extensive consultation Wanganui District Council had done with tangata whenua and acknowledged that no iwi had submitted on the applications. He signalled that the Minister would seek specific advice from the Hearing Committee about Section 8 Matters, and about how community consultation had been addressed by Wanganui District Council.

The recommended conditions of the Officers were considered by Mr Hulbert to generally met the Department's concerns, due in part to the size of the recommended mixing zones. He noted that the Officers considered that Section 107 standards would be achieved within the mixing zone specified, and that if they were not Wanganui District Council would be in breach of its Permit.

Mr Hulbert believed the effect on the composition of the seafloor community within the discharge would be adequately protected by the Officers' recommendations. He further noted that additional treatment outside the mixing zone would be necessary for the discharge to meet Protecting Public Health (PPH) standards between the shore and 500m seaward.

New Zealand examples of wastewater discharges where faecal coliform levels are 1000 per 100mls within small mixing zones were highlighted by Mr Hulbert. He suggested the Hearing Committee address the comparatively higher faecal coliform levels recommended in the Officers' report for the Wanganui Wastewater discharge. Similarly Mr Hulbert sought comment from the Hearing Committee on recommended suspended solids standards for the Wanganui applications. He noted the Officers' Report considered that suspended solid levels should not have an effect beyond the mixing zone. Mr Hulbert told the Hearing Committee the Department of Conservation did not dispute that view, and that in complying with other recommendations, Section 107 standards should be met.

In a discussion of the proposed duration of consent, Mr Hulbert referred to other recent New Zealand examples of discharges requiring consent by the Minister as Restricted Coastal Activities. He noted their variance in terms granted between 12 and 25 years. Mr Hulbert considered that issues impacting on duration include, uncertainty about treatment methods, adequate assessment of long-term effects, technological advances, changes in community views on sewage treatment and review conditions that cannot make permits inoperative.

Mr Hulbert noted that consents with longer terms have higher treatment standards than those proposed by Wanganui District Council. He considered the term recommended needed to reflect what is appropriate for the particular receiving environment for Wanganui District Council's wastewater.

For clarification Dr Stewart commented that he saw Section 107 as an absolute baseline for the discharge to achieve. Mr Hulbert noted Section 107 as a standard to meet, and that the Department of Conservation accepts it will be by the two stage-mixing zone proposed in the Officers' Report.

When Dr Stewart asked if Trade Waste is an issue for the Minister, Mr Hulbert explained the issue is the quality of the combined discharge. He acknowledged that attempts are being made to have Wanganui's Trade Waste treated on-site.

Mr Hulbert explained to the Hearing Committee that what occurs upstream of the discharge is relevant when determining the standards that the discharge shall meet. Mr Hulbert noted that faecal coliform levels of 1000 per 100ml can only be achieved by disinfection.

6.2.2 The Applicant (Wanganui District Council)

The Wanganui District Council's Counsel, Mr Goldsbury, presented opening statements. He did not table a written submission.

Mr Goldsbury spoke of the extensive Assessment of Environmental Effects compiled by Wanganui District Council for its applications. He also made comment on the level of in-depth consultation Wanganui District Council had undertaken for the applications, not only with tangata whenua, but the wider community.

Mr Goldsbury confirmed that Wanganui District Council had had the opportunity to view **horizons.mw**'s Joint Officers' report in advance of the Hearing. He told the Hearing Committee that Wanganui District Council had no legal comment to make about the submissions of Mr Hulbert or **horizons.mw**'s Officers' Report.

6.2.3 Dean Taylor, Wanganui District Council, Water and Wastewater Manager

Mr Taylor tabled and read written evidence for the Hearing Committee. He detailed his qualifications and experience for the Hearing Committee and summarised the content of his evidence.

Mr Taylor told the Hearing Committee the applications had been made to enable the Wanganui Wastewater project to be revised with an aim to having a totally sewage free river environment and a minimally affected marine environment. He stated the focus of the project is to mitigate existing adverse environmental effects and to meet or exceed all Section 107 and Regional Coastal Plan requirements.

Mr Taylor explained that the applications lodged reflected the shortest possible timeframe in which Wanganui District Council's wastewater objectives could be achieved. He considered the applications reflected total community consensus derived from extensive public consultation. Mr Taylor believed the submissions made on the applications reflect community support for the proposal and the relationship of Wanganui District Council with iwi.

Wanganui District Council's approach was described by Mr Taylor as maximising environmental improvement while maintaining a consciousness of the financial impact on the community. Mr Taylor considered that given the community consensus of the project and evidence within the Assessment of Environmental Effects, the applications for the revised Wanganui Wastewater Scheme should be granted 35 year terms. He did not consider any comparisons could be drawn from Wanganui District Council's proposal against any other.

Mr Taylor noted that once the works on the marine discharge are complete Wanganui District Council will have a term of 26 years for the finished disposal system. He told the Hearing Committee that the expenditure required justifies the longest permit term possible. Mr Taylor considered that the close and extensive performance monitoring detailed in the draft conditions of the **horizons.mw**'s Officers' report coupled with a review clause, leave no possible grounds for a shorter period. He believes that the Regional Policy Statement for Manawatu-Wanganui indicates that longer rather than shorter consent durations are favoured for applications that are well designed and managed.

Mr Taylor told the Hearing Committee that Wanganui District Council has not yet decided on a treatment method and that many options are available. He explained that Wanganui District Council wished to determine and adopt the treatment method that best reflected the aspirations of the community and particularly of local iwi. By 2007 Mr Taylor explained, the Wanganui District Council will have reviewed treatment options and decided on and implemented the option suitable for Wanganui. This will be achieved with the assistance of the Wanganui Wastewater Treatment Working Group, comprising representatives from Wanganui District Council and iwi.

For clarification, Cr Voss asked Mr Taylor if when selecting a treatment option, Wanganui District Council will allow for changes in technology or increased population size. Mr Taylor believed they would be factors along with financial constraints and land acquisition.

Cr Lester asked Mr Taylor if the 35-year term sought reflected other reasons except economic ones. Mr Taylor explained that he could see no reason for the Hearing Committee recommending a lesser term if required minimum standards are met and community support is in favour of the term and proposal.

Dr Stewart noted that Wanganui District Council did not adopt the Local Government model Trade Waste Bylaw of the early 1990's. Mr Colin Hovey explained that Wanganui District Council adopted its own Bylaw in 1989 and has entered into separate agreements with industry about what trade waste pre-treatment can be achieved. Dr Stewart noted that in 1989 Section 107 matters did not apply to Wanganui District Council discharges. Mr Hovey noted in 1994 all trade waste was discharged into the marine environment. He referred to NIWA's investigations of the environment, noting there is not a lot of aquatic life present, but that the worm population has increased. Mr Hovey pointed out to the Hearing Committee that Wanganui District Council's Assessment of Environmental Effects for the discharge indicates no international standards are breached in sediment around the marine outfall. He told the Hearing Committee he believed that the present discharge meets Section 107 standards.

Dr Stewart noted that Wanganui District Council may, by not committing to a treatment plant design before the Hearing, choose to design the minimum plant required to meet its permit conditions, and then argue that the Whanganui River is responsible for effects on water quality. Mr Taylor told the Hearing Committee that Wanganui District Council aims to meet or exceed minimums and that it seeks as much improvement as possible from the expenditure contributed.

Mr Hovey explained to the Hearing Committee that Wanganui District Council does not expect to use the Whanganui River as an excuse for poor water quality. He believed that due to changes on the Marine outfall there would be no parameters outside of the mixing zone exceeding guidelines. He noted that an estimated 3 or 4 million cubic metres of sediment exits the river mouth annually, moving through the marine environment in a north to south direction. He believed that small waves disturb the bed and that the outfall discharge incorporates within sediment movement. Mr Hovey considered that bacteria in shellfish is what needs to be targeted.

Mr Taylor told the Hearing Committee that Wanganui District Council has no desire to hide behind the river plume. He noted the view that as soon as sewage is out of the river, particularly from a cultural sense, it's clean. Mr Taylor assured the Hearing Committee that if the capital allocated to the programme was not sufficient, additional capital would be allocated.

Dr Stewart debated whether or not Wanganui District Council should concern itself with the recent decision of the Minister for Hastings Wastewater discharge permit. He asked Mr Taylor why Wanganui District Council's proposal should be viewed in a different light to the Hastings example. Mr Taylor said he had made no analysis of the Hastings example and did not believe he was required to do so. Mr Taylor told the Hearing Committee that he agreed with the comments of Geoff Hulbert when he said the Hearing Committee will need to justify their recommendations to the Minister.

Dr Stewart noted reference in the Assessment of Environmental Effects for the applications to other centres where they had departed from land based disposal or encountered problems with land based disposal methods. He viewed these references as arguing precedent. Mr Robertson told the Hearing Committee that it was not the intention of the Assessment of Environmental Effects to argue precedent, but merely to indicate the change in thinking authorities have had about land disposal. He explained the cases in the Assessment of Environmental Effects were used to show examples of situations where land based disposal was inappropriate.

Dr Stewart noted the absence of tangata whenua at the Hearing. He asked if it was an indication that tangata whenua were satisfied by the proposal and that they had confidence in Wanganui District Council. In the absence of tangata whenua, Mr Taylor referred the Hearing Committee to the Cultural Assessment of Ngati Apa.

Mr Goldsbury, Wanganui District Council's counsel, told the Hearing Committee that tangata whenua had had involvement with the Wastewater Scheme since 1991. He noted that Tupoho had been fully consulted and that they had no issues with the proposal.

6.2.4 Ian Roberston, MWH NZ Ltd

Mr Robertson detailed his qualifications and experience for the Hearing Committee. He tabled and read written evidence.

Mr Robertson told the Hearing Committee that the performance objectives adopted by Wanganui District Council for the Wanganui Wastewater discharges are to meet Protecting Public Health (PPH) standards for the offshore environment by 01 July 2007 and to prevent sewage overflow upstream of Cobham Bridge totally by July 2010. Mr Robertson stated that the discharges would meet all Section 107 requirements outside a small (120m) mixing zone. Mr Robertson considered that in adopting its objectives within 500m seaward of the line of mean high water springs, the water would be safe for contact recreation and for the collection of shellfish for eating. Mr Robertson told the Hearing Committee that the standards reflect the specific Wanganui situation and the particular environmental and public health issues associated with the waters off South Beach. He did not consider they should be compared to other New Zealand examples.

Mr Robertson detailed the actions of Wanganui District Council in respect of wastewater since 1989. He also detailed the key components of the 1992 Wastewater Disposal Scheme. Mr Robertson told the Hearing Committee that the revised Scheme provides for sewage and tradewaste to be collected together, appropriately treated and disposed of via the existing outfall. He noted that the proposal would comply with the Regional Coastal Plan where as the 1992 Scheme would not have.

In his discussion of the outfall, Mr Robertson explained proposed modifications, comprising retrofitting rubber check valves over each existing diffuse port. He explained that the valves would close at times of zero flow, restricting seawater and sediment intrusion in the pipe. Mr Robertson noted that the valves open increasingly as the flow increases, thereby maintaining high jet velocities.

Mr Robertson acknowledged that Wanganui District Council has not yet decided on a specific treatment method. He believed that consideration might be given to impact in-tank systems, or extensive pond systems, based on facilitative or advanced facilitative approaches. He noted that hybrid systems incorporating aspects of both approaches are available.

Mr Robertson told the Hearing Committee that Wanganui District Council's treatment plant will need to remove oils and grease to low levels, substantially reduce concentrations of microbiological contaminants and reduce the amount of organic sediment discharged. He noted other contaminants would be controlled at source and that BOD levels, while not an issue in the receiving environment will be reduced by oil, grease and organic matter removed. Mr Robertson noted that pathogen removal is required to meet PPH standards.

Whichever system of treatment is adopted by Wanganui District Council will require some degree of disinfection according to Mr Robertson. He explained that Wanganui District Council intends to monitor large UV schemes recently installed in other centres to ensure the most appropriate system is chosen for Wanganui.

In assessing treatment outcomes, Mr Robertson considered treatment technologies currently available would reduce microbiological contaminants to levels where the effluent will meet classification standards. He believed treatment would also ensure compliance with Section 107 standards and that toxic elements are controlled at source through tradewaste regulations and agreements.

For clarification at the conclusion of Mr Robertson's written evidence, Cr Lester asked if the term 'controlled at source' gave industry the responsibility for tradewaste treatment. Mr Robertson confirmed that intent and also explained that Wanganui District Council would ensure tradewaste treatment at source did occur. Mr Robertson told the Hearing Committee that some tradewaste contaminants have recyclable value and that there are no contaminants used in industry in Wanganui that cannot be removed from discharges by using common techniques.

Cr. Lester asked Mr Robertson what the timeframe was to be for Wanganui District Council to ultimately select a treatment process. Mr Robertson stated that Wanganui District Council would want to start construction by 2006 and ahead of time (01 July 2007). He envisaged tendering would occur 6 – 9 months before the commencement of construction. Mr Robertson explained that Wanganui District Council would have to make a decision on the final design of the treatment plant in 2004 and have intentions of being years ahead of time on the treatment plant process. He did not consider technology would advance significantly before 2007.

Dr Stewart asked if 2.5 years was the minimum comfortable timeframe for Wanganui District Council from a waste treatment decision to plant implementation. He noted that Wanganui District Council would then have known in mid 1999 that the 2001 deadlines on the 1992 permits would not be met. Mr Robertson admitted that Wanganui District Council would have been concerned about that but also considered that Plans could have been initiated quickly if necessary.

Dr Stewart was concerned that the 1992 scenario may be repeated. Mr Robertson considered that Wanganui District Council had done sufficient work to develop an appropriate strategy and had made no attempt to conceal the difficulties encountered with the previous scheme. Mr Taylor considered that Wanganui District Council complied with Section 125 provisions when making the applications before the Hearing Committee and that the change in approach had credibility and community consensus. Mr Taylor asked the question about how reasonable it was of the 1992 Hearing Committee to impose an unaffordable scheme on the Wanganui ratepayers.

Dr Stewart was concerned about the applications before the Hearing Committee and the inability of Wanganui District Council to deliver what was promised in 1992. Mr Robertson explained that the 1992 consents were issued prior to the Regional Coastal Plan, and that had the Wanganui District Council embarked on that scheme the discharges would not comply with the Regional Coastal Plan.

Cr Lester wanted to be sure that funding strategies were in place to meet Wanganui District Council's chosen treatment option. Mr Taylor gave assurances that they were, but cautioned the Hearing Committee about normal assumptions of economic viability. Mr Taylor believed that funding would be extracted from other projects to meet the treatment objective. Mr Taylor considered the programme financially sustainable on latest predictions.

Dr Stewart questioned Wanganui District Council about measurement or monitoring of the compliance of separated stormwater. Mr Hovey explained that Wanganui District Council had monitored several major outfalls and while traces of zinc, copper and sediment were found, none of those parameters exceeded guidelines.

Mr Hovey explained that faecal coliforms in stormwater were not analysed, but he did state that Wanganui District Council was considering on-site storage methods for hazardous waste.

Dr Stewart asked about the frequency of overflows to the Whanganui River. Mr Hovey stated that rain causes overflows and therefore sewage is diluted by stormwater prior to its discharge to the River. Mr Robertson considered that 7 years was necessary to remedy the situation because the upgrading for separation will be progressively done over that time.

Dr Stewart was interested in how Mr Robertson would describe an appropriate treatment system for Wanganui. Mr Robertson considered a DAF (Dissolved Air Flotation) pre-treatment system, followed by aerated lagoons (biological process) a clarifier and/or disinfection with some requirement for biosolids handling from the DAF plant would be appropriate. Mr Robertson considered any system with short retention time would require UV disinfection. Dr Stewart asked Mr Robertson if through a UV treatment system and low suspended solids in the discharge, a standard of 1000 faecal coliforms per 100ml of could be achieved at the point of discharge. Mr Robertson believed that would not be difficult to achieve, but questioned the necessity. He considered UV treatment expensive, and noted that the strength of wastewater in Wanganui is largely due to the industrial processes undertaken in the City.

With respect to faecal coliforms Cr Voss wished to explore Wanganui District Council's intent to reduce levels below 10,000 per 100ml if money allowed. Mr Robertson explained that Wanganui District Council will have to achieve the worst case of 10,000 per 100ml and that Wanganui District Council is being responsible in not over claiming what it may achieve.

Cr Lester sought clarification whether non point source discharges after wet weather will create a monitoring conflict for stormwater discharges. Mr Robertson explained that this would not occur because the monitoring will be of the discharge prior to its dilution, and not of water quality in the Whanganui River. In the marine environment Mr Robertson considered that the sediment around the outfall is organic rich and unlike river based sediment, he was confident the differences and effect of the discharges from the outfall and of the River would be distinguishable. Mr Robertson was satisfied that off shore monitoring of the discharge of the outfall would be meaningful.

6.2.5 Submitter – Alan Wrigglesworth, Chairman, Friends of the Shoreline

Mr Wrigglesworth tabled and read written evidence for the Hearing Committee.

Mr Wrigglesworth explained that Friends of the Shoreline's support for the applications for Wanganui District Council conditionally. He sought assurances that Wanganui District Council would secure land or make land available for the treatment plant. Mr Wrigglesworth wanted Wanganui District Council to acknowledge the impact of the marine outfall on contact recreation at South Beach. Mr Wrigglesworth wished for **horizons.mw** to provide an annotated map, comparing the Whanganui River contribution and wastewater discharges contribution to impacts in the marine environment. He also expressed a desire for the discharge permits of Wanganui District Council, when granted, to reflect Friends of the Shoreline's wish for Wanganui District Council to direct expenditure at improving water quality, rather than to monitoring, consultation or related activities. In achieving that wish, Friends of the Shoreline wanted all expenditure to go into separation and planning and building the treatment plant to meet the 2007 deadline.

In particular, Mr Wrigglesworth and Friends of the Shoreline did not support valve efficiency work proposed for the Marine Outfall or expensive monitoring. Mr Wrigglesworth asked that the Hearing Committee recognise that the wastewater discharges into the sea and therefore post treatment should not be excessively harsh. Mr Wrigglesworth considered that any operational treatment plant would be an improvement on the present situation.

Mr Wrigglesworth made some additional comment at the conclusion of his written evidence. He noted that Friends of the Shoreline have been involved in the Wanganui Wastewater discharges issue since 1989.

Mr Wrigglesworth noted that South Beach marine environment is popular for surfing. He explained to the Hearing Committee that there is a break on the outfall and in the River and that in good surf, surfers travel up to 1km off South Beach.

The emphasis of the Hearing on the marine environment was noted by Mr Wrigglesworth. He explained that most of the time there is not much evidence of discharges around the outfall and that high winds and strong currents sweep material from the outfall down the coast. Mr Wrigglesworth considered that only in specific conditions was there an impact from the outfall discharge on contact recreation. He stated the plume of the discharge comes straight into shore creating a health risk and unpleasant environment. Mr Wrigglesworth believes there is an intrinsic right for people to be able to swim or surf in the ocean. Mr Wrigglesworth noted that in particular conditions, grease could deposit on beaches three or four kilometres south of the river mouth.

Mr Wrigglesworth recognised that the City is required to have treated wastewater and noted that the pollution loading of the City is minor to that of the Whanganui River Catchment as a whole. He considered little is being done to improve the River. Mr Wrigglesworth queried what resources are available for landowner management and what strategies are in place for river improvement.

Mr Wrigglesworth told the Hearing Committee that one third of Wanganui residents' rates go to the Wanganui Wastewater Scheme. He believed the City will be grateful for the Treatment Plant and that is where he wants Wanganui District Council to place its focus. Mr Wrigglesworth noted that Wanganui District Council made a report publicly available that investigated tradewaste treatment at source.

Cr Voss asked Mr Wrigglesworth for clarification to state how often the surface of the plume contaminates South Beach. Mr Wrigglesworth believed it occurs 10 – 20 times annually.

6.2.6 Submitter – Taranaki Wanganui Conservation Board – e-mail

The submitter emailed **horizons.mw**'s Officers, and confirmed that their concerns were met by proposed conditions, and that they would not attend the Hearing.

6.2.7 horizons.mw Officers

horizons.mw's Team Leader Consents and Technical Consultant, presented a Joint Hearing Report to the Hearing Committee. The Report was pre-circulated prior to the Hearing and taken as read.

Both Officers outlined their qualifications and experience to the Hearing Committee. The Report outlined the applications received, summarised submissions received, gave an assessment of Part II of the Act, relevant Policies and Plans, statutory assessment against Section 127, 104 and 107 of the Act and recommendations.

The Officers' recommendations were determined by them as consistent with Section 5(2) (c) of the Act. They believed Section 6(a) and (e) were matters relevant to the applications. They noted the modification of the receiving environments that exists and that the removal of domestic sewage from the Whanganui River may restore some of its values to Tupoho. The Officers considered Section 7(a), (c), (d) and (f) relevant to the applications. They were satisfied that with the imposition of suitable mitigation measures, the actual and potential conflict with the provisions of Section 7 can be potentially avoided, remedied or mitigated. The Officers noted the consultation undertaken by the Applicant and **horizons.mw** in respect of Section 8 matters. They acknowledged to the Hearing Committee that discharges such as those proposed are abhorrent to tangata whenua.

In their assessment of the applications made by Wanganui District Council to change conditions of its existing permits the Officers considered the relationship of the change and the provisions of Section 127 for a change in circumstances. To determine if the Applicant's assessment of their change in circumstances met the requirements of Section 127 the Officers referred to the Court of Appeal's interpretation of Section 127. In the Officers' view the Applicant met the Court's interpretation of a change in circumstances.

Dr Cowie assessed the effects of the discharges in the river and marine environment for the Hearing Committee. He recognised the water quality of the Whanganui River and assessed the impacts of the discharges in that context. Dr Cowie noted that the marine environment is impacted upon by the poor water quality and sediment loading of the Whanganui River.

In his assessment of Section 107, Dr Cowie was confident that with a 750 mixing zone imposed until 01 July 2007, discharges from the marine outfall would meet the water quality standards of Section 107(1). Similarly, he is satisfied that within a mixing zone of 120m, the discharge will comply with Section 107 after 01 July 2007.

Ms Thomson discussed the Policies and Plans relative to Wanganui District Council's applications. She referred to the NZCPS Policies 5.1.1 to 5.1.7 that seek to maintain and enhance water quality, noting that they are mirrored within the Regional Coastal Plan. She reviewed the appropriate policies and objectives of the Regional Policy Statement for Manawatu-Wanganui. In particular, those of Part Five, Section 26 "The Coastal Environment" and Part 4 "The Maori World-Management of Resources".

In her assessment of Regional Coastal Plan, Ms Thomson assessed the responsibilities of **horizons mw** in the Coastal Marine Area. Ms Thomson referred to Section 13 “The Maori View Of Coastal Resource Management”, Section 14 “Discharge of Contaminants to the Coastal Marine Area”, and Section 15 “Activities Involving Structures”. In particular, Ms Thomson highlighted Policies 5.1 and 5.2 to the Hearing Committee, noting they relate back to the NZCPS. Policy 5.1 requires that the adverse effects of discharges to land and water in the Coastal Marine Area be avoided, remedied or mitigated. Ms Thomson considered that the recommendations of the Joint Officers’ Report had met the requirements of the Policy. Policy 5.2 promotes the disposal of human sewage to land prior to any discharge to water. It also recognises instances where land based disposal is not feasible. Ms Thomson considered that the applications meet the exemption provisions for this Policy. Ms Thomson drew Policy 5.4 of the Regional Coastal Plan to the Hearing Committee’s attention, noting that it allows for consent to be granted subject to the Section 107(2) exemption provisions of the Act.

Ms Thomson referred the Hearing Committee to the relevant Rules of the Regional Coastal Plan being Rules, 1, 2, 4.1, 4.2, 8.1 and 11.2. Rule 1 defines those criteria that discharges to the Coastal Marine Area must comply with. It sets the PPH standards, and applies to all discharges sought. Rule 2 applies to urban stormwater discharges, and Rule 4 specifically for the discharge of treated and untreated human sewage. The other Rules relate to tradewaste discharges and discharges of other contaminants. Ms Thomson also detailed other Rules relating to structures in the Coastal Marine Area that cover the existing outfall.

Ms Thomson did not consider any other Regional Plan of relevance to the applications. She assessed the Wanganui District Plan provisions noting designations for activities associated to wastewater treatment.

In their statutory analysis the Officers noted that the Hearing Committee’s acceptance or non-acceptance of the proposal and the two tier mixing zone would determine the classification of the discharge from the marine outfall prior to 1 July 2007. If the Hearing Committee was satisfied that the discharge would comply with Section 107 at all times, the activity could be assessed as a Discretionary Activity, if not the discharge must be assessed as Non-complying.

The Officers recommended that the applications all be assessed as a Discretionary Activities, subject to Section 105(1)(b) of the Act. They considered that the Permits applied for could be granted for the term sought in respect of the river environment, but restricted to 25 years in the marine environment.

The Officers were satisfied that provided the recommended conditions were adopted by the Hearing Committee and that Wanganui District Council demonstrated compliance with them, the actual and potential adverse effects of the discharges could be avoided, remedied or mitigated.

In comments for clarification, Dr Cowie explained the characteristics of water quality in the Whanganui River, noting that the River is turbid and has a tidal salt-water influx. Dr Cowie believed that most of the sediment plume from the River goes south down the coast. Dr Cowie noted that effluent quality standards of the discharge will be met in the discharge and not determined by River water quality.

Dr Cowie discussed effects based versus effluent standards. He noted that the Resource Management Act is an effects based statute, and that effects based standards of enterococci are recommended to meet bathing water quality standards in the marine environment. He explained that if the Wanganui Wastewater discharges do not meet the effects based conditions imposed upon them, the conditions will then require review. Dr Cowie believed that enterococci and faecal coliforms in the marine outfall discharge would be sufficiently diluted to meet PPH standards in receiving waters 500m from the shore.

Dr Cowie told the Hearing Committee that between 1995 and 1996 Wanganui District Council alerted **horizons.mw** to its reconsideration of wastewater treatment approaches for Wanganui. He considered that the Wanganui District Council has acted in good faith with **horizons.mw** and the community. Dr Cowie noted the experiences of other communities that adopted land based effluent disposal. He explained that Wanganui District Council undertook investigations in the forest area set aside for land based wastewater disposal, and discovered that the land based treatment proposed was likely to have significantly more environmental effect than the treated discharge of wastewater to the Coastal Marine Area.

Dr Cowie considered that Wanganui District Council had addressed iwi matters thoroughly throughout the consent process. He noted that Tupoho are satisfied with Wanganui District Council's proposal for wastewater. He also explained to the Hearing Committee that **horizons.mw** followed up Wanganui District Council's iwi consultation, and were informed by iwi that they did not lodge submissions against Wanganui District Council's applications because, through consultation, Wanganui District Council had met their concerns.

In his discussion regarding the term of consent to be issued to Wanganui District Council, Dr Cowie believed a longer term could be granted with provision for reviews of conditions to allow for changes in water quality standards. Similarly Dr Cowie noted the review of the Regional Coastal Plan would provide an opportunity to reconsider consent conditions. Dr Cowie noted that a long-term consent had support from all parties involved.

For clarification Cr Lester asked Dr Cowie if standards recommended by Officers could be interpreted by individuals as being modified on the basis that the receiving environment is not of high quality. Dr Cowie did not believe so. He noted that the mixing zone would be localised after 2007. He believed that standards set for suspended sediment reflected the turbid waters off Wanganui, but noted any of the other standards recommended would be similar in other receiving environments. Dr Cowie was confident that all standards would be met in the receiving environment.

Cr Lester was concerned that monitoring may not delineate between discharge based effects and river water quality effects. Dr Cowie believed it would be possible when assessing an effect to determine the extent to which the discharge was responsible for it.

Ms Thomson discussed the complexity of Wanganui District Council's applications and how the Rules of the Regional Coastal Plan apply to them. She noted that the discharges might be Discretionary or Non-complying. She considered that the discharges would meet Section 107(1) standards and while the effects may be more than minor, she did not consider them contrary to the Regional Coastal Plan. She told the Hearing Committee that there was no statutory impediment to considering and recommending the applications be granted.

The Applicant's duty to consider alternatives was considered met by Ms Thomson. She believed the Applicant had been extremely thorough and that Wanganui District Council had met the requirements of Section 104 (3).

Dr Stewart wished to explore Section 107 further. He asked Ms Thomson about the discharges to the marine environment and their potential to be Non-complying. She explained that if the Hearing Committee were in doubt prior to upgrade that Section 107(1) standards would be met within the 750m proposed mixing zone, the discharge would be Non-complying. However a consent could be granted on the basis of relating to temporary exemption provisions of Section 107.

Dr Stewart noted the comment of Mr Wrigglesworth that the plume sits in a zone 500m offshore on some 10 – 20 separate occasions annually, and that grease deposits had been made on the shoreline once in the last two years. Dr Cowie explained that grease levels in the discharge have significantly reduced. He added that he did not consider the beach contamination likely because no grease deposition had occurred since Affco improved its tradewaste treatment in April 1999.

Dr Stewart asked Dr Cowie if given Mr Wrigglesworth's comment he considered the marine discharge Non-complying. Dr Cowie did not, noting that the situation has incrementally improved.

6.2.8. Applicant's Right of Reply

Mr Goldsbury presented Wanganui District Council's right of reply. He addressed the land acquisition issue raised by Mr Wrigglesworth. He told the Hearing Committee that they could assume that land is either available, owned or designated for the purpose of a wastewater treatment plant.

Mr Goldsbury believed the Hearing Committee should impose no precedent on the applications, noting each should be considered on its own merit. He explained that Wanganui District Council's investigations of the receiving waters of the marine environment and river did not start with the applications before the Hearing Committee. He considered the recommended conditions of the **horizons.mw**'s Officers background the appropriate standards and should be applied in the Wanganui example.

Noting Dr Stewart's reference to the examples of schemes in other centres noted in Wanganui District Council's Assessment of Environmental Effects, Mr Goldsbury explained the purpose in using examples was simply to show how the 1992 proposals had been reviewed. He noted that Wanganui District Council's 1992 permits were some of the first processed under Resource Management Act provisions and that they were heard in the early days of the Resource Management Act.

Mr Goldsbury explained that in 1992 extensive consultation influenced the adoption of the land-based proposal. He told the Hearing Committee that much has occurred in 10 years. He noted that land based treatment options are now seen as less than perfect and that ocean-based discharges can work and are acceptable to iwi in certain circumstances. Mr Goldsbury told the Hearing Committee that Wanganui District Council's change in approach is community driven.

Mr Goldsbury addressed the imposition of standards versus effects based conditions. He noted that numbers of contaminants measured in the discharge are calculated back from that point. He considered measurements of contaminants in the discharge would result in the determination of effects occurring in the receiving environment.

Mr Goldsbury noted that before 1992 Wanganui's community was not concerned with cleaning up its wastewater disposal system. He noted the community progress in 1992 and that in the mid 1990's Wanganui District Council communicated with **horizons.mw** about its change in direction for wastewater treatment. Mr Goldsbury believed the applications before the Hearing Committee were the last step in the process.

The issue of a slick or plume occurring into or beyond the proposed 750m mixing zone was considered by Mr Goldsbury to be covered by a recommended consent condition. Mr Goldsbury noted that the mixing zone is defined for still water to allow elongation by wind activity.

Mr Goldsbury told the Hearing Committee that the process of wastewater treatment in Wanganui would see incremental improvements. He believed that duckbills (valves) on the outfall would reduce the likelihood of a surface film.

In his discussion of the consent term to be imposed, Mr Goldsbury asked that no precedent be applied. He told the Hearing Committee that the Assessment of Environmental Effects for the applications build a picture, including the reasons for a 35-year consent term. He explained that by 2010 Wanganui District Council's discharges will comply with Section 107 and the Regional Coastal Plan and that therefore the Hearing Committee should not impose a maximum 35-year term.

Mr Goldsbury discussed the possibility of bringing wastewater treatment implementation forward. While he considered earlier implementation possible in a physical sense, Mr Goldsbury noted that it involves a consultation process due to cultural concerns. He also noted that treatment in a broader sense means not only construction of a treatment plant, but also separation and that separation milestones need to be met before treatment commences. Mr Goldsbury also believed that bringing the treatment plant forward would increase Wanganui District Council's financial commitment to its programme for wastewater. Mr Hovey explained that if the treatment plant was brought forward, separation would be delayed and Wanganui District Council's ability to meet consent conditions would be questionable.

Mr Hovey told the Hearing Committee that tradewaste treatment was being done by incentive at present, but that if the situation changed Wanganui District Council would force industry to comply with trade waste regulations.

Cr Lester noted that Wanganui District Council's wastewater treatment programme is geared around affordability and the best option for achieving environmental outcomes. Mr Goldsbury agreed.

The hearing was concluded and adjourned by Cr Lester at 2:00pm.

7. STATUTORY EVALUATION

The Hearing Committee noted the Officers' advice that there were two main elements to the statutory assessment of these applications. First the applications to change conditions on the existing permits needed to be assessed under Section 127 of the Act. Should the tests of Section 127 be met then all applications needed to be considered under the criteria listed in Section 104 of the Act.

7.1 Section 127 – Change of Conditions

The Hearing Committee first considered the change of conditions to existing resource consents sought by the Applicant. The Hearing Committee accepted the Officers' advice that the changes sought were consistent with interpretation of case law under Section 127 of the Act. The Hearing Committee accepted the Officers' advice that the change of conditions sought met the tests of Section 127(b) of the Act, and could be considered in terms of Section 104 and 105 of the Act along with the applications for the new coastal permits.

7.2 Sections 104 and 105 - Statutory Considerations

The Hearing Committee then considered the provisions of Section 104 and 105 in conjunction with Part II of the Act.

Section 104 of the Act is the principle provision, which sets out the matters which the Hearing Committee shall consider when determining the applications. Those matters are subject to the Purpose and Principles of the Act as set out in Part II.

Section 105 sets out the circumstances in which the Hearing Committee may grant consent and impose conditions for different classes of activities.

The Hearing Committee considered that Section 104 subsections (a), (c), (d) and (i) were of relevance to these applications.

Further the Hearing Committee notes that many of the relevant matters listed in Part II of the Act are also addressed in the discussion of the matters under Section 104 of the Act as outlined below.

7.2.1 Actual and Potential Effects

The actual and potential effects of the proposed discharges to the River and marine environments were described and discussed by the Applicant's witnesses, the Department of Conservation's Legal Counsel, the submitter present, Allan Wrigglesworth, and **horizons.mw** Officers.

The Hearing Committee accepted the Officers' summary of the actual and potential effects of the applications as follows:

- § The main effect of the River discharge is that until 1 July 2010 the river environment may be unsafe for contact recreation due to overflows of raw sewage occurring about 4% of the time. Shellfish in the lower River will not be safe for human consumption. This needs to be considered in the context that on occasions high levels of microbiological contamination from the river upstream of the City make the river unsafe for swimming.
- § The main effects of the marine discharge until 30 June 2007 are that South Beach will not be suitable for contact recreation on occasions due to microbiological contamination. Shellfish collected from the beach may not be suitable for human consumption. Seafloor marine communities close to the outfall will be significantly affected, being dominated by species tolerant of enriched environments. There may be occasional visible grease slicks, and discoloration of water close to the outfall.
- § From 1 July 2007 any of these effects in the marine environment should be limited to a mixing zone of 120 metres from any discharge point on the existing outfall.

The Hearing Committee noted that the Officers' report presented draft conditions for their consideration that had been agreed between the Applicant, the four out of the five submitters who had been actively engaged in pre-hearing discussions, and the Officers. The Hearing Committee acknowledged that many of these conditions sought to avoid or mitigate the effects of the discharges for which permits were sought. The Hearing Committee noted this was also acknowledged by Mr Hulbert, appearing for the Department of Conservation. The Hearing Committee have in large part adopted the conditions agreed by the parties, and recommended by the Officers. There were however matters raised at the hearing that resulted in some changes, and which among other matters merit comment by the Hearing Committee in this decision.

7.2.2 Standards of Treatment of the Effluent

Condition 10 on Permits 101706 and 101707 specifies quality standards for the effluent both prior to and after 1 July 2007, which is when the effluent will be treated in full. These standards are based on meeting all the criteria in Section 107 of the Act, and RCP Rule 1 of the Regional Coastal Plan. Many of these standards are based on ANZECC guidelines, allowing for a conservative 100 times dilution. The AEE prepared by the Applicant had stated that once the outfall is reconfigured, it would provide for a dilution of about 260 times, apart from brief periods of still water as the tide changes, during which dilution was about 90 times.

While most of the proposed standards attracted no comment, there was some discussion of those for suspended solids and microbiological counts.

Mr Hulbert listed some comparative data for levels of suspended solids and faecal coliform counts in the proposed discharge at Wanganui verses those for permits granted to discharge treated human sewage to offshore waters in other locations, such as Napier, Hutt, Porirua and Bluff. These were all lower, in some cases for faecal coliforms by an order of magnitude, than those for the standards proposed for the discharge at Wanganui.

The Hearing Committee carefully considered the matters raised by Mr Hulbert, and they agreed that the standards recommended by Officers for Condition 10 should remain. There were four main reasons for this.

- § The discharge out the long marine outfall is into a shallow, high energy environment which is greatly affected by waters from the Whanganui River. The River sometimes carries a high level of enterococci, which would alone cause water at South Beach to sometimes be unsafe for contact recreation. The River is also invariably turbid. The River is invariably turbid, and carries a very high silt load, meaning that the receiving waters also carry elevated levels of suspended solids compared with coastal waters not affected by River discharges. The Hearing Committee accordingly agreed with Officers' recommendations that a suspended solids level of 100g/m³ in the discharge after 1 July 2007 was appropriate in the turbid waters of the receiving environment
- § The Hearing Committee agreed with the advice of Officers that the Resource Management Act is an effects based statute, and that accordingly the key criterion for the Hearing Committee making decisions on the levels of contaminants allowed in the discharge is by consideration of the effects on the receiving environment. The Hearing Committee also noted that the main reason why limits are placed on effluent quality is to allow cost effective monitoring. This is because monitoring of effects is much more costly, and far more "hit and miss", than is regular monitoring of the quality of the effluent.

- § The Hearing Committee noted that although other initiatives are being taken to improve water quality in the River upstream of the City, the Whanganui Catchment is very large and non-point source bacterial contamination is notoriously difficult to control. The Hearing Committee considered that in light of this, and the nature of the receiving environment, it was not necessary to impose higher bacteriological standards on the discharge, and nor would imposing higher standards be an efficient use of resources.
- § The Hearing Committee also noted that the eventual completion of the sewage scheme will result in only one discharge to a much less sensitive receiving environment than the present multitude of discharges to the sensitive River environment. The Hearing Committee also considered this to be a more efficient use of resources than to treat the effluent to a higher standard, particularly given the high cost of fully separating stormwater and sewage in most of the City.

In light of this, the Hearing Committee were satisfied that the proposed bacteriological limits on the discharges were also appropriate for the receiving environment at Wanganui. The Hearing Committee noted that the levels recommended were based on a conservative initial dilution of 100 times, and allow for only a small amount of die off in the marine environment. The Hearing Committee also noted that the closest point of discharge from the long outfall is over 1650 metres from the shore, and the PPH Standard which the discharges must meet only applies 500 metres seaward of mean high water springs.

The Hearing Committee also noted that should standards for recreational water quality in the Regional Coastal Plan change, the review Condition 26 on the recommended permit will allow the microbiological standards on the permit to be reviewed.

The Hearing Committee had some concern however that the standards recommended could possibly be met through advanced primary treatment of the effluent. While the Applicant had made clear that they intended to build a plant to treat effluent to at least a secondary standard, the Hearing Committee have specified this must occur in recommended Condition 4 on Permits 101706 and 101707.

7.2.3. Section 107 Matters and the Status of Application 101706 until 30 June 2007

The Officers had recommended that Application 101706, for the discharge of partially treated wastewater to the marine environment until 30 June 2007, be assessed as an application for a discretionary activity. This was based on a two tier approach to mixing zones to meet the requirements of Section 107 of the Act, with the equivalent of a 750 metre still water mixing zone from any discharge point on the diffuser being recommended until 30 June 2007, with a 120 metre mixing zone thereafter. The Officers noted that if the Hearing Committee did not accept this advice, Application 101706 would have to be assessed as one for a non-complying activity. The Officers had advised the Hearing Committee that if this were the case the discharge would need to be considered under Section 107 (2) (a) or (b) of the Act.

The Hearing Committee heard conflicting evidence as to whether the present discharge complies or does not comply with Section 107 (1)(c) of the Act relating to the occasional appearance of visible grease slicks near South Beach. The Applicant advised the Hearing Committee that grease levels in the discharge had declined to less than 600kg/day since Affco Imlay put in a pre treatment system in Easter 1999. The Applicant could not however state unequivocally that the discharge would comply with the requirements of Section 107 of the Act at all times. Mr Wrigglesworth advised the Hearing Committee that on occasions visible grease was apparent in waters near South Beach.

The Hearing Committee considered these points carefully. They decided that on the basis that full compliance with Section 107 (1)(c) may not occur at all times, Application 101706 should be assessed until 30 June 2007 as a non-complying and restricted coastal activity. In doing this, the Hearing Committee decided they could rely on the provisions of Section 107 (2)(b) to grant the permit as one for a temporary discharge. The Hearing Committee decided to add “milestone” conditions to Permit 101706 in accordance with Section 107(3), which states ...“a coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.”

In assessing Application 101706 as one for a non-complying activity until 30 June 2007, the Hearing Committee had to be satisfied that one of the tests, as specified in Section 105 (2)(A) (a) or (b), was met. The Hearing Committee accepted the Officers’ advice that the effects of the proposed discharge prior to 1 July 2007, during which the discharge was considered to be a non-complying activity were more than minor. However as outlined below, the Hearing Committee was satisfied that granting this application as a non-complying activity is consistent with the objectives and policies of the Regional Coastal Plan, and it recommends this finding to the Minister of Conservation.

7.2.4 Mixing Zone

The Hearing Committee voiced some concerns about the proposed definition of the mixing zone in the Officers’ recommendations. This referred to the “equivalent of a still water mixing zone” of 120 metres for Permit 101706 after 1 July 2007.

The Hearing Committee found one of the practical difficulties in their decisions is defining a mixing zone. There are two main reasons for this. First, the area around the long outfall is strongly influenced by tides and currents from the River. Second, the discharges occur from points along a length of 130 metres of the outfall. It is accordingly not possible to specify an exact fixed mixing zone for contaminants such as grease and suspended solids on the surface of the sea.

The Hearing Committee has accordingly amended the definition of significant mixing in Condition 8 of Permits 101706 and 101707 from that recommended by the Officers to allow explicitly for the effects of currents and tides and for the discharges occurring over a 130 metre length of the diffuser.

The Hearing Committee has made no reference to aquatic life in Condition 8. The Hearing Committee has relied instead on Condition 18, which refers to seafloor marine communities, compliance with which should ensure there are no adverse effects on aquatic life.

7.2.5 Trade Waste Discharges

The Hearing Committee raised some issues as to how controls on trade waste are implemented in Wanganui City. They were assured by the Applicant that there are appropriate controls on trade waste at source for the major trade waste discharges in the City. Examples cited included Affco Imlay, and Tasman Tanning. The Hearing Committee were satisfied that these controls were satisfactory and appropriate, noting that Condition 6 on Permits 101704 and 101705 require controls of any sites that store hazardous substances.

7.3 Policies and Plans

7.3.1 New Zealand Coastal Policy Statement, Regional Policy Statement and Regional Coastal Plan

The Officers' Report had provided the Hearing Committee with a detailed analysis of the provisions of the relevant planning documents for these applications.

The Hearing Committee noted that the provisions of the New Zealand Coastal Policy Statement (NZCPS) and its key policies 5.1.1 to 5.1.7 were relevant to these applications.

Further the Hearing Committee were advised by Mr Hulbert that they needed to carefully consider that the application met the criteria in NZCPS Policies 5.1.1 and 5.1.2. The Officers had advised that these NZCPS Policies are repeated in the Regional Coastal Plan as RCP Policies 5.1 and 5.2.

Policy 5.1 of the Regional Coastal Plan reads as follows:

To ensure that any adverse effects on the environment from discharges of contaminants to land or water in the coastal marine area are avoided, remedied or mitigated, in particular effects on:

- a. indigenous flora and fauna;*
- b. Maori cultural or spiritual values;*
- c. amenity values;*
- d. public health and safety; or*
- e. cultural heritage values; and*

any discharges, after reasonable mixing, do not give rise to any significant adverse effects on:

- f. habitats;*
- g. feeding grounds; or*
- h. ecosystems.*

The Hearing Committee were satisfied that the applications met the criteria listed in Policy 5.1. Conditions placed on Permit 101706 will avoid or mitigate effects on seafloor fauna, habitats and ecosystems, and public health and safety. Effects on Maori cultural and spiritual values are discussed below. The other matters listed are of little relevance to these applications.

Policy 5.2 of the Regional Coastal Plan reads as follows:

To ensure that the discharge of human sewage, other than from vessels, directly into coastal water, without passing through land or wetland, is allowed only where:

- a. it better meets the purpose of the Act than disposal onto land;*
- b. there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to Sections 6, 7 and 8 of the Act; and*
- c. there has been consultation with the community generally.*

The first limb of this policy requires that the applications to discharge treated effluent to the marine environment better meet the Purpose of the Act than to discharge to land.

The Purpose of the Act is defined in Section 5 as being “to promote the sustainable management of natural and physical resources”. Sustainable management is then defined as

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:-

- (a) Sustaining the potential of the natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water soil, and ecosystems; and*
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

The Hearing Committee considered the various elements of Section 5 of the Act. They noted that the Applicant has statutory duties under the Health Act and the Local Government Act to provide for sewage treatment and disposal, and stormwater services for the community of Wanganui, and that this helps provide for the health and safety of the community. The Hearing Committee noted that such services need to be provided in a cost-effective way that meets the social, economic and cultural well being of the community.

The Hearing Committee questioned representatives of the Applicant as to why the land based disposal option for disposal of domestic sewage had been abandoned by the Applicant. The Hearing Committee noted that the AEE prepared by the Applicant outlined three key reasons for this, which can be summarised as:

- § The cost of land disposal would be much greater than disposal to the marine environment and would add significant financial burden to the community. The Applicant estimated that the additional cost would be some \$40 million.
- § Key stakeholders, most notably tangata whenua, were prepared to tolerate the discharge to the marine environment provided their concerns were taken into account in the detailed design of the treatment plant.
- § Technology is available to minimise the effects of the discharge to the marine environment.

Mr Goldsbury also noted that the permits granted in 1992 had been some of the first major consents granted under the Act, and that there had been significant developments since that time, with many other communities having been granted resource consents to discharge treated human sewage to the marine environment. While accepting the validity of Mr Goldsbury’s comment, the Hearing Committee were not persuaded by it, believing instead that these present consent applications should be considered on their own merits. .

In considering Sections 5(2) (a), (b) and (c) of the Act, the Hearing Committee also noted that conditions imposed on the permits will safeguard the life supporting capacity of water and ecosystems, and will avoid or mitigate effects on the environment, which after 1 July 2007 will be limited to a small mixing zone.

The second limb of the RCP Policy 5.2 refers to consultation with tangata whenua, and that due weight be given to Sections 6, 7 and 8 of the Act. The third limb refers to consultation with the community generally. Consultation needs to be considered in the context of the original consents granted in 1992 and consultation for the changes which are the subject of these consent. When the original consents were granted in 1992, the Wanganui community had no treatment of domestic sewage in about 75% of the City. At that time tradewaste and some domestic effluent was pumped to Beach Road, primary treated and discharged to sea via the long outfall. In most of the City however, the combined sewage and stormwater system simply discharged raw sewage and stormwater directly to the Whanganui River, arguably the primary taonga of Whanganui Iwi.

The construction of interceptors, completed early in 1996, to collect dry water flows of sewage and discharge them out the marine outfall had resulted in about a 96% reduction in raw sewage overflows to the river. This was clearly a major step forward. At about this time however it became apparent to the Applicant that the original scheme, as provided for by the 1992 permits, was not economically sustainable.

The Applicant consulted widely with the community and tangata whenua, particularly Te Runanga O Tupoho, who represent Whanganui Iwi in the lower reaches of the river, and gained both community and Iwi support for the revised scheme put forward in the present applications. The Applicant asserted that the strong Iwi and community support for the applications was reflected in only five submissions being received.

The Hearing Committee were somewhat surprised that there were no submissions from tangata whenua, particularly as the Assessment of Environmental Effects, prepared by the Applicant, acknowledged that existing discharges of untreated sewage to the River, and primary treated sewage to the marine environment were abhorrent to tangata whenua. The Hearing Committee were placed in some difficulty as there were no spokespeople from tangata whenua at the hearing to verify the assertion made by the Applicant that consultation had been effectively carried out, and that their concerns had been addressed. They did not consider that an absence of submissions could be interpreted as satisfaction by tangata whenua.

The Hearing Committee therefore had to rely on advice from the Officers. Ms Thomson informed the Hearing Committee that the Regional Council's two Iwi Liaison staff, both of Whanganui Iwi Whakapapa, had discussed the application with representatives of Tupoho, Ngati Apa and Ngati Raururu. These representatives all indicated satisfaction with the consultation undertaken by the Applicant, and the proposed long term discharge of treated sewage to the marine environment. Dr Cowie advised the Hearing Committee that in his previous role as Director of Resources at the Regional Council, he had attended a number of meetings with representatives of Iwi and the Wanganui community who had generally supported the approach taken by the Applicant.

The Hearing Committee concluded that the discharge of treated sewage to the marine environment met the Purposes of the Act better than disposal onto land. This was due to financial viability and general support for the revised Scheme from the community and tangata whenua.

The Hearing Committee concluded that the applications clearly met all three criteria in Policy 5.2 of the Regional Coastal Plan. The Hearing Committee considers that the discharge of treated sewage to the marine environment meets the Purpose of the Act better than disposal onto land. It notes that there has been a high level of community support and that the tangata whenua have been consulted in accordance with Tikanga Maori. Accordingly the Hearing Committee considered that the applications were consistent with the relevant Policies of the NZCPS.

The Hearing Committee also noted the operative status of the Regional Policy Statement for Manawatu-Wanganui and the operative Regional Coastal Plan for Manawatu-Wanganui. The Hearing Committee accepted the analysis of the relevant objectives and policies of these documents contained in the Officers' report. The Hearing Committee also noted that both the Applicant's and the Department of Conservation's Legal Counsels concurred with the Officers' analysis of these provisions.

On the basis of the evidence presented to it the Hearing Committee found that the proposed discharges to both the river and marine environments were consistent with the objectives and policies of the Regional Policy Statement for Manawatu-Wanganui and the operative Regional Coastal Plan.

The Hearing Committee noted the Officers' advice that relevant RCP Rules under which to assess the applications were RCP Rules 1, 2, 4.1, 8.1 and 11.2, all as discretionary activities.

As noted above, the Hearing Committee has decided to assess Application 101706 to discharge partially treated wastewater to the marine environment until 30 June 2007 as an application for a non-complying activity.

The Hearing Committee had been advised by Ms Thomson that should this be their decision, the discharge would need to be considered under Section 105 (2) (A) of the Act.

Based on the evidence presented to it and the Officers advice the Hearing Committee considers the effect of the discharge until 1 July 2007 will be more than minor. The Hearing Committee then examined the relevant objectives and policies of the Regional Coastal Plan, and decided that the application was consistent with the Objectives and Policies of the Plan, particularly as it is an application for a temporary permit to cover the discharge while facilities are developed to provide a much higher standard of treatment. It was also consistent with the Regional Policy Statement for Manawatu-Wanganui, which is in itself strongly reflected in the Regional Coastal Plan. The Hearing Committee therefore considered the application met the tests of Section 105(2) (A) (b), and they could accordingly grant the non-complying discharge.

Having noted that Section 104 is subject to Part II of the Act, the Hearing Committee noted there were no other relevant matters listed in Section 104(1)(a) – (e) they needed to address in any detail. Mr Wrigglesworth had noted some concerns as to whether the Applicant had land set aside to construct the Treatment Plant. Mr Goldsbury assured the Hearing Committee that this is the case, and that this land is designated for sewage treatment in the Wanganui District Plan. The Hearing Committee heard some comment from Mr Wrigglesworth about the lower water quality in the Whanganui catchment. This was addressed by Dr Cowie, who acknowledged that the water quality in the River was the main factor affecting offshore water quality. While acknowledging these matters, the Hearing Committee could not consider them further as they were beyond the scope of the consent hearing.

The Hearing Committee noted the concerns of Mr Cundle regarding the costs of the stormwater separation, which he also considered, should be met by the Regional Council rather than Wanganui District Council. The Hearing Committee concurred with the Officers' advice that this was inappropriate. The provision of such services is clearly a duty of Wanganui District Council as a Territorial Authority. The Regional Council is restricted to acting as a regulatory authority, with no service delivery functions, nor with responsibility for funding such services. Further the Hearing Committee considered that the proposed stormwater separation was required to meet the provisions of the Regional Coastal Plan and to be consistent with the NZCPS. The Applicant had little option other than to separate the wastewater from stormwater over the long term. This was to be achieved by the applications, the subject of this hearing.

Further the Hearing Committee considered that the issues of costs and options chosen are not a matter for these applications, rather they are matters the Applicant has already addressed through the process of reviewing the wastewater scheme and the extensive consultation which has resulted in the lodging of these applications.

7.4 Section 104(3) Assessment of Alternatives

The Hearing Committee raised some questions about the sequencing of work for the overall completion of the upgrade of Wanganui sewage. This was explained to the Hearing Committee's satisfaction by several parties at the hearing, and is summarised below.

The Officers' report had dealt comprehensively with the assessment of alternatives by the Applicant. The Hearing Committee has summarised this below as part of its decisions.

Alternatives for the Discharges to the River Environment

The principal alternative considered by the Applicant was changing the sequence in which the upgrade of Wanganui's sewage discharges is being undertaken. The sequence proposed in the applications was developed in consultation with the community.

The rationale for leaving separation of stormwater and sewage in this lower reach of the river to last in the overall capital programme is that this work was seen by the community as having the least environmental benefit, compared with other components of the programme. Upstream separation will result in a "clean" River in those reaches, whereas if downstream separation occurred first, the entire length of the River through the City would at times be contaminated by sewage overflows. The treatment of effluent discharged through the long outfall was similarly seen by the community as having greater priority than getting the last of the untreated sewage from the lower reaches of the River below the Cobham bridge.

Investigations for the 1992 consent applications looked at, and rejected, other alternatives to some ongoing river discharges. These included the installation of several small "neighbourhood" plants along the River to treat wastewater flows, and treating all wastewater, rather than separating sewage and stormwater in the older parts of the City. Neither of these alternatives was cost effective then, and given the investment already made in separation, they would certainly not be now.

Alternatives for the Discharges to the Marine Environment

The principal alternative considered by the Applicant was to treat at least the domestic component of the effluent and discharge this to land on the south side of the Whanganui River. The approach was reflected in the permits granted the Applicant in 1992.

The AEE prepared by the Applicant outlines the reasons why this alternative was abandoned. The primary reason stated was that the former scheme was not considered to be affordable, with debt limits exceeding \$60 million, compared with a debt limit of just over \$20 million for the present proposals. Other reasons listed include:

- § not been able to get access to land in Harakeke Forest, which is under Treaty claims;
- § concerns about how appropriate the site was for land based disposal;
- § recent developments in treatment technology;
- § the development of a close working relationship with Tupoho and, to a lesser extent, Ngati Apa; and
- § a change in the profile of the industrial effluent.

As detailed above, the Applicant consulted very widely with the community over changes to the proposed scheme, with strong support for the approach taken in the applications. The Hearing Committee was impressed to hear that this consultation is continuing, with the community having a ongoing input into the exact nature of the treatment plant that will be built to meet the conditions on permit 101706. The Hearing Committee was accordingly satisfied that the Applicant has fully met the requirements of Section 104(3) of the Act.

7.5 Summary of Statutory Assessment

A detailed analysis of the relevant statutory documents was provided in the Officers' report as noted above. The Hearing Committee accepts those analyses, which concluded that:

- The NZCPS and the Regional Policy Statement for the Manawatu-Wanganui are both documents to be had regard to when considering the applications. As to be expected these documents are deliberately intended to provide a broad policy overview and do not in general, stipulate specific planning controls.
- The Coastal Plan for the Manawatu-Wanganui Region is operative. The Hearing Committee considers discharges 101704 101705 and 101707 are discretionary activities while Discharge Permit 101706 is a Non-complying activity.
- Pursuant to Section 104 of the Resource Management Act the Regional Coastal Plan for the Manawatu-Wanganui is to be had regard to when considering these applications.
- The non-complying status of the discharge permit 101706 requires that pursuant to Section 105(2) (A) of the Act, either the discharge can not be contrary to the provisions of the Regional Coastal Plan for Manawatu-Wanganui, or the adverse effects on the environment will be minor.
- The activity is not contrary and is generally consistent with the objectives and policies of the various planning documents.

The Act implies a priority for the matters of Part II. In particular the exercise of discretionary judgement under Section 104 and 105(2) (A) must be informed by the statutory purposes and principles specified in Part II of the Act. The Hearing Committees consideration of these matters is summarised in Table 2 below.

Table 2: Consideration of Part II Matters

RMA Section	Concerning	Determination
5	Purpose	Discussed in Section 7.3.1 of these decisions
6(a)	Preservation of natural character	Effects on natural character would be confined to within the small mixing zone. Even within this zone natural character will progressively improve relative to current discharges.
6(b)	Protection of outstanding natural features	No such features identified.
6(c)	Protection of significant indigenous vegetation and fauna	No such areas or habitats identified.
6(d)	Maintenance and enhancement of access	No adverse effects on access to and along the Coastal Marine Area.
6(e)	Relationship of Maori	Discussed in Section 7.3.1 of these decisions.
7(a)	Kaitiakitanga	Discussed in Section 7.3.1 of these decisions, and followed through in the various conditions of consent
7aa	Stewardship	Not considered to interfere with stewardship responsibilities.
7b	Efficient use of resources	The decisions are considered to provide for the efficient use of resources by using the dilution available in the marine environment to mitigate the effects of the discharge.
7(c)	Maintenance and enhancement of amenity values	The proposal will lead to an enhancement of amenity of both the Whanganui River and the Coastal Marine Area in comparison with current discharges.
7(d)	Intrinsic values of ecosystems.	Adverse effects on intrinsic values considered insignificant
7(e)	Heritage values	No particular heritage values identified in marine discharge area. The proposal will lead to enhancement of heritage values in the Whanganui River.
7(f)	Maintenance and enhancement of the quality of the environment	Upgraded sewage treatment provided for by the decisions will enhance the quality of the environment.

7(g)	Finite characteristics of resources	Of little relevance to these decisions.
7(h)	Trout and salmon	Not considered relevant to these decisions.
8	Treaty of Waitangi	Covered in Section 7.3.1 of these decisions.
104(1)(a)	Actual or potential effects on the environment	Covered in Section 7.3.1 of these decisions
104(1)(b)	Relevant regulations	There are no relevant regulations.
104(1)(c)	Relevant National Policy Statement	Covered in Section 7.3.1 of these decisions. The application is consistent with the New Zealand Coastal Policy Statement
104(1)(d)	Regional Coastal Plan	Covered in Section 7.3.1 of these decisions.
104(1)(e)	District Plan provisions	There are no relevant District Plan provisions for these applications for discharge permits.
104(1)(f)	Regional Plan provisions.	The application is consistent with Regional Coastal Plan provisions
104(1)(g)	Water Conservation Order	There are no relevant Water Conservation Orders
104(1)(h)	Designations or Heritage Orders	There are no relevant Designations or Heritage Orders for the discharges. Any new facilities for the purpose discharges will be subject to the existing designations of the District plan or new designations or land use consents will need to be sought from the District Council.
104(1)(i)	Other relevant matters	Other relevant matters are considered in Section 7.3.1 of these decisions.
104(2)	Section 13 matters	Not relevant for these decisions.
104(3)(a)	Nature of discharge and sensitivity of the receiving environment.	Considered in Section 7.4 of these decisions
104(3)(b)	Alternative methods	Considered in Section 7.4 of these decisions.
104(4)(a)	Crown interests in lands of the Crown in the Coastal Marine Area.	No evidence presented by Crown bodies on this issue.

104(5)	Reclamations	Not relevant for these decisions.
104(6)(a-c)	Effects on persons who have given written approval	Not relevant for these decisions.
104(7)	Effects on those persons who have withdrawn their written approval	Not relevant for these decisions.
104(8)	Trade competition.	Not relevant for these decisions

The Hearing Committee has seriously considered the applications against those matters outlined in Sections 6,7 and 8 of the Act (refer to the above table), which set out the principals to be applied in achieving the purpose of the Act. In so doing it recognises that these principles are subordinate to the overall purpose of the Act. Each plays a part in the overall consideration of whether the purpose of the Act has been achieved in a particular situation.

The Hearing Committee has considered the applications against the provisions of the Regional Coastal Plan for the Manawatu-Wanganui with particular regard to the non-complying status of the discharge permit 101706 until 30 June 2007 and is satisfied that the proposed discharge meets the threshold test of Section 105(2) (A) (b) of the Act.

8. CONCLUSIONS

Based on the evidence presented to it, consideration of the relevant provisions in the Resource Management Act (including Section 105(2) (A) in respect of the non-complying activity for discharge permit 101706 until 30 June 2007, and the statutory instruments, the Hearing Committee was satisfied that:

- Adverse long term effects of the discharges to the marine environment can be adequately avoided, or mitigated by the imposition of conditions contained in the attached schedules. These conditions are largely drawn from the Officers' report and have been the subject to comment by both the Applicant and submitters during the course of the prehearings and hearing.
- The effects of the discharges, when managed in accordance with the conditions in the attached schedule are consistent with the objectives and policies of the New Zealand Coastal Policy Statement the Regional Policy Statement for Manawatu-Wanganui, and the Regional Coastal Plan for Manawatu-Wanganui.
- The activities provide for sustainable management of natural and physical resources of the area, and are consistent with the Purposes and Principles of the Resource Management Act 1991.

In making this decision and recommendations, the Hearing Committee notes that the receiving environment is very strongly affected by silt laden waters from the Whanganui River. The Hearing Committee also commends the Applicant for its very open and thorough consultative processes, and looks forward to appropriate long term sewage treatment for the Wanganui Community.

9. TERMS OF THE PERMITS

The Applicant sought terms of 35 years for applications 101704 and 101706. No party submitted against this. Based largely on precedent decisions of the Regional Council, Officers recommended a term of 35 years for application 101704 to discharge stormwater to the river environment, and 25 years for the discharge of treated sewage to the marine environment. Review conditions on both permits would allow for any future changes in environmental standards.

The Hearing Committee accepted the Officers' recommendations to grant a term of 35 years for application 101704 to discharge stormwater to the river environment.

Mr Hulbert, appearing for the Department of Conservation, provided a very succinct and helpful analysis of terms for similar permits to discharge treated sewage to a marine environment granted by the Minister of Conservation. Recent decisions granted permits for times varying from 12 to 25 years. In some cases the Minister had granted a term longer than that recommended by the Hearing Committee; in other cases the term granted was shorter. Mr Hulbert emphasised that each case needs to be treated on its own merits, and to reflect what is appropriate for this discharge at this location.

In this case the Hearing Committee noted there was no presumption in the Act that any consent be granted for 35 years, and decided it was appropriate to recommend that the Minister grant a 25 year term for application 101706. There were five main reasons for this.

- § The very open consultative process that the Applicant had followed in deciding not to proceed with the full scheme consented in 1992.
- § The very strong community support for the application, with only five submissions being received, four of which conditionally supported the application, and with only two submitters appearing at the hearing.
- § The lack of any submissions from tangata whenua, along with assurances from the Officers that their consultation had shown significant Iwi support for the applications.
- § The nature of the receiving marine environment, which is affected more strongly by the Whanganui River than from existing, primary treated sewage discharges, and which will be affected less so by discharges of treated sewage.
- § The comprehensive review condition, which will enable changes in environmental standards, such as that for marine bathing waters, to be included in the conditions on the consent through the required 10 year review of the Regional Coastal Plan.

In recommending a term of 25 years, the Hearing Committee noted that the effective term of the Permit will be 19 years once the scheme is completed in 2007. It also noted that 25 years is approximately one generation, and that it is appropriate that a future generation consider how appropriate the full scheme is in 2026. The Committee also noted that in 25 years, advances in treatment technology may provide an opportunity for further improvement in the standards of the discharge.

10. DECISION AND RECOMMENDATIONS

10.1 Recommendations to the Minister of Conservation

Pursuant to the powers delegated to us by **horizons.mw** under Section 34 of the Resource Management Act, the Hearing Commissions recommend to the Minister of Conservation pursuant to Sections 117 and 119 of the Resource Management Act that resource consents for Discharge Permits 101705, 101706 and 101707 for discharges associated with the Wanganui City Wastewater Scheme into the Coastal Marine Area at Wanganui be granted subject to conditions attached in Schedule One

and

that resource consents for a Change of Conditions to Discharge Permits MWC912682/1, MWC912683/1, MWC912684/1, MWC912529/1, MWC912530/1 and MWC912531/1 associated with Wanganui City Wastewater Scheme be granted subject to conditions attached in Schedule Two.

10.2 Decisions

Pursuant to the powers delegated to us by **horizons.mw** under Section 34 of the Resource Management Act, the Hearing Commissioners grant resource consent No. 101704 for a Discharge Permit associated with the Wanganui City Wastewater Scheme into the Coastal Marine Area at Wanganui subject to the conditions attached in Schedule One.

The Consents are granted pursuant to Sections 104, 105 and 108 of the Resource Management Act 1991.



Cr C Lester
Chairman



Dr I Stewart
Commissioner – Minister of Conservation

27 November 2001

Schedule One

Coastal Permits Nos. 101704 and 101705

Coastal Permit 101704 to discharge stormwater, including but not limited to stormwater from industrial or trade premises that may use hazardous substances, for a term expiring on **30 June 2036**, and

Coastal Permit 101705 to discharge diluted wet weather overflows of wastewater, including tradewaste and domestic sewage for a term expiring on **30 June 2010**

Both Permits are subject to the following conditions:

1. The discharges of stormwater and diluted wet weather overflows of wastewater authorised by these Coastal Permits shall occur via existing outfall pipes into the reach of the Whanganui River, between Cobham Bridge and the North and South Moles (between approximate map references R22:848-380 and R22:793-378), and shall be undertaken in general accordance with the description and assessment included in the Assessment of Environmental Effects, submitted with the application except where otherwise required by conditions of these Permits.
2. The Permit Holder shall **up until 30 June 2010**, manage the combined wastewater system to minimise the frequency and sewage content of overflows from the existing interceptor pipelines. This requirement shall be provided for in the planning and construction of sewer separation and associated works.
3. The Permit Holder shall minimise wastewater overflows to the Whanganui River.

A Wastewater Overflow Management Plan, for the purpose of minimising the frequency and sewage content of wastewater overflows, as required by Condition 2 above, shall be prepared by **30 June 2002** and submitted to **horizons.mw's** Team Leader Compliance.

The Plan shall be reviewed and updated by the Permit Holder and updated by **30 June 2006**. The review shall include, but not be limited to, details of the works to achieve the separation programme.

The reviewed Plan shall make provision for at least 25% of the total separation programme to be completed by **30 June 2008**; and for at least 50% of the total separation programme to be completed by **30 June 2009**. The entire separation programme shall be completed by **30 June 2010**.

The reviewed and updated Plan shall be submitted to **horizons.mw's** Team Leader Compliance. Any further changes to the Plan shall be made in consultation with **horizons.mw's** Team Leader Compliance.

4. The Permit Holder shall **until 30 June 2010** provide information to the public through appropriate media at least six times a year, beginning in **February 2002**, warning recreational users of the potential health risks arising from the discharge of wastewater to the Whanganui River downstream of the Cobham Street Bridge.
5. The discharges, after reasonable mixing, shall not cause:

- a. the production of any conspicuous oil or grease films, scum or foams, or floatable or suspended materials; or
- b. any emission of objectionable odour; or
- c. any conspicuous change in colour or clarity; or
- d. significant adverse effects on aquatic life.

For the purposes of this condition, reasonable mixing shall be defined as a point 10 metres downstream of each individual discharge point.

6. The Permit Holder shall minimise discharges of stormwater contaminated by hazardous substances from industrial or trade premises to the Whanganui River.

A Stormwater Management Plan for the purpose of minimising discharges of stormwater contaminated by hazardous substances from industrial and trade premises into the Whanganui River shall be prepared by **30 June 2007** and submitted to **horizons.mw's** Team Leader Compliance. The Plan shall be made available to the public.

The Permit Holder shall review and update the Plan in consultation with **horizons.mw's** Team Leader Compliance at least once between the years 2007 – 2012, and thereafter in each five year period. The revised and updated Plan shall be submitted to **horizons.mw's** Team Leader Compliance and made available to the public within one month of its completion.

7. The Permit Holder shall **until 30 June 2010**, collect five samples of marine water on each sampling occasion from the ocean off Castlecliff Beach at the Surf Club (at approximate map reference R22: 788-388) and Morgan Street (at approximate map reference R22: 793-380) The frequency of sampling and testing of the samples for each year until **30 June 2010** shall be:

<i>Period</i>	<i>Frequency of Sampling</i>	<i>Testing</i>
December, January and February	Weekly	Enterococci and faecal coliforms
November, March, April	Fortnightly	Enterococci and faecal coliforms
May – October	Monthly	Faecal coliforms

8. The Permit Holder shall as a result of the analysis of samples required under Condition 7 of these Permits advise the community as necessary about any breaches of bathing water standards at Castlecliff Beach.

Reporting

9. The Permit Holder shall report any non-compliance with the conditions on these Permits to **horizons.mw** Team Leader Compliance within 10 working days of the non-compliance. That report shall detail the steps taken to remedy the non-compliance, and whether further remedial work is necessary.

10. The Permit Holder shall for each **1 July – 30 June** year of these Permits beginning **1 July 2002**, report on compliance with the conditions of these Permits and submit the report to **horizons.mw**'s Team Leader Compliance by **31 August** of each year of these Permits, beginning **31 August 2002**.

The report shall include, but not be limited to, a summary of the compliance with all conditions of each Permit and a summary of the progress of capital works necessary to meet the conditions of Coastal Permit 101704. The report may also incorporate the reporting requirements of Condition 24 of Permits 101706 and 101707.

- 11 A summary of the report referred to in Condition 10 of these Permits is to be made public. The Permit Holder shall call an annual meeting of interested parties in the Wanganui community to discuss the contents of this report by September each year, beginning in September 2002.

Review

12. **horizons.mw** may under Section 128 of the Act initiate of review of conditions of Permit 101704 in June 2016 and June 2026 to avoid, remedy or mitigate any adverse effects on the environment. This review shall be limited to reviewing the effectiveness of Conditions 5 and 6 in meeting environmental outcomes.

The review shall allow for:

- § the amendment of Conditions 5 or 6; or
- § the addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment, including any unforeseen adverse environmental effects.

If necessary and appropriate the review, as provided for under this condition, may require the Permit Holder to adopt the Best Practicable Option to prevent or minimise significant adverse effects on the environment.

13. Charges, set in accordance with Section 36(1)c of the Resource Management Act 1991, and Section 690 A of the Local Government Act 1974, shall be paid to **horizons.mw** for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

[Note: Section 36(1)c of the Act provides that **horizons.mw** may from time to time fix charges payable by holders of resource consents. The procedure for setting administrative charges is governed by Section 36(2) of the Act and is currently carried out as part of the formulation of **horizons.mw**'s Annual Plan.]

Coastal Permits Nos. 101706 and 101707

Coastal Permit 101706 to discharge **partially treated** wastewater, including tradewaste and domestic sewage, for a term expiring on **30 June 2007**, and to discharge **fully treated** wastewater, tradewaste and domestic sewage for a term expiry in **30 June 2026**.

Coastal Permit 101707 to discharge stormwater, including diluted wastewater for a term expiring on **30 June 2010**.

Both Permits are subject to the following conditions:

1. The discharges of stormwater and wastewater authorised by these Coastal Permits shall occur via an existing ocean outfall to the Tasman Sea, located 1800 metres off South Beach, Wanganui (at or about approximate map reference R22:813-344), and shall be undertaken in general accordance with the description and assessment included in the Assessment of Environmental Effects, submitted with the applications, except where otherwise required by conditions of these Permits.
2. The **average** daily volume of the discharge, excluding any stormwater and groundwater infiltration, shall not exceed 30,000 cubic metres with a daily maximum of 40,000 cubic metres.
3. The discharge shall be treated by passage through a milliscreen of not less than 3mm screen size. **Until 30 June 2010** daily volumes in excess of 30,000 cubic metres may be bypassed, but shall be coarse screened via a milliscreen of not greater than 3mm mesh size.
4. After **30 June 2010** all wastewater in the discharge through the existing marine outfall shall be treated to at least a secondary standard as necessary to ensure compliance with all conditions on Permit 101706.
5. The Permit Holder shall finalise the details of the Treatment Plant, and the process to be used to treat wastewater as necessary to meet all the conditions of Permit 101706 by **30 November 2004**. Details of the finalised Treatment Plant and the process to be used are to be forwarded to **horizons.mw** Team Leader Compliance by **1 February 2005**.
6. The Permit Holder shall ensure that the physical construction of the Treatment Plant commences no later than **1 April 2006**.
7. The Permit Holder shall ensure the marine outfall continues to provide safe and effective means of wastewater disposal.

A Marine Outfall Management Plan to provide for continued safe and effective means of wastewater disposal from the marine outfall shall be prepared by **30 June 2002** and submitted to **horizons.mw's** Team Leader Compliance.

The Plan shall include, but not be limited to:

- a. provision for increasing the initial dilution of the discharge to a minimum of 65 times in still water conditions and 260 times in median current conditions, in the immediate marine environment around the outfall by **November 2002** and
- b. details of outfall inspection and maintenance.

Any subsequent changes to the Plan shall be made in consultation with **horizons.mw**'s Team Leader Compliance.

8. The Permit Holder shall **after 30 June 2007**, at all times operate and manage the treatment system in a manner that the discharge, after reasonable mixing, shall not cause:
 - a. the production of any conspicuous oil or grease films, scum or foams, or floatable or suspended materials; or
 - b. any emission of objectionable odour; or
 - c. any conspicuous change in colour or clarity.

For the purposes of this condition, reasonable mixing shall be defined as equivalent to a still water mixing zone that is no more than 240 metres wide and no more than 350 metres long. This zone is calculated on the basis of being 120 metres from any discharge point on the diffuser (noting that the diffuser discharges from points over a 130 metre length). It is noted that the mixing zone is at the surface of the seawater and will move depending on tides and currents.

9. The Permit Holder shall, **prior to 30 June 2007**, at all times operate and manage the treatment system in a manner that will minimise any of the following effects which may result from the discharge at any time after reasonable mixing:
 - a. the production of any conspicuous oil or grease films, scum or foams, or floatable or suspended materials; or
 - b. any emission of objectionable odour; or
 - c. any conspicuous change in colour or clarity.

For the purposes of this condition, reasonable mixing shall be defined as a mixing zone extending 750 metres from any discharge point on the existing diffuser, after allowing for the effects of currents and tidal flows.

10. The Permit Holder shall ensure the discharge does not exceed the following standards:

	<i>Prior to 30 June 2007</i> <i>At least 90% of the time and</i> <i>for no more than 3</i> <i>consecutive days</i>	<i>After 30 June 2007</i> <i>At least 95% of the time and</i> <i>for no more than 2</i> <i>consecutive days (except</i> <i>where noted)</i>
Total Grease	200 g/m ³ , 4,000 kg/day	50 g/m ³
Suspended Solids	600 g/m ³	100 g/m ³
Total Sulphides	6.7 g/m ^{3 (1)}	6.7 g/m ^{3 (1)}
Total Chromium	5.0 g/m ^{3 (1)}	5.0 g/m ^{3 (1)}
Zinc	5.0 g/m ^{3 (1)}	5.0 g/m ³
Nickel	1.5 g/m ^{3 (1)}	1.5 g/m ^{3 (1)}
Copper	0.5 g/m ^{3 (1)}	0.5 g/m ^{3 (1)}
Lead	0.5 g/m ^{3 (1)}	0.5 g/m ^{3 (1)}
Mercury	0.01 g/m ^{3 (1)}	0.01 g/m ^{3 (1)}
Enterococci		Median 4,000 / 100 ml Max 12,000 / 100 ml
Faecal Coliforms		Median 10,000 / 100 ml 90% less than 25,000 / 100 ml

Notes:

⁽¹⁾ Based on a minimum initial dilution of 100 to meet ANZECC Aquatic Ecosystem guideline limits.

- 11 The Permit Holder shall **for the duration of this permit**, beginning in **February 2002**, take 24 hour composite samples of the treated wastewater three times per week, at least two days apart and analyse these for grease and suspended solids.
- 12 The Permit Holder shall, **after 30 June 2007**, for the duration of this Permit take samples of the treated wastewater three times per week, at least two days apart, and analyse these for enterococci and faecal coliforms.
- 13 The Permit Holder shall **for the duration of this permit**, beginning in **1 February 2002**, take 24 hour composite samples of the treated wastewater and shall analyse them for total sulphides and for the metals listed in Condition 10 above.

The frequency of the sampling shall be initially two weekly, but may be extended to monthly following compliance with all of the parameter limits listed in Condition 10 above for a 12 month continuous period. If any single parameter exceeds the limit listed, the sampling frequency shall revert to two weekly.

14. **After 30 June 2007** the discharge shall not cause the following standards to be exceeded in the coastal marine area to 500 metres seaward of the line of mean high water springs between the South Mole of the Whanganui River and the mouth of the Whangaehu River:
 - a. The median of enterococci samples collected between the period 1 November to 1 May not exceeding 35 enterococci per 100ml. No single sample shall exceed 104 enterococci per 100ml.
 - b. The median faecal coliform content of bivalve shellfish samples taken over a shellfish gathering season, defined here as the months of September to February inclusive, not exceeding 14 MPN per 100ml, and not more than 10% of the samples shall exceed 43 MPN per 100ml.
15. The Permit Holder shall, **beginning in July 2007**, collect five samples of marine water on each sampling occasion off South Beach between map references R22: 821-361 and R22: 860-315, including one sample from at least 200 metres offshore. The frequency of sampling and testing of the samples shall be:

<i>Period</i>	<i>Frequency of Sampling</i>	<i>Testing</i>
December, January and February	Weekly	Enterococci and faecal coliforms
November, March, April	Fortnightly	Enterococci and faecal coliforms
May – October	Monthly	Faecal coliforms

16. If the monitoring programme described in Condition 15 results in demonstrated compliance with the limits described in Condition 14 for the period November to April, of each year after June 2007 [or after the first year, the frequency of sampling in that period may be reduced to half of that specified. If compliance is, at any time, not demonstrated, the frequency of sampling shall revert to that specified in Condition 15.
17. The Permit Holder shall **after 30 June 2007** undertake bivalve shellfish monitoring at least three times per year, for each year of the duration of this Permit, in the months September to February inclusive. There shall be at least one month between monitoring runs. At least 20 shellfish shall be collected in the area within 50 metres of the shore off South Beach between approximate map references R22: 821-361 and R22: 860-315 and analysed for faecal coliform levels in their flesh. The Permit Holder shall record river flows and any other issues likely to affect the results, for one week period prior to shellfish monitoring.
18. **After 30 June 2008** the discharge shall not cause seafloor marine communities:
- a. to be dominated by species tolerant of organically enriched environments; or
 - b. to be significantly different from seafloor marine communities more than 120 metres from any point on the existing diffuser.

“Significant difference” will be assessed by statistical comparison between MDS ordination plots derived from the sampling in condition 14 with the MDS ordination plots described in the 1999 NIWA report.

Condition 18 will be satisfied if:

- a. the ordination plots are significantly different statistically; and
 - b. that difference can be attributed to the communities sampled from sites 4 and 5 moving closer to unimpacted sites; and
 - c. the distances between all sites on the resurveyed ordination plot are not significantly different statistically.
19. The Permit Holder shall assess compliance with Condition 18 above by resurveying seafloor communities from sites 4,5,6,8,10 and 12, using the same sampling methods and data analysis described by NIWA in 1999 (and included as Appendix G in the Assessment of Environmental Effects in the resource consent application) in each of the years **2009, 2014 (or earlier as necessary) and 2024** .
20. If the monitoring programme described in Condition 19 shows compliance with the limits described in Condition 18, the frequency of sampling may be reduced, occurring again only in the year 2024. If compliance is not demonstrated, the frequency of sampling shall remain as specified in Condition 18.
21. The Permit Holder shall prepare and implement a Management Plan for the land it administers, extending from South Mole to Kaitoke Stream by **30 June 2003** and submit the Plan to **horizons.mw**’s Team Leader Compliance.

The purpose of the Plan shall be to preserve and enhance the natural character of the area. Its provisions shall be for, but not limited to, recreational use and taking into account the proposed Wanganui Wastewater Treatment facilities.

The Plan shall contain, but not be limited to, details of appropriate signage, possible walkways, revegetation programmes, amenity development (such as kiosks, toilets, carparks and roading) and interpretative pamphlets.

The Plan's details in respect of signage shall include, but not be limited to, explanations about the natural character of the area, the discharges and its effects. Signage shall be used to give warnings about the potential health risks arising from the discharge of wastewater to the Coastal Marine Area.

The preparation of the Plan by the Permit Holder shall occur in collaboration with invited parties, including but not limited to, tangata whenua, Department of Conservation, **horizons.mw**, Friends of the Shoreline, Taranaki-Wanganui Conservation Board, Forest and Bird and other interested parties, (such as surfers, fishers and four wheel drivers).

22. Until the Management Plan referred to in Condition 21 above is implemented, the Permit Holder shall establish and maintain signs along South Beach between map references R22: 821-361 and R22: 860-315 warning recreational users of the potential health risks arising from the discharge of wastewater to the coastal marine area.

Reporting

23. The Permit Holder shall report any non-compliance with the conditions on these Permits to **horizons.mw** Team Leader Compliance within 10 working days of the non-compliance. That report shall detail the steps that have been taken to remedy the non-compliance, and whether further remedial work is necessary.
24. The Permit Holder shall for each 1 July – 30 June year of these Permits, beginning 1 July 2002 report on compliance with the conditions of these Permits and submit the report to **horizons.mw**'s Team Leader Compliance by 31 August of each year of these Coastal Permits beginning 31 August 2002.

The report shall include, but not be limited to, a summary of the compliance with all conditions of each Permit, a summary of effluent quality monitoring for the year, and a summary of the progress of capital work necessary to meet the conditions of Coastal Permit 101706. This report may also incorporate the reporting requirements of Condition 10 of Permits 101705 and 101704.

25. A summary of the report referred to in Condition 24 is to be made public. The Permit Holder shall call an annual meeting of interested parties in the Wanganui community to discuss the contents of this report by September each year beginning in September 2002.

Review

26. **horizons.mw** may under Section 128 of the Act initiate a review of the conditions of Permit 101706 in June 2011, 2016 and 2021 to avoid, remedy or mitigate any adverse effects of the environment.

The review of conditions shall be for the purpose of:

- a. reviewing the effectiveness of the standards in Conditions 10 and 14 in meeting environmental outcomes;

- b. reviewing any refinements to, or reduction in, the monitoring programmes specified in Conditions 11 to 13 and 15 to 17 and 19; and
- c. reviewing Condition 14 to ensure consistency with any changes to the standards in RCP Rule 1 of the Regional Coastal Plan.

The review of conditions shall allow for:

- a. the deletion or amendment of any of the conditions of this Permit ;and/or
- b. the addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment, including any unforeseen adverse environmental effects.

If necessary and appropriate the review, as provided for under this condition, may require the Permit Holder to adopt the Best Practicable Option to prevent or minimise significant adverse effects on the environment.

27. Charges, set in accordance with Section 36(1)c of the Resource Management Act 1991, and Section 690 A of the Local Government Act 1974, shall be paid to **horizons.mw** for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

[Note: Section 36(1)c of the Act provides that **horizons.mw** may from time to time fix charges payable by holders of resource consents. The procedure for setting administrative charges is governed by Section 36(2) of the Act and is currently carried out as part of the formulation of **horizons.mw**'s Annual Plan.]

Schedule Two

Recommendations On The Applications To Change Conditions On Existing Discharge Permits For Wanganui Wastewater

Changes to conditions attached to Discharge Permits MWC912530, MWC912682, MWC912683, MWC912684, MWC912529 and MWC912531 are recommended to be made as follows:

- a. Change general condition 2.1 attached to all the existing permits by adding the words **“except that a sewage treatment plant shall be completed and operational by 1 July 2007”**;
- b. Change general condition 2.5.3 attached to all the existing permits described above to change the date by which the sewage treatment plant shall be completed from 1 July 2001 to **1 July 2007**;
- c. Change conditions 5.2 (c) and (d) attached to permits 912684 and 912685 for the discharge through the marine outfall to amend the dates by which separation of the wastewater in the discharge to the sea via the existing marine outfall will occur, to **1 July 2007**.

Note: There are consequential changes to all permits granted in 1992, resulting from the specific changes sought. This is primarily due to the drafting of the conditions attached to the original permits granted in 1992, with all permits being subject to general and specific conditions. The changes of conditions sought include changes to general conditions attached to all permits.

Conditions of Discharge Permits MWC912530/1, MWC912682/1, MWC912683/1, MWC912684/1, MWC912529/1 and MWC912531/1 shall now read as follows: (Changes made shown in bold).

General Condition 2.1

The location, design, implementation and operation of the Wanganui Wastewater Scheme shall be as generally described in the Environmental Assessment and Appendix 2 prepared by Royds Payne and Furby and dated 13 December 1991 **except that a sewage treatment plant shall be completed and operational by 1 July 2007**.

Note: There are consequential changes to all permits granted in 1992, resulting from the specific changes sought. This is primarily due to the drafting of the conditions attached to the original permits granted in 1992, with all permits being subject to general and specific conditions. The changes of conditions sought include changes to general conditions attached to all permits.

General Condition 2.5.3

Sewage treatment plant to be completed and operational by **1 July 2007**.

Specific Conditions 5.2(c) and (d)

5.2 This permit authorises the discharge of:

- a. Industrial tradewaste, sewage and stormwater until 1 July 1996;

- b. Industrial trade waste, milliscreened sewage and stormwater from 01 July 1996 until 01 January 1999
- c. Treated industrial tradewaste, milliscreened sewage and stormwater from 01 January 1999 until **1 July 2007**.
- d. Treated industrial tradewaste, treated sewage and contingency wet weather overflows of milliscreened sewage and stormwater from 01 July 2001 until **1 July 2007**.
- e. Treated industrial tradewaste, contingency treated sewage and contingency wet weather overflows of milliscreened sewage and stormwater from 1 January 2004 until 1 July 2007.

For the purpose of clarity the conditions of Discharge Permits MWC912530/1, MWC912682/1, MWC912683/1, MWC912684/1, MWC912529/1 and MWC912531 be changed to read as follows: (Changes made shown in bold).

7.0 DETERMINATION

- a. The Hearing Committee resolves to grant (subject to the extent of its jurisdiction) the following consents to Wanganui District Council:
 - i) discharge permit **912530/1** for discharges into the river upstream of Cobham. Bridge (Map Reference R22:848-380)
 - ii) discharge permit **912682/1**; and coastal permit **912683/1** for discharges into the river downstream of Cobham. Bridge;
 - iii) discharge permit **912684/1**; and coastal permit **912529/1** for the discharge through the marine outfall; and
 - iv) discharge permit **912531/1** for the discharge onto land.

All these permits to be subject to the general and specific conditions set out below as appropriate.

- b. The Hearing Committee resolves to recommend (subject to the extent of its jurisdiction) to the Minister of Conservation that the following consents be granted:
 - i) a coastal permit for restricted coastal activities for discharges into the river downstream of Cobham. Bridge; (map reference R22: 848-380); and
 - ii) a coastal permit for a restricted coastal activity for the discharge through the marine outfall.

Both these permits to be subject to the general and specific conditions set out below as appropriate.

- c. The Hearing Committee resolves to recover the actual and reasonable costs of the hearing, amounting to \$20149, from the District Council.
- d. Conditions

1.0 Definitions

The definitions attached to these conditions shall be read with and form part of them.

2.0 General Conditions

These conditions shall apply to all permits as appropriate.

- 2.1 The location, design, implementation and operation of the Wanganui Wastewater Scheme shall be as generally described in the EIA and Appendix 2 prepared by Royds Payne and Furphy and dated 13 December 1991, **“except that a sewage treatment plant shall be completed and operational by 1 July 2007”** [Those documents shall be read with and form part of these conditions.]
- 2.2 Nothing in these permits shall prevent the granting of such short term permits as are necessary for the construction of the waste water scheme.
- 2.3 On 1 July of each year until and including 1 July 2007 the Holder shall report to the Consent Authorities on progress with implementing the wastewater scheme during the past 12 months and shall detail the rolling programme of works for the next 24 months.

2.4 Monitoring

- 2.4.1 The Holder shall undertake the programme of sampling and analysis set out hereunder and shall supply the results to the Consent Authority(ies) at six monthly intervals. The Consent Authority(ies) may seek additional monitoring information from the Holder as appropriate:
- i. Samples of the waste flow to the ocean outfall shall be taken once per calendar month with no more than two samples in any 12 months being taken on a Saturday, Sunday, or Public Holiday.
 - ii. The sample shall be a 24 hour flow composite sample made up of either equal volume samples taken at a frequency proportional to flow rate, or at constant time intervals with volume of sample proportional to flow rate. The composite sample shall consist of a minimum of 10 individual samples.
 - iii. The samples shall be analysed to determine ph, suspended solids, BOD, faecal coliforms, chromium, copper, nickel, lead, zinc, sulphites, phenols, arsenic and cadmium.
- 2.4.2 Monthly monitoring by the consent authority of the river water quality shall be done in the last 2 hours of the outgoing tide at Upokongaro, Railway Bridge, Cobham Bridge and at a site further downstream to be agreed upon by the Holder and Consent Authority(ies).

Samples shall be analysed for BOD, suspended solids, faecal coliforms, and any other contaminant agreed upon between the Holder and Consent Authority(ies).

- 2.4.3 For the purposes of monitoring coastal water quality, a minimum of five water samples shall be collected within 30 days, each month from four sites at South Beach and Castlecliff Beach from November to February inclusive and analysed for compliance with classification standards and in accordance with national guidelines expected to be promulgated after the granting of these permits and/or such other parameters of analysis as are agreed upon between the Holder and the Consent Authorities.

<u>Monitoring Sites</u>		<u>Map Ref.</u>
South Beach	"Outfall"	R22: 821-361
	"Deer sign"	R22: 860-315
Castlecliff	"Surf Club"	R22: 788-388
	"Morgan Street"	R22: 793-380

- 2.4.4 The effects of the discharge from the marine outfall shall be monitored by the Consent Authorities. This programme shall be designed to determine the effects of discharges from the outfall upon benthos in the vicinity of that outfall. The timing of such monitoring, the method or methods of monitoring and the parameters of analysis shall be as agreed upon between the Holder and the Consent Authority (ies).

A draft monitoring programme shall be agreed upon by 1 July 1993. If no such agreement can be reached, then the Consent Authorities may review Condition 2.4.4.

- 2.5 The holder of these permits is to undertake such works as are necessary to ensure that the separation, transfer, and treatment of trade waste, sewage, and stormwater, meets the staging schedule set out below.
- 2.5.1 Interceptor system and milliscreening plant to be completed and operational by 1 July 1996.
- 2.5.2 Industrial trade waste treatment system to be completed and operational by 1 January 1999.
- 2.5.3 Sewage treatment plant to be completed and operational by **1 July 2007**.
- 2.5.4 Land disposal system to be completed and operational by 1 January 2004.
- 2.5.5 Separation of stormwater and sewage to be completed and operational by 1 July 2007.
- 2.6 The Holder shall undertake the design, implementation and operation of the scheme throughout the term of the permit to ensure that upon the expiry of the permits on 1 July 2007 the Holder can meet the requirements of Sections 107 (1) of the Resource Management Act 1991 and of any relevant Regional Rules.
- 2.7 That it is intended and agreed that at the conclusion of this permit the discharge from the marine outfall will comply with Section 107 (1), the New Zealand Coastal Policy Statement to be promulgated by the Minister of Conservation pursuant to his or her statutory obligations in 1992/93 or thereabouts, and all relevant regional rules that follow from that policy statement.

- 2.8 If the Holder receives advice that it will be receiving direct assistance from Central Government for the waste water scheme the Holder shall, in the report to the Consent Authorities (pursuant to Condition 2.3), next following the receipt of such advice from Central Government, advise the Consent Authorities of the proposed funding and its application towards completion of the scheme or parts of the scheme earlier than 1 July 2007. Should the Consent Authorities not be satisfied with the proposed use of funds the Consent Authorities may review the conditions (Pursuant to Section 128 (a) (iii) of the Resource Management Act) attached to these permits for the purpose of having the scheme or parts of the scheme completed earlier.
- 2.9 If the economic circumstances (excluding asset sales) of the Holder improves due to any overall improvement in the economic circumstances of the Wanganui Community to an extent that the Holder is in a position to increase the financial contributions to the project, the Consent Authorities may review the conditions attached to these permits (pursuant to Section 128 (a) (iii) of the Resource Management Act) for the purpose of having the scheme or parts of the scheme completed sooner.
- 2.10 An annual administrative charge, in accordance with Section 36 (2) of the Resource Management Act 1991, shall be paid by the Holder to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under Section 35 (duty to gather information, monitor and keep records) of the Act.
- 2.11 That notwithstanding the provisions of condition 2.4 the Minister of Conservation in his or her capacity as a Consent Authority shall not be responsible for any monitoring unless or until she or he is able to recover the cost of that monitoring from the Holder.

2.0 Conditions Specific to Discharge onto Land

- 3.1 This permit shall commence on 1 January 2002. This permit shall expire on 1 July 2007.
- 3.2 This permit authorises the discharge onto land of domestic sewage treated in aerated lagoons and facultative oxidation ponds.
- 3.3 The maximum daily volume shall not exceed 25000 m³.
- 3.4 The treatment system and irrigation system shall be completed and commissioned by 1 January 2004.
- 3.5 The Consent authority in consultation with the Holder shall review the need for a programme of groundwater monitoring in the irrigation area.

3.0 Conditions Specific to Discharge into the River

- 4.1 This permit shall expire on 1 July 2007.

- 4.2 This permit authorises the existing discharges of sewage, industrial trade waste and stormwater into the Whanganui River. This permit does not authorise the ongoing discharge from watercourses running through or adjacent to the Balgownie Rubbish Tip, or any other unlawful discharge.
- 4.3 The Holder shall ensure that further consents are sought for any additional industrial discharges to be made from any river outfall where that discharge would breach Section 107 (1) of the Act, the water classification or any other regional rules applying at the date such discharge is proposed.
- 4.4 This permit authorises the discharge of:
- a) Untreated combined sewage, industrial trade waste and stormwater from outfalls until 1 July 1996.
 - b) Overflows of untreated combined sewage, industrial trade waste and stormwater in excess of interceptor sewer and pump station capacity until 1 July 2007.
- 4.5
- a) Notwithstanding anything contained in the other conditions applying to this permit the Holder shall provide separate stormwater and sewer pipes from the interceptor to the Heads Road boundary of the Wanganui Hospital by 1 January 1995.
 - b) The Holder shall use its best endeavours to ensure that the hospital shall have separated sewage and stormwater from its surgical/ theatre block by 1 January 1995, and it shall have separated its sewage and stormwater from Newcombe and the maternity block by 1 July 1997.
- 4.6 A detailed programme of stormwater and sewage separation is to be provided by the Holder to the Regional Council in the report prepared pursuant to condition 2.3 of these conditions, due to be presented on 1 July 1994.

4.0 Conditions Specific to Discharge from Marine Outfall

- 5.1 This permit shall expire on 1 July 2007.
- 5.2 This permit authorises the discharge of:
- a) Industrial trade waste, sewage and stormwater until 1 July 1996.
 - b) Industrial trade waste, milliscreened sewage and stormwater from 1 July 1996 until 1 January 1999.
 - c) Treated industrial trade waste, milliscreened sewage and stormwater from 1 January 1999 until “1 July 2007”
 - d) Treated industrial trade waste, treated sewage and contingency wet weather overflows of milliscreened sewage and stormwater from 1 July 2001 until “1 July 2007”
 - e) Treated industrial trade waste, contingency treated sewage and contingency wet weather overflows of milliscreened sewage and stormwater from 1 January 2004 until 1 July 2007.

Definitions

Without limiting condition 2.1 of these permits, and unless the context otherwise requires:

1. *Untreated combined sewage* means:
Mixture of sewage and stormwater (generally conveyed in a single pipe) which has not been treated.
2. *Industrial trade waste* means
Wastewater generated by industrial processes which has not been mixed with either sewage or stormwater.
3. *Stormwater* means
Flow which is the result of surface runoff after rain or subsurface seepage.
4. *Milliscreened sewage* means
Sewage which has passed through a milliscreening plant.
5. *Treated industrial trade waste* means
Industrial trade waste which has been treated by the industrial trade waste treatment system.
6. *Treated sewage* means
Sewage which has passed through the sewage treatment plant described in definition 11.
7. *Contingency wet weather overflows* means
Infrequent overflows which occur when the installed systems becomes temporarily overloaded by stormwater in addition to the normal sewage flow and the combined flow exceeds the system capacity.
8. *Interceptor* means
Pipelines constructed along both banks of the Whanganui River which pick up sewage from each individual catchment and convey it to the Beach Road pumping station.
9. *Milliscreening plant* means
Milliscreening installation constructed in the Beach Road pumping station to pre-treat sewage flows.
10. *Industrial trade waste treatment system* means
A treatment system which removes a portion of the grease, fats, suspended material and toxic elements from the industrial trade waste.
11. *Sewage treatment plant* means
Aerated lagoons and oxidation ponds located southeast of Wanganui Airport, as described in the EIA.
12. *Land disposal system* means
System of pumps, pipes, and sprinklers which sprays treated sewage onto land southeast of Wanganui Airport.
13. *Separation* means
The conveyance of sewage and stormwater in separate pipes.

COASTAL PERMIT

Pursuant to the provisions of section 119 of the Resource Management Act 1991, I hereby grant to Wanganui District Council a coastal permit for discharges into the Whanganui River downstream of Cobham Bridge and a discharge through the marine outfall offshore of the Whanganui River in accordance with the Council's application dated 31 October 1991, and upon the conditions set out in the attached appendices and being more particularly the general conditions in section 2 (pages 34-37), the conditions specific to discharge into the river set out in section 4 (pages 37-38), the conditions specific to discharge from the marine outfall set out in section 5 (page 38), and including the definitions (pages 38-39) of the Manawatu Wanganui Regional Council Hearing Committee Decision.

Dated at Wellington this 17th day of June 1992

Denis Marshall
Minister of Conservation