

## SYNOPSIS of SUBMISSION

To : Hearing Panel

On : Resource Consent Applications by Tararua District  
Council relating to Pahiatua Wastewater

By : John Bent

- 1.** To protect the values of the Lower Manawatu River, estuary and proximate coastal areas discharges to land are generally preferred and all indirect discharges to water below the 20<sup>th</sup> flow exceedance percentile, FEP, are opposed and

  - A.** That this application be declined or in the alternative, if the Panel is not so minded,
  - B.** The term be six years for the following reasons.
  
- 2.** The Courts have recognised that such improvements will come at a cost to users.

  - A.** Feilding: "[207] We note that there will be a substantial increase in the cost to the community of providing wastewater services as a result of the upgrade to the WWTP but this is an unavoidable consequence of meeting higher environmental performance standards in this case."<sup>1</sup> and

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<sup>1</sup> Manawatu District Council & Others v Manawatu District Council & Manawatu Wanganui Regional Council, [2016] NZEnvC 132

- B. Shannon : "[95] ... We note that there will be a substantial increase in the cost to the community of providing wastewater services, but accept the Applicant's evidence that this is affordable to the community." <sup>2</sup> and
- C. p36 "... The Applicant explored a range of possible alternatives and in response to community feedback adopted a solution that placed more emphasis on social, cultural and recreational benefits than economic benefits." <sup>3</sup>
- D. My crude interpolation from uncontested expert evidence currently before the Court indicates a Wastewater Uniform Annual Charge on the rated households of Pahiatua (Tararua District Uniform Annual Charge) of \$1,352 pa. (GST incl)
3. The lack of detail/data/evidence in support of these applications precludes examination of the *minutiae*.
- A. This is the foundation for my relief sought to allow TDC to develop and notify a long term solution (BPO) while providing for the gathering of necessary data and other information in light of the recognised uncertainties.
4. There is no consideration given to the cumulative effects of all Tararua discharges of human sewerage within the Tararua District and external to the Tararua District.
5. In particular, the cumulative contribution of these discharges to the adverse effects below the Palmerston North sewerage outfall.

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<sup>2</sup> Horowhenua District Council, Notice of Motion under s87G, [2015] NZEnvC 45

<sup>3</sup> *ibid*

- A. That point source discharges of nitrogen (or any other contaminant, individually or cumulatively) are overwhelmed by non-point source discharges is, I submit, not a reason to do nothing.
- C. That this and other District discharges are having a downstream adverse cumulative effect is evidenced by the Interim Decision of Commissioners<sup>4</sup> "The Panel has determined that excess periphyton growth from PNCC's treated wastewater discharge is contributing to a failure to safeguard the life supporting capacity of the Manawatu River downstream of the discharge and that the conditions of Discharge Permit 101829 should be amended in the manner detailed in Attachment 1 to this Interim Decision." You have no evidence before you to contest my submission that this, and all other Tararua discharges of human wastewater, to water are not contributing cumulatively to this adverse effect.

6. The Court said "[2-32] The second is that if there are cumulative effects on the receiving environment that, upon proper inquiry, are shown to be significant and to outweigh the acknowledged benefits of renewable energy generation, then it would be entirely proper to say ... *enough is enough*. That is exactly what the structure of the RMA provides for."<sup>5</sup>

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<sup>4</sup> A notice served by Manawatu Wanganui Regional Council on Palmerston North City Council pursuant to section 128 (1) (a) (iii) of the Act in relation to the review of the conditions of Discharge Permit 101829, Summary of Interim Decision

<sup>5</sup> One Plan, [2011] NZEnvC 182

7. While the proposed wetland is an attempt to comply with Policy 5-11 of the One Plan there is, in my submission, insufficient evidence that this can be part of a long term solution and therefore used to determine a long term solution.

8. The General Conditions provide for the establishment of the Tararua District Wastewater Forum (conditions 12 - 17), which I support, but do not set out a purpose or purposes.

9. I propose that the General Conditions include that the TDWP role be :-

- a. observe and review management decisions, monitoring results and data gathered, and
- b. keep a 'watching brief' on the management of activities at the PWWTP, and
- c. consider and comment on long term options for treatment and ultimate disposal of wastewater from the PWWTP.<sup>6</sup>

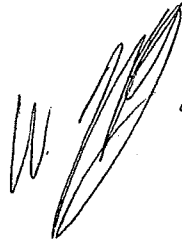
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<sup>6</sup> From the proposed draft for Tokomaru

**10.**

On the point of term I submit that should the applications before you include a component of treatment plant discharge being irrigated to land then a term of 10 years would be consistent with other decisions.

- a. Feilding (10 years) and
- b. AFFCO with a larger proportion (works non-human wastewater being irrigated to land (13 years and under appeal on the issue of term).



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John Bent  
Date: 24 May 2017.

