

07 August 2017



David Randal  
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(Cc: Blair King, Tracey Collis)

Dear David,

This letter is in response to the directions given in memoranda from the Hearings Committee to participants in the hearings for the applications for resource consent from Tararua District Council to discharge treated wastewater to water, namely the Mangatainoka River, and further potential applications for discharge to land and water, being a constructed wetland near Julia Street Pahiatua. The comments can also be taken as applicable to the proposed construction and discharge from a wetland adjacent to the Eketahuna Wastewater Treatment Plant.

The comments are made on behalf of Kahungunu ki Tāmaki-nui-a-Rua nui-a-rua Trust, an iwi organisation who made submissions to the initial applications to discharge to water (APP-1993001253.02 and APP-200511178.01), and we remain of the view that the applications to discharge to land and to ground and surface water, via constructed wetlands, are outside the scope of the original applications to which we made submissions. Some comments therefore are in regard to applications for consent that have not yet been lodged with the relevant authority, Manawatu-Wanganui (Horizons) Regional Council. We are cognisant that within a statutory context they have no legal standing. It is unusual for a hearings committee to seek input to a consent process for which an application has not yet finalised or lodged.

Your memo in response to the hearings committee minute references sections 37 and 37A (5) of the RMA in support of a time extension to cater for consideration of the wetland option. Our view is that these sections of the Act apply to applications

that have already been lodged, not for applications yet to be finalised and applied for.

The consents required for the development of the 2 wetlands and for discharges of water and contaminants from them have been assessed as potential controlled and discretionary activities under the Horizons OnePlan. A controlled activity could be assessed and granted on a non-notified basis, however it is our view that for the discretionary activity – notification of affected parties should be required. There appears to be a presumption that all those with interests in the proposed wetland and its discharges are already represented through the existing hearing process, but this may not be the case. The wetlands and associated discharges did not form part of the original applications for consent so were not publicly notified. Therefore, parties who may have an interest in these aspects and the public in general, have not had the opportunity to peruse the proposals or to provide submissions to them. In our view, this creates undue prejudice.

Memoranda and minutes outline the Hearing Committee's expectations of Tararua District Council (TDC) in terms of the proposed wetlands adjacent to the Eketahuna and Pahiatua Wastewater Treatment Plants, and then places the onus on submitters to respond to the wetland designs, proposals and any draft consent conditions related to each wastewater treatment system, meaning considerable time and resource.

Kahungunu ki Tāmaki-nui-a-Rua nui-a-rua (KTR) representatives visited the Pahiatua site with Dave Watson from TDC and Opus' consultant Roger MacGibbon on Monday 10<sup>th</sup> July. TDC were open to suggestions about the wetland and committed to ongoing engagement with KTR during the wetland design and construction phase, should it be granted consent. We are aware that for optimum removal of nutrients / contaminants, maintenance of the wetland system and periodic replacement of plants will be required. These matters should be addressed via consent conditions. We sought continued engagement through the wetland construction period and also discussed additional cultural monitoring of the river on an annual or bi-ennial basis. We have yet to visit the wetland site for Eketahuna, but understand that this will take place shortly, although the delay may have implications with the proposed timetable. We also discussed the configuration of the wastewater systems with Dave, the various stages within the system, the monitoring points and also whether it was viable to have the UV treatment at the exit from the wetland.

I'd like now to comment on Cultural Values Assessments associated with each of the wastewater treatment plants. Minute 4 from the Hearings Committee (5 July) refers to *'verbal or written responses received from Rangitane o Tāmaki-nui-a-Rua Inc and*

*Kahungunu ki Tāmaki-nui-a-Rua on the proposed wetland and the extent to which it may meet their cultural concerns.'*

Our submissions to the Eketahuna and Pahiatua resource consent applications both sought commissioning by TDC of Cultural Values Assessments from Kahungunu ki Tāmaki-nui-a-Rua to help determine current (cultural) state of the Makakahi and Mangatainoka Rivers. These could then be used as a baseline suite of data, and compared with the further cultural and resource consent monitoring of the effects of the discharges from improved wastewater treatment. We see initial CVA's as necessary precursors to any additional cultural assessment re the wetland' designs, function, and/or ability to accommodate, cater for or meet our concerns.

The Environmental Reporting Act 2015 now requires reporting on aspects of te ao Maori for the different domains within the environment. Only tangata whenua or their mandated representatives can undertake monitoring to inform current states and trends and their effects on te ao Māori values or on the te ao Māori domains.

Ngā mihi mahana,



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Morry Black

For Kahungunu ki Tāmaki-nui-a-Rua