

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

applications for resource consent (**APP-2005011178.01** and **APP-2018201909.00**) to Horizons Regional Council associated with the construction of a wetland as part of the proposed upgrades to and ongoing operation of the Eketahuna Wastewater Treatment Plant

BY

TARARUA DISTRICT COUNCIL
Applicant

**STATEMENT OF EVIDENCE OF BLAIR PHILLIP KING (IWI ENGAGEMENT AND
WETLAND OVERVIEW)
ON BEHALF OF THE APPLICANT**

12 November 2018

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INTRODUCTION

Background and role

1. My full name is **Blair Phillip King**.
2. I am the Chief Executive at the Tararua District Council ("**TDC**").
3. My first brief of evidence dated 20 March 2017 was given in relation to the application for resource consents (APP-2005011178.01) for the discharges from the Eketahuna Wastewater Treatment Plant ("**EWWTP**") lodged by TDC on 31 March 2015 ("the **First Application**").
4. My evidence is given on behalf of TDC in relation to its application ("the **Wetland Application**") under section 88 of the Resource Management Act 1991 ("**RMA**") for resource consents relating to the construction of a wetland as part of the wider proposed upgrades to and ongoing operation of the EWWTP ("the **Project**").
5. My evidence provides a background to and overview of the proposed wetland and discusses the engagement TDC has undertaken with iwi since the adjournment of the April 2017 hearing. I also respond to questions raised by the Panel as well as matters raised in the submission made by Rangitāne o Tamaki Nui-a-Rua ("**Rangitāne**") and the Council Officers' Section 42A Reports.
6. In light of the limited scope of the Wetland Application and the hearing that will take place on 27 November 2018, I address matters relating to the Wetland Application in Part A. My responses to matters raised that fall outside the scope of the Wetland Application and 27 November hearing are addressed as "other matters" under Part B.

Qualifications and experience

7. My qualifications and experience are as set out in my first brief of evidence, and I do not repeat them here.

Scope of evidence

8. My evidence relates to the following matters:
 - (a) Part A: Wetland Application:
 - (i) Background to the Wetland Application;
 - (ii) Iwi engagement on the Wetland Application;

- (iii) Queries raised by the Panel in its minute dated 29 October 2018 relating to the Wetland Application ("the **Ninth Memorandum**");
 - (iv) The submission made by Rangitāne; and
 - (v) Matters raised in the Council Officers' Section 42A Reports as they relate to the Wetland Application.
- (b) Part B: Other matters:
- (i) Queries raised by the Panel in the Ninth Memorandum outside the scope of the Wetland Application; and
 - (ii) Matters raised in the Council Officers' Section 42A Reports outside the scope of the Wetland Application.

EXECUTIVE SUMMARY

9. The primary purpose of the proposed wetland is to address Policy 5-11 in the One Pan and to recognise cultural issues associated with a direct discharge of treated human wastewater to water.
10. TDC has certain fiscal obligations as a local authority and as such any decision we make utilising rate-payers' money must be made carefully, weighing up all factors. It is important too that any system is kept suitable and appropriate to the ability of the community to invest in it and ensure it is appropriately operated.
11. Through the re-consenting process, we have engaged with iwi and built relationships so that the parties can work together in supporting and enhancing the natural resources in the Tararua District, and respecting the cultural values inherent in those resources.
12. Since the adjournment of the hearing in May 2017 TDC has been actively engaging with Rangitāne and Kahungunu ki Tamaki Nui-a-Rua ("**Kahungunu**"). This has included site-visits, face-to-face meetings and telephone and email correspondence.
13. A cultural values assessment ("**CVA**") was received from Kahungunu on 21 May 2018, highlighting the productive engagement that has taken place between the parties. To date Rangitāne has not provided a CVA, despite TDC continuing to engage with Rangitāne on the progress of its CVA, both leading up to the lodgment of the Wetland Application and subsequently.
14. Depending on weather conditions, it would take a construction season to complete the construction of the pipeline to the proposed wetland.

15. I acknowledge the views expressed by Rangitāne and recognise there remain concerns regarding the Wetland Application's effects on cultural values and relationships. TDC has worked hard to develop a proposal that complies with Policy 5-11 and seeks to address cultural concerns.
16. TDC seeks a term of seven years. Any term less than seven years would not be an efficient use of ratepayers' money.
17. Matters outside the scope of the Wetland Application are addressed under Part B below, and in the evidence of TDC's technical experts.

PART: A WETLAND APPLICATION

Background to the Wetland Application

18. On 5 to 7 April 2017 a hearing was held before the Hearings Panel in respect of the First Application. The concept of a wetland, as part of the overall proposed upgrades to the EWWTP, was discussed during the hearing. At that time TDC was considering two possible options for implementing the wetland concept.
19. The Panel adjourned the hearing on 7 April 2017 so that TDC could consider how it intended to proceed and provide further detail on the proposed wetland.
20. In May 2017 TDC confirmed its intention to proceed with the wetland concept, and chose "Option 2" of the two previously discussed options, which involves a constructed wetland on a lower river terrace on land owned by the Eketahuna Golf Club.
21. The matter was briefly addressed at the reconvened hearing on 23 May 2017 before the Panel re-adjourned. TDC was directed to prepare the additional resource consent applications required to commission the proposed wetland and engage with Rangitāne and Kahungunu. This engagement was to include the commissioning of CVAs from both Rangitāne and Kahungunu.
22. Following engagement with Rangitāne and Kahungunu on the proposed wetland, including its concept design, TDC filed the Wetland Application on 29 June 2018. TDC submitted a copy of the CVA prepared on behalf of Kahungunu together with the Wetland Application, as Appendix VII. At the time of filing the Wetland Application, Rangitāne had not, and still has not, filed a CVA.

23. TDC has worked hard to consult with Rangitāne and Kahungunu not only on the Project, but more widely on other projects across the Tararua District, including the re-consenting of the Pahiatua and Woodville Wastewater Treatment Plants. In addition, as part of its partnership relationship with Rangitāne, TDC also assisted Rangitāne through including a project for improvements to Kaitoke Wastewater issues with its application to Horizons Regional Council under the "Fresh Start for Fresh Water Fund".
24. Engaging with Rangitāne and Kahungunu has enabled the Project, including the wetland design, to better reflect an understanding of the tikanga and views of Rangitāne and Kahungunu. The Wetland Application demonstrates a robust proposal which addresses Policy 5-11 of Horizons' One Plan, seeks to take into account the views of Rangitāne and Kahungunu to the extent practicable, and ensures effects on people and the environment are minimised.
25. The evidence and conditions presented by Ms Tabitha Manderson, and the evidence of the other experts, address these matters in further detail.

Wetland purpose and functions

26. As indicated above, the primary purpose of the proposed wetland is to address Policy 5-11 in the One Pan and to recognise cultural issues associated with a direct discharge of treated human wastewater to water. Addressing these issues was the driving force behind the wetland's original conception and remains its primary purpose. A secondary function of the wetland, as discussed in the evidence of Mr Roger MacGibbon, is to provide additional 'polishing' to the wastewater before it is discharged into the Makakahi River.

Infrastructure funding and resourcing

27. TDC's assessment of alternative options, including land-based options, was addressed through the First Application and I do not propose to repeat that detail in full in this evidence.
28. However, as discussed in my first statement of evidence TDC has certain fiscal obligations as a local authority and as such any decision we make utilising rate-payers' money must be made carefully, weighing up all factors.
29. The Tararua District uses targeted rates spread across urban connected areas to fund capital and operational costs. Whilst TDC remains within its

prudent debt limits, we have to weigh up each capital improvement against the purpose in section 10(1) of the Local Government Act 2002 which is: *“...to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses”*.

30. TDC has committed to upgrading four primary wastewater systems (oxidation ponds and aeration systems) to tertiary treatment plants and processes (ranging from ultrafine membrane systems, biological reaction and Ultraviolet Light). More complex and engineered processes increase staff requirements and skill levels. It is important too that any system is kept suitable and appropriate to the ability of the community to invest in it and ensure it is appropriately operated. There are plenty of examples of new wastewater and other systems being installed but the technology, experience or cost to operate and maintain them means that they do not operate as intended and cost considerable sums to correct.
31. Already, to respond to the upgrade in systems, in the last three years TDC has added an additional five operational members to the previous two existing staff across water and wastewater. On top of upgrading systems this staffing level, and ongoing maintenance, is a significant investment for a community of 260 ratepayers in Eketahuna.
32. Already, total wastewater annual rates have increased from \$2.22m to \$2.53m over the last 10 years to respond to the commitment to improve wastewater systems across the district. Over the next 10 years rates are predicted to increase further to \$3.55 million annually, with the treatment system at Eketahuna forecast at \$3.65 million capital cost. The reason for the \$1 million annual increase in forecast rates revenue is to cover the higher operational costs of a tertiary plant, the compliance and reporting, plus fund the interest and depreciation cost on this \$3.65 million capital investment. Every \$240,000 in staffing costs (including overheads) is 1 percent of general rates.

Site

33. TDC has been in discussions with the Eketahuna Golf Club ("**the Golf Club**") since early on in the EWWTP consent renewal process, when land-based irrigation options were being considered.

34. Through those early discussions with the Golf Club, it came to light that the Golf Club already had an excess of surface water, which aligned with TDC's emerging concept of a proposed wetland.
35. The discussion with the Golf Club then moved to purchasing part of their land so that it could be used for a wetland, as part of the EWWTP Project, and the Golf Club was supportive of this approach. Should consent be granted TDC intends to make a formal offer to purchase the land.

Consultation

36. Through the re-consenting of the EWWTP, and TDC's work more generally, I have, and TDC has, been highly cognisant of the special status held by those with mana whenua, particularly in matters relating to environmental management.
37. From the outset, TDC has recognised and acknowledged the important role Kahungunu and Rangitāne play in matters related to water, land and other taonga. We have engaged with iwi and built relationships so that the parties can work together in supporting and enhancing the natural resources in the Tararua District, and respecting the cultural values inherent in those resources.
38. To that end, throughout the Wetland Application TDC has remained, and remains, committed to working with Rangitāne and Kahungunu and to meeting its obligations under the Manawatu River Leaders Accord.
39. Since the adjournment of the hearing in May 2017 TDC has been actively engaging with Rangitāne and Kahungunu. This has included site-visits, face-to-face meetings and telephone and email correspondence including:¹
 - (a) correspondence on 24 September 2017 between Mr Dave Watson, TDC's Plant and Property Group Manager, and Ms Hine Carberry representing Rangitāne, over the progress made on Rangitāne's CVA;
 - (b) correspondence between Mr Watson and Mr Morry Black, representing Kahungunu, in September 2017 and 18 January 2018 about Kahungunu's CVA; and
 - (c) a meeting held on 26 January 2018 between TDC and representatives of Rangitāne and Kahungunu during which the EWWTP was discussed.

¹ As set out in TDC's memoranda of 30 January 2018, 11 May 2018 and 29 June 2018 - collated and attached as **Appendix 1**.

40. Kahungunu's CVA, provided to TDC on 21 May 2018, highlighted the productive engagement that had taken place between the parties. For instance:
- (a) At page 9: *"In 2016 TDC works staff approached KTNAR to discuss the renewal of discharge consents for the Norsewood, Ormondville, Pahiatua, Eketahuna and Woodville wastewater treatment plants...Later in 2016 and early 2017, KTNAR personnel were taken on site visit to Eketahuna, Pahiatua and Woodville...TDC's water and wastewater manager was forthcoming with information and supplied aerial shots and process diagrams of the proposed treatment upgrades, and explained each of the processes involved."*
 - (b) At page 34: *"...discharge of human waste to our awa which contain numerous sources of kai, is abhorrent, and both spiritually and physically unsafe" however "Further discussions with TDC councillors and staff have centred on the quality of the tertiary treated wastewater prior to entering the wetlands, potential nutrient uptake of wetland plants, and discussion of wetland components. These discussions are ongoing."* and
 - (c) At page 60: *"In particular we have appreciated the free-flow of information from councilors and staff. We especially thank Dave Watson, Waste and Water Manager at TDC for taking the time to show us around the various wastewater treatment plants in Tararua on different occasions."*
41. In terms of Kahungunu's views on the wetland itself, although there is some uncertainty expressed as to the wetland's efficacy in terms of addressing cultural concerns, the CVA shows optimism in noting, at page 59, that:
- "Nutrient loads from these systems will reduce through upgrades to WTP processes and the wetlands have the potential to improve discharge quality further with additional uptake of nutrients by wetland plants..."*
42. Kahungunu's CVA was provided to the Panel on 29 June 2018 as Appendix VII to TDC's Wetland Application.
43. TDC has continued to engage with Rangitāne on the progress of Rangitāne's CVA, both leading up to the lodgment of the Wetland Application and subsequently. For instance:

- (a) Mr Watson sent an email to Ms Lucresha Mason of Rangitāne on 12 June 2018 asking how far away the CVA would be, and Ms Mason responded saying she would follow up; and
 - (b) On 18 September 2018 Mr Watson again followed up with Ms Mason via email, asking if Rangitāne had any expected timeframe for the completion of the CVA.
44. I understand that no timetable has been received as to when Rangitāne will be able to provide this CVA.

Queries raised by the Panel relating to the wetland

45. In its Ninth Memorandum, the Panel requested responses to eight questions in advance of the hearing. A number of these do not relate to the Wetland Application and as such are outside the scope of the 27 November 2018 hearing but are addressed separately in Part B.
46. In terms of those queries that relate to the Wetland Application, and are relevant to my evidence, my responses are as follows:

2.4 How long is now sought to complete the installation of the package plant and the construction of the pipeline to the proposed wetland. Mr Crawford's evidence stated 32 months was required. This included 12 months to characterise wastewater inflows. Given over 12 months has passed since the original hearing, the characterisation of the wastewater inflows should be completed. This in turn should mean that completion of the package plant and the construction of the pipeline to the proposed wetland will now be approximately 24 months. If not, please explain why not.

47. Depending on weather conditions, it would take a construction season to complete the construction of the pipeline to the proposed wetland (obviously additional time needs to be allowed of in case of adverse weather and construction events). A provisional timeframe for the construction of the proposed wetland and EWWTP upgrades is included as part of Ms Manderson's evidence.
48. The installation of the package plant and characterisation of wastewater inflows are addressed under Part B.
49. Answers to questions 2.6, 2.7 and 2.8 are provided in the evidence of Dr Olivier Ausseil, Mr MacGibbon, Mr John Crawford, and in the conditions appended to the evidence of Ms Manderson.

Submission by Rangitāne o Tamaki Nui-a-Rua Incorporated

50. In its submission Rangitāne raises a number of points, most significantly in relation to effects on cultural values and relationships, effects on the natural character of the Makakahi River and its margins, the effectiveness of the wetland in treating contaminants, alternative discharge options and the term of the consent sought in the Wetland Application.
51. Effects on natural character and the effectiveness of the proposed wetland are dealt with in the respective briefs of evidence of Ms Manderson and Mr MacGibbon. I address Rangitāne's points on cultural values and relationships, alternative discharge options, and term, below.

Cultural values and relationships

"...We acknowledge the Applicant's efforts to improve the level of treatment applied to wastewater generated from Eketahuna...However we remain concerned that the Applicant is not addressing the actual and potential effects of the proposed discharge on Rangitāne's cultural values and relationships with the Makakahi Awa and wider environment, nor on the inherent values associated with the awa, including its mauri."

52. I acknowledge the views expressed by Rangitāne and recognise there remain concerns regarding the Wetland Application's effects on cultural values and relationships. However, the primary reason why the wetland concept was first introduced was to try and recognise cultural concerns (by removing a direct discharge of treated human wastewater from the Makakahi River), and to ensure the EWWTP Project achieved compliance with Policy 5-11 of Horizons' One Plan (regarding discharge of treated human sewage). The evidence of Ms Manderson addresses the One Plan aspects of the wetland.
53. As set out above in this evidence, TDC has worked hard to engage with Rangitāne throughout the process of the wetland concept design and the EWWTP upgrades generally. This has included repeated requests that Rangitāne prepare a CVA, and facilitating the preparation of a CVA by holding hui and site visits with representatives of Rangitāne. Despite TDC's best attempts, a CVA has not been forthcoming to date.
54. However, the numerous discussions TDC's staff and technical experts have had with Rangitāne about the wetland design, and the various wastewater matters we have worked on with Rangitāne, have enabled us to gain a better understanding of Rangitāne's values and interest. We remain committed to

our partnership with Rangitāne and continue to engage with Rangitāne on this and other projects.

"...On that basis, we are concerned that the application does not include an assessment of effects of the proposed activity on the Makakahi River in terms of cultural values and relationships"

55. As above, we have sought such an assessment and this has not yet been provided. TDC has worked hard to develop a proposal that complies with Policy 5-11 and seeks to address cultural concerns, however to the degree Rangitāne considers the Wetland Application has omitted relevant matters, it is open to Rangitāne to raise these matters at the 27 November 2018 hearing.

Alternative discharge options

"Given the significant adverse effects likely to arise from the proposed activity, the Applicant should include a proper evaluation of alternative discharge options"

56. TDC's evaluation of alternative discharge options was completed as part of the wider EWWTP upgrades and was addressed in the First Application and accompanying AEE. In terms of the pipeline from Eketahuna to Pahiatua, as advised previously, TDC undertook further investigation into this option following the Long Term Plan public consultation document and it was not considered feasible. On that basis, TDC proceeded with the Wetland Application.

57. Again, I would reiterate that the wetland has been designed with the aim of ensuring effects on the environment are acceptable, and in such a way to accord with Policy 5-11 of the One Plan.

Term

"If resource consent is granted, that it is for a term of no more than 5 years"

58. TDC seeks a short-term consent for the Wetland Application, and the reasons given for this are expressed in the Wetland Application and accompanying AEE, as well as in the memorandum that was filed with the Panel on 17 May 2017.

59. In light of the cost associated with the commissioning of the wetland, any term less than seven years would not be an efficient use of ratepayers' money.

Matters raised in Council Officers' Section 42A Reports relating to the wetland

Fiona Morton - Planning

60. At paragraphs 41 – 44 and 69 Ms Morton discusses effects on cultural values arising from the Wetland Application. In particular, Ms Morton observes:
- (a) at paragraph 42 that *"It is clear from [Rangitāne's] submission that they perceive that a negative cultural impact and an adverse effect on the mauri of the awa remains";*
 - (b) At paragraph 44 that *"The applicant was encouraged to engage with Kahungunu and Rangitāne by the Panel in order to address cultural concerns...It would be helpful if the applicant could address the process of engagement undertaken in their s41B report with both Kahungunu and Rangitāne."*
 - (c) At paragraph 69 that *"This submission of Rangitāne o Tamaki nui a Rua considered that the application does not adequately address or cater for the cultural and spiritual relationship that [sic] the Rangitāne has with the Makakahi River and its Catchment."*
61. I have addressed these matters above in my evidence, including through my response to Rangitāne's submission.
62. At paragraph 108 of her evidence Ms Morton expresses the view that if the Panel is minded to grant the consents sought, *"the consents should have a duration of no more than **7 years** expiring on 1 July 2025. I have recommended that there is provision for a review to be undertaken in **July 2020** to align with the common catchment expiry for this water management zone."*
63. As above, TDC seeks a term of seven years. The recommendation for a review in July 2020 is dealt with in the evidence of Ms Manderson.
64. The other Council Officer Reports of Mr Logan Brown and Mr Tim Baker are addressed in the expert evidence of Ms Manderson, Dr Ausseil, Mr MacGibbon, Mr Crawford and Ms Ella Boam.

Logan Brown

65. At paragraph 15 of his report Mr Brown noted measures to reduce inflow and infiltration ("**I&I**") should be undertaken to enable better functioning of the wetland over time.

66. As noted in the evidence of Ms Manderson, TDC's 2015-2045 Infrastructure Strategy (attached as **Appendix 2**) sets out the work TDC is doing across the District in terms of I&I.

PART B: OTHER MATTERS

Responses to Panel questions outside the scope of the Wetland Application

67. As set out above, the Panel has raised queries that fall outside the scope of the Wetland Application. These are addressed below.

2.1 "Has the screen to remove coarse solids at the WWTP been commissioned yet? If not, when will it be commissioned?"

68. The screen is part of the new tertiary treatment plant and will be commissioned and built as part of that project, pending the outcome of the EWWTP resource consent proceedings.

2.2 "What additional work has been done to characterise wastewater inflows since the April 2017 hearing? Please describe this."

69. As set out in the evidence of Mr Crawford since the April 2017 hearing 18 additional days of effluent characterisation have been completed. No additional influent characterisation has been undertaken.

70. Mr Crawford also sets out in his evidence effluent flow data that has been collected through to October 2018,² noting this is closely aligned with previous work undertaken using 2016 daily flows and back calculation for earlier dates.

2.3 "Has any additional work being done to reduce stormwater ingress into the WWTP network since April 2017? Please describe this."

71. Council has allocated \$900,000 in year two of its 2018-21 Long Term Plan, and \$270,000 in year three, for investigating and reducing infiltration and inflow into the wastewater networks across its District where there are less than 5000 ratepayers contributing.

2.4 "How long is now sought to complete the installation of the package plant and the construction of the pipeline to the proposed wetland. Mr Crawford's evidence stated 32 months was required. This included 12 months to characterise wastewater inflows. Given over 12 months has passed since the original hearing, the characterisation of the wastewater inflows should be completed. This in turn

² Noting the omission of 2017 data

should mean that completion of the package plant and the construction of the pipeline to the proposed wetland will now be approximately 24 months. If not, please explain why not."

72. My response to this question has been addressed in part under Part A. In terms of the installation of the package plant and characterisation of wastewater inflows, Mr Crawford discusses these matters in his evidence and notes that his recommended implementation timeframes for the Project remain as they were in his previous evidence. Once the conditions are finalised, and we are clear on what the treatment standards are to be met by the plant, we can tender the design and construction, along with any additional flow meters and sampling nodes.

2.5 The evidence tabled at the hearing by the applicant sought a term expiring 1 July 2025. Is that still the case? If a different term is now sought, what is the legal basis for this please?

73. I can confirm that TDC still seeks a term of seven years. This is in respect of both the First Application and the Wetland Application. Due to the passage of time in liaising with iwi, obtaining CVAs and processing the Wetland Application, the date of 1 July 2025 is now outdated and TDC's proposed conditions set out a period of seven years beginning at the commencement of the consents.

74. Having a shorter term is impracticable as it will take at least one construction season to construct the Project and then two years for the wetland to be established. That leaves, at best, four years for the wetland to operate. A shorter term also puts the considerable investment TDC is committing at risk and results in a significant use of TDC's and community's resources (and costs) in having regular RMA hearings.

75. The legal basis for amending the expiry date sought will be addressed in our legal submissions.

Matters raised in Council Officers' Section 42A Report outside the scope of the Wetland Application

Fiona Morton - Planning

76. At paragraph 91 of her report Ms Morton states "*...I am unclear if the Applicant intends to line the wastewater storage ponds. If this matter could be clarified it will assist with recommending the appropriate conditions.*"

77. The evidence of Mr Crawford and Ms Boam addresses this in further detail, however I can confirm TDC does not intend to line the wastewater storage ponds.

Blair King

12 November 2018

APPENDIX 1 – COLLATED MEMORANDA OF COUNSEL DATED 30 JANUARY 2018, 11 MAY 2018 AND 29 JUNE 2018

APPENDIX 2 – 2015-2025 INFRASTRUCTURE STRATEGY