

## National Policy Statement for Freshwater Management 2014

### A. Water quality

#### Objective A1

To safeguard:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
- b) the health of people and communities, at least as affected by contact with fresh water;

in sustainably managing the use and development of land, and of discharges of contaminants.

#### Objective A2

The overall quality of fresh water within a region is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;
- b) protecting the significant values of wetlands; and
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

### C. Integrated management

#### Objective C1

To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.

Policy C1

By every regional council:

- a) Recognising the interactions ki uta tai (from the mountain to the sea) between fresh water, land, associated ecosystems and the coastal environment; and
- b) Managing fresh water and land use and development in catchments in an integrated and sustainable way to void, remedy or mitigate adverse effects, including cumulative effects.

### D. Tāngata whenua roles and interests

#### Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Policy D1

Local authorities shall take reasonable steps to:

- a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;
- b) work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region; and

- c) reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.

## **Regional Policy Statement**

### **Policy 16: Promoting discharges to land – regional plans**

Regional plans shall include policies, rules and/or methods that promote:

- (a) discharges of human and/or animal waste to land rather than water, particularly discharges of sewage, while maintaining groundwater quality and soil health; and
- (b) the use of collective sewage treatment systems that discharge to land where it is likely that individual treatment systems will not maintain groundwater quality and soil health.

### **Policy 22: Protecting Historic Heritage values – district and regional plans**

District and regional plans shall include policies, rules and/or other methods that:

- (a) Protect the significant historic heritage values associated with places, sites and areas identified in accordance with policy 21, from inappropriate subdivision, use and development; and
- (b) Avoid the destruction of unidentified archaeological sites and wahi tapu with significant historic heritage values.

### **Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration**

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure; and
- (b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and
- (c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and
- (d) significant wind and marine renewable energy resources within the region.

### **Policy 40: Maintaining and enhancing aquatic ecosystem health in water bodies – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to:

- (a) requiring that water quality, flows and water levels and aquatic habitats of surface water bodies are managed for the purpose of safeguarding aquatic ecosystem health;
- (b) requiring, as a minimum, water quality in the coastal marine area to be managed for the purpose of maintaining or enhancing aquatic ecosystem health; and
- (c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans.

### **Policy 43: Protecting aquatic ecological function of water bodies – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) maintaining or enhancing the functioning of ecosystems in the water body;
- (b) maintaining or enhancing the ecological functions of riparian margins;

- (c) minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies;
- (d) maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1;
- (e) protecting the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1;
- (f) maintaining natural flow regimes required to support aquatic ecosystem health;
- (g) maintaining fish passage;
- (h) protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;
- (i) discouraging stock access to rivers, lakes and wetlands; and
- (j) discouraging the removal or destruction of indigenous wetland plants in wetlands.

#### Policy 47

#### Policy 48: Principles of the Treaty of Waitangi

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) The principles of the Treaty of Waitangi; and
- (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington Region.

### **Regional Freshwater Plan**

#### **4.1 Objectives**

##### **The relationship of tangata whenua with fresh water**

4.1.1 The relationship of tangata whenua and their culture and traditions with fresh water, and with ancestral sites, waahi tapu and other taonga within the beds of rivers and lakes, is recognised and provided for.

4.1.2 The mauri of water bodies and river and lake beds is protected.

4.1.3 The principles of the Treaty of Waitangi are taken into account in the management of the Region's water bodies and river and lake beds.

##### **Natural values**

4.1.5 The life-supporting capacity of water and aquatic ecosystems is safeguarded from the adverse effects of any subdivision, use and development.

4.1.6 Significant indigenous aquatic vegetation and significant habitats of fresh water fauna in water bodies are protected.

#### **4.2 Policies**

##### **The relationship of tangata whenua with freshwater**

4.2.4 To avoid, remedy, or mitigate the adverse effects of the use and development of water bodies and river and lake beds on the habitats of species traditionally harvested by the tangata whenua.

4.2.5 To have regard to the values and customary knowledge of the tangata whenua, where these have been identified by the tangata whenua, when assessing resource consent applications for the use and development of water bodies and river and lake beds.

## **5.2 Policies**

### **Receiving Water Quality**

5.2.2 To manage water quality in Lake Wairarapa in accordance with the National Water Conservation (Lake Wairarapa) Order 1989 (subject to Policy 5.2.10).

5.2.4 To manage water quality for contact recreation purposes in those water bodies identified in Appendix 5 (subject to Policy 5.2.10), excluding Lake Waitawa (managed according to Policy 5.2.6) and Lake Wairarapa (managed according to Policies 5.2.2 and 5.2.6)

5.2.6 Except for rivers and streams identified in Appendix 7, to manage the water quality of all surface water bodies in the Region for aquatic ecosystem purposes (subject to policy 5.2.10)

5.2.8 To have regard to the relevant guidelines in Appendix 8 when deciding whether a discharge is able to satisfy Policies 5.2.1 to 5.2.7 (above) when considering applications for resource consents (subject to Policy 5.2.10).

5.2.10 To allow the discharge of contaminants to fresh water which do not satisfy Policies 5.2.1 to 5.2.9, whichever is (are) relevant, only where:

- (1) the discharge is of a temporary nature; or
- (2) the discharge is associated with necessary maintenance works; or
- (3) exceptional circumstances justifying the granting of a permit; or
- (4) the discharge:
  - was present at the time the Plan was notified; and
  - is not likely to cause a decrease in the existing quality of water at that site and the person responsible for the discharge has defined a programme of work for upgrading the discharge within a specified timeframe; or
- (5) that in any event, it is consistent with the purpose of the Act to allow the discharge.

[5.2.10A 1. When considering any application for a discharge the consent authority must have regard to the following matters:

- a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and
- b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.

2. When considering any application for a discharge the consent authority must have regard to the following matters:

- a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and
- b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.

3. This policy applies to the following discharges (including a diffuse discharge by any person or animal):

- a) a new discharge or
- b) a change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

4. Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

5. Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect]

### **Mixing Zones**

5.2.11 To ensure that any zones allowed on a discharge permit for reasonable mixing of contaminants or water with the receiving water are determined by having regard to:

- the purpose for which the receiving water is being managed, and any effects of the discharge on that management purpose; and
- any tangata whenua values that may be affected; and
- the volume of water or concentration of contaminants being discharged, and the area of receiving water that could potentially be affected; and
- the physical, hydraulic and hydrological characteristics of the receiving water.

5.2.12 To allow a discharge containing sewage directly into fresh water without passing through land or an artificial wetland, (subject to 5.2.10), where:

- it better meets the purpose of the Act than disposal to land; and
- 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
- there has been consultation with the community generally.

5.2.13 To encourage users to discharge to land as an alternative to surface water where:

- the provisions of the Regional Plan for Discharges to Land are satisfied; and

- discharging to land has less adverse environmental effects than discharging to water; and
- there are no significant cultural, environmental, technical, or financial constraints associated with discharging to land

## **Regional Discharges to Land Plan**

### **Liquid contaminants**

- 4.1.4 There is a significant reduction in contamination of surface water, groundwater and coastal water from discharges of human effluent to land.
- 4.1.5 The adverse environmental effects of discharges of liquid contaminants from point sources into or onto land are avoided, remedied or mitigated.

### **Discharges of human effluent**

- 4.2.12 To give particular consideration to any relevant iwi management plans or statements of tangata whenua views when considering applications for the discharge of human effluent (treated or untreated) to land.
- 4.2.13 To give particular regard to the following matters when assessing applications for permits to discharge contaminants to land from reticulated sewerage systems:
- (1) the nature of the contaminants entering the sewerage system and being discharged from the system;
  - (2) whether trade wastes are present in the system, and any actions required to:
    - (a) monitor the trade wastes entering the system; and
    - (b) minimise the adverse effects of trade wastes on the treatment of the effluent;
  - (3) the extent to which stormwater is able to enter the system, and any actions required to avoid, remedy or mitigate the effects of system overload by stormwater;
  - (4) the management of the system, and any actions required to avoid, remedy or mitigate the effects of any accidental discharges from the system;
  - (5) the location of the discharge site and the hydrogeological conditions at and around the site;
  - (6) the extent to which the effluent is treated prior to the discharge entering any water, and any actual or potential effects of the discharge on surface water, coastal water, and groundwater (particularly in the vulnerable areas identified in Map 1);
  - (7) the effects of any odour or contaminant discharged into air;
  - (8) any actual or potential effect of the discharge on human health or amenity, and on the health and functioning of plants, animals or ecosystems;
  - (9) any other uses or values of the discharge site and surrounding area, including any values placed on the site by tangata whenua; and
  - (10) the Public Health Guidelines for the Safe Use of Sewage Effluent and Sewage Sludge on Land,<sup>27</sup> or alternative researched and documented benchmarks for assessment.
- 4.2.14 To require discharges to land from reticulated sewerage systems to be managed in accordance with a site-specific discharge management plan.

- [4.2.24A 1. When considering any application for a discharge the consent authority must have regard to the following matters:
- a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with freshwater and
  - b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.
2. When considering any application for a discharge the consent authority must have regard to the following matters:
- a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with freshwater; and
  - b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with freshwater resulting from the discharge would be avoided.
3. This policy applies to the following discharges (including a diffuse discharge by any person or animal):
- a) a new discharge or
  - b) a change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.
4. Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.
5. Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect]

## **Regional Air Quality Management Plan**

### **4.1 Objectives**

- 4.1.2 Discharges to air in the Region are managed 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 ensuring that adverse effects, including any adverse effects on:
- local ambient air quality;
  - human health;
  - amenity values;
  - resources or values of significance to tangata whenua;
  - the quality of ecosystems, water, and soil; and
  - the global atmosphere;

are avoided, remedied or mitigated.

## 4.2 Policies

### General ambient air quality management

4.2.6 To ensure that any measures adopted to avoid, remedy or mitigate the effects of discharges of contaminants to air, take account of the sensitivity of alternative receiving environments (e.g., water or soil).

4.2.10 To adopt the following approach when placing conditions on air discharge permits:

(1) to set emission limits on a discharge, where appropriate, in order to minimise its effects on ambient air quality and the surrounding environment;

(2) to require, where appropriate, that the best practicable option (BPO) be adopted to prevent or minimise the adverse effects arising from discharges;

(3) to minimise the emission of any of the hazardous air contaminants identified in Appendix 1;

(4) to require, where appropriate, an operations manual and contingency plans relating to discharges;

(5) to require, where relevant, adherence to particular guidelines or codes of practice; and

(6) to require appropriate effects-based monitoring, where appropriate, which may consider a wider range of air contaminants and their effects than those listed in Appendix 2.

4.2.14 To avoid, remedy or mitigate any adverse effects, (including on human health or amenity values) which arise as a result of the frequency, intensity, duration, offensiveness, time and location of the discharge to air of odorous contaminants.

## Proposed Natural Resources Plan

### 3.1 Ki uta ki tai: mountains to the sea

#### Objective O3



**Mauri** is sustained and enhanced, particularly the **mauri** of fresh and coastal waters.

#### Objective O4



The intrinsic values of aquatic fresh water and marine ecosystems and the life-supporting capacity of water are recognised.

#### Objective O5



Fresh water bodies and the coastal marine area, as a minimum, are managed to:

(a) safeguard **aquatic ecosystem health** and **mahinga kai**, and

(b) provide for contact recreation and **Māori customary use**, and

- (c) in the case of fresh water, provide for the **health needs of people**.

## 3.2 Beneficial use and development

### Objective O9



The recreational values of the coastal marine area, rivers and lakes and their margins and **natural wetlands** are maintained and enhanced.

### Objective O11



Opportunities for **Māori customary use** of the coastal marine area, rivers and lakes and their margins and **natural wetlands** for cultural purposes are recognised, maintained and improved.

### Objective O12



The social, economic, cultural and environmental benefits of **regionally significant infrastructure** and **renewable energy generation activities** are recognised.

## 3.3 Māori relationships

### Objective O14



Māori relationships with air, land and water are recognised, maintained and improved.

### Objective O16



The relationship of **mana whenua** with **Ngā Taonga Nui a Kiwa** is recognised and provided for.

## 3.4 Water quality

### Objective O23



The quality of water in the region's rivers, lakes, **natural wetlands**, groundwater and the coastal marine area is maintained or improved.

### Objective O24



Rivers, lakes, **natural wetlands** and coastal water are suitable for contact recreation and **Māori customary use**, including by:

- (a) maintaining water quality, or
- (b) improving water quality in:
  - (i) **significant contact recreation fresh water bodies** to meet, as a minimum, the primary contact recreation objectives in Table 3.1, and
  - (ii) coastal water to meet, as a minimum, the primary contact recreation objectives in Table 3.3, and
  - (iii) all other rivers and lakes and **natural wetlands** to meet, as a minimum, the secondary contact recreation objectives in Table 3.2.

## Contact recreation and Māori customary use objectives

Water body type	<i>E. coli</i> cfu/100mL 95 <sup>th</sup> percentile <sup>1</sup>	Cyanobacteria		Māori customary use	Toxicants and irritants
		Planktonic <sup>2</sup>	Benthic		
Rivers	≤ 540 at all flows below 3x median flow, September to April inclusive		Low risk of health effects from exposure	Fresh water is safe for primary contact and supports Māori customary use	Concentrations of toxicants or irritants do not pose a threat to water users
Lakes	≤ 540 September to April inclusive	≤ 1.8mm <sup>3</sup> /L biovolume equivalent of potentially toxic cyanobacteria OR ≤ 10mm <sup>3</sup> /L total biovolume of all cyanobacteria			

Water body type	<i>E. coli</i> cfu/100mL median <sup>3</sup>	Cyanobacteria	
		Planktonic <sup>2</sup>	Benthic
Rivers	≤ 1,000		Low risk of health effects from exposure
Lakes		≤ 1.8mm <sup>3</sup> /L biovolume equivalent of potentially toxic cyanobacteria OR ≤ 10mm <sup>3</sup> /L total biovolume of all cyanobacteria	

<sup>1</sup> Derived using the Hazen method from a minimum of 30 data points collected over three years

<sup>2</sup> 80<sup>th</sup> percentile derived using the Hazen method from a minimum of three years data

<sup>3</sup> Based on a minimum of 12 data points collected over three years

Coastal water type	Pathogens Indicator bacteria/100mL 95 <sup>th</sup> percentile <sup>4</sup>	Māori customary use	Shellfish quality
Estuaries <sup>5</sup>	≤ 540 <i>E. coli</i>	Coastal water is safe for primary contact and supports Māori customary use	Concentrations of contaminants, including pathogens, are sufficiently low for shellfish to be safe to collect and consume where appropriate
Open coast and harbours <sup>6</sup>	≤ 500 enterococci		

### 3.5 Biodiversity, aquatic ecosystem health and mahinga kai

#### Objective O25



To safeguard **aquatic ecosystem health** and **mahinga kai** in fresh water bodies and coastal marine area:

- (a) water quality, flows, water levels and aquatic and coastal habitats are managed to maintain **aquatic ecosystem health** and **mahinga kai**, and
- (b) **restoration** of **aquatic ecosystem health** and **mahinga kai** is encouraged, and
- (c) where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is improved over time to meet that objective.

#### Note

Where the relevant **whaitua** sections of the Plan contain an objective on the same subject matter as Objective O25 (water quality, biological and habitat outcomes), the more specific **whaitua** objective will take precedence.

<sup>4</sup> Derived using the Hazen method from a minimum of 30 data points collected over three years

<sup>5</sup> Excludes Te Awarua-o-Porirua Harbour and includes Lake Onoke. Estuaries, including river mouth estuaries, should be treated as an estuary when they are dominated by saline water, in which case Table 3.3 applies, and as rivers when they are dominated by fresh water, in which case Table 3.1 or 3.2 applies.

<sup>6</sup> Includes Wellington Harbour (Port Nicholson) and Te Awarua-o-Porirua Harbour. Excludes the Lambton Harbour Area within the Commercial Port delineated in Map 32.

## Aquatic ecosystem health and mahinga kai objectives

Table 3.4 Rivers and streams

River class <sup>7</sup>	Macrophytes	Periphyton <sup>8</sup> mg/m <sup>2</sup> chlorophyll a		Invertebrates <sup>9</sup> Macroinvertebrate Community Index		Fish	Mahinga kai species
		All rivers	Significant rivers <sup>10</sup>	All rivers	Significant rivers <sup>11</sup>		
		1	Steep, hard sedimentary	≤ 50	≤ 50		
2	Mid-gradient, coastal and hard sedimentary	≤ 120	≤ 50	≥ 105	≥ 130		
3	Mid-gradient, soft sedimentary	≤ 120*	≤ 50*	≥ 105	≥ 130		
4	Lowland, large, draining ranges	≤ 120	≤ 50	≥ 110	≥ 130		
5	Lowland, large, draining plains and eastern Wairarapa	≤ 120*	≤ 50*	≥ 100	≥ 120		
6	Lowland, small	≤ 120*	≤ 50*	≥ 100	≥ 120		

<sup>7</sup> Shown on Maps 21a to 21e.

<sup>8</sup> The periphyton objectives for River classes 3,5 and 6 marked with an asterisk (\*) shall not be exceeded by more than 17% of samples; for all other River classes, to be exceeded by no more than 8% of samples based on a minimum of three years of monthly sampling.

<sup>9</sup> Rolling median based on a minimum of three years of annual samples collected during summer or autumn.

<sup>10, 11</sup> Rivers or streams with high macroinvertebrate community health, identified in column 2 of Schedule F1 (rivers/lakes).

	Phytoplankton	Fish	Mahinga kai species	Nutrients
<p>Organisms that are resilient and their structure, composition and diversity are balanced</p> <p>Phytoplankton communities are balanced and there is a low frequency of nuisance blooms</p> <p>Indigenous fish communities are resilient and their structure, composition and diversity are balanced</p> <p>Mahinga kai species, including taonga species, are present in quantities, size and of a quality that is appropriate for the area</p> <p>Total nitrogen and phosphorus concentrations do not cause an imbalance in aquatic plant, invertebrate or fish communities</p>				

Nitrate	Quantity	Saltwater intrusion
<p>Organisms do not cause unacceptable inter-dependent ecosystems or invertebrate or fish communities in surface water bodies</p> <p>Organisms do not cause unacceptable aquaculture communities or other water ecosystems</p>	<p>The quantity of water is maintained to safeguard healthy groundwater-dependent ecosystems</p>	<p>The boundary between salt and fresh groundwater does not migrate between fresh water and salt water aquifers</p>

Table 3.7 Natural wetlands					
Wetland type	Plants	Fish	Mahinga kai species	Nutrient status	Hydrology
Bog	Indigenous plant communities are resilient and their structure, composition and diversity are balanced	Indigenous fish communities are resilient and their structure composition and diversity are balanced	Mahinga kai species, including taonga species, are present in, or are migrating through, the wetland and are in quantities, size and of a quality that is appropriate to the area	Low or very low	Water table depth and hydrologic regime is appropriate to the wetland type
Fen				Low to moderate	
Swamp				Moderate to high	
Marsh				Moderate to high	

Table 3.8 Coastal waters							
Coastal water type	Macroalgae	Seagrass and saltmarsh	Invertebrates	Mahinga kai species	Fish	Sedimentation rate	Mud content
Open coast	The algae community is balanced with a low frequency of nuisance blooms	Seagrass, saltmarsh and brackish water submerged macrophytes are resilient and diverse and their cover is sufficient to support invertebrate and fish communities	Invertebrate communities are resilient and their structure, composition and diversity are balanced	Mahinga kai species, including taonga species, are present in quantities, sizes and of a quality that is appropriate for the area	Indigenous fish communities are resilient and their structure, composition and diversity are balanced	NA	The mud content and areal extent of soft mud habitats is within a range of that found under natural conditions
Estuaries and harbours <sup>13</sup>		Seagrass, saltmarsh and brackish water submerged macrophytes are resilient and diverse and their cover is sufficient to support invertebrate and fish communities					

<sup>13</sup> Intermittently closed and open lakes or lagoons (ICOLLs), such as Lake Onoke, should be treated as an estuary when they are in an open state. When closed to the coast, they should be managed as a lake, in which case Table 3.2 applies.

### 3.6 Sites with significant values

#### Objective O35



Ecosystems and habitats with significant indigenous biodiversity values are protected and restored.

### 3.7 Air

#### Objective O40



Human health, **property**, and the environment are protected from the adverse effects of **point source discharges** of air pollutants.

### 3.8 Discharges

#### Objective O46



Discharges to land are managed to reduce the runoff or leaching of contaminants to water.

#### Objective O49



Discharges of **wastewater** to land are promoted over discharges to fresh water and coastal water.

#### Objective O50

Discharges of **wastewater** to fresh water are progressively reduced.

## 4 Policies

### 4.1 Ki uta ki tai and integrated catchment management

#### Policy P1: Ki uta ki tai and integrated catchment management



Land and water resources will be managed recognising **ki uta ki tai** by using the principles of integrated catchment management. These principles include:

- (a) decision-making using the catchment as the spatial unit, and
- (b) applying an adaptive management approach to take into account the dynamic nature and processes of catchments, and
- (c) coordinated management, with decisions based on best available information, and
- (d) taking into account the connected nature of resources and **natural processes** within a catchment, and
- (e) recognising links between environmental, social, cultural and economic sustainability of the catchment.

## Policy P4: Minimising adverse effects



Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include:

- (a) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and
- (b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and
- (c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and
- (d) using **good management practices** for reducing the adverse effects of the activity, and
- (e) designing the activity so that the scale or footprint of the activity is as small as practicable.

## 4.2 Beneficial use and development

### Policy P7: Uses of land and water



The cultural, social and economic benefits of using land and water for:

- (a) aquaculture, and
- (b) treatment, dilution and disposal of **wastewater** and **stormwater**, and
- (c) industrial processes and commercial uses associated with the potable water supply network, and
- (d) community and domestic water supply, and
- (e) electricity generation, and
- (f) food production and harvesting, and
- (g) gravel extraction from rivers for flood protection and control purposes, and
- (h) irrigation and stock water, and
- (i) firefighting, and
- (j) contact recreation and **Māori customary use**, and
- (k) transport along, and access to, water bodies

shall be recognised.

#### Policy P10: Contact recreation and Māori customary use



The management of natural resources shall have particular regard to the actual and potential adverse effects on contact recreation and **Māori customary use** in fresh and coastal water, including by:

- (l) providing water quality and, in rivers, flows suitable for the community's objectives for contact recreation and **Māori customary use**, and
- (m) managing activities to maintain or enhance contact recreation values in the beds of lakes and rivers, including by retaining existing swimming holes and maintaining access to existing contact recreation locations, and
- (n) encouraging improved access to suitable swimming locations, and
- (o) providing for the passive recreation and amenity values of fresh water bodies and the coastal marine area.

#### Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities



The benefits of **regionally significant infrastructure** and **renewable energy generation activities** are recognised by having regard to:

- (p) the strategic integration of infrastructure and land use, and
- (q) the location of existing infrastructure and structures, and
- (r) the need for **renewable energy generation activities** to locate where the renewable energy resources exist, and
- (s) the **functional need** for port activities to be located within the coastal marine area, and
- (t) **operational requirements** associated with developing, operating, maintaining and upgrading **regionally significant infrastructure** and **renewable energy generation activities**.

### 4.3 Māori relationships

#### Policy P17: Mauri



The **mauri** of fresh and coastal waters shall be recognised as being important to Māori by:

- (a) managing the individual and cumulative effects of activities that may impact on **mauri** in the manner set out in the rest of the Plan, and
- (b) providing for activities that sustain and enhance **mauri**, and
- (c) recognising the role of kaitiaki in sustaining **mauri**.

### Policy P18: Mana whenua relationships with Ngā Taonga Nui a Kiwa



The relationships between **mana whenua** and Nga Huanga o Ngā Taonga Nui a Kiwa identified in Schedule B (Ngā Taonga Nui a Kiwa) will be recognised and provided for by:

- (d) having particular regard to the values and **Ngā Taonga Nui a Kiwa huanga** identified in Schedule B (Ngā Taonga Nui a Kiwa), and
- (e) supporting iwi-led **restoration** initiatives within **Ngā Taonga Nui a Kiwa**, and
- (f) informing iwi authorities of relevant resource consents relating to **Ngā Taonga Nui a Kiwa**, and
- (g) the Wellington Regional Council and iwi authorities implementing **kaupapa Māori** monitoring of **Ngā Taonga Nui a Kiwa**.

#### Note

The **whaitua** committees will take all reasonable steps to reflect the **mana whenua** values and interests for **Ngā Taonga Nui a Kiwa** in the development of **Whaitua Implementation Programmes**.

### Policy P19: Māori values



The cultural relationship of Māori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be minimised.

### Policy P20: Exercise of kaitiakitanga



Kaitiakitanga shall be recognised and provided for by:

- (a) managing natural and physical resources in sites with significant **mana whenua** values listed in Schedule C (mana whenua) in accordance with **tikanga** and **kaupapa Māori** as exercised by **mana whenua**, and
- (b) the identification and inclusion of **mana whenua** attributes and values in the kaitiaki information and monitoring strategy in accordance with Method M2, and
- (c) identification of **mana whenua** values and attributes and their application through **tikanga** and **kaupapa Māori** in the maintenance and enhancement of **mana whenua** relationships with **Ngā Taonga Nui a Kiwa**.

### Policy P21: Statutory acknowledgements



Wellington Regional Council will:

- (d) include any relevant statutory acknowledgments in Schedule D (statutory acknowledgements) for public information, and

- (e) have regard to any relevant statutory acknowledgment in Schedule D (statutory acknowledgements) when processing resource consent applications.

## 4.5 Biodiversity, aquatic ecosystem health and mahinga kai

### Policy P31: Aquatic ecosystem health and mahinga kai



**Aquatic ecosystem health and mahinga kai** shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes to:

- (f) minimise adverse effects on natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and **natural wetlands**, and
- (g) minimise adverse effects on aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, **natural wetlands** and coastal habitats, and
- (h) minimise adverse effects on habitats that are important to the life cycle and survival of aquatic species, and
- (i) minimise adverse effects at times which will most affect the breeding, spawning, and dispersal or migration of aquatic species, and
- (j) avoid creating barriers to the migration or movement of indigenous aquatic species, and restore the connections between fragmented aquatic habitats where appropriate, and
- (k) minimise adverse effects on riparian habitats and restore them where practicable, and
- (l) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.

### Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai



Significant adverse effects on **aquatic ecosystem health and mahinga kai** shall be managed by:

- (m) avoiding significant adverse effects, and
- (n) where significant adverse effects cannot be avoided, remedying them and
- (o) where significant adverse effects cannot be remedied, mitigating them, and
- (p) where **residual adverse effects** remain, it is appropriate to consider the use of **biodiversity offsets**.

Proposals for mitigation and **biodiversity offsetting** will be assessed against the principles listed in Schedule G (biodiversity offsetting).

## Policy P33: Protecting indigenous fish habitat



The more than minor adverse effects of activities on the species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and Schedule F1b (inanga spawning habitats), particularly at the relevant spawning and migration times identified in Schedule F1a (fish spawning/migration) for those species, shall be avoided. These activities include the following:

- (q) discharges of contaminants, including sediment, and
- (r) disturbance of the bed or banks that would significantly affect spawning habitat at peak times of the year, and
- (s) damming, diversion or taking of water which leads to significant loss of flow or which makes the river impassable to migrating indigenous fish.

## 4.6 Sites with significant values

### 4.6.2 Sites with significant indigenous biodiversity value

Policy P40: Ecosystems and habitats with significant indigenous biodiversity values



Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values:

- (a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and
- (b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and
- (c) **significant natural wetlands**, including the **significant natural wetlands** identified in Schedule F3 (significant wetlands), and
- (d) the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).

Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values



In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities, other than activities carried out in accordance with a **restoration management plan**, shall avoid these ecosystems and habitats.

If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by:

- (e) avoiding more than minor adverse effects, and
- (f) where more than minor adverse effects cannot be avoided, remedying them, and
- (g) where more than minor adverse effects cannot be remedied, mitigating them, and

- (h) where **residual adverse effects** remain it is appropriate to consider the use of **biodiversity offsets**.

Proposals for mitigation and **biodiversity offsets** will be assessed against the principles listed in Schedule G (biodiversity offsetting). A precautionary approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values.

Where more than minor adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 cannot be avoided, remedied, mitigated or redressed through **biodiversity offsets**, the activity is inappropriate.

## 4.8 Discharges to land and water

### 4.8.1 Land and water

Policy P62: Promoting discharges to land



The discharge of contaminants to land is promoted over direct discharges to water, particularly where there are adverse effects on:

- (a) **aquatic ecosystem health** and **mahinga kai**, or
- (b) contact recreation and **Māori customary use**.

Policy P66: National Policy Statement for Freshwater Management requirements for discharge consents

When considering any application for a discharge the consent authority shall have regard to the following matters:

- (c) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and
- (d) the extent to which it is feasible and dependable that any more than minor adverse effects on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided, and
- (e) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water, and
- (f) the extent to which it is feasible and dependable that any more than minor adverse effects on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.

This policy applies to the following discharges (including a diffuse discharge by any person or animal):

- (g) a new discharge, or
- (h) a change or increase in any discharge

of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

Sections (a) and (b) of this policy do not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011. Sections (c) and (d) of this policy do not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 took effect (1 August 2014).

#### 4.8.2 Discharges to water

##### Policy P67: Minimising effects of discharges



The adverse effects of discharges of contaminants to land and water will be minimised by:

- (a) avoiding the production of the contaminant, and/or
- (b) reusing, recovering or recycling the contaminant, and/or
- (c) minimising the volume or amount of the discharge, and/or
- (d) using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge where appropriate, and
- (e) irrespective of actions taken in accordance (a) to (d) above, where a discharge is a **point source discharge** to a river or stream, the discharge achieves the water quality standards in Policy P71 after reasonable mixing.

##### Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai



Where an objective in Table 3.4, Table 3.5, Table 3.6 or Table 3.8 of Objective O25 is not met, **point source discharges** to water shall be managed in the following way:

- (f) for an existing activity that contributes to the objective not being met, the discharge is only appropriate if:
  - (i) the application for resource consent includes a defined programme of work for upgrading the activity, in accordance with **good management practice**, within the term of the resource consent, and
  - (ii) conditions on the resource consent require the reduction of adverse effects of the activity in order to improve water quality in relation to the objective within the term of the consent, and

- (g) for a new activity, the discharge is only appropriate if the activity would not cause the affected fresh water body or area of coastal water to become any worse in relation to the objective.

In assessing the appropriateness of a new or existing discharge, the ability to **offset residual adverse effects** may be considered.

#### Policy P71: Quality of discharges

The adverse effects of **point source discharges** to rivers shall be minimised by the use of measures that result in the discharge meeting the following water quality standards in the receiving water after the **zone of reasonable mixing**:

- (h) below the discharge point compared to above the discharge point:
  - (i) a decrease in the Quantitative Macroinvertebrate Community Index of no more than 20%, and
  - (ii) a change in pH of no more than  $\pm 0.5$ , and
  - (iii) a decrease in water clarity of no more than:
    - 1. 20% in **River class 1**, or  
33% in **River classes 2 to 6**, and
  - (iv) a change in temperature of no more than:
    - 1. 2°C in **River classes 1 or 2**, or  
2°C in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or  
3°C in any other river, and
- (i) a 7-day mean minimum dissolved oxygen concentration of no lower than 5mg/L, and
- (j) a daily minimum dissolved oxygen concentration of no lower than 4mg/L.

All water quality standards apply at all flows except (a)(iii) which applies at less than **median flows**, (a) applies at all times of the year, (b) and (c) apply only between 1 November and 30 April each year.

#### Policy P72: Zone of reasonable mixing



Where not otherwise permitted by a rule, the **zone of reasonable mixing** shall be minimised and will be determined on a case-by-case basis. In determining the **zone of reasonable mixing**, particular regard shall be given to:

- (k) acute and chronic toxicity effects, and
- (l) adverse effects on aquatic species migration, and

- (m) efficient mixing of the discharge with the receiving waters, and
- (n) avoiding a site with significant **mana whenua** values identified in Schedule C (mana whenua), and
- (o) the identified values of that area of water, and
- (p) avoiding significant adverse effects within the **zone of reasonable mixing**.

#### 4.8.4 Wastewater

##### Policy P82: Mana whenua values and wastewater discharges



Reasonable steps shall be taken to reflect **mana whenua** values and interests in the management of **wastewater** discharges and receiving waters, including adverse effects on **Māori customary use** and **mahinga kai**.

##### Policy P83: Avoiding new wastewater discharges to fresh water

**New discharges** of **wastewater** to fresh water are avoided.

#### 4.8.8 Discharges to land

##### Policy P95: Discharges to land

The discharge of contaminants to land shall be managed by:

- (q) ensuring the discharge does not result in more than minor adverse effects to soil health, and
- (r) avoiding discharges that would create **contaminated land**, and
- (s) not exceeding the natural capacity of the soil to treat, use or remove the contaminant, and
- (t) not exceeding the available capacity of the soil to absorb and infiltrate the discharge, and
- (u) minimising effects on public health and amenity, and
- (v) not resulting in a discharge that enters water.

## Section 6 – Matters of National Importance

In exercising its powers and functions under the Act, GWRC is required to recognise and provide for the matters of national importance listed in section 6 of the Act. I have identified the following matters to be of relevance to this application;

Section 6(e) – *the relationship of Maori and their culture and traditions with their ancestral lands, waster, sites, waahi tapu and other taonga;*

Section 6(f) – *the protection of historic heritage from inappropriate subdivision, use and development*

Section 6(g) – *the protection of recognised customary activities*

I consider that when this proposal is considered as a whole, it **could** meet Section 6(e) and (g) of the RMA.

It has been discussed in my report that the cultural effects of the proposal could potentially be more than minor and it is hoped they can be adequately addressed and mitigated through further consultation and the preparation of the Tangata Whenua Values Monitoring Plan. If they can be, then Sections 6(e) and (g) will have been addressed. However until such a time as they have been addressed no firm conclusion can be made as to whether the application can meet Section 6(e) and (g), and taking into account the strong submissions from local iwi, I suggest the iwi themselves do not believe that these matters have been met.

Effects on historic heritage have been considered to be no more than minor and therefore, section 6(e) can be met.

## Section 7 – Other Matters

The other matters to which GWRC must have particular regard in relation to managing the use, development, and protection of natural and physical resources are listed in section 7 of the RMA. I have identified the following matters to be of relevance to this application;

Section 7 (a) – *kaitiakitanga;*

Section 7 (aa) – *the ethic of stewardship;*

Section 7 (b) - *the efficient use and development of natural and physical resources;*

Section 7 (c) - *the maintenance and enhancement of amenity values;*

Section 7 (d) - *the intrinsic values of ecosystems;*

Section 7 (f) - *maintenance of enhancement of the quality of the environment;*

I consider that when this proposal is considered as a whole, it **could** meet parts of Section 7 of the Act, however there are also parts it **does not** meet

The cultural effects of the proposal could potentially be more than minor and it is hoped they can be adequately addressed and mitigated through further consultation

and the preparation of the Tangata Whenua Values Monitoring Plan. If they can be then Sections 7(a) and (aa) will have been addressed. However until such a time as they have been addressed (particularly with regard to the vesting of the bed of Lake Wairarapa back into iwi ownership and joint stewardship/management of the Lake and its wetlands) no firm conclusion can be made as to whether the application can meet these parts of Section 7.

In relation to 7(c), (d) and (f), these sections will not be met until around Stage 2A when the effects reduce to being more than minor during shoulder seasons only. It is not until Stage 2B that these effects will be less than minor. Therefore, the proposal is not protecting the intrinsic values of ecosystems, nor is it enhancing the quality of the environment or amenity values of the waterways.

In relation to 7(b) issues have been raised by submitters as to whether or not the discharge to land at this site is the most efficient use of the land. I do not feel this is something that can be assessed or concluded on here as I can only consider what has been proposed rather than alternative land use options.

## **Section 8 – Principles of the Treaty of Waitangi**

Section 8 of the Act requires GWRC to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) when considering applications for resource consent. The Waitangi Tribunal and Courts continue to establish the principles of the Treaty of Waitangi and it is recognised that the principles are continuing to evolve. The two key principles that are of relevance to this application are active protection of Māori interests and consultation.

As already mentioned in this report, the applicant provided a cultural impact assessment<sup>1</sup> prepared by Ra Smith of Kahungunu ki Wairarapa (but not in relation to this specific application). In addition to this, the applicant has undertaken consultation with Tangata Whenua<sup>2</sup>. GWRC sent notification of the application directly to Kahungunu ki Wairarapa and Rangitane o Wairarapa (umbrella organisations for local iwi) however no submissions were received by them. Two submissions were received from local iwi, one at SWDC Standing Committee level, the other at local Featherston level. Both submissions were in opposition to the applications and requested decline.

As discussed in my report, the cultural effects of the proposal could potentially be adverse and it is hoped they can be adequately addressed and mitigated through further consultation and the preparation of the Tangata Whenua Values Monitoring Plan. If they can be met then Sections 8 will have been met. However until such a time as they have been addressed no firm conclusion can be made as to whether the application can meet these parts of Section 8 and therefore uncertainty remains.

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<sup>1</sup> See Appendix 14 of the AEE

<sup>2</sup> See Page 137 of the AEE for details on consultation

## Section 5 – Purpose and Principles

Section 5 defines “sustainable management” as:

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

- (a) sustaining the potential of 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 continued operation and upgrade of this community infrastructure will allow for the people and community of Featherston, to provide for their social and economic wellbeing, along with their health and safety. At the same time, SWDC has put in place a draft wastewater strategy to enable the gradual removal or significant reduction of wastewater from Donald’s Creek, which should decrease the significant adverse effects which are currently occurring on the life supporting capacity of the stream and river.

However as discussed in this report, there are effects occurring for 13 years on water clarity and 5 years on life supporting capacity of aquatic ecosystems. Donald’s Creek is a small stream and the applicant is proposing very low dilution rates. The proposal is not, in my opinion, safeguarding the life supporting capacity for the first 5 years, and then the effects further than this is unknown based on the AEE and assessments made by Dr Ausseil.

Whilst there are positive social and economic effects to be acknowledged there are also a number of people in the community of Featherston who do not consider that their social and economic wellbeing is being provided for. This is evident in the large number of submissions received which raise these social and economic effects as being of concern to them and upon which they want to be heard. These effects cannot be ignored and need to be further understood during the course of the hearing and then be balanced in to a Part 2 assessment.

There is an argument that over the course of the whole proposal the discharge to land will eventually avoid, remedy and mitigate the adverse effects occurring on waterways. However there is a question as to whether this is occurring soon enough, whether it can actually occur on the land proposed to be used in the AEE, the level of effects on land air and water the discharge to land may have, and also a question as to whether the effects on people and community and also on iwi are able to even be avoided, remedied and mitigated.

It is hard to provide a balanced opinion on Part 2 without more information. However, taking a cautious approach, I consider the proposal as it stands does not meets Part 2

of the Act given the level of effects occurring and also the uncertainty surrounding effects.