

**Before Greater Wellington Regional
Council**

IN THE MATTER OF

**Of the Proposed Natural
Resources Regional Plan for the
Wellington Region**

And

**Submissions by South Wairarapa
and Masterton District Councils**

**Submission to the Hearing Panel in relation to Hearing Stream 4 and in
particular proposed Policy P71
19 September 2018**

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1. I refer to my Memorandum of 19 June 2018 and the Panel's Minute of 5 September 2018. The South Wairarapa District Council appreciates the opportunity to address Policy P71 and the officers' various recommendations in relation to it (including recommended P71A).
2. In support of these submissions, SWDC has filed the following statements of evidence:
 - Mr Lawrence Stephenson of SWDC dealing with the practical difficulties created by P71 in its current form (which would also apply to the recommended P71A)
 - Mr David Hopman of Masterton DC who will explain the difficulties created by the use of QMCI as an inflexible bottom line
 - Mr Keith Hamill who will address technical issues with P71 and the suggested P71A
 - Ms Pauline Whitney who will provide planning evidence on these matters

Scope of submissions and evidence and the wider context

3. The submissions and evidence primarily focus on Policy P71, the recommended changes to that via the s42A report and reply, including the recommended additional policy P71A. In order to provide context for these submissions, it is also necessary to address the associated provisions, because it is the entire package which is problematic. The solutions also need to be similarly viewed as a package (hence my earlier request for an integration hearing).
4. In the case of Policy P71, it would be problematic for applications for both discretionary and non-complying activities. However, as discussed below, the difficulties created by the policy are greatly amplified by the current definitions of "new discharge" and "existing discharge", Rule 62, the full avoidance direction of Policy 83 and the limitation of Policy 81 to "existing discharges". Together these provisions create (and are currently creating) significant difficulties for the Featherston upgrade application.
5. The Wairarapa Councils submitted on the definition of "existing discharge" and presented evidence on that. However, as discussed by Mr Stephenson, the full consequences of the current approach have only become apparent over recent months within the context of SWDC's application for Featherston. GW officers have advised that based upon a literal interpretation of the definition of new discharge, they considered the application to be for a new and therefore non-complying discharge.

That basis for that view is that the upgraded discharge will be “altered” and will change location because it will progressively move to being land based.

6. As discussed by Ms Whitney in her supplementary evidence, the officers have acknowledged the problems caused by the definition of ‘new discharge’. However, subsequently, the consent team has adopted the view that they are bound by a literal interpretation of the definition of new discharge. The result being that the problem identified by Ms Whitney is now affecting at least the Featherston application.
7. The officers in their right of reply have suggested various amendments which go some way to addressing the problem with the as notified version. However, submitters were not provided with an opportunity to comment on those amendment suggestions. Accordingly, at my request, Ms Whitney has taken this opportunity to comment on the recommendations regarding the definition.
8. I suggest that there should be an opportunity for other submitters to comment on any proposed changes to provisions that have been suggested by officers after the submitters’ presentation. That is fundamental to natural justice. In my submission, the suggested “integration hearing” should allow for that. That will also allow for any further section 32(3) assessment which is required in relation to such changes to be provided by the officers.

Submission on Policy P71

9. The Wairarapa Councils submitted on Policy P71 as follows:

*“There are ambiguities within these proposed policies which may result in interpretation being particularly, and **unnecessarily, restrictive.**”*

In addition, the water quality standards will generate significant monitoring costs. Whilst the Councils acknowledge that reasonable monitoring is required, Policy P71 introduces significant costs, in particular with regards to QMCI monitoring. QMCI monitoring is very expensive to undertake, and the policy will effectively force this monitoring upon every individual discharge. The Councils consider this could more reasonably be provided on a catchment basis, undertaken by WRC as part of its wider general reporting and State of the Environment reporting, rather than on each individual discharge.”

10. The specific relief sought was to amend the policy as follows (shown as underlined text):

“Policy P71: Quality of discharges

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

(a) 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 ± 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

(b) a 7-day mean minimum dissolved oxygen concentration of no lower than 5mg/L, and

(c) 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.

Standard (a)(i) above is a target only to be used in State of the Environment Monitoring on a catchment basis by WRC on a catchment basis, and will not be applied as a condition of consent to individual discharges, or used specifically for enforcement purposes.”

11. In terms of jurisdiction, it is clear that the Councils' concerns were that P71 is unnecessarily restrictive and that the relief which they sought was wording which allowed for sufficient flexibility and, in relation to QMCI, a change to indicate that it is to be used as monitoring tool and guideline rather than being applied as a de facto standard.

The Councils' concerns

12. The Councils are concerned that the P71 in its current form and recommended P71A are “unnecessarily restrictive” for the following reasons:

- The policy is worded in a highly directive manner *As a minimum, point source discharges of wastewater to rivers shall meet the following water quality standards in the receiving water after the zone of reasonable mixing:*
- The stated parameters are applied as *standards* rather than guidelines or targets with the consequence that these standards would likely be a hurdle to the granting of consent and if consent is granted, would likely be imposed directly as consent conditions. That is highly problematic because there will be situations where it is impractical/unreasonable/impossible to achieve all of the standards all of the time (which is what P71 and recommended P71A seem to require). It was noted in the Council’s legal opinion, 13th August 2018 that evidence from Minister of Conservation and Fish and Game were justification for the additional parameters; however, it is noted that both submitters referred to all point sources. The only reference solely to wastewater discharges is Ms Arnesen’s.
- The parameters are not appropriate as “one size fits all” minimum standards either to guide decision making and/or via conditions – this was recognised by the officers in relation to other discharges in relation to the recommendations for Policy 71A but now for reasons which are unclear, they have reversed their recommendations for wastewater discharges.
- Worded as *standards* they may potentially be applied to existing discharges via section 128 (1) (a) or (b) of the Act.¹ This leads to a focus on technical compliance rather than on the scale and significance (or not) of adverse effects.

¹ As occurred in relation to the QMCI standard in the One Plan, which was retrospectively applied to the PNCC wastewater discharge consent on the claimed (but never established) basis that because there was greater than 20% change to QMCI at some times of the year, that this equated to a ‘significant adverse effect on the environment’. Although the application for review was eventually withdrawn by Horizons, the QMCI standard gave rise a significant and ongoing expense to the community and 2-3 years of divisive enforcement action and review hearings.

- S 107 of the RMA already provides for minimum standards. The proposed P71/71A standards seem to be intended to quantify the s 107 standards. Whilst there is no difficulty with that approach in terms of permitted activity standards, it is problematic in terms of standards which guide the grant of consent. That is because, for many wastewater discharges, it will be impossible to comply with all of the proposed standards all of the time.
- S107 provides a degree of discretion, particularly in terms of what amounts to a “significant adverse effect” on aquatic life “conspicuous change” and what is “reasonable” in terms of a mixing allowance (non-compliance zone).
- The P71/71A approach largely removes that discretion. Thus, in relation to “significant adverse effects on aquatic life” there is an unstated presumption within P71 that a greater than 20% change to QMCI must necessarily equate to a significant adverse effect on aquatic life, irrespective of the degree, frequency, duration, extent and longevity of the change.
- P71/71A do not provide for the exceptions which are within S107(2).

A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A that may allow any of the effects described in subsection (1) if it is satisfied—
(a) that exceptional circumstances justify the granting of the permit; or
(b) that the discharge is of a temporary nature; or
(c) that the discharge is associated with necessary maintenance work—
and that it is consistent with the purpose of this Act to do so.

- There is a lack of recognition in Policy 71/71A that there are usually other sources of contaminants to rivers and streams in the Wairarapa, hence the Councils’ request that a more catchment-based approach be taken to monitoring, so a better gauge of cause and effect can be made.

13. In my submission, if P71/71A is to be applied as a set of ‘must meet’ standards (which I suggest is unnecessary and inappropriate), then it is essential that the section 107 exceptions also be provided for. Without that flexibility, absurd results are inevitable.

14. I note in passing, that section 107 derives from the Water and Soil Conservation Act 1967 and has been in the RMA since day one. It has been applied in a pragmatic and flexible manner. All wastewater consents granted to date (including the current Featherston consent and the recent Masterton, Martinborough, Greytown and

Carterton upgrade consents) have been granted as being in accordance with section 107. The difficulty is with plans such as the One Plan and the PNRP replacing a flexible approach with an inflexible approach.

15. This is well illustrated by the Featherston situation. The discharge has been in existence for decades. The current application is to significantly reduce the discharge frequency and volume from year 2 and move to near full land treatment during year 13. Now, largely because of P71, SWDC is being advised by GW officers that the discharge will (in their view) cause more than minor or significant adverse effects in large part because it will remain non-compliant with P71 (QMCI and clarity) on some days until year 13. This problem is exacerbated by the interpretation that the upgraded discharge is a new discharge and therefore a non-complying activity.

The section 42A report

16. The section 42A report on Water Quality dated 12 January recommended changes to Policy P71 (Ms Conland). The relevant parts of the report are as follows:

*840. For most discharges the limits in Policy P71 will be too lenient, while for other discharges, the limits will be too stringent. **I consider that at this time it is more appropriate that the limits be set on a case by case basis through the consent process, taking into account the objectives and policies in the proposed Plan, and those that give effect to the higher order documents which seek to maintain or improve water quality.** Furthermore, s69 of the RMA states that regional councils 'shall not set standards in a plan which result, in a reduction of the quality of the water in any waters...unless it is consistent with the purpose of this Act to do so'.*

*841. **As such, I agree with the submission of the Minister of Conservation (S75/087) that the standards are not appropriate for maintaining instream values and I recommend that they be deleted.** As noted in section 5.3 of this report, the whitua process, through future plan changes or variations, will set freshwater objectives and limits for each freshwater management unit in accordance with Section C of the NPS-FM 2017. The process and timeframes for this will be in accordance with Policy E1(c) of the NPS-FM.*

Minor change - Stormwater and wastewater network discharges

*854. **I recommend amending the policy to exclude stormwater and wastewater network discharges.** The Section 32 report: Discharges to water, states that this policy was to provide guidance to the few point source discharges to water in the Wellington Region, and that global stormwater discharges were not meant to be subject to this policy. **I agree that the policy requirements for stormwater and wastewater are more specific and stringent than what is included within P71 as notified, and consider that it***

is illogical for those types of discharges to be managed by this policy. I consider that excluding stormwater and wastewater network discharges from this policy will not alter the meaning or any outcome of the proposed Plan. This amendment is considered to have only a minor effect and can be made pursuant to RMA Schedule 1 clause 16.

17. The Section 42A report recommended a number of other changes to Policy P71 which are in that report and which were acceptable to the Councils. The recommended changes to P71 made it general in nature rather than directive and excluded its application to discharges from the *stormwater network and wastewater network*. Those recommendations were and remain acceptable to the Councils.

18. The s 42A report was clear that the P71 should not apply to discharges from the wastewater network. The s 42A report (Legarth) also recommended amending the definition of wastewater network as follows:

Definition of wastewater network: A community reticulated wastewater system, including but not limited to ~~pipes and pump stations~~ a network of devices, pipes and pump stations designed to accept and transport wastewater from properties to a treatment plant and discharge wastewater.

19. The Councils understood this to mean that the recommended version of Policy P71 would not apply to discharges from the wastewater network including from treatment plants. In any event, they concurred with the other recommended changes to P71 which made it much less prescriptive and directive. They do not oppose the amended P71 applying to all discharges including wastewater, given its more flexible and guidance-oriented approach.

20. There was no suggestion within the Section 42A report that a new wastewater specific policy based upon the original P71 should be inserted as was subsequently recommended through the Council's Right-of-Reply. Furthermore, Ms Legarth's Section 42A report (Wastewater to water) of 12 January which deals specifically with wastewater discharges, does not make any reference to P71 or suggest that a new wastewater specific version of P71 be introduced.

Recommended P71A

21. The Wairarapa Councils presented evidence to Hearing Stream 4 via Ms Whitney dated 26 January 2018. The evidence did not specifically address Policy P71 as notified because Ms Whitney understood, based on the section 42A reports, that the recommendation was that the policy should not apply to wastewater discharges and

because this and the other changes made to the policy were acceptable to the Councils. (I acknowledge that the Councils should have made further submissions and/or called evidence in relation to what other submitters including DOC were seeking in terms of P71.). However, no submitters provided evidence seeking a separate set of water quality standards be apply to wastewater discharges, and the Councils relied on the Officer's point that the Policy P71 was never intended to apply to stormwater and wastewater, and that "it is illogical for those types of discharges to be managed by this policy".²

22. At the Stream 4 Hearing itself, the reporting officers did not indicate any intention to introduce a new policy P71A. The recommended new policy P71A was introduced via the Right of Reply dated 4 May 2018 and appears to be a response to GW consent teams concerns rather than those of submitters. The most relevant sections are as follows:

112. The planning evidence of Ms Wratt 58 states that WWL supports the simplification of Policy P71 and the exclusion of stormwater and wastewater network discharges. Mr David Cameron⁵⁹ for WWL, in a memo to Ms Wratt, noted that Policy P71, as notified, applies to point source discharges to rivers and, in the case of continuous discharges, appears to provide reasonably balanced guidance. He states that it is less helpful, however, when addressing an intermittent discharge which, in the case of process water for instance, might only operate for 10 minutes in every hour, or in the case of stormwater run-off, two or three times each week. In these cases, the standards for water clarity and water temperature become overly protective.

114. Ms Nicola Arnesen, Senior Policy Planner, Environmental Regulation, GWRC, provided evidence at the hearing in relation to the use of the standards in Policy P71 when processing and determining resource consent applications for wastewater discharges in the Wairarapa. Ms Arnesen explained that Policy P71 is a critical policy for processing existing wastewater treatment plant (WWTP) discharges to water. She noted that the existing WWTP discharges are to water and all are having significant adverse effects on the receiving water bodies. Ms Arnesen said that Policy P71 enables Council's Environmental Regulation department to manage effects to an acceptable level and meet, in combination with other policies, the intent of the proposed Plan to discharge to land in preference to water, and reduce discharges of wastewater to water. She noted that Policy P71 helps 'pull effects up' to acceptable levels. However, Ms Arnesen also noted that the wording of the policy needed to ensure that discharges did not 'degrade down to' these standards.

² Paragraph 854 of the S 42A report (Conland)

116. Ms Whitney, for MDC and the SWDC⁶², noted the councils' support for the proposed amendments to this policy, but said that it was unclear if the intent of the amendments is to also apply to discharges from wastewater treatment plants.

118. Issue 9.3 of the Section 42A report: Water quality sets out my concerns in relation to the discharge standards of Policy P71, and that for most point source discharges to rivers, the limits for QMCI, and dissolved oxygen in particular would be too lenient. **My concern was that for wastewater discharges the limits would be too stringent, and potentially not particularly relevant to wastewater discharges given the other policies in the proposed Plan that directly deal with these discharges. However, based on the evidence of Ms Arnesen, I now understand that this is not the case.**

119. Policy P81 relates to minimising and improving existing wastewater discharges to fresh and coastal water. As such, Policy P71 does not need to provide for this aspect. Furthermore, as new wastewater discharges to freshwater are to be avoided, Policy P71 cannot conflict with this policy. I recommend that Policy P71 be split into two policies – Policy P71 which provides for general point source discharges to fresh water, and Policy P71A which would provide specific guidance to existing wastewater discharges to fresh water.

23. Leaving aside process issues, the Councils have a number of concerns with the rationale for the recommended P71A. I will address those in the order they appear above:
24. The Councils agree with the reasons and recommendation in relation to P71 in the s42A report as highlighted above and the officers' later summary:

.....for wastewater discharges the limits would be too stringent, and potentially not particularly relevant to wastewater discharges given the other policies in the proposed Plan that directly deal with these discharges.

25. The Councils also agree with the evidence and submissions provided by WWL.
26. The Councils strongly disagree with the evidence of Ms Arnesen. It is incorrect to say that all of the existing Wairarapa discharges are having significant adverse effects.
- The Masterton WWTP discharge has already been upgraded and there is no evidence that it is having significant adverse effects.
 - The Greytown, Martinborough and Carterton wastewater treatment plants have all been granted long term consents for upgraded discharges which have commenced. Apart from Ms Arnesen's assertion, there is no evidence before

this Panel, that any of those discharges are currently causing significant adverse effects during the interim period pending full upgrade.

- The Featherston WWTP discharge has been in existence for many decades and the Regional Council has not taken any enforcement action based upon a claim of significant adverse effects. The AEE for the current application concludes that at least from the end of year 2 of the upgrade there will be no significant adverse effects. Whether the effects are significant during the first 2 years is a matter to be determined at the consent hearing.

27. With respect, it is nonsense to suggest that P71 is *critical* for the processing of existing wastewater consents. The officers who decided the Carterton application and the independent panels that heard the Masterton, Greytown and Martinborough applications did not have any difficulty in deciding those applications in the absence of such a policy (because there was sufficient policy guidance in the existing planning documents and s 107.) However, if P71 in its current (notified) form or P71A as recommended had been in place it may have made it difficult to get these upgrades consented. The focus would have been on compliance with inflexible standards rather than on the avoidance and mitigation of adverse effects.
28. The Featherston WWTP upgrade is the only application in the Wairarapa which is still to be determined. There is absolutely no basis for the suggestion that P71 is *critical* to the determination of this application. Without P71, the independent panel (and if needs be the Environment Court on Appeal) will still have the guidance provided by the existing planning documents and the other provisions of the PNRP along Part2, s104, s 105 s107 and the NPSFM. There will also have comprehensive technical evidence that will be tested through the hearing process. Just like the decision-makers before them, the decision-maker for the Featherston WWTP upgrade will have ample guidance and tools to make a decision which accords with Part 2 of the RMA.
29. P71 is not only unnecessary, it is highly problematic for the reasons explained by Mr Stephenson. P71 is already causing significant difficulties for the Applicant because the officers appear to be adopting the P71 clarity standard and QMCI standard as determinants of “significant adverse effects” rather than indicators of potential adverse effects. This difficulty has then been amplified by their view that an improved discharge is a new discharge and therefore a non-complying activity which is contrary to P83 and P71 in its current form.

“119. Policy P81 relates to minimising and improving existing wastewater discharges to fresh and coastal water. As such, Policy P71 does not need to provide for this aspect.

Furthermore, as new wastewater discharges to freshwater are to be avoided, Policy P71 cannot conflict with this policy.”³

30. I cannot understand what is meant in the statement above. P71 needs to be consistent with P81 because P71 and recommended P71A apply to all discharges irrespective of whether they are new or existing. P71 is inconsistent with P81 because it does not provide for the upgrade situation by making allowance for interim improvements and adverse effects. The Featherston situation illustrates this.
31. There is no conflict in not having P71 apply to wastewater discharges and/or in making it more flexible. P83 provides very strong direction irrespective of P71 but needs to be weighed alongside P81 (the difficulty being that P81 does not currently apply to upgraded discharges according to the GW interpretation of the definition of “new discharges”).
32. The policies need to be consistent but more importantly they need to serve the objectives. That is what they are there for.

I recommend that Policy P71 be split into two policies – Policy P71 which provides for general point source discharges to fresh water, and Policy P71A which would provide specific guidance to existing wastewater discharges to fresh water.

33. Firstly, it is incorrect that recommended p71A would be specific to existing discharges. However, if that was the intention then there would be even more reason why it would need to be consistent P81 which requires and provides for upgrades of existing discharges.
34. With respect, in my submission, when read together the current proposed provisions dealing with wastewater are poorly drafted and, if made operative in this form, would have absurd consequences contrary to Part 2 of the RMA and the objectives of the PNRP. Apart from suggested P71A the other changes recommended through the s42A and right of reply are a step in the right direction. However, the end result is still muddled, poorly drafted and poorly justified. The policies need to ‘talk to each other’, and not leave it to some future decision-maker to try and weigh and interpret intentions.

Technical difficulties with P71 and recommended P71A

35. Mr Stephenson and Mr Hamill address some specific issues with the parameters set out in P71/71A. The difficulty with using 20% change to QMCI as an inflexible “bottom line” was specifically addressed in the relief sought by SWDC as was the need to have flexibility in relation to all of these standards.

General matters and statutory context

36. I note that neither the s42 A reports, nor the rights of reply directly respond to the Councils’ submissions in relation to the original P71. I also note the requirements of section 32(3) and (4). While the NPSFM is not an environmental standard, the direction in ss (4) is sensible.

If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

37. In my submission the wastewater provisions in the PNRP have not been subject to a proper assessment in terms of section 32.

examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

- (i) identifying other reasonably practicable options for achieving the objectives; and*
- (ii) **assessing the efficiency and effectiveness of the provisions in achieving the objectives; and***
- (iii) summarising the reasons for deciding on the provisions;*

38. In terms of the current version of P71 and the recommended P71A (and the definition of new discharge and the rule 62) there are better options available to achieve the objectives which would be more effective and efficient and more consistent with Part 2 of the RMA. Ms Whitney makes some suggestions in this regard.

Conclusion

39. The policies rules and definitions of the PNRP which relate to wastewater discharges are poorly drafted and have unintended or at least inappropriate consequences which are at odds with Part 2 of the RMA and inefficient or ineffective in terms of the achievement

of objectives. The Panel is left with the unenviable task of patching up these problems whilst being constrained by the scope of submissions and evidence.

40. In my submission, if you conclude that there are problems which cannot be adequately rectified by the current process (for instance if the scope of submissions is inadequate or you have inadequate evidence) then you should recommend to the Regional Council that the provisions in question be withdrawn and a variation introduced to appropriately address whatever issues you identify. That process would allow for proper consultation and a proper section 32 analysis of the provisions in question.
41. Alternatively, if you conclude that the problems can be rectified via the current process, then in my submission, it would be appropriate for you to issue an interim decision and invite comment from submitters.
42. In any event, from the Council's perspective, the key matters which need to be addressed are:
 - a) Ensuring that upgrades of discharges *from existing and upgraded wastewater treatment plants (including discharges to land and water)* are classified as a discretionary rather than non-complying activity.
 - b) This should at least include any upgrades which result in a significant reduction of wastewater discharges and/or any material improvements in wastewater quality over time.
 - c) This should include upgrades where the location of the discharge or discharges change location from present for the purpose of reducing the potential for adverse effects as compared to the current location.
 - d) The questions of the adequacy and timing of the upgrade and whether any changed locations are appropriate should all be left as matters of discretion for the decision makers.
 - e) So far as you conclude that it is appropriate to include *standards* via amendments to P71, then the amendments should be worded in a less directive manner than the proposed version or recommended P71A. There are a number of options available to achieve this including the addition of words such as "*to the extent to which it is reasonably practicable*", or the approach recommended in the s 42A report.

- f) The policy should make provision for:
 - o Interim “non-compliance’ during the period reasonably required for an upgrade.
 - o Necessary, maintenance discharges
 - o Temporary discharges such as wet weather overflows which cannot reasonably be avoided.
 - o Exceptional circumstances.

- g) Make those change within the policy rather than rules, because all of these exceptions involve elements of discretion than cannot be included in rules.

- h) If you choose to adopt the “standards” rather than guidance approach recommended in the s42A report: Make any changes to each parameter to address the issues identified by Dr Hamill.

- i) There is no justification for having point source standards which are specific to wastewater discharges.

- j) The recommended policy 71A is inappropriate for the reasons discussed within these submissions.

43. Finally, I note that it is peculiar that the Regional Council officers are proposing a wastewater specific policy (P71A) which seems to be intended to address applications for replacement consents for existing discharges, where (at least in the Wairarapa which is what Ms Arnesen’s evidence related to) there is only one upgrade to left to be consented, and that application is scheduled to be heard in March before this Panel will make its final determinations.

44. In my submission, you do not have any cogent evidence of the need for a such a specific policy. You do however have evidence of the significant difficulties which such a policy would and is causing to the only upgrade which it seems to apply to.

45. The current (as proposed) provisions (definition of new discharge, R62, P71 and P83) are presenting a substantial obstacle to the Featherston application. From SWDC’s perspective, the current delay to the hearing of the application (delayed from October to March) is in large part a result of the wording of these provisions and GW officers’ interpretation of them (in particular, their current interpretation of ‘new discharge’ and their rigid application of the QMCI and clarity ‘standards’ within P71).

46. Within that context, SWDC requests that the Panel make at least interim decisions in respect of these provisions, ideally this year or at least before the consent hearing

commences in mid-March 2019. That will provide guidance to the Panel which is to hear the applications. SWDC would appreciate an indication from the Panel as to whether this is achievable because that will influence its decision as to whether to proceed with the current application or seek that it be further delayed to await your decision.

A handwritten signature in black ink, appearing to read 'Philip Milne', with a long horizontal flourish underneath.

Philip Milne

**Counsel for South Wairarapa and Masterton District Councils
19 September 2018**