

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

I MUA I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

IN THE MATTER of appeals under cl 14 of Schedule 1 to
Resource Management Act 1991

BETWEEN MASTERTON DISTRICT COUNCIL
(ENV-2019-WLG-000110)

CARTERTON DISTRICT COUNCIL
(ENV-2019-WLG-000112)

WELLINGTON WATER LIMITED
(ENV-2019-WLG-000123)

RANGITĀNE TŪ MAI RĀ TRUST
AND RANGITĀNE O WAIRARAPA
INC SOCIETY
(ENV-2019-WLG-000125)

SOUTH WAIRARAPA DISTRICT
COUNCIL
(ENV-2019-WLG-000127)

Appellants

AND WELLINGTON REGIONAL
COUNCIL

Respondent

Court: Environment Judge B P Dwyer sitting alone pursuant to s 279
of the Act

Date of Order: 1 July 2021

Date of Issue: 1 July 2021



CONSENT ORDER

- A: Under s 279(1)(b) of the Act, the Environment Court orders, by consent, that the changes set out in **Appendix A** be made to the Proposed Plan.
- B: The appeal points relating to Topic 35 - Objective O49, Policy P85 and Rules R79 and R80 are otherwise dismissed.
- C: Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] The Court has read the notices of appeal and the memorandum of the parties received 4 June 2021.

Other relevant matters

[2] The following persons gave notice of an intention to become parties to the appeals under s 274 of the Act, and have signed the consent memorandum setting out the relief sought:

- Royal Forest and Bird Protection Society of New Zealand Inc;
- Kāpiti Coast District Council;
- Porirua City Council; and
- Minister of Conservation.

Wellington Fish and Game Council, Wellington Water Ltd, South Wairarapa District Council, Masterton District Council and Carterton District Council did not sign the consent memorandum, but in accordance with the Court's direction in its minute dated 28 April 2021, they are deemed to have accepted the consent memorandum and order.

Orders

[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order or are deemed to have done so in accordance with the Court's minute of 28 April 2021;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular,

Part 2



B P Dwyer

Environment Judge



Appendix A

Key:

Red track – changes made by this consent order

Green track - changes in the Decisions Version of the PNRP, with clause 16 changes

Rule R80: Discharge of treated wastewater from a wastewater network – restricted discretionary activity

The discharge of treated wastewater from a wastewater network onto or into land, or onto or into land where a contaminant may enter water, and the associated discharge of odour to air that does not meet the conditions of Rule R79 is a restricted discretionary activity, provided the following conditions are met:

- (a) ~~the application method is either a subsurface or surface drip irrigation or low pressure spray irrigation system, less than or equal to 1.5m above ground surface, and~~
- (b) ~~the application must be onto actively growing vegetation. Application shall not be onto fallow land or areas that have no vegetative growth, and~~
- (c) ~~a deficit irrigation regime is used for the application of treated wastewater to land, and~~
- (d) ~~the discharge of odour is not offensive or objectionable beyond the boundary of the property.~~

Matters for discretion

1. Effects on wetlands, groundwater and surface water quality, including a community drinking water supply, group drinking water supply or domestic water supply quality
- ~~2. Effects on domestic and group drinking water supplies~~
- ~~3. The proportion of trade waste the discharge contains~~
2. The quality of the discharge, including limits on:
 - (i) biological oxygen demand (five day), ~~and~~
 - (ii) total suspended solids, ~~and~~
 - (iii) *Escherichia coli* (*E.coli*), ~~and~~
 - (iv) other contaminants
3. Wastewater discharge method, hydraulic loading rate, discharge depth and hydraulic conductivity-nitrogen and phosphorus loading rates
- ~~6. Distribution uniformity~~



~~6. Nitrogen and phosphorus loading rates~~

4. Set back distances from waterbodies, the coastal marine area, water supply bores, property boundaries and other sensitive environments

~~7. Depth to ground water below the point of irrigation~~

5. Measures to **minimise** spray drift to prevent impacts on **any Sensitive area or Sensitive activity, human or animal health, or offensive and objectionable odours beyond the boundary of adjacent to the property**
6. Suitability of the **soil land** to receive treated **wastewater** and potential effects on soil condition (including potential cumulative adverse effects) **and management of the land discharge area**
7. **Design of the discharge system based on the soil characteristics** Management of the land discharge area (including the management of the farm system) and management of discharges of any other wastes, or fertilisers or agrichemicals

~~13. Soil saturated hydraulic conductivity~~

~~12. Soil water holding capacity~~

~~13. Mapping of soil unit boundaries, soil textural and structural changes, and high risk soils~~

~~14. Details of existing soil concentrations of nutrients and metals and an assessment of the potential cumulative effects of the proposed wastewater application discharge including the addition of any other wastes or fertilisers~~

8. **The contents and implementation Provision** of an Operation and Management Plan **covering Provision of a M-monitoring and R-reporting requirements including in relation to emerging contaminants Plan**

~~7. Measures for monitoring emerging contaminants~~

9. **Effects on mana whenua cultural and spiritual values and sites of significance identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule E (historic heritage), Schedule C (mana whenua), Schedule F (indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or a site identified in a planning document recognised by an iwi authority and lodged with a local authority**
10. **Effects of improved surface water and coastal water quality, including potential improvements in aquatic ecosystem health, Māori customary use, mahinga kai and contact recreation values arising from the adoption of discharge to land in preference to direct discharge to freshwater or coastal water.**

Notification

In respect of Rule R80, applications are precluded from public notification (unless special circumstances exist); **except that the relevant iwi authority/ies as is an affected party person under RMA s95E where when a discharge may have activities risk having a minor or more than minor adverse effect on mana whenua cultural or**

spiritual values, ~~ngā huanga o Ngā Taonga Nui a Kiwa~~ or on the significant values of a Schedule C site which is located downstream.

Note

Permission may be required from the relevant city or district council in respect of the Building Act 1991 or other legislation or bylaws.

