ORC NOTIFICATION RECOMMENDATION REPORT

Application No:	RM25.407
Prepared for:	Staff Consents Panel
Prepared by:	Daizy Thompson-Fawcett, Consents Planner
Date:	27 January 2026

Subject: **Notification recommendation for application RM25.407 by SJ Allen Holdings Limited to discharge waste activated sludge, grease trap waste, mud tank/sump waste, and winery wastewater to land for the purpose of disposing of waste from various sources around Central Otago and Queenstown-Lakes Districts.**

1. Purpose

To report and make recommendations under sections 95A-G of the Resource Management Act 1991 (the Act) on the notification decision for the above application.

2. Background Information

Applicant:	SJ Allen Holdings Limited
Applicant's Agent:	Analese Fon, Lowe Environmental Impact
Site address or location:	Lauder, approximately 1 kilometre (km) northeast from the intersection of Muddy Creek Road and Brown Road
Legal descriptions of the site:	Section 25 and Section 47 Block V Lauder Survey District, Section 20 Block V Lauder Survey District
Record of title number and owner:	OT10B/341 Moran Pastoral Limited, OT392/70 Moran Pastoral Limited
Map reference (NZTM 2000) approximate site midpoint:	E1336545 N5011220
Consent(s) sought:	Discharge permit to discharge waste activated sludge, grease trap type waste, mud tank/sump type waste, and winery wastewater to land
Purpose:	Disposing of waste from around Central Otago and Queenstown-Lakes Districts
Related consents:	RM20.287.01.V1
Section 124 timeframes:	This is an application for a new activity and so section 124 does not apply.

2.1 Key issues/risks

The key issues/risks with the application are:

- Potential for leaching from disposal of proposed contaminants.

At this stage there are no principal issues in contention that need to be raised.

2.2 Summary

I recommend the application is processed on a non-notified basis.

This is because:

- The activity will have adverse effects on the environment that are less than minor;
- The adverse effects on any person from the proposed activity will be less than minor or the unconditional written approvals of affected persons has been provided; and
- There are no special circumstances.

3. Description of Activity

The application is for a new consent for the discharge of waste activated sludge (WAS) and wastewater onto land, including WAS from community wastewater treatment plants (WWTPs), grease trap waste, mud tank/sump waste and winery wastewater to land. The discharge of WAS will be the predominant discharge at the subject site; up to 2,000 tonnes (at 20% dry solids) per year of WAS from community WWTP's within the Otago Region. The grease trap waste, mud tank/sump waste and winery wastewater are currently discharged at another property controlled by S J Allen (Consent RM20.287.01.V1) who are seeking to consolidate all of their activities to this site.

Figure 1 depicts the land application areas (total 171 hectares) for WAS in yellow and winery, grease trap, and mud tank/sump waste in purple.

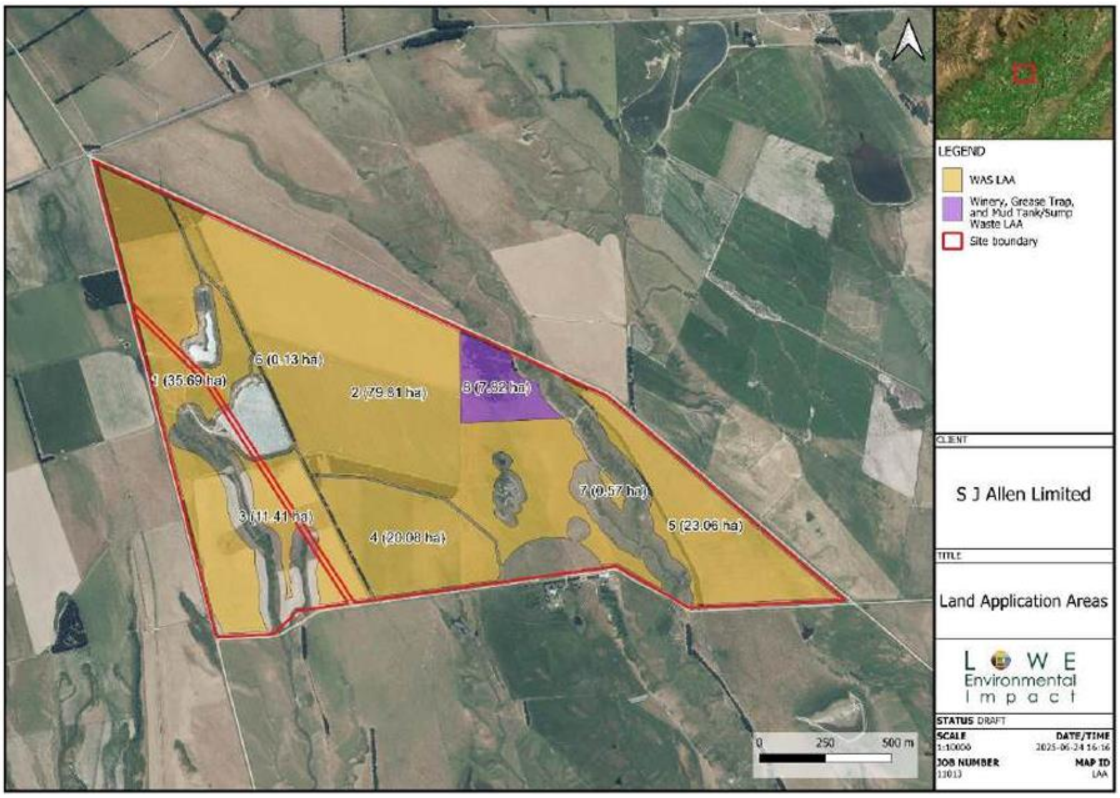

Figure 1. Land Application Areas (LAA) (Source: RM25.407 Application)

The Applicant has provided the following documentation with the application:

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- Form 1 – Application for Resource Consent, signed and dated 18 August 2025;
- Form 6 – Application to Discharge Contaminants to Land, dated August 2025;
- Resource Consent Application and Assessment of Environmental Effects: Land Application of Waste Activated Sludge, Winery Wastewater, Grease Trap Waste and Mud Tank/Sump Waste at Brown Road, Lauder, prepared by Lowe Environmental Impact, dated August 2025;
- Response to Request for Further Information – RM25.407, prepared by LOWE Environmental Impact, dated 17 October 2025.
- Updated volunteered conditions, provided to council on 15 January 2026

3.1 Quantity of Discharge

There are four waste types proposed to be managed at the site, including:

1) Equivalent weight of Waste Activated Sludge (WAS) that will have 34.2 tonnes of nitrogen/year or 102.5 tonnes of nitrogen in a 3-year return period (considering 200 kg N/ha/year or 600 kg N/ha/3-year return period) via muck spreader or similar;
2) 1,200 cubic metres per year of waste from grease traps discharged into land via soakage trench and/or soil injection;
3) 1,200 cubic metres of waste from mud tanks/sump discharged into land via soakage trench and/or soil injection; and
4) 1,200 cubic metres of winery wastewater surface applied to land.

The Applicant has proposed the following condition with restrictions of quantities.

The following restrictions shall apply:

- *a. The total volume of waste activated sludge (WAS) discharged shall not exceed equivalent to 34.2 tonnes of N/yr or 102.5 tonnes of N in a 3-year return period (This is the nitrogen equivalent to 200 kg N/ha/year or 600 kg N/ha in every three years return period).*
- *b. The total volume of grease trap waste and wastewater discharged shall not exceed 20 cubic metres per day.*
- *c. The total volume of mud sump type waste and wastewater discharged shall not exceed 20 cubic metres per day*
- *d. The total volume of winery waste and wastewater discharged shall not exceed 20 cubic metres per day.*
- *e. The total volume of grease trap waste and wastewater discharged shall not exceed 1,200 cubic metres per year.*
- *f. The total volume of mud sump type waste and wastewater discharged shall not exceed 1,200 cubic metres per year.*
- g. *The total volume of winery waste and wastewater discharged shall not exceed 1,200 cubic metres per year.*

3.2 Quality of Discharge

Grease Trap and Mud Tank/Sump Waste

The material from grease traps is collected from small takeaway and fast-food outlets and comprises of mostly fats, oils and other waste liquids originating from kitchens similar to domestic households, albeit on a larger scale.

Mud tank waste is collected from light industrial activities including garages, mechanics and roading contractors. There are no heavy or moderate industrial activities whose mud sumps are collected, and most of the liquid waste (two-third) is wash down water or stormwater from grated sumps.

The sample results from the 2023-2024 annual report associated with the RM20.287.01.V1 consent for a similar activity have been provided in Table 1 below.

Table 1. Grease Trap and Mud Tank/Sump Waste Results (Source: RM25.407 Application)

Date	Type	pH	As g/m^3	Cd g/m^3	Cr g/m^3	Cu g/m^3	Pb g/m^3	Ni g/m^3	Zn g/m^3	C7-C9 g/m^3	C10-C14 g/m^3	C15-C36 g/m^3	Total Hydro carbons (C7-C36) g/m^3
17/01/2024	Mud sump waste	7.5	<0.021	<0.0011	<0.011	<0.011	0.0029	<0.011	0.048	1	11.7	3	16
8/03/2024	Grease Trap	4.7	<0.021	<0.0011	<0.011	1.08	0.0041	<0.011	0.143	<0.5	<1.0	12	13
20/03/2024	Mud sump waste	11	0.073	0.0077	0.109	0.57	0.26	0.141	1.35	<0.5	<1.0	<2	<4

Winery Wastewater

Winery wastewater is untreated and usually comprises of 90% wash water and 10% raw winery wastes. The raw winery waste is passed through basket screens or sieves prior to collection, and the levels are considered to be low.

Eight wastewater samples were taken in the 2023-2024 period, and the average annual values are presented in Table 2 below.

Table 2. Summary of Winery Wastewater Monitoring Results 2023-2024 (Source: RM25.407 Application)

Date	pH	TSS g/m^3	Ca g/m^3	Mg g/m^3	K g/m^3	Na g/m^3	SAR mmol/L	TN g/m^3	NO3 + NO2 g/m^3	TKN g/m^3	DRP g/m^3	$cBOD_5$ g O_2/m^3	E. coli cfu/100ml
Avg. 2023-2024	4.79	1500	43	9.7	354	211	7.8	106	0.92	105	8.039	7229	96157

WAS from Community WWTP

The Wānaka WWTP, serving both Wānaka and Albert Town, is the primary source of WAS and forms the basis for assessing alternative management options. The facility treats up to 12,860 m^3 of wastewater per day, with peak inflows reaching 232 L/s. The WAS produced is almost entirely domestic in origin, comprising mostly organic matter from microbial digestion, with no recognisable solids due to upstream screening and treatment.

WAS is thickened using polyacrylamide and dewatered via centrifuge to 18–20% dry solids. Approximately 2,000 m^3 of WAS is produced annually, currently trucked over 3 hours to Kings Bend Landfill in Southland—a method that the Applicant considers to be costly, emissions-intensive, and unsustainable long-term. Thus, the proposed activity is for direct land application of fresh WAS, without storage. The WAS is similar to a bio-solid and is the precursor biosolid input product. However, without stabilisation it does not meet the strict definition of a bio-solid as outlined in the Guideline for Beneficial Use of Biosolids on Land.

WAS samples from the Wānaka WWTP analysed in 2009 (Project Pure) and again in June 2025 show consistent nitrogen levels used for application rate calculations. Variations in other elements were minor and typical for environmental samples. The 2025 results indicate stable organic content and reduced heavy metals, supporting the safe land application approach. See Table 3 below.

Table 3. WAS Composition Compared to the Guideline for Beneficial Use of Biosolids on Land 2025 (Source: RM25.407 Application)

Parameter	WAS Composition 2009	WAS Composition June 2025	Grade 1 Limit (Biosolid Guideline 2025)
Nutrients (% w/w)			
pH	-	6.85	
Nitrogen	6.6	6.6	No criteria to be met
Phosphorus	1.3	1.55	
Sulphur	0.49	0.54	
Calcium	0.97	0.72	
Magnesium	0.6	0.37	
Potassium	0.2	0.58	
Sodium	0.44	0.035	
Pathogens			
E. coli (MPN/100 mL)	650,000	-	<100
Campylobacter	-	-	<1/25 g
Salmonella	-	-	< 2 MPN/g
Human Adenovirus	-	-	<1 PFU/0.25 g
Helminth Ova	-	-	<1/4g
Trace Elements (mg/kg)			
Arsenic	4.5	8	30
Cadmium	1.4	0.73	6.5
Chromium	15	14	1500
Copper	215	122	750
Lead	15	8.5	300
Mercury	1.23	0.31	7.5
Nickel	13	10	135
Zinc	455	280	1250

The application states that with regard to the stabilisation grade requirements, the results in the table above show that the WAS exceeds the pathogen limit for E. coli, therefore does not achieve the “A” grading for biosolids. In addition, WAS direct ex-plant has not undergone a stabilisation process as prescribed in the guidelines and therefore does not achieve the “B” grade for biosolids. For this reason, it is described as sludge rather than as biosolids.

3.3 Method of Discharge

The proposed land application system will comprise the following:

a) Total land application area of 178.57 ha; and

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b) Discharge system applying WAS fresh onto the land surface to be incorporated (which means mixing treated sewage sludge (biosolids) into the soil so it becomes part of the soil matrix) into the soil over a total area when fully exercising the consent of 171 ha.
c) Discharge system for winery wastewater applying to the soil surface.
d) Discharge system for grease trap and mud tank/sump waste via soakage trenches and/or soil injection.
e) Separate areas designated for the land application of different waste streams.

WAS Application Method
The application states that the following factors were considered when selecting a suitable discharge area and application method:

- Area (ha) of land available
- Distance from the WWTP site
- Proximity to waterbodies
- Slope
- Accessibility
- Other land use(s)

The WAS will be applied to the land surface using a muck spreader or similar. The aim would be to discharge up to 50 m^3 of WAS each week, requiring approximately 0.5-1 ha of land application area. To allow for this volume, and a return period of 3-years, a land area of 132 ha is required and will to be split up into different management blocks. A total area of 170.75 ha has been allocated for WAS.

Winery Wastewater Application Method
The application indicates that winery wastewater will be discharged directly from a vacuum tanker truck. The truck is equipped with a 2.4-m-long spreader bar featuring a continuous 25 mm slot positioned 300 mm above the ground, which distributes wastewater at a rate of 15 litres per second onto the soil surface. The wastewater is applied in strips measuring approximately 150 m in length and 2.4 m in width (covering 360 m^2). Once the entire land application area is covered, subsequent applications are made at a 90-degree angle to the previous direction. The truck moves along the strip while discharging its contents, continuing until the tank is emptied. A different strip is used for each disposal event, with the truck's GPS system ensuring accurate placement. With a typical load of 4,000 litres, each application results in an even coverage of 11.1 mm across the 360 m^2 area. Larger loads would be distributed across multiple 150-m strips.

Mud Tank and Grease Trap Waste Method
The application states that consent is being sought for two proposed methods of applying mud tank and grease trap waste: soakage trenches and soil injection. The preferred method for discharging these wastes is through land application using either soakage trenches or soil injection, as outlined in Section 6.2 of the application. The trenches are expected to be approximately 1–2 m wide, 1.5–2 m deep, and up to 150 m long. Initially, these trenches will remain open after waste is discharged. The general procedure involves first placing grease trap waste at the bottom of the trench, followed by mud sump waste layered on top. This process continues until the trench is filled to within 200 mm of the surface, after which it is capped with the excavated soil.

If odour from the grease trap waste becomes noticeable and is deemed a nuisance (which is considered unlikely due to the waste being undisturbed), some of the excavated soil will be placed over the grease waste immediately after discharge. The Applicant is also seeking flexibility to use soil injection as an alternative method. Soil injection is seen as a risk mitigation approach, particularly on pastoral land, as it incorporates waste directly into the soil using specialised equipment. This method can limit pathogen exposure, reduce contaminant uptake by livestock, prevent the spread of pathogens, improve dilution and dispersion, enhance contaminant retention in the soil, and reduce losses from wind, runoff, or impacts on surrounding areas.

For soil injection, with typical discharge volumes of up to 20 m^3/day (or 2,400 m^3 annually), the injection depth per application is expected to be around 20 mm. As detailed in Section 3.5, a 7.82-hectare land application area has been designated for the discharge of winery wastewater, grease trap waste, and mud tank/sump waste.

Crop production

In the locations where land application occurs, areas will be planted with crops to minimise nutrient leaching. In years 2 and 3, the areas would be managed as rotational grass with grazing by sheep or silage made, before being suitable to receive the WAS discharge again. This 3-year rotation of each block will minimise effects of the WAS discharge on the environment.

3.4 Description of the Environment

The site is located near Lauder. The site is zoned a Rural Resource Area under the Central Otago District Council plan.

3.4.1 Soils

The application explains that the soil at the Lauder site is generally well-suited for land application of WAS, grease trap waste, mud tank/sump waste, and winery wastewater. Physically, the soils have favourable properties—such as good texture and moisture retention—that support soil improvement through organic waste application. Chemically, the soils are infertile, with low levels of phosphorus, nitrogen, organic carbon, and cation exchange capacity, indicating a need for nutrient and organic matter inputs.

3.4.2 Surface Water and Groundwater

The Applicant states that the depth to groundwater at the site was measured between 1.5-2 m below ground level in the test pits. Ground water level measurements from nearby bores within approximately 3 km of the site give static water levels of approximately 1 m below ground level.

The nearest bore is used for agricultural irrigation, G41/0296, this is located approximately 910 m northwest of the nearest edge of discharge area. There are no other bores within 2 km of the discharge area. There are no surface water takes within 5 km of the proposed discharge area.

Lauder Creek flows roughly parallel to the northern boundary with its closest point around 2 km north of the property. The creek curves around the eastern side of the property and joins the Manuherekia River approximately 5 km south of the property. The nearest point of the

Manuherekia River to the property is approximately 4.3 km southeast from the discharge area. Thomsons Creek is located approximately 3.5 km to the west of the discharge area.

There are a number of surface waterways, including water storage ponds and a small wetland within the discharge site as shown in Figure 2 below. The Applicant has proposed a 20 m setback from any wetlands or storage ponds, 50 m setback from surface watercourses, and 5 m from irrigation races.

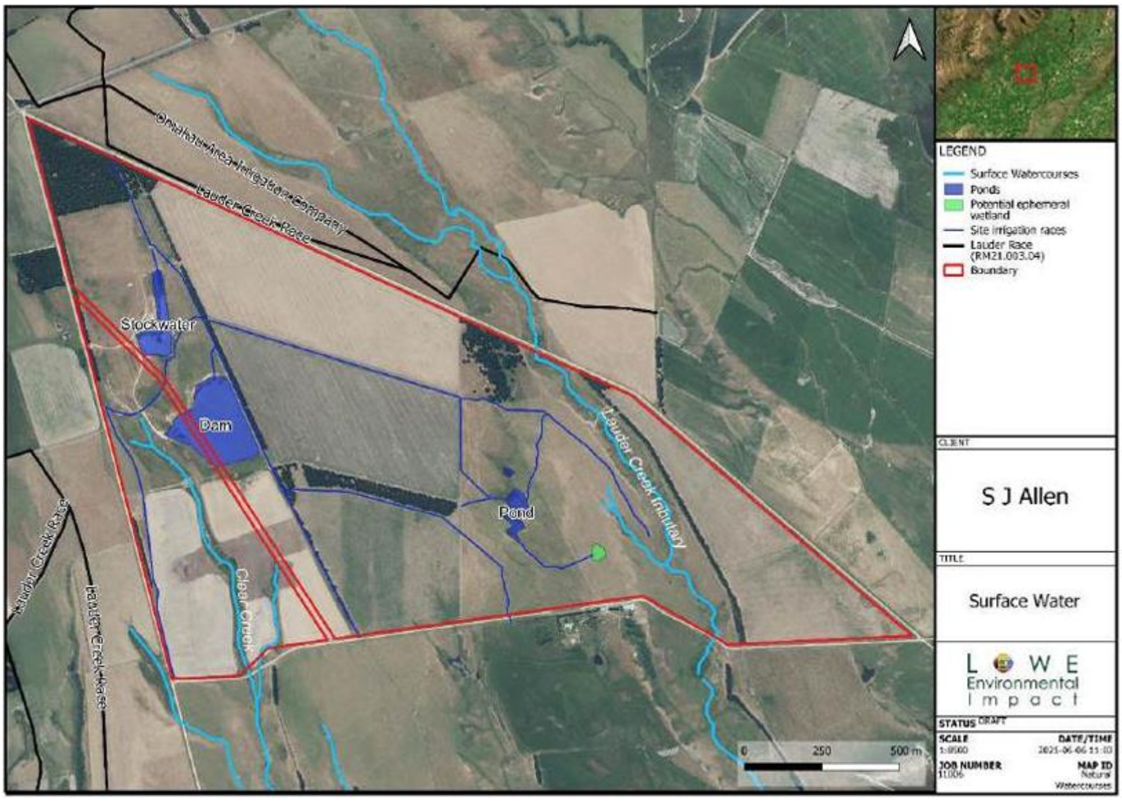

Figure 2. Surface water on site (Source: RM25.407 Application)

3.4.3 Storage dam, stock water pond, and pond

There is an irrigation water storage dam (as illustrated in Figure 2) located on the property. This is there to ensure pasture and crop can be irrigated as required, not only when water is available (the Applicant holds a surface water take 3.4 km north of the site). There is also a stock water pond to the north of this dam and a pond in the centre of the site that is supplied by the irrigation races from the main storage dam (both depicted in Figure 2).

3.4.4 Site Visit

A site visit was not undertaken for this application as there was considered to be sufficient photographic evidence, plans and aerial mapping information of the site to understand the nature of the site. The scale and the nature of the activity proposed means that a site visit was not required in this instance.

4. Status of the Application

.The proposed discharge of WAS, grease trap and mud tank/sump waste and winery wastewater contain contaminants from an industrial or trade premise. Therefore, the activities are considered a **discretionary** activity under rule 12.B.4.1.

Unless discussed above, all other relevant permitted activity rules are complied with.

4.1 Permitted Activity Rules

Regional Plan Air

The Applicant has stated that they comply with permitted activity Rule 16.3.7.1, which states:

Discharges from the storage, transfer, treatment and disposal of liquid-borne municipal, industrial or trade waste - permitted activity

The discharge of contaminants into air from the storage, transfer, treatment or disposal (including land application of treated effluent and sludge, but excluding the burning of sludge and associated solids) of liquid-borne municipal, industrial or trade waste, where the influent liquid waste does not exceed a BOD5 of 850 kg per day;

is a permitted activity, providing:

- *(a) Ponds constructed after 1 January 2002 are located at least 150 metres from the closest part of the boundary of the property; and*
- *(b) Land application does not occur within:*
  - *(i) 150 metres from any residential dwelling on a neighbouring property or from a building used for employment purposes on a neighbouring property; and*
  - *(ii) 20 metres from a formed public road; and*
  - *(iii) 150 metres from any public amenity area or place of public assembly, excluding formed public roads, and*
- *(c) Any discharge of odour, particulate matter, droplets or gases is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.*

5. Assessment of Adverse Environmental Effects

An assessment of effects is provided in the application and that is adopted for the purposes of this report. Key details are outlined below as it relates to understanding the scale of effects and to inform the recommendation on notification.

5.1 Effects on Human Health

Surface ponding of effluent can pose a significant human health risk. The proposed discharge, if undertaken as proposed, should not result in the surface ponding of effluent or associated adverse effects on human health. The Applicant has volunteered conditions of consent that require inspection of the land to ensure ponding does not occur. The effects of the discharge on human health from surface ponding are expected to be less than minor.

5.2 Effects on Soils and plants

The application states that the proposed discharge of WAS at 600 kg total nitrogen per hectare with a return period of three years (N)/ha (equivalent to 200 kg N/ha/year) is designed to enhance plant growth while maintaining environmental safety. Winery waste, applied at up to 150 kg N/ha/year, due to its liquid nature, contributes similarly as a slow-release nutrient source. The WAS application will result in a phosphorus (P) loading rate of 118 kg P/ha over three years (approximately 39 kg P/ha/year), with 21% being immediately available to plants.

Soil testing provided and explained in the application confirms that the receiving soils are suitable for WAS application, with characteristics such as low total carbon and nitrogen content suggesting a high potential for improvement. The addition of WAS is expected to boost soil organic matter, microbial activity, and nutrient-holding capacity, improving long-term soil fertility and productivity.

An Overseer nutrient model was provided through the further information request. The model illustrates that the change in soil chemistry to be more nutrient rich, which will enhance the ability for plant production. Therefore, the proposed methods of discharging and crop production, for cut and carry, will ensure that any potential adverse effects from increasing nutrients in the soils in reduced. The cut-and-carry approach allows crops to grow and actively uptake nutrients, thereby reducing the amount of excess nutrients released into the surrounding environment. The three-year rotation as described earlier will reduce impacts by aiding in the uptake on nitrogen. RSU has reviewed this information and the model and agrees that the use of the overseer model is appropriate and agrees with the Applicant's assessment of the adverse effects on soils and plants.

Overall, the proposed discharge is expected to have less than minor effects on soil and plants.

5.3 Effects on Wetlands

As mentioned above a small wetland is located on the eastern side of the property. The application states that based on historical aerial imagery and seasonal observation, this wetland is intermittently saturated, with approximately 80% of its surface area drying during extended dry periods. Adjacent to this is a smaller, secondary wetland feature, which is likely ephemeral, as it appears to desiccate completely during certain times of the year.

The Applicant has proposed a 20 m setback from natural wetlands and considered this efficient to avoid adverse effects. RSU confirmed that this setback will be appropriate. In addition to this, the soil characteristics of the proposed application area are assessed to be well-structured, with moderate to high permeability and adequate organic matter content. This will further enhance protection through natural attenuation processes such as:

- Adsorption of nutrients and trace elements;
- Microbial degradation of organic matter; and
- Infiltration and buffering, reducing surface runoff potential.

The application is also subject to seasonal timing controls, which exclude application during periods of saturated soil conditions. This operational constraint will minimise the risk of surface runoff or subsurface leachate movement towards the wetland system.

Given the 20 m setback, the intermittent hydrology of the wetland, and the capacity of the receiving soils to assimilate and recycle nutrients, the potential effects of the proposed land application on natural wetlands will be less than minor.

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5.4 Effects on Groundwater

The discharge has the potential to introduce and increase nitrogen and pathogen concentrations within the groundwater. The application notes the constituents of concern in relation to the proposed discharge include nitrate-nitrogen (NO_3^--N), phosphorus, sodium, biological oxygen demand (BOD), microbial pathogens, and trace organics or metals.

Microbial contaminants

The Waste Activated Sludge (WAS) is estimated to contain approximately 650,000 Most Probable Number (MPN)/100 mL of E. coli (Winery waste has 96,157 MPN/100 ml, Grease trap and mud tank/sump has no E.coli source implying that their E.coli number will be much lower than the WAS and winery waste). When WAS is incorporated into the soil at a depth of approximately 150–200 mm, the soil microbes outcompete and eliminate most of the E. coli. As a result, E. coli levels are reduced to insignificant amounts, minimising environmental and health risks.

Microbial contaminants, if present, are expected to be rapidly reduced through:

- Die-off under aerobic soil conditions;
- Filtration through microporous soil matrices; and
- Biological antagonism by indigenous soil microfauna and microorganisms.

At the site, groundwater is known to be at 1.5-2 metres below ground level. Thus, there would still be at least a 1.5 m unsaturated soil profile. This unsaturated zone is likely sufficient to provide an appropriate buffer to groundwater.

Nitrogen

Nitrate-nitrogen is mobile through the soil and has the potential to adversely affect human health if present in high concentrations in drinking-water. The Drinking Water Standard for New Zealand 2005 (MoH, 2005) specifies a Maximum Acceptable Value for nitrate-nitrogen of 11.3mg/L. The WAS has a total nitrogen concentration of 6.6% before application into the soil. The total nitrogen in WAS consists of organic nitrogen from organic matter. There will be a minor amount of nitrite-nitrogen, nitrate-nitrogen and ammoniacal nitrogen.

The nitrogen loading rate for WAS will be approximately 600 kg total N/ha applied weekly with a return period of three years, which is equivalent to an average of 200 kg N/ha/year. Winery waste will be applied at a rate of up to 150 kg N/ha/year. Once applied, the nitrogen will be taken up by plants and removed when crops are harvested, so it will not build up in the soil. Thus, the amount being applied is not more than the soil can handle. This discharge therefore should not have any adverse effects on groundwater nitrogen concentrations providing the disposal system is effectively managed.

Phosphorus

The total P concentration in the WAS is 1.3% (w/w). The application of 45.5 ton of wet WAS application will bring 39 kg P/ha/year and 118 kg P/ha/ 3-year period. Phosphorus is not very mobile within the soil profile. The application states that there is a low potential for phosphorous leaching to groundwater due to the large depth of soil matrix before any potential groundwater, and most (if not all) phosphorous will be retained within the soil profile and not be leached to groundwater.

Heavy Metals
A detailed assessment of the heavy metals can be found on pages 64-67 of the application. The conclusion to this assessment explained:

> *Based on the comprehensive heavy metals assessment, the proposed land application of WAS, grease trap waste, mud sump/tank waste and winery wastewater are expected to have less than minor effects on soil and environmental quality. All trace element concentrations remain well within regulatory thresholds as defined by the Beneficial Use of Biosolids on Land (Water New Zealand, 2025), supporting the safe and sustainable reuse of biosolids in agricultural landscapes.*

The Applicant has proposed a testing regime that will ensure that the concentration of heavy metals within waste to be discharged remains within this threshold.

Under the proposed land management plan, materials will be applied:

- The discharge will be applied weekly with a return period of three years at a conservative rate of 600 kg total nitrogen/ha (for WAS);
- To unsaturated soils with suitable infiltration capacity (application during periods of saturated soil moisture will be avoided); and
- Subject to strict setback distances and climate-based timing controls.

The Applicant's assessment as to the actual or potential adverse effects on groundwater from the above contaminants have been peer-reviewed by RSU. Subject to groundwater monitoring (that has been agreed to as a condition of consent), RSU concluded that when WAS, winery waste, mud sump/tank and grease trap wastes are applied in accordance with the proposed rate, frequency, mitigations, and good management practices any potential adverse impacts on groundwater are expected to be less than minor.

5.5 Effects on Surface Water

In this instance, the nearest surface watercourses are located throughout the property and thus appropriate setbacks throughout the site must be implemented.

The risks to surface water are mitigated through implementation of the following best practice mitigations:

- Minimum 20 m buffer zone to natural wetlands;
- 50 m buffer zones to all other natural surface water bodies;
- 5 m buffer from irrigation races;
- 20 m buffer from water storage ponds;
- Application only on flat or gently sloping terrain to reduce runoff risk;
- Avoidance of application during periods of saturated soil moisture; and
- Rapid incorporation of materials into the upper soil horizon to prevent surface exposure and runoff.

RSU has reviewed these setbacks, and alongside the proposed discharges acting in accordance with the proposed rate, frequency, and good management practices, overall, potential adverse effects on surface water are expected to be no less than minor.

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5.6 Effects on Aquatic Ecology

Any potential impacts on aquatic ecology would only occur indirectly through hydrological connectivity with nearby water bodies. The activity will take place on private, restricted-access pastoral land following strict environmental protocols and best management practices.

Key protective measures include:

- 50 m buffer zones from all streams and tributaries.
- 20 m buffer zone from natural wetlands.
- 5 m setbacks from on-site irrigation channels.
- Application only during favourable weather conditions (no heavy rain or saturated soils).
- Use of low-rate application and rapid soil incorporation.
- Compliance with slope and soil suitability thresholds.

These measures are designed to prevent contamination through runoff or leaching, protecting water quality, aquatic habitats, and riparian zones. Overall, the proposal poses negligible risk to aquatic ecosystem health or downstream water quality. Overall, effects on ecology are considered to be less than minor.

5.7 Effects on Air Quality

The greatest potential for odour nuisance from on-site systems arises from effluent ponding. This problem should occur if the disposal system is managed properly, as recommended in consent conditions. Any odour emissions are expected to be of short duration, generally limited to a few hours per application event. Given the small quantities involved and the localised nature of the discharge, any odour effects will be minor, transient, absence of nearby sensitive receptors, and confined to the application area.

Overall, potential adverse effects on air quality are expected to be less than minor.

5.8 Effects on Other Groundwater Users

Discharges of wastes to land have the potential to result in groundwater contamination if contaminants migrate through soil into groundwater, which could impact on nearby users of that groundwater. Given the location of the discharge in relation to nearby groundwater takes as well as the application volume and quality of the proposed discharge, adverse effects on other users of groundwater are considered to be less than minor.

5.9 Effects on Cultural Values

As discussed in section 5.3, 5.4 and 5.5 above, given the volume and quality of the discharge along with the method of disposal, the proposed discharge to land will have a less than minor effects on groundwater and surface water bodies near and on the site.

Aukaha's letter of written approval notes that:

> *During November 2024 discussions about site suitability, the applicant stated that they will be applying for a discharge permit for the whole site (excluding waterway setbacks), but during the first 12-months, only a small portion shall receive discharge*

as a trial period. After this 12-month trial, the monitoring results shall be collated into a report detailing the effects on the receiving environment. The applicant agreed to share this report with kā Rūnaka (via Aukaha Ltd), for their feedback on the impacts from a cultural perspective. This report will also include any proposed changes to the methodologies to further mitigate and minimise effects on the receiving environment.

The engagement process that the Applicant undertook with Aukaha had the following outcomes:

- No particular areas of cultural significance were identified; and
- Written approval was provided so long as proposed condition is implemented.

Appendix 1 of the written approval states:

Kā Rūnaka have provided direction on how they would like to see any unforeseen effects on the receiving environment during the trial period to be addressed. This direction is aligned with the approach proposed by the Applicant; however, it must be noted that the exact wording must be refined at the consent conditions stage of council process to meet the council expectations from an enforceability perspective. The following text details the intent of the condition to address this:

If, after the trial period, the monitoring results show the discharge of waste products has adverse effects on the receiving environment which are greater than predicted, or unforeseen, by the application, the consent holder shall either revise the operations and management plan in consultation with kā Rūnaka and the Otago Regional Council (ORC) or through another process mutually agreed with kā Rūnaka and the ORC in order to remediate these effects. The timeframe for any required remediation will be set during the consultation process.

The Applicant has proposed a condition which is in alignment with kā Rūnaka's request. Therefore, effects on cultural values are considered to be less than minor.

5.10 Consideration of Alternative

The Applicant has considered alternatives for WAS and grease trap and mud tank/sump waste and winery wastewater. For WAS, the application states that the primary alternative option to the proposed WAS management is to continue the status quo of sending the waste to landfill. However, as discussed in the application this is a significant financial investment and does not utilise the potential of WAS for beneficial reuse as a fertiliser and soil conditioner. Other alternative options that were considered with the proposal to discharge to land include the site location and the discharge methods.

The Applicant has also considered the following alternatives for grease trap and mud tank/sump waste and winery wastewater:

(i) Discharge all wastes into trenches;
(ii) Discharge all wastes onto land via the spreader bar;
(iii) Discharge the grease trap and mud sump waste via soil injection; and
(iv) Truck the winery wastes to district council WWTP facilities

The Applicant has adopted land application/treatment for winery waste and two options for the grease trap and mud tank/sump waste - trenches and soil injection.

5.11 Cumulative Effects

Provided the proposed setbacks, combined with the timing of the applications to avoid rainfall and saturated conditions, should allow for an effective barrier against cumulative nutrient loading or sedimentation in nearby waterways. The adherence to good land management practices further supports this outcome. The Applicant has also proposed regular monitoring to ensure any potential cumulative impacts are identified and able to be mitigated.

Council staff are aware of the potential for cumulative effects resulting from discharges in the area in relation to increases in nitrogen. RSU noted that the proposed discharge is not likely to contribute in a significant manner. The likelihood of such effects can be avoided or mitigated, provided discharges are properly managed and appropriate conditions applied to discharge permits. Further comment from RSU explained that the mitigations are required and monitoring is necessary to ascertain the added risk of greater amounts of Nitrogen are minimised. These recommendations were either already proposed by the Applicant or were subsequently adopted as part of the application following RSU audit. Cumulative effects are expected to be less minor.

5.12 Conclusion

Overall, the adverse effects of the proposed activity are expected to be less than minor.

6. Notification and Written Approvals

6.1 Section 95A Public Notification

Step 1: Is public notification mandatory as per questions (a) – (c) below?

- **(a)** Has the applicant requested that the application be publicly notified? **No**
- **(b)** Is public notification required by Section 95C? **No**
  Has further information been requested and not provided within the deadline set by Council? **No**
  Has the applicant refused to provide further information? **No**
  Has the Council notified the applicant that it wants to commission a report but the applicant does not respond before the deadline to Council's request? **No**
  Has the applicant refused to agree to the Council commissioning a report? **No**
- **(c)** Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977? **No**

Step 2: Is public notification precluded as per questions (a) – (b) below?

- **(a)** Is public notification precluded by a rule in the plan or a NES? **No**
- **(b)** Is the application for one or more of the following activities but no other activities**:**
  - **(i)** A controlled activity? **No**
  - **(ii)** A restricted discretionary, or discretionary activity, but only if the activity is a subdivision of land or a residential activity? ***[Repealed]***
  - **(iia)** A restricted discretionary, discretionary or non-complying activity but only if the activity is a boundary activity? **No**
  - **(iii)** A prescribed activity (see section 360G(1)(a)(i)? ***[Repealed]***

Step 3: Does the application meet either of the criteria in (a) or (b) below?

(a) Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification? **Yes** / **No**

(b) Will the activity have or be likely to have adverse effects on the environment that are more than minor in accordance with Section 95D? **No**

The adverse environmental effects on the environment from the proposal are discussed in elsewhere of this report. Based on this review, I consider that there will not be more than minor adverse effects on the environment (discounting the site and adjacent sites).

Step 4: Do special circumstances exist in relation to the application that warrant the application being publicly notified? No

6.2 Section 95B Limited Notification

Step 1

Section 95B(2) Are there any affected groups or persons identified under Section 95B(2):

(a) Protected customary rights groups? **No**

(b) Customary marine title groups? **No**

Section 95B(3)(a) Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11? **No**

Section 95B(3)(b) Is a person to whom a statutory acknowledgement is made an affected person under Section 95E? **No**

Step 2

Is Limited Notification precluded under Section 95B(6)?

(a) Is the application for a resource consent for one or more activities, and each activity is subject to a rule or national environmental standard that preclude limited notification? **No**

(b) **(i)** Is the proposal a Controlled Activity that requires consent under the District Plan (other than a subdivision of land)? **No**

(ii) Is it a prescribed activity under Section 360G(1)(a)(ii)? ***[Repealed]***

Step 3

Having regard to Section 95E of the Resource Management Act, identify persons who would be adversely affected by the proposed activity by effects that are minor or more than minor, but not less than minor and give reasons why affected parties were identified.

Written approvals were provided with the application from Aukaha on behalf of mana whenua. As approvals have been provided from these parties, adverse effects on them have been disregarded and they are not been considered to be an affected party.

The following parties were not considered to be affected parties to the application as effects on them will be less than minor or they are not considered to be affected parties:

Party	Why they are not affected
Department of Conservation	*The potential adverse effects on surface water bodies in proximity to the proposed discharge site are considered to be less than minor. Adverse effects on indigenous aquatic values are considered to be less than minor. There are no items of historic heritage that would be affected by this proposal.*
Public Heath South (PHS)	*The potential adverse effects on soils, groundwater and surface water bodies in proximity to the proposed discharge site are considered to be less than minor. Adverse effects on human health are considered to be less than minor.*
Persons owning or occupying Neighbouring Properties	*The potential adverse effects are not expected to extend beyond the property boundary. Therefore, effects on the owners or occupiers of neighbouring properties are considered to be less than minor.*
Nearby Groundwater Users	*There is the potential for wastewater discharges to contaminate groundwater. There are no current groundwater takes used for domestic supply located within 2km downgradient of the discharge site. Therefore, it is considered there will be no effects on nearby groundwater users.*

Have all persons identified as affected under Step 3 provided their written approvals? Yes

Step 4 Further notification in special circumstances

Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under Section 95E as not being affected persons)? **No**

7. NOTIFICATION RECOMMENDATION:

In accordance with the notification steps set out above, it is recommended that the application proceed on a non-notified basis.

7(2)(a) [redacted]

Daizy Thompson-Fawcett
Consents Planner
23 January 2026

Otago Regional Council

7(2)(a) [redacted]

Shay McDonald
Principal Consents Planner
23 January 2026

Otago Regional Council

DECISION ON NOTIFICATION

Sections 95A to 95G of the Resource Management Act 1991

Date: 28 January 2026

Application No: **RM25.407**

Subject: ***Decision on notification of resource consent application under delegated authority***

Decision under Delegated Authority

The Otago Regional Council decides that this resource consent application is to be processed on a **non-notified**[1] basis in accordance with sections 95A to 95G of the Resource Management Act 1991.

The above decision adopts the recommendations and reasons outlined in the Notification Recommendation Report above in relation to this application. I have considered the information provided, reasons and recommendations in the above report. I agree with those reasons and adopt them.

This decision is made under delegated authority by:

7(2)(a) [redacted]

……………………………..…

Peter Christophers
Team Leader Consents
28 January 2026

[1] Once all identified affected parties have provided their unconditional written approval to the application. If these approvals are not provided then the application will proceed by limited notification.

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ORC SECTION 42A REPORT

1. Summary of Recommendation

I recommend that this application be approved, subject to the conditions discussed at the end of this report.

Please note that this report contains the recommendations of the Consent Planner and represents the opinion of the writer. It is not a decision on the application.

There are no principal issues in contention with the Applicant and no evidence was heard as it relates to the application. The key risks/issues with the application were discussed in section 2 of the notification report.

2. Section 104 Evaluation

Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. These matters are subject to Part 2, the purpose and principles, which are set out in Sections 5 to 8 of the Act.

As this application is for a discretionary activity, the Council may grant or refuse the application. If granting consent, the Council may impose conditions under section 108 of the Act.

2.1 Section 104(1)

The remaining matters of Section 104 to be considered when assessing an application for a resource consent are:

(a) the actual and potential effects on the environment of allowing the activity;
(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity
(b) any relevant provisions of a national environmental standard, other regulations, a national policy statement, the Regional Policy Statement (RPS), RPW; and
(c) any other matter the Council considers relevant and reasonably necessary to determine the application.

2.2 S104(1)(a) – Actual and potential effects on the environment of allowing the activity

The actual and potential adverse environmental effects of the proposed activity were considered earlier in this report.

In addition to these adverse effects, it is considered that the proposal will have the following positive effects:

- Enhanced nutrient content and retention and avoidance of synthetic fertilisers.
- Enables the enhancement and continued use of existing land resources.
- Minimises waste being disposed at landfills.

2.3 S104(1)(ab)

The Applicant has not proposed or agreed to any measures to offset or compensate for adverse effects that will or may result from allowing the activity. This is because the potential adverse effects are expected to be less than minor.

2.4 S104(1)(b) Relevant Planning Documents

2.4.1 National Environmental Standard for Sources of Human Drinking Water

Regulations 7 and 8 of the National Environmental Standard for Sources of Human Drinking Water (NES) need to be considered when assessing discharge permits that have the potential to affect registered drinking water supplies that provide 501 or more people with drinking water for 60 or more calendar days each year.

Regulations 11 and 12 of the NES requires the Consent Authority to place an emergency notification condition on relevant consent holders if it is assessed that the activity could pose a risk to the drinking water supply in the case of an unintended event (e.g. a spill or other accident). If the Consent Authority considers that such a risk exists, a condition must be placed on the consents that requires the consent holder to notify the drinking water supplier if such an event occurs. Regulation 11 states that Regulation 12 applies to activities with the potential to affect registered drinking water supplies that supply 25 or more people with drinking water for 60 or more days of a calendar year.

The proposal will not affect any registered drinking water supplies, therefore the NES for human drinking water is not relevant.

2.4.2 National Environmental Standards for Freshwater 2020

The NESFW 2020 regulations came into force on 3 September 2020 and were amended in December 2022. They impose standards on a range of farming activities and other activities relating to freshwater. They also set out a framework for consenting certain activities if the standards are not met. The NESFW is not relevant to this application.

2.4.3 National Policy Statement for Freshwater Management

The National Policy Statement for Fresh Water Management 2020 (“NPS-FM”) provides direction to local authorities and resource users regarding activities that affect the health of freshwater and sets out objectives and policies for freshwater management under the RMA.

The NPS-FM came into force on 3 September 2020 and was amended in December 2022, replacing the previous 2014 NPS-FM. Although it retains some of the same principles as the NPS-FM 2014, including a strengthened focus on Te Mana o te Wai, the NPS-FM 2020.

Part 2 of the NPS-FM sets out the national objective for future freshwater management and 15 separate policies that support this objective.

The objective of the NPS-FM 2020 is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems;
(b) second, the health needs of people (such as drinking water); and
(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

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Section 104 of the RMA has been amended to include section 104(2F) which provides that when considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020). Subsection (2F) applies despite subsection (1)(b)(iii) and any other provision of the RMA.

The amendment to section 104 applies to applications for a resource consent that is lodged with a consent authority before commencement of the amendments if the consent authority has not served notice of its decision on the application.

As a result, clause 1.3(5) and clause 2.1 (the objective) of the NPSFM 2020 has not been assessed.

Relevant policies in the NPS-FM are detailed below:

Policy 1:	*Freshwater is managed in a way that gives effect to Te Mana o te Wai.*
Policy 2:	*Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*
Policy 3:	*Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*
Policy 6:	*There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*
Policy 13:	*The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.*
Policy 15:	*Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.*

The Council has proposed a progressive implementation plan for meeting the NPS-FM 2020 and this includes developing a new land and water plan that includes objective and targets for FMUs in accordance with the requirements of the NPS-FM. A review condition has been recommended to allow conditions to be imposed on the discharge permit, if required, once the new land and water plan is fully operative.

The health of waterbodies and freshwater ecosystems has been considered throughout the proposal. The ultimate purpose of the activity is to reuse resources to improve soil health and agricultural production. Mana whenua were consulted in the early stages of the project and have provided their written approval. The proposal recognises the interconnectedness between land and water, and how the discharges can impact on freshwater. The proposed activity is also considered to provide economic benefit and support for local communities. Any potential adverse environmental effects will be managed. Overall, the proposed activity is considered to be generally consistent with the NPS-FM.

2.4.4 Operative Regional Policy Statement and Proposed Otago Regional Policy Statement

The RPS's provide an overview of the resource management issues for the Otago Region and the ways of achieving integrated management of its natural and physical resources. There are currently two regional policy statements in play in the Otago Region:

- Operative Otago Regional Policy Statement 2019 (**ORPS 2019**); and
- Proposed Otago Regional Policy Statement (**P-ORPS 2021**), which was first notified on the 26 June 2021 and on 30 September 2022 for the freshwater instrument components. On 30 March 2024 a hearing panel decision was released for both the freshwater and non-freshwater components.

Where two documents have legal effect, weighting is applied, with the weight determined taking into consideration:[3]

- The extent to which the proposed plan has been tested through the submissions and hearings process
- The potential for injustice
- The extent to which new measures represent a significant policy shift from the operative plan

There is some support through caselaw for giving proposed provisions more weight, particularly where the proposed plan introduces a change in the resource management strategy[2].

In this case, the 2021 RPS gives effect to the most recent suite of national direction, including the NPSFM 2020. Given the 2021 RPS has been through the hearings process with decisions released, and gives effect to national direction, it is recommended that more weight be given to the decisions on the 2021 RPS where there is conflict between the two provisions.

Table 4 identifies all the relevant objectives and policies in the Operative RPS for this application as well as similar objectives and policies in the Proposed RPS. Where both objectives/policies need to be considered (where the proposed RPS 2021 policy is shaded), weighting has been applied. Where the proposed RPS 2021 objective/policy is effectively operative (shaded white in the proposed RPS 2021 column) full consideration has been given to the 2021 policy because it is effectively operative. Additional relevant objectives and policies in the proposed RPS 2021 are listed in
Table 5 below.

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[2] *Mapara Valley Preservation Society Inc v Taupo District Council* EnvC (A083/07), *Auckland Regional Council v Waitakere Council* (A065/08)

Table 4. Assessment of the relevant objectives and policies in the Operative RPS 2019 and companion objectives and policies in the Proposed RPS 2021

Operative RPS 2019 Strikethrough of the objective or policy means it has not been assessed (i.e. it has been replaced by a Proposed RPS 2021 provision)	Proposed RPS 2021 Shaded objectives and policies are under appeal and will be weighted against the operative RPS objectives and policies	Assessment
~~**Objective 1.1** Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities~~ ~~**Policy 1.1.1** Economic Wellbeing~~ ~~**Policy 1.1.2** Social and cultural wellbeing and health and safety~~	**IM-O3 –Sustainable impact** Otago's communities provide for their social, economic, and cultural well-being in ways that support or restore environmental integrity, form, functioning, and resilience, so that the life-supporting capacities of air, water, soil, and ecosystems are sustainably managed, for future generations.	The discharge of WAS, winery waste, grease and mud sump discharges to land allows for appropriate management of these substances. It also seeks to support the reuse of organic wastes, thus proposing to improve soil health and plant production in the long term, which brings economic and social benefits. Overall, the proposal is considered generally consistent with these objectives and policies.
~~**Objective 1.2** Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago~~ ~~**Policy 1.2.1** Integrated resource management~~	**IM-O2 – Ki uta ki tai** The management of natural and physical resources embraces ki uta ki tai, recognising that the environment is an interconnected system which depends on its connections to flourish and must be managed as an interdependent whole. **IM-P5 – Managing environmental interconnections** Manage the use and development of interconnected natural and physical resources by recognising: (1) situations where the value and function of a natural or physical resource extends beyond the immediate, or directly adjacent, area of interest, (2) situations where effects of an activity extend to a different part of the environment, and (3) the impacts of management of one natural or physical resource on the values of another, or on the environment. **IM-P7 – Cross boundary management** Coordinate the management of natural and physical resources and the environment across jurisdictional boundaries and, whenever possible, between overlapping or related agency responsibilities. **CE-P1A – Integrated management/ki uta ki tai** Implement an integrated approach to managing Otago's coastal environment that: (1) recognises the interactions, ki uta ki tai, between the terrestrial environment, fresh water, and the coastal marine area, including the migration of fish species between fresh water and coastal water, (2) provides for the natural functioning of coastal processes at the physical interface between land, fresh water, and the coastal water, (3) ensures the effects of the use and development of land and fresh water maintain or enhance the health and well-being of the coastal environment, and (4) takes into account the ongoing effects of climate change.	Consideration has been given to the interconnection between the land and water that has the potential to be affected by this activity. The proposed discharges have been assessed as not having any direct effects on adjacent water bodies. Any potential adverse effects on the environment have been considered acceptable. Thus, the proposal is considered consistent with these objectives and policies.

Operative RPS 2019 Strikethrough of the objective or policy means it has not been assessed (i.e. it has been replaced by a Proposed RPS 2021 provision)	Proposed RPS 2021 Shaded objectives and policies are under appeal and will be weighted against the operative RPS objectives and policies	Assessment
	LF-WAI-P3 – Integrated management/ki uta ki tai Manage the use of fresh water and land, using an integrated approach that is consistent with tikaka and kawa, that: (1) sustains and, to the greatest extent practicable, restores or improves: (a) the natural connections and interactions between *water bodies* (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral), (b) the natural connections and interactions between *land* and *water,* from the mountains to the sea, (c) the habitats of *mahika kai* and indigenous species, including taoka species associated with the *water bodies,* (4) manages the effects of the use and development of land to maintain or enhance the health and well-being of *freshwater*, *coastal water* and associated ecosystems, (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable, (6) has regard to foreseeable *climate change risks*, and the potential effects of *climate change* on *water bodies,* including on their natural functioning, (7) has regard to cumulative *effects,* and (8) applies a precautionary approach where there is limited available information or uncertainty about potential adverse *effects,* in accordance with IM-P6.	
~~**Objective 2.1** The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions~~ ~~**Policy 2.1.1** Treaty Obligations~~ ~~**Policy 2.1.2** Treaty Principles~~ ~~**Objective 2.2** Kāi Tahu values, interests and customary resources are recognised and provided for~~ ~~**Policy 2.2.1** Kāi Tahu wellbeing~~	**MW-O1 – Principles of Te Tiriti o Waitangi** The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and papatipu rūnaka to ensure that what is valued by mana whenua is actively protected in the region. **MW-P1 – Treaty obligations** Promote awareness and understanding of the obligations of local authorities in regard to the principles of Te Tiriti o Waitangi, tikaka Māori and kaupapa Māori. **MW-P2 – Treaty principles** Local authorities exercise their functions and powers in accordance with the principles of Te Tiriti o Waitangi, by: (1) recognising the status of Kāi Tahu as *mana whenua* and facilitating Kāi Tahu involvement in decision-making as a partner under Te Tiriti o Waitangi, (2) including Kāi Tahu in resource management processes, implementation and decision-making to the extent desired by mana whenua, (3) recognising and providing for Kāi Tahu values and addressing resource management issues of significance to Kāi Tahu, as identified by *mana whenua*, in resource management	The principles of Te Tiriti o Waitangi have been taken into account when processing this discharge activity. Consideration has been given to iwi management plans, and specific consideration as to whether mana whenua are affected by the proposal. Mana whenua were consulted in the early stages of the project and have provided written approval for the application. Overall, the application is considered consistent with these objectives and policies.

Operative RPS 2019 Strikethrough of the objective or policy means it has not been assessed (i.e. it has been replaced by a Proposed RPS 2021 provision)	Proposed RPS 2021 Shaded objectives and policies are under appeal and will be weighted against the operative RPS objectives and policies	Assessment
	decision-making processes and plan implementation, (4) recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, and waters, encompassing wai māori and wai tai, significant sites, *wāhi tūpuna,* wāhi tapu and wāhi taoka, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them, (5) ensuring that *regional plans* and *district plans* recognise and provide for Kāi Tahu relationships with Statutory Acknowledgement Areas, tōpuni, *nohoaka* and customary fisheries identified in the NTCSA, including by actively protecting the mauri of these areas, (6) having particular regard to the responsibility of Kāi Tahu to exercise their role as kaitiaki, as an expression of mana and rakatirataka, (7) actively pursuing opportunities for: (a) delegation or transfer of functions to Kāi Tahu, and (b) partnership or joint management arrangements, (c) taking into account iwi management plans when making resource management decisions, (8) *regional plans* and *district plans* recognising and providing for aquaculture settlement outcomes identified under the Māori Commercial Aquaculture Claims Settlement Act 2004, (9) recognising and providing for mātauraka and tikaka in environmental and resource management, and (10) recognising and providing for rights and interests of owners of *Maori land*. **MW-P3 – Supporting Kāi Tahu hauora** The natural environment is managed to support Kāi Tahu hauora by: (1) recognising that Kāi Tahu hold an ancestral and enduring relationship with all whenua, wai māori and *coastal waters* within their takiwā, (2) protecting customary uses, Kāi Tahu values and relationships as identified by Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities, (3) safeguarding the mauri and life-supporting capacity of natural resources, recognising the whakapapa connections of Kāi Tahy with these resources as taoka, and the connections to practices such as *mahika kai,* and (4) working with Kāi Tahu to incorporate mātauraka into resource management processes and decision-making.	
~~**Objective 3.1** The values (including intrinsic values) of ecosystems and natural resources are~~	**IM-O1 – Long term vision (mō tatou, ā, mō kā uri ā muri ake nei)** The management of natural and physical resources, by and for the people of Otago, in partnership with Kāi Tahu, achieves a healthy and resilient natural environment, including the ecosystem services it	The proposed discharge is in line with achieving healthy and resilient environments. All actual and potential effects on

Operative RPS 2019 Strikethrough of the objective or policy means it has not been assessed (i.e. it has been replaced by a Proposed RPS 2021 provision)	**Proposed RPS 2021** Shaded objectives and policies are under appeal and will be weighted against the operative RPS objectives and policies	**Assessment**
~~recognised and maintained, or enhanced where degraded~~	provides and supports the well-being of present and future generations.	the environment are considered acceptable, thus is consistent with this objective.
~~**Policy 3.1.1** Fresh water~~	**LF-FW-P7 – *Fresh water*** *Environmental outcomes, attribute* states (including target *attribute* states), environmental flows and levels, and limits ensure that: (1) the health and well-being of *water bodies* and *freshwater* ecosystems is maintained or, if *degraded,* improved, (2) the habitats of indigenous species with life stages dependent on *water* bodies are protected and sustained, (2A) the habitats of trout and salmon are protected insofar as this is consistent with (2), (2B) fish passage is provided for, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats, (3) *specified rivers and lakes* are suitable for primary contact within the following timeframes: (a) by 2030, 90% of *rivers* and 98% of *lakes*, and (b) by 2040, 95% of *rivers* and 100% of *lakes*, and (4) resources harvested from *water bodies* including *mahika kai* and *drinking water* are safe for human consumption.	The proposed activity will not cause degradation to any freshwater, the health and wellbeing of nearby water bodies will be maintained. Thus, the proposal is considered to be consistent with these policies.
~~**Policy 3.1.7** Soil values~~ .	**LF-LS-P17 – Soil values** Maintain the health and productive potential of soils, to the extent reasonably practicable by managing the use and development of *land* in a way that is suited to the soil characteristics and that sustains mauri through healthy: (1) soil biological activity and *biodiversity*, (2) soil structure, and (3) soil fertility.	The proposed activity will not cause degradation to soil health. The health and wellbeing of soils on site are sought to be improved by the application of the discharges. Thus, the proposal is considered to be consistent with these policies.
~~**Policy 3.2.15** Identifying the significant values of wetlands~~ ~~**Policy 3.2.16** Managing the values of wetlands~~	**LF-FW-O9 – *Wetlands*** Otago's *wetlands* are protected from inappropriate subdivision, use and development and, where degraded, restoration is promoted so that: (1) mahika kai and other *mana whenua* values are sustained and enhanced now and for future generations, (2) in relation to the extent and diversity of indigenous ecosystem types and habitats: (a) for wetlands outside the coastal marine area, there is no net decrease, and preferably an increase, and (b) for natural inland wetlands, there is no decrease, and preferably an increase, other than as provided by the NPSFM, and (3) there is no reduction and, where degraded, there is an improvement in wetland ecosystem health, hydrological	The discharge activity is unlikely to affect the nearby wetlands due to the proposed mitigation measures. Overall, the proposal is considered to be consistent with these objectives and policies.

Operative RPS 2019 Strikethrough of the objective or policy means it has not been assessed (i.e. it has been replaced by a Proposed RPS 2021 provision)	Proposed RPS 2021 Shaded objectives and policies are under appeal and will be weighted against the operative RPS objectives and policies	Assessment
	functioning, *amenity values*, extent or *water* quality, and (4) their flood attenuation and water storage capacity is maintained or improved. **LF-FW-P8 – Identifying *wetlands*** By 3 September 2030, identify and map: (1) any wetland at risk of loss of extent or values, (2) any wetland identified in a farm environment plan, or that may be affected by any application for, or a review of, a resource consent, and (3) all other natural inland wetlands that are: (a) 0.05 hectares or greater in extent, or (b) of a type that is naturally less than 0.05 hectares in extent (such as an ephemeral *wetland*) and known to contain threatened species. **LF-FW-P10A – Managing wetlands** Otago's *wetlands* are managed: (1) in the coastal environment, in accordance with CE – Coastal Environment, and (2) by applying clause 3.22(1) to (3) of the NPSFM to natural inland wetlands, and (3) to improve the ecosystem health, hydrological functioning and extent of wetlands that have been degraded or lost by promoting: (a) an increase in the extent and condition of habitat for indigenous species, (b) the restoration of hydrological processes, (c) control of pest species and vegetation clearance, and (d) the exclusion of stock, except where stock grazing is used to enhance wetland values, and (4) to sustain and enhance Māori freshwater values.	
~~**Policy 5.4.2** Adaptive management approach~~ ~~**Policy 5.4.3** Precautionary approach to adverse effects~~	**IM-P6 – Managing uncertainties** In resource management decision-making, manage uncertainties by using the best information available at the time, including scientific data and mātauraka Māori, and: (1) taking all practicable steps to reduce uncertainty, and (a) in the absence of complete and scientifically robust data, using information obtained from modelling, reliable partial data, and local knowledge, with preference for sources of information that provide the greatest level of certainty, and (b) avoiding unreasonable delays in making decisions because of uncertainty about the quality or quantity of the information available, and (2) adopting a precautionary approach, including through use of adaptive management, towards activities whose effects are uncertain, unknown, or a little understood, but potentially significantly adverse.	A recommendation has been made based on the best available information at the time. As this method of discharge the proposed waste is relatively new, more stringent monitoring conditions will be imposed to manage any unanticipated outcomes. The proposed activity is considered to be consistent with these policies.

Table 5. Additional relevant objectives and policies of the RPS 2021

Proposed RPS 2021 Shaded objectives and policies are under appeal and weighting will be given to them	Assessment
IM-P3 – Providing for mana whenua cultural values in achieving integrated management Recognise and provide for the relationship of Kāi Tahu with natural resources by: (1) enabling mana whenua to exercise rakatirataka and kaitiakitaka, (2) facilitating active participation of mana whenua in resource management processes and decision making, (3) incorporating mātauraka Māori in processes and decision-making, and (4) ensuring resource management provides for the connections of Kāi Tahu to wāhi tūpuna, wai māori (including awa [rivers] and roto [lakes] and wai tai (including te takutai moana [coastal marine area]) and mahika kai and habitats of taoka species.	The application adopts an approach that incorporates mana whenua values through active consultation. Overall, the proposal is generally consistent with the policy.
IM-P13 – Managing cumulative effects In resource management decision-making, recognise and manage the impact of cumulative effects on the form, functioning and resilience of Otago's environment (including resilience to climate change) and the opportunities available for future generations.	Cumulative effects have been assessed in the notification report and are considered to be acceptable. Thus, the application is consistent with this policy.

LF-WAI-O1 – Te Mana o te Wai Otago's water bodies and their health and well-being are protected, and restored where they are degraded, so that the mauri of those water bodies is protected, and the management of land and water recognises and reflects that: (1) water is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa, (2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future, (3) each water body has a unique whakapapa and characteristics, (4) fresh water, land, and coastal water have a connectedness that supports and perpetuates life, (4A) protecting the health and well-being of water protects the wider environment, (5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports, and (6) all people and communities have a responsibility to exercise stewardship, care, and respect in the management of fresh water. **LF-WAI-P1 – Prioritisation** In all decision-making affecting fresh water in Otago, prioritise: (1) first, the health and well-being of water bodies and freshwater ecosystems (te hauora o te wai) and the exercise of mana whenua to uphold this, (2) second, the health needs of people, (te hauora o te tangata) interacting with water through: (a) ingestion (such as drinking of water and consuming resources harvested from the water body), (b) immersive activities (such as harvesting resources and primary contact), and (c) personal hygiene activities (such as food preparation, utensil washing, oral hygiene, showering and flushing the toilet), and (3) third, the ability of people and communities to provide for their social, economic, and cultural well- being, now and in the future. **LF-WAI-P2 – Mana whakahaere** Recognise and give practical effect to Kāi Tahu rakatirataka in respect of fresh water by: (1) facilitating partnership with, and the active involvement of, mana whenua in freshwater management and decision-making processes, (2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with water bodies, (3) providing for a range of customary uses, including mahika kai, specific to each water body, (4) incorporating mātauraka into decision making, management and monitoring processes, and (5) managing wai and its connections with whenua in a holistic and interconnected way – ki uta ki tai. **LF-WAI-P4 – Giving effect to Te Mana o te Wai** All persons exercising functions and powers under this RPS and all persons who use, develop or protect resources to which this RPS applies must recognise that LF-WAI-O1, LF-WAI-P1, LF-WAI-P2 and LF-WAI-P3 are fundamental to upholding Te Mana o te Wai, and must be given effect to when making decisions affecting fresh water, including when interpreting and applying the provisions of the LF chapter.	This application involves an activity that supports the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. To this extent, it sits third on the priority list. Nevertheless, since the proposal is not likely to result in any unacceptable effects on the health and well-being of the resource, nor on the health needs of people, it is considered consistent with these policies. It is noted that Section 104(2F) of the RMA only directs that consent authorities must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020). However, it does not otherwise direct that consent authorities must not have regard to provisions of other planning documents, such as regional policy statements, that similarly relate to the hierarchy of obligations. For completeness, Policy LF-Wai-P1 (Decision priorities) has been given regard to for the purposes of this proposal, but in any case, consideration of this policy, or not, does not have any substantial impact on the recommendation in respect of the proposal. The proposed activity has considered the mauri and life supporting capacity of natural resources, as well as consulting with mana whenua on the proposal to ensure effects are considered acceptable. Overall, the application is consistent with these policies.

LF-FW-O1A – Visions set for each FMU and rohe In each FMU and rohe in Otago and within the timeframes specified in the *freshwater* visions in LF-VM-O2 to LF-VM-O6: (1) healthy *freshwater* and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and *mahika kai* that are safe for consumption, (2) the interconnection of *land*, *freshwater* (including springs, *groundwater*, ephemeral *water bodies*, *wetlands*, *rivers*, and *lakes*) and *coastal water* is recognised, (3) fish passage within and between catchments is provided for except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats, (4) the form, function and character of *water bodies* reflects their natural characteristics and natural behaviours to the extent reasonably practicable, (5) the ongoing relationship of Kāi Tahu with *wāhi tūpuna*, including access to and use of *water bodies*, is sustained, (6) the health of the *water* supports the health of people and their connections with *water bodies*, (7) sustainable *land* and *water* management practices: (a) support food and fibre production and the continued social, economic, and cultural well-being of Otago's people and communities, and (b) improve the resilience of communities to the *effects* of *climate change*, and (c) ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure, (8) direct *discharges* of *wastewater* to *water bodies* are phased out to the extent reasonably practicable, and (9) *freshwater* is managed as part of New Zealand's integrated response to climate change and renewable electricity generation activities are provided for. **LF-VM-O2 – Clutha Mata-au *FMU* vision** In the Clutha Mata-au *FMU,* and in addition to the matters in LF-FW-O1A: (1) management of the *FMU* recognises that: (a) the Clutha Mata-au is a single connected system ki uta ki tai, and (b) the source of the wai is pure, coming directly from Tāwhirimātea to the top of the mauka and into the awa, (1A) sustainable abstraction occurs from *lakes, river* main stems or *groundwater* in preference to tributaries, to the extent reasonably practicable, (6) the national significance of the ongoing operation, maintenance and upgrading of the Clutha hydro-electricity generation scheme, including its generation capacity, storage and operational flexibility and its contribution to *climate change mitigation*, is recognised, provided for and protected, and potential further development of the scheme in Lake Hāwea, on the Hāwea River, and on the Clutha River/Mata-au mainstem, upstream of Roxburgh (within existing consented upper operating levels as at the date this Regional Policy Statement is made operative) is provided for. (6A) *water bodies* support a range of outdoor recreation opportunities, (7) in the Upper Lakes rohe, the high quality *waters* of the *lakes* and their tributaries are protected, and if degraded are improved recognising the significance of the purity of these *waters* to Kāi Tahu and to the wider community, (7A) in the Lower Clutha rohe, opportunities to restore the natural form and function of *water bodies* are promoted wherever practicable, and (8) the outcomes sought are to be achieved within the following timeframes: (a) by 2030 in the Upper Lakes rohe,	The proposal aligns with this vision as no discharge to water will occur, and effects will be managed to an acceptable level. Thus, the proposed activity is considered consistent with the objectives.

(b) by 2045 in the Dunstan and Roxburgh rohe, and (c) by 2050 in the Manuherekia and Lower Clutha rohe.	
LF-FW-P16 – *Discharges* containing animal effluent, *sewage, greywater* and *industrial and trade waste* Minimise the adverse *effects* of direct and indirect *discharges* of wastewater, animal effluent, *sewage, greywater* and *industrial and trade waste* to *fresh water* by: (1) phasing out existing *discharges* of wastewater, *sewage* or *industrial and trade waste* directly to fresh water to the extent practicable, (2) requiring: (a) new discharges of wastewater, sewage or industrial and trade waste to be to land, unless: (i) the adverse *effects* associated with a *discharge* to *land* are demonstrably greater than a discharge to fresh *water,* or (ii) the adverse *effects* associated with a *discharge* to *water* are significantly less than, and replace, an existing discharge(s), or (iii) the discharge is to a constructed water body from which there is no *discharge* of water or *contaminants* (b) discharges of animal effluent from land-based primary production to be to land, (c) that all *discharges* containing *sewage* or *industrial and trade waste* are discharged into a reticulated *wastewater* system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for *fresh water,* (d) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring from reticulated *wastewater* systems, (e) on-site *wastewater* systems and animal effluent systems to be designed and operated in accordance with best practice standards, (f) that any *discharges* do not prevent *water bodies* from meeting any applicable water quality standards set for FMUs and/or rohe, (3) to the greatest extent practicable, requiring the reticulation of *wastewater* in *urban areas,* and (4) promoting source control as a method for reducing *contaminants* in *discharges*.	The discharge of waste and wastewater is not directly to freshwater. The discharge will be to land, therefore the proposal is considered to be generally consistent with this policy.

Assessment against the Regional Policy Statements
Section 104(2F) of the RMA only directs that consent authorities must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020). However, it does not otherwise direct that consent authorities must not have regard to provisions of other planning documents, such as regional policy statements, that similarly relate to the hierarchy of obligations. For completeness, policy LF-WAI-P1(Prioritisation) has been given regard to for the purposes of this proposal, but in any case, consideration of this policy, or not, does not have any substantial impact on the recommendation in respect of the proposal.

Overall, subject to the recommended conditions of consent, it is considered that the application is consistent with the relevant objectives and policies of the ORPS 2019 and the P-ORPS 2021.

2.4.5 Regional Plan: Water for Otago
The following objective and policies are relevant to this application to discharge treated wastewater:

Objective 7.A.1 To maintain water quality in Otago's fresh water but enhance water quality where it is degraded.

Objective 7.A.2 To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kai Tahu values.

Objective 7.A.3 To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

Policy 7.B.1 Manage the quality of water in Otago's fresh water by recognising the differences in the effects and management of point and non-point source discharges; describing in Schedule 15 characteristics indicative of good water quality, setting receiving water numerical limits and targets; maintaining good quality water, enhancing water quality where it does not meet Schedule 15 limits, recognising discharge effects on groundwater and promoting the discharge of contaminants to land in preference to water.

Policy 7.B.2 Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu values, of Otago's fresh water.

Policy 7.B.3 Allow discharges of water or contaminants to Otago lakes, rivers, wetlands and groundwater that have minor effects or that are short term discharges with short term adverse effects.

Policy 7.B.4 In considering the discharge of any contaminant to land, to have regard to
a) the ability of the land to assimilate the water or contaminants;
b) any potential for soil contamination;
c) any potential for land instability;
d) any potential adverse effects on water quality; and
e) any potential adverse effects on use of any proximate coastal marine area for contact recreation and seafood gathering.

Policy 7.B.6 When assessing any consent to discharge contaminants to water, consider the need for and the extent of any zone for physical mixing within which water will not meet the characteristics and limits described in Schedule 15 by taking account of:
a) the sensitivity of the receiving environment;
b) the natural and human use values;
c) the natural character of the water body;
d) the amenity values supported by the water body;
e) the physical processes acting on the area of discharge;
f) the particular discharge including contaminant type, concentration and volume;
g) the provision of cost effective community infrastructure; and
h) good water quality as described in Schedule 15.

Policy 7.B.8 Encourage adaptive management and innovation that reduce the level of contaminants in discharges.

Policy 7.C.1 When considering applications to discharge contaminants to water, to have regard to opportunities to enhance the existing water quality of the receiving water body at any location for which the existing water quality can considered degraded in terms of its capacity to support its natural and human use values.

Policy 7.C.2 When considering applications for resource consents to discharge contaminants to water, or onto or into land in circumstances which may result in any contaminant entering water, to have regard to:

a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;
b) the financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means; and
c) the current state of technical knowledge and the likelihood that the proposed method of discharge can be successfully applied.

Policy 7.C.3 When considering any resource consent to discharge a contaminant to water, to have regard to any relevant standards and guidelines in imposing conditions on the discharge consent.

Policy 9.4.1 To ensure that the suitability of aquifers to support recognised uses of groundwater is maintained when discharging contaminants.

Policy 9.4.18(c) Seeks to identify and manage the vulnerability of groundwater to leachate contamination as a result of point source discharges of water or contaminants to land or groundwater. Any land overlying groundwater at high risk of contamination is identified as Zone A of a Groundwater Protection Zone (GPZ).

The proposed activity has sufficient setbacks to avoid any potentially adverse effects on any values or waterbodies. Adverse effects on groundwater are considered to be low and acceptable as measurable contamination is unlikely to occur due to the depth of groundwater and management practices. Good management practices will be employed to ensure any such potential adverse effects are avoided, mitigated or minimised. Furthermore, stringent monitoring conditions will be imposed to ensure any unanticipated effects can be appropriately managed and mitigated. There is not expected to be any significant effect on water quality given the method of application, rate of application, soil types, time of application, good monitoring and general good management practices. Overall, the application is considered to be consistent with the above policies.

2.4.6 Section 104(1)(c) Any other matters

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 (NRMP) is considered to be a relevant other matter for the consideration of this application. This is because the RPW is yet to be amended to take into account this Plan and this Plan expresses the attitudes and values of the four Papatipu Rūnaka: Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga. The following objectives and policies of are of most relevance to this application:

- To require land disposal for human effluent and other contaminants.
- To require consideration of alternatives and use of new technology for discharge renewal consents.

- To require monitoring of all discharges and that this be undertaken on a regular basis and all information, including an independent analysis of monitoring results, be made available to Kāi Tahu ki Otago.
- To encourage Management Plans for all discharge activities that detail the procedure for containing spills and including plans for extraordinary events.
- To require all discharge systems be well maintained and regularly serviced.
- To require visible signage informing people of the discharge area. Such signs are to be written in Māori as well as English.
- To require groundwater monitoring for all discharges to land.

There will be no discharge of human wastewater to water. The proposed land application will maintain minimum setback distances from sensitive areas, alternative options have been considered, routine monitoring of the discharges will be required by conditions of consent, a Management Plan will be in place, discharge systems will be routinely maintained, and signage can be erected if there is likely to be any public access near to the application areas. Written approval has been obtained from kā Rūnaka and therefore the proposal is considered consistent with the NRMP.

There are no other matters of concern that the Council considers relevant to this application.

3. S104G Consideration of activities affecting drinking water supply source water

When considering an application for a resource consent, the consent authority must have regard to the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under section 55 of the Water Services Act 2021; and any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.

Actual and potential effects of the proposed activity on the source of a registered drinking water supply have been considered in this report and there are not any sites that will be affected by this activity, as there are no sites nearby. Regard has been had to any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared with the requirements of the Water Services Act 2021.

3. Sections 105 and 107 Evaluation of Discharges

Section 105(1) states for a discharge permit that the Consent Authority shall have regard to:

a) the nature of the discharge, the sensitivity of the receiving environment, and the applicant's reasons for the proposed choice; and
b) any possible alternative methods of discharge including discharge into any other receiving environment.

Section 107(1) of the Act states that a discharge permit shall not be granted if, after reasonable mixing, the contaminant or water discharged is likely to give rise to all or any of the following effects in the receiving waters:

- The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended material; or

- Any conspicuous change in the colour or visual clarity; or
- Any emission of objectionable odour; or
- The rendering of fresh water unsuitable for consumption by farm animals; or
- Any significant adverse effects on aquatic life.

These matters were considered in the notification report above. In summary, consent can be granted in regard to the matters in s105() and 107(1) of the Act.

For the sake of completeness, I note that a recent (in force from 25 October 2024) amendment to s107 (insertion of subsection 2A) has been made which provides that:

(2A) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or 15A that may allow the effects described in subsection (1)(g) if the consent authority—

(a) is satisfied that, at the time of granting, there are already effects described in subsection (1)(g) in the receiving waters; and

(b) imposes conditions on the permit; and

(c) is satisfied that those conditions will contribute to a reduction of the effects described in subsection (1)(g) over the duration of the permit.

This amendment does not change my assessment because s107 was not a barrier to the granting of consent.

4. Part 2 of the Act

Under Section 104(1) of the RMA, a consent authority must consider resource consent applications "subject to Part 2" of the RMA, specifically, sections 5, 6, 7 and 8.

The Court of Appeal has recently clarified how to approach the assessment of "subject to Part 2" in section 104(1). In *R J Davidson* the Court of Appeal found that (in summary):[3]

- Decision makers must consider Part 2 when making decisions on resource consent applications, where it is appropriate to do so. The extent to which Part 2 of the RMA should be referred to depends on the nature and content of the planning documents being considered.
- Where the relevant planning documents have been prepared having regard to Part 2 of the RMA, and with a coherent set of policies designed to achieve clear environmental outcomes, consideration of Part 2 is not ultimately required. In this situation, the policies of these planning documents should be implemented by the consent authority. The consideration of Part 2 "would not add anything to the evaluative exercise" as "genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome". However, the consideration of Part 2 is not prevented, but Part 2 cannot be used to subvert a clearly relevant restriction or directive policy in a planning document.

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3 *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.

- Where it is unclear from the planning documents whether consent should be granted or refused, and the consent authority has to exercise a judgment, Part 2 should be considered.
- If it appears that the relevant planning documents have not been prepared in a manner that reflects the provisions of Part 2, the consent authority is required to consider Part 2.

The discharge of wastewater to land is consistent with the purpose and principles of the Act as outlined in Sections 5-8. The proposed activities are consistent with sustaining the potential of natural resources to meet the needs of future generations, the safeguarding of the life-supporting capacity of water and avoiding, remedying and mitigating adverse effects on the environment. The principles of the Treaty of Waitangi have been taken into account and the application has been processed according to Council's protocol for consultation with Iwi.

Overall, the application is consistent with Part 2 of the Act, given the less than minor nature of the activity and the proposed conditions of consent.

5. Section 108 and 108AA of the Act

The attached conditions are recommended in accordance with Sections 108 and 108AA of the Act. These conditions have been recommended because:

- They will ensure that that any actual or potential adverse effects due to the proposed activity will be mitigated to an extent where effects on the environment and other parties will be less than minor.
- They will ensure the ensure the discharge is of an appropriate quality and standard.
- They will align, or are similar, with conditions proposed by the Applicant.
- They will ensure that appropriate monitoring, reporting, and adaptive management actions are undertaken.
- They will ensure that the conditions align with written approval from Aukaha on behalf of mana whenua.

6. Recommendation

That the Council grants to SJ Allen Holdings Limited Discharge Permit RM25.407.01, subject to the terms and conditions set out in the attached consent.

6.1 Reasons for the Recommendation

(a) The effects of the activity are expected to be less than minor.
(b) The activity is consistent with the relevant statutory requirements.
(c) The activity is consistent with Part 2 of the Act.

6.2 Term of Consent

Case law has distilled the following factors that will be relevant to the Council's determination of the duration of a resource consent:

- The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;

- Whether adverse effects would be likely to increase or vary during the term of the consent;
- Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
- Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
- That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
- Whether review conditions are able to control adverse effects;
- Whether the relevant plan addresses the question of the duration of a consent;
- The life expectancy of the asset for which consents are sought;
- Whether there was significant capital investment in the activity/asset; and
- Whether a particular period of duration would better achieve administrative efficiency.

The application seeks a term of 35 years. A consent term of 15 years is recommended for the following reasons:

- A 15-year term of consent is considered appropriate as this is a relatively novel approach to disposing of the proposed waste, thus, to ensure the effects of the activity can be reassessed in due course a shorter term than requested should be imposed.
- A 15-year term is consistent with other relatively recent consents granted for similar discharges, including the related Discharge Permit RM20.287.01, granted in 2001.
- A review condition alone should not be relied upon as a way of granting a long-term permit. There is a high degree of risk with this approach and level of uncertainty for all parties involved.

7(2)(a) [redacted]

Daizy Thompson-Fawcett
Consents Planner
23 January 2026

7(2)(a) [redacted]

Shay McDonald
Principal Consents Planner
23 January 2026

DECISION ON RESOURCE CONSENT APPLICATION

Section 113 of the Resource Management Act 1991

Date: **28 January 2026**

Application No: **RM25.407**

Subject: ***Decision on non-notified resource consent application under delegated authority***

1. Notification

The application was approved to be processed non-notified and under delegated authority on 28 January 2026.

2. Decision and Reasons for Decision

I have considered the information provided, reasons and recommendation in the above report.

No principal issues were in contention and no evidence was heard as this was a non-notified consent that did not require a hearing. There are no main findings as it relates to any principal issues in contention.

I agree with the reasons and recommendations provided by Consent Planner Daizy Thompson-Fawcett in the above report and adopt them as the reasons for decision under Section 113(1) to (3). This decision, report and any accompanying letter are the written decision under Section 113(4).

3. Conditions (section 108)

Pursuant to sections 108 and 108AA of the RMA, this consent is issued subject to the appended conditions.

4. Decision under delegated authority

Under delegated authority, this resource consent application is granted by the Otago Regional Council by:

7(2)(a) [redacted]

Peter Christophers
Team Leader Consents