

Appendix F – Statutory and Non-Statutory Assessment

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# 1 Purpose of Appendix

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This appendix sets out the statutory context for the Network Consent. It also provides a detailed assessment of the relevant statutory and non-statutory documents as summarised in section 6 of the Assessment of Environmental Effects (AEE). The statutory legislation for resource consents is the Resource Management Act 1991 (RMA), with sections relevant to this resource consent application set out below. Under the RMA, Regional Plans contain the rules for discharges to the environment and the management of associated effects.

## 2 Statutory Context

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### 2.1 Section 15

Queenstown Lakes District Council (QLDC) is seeking resource consent from Otago Regional Council (ORC) to discharge wastewater overflows from its network to freshwater receiving environments, or onto land in circumstances where it may enter freshwater. This application, referred to as the 'Network Consent' seeks to authorise existing and unmanaged wastewater overflows from both the existing QLDC owned and managed wastewater networks and identified future wastewater networks. These unmanaged discharges are not a new or proposed occurrence and can occur anywhere within the entire QLDC network.

Section 15 of the RMA states:

*(1) No person may discharge any—*

*(a) contaminant or water into water; or*

*(b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*

*(c) contaminant from any industrial or trade premises into air; or*

*(d) contaminant from any industrial or trade premises onto or into land—*

*unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.*

Pursuant to section 15(1)(a) and (b), an assessment of the proposal against section 105(1) is included in the below assessment (see section 6).

### 2.2 Section 104

In considering an application for resource consent the ORC, pursuant to section 104(1) must (subject to Part 2), have regard to:

*(1)(a) Any actual and potential effects on the environment of allowing the activity; and*

*(1)(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; and*

*(1)(b) Any relevant provisions of—*

- (i) a national environmental standard:
- (ii) other regulations:
- (iii) a national policy statement:
- (iv) a New Zealand coastal policy statement:
- (v) a regional policy statement or proposed regional policy statement:
- (vi) a plan or proposed plan; and

(1)(c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

An assessment of the proposal against section 104(1) is included in the below assessment (see section 4).

Section 104(1) sets out that all applications for resource consent must be considered subject to Part 2. The High Court decision in *RJ Davidson Family Trust v Marlborough District Council*,<sup>1</sup> adopted the *King Salmon* approach to Part 2 in considering applications for resource consent under section 104. That decision created some uncertainty as to how the words “subject to Part 2” in section 104 were to be applied, and was appealed. The Court of Appeal, in its recent decision, found that it would be inconsistent with the scheme of the RMA to allow regional or district plans to be rendered ineffective by general recourse to Part 2 in deciding resource consent applications.<sup>2</sup> Consideration of Part 2 may be appropriate in the context of resource consent applications, however if a plan has been competently prepared having regard to Part 2, reference to Part 2 will not be required if doing so would add nothing to the evaluative exercise.<sup>3</sup> For this resource consent and AEE an assessment has been undertaken of the proposal against Part 2<sup>4</sup> for the following reasons:

- For completeness purposes; and
- The Regional Plan: Water was notified on 28 February 1998 and made operative on 1 January 2004. Its development therefore was primarily during the early years of the RMA being enacted. It has not been fully reviewed since. As such the consideration or not of Part 2 occurred between 15 and 20 years ago.

## 2.3 Section 104B

*Council, after considering an application for resource consent for a discretionary activity or non-complying activity –*

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108 of the RMA.

<sup>1</sup> *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52.

<sup>2</sup> *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 at [78].

<sup>3</sup> *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 at [75].

<sup>4</sup> In summary in section 6 of the AEE, and further below in section 1.2 of this Appendix.

## 2.4 Section 105

As this resource consent is to authorise a discharge under section 15, section 105(1) also applies in decision making.

- *Section 105 Matters relevant to certain applications*

(1) *If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—*

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

An assessment of the proposal against section 105(1) is included in the below assessment (see section 6).

## 3 Statutory Assessment: RMA Part 2

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### 3.1 Section 5 – Purpose and Principles

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management is defined in Section 5 (2) as:

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

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

#### Comment:

Wastewater networks are crucial for protecting communities from unnecessary contaminant exposure and maintaining public health. A network approach of conveying wastewater to centralised treatment sites is considered desirable compared to dispersed, individual treatment sites such as septic tanks or smaller localised networks. This is because centralised treatment plants seek to remove wastewater flows from residential environments while providing cost effective and uniform treatment of a hazardous substance. As such, a wastewater system provides for the protection of human health, through enabling people and communities, in addition to their health and safety, to provide for their social, economic and cultural wellbeing.

The proposed conditions of consent set out a physical response framework for overflow events, providing for the protection of natural and physical resources and the health and safety of communities. Additionally, network improvements, monitoring and reporting requirements are identified in order to meet the foreseeable needs of future generations. Through these proposed consent conditions, the potential effects caused by the overflow events on the environment and to human health can be remedied and mitigated.

### 3.2 Section 6 – Matters of National Importance

Section 6 of the RMA addresses matters of national importance that shall be recognised and provided for. The following matters are considered relevant to this proposal:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*
- (c) *The protection of significant indigenous vegetation and significant habitats of indigenous fauna.*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.*
- (e) *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:*

#### Comment:

The proposal recognises and provides for the preservation of the natural character of Otago's lakes and rivers. This preservation is twofold through the development and use of public wastewater networks, compared to no networks and through management of overflow events in comparison to the current unmanaged status quo. In addition to the continued capital investment in QLDC's reticulated network, preservation is recognised and provided for through immediate physical response actions on notification of a wastewater overflow event and ongoing monitoring and reporting.

In recognising and providing for the protection of indigenous flora and fauna, an ecological assessment of the receiving environments was undertaken. This assessment did not identify any significant indigenous vegetation or habitats for indigenous fauna. Further, the aforementioned immediate physical responses seek to protect any non-significant habitats for indigenous flora and fauna.

The proposed management of overflows will not alter existing access to and along lakes and rivers in the Otago Region. As such, the maintenance of public access is provided for.

As outlined in Section 4 of the AEE, Māori have been engaged from an early stage in the formulation of the proposal. Through this, a Cultural Impact Statement has been commissioned and relationships between iwi, their culture and traditions have been recognised and provided for. The proposed management actions both immediate physical responses and network improvements will seek to maintain these relationships and traditions with ancestral lands, water, sites, wāhi tapu and taonga.

Consequently, in terms of Section 6 of the RMA, the matters identified above are recognised and provided for through the formulation of management actions in the event of a wastewater overflow event.

### 3.3 Section 7 – Other Matters

Section 7 of the RMA recognises that:

*“in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –*

- (a) *Kaitiakitanga*
- (b) *The efficient use and development of natural and physical resources.*
- (c) *The maintenance and enhancement of amenity values.*

*(f) Maintenance and enhancement of the quality of the environment.*

**Comment:**

The proposal is considered to be consistent with section 7(a) of the RMA as particular regard has been given to Kaitiakitanga through early and continued engagement with iwi outlined in Section 4 of the AEE.

Additionally, the proposal is considered to be consistent with sections 7(b), (c) and (f). As outlined in sections 1 and 2 of the AEE, wastewater overflow events already occur and are currently unmanaged. The establishment of a management regime for these overflow events and future network improvements seek to use resources efficiently and maintain and enhance amenity values and environmental quality.

Consequently, the proposal is considered to be consistent with the section 7 matters identified above.

### **3.4 Section 8 – Treaty of Waitangi**

Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account in resource management decisions.

As outlined in section 4 of the AEE, iwi have been engaged from an early stage and throughout the preparation of the proposal. This engagement has included two hui with the project team, Aukaha and Te Ao Mārama to discuss the purpose, intent and response actions in relation to the proposal. Additionally, the preparation of a Cultural Impact Statement has been sought from associated rūnanga. It is considered that the proposal is in accordance with Section 8 of the RMA as the effects of the proposal on values of local iwi have been considered.

## **4 Statutory Assessment: Section 104**

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### **4.1 Section 104(1)(a) - Actual and Potential Effects**

The actual and potential effects of the proposal are addressed in Section 5 of the AEE.

This assessment finds the suite of proposed consent conditions can adequately avoid, remedy and mitigate the effects of the proposal.

### **4.2 Section 104(1)(b) – Relevant Legislative Provisions**

#### **4.2.1 National Policy Statement for Freshwater Management**

The National Policy Statement for Freshwater Management (NPSFM) sets out the objectives and policies for the management of freshwater on a national basis. The following objectives are considered relevant to this application.

Table 4-1: Assessment against the relevant provisions in the NPSFM

Provision Number	Provision summary	Assessment
Objective A1	To safeguard: <ul style="list-style-type: none"> <li>a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water and;</li> <li>b) the health of people and communities, as affected by contact with fresh water;</li> </ul> in sustainably managing the use and development of land, and discharges of contaminants.	It is acknowledged that the discharge, being wastewater overflow events currently exist in an unmanaged form and cannot be fully avoided or guaranteed to not occur in the future. However, the existence of the wastewater network seeks to sustainably manage physical and natural resources while protecting public health.
Objective A2	The overall quality of fresh water within a freshwater management unit is maintained or improved while: <ul style="list-style-type: none"> <li>a) protecting the significant values of outstanding freshwater bodies;</li> <li>b) protecting the significant values of wetlands; and</li> <li>c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.</li> </ul>	In acknowledgement of the above, the response approach to the overflows, sought by the conditions of consent, seek to protect the health of people and communities and ecological values associated with the lakes and rivers of the Queenstown Lakes District.  This approach lays out physical response procedures to manage the discharge of contaminants into waterbodies and to land. These measures seek to protect the ecosystems and habitats of freshwater bodies and the health of water users.
Objective C1	To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.	

#### 4.2.2 National Policy Statement for Urban Development Capacity

The National Policy Statement on Urban Development Capacity (NPSUDC) sets out the objectives and policies on future urban growth and infrastructure capacity on a national basis. In particular, the NPSUDC states an aim of ensuring supply of housing to meet demand.

This application is for the discharge of wastewater overflows into freshwater receiving environments from both the existing public network and future networks to come under QLDC ownership and management. It is noted that the management of effects, being the physical responses and network improvements, will be the same in both existing and future residential environments.



Consequently, the proposal is considered to be consistent with the NPSUDC as it will allow for the management of potential future overflow events in future residential environments.

#### 4.2.3 Cultural Impact Statement

A Cultural Impact Statement has been commissioned to assist in the assessment of the objectives and policies of the following statutory and non-statutory documents. At point of lodgement, this CIS has not been received from Ngāi Tahu.

The below assessments on mana whenua values are reflective of having not received the CIS and are made in good faith from discussions during engagement.

#### 4.2.4 Proposed Otago Regional Policy Statement

The following objectives and policies of the proposed Regional Policy Statement for Otago (PRPS) are considered relevant to this application.

Objective / Policy	Comments
<b>Chapter 1 – Resource Management in Otago is integrated</b>	
<b>Objectives</b>	
<p>1.1 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago</p>	<p>The proposal recognises and provides for the integrated management of natural and physical resources. An example of this integrated management includes wastewater network improvements to reduce the occurrence of wastewater overflows, which will in turn improve the quality of freshwater bodies, being physical resources, in the long term. This integrated management seeks to support the wellbeing of people and communities in Otago.</p>
<b>Policies</b>	
<p>1.1.1 Achieve integrated management of Otago’s natural and physical resources, by all of the following:</p> <p>a) Coordinating the management of interconnected natural and physical resources;</p> <p>b) Taking into account the impacts of management of one resource on the values of another, or on the environment</p> <p>c) Recognising that resource may extend beyond the immediate, or directly adjacent, area of interest;</p> <p>d) Ensuring that resource management approaches across administrative boundaries are consistent and complementary;</p> <p>e) Ensuring that effects of activities on the whole of a resource are considered when that resource is managed as subunits.</p>	<p>The proposal achieves the integrated management of Otago’s natural and physical resources.</p> <p>The interconnectedness of physical resources (wastewater network) and natural resources (freshwater environments) is explicitly recognised within the proposal. This relationship, and the impacts of one resource on another, is reflected in proposed consent conditions identifying network improvements will assist to minimise overflow events and thus seek to protect natural resources.</p> <p>Additionally, assessments of both natural and physical resources recognise that an overflow event may extend beyond the immediate resource.</p>

1.1.3 Provide for the social and cultural wellbeing and health and safety of Otago’s people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:

- a) Recognising and providing for Kāi Tahu values;
- b) Taking into account the values of other cultures;
- c) Taking into account the diverse needs of Otago’s people and communities;
- d) Promoting good quality and accessible infrastructure and public services;
- e) Avoiding significant adverse effects of activities on human health.

The social and cultural values of Kāi Tahu and Otago’s people and communities have been provided for through early and continued engagement throughout the preparation of the proposal.

Additionally, network improvements and established and ongoing public education on the wastewater network will seek to promote good quality infrastructure that is used appropriately by the community. This, in addition to immediate physical responses to overflow events, will seek to avoid significant adverse effects on human health.

**Chapter 2 - Kāi Tahu values and interests are recognised and kaitiakitaka is expressed**

**Objectives**

2.1 The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions

The principles of Te Tiriti o Waitangi have been taken into account in the formation of this proposal through early and continued engagement with iwi.

2.2 Kāi Tahu values, interests and customary resources are recognised and provided for.

Kāi Tahu values, interests and customary resources have been recognised through the early and ongoing engagement process. These values, interests and resources have been subsequently provided for through the proposed suite of consent conditions including network improvements, monitoring, reporting and physical response procedures.

**Policies**

2.1.2 Ensure that local authorities exercise their functions and powers, by:

- a) Recognising Kāi Tahu’s status as a Treaty partner; and
- b) Involving Kāi Tahu in resource management processes implementation;
- c) Taking into account Kāi Tahu values in resource management decision-making processes and implementation;
- d) Recognising and providing for the relationship of Kāi Tahu’s culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka;
- e) Ensuring Kāi Tahu have the ability to: i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu,

QLDC has exercised its functions and powers as a local authority by engaging Kāi Tahu early on and throughout the preparation of the proposal. This involvement has allowed QLDC to work collaboratively with Kāi Tahu to ensure values have been taken into account and culture and traditions recognised and provided for.

Iwi management plans and have been taken into account in the formulation of proposed consent conditions and associated response procedures and a Cultural Impact Statement sought.

<p>and other taaka; ii. Determine how best to express that relationship;</p> <p>f) Having particular regard to the exercise of kaitiakitaka;</p> <p>g) Ensuring that district and regional plans:</p> <ul style="list-style-type: none"> <li>i. Give effect to the Ngāi Tahu Claims Settlement Act 1998;</li> <li>ii. Recognise and provide for statutory acknowledgement areas in Schedule 2;</li> <li>iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu;</li> </ul> <p>h) Taking into account iwi management plans.</p>	
<p>2.2.1 Manage the natural environment to support Kāi Tahu wellbeing by all of the following:</p> <p>a) Ensuring the sustainable management of resources supports their customary uses and cultural values in Schedules 1A and B;</p> <p>b) Safeguarding the life-supporting capacity of natural resources</p>	<p>The infrequent nature of overflows and proposed consent conditions will assist in managing the natural environment. This management seeks to support Kāi Tahu wellbeing by safeguarding the life supporting capacity of both terrestrial and freshwater natural resources.</p>
<p><b>2.2.2</b> Recognise and provide for wāhi tūpuna, as described in Schedule 1C by all of the following:</p> <p>a) Avoiding significant adverse effects on those values which contribute to wāhi tūpuna being significant;</p> <p>b) Avoiding, remedying, or mitigating other adverse effects on wāhi tūpuna;</p> <p>c) Managing those landscapes and sites in a culturally appropriate manner</p>	<p>Wastewater network overflows currently exist and do not have an approved, consented response.</p> <p>Proposed response procedures will seek to remedy and mitigate potential adverse effects on wāhi tūpuna. These procedures have been developed in response to early and continued engagement with iwi.</p>
<p><b>Chapter 3 - Otago has high quality natural resources and ecosystems</b></p>	
<p><b>Objectives</b></p>	
<p><b>3.1</b> The values of Otago’s natural resources are recognised, maintained and enhanced.</p>	<p>The values of Otago’s significant and highly valued natural resources, in particular freshwater, have been recognised through stakeholder and community engagement and seek to be maintained and protected through the suite of proposed consent conditions.</p>
<p><b>3.2</b> Otago’s significant and highly-valued natural resources are identified, and protected or enhanced</p>	<p>The values of Otago’s significant and highly valued natural resources, in particular freshwater, have been recognised through stakeholder and community engagement and seek to be maintained and protected through the suite of proposed consent conditions.</p>
<p><b>Policies</b></p>	
<p><b>3.1.1</b> Manage fresh water to achieve all of the following:</p> <p>a) Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;</p> <p>b) Maintain or enhance the range and extent of habitats</p>	<p>Wastewater overflow events currently occur within the network without a consented management response.</p> <p>In the short, medium and long terms, physical response procedures will be implemented in the occurrence of an</p>

provided by fresh water, including the habitat of trout and salmon;

- c) Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;
- d) Avoid aquifer compaction and seawater intrusion in aquifers;
- e) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;
- f) Maintain or enhance coastal values;
- g) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;
- h) Maintain or enhance the quality and reliability of existing drinking and stock water supplies;
- i) Recognise and provide for important recreation values;
- j) Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;
- k) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- l) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;
- m) Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water

overflow event. As such, these procedures will seek to maintain the existing ecosystems, habitats, quality, functions and values associated with fresh water in the Otago Region.

Further, network improvements including capital investment, monitoring and reporting will seek to achieve this policy in the medium to long term. This will be achieved through seeking to minimise overflow events.

**3.1.2** Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to achieve all of the following:

- a) Maintain or enhance their natural functioning;
- b) Maintain good water quality, or enhance it where it has been degraded;
- c) Maintain or enhance ecosystem health and indigenous biological diversity;
- d) Maintain or enhance natural character;
- e) Maintain or enhance amenity values;
- f) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;
- h) Maintain or enhance bank stability.

The wastewater overflow events already occur and have the potential to adversely affect the beds of rivers and lakes.

The suite of proposed consent conditions lays out a physical response approach QLDC will activate in the event of an overflow. Rapid clean-up of overflow events and remediation and/or repair will occur as soon as practicable. This approach will minimise the ability of overflows to settle on the beds of rivers or within lakes.

Additionally, this response will seek to maintain the natural character and amenity values associated with the regions lakes and rivers.

3.1.3 Ensure the efficient allocation and use of water by undertaking all of the following:

- a) Requiring that the volume of water allocated does not exceed what is necessary for its efficient use;
- b) Encouraging the development or upgrade of infrastructure that increases use efficiency.

Proposed consent conditions include the reporting of network improvements through capital investment over time. This will seek to encourage the development and upgrade of the network to enable more efficient infrastructure.

**3.1.9** Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:

- a) Maintain or enhance ecosystem health and indigenous biological diversity;
- b) Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;
- c) Maintain or enhance areas of predominantly indigenous vegetation;
- d) Recognise and provide for important hydrological services, including the services provided by tussock grassland;
- e) Recognise and provide for natural resources and processes that support indigenous biological diversity;
- f) Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes
- g) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

The proposed suite of consent conditions seeks to maintain the existing freshwater ecosystems and in the long term, minimise overflow events.

Physical response procedures that can be implemented 24/7 will be activated immediately upon notification of an overflow event. These procedures will seek to maintain ecosystem health and enhance this when compared with overflow events that are not managed.

Additionally, network improvements and further infrastructure development will seek to minimise future overflow events.

**3.1.12** Encourage, facilitate and support activities which contribute to enhancing the natural environment, by one or more of the following:

- a) Improving water quality and quantity;
- b) Protecting or restoring habitat for indigenous species;
- c) Regenerating indigenous species;
- d) Mitigating natural hazards;
- e) Protecting or restoring wetlands;
- f) Improving the health and resilience of:
  - i. Ecosystems supporting indigenous biological diversity;
  - ii. Important ecosystem services, including pollination;
- g) Improving access to rivers, lakes, wetlands and their

The proposal encourages and facilitates the enhancing of the natural environment by creating a framework to respond to wastewater overflows. This framework will seek to maintain and improve water quality through a response procedure to be implemented in the event of a wastewater overflow.

Additionally, reporting on capital infrastructure investment and data gathering on overflow events can assist in future mitigation planning and thus encourage the enhancement of the natural environment.

margins, and the coast;

h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;

i) Controlling pest species.

**3.2.2** Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) Avoiding adverse effects on those values which contribute to the area or habitat being significant;
- b) Avoiding significant adverse effects on other values of the area or habitat;
- c) Remedying when other adverse effects cannot be avoided;
- d) Mitigating when other adverse effects cannot be avoided or remedied;
- e) Encouraging enhancement of those areas and values which contribute to the area or habitat being significant;
- f) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.

Wastewater overflows cannot be fully avoided as they are unpredictable in both time, space and quantity. As a result, QLDC have proposed a range of consent conditions including a response procedure that will seek to remedy and mitigate the adverse effects when an overflow occurs.

Further, increased investment in the wastewater network will seek to minimise overflow events and thus seek to minimise and where practical, avoid adverse effects.

**3.2.4** Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for the positive contributions of existing introduced species to those values;
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- e) Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.

Overflow events currently occur with no consented response approach.

The suite of proposed consent conditions outlining physical responses and network improvements will seek to protect both outstanding and highly valued features and landscapes from potential adverse effects in the short and long terms.

**3.2.6** Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for positive contributions of existing introduced species to those values;



<p>d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;</p> <p>e) Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.</p>	
<p><b>3.2.14</b> Protect outstanding freshwater bodies by all of the following:</p> <p>a) Avoiding significant adverse effects on those values which contribute to the water body being outstanding;</p> <p>b) Avoiding, remedying or mitigating other adverse effects on the water body;</p> <p>c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;</p> <p>d) Encouraging enhancement of those values which contribute to the water body being outstanding.</p>	<p>The physical response approach to overflow events outlined in the proposed conditions will seek to protect outstanding freshwater bodies. This will be achieved through mitigation and remediation in the form of clean up efforts.</p> <p>Further adverse effects will be sought to be avoided through long term investment in the wastewater network to minimise the likelihood of overflow events occurring.</p>

**Chapter 4 - Communities in Otago are resilient, safe and healthy**

<b>Objectives</b>	
<p>4.3 Infrastructure is managed and developed in a sustainable way.</p>	<p>Further investment in the wastewater network and ongoing monitoring and reporting will assist in managing and developing QLDC infrastructure sustainably.</p>
<p>4.6 Hazardous substances, contaminated land and waste materials do not harm human health or the quality of the environment in Otago.</p>	<p>The suite of proposed consent conditions enables the protection of human health and the quality of Otago’s environment. This is sought through immediate response procedures upon an overflow event being notified to QLDC, and longer term investment in QLDC wastewater networks.</p>

**Policies**

<p><b>4.3.1</b> Manage infrastructure activities, to achieve all of the following:</p> <p>a) Maintaining or enhancing the health and safety of the community;</p> <p>b) Avoiding, remedying or mitigating adverse effects of those activities on existing land uses, including cumulative adverse effects on natural and physical resources;</p> <p>c) Supporting economic, social and community activities;</p> <p>d) Improving efficiency of use of natural resources;</p> <p>e) Protecting infrastructure corridors for infrastructure needs,</p>	<p>Overflow events already exist, and existing response procedures are not formally covered under a consent. Through the response framework proposed in the conditions of consent, the health and safety of the community will be enhanced and maintained while the adverse effects on natural and physical resources will be remedied and mitigated.</p> <p>Additionally, through managing overflow events economic, social and community activities will be supported while protecting the operational requirements of the wastewater</p>
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- now and for the future;
- f) Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;
  - g) Protecting the functional and operational requirements of lifeline utilities and essential or emergency services

network.

**4.5.7** Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:

- a) Recognising the functional needs of infrastructure of regional or national importance;
- b) Locating and designing infrastructure to take into account all of the following:
  - i. Actual and reasonably foreseeable land use change;
  - ii. The current population and projected demographic changes;
  - iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;
  - iv. Natural and physical resource constraints;
  - v. Effects on the values of natural and physical resources;
  - vi. Co-dependence with other infrastructure;
  - vii. The effects of climate change on the long term viability of that infrastructure;
  - viii. Natural hazard risk.
- c) Locating growth and development:
  - i. Within areas that have sufficient infrastructure capacity; or
  - ii. Where infrastructure services can be upgraded or extended efficiently and effectively;
- d) Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.

QLDC seeks to achieve the strategic integration of infrastructure and land use through its 30 year Infrastructure Plan, its Assets Management Strategy 2018 – 2048, and Proposed District Plan. These documents recognise the functional needs and importance of infrastructure and seek to enable infrastructure where growth and development is anticipated to occur.

Additionally, the parameters of this application include those areas envisaged to be future growth areas where infrastructure may not yet be fully established, and where there are existing urban settlements which are not currently on the wastewater network. The management of effects resulting from overflow events on these existing and future areas will be undertaken in accordance with the proposed conditions of consent.

**4.6.6** Promote an integrated approach to the management of the use, storage and disposal of waste materials

Existing and ongoing education initiatives focusing on trade waste will seek to educate industry on proper use, storage and disposal of waste materials. This will seek to reduce the burden on the wastewater network of inappropriate materials disposed of in it. A condition of consent is proposed which requires QLDC to continue its education programmes and report on these annually.



**4.6.8** Manage the storage, recycling, recovery, treatment and disposal of waste materials by undertaking all of the following:

- a) Providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of waste materials;
- b) Avoiding adverse effects on the health and safety of people, and avoiding, remedying and mitigating adverse effects on the environment and other values;
- c) Minimising risk associated with natural hazard events;
- d) Restricting the location of activities that may result in reverse sensitivity effects near waste management facilities and services.

QLDC is investing significant funds in its wastewater infrastructure over the coming years including new and upgraded treatment plants and, where possible, establishing new pump stations away from sensitive environments. This investment seeks to reduce the frequency of overflows and thereby avoid adverse effects from an inadequate or non-existent wastewater network.

Additionally, industry education will seek to minimise inappropriate waste in the wastewater network and thus manage effective disposal.

**Chapter 5 - People are able to use and enjoy Otago’s natural and built environment**

**Objectives**

**5.4** Adverse effects of using and enjoying Otago’s natural and physical resources are minimised.

Proposed physical response measures will seek to minimise the adverse effects on Otago’s natural and physical resources. When discharged to water, closing of beaches and notification will occur. Following clean up, monitoring will enable the beaches to be reopened for public use as soon as it is safe in accordance with swimming guidelines. These measures seek to minimise the adverse effects of using and enjoying Otago’s natural resources.

**Policies**

**5.4.1** Manage discharges that are objectionable or offensive to Kāi Tahu and/or the wider community by:

- a. Avoiding significant adverse effects of those discharges;
- b. Avoiding, remedying or mitigating other adverse effects of those discharges.

Wastewater overflows can occur anywhere in the network and their location and scale are hard to predict prior to an occurrence. Through the suite of proposed consent conditions, a physical response approach and network improvements are proposed.

These physical responses allow for overflows to be mitigated and remediated as soon as possible upon notification of an event. While the overflows can’t entirely be avoided, systems and procedures such as pump station / network alarms provide early warning of issues in the system which lead to overflows occurring and action is taken in advance to avoid them in these circumstances. Network improvements will seek to minimise the potential for these discharges to occur over time. As will the continuing education programme proposed with

<p><b>5.4.2</b> Apply an adaptive management approach, to avoid, remedy or mitigate actual and potential adverse effects that might arise and that can be remedied before they become irreversible, by both:</p> <p>a) Setting appropriate indicators for effective monitoring of those adverse effects; and</p> <p>b) Setting thresholds to trigger remedial action before the effects result in irreversible damage.</p>	<p>the community including construction and other industries.</p> <p>An type of adaptive management response is proposed within the suite of consent conditions. QLDC will seek to remedy and mitigate actual and potential effects before they become irreversible by catering physical responses to the overflow event.</p> <p>Annual reporting is also proposed in order to better understand these events. This reporting will identify numbers of overflows, duration, extension, work done and future additions. This data can then be used to identify hot spot areas and best management practice, reflecting the application of adaptive management.</p>
<p><b>5.4.3</b> Apply a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant.</p>	<p>It is noted wastewater overflows already exist and do not have a consented management regime.</p> <p>The proposed suite of consent conditions includes both immediate physical responses to overflow events and longer term network improvements. Physical responses include the ability to respond to overflows 24/7 and usage of specialist equipment for discharge to both land and water. Network improvements include increased capital investment identified in the QLDC 30 year Infrastructure Plan, Assets Management Strategy 2018 – 2048, and Long Term Plan in addition to increased monitoring and reporting.</p> <p>These conditions apply a precautionary approach in rapid remediation and monitoring of overflows as increased information is collated.</p>

#### 4.2.5 Otago Regional Policy Statement (RPS)

##### Operative RPS

The RPS provides an overview of the resource management issues of the Otago Region.

Objective / Policy	Comments
<b>Chapter 6 Water</b>	
<b>Objectives</b>	
6.4.2 To maintain and enhance the quality of Otago's water resources in order to meet the present and reasonably foreseeable needs of Otago's communities	The proposed physical response approaches and network improvements seek to maintain and enhance Otago's water resources to meet the present and foreseeable needs to Otago's communities through rapid remediation and minimisation of events over time.
6.4.3 To safeguard the life-supporting capacity of Otago's water resources through protecting the quantity and quality of those water resources	The proposed response approaches to overflow events, sought from the proposed conditions of consent, seeks to protect the quality of Otago's water resources. Subsequently through this protection, the life-supporting capacity of these waters will be safeguarded.
6.4.4 To maintain and enhance the ecological, intrinsic, amenity and cultural values of Otago's water resources	The proposed physical response approaches seek to maintain the ecological, intrinsic, amenity and cultural values of Otago's water resources. Additionally, proposed network improvements, monitoring and reporting will seek to protect these values into the long term.
6.4.5 To avoid, remedy or mitigate degradation of water resources resulting from the use, development or protection of the beds and banks of Otago's water bodies and of adjacent land areas	Proposed physical and network response approaches seek to remedy and mitigate degradation of water resources.
<b>Policies</b>	
6.5.1 To recognise and provide for the relationship Kāi Tahu have with the water resource in Otago through: <ul style="list-style-type: none"> <li>(a) Working toward eliminating human waste and other pollutants from entering all water bodies; and</li> <li>(b) Consulting with Kāi Tahu over any application that would result in the mixing of waters from different water bodies and the setting of water flows and levels</li> </ul>	Kāi Tahu, through Te Ao Mārama and Aukaha have been engaged and consulted throughout the preparation of this application and have indicated that they will be providing a Cultural Impact Statement (not received at the time of lodgement). Further, network improvements over time will seek to minimise human waste and other pollutants entering water bodies.

6.5.5 To promote a reduction in the adverse effects of contaminant discharges into Otago’s water bodies through:

- (a) Adopting the existing water quality of Otago’s water bodies as a minimum acceptable standard; and
- (b) Investigating and where appropriate, enhancing water quality so that as a minimum standard it is suitable for contact recreation and aquatic life where:
  - (i) There is a high public interest in, or use of the water; or
  - (ii) There is a particular Kāi Tahu interest in the water; or
  - (iii) There is a particular value to be maintained or enhanced; or
  - (iv) There is a direct discharge containing human sewage or wastes from commercial or industrial activities; and
- (c) Requiring that all discharges into Otago’s water bodies maintain the standard for the receiving waters after reasonable mixing; and
- (d) Promoting the discharges to land where practicable and where there are no significant adverse effects on groundwater or surface water resources or soil; and
- (e) Preparing contingency responses for accidental pollution spills; and
- (f) Investigating and addressing the effects of diffuse source discharges on water quality;

While considering financial and technical constraints.

Wastewater overflow events are random and already exist throughout QLDC’s network. They are also typical of most if not all wastewater networks in New Zealand. While management and contingency responses currently exist in the occurrence of an overflow event, these measures are not formally part of a consent process.

The proposed suite of consent conditions seeks to reduce adverse effects of wastewater overflows through agreed and consented contingency responses and long term network improvement to minimise future events.

It is acknowledged Kāi Tahu hold a particular interest in water and have been engaged in the preparation of this application and associated responses for overflows events.

Additionally, QLDC has already established and will continue to provide community education on the functioning of wastewater networks and what can and can’t be safely disposed of in these networks. This will seek to reduce the frequency of overflows caused by foreign objects and blockages in the network.

Overall, the outcomes sought from the proposed suite of consent conditions seek to promote a long term reduction in overflow events and an agreed and consented contingency response for overflow events to public and private land as well as freshwater.

## Chapter 9 Built Environment

### Objectives

9.4.1 To promote the sustainable management of Otago’s built environment in order to:

- (a) meet the present and reasonably foreseeable needs of Otago’s people and communities; and
- (b) provide for amenity values; and
- (c) conserve and enhance environmental and landscape

The continued operation and expansion of QLDC’s wastewater network will promote the sustainable management of Otago’s built environment. A wastewater network allows the conveyance of materials to central treatment plants and thus seeks to conserve and enhance the environment through removing waste.

<p>quality; and (d) recognise and protect heritage values</p>	<p>Further, future areas covered by this application will meet the reasonably foreseeable needs of Otago's people and communities.</p>
<p>9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities</p>	<p>Overflow events already occur and do not have a consented management response. The proposed conditions of consent set out a management response to promote sustainable development and seek to manage adverse effects.</p> <p>QLDC's Proposed District Plan, 30 year Infrastructure Plan, Assets Management Strategy 2018 – 2048, and Long Term Plans promote the sustainable management of Otago's infrastructure. This is achieved through the identification of areas of future development and the provision of infrastructure to service these areas. This is crucial as it allows sustainable growth in the knowledge that infrastructure can be enabled and provided when required as opposed to development without infrastructure.</p> <p>Additionally, established and ongoing education by QLDC to the public on the functioning of a healthy wastewater network will promote sustainable management of infrastructure through preventative and pre-emptive measures.</p>
<p>9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources</p>	<p>The proposed physical response approach to overflow events, network improvements and an established and ongoing public education campaign seek to remedy and mitigate potential adverse effects on Otago's natural and physical resources, in particular freshwater.</p>
<p><b>Policies</b></p>	
<p>9.5.1 To recognise and provide for the relationship Kāi Tahu have with the built environment of Otago through:</p> <p>(a) considering activities involving papatipu whenua that contribute to the community and cultural development of Kāi Tahu; and</p> <p>(b) recognising and providing for the protection of sites and resources of cultural importance from the adverse effects of the built environment</p>	<p>Through early and continued engagement in the preparation of the proposal, Kāi Tahu have identified the freshwater resources of Otago as holding cultural importance. The response approaches outlined in the suite of proposed consent conditions seeks to assist in providing for the protection of this resource by remedying and mitigating the adverse effects of wastewater overflows.</p>

9.5.4 To minimise the adverse effects of urban development and settlement, including structures, on Otago’s environment through avoiding, remedying or mitigating:

- (a) discharges of contaminants to Otago’s air, water or land; and
- (b) the creation of noise, vibration and dust; and
- (c) visual intrusion and a reduction in landscape qualities; and
- (d) significant irreversible effects on:
  - (i) Otago community values; or
  - (ii) Kāi Tahu cultural and spiritual values; or
  - (iii) the natural character of water bodies and the coastal environment;
  - (iv) habitats of indigenous fauna; or
  - (v) heritage values; or
  - (vi) amenity values; or
  - (vii) intrinsic values of ecosystems; or
  - (viii) salmon or trout habitat

The proposed suite of physical response consent conditions seek to remedy and mitigate irreversible effects arising from the overflow events on Otago’s air, land, water on both the short, intermediate and long term.

Network improvements and monitoring, as proposed in the suite of consent conditions, allows for the long term collection of data and gradual improvement and upgrading of QLDC wastewater infrastructure. This will seek to allow for the potential future avoidance of the majority of overflow events.

Additionally, continued engagement with Kāi Tahu and community groups seek to address cultural and spiritual values.

**Chapter 10 Biota**

**Objectives**

10.4.1 To maintain and enhance the life-supporting capacity and diversity of Otago’s biota

Proposed response approaches to overflow events seek to maintain the life-supporting capacity and diversity of Otago’s biota.

10.4.2 To protect Otago’s natural ecosystems and primary production from significant biological and natural threats

The response approach to overflow events, as proposed in the suite of consent conditions, seeks to protect Otago’s natural ecosystems from potential contaminants.

**Policies**

10.5.1 To recognise and provide for the relationship Kāi Tahu have with mahika kai in Otago through:

- (a) working towards eliminating the disposal of human wastes and pollution into or onto mahika kai; and
- (b) facilitating the maintenance and enhancement of access to places of traditional gathering of mahika kai; and
- (c) recognising the need to maintain and enhance mahika kai

Early and continued engagement with Kāi Tahu recognises the need to maintain and enhance mahika kai. In addition, long term network improvements will seek to work towards minimising the disposal of human wastes and pollution into or onto mahika kai.

**Chapter 13 Wastes and hazardous Substances**

**Objectives**





<p>13.4.1 To protect Otago’s communities, environment and natural resources from the adverse effects of the waste stream</p>	<p>The proposed suite of consent conditions seek to protect the environment and natural resource from the adverse effects of an overflow event.</p>
<p><b>Policies</b></p>	
<p>13.5.1 To recognise and provide for the relationship Kāi Tahu have with natural and physical resources when managing Otago’s waste stream through:</p> <p>(a) providing for the management and disposal of Otago’s waste stream in a manner that takes into account Kāi Tahu cultural values; and</p> <p>(b) working towards eliminating human wastes and other pollutants from entering Otago’s waterways</p>	<p>Kāi Tahu have been engaged from an early stage in the preparation of the application. Network improvements over time, sought in the conditions of consent, will work towards minimising the likelihood of human waste and other pollutants entering Otago’s waterways.</p>
<p>13.5.3 To avoid, remedy or mitigate the adverse effects resulting from the discharge of liquid wastes in Otago through:</p> <p>(a) requiring, where practicable, the treatment of liquid wastes at the point where they are treated:</p> <p>(b) encouraging a reduction in the volume and concentration of liquid wastes within a waste stream by:</p> <ul style="list-style-type: none"> <li>(i) educating waste generators about the need to reduce wastes, and methods of doing this;</li> <li>(ii) encouraging waste audits; and</li> <li>(iii) requiring justification for consents to dispose of liquid waste; and</li> </ul> <p>(c) encouraging a reduction in the volume and concentration of liquid wastes within the waste stream</p>	<p>Wastewater overflows already exist and occur unpredictably throughout the network.</p> <p>Network improvements over time will seek to reduce the quantity of both overflow events and discharge volume.</p> <p>Additionally, ongoing education by QLDC to both the public and trade industry will seek to encourage greater awareness of the wastewater network. This greater awareness of the functioning of the wastewater network will seek to encourage waste generators to dispose of waste correctly and where possible encourage and reduction in total volume of liquid wastes.</p>
<p>13.5.10 To address the adverse effects of unauthorised discharges on the environment through:</p> <p>(a) educating the public about the adverse effects of such discharges and the necessity to avoid them; and</p> <p>(b) taking appropriate action in response to unauthorised discharge incidents</p>	<p>An established and ongoing education campaign seeks to educate the public on the functioning of the wastewater network and how to avoid exacerbated risk of wastewater overflows.</p> <p>Additionally, proposed physical responses will seek to address the adverse effects of any discharge through prompt remediation.</p>

## 4.2.6 Otago Regional Plan: Water

Objective, Policy		Comment
<b>Chapter 4</b>	<b>Kāi Tahu ki Otago – Water Perspective</b>	
<b>Issues</b>		
4.13.5	Discharge of human waste and other contaminants to Otago's water bodies from point and non-point sources is an affront to Kāi Tahu.	These discharges are existing and cannot be entirely avoided. Kāi Tahu have been engaged early on and throughout the development of proposed consent conditions.
<b>Chapter 7</b>	<b>Water Quality - General</b>	
<b>Objectives</b>		
7.A.1	To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded	The suite of proposed consent conditions will seek to maintain the quality of Otago's freshwater.
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 Kāi Tahu values	Proposed consent conditions will enable overflow events that do not detract from, and will maintain water quality, Kāi Tahu, values and natural and human use.
7.A.3	To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality	<p>Prior to the preparation of this proposal, QLDC have endeavoured to educate the public on wastewater management. This education has focused on network operation, common problems including what can and can't be put through the wastewater network and what individuals can do to better the network.</p> <p>Recently, this education campaign has increased from articles in Scuttlebutt magazine to public drop in sessions. This education campaign will continue as part of the future network improvements. A condition of consent for continuing the education programme is proposed.</p>



Policies		
7.B.1	<p>Manage the quality of water in Otago lakes, rivers, wetlands and groundwater by:</p> <p>(a) Describing, in Table 15.1 of Schedule 15, characteristics indicative of good quality water; and</p> <p>(b) Setting, in Table 15.2 of Schedule 15, receiving water numerical limits and targets for achieving good quality water; and</p> <p>(c) Maintaining, from the dates specified in Schedule 15, good quality water; and</p> <p>(d) Enhancing water quality where it does not meet Schedule 15 limits, to meet those limits by the date specified in the Schedule; and</p> <p>(e) Recognising the differences in the effects and management of point and non-point source discharges; and</p> <p>(f) Recognising discharge effects on groundwater; and</p> <p>(g) Promoting the discharge of contaminants to land in preference to water.</p>	<p>The suite of proposed consent conditions will seek to manage the quality of water in Otago lakes, rivers and wetlands through rapid remediation and repair of wastewater overflow events.</p>
7.B.2	<p>Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu values, of Otago lakes, rivers, wetlands, groundwater and open drains and water races that join them</p>	<p>Future network improvements identified in long term plans will seek to reduce the frequency of overflows occurring and minimise the effects of them on the receiving environments in the medium to long term.</p>
7.B.3	<p>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</p>	<p>Wastewater overflows to water will be rapidly remedied upon notification and generally result in short term adverse effects before diffusion.</p>
7.B.4	<p>When considering any discharge of water or contaminants to land, have regard to:</p> <p>(a) The ability of the land to assimilate the water or contaminants; and</p> <p>(b) Any potential soil contamination; and</p> <p>(c) Any potential land instability; and</p> <p>(d) Any potential adverse effects on water quality; and</p> <p>(e) Any potential adverse effects on use of any proximate coastal marine area for contact recreation and seafood gathering</p>	<p>Wastewater overflows can happen at any point in the network meaning a discharge can occur on a variety of landscapes. To mitigate potential adverse effects on both the land and water, physical response procedures are proposed upon notification of an overflow.</p>

<p>7.B.6</p>	<p>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:</p> <ul style="list-style-type: none"> <li>(a) The sensitivity of the receiving environment; and</li> <li>(b) The natural and human use values, including Kāi Tahu values; and</li> <li>(c) The natural character of the water body; and</li> <li>(d) The amenity values supported by the water body; and</li> <li>(e) The physical processes acting on the area of discharge; and</li> <li>(f) The particular discharge, including contaminant type, concentration and volume; and</li> <li>(g) The provision of cost-effective community infrastructure; and</li> <li>(h) Good quality water as described in Schedule 15</li> </ul>	<p>Wastewater overflows currently occur within the QLDC network and can be difficult to avoid due to their ability to occur at any time and any place within the network. As a result, the contaminants already have the potential to discharge to water.</p> <p>The suite of proposed consent conditions will seek to remedy and mitigate any adverse effects on sensitive freshwater receiving environments. This mitigation will occur through immediate response remediation and long term network improvements.</p> <p>These response approaches have been developed alongside Kāi Tahu and community engagement and thus seek to take account of the uses and values of these receiving environments.</p>
<p>7.B.8</p>	<p>Encourage adaptive management and innovation that reduces the level of contaminants in discharges</p>	<p>Continual upgrades of QLDC's wastewater network seeks to minimise total overflow events. Additionally, public education on what can be disposed of and what should not be disposed of within the wastewater network seeks to reduce the total level of contaminants in potential discharges.</p>
<p><b>Policies 7C - Policies for discharges of human sewage...specified contaminants...</b></p>		
<p>7.C.1</p>	<p>When considering applications for resource consents 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 be considered degraded in terms of its capacity to support its natural and human use values</p>	<p>There are limited opportunities to enhance existing water quality of the large receiving environments.</p>

7.C.2	<p>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:</p> <p>(a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;</p> <p>(b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means; and</p> <p>(c) The current state of technical knowledge and the likelihood that the proposed method of discharge can be successfully applied</p>	<p>Discharges are anticipated to be infrequent and can occur at any point in the QLDC wastewater network. Due to current technology, there are no feasible alternatives to the overflow discharges.</p> <p>However, network improvements over time and new technology will work towards reducing overflow frequencies.</p>
7.C.3	<p>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</p>	<p>Microbiological water quality guidelines for marine and freshwater recreational areas published by the Ministry for the Environment have been considered in establishing the receiving environment (i.e. presence of <i>E. coli</i> from general sources like bird etc) but are not appropriate for use in the case of a wastewater discharge (i.e. <i>E. coli</i> from a human source).</p> <p>Proposed physical response procedures when an overflow is to water including potential closures, signage and monitoring. This closure of beaches is to allow for the monitoring of water quality to ensure safe contact recreation. Guidelines to enable safe recreation are identified in the publication <i>Microbiological water quality guidelines for marine and freshwater recreational areas</i> published by the Ministry for the Environment.</p>
7.C.4	<p>The duration of any new resource consent for an existing discharge of contaminants will take account of the anticipated adverse effects of the discharge on any natural and human use value supported by an affected water body, and:</p> <p>(a) Will be up to 35 years where the discharge will meet the water quality standard required to support that value for the duration of the resource consent;</p>	<p>Resource consent is sought for a period of 35 years as proposed physical responses and network improvements will seek to enable discharges reduce impacts on water quality standards.</p>

	<p>(b) Will be no more than 15 years where the discharge does not meet the water quality standard required to support that value but will progressively meet that standard within the duration of the resource consent;</p> <p>(c) Will be no more than 5 years where the discharge does not meet the water quality standard required to support that value; and</p> <p>(d) No resource consent, subsequent to one issued under (c), will be issued if the discharge still does not meet the water quality standard required to support that value</p>	
7.C.9	To support the coordination of measures to remedy or mitigate the adverse effects associated with accidental spills which could potentially contaminate water	Physical responses outlined in the proposed suite of consent conditions will support the coordination of measures to remedy and mitigate the adverse effects associated with an overflow event.
<b>Chapter 12</b>	<b>Rules Water Take Use and Management</b>	
12.A	Discharge of Human Sewage	
12.A.A.1	The discharge rules in section 12.A apply where a discharge contains human sewage	Resource consent is required as a discretionary activity pursuant to Rule 12.A.2.1.
12.A.1	Permitted activities: No resource consent required	
12.A.2.1	Except as provided for by Rules 12.A.1.1 to 12.A.1.4, the discharge of human sewage to water, or onto or into land in circumstances where it may enter water, is a discretionary activity	
12.B	Discharge of hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams	
12.B.A.2	The discharge rules in section 12.A apply in addition to 12.B where a discharge contains human sewage	Resource consent is required as a discretionary activity pursuant to Rule 12.B.4.2.
12.B.4.2	<p>The discharge of any hazardous substance to water or onto or into land in circumstances which may result in that substance entering water is a discretionary activity, unless it is:</p> <p>(a) Permitted by a rule in 12.B.1; or</p> <p>(b) Provided for by a rule in 12.B.2 or 12.B.3.</p>	
12.B.4.3	The discharge of water or any contaminant covered in section 12.B.1 or 12.B.2, to water or onto or into land in circumstances which may result in that water or	

	contaminant entering water, is a discretionary activity, unless it is: (a) Permitted by a rule in 12.B.1; or (b) Provided for by a rule in 12.B.2, 12.B.3, 12.B.4.1 or 12.B.4.2.	
12.C	Other Discharges	
12.C.A.1	Discharge rules in section 12.C apply to any discharge not provided for in sections 12.A, 12.B or 13.5	Resource consent is required as a discretionary activity pursuant to Rule 12.C.3.2.

## 5 Assessment: Section 104(1)(c) Other Matters

The following are considered to be relevant statutory and non-statutory matters to be considered for this application.

### 5.1 Lake Wanaka Preservation Act 1973

The Lake Wanaka Preservation Act makes provision for the preservation of the normal water levels and shoreline of Lake Wanaka, and the maintenance and improvement of its water quality.

#### 5.1.1 Section 4 – Purpose

The purposes of the Lake Wanaka Preservation Act 1973 is:

- (a) *to prevent the water in the body of the lake from being impounded or controlled by, or, as far as possible, obstructed by, any works except in an emergency:*
- (b) *to prevent the natural rate of flow of lake water between the outlet of the lake which forms the source of the Clutha River and the confluence of that river and the Cardrona River from being varied or controlled by any works except in an emergency:*
- (c) *to preserve, as far as possible, the water levels of the lake and its shoreline in their natural state:*
- (d) *to maintain and, as far as possible, to improve the quality of water in the lake.*

#### 5.1.2 Section 5 - Guardians of Lake Wanaka

- (1) *The Minister of Conservation may, on such terms and conditions as the Minister may from time to time specify, appoint such persons as the Minister thinks fit to be the Guardians of Lake Wanaka.*
- (1A) *The persons appointed to be Guardians must include a person nominated by Te Rūnanga o Ngāi Tahu (as established under section 6 of Te Runanga o Ngai Tahu Act 1996).*
- (2) *The functions of the Guardians of Lake Wanaka shall be—*
  - (a) *generally, to report and make recommendations to the Minister of Conservation on any matter affecting the purposes of this Act, on the use of the lake for recreational purposes, and on any other matter concerning the lake which the Minister of Conservation may from time to time specify; and*

*(b) in particular—*

- (i) to declare as an emergency any state of affairs existing when the lake water appears likely to attain such a level as to cause loss or damage to human life, livestock, or property by flooding:*
- (ii) to consult the Otago Regional Council from time to time on those functions of the Otago Regional Council which may affect the lake, and to advise the Minister of Conservation of any such consultation and its outcome:*
- (iii) to give advice to the Minister of Conservation on any matter referred to the Minister under subsection (1) of section 11.*

**Comment:**

The ways in which the wastewater overflows are responded to, as set out in the proposed conditions of consent, will provide for the protection of natural resources. For this reason, the proposal is consistent with the Lake Wanaka Preservation Act in that it will maintain and as far as possible, improve the water quality in the lake through management of overflows.

## **5.2 Water Conservation (Kawarau) Order 1997**

Pursuant to section 199 of the RMA; the purpose of a water conservation order is to recognise and sustain –

- (a) Outstanding amenity or intrinsic values which are afforded by waters in their natural state:*
- (b) Where waters are no longer in their natural state, the amenity or intrinsic values of those waters which in themselves warrant protection because they are considered outstanding.*

### **5.2.1 Relevant matters:**

#### **Section 3 – Preservation in natural state**

- (1) It is declared that the waters described in Schedule 1 contain 1 or more of the following outstanding amenity and intrinsic values which are afforded by waters in their natural state:*
  - (a) natural and physical qualities and characteristics that contribute to—*
    - (i) people’s appreciation of pleasantness of waters:*
    - (ii) aesthetic coherence:*
    - (iii) cultural and recreational attributes:*
  - (b) biological and genetic diversity of ecosystems:*
  - (c) essential characteristics that determine the ecosystem’s integrity, form, functioning, and resilience.*
- (2) Because of the outstanding amenity and intrinsic values recognised in subclause (1), these outstanding values shall be sustained.*
- (3) Because of the outstanding amenity and intrinsic values recognised in subclause (1), it is declared that the water bodies set out in Schedule 1 are outstanding in their natural state.*
- (4) Because the water bodies set out in Schedule 1 are recognised to be outstanding in their natural state, they must be preserved as far as possible in their natural state.*
- (5) Except as provided in clauses 5 and 6, the exercise by a regional council of its functions and powers under section 30(1)(e) and (f) of the Act (as they relate to water) are restricted or prohibited so as to retain the preserved waters as far as possible in their natural state.*

#### **Section 4 – Protection of characteristics**

- (1) *It is declared that the waters set out in Schedule 2 which are no longer in their natural state contain 1 or more amenity and intrinsic values which warrant protection because they are considered outstanding.*
- (2) *Because of the outstanding amenity and intrinsic values recognised in subclause (1), these outstanding values shall be sustained.*
- (3) *Because of the outstanding amenity and intrinsic values recognised in subclause (1), it is declared that the water bodies described in Schedule 2 contain 1 or more of the following outstanding characteristics, as set out in Schedule 2:*
  - (a) *as a habitat for terrestrial and aquatic organisms:*
  - (b) *as a fishery:*
  - (c) *for its wild, scenic, and other natural characteristics:*
  - (d) *for scientific values:*
  - (e) *for recreational, or historical purposes:*
  - (f) *for significance in accordance with tikanga Māori.*
- (4) *Because of the outstanding characteristics specified in subclause (3), the characteristics of the waters, as set out in Schedule 2, are protected.*
- (5) *Except as provided in this order the exercise by a regional council of its functions and powers under section 30(1)(e) and (f) of the Act (as they relate to water) are restricted or prohibited as set out in Schedule 2.*

#### **Section 5- Exemptions**

*The restrictions and prohibitions in clauses 3(5) and 4(5) and Schedule 2 do not limit the regional council's functions or powers to grant a resource consent or to make a rule for any part of the preserved waters or protected waters for all or any of the following purposes:*

- (a) *maintenance or protection of any network utility operation (as defined in section 166 of the Act) or any public or private road or any bridge:*
- (b) *maintenance of soil conservation and river protection works:*
- (c) *research into, protection of, enhancement of, or restoration of, values and characteristics for which the water bodies are being preserved or protected, as the case may be:*
- (d) *on the same or similar conditions for any lawful use of water being undertaken immediately before the date on which this order came into force.*

#### Comment:

The ways in which the wastewater overflows are responded to, as set out in the proposed conditions of consent, will provide for the preservation of identified amenity and intrinsic values, and the protection of identified outstanding characteristics. For these reasons, the proposal is consistent with the Water Conservation (Kawarau) Order 1997 and will allow for the protection of network operation pursuant to Section 5.



## 5.3 Iwi Management Plans

### 5.3.1 Cultural Impact Statement

As per section 4.2.3 of this appendix, a Cultural Impact Statement has not been received at point of lodgement of the application. Kāi Tahu are best placed to provide the assessment of cultural impacts. Without this it is difficult to make an assessment of the identified relevant Iwi Management Plans. However, the relevant objectives and policies of both Iwi Management Plans have been identified within sections 5.3.2 and 5.3.3.

### 5.3.2 Kāi Tahu Ki Otago – Natural Resources Management Plan 2005

The Kāi Tahu Ki Otago- Natural Resources Management Plan sets out the important natural resources to local iwi and the direction of the future management of these resources. Chapter 5 outlines the issues, objectives and policies for the entire Otago Region while Chapter 10 outlines the same for the specific Clutha/Mata-Au Catchments. Through this Management Plan, freshwater bodies are one area that Kāi Tahu seeks to preserve and protect.

The relevant sections of objectives and policies of the Kāi Tahu Ki Otago Natural Resources Management Plan are provided below.

Issue, Objective, Policy		Comment
<b>Chapter 5</b>	<b>Otago Region</b>	
<b>Section 5.3 - Wai Māori</b>		
<b>Objectives</b>		
5.3.3	<p>The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.</p> <p>The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.</p> <p>There is no discharge of human waste directly to water.</p> <p>Contaminants being discharged directly or indirectly to water are reduced.</p> <p>Flow regimes and water quality standards are consistent with the cultural values of Kāi Tahu ki Otago and are implemented throughout the Otago Region and lower Waitaki Catchment.</p>	
<b>Policies</b>		
5.3.4	<p><i>General</i></p> <p>To require an assessment of instream values for all activities affecting water.</p> <p>To promote the cultural importance of water to Kāi Tahu ki Otago in all water management within the Otago Region and Lower Waitaki Catchment.</p> <p>To promote co-ordinated research into water-related issues that provides for Kāi Tahu ki Otago input.</p>	



To protect and restore the mauri of all water.

To encourage the use of the Cultural Health Index as a tool for monitoring waterways.

To oppose any further cross mixing of waters.

*Discharges:*

To require land disposal for human effluent and contaminants.

To require consideration of alternatives and use of new technology for discharge renewal consents.

To encourage Kāi Tahu ki Otago input into the development of monitoring programmes.

To require monitoring of all discharges 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. Copies of all service and maintenance records should be available to Kāi Tahu ki Otago upon request.

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

<b>Section 5.4 – Wāhi Tapu</b>		
<b>Objectives</b>		
5.4.3	All wāhi tapu are protected from inappropriate activities. Wāhi tapu throughout the Otago region are protected in a culturally appropriate manner.	
<b>Policies</b>		
5.4.4	To require consultation with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu <i>Discharges</i> To discourage all discharges near wāhi tapu	

**Section 5.5 - Mahika kai and biodiversity****Objectives**

- 5.5.3 Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected.
- Mahika kai resources are healthy and abundant within the Otago Region.
- Mahika kai is protected and managed in accordance with Kāi Tahu ki Otago tikaka.
- Indigenous plant and animal communities and the ecological processes that ensure their survival are recognised and protected to restore and improve indigenous biodiversity within the Otago Region.

**Policies**

- 5.5.4 To promote catchment-based management programmes and models, such as Ki Uta Ki Tai.
- To require Kāi Tahu ki Otago participation in the management of mahika kai, both introduced and indigenous.
- To identify mahika kai sites and species of importance to Kāi Tahu ki Otago.
- To require that all assessments of effects on the environment include an assessment of the impacts of the proposed activity on mahika kai.
- To promote the protection of remaining indigenous fish habitat by:
- Identifying waterways that exclusively support indigenous fish.

**Chapter 10 – Clutha/Mata-Au Catchments****Section 10.2 – Wai Māori****Policies**

- 10.2.3 To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.
- To promote sustainable land use in the Clutha/Mata-au Catchment.
- To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.
- To require reticulated community sewerage schemes that have the capacity to accommodate future population

	growth.	
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<b>Section 10.3 – Wāhi Tapu</b>		
<b>Policies</b>		
10.3.3	To require that wāhi tapu sites are protected from further loss or destruction.	
<b>Section 10.4 – Mahika Kai and Biodiversity</b>		
<b>Policies</b>		
10.4.3	To support programmes and initiatives that enhances mahika kai.  To encourage customary use practises	

As set out in section 4 of the AEE, consultation has been undertaken with Ngāi Tahu, via its appointed representatives, Te Ao Mārama and Aukaha, throughout the preparation of this consent.

### 5.3.3 Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

The Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008, The Cry of the People – Te Tangi a Taura, sets out the functions of Te Ao Mārama Inc which is authorised to represent the four Southland Rūnanga Paptipu in resource management matters.

The Management Plan's purpose is to:

- *describe the values underpinning the relationship between Ngāi Tahu ki Murihiku and the natural environment;*
- *identify the primary issues associated with natural resource and environmental management in the takiwā, from the perspective of Ngāi Tahu ki Murihiku;*
- *articulate Ngāi Tahu ki Murihiku policies and management guidelines for natural resource and environmental management, wāhi tapu and wāhi taonga.*

Further, this Plan provides a tool to:

- *enable Ngāi Tahu ki Murihiku to effectively and proactively apply cultural values to the management of natural resources, wāhi tapu and wāhi taonga;*
- *assist regional, territorial and national authorities to understand Ngāi Tahu ki Murihiku values and perspectives, and thus fulfil their statutory obligations under the Resource Management Act 1991, Ngāi Tahu Claims Settlement Act 1998, Local Government 2002 and other relevant legislation;*
- *provide a tool recognising the importance of consultation, but as such does not replace the need for direct communication and dialogue with Ngāi Tahu ki Murihiku.*

The relevant sections of this Management Plan have been provided below.

Issue, Objective, Policy	Comment
<b>Chapter 3.4 High Country and Foothills</b>	
<b>Section 3.4.9 – General Water Policy</b>	

Ngāi Tahu ki Murihiku General water policy is found in Section 3.5: Southland Plains, provision 3.5.10. The policies as outlined in Section 3.5 Southland Plains, provisions 3.5.10-3.5.20 and Section 3.3 Fiordland, provision 3.3.12 are applicable and should be read in the context of activities occurring in, around, on or affecting high country waterways.

<b>Policies</b>	
<p>3.3.12 Lakes</p>	<p>Require that ngā roto waimāori where Statutory Acknowledgements apply are recognised for their special associations to Ngāi Tahu irrespective of expiry dates of 20 years contained in the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999. This means that places identified as Statutory Acknowledgements should continue to be:</p> <ul style="list-style-type: none"> <li>identified in relevant district and regional plans and policy statements as notice of their cultural importance to Ngāi Tahu (noting on plans);</li> <li>considered a trigger for a notice of application to Ngāi Tahu with respect to resource consents relating to, or impacting on, such areas (notice of applications);</li> <li>given regard to by Councils, the Environment Court and Historic Places Trust when decisions are made about who has the right to comment and be listened to, or to appear in court (Standing);</li> <li>accepted as evidence of the relationship of Ngāi Tahu with a particular area in any proceedings under the Resource Management Act or Historic Places Act.</li> </ul> <p>Require that ngā roto waimāori subject to Deeds of Recognition are recognised for their special associations to Ngāi Tahu in perpetuity. This means that:</p> <ul style="list-style-type: none"> <li>the cultural importance of such places is identified in relevant plans and policy;</li> <li>the landholding Crown agency (either DOC or LINZ) must have particular regard to the views of Ngāi Tahu ki Murihiku in relation to the management of these areas.</li> </ul>

	<p>Maintain and protect the cultural, spiritual, historic and traditional association of Ngāi Tahu ki Murihiku with ngā roto waimāori in Fiordland.</p> <p>All Ngāi Tahu Whānui, current and future generations, must have the ability to access, use and protect ngā roto waimāori, and the history and traditions that are part of such landscapes.</p> <p>Protect, and where needed enhance, the mauri or life supporting capacity of ngā roto waimāori.</p> <p>Avoid the use of ngā roto waimāori as a receiving environment for the discharge of contaminants (e.g. industrial, residential, recreational or agricultural sources)</p>	
3.4.12 Mahinga Kai	<p>Advocate for timely and appropriate consultation with Ngāi Tahu ki Murihiku with respect to areas that are considered particularly significant in terms of mahinga kai. All endeavours should be taken to protect areas and avoid inappropriate use and development. Furthermore management plans should recognise for taonga species as listed in the Ngāi Tahu Claims Settlement Act 1998 and all other species considered taonga by Ngāi Tahu ki Murihiku.</p> <p>Advocate for the protection, restoration and enhancement of waterways, riparian margins, wetlands, and tarns as a means of protecting and enhancing indigenous biodiversity.</p>	
3.4.13 Hazardous Substances	<p>Require appropriate consultation with regards to Hazardous Substances or New Organisms applications. Pre application, site visits, and presentation of findings are encouraged. Continued liaison with Te Rūnanga o Ngāi Tahu is essential.</p> <p>Consultation and communication of highly technical information should in addition be presented in plain language, to enable rūnanga (and other community groups) to make informed decisions.</p> <p>Consider any application for Hazardous Substances or New Organisms in terms of the potential effects, both positive and adverse, on indigenous biodiversity.</p> <p>Advocate for use of Cultural Impact Assessments when considering applications for Hazardous Substances and New Organisms to appropriately assess the environmental impacts on cultural values held by Ngāi Tahu ki Murihiku.</p>	

	<p>Oppose the use of any hazardous substances where it is likely that such use will have an affect on water quality and land, influencing the life supporting and productive capacity of both.</p>	
<p>3.5.10 General Water Policy</p>	<p>Work with local authorities and other statutory agencies involved in freshwater management to ensure that cultural values and perspectives associated with freshwater management are reflected in statutory water plans, best practice guidelines and strategies, and in resource consent processes for activities involving water.</p> <p>Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.</p> <p>Manage our freshwater resources wisely, mō tātou, ā, mō ngā uri ā muri ake nei, for all of us and the generations that follow.</p> <p>Promote the management of freshwater according to the principle of ki uta ki tai, and thus the flow of water from source to sea.</p> <p>Protect and enhance the customary relationship of Ngāi Tahu ki Murihiku with freshwater resources.</p>	
<p>3.5.11 Rivers</p>	<p>Promote river management that adopts the priorities established in the Te Rūnanga o Ngāi Tahu Freshwater Policy 1997. The priorities are:</p> <p>Priority 1: Sustain the mauri of the waterbodies within the catchment.</p> <p>Priority 2: Meet the basic health and safety needs of humans (drinking water).</p> <p>Priority 3: Protect cultural values and uses.</p> <p>Priority 4: Protect other instream values (indigenous flora and fauna).</p> <p>Priority 5: Meet the health and safety needs of humans (sanitation).</p> <p>Management of our rivers must take into account that each waterway has its own mauri, guarded by separate spiritual guardians, its own mana, and its own set of associated values and uses.</p> <p>Adopt a precautionary approach for any activity involving a waterway where there is an absence of detailed knowledge of that waterway (ecology, flow regimes, species, etc).</p> <p>Require that rivers recognised as Statutory</p>	

Acknowledgements be recognised for their special associations to Ngāi Tahu beyond the expiry date of 20 years. This means that places identified as Statutory Acknowledgements should continue to be:

- Identified in relevant district and regional plans and policy statements as notice of their cultural importance to Ngāi Tahu (noting on plans).
- Considered a trigger for a notice of application to Ngāi Tahu with respect to resource consents relating to, or impacting on, such areas (notice of applications).
- Given regard to by Councils, the Environment Court and Historic Places Trust when decisions are made about who has the right to comment and be listened to, or to appear in court (Standing).
- Accepted as evidence of the relationship of Ngāi Tahu with a particular area in any proceedings under the RMA or Historic Places Act.

The cultural importance of particular rivers (e.g. Statutory Acknowledgements, rivers associated with whakapapa and identity) must be reflected in the weighting of Ngāi Tahu responses and submissions on consents associated with these rivers.

Promote the use of State of the Takiwā environmental monitoring for Murihiku river catchments.

Promote the use of the Cultural Health Index (CHI) as a tool to facilitate monitoring of stream health, and to provide long term data that can be used to assess river health over time.

Use riparian enhancement, buffer zones, fencing, and related streamside management tools as conditions of consent to ensure that human use of rivers and their water does not compromise river health.

Avoid the use of rivers as a receiving environment for the discharge of contaminants (e.g. industrial, residential, recreational or agricultural sources).

Prioritise the restoration of those waterbodies of high cultural value, both in terms of ecological restoration and in terms of restoring cultural landscapes.

Ensure that activities in upper catchments have no adverse effect on mahinga kai, water quality and water

	<p>quantity in lower catchments.</p> <p>Promote environmental education programmes that raise awareness about appropriate land management practices adjacent to our rivers, including riparian management. This includes education about avoiding adverse effects of livestock on riparian areas and waterways.</p>	
<p>3.5.12 Discharge to Water</p>	<p>Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Even if the discharge is treated and therefore considered “clean”, it may still be culturally unacceptable. Generally, all discharge must first be to land.</p> <p>Assess discharge to water proposals on a case by case basis, with a focus on local circumstances and finding local solutions.</p> <p>Consider any proposed discharge activity in terms of the nature of the discharge, and the sensitivity of the receiving environment.</p> <p>When existing rights to discharge to water come up for renewal, they must be considered in terms of alternative discharge options.</p> <p>When assessing the alternatives to discharge to water, a range of values, including environmental, cultural and social, must be considered in addition to economic values.</p> <p>Any discharge activity must include a robust monitoring programme that includes regular monitoring of the discharge and the potential effects on the receiving environment.</p> <p>Require robust monitoring of discharge permits, to detect non-compliance with consent conditions. Noncompliance must result in appropriate enforcement action to discourage further non-compliance.</p> <p>Promote the use of the Cultural Health Index (CHI) as a tool to facilitate monitoring of stream health, and to provide long term data that can be used to assess river health over time.</p> <p>Ngāi Tahu ki Murihiku consider activities involving the discharge of contaminants to water a community issue. For this reason, ngā rūnanga may, where seen as appropriate, recommend that a consent application be notified.</p>	



<p>3.5.12 Water Quality</p>	<p>The role of Ngāi Tahu ki Murihiku as tangata whenua and kaitiaki of water must be recognised and provided for in all water quality management.</p> <p>Strive for the highest possible standard of water quality that is characteristic of a particular place/waterway, recognising principles of achievability.</p> <p>Require cumulative effects assessments for any activity that may have adverse effects of water quality.</p> <p>Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Generally, all discharge must first be to land.</p> <p>Avoid impacts on water as a result of inappropriate discharge to land activities.</p> <p>When assessing the effects of an activity on water quality, where the water source is in a degraded state, the effects should be measured against the condition that the water source should be, and not the existing condition of the water source.</p> <p>Require the use of buffer zones, riparian areas, bunds and other mechanisms to prevent stormwater and other wastewater from entering waterways.</p> <p>Water quality definitions, categories, and standards must be determined, measured, and assessed with cultural values and indicators alongside scientific information. Such indicators and values centre on the ability of the waterway to support life, and the fitness of water for cultural uses.</p> <p>Require robust monitoring of discharge permits, to detect non-compliance with consent conditions. Noncompliance must result in appropriate enforcement action to discourage further non-compliance.</p>	
<p>3.5.16 Mahinga Kai and Biodiversity</p>	<p>Consider the actual and potential effects of proposed activities on mahinga kai places, species and activities when assessing applications for resource consent.</p> <p>Use the enhancement of mahinga kai places, species and activities to offset or mitigate the adverse effects of development and human activity on the land, water and biodiversity of Murihiku.</p>	
<p>3.5.20 Freshwater Fisheries</p>	<p>All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect native fisheries, and the history and traditions that are part of customary use of such fisheries, as guaranteed</p>	

by the Treaty of Waitangi.

Advocate for the protection, restoration and enhancement of waterways, riparian margins, and wetlands as a means of protecting and enhancing freshwater fishery values.

## 6 Statutory Assessment: Section 105(1)

In accordance with section 105(1)(c) of the RMA, alternative methods for the proposed discharges have been assessed.

It is noted that it is not possible to provide a reticulated network that can be guaranteed never to overflow. This is because the network will be designed and constructed to a certain 'event' or standard which can't account for every scenario. Additionally, the system cannot always account for human or non-human influenced factors, such as blockages by foreign objects or damage by tree roots, the predominant cause of overflows in the QLDC wastewater network.

Theoretically, QLDC could rebuild the entire wastewater network ensuring that the pipes are constructed in accordance with modern-day best practice technology, standards and guidelines. While this option would ensure a reduction in overflows caused by defects in the pipeline, this would still not eliminate the overflows as this is only one cause of the many causes of overflows. Additionally, this option would be a significant up front cost to QLDC ratepayers with a large construction period, disturbance to the entire district with re-routing of traffic, construction noise, and disruption to the wastewater service (which in itself could pose serious risk to public health and the environment).

As set out in the AEE the QLDC wastewater network on average is relatively new and therefore it would not be cost effective to totally replace this at this current time. It is more appropriate and feasible to upgrade the network over time such as that proposed by QLDC through its Infrastructure Assets Management Strategy and the investments it is making through its Long Term Plan.