

STATEMENT OF EVIDENCE

In the matter of the Resource Management Act 1991 (RMA)

And a submission and further submissions on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (PPC1)

Submitter’s Name: Hamilton City Council (HCC)

Submission Number: 74051

Hearing Topic: **Block 2**
Parts C1-C6: Policies, Rules and Schedules (most)

Type of Evidence: Primary

Witness: Paul Stanley Ryan

Date: 30 April 2019

Summary statement

1. This evidence sets out my responses to the Officers’ recommendations about the Block 2 provisions on which HCC made submissions and further submissions.
2. I agree with some of the Officers’ recommendations and disagree with others. Where I disagree, I seek changes to the provisions they recommended, or new provisions if they recommended none.
3. Table 1 below lists the PPC1 provisions addressed, and whether I agree or disagree with the Officers’ recommendations about them. The detailed relief I seek is collated in **Attachment A**.
4. The s.32 evaluation provided in **Attachment B** demonstrates that the policy set sought in this evidence is the most appropriate to achieve the objectives of PPC1.¹

Table 1: The PPC1 provisions addressed in this evidence and my response to the Officers’ recommendations

PPC1 provision	Subject	My response to the Officers’ recommendations
Policy 4	Future discharge reductions	Agree
Policy 5	Staged approach	Seek further changes
New Policy 5a	New urban development	Seek an amended new policy

¹ In that regard, I note that s.32 of the RMA requires that the objectives of PPC1 are the “most appropriate” to achieve the purpose of the RMA. HCC has reserved its position regarding the final drafting of the Objectives in PPC1. Those objectives are relevant to assessment of whether PPC1 gives effect to the NPS-FM, the NPS-UDC and the Vision and Strategy for Waikato River (the Vision and Strategy).

PPC1 provision	Subject	My response to the Officers' recommendations
Policy 6	Restricting land use change	Agree
Policy 10	Provide for point source discharges of regional significance	Seek further changes
New Policy 10a	Review of conditions of existing point source discharges of regional significance	Seek an amended new policy
Policy 11	Application of Best Practicable Option and mitigation or offset of effects to point source discharges	Seek further changes
Policy 12	Considering point source discharges	Seek further changes
New Policy 12a	Consideration of the effects of land use change on discharges	Agree
Policy 13	Point source consent duration	Seek further changes
Additions to Glossary of Terms		
"Regionally significant infrastructure"	Definition	Agree
"Point source discharge"	Definition	Seek further changes

Introduction

5. My full name is Paul Stanley Ryan. Please refer to my Block 1 Rebuttal Evidence on "Part B – Outcomes: Overall direction and whole plan submissions" for my:
 - (1) Qualifications and experience;
 - (2) Endorsement of the content of HCC's submissions and further submissions, except where stated otherwise in my evidence;
 - (3) Agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014; and
 - (4) Reserved position with respect to the relief my Block 1 evidence seeks.
6. As for my Block 1 evidence, I reserve my position with respect to the relief my Block 2 evidence seeks.

Abbreviations

7. Abbreviations and terms used in my evidence are explained in **Attachment C**.

Relief sought

8. The relief I seek is identified throughout this evidence and collated in **Attachment A**. **Attachment A** also identifies the submission points relied upon for any relief sought in this evidence that is additional to the relief recommended in the s.42A Report.
9. The relief sought in this evidence is shown as amendments to the provisions recommended in the s.42A Report. I have accepted all the Officers' recommended changes and tracked only the additional changes I seek, as follows:

- Additions: underlined; and
- Deletions: ~~strikethrough~~.

Emphasis

10. In this evidence emphasis has been added by **shading**.

Scope of evidence

11. This evidence sets out my responses to the Officers' recommendations about the PPC1 provisions listed in Table 1 above, on which HCC made submissions or further submissions.

Policy 4: Future discharge reductions

12. HCC's submission seeks amendments to Policy 4 to improve its clarity and certainty.
13. The s.42A Report recommends significant amendments to Policy 4, including amendments that restrict the application of the policy to farming activities. While those amendments are different from those proposed in HCC's submission, they improve the clarity and certainty of Policy 4 and are acceptable to HCC.

Policy 5: Staged approach

14. I seek for the policy as recommended in the s.42A Report to be further amended as follows:

To recognise that:

- All farmers, businesses and communities will need to contribute to achieving the water quality attribute states in Table 3.11-1; and*
- Changes in practices and activities that discharge nitrogen, phosphorus, sediment and microbial pathogens need to start immediately by 2026, unless provided for otherwise in this plan; and*
- ~~The rate of These changes~~ will need to be staged over the coming decades to minimise social, economic and cultural disruption and enable innovation and new practices to develop; and*
- Responding to the reasonably foreseeable effects of climate change will mean that different regulatory and non-regulatory responses may be needed in future.*

Changes to Policy 5, clause b

15. The amendments before "need to start" are necessary to clarify what "practices and activities" need to change, namely, those "that discharge nitrogen, phosphorus, sediment and microbial pathogens".
16. The deletion of "immediately" and its replacement with "by 2026" is necessary, because PPC1 does not require immediate change to these practices and activities. PPC1 identifies different dates over the first decade by which practices and activities need to change.
17. The words, "unless provided for otherwise in this plan", would be desirable to provide clarity, if HCC's submission seeking for existing point source discharges to run their

course, before compliance with PPC1 is required, were accepted. That submission is discussed below at paragraph 70.

Changes to Policy 5, clause c

18. It may not be necessary to stage everywhere the **rate** at which contaminant management is changed over every decade. Whether contaminant management change needs to accelerate, or decelerate, depends on the circumstances of the sub-catchment in question. It is **the change in contaminant management** that needs to be staged. Successive increments of improvement could be uniform, for example, in which case the rate of change would be zero.

Policy 6: Restricting land use change

19. HCC's submission seeks for Policy 6 to be amended by including reference to a new Policy 5a that the submission seeks to allow new urban development.
20. The s.42A Report recommends that Policy 6 is deleted and its text included, with amendment, in Policy 1 without reference to any new policy regarding new urban development.
21. Policy 1 relates to "diffuse discharges", which PPC1 defines as: "*... the discharge of contaminants that results from land use activities including cropping and the grazing of livestock and includes non-point source discharges.*"
22. The s.42A Report recommends PPC1 defines "point source discharge" as: *A stationary or fixed facility from which contaminants are discharged or emitted. For the purpose of Chapter 3.11, includes the irrigation onto land from consented industrial and municipal wastewater systems.*
23. Discharges from urban areas can include both point source discharges and diffuse discharges. So, although the s.42A Report recommends inclusion in Policy 1 of several references to "farming activities", "farmers", or "Farming Practices", some parts of Policy 1 will apply to diffuse discharges in urban areas.
24. Of particular concern to HCC at the time of writing the submission was the part of Policy 6, which the s.42A Report now recommends be incorporated into Policy 1 and states: "*... generally not granting land use consent applications that involve change in the use of the land, or an increase in the intensity of the use of land, unless the application demonstrates clear and enduring discharges of nitrogen, phosphorus, sediment and microbial pathogens; ...*"
25. I have reconsidered this matter and now accept that this part of the policy is appropriate, even for urban development, to give effect to the Vision and Strategy.
26. HCC has already accepted outcomes that could arise from the application of this policy. For example, contaminant modelling undertaken to inform the Rotokauri Integrated Catchment Management Plan (ICMP) identified that, without any intervention, development of the Rotokauri Growth Cell would result in an increase in phosphorus discharged in stormwater to streams and the lake in the area. The Rotokauri ICMP identifies stormwater treatment trains and a major swale will be required to reduce the phosphorous discharge and other effects of development. HCC is now planning the implementation of these measures.
27. I agree with the Officers' recommendations that Policy 6 is deleted and clauses b3 and b4 are included in the amended Policy 1 recommended.

New Policy 12a: Consideration of the effects of land use change on discharges

28. HCC's submission seeks the addition of the following new policy to PPC1:

Policy 12a: Consideration of the effects of land use change on discharges

When considering a consent application to discharge contaminants from a changed land use, take into account any changes in contaminant load resulting from the change in land use as well as the contaminants associated with the new activity being consented.

29. The Officers consider this new policy is unnecessary as the relevant assessment of environmental effects may consider changes in contaminant discharge arising from any change in land use².
30. I agree with the Officer's and their recommendation that HCC's submission point be rejected (part of 74051-10259)

New Policy 5a: New urban development

31. The RMA requires a regional plan to give effect to any national policy statement (NPS)³ and any regional policy statement⁴.
32. The NPS for Urban Development Capacity (NPS-UDC) requires all local authorities to ensure that at any one time there is sufficient development capacity available within the next thirty years to meet demand for work and business places and dwellings⁵.
33. Areas administered by Hamilton City Council, Waikato District Council, Waipa District Council and Waikato Regional Council fall within the definition of a "high-growth urban area" in the NPS-UDC⁶. For these areas the NPS-UDC requires the local authorities to provide an additional margin of feasible development capacity over and above projected demand of at least 20% in the short and medium term, and 15% in the long term.⁷ Furthermore, these local authorities are required to consider all practicable options for providing sufficient, feasible development capacity and enabling development to meet demand.⁸
34. PPC1 makes no reference to the NPS-UDC. This is not surprising, because the latter only came into effect on 1 December 2016, after the former was publicly notified⁹.
35. On 17 December 2018, the Waikato Regional Policy Statement (the RPS) was updated to incorporate the minimum targets for sufficient, feasible development capacity for housing and thereby give effect to the NPS-UDC.

² Paragraph 1068 of the s.42A Report

³ S.67(3)(a)

⁴ S.67(3)(c)

⁵ See Objective OA2 and Policy PA1 on p10 and p11 of NPS-UDC.

⁶ See p.7 of the NPS-UDC and *Summary of the National Policy Statement on Urban Development Capacity* (2016, p.2).

⁷ Policy PC1 of NPS-UDC (2016, p.13)

⁸ Policy PC4 of NPS-UDC (2016, p.14)

⁹ PPC1 was publicly notified on 22 October 2016.

36. In addition to giving effect to the NPS-UDC, the RPS adopts the Future Proof land use pattern and specifies where in the City and Districts urban development is to take place¹⁰.
37. PPC1 needs to recognise the requirements within the RPS for territorial authorities to accommodate urban development.
38. HCC’s submission seeks the addition of a new policy as follows:

Policy 5a: New urban development

Allow urbanisation of land that gives effect to the Waikato Regional Policy Statement, which will result in increased volumes of stormwater and treated wastewater and may result in increased discharges of contaminants.

39. The s.42A Report does not address this submission point.
40. Having attended parts of the Block 1 hearing and heard evidence and legal submissions on aspects of the Vision and Strategy, I have reflected on the relief originally sought in the HCC submission and acknowledge that the words “*and may result in increased discharges of contaminants*” would be inconsistent with Objective (3)(h) of the Vision and Strategy, albeit that this is one objective of 13 that are to be “pursued”. Objective 13 of the Vision and Strategy is:

“the recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities”.

41. Accordingly, I seek for the following, amended policy to be included in PPC1:

Policy 5a: New urban development

Allow urban development that gives effect to the Waikato Regional Policy Statement, which will result in increased volumes of stormwater and treated wastewater.

42. If this or a similar policy were not included, PPC1 would include no policy recognition of the need to accommodate urban development in accordance with the RPS; PPC1 would not give effect to the urban development provisions of the RPS.
43. The proposed new policy would guide decision-making regarding resource consent applications relating to urban development. It would indicate that urban development that is consistent with the RPS, which includes the Vision and Strategy, should be allowed.
44. The proposed policy recognises that the urban development will increase the volumes of stormwater and treated wastewater generated but does not imply or allow increased contaminant discharge. Other parts of PPC1 would require the urban development to be undertaken in a manner that achieves the relevant attribute values identified in Table 3.11-1.

Policy 10: Provide for point source discharges of regional significance

45. HCC’s submission expressed the following concerns about Policy 10:
- (1) It includes the term “regionally significant infrastructure”, but PPC1 and the Operative Regional Plan do not define this term;

¹⁰ See Policy 6.14 of the RPS (2016, p.6-20)

- (2) It provides insufficient policy recognition for municipal water service providers and their statutory obligations; and
- (3) It makes no provision for regionally significant point source discharges required to accommodate urban development.
46. I agree with the Officers' recommendation¹¹ that the definition of "regionally significant infrastructure" in the RPS be adopted for PPC1, either by inclusion or reference.
47. The Officers have recommended¹² rejection of any amendment to Policy 10 to provide for expansion of existing, and development of new, regionally significant infrastructure and regionally significant industry.
48. They justify this recommendation on the following grounds: "*Given the Vision and Strategy clearly identifies that additional adverse effects on the Waikato River are unacceptable, it would seem inappropriate to provide explicit policy support*".
49. I disagree with this argument. It is based on the incorrect assumption that upgrading or development of existing, or development of new, regionally significant infrastructure or industry will result in additional adverse effects on the Waikato River.
50. The Officers note¹³: "*Providing for" the RSI&I¹⁴ does not preclude adverse effects being avoided, remedied or mitigated*".
51. This applies to both existing, developed or new regionally significant infrastructure or industry.
52. Existing regionally significant infrastructure can be, and has been in the past, upgraded or developed to achieve higher standards of treatment or to expand treatment capacity to accommodate population and industrial growth. These upgrades and developments have and will reduce adverse effects on the Waikato River.
53. It is acknowledged that avoiding adverse effects on the Waikato River will, at times, be technically challenging. PPC1 recognises that innovation in technology and practices will need to be developed to meet the targets and limits in future regional plans¹⁵.
54. However, PPC1 includes a policy framework that will enable municipal and industrial point source dischargers flexibility to manage the effects of their discharges to help achieve the required attribute states in the rivers. I refer to the policies providing for employment of the best practicable option, staging and offsets. HCC intends to employ the best practicable options to treat its stormwater and wastewater prior to discharge to the receiving environment and to achieve any further required water quality improvements using offset measures. In these ways, new or extended regionally significant infrastructure will not result in additional adverse effects on the Waikato River.

¹¹ Paragraph 1071 of the s.42A Report

¹² Paragraph 1065 of the s.42A Report

¹³ Paragraph 1064 of the s.42A Report

¹⁴ Regionally Significant Infrastructure and Industry

¹⁵ See the last sentence in the second paragraph under the heading "Full achievement of the Vision and Strategy will be intergenerational" on page 15 of the notified version of PPC1.

55. Not extending Policy 10 to include new or extended regionally significant infrastructure would be short-sighted and counter-productive.
56. A sub-regional three waters investigation is currently in the process of being established as part of development of the Hamilton to Auckland Corridor Plan¹⁶.

The sub-regional study seeks to identify the most innovative, responsive and timely infrastructure solutions, unconstrained by territorial boundaries, while creating greater environmental outcomes, community benefits and overall efficiencies than individual TLAs can achieve alone. This approach can achieve economies of scale, support adoption of new and emerging technologies, and secure a future state of water and overall environmental gains that individual local authorities would struggle to realise alone. These gains include more efficient water use, more integrated planning, water quality improvement, ecological enhancement and carbon and energy neutrality (Future Proof Water Policy Group, 2019, p.42).

57. To realise these benefits, PPC1 should be enabling new and extended regionally significant infrastructure. Policy 10, as recommended in the s.42A Report, does not do this.
58. The development of existing or new regionally significant infrastructure can also improve the resilience of this infrastructure and thereby give effect to the RPS's Implementation Method 6.6.6¹⁷.
59. By failing to provide for point source discharges from new or extended regionally significant infrastructure, PPC1 would be failing to give effect to provisions of the RPS that require this. A selection of such provisions is set out in **Attachment D**.
60. Similarly, Policy 10, as recommended in the s.42A Report, also fails to give effect to provisions in the RPS that require provision for development of regionally significant industry – see **Attachment D**.
61. Clauses a and b of Policy 10 both begin with “continued operation of”. The policy could be simplified by joining a and b and eliminating the repetition of these words.
62. Taking the above into account, I seek for Policy 10 to be amended as follows:

Policy 10: Provide for point source discharges of regional significance

When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:

- ~~a.~~ Continued operation, uppgrade or development of, or new, regionally significant infrastructure¹⁷; and*

¹⁶ *The Hamilton to Auckland Corridor Plan was initiated by central government. It aims to investigate opportunities to unlock and shape growth along the rail corridor between Auckland and Hamilton through an integrated corridor plan. It is essentially an integrated land use and transport plan that aims to unlock the potential to connect communities and provide access to jobs in Auckland and Waikato towns along the corridor (Auckland Council, 2018).*

¹⁷ *6.6.6 Resilience of regionally significant infrastructure: Infrastructure providers should develop ways to maintain and improve the resilience of regionally significant infrastructure ...*

~~b. — Continued operation of regionally significant industry’.~~

63. A clean version is as follows:

Policy 10: Provide for point source discharges of regional significance

When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the continued operation, upgrade or development of, or new, regionally significant infrastructure’ and regionally significant industry’.

New policy - revision of existing municipal and industrial point source discharge consents

64. PPC1 and the Section 32 report set out at several places that existing point source discharge consents will be allowed to run their course on their current terms until they expire, and only when those consents are renewed would those consented discharges be required to comply with PPC1. The relevant statements are reproduced in **Attachment E**.
65. HCC supports this concept and sought through its submission to secure it within PPC1 by means of a new policy as follows:

Policy 10a: Revision of existing consented municipal and industrial point source discharges at the expiry of existing consent terms

Incorporate the requirements of the Vision and Strategy, the water quality objectives, and sub-catchment limits^ and targets^ into the consent conditions for point source discharges from regionally significant infrastructure, including municipal water supplies, wastewater and stormwater infrastructure, and regionally significant industry when the current consents expire and are renewed, while recognising the benefits to communities of the continued operation of such activities, which are provided for in Policy 10.

66. The s.42A Report states: “Officers consider the policy as suggested by Hamilton CC is not required as the actions proposed in the policy will already occur during the consent process”.¹⁸
67. In my opinion, an additional policy is required in PPC1 to give effect to the intent expressed in PPC1 and the s.32 Report as described above in paragraph 64. The new policy would guide decision-makers who might otherwise initiate a review of the conditions of existing point source discharge consents under s.128 (1) (b) of the RMA. Section 128 is reproduced in full in **Attachment F**.
68. To make the intent of the new policy clear, it needs to be expressed differently. Accordingly, I now seek the alternative wording as follows:

Policy 10a: Review of conditions of existing point source discharge consents of regional significance

To recognise past progress made to improve point source discharges from regionally significant infrastructure and regionally significant industry that was consented as at notification of this plan, being 22 October 2016, the requirements of the Vision and Strategy will be incorporated into such consents

¹⁸ Paragraph 1069 of the s.42A Report

when the current consents are renewed and the conditions of any such consent will not be reviewed under section 128(1)(b) of the Resource Management Act during the term of the existing consent.

69. **Attachment G** contains extracts from the s.32 Report and Waikato Regional Council's report, *Trends in river water quality in the Waikato Region, 1993-2017* (Vant, 2018) that comment on past investment in improving point source discharges and the consequential improvements in river water quality.
70. The justifications for not reviewing the conditions of any existing point source discharge consent for regionally significant infrastructure and regionally significant industry are as follows:
- (1) These point source discharges, by being subject to existing consents, are already regulated and thereby contributing towards the restoration and protection of the Waikato River;
 - (2) To comply with existing and earlier consents, significant investment has already been made in processes to reduce contaminants before the treated wastewater is discharged to the receiving environment.¹⁹ Further significant upgrades and/or offsets are likely to be required to achieve the relevant attribute states in PPC1 Table 3.11-1. The economics of the previous investment in wastewater treatment and stormwater management will be undermined if each existing consent is not allowed to run its full term and further significant investment is required earlier than expected at the time of consenting. The economic efficiency of achieving the desired outcomes will not be enhanced by premature review of discharge consent conditions using s.128(a)(b).
 - (3) The processes that must be followed before a new or upgraded point source discharge can become operational are extensive and involve significant timeframes. These are discussed in more detail in paragraphs 71 to 73 below. With notification of PPC1, the Waikato regional community has embarked on an 80-year journey to restore and protect the Waikato River. Reviewing the conditions of existing point source discharge consents will not necessarily achieve the goal any faster. But it will reduce the efficiency of that achievement – it will require earlier expenditure on the next stage of upgrades before the previous upgrades have had an opportunity to realise the benefit of that expenditure.
 - (4) PPC1 includes in the Waikato Regional Plan regulation of diffuse resources. It will exert a significant administrative and cost load on the Waikato Regional Council. Reviewing point source discharge consents under section 128(1)(b) would add to that load and add cost to the community and industry and is unnecessary in the context of an 80-year programme.
71. Anyone seeking a new or renewed consent for a point source discharge which could have significant effects on the receiving environment, for example, for a wastewater treatment plant, must go through extensive and lengthy processes before the new or upgraded facility can become operational. This process is likely to include the following stages:
- (1) Procurement for the options assessment
 - (2) Engineering, specialist environmental and planning assessments of options for achieving desired outcomes resulting in identification of a preferred option;
 - (3) Procurement for preliminary design and consenting;

¹⁹ See **Attachment G**.

- (4) Preliminary design and specialist environmental and planning assessments to support resource consent application for the preferred option;
 - (5) Consenting, which may include resolving any appeals to the Environment Court;
 - (6) Procurement for detailed design;
 - (7) Detailed design and contract documentation;
 - (8) Procurement/tendering for construction of the facility;
 - (9) Construction;
 - (10) Commissioning.
72. In addition, territorial authorities must follow processes set out in the Local Government Act 2002 (LGA 2002) to secure the funding for all stages of the project. Need for the facility must first be identified in the Council's 30-year Infrastructure Strategy²⁰, which informs preparation of Council's Long Term Plan²¹. The 30-year Infrastructure Plan and the Long Term Plan are reviewed every 3 years, usually in the first year of a new Council. Before any expenditure can be committed on any part of the project, financial provision for it must also be made in the Council's Annual Plan, which is prepared each year²². The Long Term Plan and the Annual Plan are each subject to public consultation processes²³.
73. Figure 1 in **Attachment H** illustrates the processes and timeframes involved in completing the "Pukete 3" project, which is an example of a typical major upgrade of a municipal wastewater treatment plant, which is costing about \$24Million. It shows a project duration of 7 years²⁴. The project began with the investigation of the need to expand the treatment plant's capacity to accommodate predicted urban growth and maintain compliance with the discharge consent until it expires in 2027. The project will conclude with completion of the construction and commissioning of the new works²⁵.

Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges

74. I seek for the policy as recommended in the s.42A Report to be further amended as follows:

Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land in the Waikato and Waipa River catchments to, as a minimum, adopt the Best Practicable Option to avoid or mitigate the adverse effects of the discharge.*

²⁰ Required by s.101B of the LGA 2002

²¹ Required by s.93 of the LGA 2002

²² Required by s.95 of the LGA 2002

²³ Required by s.93(2) and 95(2) of the LGA 2002 respectively

²⁴ Mr Darren Teulon, Asset Management Team Leader, City Waters, HCC provided the information for the Figure. He advised me that, under urgency, and by engaging more people on the project, the "option assessment, design, and contract preparation" phase could possibly have been reduced by some 18 months.

²⁵ The main components of the Pukete 3 works are: Pukete chemical storage and dosing facility, a new aeration basin using new technology, a new clarifier, a new inter-stage pump station, a new returned activated sludge pump station, and a new power supply and motor control centre room.

Where any significant adverse effects of the point source discharge cannot be reasonably avoided, they should be mitigated, and where they cannot be reasonably mitigated, it is encouraged that an-one or more offset measures be proposed implemented in an alternative location or locations to the point source discharge, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge (s) that will or may result from allowing the activity

One or more offset measures is also encouraged if necessary to ensure that the combined effects of the offset measure(s) and the point source discharge contribute appropriately to achieving the relevant attribute states in Table 3.11-1.

Provided that the:

- a. The point source Primary discharge – alone if it has no upstream offset measure, or in combination with any upstream offset measure(s) - does not result in any significant or toxic adverse effect at the point source discharge location; and
- b. Any Offset measure is for the same contaminant(s) as in the point source discharge; and
- c. Any Offset measure occurs preferably upstream of the point source discharge within the same sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same sub-catchment or Freshwater Management Unit^ in which the point source discharge occurs, or a Freshwater Management Unit^ located upstream; and
- d. Any Offset measure remains in place for the duration of the consent and is secured by consent condition or another legally binding mechanism.

Allow the Best Practicable Option and any offset measures to be staged, when appropriate.

75. A clean version is as follows:

Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land in the Waikato and Waipa River catchments to, as a minimum, adopt the Best Practicable Option to avoid or mitigate the adverse effects of the discharge.*

Where any significant adverse effects of the point source discharge cannot be reasonably avoided, they should be mitigated, and where they cannot be reasonably mitigated, it is encouraged that one or more offset measures be implemented in an alternative location or locations to the point source discharge to lessen any residual adverse effects of the discharge.

One or more offset measures is also encouraged if necessary to ensure that the combined effects of the offset measure(s) and the point source discharge contribute appropriately to achieving the relevant attribute states in Table 3.11-1.

Provided that:

- a. The point source discharge – alone if it has no upstream offset measure, or in combination with any upstream offset measure(s) - does not result in any significant or toxic adverse effect; and*
- b. Any offset measure is for the same contaminant(s) as in the point source discharge; and*
- c. Any offset measure occurs preferably upstream of the point source discharge and if this is not practicable, then within the same sub-catchment or Freshwater Management Unit[^] in which the point source discharge occurs, or a Freshwater Management Unit[^] located upstream; and*
- d. Any offset measure remains in place for the duration of the consent and is secured by consent condition or another legally binding mechanism.*

Allow the Best Practicable Option and any offset measures to be staged, when appropriate.

76. I now set out the reasons for seeking the above amendments.

Policy 11 – second paragraph

77. I seek the amendments to the second paragraph of Policy 11 to:

- (1) Clarify that the avoidance, mitigation or offset measures are to address, primarily, significant adverse effects of the point source discharge, not its minor adverse effects, nor the adverse effects from any other activity or source of contaminants. The inclusion of the word “significant” responds to Watercare Services Limited’s submission²⁶, which makes the point “... the RMA is not a “no effects statute” and “contemplates that activities will have adverse effects”. It argues: “... while offsetting is a generally accepted practice it is applied where significant adverse effects cannot be avoided, remedied or mitigated. It should not be applied to address any residual effects unless the residual effects are significant”. While it may be appropriate in some cases to address minor adverse effects, to avoid or minimise cumulative adverse effects, it may be unnecessary in all cases, and therefore inappropriate, to require all point source discharges to have no adverse effects;
- (2) Provide for more than one measure to be implemented to offset a single point source discharge;
- (3) Require offset measures to be implemented, and not simply proposed; and
- (4) Otherwise simplify the wording without affecting its intent or effect.

²⁶ 74077-PC1-8122

Policy 11 – proposed new third paragraph

78. This additional paragraph recognises that, as well as avoiding or mitigating any significant adverse effects of a point source discharge, one or more offset measures may be required to address the minor adverse effects that contribute to cumulative adverse effects and to contribute appropriately to betterment of water quality and achievement of the relevant attribute states in Table 3.11-1.

Policy 11 – clause a

79. The proposed alternative wording in paragraph 74 above:
- (1) Eliminates the potentially confusing reference to “primary discharge”;
 - (2) Clarifies that it is the combined effect of a point source discharge and any upstream measures that offset its effects that must not result in any significant or toxic adverse effect; and
 - (3) Provides greater protection against significant or toxic adverse effects. These effects are not allowed anywhere, not just at the discharge point.

Policy 11 – clause b

80. While HCC’s submission seeks deletion of the requirement for offset measures to be for the same contaminant, I accept that such flexibility could result in inadequate management of adverse effects and would not be practical.
81. The proposed alternative wording in paragraph 74 above:
- (1) Clarifies what “same” relates to; and
 - (2) Recognises that more than one contaminant may need to be offset.

Policy 11 – clause c

82. Preferably, any offset measure should be implemented upstream of the point source discharge it is offsetting. In this way the offset measure will reduce the discharge of contaminants in the receiving water body to provide capacity within that body to assimilate the contaminants from the subject point source discharge downstream.
83. Policy 11(c) as recommended in the s.42A Report does not make this preference clear. It merely indicates a preference for an offset measure to be in the same sub-catchment as the point source discharge. This means the offset could be downstream of the point-source discharge, or on another tributary within the same sub-catchment, depending on the definition of “sub-catchment”. As “sub-catchment” is not defined in PPC1 or the Operative Waikato Regional Plan, Policy 11(c) is unclear and uncertain.
84. If locating the offset measure upstream of the point source discharge in the same sub-catchment were not practicable, then Policy 11(c) recommended in the s.42A Report allows it to be located within the same, or an upstream, Freshwater Management Unit.
85. However, locating offset measures anywhere other than upstream of the point source discharge would only be consistent with the wording of Policy 11 proposed in the s.42A Report, and the alternative wording sought in this evidence, if the point source discharge does not have any significant or toxic adverse effects.

86. I note that amending Policy 11(c) as set out in paragraph 74 above, which includes: “Offset measure occurs preferably *upstream of the point source discharge* ...” may provide opportunity for the relief the Taupo District Council submission²⁷ seeks, namely, to provide for offsetting in the Lake Taupo catchment as the Freshwater Management Unit above the Waikato River.

Policy 11 – new clause re staging

87. HCC’s submission identifies that staging implementation of the Best Practicable Option and any offset measures is a sensible approach to managing an increasing contaminant load from a growing population, industrial and business base. It states:

When a wastewater treatment plant is built, it will be designed with surplus capacity to meet a predicted future load. Provided the infrastructure performs as intended, it should ensure the treated discharge from the plant complies with the design water quality targets, until such time as the contaminant load from the growing municipal area approaches the design capacity of the plant. At that time it will be necessary to provide additional treatment capacity by upgrading, expanding or supplementing the existing plant. It is a more efficient use of a community’s financial resources to delay providing additional treatment capacity, until just before it is actually required.

As well as being a sensible approach to managing growth, staging implementation of the Best Practicable Option and any offset measures is consistent with the requirements of the Local Government Act 2002. For instance, the purpose of local government set out in this Act includes: “to meet the current and future needs of communities for good-quality local infrastructure ... in a way that is most cost-effective for households and businesses”²⁸. Furthermore, a local authority is required to act “in an efficient and effective manner” when “performing its role” and “giving effect to its identified priorities and desired outcomes”²⁹.

88. Accordingly, it is appropriate and highly desirable to amend Policy 11 to allow the Best Practicable Option and any offset measures to be staged.

Policy 11 – when BPO and offsets are chosen

89. A decision to grant a resource consent for a point source discharge, needs to be based on an understanding of what, at that time, is the Best Practicable Option and what offset measures, if any, will be required. It would be irresponsible to issue a consent for a point source discharge without that knowledge.
90. The Best Practicable Option could change over time as technology and processes develop, but the Best Practicable Option at some future date cannot be reliably predicted.
91. Section 128 (a)(ii) of the RMA provides for the Regional Council to review, at any time or times specified for that purpose in the consent, the conditions of a resource consent to require the holder of a discharge permit to adopt the best practicable option to remove or reduce any adverse effect on the environment.

²⁷ 74207-PC1-8115

²⁸ See s.10(1)(a) of the Local Government Act 2002.

²⁹ See s.14(1)(a)(ii) of the Local Government Act 2002.

92. A requirement to adopt best practicable option because of a review during the term of a consent could impose a significant un-programmed financial burden on the point source discharger. Nevertheless, the provision to require this is provided in the Act. If the discharger considers the frequency or timing of such reviews is inappropriate, the discharger can challenge the condition in the Environment Court.

93. HCC's submission seeks inclusion of the following in Policy 11:

When a resource consent application is decided, decide also the Best Practicable Option, details of any offset measures, and the required timing for implementation of the Best Practicable Option and any offset measures.

94. However, I have reconsidered this matter and am now of the opinion that this will happen as a matter of course, so it is not necessary to include it in Policy 11. Neither is it necessary to spell out in the policy that the best practicable option can be reviewed during the term of the consent, because the Act provides for it.

Policy 12 Considering point source discharges

95. I seek for the policy as recommended in the s.42A Report to be further amended as follows:

Policy 12: Considering point source discharges

When deciding a resource consent application, consider the relative proportion of contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogens the discharge contributes to catchment loads and the impact of that contribution on the achievement of the short term water quality attribute states in Table 3.11-1 or the progression towards the 80-year water quality attribute states in Table 3.11-1, taking into account:

- ~~a. The relative proportion of nitrogen, phosphorus, sediment or microbial pathogens that the particular point source discharge contributes to the catchment load; and~~*
- b. Past technology upgrades undertaken to reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term; and*
- c. Whether it is appropriate to stage future mitigation actions, including offsets, to allow investment costs to be spread over time to meet the water quality attribute states specified above; and*
- d. The effect of seasonal climatic conditions on the contaminant assimilative capacity of waterbodies and the contaminant reducing capacity of wastewater treatment plants.*

96. A clean version of this is:

Policy 12: Considering point source discharges

When deciding a resource consent application, consider the relative proportion of nitrogen, phosphorus, sediment and microbial pathogens the discharge contributes to catchment loads and the impact of that contribution on the achievement of the short term water quality attribute states in Table 3.11-1 or

the progression towards the 80-year water quality attribute states in Table 3.11-1, taking into account:

- b. Past technology upgrades undertaken to reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term; and*
- c. Whether it is appropriate to stage future mitigation actions, including offsets, to allow investment costs to be spread over time to meet the water quality attribute states specified above; and*
- d. The effect of seasonal climatic conditions on the contaminant assimilative capacity of waterbodies and the contaminant reducing capacity of wastewater treatment plants.*

97. The reasons for these additional changes are as follows.
98. The changes to the first paragraph and the deletion of clause “a” eliminate repetition, simplify the policy without affecting its intent or effect, eliminate unnecessary words, use the active voice, and improve clarity.
99. I seek the inclusion of “, *including offsets*,” in Policy 12c because:
- (1) As stated in HCC’s submission³⁰, “*the ability to stage mitigation or offset measures is important for municipal authorities who are required to accommodate population and industrial growth*”; and
 - (2) To provide certainty that an offset action will be considered a mitigation action that can be staged, when appropriate.

Recognising the effects of seasonal climatic conditions

100. HCC’s submission seeks recognition of the effects of seasonal climatic conditions on the performance of biological wastewater treatment plants and the contaminant assimilative capacity of water bodies when deciding a resource consent application for a point source discharge.
101. The conditions of HCC’s current discharge consent for its Wastewater Treatment Plant³¹ set water quality standards for summer months that are different from those set for winter months. For example, the total nitrogen summer mass load is 450kg/day, whereas the total nitrogen winter mass load is 1,500kg/day. The different standards reflect that the capacity of the Waikato River to assimilate nitrogen without adverse environmental effects is much higher in the cooler winter months than in summer.
102. The Officers have recommended rejection of Policy 12d³²:
- Officers consider that the policy is aiming at the achievement of the relevant targets. To the extent that the factors identified by Hamilton CC apply to any specific point source discharge they will be relevant to consideration of the achievement of targets. However, Officers do not consider that they should be factors to consider in their own right, as they shift the focus of the policy and*

³⁰ Page 24

³¹ Resource consent number AUTH114674.01.02, Condition 7

³² Paragraph 1149 of the s.42A Report

imply that there may be additional flexibility to rely on these factors rather than concentrating on the achievement of the relevant targets.

103. This response is inconsistent. In the second sentence the Officers accept that seasonal effects are relevant considerations to the achievement of the water quality targets. Accordingly, seasonal effects should be relevant considerations under the policy. But in the third sentence the Officers contradict themselves and say that seasonal effects shouldn't be considered.
104. HCC seeks addition of Policy 12d to avoid the situation where, upon renewal of its discharge consent, it is limited to a daily maximum load of a contaminant, for example, total nitrogen, that is constant throughout the year. Such a limit would not recognise that during winter, Council's existing wastewater treatment plant does not remove nitrogen from the wastewater as effectively and efficiently as it does in summer. Neither would it recognise that the River can tolerate higher concentrations of nitrogen in winter without adverse environmental effect, than in summer.
105. If addition of Policy 12d were not accepted, then alternative relief could be to include seasonal values in Table 3.11-1. I note that Watercare Services Ltd seeks this alternative relief – see Submission 74077-PC1-8435.

Policy 13 Point source consent duration

106. I seek for the policy as recommended in the s.42A Report to be further amended as follows:

When determining an appropriate duration for any point source discharge consent granted consider the following matters:

- a. The appropriateness of a longer consent duration where the applicant demonstrates that the discharge is consistent with achieving the water quality attribute states set out in Table 3.11-1; and*
- b. The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant improvements in the receiving water quality; and*
- c. The need to provide appropriate certainty of investment where contaminant reduction measures are proposed (including investment in treatment plant upgrades, ~~or~~ land based application technology, or offsets).*

107. The Officers recommend the changes in Policy 13c in paragraph 106 above be rejected on the basis that the list of contaminant reduction measures within the parenthesis is not intended to be exhaustive, and offsets are more expressly covered in Policy 11.
108. There is nothing in the policy to indicate whether the matters listed within the parenthesis are just examples or an exhaustive list. Accordingly, there would be greater clarity and certainty if reference to "offsets" were included.
109. Offsets for some point source discharges of regional significance are likely to be extensive and expensive. An appropriate duration of consent will be needed to provide certainty for the investment in offsets.

110. The fact that Policy 11 provides for offsets should not preclude referring to offsets in Policy 13c.

Additions to Glossary of Terms

“Regionally significant infrastructure”

111. The s.42A Report recommends³³ the definition of “regionally significant infrastructure” from the RPS be included or referenced in PPC1.
112. I agree with this recommendation, which is consistent with the relief HCC’s submission seeks³⁴.

“Point source discharge”

113. I seek for the definition as recommended in the s.42A Report to be further amended as follows:

Point source discharge: *A stationary or fixed facility from which contaminants are discharged or emitted. For the purposes of Chapter 3.11 includes the irrigation onto land from consented industrial and municipal wastewater systems and excludes infrastructure that conveys surface water that is not stormwater.*

114. The Operative Waikato Regional Plan includes the following definitions:

“Stormwater: *Artificially channellised (sic) rainwater prior to its point of discharge to land or water”;* and

“Surface water: *Water in all its physical forms which is over the ground, whether flowing or not, including water within cave systems, but excludes coastal water and geothermal water”.*

115. Accordingly, rainwater draining from land is no longer regarded as “stormwater” once it is discharged from any artificial channel to a receiving environment - either land or water.
116. Any culvert conveying surface water that is already part of the receiving environment is not a source of contaminants; it is merely conveying contaminants that are already within the receiving environment.
117. However, as it is “a stationary or fixed facility” and will discharge contaminants, namely those within the surface water it conveys, it falls within the definition of “point source discharge” recommended in the s.42A Report.
118. Consequently, PPC1 would require HCC and other road controlling authorities to treat culvert discharges to help achieve the water attribute states in Table 3.11-1. This would be an unreasonable requirement as these authorities are unlikely to be the source of the contaminants discharged from the culverts.
119. I note that Waikato Regional Council has a similar concern in relation to the flood protection and land drainage infrastructure it manages³⁵.

³³ Paragraph 1071 of the s.42A Report

³⁴ Submission 74051-PC1-10208

³⁵ Submission 72890-PC1-3680.

120. To avoid this unreasonable and unacceptable outcome, the definition of point source discharge needs to be amended as set out in paragraph 113, or to similar effect.
121. The Officers express concern³⁶ about the scope for any changes to the definition of “point source discharge” to affect provisions relating to point source discharges in the Operative Waikato Regional Plan. However, as the second sentence in the definition begins with “*For the purposes of Chapter 3.11*”, the effect of the further amendments I seek do not trigger any issues of scope, because they affect only PPC1.

Schedule C Stock Exclusion

122. HCC’s submission seeks for animals at Hamilton Zoo to be exempt from Schedule C.
123. HCC sought this relief because the wording of Schedule C included the terms “stock” and “livestock”. If Hamilton Zoo animals were regarded as “stock” or “livestock”, then they would not be permitted to enter a stream or water body. This would be unacceptable, as some Hamilton Zoo animals require access to water in which to swim or submerge on welfare grounds as it forms part of their natural behaviour.
124. The s.42A Report does not refer to this submission point but recommends the terms “stock” and “livestock” be replaced in the body of Schedule C with “cattle, horses, deer and pigs”.
125. These substitutions will provide alternative relief that will satisfy HCC’s concerns without having to explicitly exempt animals at Hamilton Zoo from Schedule C.
126. There is, however, a problem with the proposed wording of Exclusion III, which the s.42A Report recommends, namely:

III. Constructed ponds or constructed wetlands in which deer or pigs wallow that are located at least 10m away from the bed of a water body and which are not connected by an overland flow path to a water body.

127. The problem arises because every point in a catchment is connected by an overland flow path to a water body. Accordingly, the conditions described in Exclusion III can never be satisfied.
128. To avoid this problem, the words “and which are not connected by an overland flow path to a water body” should be deleted as follows:

III. Constructed ponds or constructed wetlands in which deer or pigs wallow that are located at least 10m away from the bed of a water body ~~and which are not connected by an overland flow path to a water body.~~

129. With this amended exclusion, reliance will be placed, in the first instance, on the separation of the wallow from the bed of a water body to reduce the risk of contaminants draining from the wallow to the water body. The second defence against this drainage risk could be one or more measures identified in a Farm Environment Plan to intercept and manage any drainage from the wallow. This could include, for example, an earth bund and/or interception drain directing contaminated drainage from the wallow to a water treatment device such as a constructed wetland, prior to discharge of the runoff to a water body.

³⁶ Paragraph 688 in the s.42A Report

S.32 Evaluation

130. Section 32 of the RMA requires Waikato Regional Council to assess the efficiency and effectiveness of the proposed PPC1 policies to determine which are the most appropriate to achieve the PPC1 objectives.
131. My evidence seeks changes to the policy set recommended in the s.42A Report.
132. **Attachment B** includes a s.32 evaluation of the changes. It evaluates the efficiency and effectiveness of the amended policies to achieve the objectives of PPC1, compared with the policies recommended in the s.42A Report.
133. The evaluation of the changes is made using the same criteria as used in Waikato Regional Council's s.32 Report.
134. The analysis demonstrates in all instances that the amended and new policies sought in this evidence are more appropriate than those recommended in the s.42A Report and therefore the most appropriate to achieve the objectives of PPC1.

Paul S Ryan

HCC reference: D-2948309

Attachments

Attachment A: Relief Sought

Attachment B: S.32 evaluation of amendments sought to policies

Attachment C: Abbreviations and Glossary

Attachment D: The RPS provisions requiring recognition of future or planned regionally significant infrastructure and industry

Attachment E: PPC1 and s.32 Report references to review of existing point source discharge consents

Attachment F: S.128 of the RMA

Attachment G: References to investment in, and improvements to, point source discharges

Attachment H: Planning and funding process for a municipal wastewater plant upgrade

Attachment I: References

Attachment A
Relief Sought

1. Amendments to Policy 5:

Policy 5: Staged approach

To recognise that:

- a. *All farmers, businesses and communities will need to contribute to achieving the water quality attribute states in Table 3.11-1; and*
- b. *Changes in practices and activities that discharge nitrogen, phosphorus, sediment and microbial pathogens need to start immediately by 2026, unless provided for otherwise in this plan; and*
- c. *~~The rate of These~~ changes will need to be staged over the coming decades to minimise social, economic and cultural disruption and enable innovation and new practices to develop; and*
- d. *Responding to the reasonably foreseeable effects of climate change will mean that different regulatory and non-regulatory responses may be needed in future.*

2. This additional relief relies on the following submission points for the scope of these changes:

- (1) HCC: 74051-PC1-10758;
- (2) HCC's further submission on DairyNZ's submission 74050-PC1-10228. HCC's further submission sought retention of Policy 5 as notified; and
- (3) The part of HCC's submission that seeks "any other similar, alternative or consequential relief".

3. New Policy 5a:

Policy 5a: New urban development

Allow urban development that gives effect to the Waikato Regional Policy Statement, which will result in increased volumes of stormwater and treated wastewater.

4. This relief relies on the following submission points for the scope of these changes:

- (1) HCC: 74051-PC1-10259;
- (2) The part of HCC's submission that seeks "any other similar, alternative or consequential relief".

5. Amendments to Policy 10:

Policy 10: Provide for point source discharges of regional significance

When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:

~~a. Continued operation, upgrade or development of, or new, regionally significant infrastructure; and~~

~~b. Continued operation of regionally significant industry.~~

6. This relief relies on the following submission points for the scope of these changes:

- (1) HCC: 74051-PC1-10755;
- (2) BT Mining Ltd: 72453-PC1-9920;
- (3) Fulton Hogan Ltd: 74048-PC1-10744;
- (4) J Swap Ltd: 71618-PC1-6414;
- (5) Stevenson Resources Ltd: 73732-PC1-5026;
- (6) Watercare Services: 74077-PC1-8339; and
- (7) The part of HCC's submission that seeks "any other similar, alternative or consequential relief".

7. New policy:

Policy 10a: Review of conditions of existing point source discharge consents of regional significance

To recognise past progress made to improve point source discharges from regionally significant infrastructure and regionally significant industry that was consented as at notification of this plan, being 22 October 2016, the requirements of the Vision and Strategy will be incorporated into such consents when the current consents are renewed and the conditions of any such consent will not be reviewed under section 128(1)(b) of the Resource Management Act during the term of the existing consent.

8. This relief relies on the following submission points for the scope of these changes:

- (1) HCC: 74051-PC1-10259;
- (2) The part of HCC's submission that seeks "any other similar, alternative or consequential relief".

9. Amendments to Policy 11:

Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges

Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land in the Waikato and Waipa River catchments to, as a minimum, adopt the Best Practicable Option* to avoid or mitigate the adverse effects of the discharge.

Where any significant adverse effects of the point source discharge cannot be reasonably avoided, they should be mitigated, and where they cannot be reasonably mitigated, it is encouraged that an-one or more offset measures be proposed implemented in an alternative location or locations to the point source discharge, ~~for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge.(s) that will or may result from allowing the activity~~

One or more offset measures is also encouraged if necessary to ensure that the combined effects of the offset measure(s) and the point source discharge contribute appropriately to achieving the relevant attribute states in Table 3.11-1.

Provided that the:

- a. The point source Primary discharge – alone if it has no upstream offset measure, or in combination with any upstream offset measure(s) - does not result in any significant or toxic adverse effect at the point source discharge location; and
- b. Any Offset measure is for the same contaminant(s) as in the point source discharge; and
- c. Any Offset measure occurs preferably upstream of the point source discharge within the same sub-catchment in which the primary discharge occurs and if this is not practicable, then within the same sub-catchment or Freshwater Management Unit^ in which the point source discharge occurs, or a Freshwater Management Unit^ located upstream; and
- d. Any Offset measure remains in place for the duration of the consent and is secured by consent condition or another legally binding mechanism.

Allow the Best Practicable Option and any offset measures to be staged, when appropriate.

10. This additional relief relies on the following submission points for the scope of these changes:

- (1) HCC: 74051-PC1-10758;
- (2) Watercare: 74077-PC1-8122;
- (3) Fulton Hogan Ltd: 74048-PC1-10747;
- (4) The part of HCC's submission that seeks "any other similar, alternative or consequential relief".

11. Amendments to Policy 12:

Policy 12: Considering point source discharges

When deciding a resource consent application, consider the relative proportion of contribution made by a point source discharge to the nitrogen, phosphorus, sediment and microbial pathogens the discharge contributes to catchment loads and the impact of that contribution on the achievement of the short term water quality attribute states in Table 3.11-1 or the progression towards the 80-year water quality attribute states in Table 3.11-1, taking into account:

- a. The relative proportion of nitrogen, phosphorus, sediment or microbial pathogens that the particular point source discharge contributes to the catchment load; and

- b. *Past technology upgrades undertaken to reduce the discharge of nitrogen, phosphorus, sediment or microbial pathogens within the previous consent term; and*
 - c. *Whether it is appropriate to stage future mitigation actions, including offsets, to allow investment costs to be spread over time to meet the water quality attribute states specified above; and*
 - d. *The effect of seasonal climatic conditions on the contaminant assimilative capacity of waterbodies and the contaminant reducing capacity of wastewater treatment plants.*
12. This additional relief relies on the following submission points for the scope of these changes:
- (1) HCC: 74051-PC1-10843;
 - (2) The part of HCC's submission that seeks "any other similar, alternative or consequential relief".
13. Amendments to Policy 13:

Policy 13 Point source consent duration

When determining an appropriate duration for any point source discharge consent granted consider the following matters:

- a. *The appropriateness of a longer consent duration where the applicant demonstrates that the discharge is consistent with achieving the water quality attribute states set out in Table 3.11-1; and*
 - b. *The magnitude and significance of the investment made or proposed to be made in contaminant reduction measures and any resultant improvements in the receiving water quality; and*
 - c. *The need to provide appropriate certainty of investment where contaminant reduction measures are proposed (including investment in treatment plant upgrades, ~~or~~ land based application technology, or offsets).*
14. This additional relief relies on the following submission point for the scope of these changes:
- (1) HCC: 74051-PC1-11038.

Additions to Glossary of Terms

15. Amendments to the definition of "point source discharge":

Point source discharge: *A stationary or fixed facility from which contaminants are discharged or emitted. For the purposes of Chapter 3.11 includes the irrigation onto land from consented industrial and municipal wastewater systems and excludes infrastructure that conveys surface water that is not stormwater.*

16. This additional relief relies on the following submission points for the scope of these changes:

- (1) HCC: 74051-PC1-11049;
- (2) Waikato Regional Council: 72890-PC1-3680; and
- (3) The part of HCC's submission that seeks "*any other similar, alternative or consequential relief*".

17. Amendment to **Schedule 3 – Stock exclusion, Exclusions:**

III. Constructed ponds or constructed wetlands in which deer or pigs wallow that are located at least 10m away from the bed of a water body ~~and which are not connected by an overland flow path to a water body.~~

18. This additional relief relies on the following submission points for the scope of these changes:

- (1) HCC: 74051-PC1-11045;
- (2) The part of HCC's submission that seeks "*any other similar, alternative or consequential relief*".

Attachment B

S.32 evaluation of amendments sought to policies

Introduction

1. This attachment is a s.32 evaluation of the changes this evidence seeks to the policy set proposed in PPC1, which are collated in **Attachment A**.
2. The evaluation of the changes is made using the same criteria as used in Waikato Regional Council's s.32 Report, which is explained within that report at section A.1.2.1 (pp6-7). In outline, these criteria are as follows:
 - (1) Effectiveness in achieving the objectives:
 - (a) Relevance: Effective in achieving the objective(s). Clear policy direction and decision making.
 - (a) Feasibility: Within Council's powers, responsibilities and resources. Degree of risk and uncertainty of achieving objectives.
 - (b) Acceptability: Level of equity and fair distribution of impacts. Level of community acceptance. Likely political acceptance.
 - (c) Realistic to implement, monitor and enforce.
 - (d) Acceptable to the wider community.
 - (e) Allows for flexibility and intergenerational land use.
 - (2) Efficiency in achieving the objectives:
 - (a) Optimises environmental, social and economic outcomes.

Policy 5: Staged approach

Table 2: Evaluation of amendments sought to Policy 5

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
	Effectiveness	
a	Relevance	The change from " <i>immediately</i> " to " <i>by 2026, unless provided for otherwise in this plan</i> " provides clearer policy direction to guide decision-making: the policy recommended in the s.42A Report is inconsistent with Objective 4 and the staging provided for in the implementation methods.
b	Feasibility	No change
c	Acceptability	The relief sought does not affect the level of equity. While some submitters want the restoration and protection of the Waikato and Waipā Rivers to occur sooner, the amended policy will still be effective in achieving Objectives 1, 2 and 3 and more effective at achieving Objective 4.
d	Realistic to implement	Staging the implementation of measures will be more realistic to achieve, monitor and enforce.
e	Acceptable to the wider community	Allowing a staged start to restoration and protection of water quality, should be acceptable to the wider community; it is an integral part of Objective 4.
f	Allows for flexibility and intergenerational land use	No change

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
	Efficiency	
g	Optimises environmental, social and economic outcomes	Requiring an immediate, rather than a staged, start to changing management of the four target contaminants would have greater adverse social and economic effects. As discussed in paragraph 70(2) above, requiring immediate further action to improve management of the contaminants in regionally significant discharges is likely to undermine the economic efficiency of previous actions and upgrades.
	Conclusion	
h		The relief sought is more effective and efficient, and therefore more appropriate, at achieving the objectives than the policy recommended in the s.42A Report.

New Policy 5a: New urban development

Table 3: Evaluation of new Policy 5a

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
	Effectiveness	
a	Relevance	The proposed new policy provides clearer policy direction to guide decision-making: it makes it clear that urban development that gives effect to the RPS will be allowed. Without this policy, decision-makers could be uncertain as to how to respond to resource consent applications for new urban development.
b	Feasibility	The policy is within Council's powers, responsibilities and resources and therefore feasible.
c	Acceptability	To give effect to the RPS, the proposed new urban development will need to give effect to the Vision and Strategy as well as the RPS's provisions relating to development. As it gives effect to the RPS which has been through an RMA Schedule 1 process, it should be acceptable to the wider community.
d	Realistic to implement	The new policy will be realistic to achieve, monitor and enforce.
e	Acceptable to the wider community	See evaluation of "acceptability" above.
f	Allows for flexibility and intergenerational land use	The new policy enhances flexibility by allowing new urban development, provided it gives effect to the RPS.
	Efficiency	
g	Optimises environmental, social and economic outcomes	Allowing urban development that gives effect to the RPS will provide significant economic social and environmental benefits, the latter arising from the Waikato River betterment that development will provide.
	Conclusion	
h		The proposed new policy fills a gap in the policy framework recommended in the s.42A Report. By providing policy direction for decisions about new urban development it is more effective than the recommended framework at achieving Objective 2. It is also more efficient, because it enables the environmental, social and economic benefits of the new urban development to be realised. Accordingly, the addition of new Policy 5a will make the policy framework introduced by PPC1

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
		more appropriate to achieve the objectives.

Policy 10: Provide for point source discharges of regional significance

Table 4: Evaluation of amendments sought to Policy 10

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
	Effectiveness	
a	Relevance	The amended policy provides clearer direction to guide decision-making: it provides for new, and the upgrade or development of existing, regionally significant infrastructure and regionally significant industry. Without this policy amendment, decision-makers could be uncertain as to how to respond to resource consent applications for discharges from these facilities. Upgrading existing, or developing new, regionally significant infrastructure, for example, wastewater treatment plants, or regionally significant industry will be an important means of achieving PPC1 Objectives 1, 2, 3 and 4.
b	Feasibility	The amended policy is within Council's powers, responsibilities and resources and therefore feasible.
c	Acceptability	The amended policy gives effect to the provisions in the RPS that provide for the upgrade, development, or new, regionally significant infrastructure and regionally significant industry. Accordingly, the amended policy should reflect wider community and political acceptance to the same extent as the RPS reflects this acceptance.
d	Realistic to implement	The amended policy will be realistic to achieve, monitor and enforce.
e	Acceptable to the wider community	See evaluation of "acceptability" above.
f	Allows for flexibility and intergenerational land use	The new policy enhances flexibility by providing for new, and the upgrade and development of existing, regionally significant facilities.
	Efficiency	
g	Optimises environmental, social and economic outcomes	By providing for new, and the modification of existing, regionally significant facilities, the amended policy will provide more significant economic, social and environmental benefits than the policy recommended in the s.42A Report. The environmental benefits will accrue from the Waikato River betterment that will be realised from the upgraded, developed, or new facilities.
	Conclusion	
h		The amended policy fills a gap in the policy recommended in the s.42A Report. By providing for new, and the modification of existing, regionally significant facilities, it is more effective at achieving PPC1's Objectives 1, 2, 3 and 4. It is also more efficient, because it enables the environmental, social and economic benefits that will be realised from the upgraded, developed or new facilities. Accordingly, the amended policy sought is the more appropriate to achieve the objectives.

New Policy 10a: Review of conditions of existing point source discharge consents of regional significance

Table 5: Evaluation of proposed new Policy 10a

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
	Effectiveness	
a	Relevance	Commentary within PPC1 and the s.32 Report ³⁷ indicates that existing consents for regionally significant point source discharges will be allowed to expire before their consent conditions are reviewed against the requirements of PPC1. However, there is no policy reinforcing this. Accordingly, the policy direction recommended in the s.42A Report is unclear, creating uncertainty for decision-makers. The addition of the new policy clarifies PPC1's policy direction. It also gives better effect to Objective 4 by allowing the staging of further contaminant reduction to occur where currently anticipated, namely, following renewal of consents.
b	Feasibility	The amended policy is within Council's powers and responsibilities and therefore feasible. S.128(1)(b) of the RMA provides regional councils discretion regarding whether to review the conditions of a discharge permit when a regional plan has been made operative that sets rules relating to minimum standards of water quality. If the new policy were not adopted, the Regional Council may need to find additional resource to undertake any review initiated of the conditions of existing consents of regionally significant discharges.
c	Acceptability	Under current and previous discharge consents, significant progress has already been made improving the quality of discharges from regionally significant infrastructure and regionally significant industry ³⁸ . For those discharges, Objective 3 has already been achieved to the extent that a significant start has already been made and measures implemented to restore and protect the health and wellbeing of the Waikato and Waipa Rivers. Communities and industries have already made significant investment to meet the standards identified in their existing consents with the expectation the investment will suffice until the consent is renewed. The economics of those investments will be undermined, if discharge standards were raised before the existing consents expire. The social contract established through a council's Long Term Plan process between the council and its ratepayers regarding the funding of wastewater and stormwater infrastructure upgrades will also be undermined. In the face of the past significant

³⁷ See **Attachment E**.

³⁸ See **Attachment G**.

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
		improvements made to discharges ³⁹ , it is unfair to undermine the economics of those decisions and the social contract referred to above.
d	Realistic to implement	The new policy will be realistic to achieve, monitor and enforce.
e	Acceptable to the wider community	See evaluation of “acceptability” above.
f	Allows for flexibility and intergenerational land use	No change
Efficiency		
g	Optimises environmental, social and economic outcomes	Requiring holders of consents for regionally significant discharges to further upgrade the quality of their discharges before their existing consents expire will add significant cost to achieving Objective 1 and undermine the economics of previous investments in improved water quality outcomes.
Conclusion		
h	The additional policy fills a gap in the policy framework recommended in the s.42A Report. It avoids an inequitable and unacceptable situation where the quality of existing consented discharges of regional significance are required to be further upgraded before their existing consents expire. Such a requirement would add to the cost, and result in a loss of efficiency, at achieving Objectives 1, 2 and 4. Therefore, the addition of Policy 10a will make the policy framework recommended in the s.42A Report more appropriate to achieving the objectives.	

Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges

Table 6: Evaluation of amendments sought to Policy 11

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
Effectiveness		
a	Relevance	The proposed amendments clarify the required location and effect of offset measures relative to the point source they are offsetting. They also clarify that more than one contaminant may need to be offset, and that more than one offset measure may be implemented. The amended policy would provide greater protection against any significant or toxic adverse effects – such effects would not be acceptable anywhere, not just at the outfall. The amended policy also encourages implementation of measures to ensure each point source discharge makes an appropriate contribution to achieving the relevant water attribute states in Table 3.11-1. These amendments will make the policy more effective at achieving Objectives 1 and 3.
b	Feasibility	The amended policy is within the Regional Council’s powers, responsibilities and resources and would reduce the risk that objectives would not be achieved.

³⁹ See **Attachment G**.

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
c	Acceptability	The amendments should not trigger any equity issues. While the amended policy would enable point source dischargers to avoid having to mitigate minor adverse effects, the environmental effect of this would be minor. On the other hand, the amended policy would encourage an appropriate contribution to river betterment. Accordingly, I would not expect widespread opposition to the amendments.
d	Realistic to implement	The amended policy would be realistic to implement, monitor and enforce.
e	Acceptable to the wider community	See evaluation of “acceptability” above.
f	Allows for flexibility and intergenerational land use	The amendments sought improve flexibility by allowing: <ul style="list-style-type: none"> • more than one offset measure to be implemented; and • the Best Practicable Option and offsets to be staged.
Efficiency		
g	Optimises environmental, social and economic outcomes	The amended policy avoids the unnecessary expense that would be involved in avoiding all minor adverse effects. Therefore, the amended policy is more efficient at achieving the Objectives 1, 2 and 3.
Conclusion		
h	The amended policy sought in relief will be more efficient and effective at achieving Objectives 1,2 and 3. Accordingly, it is more appropriate to achieve the objectives.	

Policy 12: Considering point source discharges

Table 7: Evaluation of amendments sought to Policy 12

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
Effectiveness		
a	Relevance	<p>The amendments would provide greater clarity for decision-making:</p> <ul style="list-style-type: none"> • The amendments provide certainty that offset measures can be staged when appropriate. This is relevant to municipal authorities who must accommodate population and industrial growth. • The amendments also clarify that the effects of seasonal climatic conditions on the contaminant assimilative capacity of waterbodies and the contaminant reducing capacity of wastewater treatment plants can be considered when deciding point source discharge consents. <p>If Policy 12 were not amended to recognise seasonal effects, HCC and other point source dischargers could be required to expand or develop their wastewater treatment plants to achieve in winter the same quality of discharge as in summer. This would add significant cost for minor environmental benefit. This expenditure could reduce the funding otherwise available to achieve</p>

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
		meaningful environmental improvement, and increase the risk that Objectives 1, 2 and 3 would not be achieved.
b	Feasibility	No change
c	Acceptability	HCC's existing wastewater discharge consent for the Pukete Wastewater Treatment Plant recognises the seasonal effects referred to above. The addition of clause "d" to Policy 12 seeks to retain this recognition; it is not seeking a new benefit. This recognition does not allow any additional adverse effect on the Waikato River. Accordingly, the amendments should be acceptable to the wider community.
d	Realistic to implement	No change
e	Acceptable to the wider community	See evaluation of "acceptability" above.
f	Allows for flexibility and intergenerational land use	Allowing offset measures to be staged would provide flexibility for municipal authorities who must accommodate population and industrial growth.
Efficiency		
g	Optimises environmental, social and economic outcomes	As explained above in relation to "Relevance", the amendments sought will significantly improve the efficiency, and hence the effectiveness, of achieving Objectives 1 to 4. The amendments optimise the environmental, social and economic outcomes.
Conclusion		
h	The amended policy sought in relief will be more efficient and effective at achieving Objectives 1, 2, 3 and 4. Accordingly, it is more appropriate to achieve the objectives.	

Policy 13: Point source consent duration

Table 8: Evaluation of amendments sought to Policy 13

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
Effectiveness		
a	Relevance	The amendment clarifies that providing appropriate certainty for investment in offset measures will be considered when determining the appropriate duration for a point source discharge consent. If expenditure on offset measures were ignored, these consents may be issued for unreasonably short periods. This would limit the appeal of offset measures and the speed of progress towards achieving Objectives 1 to 4.
b	Feasibility	No change
c	Acceptability	No change
d	Realistic to implement	No change
e	Acceptable to the wider community	No change
f	Allows for flexibility and intergenerational land use	Factoring investment in offset measures into decisions about consent duration will make offset measures more attractive and thereby increase flexibility. This may, in

Row	Evaluation criteria	Evaluation of the relief sought compared with the policy recommended in the s.42A Report
		turn, increase the certainty that Objectives 1 to 4 will be achieved.
	Efficiency	
g	Optimises environmental, social and economic outcomes	The amendment will improve efficiency by ensuring that investment in offset measures is appropriately recognised in decisions on consent duration; longer consent terms would be expected where significant investment is made in offsets. Longer consent terms will reduce the frequency and cost of consent renewal.
	Conclusion	
h		The amended policy sought in relief will be more efficient and effective at achieving Objectives 1, 2, 3 and 4. Accordingly, it is more appropriate to achieve the objectives.

Attachment C

Abbreviations and Glossary

HCC	Hamilton City Council
LGA	Local Government Act
Ltd	Limited
NPS	National Policy Statement
NPS-UDC	National Policy Statement for Urban Development Capacity
p	page
PPC1	<i>Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments</i>
RMA	Resource Management Act 1991
RPS	Waikato Regional Policy Statement
RSI&I	Regionally Significant Infrastructure and Industry
“S” or “s”	section
s.42A Report	<i>Section 42A Report: Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments: Block 2: Parts C1-C6: Policies, Rules and Schedules (most)</i> . Prepared for Waikato Regional Council by Matthew McCallum-Clark, Adele Dawson, Felicity Durand, and Liz White (Incite) and Urlwyn Trebilco, Naomi Crawford, Alana Mako and Ruth Lourey (Waikato Regional Council). (Released 5 April 2019). Document # 13915005.
The Act	The Resource Management Act 1991
Vision and Strategy	The Vision and Strategy for Waikato River

Attachment D

RPS provisions requiring provision for future or planned regionally significant infrastructure and industry

Emphasis has been added by shading.

Provisions relating to regionally significant infrastructure

Policy 6.3 Co-ordinating growth and infrastructure

Management of the built environment ensures:

- a) The nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure to: i) optimise the efficient and affordable provision of both the development and the infrastructure; ii) maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure; ...
- c) the efficient and effective functioning of infrastructure ... is maintained, and the ability to maintain and upgrade that infrastructure is retained ...

Implementation methods

6.3.1 Plan provisions

Regional ... plans shall include provisions that provide for a long-term strategic approach to the integration of land use and infrastructure and that give effect to Policy 6.3, including by ensuring as appropriate that: ...

- e) development ... can be integrated with future infrastructure needs where these can be determined

6.3.2 Aligning infrastructure and land use planning

Territorial authorities should, in association with Waikato Regional Council, the NZ Transport Agency and other infrastructure providers, ensure infrastructure planning and land use planning initiatives are aligned, and should co-ordinate the provision of appropriate infrastructure and services for new development prior to development occurring.

Policy 6.6 Significant infrastructure and energy resources

Management of the built environment ensures particular regard is given to:

- a) that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;
- b) the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of ... municipal water supply;

Implementation methods

6.6.1 Plan provisions

Regional ... plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment: ...

- f) provides for infrastructure in a manner that:

- i) recognises that infrastructure development can adversely affect people and communities;
- ii) enables the ongoing operation, maintenance, upgrading and development of municipal water supply infrastructure so as to provide for the justified and reasonably foreseeable needs of current and future generations; and
- iii) does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure.

Provisions relating to regionally significant industry

Policy 4.4 Regionally significant industry and primary production

The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:

- a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing; ...
- d) co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;
- e) maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;

Implementation methods

4.4.1 Plan provisions

... regional plans should provide for regionally significant industry ... by:

- a) identifying appropriate provisions, including zones, to enable the operation and development of regionally significant industry, which for new development is consistent with Policy 6.14 and Table 6-2; ...
- e) recognising the need to ensure regionally significant industry is supported by infrastructure networks of appropriate capacity;

Attachment E

**PPC1 and s.32 Report references to
review of existing point source discharge consents**

Emphasis has been added by shading.

PPC1 references

3. The sixth paragraph under the heading “Full achievement of the Vision and Strategy will be intergenerational” includes (p.15):

Municipal and industrial point source dischargers will also be required to revise their discharges in light of the Vision and Strategy and the water quality objectives, and sub-catchment limits[^] and targets[^] that have been set. This will happen as the current consent terms expire.

4. Under the heading “Reviewing progress towards achieving the Vision and Strategy” (p.16) it states:

The overall intent of Chapter 3.11 is to require resource users to make a start on reducing discharges of contaminants as the first stage of achieving the Vision and Strategy, with on-farm actions carried out and point source discharges reviewed as existing resource consents come up for renewal.

5. The third paragraph under the heading “Reasons for adopting Objective 3” (p.29) states:

Point source discharges are currently managed through existing resource consents, and further action required to improve the quality of these discharges will occur on a case-by-case basis at the time of consent renewal, guided by the targets and limits set in Objective 1.

S.32 Report references

6. Second paragraph on p.195 – from E.5.4 Evaluation of options and reason for preferred option – Option 2:

Point sources discharges are directly and individually regulated under resource consent conditions to achieve demonstrable reductions in the impact of the discharges. These reductions are subject to assessment at the time of resource consent renewal (or if a significant reason triggers an earlier review). The key principle behind this policy option is that the continuation of this approach will contribute to ongoing improvements in discharge levels.

7. Second paragraph on p.196 – from E.5.5.1 Relevance:

All consents eventually expire and new consents need to be applied for. There is an expectation from council that point source dischargers aim for continual improvement, defined at the time of consent.

8. From the table on p.198 – E.5.6 Efficiency of Option 2: Existing provisions, additional controls on point source discharges and consent application considerations: from the cell relating to “cultural” and “benefits”.

Could provide better protection of the cultural values by considering what is practicably achievable for a particular discharge, what water quality effects are likely to occur and/or what outcomes in the water are sought to be achieved upon consent renewal.

Attachment F

S.128 of the RMA

Sourced from <http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM235230.html> on 20 April 2019. Emphasis has been added by shading.

128 Circumstances when consent conditions can be reviewed

- (1) A consent authority may, in accordance with section 129, serve notice on a consent holder of its intention to review the conditions of a resource consent—
 - (a) at any time or times specified for that purpose in the consent for any of the following purposes:
 - (i) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (ii) to require a holder of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or 15B to adopt the best practicable option to remove or reduce any adverse effect on the environment; or
 - (iii) for any other purpose specified in the consent; or
 - (b) in the case of a coastal, water, or discharge permit, when a regional plan has been made operative which sets rules relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water, and in the regional council's opinion it is appropriate to review the conditions of the permit in order to enable the levels, flows, rates, or standards set by the rule to be met; or
 - (ba) in the case of a coastal, water, or discharge permit, or a land use consent granted by a regional council, when relevant national environmental standards or national planning standards have been made; or
 - (bb) in the case of a land use consent, in relation to a relevant regional rule; or
 - (c) if the information made available to the consent authority by the applicant for the consent for the purposes of the application contained inaccuracies which materially influenced the decision made on the application and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.
- (2) A consent authority must, in accordance with section 129, serve notice on a consent holder of its intention to review the conditions of a resource consent if required by an order made under section 339(5)(b).
- (3) A regional council must notify the chief executive of the Ministry of Fisheries as soon as is reasonably practicable if it intends to review a condition of a coastal permit authorising an aquaculture activity to be undertaken in the coastal marine area and the condition has been specified under section 186H(1A) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.

Attachment G

References to investment in, and improvements to, point source discharges

S.32 Report references

9. First paragraph in E.5.4 Evaluation of options and reasons for preferred option, under the heading “Option 1. Existing policies, rules and methods for control of point source discharges” (p.194):

The existing rules manage point sources discharges via a consenting regime and have been effective in achieving investment in infrastructure upgrades and other mitigation to improve the quality of water discharged from point sources.

10. Third bullet point in E.5.4 Evaluation of options and reasons for preferred option, under the heading “Option 2: Existing policies, rules and methods and additional controls on point source discharges and consent application considerations” (p.195):

- *Improvement should be expected in point source discharges over time, especially considering there have been significant improvements in this sector under past consenting processes.*

11. Final paragraph in E.5.8 Overall Assessment of appropriateness and reasons for deciding on provisions (p.199):

The focus in Plan Change 1 is on managing the contribution of diffuse and point sources discharges, whilst recognising the contribution and investment some have already made to reductions. Point sources have made significant investment to date in reducing discharges, Plan Change 1 seeks to respond more fully to diffuse sources in addressing the problem.

Extracts from Trends in river water quality in the Waikato region, 1993-2017 (Vant, 2018)

Since the 1990s, the moderate-to-large point source discharges of nitrogen to the river have either remained constant or have decreased, such that the combined load from these point sources is now less than half what it was during the 1990s (Vant 1999, 2014). This implies that the increased total nitrogen concentrations observed throughout the river downstream of Taupo reflect increased losses from areas of developed land in the catchment. Indeed, as described below, important increases in concentrations of total nitrogen occurred in many of the river’s tributaries during 1993–2017, particularly those in the catchment of the upper river where point source discharges are uncommon (p.11).

Ammonia. Very likely trends in ammonia concentration were observed at six of the sites (e.g. Figure 2C). Four of these were important improvements, with rates of change in the range –2.4% per year to –6.1% per year (Table 4). The lower concentrations in the river probably result from improvements in the treatment of wastewaters from a variety of sources, including municipal sewage, industrial wastewaters and dairy shed discharges. For example, major loads of treated wastewater from Hamilton sewage and the Horotiu meatworks are discharged to the river just upstream of the Horotiu monitoring site, and these loads have reduced markedly since about 2010 (Vant 2014) (p.12).

Some of the important improvements in total nitrogen occurred in highly-modified streams where specific sources of nitrogen have been better-managed over the past decade or more: Kirikiriroa (#90; landfill leachate), Mangaone (#77; spray-irrigated dairy factory wastewaters), and Waitekauri (#100; mining wastewaters). Many of the important deteriorations, however, have occurred in developed catchments, probably reflecting increased leaching losses from areas of pastoral farming following intensification in recent decades (p.20).

At several sites substantial decreases in ammonia have occurred during the past 25 years as a result of the reduction or removal of loads from point source discharges further upstream: Waitekauri (#100; mining wastewaters), Kirikiriroa (#90; landfill leachate), and Mangaokewa (#65; stockyard runoff) (p.21).

Attachment H

Planning and funding process for a municipal wastewater plant upgrade

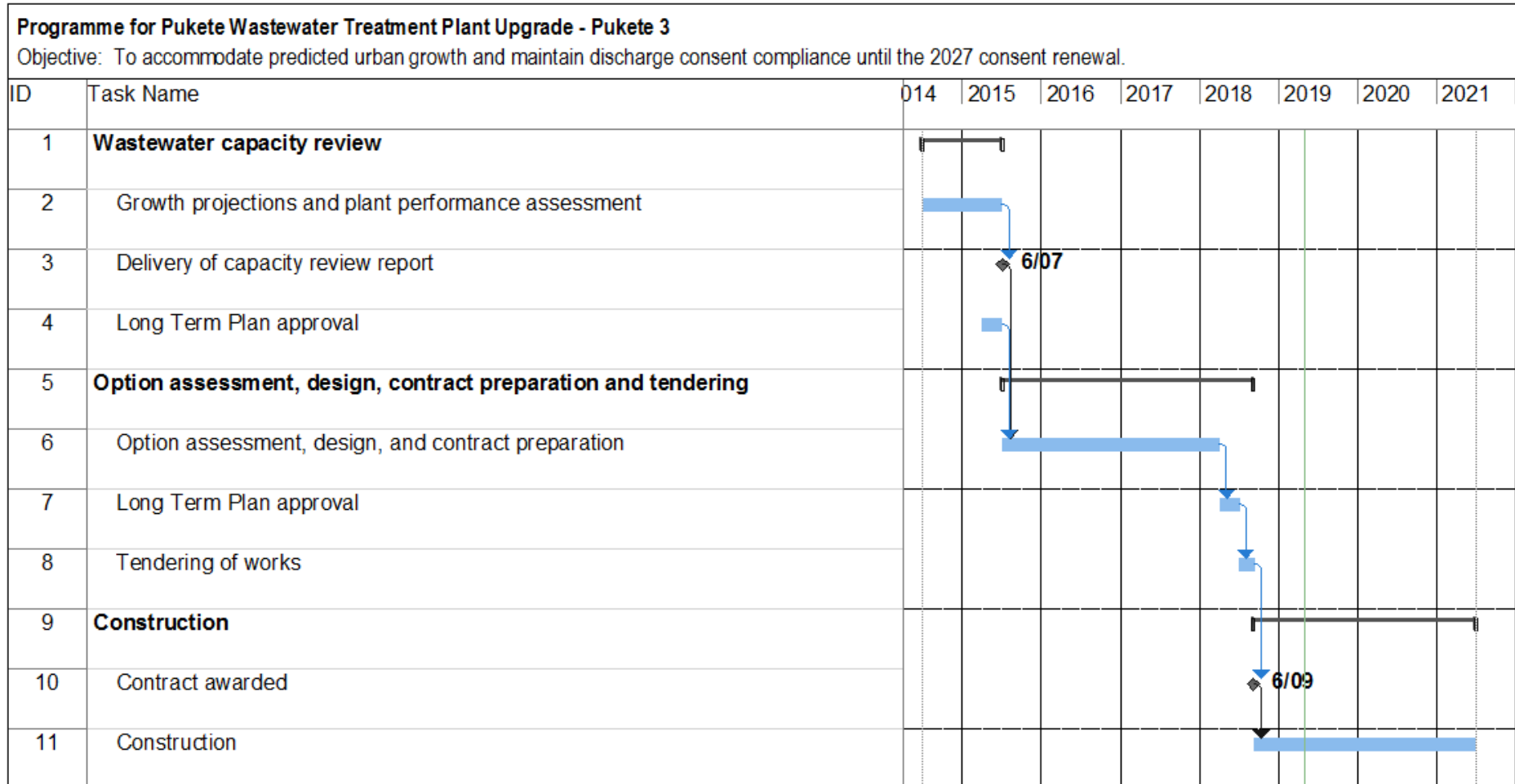


Figure 1: Programme for Pukete Wastewater Treatment Plant Upgrade Project – “Pukete 3”

Attachment I

References

- Auckland Council. (2018). Planning Committee 4 September 2018 Agenda: Item 11.
Accessed at:
http://infocouncil.aucklandcouncil.govt.nz/Open/2018/09/PLA_20180904_AGN_6737_AT_WEB.htm
- Future Proof. (2019). Future Proof Water Policy Group. Agenda 8 April 2019: Sub-Regional Three Waters Investigation - Draft Terms of Reference.
- Hamilton City Council. (2 March 2017). Submission by Hamilton City Council on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā Catchments.⁴⁰
- Ryan, Paul Stanley. (26 February 2019). Block 1 Rebuttal Evidence on “Part B – Outcomes: Overall direction and whole plan submissions”.⁴¹
- Vant, Bill. (2018). *Trends in river water quality in the Waikato region, 1993-2017. Waikato Regional Council Technical Report 2018/30*. Waikato Regional Council Doc # 11951194.
- Waikato Regional Council. (2016). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments*. Accessed at:
<https://www.waikatoregion.govt.nz/assets/WRC/Council/Policy-and-Plans/HR/ReadProposedPlan/Final-PlanChange1-with-insert-of-withdrawal.pdf>
- Waikato Regional Council. (2016). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments: Section 32 Evaluation Report*. Accessed at:
<https://www.waikatoregion.govt.nz/assets/WRC/Council/Policy-and-Plans/HR/Dip-your-toes/Section32.pdf>.⁴²
- Waikato Regional Council. (2018). *Supporting Document Incorporating Variation 1 Amendments to Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments. Waikato Regional Council Policy Series 2018/05*. Accessed at:
<https://www.waikatoregion.govt.nz/assets/WRC/Council/Policy-and-Plans/HR/Variation-1/Supporting-document-incorporating-V1-amendments-to-PPC1-final-doc.pdf>.⁴³
- Waikato Regional Council. (Released 5 April 2019). *Section 42A Report: Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments: Block 2: Parts C1-C6: Policies, Rules and Schedules (most)*. Prepared for Waikato Regional Council by Matthew McCallum-Clark, Adele Dawson, Felicity Durand, and Liz White (Incite) and Urlwyn Trebilco, Naomi Crawford, Alana Mako and Ruth Lourey (Waikato Regional Council). Document # 13915005.⁴⁴

⁴⁰ HCC reference: D-2361677

⁴¹ HCC reference: D-2900623

⁴² HCC reference: D-2946883

⁴³ HCC reference: D-2872745

⁴⁴ HCC reference: D-2934127