

## Lis Battes' Submission to 30 November 2020 Hearing

Tena Koe Commissioners,

I and others have submitted that the Wairoa community which has to pay for the commitments that the resource consent will place upon it have no idea what those commitments will cost. My submission today aggregates my work and the work of others. The detail within it asserts that there has not been a genuine engagement with the Wairoa community, and it also prompts your consideration of what amongst what you have been provided with you can confidently take at face value. It occurs to me and others that all parties which have contributed to what you are seeing have been singularly focussed on the milestone of obtaining resource consent instead of firstly determining what the Wairoa community wants and what it can afford, and then working logically through to obtaining resource consent. What seems to have been lost on all those parties is that it is the Wairoa community which is paying for their present work and subsequently will be paying to achieve compliance with commitments a new resource consent creates. You may agree that WDC should be prompted to rework its application for resource consent and also that the present level of HBRC function renders it unsuitable to administer such a resource consent process.

My submission to the 28 February 2020 pre-hearing meeting is included in what I am providing. The 16 March 2020 meeting record is also included. I wish to draw your attention to two details. The first is the scarcity of detail in respect of my submission within the meeting record and that the hard copy record of my submission (which I provided multiple copies of) is not included in the meeting record. The meeting record literally only says that I was given time to talk to my submission (and I note I have not heard from anyone since). The second is it being recorded that the Chair of the Tatau Tatau o Te Wairoa Trust was present throughout. It occurs to me and others that this detail being recorded reflects a wish to show parties such as you that the occasion was part of engagement with the Tatau Tatau o Te Wairoa Trust but that is simply not the case. The Chair of the Trust was in attendance that day to support submitters. It was not in his capacity as Chair of the Trust and he made no effort to identify himself as a trust role holder. Please therefore consider how much value you are prepared to give to the records associated with prehearing meetings because I think it can fairly be said that at least the meeting record I am referencing has not been prepared objectively. I hasten to add that I know Mr Gary Mayo has made a comparable submission in respect of the value that should be given to records associated with the wastewater stakeholder group given the groups' activity proceeded without the group knowing that significant outfall upgrade works were required. Mr Mayo is a Chartered Accountant and he was the local business representative appointed to the stakeholder group. Mr Mayo contends that if the stakeholder group had been aware of the outfall issue it might have arrived at an entirely different preferred option. A Chartered Accountant who is a member of a stakeholder group advocating that affordability is a real issue would appear to be a submission that should not be dismissed and I leave it to you to consider whether My Mayo's submission has been objectively considered. I also note others have said that the stakeholder group arrived at a lot of nice to haves while not having visibility of the fact that the compromised estuary outfall meant WDC was faced with a significant necessary to do. Then at the eleventh hour, and after the application for resource consent had been lodged, WDC and HBRC combined the nice to haves and the necessary to do.

I take the opportunity to draw your attention to item 7 in the s42A officer's report and specifically that it is stated "versus their ability to carry the financial burden are some of the issues the Wairoa District Council have tried to address as part of the replacement consent process". I hope you are prepared to test the validity of this statement as it occurs to me and others that this has not occurred. Given we have submitted on the issue of cost you'd think we might have been provided with a commentary that shows what is the estimated cost and how it was deemed to be acceptable. Instead what attention is given to such submissions and whether they are resolved is left to you. I take the opportunity to make you aware people have approached WDC direct regarding this issue and been advised as recently as 26 August 2019 that "the future costs of a wastewater treatment scheme cannot be estimated at this time until the outcome of the waste water consent hearing is known". The WDC letter I refer to is included in this submission and you'll note it has also been included in my earlier submissions.

I now wish to reference Lucia Ehu-Hamilton's submission and I do so on her behalf with delegated authority. Lucia put more effort into this issue than anyone else in the two years before submissions closed and I and others feel that it can fairly be said that she was treated poorly by HBRC. It is particularly troubling that HBRC's most prominent representative throughout was CEO James Palmer. I hasten to add that throughout this prolonged period wastewater was being discharged onto the Wairoa River riverbank every night because of a compromised estuary outfall and Lucia rightfully assessed this happening would be offensive to everybody. Consistent with this, I assume you are aware five articles have been published on the Stuff website about this issue and I encourage you to locate them (particularly given two have an embedded video showing the overflow pipe operating in daylight hours and fine weather). It is indefensible that HBRC was so dismissive of such a submission given it is highly likely have lessened the motivation of staff tasked with compliance monitoring to be diligent and also identified to operators that HBRC's approach is unpredictable. Again, I hasten to add that this has occurred in the period immediately following the Havelock North water crisis (which caused some deaths, long term health effects for many, and widespread sickness) and HBRC was strongly criticised for its regulatory performance in the review of that event. This may be an issue that you are prepared to take up with the Ministry for the Environment. Others have tried that and were advised that because James Palmer was involved the Ministry of Environment had confidence in what HBRC was doing. I also note a plea was made to HBRC Chairman Rex Graham in respect of HBRC's performance and that too was ignored.

Lucia's submission is not available today and therein lies an issue that I encourage you to focus on. After submitting the records she had accumulated while in repeated dialogue with HBRC she asked four times for a copy of her submission in hard copy so she could be assured the likes of you would see a genuine copy of it. On the fourth occasion she asked under LGOIMA and twenty days later was provided with some only of her emails and none of the thirty or so attachments. I therefore encourage you to take the time to obtain a full record of Lucia's submission from HBRC and review it. HBRC compiling this record is not an onerous task and it will only require HBRC to have the people who have received emails to sort them by who they were received from and copy them onto a memory stick. When you have been able to review Lucia's submission please then consider how objective is the summary of it in the s42A officer's report. Lucia's submission certainly comprises more than the four emails, concerns about cost, and concerns about HBRC that is recorded in that report.

I wish to take the opportunity to highlight three issues from within Lucia's submission. The first is that central throughout was the fact that smelly wastewater was being discharged onto the Wairoa River riverbank every night in a heavily used recreation area because of a compromised estuary outfall. As previous, this is an operation that is likely to be offensive to everybody and hence she was not championing a cause that might have been of interest to only few people. Lucia repeatedly submitted that addressing this issue needed to be a focus (because fixing it was necessary) yet all of the focus seemed to be on what enhancements should occur to upstream infrastructure and how land based discharge could be provided. As previous, it was only at the eleventh hour when the nice to haves and the necessary to do were combined. Moving forward to the present, what is now proposed is a substantial departure from what was discussed during pre-lodgement dialogue and the likes (as is acknowledged in the s42A officer's report). This was predictable given the inaccuracy in the approach for such a long period and HBRC's inability to focus the application for resource consent process on what was most important is disconcerting. There may be actions available to you that will help to avoid future repeat. HBRC involving an Engineer with wastewater experience in the process might have been useful.

The second is that an amount of \$20M was used as a cost estimate for the ocean outfall option yet OCEL Consultants who reported on that option estimated the cost to be \$7.8M (refer item A7D2 which is *LEI Memo dated 5 September 2017* with subject *Ocean Outfall Concept and High Level Cost* and then refer to item A7I5 which is *LEI Memo dated 15 March 2017* with subject *High Level Options and Associated Costings*). It continues to be unclear why the parties involved seemed so determined to disadvantage the ocean outfall option given the sensitivity around ongoing discharge of wastewater to the (freshwater) Wairoa River estuary, and ocean outfalls being how wastewater is discharged from all of the developed areas on the East Coast, the Pan Pac large industry site just north of Napier, and many other locations around New Zealand. I take the opportunity to draw your attention to items 147 and 149 in the s42A officer's report and given Lucia revealed the error in the cost estimate used when considering options it seems the officer's report is another attempt to present the \$7.8M ocean outfall option in a bad light.

The third is the dialogue pertaining to the debris which quickly accumulated on the mesh fence beyond the overflow pipe as shows in the photo dated 09 April 2019 which I have included, and the fact that HBRC refused to engage on this issue. I draw your attention to the debris that is accumulated on the mesh fencing on the same line as the overflow pipe and the mesh fencing elsewhere being clean. A Layman's assessment is that this issue is created by the newly installed cutter pumps at all pump stations shredding material so fine that it is bypassing the screen at the wastewater treatment plant, being carried through the plant, and then being discharged from it. The analogy is that it's easy to pick up a glass bottle from your lawn when it's whole but impossible to pick up all the glass when you've mowed over it. One can only speculate what the consequences of depositing solids in the receiving environment will be and I'm not sure any of us can have confidence that birds and fish feeding in the estuary will be able to discern between finely chopped plastic and whatever they would wish to be feeding on. I hasten to add it is WDC (as the Operator) and HBRC (as the Regulator) who will be responsible for implementation of any consent granted and it is a stretch on credibility for anyone to expect that once a new consent is granted those entities will suddenly start to care. I note the s42A officer's report recommends a twenty year duration apply to the resource consent and I encourage you to consider the track record of non-compliance

for both parties on the last twenty year duration resource consent. Having regard for the simple logic of past behaviour being the best gauge of future behaviour it must be assumed that another twenty year duration resource consent will see eighteen years of operational non-compliance and regulatory inaction and then a burst of attention in the two years preceding the requirement for renewing the resource consent coming around again. It therefore occurs to me that an arrangement that is more likely to meet requirement is one where consent is granted for outfall replacement, a separate consent (complete with carefully developed conditions) be obtained for operation of the wastewater system, and that the consent associated with operation be configured in say two year blocks and rollover only be permissible if an independent reviewer has confirmed that the operation and regulatory functions are being carried out adequately. I also suggest that the consent conditions require sampling of the discharge while it is occurring at a location along the outfall pipe. I make this suggestion as it occurs to me that this will be the only way that anyone can be sure what is being reported is real and Lucia's observations and reports suggest what is real is that solids are being discharged from the wastewater treatment plant.

I have just provided a Layman's assessment of why solids might be being discharged from the wastewater treatment plant. An alternative assessment is that the issue is caused by the ponds being overfull with sludge (and you're probably unaware that WDC has spent over \$1M desludging the ponds since the issue was raised). I raise this issue because I note that there is nothing in the draft consent conditions which requires WDC to monitor sludge levels and intervene when the sludge level reaches a particular threshold that compromises what treatment occurs. I suggest some control around this aspect of operation is required so that the design treatment is achieved before wastewater is discharged. I also take the opportunity to note that item 10 of the s42A officer's report says "the storage capacity of the current wastewater treatment plant is 5,400m<sup>3</sup> which directly reflects the total maximum discharge volume allowed for in the current resource consent". Section 3.1 of the Assessment of Environmental Effects says the storage volumes provided are 4,750m<sup>3</sup> in the aeration pond and 18,250m<sup>3</sup> in the oxidation pond. It is disconcerting that at this late stage HBRC representatives have issued a final report which links incorrect volume information with the statement "which directly reflects the total maximum discharge volume allowed for in the current resource consent" as doing so infers there will be frequent instances of raw sewage entering what is a simple wastewater treatment plant and being discharged from it less than 24hrs later. In another twist, draft condition 52 says that WDC will facilitate discussion on increasing the available storage volume to 50,000-100,000m<sup>3</sup> in the first ten year period and 200,000-400,000m<sup>3</sup> in the second ten year period, and I'm not sure those numbers make any sense given what storage volume exists now.

I wish to finish this component of my submission by talking quickly about six issues. They generally are prompted by review of the s42A officer's report.

The first concerns safety for surfers who routinely surf at the Wairoa Bar (and I note this activity is not even mentioned amongst those in the s42A officer's report yet a number of alternative activities which occur upstream of the wastewater discharge are). Throughout the entire year surfers are regularly surfing from daylight and therefore are in the water only a very short distance from where wastewater is being discharged. I'm not sure that the parties seeking resource consent have considered this issue or sought to engage with the surfing community yet surfing is an activity that



would appear to create obvious health risk at the site. Likewise I'm not sure the parties seeking resource consent have recognised fishing nets placed in the estuary are typically checked and cleared early in the morning. It occurs to me and others that the period in which wastewater discharge is permitted should end sufficiently in advance of any surfing at the bar and fishing activity commencing for everyone to be sure that no wastewater is present. I do note that the draft conditions suggest the discharge commencement be delayed from 6pm to 7pm during summer months. I suggest that the discharge should cease by 4.30am during summer months also unless weather conditions are such that the discharge extending later creates no risk.

The second concerns smell in the vicinity of the wastewater ponds and I note item 126 in the s42A officer's report says "the proposal does produce odour which does occur at the wastewater treatment plant site, however it is unlikely that it would extend beyond the site boundaries onto neighbouring rural properties nor would it be likely to be any more than low intensity". I draw attention to this issue having noticed that there were times during last year's dry summer when the sewage smell at Pilots Hill was terrible and it occurred to me that this could be due to the sewage entering the ponds not being diluted with groundwater and stormwater as it is through long (wetter) parts of the year. I understand that a commitment is being made to reducing the amount of groundwater and stormwater entering the sewerage system and therefore it occurs to me that in the future smell issues might be created at times other than during the height of a dry summer. In that event there would presumably be more cost for the Wairoa community in addressing the issue. I note that Pilots Hill is a heavily used recreational area and that there are three houses in close proximity. Hence prolonged smell issues are unlikely to be tolerated.

The third concerns the lack of robustness for the conditions associated with overflows at pump stations and I raise this having noted that item 103 in the s42A officer's report asks that you sort this issue. I wish to report the following example to you in order to provide context. In 2017 overflow of raw sewage occurred at the North Clyde Pump Station between approximately 5am and 8am because of a control system malfunction. The overflow was during the whitebait season and the weather was good, and so it occurred while a number of people were gathering food in the area around the pump station. The issue was drawn to WDC's attention and no action occurred. Therefore information was presented to HBRC and it was Mr Wayne Wright who managed the complaint. The information provided included screen shots from WDC's telemetry and so there was evidence. HBRC raised the issue with WDC and WDC denied there had been an overflow. Therefore Mr Wright got an independent wastewater engineer to review the information and that person concluded an overflow must have occurred. WDC continued to deny there had been an overflow. Then presumably the HBRC's senior management got involved, Mr Wright's commendable efforts were ended, and the outcome was that the parties agreed to disagree about whether there had been an overflow and they would work together to prepare the forthcoming application for resource consent. There was an article printed in the Wairoa Star about this, another article published on the Stuff website (which I've linked below), and presumably Mr Wright's incident records could be made available to you. My point is that WDC has a track record of being non-compliant, a track record of not cooperating with investigation, and that HBRC's track record in respect of enforcement function is not one that generates confidence. Hence any condition associated with overflow at pump stations needs to be designed having regard for what has occurred on earlier occasions. I suggest that the condition associated with this issue requires WDC's telemetry is configured such that an

alarm is transmitted to HBRC when an overflow level is being approached, there be monthly checks that the alarm is functioning as intended, and the telemetry control be hard coded so that it is not possible for the alarm to be overwritten when someone wants to hide that overflow is occurring. I also suggest that the conditions require WDC to measure the volume of raw sewage discharged by any overflow pipe as such information will clearly be required in order to quantify what is being achieved by the proposed network improvements.

<https://www.stuff.co.nz/environment/107010076/enforcement-action-against-council-over-sewage-dumped-in-river-gets-withdrawn>

The fourth concerns the absence of performance measures for the proposed network improvements within the draft consent conditions (and I draw your attention to network improvements not even being mentioned in the s42A officer's report Section 2 Details of the Proposal). You will see that the draft consent condition 53 (b) says the network improvement plan only needs to identify what works will be undertaken to reduce inflow and infiltration and earlier condition 39 (d) requires that what improvement works will achieve be calculated. This is a surprise me as one imagines that what volume of wastewater needs treating will influence the treatment design, but regardless it is possible to have performance measures as Section 6 of Water New Zealand's Inflow and Infiltration Control Manual provides a readymade set of them. They are reliant on knowing what is the amount of groundwater infiltration (or base flow), what is the amount of rainfall dependant inflow and infiltration, and what is the wet weather peak flow factor (or stormwater inflow). Unfortunately such information does not appear to be available in any of the documentation which is provided and therefore resolving this issue will likely be challenging. It is important that it is resolved because the cost associated with completing the work required to achieve a specified standard (and whether the Wairoa community can afford to complete that work) should be quantified before it becomes a consent obligation. I take the opportunity to note that the wet weather peak flow factor I refer to is defined as the peak wet weather flow divided by the average dry weather flow and the threshold trigger value for it in the Inflow and Infiltration Control Manual is eight. If you have no better information available to you, and you're not prepared to require WDC to rework its application so that affordability is considered, then you might wish to have the consent conditions require that network improvements limit the wet weather peak flow factor to no higher than eight at each pump station. I hasten to add that determining what standard exists will require that the volume of raw sewage discharged via overflow pipes is measured at each pump station and that was my previous point.

The fifth issue I wish to draw your attention to is that the draft consent conditions only require that WDC provide an annual report. The previous resource consent (conditions 9, 13 and 14) required monthly reporting and I note whether monthly reports have been being provided is not mentioned within the compliance history of the s42A officer's report. In fact the s42A officer's report is conspicuously silent on what reporting WDC has completed despite the consent reporting history recording "failure to provide data" for three of the seven years in which a compliance report has been prepared. You may wish to query what reporting has been occurring but regardless, given repeated operational non-compliance and near absent compliance monitoring has been identified, it seems incredulous that the parties are now proposing one twelfth (or 8%) of the amount of reporting and compliance monitoring that accompanied the previous resource consent. What's more is surely

dialogue in respect of any operational issue encountered is a lot easier when it is being discussed soon after the event, but the current draft consent condition may mean that the first time an issue is identified may be one year after it occurred.

The last issue concerns the draft consent condition 15 and specifically the requirement to install a flow meter after the outlet of the wastewater treatment pond. I then draw your attention to condition 9 of the previous resource consent and you'll see it required exactly the same thing. Hence a consent condition which has existed for twenty years has not been complied with and yet there is no mention of this in the s42A officer's report section 2b (and in fact condition 9 is not even mentioned). This is another example of the challenge you face to develop consent conditions that will actually be complied with. It's also disconcerting for those of us who are going to be paying for compliance with the conditions of a new consent to see that the application process has been carried out without good visibility of what has actually been happening at the wastewater treatment plant.

I am now able to deliver the submission I made to the 28 February 2020 pre-hearing meeting if you wish me to do so. If you do not wish me to do so then can I please draw your attention to the detail at the end regarding Mott McDonald's review of the consent application dated 8 July 2019 and specifically that it is stated there is not a strong connection between consultation and what shows in the application for resource consent. I do so noting that the s42A officer's report makes no mention of this issue and indeed that report is very light on detail in respect of how consultation has contributed to what is included in the application. I also note that the issue has been omitted from the more recent Mott McDonald review which is included in the s42A officer's report.



## MEMORANDUM

**DATE:** 16 March 2020  
**TO:** Tania Diack, Hawkes Bay Regional Council  
**FROM:** Matanuku Mahuika  
**RE:** **SECOND PRE-HEARING MEETING – WAIROA DISTRICT COUNCIL –  
WASTEWATER TREATMENT CONSENT APPLICATION**

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1. This memorandum sets out a summary of the process, discussions and outcome of the second pre-hearing meeting held to discuss the above consent application. The meeting was held on Friday 28 February 2020 at the Presbyterian Church Hall, 98 Queen Street, Wairoa, commencing at 9am and concluding at around 3pm.
2. Present at the meeting were a number of submitters, the majority of whom were present at the first pre-hearing meeting, and representatives of the Wairoa District Council (**WDC**) and Hawkes Bay Regional Council. The Chair of Tatau Tatau o Te Wairoa Trust attended and was present throughout. Affco also had a representative present during the first part of the meeting through until the lunch break.
3. The meeting broadly followed the agenda circulated by the Hawkes Bay Regional Council in advance of the meeting, and proceeded as follows:
  - (a) I provided a very brief introduction to remind the parties of the ground rules and the nature of the meeting.
  - (b) All parties introduced themselves.
  - (c) Liz Battes, a submitter who was not able to attend the first pre-hearing meeting, was given time to talk to her submission.
  - (d) Stephen Heath (WDC) talked to the current status of river discharges; work that has been carried out already by WDC to improve water quality and better manage discharges; and the further work being proposed under the resource consent. This further work includes the upgrade of the outfall pipe at a cost of approximately \$1.5m.
  - (e) Gary Borg (WDC) spoke briefly about the budget available to WDC for the work proposed under the resource consent, the future cost of the work and the possible rating impact if further funds have to be raised.
  - (f) Hamish Lowe and Katarina Kawana gave a presentation on Maturanga Maori monitoring and what could be done, based on the “Mauri Compass” approach, in terms of monitoring the health of the Wairoa River as a condition of any resource consent.

WDH-N-70-V1

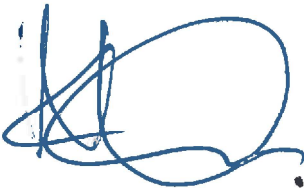
- (g) Shade Smith gave a presentation on recent water quality monitoring and assessment work that has been carried out in the area adjacent to, and downstream from, the current discharge pipe.
  - (h) Hamish Lowe discussed the proposal for a land based discharge of wastewater from the mortuary.
  - (i) Hamish Lowe gave a presentation setting out the initial conditions proposed for the resource consent and the changes that are being considered to those conditions in light of the objections from submitters and discussions at the first pre-hearing meeting.
  - (j) Following the presentation on the current and proposed conditions the submitters took time to caucus privately.
  - (k) After caucusing the submitters returned, reported on their discussions, and all parties present at the meeting agreed a way forward (see paragraph 7 below).
4. During the course of the various presentations at the meeting there was the opportunity for any party present to ask questions.
5. There were a number of key matters that emerged from the meeting. These were as follows:
- (a) WDC has sought to make improvements to the discharge regime and maintains a commitment to improve river discharge arrangements. It is also very aware of the desire amongst the submitters to progress to a land based alternative to discharges into the Wairoa River. A significant barrier for WDC is cost and the availability of sufficient suitable land for a land based discharge regime.
  - (b) It remains a strong concern amongst submitters that WDC is still not going far enough. While WDC is indicating a desire to improve water quality over time and investigate land based alternatives, it is not giving concrete or time bound commitments to improve water quality and, ultimately, cease discharges into the Wairoa River.
  - (c) WDC put a specific proposal for a land based solution for mortuary waste, which would see this waste dealt with at a site near the cemetery.<sup>1</sup> There was general agreement from submitters that this would be a good outcome and one that they would support. The changes to the discharge of the mortuary waste would be accompanied by a change to the WDC Trade Waste By-Laws.
  - (d) WDC will introduce a cultural monitoring framework that adopts the “Mauri Compass” approach. The proposal from WDC is that there would be monitoring and reporting against the “Mauri Compass” at two yearly intervals. Submitters expressed a strong preference for reporting more regularly than 2 yearly.
  - (e) The submitters acknowledged the progress made to date, but wish to have more time to consider the proposed resource consent conditions and the amendments being proposed to those conditions. It was noted by the submitters that this meeting was the first occasion at which they had seen the proposed amendments to the resource consent conditions. This gave them insufficient time to engage in an informed discussion about those conditions.

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<sup>1</sup> It is my understanding that the mortuary waste proposal sits outside the scope of the current consent application and, if pursued, would require its own separate consent application.



- (f) The submitters would prefer that funds not be spent on upgrading the outfall pipe, but on storage and irrigation. The reason given for this is that getting the discharge onto land will remove one of the principal objections to the discharge, which is the cultural impact.
6. The overall outcome from the meeting is that WDC and submitters will continue talking to try to resolve issues. A question was asked as to whether this discussion should be either through or facilitated by Hawkes Bay Regional Council. However, it was agreed that, at this stage, direct discussions between WDC and the submitters is the most appropriate way to progress issues.
7. Next steps agreed at the meeting were:
- (a) WDC is to circulate the consent conditions and proposed amendments by 13 March 2020.
  - (b) The submitters will provide feedback to WDC by 17 April 2020.
  - (c) WDC and the submitters will liaise to organise a direct discussion between WDC and submitters by the week of 4 May 2020.



Matanuku Mahuika  
Partner



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26 August 2019

Lucia Ehu-Hamilton  
72 Clyde Road  
WAIROA 4108

Dear Ms Hamilton

Thank you for your email to the CEO on the 11 August 2019 and in reply to your request I can advise the following:

Future costs of a waste water treatment scheme cannot be estimated at this time until the outcome of the waste water consent hearing is known.

Can you be more specific in your question about costs to prepare the resource consent application? Could future correspondence please be email to [LGOIMA@wairoadc.govt.nz](mailto:LGOIMA@wairoadc.govt.nz) or in writing to the attention of the LGOIMA Administrator?

Regards

Local Government Information and Meeting Act 1987  
Administrator





09/04/2019



## Lis Battes' Submission to Pre-Hearing Meeting 28 February 2020

The key detail in my submission (which is attached) is that the Wairoa community who has to pay for the commitments that the resource consent will place upon it have no idea what those commitments will cost. In my view that situation existing demands that either you or the Hearing Commissioners tell WDC and HBRC that the consultation completed is inadequate. I made the point when invited to the first pre-hearing meeting that no amount of talking retrospective to the application for resource consent being lodged is going to make the Wairoa community aware of how much it is going to have to pay. I also said talking to a select group at a pre-hearing meeting will never constitute objective or complete consideration of the alternative ocean outfall option which WDC and HBRC seem so determined to avoid being considered. I note that WDC intend to present cost summary detail today and I hope you seize on that being belated and serving no useful purpose in respect of making ratepayers aware.

I understand at least someone else has made the same submission. I also understand that a member of the Stakeholder Group which WDC is relying upon as evidence of it having consulted has submitted that the entire stakeholder group proceedings were conducted while WDC ignored that it's existing outfall required repair, and had that issue (and the cost consequence associated with it) been understood the stakeholder group's deliberations would likely have arrived at a different outcome. In short, the stakeholder group arrived at a lot of nice to haves while not understanding that WDC was faced with a significant necessary to do. Then at the eleventh hour, and after the application for resource consent had been lodged, WDC and HBRC combined the nice to haves and the necessary to do.

I take the opportunity to note two WDC communications that are highly relevant to the issue of nobody knowing what the cost will be (which is what my submission is about). The first is the pages from WDC's 2018-28 LTP Consultation Document which I've provided you with. It says "Total cost \$6.5 million (\$4 million funded by external loans, \$2.5 million funded by depreciation reserves). Consent costs \$1.3 million. Capital works \$3 million. Renewal works \$2 million. Catchment group \$200,000 over three years." It also says "this project will be loan funded and the interest and loan repayments will mean sewerage rates increase as follows: 2019/20: \$124 | 2020/21: \$80 | 2021/22: \$54 (no further increases after year 2022)." The \$124 + \$80 + \$54 amounts quoted sum to \$258 total. There are 1700 properties connected to Wairoa's wastewater scheme and each property paying \$258 provides for a total of \$438K to be collected. We understand the consent costs alone which have been incurred so far exceed \$2M and a \$438K amount may fund less than 5% of the total project cost. My submission questioned whether Council's LTP provides it with a mandate to commit to a project that has increased in cost to something like twenty times more than what it told ratepayers it would cost.

The second is a letter from WDC of 29 August 2019 which I have provided you with a copy of. It says "future costs of a waste water treatment scheme cannot be estimated at this time until the outcome of the waste water consent hearing is known". Again, I note that WDC intend to present cost summary detail today. I hope you seize on WDC being able to communicate with you but not with ratepayers.

When I was talking about the first item I mentioned that there are 1700 properties connected to the Wairoa wastewater scheme. An issue causing much consternation in at least the Opoutama and Mahia Beach communities is that WDC has covertly included them in the group of property owners who have to pay for Wairoa wastewater. That significant numbers of property owners in those communities object to having to pay, and feel that the Agreement to Connect they recently entered into with Council protects them against any such obligation, is an issue which WDC is ignoring. It is noteworthy that none of the public meetings and the like have been held at Mahia. I'm also aware that a Lawyer colleague who I'm sure will be known to you, Mr Leo Watson, wrote to WDC's CEO on 16 September 2019 and asked him to advise how the imposition of a uniform wastewater charge on Mahia ratepayers met the requirements of Part 6 of the Local Government Act 2002; and in particular, did the Council consider the decision to be a decision of significance (and if not, why not); and how did the Council meet its obligations to Mahia ratepayers of adequate consultation. Mr Watson has been ignored.

As I said at the outset, no amount of talking to a select group at a pre-hearing meeting is going to make the Wairoa community aware of how much it is going to have to pay. Hence I contend that any subsequent discussion today should be amongst yourselves and in respect of how an adequate consultation with the Wairoa community will be completed. I and many others will be interested to see what consultation will comprise. It is indefensible that this situation exists so late in the piece.

I finish by offering this thought. Others have submitted over a long period that the process of preparing an application for resource consent has proceeded while the elephant in the room was being ignored. It must be questionable whether WDC has used the right consultant through the process, and it must also be questionable whether the current HBRC staff are sufficiently interested in their task to have responsibility for managing processes of this type. The failings by the respective parties have economic and social cost consequences for what is a small and poor community. I'm sure that others will share my view that this is an issue you should take up with WDC and the Ministry for Environment on behalf of the Wairoa community who you are working for.

Can I please also submit the following in respect of the Mott McDonald Review of Consent Application dated 8 July 2019. I have provided you with a copy of the executive summary. While neither you nor I are scientists or engineers it is clear that Mott McDonald express serious reservations about the quality of the science and engineering that show in the application for resource consent. They also identify that there is not a strong connection between consultation and what shows in the application for resource consent. There has been no information provided that shows how the issues Mott McDonald raised have been resolved, and it's hard to have confidence that either WDC or HBRC would care to do so. I therefore submit that you should be confirming that the issues Mott McDonald raised have been resolved.



## **Submission of 8 September 2019 – Lis Battes**

**My submission is: (you may attach submission detail to this form)**

**\* Include the reasons for your views**

As above, the application has been prepared while the compromised estuary outfall issue was ignored. Then at the eleventh hour that issue has been shoehorned into the application. This creates a situation where no adequate consultation has occurred with the Wairoa community who are paying for the consent process and who will pay to comply with any resource consent granted. I have attached three pages from the Tuesday 3 September 2019 Wairoa Star as they evidence that there is currently even confusion among Councillors and Council staff about how the Wairoa wastewater scheme operates and what the application for resource consent commits Council to. This is a crazy situation to have existing when Council has invested in the order of \$2M preparing an application for resource consent and the obligations within any resource consent granted are potentially very onerous for the community which has to pay to achieve compliance.

I'm aware at least one member of the Wastewater Scheme Stakeholder Group has submitted that the proceedings of the group can not be relied upon as evidence of consultation because they occurred while the estuary outfall issue was being ignored. I understand that WDC is saying that the proceedings of the group are evidence of the consultation it has completed. What's real is that no adequate consultation has occurred.

I'm aware that people have asked Council to confirm what the commitments being made in the application for resource consent will cost and Council has said such information is not available. Further, HBRC knows that this is the case and has done nothing about it. This again reveals the inadequacy of the consultation. I understand that if Council borrows \$10M to fund the project it will double the sewerage component of rates for twenty years (and this will be a cost of about \$8,000 for each paying ratepayer). I simply cannot believe that WDC and HBRC are not requiring that the community understands that the cost consequence will be of this order and what's more is that the community shows convincingly that it has agreed to make a commitment to paying such costs.

Much consternation exists amongst at least the Opoutama and Mahia Beach communities about Council requiring them to pay for the Wairoa wastewater project. Property owners in those communities are submitting that having to pay is a breach of the Agreement to Connect that Council

entered into with them around 2014 and also contrary to the user/beneficiary pays principle that Council's revenue and financing policy is premised upon. Council presently is ignoring what property owners are submitting and it appears likely that the issue will be escalated via a Lawyer. I submit that Council cannot commit to any significant expenditure while this issue is unresolved as when the Opoutama and Mahia Beach property owners are relieved of the responsibility to pay the cost consequence for Wairoa ratepayers will become that much higher.

I anticipate that Council's LTP provides it with a mandate to deliver projects for the community. The detail within the 2018–28 LTP regarding the Wairoa wastewater project, and in particular the cost detail, is out of date because having to address the estuary outfall issue has completely changed the scope of the project. I submit that this issue results in Council not having a mandate to deliver the project that the application for resource consent commits it to. I believe the Office of the Auditor General should be consulted upon regarding this issue if the two Councils cannot agree that common sense dictates the application for resource consent should not be being processed while no mandate to deliver the project exists.

I asked HBRC's CEO James Palmer for the two abatement notices issued to WDC in May 2019. Mr Palmer has completely ignored me. This diminishes my confidence in the integrity of the HBRC organisation and therefore I'm not comfortable about HBRC having an ability to influence the application for resource consent process. I believe the process should be transferred to an independent entity.

I believe the Wairoa and surrounding communities would prefer that no wastewater is discharged into the estuary. The \$7.8M cost estimate for an alternative ocean outfall that is amongst the application for resource consent records suggests that such an option is viable. I submit it has not been objectively considered.

## TŪTOHU WAI PARU ME NGĀ KŌRERE

### WASTEWATER CONSENT & PIPE NETWORK REHABILITATION

The proposal for the Wairoa wastewater discharge consent application is a community-led best practicable package that involves modification of the existing wastewater facilities including significantly increased treatment processes, transitioning to a land-based discharge, a network renewals commitment which would see improvements to the current system and an ongoing commitment to a river health partnership strategy.

This will be one of the most significant infrastructure projects Wairoa has seen in the past 30 years and is required because the existing consent expires in 2019 and the resource consent process can be very complex.

The Wairoa Wastewater Stakeholder Group was formed in 2017, and became an advisory group to Council around the future management of wastewater in the Wairoa township.

The discharge into the Wairoa River was and continues to be a significant issue for tangata whenua and the wider community, as identified during the Stakeholder Group's discussions. However, to completely stop discharge going into the Wairoa River would result in a significant cost to the Wairoa community. These discussions during Stakeholder Group meetings ultimately focused on the best outcome for the Wairoa community.

The Stakeholder Group discussed various options and the best practicable option (BPO) in Option 1 is a package of proposals that will collectively bring about the desired improvements over a period of decades whilst being affordable for the community.

The BPO includes these key initiatives:

- Continued effort to reduce inflow of stormwater and groundwater through upgrade of aging reticulation, capacity upgrades and removal of illegal connections.
- Making provision for some of the treated wastewater to be disposed of to land with a view to increasing the amount over time as opportunities arise.
- Investigating and implementing storage needs to facilitate land disposal.
- Adding filtration and UV disinfection to the treatment process to produce a cleaner effluent with significantly reduced levels of pathogens.

Council agreed at their meeting on 30th January 2018 that their preferred option was Option 1. Now Council is seeking wider feedback from the community on the project.

### THE OPTIONS

#### BEST PRACTICABLE OPTION (BPO) PACKAGE

This package includes modification of the existing wastewater facilities such as: significantly increased treatment processes, transitioning to a land-based discharge, a network renewals commitment and an ongoing commitment to a river health partnership strategy.

In accordance with Council's Revenue and Financing Policy the wastewater activity is rated equally across all rating units that are within the catchment of a wastewater scheme. This project will be loan funded and the interest and loan repayments will mean that sewerage rates increase as follows:

2019/20: \$124 | 2020/21: \$80 | 2021/22: \$54 (no further increases after year 2022)

At this stage Council is not proposing a capital contribution scheme.

##### Benefit/s

- RMA requirements met by Council
- Increased treatment prior to discharge and transition to land discharge
- Awa health partnership leading to improved river quality in the Wairoa River

- Sustainable and improved wastewater management system
- Reduced overflows

##### Consequences

- Increased costs to members of the scheme.

##### Total cost:

\$6.5 million  
(\$4 million funded by external loans, \$2.5 million funded by depreciation reserves)

##### Consent costs

\$1.1 million

##### Capital works

\$3 million

##### Renewal works

\$2 million

##### Catchment group

\$200,000 over three years

1

#### MODIFY EXISTING SYSTEM

Do not make major changes to the system and apply for consent.

##### Benefit/s

- Lesser overall cost to scheme members. For \$3 million loan funded expenditure, sewerage rates would increase by \$119 in 2019/20 with no further charges expected.

##### Consequences

- Unlikely to achieve a consent without upgrades to the system and the consenting process would be significantly more costly.
- Will not meet community aspirations to improve health of the Wairoa River.

##### Consent-related costs

\$3 million  
(\$3 million of the \$3 million application will be funded by depreciation reserves)

2



### PREFERRED OPTION

#### Option 1 - Best practicable option (BPO) package

A community stakeholder group consulting with their representative sectors led the process and considered that the BPO package balanced affordability, cultural expectations and environmental challenges of the community. More information about the BPO package can be found on the LTP section of our website.



# WAIROA DISTRICT COUNCIL

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+64 6 838 8874

administrator@wairoadc.govt.nz

www.wairoadc.govt.nz

PO Box 54, Wairoa 4160, Hawke's Bay

Coronation Square, Queen Street, Wairoa

26 August 2019

Lucia Ehu-Hamilton  
72 Clyde Road  
WAIROA 4108

Dear Ms Hamilton

Thank you for your email to the CEO on the 11 August 2019 and in reply to your request I can advise the following:

Future costs of a waste water treatment scheme cannot be estimated at this time until the outcome of the waste water consent hearing is known.

Can you be more specific in your question about costs to prepare the resource consent application? Could future correspondence please be email to [LGOIMA@wairoadc.govt.nz](mailto:LGOIMA@wairoadc.govt.nz) or in writing to the attention of the LGOIMA Administrator?

Regards

Local Government Information and Meeting Act 1987  
Administrator



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Te Whetu Wairoa

Thursday, September 5, 2019



## Wastewater talks



☐ THE Wairoa Mobile Surgical Bus visits Wairoa each month with some Wairoa children needing general anaesthetic for dental treatment. See page 3 for more information

OVERCOMING misinformation swirling around Wairoa District Council's proposed wastewater consent application was discussed at Tuesday's council meeting.

Councillor Hine Flood asked how they could find the gaps in information, expose them and respond.

"How do we look at what is going out in terms of submissions to understand what might be possible repercussions to quell the incorrect information?"

Mayor Craig Little said someone puts a statement on facebook and there was no fact checking.

"The biggest thing is that we have a facebook page."

Later in the meeting he said people talked about the wastewater scheme, but did not mention the rural septic tanks which were emptied into the waste water scheme and the solids that came from Mahia.

Group manager community assets and services Stephen Heath said that was shock loading that had to be managed.

Deputy mayor Denise Eaglesome-Karekare said she had read the consent application and it was all about protection and what council was doing to mitigate that risk.

She hoped people's submissions would be around ensuring that council has controls in place with monitoring.

Councillor Charlie Lambert said people did not realise that council was putting things in place over the next five years and that it would tighten again after five years.

He said the treated wastewater discharge consent renewal was there to mitigate against climate change.

Maori standing committee member Paul Kelly said a radical element was taking a detail out of context and inflaming it.

"We should put a public statement out there."

Wairoa Mayor Craig Little said people who wanted to submit should read the whole article about what happens to treated wastewater before it reached the river and how they treated all the bugs and any thing else.

Earlier councillor Jeremy Harker sought clarification around these rumours including that the council discharged untreated wastewater 24/7.

Mr Harker then asked so there was no unlimited 24hour discharge?

Councillor Hine Flood asked Mr Heath to clarify.

He said it was treated wastewater and if it was going to be discharged on an outgoing tide, there were restrictions around that.

The exception was the threat of discharging untreated wastewater because of a severe weather event and the river flow was three times the medium flow. Only then could treated wastewater be discharged at a different time.

"There is no unlimited 24-hour discharge."

The talk turned to the source of the misinformation.

Mrs Flood said people were using the term "24/7 untreated wastewater".

The discharge was conditional around a high river flow and a flood event to avoid the possibility of an overflow of the treatment ponds in an extreme flood event.

Mr Heath said the flip-side of that was from December to February there was often a low river flow rate and people wanted to be in the river and there was a tension to not discharge for days on end.

In that scenario they could store the treated wastewater for up to 14 days.

Mrs Eaglesome-Karekare said ultra-violet filter systems up at the pond would improve the operation further.

She said the feedback was that the overflow only happened in an extreme weather event and it was still treated wastewater that was discharged.

Mr Heath said the new outflow pipe would be slightly bigger meaning no back flow or surcharge and it would be further out in the river.

Mr Harker said any information or discharge from the system going forward would be viewed straight away through their telemetric system Scarta (for hydrology and water monitoring).

Mr Heath said it was so transparent and each month the data went to Hawke's Bay Regional Council including volumes, pump station data, overflows, timed discharges and this robust information was there for all the stakeholders.

One of the stakeholder members Mr

Lambert agreed adding if there was a power cut and it could not pump that was taken care of.

Mr Heath was optimistic that by 2025, they would have a more robust, resilient and transparent scheme and not just a Bandaid on it.

"Regional council are not going to let us discharge raw sewage," the group manager said.

The benefits of desludging the pond were raised by council chief executive Steven May.

"That increases the capacity and optimises the pond."

"We have an opportunity to put biological activity in there to manage the sludge."

Mr May added that they were able to optimise this further with the addition of sand filtration and UV units to control microbiological activity.

Councillors asked Mr Heath how many households in Wairoa had illegal stormwater gully traps.

He said of 400 properties, he hoped all of the illegal gully traps would be raised and the sumps altered.

"In the last five months since we started (reducing the gully trap infiltration), we now recover much more quickly over two to three days instead of what used to be five weeks after an extreme event."

Submissions on Wairoa District Council's wastewater discharge renewal consent application to the Hawke's Bay Regional Council close at 5pm, next Tuesday.

■ More on wastewater on pages 4, 5.

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# Wastewater questions answered

SUBMISSIONS for the Wairoa District Council wastewater consent application close next Tuesday, September 10 at 5pm.

The application is for a 35-year resource consent for treatment and discharge of wastewater from the Wairoa wastewater treatment plant and pump stations.

The preamble to the application states: "During the last four years WDC have reviewed the entire wastewater system, consulted with their community regarding their concerns and aspirations relating to wastewater management, and developed an integrated programme of actions to improve the wastewater reticulation and treatment and to progressively transition from the existing river discharge to a land discharge (irrigation) system. In addition, WDC committed to supporting environmental initiatives that aimed to reduce rural runoff and improve the water quality and inter-dependent ecosystems of the entire Wairoa River catchment."

Ten submissions have been received to date, and discussion on social media has been robust.

The Star asked application project manager Hamish Lowe from wastewater consultancy group Lowe Environmental Impact about some of the issues being raised about the application.

**WS: During the public information hui you presented a 30-year plan however the resource application states: "A term of 35 years is sought for all consents." Can you explain the discrepancy?**

Hamish Lowe: "The 30-year plan was essentially actions within the term of the consent and after 30 years WDC would continue with the same programme (along with modifications developed along the way). The consent conditions



□ **Wairoa District Council group manager community assets and services Stephen Heath sees a more resilient, robust and transparent wastewater scheme for Wairoa by 2025.**

also require ongoing actions which implement the programme and then keep things going; so if the plan was 20 years a 35-year consent would still be relevant."

**WS: There is a concern about the discharge of stormwater-diluted untreated wastewater into the river in the event of a pump station overflow. What are the alternatives and what are the costs involved to avoid discharge of untreated wastewater into the river?**

Hamish Lowe: "Yes overflows are a headache, not just for Wairoa, but sewer systems internationally. Better technology (controls, pumps, generators, better power system) helps to lessen the impact of overflows, but there will

still remain a risk that an overflow event might happen. In some cases (such as Mahia) you have emergency storage, but this storage largely depends on the reticulation system. With the type of reticulation in Wairoa, it would be highly unusual to not allow for an overflow. The best action is to take all steps to minimise such occurrences. Historically there had been possibly two to six events annually. This was mainly due to excessive inflows. Previous overflows have mainly been due to excessive inflows, poor pump operation, and power outages. Recent reticulation improvements and pump upgrades have improved pump station reliability with standby generators also on the way which will reduce this further.

"It has been identified that pump station overflow is mainly driven by groundwater and stormwater getting into the system. This includes illegal stormwater connections from roofs and flooding around gully traps. The WDC have achieved a lot of disconnections and flow reductions in the Kopu Road catchment. One of the consent conditions is to provide an education programme to share the message about wastewater and what happens to it. Managing stormwater to lessen the risk of overflows is a key part of that."

**WS: The end goal is to transition from river discharge to a land discharge (irrigation) system. What work has been done in this area and what costs are involved?**

Hamish Lowe: "Yes work has started and preliminary pricing has been done. With land discharge you are looking at \$10,000 to \$30k/ha for irrigation infrastructure depending on the type of land, land use and distance from the treatment plant. Simple maths means

that the dollars add up very quickly. There are also challenges with getting consent from the HBRC."

**WS: The Maori community has raised concerns about mortuary waste going into the river due to its tapu (sacred) nature. It has also been noted that traditionally Maori disposed of any used water on to land, not into another body of water. Has the issue of mortuary waste going into the river been addressed in the application?**

"Work is in progress. There are public health, environmental effects and other sensitivities here."

In a response to the question of mortuary waste the WDC made the following comment on their Facebook page. "Both the funeral home as well as the hospital are connected to the town sewer system which goes to the oxidation ponds and is then treated."

The Funeral Directors Association of New Zealand gave the following response: "The waste from a mortuary would be no different to normal bodily wastes that are flushed down the toilet. Any embalming chemical with it would render the waste inert and sanitised in much the same way as disinfectant used on waste. There have never been any health concerns over the years from waste discharged from mortuaries into the sewage system and with modern treatment processes in sewage systems, we are confident that the matter is dealt with properly."

To make a submission visit the HBRC website and search 'Wairoa District Council wastewater consent application', visit the HBRC Wairoa office at 46 Freyberg Street, Wairoa or contact the consents administrator on (06) 833 9210 extn 9327. Submissions close Tuesday September 10 at 5pm.

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# Improving way WDC operates

Wastewater consent process statement by Wairoa District Council chief executive Steven May:

THE Wairoa District Council would like to offer clarification around the wording of the Hawke's Bay Regional Council's Wairoa wastewater resource consent which has now been publicly notified.

The wording in the public notification refers to the discharge of untreated wastewater from the Alexandra Park, North Clyde and Kopu Road pump stations via overflow outlet pipes into the Wairoa River.

The discharge of diluted untreated wastewater from these three pump stations seldom occurs, but has happened in extreme and extended rain events which cause flooding.

Council does not want diluted untreated wastewater being discharged into the river. That is why we are going through the consent process, so that we can improve the way we operate.

Overflows at pump stations are a unique occurrence during extreme rain events when there is so much rainwater it infiltrates into the sewer network.

The network physically cannot handle this huge amount of water.

The pressure of the water can cause manhole/utility covers to pop all over town with diluted untreated wastewater spilling out onto land throughout the Wairoa township.

By the discharge going out through the pump stations, it prevents utility covers popping.

The sewer pump station overflow infrastructure is a safety measure for when the sewer network is pushed to its maximum capacity by high rain events.

In a storm event, a pump station overflow is a much lower public health risk as the river is in flood, flowing three to five times above the normal, and the sewer is heavily diluted with rainwater.

Stormwater should not be in the wastewater network, and that is why



□ Wairoa District Council CEO Steven May says the council does not want diluted untreated wastewater being discharged into the river. "That is why we are going through the consent process, so that we can improve the way we operate."

the work around the Council Inflow and Infiltration Programme is so important.

Inflow and Infiltration can be through house downpipes plumbed into the sewer network, ponding of water on properties that builds up and flows into gully traps or stormwater getting into the sewer network via cracked or broken pipes.

Council is working to ensure there is no, or minimal, stormwater infiltrating the wastewater system.

To increase reliability Council has also installed Chopper pumps at the sewer pump stations which stops pumps blocking.

**The sewer pump station overflow infrastructure is a safety measure for when the sewer network is pushed to its maximum capacity by high rain events.**

This year will see the start of a programme to install dedicated generators which will prevent pump station overflows during a power outage.

This will go a long way to eliminating overflow events as historically they have often occurred during power outages. This is a historical problem, and it is

taking time to remedy, but there have been some really good results to date.

Unfortunately, pump station overflows happen all across the country, and most local authorities are addressing this issue.

If the consents are granted, the process will allow Council to formalise the overflow structures and monitor pump station overflows.

A key part of Wairoa's consent application is that in the long-term, once the project has been completed, the aim is to minimise any overflow into the river.

Discharges have occurred, and like the rest of country are likely to continue to occur, hopefully in a very limited capacity, and we are doing the best we can to address the issue.

Part of the new consent will also allow Council to filter and UV disinfect the wastewater discharge with regards to the wastewater discharge to the river from the oxidation ponds.

This will ensure Wairoa is aligning to the National Policy Statement for Wastewater Overflows.

The application is now open for submissions which will close on Tuesday, 10 September, 2019 at 5pm.

We encourage people to submit, particularly if you have any thoughts on how we can solve this issue.

The application documents, including the assessment of environmental effects, can be viewed at the offices of the Hawke's Bay Regional Council at 159 Dalroy Street, Napier and 46 Freyberg Street, Wairoa during office hours, or on Hawke's Bay Regional Council's website: [www.hbrc.govt.nz](http://www.hbrc.govt.nz) search #notified.

Anyone can make a submission on the application by going online to <http://hbrc.govt.nz>, search #notified and completing the online submission form (Form 13).

Hard copy submission forms can be obtained from HBRC reception or upon request.

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