

**PRE-HEARING MEETING REPORT OF CHAIR PRESIDING PURSUANT TO SECTION 99 OF THE  
RESOURCE MANAGEMENT ACT 1991 (RMA)**

**PŌRANGAHAU AND TE PAERAHI WASTEWATER TREATMENT PLANTS RESOURCE CONSENT  
APPLICATION**

**INTRODUCTION**

1. I was appointed by the Hawke’s Bay Regional Council (HBRC) pursuant to s99 of the RMA to chair a pre-hearing meeting regarding the application made by Central Hawke’s Bay District Council (CHBDC) for the Pōrangahau and Te Paerahi Wastewater Treatment Plants (WTP), application reference APP-126770.
2. These are the minutes for the third pre-hearing meeting, the first took place on Monday 27 June 2022, at the Council Chambers at CHBDC commencing at 0900 and concluding at 1600. The second meeting took place on Thursday 27 October 2022 at the CHBDC Knowledge and Learning Hub, Waipukurau. The meeting started at 0900 and commenced at 1630.
3. This report sets out the key matters discussed by the parties attending the meeting, and the issues that were agreed and the issues that are still outstanding.
4. Since June 2022 I understand that CHBDC and the Ngāti Kere MACA Working Party have been working together to discuss concerns from the submitters and progress conditions. HBRC and CHBDC have also been working together on the technical matters that will inform conditions. The following minutes do not encompass the work undertaken outside of the pre-hearing meetings.
5. An agenda for the meeting was pre-circulated.

**PARTIES ATTENDING**

6. This meeting took place on Friday 20 January 2023 at Council Chambers at CHBDC, commencing at 1000 and concluding at 1630.
7. Present at the meeting were:
  - Mr Hamish Lowe – Lowe Environmental Impact (Technical Advisor to applicant)
  - Ms Fiona Clark – CHBDC (applicant)
  - Mr Sam Morris – Lowe Environmental Impact (technical advisor to CHBDC)
  - Mr Sven Exeter – Mott MacDonald (Consultant Consents Planner for HBRC)
  - Mr Reynold Ball – Te Whata Ora Hawke’s Bay District (submitter)
  - Ms Rebecca England – CHBDC (applicant)
  - Ms Morehu Smith - Ngāti Kere MACA Working Party (submitter)
  - Mr Jim Hutchinson – Ngāti Kere MACA Working Party (submitter)
  - Mr Anthony Tipene-Matua – Rongomaraeroa Chair and Te Tore o Puanga representative (submitter)
8. Present online were:
  - Ms Erin Petuha - Ngāti Kere MACA Working Party (submitter)
  - Mr Garrett Hall - Beca (technical advisor to CHBDC)

- Mr Oliver Hunt – Pattle Delamore Partners (technical advisor to HBRC) (not present for entire meeting).
- Mr Nick Dempsey – Mott MacDonald (technical advisor to HBRC) (not present for entire meeting).

9. Apologies

- Mr David Tipene-Leach - Ngāti Kere Hapu Authority - MACA Working Party (submitter)

**PURPOSE OF TODAY'S HEARING**

10. Today is the last of the pre-hearing meetings, the aim is to achieve agreement on as many conditions as possible and agree on a way forward.
11. Mr Exeter agreed that the aim is to get to the point for HBRC to grant consent. There are some outstanding technical issues to be cleared up with HBRC and CHBRC. HBRC would like to avoid a hearing.
12. Mr Lowe agreed and noted that there were still some questions around the information provided in the technical memos and the accuracy of the information that needs to be cleared up. Issues around the decommissioning of the ponds and nutrient to land were still outstanding.
13. Ms Petuha agreed that today would be used to talk through the conditions, with the submitter considering that there was still some outstanding work on conditions required.
14. Mr Ball also agreed with the purpose of today's meeting. Te Whatu Ora do not want to go to a hearing if it can be avoided.

**OUTSTANDING MATTERS**

15. Mr Lowe, outstanding discussions on nutrient to land calculations and the quality of the effluent that will be discharged. CHDBC are seeking a higher nutrient allowance than HBRC is suggesting. The flow on effect of this is an extra \$1m cost to CHBDC which is untenable.
16. Mr Lowe also seeks agreement on the term of the consent.
17. Mr Exeter stated that HBRC have already agreed to a 35 year term for the consent once granted.
18. Mr Exeter then went through the conditions as they were presented at the start of the meeting, with the following comments made:

Condition	HBRC Agreement	Comments
1	Yes	
2c	Deleted	
2j	Deleted	
3	Yes	
4		Come back and discuss
5		Come back and discuss
6	Yes	
7	Yes	

8	Yes	
8	Yes	
10		Has been added – this has been unresolved for a while. Come back to it
11	Yes	
12	Yes	
13	Yes	
14	Yes	
15	Yes	
16	Yes	
17	Yes	
18	Yes	Next paragraph “in respect” starts a new condition
19	Yes	
20	Yes	
21	Yes	Deleted “includes bypasses and overflows” Come back and discuss
22	No	Come back and discuss
23	Yes	
24	Yes	
25	Yes	
26	Yes	
27	No	Come back and discuss
28	No	Come back and discuss
29	No	Come back and discuss
30	Yes	
31	Yes	
32	Yes	
33-44	Yes	
45e	Yes	Taken out word additional
46-48	Yes	
49		Don’t want the extra added wording. That is process, would have to go through that process anyway. Happy to leave in as MACA asked for it. Reference to Puketauhinu Trust (PT). Only applies to the works on PT land. This is a general condition PT don’t necessarily need to be involved. Come back to.
50	Yes	
51	Yes	
52	Yes	
53	Yes	
54	Yes	
55-62		Come back and discuss
63		Come back – some stuff missing there. Garrett has been chasing comments from engineers.
64-68	Yes	
69	Yes	
70	Yes	
71	Yes	
72		Come back and discuss
73		Come back and discuss

74		Come back and discuss
75		Come back and discuss
76		Come back and discuss
77-82	Yes	
83		Come back and discuss
84-88	Yes	
89		Come back and discuss
90-102	Yes	
103		Come back to – look at frequency. Shane ok with 2 months, would like monthly. Garrett agrees
104-112	Yes	
113		Helminths unresolved – come back to
114 -	Yes	

### DISCUSSION AROUND CONDITIONS

19. **Condition 3:** Ms Petuha noted that they had provided comments on this and wished to have some time to further consider the wording for point b.
20. **Condition 4:** Ms Petuha noted the addition of point e: There was a discussion around the legitimacy of this condition. MACA has concerns with trying to deal with timeframes.
21. Mr Lowe: Reason for condition 4 is to capture the timeframes.
22. Ms Petuha: Difference is that the consent expiry has not been set out.
23. The group agreed to add expiry's for each consent and the conditions to be split out. Take out the 35 year timeframe from the umbrella of the consent. Separate documents for each discharge. Mr Exeter to go to HBRC and check out how the conditions will be worded.
24. General conditions would go on every consent and then specific conditions to the relevant consent documents.
25. Ms Petuha reminded the group that 9 years is a long time in the life of a person if they can't use their river in the way that they should be able to.
26. Mr Lowe noted that CHBDC agrees and there are some interim improvements, but the focus is on stopping the discharge in the long term.
27. **Condition 4d** – MACA wants 8 years, as the condition is that decommissioning needs to take place within 6 months, so taking that into account, 8 years is more appropriate. Don't want the decommissioning conditions to kick in after the consent expired. Don't want to end up with consent conditions that fall off the radar. CHBDC wants 9, it fits the programme for physical works.
28. Ms Smith asked after the 9 years, when will it be safe to swim in the river? Mr Exeter replied that this consent can't manage what happens in the rest of the catchment. Happy that the risk out of the plant is managed. Mr Lowe noted that at the moment, the discharge from the plant doesn't make the river unsafe. In 4-5 years the flow will only be at high flow levels. Mr Tipene-Mahuta thought the best way to address it is to utilise own monitoring

system, duration 10 years. Mr Lowe notes that it is good that there is a baseline now and you'll be able to see how things improve.

29. **Condition 5** - Ms Petuha asked about condition 5e that has been put in as an advice note. How is it different? Mr Exeter - not different, just reworded.
30. Additions to condition 5 include:
  - Updated timeline including a GANTT chart;
  - Progress on development of monitoring and management plans
  - Drawings on the visual appearance of the visual appearance of the WWTP
  - Schedule of engagement with Ngāti Kere Hapu Authority
31. Ms Petuha also requested an updated schedule of consents that CHBDC will be applying for.
32. **Condition 10:** Mr Exeter had drafted this the day before. Ms Petuha noted that this in regards to issue 3 raised by the submitters. Mr Lowe stated if you have an overflow outside of the consent you need another consent. Emergency storage is more than best practice. Storage designed for 8 hours emergency storage. At both pump stations. Extra time due to drive time between Waipukurau and Porangahau. Ms Petuha requested the numbers of the conditions for storage and how to deal with overflow.
33. Mr Lowe stated once 20,000m<sup>3</sup> storage pond starts to fill up, can irrigate as normal 78(a) when it becomes 75% full the wet soil irrigation kicks in. Further details in earlier this week. This issue is storage. The ability to use the wet soil irrigation means the storage pond never overflows.
34. Ms Petuha confirmed that the issue has been dealt with by storage increases and wet soil irrigation. Had this changed since the memo released earlier in the week. Mr Exeter confirmed HBRC are happy with the 20,000 m<sup>3</sup> storage and also happy with additional storage at the pump station.
35. **Condition 21/22 cultural monitoring:** Mr Exeter - original HBRC proposal was to stick with Ngāti Kere and will check with Paul Barrett to check his thoughts on this condition. Ms Petuha to review and provide comments after lunch.
36. **Design plans:** Ms Petuha notes that their concern is that plans are hard to understand. Mr Lowe felt that it is appropriate to involve iwi at construction and earthmoving level. Some of the plans are technical and to trust the specialists. Mr Exeter noted that it could result in a big delay if submitters were to be involved in the technical level of the plans.
37. Ms Petuha reiterated that it was too hard to understand plans. Suggestion is that Ngāti Kere need to get own expert. Ms Clark noted that the point of this condition is to allow Ngāti Kere to check that the design hasn't changed? Mr Tipene-Matua requested a workshop to go over the plans, allows for the group to look at the information together. Mr Lowe - do we tag into the monitoring workshop? Or have a separate workshop? As the design work has a series of iterations. At conceptual prelim design, that work is pretty much ready – could build into **condition 24** change to design/monitoring workshop.

38. Ms Petuha noted that an issue is that the location of the treatment plant and discharge have changed. Mr Lowe – haven't changed locations and Geotech done in conjunction with Ngāti Kere Hapu Authority.
39. Mr Tipene-Matua notes that actual design from a technical perspective, can't see how it would change much. Rather, the input and consultation will be to look at the names and acknowledging the past and recognising that.

#### Lunch

40. **Chair** - Next steps to go over the timeframes and conditions sorted.
41. **10<sup>th</sup> Feb 2023:** For conditions sorted and written agreement or not from submitters to proceed to a hearing.
42. Mr Exeter will talk to HBRC about how the formatting is done. Can the three consents be within one document with the expiry dates or three separate documents?
43. Ms Petuha would want at least 10 working days after Mr Exeter sends the final conditions. Working party to have a look at conditions and feedback.
44. **Condition 21:** Ms Petuha noted that this is an outstanding matter around if Council will have the correct information needed.
45. Ms Petuha requested more time to look at **conditions 24 and 5. Condition 5** to be edited to be within 6 months and at each stage and key milestones.
46. **Condition 27 and 28 approved by CHBDC.**
47. **Condition 48:** Comment from CHBDC to make this location specific.
48. **Condition 49 Advice Note:** For Erin to check the wording of "below" or "above"
49. **Decommissioning:**
50. **Condition 54:** Mr Lowe - Porangahau Pond is no longer going to be needed, so will be decommissioned.
51. Mr Tipene-Matua asked will the decommissioning be part of the workshop? Mr Lowe stated that this would be a separate process. Problem is the details are not known until design for decommissioning starts. Bit reluctant to have the time commitments.
52. **Condition 55:** Mr Tipene-Matua – important to note that the township site is an old Pa site, whereas the Puketauhinu site is part of the coastal landscape.
53. Mr Exeter to change number **55 to 54 in 55a.**
54. **Condition 55b** to be deleted, Ems Petuha to confirm. Feedback from CHBDC is that 55b is not practical and remove advice note
55. Mr Lowe states CHBDC recommend **condition 55** to become an advice note of condition 54.

56. Ms Petuha believes that the timeframe was removed, should have been implemented within 6 months.
57. Group discussion about what does implemented mean? Completed? Consent holder must commence implementation within 6 months. **Changes by group to the conditions 55, 56 and 57.**
58. Group discussions around who to deal with at Te Paerahi – Puketauhinu Trust or Ngāti Kere? Mr Lowe requested to leave it at Puketauhinu Trust and not Ngāti Kere.
59. Puketauhinu Trust will be involved in the handing back of the land, removal of easements etc.
60. **Condition 58** – Ms Petuha to check the changes made as what was written is what was requested, as it has been simplified. Mr Lowe stated CHBDC to check if they agree.
61. **Condition 59** – Mr Lowe - CHBDC can't commit, can't give a date. Consider this should be removed and this is now in **condition 54 above**. Ms Petuha to check.
62. **Condition 61** deleted – double up
63. Further discussion on the decommissioning of the Porangahau Pond. Ms Petuha asked – where is the wastewater that would have been in the Porangahau Pond going? Mr Lowe responded – to new treatment plant. We were only going to use as storage. As storage upgraded at treatment plant and better irrigation plan, we are happy to decommission. Will mean CHBDC will need to come up with the money to decommission a bit earlier in the process.
64. Mr Petuha asked does the LTP have specific allocation of money for different wastewater sites in CHBDC? Ms Clark - split by project.
65. Mr Tipene-Matua asked if current pump stations need upgrading? Mr Lowe – yes

## **FURTHER MATTERS**

66. Mr Lowe – further matters that are outstanding outside of the MACA conditions are the reduction of effluent concentration and change to nitrogen loading to land and the second one is discussion around helminths – public health issue.
67. Ms Petuha stated that the MACA Working Party do want to be involved in the discussion on quality. Our expectation is that the quality of the discharge will improve.
68. Oliver Hunt and Nick Dempsey join the meeting online.
69. **Helminths** – Mr Exeter shared the conditions to the screen. Mr Lowe – Helminths are worms. Not prevalent in NZ but occasionally arises from someone overseas. MPI say it's pretty rare. Commonly referred to as beef measles. No guidelines in NZ for managing them apart from some old guidelines around sludge. CHBDC suggest a monitoring approach. When treatment is changed and settling time reduced. Proposal from CHBDC to undertake monitoring. Consider that the monitoring is more than would normally be expected.

70. Mr Ball – Since 1997, 1 case in HB that has been notified of helminths. Likelihood is low and the consequence to public health is low. Given that they are low risk and there should be none in the WWTP. If there are – would be really difficult to prove that the helminths had been removed. Don't see the point of the monitoring in the conditions.
71. Mr Hunt – the Regional Council didn't suggest that monitoring would be an effective strategy. Some monitoring could be of use. In terms of international guidelines, the most recent water recycling guidelines from Victoria, Australia. They have a similar number of helminths. Water recycling is a more common activity in Australia. Agree that the sampling might not be achieving much and it is additional cost and additional work. Would be happy to accept advice from Te Whatu Ora that we don't need to have conditions.
72. Mr Ball – what was agreed to in Takapau? Mr Lowe noted that once a year monitoring is to happen. Mr Hunt noted that the Takapau system is pond based though
73. Mr Lowe – CHBDC would want to remove the monitoring. Mr Ball agreed – wouldn't want to see money wasted where it could be better spent.
74. Group discussion on best way to deal with this. Mr Lowe – CHBDC recommend condition 112b and 113 deleted. Mr Hunt confirmed that they would need to seek advice from MPI before agreeing to changes.

#### **Surface water quality –**

75. Ms Petuha stated that this issue was in the MACA submission as we don't want the activity to compromise the ability and safety of water use, food collection, aquatic life, species life cycles etc. Expect the wastewater to have a higher level of treatment than the current systems and we will end up with a lower level of contaminants in the river and a lower level of effects on the river.
76. Mr Lowe - issues around monitoring and surface water impacts has been dealt with. The design of the system has been set up to mitigate the effects. Wouldn't result in a system that ends up with effects that are the same or worse. The design of the system will result in a better system.
77. Ms Petuha – there has been a debate between the technical team earlier about how much pathogens the plant would take out.
78. Mr Lowe – other mitigations are soil moisture rate and the mass of nutrients to be applied. Staying away from waterways. Groundwater conditions.
79. Mr Hall – Shane Kelly and Peter Cressey have agreed on most conditions. Just one UV compliance condition, working with Mr Exeter on.
80. Mr Lowe – CHBRC has some concerns around the accuracy of the reporting in some of the expert reports. If it is not reported on properly, it will result in portraying the situation as much worse than it is.
81. Mr Lowe provided a presentation for nitrogen loading using the overseer modelling



82. There is a debate between CHBDC and HBRC as to max nitrogen. CHBDC was 100kg N/ha and HBRC was 46kg N/ha. NES-F has a national limit for farms is 190kg/ha per year. Compliance point should be a maximum.
83. Ms Petuha asked if there could be an average and a maximum. Mr Lowe was unsure how that would work with an average. Ms Petuha suggested monitoring would manage that.
84. Ms Petuha asked if the assessment has to take into account other Land Management Units. Is it still relevant when you're looking at managing and mitigating through different irrigation on different LMUs. Mr Lowe - covers all Land Management Units.
85. Ms Petuha - Just because farmers can disperse 190kg/ha doesn't make it right.
86. Mr Lowe – agree, just looking at it relative to what is provided elsewhere.
87. Mr Hunt – understand that the conditions are on a five year basis, with a maximum load on LMU3.
88. Ms Petuha – what are current requirements? Mr Lowe– not relevant for those
89. Mr Hunt – Agree with Ms Petuha, not practical to compare to the NES-F. Where we have specific information about the receiving environment, that there is specific concerns and distracting from goal of protecting environment.
90. Further point of discussion – Mr Lowe - looking at increasing N discharge from 46kg/h to 100kg/h and the change of leaching is very small. There are two LMUS, LMU1 is heavy, silty clay soil and low risk of N loss. LMU3 are sand dunes and very little capacity to hold N. LMU3 is vulnerable to leaching, so if apply more and more to LMU3 then this will have a much more significant impact on the overall losses from the property. Not really practical to compare the effects of putting more N on LMU1 than LMU3. So max N load is LMU3 and an average across the whole site.
91. Disagreement between CHBDC and HBRC.
92. Mr Lowe– concern about the extra cost to CHBDC, an increase by \$1m to change the quality. What is the environmental gain that will be seen? We are happy with the original consent conditions and the increase to max 100kg/ha.

## **NEXT STEPS**

### **N loading and the effluent concentration:**

93. Mr Lowe – under the current flows the design allows for the term of the consent at 35 years and takes into account the significant growth projected in the communities. Compliance will not be an issue for 15-20 years. Not until the 20-25 years that there will be compliance issues. Future non compliance in some stage. Bigger decision from CHBDC is if go to the lower concentration, will add significantly more cost.
94. Ms Petuha – in first pre-hearing meeting and we discussed limits, you said that we set the limits and design to those limits. Now you seem to be doing it round the other way, saying you want to have the design and raise the limits.

95. Mr Lowe – you do an element of design before you apply for consent. Now, the design is being refined more and more every week.
96. Ms Petuha – that was an issue we raised in issue 8 – so many areas of uncertainty creates problems. There are no issues that you are unable to design to meet the limits that are being set.
97. Disagreement between the parties as to the N loading that has been applied for versus what CHBDC want now. Disagreement over the technical memos.

#### FINAL COMMENTS – ROUND THE TABLE

98. Mr Ball – nothing more
99. Ms Smith – latter part of the meeting was most interesting.
100. Mr Hutchinson – sat and listened to the jargon, was hoping to have this resolved a long time ago. Can see how this is difficult for everyone. We are lucky to have Erin and keeps everything in order. Appreciate her and the work she has done. We are one of the last bastions in Kahungunu that holds on to the tikanga. Had the Council out there for a long time arranging infrastructure. We hope that one day we will get there. We support the hui for the community to understand what is happening in our community.
101. Mr Exeter– nothing further to add, thanks to submitters.
102. Mr Morris – nothing further
103. Mr Lowe – nothing further and thanks
104. Ms England – nothing further
105. Ms Clark – nothing further
106. Mr Hunt – nothing further
107. Mr Hall – nothing further
108. Ms Petuha – Appreciate the time spent by everyone today. Recommendation for MACA working party will be to look back at whatever has gone over today and ask technical questions. Preference is not to go to a hearing.
109. Timeframes agreed on
110. **10<sup>th</sup> Feb 2023:** Conditions sorted and written agreement or not from submitters to proceed to a hearing.

#### COMPLETION OF MEETING

111. All parties agreed to the above timeframe and meeting was concluded.



Alison Francis  
Pre-hearing meeting chair  
03/02/2023