

To Hawke's Bay Regional Council

17 May, 2022

**Re: Submission from Ngāti Kere Hapū Authority on Central Hawke's Bay Discharge Consent Applications (AUTH-127522-01, AUTH-127520-01, AUTH-127519-01, AUTH-127518-01, AUTH-127515-01 and AUTH-127516-01)**

Ngāti Kere Hapū Authority appreciates the efforts that Central Hawke's Bay District Council has put into consulting with our Pōrangahau. We are essentially in support of the consents.

Ngāti Kere Hapū Authority is pleased to be moving away from the discharge of wastewater to the Taurekaitai and to the Puketpuketauhinu sand dunes. The construction of a new wastewater treatment plant and the discharge of wastewater to land is to be commended.

We do have some final comments however, that require us to be reassured given our limited capacity to scope the documents in toto. We have seen the precis veersions advertised and are happy with the situation as presented. The key issues that we seek reassurance on are:

- Confirmation of timing and expiry of consents
- Decomissioning and remediation of oxidation pond sites.
- Potential for disturbance of waahi tapu sites and other sites of cultural significance
- Improve treatment of wastewater
- Protection of groundwater and surface quality, ecology and associated values
- The need for a cultural health monitoring program
- Careful operation and maintenance of wastewater treatment system and discharges.

The attached table details the key issues and outcomes we are seeking.

As noted, Ngāti Kere is essentially very supportive of the WWTP developments and of the Central Hawke's Bay Discharge Consent Applications subject to addressing our remaining concerns.

We wish to be part of pre-hearing meetings and wish to be heard if there is a hearing

Nāku noa, nā



David Tipene-Leach  
Ngāti Kere Hapū Authority

Cc: Central Hawke's Bay District Council

Issue	Comments	Outcome sought / suggested resource consent conditions requested
<p><u>1. Ensure good relationship between Ngāti Kere and CHBDC</u></p>	<p>Have been satisfied with this – is a developing relationship</p>	<p>We would push for tikanga be adhered to throughout all phases of the projects. e.g. Karakia at appropriate times, ceremonies at appropriate occasions.<sup>1</sup></p>
<p><u>2. Mitigation around extended of time frames at the individual treatment sites and discharge points, not all activities.</u></p>	<p>Is CHBDC is seeking one consent for all of the activities or separate consents for each site? We understand that this may be HBRC's decision.</p> <p>CHBDC may wis to extend the period of time to use the existing ponds at the Te Paerahi and Pōrangahau sites, eg if the project doesn't progress in the manner that CHBDC has proposed. We think that CHBDC should have to apply for a separate replacement consent(s) that will entail extensive and rigorous assessment and community involvement.</p>	<p><u>The resolution is to separate the consents into individual permits for each site each with the consent duration applied for</u></p> <ol style="list-style-type: none"> <li>1. Discharge of treated wastewater from Te Paerahi Pond to sand dunes (AUTH-127519-01/AUTH-127518-01) – consent duration 6 years</li> <li>2. Discharge of treated wastewater from Pōrangahau township oxidation pond to Pōrangahau River (AUTH-127522-01/AUTH-127520-01) – consent duration 9 years</li> <li>3. Discharge of treated wastewater from a new wastewater treatment pond to land at 474 Beach Road, Pōrangahau (AUTH-127515-01/AUTH-127516-01) – consent duration 35 years.</li> </ol>
<p><u>3. Ensure that removal of both old oxidation ponds does in fact occur</u></p>	<p>Discharges from the Te Awakari a Tamanui Pā and Te Paerahi sites must cease. This can only be guaranteed by decommissioning those sites. Any ongoing opportunity for</p>	<p>The resolution is that consent conditions are included in the consents that confirm that the discharges in fact cease at the dates stated in the consent and that there is not opportunity for reapplication for such discharge.</p>

<sup>1</sup> Te Tore o Puanga Māori Resource Management Unit. *Cultural Impact Assessment Report Te Paerahi and Pōrangahau Wastewater Management*, July 2021. ('CIA') pages 42 - 43

	discharge from the existing oxidation ponds to the sand dunes and the river is unacceptable.	
4. <u>Remediation of oxidation pond sites</u> should be in coordination with Puketauhinu Trust and Ngati Kere Hapu Authority	The sand dunes are a waahi tapu area and the Pōrangahau township pond is within the area of Te Awakari a Tamanui Pā, both significant areas for Ngāti Kere. It is important that the sites where the existing ponds are located are remediated and the process is carried out with Ngāti Kere.	<b>The resolution is to</b> include the consent conditions recommended above with ‘Removal of oxidation ponds, timing and ongoing discharge from existing oxidation ponds and to the dunes at Te Paerahi and to Pōrangahau River’ that ‘ <u>Remediation of oxidation pond sites</u> should be in coordination with Puketauhinu Trust and Ngati Kere Hapu Authority’.
5. <u>Waahi tapu sites and other sites of cultural significance and removal of taonga</u>	<p>Construction of the new WWTP, storage and associated infrastructure at 474 Beach Road has the potential to disturb waahi tapu sites and other sites of cultural significance.</p> <p>Construction of all of the infrastucture to transport wastewater from Pōrangahau township and from Te Paerahi area has the potential to disturb waahi tapu sites and other sites of cultural significance. This includes but is not limited to the pipeline to transport wastewater over the Pōrangahau River.</p> <p>Plans have not been finalised yet and not all of the consents applied for but concerns are related to the overall proposal.</p>	<p><b>The resolution is to have strict</b> conditions in place to ensure no treatment plants, storage, discharge sites and associated infrastructure shall be placed in or on waahi tapu sites and other sites of cultural significance without prior approval of Ngāti Kere.</p> <p>Recommended consent condition: CHBDC shall engage with Ngāti Kere and the final plans for siting of all WWTP, storage, effluent field and infrastructure must be approved by Ngāti Kere.</p> <p>Recommended consent conditions must include:</p> <ul style="list-style-type: none"> <li>• In the event of any archaeological site or waahi tapu being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall advise the Council (Manager Compliance) of the discovery. The consent holder shall then consult with Rongomaraeroa Marae, Ngāti Kere Hapū Authority, and the Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the</li> </ul>

		<p>relevant Heritage New Zealand Pouhere Taonga and tāngata whenua approvals to damage, destroy or modify such sites have been obtained.</p> <ul style="list-style-type: none"> <li>● In addition, as the CIA<sup>2</sup> recommended: <ul style="list-style-type: none"> <li>○ Any artefacts recovered and samples taken will be analysed and recorded by the appropriate specialists.</li> <li>○ Any Maori artefacts will be notified to the Ministry for Culture and Heritage in accordance with the Protected Objects Act 1975. But these taonga will be held by a registered collector of Ngāti Kere.</li> <li>○ Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tuturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts but are generally found within archaeological sites. If taonga are discovered the following protocols will be adopted and tangata whenua, will decide on custodianship of the taonga.</li> </ul> </li> </ul>
<p><u>6.</u> Support improved treatment of wastewater</p>	<p>It is expected that the contamination caused by the proposed CHBDC wastewater discharges will result in lower contaminant levels in Pōrangahau River caused by the current CHBDC wastewater discharges.</p>	<p><b>The resolution is to</b> include conditions on all the discharge consents requiring installation and maintenance of UV treatment.</p> <p>The application describes the drain through which the wastewater is conveyed from the Pōrangahau township pond to the Pōrangahau River as a “wetland drain” . If appropriate planting in the drain can improve wastewater treatment prior to discharge to the river, include a consent condition requiring within 1 year of commencement of consent, appropriate plants are planted in the drain that will improve treatment of wastewater prior to discharge to the river. The appropriate plants species</p>

<sup>2</sup> CIA pages 42 - 43

		and planting locations must be chosen in consultation with Ngāti Kere (AUTH-127522-01/AUTH-127520-01).
7. Operation on site and training	CHBDC explained that CHBDC will manage and operate the WWTP system. The landowner will operate the irrigation system, however this will be done with support and oversight from CHBDC <sup>3</sup> .	The resolution is that the consent holder shall ensure the person responsible for the work on site shall be familiar with the consent conditions and a copy of this consent shall be present on site at all times in an inconspicuous loations.
8. Surface water quality, public health, ecological values and associated cultural values	<p>The Pōrangahau River catchment, estuary and coastal water are significant to Ngāti Kere, the wider community and visitors to Pōrangahau.</p> <p>Wastewater must be treated such that the discharges do not:</p> <ul style="list-style-type: none"> <li>● compromise the safe use of the waterways for activities such as recreation, food collection, water supply.</li> <li>● adversely affect the habitats within the Pōrangahau River catchment, terrestrial and aquatic life including the important part of the species life cycles.</li> </ul> <p>It is expected that with improvement to wastewater treatment in the existing ponds, and installation of a new wastewater treatment plant that discharges treated wastewater to land, there will be a reduction in contaminant levels in the treated wastewater and that the impacts caused by the proposed CHBDC wastewater</p>	<p>The resolution is to ensure that contaminants that affect surface water quality and associated values and activities are identified. Conditions must be placed on the consent for example that:</p> <ul style="list-style-type: none"> <li>● set maximum limits on contaminant levels to protect people using the water and protect terrestrial and aquatic life taking into account cultural values and such that the effects caused by the proposed wastewater discharge will be less than the effects of the current wastewater discharges and</li> <li>● require monitoring and reporting of contaminant levels.</li> </ul> <p>Include conditions on all the discharge consents requiring installation and maintenance of UV treatment.</p> <p>CHBDC must engage with Ngāti Kere during the design phase of the the pipeline over the Pōrangahau River and address any concerns raised by Ngāti Kere. For the works to install the pipeline over the Pōrangahau River, include consent conditions such as those shown in Appendix 2 of this document.</p>

<sup>3</sup> Letter from CHBDC to HBRC dated 8 November 2021.

	<p>discharges will be less than the impacts caused by the current discharges.</p> <p>The works to install the pipeline over the Pōrangahau River has the potential to have adverse effects on cultural values, water quality, important habitats and aquatic life. Plans have not been finalised yet and the consent not applied for but concerns are related to the overall proposal<sup>4</sup>.</p>	Development and implementation of a Cultural Health Monitoring programme.
<u>9.</u> Groundwater quality	It is expected that with improvement to wastewater treatment in the existing ponds, and installation of a new wastewater treatment plant that discharges treated wastewater to land, there will be a reduction in contaminant levels in the treated wastewater and that the impacts caused by the proposed CHBDC wastewater discharges will be less than the impacts caused by the current discharges.	<p>The resolution is to ensure that contaminants which affect groundwater quality are identified. Conditions must be placed on the consent for example that:</p> <ul style="list-style-type: none"> <li>● set maximum limits on contaminant levels</li> <li>● require monitoring and reporting of contaminant levels.</li> </ul>
<u>10.</u> Cultural Health Monitoring programme	a cultural monitoring programme with Ngāti Kere need development and implementation.	The resolution is to add consent conditions for development and implementation of a cultural monitoring programme with Ngāti Kere.

<sup>4</sup> s92 response letter dated 8 November 2021: 50. Will the new wastewater rising main from Te Paerahi to the new land discharge site be attached to the Beach Road Pōrangahau River bridge, a new pipe bridge or run under the Pōrangahau River? Depending on the solution additional consents may be required including new structures over water bodies and dewatering.

**Response:** Details around the design of the pipeline route from Te Paerahi to the Discharge Property over the Pōrangahau River is ongoing. Any required consents are not part of this consenting package.

		<p>Future monitoring of the river will include Iwi representation and any opportunities for young Ngāti Kere to learn and train<sup>5</sup>.</p> <p>Western science methods to assess factors important to Māori cultural values and there are some overlaps. However, western science methods do not always cover important aspects of Te Ao Māori practices and cultural indicators.</p>
<p><u>11.</u> Earthworks disturbing contaminated land</p>	<p>A further wave of consents will be lodged for the construction of the WWTP and storage pond. Any land contamination issues at the existing treatment plants will be dealt with separately to this consenting process.”<sup>6</sup></p> <p>Plans have not been finalised yet and the consent(s) not yet applied for but our concerns are related to the overall proposal.</p>	<p>The resolution is that CHBDC will confirm that they will engage with Ngāti Kere on this matter and address their concerns.</p>
<p><u>12.</u> Offensive odours</p>		<p>Add condition to all air discharge consents requiring no offensive odours beyond the boundary of the discharge property.</p> <p>Condition and review clause recommended in relation to complaints also apply here.</p>

<sup>5</sup> CIA pages 42 - 43

<sup>6</sup> Letter from CHBDC to HBRC dated 8 November 2021 responding to s92 request.

