

To Hawke's Bay Regional Council

17 May 2022

Submission from Ngāti Kere MACA Working Party on Central Hawke's Bay Discharge Consent Applications (for AUTH-127522-01, AUTH-127520-01, AUTH-127519-01, AUTH-127518-01, AUTH-127515-01 and AUTH-127516-01)

Ngāti Kere appreciates the efforts that Central Hawke's Bay District Council has put into consulting with Ngāti Kere and the wider Pōrangahau community and the taking into account of the views of Ngāti Kere in making decisions for these applications. Ngāti Kere looks forward to having an ongoing positive relationship with Central Hawke's Bay District Council.

Ngāti Kere is pleased with the proposal to move away from the discharge of treated wastewater to the Pōrangahau/ Taurekaitai River and the Te Paerahi sand dunes to building a new wastewater treatment plant and discharging the treated wastewater to land.

In reviewing the finer details of the application and supporting documents, Ngāti Kere MACA Working Party have some matters that we would like to raise and outcomes that we seek. We request that Hawke's Bay Regional Council apply consent conditions that address these issues and achieve the outcomes we are seeking. The key issues are:

- Consent structure, and confirmation of timing and expiry of consents
- Decommissioning and remediation of existing oxidation pond sites. Ongoing opportunity for discharge from the existing oxidation ponds to sand dunes and Pōrangahau River is unacceptable
- Potential for disturbance of waahi tapu sites and other sites of cultural significance
- Address matters causing uncertainty over implementation of the long-term solution
- 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.

We wish to be part of pre-hearing meetings and wish to be heard if there is a hearing. *In the current form*, we oppose the applications. Please address our concerns. Should our concerns be addressed sufficiently we would consider not withdrawing the submission itself but withdraw opposition.

Nāku noa, nā



Erin Petuha

Ngāti Kere MACA Working Party

Cc: Central Hawke's Bay District Council

Issue	Comments	Outcome sought / suggested resource consent conditions requested
<p><u>1.</u> Relationship between Ngāti Kere and CHBDC and ongoing involvement</p>		<p>CHBDC continues to involve Ngāti Kere throughout development of the wastewater treatment systems (and associated infrastructure) and ongoing operation of the site. The resolution is to have this incorporated into consent conditions. Resolution for how to word those consent conditions is yet to be identified.</p> <p>Tikanga must be adhered to throughout all projects. e.g. Karakia at appropriate times, ceremonies at appropriate occasions.¹ <u>The resolution is to have a consent condition requiring tikanga be adhered to throughout all projects.</u>²</p>
<p><u>2.</u> Consents structured to ensure any changes or extensions of time frames only apply to the individual treatment sites and discharge points, not all activities.</p>	<p>It was unclear from the application as to whether CHBDC is seeking to be granted one consent for all of the activities or separate consents for each site. The applicant has confirmed that CHBDC intend to be granted different consent documents each with their own expiry and consent conditions, but that will be HBRC's decision³.</p> <p>We recall that CHBDC committed in 2009 that they would cease discharge into the Pōrangahau River and into the</p>	<p>The resolution is to separate the consents into individual permits for each site each with the consent duration applied for</p> <ol style="list-style-type: none"> 1. Discharge of treated wastewater from Te Paerahi Pond to sand dunes (AUTH-127519-01/AUTH-127518-01) – consent duration 6 years 2. Discharge of treated wastewater from Pōrangahau township oxidation pond to Pōrangahau River (AUTH-127522-01/AUTH-127520-01) – consent duration 9 years

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

² Te Tore o Puanga Māori Resource Management Unit. *Cultural Impact Assessment Report Te Paerahi and Pōrangahau Wastewater Management*, July 2021. ('CIA') pages 42 - 43

³ Letter from Darren de Klerk (CHBDC) to Erin Petuha (Ngāti Kere MACA Working Party) dated 13 May 2022. See Appendix 1.

	<p>sand dunes by 22 October 2017⁴ and this commitment made by CHBDC was not met. Following this, CHBDC has applied for replacement consents to discharge to the sand dunes and Pōrangahau River again for 6 and 9 years, respectively, whilst they implement their proposed long-term solution.</p> <p>If the consent holder in the future wishes to extend the period of time to use the existing ponds at the Te Paerahi and Pōrangahau sites, eg. The project doesn't progress in the manner that CHBDC has proposed:</p> <ul style="list-style-type: none"> ● If one consent is granted for all three oxidation ponds and discharge sites, the consent holder could apply for a change of conditions to extend the timeframes for each stage. ● A separate consent for each site would have an expiry date of its own. If the consent holder wishes to extend the period of time to use the existing ponds at the Te Paerahi and/or Pōrangahau sites to discharge to the sand dunes and Pōrangahau River respectively, they would have to apply for a replacement consent. That process requires more extensive and rigorous assessment and community involvement. We seek that separate consents are granted. 	<p>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.</p>
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⁴ Under expired consent CHBDC under which CHBDC is operating under s124 rights, agreed that “Within 8 years of the granting of the resource consents we will have implemented the preferred solutions for wastewater treatment and discposal. These solutions will mean that the use of the Te Paerahi oxidation pond will stop and the discharge of treatment effluent into the Pōrangahau River will stop. The resource consents were granted on 22 October 2009.” This means that the discharge from the oxidation pond was to cease by 22 October 2017. CHBDC is long overdue to meeting the commitments that they made last time.

<p>3. Removal of oxidation ponds, timing and ongoing discharge from existing oxidation ponds and to the dunes at Te Paerahi and to Pōrangahau River</p>	<p>As explained in the CIA, 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 Kereas of course is the Pōrangahau River. Discharges to these places must cease and ongoing opportunity for discharge from the existing oxidation ponds to the sand dunes and Pōrangahau river is unacceptable. As long as the existing ponds are in place, the opportunity remains open for CHBDC to apply in the future to discharge from the existing oxidation pond at Te Paerahi to the sand dunes and from the existing oxidation pond at Pōrangahau township to the Pōrangahau River. The only option we foresee to avoid the chance that wastewater will be discharged to the dunes in our waahi tapu area and to our taonga river in the future from the existing ponds (and for applications to be lodged to do so) is to ensure the removal of both of the existing ponds at Te Paerahi and Pōrangahau township and have this included in the consent conditions with set timeframes.</p> <p>CHBDC intends to continue to use the existing ponds as part of the long-term solution, initially for treatment of wastewater and then storage. Only the Te Paerahi oxidation pond is proposed to be decommissioned in the future. The application⁵ and a recent letter from CHBDC⁶ explain that within 9 years, all of the wastewater from</p>	<p>We recommend that consent conditions are included in the consents that confirm that the discharges will meet the following timeframes and discharges from the existing ponds will not occur in the future as follows⁹:</p> <ol style="list-style-type: none"> 1. Discharges from from the existing pond at Te Paerahi Pond to the new site at 474 Beach Road will commence by 31 December 2023 2. All discharges from the existing pond at Te Paerahi will cease by 30 June 2025 3. The existing pond at Te Paerahi will be removed by 30 June 2027. 4. Discharges from the Pōrangahau township pond to the new site at 474 Beach Road will commence by 30 June 2027. 5. All discharges from the existing Pōrangahau township pond will cease by 30 June 2028. 6. The existing pond at Pōrangahau township will be removed by 30 June 2030. <p>AUTH-127519-01/AUTH-127518-01:Recommended consent condition: No more than 1 year before the consent expires, the consent holder must remove the oxidation pond, associated infrastructure and remediate the site.</p>

⁵ Page 38

⁶ Letter from Darren de Klerk (CHBDC) to Erin Petuha (Ngāti Kere MACA Working Party) dated 13 May 2022. See Appendix 1.

⁹ These dates take into the consent durations applied for, timeframes provided by CHBDC recently and to provide time to remove the ponds no more than one year before the consents expire. We may wish to amend these dates if any application amendments and/or consent conditions do not address the issue/concerns we have raised.

	<p>Pōrangahau township will be discharged to land at the new site but design is yet to be confirmed and there may be the need for some form of indirect discharge during periods of wet weather and when the river is in flood. In addition, CHBDC would use section 330 of the RMA to enact emergency provisions the land irrigation site storage is full and the system is at capacity.</p> <p>Therefore, there must be a commitment from CHBDC via consent conditions that the existing ponds be decommissioned and removed so that they cannot be used to discharge to the sand dunes and Pōrangahau River beyond the current applications for AUTH-127519-01/AUTH-127518-01 and AUTH-127522-01/AUTH-127520-01, including in cases of “emergency”. The timeframes in the consent conditions we have recommended take into the consent terms applied for, timeframes provided by CHBDC recently⁷ and to provide time to remove the ponds no more than one year before the consents expire. If the ponds are still in place 1 year before consents granted from AUTH-127522-01/AUTH-127520-01 and AUTH-127519-01/AUTH-127518-01 expire, CHBDC will have the opportunity to apply to renew the consents to use the pond under s124 of the RMA again. We want to see the long-term solution to discharge treated wastewater to land (ie. at 474 Beach Road) implemented. We do not want to be going through the resource consent process again later if CHBDC does not meet the commitments they are making to cease discharge to the</p>	<ul style="list-style-type: none"> a) The consent holder shall develop a site remediation plan with Pukepuketahinu Trust and methods and results of remediation are to be carried out to the satisfaction of Pukepuketahinu Trustees. b) The consent holder shall provide the site remediation plan to HBRC within 3 years of commencement of the consent. c) The consent holder shall finance the time Pukepuketahinu Trust gives to to develop the Plan and all works shall be carried out and completed at the cost of the consent holder. <p>AUTH-127522-01/AUTH-127520-01:Recommended consent condition: No more than 1 year before the consent expires, the consent holder must remove the oxidation pond, associated infrastructure and remediate the site.</p> <ul style="list-style-type: none"> a) The consent holder shall develop a site remediation plan with Ngāti Kere Hapū Authority and methods and results of remediation are to be carried out to the satisfaction of Ngāti Kere Hapū Authority. b) The consent holder shall provide the site remediation plan to HBRC within 3 years of commencement of the consent.
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⁷ CHBDC recently has confirmed that the discharge to the sand dunes will cease within 4 years but ideally sooner – by the end of 2023 and the discharge to the Pōrangahau River will be reduced to 60% (dry weather/when the river is low) by 2027 and discharge to the river will cease fully by the end of 2030. Letter from Darren de Klerk (CHBDC) to Erin Petuha (Ngāti Kere MACA Working Party) dated 13 May 2022.

	<p>dunes and Pōrangahau River. If CHBDC had met the commitments they made to Ngāti Kere in 2009, we would not be dealing with the current resource consent applications now. We especially do not want CHBDC to be able to apply for consents to discharge from these existing ponds to the dunes and Pōrangahau River in a situation where they could operate under s124 rights again⁸.</p>	<p>c) The consent holder shall finance the time Ngāti Kere Hapū Authority gives to to develop the Plan and all works shall be carried out and completed at the cost of the consent holder.</p> <p>AUTH-127515-01/AUTH127516-01:</p> <p>Require that the size of the new WWTP and storage pond at 474 Beach Road are sufficient to hold and treat all of the wastewater from both Pōrangahau township and Te Paerahi area so that the existing oxidation ponds are no longer needed.</p> <p>Add consent conditions which require that:</p> <ul style="list-style-type: none"> ● the existing Te Paerahi WWTP Pond is not authorised to be used as part of treatment or storage under this resource consent after 30 June 2025. ● the existing Pōrangahau WWTP is not authorised to be used as part of treatment or storage under this resource consent after 30 June 2028.the existing ponds will be removed in accordance with AUTH-127522-01/AUTH-127520-01 and AUTH-127519-01/AUTH-127518-01.
<p>4. Remediation of oxidation pond sites</p>	<p>The sand dunes are a waahi tapu area and the Pōrangahau township pond is within the area of Te</p>	<p>The resolution is to include the consent conditions recommended above with ‘Removal of oxidation ponds, timing</p>

⁸ Under the expired consents under which CHBDC is operating under s124 rights, CHBDC agreed to “Within 8 years of the granting of the resource consents we will have implemented the preferred solutions for wastewater treatment and discposal. These solutions will mean that the use of the Te Paerahi oxidation pond will stop and the discharge of treatment effluent into the Pōrangahau River will stop. The resource consents were granted on 22 October 2009.” This means that the discharge from the oxidation pond was to cease by 22 October 2017.

<p>should be in coordination with Pukepuketahuinu Trust and Ngāti Kere Hapu Authority</p>	<p>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.</p>	<p>and ongoing discharge from existing oxidation ponds and to the dunes at Te Paerahi and to Pōrangahau River’ that remediation of oxidation pond sites should be in coordination with Pukepuketahuinu Trust and Ngāti Kere Hapu Authority.</p>
<p><u>5.</u> Location of treatment plants, infrastructure, and discharge sites on waahi tapu sites and other sites of cultural significance</p>	<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>The resolution is to have strict consent 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"> ● 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 relevant Heritage New Zealand Pouhere Taonga and tāngata whenua approvals to damage, destroy or modify such sites have been obtained.

		<ul style="list-style-type: none"> ● In addition, as the CIA¹⁰ recommended: <ul style="list-style-type: none"> ○ Any artefacts recovered and samples taken will be analysed and recorded by the appropriate specialists. ○ 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. ○ 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.
<p><u>6.</u> The New WWTP site must be suitable for discharge to land</p>	<p>The design of the new WWTP, storage and location of discharge and operation must be such that the impact of wastewater on Pōrangahau River and associated values are protected and it does not adversely affect cultural values.</p> <p>It is expected that installation and operation of a new wastewater treatment plant that discharges treated wastewater to land will result in a reduction in contaminant levels in the treated wastewater and a reduction in impacts compared to the current discharges.</p>	<p>Site must have capacity to treat wastewater and be discharged in manner that does adversely affecting people and the environment (including matters raised in this submission) taking into account factors such as soil type, flooding, climate change.</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>

¹⁰ CIA pages 42 - 43

<p>7. Uncertainty over implementation of the long-term solution - Ongoing land access and tenure of the land at 474 Beach Road, Pōrangahau</p>	<p>Uncertainty around securement of the new site initially and ongoing access to new site could affect the ability of the consent holder to implement the long-term solution that is expected to reduce impacts on cultural values and the environment. For example:</p> <ul style="list-style-type: none"> • HBRC asked a number of questions in their request for further information about the arrangements with the Stoddarts. Particularly relevant to this concern are questions 4 and 10 – 14. The responses from CHBDC in a letter dated 8 November 2021 CHBDC¹¹ and letter provided by the Stoddarts on 17 November 	<p>Resolution to be identified.</p>
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¹¹ s92 response letter dated 8 November 2021:

HBRC “4. A number of consent application documents appear to be prepared after the date of the signing of the written approvals. Please confirm that the Stoddart’s understand all changes made to the proposal since the date they signed the written approval. For example, are they comfortable with the proposed buffers on the farm? Does the planning assessment that was prepared after they signed the written approval align with their understanding?”

Response: Regular correspondence has been had with the Stoddarts around the consent application. The Stoddarts have read and reviewed relevant documents and made comments on the draft application and conditions. The process and approvals reflect the opportunity the Stoddarts had to review drafts and allow finalisation once their feedback had been received. Despite the approval form being dated prior to lodgement, the Stoddarts are comfortable with the proposed conditions. We are currently working on more formal contractual arrangements with the Stoddart's and anticipate a letter to support the project to be submitted in December 2021.

10. When will the purchase of the land for the wastewater storage pond happen?”

Response: Council have entered into contractual discussions with the Stoddarts. This information is in progress and not at a stage to be shared.

11. Will land be purchased for the WWTP too? **Response:** Same as above, yes. Council have entered into contractual discussions with the Stoddarts. This information is in progress and not at a stage to be shared.

12. What protection or mechanism ensures that the land discharge site will be able to be used by CHBDC for the discharge for the requested 35-year consent duration given that it does not appear to be covered under a land purchase or designation? **Response:** Council have entered into contractual discussions with the Stoddarts. This information is in progress and not at a stage to be shared.

13. s92 response letter dated 8 November 2021: HBRC “It is assumed that CHBDC or a suitable operator will operate the WWTP. Will the landowner operate the irrigation scheme, or will this also be operated by CHBDC?” **Response:** CHBDC will manage and operate the WWTP system. The Stoddarts will operate the irrigation system, however this will be done with support and oversight from CHBDC”

	<p>2021¹² leaves uncertainty as to whether CHBDC has secured the site to be utilised in a matter that the application proposed and that they can secure it for the 35 year duration the applicant has applied for.</p> <ul style="list-style-type: none"> ● A consent allows the consent holder to operate in accordance with the consent conditions but it does not secure access and HBRC can't enforce any private agreements CHBDC makes with the landowner. ● What happens if the landowner changes? <p>How will the applicant address such matters?</p>	
<p><u>8.</u> Uncertainty over implementation of the long-term solution – Designs are not finalised and outstanding consents not applied for</p>	<p>CHBDC has not applied for all of the consents and sought approvals that are required for the project to be completed. For example</p> <ul style="list-style-type: none"> ● Consent(s) required for installation of the infrastructure to convey wastewater over the river to the new treatment plant¹³ 	<p>The resolution is that CHBDC must provide assurance that the consents yet to be applied for will not hold up the timeframes for implementing both the short term and long term solution.</p> <p>CHBDC must engage with Ngāti Kere in the planning and designs for activities subject to the resource consent applications CHBDC have not yet lodged and address concerns raised by Ngāti Kere including through conditions in the consent(s).</p>

¹² The letter states that “I have been made aware of the initial approval form signed by myself dated 23 July 2021 has come before the lodgement date to Regional Council dated of 28 August 2021. This letter is to formalise my agreement and understanding of the current resource consent process for discharge of Pōrangahau and Te Paerahi’s wastewater onto my land.”

¹³ Response to s92 request for further information 8 November 2021. **HBRC** “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.”

	<ul style="list-style-type: none"> ● Management of biosolids¹⁴ ● <i>“Consent requirements for the new wastewater treatment plant will be sought at a later stage”¹⁵.</i> ● <i>“A combined wastewater treatment plant servicing both the Pōrangahau and Te Paerahi communities located at the land discharge property is still be designed, and will be consented at a later stage. For the combined WWTP, a minimum treatment standard is proposed with Beca (2021:P:C.16) outlining a range of treatment systems that could be implemented to the combined WWTP to achieve this”¹⁶.</i> <p>If CHBDC does not have designs finalised and consents/authorities required in time, that could affect implementation of the proposed New WWTP, storage facility and discharge within the timeframes proposed and as a consequence implementation of the proposals for use of and discharge from the Pōrangahau WWTP and Te Paerahi WWTP within the timeframes proposed.</p>	
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¹⁴ Response to s92 request for further information. **HBRC** “36. How are biosolids proposed to be handled, dewatered, stabilised, and disposed of? Is CHBDC aware of this requirement? Will solids screening be included with the new WWTP and/or how will waste solids/sludge be managed to minimise odour? How will sludge be managed during decommissioning of the existing ponds?”

Response: A residual strategy is being prepared that will cover the management of stoddbiosolids/sludges from the new and existing WWTPs. Appropriate consents and approvals will be sought at the time needed. The current consent application relates to the proposed irrigation discharge to land only. We are not seeking consents at this point in time for the operation of the WWTP activities. The WWTP detailed design processes will determine the extent/scope of the operational consents that will be sought in due course prior to the commissioning of the plant.”

¹⁵ Application p34.

¹⁶ Application p34.

<p><u>9.</u> Uncertainty over implementation of the long-term solution – Funding</p>	<p>The application¹⁷ states that <i>“The long-term solution will impose significant consent in the small rating base of the Central Hawke’s Bay. Key to the successful implementation for a long solution is security of funding.”</i></p> <p>If CHBDC does not have the funding, how will the long-term solution be implemented? Implementation of the long-term solution is expected to reduce impacts on cultural values and the environment, addressing the concerns of Ngāti Kere and the wider community.</p>	<p>The resolution is that CHBDC confirm that the funding required has been obtained.</p> <p>Resolution for wording for consent conditions to address this uncertainty are to be identified.</p>
<p><u>10.</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>We are aware of the Quantitative Microbial Risk Assessment and CHBDC’s letter dated 4 February 2022.</p>	<p>The resolution is to 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 and planting locations must be chosen in consultation with Ngāti Kere (AUTH-127522-01/AUTH-127520-01).</p>
<p><u>11.</u> Monitoring and maintenance</p>	<p>Ongoing effective treatment of wastewater treatment plants in treating the wastewater is important to avoiding, remedying and mitigating effects on people and the environment.</p>	<p>The resolution is to include conditions in the consents requiring</p> <ul style="list-style-type: none"> ● suitable maintenance of ponds and associated infrastructure to ensure that the system is optimally treat

¹⁷ Page 42

		<p>wastewater (ie. remove sludge build up to avoid reducing the pond volume and functioning of the ponds)</p> <ul style="list-style-type: none"> • monitoring of oxidation ponds and discharge points to ensure the wastewater treatment and discharge are working effectively to reduce contaminant levels below the maximums set to avoid adverse effects on people and the environment. • Records of maintenance and monitoring kept by the consent holder and provided to Hawke’s Bay Regional Council annually.
<u>12.</u> Operation on site and training	<p>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 CHBDC¹⁸.</p>	<p>The resolution is to include recommended consent conditions that:</p> <p>The consent holder shall ensure that any persons engaged to undertake work authorised by this consent are trained and abide by the conditions of this consent.</p> <p>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 locations.</p>
<u>13.</u> Surface water quality, public health, ecological values and associated cultural values	<p>The Pōrangahau River catchment, estuary and coastal waters 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>	<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"> • 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

¹⁸ Letter from CHBDC to HBRC dated 8 November 2021.

	<ul style="list-style-type: none"> ● compromise the safe use of the waterways for activities such as recreation, food collection, water supply. ● adversely affect the habitats within the Pōrangahau River catchment, terrestrial and aquatic life including the important part of the species' life cycles. <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 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. There is also concern that the wastewater conveyed over the Pōrangahau River could leak wastewater into the river. Plans have not been finalised yet and the consent not applied for but concerns are related to the overall proposal¹⁹.</p>	<ul style="list-style-type: none"> ● discharge will be less than the effects of the current wastewater discharges and ● require monitoring and reporting of contaminant levels. <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> <p>Development and implementation of a Cultural Health Monitoring programme as discussed under 'Cultural Health Monitoring programme' below.</p>
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¹⁹ 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><u>14.</u> Groundwater quality</p>	<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 discharges will be less than the impacts caused by the current discharges.</p>	<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"> ● set maximum limits on contaminant levels ● require monitoring and reporting of contaminant levels.
<p><u>15.</u> Cultural Health Monitoring programme</p>	<p>Ongoing involvement</p> <p>Future monitoring of the river will include Iwi representation and any opportunities for young Ngāti Kere to learn and train²⁰.</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, mātauranga Māori and cultural indicators.</p>	<p>The resolution is to add consent conditions to AUTH-127522.01/AUTH-127520-01 and AUTH-127515-01/AUTH-127516-01 for development and implementation of cultural monitoring with Ngāti Kere such as:</p> <ul style="list-style-type: none"> ● Within six months of commencement of the consents, the consent holder shall invite Ngāti Kere, through Rongomaraeroa Marae and Ngāti Kere Hapū Authority, to develop a cultural monitoring programme. ● If Ngāti Kere wishes to pursue Cultural Health Monitoring, the consent holder shall commission the assistance of a party chosen by Ngāti Kere experienced in development and implementation of cultural monitoring programmes to develop the programme with Ngāti Kere. ● The cultural health monitoring programme shall include matters such as the points outlined in condition 20 of the draft consent conditions in Appendix E of the application. ● The consent holder shall support (at their cost) opportunities for Ngāti Kere to meet with tāngata

²⁰ CIA pages 42 - 43

		<p>whenua in other rohe that have developed and implemented a cultural health monitoring programme.</p> <ul style="list-style-type: none"> ● Ngāti Kere shall be given opportunity to take part in implementation of the cultural health monitoring programme and provided with training. ● Any reports prepared to report cultural monitoring results shall be approved by Ngāti Kere Hapū Authority prior to submission to HBRC. <p>Review clause: to review consent conditions if matters arise from the cultural monitoring that are not addressed in the consent conditions.</p>
<p><u>16.</u> Earthworks disturbing contaminated land</p>	<p>HBRC asked CHBDC to “Please provide a preliminary site investigation (PSI) to cover the project where any earthworks will occur on HAIL sites or further commentary or evidence for why a PSI is not required. Alternatively, a PSI could be deferred to a later date providing it does not cause delays to the committed programme.”²¹</p> <p>CHBDC Response: “Construction works have not been designed or determined as of yet, as they are largely dependent on the outcomes of this consenting process. 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.”²²</p>	<p>The resolution is that CHBDC will confirm that they will engage with Ngāti Kere on this matter and address their concerns including through conditions in any related consent(s).</p>

²¹ Letter from HBRC to CHBDC dated 1 October 2021.

²² Letter from CHBDC to HBRC dated 8 November 2021 responding to s92 request.

	Plans have not been finalised yet and the consent(s) not yet applied for but our concerns are related to the overall proposal.	
<u>17.</u> Effective process for management of complaints		<p>Add consent conditions requiring the consent holder to keep a complaints register and provide it to HBRC on a 3 monthly basis</p> <p>Recommended Review clause: to avoid, remedy and mitigate effects if complaints raise matters that need to be addressed.</p>
<u>18.</u> Offensive odours		<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>

APPENDIX 1: Letter from Darren de Klerk (CHBDC) to Erin Petuha (Ngāti Kere MACA Working Party)

13 May 2022



Erin Petuha
Ngāti Kere MACA Working Party
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Subject: Response to 12 May 2022 Information Request in relation to Resource Consent Applications – Porangahau and Te Paerahi Wastewater Treatment and Discharges

Tēnā koe Erin,

Thanks for your enquiry, in response to your letter dated 12 May 2022 – please find below direct responses to your questions and queries.

1. The application refers to the hui held at Rongomaraeroa Marae on 26th July 2020. The minutes were not provided with the application and CHBDC did not provide them to HBRC when HBRC requested CHBDC provide a copy of those minutes. A letter from CHBDC on 8 November 2021 stated that the minutes from that hui were not provided as they are not intended for the wider community. Please email the Ngāti Kere MACA Working Party a copy of the minutes for the hui at Rongomaraeroa Marae on 26th July 2020.

[Please find attached minutes from this hui.](#)

2. Can you please provide a copy of the Archaeology assessment/report?

[Please find attached the archaeological assessment report.](#)

3. Wastewater treatment and storage infrastructure:

- a) Please detail how CHBDC proposes to use the existing wastewater treatment ponds and their associated infrastructure as part of the storage/infrastructure for the new wastewater treatment system in the short and long term.

In the short term CHBDC intends to continue to operate the Pōrangahau wastewater treatment plant (WWTP) as it is, with the introduction of additional treatment in the form of UV and filtration, for a period of up to 9 years while the new system is built, the staging is intended within 6 years to have ceased up to 60% of flows to Pōrangahau River as these will be irrigated at the land site, while continuing to treat at the Pōrangahau WWTP. Within 9 years all flows discharged to the river will be ceased. Treatment and discharge of all flows will occur at the land site.

For the Te Paerahi WWTP, CHBDC plans to continue to use the current system for a period of up to 6 years as per the consent applied for, but also intends to stage the use, within 4 years (ideally sooner – end of 2023 remains our Long Term Plan ambition) we plan to be irrigating Te Paerahi flows on the land site. We intend to cease treating and discharge to dunes and be irrigating all Te Paerahi flows onto the land irrigation site, within six years.

Longer term (within 9 years/ by 2030), we plan to establish a common new mechanical WWTP, storage (up to 35,000m³) and irrigation site (up to 40ha) at the proposed combined land site. Pump stations created at the collection points for each system to pump flows to land site. The existing Pōrangahau pond will be downsized and retained as a form of buffer storage. The Te Paerahi pond and current discharge site will be restored and land returned back to the landowners.

- b) It appears that CHBDC has applied to continue to use the oxidation pond in Porangahau township as a storage pond on an ongoing basis after the new WWTP, storage facility and effluent discharge are operational. Is that correct?

That is correct, this is intended to be buffer storage in periods of high rain events to manage the volume pumped through the new pump station and pipeline from Pōrangahau to the land site. The pond will likely be downsized from its current size.

- c) The application states that "For Porangahau it is anticipated that within 9 years the continuous flow from the WWTP to the river will have ceased, with flows being discharged to land. While design is yet to be confirmed, there may be the need for some form of indirect discharge during periods of wet weather and when the river is in flood." What does "some form of indirect discharge" mean?

'Indirect discharge' is to be determined but it would not be a direct pipe into the river, and could be via a land based passage or a wetland. This would be co-designed with mana whenua if it was deemed through the design phase it may need to be allowed for.

This would only occur in an emergency in the event when the land irrigation site storage is full, and the system is at capacity. CHBDC would, we may need to enact emergency provisions within the section 330 of the RMA, and the logical place to do so, would be at the existing discharge location.

4. Timeframes . Please confirm:

- a) the timeframe/year for ceasing the discharge from Te Paerahi oxidation pond to the sand dunes – within 4 years, but ideally sooner – Long Term Plan ambition was by end of 2023.
- b) the timeframe/year for ceasing the discharge from Porangahau oxidation pond to Porangahau River – 60% (dry weather/ when river is in low flow) by 2027, and fully by 2030.
- c) when construction of the new WWTP, storage, the effluent field and associated infrastructure will be completed for full operation to treat all of the wastewater from both Porangahau township and Te Paerahi. By 2030.
- d) when the treatment of wastewater in the existing oxidation ponds will cease. For Te Paerahi by 2027, for Porangahau by 2030.
- e) when the use of the existing oxidation ponds (including for storage) will cease. Pōrangahau to be confirmed in the design, but a downsized version of the oxidation pond is planned to be kept for storage, for Te Paerahi pond will cease to be used by 2027, and returned/ restored by 2030.

This information is not clear between the different sections of the Application and AEE, proposed draft consent conditions and the section 92 response from CHBDC dated 8 November 2021.



5. A number of communications and documents refer to eventual "decommissioning" of the existing oxidation pond on the land owned by Puketauhinu Trust. Can you please explain exactly what CHBDC intends to do when they decommission the pond and when they intend to decommission the pond? This is undecided at present, and as presented/ updated to Puketauhinu trustees on 09 May 2022, something council would like to work together on how best to return/ restore the land when decommissioning the pond.

6. CHBDC has lodged applications, each for a different consent duration of 6 years (Puketauhinu Trust land oxidation pond discharge to the coastal sand dunes and air discharge), 9 years (Porangahau village oxidation pond discharge to Porangahau River and air discharge) and 35 years (New wastewater treatment plant discharge to land at 474 Beach Road and air discharge). However, the manner in which the draft conditions are presented in the application makes it unclear as to whether CHBDC is applying for separate discharge consent documents to be granted with individual expiry dates consistent with the consent durations applied for or if CHBDC is applying for all of the activities in the applications to be placed on the same consent. Can you please clarify and explain the proposed consent structure? Intend to have different consent documents each with their own expiry and consent conditions as I understand it but also as I understand it, this will be decision of the Regional Council.

7. A copy of draft conditions was provided with the application. I note that in a letter to HBRC 4 February 2022 CHBDC stated that a UV system will be installed to be operational within 18 months of the consent being granted and updated consent conditions will be provided to reflect this revised treatment process. Can you please provide all the updates CHBDC has made to their draft conditions and reasons for those changes? We haven't made any updates to the consent conditions as yet, we expect this will be tidied up through the post notification process – the need for UV in the short term was confirmed through the [Quantitative Microbial Risk Assessment \(QMRA\)](#).

8. Has CHBDC made any changes to the finer details of the application? If yes, can you please explain what those changes are and the reasons for those changes? Not sure what this is referring to, following the application in August 2021, we have only responded to the section 92 (which there have been two of, and our responses are available). Would be happy to answer any direct questions.

Nāku iti noa, nā

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APPENDIX 2: Examples of consent conditions to include on consents relating to works in, over and around waterways.

1. All works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and at all times maintained to a safe and serviceable standard.
2. The consent holder shall undertake all operations in general accordance with:
 - a)
 - b)
 - c)

If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.

3. The consent holder shall give the Council (Manager Compliance), Rongomaraeroa marae and Ngāti Kere Hapū Authority at least five working days notice of the intention to commence any stage of the works, and shall advise those parties of having finished the works immediately following their completion.
4. The consent holder shall take all practical measures to limit the amount of sediment and prevent contaminants from entering the waterbody during the construction works. Such measures include, but are not limited to:
 - a) Any surplus soil, cleared vegetation or debris, shall be deposited at least 20 m from any waterbody or deposited or contained in a manner to reasonably prevent the transportation or deposition of disturbed matter into any waterbody.
 - b) The wash water from containers and tools shall not be discharged into any waterbody and the washing of equipment shall not occur in any waterbody.
 - c) All machinery work shall be undertaken from the banks of the waterbody rather than in the waterbody.
 - d) Refuelling and carrying out machinery maintenance away from waterbody.
 - e) The use of silt fences and other erosion and sediment control methods shall be in accordance with the Council 2009: Guidelines for Waterways: Erosion and Sediment Control Guidelines.
5. The consent holder shall submit a Construction Methodology and Sediment Control Plan (CMSCP) to the Council (Manager Compliance) for approval prior to the commencement of each stage of works. The plan shall include:
 - a) how the construction works will be carried out on site; and
 - b) the construction sequence and associated timeframes;
 - c) how the construction works will avoid construction during the times and in the areas identified as critical for fish migration, whitebait spawning, and use of wetland habitat and vegetation by birds; and,

- d) the procedures that will be in place to limit sediment from entering the waterbody during the construction works, taking into account the Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control (April 2009).

Works shall not commence until the Council (Manager Compliance) has confirmed that the CMSCP has been approved. Any contractors engaged to undertake work shall abide by the approved Construction Methodology and Sediment Control Plan and a copy of the Construction Methodology and Sediment Control Plan shall be present on site at all times while the work is being undertaken.

Advice Note: Sediment control measures shall take into account the principles and practices set out in the Hawke's Bay Regional Council Waterway Guidelines: Erosion and Sediment Control (April 2009) and any subsequent publications released in replacement of this document. If during the works it becomes evident that for an unforeseen reason the consent holder cannot operate in accordance with the methodology outlined in the Construction Methodology and Sediment Control Plan, the consent holder must advise the Council (Manager Compliance) of an alternative method that is to be used prior to continuing the works.

6. To ensure worksite spills are managed appropriately, the consent holder shall produce a Spill Management Plan (SMP) appropriate for the activities being undertaken on site. The SMP must;

- a) include procedures for preventing contaminants such as hydrocarbons or chemicals entering any waterbody in the event of a spill;
- b) be prepared and certified by a suitably qualified person;
- c) be provided to the Council prior to commencement of the works.

The consent holder and any contractors engaged to undertake work on their behalf shall abide by the SMP and a copy of this SMP must be present on site at all times while the work is being undertaken.

7. The consent holder shall check, clean and dry machinery used in the bed of the waterbody to limit the spread of aquatic pests.

8. Any wet concrete cast on site shall be fully contained during casting and cast in a dry work area.

9. No concrete shall be dumped into bed of any waterbody. 11. The consent holder shall construct the structures using methods and materials non-toxic to aquatic life.

10. Prior to construction, in consultation with Ngāti Kere the consent holder shall identify any potentially affected areas and avoid works:

- a) during times and in areas that are critical for fish migration (i.e. tuna); and,
- b) in areas that are critical for white bait spawning (if any) and avoid works during timing of spawning.

11. The consent holder shall ensure that at the completion of the works, any exposed stream banks at the site, newly established surfaces and any grassed slopes or vegetated areas that were cleared or damaged as a result of the activity, are revegetated and stabilised (e.g. vegetated) to prevent

sediment from entering the waterbody. The initial stages shall include grassing (for rapid stabilisation) followed by other enrichment plantings of native plants as is appropriate.

12. The consent holder shall undertake regular inspections of plantings and replace planting as required until establishment is successful. The consent holder shall keep records of planting and inspections and make the information available to the Council (Manager Compliance) upon request.

13. On completion of the works, the bed of the waterbody shall be restored to no lesser state than it was before the works commenced.

14. 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 relevant Heritage New Zealand Pouhere Taonga and tāngata whenua approvals to damage, destroy or modify such sites have been obtained.

15. Prior to exercising this consent, the consent holder shall provide the Council (Manager Compliance) the contact details of the person(s) who will be undertaking the inspections, observations and monitoring required to remain compliant with conditions of this resource consent.

16. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. 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 while the work is being undertaken.

17. Any temporary dams and diversions shall be designed, installed, maintained and undertaken in a manner that provides for the ongoing passage of fish and does not affect white bait spawning.

18. The temporary dam(s) and diversion(s) shall be removed on completion of construction.

19. The consent holder shall not commence works when it is forecast that there will be a rainfall event that may overwhelm the dry work area (created by the temporary dam and diversion) during the construction period or compromise the integrity of the temporary dam and/or diversion and maintenance of a dry work area.

Advice Note: If during the works it becomes evident that unexpected rainfall will overwhelm the temporary dam and diversion and enter the working area, the consent holder must advise the Council (Manager Compliance) immediately of the methods that will be used to avoid sediment and contaminants entering the waterway.

20. The consent holder shall conduct the works only periods when there are low flows in the waterbody.

ADVICE NOTES

i. That where, for any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:

a) Immediately take all practicable steps to contain and then remove the contamination from the environment, and;

b) Immediately notify the Council of the escape, and;

c) Report to the Council, in writing and within 7 days, describing the manner and cause of the escape and steps taken to control it and prevent its reoccurrence.

ii. This consent does not give the consent holder permission to access, do works or operate on private property. The consent holder must make their own arrangements with the landowners for access.

iii. The consent holder is responsible for obtaining any necessary authorisations from Heritage New Zealand Pouhere Taonga.

vi. The consent holder is responsible for obtaining any necessary permissions/authorisations from the Department of Conservation.