



Recommendation and decision on notification of resource consent application(s) under sections 95-95G of the Resource Management Act 1991 (RMA)

Summary

I recommend the application is processed on a publicly notified basis. This is because:

- The application identifies that there are adverse effects on water quality in the Meadow Burn that are more than minor. Therefore, public notification is required under s95A of the Resource Management Act.
- I have had regard to the judgement in *Trilane Industries Ltd v Queenstown Lakes District Council NZHC 1647* that clarified that temporary adverse effects should not be averaged out when considering notification.

The application

Particulars

Applicant:	Southland District Council
Application reference:	APP-20211306 APP-20147220-02-V1
Site address or location:	600 metres northeast of Essex Street, Riversdale
New consent(s) for new activity(ies) (s88)	<input type="checkbox"/>
New consent(s) for existing activity(ies) (s88)	<input checked="" type="checkbox"/>
Change to conditions of existing consent(s) (s127)	<input checked="" type="checkbox"/>

The proposal

Southland District Council has applied for a resource consent to discharge treated wastewater from Riversdale township into the Meadow Burn and into the ground through the base of a soakage channel. The application is for replacement of discharge permit AUTH-20147220-01. The rate of discharge is about 260 m³/day.

The application also seeks amendments to resource consent AUTH-20147220-02, which authorises the discharge of treated wastewater into the ground via Rapid Infiltration Beds and a soakage channel, with provision to discharge to water in the Meadow Burn in emergency or extreme events.

The background is that Southland District Council has an existing wastewater treatment and discharge system for Riversdale township that involves an oxidation pond and a soakage channel, but which also discharges to the Meadow Burn when the soakage channel is insufficient. In 2016 the Council obtained a short term consent to continue with that discharge while it developed a new Rapid Infiltration Bed system to discharge primarily to land. A longer term consent AUTH-20147220-02, was granted for the Rapid Infiltration Bed discharge.

However, largely due to land acquisition delays, the applicant now needs a further short term consent for the existing activity, and needs to defer some of the milestone timeframes specified in the longer term consent.

Discharge permit	
Rule – Discharge to Water – Community Sewage	Rule 2 of the Regional Water Plan (Non-complying) Rule 33A of the proposed Water and Land Plan (Non-complying)
Rule – Discharge to Land – Community Sewage	Rule 5.2.1 of the Regional Effluent Land Application Plan (Discretionary) Rule 33 of the proposed Water and Land Plan (Discretionary)

The proposed amendments to AUTH-20147220-02 are a discretionary activity.

Overall, bundling the activities to the highest category, the application is a **non-complying** activity.

Public notification consideration

1. Is notification mandatory?

1.1	Has the applicant requested that the application be publicly notified? (s95(3)(a))	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to 1.2
1.2	Was further information, or commissioning of a report, requested under s92?	<input type="checkbox"/> Yes	Go to 1.3
		<input checked="" type="checkbox"/> No	Go to step 2.1
1.3	If yes, was the request refused, or did the applicant fail to respond or fail to provide the information by the deadline?	<input type="checkbox"/> Yes	Public notification is required by s95C. Go to 10.2
		<input type="checkbox"/> No	Go to step 2.1

2. Is notification precluded?

2.1	Is each activity subject to a rule or NES that precludes public notification?	<input type="checkbox"/> Yes	Rule(s): enter rule Go to 4.1
		<input checked="" type="checkbox"/> No	Go to step 2.2
2.2	Is each activity a controlled activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless there are special circumstances. Go to 4.1
		<input checked="" type="checkbox"/> No	Go to 3.1

3. Is notification required?

3.1	Are any of the activities subject to a rule or NES that requires notification?	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to 3.2

3.2 Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? (see Note)	<input checked="" type="checkbox"/> Yes	Application must be publicly notified. Complete 3.3 and go to 10.2
	<input type="checkbox"/> No	Complete 3.3 and go to 4.1.

Note: In forming this opinion (a) to (e) apply:

- (a) we must disregard any effects on persons who own or occupy the land on which the activity will occur or any land adjacent to that land (section 95D(a));
- (b) we may disregard an adverse effect of the activity if a rule or NES permits an activity with that effect (subject to Policy 36 of the pSWLP) (95D(b));
- (c) in the case of a restricted discretionary activity, we must disregard any adverse effects that do not relate to the matters over which the rule or NES restricts discretion (95D(c));
- (d) we must disregard trade competition and the effects of trade competition - 95D(d); and
- (e) we must disregard any effect on a person who has given written approval - 95D(e)

3.3 Reasons adverse effects on the environment are less than minor / minor / more than minor

The existing environment

The discharge occurs to land and into the Meadow Burn in a designated sewage treatment area and road reserve, about 600 metres east of Riversdale township. The site is surrounded by developed pasture.



The site is underlain by the Riversdale groundwater zone, a shallow riparian aquifer. Groundwater flow is approximately parallel to the Mataura River¹, which is similar to the alignment of the straight section of the Meadow Burn near the treatment pond as shown in the diagram above. There are numerous wells in the area, but in the expected direction of movement to the south and southeast the nearest neighbours' well are about 1 km and 2.5 km from the treatment pond and soakage discharge.

¹ <https://maps.es.govt.nz/apps/groundwater/zones/Riversdale.pdf>

There is a registered human drinking water supply bore 1 km to the east, which supplies water to Riversdale School. It is not in the expected direction of groundwater movement from the applicant's discharge.

At the point of discharge to the Meadow Burn it has been modified and straightened, running approximately northwest to southeast. The Meadow Burn is only a few metres wide and has a flow of about 30 litres per second in the vicinity of the discharge.



A biological survey by Ryder Environmental indicated that the stream had low periphyton biomass upstream and downstream of the discharge. There was extensive cover of the stream by watercress and other macrophytes at each of the sampling sites (as shown by the photo on the right). Macroinvertebrate scores were similar upstream and downstream of the discharge, and were indicative of poor quality conditions.

The application describes the Meadow Burn as ecologically significant and notes that it supports populations of two threatened or at risk species, the longfin eel/tuna and Gollum galaxias/kanakana. It also provides a refuge area for brown trout during times of high flow in the Maitua River, and is an important brown trout spawning area. Other fish species present in the Meadow Burn include Upland Bully, Freshwater Mussel, Koura and Freshwater shrimp.

The Springfed water standards apply in the Meadow Burn. Immediately upstream of the discharge the median E. Coli result (2017-2020) was 60 cfu/100ml, with the 95%ile of 765 cfu/100ml, putting the stream in the B Attribute band under Table 9 of Appendix 2A of the National Policy Statement for Freshwater Management 2020. The upstream site is also in Band A for ammonia concentrations.

The Meadow Burn joins the Maitua River, which is a statutory acknowledgement area under the Ngāi Tahu Claims Settlement Act, about 9.5 km downstream. Ngāi Tahu has an acknowledged cultural, spiritual, historic and traditional association with the Maitua River. The Maitua River flows through Gore and Maitua townships, before reaching the Toetoes estuary at Fortrose about 75 km downstream. On the way it provides water supply to Gore and Maitua townships and to industry, particularly the Alliance Group Ltd meatworks at Maitua.

The Maitua River and its tributaries above Otamita, including the Meadow Burn, is subject to the Water Conservation (Maitua River) Order. The Order states that the protected waters of the Maitua catchment include outstanding fisheries and angling amenity features. The Order also imposes water quality standards for the Meadow Burn, and requirements on discharges.

Adverse effects of the proposed activities on the environment

Adverse effects may include:

- Cultural and spiritual effects, due to discharge of human wastewater into the Meadow Burn
- Effects on groundwater quality
- Effects on water quality in the stream

Section 6.4 of the application states that the discharge to the Meadow Burn is culturally offensive. The application refers to a significant positive effect on Maori cultural values from the planned change to the Rapid Infiltration Beds, but I note that the determination for notification purposes is based on adverse effects².

The applicant has obtained written approval from Hokonui Rūnanga Inc, subject to a minor reporting requirement. According to the Hokonui Rūnanga website³ the Riversdale sewage discharge occurs outside Hokonui's exclusive area of interest, in an area of shared interest with other Southland/Murihiku rūnanga. The approval is solely for Hokonui Rūnanga, and is not on behalf of the other rūnanga with a shared interest in the area. However Te Ao Marama has confirmed that they agree with Hokonui Rūnanga's position with regard to this application.

I am mindful of Policy 3.5.2.8 of Te Tangi a Tauira, which states that kaitiaki rūnanga are in the best position to assess potential impacts on the mauri and values of individual rivers. Therefore, as both Hokonui Rūnanga and Te Ao Marama Inc. have given written approval (or indicated that the approval covers them as well), I consider that the adverse effects on the mauri of the Meadow Burn, and effects on cultural values, are not significantly adverse.

Sections 6.2.6 and 6.10 refer to moderate (more than minor) adverse effects on water quality in the Meadow Burn. Section 6.2.3.2 of the application notes that total ammoniacal nitrogen, total phosphorus and dissolved reactive phosphorus concentrations were higher downstream of the discharge compared to upstream. Ammoniacal nitrogen has also exceeded the Spring Fed water quality standards downstream of the discharge.

Section 6.6 of the application states that cumulative effects on the Meadow Burn and the Matura River are moderate (more than minor) overall. The context of that statement is that the water quality of the Meadow Burn is already adversely affected due to the effects of land use (such as agricultural activities) and influences such as waterfowl. Therefore, the discharge, which adds further contaminants, has a cumulative adverse effect.

On the broader catchment scale, I note that Section 8.1.8 of the report, "Current Environmental State and the "Gap" to Draft Freshwater Objectives for Southland"⁴ states that Toetoes Estuary is currently receiving nutrient and sediment inputs beyond its assimilative capacity, and is showing signs of eutrophication and degraded areas. While the applicant's discharge is existing, and will be relatively tiny compared to the overall contaminant loads on the estuary, and I assume that some assimilation of the nutrients will occur in the more than 80 km of distance, I cannot definitely state that the discharge is not contributing to a significant adverse cumulative effect in Toetoes Estuary.

² S95A(8)(b) of the Resource Management Act.

³ <https://www.hokonuirunanga.org.nz/about-us/where-are-we/>

⁴ Current Environmental State and the "Gap" to Draft Freshwater Objectives for Southland, Technical Report, Environment Southland, (2019) <https://www.es.govt.nz/repository/libraries/id:26gi9ayo517q9stt81sd/hierarchy/document-library/reports/Values%20and%20Objectives%20reports%20-%20People%2C%20Water%20and%20Land/Current%20environmental%20state%20and%20the%20E2%80%9Cgap%E2%80%9D%20to%20draft%20freshwater%20objectives%20for%20Southland%20%28December%202019%29.pdf>

I note that other parameters, such as E. coli, total nitrogen and total oxidised nitrogen are not statistically different in the Meadow Burn between upstream and downstream of the discharge. Similarly, the Ryder Environmental report concluded that the discharge was not having an adverse effect on aquatic periphyton, macrophyte and macroinvertebrate communities in the Meadow Burn. That said, I am unclear whether the discharge has an adverse effect on trout spawning habitat, or the habitats of longfin eels and Gollum galaxiids (on the other hand it may be that the discharge has a barrier effect preventing predation of galaxiids by trout).

Adverse effects on groundwater quality are likely to be only minor due to filtration through the ground, dilution factors and distance to sensitive receptors (borewater users and surface waters). It is unlikely, due to relative levels, that the groundwater plume from the wastewater discharge would affect the Meadow Burn before reasonable mixing had occurred.

Planning provisions (policies and objectives) relevant to adverse effects

Key policy provisions with regard to the effects of the discharge include:

Regional Water Plan

Objective 3 To maintain and enhance the quality of surface water bodies so that the following values are protected where water quality is already suitable for them, and where water quality is currently not suitable, measurable progress is achieved towards making it suitable for them.

In surface water bodies classified as mountain, hill, lake-fed, spring-fed, lowland (hard bed), lowland (soft bed) and Mataura 1, Mataura 2 and Mataura 3:

- (a) bathing, in those sites where bathing is popular;
- (b) trout where present, otherwise native fish;
- (c) stock drinking water;
- (d) Ngāi Tahu cultural values, including mahinga kai;
- (e) natural character including aesthetics.

Objective 4 To manage the discharge of contaminants and encourage best environmental practice to improve the water quality in surface water bodies classified as hill, lowland (hard bed), lowland (soft bed) and spring fed, and in particular to achieve a minimum of 10 percent improvement in levels of the following water quality parameters over 10 years from the date this Plan became operative (January 2010):

- (a) microbiological contaminants
- (b) nitrate
- (c) phosphorus
- (d) clarity

Policy 3 Notwithstanding any other policy or objective in this plan, allow no discharges to surface water bodies that will result in a reduction of water quality beyond the zone of reasonable mixing, unless it is consistent with the promotion of the sustainable management of natural and physical resources, as set out in Part 2 of the Resource Management Act 1991, to do so.

Policy 4 For surface water bodies outside Natural State Waters, manage point source and non-point source discharges to meet or exceed the water quality standards referred to in Rule 1 and specified in Appendix G "Water Quality Standards", unless it is consistent with the promotion of the sustainable management of natural and physical resources, as set out in

Part 2 of the Resource Management Act 1991, to do so and so avoid levels of contaminants in water and sediments that could harm the health of humans, domestic animals including stock and/or aquatic life.

Policy 25 To avoid, remedy or mitigate the adverse effects arising from point source and non-point source discharges so that there is no deterioration in groundwater quality after reasonable mixing, unless it is consistent with the promotion of the sustainable management of natural and physical resources, as set out in Part 2 of the Resource Management Act 1991, to do so.

Proposed Water and Land Plan

Objective 1 Land and water and associated ecosystems are sustainably managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.

Objective 2 The mauri of water provides for te hauora o te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the waterbody) and te hauora o te tangata (health and mauri of the people).

Objective 4 Tangata whenua values and interests are identified and reflected in the management of freshwater and associated ecosystems.

Objective 6 Water quality in each freshwater body, coastal lagoon and estuary will be:
(a) Maintained where the water quality is not degraded; and
(b) Improved where the water quality is degraded by human activities.

Policy 15A Where existing water quality meets the Appendix E Water Quality Standards or bed sediments meet the Appendix C ANZECC sediment guidelines, maintain water quality including by:
1.
2. requiring any application for replacement of an expiring discharge permit to demonstrate how the adverse effects of the discharge are avoided, remedied or mitigated, so that beyond the zone of reasonable mixing those standards or sediment guidelines will continue to be met.

Policy 15B Where existing water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines, improve water quality including by:
1.
2. requiring any application for replacement of an expiring discharge permit to demonstrate how and by when adverse effects will be avoided where practicable and otherwise remedied or mitigated, so that beyond the zone of reasonable mixing water quality will be improved to assist with meeting those standards or sediment guidelines.

Policy 17A 1. Minimise adverse effects on water quality, and avoid, remedy, or mitigate other adverse effects of the operation of, and discharges from, community sewerage schemes by:
(a) designing, operating and maintaining community sewerage schemes in accordance with recognised industry standards; and

- (b) implementing measures to progressively reduce the frequency and volume of wet weather overflows from community sewerage schemes; and
- (c) ensuring community sewerage schemes are operated and maintained to minimise the likelihood of dry weather overflows occurring.

2.

As neither the Regional Water Plan nor the proposed Water and Land Plan were developed under the National Policy Statement for Freshwater Management 2020, I have also included key policies from it:

National Policy Statement for Freshwater Management 2020 (NPSFM 2020)

- Policy 1 Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- Policy 2 Tangata whenua are actively involved in freshwater management (including decisionmaking processes), and Māori freshwater values are identified and provided for.
- Policy 7 The loss of river extent and values is avoided to the extent practicable.
- Policy 8 The significant values of outstanding water bodies are protected.
- Policy 9 The habitats of indigenous freshwater species are protected.
- Policy 10 The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.
- Policy 12 The national target (as set out in Appendix 3) for water quality improvement is achieved.
- Policy 15 Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

There is a hierarchy of obligations in Te Mana o te Wai that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The NPSFM 2020 also inserts the following policy into the regional plans:

The loss of river extent and values is avoided, unless the council is satisfied:

- (a) *That there is a functional need for the activity in that location; and*
- (b) *The effects of the activity are managed by applying the effects management hierarchy.*

The NPSFM 2020 also requires that any such application not be granted unless:

- (a) *the council is satisfied that the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and*
- (b) *any consent granted is subject to conditions that apply the effects management hierarchy.*

Loss of value, in relation to a natural inland wetland or river, means the wetland or river is less able to provide for the following existing or potential values:

- (a) or
- (b) any of the following, whether or not they are identified under the NOF process:
 - (i) ecosystem health
 - (ii) indigenous biodiversity
 - (iii) hydrological functioning
 - (iv) Māori freshwater values
 - (v) amenity

The effects management hierarchy requires that:

- (a) adverse effects are avoided where practicable; and
- (b) where adverse effects cannot be avoided, they are minimised where practicable; and
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and
- (f) if aquatic compensation is not appropriate, the activity itself is avoided

Te Tangi a Tauria

As discussed above, I consider the following policy from Te Tangi a Tauria to be important for cultural and spiritual effects:

Policy 3.5.2.8. Wastewater disposal options that propose the direct discharge of treated or untreated effluent to water need to be assessed by the kaitiaki rūnanga on a case by case, individual waterway, basis. The appropriateness of any proposal will depend on the nature of the proposal, and what waterway is involved. Individual waterways possess their individual mauri and values, and kaitiaki rūnanga are in the best position to assess the potential impacts of a proposal on such values.

Conclusion: significance of adverse effects on the environment

The circumstances of this application are similar to that of APP-20202156, which was for a short-term consent for an existing sewage discharge to a river while change to a land discharge system was under construction. That application proceeded non-notified, and I had regard to the holistic approach based on a legal opinion provided by Michael Garbett of Anderson Lloyd⁵, which was that the discharge should be considered in terms of the overall wastewater scheme.

However, since that time I have been made aware of the judgement in *Trilane Industries Ltd v Queenstown Lakes District Council NZHC 1647*. Paragraph 58 of that judgement indicates that the holistic approach, as suggested in Mr Garbett's advice (which was drafted prior to that judgement), may be appropriate to the decision to grant the application, but is not appropriate to the notification decision. The judgement indicates that, for the notification consideration, a temporary adverse effect that is more than minor cannot be averaged out by later improvements. Paragraph 60 illustrates the point by indicating that the (holistic) approach "would be the equivalent of saying that temporary construction noise effects could be ignored simply because, once built, the noise effects of the activity would be negligible."

⁵ Letter of 2 July 2020, appended to s92 response A607216

Overall, and taking into account policies such as Policies 3 and 4 of the Regional Water Plan, I consider that the discharge will have more than minor adverse effects on water quality in the Meadow Burn. Therefore, under s95A of the Resource Management Act, the application should be publicly notified.

I consider that the written approval from Hokonui Runanga Inc, and the support for that approval from Te Ao Marama Inc, means that the adverse effects on cultural and spiritual effects are no more than minor. I also regard the effects on groundwater quality to be no more than minor, and the effects of the proposed amendments to timeframe for the longer term consent to also be no more than minor.

4. Special circumstances and public notification

4.1 Do special circumstances exist in relation to the application that warrant the application being publicly notified?	<input type="checkbox"/> Yes	Application must be publicly notified. Explain reasons in 4.2 and go to 10.2
	<input checked="" type="checkbox"/> No	Explain reasons in 4.2. If each activity is a controlled activity go to 10.1. Otherwise go to 5.1

4.2 Reasons why special circumstances do or do not exist

I have not identified any special circumstances.

Affected Parties and Limited Notification

5. Protected Customary Rights Group or Customary Marine Title group

5.1 Is the activity in the coastal environment, within an area where it may adversely affect a protected customary rights group(s) or a customary marine title group(s) (see s95G)?	<input type="checkbox"/> Yes	Go to 5.2
	<input checked="" type="checkbox"/> No	Go to 6.1
5.2 May the activity have adverse effects on a protected customary right carried out in accordance with the requirements of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011?	<input type="checkbox"/> Yes	The customary rights group(s) is an affected customary rights group(s). Application must be limited notified on them. Record in 5.3 and go to 6.1
	<input type="checkbox"/> No	Go to 6.1

5.3 Adversely affect a protected customary rights group(s) or a customary marine title group(s):

List the parties

6. Statutory Acknowledgement Areas

6.1 Is the activity on or adjacent to, or may it affect, a statutory acknowledgement area?	<input checked="" type="checkbox"/> Yes	Go to 6.2
	<input type="checkbox"/> No	Go to 6.3
6.2 Are the adverse effects on Te Rūnanga o Ngāi Tahu minor or more than minor?	<input type="checkbox"/> Yes	Include TRONT in 8.2 and go to 6.3

6.3 Reasons why adverse effects on Te Rūnanga o Ngāi Tahu are less than minor, minor or more than minor:

I consider that a discharge of human wastewater into a tributary of the Maitai River, which is a statutory acknowledgement area, may impact on Te Rūnanga o Ngāi Tahu. However, the discharge is not directly into the Maitai River (the statutory acknowledgement area) and Te Rūnanga o Ngāi Tahu often defer to the views of the local rūnanga, so I am unclear on the degree of effect on Te Rūnanga o Ngāi Tahu.

7. Is limited notification precluded?

7.1 Is each activity subject to a rule, NES or regulation that precludes limited notification?	<input type="checkbox"/> Yes	Go to 9.1
	<input checked="" type="checkbox"/> No	Go to 8.1

8. Are any people adversely affected?

8.1 Are the adverse effects on a person minor or more than minor (but not less than minor)?	<input checked="" type="checkbox"/> Yes	Go to 8.2
	<input type="checkbox"/> No	Go to 8.3

8.2 Person(s) considered to be adversely affected (complete and go to 8.3)

Person	Effect on person (see Note)	Reasons why effect is minor or more than minor
Department of Conservation	Impact on habitat of indigenous fish species.	Water quality effects are more than minor downstream and stream is habitat to threatened or at risk indigenous species.
Fish & Game New Zealand	Impact on a spawning area for brown trout.	Water quality effects are more than minor downstream and the stream is an important spawning area for brown trout

Other persons to be sent notice

Te Rūnanga o Ngāi Tahu	Effects on cultural and spiritual values in the Maitai River (a statutory acknowledgement area). Exercise of kaitiakitanga.	Not sure if they are affected to more than minor degree given the approval from Hokonui Runanga and support from Te Ao Marama Inc, but I consider that they should be served notice under Regulation 10(2)(d) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
R M & M E Smith R & E R Stewart	The discharges may affect options for water supplies (groundwater or from the Meadow Burn) for the immediately adjoining landowners due to water quality effects. I cannot be certain that they had not planned development on the basis	Not sure if they are affected to more than minor degree, but must be served notice under Regulation 10(2)(b) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

that the discharge would have been upgraded.

Note: In forming this opinion (a) to (c) apply:

- (a) We may disregard an adverse effect of the activity on the person if a rule or an NES permits an activity with that effect; and
- (b) We must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- (c) Must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

8.3 Reasons why no other person is considered to be adversely affected

I note that flow increases in the Meadow Burn with distance, so I expect that landowners further downstream are unlikely to be adversely affected, particularly given the information about E.coli effects being not significantly different between upstream and downstream of the discharge.

As discussed, the applicant has obtained written approval (subject to a minor condition) from Hokonui Rūnanga Inc, and I have received an email supporting Hokonui Rūnanga Inc's stance from Te Ao Marama Inc. Therefore, they are not adversely affected parties.

Public Health South has also given written approval so it is also not an affected party.

In terms of service of notice on the territorial authority in accordance with regulations, in this case the applicant is also the territorial authority so service on the applicant would seem to be unnecessary.

9. Special Circumstances – Limited Notification

9.1 Are there special circumstances that warrant limited notification of any other persons?	<input type="checkbox"/> Yes	Application must be limited notified to those persons and any other affected persons. Go to 9.2
	<input checked="" type="checkbox"/> No	Go to 10

9.2 Reasons special circumstances exist and persons to be notified

List and explain

Recommendation and decision

10. Officer's recommendation

10.1 The application be processed non-notified	<input type="checkbox"/>
10.2 Public notification is required/recommended	<input checked="" type="checkbox"/>
10.3 The application be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
10.4 Limited notification is required. Persons to be served notice are those listed in 8.2	<input type="checkbox"/>



Stephen West
Principal Consents Officer

Date: 25 June 2021

Decision under Delegated Authority

11.1	I agree with the recommendation	<input checked="" type="checkbox"/>
11.2	The application will be processed non-notified	<input type="checkbox"/>
11.3	The application will be publicly notified	<input checked="" type="checkbox"/>
11.4	The application shall be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
11.5	The application will be limited notified. The parties to be served notice are those listed in section 8.2	<input type="checkbox"/>

This decision is made under delegated authority by:



Lacey Bragg
Team Leader Consents

Date: 25 June 2021