

Resource Consent submission

To: The Chief Executive
Environment Southland
Private Bag 90116
DX20175
Invercargill

Date	15/09/2023 09:58
Online reference number	RC230932396
Full name of submitter	Hokonui Rūnanga
Postal address	140 Charlton Road, RD 4, Gore 9774
Contact phone number	0272238070
Email	mollie.lyders@hokonuirunanga.org.nz

Applicant details

Name of applicant	Southland District Council
Activity location	4 Kruger Street, Balfour
Application number	APP-20233398

Submission details

My submission relates to the whole application	Yes
Submission uploaded	Balfour wastewater submission 2023.pdf (222 kb)
I am a trade competitor of the applicant (for the purposes of section 308B of the Resource Management Act 1991)	No

Outcome sought

For **now**
& **our future**



I wish Environment Southland to make the following decision

Why I wish Environment Southland to make this decision

To oppose the application.

The reasons for opposing the application are as follows:

1. The proposed activity fails to adequately consider or address the cultural significance of the Maitara Catchment; or the adverse effects on mana whenua of the direct discharge of contaminants including treated wastewater into the awa. The Longridge Stream runs for approximately 8km (from Balfour) until its confluence with the Waimea Stream. The Waimea Stream flows for another 15km to its confluence with the Maitara River near Mandeville.
2. The applicant acknowledges the status of the Maitara River as an Area of Statutory Acknowledgement in the Ngai Tahu Claims Settlement Act 1998, acknowledges the current discharges are unlawful and the applicant has been consulting with Environment Southland over how to address this issue including a change to land disposal. Such a change is supported by Hokonui Runanga Inc in principle and as the mandated representative of the Crown's Treaty Partner we would appreciate being part of those discussions.
3. Any discharge of contaminants to water is culturally unacceptable to mana whenua. In addition, monitoring shows that the Balfour WWTP is contributing to the overall decline of water quality in Longridge Stream particularly in terms of Ammoniacal-N, E.coli and Dissolved Reactive Phosphorus. Excessive concentrations of ammoniacal N will cause water hypoxia and can result in acute and chronic effects on instream ecology, including taonga species.
4. The AEE is inappropriate. It is premised on the basis that there is no change from the existing environment, but without acknowledging that the current discharge is, at times, unlawful. It does not sufficiently acknowledge and address changing social and statutory expectations around the management of wai māori/water and acceptable effects.
5. The suggestion in paragraph 5.5.3 of planting in the dry channel used to convey the treated discharge to the awa may help enhance biodiversity but is not an appropriate mitigation for effects on mana whenua values.
6. The proposed activity fails to achieve the purpose of the Act; to manage freshwater in accordance with the fundamental concept of te mana o te wai as required under the National Policy Statement for Freshwater Management 2020; and is inconsistent with the Southland Regional Policy Statement and the proposed Southland Land and Water Regional Plan.
7. We do not agree that the activity meets the thresholds to be granted as a non-complying activity under s104D of the Act.
8. While the application is for a short-term duration there is

For **now**
& **our future**



alternative discharge option being developed by Southland District Council, yet. We are concerned granting this consent as applied for will simply enable a cycle of granting discharge permits with short durations to Southland District Council to allow wastewater to continue to be disposed of into the awa, while little or no progress is made towards an alternative.

9. The application relies on s124 of the Resource Management Act 1991 but the application is not for the same activity. The proposed volume of wastewater to be discharged in this application is considerably larger than the current consented volume of treated wastewater (from 250m³/ a day maximum to 250m³/ a day average). Therefore, in our view, it is not an application for the same activity as the existing consent and s124 of the Act does not apply.

10. Section 124 of the RMA cannot be relied upon to legalise the current unlawful discharge. Page 13 of the application states that the increased volume of wastewater being discharged likely results from growth of the township that was not anticipated in the original consent application. Section 124 authorises the continuation of the currently consented activity under the same conditions as the original consent. It cannot be used to authorise activities not anticipated in the original application.

Hearing details

I wish to be heard in support of my submission	Yes
I would consider presenting a joint case if others make a similar submission	Yes
I wish to be involved in any pre-hearing meeting that may be held for this application	Yes

Request for independent commissioner/s

I request pursuant to section 100A of the Resource Management Act 1991, that Environment Southland delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of Environment Southland

I understand I will be liable to meet or contribute to the costs of the hearings commissioner or commissioners

For **now**
& **our future**



Confirmation

I will serve a copy of my submission on the applicant and I confirm all of the above information is correct

For **now**
& **our future**



140 Charlton Road, Gore 9774
Waea: 03 2087954



***Form 13 Submission on application concerning resource consent or
esplanade strip that is subject to public notification or limited notification
by consent authority***

Sections [41D](#), [95A](#), [95B](#), [95C](#), [96](#), [127\(3\)](#), [136\(4\)](#), [137\(5\)\(c\)](#), and [234\(4\)](#), Resource Management Act 1991

To: Environment Southland [Southland Regional Council]

Name of submitter: Hokonui Rūnanga Kaupapa Taiao on behalf of Hokonui Rūnanga Inc

This is a submission on an application from: Southland District Council – APP-20233398 for a resource consent to discharge treated wastewater from the Balfour Wastewater Treatment Plant (Balfour WWTP) into the Longridge Stream.

We are not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

The specific parts of the application that our submission relates to are: the entire application.

Our submission is:

Hokonui Runanga Inc **opposes** the application.

The reasons for opposing the application are as follows:

1. The proposed activity fails to adequately consider or address the cultural significance of the Mataura Catchment; or the adverse effects on mana whenua of the direct discharge of contaminants including treated wastewater into the awa. The Longridge Stream runs for approximately 8km (from Balfour) until its confluence with the Waimea Stream. The Waimea Stream flows for another 15km to its confluence with the Mataura River near Mandeville.
2. The applicant acknowledges the status of the Mataura River as an Area of Statutory Acknowledgement in the Ngai Tahu Claims Settlement Act 1998, acknowledges the current discharges are unlawful and the applicant has been consulting with Environment Southland over how to address this issue including a change to land

disposal. Such a change is supported by Hokonui Runanga Inc in principle and as the mandated representative of the Crown's Treaty Partner we would appreciate being part of those discussions.

3. Any discharge of contaminants to water is culturally unacceptable to mana whenua. In addition, monitoring shows that the Balfour WWTP is contributing to the overall decline of water quality in Longridge Stream particularly in terms of Ammoniacal-N, E.coli and Dissolved Reactive Phosphorus. Excessive concentrations of ammoniacal N will cause water hypoxia and can result in acute and chronic effects on instream ecology, including taonga species.
4. The AEE is inappropriate. It is premised on the basis that there is no change from the existing environment, but without acknowledging that the current discharge is, at times, unlawful. It does not sufficiently acknowledge and address changing social and statutory expectations around the management of wai māori/water and acceptable effects.
5. The suggestion in paragraph 5.5.3 of planting in the dry channel used to convey the treated discharge to the awa may help enhance biodiversity but is not an appropriate mitigation for effects on mana whenua values.
6. The proposed activity fails to achieve the purpose of the Act; to manage freshwater in accordance with the fundamental concept of te mana o te wai as required under the National Policy Statement for Freshwater Management 2020; and is inconsistent with the Southland Regional Policy Statement and the proposed Southland Land and Water Regional Plan.
7. We do not agree that the activity meets the thresholds to be granted as a non-complying activity under s104D of the Act.
8. While the application is for a short-term duration there is alternative discharge option being developed by Southland District Council, yet. We are concerned granting this consent as applied for will simply enable a cycle of granting discharge permits with short durations to Southland District Council to allow wastewater to continue to be disposed of into the awa, while little or no progress is made towards an alternative.
9. The application relies on s124 of the Resource Management Act 1991 but the application is not for the same activity. The proposed volume of wastewater to be discharged in this application is considerably larger than the current consented volume of treated wastewater (from 250m³/ a day maximum to 250m³/ a day average). Therefore, in our view, it is not an application for the same activity as the existing consent and s124 of the Act does not apply.
10. Section 124 of the RMA cannot be relied upon to legalise the current unlawful discharge. Page 13 of the application states that the increased volume of wastewater being discharged likely results from growth of the township that was not anticipated in the original consent application. Section 124 authorises the continuation of the currently consented activity under the same conditions as the original consent. It cannot be used to authorise activities not anticipated in the original application.

We seek the following decision from the consent authority:

To decline the resource consent application; or

To renew an application for no more than the current consented volume of wastewater and impose conditions requiring the applicant to begin immediate work in consultation with Hokonui Rūnanga Inc or their mandated delegate (and other representatives of mana whenua) on options to remove the discharge from the awa by the end of the proposed 5-year duration.

We wish to be heard in support of our submission.

We request pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.



Lynda Murchison

Signature of submitter (or person authorised to sign on behalf of submitter)

Date: 15th September 2023

Electronic address for service of submitter: Mollie.Lyders@hokonuirunanga.org.nz

Telephone: 027 2238 070

Postal address 140 Charlton Road, Gore 9774

Contact person: Mollie Lyders