BEFORE THE SOUTHLAND REGIONAL COUNCIL
BY ITS INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Alliance Group Limited

AND

IN THE MATTER of an application for various resource consents (in **Table 1** below) necessary to continue operating the Matāura Meat Processing Plant at 18-30 McQueen Avenue, Matāura

DECISION OF COMMISSIONERS ON APPLICATION BY ALLIANCE GROUP LIMITED REGARDING MATĀURA MEAT PROCESSING PLANT

Table 1

Consent Type	**Purpose**
Water Permit	To take and use 21,200m^3 per day of surface water from a hydro race fed by the Matāura River for condenser cooling water purposes
Discharge Permit	To discharge 21,200m^3 per day of condenser cooling water from the meat works to the Matāura River
Water Permit	To take and use 8,000m^3 per day of surface water from a hydro race fed by the Matāura River for meat processing and truck washing purposes
Discharge Permit	To discharge 8,000m^3 per day of treated meat works wastewater to the Matāura River
Land Use Consent	To use land for an existing weir and hydro race structure in the Matāura River
Water Permit	To dam and divert water using an existing weir and hydro race structure

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COMMISSIONERS' DECISION

Result

The consents sought in Table 1 on the header page are granted for a period of 25 years on the terms and conditions in Attachment 1.

Section 1 - The Panel and its task

[1] The Panel has delegated authority to determine applications by the Alliance Group Limited (Alliance or 'the Applicant') for resource consents necessary to operate a stock processing plant at Matāura. The plant is located just north of the Matāura Bridge and adjacent to the Matāura Falls. As the diagram above shows there are intake structures and outlet pipes associated with water takes and discharges for various purposes connected with the stock processing operation. The water takes are mostly non-consumptive.

[2] Alliance is proposing to take and discharge less water than it currently uses by introducing operating efficiencies that were explained by Mr Doyle Richardson, Alliance's Group Environmental Manager. Alliance also put forward staged improvements to the plant as part of its Proposal that are fully explained in the application's AEE. These are summarised below.

> **Year 1 – 3: Implementing water reduction opportunities and addressing existing resilience issues.**
>
> *Pattle Delamore Partners (PDP), on behalf of the Applicant[1], has identified potential intermittent cross contamination points between the waste streams and potential failure points within the reticulation system. To address these resilience issues, the following is proposed to be completed in the first year of the new consent term:*
>
> - *Re-route all pipework that runs above or in the water race to a location that prevents the risk of waste leaking into the water race or fresh water leaking into the treatment system;*
> - *Re-route all pipework that runs above the river to a location that prevents the risk of waste leaking into the river;*
> - *Modify the beef sump milli-screen overflow to prevent the risk of green waste overflows into the non-green waste stream; and*
> - *Modify the stockyard and tripe recycle area to prevent the risk of green waste overflows into the non-green waste stream.*
>
> **Year 2: Intake Screens.**
>
> *Some of the water intakes are located within the hydro-race and are currently screened with an aperture size of 5 mm – 6 mm. The remaining intakes are located within a channel between the hydro-race and the plant and are screened with a passive screen with a 1.5 mm bar spacing.*
>
> *The Applicant is proposing to replace the 5–6 mm screens with 2–3 mm screens to further reduce the risk of entrainment of small fish within two years of the commencement of the new consent.*
>
> **Year 5: Tertiary Disinfection of Microbial Contaminants.**
>
> *Within five years of the commencement of the new consent, Alliance proposes that*

[1] Appendix 8 of the application.

any wastewater discharged to the Matāura River is treated via a UV plant (or equivalent disinfection unit), in order to inactivate pathogens. This upgrade is expected to incur capital costs of approximately $4.14 million, and additional annual operational expenditure of $230,000.

Following installation of the treatment system the proposed conditions require the E.coli concentration in the discharged wastewater to not exceed an annual median of 1,000 CFU/100ml and 95th percentile of <10,000 CFU/100mL.

Year 15: Biological Treatment System.

Within 15 years of the commencement of the consent, the Applicant proposes to install a full biological treatment system to treat the Plant's wastewater prior to discharge. This system will reduce BOD, ammoniacal nitrogen and total nitrogen loads and assist in reducing microbial concentrations. Detailed anticipates a large, lagoon based, biological reactor will be installed. Due to the large lagoon size (approximately 8,500 m³), it will likely be located 2 km away on land currently owned by Alliance, with wastewater being pumped to the lagoon for treatment, and then back to the Plant for discharge via the existing outfall.

[3] Alliance later shortened the timeframes for the installation of fish screens and the UV plant is now to be installed within three years.

[4] The Council's s42A Report was prepared by Mr Ian Mayhew, a Principal Planning and Policy Consultant at 4Sight Consulting Ltd, and included several technical reviews of the application on behalf of the Council.

[5] The activity status of the suite of consents Alliance seeks are set out in the table below.

Activity	Relevant Rule	Activity Status
To discharge 21,200 m^3 per day of condenser cooling water from the meat works to the Matāura River	OP: Rule 1: Discharges to surface water bodies that meet water quality standards	Discretionary activity
	PP: Rule 5: Discharges to surface waterbodies	Discretionary activity
To discharge 8,000 m^3 per day of treated meat works wastewater including treated wastewater from hide and skin processing to the Matāura River	OP: Rule 2: Discharges to surface water bodies that do not meet water quality standards	Non-complying activity
	PP: Rule 6: Discharges to surface waterbodies that do not meet water quality standards	Non-complying activity

To take and use 8,000 m^3 per day of surface water from a hydro race fed by the MatāuraRiver for meat processing and truck washing purposes	OP: Rule 18 d(i): Abstraction, diversion and use of surface water from any surface water body or any artificial watercourse draining into a surface water body where the total volume of water allocated at any time is less than 10 percent of the mean annual low flow at any downstream point in the catchment	Restricted discretionary activity
	PP: Rule 49(c): the taking, diversion and use of surface water where the total rate of authorised surface water abstraction does not exceed the primary allocation specified inAppendix K (of the PP)	Discretionary activity
To take and use 21,200 m^3 per day of surface water from a hydro race fed by the Matāura River for condenser cooling water purposes	OP: Rule 18 d(iii): Abstraction, diversion and use of surface water from any surface water body or artificial watercourse where the water abstracted or diverted is returned in the vicinity of the abstraction or diversion point	Restricted discretionary activity[2]
	PP: Rule 49 (b)(iii): non-consumptive takes where the total volume of water taken or diverted is returned within 100 metres of thetake or diversion point	Restricted discretionary activity[3]
To use of land for an existing weir and hydro race structure in the Matāura River.	OP: Rule 29 (e): The use of any dam or weir in,on, under or over the bed of any river, modified watercourse, stream or lake that cannot meet the above conditions in clause (d)	Discretionary activity
	PP: Rule 60 (ab): The use of any dam or weir where it is lawfully established, subject to meeting permitted activity standards	Permitted activity

[2] Matters of discretion are: (i) the volume of water to be taken (including any water to be returned to the surface water body); (ii) any effects on river and stream flows (including effects on minimum flows, flow variability and duration), wetland and lake water levels, aquatic ecosystems, aquifer storage volumes, the availability and reliability of supply for existing users and water quality; (iii) the location of the abstraction or diversion; (iv) The efficiency of water use; (v) the need for the installation of a water meter; (vi) monitoring requirements; (vii) methods to prevent fish from entering the reticulation system; (viii) minimum flow and level requirements; (ix) consistency with any waterconservation order; (x) the degree of hydraulic connection to groundwater

[3] Matters of discretion are: 1. the volume, rate, frequency and timing of water to be taken (including any water to be returned to the lake, river, artificial watercourse, modified watercourse or natural wetland and the delay between thetaking and returning of this water); 2. any effects on river flows (including effects on minimum flows, flow variability and duration of flows), wetland or lake water levels, aquatic ecosystems, aquifer storage volumes, the availability andreliability of supply for existing users, and water quality; 3. the location of the take or diversion; 4. the efficiency of water use, in accordance with Appendix O; 5. the installation and use of a water meter; 6. information and monitoringrequirements; 7. methods to prevent fish from entering the intake in accordance with Appendix R; 8. take cessation inresponse to minimum flow and level requirements; 9. consistency with any water conservation order; 10. the degree of hydraulic connection to groundwater; 11. any effect on a natural wetland; 12. the proposed method of take and delivery of the water; and 13. any water storage available for the water taken and its volume.

To dam and divert water using an existing weir and hydro race structure	OP: Rule 19 (b): Damming of water that is not a permitted activity OP: Rule 18(d)(iii): diversion of surface waterthat is ***not*** returned in the vicinity of the abstraction or diversion point	Discretionary activity Discretionary Activity (Innominate)
	PP: Rule 4/60 (b): damming of water with an existing dam PP: Rule 49(c): Diversion of surface water where abstraction does not exceed the primary allocation in Appendix K (of the PP)	Discretionary activity Discretionary activity

[6] These activities are bundled and treated collectively as a non-complying activity.

[7] The questions that the Panel has to address are:

(a) Whether either gateway in s 104D is passed; and

(b) Whether other 'jurisdictional' legal requirements are met; and

(c) If so whether or not consent should be granted following consideration of the matters under s 104.

[8] The policy framework for assessing this application is neither concrete nor specific to the circumstances. The National Policy Statement for Freshwater 2020 (NPSFM 2020) applies but is not implemented by a regional plan. The Operative Regional Water Plan 2010 (RWP) is dated. The proposed Southland Water and Land Plan 2018 (pSWLP) is being shaped within an Environment Court process with higher order objectives and policies emerging that reflect the concept of Te Mana o te Wai.

[9] Against that backdrop, we must apply best practice in freshwater management recognising that the simple point is that everyone seeking an allocation (whether of water or pollution) needs to move decisively in favour of restoring freshwater attributes where values are degraded.

Section 2 - The Applicant, the facility and the site

[10] Alliance is a farmer owned co-operative. Through that model, the company is able (within prudential limits) to commit to capital expenditure to sustain the processing capacity necessary to support local pastoral farming activity in a manner independent

commercial operators might not. It is a capital intensive business with significant regulatory requirements.

[11] According to the General Manager, Mr Willie Wiese, the Matāura plant processes up to a 1,000 beef cattle per day over two shifts at peak season.

[12] The Matāura plant is slated for significant capital expenditure to improve freshwater outcomes. By Year 15, Alliance proposes to install a full biological treatment with an estimated cost of $13.98 million and total operating costs of $1.06 million.

[13] The killing chain was recently upgraded which explains how the plant is capable of processing as much stock as it does.

[14] The Matāura River is one of New Zealand's premier lowland brown trout fisheries and is internationally recognised. That is reflected in the Water Conservation (Matāura River) Order 1997.

[15] The Water Conservation (Matāura River) Order 1997 (Matāura WCO) is relevant to the application and restricts the granting of resource consents in some circumstance.

[16] The flow statistics for the Matāura River are a median flow of 56.8 m^3/second, a minimum flow of 10.1 cubic metres per second (m^3/s), a mean flow of 74.2 m^3/s, and a staggering maximum flow of 1,820.9 m^3/s.

[17] A number of point source and diffuse contaminant discharges are in the district including those from:

(a) The Gore township sewage discharge;

(b) The Matāura township discharge of sewage about four kilometres upstream;

(c) The Fonterra Edendale plant;

(d) Diffuse run off from primarily highly productive agriculture in the Matāura catchment.

[18] The state of the environment water quality monitoring shows the following water quality characteristics in the reach beside the Matāura plant.

- Water temperature (between 2.3-23.2°C) and dissolved (DO) levels (>6 g/m^3) suitable for protecting river ecosystem health;
- Variable visual clarity (0.07m – 3.29m);
- Nitrate and ammonia concentrations which meet National Policy Statement for Freshwater Management 2014 (Freshwater NPS) Attribute State A or B for toxicity, but which exceed the relevant ANZECC (2000) 'physical and chemical stressor' trigger values which relate to nuisance plant growth;
- Nutrient indicators (e.g. Dissolved Inorganic Nitrogen (DIN) and Dissolved Reactive Phosphorus (DRP)) which regularly exceed the Ministry for the Environment periphyton guideline for protecting benthic biodiversity; and
- Very high *E.coli* concentrations which mean the Matāura River sits in the 'Red' Freshwater NPS Attribute State for *E.coli*.

[19] Information from LAWA (Land, Air, Water Aotearoa) website relaying data from the monitoring site downstream from Matāura Bridge, indicates the Matāura water quality is:

(a) In the worst 25% of all lowland rural sites in New Zealand for *E.coli*, clarity, total nitrogen, total oxidised nitrogen, ammoniacal nitrogen;

(b) In the worst 50% of the lowland rural sites for total phosphorous; and

(c) In the best 50% of all lowland rural sites for dissolved reactive phosphorous.

[20] The Matāura River is in a degraded state.

[21] The Matāura River flows into the Toetoes Estuary. That is a tidal lagoon and is part of the Awarua-Waituna wetland complex which is one of the largest wetland complexes in New Zealand and an international Ramsar site.

[22] The Matāura River has a statutory acknowledgement under the Ngāi Tahu Claims Settlement Act 1988. Schedule 42 of that Act states:

> "*The Matāura was an important mahinga kai, noted for its indigenous fishery. The Matāura Falls were particularly associated with the taking of kanakana (lamprey). The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Matāura, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.*
>
> *The mauri of the Matāura represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.*"

Section 3 - The economic value of the enterprise to the community

[23] The Matāura Meat Processing Plant was established in 1893. The Plant provides Alliance with its only processing capacity for cattle within the Southland region. Without the plant, Southland livestock would need to be processed outside the region with consequential costs.

[24] The latest estimate (December 2018) is that the Plant has an insured value of $225 million with most of that value sunk into the capital infrastructure that cannot be recovered if the plant closed or relocated.

[25] In 2017/2018 approximately 143,000 cattle were processed with the stock sourced evenly between Southland and Otago/Canterbury.

[26] The community that benefits most from the Matāura plant is the people of Gore. It has a population of 12,500. Employment data demonstrates the high reliance on the agricultural sector.

[27] The Matāura Meat Processing Plant employs up to 500 full time salaried staff and seasonal workers at the peak. This equates to 340 full time equivalent jobs. The Plant pays $22 million in wages and salaries per annum and other expenditure for goods and services. The economic multipliers demonstrate a much more sizeable contribution from that expenditure benefitting the regional economy.

[28] It is not surprising therefore that there is a high level of support within the community for the application. That is demonstrated by the evidence of Mr Richardson and also the many submissions lodged in support.

Section 4 - The major issues in contention

[29] By the time this matter came to a hearing the issues had considerably narrowed. Many of the original submitters had withdrawn their right to be heard without resiling from the aims of their submissions. That change in the hearing landscape is testament to the extensive work that was undertaken on behalf of the Alliance by its employees and consultants. The submissions in opposition were received from the Department of Conservation, Fish & Game New Zealand – Southland region, Hokōnui Rūnanga -Aukaha and Te Rūnanga o Ngāi Tahu. Of that group only Hokōnui Rūnanga-Aukaha appeared and their position is addressed later in this decision.

[30] The major issues in contention therefore at the hearing were the following:

(a) The timing of the disinfection plant to address *E.coli*;

(b) The timing of the biological treatment upgrade to address total suspended solids, biological oxygen demand, ammoniacal-nitrogen, total nitrogen and dissolved inorganic nitrogen;

(c) The scale and extent and significance of the cultural impacts of the discharge of wastewater from the meat processing plant on tangata whenua;

(d) Alternative discharge receiving environments; and

(e) The length of the term of consent.

[31] The Applicant initially sought 25 years. Mr Mayhew recommended 10 years. In a letter dated 24 November 2020, Hokōnui Rūnanga said that the 10 year consent recommended by Mr Mayhew was supported by the Hokōnui Rūnanga.

Section 5 - The conditions offered by the Applicant and how they framed the matters in contention

[32] Mr Adrian Low, the planner for the Applicant did an excellent job of making a step change to the conditions of consent to better respond to these submissions. In addition, he reflected on some innovative ways in which to implement mana whakahaere. That included giving Hokōnui Rūnanga agency in the design of processes to assess the feasibility of alternatives.

[33] The suite of conditions prepared by Mr Low and their arrangement as part of a staged programme framed the application and provided us with confidence that the implementation of the Proposal will occur appropriately.

Section 6 - Assessment of adverse effects other than cultural effects

Effects on water quantity

[34] The sustainable flow regime for the catchment is set by the Matāura WCO. The Applicant proposes that the water takes will be in accordance with that flow regime. Monitoring of the water takes is limited to recording the volume (cooling water) and rate (process water) of take, which reflects the minimal risk of adverse effects to the flow regime.

[35] The take of water for cooling and processing will result in no net loss of water in the catchment. Water flows will be reduced for a short 100 m section below the weir, but it is agreed there is not a high risk of adverse effects. Conditions are proposed requiring the Applicant to implement a 'Low Flow Contingency Plan' to minimise water abstraction during times when flows are less than 20 m^3/s[4]. The Plan includes actions to ensure 0.05 m of water passes over the centre of the weir during low flow conditions, water reduction methods are implemented and an independent audit of water saving measures undertaken at the Plant in the event minimum flows fall below 10 m^3/s.

[36] The water volumes sought are to provide for peak water needs and to respond to potential changes in hygiene and market requirements. The Applicant has volunteered conditions requiring implementation of a 'Resilience and Water Saving Strategy' within the

[4] It was proposed that flow is measured in the Mataura River at Environment Southland's Tuturau recording site. However, we were informed in the Applicant's closing submissions that this site is no longer in operation and that an equivalent flow at the Gore recorder site had been suggested for the purposes of this condition.

first three years of the consent aimed at ensuring efficient use of water and investigating use recycled water to create 'white water'.

[37] We note that the Applicant is required to reduce takes during times of low flow, but is not subject to a flow 'cut off'. The s42A Report noted that Environment Southland hydrology staff advised the 'pinch point' for water allocation is in the upper catchment above the Applicant's site.

[38] Overall, we concur with the conclusions of the s42A Report that water flows will be allocated and managed to meet the specified flow regimes of the Matāura WCO. We also accept that river flows in the stretch of river between the weir and the downstream discharge points will be maintained by ensuring at least 0.05 m flows over the weir in times of low flow and implementation of a 'Low Flow Contingency Plan'. We note that most of the water take is agreed to be 'non-consumptive' use and that the water is returned to the river, by way of wastewater discharges. We accept that the volume of the water takes, relative to the volume of the river, is small and that under normal flow conditions is unlikely to result in any adverse effects on water flows. Based on the evidence provided, we find the water takes are likely to have a minor effect on river flows given the non-consumptive use and relatively small reach of the river affected.

Effects on water quality

[39] The effects of the discharges on water quality in the Matāura River and the Toetoes Estuary were assessed in the Freshwater Solutions Ltd (2019)[5] report, s42A Report and technical reviews, and in the evidence of Mr Richard Montgomerie, a Freshwater Scientist at Freshwater Solutions Ltd for the Applicant, and Dr Peter Wilson, a Senior Water Quality Scientist at 4Sight Consulting Ltd for the Council.

[40] We note that there is agreement that the discharge of cooling water would have less than minor effects on the receiving waters, outside the zone of reasonable mixing. The

[5] Freshwater Solutions Ltd. (2019) *Assessment of the Effects of Alliance Mataura's Discharges and Water Take on Mataura River and Toetoes Estuary* by Richard Montgomerie, Nick Carter and Mike Fitzpatrick (dated 16 May 2019).

focus of our assessment on water quality effects is therefore on the discharge of processing wastewater.

[41] There was agreement that the wastewater discharge would have less than minor effects on the receiving water in relation to temperature, acidity (pH), dissolved oxygen (DO) and biological oxygen demand (BOD). It is agreed that total suspended solids (TSS) ammoniacal-nitrogen (N) and total nitrogen (TN) and *Escherichia coli* (*E. coli)* concentrations are significantly increased downstream of the discharge (except in high river flows) and should be the focus of future improved treatment.

[42] There was agreement regarding the existing water quality of the receiving environment (without the Applicant's discharges), with all parties acknowledging that the Matāura River is currently in a highly modified and degraded state. The evidence shows the river has high nutrient enrichment and that periphyton cover has been below the MfE periphyton guidelines[6] at all sites during all surveys between January 2012 and March 2019. We note that MCI scores above and below the discharge are close to the pSWLP guidelines and the NPS-FM bottom line of 90, which reflects the cumulative effect of nutrient inputs and adverse impacts on periphyton and benthic invertebrate community health.

[43] Nitrogen and phosphorous concentrations and loadings need to be considered to address nutrient enrichment and ecological degradation in the receiving water and the Toetoes Estuary. We note that the pSWLP water quality standards do not include receiving water limits for DIN (ammoniacal-nitrogen, nitrate-nitrogen and nitrite-nitrogen) and DRP. However, we accept the evidence shows there is very little difference in the upstream and downstream concentrations in DIN and DRP; and that periphyton surveys undertaken from 2013-2018 indicate the discharge is unlikely to be stimulating nuisance algal growths, despite the relatively high nutrient concentrations in the receiving waters. We note the March 2019 periphyton survey indicates the potential for periphyton growth to reach nuisance levels (both upstream and downstream) during high temperatures and a long accrual period. We accept accrual period is a major driver of periphyton biomass. In light

[6] Ministry for the Environment (2000) Stream periphyton monitoring manual

of the effects of climate change, this highlights the need to reduce nutrient inputs across the catchment to avoid nuisance growths.

[44] Most of the river is subject to high *E. coli* concentrations with a lot of the catchment currently sitting in the 'Red' NPS-FM attribute state for microbial contamination. We address this further below in relation to effects on public health.

[45] After implementing the proposed UV treatment *E. coli* concentrations downstream of the discharge will be similar to, or less than, background levels in the river. Given the significant adverse effect of the current discharge on *E. coli* concentrations downstream of the discharge, particularly in low flow conditions during the bathing period, we consider it is appropriate to implement the UV treatment within three years of the commencement of the consent as proposed.

[46] We are mindful that this upgrade will only address bacterial contamination and that the current concentrations and loading for other contaminants will not reduce until the proposed biological treatment system is implemented within 15 years. We note that river flow rate and variability strongly influence receiving water quality impacts through dilution; and that dilution rates and apportionment of flows were used to predict what the proposed upgrade will mean for the receiving waters. In light of this, we ask Dr James to provided us with a revised Table 3 from his evidence showing the ammoniacal-N, DIN and DRP concentrations downstream under varying flow conditions at the current level of treatment. Updated Table 3 from Dr James' statement of evidence shows ammoniacal-N and DIN concentration downstream of the discharge will have more than minor effects on water quality in low flow conditions until the proposed biological treatment system is implemented.

[47] We accept the proposed implementation of a biological treatment system within 15 years will result in significant reductions in ammoniacal-N, BOD, TSS, TN and DIN. We note Clause 7(a) of the WCO requires the discharge to be 'substantially free' of suspended solids, grease and oil. We accept the upgrade will significantly reduce TSS downstream of the discharge.

[48] We accept that the proposed upgrade within 15 years will also result in further significant improvements in bacterial contaminant concentrations. We acknowledge that ongoing improvements in the receiving waters after 15 years will depend on improvements throughout the wider catchment in conjunction with improvements in the discharge quality. We accept this is required by the NPS-FM 2020 and must assume this will be the case.

[49] We note Dr Wilson's concerns that the discharge showed an increasing trend for TSS concentrations of 2 g/m^3 during the period 2012 and 2019; and a 27% increase in TSS downstream of the discharge. He stated that if the Plant was to discharge up to the maximum discharge volume of 8,000 m^3/day, the contaminant load could be 48 percent higher. He acknowledged the proposed biological treatment system would substantially reduce TSS concentrations closer to upstream concentrations.

[50] We consider Dr Wilson's point about contaminant loads is important given the evidence shows the median discharge volume has increased from approximately 3,000 m^3/day for the 2012/13 to 2016/15 period, to 4,418 m^3/day for the 2017/18 season, to 5,014 m^3/day for the 2018/19 season. That demonstrates the importance of compliance with the maximum discharge volumes and measurement of discharge volumes to enable the calculation of nutrient loads when necessary.

[51] Overall, we find that the wastewater discharge is having adverse water quality effects that are clearly more than minor and are potentially significant in periods of low flow; and that the degree of contribution to the cumulative catchment nutrient loads and associated effects in the receiving waters is more than minor.

Effects on public health

[52] The public health risk of significantly elevated *E. coli* concentrations from the discharge at the Matāura Bridge were assessed in the Quantitative Microbial Risk Analysis (QMRA) undertaken by Streamlined Environmental Limited (2019b)[7], the s42A Report and in the evidence of Dr Chris Dada, an Environmental Health Microbiologist at QMRA Data

[7] Streamlined Environmental Limited (2019b) Quantitative Microbial Risk Assessment for the discharge of treated meat processing factory wastewater into the Mataura River by Dr Christopher A. Dada (dated 21 May 2019)

Experts for the Applicant and Dr Marion Poore, a Chief Clinical Advisor at the Ministry of Health for the Council.

[53] *E. coli* concentrations increase significantly downstream of the discharge and reduce gradually downstream with distance from the discharge. We note that monthly samples collected by Environment Southland from September 2018 to August 2019 show concentrations exceed the New Zealand single sample bathing water standards of 260 colony forming units per 100 millilitres (CFU/100ml)[8] on all occasions downstream of the discharge, which would trigger daily sampling (NPSFM 2020 Clause 3.27) during the defined bathing period and signage warning of the health risk. We note that councils are required to monitor primary contact sites, such as at the Matāura Bridge, and to implement public health management responses where *E. coli* concentrations are above 540 CFU/100ml[9]. These obligations apply regardless of the pathogen risk.

[54] We agree with Dr Wilson and Mr Mayhew's conclusion that based in the results of a summary of monthly *E. coli* sampling results collected by the Council that it is likely that signage would be required at the Matāura Bridge bathing site for most of the bathing season. We consider this has significant implications for the Council and management of the Matāura Bridge bathing site.

[55] We do not accept that the public health risk is addressed by undertaking a QMRA based on a limited number of pathogen samples taken over four months. We consider use of *E. coli* concentrations as appropriate faecal indicator bacteria (FIB) is supported by the planning framework and water quality standards.

[56] It is clear from the 18 pathogen samples, taken over a four-month period during summer, that wastewater from the Plant contains viruses and protozoa with the potential to impact human health. We acknowledge that this risk needs to be considered within the context of the Matāura River, including contact recreation use and proximity to the downstream bathing site at the bridge.

[8] NPS-FM (2017) River Attribute States for *E. coli* 5-year median.
[9] NPS-FM (2017) River Attribute States for *E. coli* 95th percentile.

[57] We also acknowledge that we are required to look at the effects of the discharge itself and in combination or cumulatively in the receiving water. We note that the discharge results in substantial increases of *E. coli* concentrations at the Matāura Bridge and that exceedances in the water quality standards are common. We acknowledge that upstream levels of *E. coli* can be high, particularly after rain, but note that downstream levels are typically seven times greater than upstream. There are also times when dilution is low due to low river flows and we note that these times are likely to coincide with times of higher recreational use at the bathing site by the bridge. We consider this is a significant adverse effect on the concentration of faecal bacteria in the Matāura River and increases the health risk to contact recreation at the Bridge bathing site.

[58] We agree with Dr Poore that the best practical option is to minimise the health risk as soon as practically possible through the implementation of further wastewater disinfection treatment. We note that significant reduction (by approximately three orders of magnitude – 1,000 times) is expected following implementation of UV treatment and that after implementation of biological treatment *E. coli* would be similar to or less than background levels.

[59] We are pleased that the Applicant has given the timing of the implementation of disinfection (such as ultra-violet) further consideration since the adjournment and has agreed to commissioning this within three years of the commencement of consent rather than undertaking further pathogen analyses. Mr Christensen confirmed this in the Applicant's closing submission as follows:

> *[15] However, on reflection Alliance has determined that taking this extra step is somewhat pointless. The reality is that even though the best science suggests there is no elevated health risk associated with the discharge, the national system for assessing human health risk in these situations is at present tied to the use of E.coli and the levels of E.coli in the discharge and in the receiving environment are high.*
>
> *[16] In view of this reality Alliance has determined that the best course of action is to accelerate the commissioning of disinfection. Alliance has therefore reassessed its wider capital commitments and investment programme as described to you by Mr Wiese, and is now happy to volunteer to have disinfection of the wastewater stream commissioned within three years of commencement of the new wastewater discharge consent, provided the consent is granted subject to the other proffered conditions, including the consent term of 25 years. This is reflected in*

proffered condition 13 of the treated wastewater discharge permit attached.

[60] We find that that the potential adverse effects of the wastewater discharge on public health are more than minor (and potentially significant) until further disinfection treatment is implemented and minor once the biological treatment is implemented.

Effects on ecology

[61] The existing ecology of the Matāura River and the Toetoes Estuary was described in the application and in the evidence of Mr Montgomerie. The ecological effects of the wastewater discharge were assessed in the Freshwater Solutions Report (2019), s42A Report and in the evidence of Dr Mark James, an Aquatic Ecologist for the Applicant and Ms Keren Bennett, a Principal Ecology Consultant at 4Sight Consulting Ltd for the Council.

[62] It is common ground that the Matāura River and the Toetoes Estuary are degraded due to excessive nutrient inputs. It is agreed that concentrations of contaminants and total contaminant loads

River Ecology

[63] The New Zealand Freshwater Fish Database (NZFFD) lists 12 fish species recorded in the Matāura above the Matāura Falls[10]; and 15 species downstream of Matāura Township[11].

[64] It is agreed that the Matāura Falls present a significant natural barrier to most of these fish species, except for the most adept climbers. It is also agreed that the existing weir structure for the diversion of water also presents challenges for fish passage, albeit upstream of the natural falls.

[65] We note the significant ecological value of the river and its importance to tangata whenua and the recognition of their customary practices and food gathering through the

[10] Including the native shortfin and longfin eel/tuna, common and upland bully, galaxias southern, alpine galaxias, gollum galaxias, giant kokopu and lamprey/kanakana; and the presence of introduced species including brown trout, rainbow trout (one recording) and perch. Statement of Evidence Richard Montgomerie.

[11] Including 13 native species (shortfin and longfin eel/tuna, torrent fish, lamprey/kanakana, gollum galaxias, galaxias southern, red fin bully, common bully, upland bully, common smelt, Koaro, giant kokopu and inanga) and introduced brown trout and perch. Statement of Evidence Richard Montgomerie

establishment of a Mātaitai reserve extending approximately three kilometres upstream and five kilometres downstream of the Plant.

[66] We note that the Matāura River as a nationally outstanding fisheries and angling amenity, as outlined in the WCO. We agree with Mr Mayhew that the presence of large numbers of brown trout and seasonal migration of brown trout and salmon indicates that water quality in this section of the river is suitable for supporting salmonoids, which are among the most water quality sensitive species present in New Zealand.

[67] The discharges are unlikely to cause any adverse chronic or acute effects on ecological communities, outside the zone of reasonable mixing, given the aquatic species present in the receiving waters.

[68] We accept the evidence of Dr James that since 2012 there has been an improvement in the downstream Macroinvertebrate Community Index (MCI) scores and that there is no evidence that the discharge is having an adverse effect on aquatic macroinvertebrate communities.

[69] We note that *Deleatidium* sp. (mayflies) abundance is shown to be variable between sites and across surveys, but has tended to be lower at downstream sites. We note the significant difference between the upstream site and the downstream site in February 2019 and the acknowledgment by Dr James and Ms Bennett at the hearing that this was during a prolonged period of low flows when the river was under stress. Both experts agreed the invertebrate communities at the downstream sites had responded earlier than the upstream site, but that this was followed by a similar decline in the abundance of *Deleatidium* sp. at the upstream sites, which indicated wider environmental stressors on the river and not directly related to the discharge. We accept the decline is not explained by periphyton cover or biomass, or ammoniacal-N concentrations and is more likely to reflect high river temperatures and a long accrual period.

[70] We accept the discharge is not having more than a minor effect on the receiving water temperature, pH, DO and BOD, which are critical to protecting aquatic life.

[71] Dr James addressed potential adverse effects on fish diversity and abundance due to effects on food resources (macroinvertebrates) and ammoniacal-N toxicity. He

concluded there was no evidence the macroinvertebrate community has been impacted by the discharge and noted it had in fact improved in recent years. He concluded that the change in ammoniacal-N from a NP-FM attribute State A upstream to State B downstream would have no impact on the sensitive species present in the receiving waters given there are no freshwater mussel species present. He noted various species of galaxiids and elvers can tolerate relatively high ammoniacal-N. He considered there was a 'low toxicity risk' to most aquatic species given the ammoniacal-N concentration and the fact the width of the river allows for passage of eels/tuna and lamprey/kanakana outside the discharge plume. He stated there was no evidence of toxicity restricting native fish populations and that lamprey/kanakana were regularly observed above the discharge at the falls. He considered that at worst the discharge would result in a behavioural response of avoiding the plume.

[72] Ms Bennett agreed there were unlikely to be any toxic effects outside the zone of mixing and that there were no gross indicators of adverse effects of aquatic fauna. However, she noted the proposed biological treatment would significantly lower ammoniacal-N concentrations and reduce the cumulative nutrient load to the Estuary. She noted the NPS-FM 2020 requires the improvement of water quality where it is degraded and therefore concluded the implementation of biological treatment should be implemented sooner than 15 years.

[73] Ms Bennett noted there was little information in the application on the effects on lamprey/kanakana or the effect of the weir structure on fish passage. However, she concluded that the use of the weir and the hydro races may better be considered in conjunction with the hydro schemes during reconsenting prior to the 2026 expiry of the two hydro schemes.

[74] We note that the WCO explicitly provides for the existing weir. We accept the adverse effects of the weir on fish passage can be mitigated by requiring a minimum flow over the weir, maintenance of the fish passage ladder at the weir's apex and implementation of an 'Elver Trap and Transfer Plan'.

[75] The Applicant is proposing to fit 2-3 mm screen mesh over all water intake pipes within 12 months of the commencement of the consent to reduce the potential for

entrainment and meet best practice standards. We were surprised this had not already been done, but accept this action will mitigate risks to fish.

[76] We accept the evidence of Dr James that TSS increases downstream of the discharge do not appear to be causing any ecological effects and that BOD concentrations were below the guideline of <2 g/m^3 for avoiding nuisance heterotrophic growths. However, we also note his explanation for these increases given the advent of *Microplasma bovis* and a general increase in processing space requirements from suppliers, which had increased the number of cattle being processed over the last two seasons. We are mindful that these processing changes have resulted in substantial increases in the total nutrients, TSS and BOD discharges annually over recent years. This highlights to us the importance of ongoing monitoring of any changes in ecological values, especially during periods of low flows.

[77] We note that ammoniacal-N and nitrate-N concentrations have the potential to be toxic to a range of aquatic species. We accept the evidence of Dr James that ammoniacal-N toxicity effects are unlikely given the localised effect and infrequent and brief low flow conditions. We note that ammonia toxicity and nitrate toxicity is not directly covered in the pSWLP or the NPSFM 2020, but that Appendix E of the pSWLP states there must not be destruction of aquatic life by reason of a concentration of toxic substances. We accept the evidence that the discharge is unlikely to result in any acute or chronic effect on aquatic biota.

[78] Dr James addressed water colour and clarity and noted that some species such as banded kokopu are sensitive to increased turbidity and reduced clarity. He highlighted turbidity levels as measured by NTU[12] in the NPSFM 2017 had been replaced by measures in visual clarity (as measured in metres using a black disc) in the NPSFM 2020. He stated that the river upstream and downstream of the discharge met the black disc distance of >1.78m for State A in the NPSFM 2020. He noted that the maximum reduction between upstream and downstream over the period 2012-2017 was 20%. He stated that measurement of colour (hue and brightness) using the Munsell test in 2017-18 showed

[12] *Nephelometric Turbidity Unit*

only a marginal difference between upstream and downstream. He concluded there is not a conspicuous change in colour or reduction in clarity as a result of the discharge. He considered there would be no production of any conspicuous oils, grease films, foams and scums or floatable or suspended matter outside the existing 350 m compliance point (at the bridge). He noted the falls can generate foams above the point of discharge and that this should be taken into account during compliance monitoring.

[79] Dr James' evidence stated that a register was kept of conspicuous foams and scums during the 2017/18 processing season and that this showed that scums were observed upstream, normally just below the falls, and that on two occasions out of 14 occasions originated at or below the discharge. He noted that in one of the two occasion the Plant had not been operating. On this basis he concluded the discharge does not result in conspicuous foams or scums.

[80] Overall, we find than any adverse effects from the wastewater discharge on river ecology is likely to be minor, except in long periods of low flow conditions when the entire river is likely to be under stress.

Estuary Ecology

[81] The Toetoes Estuary forms part of the Awarua Plains Wetland Complex and supports a wide range of habitats including extensive mudflats and saltmarsh areas, with high native fish and avifauna values. We note that fine scale monitoring of the estuary in 2008-2009 concluded that water quality was 'moderately' degraded, with reduced clarity, elevated faecal coliforms and elevated nutrients. He noted significant losses of seagrass have been recorded since 2013, which is likely to be from macroalgal smothering and sediment impacts.

[82] It is common ground that the Toetoes Estuary is in a declining condition in relation to eutrophication from excessive nutrient inputs. It is the annual load of nutrient such as total nitrogen and total phosphorous that is critical to protecting its ecological health and life sustaining capacity of the estuary. It is acknowledged that all contaminant loads end up impacting the estuary and that subtidal algal growth is driven by high nutrient loads entering the estuary.

[83] It is agreed that the Plant currently discharges approximately 1-2% of the TN and approximately 1% of the total phosphorus to the estuary.

[84] The Applicant argued the nutrient loads are a very small contribution and that any adverse effect on the estuary is less than minor or negligible; and that ecological improvements in the receiving environment depend on catchment wide reductions.

[85] The Freshwater Solutions Report (2019) stated –

> *'The enriched and degrading nature of the Toetoes Estuary reflects the cumulative effect of nutrients from the Matāura River catchment. The total nitrogen discharge contribution to the 'Toetoes Estuary load from the discharge is 1.1 – 1.7 % and the estimated total phosphorus discharge contribution is 0.7 – 1.3 % with the vast majority of total nitrogen and total phosphorus load entering Toetoes Estuary being derived from other catchment inputs particularly diffuse sources. Even a marked reduction of the discharge total nitrogen and total phosphorus loads would have little, if any, detectable effect on the nutrient status of the Toetoes Estuary. However, Alliance will need to reduce its levels over time as part of catchment wide initiatives to improve water quality.' (page iii).*
>
> And
>
> *'The discharge does contribute to increased ammoniacal nitrogen and total nitrogen which will contribute to higher loads and lower water quality downstream but the contribution of the loads reaching the estuary are negligible compared to the wider catchment.' (page v).*

[86] We agree that catchment wide reductions are required to address enrichment and degradation in the Toetoes Estuary. However, we do not accept that the estimated contribution of TN (1.1-1.7%) and TP (0.7-1.3%) from the Plant is 'negligible' given the large size of the catchment (5,200 square kilometres). While we accept there is unlikely to be measurable improvements in the ecological health of the Toetoes Estuary from reductions of nutrient inputs from the Plant, without catchment wide reductions, we consider point source discharges must lead the way in achieving significant reductions. We acknowledge

that the Applicant has made significant progress in reducing TP, but that further reductions TN depend on implementation of a biological treatment system.

[87] We note that implementation of the proposed biological treatment (within 15 years of the commencement of the consent) will reduce the concentration of TN in the discharge by approximately 68% and annual loading by approximately 50% relative to present levels. These are significant reductions in nutrient loads to the estuary. Such reductions in nutrients, in conjunction with wider reductions in nutrients within the wider catchment required by the provisions of the NPSFM 2020, will enable ecological existing degradation in the Toetoes Estuary to be addressed.

Assessment of adverse cultural effects

[88] Submissions were received, in opposition, from Te Rūnanga o Ngāi Tahu and Hokōnui Rūnanga. Te Rūnanga o Ngāi Tahu as the statutorily recognised representative tribal body of Ngāi Tahu Whānui, works with respective Papatipu Rūnanga who uphold the māna whenua and māna moana of their respective rohe as detailed in settlement legislation.

[89] Te Rūnanga o Ngāi Tahu submission noted the Treaty relationship as delegated from the Crown in the management of natural and physical resources, the kaitiaki role and as such the responsibilities afforded through whanaungatanga. The submission drew attention to the importance of the Matāura River for mahinga kai and the establishment of Matāura Te Awa Mātaitai and the presence of Te Au-Nui-Pihapiha-Kanakana (Matāura Falls) located in the middle of the 10 kilometre-long Mātaitai reserve.

[90] Te Rūnanga o Ngāi Tahu position is to support the submission of Hokōnui Rūnanga in its entirety and adopt it as their own. Te Rūnanga o Ngāi Tahu withdrew from appearing and in doing so reiterated its support of the position of Hokōnui Rūnanga.

[91] Hokōnui Rūnanga submission noted they carry the responsibilities of māna whenua and the role of tangata tiaki and as such seek decisions that –

> *"…meet Ngāi Tahu standards of cultural health, recognising and providing for Ngai Tahu rights, interests and values associated with the Matāura River and Te-Au-*

Nui-Pihapiha-Kanakana, respecting Te Māna o te Wai, and providing for a path that others can follow."

[92] Three Cultural Impact Assessments were prepared and presented with the application, the first by Te Ao Marama Incorporated and the remaining two by Aukaha. These are to be seen as complimentary and to be read together. A pre-hearing meeting occurred on 30 September 2020 in which representatives from Hokōnui Rūnanga and Te Rūnanga o Ngāi Tahu attended.

[93] The submission noted that ongoing dialogue between Hokōnui Rūnanga and Alliance Group Limited was still occurring. The outcome of the ongoing engagement being a distilling of concerns as presented at the hearing by Mr Parata, these being –

- Term of consent and move to alternative land based discharge;
- Protection of the health and mauri of water;
- Impacts on mahinga kai practices; and
- Memorandum of Understanding.

Effects on cultural values and relationships

[94] Te Rūnanga o Ngāi Tahu and Hokōnui Rūnanga refer to the statutory acknowledgement within the Ngāi Tahu Claims Settlement Act 1988, schedule 42. This is discussed in section 2 of this decision and describes; the significance of the area to Ngāi Tahu Whānui as a whole, and the creation of the freshwater mātaitai.

[95] Te Tangi a Tauira is the recognised Iwi Management Plan for the area that lays out a policy framework for the management of resources within the Murihiku takiwā. It states –

"Water is a taonga, or treasure of the people. It is the kaitiaki responsibility of tangata whenua to ensure that this taonga is available for future generations in as good as, if not better quality.

Water has the spiritual qualities of mauri and wairua. The continued well-being of these qualities is dependent on the physical health of the water. Water is the lifeblood of Papatūānuku, and must be protected. We need to understand that we cannot live without water and that the effects on water quality have a cumulative effect on mahinga kai and other resources."[13]

[96] Concerning the rivers that span the Murihiku, Te Tangi a Tauira makes reference to –

> *"Several major river catchments are located on the Southland Plains, including the Aparima, Ōreti, Matāura, and Waiau. These rivers flow from ki uta ki tai, from mountain to sea, and are connected to numerous tributaries, wetlands and waipuna, as well as the groundwater that nourishes the catchment from below. They are part of Ngāi Tahu ki Murihiku history and identity. While the last 165 years have resulted in significant changes to these rivers, their importance has not diminished.*
>
> *Many of the waterways of the Southland plains have specific cultural associations. They are known for an abundance of mahinga kai, used for a specific purpose, or associated with a specific ceremony or ritual. Waterways may be considered wāhi tapu (i.e. associated with urupā or with an activity or occurrence considered tapu), or wāhi taonga (general site of cultural significance). The Ōreti, Waiau, Aparima, Matāura, Pomahaka and Mata-au / Clutha are Statutory Acknowledgement areas under the NTCSA 1998 (Schedules 50, 69, 15, 42, 52 and 40), providing for the special association of Ngāi Tahu with the rivers.*
>
> *The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Southland rivers, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable*

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[13] *Pg. 147 Te Tangi a Tauira - Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008*

> *utilisation of resources. All of these values remain important to Ngāi Tahu ki Murihiku today[14].*

[97] The Cultural Impact Assessments provided as part of application outlines the relationship of Ngāi Tahu with the Matāura River, including the long history of occupation and use, and all the values of the river related to social organisation, traditional economy, cultural practice and cultural association. The submission states –

> *"There is a fundamental relationship between the well-being of the river, the surrounding environment and māna whenua, linked through whakapapa and manifested in enduring mahinga kai practises."[15]*

[98] The Cultural Values Assessment provided by Te Ao Marama Incorporated on behalf of Hokōnui Rūnanga provides context to the relationship with water.

> *"Water is central to all Māori life, it was one of the first elements in the universe. It is a taonga (treasure) left by ancestors to provide and sustain the health of the environment and the people. The importance of water is due to its use in habitat, cultivation, harvesting, manufacturing and transport as well as for human consumption. Water features in all aspects of Māori culture, water provides a link between the spiritual world of tupuna (ancestors) and tangata whenua. Each whānau has its own traditions associated with areas and certain waterways can be valued and/or protected for particular cultural reasoning, e.g. different taonga species. In some cases these specific resources serve as cultural symbols of a region. For example, the Matāura River is well known for being abundant in Kanakana."[16]*

[99] The Cultural Impact Assessment prepared by Aukaha dated 1 August 2019, provides further context as to the relationship referencing, the importance of Te Au-Nui-Pihapiha-Kanakana as a place for carrying out mahinga kai practices associated with harvesting kanakana, the strategically placed settlement of Tuturau, approximately six kilometres

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[14]Te Tangi a Tauira 0- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008, pg. 148.

[15] Hokōnui Rūnanga submission dated 29 November 2019, para. 1.2.

[16] Cultural Impact Assessment – For Alliance Group Ltd Mataura 2019 Discharge Consents, Stevie-Rae Blair, June 2019

downstream, and its reliance on mahinga kai and the use of the river and its associated tracks.

Evidence for tangata whenua

[100] At the hearing, Mr Ricky Parata appeared on behalf of Hokōnui Rūnanga. Mr Parata provided context and greater understanding as to the position of Hokōnui Rūnanga and matters of concern.

[101] A key aspect of concern to Hokōnui Rūnanga was the term of consent. Initially Hokōnui Rūnanga sought a 5-year term of consent such that a full consideration of land based discharge be undertaken and implemented. The desire to remove discharges of contaminants from rivers is detailed in Te Tangi a Tauira, section 3.5.11 Policy 15 –

> "*avoid the use of rivers as a receiving environment for the discharge of contaminants (e.g. industrial, residential, recreational or agricultural sources).*"

[102] Mr Parata expressed that limiting of the term of consent was a means to which Hokōnui Rūnanga sought for Alliance to make improvements to the quality of the discharge, such that it would become suitable for land based discharge. This was in recognition that land based discharge could not be achieved at this time, but that progress towards this outcome was desired.

[103] Mr Parata noted that Hokōnui Rūnanga had proposed a 15-year term of consent in its last meeting with Alliance prior to the hearing, and that at that meeting Alliance was adamant a 25-year term was required. Mr Parata stated, as a matter of interest, the s42A Report recommended a 10-year term and that this recommendation from the Reporting Officer is supported by Hokōnui Rūnanga.

[104] Mr Parata provided perspective in regards to the position to protect the health of water and that of mauri. Again, these are clearly presented positions and issues in the submissions of Te Rūnanga o Ngāi Tahu and Hokōnui Rūnanga, and canvassed in the Cultural Impact Assessment and the policies detailed in Te Tangi a Tauira. In this regard, Mr Parata discussed the physical and metaphysical reasons for the stance of Hokōnui Rūnanga. He presented this in a series of questions –

> "*Mauri is life giving. Would you drink that discharge? Would you collect kai and eat at the point of discharge? What is your connection to the place of discharge? How does that activity make you feel about your connection to the place of discharge? Would you practice mahinga kai activities there? Do you feel safe in this place?"*

[105] Mr Parata discussed that understanding these aspects, informs and develops the perspectives of Hokōnui Rūnanga about the discharge into the Matāura River.

[106] In addition to the impact of the discharge on the health and mauri of mahinga kai and water, Mr Parata referred to the restrictions of access that also impedes the ability to undertake mahinga kai activities. These activities are primarily, but not exclusively, linked with access to and interaction with kanakana as tangata tiaki at the location of Te Au-Nui-Pihapiha-Kanakana. Mr Parata referred to discussions had with Alliance on this matter and potential access options that may be provided for these kaitiaki and mahinga kai practises to occur.

[107] Mr Parata referred to ongoing engagement and work being progressed with Alliance in regards to a Memorandum of Understanding as a means to provide a cultural overlay to options proposed.

Evaluation of adverse cultural effects

[108] We acknowledge the relationship of Te Rūnanga o Ngāi Tahu and that of Hokōnui Rūnanga with water and the site, and the importance of the health and mauri of water and the site. We accept the proposed activity will adversely affect these in such a way that mahinga kai practises will also be affected.

[109] Mr Parata acknowledged that improvements and upgrades have been made by Alliance, such that water use in the Plant has been reduced and quality of discharge has improved overtime.

[110] Mr Parata expressed that the formalisation of a relationship between Hokōnui Rūnanga and Alliance through a Memorandum of Understanding will provide a means for a cultural lens to be provided over proposed options, developing and implementing a cultural monitoring framework, and provision of safe access arrangements and protocols

to Te Au-Nui-Pihapiha-Kanakana. He considered that these actions would address majority of the concerns raised by Hokōnui Rūnanga.

[111] In closing submissions, Mr Christensen canvassed the scope of the Memorandum of Understanding which would provide Hokōnui Rūnanga ongoing involvement in the consideration of alternative methods, defining performance criteria and outcomes for the discharge and, the potential to influence the level of funding provided by Alliance for any such alternative methods.

[112] Mr Christensen submitted that Alliance accepts the ongoing discharge of treated wastewater to the Matāura River is a concern to tangata whenua and Hokōnui Rūnanga preference is for a shorter term consent. However, he noted that, at this time, no viable alternative method of treatment and discharge, and no alternative viable receiving environment have been identified.

[113] We were told that Hokōnui Rūnanga have had input in the development of the revised proposed conditions and accept these conditions, if a 25 year term is to be issued. Critical to this is the provision of a condition requiring a Discharge Method Review. This provides the means to investigate the future viability of options to avoid a direct discharge of wastewater to the Matāura River, such that Hokōnui Rūnanga have active participation in the review and the potential progression to land based discharge.

Positive effects of the Proposal

[114] The positive effects of the Proposal are the following:

(a) Continued economic activity playing a vital role in supporting the Matāura and Gore community; and

(b) A local facility for local farmers to conveniently process their stock.

Section 7- Alternatives

[115] Mr Azam Khan, a Principal Environmental Engineer at PDP provided a detailed analysis of the options for cooling and wastewater discharges into the river and compared these to the feasibility of options for discharges to land. He had assessed several options

ranging from full discharge to land for the waste stream, to discharges to the Gore wastewater treatment plant, or dual discharges to both land and water. Each option was costed. He concluded that there would be a requirement of up to 240 hectares of suitable contiguous land available within a reasonable distance of the plant to enable full land discharge.

[116] A technical review of the alternatives was undertaken on behalf of the Council by Ms Alice Andrew, a Principal Environmental Consultant at 4Sight Consulting Ltd.

Alternatives considered

[117] Mr Khan stated that the assessed area of suitable land is not available in the vicinity of the plant at the present time. In addition, he believed discharge to land would present significant risk of odour to surrounding areas. He noted that the alternative of utilising the Gore wastewater treatment plant showed that the facility did not have the capacity to treat such a significant volume of discharge. On this basis, his preferred option was the continued discharge into the Matāura River, with water reduction programmes, establishment of a UV treatment, further chemical treatment of waste prior to discharge, if necessary, and implementation of a biological treatment system within 15 years.

[118] Ms Andrews noted that the current treatment system was not best practice for treating wastewater and that an upgrade was appropriate, as soon as possible. She agreed the PDP investigations had demonstrated that removing the direct discharge to the river via a land-based system is not the best practical option. She accepted that proposed upgrades would move towards best practice and achieve significant reductions in nutrient and microbial contaminant loads.

Assessment of alternatives

[119] Given that there is no suitable land available for long term discharge of waste water within the vicinity of the plant at this time, we accept that this is not currently a viable option. Similarly, we accept that dual discharge to both land and water is not viable at this time and acknowledge this does not meet the aspirations of tangata whenua to remove the direct discharge to water. We accept that at this time the treatment facility at Gore does not have the capacity to treat the volume of waste water from the Applicant's

operation. According to the evidence from Mr Khan and Ms Andrew, continued discharge to water (the Matāura River) with further treatment of the waste water stream is the best practicable option.

Ongoing exploration of alternatives

[120] Hokonui Runānga provided a detailed submission but, decided not to be heard. Mr Parata spoke to the submission. It was acknowledged that the Applicant had engaged with the Runanga over time, but a resolution to the issue of discharge of waste water into a traditional source of mahinga kai had not been achieved. The Runanga recognised the difficulties around the discharge and the economic value of the plant in terms of employment to the local community. Mr Parata indicated that the desire of the runanga was to be actively involved in future discussions with the Applicant in an endeavour to resolve the issues over time. There was a statement from Counsel for the Applicant that this was the firm intention of the Alliance company.

Section 8 - National Policy Statement on Freshwater 2020 (NPSFM 2020)

Overview

[121] The NPSFM 2020 came into force on 3 September 2020. It is a 70 page document that contains considerable detail concerning the management of New Zealand's freshwater resources. Because the NPSFM 2020 comprehensively addresses a single resource domain i.e. freshwater and govern its management, we must regard the NPSFM 2020 as a definitive statement on freshwater sustainability implementing RMA Part 2.[17] The NPSFM 2020 introduces a "fundamental concept" called Te Mana o te Wai. The notion of a 'concept' in this context means a plan or intention. It is therefore consistent with goal-based planning and the characterisation of the concept as "fundamental" emphasises that it lies at the core of the plan. The concept is further explained in clause 1.3. The concept encapsulates the fundamental importance of water itself and as a connected element of the wider environment. It has a mauri that is to be protected. Hence clause 1.3(1) states

[17] The situation is equivalent to that described by the Supreme Court in New Zealand in *Environmental Defence Society Incorporated v. The New Zealand King Salmon Company* 2014 NZSC 38. In that case the Court treated the NZCPS as a complete expression of Part 2 applying to the coastal domain.

- "*Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment and the community*".

[122] The comprehensive nature of the NPSFM 2020 is emphasised by clause 1.3(2) that states:

> "*Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement*".

[123] Following from clause 1.3(3) the NPSFM states that Te Mana o te Wai encompasses six principles. The verb "encompass" connotes the idea the concept supports or holds within these principles. These principles do not define Te Mana o te Wai but inform both the meaning of the National Policy Statement, its fundamental concept and its implementation. The six principles are set out in clause 1.3(4) and are as follows:

(a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

(b) *Kaitiakitanga*: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations

(c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

(d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future

(e) *Stewardship*: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations

(f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

[124] These principles reflect strongly a bi-cultural perspective. The first three principles (clauses 1.3(4)(a) – (c)) represent roles and management philosophies to freshwater derived from the culture of tangata whenua. The principles in clause 1.3(4)(d) – (f) reflect a Pakeha perspective using principles from that cultural perspective. Each cultural principle has family resemblance to its equivalent in the other but they have different shades of meaning recognising the different cultural lenses.

[125] To emphasise that the principles have an order and priority, clause (1.3(5)) states:

> *"(5) 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".*

[126] This priority is reflected later in an Effects Management Hierarchy. That effects hierarchy is defined in clause 3.21(1) as follows:

> *"**effects management hierarchy**, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that 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".*

[127] It is plain from the concept of Te Mana o te Wai that the New Zealand Government considers that the balance between community use of water and freshwater values and its

impact on the wider environment is out of kilter. That reflects a well-recognised reality concerning the undesirable trajectory of decline in freshwater values in New Zealand.

[128] Implementing policies relevant to that journey of improvements include the following:

(a) *Policy 5:* Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies.

(b) *Policy 7:* The loss of river extent and values is avoided to the extent practicable. s and freshwater ecosystems is maintained and (if communities choose) improved.

(c) *Policy 13:* The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

[129] There is nothing in the NPSFM 2020 to suggest that achieving the appropriate balance can be done overnight. Quite simply, it cannot. Furthermore, the NPSFM 2020 recognises that it is not necessary to achieve a return to a pristine state but rather to avoid loss of extent and values and to restore the extent and values to the extent practicable.

[130] In development of the points set out above clause 3.3 requires councils to establish long-term visions for freshwater that set ambitious but reasonable goals. These goals will be informed by a national objectives framework that identifies freshwater management units, values and outcomes together with baseline states using attributes.

[131] To ensure the trajectory of improvement is achieved the NPSFM 2020's Appendices contain detailed attribute bands which provide scientific information about the state of water quality and its ability to support attributes and bottom lines. They also enable measurement of movements between attribute bands as indicators of restoration or degradation.

Debate concerning effect of clause 3.24 in NPSFM 2020

[132] Mr Mayhew, prepared the section 42A report for the Council. He did an excellent job of addressing what is a complex application that had to be evaluated against a dynamic policy environment including the new NPSFM 2020.

[133] Clause 3.24 of the NPSFM 2020 sits in Subpart 3 called "Specific Requirements". Clauses 3.22 and 3.23 refers to specific requirements for natural inland wetland and clause 3.24 concerns rivers. Clause 3.24 NPSFM 2020 states:

> *"(1) Every regional council must include the following policy (or words to the same effect) in its regional plan(s):*
>
> *"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."*
>
> *(2) Subclause (3) applies to an application for a consent for an activity:*
>
> *(a) that falls within the exception to the policy described in subclause (1); and*
>
> *(b) would result (directly or indirectly) in the loss of extent or values of a river.*
>
> *(3) …*
>
> *…*
>
> *(b) any consent granted is subject to conditions that apply the effects management hierarchy.*
>
> *(4) …*
>
> *…*
>
> *(b) have methods to respond if loss of extent or values is detected".*

[134] Mr Mayhew posed a question for Wynn Williams, the law firm representing Southland Regional Council, concerning whether or not that policy in clause 3.24(1) applied to the application.

[135] That question has significance for the following matters:

(a) Whether the avoidance direction in the Policy effectively operates as a threshold that must be achieved in order to grant consent;

(b) If it applies is the policy met by the Proposal?

(c) The evaluation of the application and the term of any consents.

[136] The Policy in clause 3.24(1) is expressed in directive terms. It requires the loss of river and extent and values to be avoided. The only exception is where the Council is satisfied that there is a functional need in the location and the effects are managed applying the effects management hierarchy. "Satisfied" in this context suggests information that adequately demonstrates that the exceptions apply.[18]

[137] The "Effects Management Hierarchy" is defined and that definition is already set out in this decision.

[138] "Functional need" is also defined in clause 3.21 and the definition means:

> "*the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.*"

[139] Wynn Williams provided an opinion in a memorandum dated 23 October 2020 that is Attachment 11 to Mr Mayhew's report. The key conclusions of that advice were:

(a) The text of the Policy in clause 3.24 is broad. It concerns any loss in extent or loss of values. Loss of values is also defined broadly in the NPSM 2020;

(b) Consequently, clause 3.24 should be interpreted as applying to all activities that may affect extent and values including takes and discharges. That is a preferable interpretation to a narrow interpretation which is that clause 3.24 only applies to physical changes in a river.

(c) A functional need must be demonstrated and that means that the activity can only locate in the river. Practical or economic matters are not relevant. The functional need in the NPSFM 2020 can be contrasted with the term

[18] See by analogy the interpretation of "satisfied" in *Westfield (New Zealand) Limited and Anor v. North Shore City Council and Anor SC CIV 4/2004 19 April 2005*.

"operational need" in the National Planning Standards where technical, logistical and operational considerations are relevant.

[140] Wynn Williams also made the point that given that this is an application for a new consent (even though referred to in ordinary environmental law parlance as a "renewal") therefore the environment should be assessed based on the fact that the activity is not occurring in the river. That follows the decision of the High Court in *Ngati Rangi Trust v. Manawatū-Whanganui Regional Council*[19].

[141] The Panel questioned Mr Doesberg from Wynn Williams at length about the advice and the application of the Policy in clause 3.24. Initially the Panel was sceptical as to whether or not the Policy was intended to apply to takes and discharges as opposed to activities that change the morphology of the river and hence its extent. The reasons for scepticism were the following:

(a) The conjunctive of the first words of the Policy in the first clause *"the loss of river extent <u>and</u> values*";

(b) Conceptually "functional need" is applied in the context of large horizontal infrastructure and its alignment which sits comfortably with controlling the in-river morphological changes;

(c) It seemed implausible that the New Zealand Government would set such a restrictive policy that had immediate effect when:

(i) Many existing discharges require a new consent. Parliament directs that that existing investment must be considered. In such cases choices about a discharge or take can be limited;

(ii) The process of restoring freshwater values is seen in the NPFSM 2020 as a process occurring over time rather than immediately.

[142] It is unsatisfactory that such an important document is not clear on the scope of such a directive policy that applies immediately. We consider that the Wynn Williams

[19] *Ngati Rangi Trust v. Manawatū-Whanganui Regional Council* [2016] NZHC 2948.

interpretation that the Policy in clause 3.24 applies to takes and discharges as well as morphological changes in the river stem is a respectable view and may be correct. We have therefore decided to apply it in that way but with less stringency concerning the exceptions because we do not agree with that aspect of Wynn Williams' interpretation.

[143] As mentioned above the definition of "loss of value" in clause 3.21 and states:

> *"**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) any value identified for it under the NOF process; 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) Maori freshwater values*
>
> *(v) amenity".*

[144] We must, therefore, be satisfied that Alliance has demonstrated a functional need for that activity and that the application is applying the Effects Management Hierarchy. Concerning "functional need", we consider that the Wynn Williams' interpretation that excludes logistical and practical considerations is too narrow. The key question of the definition of functional need" is whether the Proposal can *"only occur in that environment*". The adverb "only" is the key determiner of whether or not there is a functional need and that adverb needs to be practically and reasonably applied. We see no reason why a judgment of "functional need" cannot be determined based on whether or not that operation of the activity can reasonably and practically occur in any other way than by means of a discharge to river.

[145] We are satisfied based on the technical evidence that there is no practical means for managing the wastewater of the Matāura Meat Processing Plant other than by discharge to the water. We recognise that the existing infrastructure is already present and therefore the only other alternative (land-based discharge) must be considered based on the practicability of discharging to land from that plant. A land-based discharge is not feasible.

[146] Concerning the "Effects Management Hierarchy", we consider that broadly the Effects Management Hierarchy is being implemented by Alliance's Proposal. All of the elements of the definition of "Effects Management Hierarchy" have qualifiers such as "where practicable" or "not appropriate" or "where possible". These terms take on a special meaning in respect of a facility that is existing. The achievability of the Effects Management Hierarchy is governed by considerations that inform the reasonable rate of change necessary to implement the hierarchy.

[147] The following factors are relevant:

(a) The work required to implement improvements;

(b) The capability of operating the plant while implementing the improvements;

(c) The impact of the cost of the improvements on the Applicant.

These are all matters relevant to whether or not the Effects Management Hierarchy is achieved by the proposed degree and rate of improvements in treatment and thus water quality.

[148] Based on these factors we are satisfied that the Proposal with its staged improvements broadly implements the Effects Management Hierarchy.

Our reflections on the significance of the NPSFM 2020

[149] The NPSFM 2020 is a transformative planning document for freshwater. We consider that we are required to give it significant weight. It informs us on what trajectory the Matāura facility should be on to achieve the concept of Te Mana o te Wai. We must however always remain mindful that as a new planning document our expectations must be tempered by factors that inform reasonableness and practicability of implementation.

[150] Achieving environmental justice must involve recognising that existing activities (if they fall short of ideals) must be stewarded into a configuration that better achieves the desired goal. In that way collateral damage to people and communities from an unreasonable pace of change is avoided. A holistic and integrated approach must consider all factors even if they are not of equal weight or importance.

[151] The NPSFM 2020 raises the possibility that there will be a significantly different planning framework for management of the Matāura River than exists at present. Mr Mayhew placed great significance on that when recommending a 10 year term. We address that issue in the context of evaluating the term of the consent. However, the prospect of a new planning framework does not mean that large existing infrastructure requiring large capital works should have a shorter consent term that does not reasonably recognise the need for security of consent. All human activity is influenced by "incentives" and it would not be good policy to disincentivise restoring the balance between community use and freshwater health by imposing shorter term consents without regard to the implications on the people and business operating the activity. Shorter term consents might be justified where there is high levels of uncertainty about the potential effects or uncertainty as to the sufficiency of the response but that is not the case here.

Section 9 - Approach to assessment of an appropriate term for consent

[152] Alliance applied for a term of 35 years which is the maximum permitted under the RMA.[20] Many of the Submitters supported this term. Alliance modified its position after consultation with Hokōnui Rūnanga and now requests a 25 year term. That approach pays deference to the Iwi Management Plan *"Te Tangi a Tauira – the Cry of the People*" that says that discharges should not be granted for terms longer then 25 years. Policy 18 of Te Tangi a Tauira states:

> *"Recommended duration not exceeding 25 years, for discharge consents relating to wastewater disposal, with an assumption that upon expiry (if not before) the quality of the system will be improved as technological improvements become available. In some instances, a lesser term may be appropriate, with a condition requiring the system is upgraded within a specified time".*

[153] The significance of 25 years for tangata whenua is also that reflects a human generational construct where tangata whenua as kaitiaki want to see significant progress to achieving mātauranga Māori in the management of resources within a generation.

[20] RMA, s 123(d).

[154] The Director General of Conservation submitted a term of 15 to 20 years was more appropriate. Mr Mayhew, the reporting officer recommended 10 years in his report but accepted at the hearing that a longer term could be justified.

[155] The Operative and Proposed Regional Plans each contain policies concerning consent duration.[21] Policy 40 in the Proposed Southland Land and Water Regional Plan 2018 states:

> *"Policy 40 – Determining the term of resource consents*
>
> *When determining the term of a resource consent consideration will be given, but not limited, to:*
>
> 1. *granting a shorter duration than that sought by the applicant when there is uncertainty regarding the nature, scale, duration and frequency of adverse effects from the activity or the capacity of the resource;*
> 2. *relevant tangata whenua values and Ngāi Tahu indicators of health;*
> 3. *the duration sought by the applicant and reasons for the duration sought;*
> 4. *the permanence and economic life of any capital investment;*
> 5. *the desirability of applying a common expiry date for water permits that allocate water from the same resource or land use and discharges that may affect the quality of the same resource;*
> 6. *the applicant's compliance with the conditions of any previous resource consent, and the applicant's adoption, particularly voluntarily, of good management practices; and*
> 7. *the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the revised frameworks established in those sections".*

[156] The considerations in Policy 40 have a good pedigree in relevant case law. The case law that we have considered includes:

(a) *PVL Proteins Limited v Auckland Regional Council*[22];

(b) *Manawatū District Council v. Manawatū District Council*[23].

[21] These are Policies 14A in the Operative Southland Land and Water Regional Plan and Policy 40 of the Southland Land and Water Regional Plan 2018.
[22] *PVL Proteins Limited v. Auckland Regional Council* A61/2001.
[23] *Manawatū District Council v. Manawatū District Council* [2016] NZEnvC 53.

[157] The primary reason for Mr Mayhew recommending a 10 year consent in his report in section 3.96 (page 92 is as follows):

> *"The primary basis for the 10 year consent term I have recommended is to provide the opportunity for the resource consent to be reassessed in the context of the outcomes of the Matāura FMU/NOF process – recognising that this is a major industrial discharge to a river that has high cultural, recreational and ecological values. To grant a substantially longer consent term risks 'locking in' the discharge to the Matāura River for an extended period of time, with the potential to frustrate the implementation of the Matāura FMU/NOF process.*
>
> *The basis of my recommendation of a 10 year term is the assumption that the Matāura FMU/NOF process would be largely completed by 2026 (if note before), utilising the new freshwater planning process in the Act. This would then give Alliance a period of three to four years to plan for and implement any upgrades/changes required to give effect to the outcomes of the Matāura FMU/NOF process as the basis for a future consent application. This is consistent with the lead in time that the Applicant indicated was required to plan, fund and implement major plant improvements.*
>
> *I acknowledge that an alternative approach is to grant the consent for a moderate term, subject to review conditions that enable the discharge volumes and standards to be amended – and that this would provide greater certainty of continued operation for the Applicant. While I consider that this is a valid approach, in my opinion it has a greater risk that the current discharge to the Matāura River will be locked in for a longer period of time with potential implications for the implementation of the Matāura Catchment FMU/NOF process".*

[158] We assume that Mr Mayhew is satisfied after considering Policy 40 that all other relevant factors point strongly in favour of the longer term consent. If so, we agree with that assessment.

[159] We are not persuaded that the possibility that there may be higher levels of treatment of wastewater required later than what are required by this Proposal is a reason to give only a 10 year consent. Furthermore, an appropriately drafted review condition retains for the Council the option of reviewing the consent to bring it into conformity with any new freshwater management framework.

[160] We are therefore satisfied in all the circumstances that it is fair and reasonable to grant a consent for a term of 25 years.

Section 10 - Jurisdictional matters

Clause 7(1)(a) of the Water Conservation (Matāura River) Order 1997

[161] The Water Conservation (Matāura River) Order 1997 at clause 7.1(a) states:

> *"**7 Provisions relating to discharges***
>
> *(1) A discharge permit must not be granted and a regional plan must not be made for any discharge into the protected waters if the effect of the discharge would be to breach the following provisions and standards:*
>
> *(a) any discharge is to be substantially free from suspended solids, grease, and oil".*

[162] Wynn Williams in a memorandum dated 11 December 2019 (included as Attachment 11 to the section 42A report) considered the application and meaning of that requirement in clause 7.

[163] The first point is that they considered that that requirement operated as a jurisdictional bar to the grant of consent. We agree.

[164] Secondly, Wynn Williams considered that substantially 'free' means to be "for the most part or significantly not effected by" something. In giving that term practical means in the context of the presence of "suspended solids, grease and oil" in the Matāura River, Wynn Williams considered a number of cases under the Water and Soil Conservation Act 1967. They included *The Minister of Conservation v. District Council*[24] and *Huakina Development Trust v. Waikato Valley Authority*.[25]

[165] Wynn Williams considered that it was likely the proposed discharges are below the thresholds considered "substantially free" i.e. <150 g/m^3 of suspended solids and <75 g/m^3 of fats.

[166] We are satisfied that the discharges are substantially free of suspended solids, grease and oil for the purpose of clause 7 of the Water Conservation (Matāura River) Order 1997.

RMA, s 104D

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[24] *The Minister of Conservation v. District Council* A106/91, 8 July 1991 at p 17 – 18.
[25] *Huakina Development Trust v. Waikato Valley Authority* C19/86 [1986] NZPT 87.

[167] Mainly because of the interim effects (including *E.coli*) and the cultural impacts of the discharge we do not consider that the second gateway test in s 104D is met. The effects are not minor.

[168] However, we agree with the planning evidence we received from the Applicant and the Council that the Proposal is not contrary to the policies and objectives of the Operative Southland Water and Regional Plan. Therefore the matter can be considered under s 104.

RMA, s 105 and s 107

[169] Section 105 requires us to have regard to:

(a) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
(b) *the Applicant's reasons for the proposed choice; and*
(c) *any possible alternative methods of discharge, including discharge into any other receiving environment.*

[170] We have already assessed in detail the first of these matters above and will not repeat that assessment here.

[171] We have had regard to the Applicant's reasons for the proposed discharge.

[172] We have had regard to the Applicant's consideration alternative methods of discharge and discharge to land. We accept that at this point in time discharge to land is not practically or economically feasible. We are encouraged that the conditions provide for future reviews of alternative options throughout the term of the consent.

[173] Section 107 specifies that a consent authority shall not grant a discharge permit allowing the discharge of a contaminant or water into water if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of specified effects in the receiving waters, as set out in section 107(1)(c)-(g).

[174] The extent of the zone of reasonable mixing was the subject of discussion by the experts. We note agreement at the hearing closure that a 150 m mixing zone is reasonable for the purposes of assessing compliance with s107

[175] On the basis of the evidence, we conclude that with the imposition of conditions the discharges will not give rise to any of the effects set out in s107(1), after reasonable mixing, and that there is no barrier to granting the consents sought.

Section 11 – Conclusion

[176] We are satisfied that consent should be granted and we impose the conditions attached to this decision on the various resource consents. We regret that this important reach to Hokōnui Rūnanga cannot have its mauri restored fully by the terms of this resource consent. However, we are satisfied that the Applicant has made appropriate efforts to improve water quality and faced with the predicament of this existing plant and its important function in the community we consider that the level of improvements required in the consent conditions over the 25 year term is appropriate.

[177] We thank all parties for their positive contributions to the hearing. We especially wish Hokōnui Rūnanga and Alliance a fruitful relationship in working towards restoring the mana of the Matāura.

Section 12 – s108 Conditions and Best Practicable Option

[178] There was a high level of agreement regarding the final set of proposed condition provided with the Applicant's closing submissions. We appreciate the efforts made by the parties to revise these on the basis of matters discussed at the hearing. We acknowledge the time taken since the adjournment of the hearing reflects this collaborative approach and the need to consult with tangata whenua.

[179] We find the final set of proposed conditions to be practical, enforceable and appropriate to avoid, mitigate and remedy adverse environmental efforts; and sufficient to monitor these effects for the term of the consent.

[180] We address the small number of outstanding matters relating to the final wording of the conditions below.

[181] The Applicant advised that the Tuturau flow recording site referred to in the proposed conditions was no longer in use by Environment Southland and that Council

Officers have suggested an equivalent flow at the Gore recording site. We have imposed a condition using an equivalent flow at the Gore flow recorder site.

[182] We agree with the Applicant that the amendment to Condition 8 of the water take consent suggested by Mr Mayhew is not appropriate for the reasons given in closing submissions. We acknowledge that the new low flow monitoring required under the wastewater discharge permit Condition 35(ii) during periods of 'prolonged' low flows will ensure any unanticipated adverse effects will be monitored.

[183] We accept the Applicant's changes to the wording of the wastewater discharge permit Condition 6 clarifies that the need for re-testing is only in the event that the exceedance is not found to be due to a testing error and that reporting to the Council is only required if the re-tested sample confirms the exceedance.

[184] The Council's compliance review questioned how the 95th percentile rolling median limits in Condition 3 of the wastewater discharge permit should be calculated given there were different algorithms available for use. The Applicant advised that given samples are taken on a weekly basis, all relevant weekly samples are combined for the preceding 12-month period, on a rolling basis, and the 95th percentile calculated. We have added an advice note to this condition reflecting the Applicant's response.

[185] We note that Condition 16 to 24 are proffered on an *Augier* basis and have been agreed with the Hokōnui Rūnanga.

[186] Section 108(2)(e) of the RMA allows us to impose conditions of consent that require the best practicable option (BPO) to prevent or minimise any actual or likely adverse effects on the environment for the discharge. The BPO for the discharge of a contaminant, is defined in section 2 of the RMA as:

> *"Best practicable option, in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to:*
>
> a. *the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*
> b. *the financial implications, and the effects on the environment, of that option when compared with other options; and*

c. *the current state of technical knowledge and the likelihood that the option can be successfully applied."*

[187] In considering the nature of the discharge and the sensitivity of the receiving environment, the financial implications of other options, the current state of technical knowledge and the likelihood the option can be successfully applied, we are satisfied the application and staged upgrades represents the BPO. We accept the Applicant has undertaken a robust assessment of alternative options. We accept that the current facility and its location constrain land-based disposal at this time.

[188] Section 108(8) of the RMA restricts the requirement for the BPO to being the 'most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment'. When applying the efficiency and effectiveness test, we acknowledge that we need to consider the efficiency from the Consent Authority's and community's perspective, as well as the Applicant's viewpoint. We accept that requiring the implementation of the staged upgrade can still provide flexibility to enable change. We acknowledge that the discharge method review conditions require the Applicant to continue to assess alternative treatment and discharge methods.

[189] In due course minor details like the commencement and expiry dates will be completed by Southland Regional Council officers.

_____

J W Maassen
Commissioner (Chairperson)

_____

R Proffit
Commissioner

_____

N Cook
Commissioner

_____

S A McGarry
Commissioner

Attachment 1

environment SOUTHLAND

CONSENT NUMBER

Cnr North Road and Price Street
(Private Bag 90116)
Invercargill

Telephone (03) 211 5115
Fax No. (03) 211 5252
Southland Freephone No. 0800 76 88 45

Pursuant to the Resource Management Act 1991, resource consents arew hereby granted by the Southland Regional Council (the "Council") to **Alliance Group Ltd** (the "consent holder") of **P O Box 1, Mataura** from **[**date of granting**]**.

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Water Permit

Take and Use – Process Water

Details of Permit

Purpose for which permit is granted:		To take water from a water race fed by the Mataura River, for meat processing, truck washing and related uses including cleaning, potable water and processing activities
Location	- site locality	Mataura
	- map reference	At or about NZTM: Easting 1281400, Northing 4876600
	- environmental source	Mataura River
	- catchment	Mataura
Legal description of land at the site:		Mataura River
Expiry date:		25 years after the commencement date

Schedule of Conditions

1. This consent shall expire on 25 years after the commencement date.

(Note: Pursuant to Sections 123 and 124 of the Resource Management Act 1991, a new consent will be required at the expiration of this consent. The application will be considered in accordance with the plans in effect at that time, and the adverse effects of the proposed activity.)

2. This consent authorises the taking of up to 8,000 cubic metres per day of water from a water race fed by the Mataura River. That take shall occur between map reference NZMS 260 F46:913-386 and F46:911-382.

Water Take Metering and Reporting

3. The Consent Holder shall monitor the volume of water taken in each 15 minute interval, including the date taken, and supply:

   (i) An electronic record of the take each day once daily to the Consent Authority by means of telemetry in a form that is compatible with the Consent Authority's time-series database no later than the end of the next day; and

   (ii) A summary of the take for the previous production season to the Consent Authority by 31 October each year.

   Advice Note: The reported data can be provided in aggregated form that is the sum of all metered takes under this resource consent

4. The Consent Holder shall maintain:

   (i) a water meter at the locations shown in Map A to record the water taken, within an error accuracy range of +/-5% over the meter's nominal flow range;

   (ii) a datalogger with at least 12 months data storage capacity to record daily water use; and

   (iii) a telemetry unit to report the water take at least once per day.

5. Each water meter shall be maintained in a location with straight length of pipe either side of the water meter.

   (i) On the upstream side there shall be a length of straight pipe that is 10 times the diameter of the pipe, and on the downstream side there shall be a length of straight pipe that is five times the diameter of the pipe.

   (ii) The meter location shall be easily accessible, and, within the distances specified in (i), the straight length of pipe shall have no fittings and obstructions in it.

6. Each water meter shall be verified for accuracy within the first year of its operation, and thereafter once every five years.

   (i) Each verification shall be undertaken by a Consent Authority approved operator.

   (ii) A Water Measuring Device Verification Form shall be completed and supplied to the Consent Authority with receipts of service within five working days of the verification.

7. The Consent Holder shall ensure the full operation of the water meters and datalogger at all times during the exercise of this consent. All malfunctions of the water meters and/or datalogger during the exercise of this consent shall be reported to the Consent Authority within five working days of observation and appropriate repairs shall be performed within five working days. Once the malfunction has been remedied, a Water Measuring Device Verification Form completed with photographic evidence must be submitted to the Consent Authority within five working days of the completion of repairs.

Low Flow Contingency Plan

8. Within six months of the commencement of this consent, the Consent Holder shall provide the Consent Authority with an updated version of its Low Flow Contingency Plan (included as Attachment 1) to this consent, to minimise the abstraction of water under [insert reference to this consent] and the discharge of wastewater under [insert reference to wastewater consent] during times when the flow of the Mataura River at the Consent Authority's Gore flow monitoring site is less than 18 cubic metres per second. The Low Flow Contingency Plan shall be updated to:

   (i) Reflect the abstraction volumes and conditions of this consent;

   (ii) Include such actions as necessary to ensure that at all times the take does not cause the flow of water over the weir to reduce below a level of 0.05 metres of water passing over the centre of the weir;

   (iii) Ensure water use is reduced to that necessary for the functioning of the Plant, including to meet hygiene and export requirements; and

   (iv) Require an independent audit of water saving measures being undertaken at the Plant in the event the flow of the Mataura River at the Consents Authority's Gore flow monitoring site is less than 9.5 cubic metres per second.

   The Consent Holder shall implement the Low Flow Contingency Plan and report annually on its implementation in the Annual Monitoring Report required by Condition 45 of [insert reference to wastewater permit].

Intake Screens

9. Within 12 months of the commencement of this consent, the Consent Holder shall ensure that all intake structures operated in accordance with this consent are fitted with a screen mesh of 2 – 3 millimetres or less and that screen is maintained in good working order. Within four weeks of the screens being installed the Consent Holder shall provide documentary evidence to the Consent Authority that this upgrade has been completed.

Charges

10. Charges, set in accordance with section 36(1) of the Resource Management Act 1991, shall be paid by the consent holder to the Southland Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Resource Management Act 1991.

Review

11. The Council may serve notice in accordance with Section 128 and 129 of the Act, during the month of December 2021, and in the month of December each year thereafter, of its intention to review the conditions of this consent for the purposes of:

   (i) Amending the metering and reporting conditions to ensure that they continue to provide accurate and relevant information on the water take;

   (ii) Addressing any unanticipated adverse effect on the environment which may arise from the exercise of the consent; or

   (iii) Complying with the requirements of a future Regional Plan, including a plan change to an existing regional plan.

Water Permit

Take and Use – Cooling Water

Details of Permit

Purpose for which permit is granted:		To take water from a water race fed by the Mataura River, for engine room cooling water and engine room condenser water
Location	- site locality	Mataura
	- map reference	At or about NZTM: Easting 1281400, Northing 4876600
	- environmental source	Mataura River
	- catchment	Mataura
Legal description of land at the site:		Mataura River
Expiry date:		25 years from the commencement date

Schedule of Conditions

1. This consent shall expire on 25 years from the commencement date.

   (Note: Pursuant to Sections 123 and 124 of the Resource Management Act 1991, a new consent will be required at the expiration of this consent. The application will be considered in accordance with the plans in effect at that time, and the adverse effects of the proposed activity.)

2. This consent authorises the taking of up to 21,200 cubic metres per day of water from a water race fed by the Mataura River. That take shall occur between map reference NZMS 260 F46:913-386 and F46:911-382.

3. The cooling water abstracted under this consent shall be returned to the hydro race.

Water Take Monitoring and Reporting

4. The Consent Holder shall monitor the volume of water taken each day and supply an electronic record of the daily take for the previous production season to the Council by 31 October each year.

   Advice Note: An acceptable method of monitoring the volume of water taken each day is by combining the records of pump capacities and pump operation. The reported data can be provided in aggregated form that is the sum of all takes under this resource consent.

Intake Screens

5. Within 12 months of the commencement of this consent, the Consent Holder shall ensure that all intake structures operated in accordance with this consent are fitted with a screen mesh of 2 – 3 mm or less and that screen is maintained in good working order. Within four weeks of the

screens being installed the Consent Holder shall provide documentary evidence to the Consent Authority that this upgrade has been completed.

Charges

6. Charges, set in accordance with section 36(1) of the Resource Management Act 1991, shall be paid by the consent holder to the Southland Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Resource Management Act 1991.

Review

7. The Council may serve notice in accordance with Section 128 and 129 of the Act, during the month of December 2021, and in the month of December each year thereafter, of its intention to review the conditions of this consent for the purposes of:

   (i) Amending the monitoring and reporting conditions to ensure that they continue to provide accurate and relevant information on the water take;

   (ii) Addressing any unanticipated adverse effect on the environment which may arise from the exercise of the consent; or

   (iii) Complying with the requirements of a future Regional Plan, including a plan change to an existing regional plan.

Discharge Permit

Discharge – Cooling Water

Details of Permit

Purpose for which permit is granted:		To discharge cooling and consenser water to the Mataura River.
Location	- site locality	Mataura
	- map reference	At or about NZTM: Easting 1281400, Northing 4876600
	- environmental source	Mataura River
	- catchment	Mataura
Legal description of land at the site:		Mataura River
Expiry date:		25 years from the commencement date

Schedule of Conditions

1. This consent shall expire on 25 years from the commencement date.

   (Note: Pursuant to Sections 123 and 124 of the Resource Management Act 1991, a new consent will be required at the expiration of this consent. The application will be considered in accordance with the plans in effect at that time, and the adverse effects of the proposed activity.)

2. This consent authorises the discharge of up to 21,200 cubic metres per day of condenser and cooling water to a water race which discharges to the Mataura River.

Monitoring

3. The Consent Holder shall measure the temperature and the oxygen content of the water in the water race upstream and downstream of the point of discharge once per week when the flow of the Mataura River at the Consents Authority's Gore flow monitoring site is less than 32.5 cubic metres per second. Downstream monitoring is to be undertaken no further downstream than the Mataura Bridge.

4. The Consent Holder shall report the results of weekly temperature and dissolved oxygen (DO) monitoring for the previous production season to the Council by 31 October each year.

Receiving Environment Standards

5. The discharge shall not directly result in any of the following below the zone of reasonable mixing (unless otherwise specified below), defined as 150 metres downstream of the wastewater outfall:

   (i) The daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge;

(ii) The pH of the water must be within the range 6 to 9, except when due to natural causes;

(iii) The waters must not be tainted so as to make them unpalatable, nor must they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor must they emit objectionable odours;

(iv) There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing;

(v) There must not be any destruction of natural aquatic life by reason of a concentration of toxic substances;

(vi) The natural colour and clarity of the waters must not be changed to a conspicuous extent;

(vii) The oxygen concentration in solution in the waters must not be reduced below 5 milligrams per litre; and

(viii) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials

Charges

6. Charges, set in accordance with section 36(1) of the Resource Management Act 1991, shall be paid by the consent holder to the Southland Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Resource Management Act 1991.

Review

7. The Council may serve notice in accordance with Section 128 and 129 of the Act, during the month of December 2021, and in the month of December each year thereafter, of its intention to review the conditions of this consent for the purposes of:

(i) Amending the monitoring conditions to ensure that they continue to provide accurate and relevant information on the effects of the discharge;

(ii) Addressing any unanticipated adverse effect on the environment which may arise from the exercise of the consent; or

(iii) Complying with the requirements of a future Regional Plan, including a plan change to an existing regional plan.

Discharge Permit

Discharge – Process Wastewater

Details of Permit

Purpose for which permit is granted:		To discharge treated meatworks and process wastewater to water
Location	- site locality	Mataura
	- map reference	At or about NZTM: Easting 1281400, Northing 4876600
	- receiving environment	Mataura River
	- catchment	Mataura
Legal description of land at the site:		Lot 1 DP 12500 and Lots 1 and 2 DP 12431
Expiry date:		25 years from the commencement date

Schedule of Conditions

1. This consent shall expire on 25 years from the commencement date.

   (Note: Pursuant to Sections 123 and 124 of the Resource Management Act 1991, a new consent will be required at the expiration of this consent. The application will be considered in accordance with the plans in effect at that time, and the adverse effects of the proposed activity).

2. This resource consent authorises the discharge of up to 8,000m^3/day of treated wastewater from a meat processing plant into the Mataura River at the location specified above.

Discharge Limits

3. Unless otherwise allowed by Condition 11 of this consent the following limits apply to the treated wastewater prior to its discharge into the Mataura River, until superseded by the limits in Condition 5 below:

Parameter	Limit (concentrations unless otherwise specified)
Ammoniacal Nitrogen	Shall not exceed a maximum of 50 g/m^3 and consistently maintained at less than 30 g/m^3
cBOD5 Load	Shall not exceed a maximum of 3,500 kg/day
cBOD5	Shall not exceed a maximum of 300 g/m^3
Dissolved Reactive Phosphorus	Shall not exceed a 12-month rolling median of 0.5 g/m^3 and 95th percentile of 1.5 g/m^3
Total Suspended Solids	Shall not exceed a maximum of 200 g/m^3 and consistently maintained at less than 100 g/m^3

Dissolved Inorganic Nitrogen	Shall not exceed a 12-month rolling median of 40 g/m³ and 95th percentile of 60 g/m³
Total Kjeldahl nitrogen	Shall not exceed a 12-month rolling median of 60 g/m³ and 95th percentile of 80 g/m³
Total Phosphorous	Shall not exceed a 12-month rolling median of 5 g/m³ 95th percentile of 10 g/m³
Total Nitrogen	The annual load of total nitrogen measured in the discharge between 1 October and 30 September shall not exceed 60 tonnes
	The load of total nitrogen shall not exceed 780 tonnes (*Advice note: This is equivalent to an average of 52 tonnes per year over the 15 year period before the wastewater treatment plant upgrade is required*)
The limits for Ammoniacal Nitrogen and Total Suspended Solids shall be "consistently maintained" if not less than four results out of each set of five meet the lesser specified value, when a set of five results is obtained in accordance with the EMP.	

Advice note: All weekly samples for the preceding 12 month period shall be combined, on a rolling basis, in order to calculate the 95th percentile limits set in this condition, and to determine compliance with the limits set.

4. The following additional limit applies (in addition to those in Condition 3 above) after Wastewater Disinfection is commissioned in accordance with Condition 13.

Parameter	**Limit**
E.coli	Shall not exceed an annual median of 1,000 colony forming units (cfu) per 100 ml and 95th percentile of 10,000 cfu/100mL

Advice note: This limit applies following the implementation of wastewater disinfection and until the Wastewater Treatment Plant Upgrade is commissioned in accordance with Condition 29, when it is superseded by the E.coli limit in Condition 5 below

5. The following limits apply to the treated wastewater prior to its discharge into the Mataura River, after the Wastewater Treatment Plant Upgrade is commissioned in accordance with Condition 29:

Parameter	**Limit**
Ammoniacal Nitrogen	Shall not exceed a rolling 12 month median of 5 g/m³ and 95th percentile of 10 g/m³
cBOD5	Shall not exceed a rolling 12 month median of 50 g/m³ and 95th percentile of 100 g/m³
Dissolved Reactive Phosphorus	Shall not exceed a 12 month rolling median of 0.5 g/m³ and 95th %ile of 1.5 g/m³

Total Suspended Solids	Shall not exceed a rolling 12 month median of 40 g/m³ and 95th percentile of 80 g/m³
Dissolved Inorganic Nitrogen	Shall not exceed a rolling 12 month median of 20 g/m³ and 95th percentile of 35 g/m³
Total Nitrogen	Shall not exceed a rolling 12 month median of 20 g/m³ and 95th percentile of 40 g/m³
	From 12 months after commissioning, the annual (1 October to 30 September) Total Nitrogen load does not exceed 25 tonnes.
Total Phosphorous	Shall not exceed a rolling 12 month median of 5 g/m³ and 95th percentile of 10 g/m³
E. coli	95th percentile of 1,000 cfu/100 ml

6. The consent holder shall confirm compliance with the discharge limits and receiving environment standards set out in Conditions 3, 4, 5 and 7 by monitoring the discharge and / or receiving water in accordance with Condition 35. In the event one or more of the limits or standards set out in Condition 3, 4, 5 or 7 is exceeded, the Consent Holder shall report to the Consent Authority in accordance with Condition 44. In the event the maximum limit in Condition 3 for Ammoniacal Nitrogen, cBOD5 Load, CBOD5 or Total Suspended Solids is exceeded the Consent Holder may have the sample re-tested to confirm it was not due to a testing error. In these circumstances the exceedance only needs to be reported to the Consent Authority in accordance with Condition 44 if the re-tested sample confirms the exceedance.

Receiving Environment Standards

7. Notwithstanding the limits specified above, the discharge shall not directly result in any of the following below the zone of reasonable mixing (unless otherwise specified below), defined as 150 m downstream of the wastewater outfall:

   (i) The daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge;

   (ii) The pH of the water must be within the range 6 to 9, except when due to natural causes;

   (iii) The waters must not be tainted so as to make them unpalatable, nor must they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor must they emit objectionable odours;

   (iv) There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing;

   (v) There must not be any destruction of natural aquatic life by reason of a concentration of toxic substances;

   (vi) The natural colour and clarity of the waters must not be changed to a conspicuous extent;

   (vii) The oxygen concentration in solution in the waters must not be reduced below 5 milligrams per litre; and

(viii) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

Resilience Issues

8. Within 12 months of the commencement of this consent the Consent Holder shall take all practicable measures to:

   (i) Re-route all pipework that runs above, or in, the water race to a location that removes the risk of waste leaking into the water race or fresh water leaking into the treatment system;

   (ii) Re-route all pipework that runs above the river to a location that removes the risk of waste leaking into the river;

   (iii) Modify the beef sump milli-screen overflow to prevent green waste overflows into the non-green waste stream; and

   (iv) Modify the stockyard and tripe recycle area to prevent green waste overflows into the non-green waste stream

   in accordance with the recommendations of *"Alliance Mataura Plant – Water Use and Wastewater Management Resilience Assessment"* dated 31 May 2019 and included as Appendix 8 of the Assessment of Environmental Effects (31 May 2019) and supporting technical documents submitted by Alliance Group Limited to Southland Regional Council in support of its resource consent applications.

9. Within 15 months of the commencement of this consent, the Consent Holder shall provide documentary evidence to the Consent Authority that these upgrades have been completed. For any pipework containing waste which remains above, or in the water race, or above the river, the Consent Holder shall provide an explanation for why it was not practicable to re-route that pipework to an alternative location that would remove the risk of waste leaking into the water.

Whitewater Recycling

10. The Consent Holder may trial the use of recycled treated wastewater for dissolved air (white-water) generation in the Dissolved Air Flotation Plant ("white-water recycling") provided that:

   (i) It is undertaken in accordance with a Trial Plan which has been prepared by a suitably qualified and experienced wastewater engineer and ecologist and which demonstrates the trial will be undertaken in a manner which will protect aquatic ecology in the Mataura River. The Trial Plan shall include:

      a. Details on the length of the trial;

      b. Measures to be implemented to ensure aquatic ecology will be protected during the trial; and

      c. Monitoring that will be undertaken during the trial to confirm (b) is achieved; and

   (ii) The Consent Authority has been provided a copy of the Trial Plan and has certified it meets the criteria in Condition 10(i); and

   (ii) The Consent Holder notifies the Consent Authority and Hokōnui Rūnunga Attention: Environmental Department in writing of its intention to conduct the trial described in the

certified Trial Plan five working days prior to it commencing, and provides further notification of these parties within 48 hours of the trial being complete.

11. When conducting the trial in accordance with Condition 10 the Consent Holder may discharge wastewater in a manner which contravenes the maximum limits for Ammoniacal Nitrogen, cBOD5 Load, CBOD5 and Total Suspended Solids in Condition 3 and may exclude monitoring results collected during that period from the data set used to calculate compliance with the other limits in Condition 3.

12. The Consent Holder may not install and permanently use recycled treated wastewater for dissolved air (white-water) generation in the Dissolved Air Flotation Plant until:

    a. It has completed a trial programme in accordance with Conditions 10 and 11; and

    b. It has submitted a report to the Consent Authority which is prepared by a suitably qualified and experienced wastewater engineer and ecologist which confirms that with white-water recycling in place the discharge limits in Condition 3 and 4 and receiving environment standards in Condition 7 will be achieved.

Advice Note: If the results of the Trial Programme show the discharge of wastewater cannot meet the discharge limits in Condition 3 and 4 or receiving environment standards in Condition 7 with white-water recycling in place the Consent Holder will need to obtain a change to those conditions under s127 of the Resource Management Act 1991 (or equivalent) before implementing white-water recycling in its wastewater treatment system.

Wastewater Disinfection

13 The Consent Holder shall install equipment to disinfect the process wastewater discharged from the site. This disinfection system is to be commissioned within three years of the commencement of this consent.

14 The disinfection equipment required by Condition 13 shall be designed, maintained and operated to meet the *E.coli* discharge limits in Condition 4 until superseded by the Wastewater Treatment Plant Upgrade and the discharge limits in Condition 5.

15 Within four weeks of the disinfection equipment being commissioned in accordance with Condition 13, the Consent Holder shall provide evidence to the Consent Authority that this upgrade has been completed and the discharge limits in Condition 4 are being met.

Discharge Method Review

16. In recognition of the relationship that Ngāi Tahu and Hokōnui Rūnanga have with the waters of the Mataura River and Te Au-Nui-Pihapiha-Kanakana, the cultural significance of these, and the Hokonui Rūnanga preference for the plant's direct discharge to the Mataura River to cease as soon as possible due to the adverse cultural effects of the activity, the Consent Holder shall, within twelve months of the commencement of this consent, invite Hokōnui Rūnunga to enter into partnership for the preparation of a Discharge Method Review.

17 The objective of the Review is to identify a wastewater treatment and discharge method or methods which would:

    (i) Avoid a direct discharge of wastewater to the Mataura River; and:

    (ii) Achieve criteria and outcomes prescribed by Hokōnui Rūnunga; and

(iii) Be technologically sound and reliable; and

(iv) Not give rise to other significant adverse environmental issues which means:

- resource consent can be obtained for the option; and
- it would not have a greater adverse effect on water quality in the Mataura River and Toetoes Estuary than upgrading the wastewater treatment plant to achieve the discharge limits contained in Condition 5 of this consent; and

(v) Not incur greater financial costs (capital + operational) than Option 1C in the *Alliance Mataura Plant Wastewater Treatment and Disposal Alternatives Assessment dated May 2019* which was included as Appendix 7 of the Alliance Mataura AEE after accounting for any escalation in the construction price index between May 2019 and when the discharge method review is being undertaken, unless otherwise agreed by the Consent Holder; and

(vi) Be achieved within timeframes acceptable to Hokōnui Rūnunga and the Consent Holder.

18. The Discharge Method Review shall be prepared by (an) independent and appropriately qualified consultant(s) and shall:

i. Examine alternative treatment and / or discharge methods for the plant's wastewater which were not assessed in:

- *Mataura Plant Wastewater Treatment and Disposal Alternatives Assessment, Pattle Delamore Partners, 2019* which was included as Appendix 7 of the Alliance Mataura AEE*;* or
- *Alliance Mataura Plant Wastewater Treatment and Disposal Alternatives: Discharge Options and Treatment Alternatives Further Assessment* Prepared by Luke Wilkinson and Azam Khan (28.10.2020) which was included as Appendix 6 to the s42A Council Hearing Report;

ii. Re-examine the assessment of alternative treatment and discharge methods undertaken in the two documents referenced in Condition 18(i) above considering any new information that has become available since the commencement of the consent on the circumstances which apply to those discharge options, and any advances in wastewater management and treatment which have occurred; and

iii. Make recommendations as to the feasibility and cost of alternative discharge options.

The Review shall be accompanied by an assessment from a person appropriately qualified in Ngāi Tahu Mātauranga Māori to assess the extent to which the Discharge Method Review appropriately addresses cultural factors and outcomes and is not a technical engineering review only.

19. The Consent Holder shall submit a draft of the Discharge Method Review to Hokōnui Rūnunga for comment at least 40 working days prior to its submission to the Consent Authority.

20. The Consent Holder shall provide any feedback received from Hokōnui Rūnunga on the Draft Discharge Method Review to the Consent Authority at the time it is submitted, along with a clear explanation of where any comment has or has not been incorporated into the report and the reasons why. A copy of this report shall be provided to Hokōnui Rūnanga Attn: Environmental Department within five days of being provided to the Consent Authority.

21. The first Discharge Method Review shall be completed and submitted to the Consent Authority Attention: RMA Compliance and Enforcement Manager (or their equivalent) within three years

of the commencement of this consent. If the Discharge Method Review does not identify an alternative treatment and discharge option which meets all the criteria set out in Condition 17 (i) – (vi), the process described in Conditions 16 – 20 should be repeated and a further review shall be completed and submitted to the Consent Authority within eight years of the commencement of this consent, and if necessary, the process shall be followed again and a third review shall be completed and submitted to the Consent Authority within 20 years of the commencement of this consent.

22. If the Discharge Method Review identifies an alternative treatment and discharge option, which meets all the criteria set out in Condition 17 (i) – (vi), the Consent Holder shall take immediate steps to progress implementation of the alternative to enable the cessation of discharge to the Mataura River within the soonest practicable timeframe but having regard to the timeframes for upgrading its wastewater treatment plant in Conditions 13 and 29. Details of the programme for implementing the alternative option shall be provided in the Wastewater Treatment Upgrade Plan required by Condition 26.

23. In the event that actions required by Condition 22 are implemented such that this consent is no longer required, then the consent holder shall surrender this consent to the extent that the activities it authorises are no longer required to be undertaken.

24. If Hokōnui Rūnunga advise in writing that they do not wish to participate with the Consent Holder in the preparation the Discharge Method Review, the Consent Holder shall not be required to meet the requirements of Conditions 16 to 23 above that require input from Hokōnui Rūnanga.

Mataura Freshwater Management Unit (FMU) Review

25. Within six months of any change to the relevant Regional Plan that is intended to give effect to the National Policy Statement for Freshwater Management 2020 being made operative, the Consent Holder shall engage an appropriately qualified and independent expert(s) to review the discharge limits and receiving environment standards in Conditions 3, 4, 5 and 7 and the date at the Wastewater Treatment Plant Upgrade is required (Condition 29). At least one of the experts shall have knowledge in Ngāi Tahu Mātauranga Māori.

    The purpose of this review shall be to determine whether it is necessary to impose new discharge limits, receiving environment standards or upgrade timeframes to be consistent with the requirements of the relevant Regional Plan. This shall include:

    (i) An evaluation of the monitoring undertaken in accordance with Conditions 32 – 37 and reported in accordance with Conditions 43 - 45;

    (ii) A review of whether the discharge limits are appropriate in respect of the environmental outcomes and associated attribute states and limits set for the Mataura FMU-and included within the relevant Regional Plan; and

    (iii) A review of timeframes in the Mataura FMU compared to the upgrade timeframes in this consent.

    A copy of this review shall be provided to the Consent Authority, Attention: RMA Compliance and Enforcement Manager (or their equivalent) within 12 months of the change to the relevant Regional Plan becoming operative. A copy of the review shall also be submitted to Hokōnui Rūnanga Attention: The Environmental Department.

Advice note: If this review recommends that amendments to the discharge limits, receiving environment standards or implementation timeframes are necessary, then the Consent Authority may initiate a formal review of the consent in accordance with Condition 56.

Wastewater Treatment Plant Upgrade

26. The Consent Holder shall prepare and submit to the Consent Authority a Wastewater Treatment Upgrade Plan. A copy of the document shall also be submitted to Hokōnui Rūnanga Attention: Environmental Department.

    The plan shall be submitted within 12 months of the completion of the first Discharge Method Review if it identifies an option the Consent Holder is required to implement by Condition 22, or otherwise within 12 months of the second Discharge Method Review being completed.

    This plan shall identify the technology and wastewater treatment plant upgrades necessary to improve the quality of the wastewater discharged to the Mataura River in order to meet the discharge limits specified in Condition 5 or implement the alternative treatment and discharge option the Consent Holder is required to implement by Condition 22 (the "**Wastewater Treatment Plant Upgrade**").

27. The Wastewater Treatment Upgrade Plan shall include, but not be limited to, the following matters:

    (i) A description of the proposed technology and wastewater plant upgrades to be installed;

    (ii) A description of the methodology of how the wastewater plant upgrades will be installed and a staged work plan describing the timing associated with the progressive implementation of these works;

    (iii) If a land-based discharge is proposed, a description of the proposed disposal locations and methodology, and a staged work plan describing the timing associated with the progressive implementation of those works;

    (iv) Any additional resource consents and / or changes to the conditions of this resource consent required; and

    (v) The monitoring and reporting obligations associated with the wastewater treatment plant upgrades.

28. Following the submission of the Wastewater Treatment Upgrade Plan, the Consent Holder shall report to the Consent Authority on a bi-annual basis on its progress towards implementation and commissioning of the Wastewater Treatment Plant Upgrade. This reporting shall describe any interim measures undertaken to improve the quality of the discharge, or physical plant works or operational changes associated with the upgrade.

    A copy of the bi-annual reporting document shall also be submitted to Hokōnui Rūnanga Attn: Environmental Department.

29. The Consent Holder shall ensure that the Wastewater Treatment Plant Upgrade prescribed in the Wastewater Treatment Upgrade Plan is commissioned no later than 15 years from the commencement of this consent.

30. Within 18 months of the Wastewater Treatment Plant Upgrade being commissioned in accordance with Condition 29, the Consent Holder shall engage appropriately qualified and

independent experts to review the effect of the upgraded discharge on water quality in the Mataura River. At least one of the experts shall have knowledge in Ngāi Tahu Mātauranga Māori. The purpose of this review shall be to determine whether the discharge limits in Condition 5 have been achieved and to determine whether it is necessary to impose new limits to be consistent with the requirements of the relevant Regional Plan. The review shall include:

(i) An evaluation of the monitoring results with regard to the discharge limits in Condition 5;

(ii) An assessment of the improvement in water quality in the river and Ngāi Tahu indicators of health following the upgrade;

(iii) A review of whether the discharge meets or will meet the relevant water quality guidelines or standards included within the relevant Regional Plan including any future target attribute states and limits on resource use; and

(iv) Timeframes in the Mataura Freshwater Management Unit for maintaining or improving water quality as necessary to achieve the target attribute states and limits on resource use.

31. A copy of this review shall be provided to the Consent Authority within 24 months of the Wastewater Treatment Plant Upgrade being commissioned in accordance with Condition 29. A copy of the review shall also be submitted to Hokōnui Rūnanga Attention: Environmental Department.

Advice note: If this review recommends that amendments to the discharge limits, receiving environment standards or implementation timeframes are necessary, then the Consent Authority may initiate a formal review of the consent in accordance with Condition 56.

Environmental Monitoring Plan

32. No later than six months from this consent commencing the Consent Holder shall prepare and submit to the Consent Authority an Environmental Monitoring Plan (EMP) for certification. A copy of the document shall also be submitted to Hokōnui Rūnunga, Attention: Environmental Department.

The purpose of the EMP is to describe the methods for monitoring the physical characteristics and water quality parameters of the discharge, and the physical, water quality and biological characteristics and parameters of the Mataura River receiving waters as prescribed by this consent. The objectives of the EMP are to:

(i) Confirm compliance with the discharge limits and receiving environment standards; and

(ii) Understand the effects of the discharge on Mataura River water quality and instream habitat and confirm no unanticipated adverse effects are arising as a result of the exercise of this consent.

33. The Consent Holder shall submit a draft of the EMP to Hokōnui Rūnunga for comment at least 40 days prior to submitting it to the Consent Authority for certification.

34. The Consent Holder shall provide any feedback received from Hokōnui Rūnunga on the Draft EMP to the Consent Authority at the time it is submitted for certification, along with a clear explanation of where any comment has or has not been incorporated into the EMP and the reasons why.

35. The EMP shall include but not be limited to:

    (i) The inclusion of a description and maps identifying the monitoring sites.

    (ii) A description of the methods and appropriate timing for undertaking the following monitoring requirements:

    - Discharge wastewater monitoring
    - Receiving water quality monitoring
    - Ecological instream monitoring
    - Fish health monitoring,
    - Monitoring that reflects Ngāi Tahu indicators of cultural health
    - Any additional monitoring required after a prolonged period of low river flows, including the rationale for what constitutes 'a prolonged period of low river flows'

    (iii) The reporting requirements associated with any monitoring undertaken in accordance with these conditions, including providing information in a format that is compatible with the Consent Authority's requirements.

    (iv) Response to any non-compliance with discharge limits or receiving environment standards.

36. The EMP, as a minimum, shall provide for the following monitoring requirements:

    (i) maintenance of records of the times and volumes of treated wastewater discharged on each day the permit is exercised.

    (ii) representative weekly samples of the treated wastewater at the point of discharge for the following parameters:

Parameter
Enumerate E.coli
Temperature
pH
Total Kjeldahl nitrogen
Ammoniacal nitrogen
Dissolved inorganic nitrogen
Total nitrogen
Total suspended solids
Total phosphorous
Dissolved reactive phosphorous
Carbonaceous BOD5

(iii) representative weekly samples of receiving water quality both upstream and downstream of the point of discharge while a discharge is occurring for the following parameters:

Parameter
Enumerate E.coli
Temperature
pH
Dissolved oxygen concentration and saturation
Nitrate - nitrite nitrogen
Total Kjeldahl nitrogen
Ammoniacal nitrogen
Dissolved inorganic nitrogen
Total nitrogen
Total suspended solids
Total phosphorous
Dissolved reactive phosphorous
Carbonaceous BOD5

(iv) Representative fortnightly samples between November and April when river flows are below 26 cubic metres per second (as measured at the Consent Authority's Gore flow monitoring site) and while a discharge is occurring for the following parameters:

Black disc
Total suspended solids
Turbidity
Colour

(v) Ecological monitoring to understand the effects of the discharge including by monitoring the periphyton and benthic invertebrate communities of the Mataura River at points above and below the point of the discharge.

(vi) A fish health monitoring survey.

(vii) A visual assessment of the presence of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials and bacterial or fungal slime growths upstream, within and downstream of the zone of reasonable mixing (150 metres from the discharge point).

(viii) Cultural monitoring in respect of the Ngāi Tahu indicators of cultural health to be developed in conjunction with Hokōnui Rūnanga.

37. The monitoring of the discharge and receiving environment shall be undertaken at the locations and frequencies specified in the certified EMP. All monitoring shall be undertaken using methods and standards agreed with the Consent Authority (as outlined in the EMP) and all water samples shall be collected using laboratory supplied containers. Until an EMP is certified under Condition 32 of this consent the Consent Holder shall continue to monitor the discharge and instream environment in accordance with Conditions 4 and 5 of resource consent AUTH 202327.

38. The EMP shall be reviewed by the Consent Holder at five yearly intervals. The purpose of this review shall be to confirm that it accurately reflects current on-site activities and operations and to identify if changes to procedures contained within the EMP are required. A written report detailing the results of the review shall be submitted to the Consent Authority within 30 working days of the review being undertaken. If the review results in amendments to the EMP, the amended sections shall be provided to the Consent Authority for certification at this time.

    A copy of the review report and amended EMP shall also be submitted to Hokōnui Rūnanga Attention: Environmental Department.

39. The Consent Holder shall submit a draft of the review report required by Condition 38 and any amended sections of the EMP to Hokōnui Rūnanga for comment at least 40 days prior to submitting it to the Consent Authority for certification.

40. The Consent Holder shall provide any feedback received from Hokōnui Rūnanga on the review report and amended EMP provisions to the Consent Authority at the time it is submitted, along with a clear explanation of where any comment suggesting changes to the EMP has or has not been incorporated and the reasons why.

Contingency Plan

41. The Consent Holder shall maintain and adhere to a Contingency Plan to be activated in the event of a discharge of raw or partially treated wastewater from any part of the reticulation system to the Mataura River. The plan shall include notification of the Southland Regional Council's Pollution Response Hotline (ph. 0800 76 88 45), the Area Manager Murihiku (DoC) and Hokōnui Rūnanga Attention: Environmental Department without undue delay. If the discharge is likely to contain high pathogen levels from stockyard/gut processing effluent the consent holder shall also notify without undue delay the Medical Officer of Health (or the Health Protection Officer) and Te Ao Marama.

    The Contingency Plan shall also detail a process for:

    (i) Investigating the cause of any untreated or partially treated wastewater discharges;

    (ii) Implementing measures necessary to prevent further untreated or partially treated wastewater discharges from occurring; and

    (iii) Reporting of the cause of the discharge, its duration and the actions taken in response, together with Items (i) and (ii) above, to the Consent Authority and the other parties notified of the event in accordance with Condition 41 within two weeks of the discharge occurring.

    A copy of this plan is to be provided to the Consent Authority within six months of the commencement of the consent.

42. The Consent Holder shall maintain and implement the Low Flow Contingency Plan required by Condition 8 of [insert process water take permit number].

Reporting

43. The results of the sample analysis for each successive five week period shall be provided to the Consent Authority and Hokōnui Rūnanga Attention: Environmental Department, within two weeks of the receiving the all of the laboratory results for that period, unless otherwise agreed with the Consent Authority.

44. The Consent Authority and Hokonui Rūnanga Attention: Environmental Department, shall be notified within 24 hours of any exceedance of a limit or standard prescribed by the conditions of this consent. This notification shall include advice of any corrective actions taken by the Consent Holder. An incident report shall be provided to the Consent Authority and Hokonui Rūnanga Attention: Environmental Department, within twenty working days of the notification of the exceedance. This report shall include:

    (i) Identification of the likely cause of the limit or standard exceedance;

    (ii) The resulting effects on the receiving environment likely to arise because of the limit or standard exceedance;

    (iii) The management responses undertaken or which may be necessary to prevent any further exceedances occurring; and

    (iv) Remedial action undertaken or which may be necessary.

45. The Consent Holder shall prepare and submit an Annual Monitoring Report to the Consent Authority. The report shall cover the 1 October to 30 September period and shall be provided to the Consent Authority by 30 November each year. The annual report shall include, but not be limited to the following information:

    (i) presentation and summary of all wastewater and receiving water monitoring results and biological monitoring as required by this consent, including any recommendations for improved monitoring;

    (ii) the identification of any recorded non-compliances with consent limits and standards and the measures taken to ensure compliance is achieved;

    (iii) assessment of the effects of the discharge on river water quality and periphyton and benthic invertebrate communities;

    (iv) Report on progress towards implementing Conditions 8 - 12, and the Discharge Method Review required by Conditions 16 – 24; and

    (v) Any implementation of the Contingency Plan required by Condition 41.

    (vi) Implementation of the Low Flow Contingency Plan required by Condition 42 of this consent and Condition 8 of [insert water permit].

    A copy of the Annual Monitoring Report shall also be submitted to Hokōnui Rūnanga Attention: Environmental Department.

Kaitiaki Plan

46. Within six months of the commencement of this consent, the consent holder shall commence preparation of a Kaitiaki Plan in partnership with Hokōnui Rūnanga. Once complete, but no later

than 18 months after the consent is granted, a copy of the Kaitiaki Plan shall be provided to the Consent Authority, Attention: RMA Compliance and Enforcement Manager (or their equivalent). The objectives of the Kaitiaki Plan shall be to guide:

(i) The participation of Hokonui Rūnanga in the development and review of the plans and reports required by conditions.

(ii) The participation of Hokonui Rūnanga in any responses to exceedances required by the conditions of this consent.

(iii) The restoration of riparian margins within the Mataura River Mātaitai Reserve, particularly in the vicinity of the Mataura plant.

(iv) The joint management of the trap and transfer programme for tuna required by Condition 7 - 13 of consent AUTH-20171566-01/AUTH-20171566-02 (resource consents to use the weir to dam and divert water) and if practicable, extension of this trap and transfer programme to include kanakana.

(v) The implementation of a monitoring and reporting programme within the affected reach of the Mataura River that reflects Ngāi Tahu indicators of cultural health.

(vi) Research into kanakana populations in the Mataura River to be undertaken by the consent holder in consultation with Hokonui Rūnanga.

(vii) The improvement of access for Hokōnui Rūnanga to Te Au-Nui-Pihapiha-Kanakana.

(viii) The provision of markers of cultural identity within and immediately adjacent to the site of the activities to be undertaken by the Consent Holder.

47. The Kaitiaki Plan shall identify agreed programmes of work to be undertaken by the consent holder and Hokonui Rūnanga to give effect to the aforementioned objectives. The Kaitiaki Plan may also include additional work programmes which are unrelated to the objectives described in Condition 46 which the Consent Holder and Hokonui Rūnanga agree to implement to address emerging environmental issues. The Consent Holder shall:

(i) Provide the Consent Authority with a copy of the programmes of work; and

(ii) Implement the programme of work in partnership with Hokonui Rūnanga.

48. The Consent Holder shall provide the Consent Authority with a report by 30 November each year which:

(i) Describes progress made in partnership with Hokonui Rūnanga over the previous 12 months towards implementing each programme of work; and

(ii) Describes work undertaken over the previous 12 months towards implementing any already agreed programme of work.

This report can be included in the Annual Monitoring Report required in Condition 45 of this consent.

49. The Kaitiaki Plan shall be reviewed at five yearly intervals in partnership with Hokōnui Rūnanga. The purpose of the review shall be to assess progress on projects (including monitoring undertaken) identified in the plan and to identify if changes are required to better achieve cultural outcomes.

A written report detailing the results of the review shall be submitted to the Consent Authority, Attention RMA Compliance and Enforcement Manager (or their equivalent) within 30 working

days of the work on the review being undertaken. A copy of the review report shall also be submitted to Hokōnui Rūnanga Attention: Environmental Department.

50. If Hokōnui Rūnanga advise in writing that they do not wish to participate with the Consent Holder in the preparation and implementation of the Kaitiaki Plan, the Consent Holder shall not be required to meet the requirements of Conditions 46 to 49 above.

Technical Working Party

51. The Consent Holder shall facilitate the continuation of the Mataura Wastewater Technical Working Party (TWP) and shall distribute the annual monitoring report described in Condition 45 to the members of the TWP. The purpose of the TWP shall be to receive reports, review results and discuss the results of the monitoring and any concerns for consideration, and initiate meetings as required.

52. The TWP shall comprise representatives from:

    (i) The Consent Holder;

    (ii) The Southland Fish and Game Council;

    (iii) The Department of Conservation;

    (iv) Te Ao Marama Incorporated;

    (v) Hokōnui Rūnanga;

    (vi) Public Health South;

    (vii) Gore District Council; and

    (viii) Consent Authority.

53. The Consent Holder shall be responsible for convening meetings, the provision of a venue for meetings and providing any necessary administrative support to the TWP. Should any of the external parties referred to in this condition chose not to continue to be part of the TWP then the Consent Holder shall not be deemed to be in breach of these conditions.

Charges

54. Charges, set in accordance with section 36(1) of the Resource Management Act 1991, shall be paid by the consent holder to the Southland Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Resource Management Act 1991.

Review

55. The Council may serve notice in accordance with Section 128 and 129 of the Act, during the month of December 2021, and in the month of December each year thereafter, of its intention to review the conditions of this consent for the purposes of:

    (i) Amending the monitoring and reporting conditions, including the EMP, to ensure that they continue to provide accurate and relevant information on the effects of the discharge.

(ii) Addressing any unanticipated adverse effect on the environment which may arise from the exercise of the consent, including the content and application of any Contingency Plans and the revision of the best practicable option to address any adverse effects.

(iii) Amending the conditions of this consent in response to the Discharge Method Review.

56. The Council may serve notice in accordance with Section 128 and 129 of the Act, within 12 months of receiving either of the reports required by Condition 25 or 30 of its intention to review the conditions of this consent for the purposes of:

(i) Amending the discharge limits (Condition 3, 4, and 5) and receiving environment standards (Condition 7) to reflect the objectives and limits set in the Regional Plan, including the timeframes by which amended discharge limits and receiving environment standards are required to be achieved.

(ii) Providing for any investigations necessary to identify Plant improvements required to achieve any revised discharge limits and receiving environment standards.

(iii) Updating other conditions as necessary to reflect any changes to the discharge limits, receiving environment standards and/or timeframes.

CONSENT NUMBER

Land Use Permit

Mataura Weir

Details of Permit

Purpose for which permit is granted:		To use an existing weir on the Mataura River
Location	- site locality	Mataura River, adjacent to 18-30 McQueen Avenue, Mataura
	- map reference	At or about NZTM: Easting 1281400, Northing 4876600
	- catchment	Mataura
Legal description of land at the site:		Crown land (river bed)
Expiry date:		[7 November 2026]

Schedule of Conditions

1. This consent shall expire on [7 November 2026]

   (Note: Pursuant to Sections 123 and 124 of the Resource Management Act 1991, a new consent will be required at the expiration of this consent. The application will be considered in accordance with the plans in effect at that time, and the adverse effects of the proposed activity.)

2. This consent authorises the land use associated with the existing Mataura River Weir.

3. This consent is subject to the conditions of Permits AUTH-20171566-01 / AUTH-20171566-02 and those below.

Map A – Water Meter Locations