

29 August 2023

Environment Southland

by email: [service@es.govt.nz](mailto:service@es.govt.nz) and [esconsents@es.govt.nz](mailto:esconsents@es.govt.nz)

Kei te rangatira, tēnā koe,

**Southland District Council (APP-20232970)**

Please find enclosed a submission by the Department of Conservation (DOC) on Southland District Council's application for an existing discharge of treated wastewater from the Edendale-Wyndham wastewater treatment plant into the Mataura River at the Edendale-Wyndham Road bridge. Southland District Council is seeking a 5-year consent to continue the activity in the interim period while investigations, consenting and constructions is undertaken to upgrade the existing Wastewater Treatment Plant.

DOC's submission identifies concerns about the lack of consideration of alternatives and certainty that improvements to the discharge will be made. It is the DOC's view that the provision of appropriate consent conditions could address the concerns set out in the submission.

Please contact Amelia Ching (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this submission ([aching@doc.govt.nz](mailto:aching@doc.govt.nz) or 027 627 7705).

Yours sincerely



John McCarroll  
Operations Manager, Murihiku

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## Form 13: Submission on application concerning resource consent

### Resource Management Act 1991

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**To:** Southland Regional Council

**Name of submitter:** Director-General of Conservation (the **Director-General**)

This is a submission on an application from Southland District Council (the **Applicant**) for a resource consent.

**Description of activity:** Discharge permit to discharge treated wastewater into the Mataura River

**Trade competition:** I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991

**My submission relates to:** The whole application

**My submission is:** I oppose the application unless appropriate conditions are imposed.

#### *The Director-General's interest in the Application*

1. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.<sup>1</sup> The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.<sup>2</sup> Section 2 of the CA defines 'conservation' to mean *'the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generation'*.

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<sup>1</sup> Refer section 53 Conservation Act 1987

<sup>2</sup> Conservation Act 1987, section 6.

### *Reasons for the DOC's submission*

2. The application seeks continuation of an existing discharge permit to discharge wastewater into the Mataura River. The Mataura River is of high cultural significance to mana whenua. Under the Ngāi Tahu Claims Settlement Act 1998 the Mataura River is subject to a statutory acknowledgement.
3. The Mataura River is also recognised as an outstanding fishery. The Water Conservation (Mataura River) Order 1997 (Order) recognises the outstanding fisheries and angling amenity features of the Mataura River and its tributaries.
4. The Mataura catchment supports a large population of longfin eels (at risk – declining) and supports spawning areas for lamprey (threatened – nationally vulnerable). The strength of the lamprey population in the Mataura makes it a significant site nationally from a species conservation perspective. Other notable freshwater fish species recorded in the catchment downstream of the proposed discharge include Gollum galaxias (threatened – nationally vulnerable), giant kōkopu (at risk – declining), īnanga (at risk – declining), shortfin eel (not threatened).
5. The receiving environment of the discharge includes the Awarua Plain – Southland Estuaries, including “Fortrose Harbour (including lower Mataura River)” which is recognised as a regionally significant wetland in Appendix A of the proposed Southland Water and Land Plan.
6. The application intends on replacing the existing consent with a significant increase in the maximum, and average, daily flow. The application is for a short duration of 5 years while investigations, consenting and constructions is undertaken to upgrade the existing Wastewater Treatment Plant.
7. Monitoring of the existing consent has shown that the consented average daily flow has been significantly exceeded for some time. Maximum daily flows for the discharge volume have also been exceeded numerous times. It is unclear whether the water quality requirements of the proposed Southland Water and Land Plan will be met with a 200m mixing zone.
8. The application has not considered possible alternative methods as required by clause 6(d)(ii) of the Fourth Schedule of the Resource Management Act 1991. Section 105 of the RMA also requires consent authorities to have regard to the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and the applicant's reasons for the proposed choice; and any possible alternative methods of discharge, including discharge into any other receiving environment. It is DOC's submission that consideration of alternatives including future improvements be part of the application.

9. The existing water quality of the Mataura River is degraded. The proposed Southland Water and Land Plan seeks to improve water quality where water bodies are degraded by human activities (Objective 6).
10. There is a lack of information on cumulative adverse effects because of the reasonable mixing zone used for monitoring. Given the degraded current state of the Mataura River and the NPSFM 2020 and proposed Southland Water and Land Plan policy framework directing improvement, DOC does not consider that continuing the existing discharge with an increase in the maximum and average daily flow is consistent with this policy direction.

*Decision sought*

11. DOC seeks the following:
  - a. That the application is declined, given the shortcomings identified above; or
  - b. If the consent authority is minded to grant the application, that it imposes conditions which require the applicant to identify an appropriate long term solution for the wastewater treatment plant prior to the expiration of any granted consent, so that this solution can be implemented and water quality improved with no further extensions needing to be sought.
  - c. DOC also seeks such alternative and/or additional relief as may be necessary and appropriate to address my concerns.

**I do not wish to be heard** in support of my submission.



John McCarroll

Operations Manager

Murihiku

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 25 August 2023

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

**Address for service:**

Attn: Amelia Ching, RMA Planner

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