

BEFORE THE INDEPENDENT HEARING PANEL

UNDER the Resource Management Act 1991

IN THE MATTER OF Resource consent application RM19.051 to discharge untreated wastewater to water and to land in circumstances where it may enter water at various locations throughout the Queenstown Lakes District

AND

IN THE MATTER OF Submissions by:
Te Rūnanga o Oraka Aparima, Hokonui Rūnanga,
Waihopai Rūnaka, Kāti Huirapa Rūnaka ki Puketeraki Te
Rūnanga o Ōtākou, and Te Rūnanga o Ngāi Tahu

**STATEMENT OF EVIDENCE OF SANDRA McINTYRE
ON BEHALF OF
TE RŪNANGA O ORAKA APARIMA, HOKONUI RŪNANGA, WAIHOPAI
RŪNAKA, KĀTI HUIRAPA RŪNAKA KI PUKETERAKI, TE RŪNANGA O ŌTĀKOU
AND TE RŪNANGA O NGĀI TAHU**

1 INTRODUCTION

- 1.1 My name is Sandra McIntyre. I currently work with Schema Limited as a planning, policy and project management consultant.
- 1.2 I hold the qualifications of Bachelor of Horticultural Science from Massey University and Master of Science in Resource Management (with honours) from Canterbury University. I have more than 30 years' experience in resource management planning and policy development at district, regional and central government levels, including experience in developing freshwater management policy and in assessing the effects of proposals on freshwater resources.
- 1.3 I have been asked to provide evidence on behalf of Te Rūnanga o Oraka Aparima, Hokonui Rūnanga, Waihopai Rūnaka, Kāti Huirapa Rūnaka Ki Puketeraki, Te Rūnanga o Ōtākou and Te Rūnanga o Ngāi Tahu (collectively referred to as Kāi Tahu in my evidence) in relation to their submissions on this consent application by Queenstown Lakes District Council (QLDC or 'the applicant').
- 1.4 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and I agree to comply with it. I confirm that the issues addressed in this statement are within my area of expertise except where I state that I am relying on information provided by another party. I have not knowingly omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.5 In preparing my evidence I have reviewed:
- (a) The application and associated documents;
 - (b) The Kāi Tahu submissions;
 - (c) The Section 42A Officers' Report prepared by Mr Christophers and Mr Horrell (the Officers' Report);
 - (d) The National Policy Statement for Freshwater Management 2014 (amended 2017) (NPSFM);
 - (e) The Regional Policy Statement for Otago 1998 (RPS)
 - (f) The Partially Operative Regional Policy Statement 2019 (PORPS);

(g) The Regional Plan: Water for Otago (RPW);

(h) The following planning documents recognised by the iwi authority, Te Rūnanga o Ngāi Tahu, and by Papatipu Rūnanga with mana whenua in the Queenstown Lakes District:

- Ngāi Tahu Freshwater Policy 1991;
- Kāi Tahu ki Otago Natural Resource Management Plan 2005 (NRMP); and
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 - Te Tangi a Taurira (“Te Tangi”).

1.6 The application relates to a large number of sites in the towns and smaller settlements of the Queenstown Lakes District. Although I have not specifically visited the various sites identified in the application, I am generally familiar with the area.

2 SCOPE OF EVIDENCE

2.1 My evidence will provide:

- (a) A brief summary of the application;
- (b) An overview of the Kāi Tahu submissions lodged and the relief sought in these;
- (c) A planning assessment of the consent application, with reference to the Kāi Tahu submissions, the Officers’ Report and the planning evidence of Mr Collins for the applicant; and
- (d) Comments on the extent to which the conditions now proposed by Mr Collins will address the concerns raised by Kāi Tahu (including the specific conditions requested by Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou).

3 SUMMARY OF THE APPLICATION

3.1 Queenstown Lakes District Council (QLDC) is applying for resource consent to discharge wastewater overflows from any point within its wastewater network to freshwater receiving environments, or onto land in circumstances

where it may enter freshwater, as a result of blockages, breakages, system failures, extreme storm events, and capacity exceedance in the network. These discharges have previously occurred without any authorisation under the Resource Management Act 1991 (the Act). In addition to legitimising overflow discharges from the existing network for a period of 35 years, the application also seeks to authorise overflows from future additions to the network during this period.

- 3.2 As described in the Assessment of Environmental Effects (AEE), the application covers wastewater overflow discharges in multiple locations across the towns and smaller settlements of the district. Overflows may take place at any point in the wastewater network, but typically occur at manholes and pumping stations. Overflow discharges may reach freshwater bodies either directly, through overland flow or through entering the stormwater network. There are numerous points at which this could happen, and so the receiving environment is assumed to be all surface water bodies and aquifers that are near to either the wastewater or stormwater network in the reticulated settlements.
- 3.3 According to the AEE, the QLDC wastewater infrastructure is relatively young (with an average age of 21 years), and overflows are predominantly due to blockages and breakages caused by foreign objects in the system rather than by age-related deterioration of the infrastructure.
- 3.4 The AEE accompanying the application states that wastewater overflows are unpredictable and not completely avoidable. The applicant's approach is thus to take action to manage the effects of a discharge when it occurs. Section 2.4 of the AEE describes the response procedure that is followed in the event of an overflow, and the application includes proposed draft conditions that build on this to "*...avoid where possible, or otherwise manage, the adverse effects so that any temporary or resultant effect is minimised as much as practical and towards the avoid end of the effects scale*"¹. In summary, these conditions provide for:
- (a) Maintenance of a record of overflows and provision of an annual monitoring report;

¹ AEE, Section 1.2 (pp. 4-5)

- (b) Preparation of a detailed response procedure, incorporating notification and water sampling protocols, clean-up procedures and requirements for reporting, investigation and review;
 - (c) Ongoing community education about appropriate use of the wastewater system; and
 - (d) Review of the system to identify practicable preventative and minimisation measures and development of a plan for future network improvements.
- 3.5 A number of amendments and additions to these conditions are proposed by Mr Collins in his planning evidence for the applicant, with the aim of improving management of the effects of discharges and ensuring appropriate accountability. I will discuss these in Section 6 below.

4 THE KĀI TAHU SUBMISSIONS

- 4.1 Separate submissions have been lodged by:
- (a) Te Rūnanga o Oraka Aparima, Hokonui Rūnanga and Waihopai Rūnaka;
 - (b) Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou; and
 - (c) Te Rūnanga o Ngāi Tahu.
- 4.2 The submissions oppose the consent application due to:
- (a) The cultural offense caused by discharge of human effluent (particularly when untreated) to water, as reflected in the policies of Te Tangi, the NRMP and the Ngāi Tahu Freshwater Policy;
 - (b) The potential for adverse effects on the mauri and significant cultural values in the water bodies of the Queenstown Lakes District, including areas recognised under the Ngāi Tahu Claims Settlement Act 1998 (NTCSA) as Statutory Acknowledgements or nohoanga, as well as other important cultural landscapes, mahinga kai associations, wāhi tapu and wāhi taonga;
 - (c) The failure of the AEE to assess the application against the provisions in the relevant iwi planning documents or to recognise well documented values (such as the values of Statutory Acknowledgements and nohoanga);

(d) Concern that a granting a 35 year consent duration would effectively be making decisions for the next generation, would diminish the ability for Kāi Tahu whānui to fulfil their role as kaitiaki, would have long term effects on Kāi Tahu values and would not provide for continual improvement through changing technology.

4.3 The statement of David Higgins² provides greater detail on the cultural values and Ngāi Tahu concerns about potential effects of wastewater discharges on these values. These matters relate directly to the requirements of sections 6(e), 7(a) and 8 of the Act.

4.4 The submission of Te Rūnanga o Ngāi Tahu also expresses concern about:

(a) a lack of information provided in the application about the magnitude and frequency of overflow discharges, how capacity issues and aging of the network over the term of the consent could contribute to these, and details relating to inclusion of future networks in the consent;

(b) the adequacy of consideration of effects on drinking water supplies, including private supplies;

(c) insufficient consideration of alternatives; and

(d) the failure of proposed conditions to protect cultural values, limit network breaches, monitor effects or provide for mana whenua to be notified of incidents and have input into management plans.

4.5 The three submissions all request that consent be declined. In the event that the consent is granted, the submission of Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou requests inclusion of additional conditions to address some of the gaps identified by Te Rūnanga o Ngāi Tahu.

5 PLANNING ASSESSMENT FOR CONSENT APPLICATION

5.1 The statutory considerations for assessment of the application are set out in the AEE³, and the activity status of the application is described in the Officers' Report⁴. There is no need for me to repeat these details here.

² To be provided at the hearing

³ AEE Appendix F – Statutory and Non-Statutory Assessment, Section 2 (pp. 2-4)

⁴ Officers' Report Section 6 (p. 7)

- 5.2 I also support much of the Officers' Report assessment of the actual and potential effects of the application (under s. 104(1)(a), s 105 and s. 107 of the Act) and of the extent to which the application is consistent with relevant objectives and policies (under s. 104(1)(b) of the Act).
- 5.3 Rather than duplicating large parts of the assessment, my evidence will focus on highlighting particular aspects that are relevant to the matters raised in the Kāi Tahu submissions, including relevant provisions in iwi planning documents, and discussing areas where my opinion differs from that expressed in the Officers' Report.
- 5.4 Mr Collins' evidence, and particularly his proposals for strengthening the conditions offered by the applicant, has shifted the ground to some degree since the Officers' Report was prepared. I will discuss Mr Collins' evidence to the extent that this is relevant to my assessment.

Section 104(1)(a) – Actual and potential effects on the environment

Water quality effects

- 5.5 The health of a water body is a crucial part of protection of Kāi Tahu cultural values associated with that water body. Effects on water quality are therefore relevant to the assessment of effects on the cultural values discussed in the Kāi Tahu submission. There is significant overlap between the water quality characteristics required to maintain cultural values and those that are important to ecological, recreational and water supply values. For example the ability to use mahinga kai is dependent on the suitability of water quality for physical contact as well for sustaining ecosystems that support mahinga kai.
- 5.6 The Officers' Report describes the uncertainty that exists in regard to the nature, locations, quality and volume of potential discharges, and the consequent uncertainty about potential effects on the environment⁵. This uncertainty has caused the authors to work from an assumption that the three years of information provided by the applicant are not likely to represent the full scope and magnitude of potential effects. As a result of this approach, the Officers' Report concludes the water quality effects are likely to be more than minor in respect to the following:

⁵ Officers' Report, Section 4.1.3 (p. 5)

- Freshwater ecology⁶
- Drinking water⁷
- Recreational values⁸
- Groundwater⁹
- Cumulative effects due to potential for successive discharges to the same water body¹⁰.

5.7 Mr Collins takes a different approach in his assessment of the weight which should be given to the uncertainty about the characteristics of potential discharges. His view is that uncertainty about occurrence of overflows is inherent in the management of any wastewater network, that such overflows will occur whether or not consent is granted, and that effects should be assessed from the standpoint of whether the conditions of the consent will reduce the effects that would otherwise occur¹¹. He concludes that, if the amended conditions he recommends are imposed, the likelihood of overflows will be reduced and environmental outcomes will be improved in comparison with the existing situation¹².

5.8 I agree that there will always be some uncertainty in effects given the nature of the activity being applied for, but I consider it is important to provide as good a picture as possible of the scale of the effects in order to determine appropriate management. In addition, the sensitivity of specific receiving environments must be considered and the management approach should be appropriate in the context of the sensitivity of different areas.

5.9 I accept that an individual overflow discharge is likely to persist for only a short time and that the effects of a discharge are likely to be localised. However I consider that, in respect to water quality effects on some of the values of concern to Kāi Tahu, even short term and localised effects could be significant depending on the location and timing of the discharge (for example effects on drinking water sources, mahinga kai and wāhi tapu sites), as well

⁶ Officers' Report, Section 8.1.1 (p. 14)

⁷ Officers' Report, Section 8.1.2.1 (p. 15)

⁸ Officers' Report, Sections 8.1.2.2 and 8.2.4 (p. 16 and p. 19)

⁹ Officers' Report, Section 8.1.2.3 (p. 17)

¹⁰ Officers' Report, Section 8.6 (p. 21)

¹¹ For example, see Collins Evidence, paragraphs 7.7-7.8 (p. 18)

¹² Collins Evidence, paragraphs 7.8 and 7.10 (pp. 18-19)

as in regard to the mauri of the water body. In my opinion, an effective management approach must include evaluation of the appropriateness of giving priority to avoiding, rather than mitigating, effects in some locations. These would include, but are not limited to, environments where dispersion will be slow (such as in Lake Hayes and in small streams during low flow periods¹³), and near drinking water bores and mahinga kai sites.

- 5.10 In these circumstances, I do not consider that it is sufficient to argue, as Mr Collins appears to, that the effects should be assessed only in terms of the improvements that the conditions of consent would provide in comparison to the existing situation, particularly since this situation has no legal authorisation. Where the status quo is based on regular, unauthorised breaches of the Act, that is not an appropriate baseline from which to consider effects.
- 5.11 While I accept that overflows would occur regardless of any resource consent, I consider that the applicant has a responsibility, in applying for consent, to assess the full range of effects of the discharges and, to the extent that is practicable, to incorporate measures to ensure effects, particularly on ecologically and culturally sensitive environments, will not be more than minor. For this reason, I also consider that little weight should be given to Mr Collins' argument that the occurrence of overflows is not worse in the case of the QLDC network than in other districts¹⁴.
- 5.12 As noted above, Mr Collins' conclusions about the effects of the consent rely on imposition of his recommended conditions. I discuss these conditions in some detail in Section 6 of this evidence. In respect to my discussion above, my conclusion relating to the mitigation provided by the conditions is that, although they provide for stronger management that is likely to result in reduction in the effects of overflow discharges over time, they do not adequately consider or respond to the particular characteristics of the different receiving environments, including environments that are particularly sensitive in terms of cultural effects. In light of this, and the prevailing uncertainties associated with the discharges, I consider the discharges have potential to have more than minor water quality effects in some locations.

¹³ Ref AEE, Section 5.3 (p. 20)

¹⁴ Collins Evidence, paragraph 4.10 (p. 6)

Effects on cultural values

- 5.13 The primary focus of the Kāi Tahu submissions is concern about the effects of untreated wastewater discharges on the cultural values associated with water bodies in Queenstown Lakes District. Mr Higgins' statement discusses the values and the effects that are of concern. As highlighted in the Officers' Report, these values are also referenced in NTCSA Statutory Acknowledgements, in Schedule 1D in the RPW, and in the Cultural Values Statement provided to the applicant¹⁵. The iwi planning documents also describe effects on these values that are of concern. The Officers' Report concludes that discharges of human wastewater, by their nature, are likely to have more than minor effects on cultural values¹⁶, and I agree with that conclusion.
- 5.14 I note that the applicant's ecological assessment¹⁷ identifies a number of water bodies where the probability of a discharge entering the waterbody at some locations is moderate to high. These include all of the water bodies subject to Statutory Acknowledgements (Lake Wanaka, Lake Wakatipu, Lake Hawea and the Clutha River/Mata-au) as well as others identified in RPW Schedule 1D and/or the Cultural Values Statement (Bullock Creek, Luggate Creek, Arrow River, Shotover River, Kawarau River and Lake Hayes). For most of these water bodies, the ecological risk associated with the discharge, at least in localised areas, is also assessed as moderate to high.
- 5.15 Despite this, the AEE does not provide any substantive assessment of effects on cultural values¹⁸. Although I acknowledge that the Cultural Values Statement was not received by the applicant until after the application had been lodged, the AEE makes no reference to the values documented in Statutory Acknowledgements and RPW Schedule 1D and does not attempt to make any assessment of potential effects on the identified values. Mr Collins' evidence cites the discussion of these values in the Officers' Report¹⁹, but his assessment does not discuss any measures to be taken to protect the values of specific identified sites.

¹⁵ Officers' Report, Section 8.3 (pp. 19-20)

¹⁶ Officers' Report, Sections 8.2.3 and 8.3 (p. 18, pp. 19-20)

¹⁷ Ref to AEE Appendix C - Ecology assessment (Queenstown Lakes District Wastewater Overflow Discharge Network Consent: Assessment of Ecological Effects, prepared by Dean Olsen) Table 8 (pp. 33-35)

¹⁸ AEE, Section 5.6 (pp. 24-25)

¹⁹ Collins evidence, paragraph 7.14 (pp. 19-20)

- 5.16 In response to a further information request, the applicant provided a brief assessment of effects, with reference to the Cultural Values Statement. This assessment acknowledges that discharges of untreated wastewater to water bodies is culturally unacceptable, and comments that *“effects can only be mitigated through minimising the likelihood of overflows occurring over time, preventing those overflows from reaching water and remedying the water and surrounding environment immediately following an overflow event occurring.”*²⁰ I agree that these measures would be appropriate. However I do not consider that the conditions as proposed by the applicant will provide for the measures to a sufficient extent and with a sufficient degree of certainty to satisfy the concerns of Kāi Tahu. My assessment of the proposed conditions is in Section 6 of my evidence.
- 5.17 In addition to the proposed conditions relied on by the applicant to mitigate effects (which include preparation of an Incident Response Procedure and a plan for network improvements, and provision for notification of Kāi Tahu when an overflow occurs), the assessment also refers to possible inclusion of a condition relating to further measures to stop an overflow from reaching water. I consider such a condition would reduce the likelihood of effects on cultural values, but it appears the applicant has discarded this proposal.
- 5.18 I conclude that, in its present form, the measures proposed in the application and in Mr Collins’ evidence fall short of what is needed to mitigate effects on cultural values, and that effects on cultural values are therefore likely to be more than minor.

Section 104(1)(b) – Relevant planning provisions

- 5.19 The Officers’ Report includes a thorough assessment of whether the application is consistent with the relevant planning provisions. For the most part, I agree with and adopt this assessment. My evidence focuses on areas where I differ from the officers’ assessment or consider there are additional matters that should be highlighted, including relevant matters in Mr Collins’ evidence.

²⁰ QLDC Wastewater Network Consent: Response to S92 Further Information, 13 September 2019, Attachment 2.

National Policy Statement for Freshwater Management (NPSFM)

- 5.20 I agree with the assessment of the Officers' Report, except as described below.
- 5.21 Although the Officers' Report considers that the RPW generally meets the requirements of Policies A1 and A2, I agree with Mr Collins that, until the processes set out in the NPSFM have been fully implemented, Policy A4 is also applicable. However I do not agree with Mr Collins' assessment against this policy. In particular, his evaluation in regard to the requirements of Policy A4(1) only addresses long-term effects on ecosystems²¹. As I have discussed, the applicant's ecological assessment identifies that there is a moderate to high risk of at least localised ecological effects in a number of water bodies. I consider that the extent to which these effects could be more than minor in particular circumstances (such as the timing of discharges and proximity to sensitive habitats) should also be had regard to.
- 5.22 Objective C1: The Officers' Report appropriately refers to Objective C1. I consider that Policy C1, which is not mentioned in the Officers' Report assessment, is also relevant. I agree with the assessment of the Officers' Report that the application does not improve integrated management of freshwater and land use. I consider that, to reflect ki uta ki tai, as required in Policy C1(a), a land use that may generate discharges needs to be managed in a way that considers the particular characteristics of the catchment/s in which it takes place. In this respect, I draw attention particularly to the lack of any clear measures in the application, and proposed conditions notified with this, to ensure that the existing wastewater network is operated, and future improvements and additions are designed, in a way that takes into account the values and sensitivity of the specific receiving environments that would be affected by overflows. In Section 6 of my evidence, I discuss the extent to which the amended conditions proposed by Mr Collins address this matter.
- 5.23 I consider that Policy D1, regarding tangata whenua role and interests, is also relevant to this application. As discussed elsewhere in this evidence, my opinion is that Kāi Tahu values and interests have not been adequately reflected in the application and the proposed conditions; thus the application is inconsistent with this policy.

²¹ Collins Evidence, paragraph 8.16 (p. 26).

National Environmental Standard for Sources of Human Drinking Water

5.24 I agree with the assessment of the Officers' Report.

Regional Policy Statement for Otago 1998 (RPS)

5.25 Much of the RPS, including the provisions that specifically address mana whenua interests, has been revoked and replaced by provisions in the PORPS. I agree with the overall assessment in the Officers' Report in respect to the remaining relevant policy (Policy 6.5.5), and draw particular attention to clause (d) of this policy, which promotes discharges to land where practicable. In the form notified, the application did not include any clear measures to address this. Additional conditions proposed since notification relating to network improvements and future additions to the network are helpful in providing greater consistency with this clause, but do not remove the uncertainty about the ability to maintain the water quality standards required in clauses (a), (b) and (c) referred to in the Officers' Report. As a result, the application is also inconsistent with Objective 6.4.4 which seeks "to maintain and enhance the ecological, intrinsic, amenity and cultural values of Otago's water resources".

Otago Partially Operative Regional Policy Statement –2019 (PORPS)

5.26 I agree with the assessment of the Officers' Report except as described below.

5.27 Policy 2.1.2 (Treaty Principles): I agree with the Officers' Report assessment, but note that the summary of the policy included in the assessment does not incorporate the requirements, in clauses (c) and (d), to take Kāi Tahu values in resource management decision-making processes and to recognise and provide for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka. These clauses emphasise that it is not only engagement with mana whenua that matters, but also the environmental outcomes that are achieved in regard to cultural values. I discuss this further below in relation to assessment against the RPW.

5.28 In regard to the assessment of Policy 2.1.2, Policies 2.2.1 and 2.2.2, and Policy 5.4.1, the Officers' Report appropriately refers to the cultural values identified in Schedule 1D of the RPW. I draw attention to the content of the

Cultural Values Statement and Mr Higgins' statement on cultural values which are also relevant to these policies.

- 5.29 Policy 5.4.3 (Precautionary approach to adverse effects): I note that this policy is incorrectly cited as 4.4.3 in the Officers' Report. I agree with the overall assessment in that report, but acknowledge that Condition 11 now proposed by Mr Collins would address the specific concern raised in respect to the requirements of section 107 of the Act.

Regional Plan Water for Otago (RPW)

- 5.30 I agree with the assessment of the Officers' Report except as described below.
- 5.31 Policy 5.4.2 and Policy 7.C.2: I agree that the application is inconsistent with the requirement of Policy 5.4.2 to give priority to avoiding (in preference to remedying or mitigating) adverse effects on the values of particular water bodies identified in Schedule 1A, B, C and D as well as natural character and amenity values more generally. It is also inconsistent with the requirement in Policy 7.C.2 to have regard to the sensitivity of the receiving environment. In particular, the application applies a general approach across the whole network, and does not provide for any prioritisation of measures to reduce the risk of overflows in water bodies with identified values.
- 5.32 Policy 7.B.8: In respect to the application as notified, and draft conditions that had been proposed at the time the Officers' Report was written, I agree with the assessment of the Officers' Report that the conditions did not effectively provide for adaptive management measures. I consider that the conditions now recommended by Mr Collins go some way to addressing this, but that further amendments are required to ensure they are effective (see Section 6 below).
- 5.33 Policy 7.C.4: I agree with the Officers' Report assessment in regard to consent duration. Mr Collins recommends a shorter duration of 20 years but, as I discuss in Section 6 below, I consider this is still inconsistent with Policy 7.C.4.
- 5.34 In respect to Policies 5.4.2, 7.B.2, 7.B.6 and 7.C.2 Mr Higgins' statement is directly relevant regarding effects on Kāi Tahu cultural values.

Section 104(1)(c) – Other matters

Iwi Management Plans

5.35 Relevant iwi management plans include:

(a) Ngāi Tahu Freshwater Policy 1991;

(b) Kāi Tahu ki Otago Natural Resource Management Plan 2005 (NRMP);
and

(c) Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 - Te Tangi a Tauira (“Te Tangi”).

5.36 The applicant, in Appendix F to the AEE, identifies some relevant provisions of the NRMP and Te Tangi but does not assess the application against these provisions. Mr Collins, in his evidence, adopts the assessment in the AEE, but also provides some further discussion of measures he has recommended in conditions to address the matters identified in the iwi management plans. I comment on these as relevant in my assessment.

5.37 The Officers’ Report identifies a number of relevant policies in the NRMP and Te Tangi, and concludes that the application is inconsistent with these. I agree with this conclusion but consider some additional assessment would be helpful.

5.38 My assessment of relevant provisions in the Ngāi Tahu Freshwater Policy, the NRMP and Te Tangi is included in **Attachment 1** to this evidence. In summary, I conclude that the application fails to appropriately take these provisions into account. Although the conditions proposed by Mr Collins will go some way to reducing the risks of discharges of wastewater to water bodies, I consider that additional measures would be required to appropriately recognise and provide for cultural values and for exercise of kaitiakitanga by mana whenua. (I discuss these further in Section 6 below.)

Water Conservation (Kawarau) Order 1997

5.39 I agree with the assessment of the Officers’ Report and disagree with Mr Collins’ assessment. I acknowledge that Clause 5 of the Order provides an exemption for maintenance and protection of a network utility operation, but I am not convinced that this provides for breaches of the network. I also disagree with Mr Collins’ apparent view that temporary and localised

breaches of water quality standards can be ignored. Localised and short durations may have effects on cultural values, depending on location and time of occurrence. Schedule 2 of the Order identifies cultural significance as a characteristic to be protected in Lake Wakatipu.

Lake Wanaka Preservation Act 1973

5.40 I agree with the assessment of the Officers' Report. I acknowledge that the conditions proposed by Mr Collins will help to reduce the likelihood of discharges to Lake Wanaka, but I consider the proposed discharge is still inconsistent with the purpose of that Act.

Section 105 and 107 Considerations

The nature of the discharge, the sensitivity of the receiving environment and the applicant's reasons for the proposed choice

5.41 The nature of the discharge is offensive to Kāi Tahu in the context of adverse cultural effects, and is also offensive to the broader community, as evidenced by the large number of opposing submissions. Discharges currently occur from time to time without authorisation, due to a variety of causes which are not all in the applicant's control, and can affect receiving environments with varying values and sensitivity to contaminants.

5.42 The applicant's reason for the application is to authorise and to provide for improved management of overflows from the wastewater network. The initial conditions proposed did not impose any requirements on the applicant in regard to improving management and reducing the likelihood of discharges. The stronger conditions now proposed by Mr Collins would be more effective in stimulating improvements and reducing the number of discharges that enter water. However, the approach proposed does not generally distinguish between receiving environments, and does not include any measures to protect or prioritise improvement in areas with specifically identified values or receiving environments that are particularly sensitive to contaminants.

Consideration of alternatives

5.43 The AEE concludes that the only possible alternative would be to rebuild the wastewater network²². I disagree. For example, other alternatives that have not been considered include:

²² AEE Section 6.3 (p. 29)

- to review the network to identify and plan for priority improvements now, and then seek consent for overflows in light of planned improvements;
- to develop a management approach that is more responsive to the characteristics of receiving environments by prioritising, in network improvements, avoidance of effects in sensitive environments and locations with identified values.

Section 107 requirements

5.44 I agree with the Officers' Report that the application as notified did not provide certainty that the effects identified in section 107 would not occur. Mr Collins also agrees and has proposed a new condition to address this. That condition would specifically exclude discharges with characteristics described in section 107 from the ambit of the consent, enabling enforcement action to be taken. I agree that this would address the section 107 restriction and I consider that it would act as an incentive to the applicant to make network improvements in order to minimise the risk of out-of-scope discharges.

Part 2 of the Act

5.45 I generally agree with and adopt the Officers' Report assessment in regard to Part 2 matters, except for some further comment below on sections 6(e), 7(a) and 8 of the Act.

5.46 As I have already discussed, the consideration in the application of cultural values is deficient in that there is no recognition or provision made in respect to the values and associations that have been documented for specific water bodies that are potentially affected. This is directly relevant to the requirement in section 6(e) of the Act, and I consider that the application does not comply with this requirement.

5.47 In respect to section 7(a) and section 8, the AEE, Mr Collins' evidence and, to a lesser extent, the Officers' Report emphasise the participation of Rūnanga in initial consultation and by way of the submissions as the means of giving effect to these sections. In my opinion, giving effect to kaitiakitanga and taking into account Treaty principles requires more than the engagement that has taken place. It must also include appropriate consideration of the outcomes for cultural values that will be achieved. Regardless of whether consent is granted in this application, or in a future scenario, I consider it would be

appropriate to prioritise improvements necessary to protect culturally significant waters and sites and to provide for ongoing mana whenua participation by means of:

- (a) input into development of overflow response procedures and network improvement plans; and
- (b) supplementing proposed ecological and visual assessment of discharges with provision for monitoring of cultural indicators in conjunction with mana whenua.

6 COMMENT ON CONDITIONS PROPOSED IN APPLICANT'S PLANNING EVIDENCE

6.1 In its current form, I do not consider that the application appropriately addresses the effects I have discussed. In particular:

- (a) It enables continuation of unpredictable discharges of untreated human wastewater into water over period that extends into the next generation;
- (b) It does not appropriately recognise and provide for documented cultural values and associations with particular water bodies that are potentially affected; and
- (c) The management approach does not adequately reflect differences in sensitivity of receiving environment across the network.

6.2 I acknowledge the effort that Mr Collins has made to strengthen the management of overflows through his amended conditions, but I consider that further amendments are required if the application is to address the concerns set out above. In light of this, Kāi Tahu seek that the application as notified, and proposed to be amended through various reports and evidence, is declined. If the Commissioners are minded to grant the consent, I discuss the conditions proposed by Mr Collins, and further amendments that would be necessary to mitigate the adverse effects identified by Kāi Tahu, below.

Consent scope (Proposed conditions 1, 2 and 11)

6.3 I understand that Condition 1 has been worded to comply with Otago Regional Council standard practice. However, given the extent to which the applicant's proposed approach has developed since the application was

lodged, reference to the application lodged is somewhat confusing. I consider it would be preferable to clearly state the scope of what is authorised.

- 6.4 Condition 2 describes the scope of the current network and the potential future scope. The description of future scope uses the words “*including but not limited to the following areas*”. I consider that this introduces an inappropriate level of uncertainty about the scope of the consent, particularly in conjunction with a long consent duration. I discuss consent duration below, but note here that if a shorter duration was to be imposed, future network additions that are not currently planned could be included at the time of consent renewal.
- 6.5 I note that Condition 2 is proposed to be linked to condition 14 to require that any additions to the network can only be incorporated in the scope of the consent if their design ensures that overflows will be to land rather than water, and that emergency storage and resilience is built into pump stations. I support these requirements.
- 6.6 As discussed in paragraph 5.44 above, I also support the limitation of scope, in Condition 11, to exclude discharges that have any of the effects listed in section 107 of the Act. I consider that this has potential to provide a significant improvement in certainty about the scope of effects that may be caused by the consented discharges. However I consider that some further amendments to Condition 11 are needed.
- 6.7 Clause (c) of proposed Condition 11 allows a discharge to persist for 24 hours, regardless of effects, before the limit on scope is triggered. I consider that, given the restriction on these effects in section 107, and their unacceptability to Kāi Tahu and the wider community, it would not be appropriate to allow the effects to persist for this period of time. The proposed period is also significantly longer than the applicant’s performance targets for overflow response. Ms Moogan’s evidence for the applicant states that network contractors are required to ensure any overflow cease within four hours of notification²³. In my view, it would be more appropriate to set a limit that is more closely related to the performance targets, and I suggest this should be no longer than six hours.
- 6.8 Although cultural effects are not among those addressed in section 107, I consider that it would be appropriate to include reference to significant

²³ Moogan Evidence, paragraph 7.2(b) (p. 7)

adverse effects on cultural values in the scope restriction in Condition 11, in a similar way to the existing reference to significant effects on aquatic life. A clear definition or description of the cultural values to be protected in this way would provide certainty about the scope limit. This could possibly be linked to documented values recognised in RPW Schedule 1D, the values described in the Cultural Values Statement or specific cultural indicators, but should be determined with input from mana whenua.

Records and reporting (Proposed conditions 4 and 15)

- 6.9 I consider Condition 4 is generally appropriate, but should also require the results of water sampling (referred to in the overflow response procedure in Condition 8) to be recorded.
- 6.10 In Condition 15, I support the proposed addition of trend monitoring to the matters required to be addressed in the annual monitoring report. This would provide helpful information in respect to cumulative effects and could also alert the applicant to the need to modify management to better avoid overflows if trend monitoring showed a declining trend in water quality.
- 6.11 In order to provide for appropriate recognition and protection of cultural values, I consider that monitoring should also be required to include cultural indicators, to be developed in conjunction with mana whenua.
- 6.12 The submission of Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou requests that, if consent is granted, a condition be included to inform the Rūnanga about progress with implementing network improvements. To respond to this request and to recognise the rangatiratanga and kaitiaki role of mana whenua, I consider it would be appropriate to include a requirement, in Condition 15, to provide the Annual Monitoring Report to Rūnanga as well as to the Consent Authority.

Review of implementation and conditions (Proposed conditions 7 and 16)

- 6.13 I support provision for the Consent Authority to commission an independent review of the management of overflows as proposed in Condition 16. However I consider it would be appropriate to broaden the potential scope of the review to include the following matters:

- (a) Consideration of any issues identified in an annual monitoring report (including issues identified through monitoring of cultural indicators, as I have discussed in relation to Condition 15); and
- (b) The ability to make recommendations on opportunities to avoid discharges to water.

6.14 I also support the proposed amendment to Condition 7 to include provision for review of conditions in response to outcomes of an independent review. I note that the Officers' Report recommends that review purposes also include "*ensuring the conditions of consent are consistent with National Environmental Standards, Regulations and/or relevant plans*". I consider that this would be more effectively provided for by a shorter consent duration as discussed below.

Incident response (Proposed conditions 8, 9 and 10)

6.15 It would have been preferable for an appropriate response procedure to have been fully developed and able to be considered as part of the consent process. However, as this has not happened, I agree it would be appropriate to require development of this procedure within a short timeframe. I also support the requirement to notify mana whenua of any overflow event. However I consider that the requirements should include Rūnanga input to the Response Procedure. This would recognise the rangatiratanga and the kaitiaki role of mana whenua.

6.16 Condition 9 requires a visual and ecological assessment to be undertaken for any overflow that reaches water. I support this requirement, but consider that it would be appropriate to require monitoring of relevant indicators of cultural health as well. Mana whenua should be involved in development and monitoring of such indicators.

Community education (Proposed condition 12)

6.17 This condition is consistent with a request in the submission of Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou, and I support its inclusion.

Network improvements and additions (Proposed conditions 13 and 14)

6.18 It would have been preferable for an appropriate review of the network to have been undertaken and for improvements to be planned before the

application was lodged. However, as this has not happened, I agree it would be appropriate to require this to happen within a short timeframe. I consider that Condition 13 needs to be strengthened to provide for:

- (a) a requirement for mana whenua input;
- (b) consideration of measures to prioritise preventative measures where discharges could affect the most sensitive receiving environments;
- (c) a process for approval of improvement measures by the consent authority;
- (d) a clear obligation on the applicant to implement the recommendations arising from the review within an agreed timeframe (with allowance for this to be waived if good reasons are provided to the consent authority).

6.19 I support the proposed strengthening of Condition 14 to require that any additions to the network (including those taken over from other owners) are designed and constructed to minimise the risk of overflow and to ensure that any overflow is directed to land and not water. I support the requirement that infrastructure is not located in proximity to community water takes, and consider that this restriction should also be applied in relation to sites of cultural significance, including nohoanga and other mahinga kai sites and wāhi tapu.

Consent duration (Proposed condition 6)

6.20 The application seeks the maximum possible 35 year duration for this consent. The justification provided for this in the AEE is that:

- (a) The adverse effects of the discharges and the receiving environments are known entities that have been assessed, and that are unlikely to change substantially over time;
- (b) The proposed conditions of consent will avoid, where possible, and manage the adverse effects to minimise effects as much as practical; and
- (c) A long duration will ensure consistency and security in future asset and financial planning²⁴.

²⁴ AEE Section 1.5 (p. 6)

- 6.21 Mr Collins does not support a consent duration of this length and has recommended, instead, a duration of 20 years. This has been derived using, as a starting point, the 15 year limit set in RPW Policy 7.C.4 for discharges that do not meet the water quality standards that have been set in that Plan to support identified values. Mr Collins has adjusted this duration upward to reflect the “occasional, temporary” nature of the discharges and to align with two ten-year Long Term Plan periods.
- 6.22 I agree that the 15 year limit provided for in Policy 7.C.4(b) is the appropriate starting point to use in consideration of the duration of this consent. However, I note that this is described in the policy as a maximum duration, and I do not support the upward adjustment recommended by Mr Collins.
- 6.23 Another relevant consideration in setting the term is the timeframe for implementation of the NPSFM. The RPW must be amended to implement the NPSFM by the end of 2025²⁵. If the application is not declined, I consider that a 10 year consent duration, as requested by Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou, would better provide for the ability to respond in a timely manner to changes in the planning framework to reflect the requirements of the NPSFM.
- 6.24 In regard to the link Mr Collins’ makes to Long Term Plan periods, I note that these plans are required to be reviewed and updated every three years. A ten year duration would encompass three review cycles and I consider the shorter timeframe would provide a stronger incentive to the applicant to make ongoing improvements through this process. This duration would also be more suited to providing certainty about the scope of future additions to the network, as I have discussed above in relation to Condition 2.

Conditions requested by submitters

- 6.25 The submission of Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou requests some specific conditions to be incorporated if the consent is granted. My discussion in the table below assesses whether the requests in the submission are appropriately addressed.

²⁵ NPSFM Policy E1(b)

Condition requested	Assessment
That the term of consent be no longer than 10 years	As discussed in relation to Proposed Condition 6 above, I support a 10 year term.
That Kā Rūnaka via Aukaha are notified of any 'unplanned' wastewater discharges where it enters a waterway	Proposed Condition 8 appropriately addresses this by incorporating a requirement to notify the Papatipu Rūnanga via their resource management agencies (Aukaha and Te Ao Marama Inc.).
That all pump stations are alarmed, and the alarms should be installed within the next 2 years	The AEE identifies that all wastewater pump stations in the network include alarms ²⁶ . I consider it is unnecessary to require this in a condition.
That the wastewater treatment systems not owned and managed by the Queenstown Lakes District Council to be incorporated in this application should adhere to the conditions of this consent once included in the Queenstown Lakes District Council wastewater treatment system network	Proposed Condition 2 includes future additions to the network in the scope of the consent. This means they would be required to adhere to all conditions. As discussed in respect to Proposed Condition 2, however, I consider it would be appropriate to provide greater certainty about what additional systems are to be included.
That there be a timeframe established and adhered to regarding decreasing the frequency of 'unplanned' wastewater discharges from within the Queenstown Lakes District wastewater treatment systems. It is recommended that the number of 'unplanned' discharges is	Proposed Condition 13 includes requirements for review of the network and identification of measures to prevent or minimise overflows reaching water. In my discussion on this condition, I have identified the need to provide for mana whenua input to this process,

²⁶ AEE, Section 2.4 (p. 10)

<p>reduced by 50% within the next 5 years</p>	<p>and to include a commitment to an agreed timeframe for implementing improvements. I consider that this would address the submitter's concern.</p>
<p>That there be a timeframe established and adhered to regarding the upgrade of the Queenstown Lakes District wastewater treatment systems infrastructure. To achieve the above 50% reduction of 'unplanned' discharges, funding needs to be allocated in the Annual Plan and the Long Term Plan to enable this reduction. Kā Rūnaka via Aukaha should be informed annually of the funding and resulting reduction of 'unplanned' discharges</p>	<p>As discussed above, I have identified the need for a clear timeframe to be required in Proposed Condition 13 for implementation of network improvements. I agree it would be appropriate for Papatipu Rūnanga to be informed of progress against this, in order to provide for rangatiratanga and kaitiakitanga. This could be achieved by providing the proposed Annual Monitoring Report (Proposed Condition 15) to Rūnanga as well as to the Consent Authority, and I have recommended this.</p>
<p>That water quality sampling at each 'unplanned' wastewater discharge site where it has entered water be undertaken within 2 hours of receiving notification of the discharge along with regular water quality sampling until no exceedance of allowable limits are shown, of:</p> <ul style="list-style-type: none"> E.Coli Suspended Solids Biological Oxygen Demand (BOD) Zinc Copper Lead Dissolved Reactive Phosphorus 	<p>Proposed Condition 8 sets out requirements for the overflow response procedure. This includes water sampling of <i>E. coli</i> for public health purposes, as well as an ecological survey. Required components of that survey are set out in Proposed Condition 9, and include sampling of various water quality parameters. It is not within my area of expertise to assess the merits of including the specific parameters requested by the submitter, or the appropriate timeframe for collection of samples. However I have recommended that the assessment in Proposed Condition 9 include cultural assessment, with indicators to be</p>

Ammonia Faecal Coliforms	developed in conjunction with mana whenua. I consider that this would enable the concern in the submission to be addressed.
That the Queenstown Lakes District Council shall provide ongoing education and awareness to the community on how the wastewater system should be used. This could be in the form of a notice, at eating establishments, hotels, industrial premises and local construction industry	This request is provided for in Proposed Condition 12.

7 CONCLUSION

- 7.1 The application provides for discharges of untreated wastewater across the QLDC network. There is considerable uncertainty in regard to the specific locations, volume, frequency and duration of discharges. This has potential to affect water bodies with significant cultural values. In order to minimise the adverse effects on these values, it is crucial for the network to be managed in a way that minimises the likelihood of overflows occurring over time, gives priority to preventing those overflows from reaching water and, where this is not possible, remedies the water and surrounding environment immediately following an overflow event occurring. In the form notified, the application fails to provide any assurance of this happening.
- 7.2 The conditions proposed by Mr Collins provide greater assurance that management will actively seek to minimise effects on water bodies. However the conditions do not adequately provide for management to recognise cultural values or the particular needs of sensitive receiving environments. I consider that consent should be declined unless these matters are addressed through amendments to the proposed conditions. If the Commissioners are minded to grant consent, I have described, in Section 6 of my evidence, the nature of the amendments I consider necessary to reduce the adverse effects of the activity. I have not suggested specific wording of amendments as I

consider that mana whenua should be provided an opportunity for input into any final wording.

A handwritten signature in black ink, appearing to read 'Sandra McIntyre', written in a cursive style.

Sandra McIntyre

29 October 2019

Attachment 1: Assessment against Iwi Management Plans

Attachment 1: Assessment against Iwi Management Plans

Ngāi Tahu Freshwater Policy 1991

Provision		Assessment
4.3.2 Water quality	Protecting the mauri of a water body requires ... <ul style="list-style-type: none"> Prohibiting the direct discharge of contaminants to water, in particular the discharge of human effluent 	The application is to authorise discharge of untreated wastewater in circumstances where it could enter water, so is inconsistent with this policy.
4.3.3 Cumulative effects	The identification and monitoring of cumulative effects are important elements of ... environmental management	The application does not provide for any monitoring of cumulative effects. However Mr Collins' recommendation to include monitoring of trends in annual monitoring reports will go some way towards addressing this.
6.1 Wahi Tapu Objective	To afford total protection to waters that are of particular spiritual significance to Ngāi Tahu	There is no apparent recognition or assessment of effects on cultural values and associations with water bodies that are documented in Statutory Acknowledgements and RPW Schedule 1D, and there is no absolute protection afforded to any of the locations that could be affected by discharges.
6.2 Mauri Objective	Restore, maintain and protect the mauri of freshwater resources	The application is to authorise discharge of untreated wastewater in circumstances where it could enter water, so is inconsistent with this policy.
6.3 Mahinga kai objective	To maintain vital, healthy mahinga kai populations and habitats capable of sustaining harvest activity	Although the AEE concludes that the discharge will not cause long-term adverse effects to ecosystems, the ecological assessment indicates that there is potential for localised effects in the short term. There is no specific assessment of the activity on mahinga kai.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (NRMP)

Provision		Assessment
5.3.3 Wai Māori General Objectives	<ul style="list-style-type: none"> i. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management. ii. The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs iii. There is no discharge of human waste directly to water. iv. Contaminants being discharged directly or indirectly to water are reduced. 	<p>The discharge of untreated wastewater to water bodies is contrary to this policy. In addition, there is no apparent recognition or assessment of effects on cultural values and associations with water bodies that are documented in Statutory Acknowledgements, nohoanga, RPW Schedule 1D and the Cultural Values Statement.</p> <p>The application, as notified, did not include any requirements that would require reduction in discharges to water. The conditions now proposed by Mr Collins would impose stronger requirements for the applicant to make improvements in this respect, but I consider some further strengthening of these conditions is required. I discuss these in Section 6 of my evidence.</p>
5.3.4 Wai Māori General Policies	<ul style="list-style-type: none"> 1. To require an assessment of instream values for all activities affecting water. 2. To promote the cultural importance of water to Kāi Tahu ki Otago in all water management within the Otago Region and Lower Waitaki Catchment. 4. To protect and restore the mauri of all water. 	<p>While the application includes some assessment of instream values, assessment of the cultural values associated with the various water bodies, including effects on mauri, is absent aside from a general acknowledgement that discharge of untreated effluent is culturally offensive.</p>
5.3.4 Wai Māori Policies - Discharges	<ul style="list-style-type: none"> 8. To require land disposal for human effluent and contaminants. 9. To require consideration of alternatives and use of new technology for discharge renewal consents. 	<p>The application does not require discharge to land. However the conditions proposed by Mr Collins go some way to addressing this by requiring any additions to the network to be designed to avoid overflows to water, and by requiring</p>

Provision	Assessment
<p>13. To require monitoring of all discharges be undertaken on a regular basis and all information, including an independent analysis of monitoring results be made available to Kāi Tahu ki Otago.</p> <p>14. To encourage Management Plans for all discharge activities that details the procedure for containing spills and including plans for extraordinary events.</p> <p>15. To require all discharge systems be well maintained and regularly serviced. Copies of all service and maintenance records should be available to Kāi Tahu ki Otago upon request.</p> <p>18. To require groundwater monitoring for all discharges to land.</p>	<p>review of the existing network to identify measures to prevent overflows reaching water.</p> <p>The application does not seriously consider alternatives and potential for use of new technology. The proposed condition relating to a review of the network and identification of network improvements addresses this to some extent, but I consider that, to be consistent with the policy, this review should have been carried out prior to applying for consent.</p>
<p>5.4.3 Wāhi Tahu Objectives</p> <p>i. All wāhi tapu are protected from inappropriate activities</p> <p>ii. Kāi Tahu ki Otago have access to wāhi tapu.</p> <p>iii. Wāhi tapu throughout the Otago region are protected in a culturally appropriate manner.</p>	<p>The application does not consider effects on wāhi tapu or ways in which wāhi tapu could be protected.</p>
<p>5.4.4 Wāhi Tapu General Policies</p> <p>1. To require consultation with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu.</p>	<p>The application does not consider effects on wāhi tapu or provide for consultation on this.</p>
<p>5.4.4 Wāhi Tapu Policies - Discharges</p> <p>7. To discourage all discharges near wāhi tapu.</p>	<p>The application does not consider whether discharges are occurring near wāhi tapu.</p>

Provision		Assessment
5.5.3 Mahika Kai and Biodiversity Objectives	<ul style="list-style-type: none"> i. Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected. ii. Mahika kai resources are healthy and abundant within the Otago Region. iii. Mahika kai is protected and managed in accordance with Kāi Tahu ki Otago tikaka. 	Although the AEE concludes that the discharge will not cause long-term adverse effects to ecosystems, the ecological assessment indicates that there is potential for localised effects in the short term. Mr Collins' proposed conditions provide for notification of Rūnanga in the event of an overflow and include a requirement for ecological assessment following any overflow that reaches water. However there is no provision for assessment of cultural indicators relating to the health of mahinga kai.
5.5.4 Mahika Kai and Biodiversity General Policies	<ul style="list-style-type: none"> 1. To promote catchment based management programmes and models, such as Ki Uta Ki Tai. 7. To require that all assessments of effects on the environment include an assessment of the impacts of the proposed activity on mahika kai. 	Although the AEE concludes that the discharge will not cause long-term adverse effects to ecosystems, the ecological assessment indicates that there is potential for localised effects in the short term. There is no specific assessment of the activity on mahinga kai or of effects on the wider catchment downstream of a discharge.
5.6.3 Cultural Landscapes Objectives	<ul style="list-style-type: none"> i. The relationship that Kāi Tahu ki Otago have with land is recognised in all resource management activities and decisions. ii. The protection of significant cultural landscapes from inappropriate use and development. iii. The cultural landscape that reflects the long association of Kāi Tahu ki Otago resource use with in the Otago region is maintained and enhanced. 	The application does not recognise or assess effects on cultural landscapes.
5.6.4 Cultural Landscapes Policies – Nohoaka sites	<ul style="list-style-type: none"> 11. To encourage in conjunction with Te Rūnanga o Ngāi Tahu: <ul style="list-style-type: none"> ... ii. nohoaka are safe to use; 	The application does not consider effects on nohoanga.

Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 - Te Tangi a Taurira

Provision		Assessment
Policy 5.3.2.5	<p>Assess proposed wastewater discharge activities in terms of:</p> <ul style="list-style-type: none"> • type/ nature of the discharge; • location and sensitivity of the receiving environment; • cultural associations with location of operations; • actual and potential effects on cultural values; • available best practice technology; • mitigation that can occur (e.g. using plants to filter waste, discharging at specific times to minimise impact, treatment options) • community acceptability; • cost. 	<p>The application is for a type of discharge that is culturally offensive. It covers a wide range of receiving environments and the management approach proposed is not tailored to suit the varying sensitivities of different receiving environments. In particular there is no apparent recognition or assessment of effects on cultural values and associations with water bodies that are documented in Statutory Acknowledgements, nohoanga and RPW Schedule 1D. Although I acknowledge that cost is an important factor in development of public infrastructure, I consider that this does not absolve the applicant of the responsibility to make all practicable efforts to use best practice to avoid adverse effects on these water bodies. The application, as notified, did not include any requirements that would require such an approach. The conditions now proposed by Mr Collins would impose stronger requirements for the applicant to make improvements, but I consider some further strengthening of these conditions would be required for consistency with this policy.</p>
Policy 3.5.2.6	<p>Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Even if the discharge is treated and therefore considered “clean”, it may still be culturally unacceptable. Generally, all discharge must first be to land.</p>	<p>The application does not prioritise discharge to land. However the conditions proposed by Mr Collins will address this in part by requiring any additions to the network to be designed to avoid overflows to water, and by requiring review of the existing network to identify measures to prevent overflows reaching water.</p>

Provision		Assessment
Policy 3.5.2.8	Wastewater disposal options that propose the direct discharge of treated or untreated effluent to water need to be assessed by the kaitiaki rūnanga on a case by case, individual waterway, basis. The appropriateness of any proposal will depend on the nature of the proposal, and what waterway is involved. Individual waterways possess their individual mauri and values, and kaitiaki rūnanga are in the best position to assess the potential impacts of a proposal on such values.	The application covers a wide range of receiving environments and the management approach proposed does not require management that is tailored to reflect individual assessments of the values of the various water bodies that could be affected. There is also no opportunity provided for rūnanga to exercise kaitiakitanga through input to planning of network improvements.
Policy 5.3.2.10	Require that the highest environmental standards are applied to consent applications involving the discharge of contaminants to land or water (e.g. standards of treatment of sewage).	The application is to authorise discharge of untreated wastewater, so is inconsistent with this policy.
Policy 3.5.2.13	Require the use of buffer zones, bunds and other mechanisms to prevent wastewater from entering waterways	The application does not include any requirements for use of these mechanisms. However the conditions proposed by Mr Collins go some way to addressing this by requiring any additions to the network to be designed to avoid overflows to water, and by requiring review of the existing network to identify measures to prevent overflows reaching water.
Policy 3.5.2.15	Any discharge activity must include a robust monitoring programme that includes regular monitoring of the discharge and the potential effects on the receiving environment. Monitoring can confirm system performance, and identify and remedy any system failures.	The conditions proposed by Mr Collins include monitoring of the ecological and visual effects of any overflow discharge to water, as well as water sampling. However there is no provision for monitoring of cultural indicators.

Provision		Assessment
Policy 3.5.2.16	Require that large scale wastewater disposal operations (e.g. town sewage schemes, industry) develop environmental management plans, including contingency plans to cope with any faults, breakdowns, natural disasters, or extreme weather events (e.g. cash bonds for liability).	Inclusion of a requirement to develop a Wastewater Overflow Response Procedure is consistent with this policy provided that the procedure is effective in mitigating and remedying the effects of overflows. I consider it would be desirable to provide an opportunity for Rūnanga to provide input to this procedure in order to ensure it appropriately addresses effects on cultural values.
Policy 3.5.2.17	Duration of consent for wastewater disposal must recognise and provide for the future growth and development of the industry or community, and the ability of the existing operations to accommodate such growth or development.	The 35 year consent duration proposed by the applicant, and the 20 year duration recommended by Mr Collins, are intended to incorporate provision for growth. However there is some uncertainty about the full extent of future additions to the network that are provided for.
Policy 3.5.2.18	Recommend a 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 period.	The duration initially proposed by the applicant is not consistent with this policy. The 20 year duration proposed by Mr Collins falls within the maximum in the policy. However, as discussed in Section 6 of my evidence, I consider a shorter term would be appropriate to reflect the uncertainty in effects and the ability to respond to implementation of the NPSFM in a timely manner.