

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of **PROPOSED PLAN CHANGE 1**
to the Waikato Regional Plan –
hearing of **BLOCK 2** topics

AND

IN THE MATTER of the hearing of submissions and
the further submission by
WAIKATO REGION
TERRITORIAL AUTHORITIES in
relation to **BLOCK 2** topics

**OUTLINE OF LEGAL SUBMISSIONS OF COUNSEL FOR THE WAIKATO REGION
TERRITORIAL AUTHORITIES (“WARTA”)**

1. INTRODUCTION

1.1 This is the hearing of the Block 2 submissions and further submissions on,
amongst other things, urban point source discharges.

WARTA

1.2 The territorial authorities (“TAs”) in the Waikato Region have agreed to
collaborate and to form a consortium to prepare and present a joint case on
matters of common interest for the hearing of PC1 by the Waikato Regional
Council (“WRC”). The collaborative group is called the Waikato Region Territorial
Authority Group or “WARTA”. The WARTA member councils comprise:

- (a) Taupo District Council;
- (b) South Waikato District Council;
- (c) Otorohanga District Council;
- (d) Waitomo District Council;
- (e) Waipa District Council;
- (f) Hamilton City Council;
- (g) Waikato District Council;

- (h) Matamata-Piako District Council;
- (i) Hauraki District Council; and
- (j) Thames-Coromandel District Council.

1.3 WARTA as an entity is not a formal submitter on PC1 and does not purport to be. Each WARTA member council lodged its own submission on PC1. A joint further submission that addressed the matters of common interest to WARTA members was lodged as WARTA but in the names of the individual councils.

WARTA position

- 1.4 As with Watercare, WARTA remains supportive of PC1 insofar as it is intended to achieve the Vision and Strategy for the Waikato River ("V & S") and thus reduce the amount of contaminants entering the Waikato River from the Waikato and Waipā catchments.
- 1.5 WARTA's case in the Block 2 hearings primarily relates to amendments sought by WARTA to the policy provisions of Proposed Plan Change 1 ("PC1") to ensure they appropriately provide for point source discharges.
- 1.6 Counsel made extensive submissions on the meaning and application of the V & S in the Block 1 hearings, particularly as regards the need for PC1 to recognise the assimilative capacity of the rivers to provide for point source discharges from wastewater treatment plants. It is therefore not intended to repeat those submissions here, other than by way of recap to note the following key points from WARTA's principal submission from the Block 1 hearings:

"7.1 *WARTA member councils acknowledge the vital relationship that the Waikato and Waipa River Iwi have with the Waikato and Waipa Rivers. WARTA members also acknowledge:*

(a) *The fundamental importance of achieving the Vision for the Waikato River over the long term; and*

(b) *That the economic costs of achieving the Vision do not override its requirement to protect and restore the Waikato River so that in the long term it is healthy and sustains prosperous communities and abundant life.*

7.2 *Achieving the Vision is a long term journey and PC1 only represents the first step in that journey. It is nevertheless a very important first step that needs to be undertaken in a manner and at a rate that ensures that the prosperous communities envisaged by the Vision can ensure that the Waikato River is protected and restored so that it is healthy and contains abundant life, which WARTA members acknowledge to be the primary goal of*

the Vision and, indeed, the Settlement Act and the negotiations that led to its enactment.

- 7.3 *In undertaking the first step in the journey it is WARTA's position that significant and unnecessary economic burdens should not be imposed on the communities that are a vital part of achieving the Vision. Doing so would simply be counterproductive as it would undermine the communities' ability to afford to implement over time the changes necessary to achieve the long term goal. In our submission, this would be inconsistent with the Vision itself and the purpose of the RMA for the reasons we have addressed above.*
- 7.4 *Having read the submissions of Counsel for the WRC and Counsel for the River Iwi, it seems clear that there is no fundamental difference of view that the Vision needs to be achieved in the long term and that economic considerations are relevant to your decision making.*
- 7.5 WARTA's concerns with PC1 as it is presently formulated is that it does not give effect to the Vision or the purpose of the RMA due to the potentially significant economic costs arising from:
- (a) Upgrades to WWTPs that would be required to achieve the targets / limits in Table 3.11-1 if a zone of reasonable mixing is not recognised for WWTP discharges, resulting in the targets / limits having to be met at the end of pipe; and
- (b) The costs associated with the expensive and inflexible one size fits all approach to control of discharges of nitrogen.
- 7.6 *As regard 7.5(a) above, it is submitted that the extraordinary costs associated with complying with the limits / targets at the end of pipe now are not a justified first step along the journey to achieving the Vision; even if those limits were achievable, which appears doubtful at least in light of the current technology gap.*
- 7.7 *In relation to 7.5(b) above, and as noted earlier in these submissions, WARTA retains a real interest in what the nitrogen control regime ends up being and what advantages may be achievable via a sub-catchment approach, rather than the one size fits all approach that the provisions of PC1 presently represent."*

(Emphasis ours.)

- 1.7 There has been engagement between WARTA and Watercare in working up their cases for the Block 2 hearings and, as a result, there is a large measure of alignment between WARTA and Watercare. There are a couple of areas in which Ms O'Callahan for WARTA and Mr Scrafton for Watercare recommend a slightly different position or approach, as might be expected with independent planning professionals, but that does not detract from the high degree of alignment achieved.

Key issues for determination - Watercare Block 2 evidence - overview

- 1.8 The key issues raised for determination by WARTA’s further submission on PC1 in the context of the Block 2 hearings are addressed in the statements of evidence filed by Dr Chen and Ms O’Callahan.

Dr Zhuo Chen – water quality scientist (GHD)

- 1.9 Dr Chen’s evidence addresses the following matters:
- (a) The Cambridge Wastewater Treatment Plant (“Cambridge WWTP”) offsetting case study.
 - (b) Lessons learned from the Cambridge WWTP offsetting case study.
 - (c) Recommended amendments to Policy 11 based on the Cambridge WWTP case study.

- 1.10 Dr Chen now works for Fonterra and was not available to attend the hearing due to his current work commitments with Fonterra. As the Panel knows, we had arranged for Mr Kirk to adopt the evidence of Dr Chen and attend the hearing to answer any questions that the Panel may have. In that regard, we thank the Panel for its indication that you have no questions in relation to Dr Chen’s evidence and, as a result, Mr Kirk was not required to attend the hearing. If any questions occur to you today, we can arrange for Mr Kirk to provide a response to them.

Mary O’Callahan – planning consultant and Technical Director (GHD)

- 1.11 Ms O’Callahan’s evidence relates to planning issues raised by PC1. Her evidence addresses the following matters:
- (a) Outline of WARTA interests in point source discharge related policies.
 - (b) Urban growth.
 - (c) Recommended amendments to Policies 10, 11, 12, and 13.
 - (d) Rural policies and rules.

Scope of legal submissions

- 1.12 As with the Watercare case, very little in the way of strictly “legal” issues arise in the context of the WARTA case for the Block 2 hearings. To that extent, the purpose of these submissions is to scope WARTA’s case by reference to the

evidence of WARTA's two expert witnesses. Specifically, these submissions address the following issues:

- (a) Growth and regionally significant infrastructure – Policy 10 (Section 2).
- (b) Best practicable option and offsetting – Policy 11 (Section 3).
- (c) Consideration of point source discharges – Policy 12 (Section 4).
- (d) Approach to consent duration – Policy 13 (Section 5).
- (e) Rural policies and rules (Section 6).

2. **GROWTH AND REGIONALLY SIGNIFICANT INFRASTRUCTURE (POLICY 10)**

2.1 Ms O'Callahan's evidence addresses the need for the provisions of PC1 to provide for the development, expansion, and upgrading of regionally significant infrastructure to provide for growth. In that regard, Ms O'Callahan states the following in her evidence:

"5.6 *... I recommend that the policy reference to regionally significant infrastructure be consistent with that included in the higher order Regional Policy Statement document, i.e. a reference to both existing and planned infrastructure. This does not create a license to pollute, it merely reflects the fact that regionally significant infrastructure is, by necessity, continually being developed, expanded, and upgraded to service growth. This is often to deal with greater environmental expectations (e.g. a larger wastewater treatment plant to remove a greater level of contaminants, regional amalgamation of treatment plants to better manage discharge quality, etc).*

5.7 *In my view, the notified and section 42A wording for Policy 10 is not consistent with Policy 4.4 of the RPS, which provides for the continued operation and development of regionally significant industry and Policy 6.6 of the RPS, which requires particular regard be given to existing and planned regionally significant infrastructure.*

5.8 *The Regional Plan must be consistent with the RPS in the way it recognises regionally significant infrastructure and industry and its clear that the higher order document is not limited to just operation of "existing" infrastructure."*

(Emphasis ours.)

- 2.2 In light of the wording in the Waikato Regional Policy Statement ("WRPS"), Ms O'Callahan has recommended the following amendments to Policy 10 to provide for the planned growth envisaged in the WRPS:

"When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:

- a) *~~Continued~~ operation of existing and planned regionally significant infrastructure; and*
- b) *~~Continued~~ operation and development of regionally significant industry"*

- 2.3 In addition to the above, and as noted in the evidence and legal submissions for Watercare in the Block 2 hearings, PC1 is also required to give effect to the National Policy Statement for Urban Development Capacity ("NPS UDC"). It is therefore submitted that PC1 should be amended to provide for future growth.

3. **BEST PRACTICABLE OPTION AND OFFSETTING (POLICY 11)**

- 3.1 Amendments proposed by WARTA to Policy 11 arise primarily from experience with the Cambridge WWTP offsetting case study that is addressed in detail in Dr Chen's evidence. In summary, that case study assessed the potential outcomes from offsetting in comparison to the outcomes from a costly upgrade to the Cambridge WWTP. In that regard, Dr Chen's evidence states the following:

"2.2 *GHD carried out a preliminary offset investigation and as part of that investigation identified land management options, which, when combined with some upgrades to the WWTP, may deliver a better economic, social and environmental outcome than the costly WWTP upgrade option applied for in 2011 which may not provide significant value in terms of environmental betterment in any event.*

2.3 *The investigation was based on international best practice. The offsetting option that was identified for further investigation is riparian planting and fencing along 45 kilometres of rivers and streams that feed into the Waikato River from the Karapiro hill country sub-catchment. The investigation indicates that there would be significant savings from a combination of the offsetting and some upgrades to the Cambridge WWTP by comparison with the costly upgrade proposed in the 2011 application.*

(Emphasis ours.)

- 3.2 Dr Chen also notes his view that the offsetting policy should enable offsetting of different parameters (e.g., nitrogen for phosphorous, rather than nitrogen for nitrogen) and to improve ecological habitat (e.g., offsetting nutrients with riparian planting to provide shade over water bodies) to achieve net

environmental improvement.¹ The Panel will recall that Mr Hall in his evidence for Watercare also recommended offsetting for different parameters.²

3.3 Dr Chen's evidence also addresses his view that:

- (a) Practitioners who may wish to consider offset options should have nutrient leaching and nutrient offset calculation models available to them to assist in assessing offset options (NIWA has prepared such models but they need to be calibrated and validated);³
- (b) Downstream offset options should also be enabled;⁴ and
- (c) Policy 11(a) should be amended to avoid all significant adverse effects at the end-of-pipe discharge point.

3.4 Ms O'Callahan's proposed amendments to Policy 11 address these matters. In addition, Ms O'Callahan has recommended amendments to address her concerns regarding wording recommended by the reporting officer – a nil effects expectation does not trigger an offset and an offset will not always be required.⁵ The other amendment recommended by Ms O'Callahan is for implementation of the best practicable option and any offset measures to be staged as upgrades to wastewater treatment plants are often undertaken on a staged basis.⁶

3.5 The amendments recommended by Ms O'Callahan are as follows:

"Require any person undertaking a point source discharge of nitrogen, phosphorus, sediment or microbial pathogens to water or onto or into land in the Waikato and Waipa River catchments to, as a minimum, adopt the Best Practicable Option to avoid or mitigate the adverse effects of the discharge, ~~at the time a resource consent application is decided.~~*

Where ~~it is not practicable to avoid or mitigate all~~ such adverse effects, cannot be reasonably avoided or mitigated to a minor level, ~~an~~ offset measures may be proposed in an alternative location or locations to the point source discharge, for the purpose of ensuring positive effects on the environment to lessen any residual adverse effects of the discharge(s) that will or may result from allowing the activity provided that the:

- a) *Primary discharge does not result in any significant ~~toxic~~ adverse environmental effect at the point source discharge location; and*
- b) *Offset measure is preferably for the same contaminant or where this is not practicable, another contaminant or a broader cultural and/or ecological outcome; and*

¹ Chen evidence, paragraphs 2.5 and 4.2 to 4.6.

² Hall evidence, paragraphs 7.1 and 7.2.

³ Chen evidence, paragraph, 4.2.

⁴ Ibid, paragraph 4.8.

⁵ O'Callahan evidence, paragraph 6.5.

⁶ Ibid, paragraph 6.12.

- c) *Offset measure occurs preferably within the same sub-catchment in which the primary discharge occurs or otherwise an alternative location and if this is not practicable, then within the same Freshwater Management Unit[^] or a Freshwater Management Unit[^] located upstream, and*
- d) *Offset measure remains in place for the duration of the consent and is secured by consent condition or another legally binding mechanism.*

Allow the Best Practicable Option and any offset measures to be staged, where appropriate.

3.6 In presenting the Watercare case for the Block 2 hearings, we made the following legal submissions:

"5.7 *Given the potentially significant benefits of offsetting, it is submitted that the offsetting provisions in PC1 should be amended to provide the greatest flexibility feasible. Doing so is likely to provide for more "bangs for the buck" in achieving the V & S than the narrow and inflexible provisions currently contained in PC1."*

...

5.10 *It is submitted that the ability to offset discharges of nutrients (nitrogen and phosphorous) by retiring/planting erosion prone land would likely have significant benefits and, as a result, it should be enabled to the greatest extent possible. At the very least, that opportunity (and similar opportunities to optimise environmental outcomes) should be "on the table" rather than being precluded by the unduly narrow provisions currently in PC1.*

3.7 We reiterate those submissions in light of the matters that we have addressed above and that were addressed in the submissions for Watercare.

Offsetting additional to requirements of PC1

3.8 During the presentation of Watercare's Block 2 case, Commissioner Tepania raised the issue of whether any offsetting should be additional to the requirements of PC1 so that, for example, it is additional to any requirements that farmers may have to undertake pursuant to PC1. In that regard, Appendix 1 to Dr Chen's evidence includes the criteria that were applied in the Cambridge WWTP offsetting study. The criterion most relevant to Commissioner Tepania's question is as follows:

*"Additional: The offsetting option needs to be additional to any existing works. Does not preclude offsets from piggybacking on other planned works."*⁷

⁷ Page 15, third bullet point.

3.9 The offsetting study was undertaken on the basis that any offsets would have to be additional to requirements of PC1 and the report notes that the proposed offsets would be additional.⁸

3.10 As regards "piggybacking," the report:

(a) refers to the Waikato River Authority's 2018 Restoration Strategy ("Strategy");⁹

(b) notes that the Strategy includes a project in the Karapiro catchment hill country (WRA Project CLW30);¹⁰ and

(c) notes that collaboration with the Waikato River Authority may be useful.¹¹

3.11 Collaboration with the Waikato River Authority would be useful on the basis that the preferred offsetting option identified in the Cambridge WWTP study comprises riparian planting and fencing in the Karapiro catchment hill country where Project CLW30 is to take place. The details of Project CLW30 from the Strategy are outlined on the page from the Strategy **attached** as **Appendix 1**. The Strategy states the following regarding the funding of projects:

"The Restoration Strategy is non-binding and does not in any way fetter the ability of any funder, organisation, iwi or landowner to fund or undertake any project that is a priority for them. However, it does provide direction for funders who are seeking important projects to fund, and to organisations, iwi, communities and individuals who are keen to undertake work and want to deliver high impact results."

3.12 As can be seen from the above quote, the Strategy envisages that there will be outside funding for projects if organisations are interested in doing so.

3.13 As regards the relationship between the Strategy and PC1, the Strategy states:

"2. WATER QUALITY – *this focuses on nonregulatory mitigation of nitrogen (N) and phosphorus (P), and consideration of sediment and bacteria run off (i.e. from critical source areas). Development of the Restoration Strategy coincided with the formulation of Waikato Regional Council Healthy Rivers Plan Change 1 (PC1). Although the final outcomes of PC1 are not yet known, the Restoration Strategy only includes mitigations that are not considered to be part of PC1 or actions that go beyond the non-regulatory actions currently being worked towards by industry (i.e. Sustainable Dairying Water Accord (DairyNZ, 2013))."*

⁸ See row three of the table on page 28.

⁹ Page 11.

¹⁰ Ibid.

¹¹ Page 43.

(Emphasis ours.)

3.14 As can be seen from the above passage, the proposals included in the Strategy are intended to be additional to the requirements of PC1.

3.15 In the same way, the offsetting proposed as part of the Cambridge WWTP offsetting study would be additional to the requirements of PC1 and would potentially dovetail with Project CLW30 identified by the Waikato River Authority in the Karapiro catchment hill country.

4. **CONSIDERATION OF POINT SOURCE DISCHARGES (POLICY 12)**

4.1 Ms O'Callahan is recommending a range of amendments to Policy 12, primarily to address the following matters:

- (a) Reasonable mixing.
- (b) Likely impact of point source discharges.
- (c) Extent of improvement to discharge quality.
- (d) Potential amalgamation of wastewater treatment plant discharges.
- (e) Influence of seasonal climatic conditions and other natural processes.
- (f) Beneficial effects of point source discharges.

4.2 We address each of these matters briefly below and note that they are matters that were also of concern to Watercare and addressed via Watercare's evidence and legal submissions in the Block 2 hearings. Accordingly, it is not necessary to address those points again in these submissions. As noted above, there is a large measure of alignment between WARTA and Watercare.

Reasonable mixing

4.3 WARTA and Watercare have both stressed the importance of providing for zones of reasonable mixing and we have made extensive submissions on that issue. Ms O'Callahan is recommending the same amendment to Policy 12 to provide for reasonable mixing as was recommended by Mr Scafton.

Likely impact of point source discharges

- 4.4 Ms O'Callahan's evidence also addresses the need for the proportional impact of a point source discharge to be considered in the catchment overall and recommends very similar amendments to those recommended by Mr Scrafton.¹²

Existing environment and extent of improvement to discharge quality

- 4.5 As the Panel is aware, our legal submissions for Watercare's Block 2 case addressed the issue of the environment against which a point source discharge should be assessed in light of existing case law, the V & S, and the *Puke Coal* decision. In that regard, our submissions were as follows:

"4.3 Mr Scrafton notes in his evidence that the "environmental baseline" normally applied in reconsenting an existing wastewater discharge is "without the discharge occurring."¹³ That is so an applicant cannot, in assessing the effects of the activity to be authorised by their application, rely on the adverse effects generated by the existing activity as part of the existing environment. Mr Scrafton's understanding is consistent with a line of authority to that effect in the context of reconsenting existing dams and other structures (e.g. marine farms).¹⁴ This principle is summarised in the "Environmental and Resource Management Law" text as follows¹⁵:

Accordingly, the existing environment cannot include, in the context of a renewal application, the effects caused by the activities for which the renewal consents are sought, unless it would be fanciful or unrealistic to assess the existing environment as though those structures authorised by the consent being renewed did not exist ...

(Emphasis ours.)

4.4 *The principle established by this line of authority stands but in the Waikato and Waipa River catchments a gloss needs to be put on it in light of the effect of the Puke Coal decision,*¹⁶ *which makes it necessary to establish some element of betterment in relation to, for example, a proposed discharge. In these circumstances, the effects of the existing activity need to be considered for the purpose of determining whether the Puke Coal requirement has been satisfied. Watercare's application for the Pukekohe WWTP discharge consents was approached in that manner, in our submission appropriately."*

¹² O'Callahan evidence, paragraph 7.3.

¹³ Scrafton evidence, paragraph 8.6.

¹⁴ For example, see *Ngati Rangī Trust v Manawatu-Whanganui Regional Council* [2016] NZHC 2948 and *Port Gore Marine Farms v Marlborough District Council* [2012] NZEnvC 72.

¹⁵ As cited with approval in *Ngati Rangī* at paragraph [67].

¹⁶ *Puke Coal Ltd v Waikato Regional Council* [2014] NZEnvC 223.

- 4.6 We reiterate those submissions and note that Ms O’Callahan states the following her evidence:

"7.4 A comparison of the discharge quality of any past and current point source discharges is important to take into account during consenting, in order to not only demonstrate an improvement, but, also, to not necessarily require upgrades each time if there has been progress in the previous consent term. The policy revisions I have suggested make this sub-clause clearer."

- 4.7 The amendments recommended by Ms O’Callahan are similar to those recommended by Mr Scafton.

Potential amalgamation of wastewater treatment plant discharges

- 4.8 Both Mr Scafton and Mr Hall addressed in their evidence for Watercare the potential benefits of amalgamation of treated wastewater discharges. Ms O’Callahan also addresses those potential benefits in her evidence and is recommending amendments to provide for amalgamation.¹⁷ Ms O’Callahan’s amendments are similar to Mr Scafton’s amendments.

Influence of seasonal climatic conditions and other natural processes

- 4.9 At paragraph 7.7 of her evidence, Ms O’Callahan refers to the importance of recognising seasonality effects and relies on the evidence of Mr Hall for Watercare in that regard. Ms O’Callahan’s recommended amendments to provide for seasonality effects are also similar to Mr Scafton’s.

Beneficial effects of point source discharges

- 4.10 Ms O’Callahan also recommends amendments to recognise the importance of the beneficial social, economic, and environmental effects of point source discharges.¹⁸ Those amendments are the same as the ones recommended by Mr Scafton.

5. APPROACH TO CONSENT DURATION (POLICY 13)

- 5.1 Ms O’Callahan largely agrees with the reporting officer’s recommended amendments to Policy 13 and, in particular, that inclusion of reference to a consent duration of 25 years could be seen as a starting point.¹⁹ She also notes

¹⁷ O’Callahan evidence, paragraphs 7.5 and 7.6.

¹⁸ Ibid, paragraph 7.8.

¹⁹ Ibid, paragraphs 8.2 and 8.3.

that shorter or longer consent durations may be appropriate depending on the circumstances of the case.²⁰

- 5.2 Ms O’Callahan recommends an amendment to Policy 13 so that it links to the existing Policy 1.2.4.6 on consent duration in the Waikato Regional Plan. That policy states the following:

"When determining consent duration, there will be a presumption for the duration applied for unless an analysis of the case indicates that a different duration is more appropriate having had regard to case law, good practice guidelines, the potential environmental risks and any uncertainty in granting the consent."

- 5.3 Ms O’Callahan’s recommended amendment would require the matters set out in Policy 13 to be matters that should be considered in addition to the existing matters listed in Policy 1.2.4.6 of the WRP. Mr Scrafton recommended the same amendment for Watercare.

- 5.4 In relation to specifying a consent duration, in our legal submissions for Watercare in the Block 2 hearings we cited the dicta from the *PVL Proteins* case and made the following submissions, which we reiterate:

"7.7 It is submitted that there is no need or justification for specifying a certain consent duration period if specified criteria are met. As PVL Proteins makes clear, duration will always depend on the circumstances relating to the application. Indeed, given that, a plan change is not even an appropriate forum or context to conduct that debate. Mention of a consent duration should therefore be deleted."

6. **RURAL POLICIES AND RULES**

- 6.1 Ms O’Callahan has made some high-level observations in her evidence regarding the rural policies and rules that are generally supportive of the amendments recommended in the section 42A report. We note the following in particular:

"3.2 In my opinion, the recommended amendments presented in the Officers’ section 42A report provide a much-improved set of provisions and rules to achieve an implementable and, therefore, workable regulatory framework for the Waikato and Waipa catchments. The provisions, as amended, provide clearer articulation of the regulatory requirements and, therefore, greater certainty for plan users and rural communities.

...

3.5 Within the context above, there are some key changes recommended in the section 42A report which I think improve the clarity and certainty of the plan change, which I support at a general level. This includes the removal of the Overseer based nitrogen reference point (NRP) as consent trigger / compliance limit, as this

²⁰ O’Callahan evidence, paragraph 8.3.

improves regulatory certainty. Greater flexibility of management approaches is also positive (e.g. the incorporation of Good Farming Practices (GFP) in the policy framework) and an enhanced capacity for Farm Environment Plans (FEPs) to manage property-specific mitigation to promote reduced contaminant discharges.

3.6 *The removal of the Policy 6 which was very directive in restricting land use change is supported. However, I note that retention of a non-complying activity rule for certain rural land use change seems to be at odds with this modification, and is an overly restrictive activity status."*

7. **CONCLUDING SUBMISSION**

7.1 Having regard to the above, and by way of summary and conclusions, WARTA respectfully submits that:

- (a) Amendments are required to Policy 10 to provide for the development, expansion, and upgrading of regionally significant infrastructure, including wastewater treatment plants.
- (b) The offsetting provisions of PC1 should be amended so they are as flexible as possible to enable better social, ecological, economic, and environmental outcomes than are presently enabled by the relatively narrow provisions contained in Policy 11.
- (c) Amendments are required to Policy 12 so that it makes adequate provision for the following:
 - (i) Reasonable mixing.
 - (ii) Assessment of the likely impact of point source discharges in proportion to existing discharges, including diffuse discharges.
 - (iii) Consideration of the extent of improvement to discharge quality compared to existing discharge quality.
 - (iv) Potential amalgamation of wastewater treatment plant discharges and the potential benefits arising from amalgamation.
 - (v) Influence of seasonal climatic conditions and other natural processes so that unreasonably low discharge limits are not included in resource consent conditions for point source discharges.
 - (vi) Beneficial social, economic, and environmental effects of point source discharges.

- 7.2 Policy 13 regarding consent duration should be amended so that:
- (a) it links to the existing policy in the WRP on consent duration; and
 - (b) no consent duration, in terms of a specified number, is included in Policy 13.
- 7.3 WARTA is grateful for the Panel's consideration of this matter.

DATED this 9th day of July 2019



S J Berry



C D H Malone

Counsel for Waikato Region Territorial Authorities

APPENDIX 1
OUTLINE OF PROJECT CLW30 IN THE WAIKATO AND WAIPA RIVER
RESTORATION STRATEGY 2018