

Canterbury Regional Council
Decision of Hearing Commissioner

1. **Act:** Resource Management Act 1991 (RMA)

Applicant: Hurunui District Council

No: CRC173068

Commissioner: Alec Neill

Date of Hearing: 13 March 2017

Application: To discharge treated waste water to surface water.

Nature of the Application:

1. This is an application by Hurunui District Council (HDC) for a shortterm consent to allow for the continued discharge of treated waste water from the Hanmer Springs waste water treatment plant into the Chatterton river. This consent request is for a duration of 18 months. This consent is a replacement consent to CRC153176

Section 42A Report:

2. The Reporting officer was Jessica Steel of Canterbury Regional Council. (CRC) Pursuant to S113 (3) (b) RMA the report prepared under S42A is adopted and deemed to form part of this decision.

The Hearing – Jessica Steel

- Jessica Steel of Canterbury Regional Council gave evidence in support of the Section 42A report. She emphasised the following:
 - HDC is requesting a replacement consent for consent CRC153176 granted in 2015.
 - S.124 RMA applies as the consent application was lodged within the statutory time frames.

- Acknowledged that HDC failed to meet their commitments given in 2015 for a new wastewater treatment plant, to be operational within two (2) years however she is confident that HDC will achieve this during the next 18 months.
- The application was publically notified. There was one submission in opposition, however that submitter did not wish to be heard.
- Accepted there were exceedances based on individual sampling but overall (five medium samplings) the applicant falls below the trigger values.
- Overall HDC are performing within the consent conditions but is not necessarily performing well.
- There was substantial consultation in 2015 with community however the consultation in respect to this application was not as extensive. In part the limited consultation was as a result of the Kaikoura earthquakes in November 2016.
- It would have been helpful if there had been some response to the application from the local Runanga in respect to potential effects.
- The major area of concern relates to water quality and ecology. Nothing has changed from the previous application in 2015. The effects continue to be more than minor, however this was a replacement for an existing consent and the application should not be declined on that issue alone.
- M/s Steel accepts that the discharge does have a significant effect on the ecology health of the Chatterton river.
- The request is for a short duration and matters will be remedied during the 18 month term.
- CRC will be requiring 3 monthly reporting as to progress.
- The conditions of the existing consent will carry over.
- The potential adverse effects on recreation and public health are of lesser concern as the river and surrounding area is generally unattractive for these purposes, particularly within 88 metres of the point source discharge.
- Signs have been erected as notice to the public.

- While the application may not be consistent with all of the plans, policies and rules, on balance the application is not contrary to such plans and policies.
- The application meets the requirements of Part 2 matters RMA.
- There was discussion between HDC and CRC regarding duration and an agreed position has been reached that the duration should be for a period commencing from the date of granting of this decision and expiring on 11th November 2018.
- The recommendation is that the application be granted subject to conditions and including the three monthly reports required by CRC.
- The conditions provide mitigation and while they do not improve any water quality they maintain the existing quality.
- That the application should be granted.

Assessment

3. I have carefully considered the S42A report. While I have not attached the report to this decision the matters and recommendations contained in that report have been adopted to form part of this decision

- I have considered S104 and in particular the positive and the potential adverse effects in respect to the discharge. Jessica Steel has addressed these matters at some length in his report.
- I have considered the following effects
 - (a) Potential adverse effects on surface and ground water quality and ecology.
 - (b) Potential adverse effects on recreation and public health.
 - (c) Potential adverse effects on groundwater quality.
 - (d) Potential adverse effects on cultural values.
 - (e) Potential positive effects

4. I have considered the following plans

- National Policy Statement on Fresh Water Management (NPSFM)
- National Environmental Standards (NES)

- Region Policy Statement (RPS)
 - Huranui and Waiau River Regional Plan (HWRRP)
 - Natural Resources Regional Plan (NRRP)
 - Land and Water Regional Plan (LWRP)
5. I have considered Part 2 of the Act.
- Purposes of RMA (S.5)
 - Matters of National Importance (S.6)
 - Other Matters (S.7)
 - Principles of Treaty of Waitangi (S.8)
6. I have considered S104(D) RMA
7. I have considered s.105 RMA
8. I have considered S107 RMA

Summary

9. This is a replacement consent for CRC153176. The application was publicly notified on 25th January 2017. One (1) submission was received, it opposing the granting of the consent
10. As stated by M/s Steel this is a temporary replacement consent for the continued discharge of waste water to surface water. As this application is a replacement consent for the same existing consent and the application was lodged within statutory timeframes the provisions of s.124 and s.104(2)(A) apply. In considering an application affected by s.124 the Consent Authority must have regard to the value of the investment of the existing consent. This is an established waste water treatment plant, a community asset of substantial value.
11. I was the commissioner who heard and determined the previous application (CRC173076) and granted that similar application on 11th May 2015. In that decision, I stated
- “While there is no alternative but to grant the application it is on the understanding the HDC will take all actions necessary to select and develop a new treatment and discharge system during the two year period of consent. Only then will there be an ability to improve water quality.”*

12. At that hearing the s.42A Reporting Officer proffered evidence that he was confident that HDC would meet the time frame as requested. HDC have had two (2) years to satisfy the concerns raised in 2015 and put in place an alternative sewerage distribution system. HDC claim they have not sat on their hands during the past two (2) years to find solutions and implement a new waste water treatment system. The fact is there is no alternative in place. This is disappointing.
13. As was the case in 2015 I remain seriously concerned about the adverse effects on surface water quality and ecology. Those concerns should not be treated lightly. I am surprised that local Runanga, Te Runanga o Ngai Tahu, CDHB, Fish and Game and Royal Forest and Bird do not appear to have the same concerns or have chosen not to express them in respect to this application.
14. The reality is that the environmental effects are not less than minor. This places the s.42A Officer and myself as commissioner in a difficult position. We must weight the potential adverse effects against the potential positive effects and have regard to plans and policies.
15. In the end I need to be pragmatic. As previously stated *"there is no alternative that can be immediately implemented in order to rescue the situation. To refuse the application would mean that the township of Hanmer Springs would be without an operational sewerage system which is untenable"*.
16. The question that must be asked "Will HDC have in place an appropriate alternative wastewater treatment plant within the time frame of 18 months as requested. CRC have put in place a 3 monthly progress reporting programme
17. While there is no alternative but to grant this application, it is on the understanding the HDC will take all actions necessary to complete the new treatment and discharge system during the period of consent. *"Only then will there be an ability to improve water quality"*.
18. In 2015 I stated *'There is an expectation that the remedial action will be taken within the 2year extension granted and that further extension for this consent will be unnecessary'* I am now reluctantly required to grant a further 18-month extension.
19. I am of the view that there needs to be very extensive mitigating circumstance for any future commissioner to grant a further extension beyond November 2018.
20. On balance I am prepared to grant the application

Decision

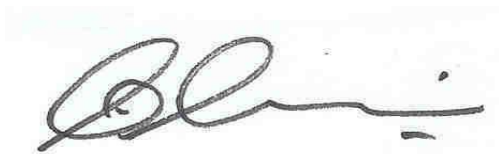
On behalf of CRC pursuant to section 104, 105, 107 and 108 Resource Management Act 1991 I have determined as follows:

CRC173068: I hereby grant short term consent to allow for the continued discharge of treated waste water from the Hanmer Springs waste water treatment plant into the Chatterton river but such grant is subject to consent conditions (see Annexure A)

Duration

That the duration of the consent be for a period expiring on 11th November 2018

Dated at Christchurch this 14th day of March 2017.

A handwritten signature in black ink, appearing to be 'A G Neill', with a stylized, cursive script.

A G Neill

Annexue A

CRC173068

Hurunui District Council

A Discharge Permit (s15) to discharge treated wastewater to surface water (Chatterton River).

Conditions:

1	The discharge shall be only domestic and commercial wastewater from the Hanmer Springs wastewater treatment plant. For the purpose of this consent 'wastewater' is the collective term used to describe sewage contaminants.
2	The discharge shall occur via a sealed pipe into the Chatterton River.
3	<ul style="list-style-type: none">a. The volume of wastewater discharged in accordance with Condition (2) shall not exceed:<ul style="list-style-type: none">i. 1200 cubic metres per day; andii. 20 litres per second.b. The volume of wastewater discharged in accordance with Condition (2) shall be continuously measured by a flow meter that shall record to an accuracy of plus or minus five percent at the location identified on Plan CRC173068 and labelled as "Flow meter", which forms part of this consent;c. For the purposes of demonstrating compliance with Condition (3)(a), a record of the volume, in litres per second and cubic metres per day shall be maintained and kept by the consent holder. The consent holder shall forward a copy of the records annually to the Canterbury Regional Council, Attention: Regional Leader-Monitoring and Compliance, in July each year and on request.
4	Wastewater shall be treated at the Hanmer Springs Wastewater Treatment Plant located on Lot 1 DP 28915, 211 Hanmer Springs Road, at or about Topo50 BU24:8459-9007 as shown on Plan CRC173068, which forms part of this consent.
5	The wastewater shall be treated in an aerated primary pond followed by a secondary facultative pond followed by two segmented maturation ponds and then through a buffer pond prior to discharge, as shown on Plan CRC173068.
6	<ul style="list-style-type: none">a. After treatment in the wastewater treatment plant, wastewater shall exit the buffer pond and enter a sealed pipe.b. The sealed pipe shall discharge into the Chatterton River at or about Topo50 BU24:8429-8966, labelled as the "Treated wastewater discharge point" on Plan CRC173068.
7	The consent holder shall ensure that the warning signs upstream of the point of discharge into the Chatterton River, and within ten metres upstream of the confluence of the Chatterton River and the Percival River are not obscured by vegetation.

8	<ul style="list-style-type: none"> a. The concentration of dissolved oxygen in the wastewater shall be measured and recorded at least once every two months at the following locations: <ul style="list-style-type: none"> i. Primary aeration pond; ii. Secondary facultative pond; and iii. End section of the maturation cells. b. The dissolved oxygen concentration between 8.30 am and 10.00 am on any day, at any of the locations referred to in Condition (8)(a) shall not be less than two milligrams per litre. c. The consent holder shall submit the records kept in accordance with Condition (8)(a), and a diagram illustrating the location of the measuring points annually to the Canterbury Regional Council, Attention: Regional Leader- Monitoring and Compliance in July each year and on request.
9	<ul style="list-style-type: none"> a. The treated wastewater shall be sampled at least once every two months at the point of discharge from the buffer pond labelled as "Sample point A" on Plan CRC173068. The samples shall be analysed for the following contaminants: <ul style="list-style-type: none"> i. Five day biochemical oxygen demand; ii. Total suspended solids; iii. Ammoniacal nitrogen; iv. Nitrate nitrogen; v. Total nitrogen; vi. Total phosphorus; and vii. Escherichia coli. b. The consent holder shall keep a record of the dates that samples were taken and the results of the analyses carried out in accordance with Condition(9)(a), and shall forward these annually to the Canterbury Regional Council, Attention: Regional Leader- Monitoring and Compliance, in July each year and on request.
10	<p>The maximum concentration of Escherichia coli in the wastewater after exiting the buffer pond shall not exceed 2,000 Most Probable Number per 100 millilitres.</p>
11	<ul style="list-style-type: none"> a. The median concentrations of contaminants sampled in accordance with Condition (9) shall be compared to the following trigger values: <ul style="list-style-type: none"> i. Five day biochemical oxygen demand 35 milligrams per litre; ii. Total suspended solids 60 milligrams per litre; iii. Ammoniacal nitrogen 15 milligrams per litre; iv. Nitrate nitrogen 5 milligrams per litre; v. Total nitrogen 25 milligrams per litre; vi. Total phosphorus 8 milligrams per litre. b. For the purposes of this consent, the median shall be calculated from the results of any five consecutive samples analysed.
12	<p>The consent holder shall notify the Canterbury Regional Council, Attention: Regional Leader- Monitoring and Compliance, within 20 working days of any exceedance of the trigger values specified in Condition (11). The notification shall detail what measures the consent holder has implemented or will implement in order to achieve and maintain compliance with the</p>

	trigger values.
13	All surface water samples shall be collected in accordance with conditions (14) and (15).
14	<ul style="list-style-type: none"> a. The receiving water (river) shall be sampled between 10 and 20 metres upstream of the "treated wastewater discharge point" at or around the "upstream sample point" as shown on Plan CRC173068, in the centre of the main channel or the nearest available point if it is not safe to sample the centre of the main channel. b. The sampling shall be taken and analysed at least once every two months for the following contaminant concentrations: <ul style="list-style-type: none"> i. Five day biochemical oxygen demand; ii. Total suspended solids; iii. Ammoniacal nitrogen; iv. Nitrate nitrogen; v. Total nitrogen; vi. Dissolved reactive phosphorus; vii. Total phosphorus; and viii. Escherichia coli c. The following shall also be measured at least once every two months at the sampling point described in Condition (15)(a): <ul style="list-style-type: none"> i. Dissolved oxygen saturation; ii. Water temperature; and iii. pH.
15	<ul style="list-style-type: none"> a. The receiving water (river) shall be sampled at the end of the Mixing Zone 88 metres downstream of the "treated wastewater discharge point" at or around "downstream sample point" as shown on Plan CRC173068, in the centre of the main channel or the nearest available point if it is not safe to sample the centre of the main channel. b. The samples shall be taken and analysed at least once every two months for the following contaminant concentrations: <ul style="list-style-type: none"> i. Total suspended solids; ii. Five day biochemical oxygen demand; iii. Ammoniacal nitrogen; iv. Water temperature; v. Nitrate nitrogen; vi. Total nitrogen; vii. Dissolved reactive phosphorus; viii. Total phosphorus; ix. Escherichia coli; x. Saturated dissolved oxygen; and xi. pH.
16	<ul style="list-style-type: none"> a. All samples and measurements taken in accordance with conditions (14) and (15) shall be taken on the same day, over a maximum period of two hours. b. Within the duration specified in Condition (16a), the river flow shall be determined and recorded in cubic metres per second using an instantaneous flow meter, for a point between the sampling points

	<p>referred to in the upstream monitoring point in Conditions (14a) and downstream monitoring point in Conditions (15a). Instantaneous samples shall be carried out in accordance with the methods specified in International Standard ISO 748:2007.</p> <p>c. The consent holder shall keep a record of the results of all samples and measurements taken in accordance with Conditions (14), (15) and (16b) the time of each sample and measurement, and whether the sample or measurement was taken in the centre of the main channel, and if not, the location where the sample or measurement was taken</p> <p>d. The consent holder shall forward the records kept in accordance with Condition (16 (c) annually to the Canterbury Regional Council, Attention: Regional Leader- Monitoring and Compliance in July each year and on request.</p>
17	<p>a. All samples required under this consent shall be taken by a suitably qualified and experienced person.</p> <p>b. All samples required under this consent shall be analysed using methods approved by the American Public Health Association or the American Society for the Testing of Materials by a laboratory that is accredited for that method of analysis by International Accreditation New Zealand or an equivalent authority.</p>
18	<p>Copies of the records submitted annually in July in accordance with conditions 3(c), 8(c), 9(b) and 16(d) shall be submitted to the Canterbury District Health Board, Attention: Risk Management Committee (RMC) by 31 July each year.</p>
19	<p>The Canterbury Regional Council may, once per year, on any of the last five working days of February or August, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <p>a. Dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or</p> <p>b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or</p> <p>c. Complying with the requirements of a relevant rule in an operative regional plan; or</p> <p>d. Requiring the consent holder to conduct monitoring instead of or in addition to that required by the consent; or</p> <p>e. Specifying limits and trigger values instead of, or in addition to those specified in this consent.</p>
20	<p>Within three months of the exercise of this consent and three monthly thereafter for the duration of this consent, the consent holder shall submit to the Canterbury Regional Council, Attention: Regional Leader- Monitoring and Compliance a report which shall detail evidence to show that substantial progress or effort has been, or continues to be, made towards giving effect to alternative land based discharge options.</p>

Information has been derived from various sources, including Environment Canterbury Regional Council's databases. Boundary information is derived under licence from LINZ Digital Cadastral Database (Crown Copyright Reserved). Environment Canterbury Regional Council does not give and expressly disclaims any warranty as to the accuracy or completeness of the information or its fitness for any purpose.

Information from this web site may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it.



0 0.1 0.2 0.3 0.4
Kilometres

Scale: 1:5,000 @A4

Map Created by Environment Canterbury on 26/04/2015 3:48:17 p.m.

