

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS
FOR GISBORNE DISTRICT COUNCIL**

IN THE MATTER: of the Resource Management Act 1991

AND

IN THE MATTER: of applications by Gisborne District
Council for resource consents associated
with wastewater overflows

**STATEMENT OF EVIDENCE OF DAVID RAYMOND KENT WILSON
– OVERVIEW AND GOVERNANCE**

25 June 2021

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INTRODUCTION

Qualifications and experience

1. My full name is David Raymond Kent Wilson. I am employed by the Gisborne District Council (**GDC** or **Council**) as Director – Community Lifelines, a position I have held for 4 years.
2. Prior to this I was employed by Gisborne District Council as the Strategic Planning Manager.
3. I have a Bachelor of Law from the University of Waikato.

Background to involvement in Wastewater Consents Project

4. In my role as Director – Community Lifelines, I am responsible for the effective management of Council's capital and infrastructure assets, and the provision of all associated services. In this role I am responsible for Journeys (Local Roads), Council's Civil Defence Emergency Management, Solid Waste and Council's 4 Waters – namely, drinking water, wastewater, stormwater; and rivers and land drainage.
5. I am familiar with the Overflows Consents Project (**Project**) and have been involved in a number of key aspects, including overall review of the resource consent applications for the Project (**Application**) and approving the proposed consent conditions.

Purpose and scope of my evidence

6. Evidence is to be given by two other GDC staff members - Neville West and Wolfgang Kanz. They will address management issues relating to planning for the network scheme, the operation and maintenance of the network, technical issues and the engagement process. In particular, Mr Kanz will address the DrainWise programme which forms a core component of the Application and (the ongoing) engagement with tangata whenua throughout the process and the measures proposed by the Applicant to address the cultural effects of the Application.
7. The purpose of my evidence is to comment on GDC's wider strategic objectives; issues relating to governance of the Project; and financial implications of the Project (including GDC's funding processes).
8. Specifically, in my evidence I will:

- (a) Provide an overview of Gisborne city and GDC, including GDC's wider Strategic Objectives;
- (b) Describe the governance structures for the Project (including the role of the Wastewater Management Committee of GDC (**WMC**));
- (c) Address financial issues relevant to the Project and GDC's ongoing investment in wastewater and stormwater, all of which point to the appropriateness of a 20 year consent term.

9. I am authorised to provide this evidence on behalf of GDC.

Overview of Gisborne City, GDC and Strategic Objectives

- 10. GDC is a unitary authority stretching from Potaka in the north to as far south as the Whareratas and inland to Motu.
- 11. Gisborne City is located within the wider East Coast region, with an estimated population of approximately 36,100 in 2016.
- 12. Gisborne has the highest proportion of Māori of all regions, with 53% identifying as Māori in the 2018 census (compared with 16% nationally). The district scores highly on the social deprivation index¹. Income levels are below national medians, and rates affordability is a particular concern and focus for Council.
- 13. The Gisborne City Wastewater Scheme receives wastewater from the entire city. The current population served by the wastewater network is 32,579. The current population is expected to grow to about 56,000 by 2051 and accordingly network capacity and associated infrastructure needs to provide for future population growth over the lifetime of the asset. The operation of the network is set out in more detail in the evidence of Mr West.
- 14. By way of overview, development contributions are required from developers to fund infrastructure associated with their developments, in accordance with the Council's Development Contribution Policy (**DCP**). The DCP is updated as part of each Long Term Plan (**LTP**) process.

¹ NZDep 2013 index,
<http://www.otago.ac.nz/wellington/departments/publichealth/research/hirp/otago020194.html>

15. The DCP seeks to establish a transparent, consistent, equitable and efficient basis for recovering the longer term costs from those persons undertaking developments that cause the need for additional capital investment in public infrastructure. GDC, like many councils across New Zealand, is experiencing increased growth pressures from both residential and non-residential development.
16. Council has determined that the funding of new assets, or assets of increased capacity to meet demand created by new development, should be recovered by way of development contributions from those benefiting from the infrastructure. The latest draft DCP was notified for consultation alongside the 2021/2031 LTP and comes into effect on 1 July 2021.
17. It is important to note that provision of effective and efficient wastewater services to the community is a critical function of Council and GDC has obligations and responsibilities under the Health Act 1956 to provide sanitary works. The wastewater network is recognised as critical infrastructure and defined as a lifeline utility under the Civil Defence Emergency Management Act 2002.
18. In addition, Council's infrastructure is a valuable community asset. The value of Council's wastewater infrastructure, including all network infrastructure has an estimated replacement cost of \$128 million. That does not include Council's wastewater treatment plant, which has an estimated depreciated replacement cost of \$29.6 million², or the ocean outfall pipe.
19. The technical details of the Application will be addressed further in the evidence of Mr West, but by way of summary, currently the system comprises of approximately 15,278 connections, which includes wastewater from Sponge Bay in the east, out to the Western Industrial area to the west of the city.

Council's Spatial Plan and Strategic Objectives

20. GDC recognises its role in promoting community wellbeing, including social wellbeing, environmental wellbeing, cultural wellbeing and economic wellbeing. In order to achieve that, it has worked with the community to identify outcomes and priorities which focus on the above four wellbeings and has provided the foundation for developing GDC's vision for the region for the next 30 years – titled *Tairāwhiti 2050: Shaping the Future of our Region*. This is also known as Council's Spatial Plan.

² LTP at 3-6; noting also that approximately \$34 million is scheduled to upgrade the WWTP

21. The Spatial Plan:

- States the region's major challenges and how they will be tackled;
- Outlines the shared aspirations for the region's future wellbeing and is expected to be achieved by 2050;
- Aligns the strategies and plans for Council, government agencies and other organisations to enable collaboration;
- Sets direction for regional planning and development, decision-making and investments;
- Maps out where critical infrastructure, transport connections and development will occur and where there are constraints.

22. The preparation of a Spatial Plan is not required by legislation, however Council has developed this plan under the provisions of the Local Government Act 2002 (**LGA**) in order to guide and integrate land-use planning with infrastructure and services planning. The plan was adopted in 2020 and will be reviewed every 5 years, in order to respond appropriately to changing trends, needs and environments. The Spatial Plan recognises that GDC cannot achieve the outcomes working alone, and therefore refers to 'we', 'us' and 'our' to refer to Tairāwhiti, its people and Central Government.

23. The Spatial Plan sits alongside statutory documents, including the Tairāwhiti Resource Management Plan (**TRMP**) and the 2018-2028 Long Term Plan (**LTP**). The TRMP is addressed in the planning evidence of Ian Mayhew and the LTP is addressed further in my evidence below, including the draft LTP 2021-2031 (which has recently been out for consultation and submissions and is due to be adopted by Council on 30th June 2021). Given the timing of this evidence, I refer to it as the 'draft LTP 2021-2031' but recognise that it will be in force before the hearing.

24. The Spatial Plan identifies eight desired outcomes and aspirations for 2050. It reflects the community's aspirations in relation to a number of issues including community engagement and leadership; resilience; urban form and growth; connection and safety (transportation); sustainability; cultural, historic and natural heritage; economic diversity; and delivering for and with Māori. These aspirations have been taken into account in the development and progression of the Project, and I briefly address several of these outcomes and aspirations below.

GDC's commitment to environmental quality and resilient communities

25. A number of these aspirations are relevant to the Project. In relation to this critical infrastructure, the Applicant has considered and planned for climate change and is particularly mindful of the aspiration '*Everyone has access to affordable and safe essential services (water, wastewater, energy)*'. The document also highlights a number of ongoing workstreams Council has underway relating to the commercial use of recycled urban wastewater and development of wetlands systems. Those components do not form part of the current overflows Application, but are part of Council's wider wastewater strategy and are linked to the aspiration '*Wastewater no longer enters Tūrangānui a Kiwa or our waterways*'.

GDC's commitment to consultation with the community

26. GDC has a strong commitment to ensuring that its community, stakeholders and tangata whenua are involved in major decisions affecting the environment or community. Primarily this is achieved through the LTP and annual plan processes, and is also acknowledged in Tairāwhiti 2050.
27. In the context of the overflows Application, the Applicant's commitment to consultation is shown through the measures that were implemented to make the community and stakeholders aware of the Application, and enable their participation. This is addressed further in the evidence of Mr Kanz and Mr Mayhew. Mr Kanz's evidence also details a number of amendments Council has made to respond to issues raised by submitters.

GDC's commitment to consultation and partnership with tangata whenua

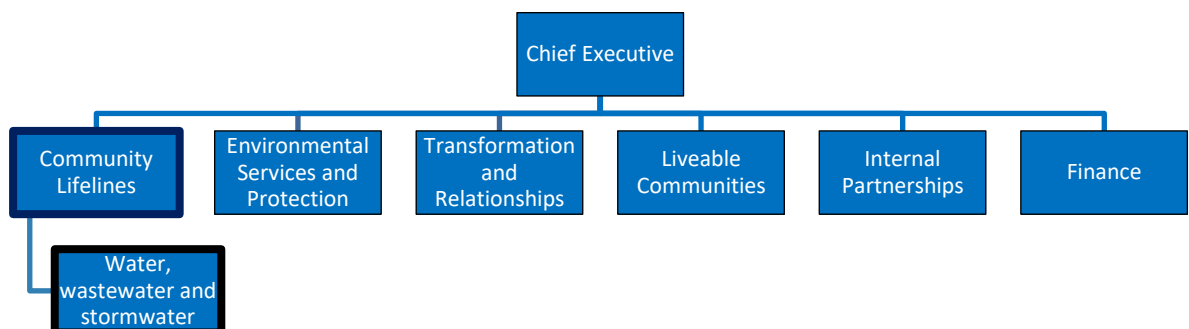
28. GDC has a strong commitment to consulting and working with tangata whenua in making decisions. The Applicant has been careful to ensure that iwi/hapū, as key stakeholders, have been fully engaged through the consenting process. This has included consultation through the KIWA Group, which is outlined further in the evidence of Mr Kanz. The KIWA Group has provided a number of recommendations to the Applicant, which have been incorporated to the extent possible into the draft conditions proposed by the Applicant.
29. The draft conditions are addressed further in the evidence of Mr Mayhew, but the Applicant has been particularly mindful of the need to support tangata whenua in their exercise of kaitiaki of the environment, and has incorporated matauranga Maori into monitoring conditions. The Applicant has carefully considered the submissions

provided by a number of iwi and hapū groups. It is cognisant of the fact that iwi/hapū are opposed to any wastewater discharges entering the waterbodies, and it is committed to a programme that will ensure that over time those discharges will be reduced. The Applicant is committed to working with tangata whenua to mitigate effects and better understand priorities while the progressive reduction is implemented. Again, this is reflected in the draft conditions put forward by the Applicant, which will be discussed in more detail by Mr Mayhew.

30. Finally, I note that throughout its continued engagement with tangata whenua the Applicant has been cognisant of the principles of the Te Tiriti o Waitangi. The conditions of consent, including the provision for the continued implementation of the DrainWise programme and ongoing public education, monitoring and maintenance programmes are intended to contribute to the ongoing improvement of the mauri of the waterways and will contribute to meeting the Spatial Plan's objectives of incorporating mātauranga Māori and Te Ao Māori.

Wastewater Overflows Project - Governance Structures and Council Decisions

31. Council's management structure was shown in Figure 13 of the Application, reproduced below:



32. Responsibility for the operation and management of the wastewater network is managed by Council's Community Lifelines Department. Waste management, and other operational functions of Council, are reported to Council's Operations Committee.

Wastewater Management Committee (WMC)

33. GDC currently has a dedicated Wastewater Management Committee (**WMC**) as a standing committee of Council. It comprises of four elected members and four iwi members.
34. The WMC was established as a requirement of the conditions on the resource consents for the upgrade and discharge of Gisborne's municipal wastewater treatment plant (**WWTP**). The Committee's primary role is to ensure the implementation, commissioning and monitoring of the WWTP is carried out in accordance with the consent conditions (which includes a number of periodic technical reviews).
35. It should be noted that the WWTP operates under separate resource consents to those currently sought for the overflow discharges, and there is no overlap between the consents and the Application from that perspective. However, the WMC, as currently constituted, considers matters wider than just the WWTP. In particular, as noted in the Application, the WMC is also responsible for ensuring the development of appropriate educational information to encourage reductions in domestic and industrial wastewater, and administering the Tūranganui-a-Kiwa Water Quality Enhancement Project. Council is responsible for this project, with it being defined and developed by the WMC as a vehicle for integrated research, monitoring, planning and specific projects that will aim to improve the mauri and water quality of Tūranganui-a-Kiwa as related to wastewater matters.
36. The WMC established the KIWA Group to assist in this work – the purpose of the KIWA Group is to provide expert cultural and technical advice as directed by the WMC to support the development of wastewater management in Gisborne. This may require members of the group to liaise with and seek the advice of wider kaumatua, hapū, iwi and technical experts (such as those within Council). The evidence of Mr Kanz outlines in more detail how the KIWA Group was engaged to assist with tangata whenua input into this Application, the recommendations provided by the KIWA Group and the workstreams that are currently underway.
37. Although the WMC was primarily created as a result of the WWTP consent, as noted above, it has a relatively wide remit. In particular, the functions of the WMC in the WWTP are drafted in a non-exclusionary manner (i.e. 'shall include, but not be limited to').

38. Given the current role of the WMC, its inherent understanding of wastewater matters and its wider role in developing and administering the Tūranganui-a-Kiwa Water Quality Enhancement Project, Council's view is that this standing committee is also the appropriate entity to undertake oversight in relation to any consents granted for this Application. As described further in the evidence of Mr Mayhew, the Applicant's draft conditions provide for annual reporting to the WMC, provision of the 5 Year Report to WMC, and for the WMC (and Tangata Whenua Reference Group) to provide input into the 10 Year Review and resetting of targets.

2018-2028 LTP

39. As the DrainWise project, in particular, forms a core part of the Application, I consider it is helpful to briefly summarise the financial commitment of GDC to DrainWise.
40. GDC adopted the 2018-2028 LTP on 28 June 2018. Council consulted with the community over a period of 5 weeks (which included a number of community meetings, hui-a-iwi and presentations) and received 347 submissions, with 67 presenting at the hearings (which were livestreamed).
41. The LTP sets out Council's activities and priorities over the next 10 year period, but is required to be prepared every 3 years in consultation with the community. The draft 2021-2031 LTP was prepared and released for consultation in mid March. Council received 346 submissions and hearings were held in May. As noted above, the 2021-2031 LTP is due to be adopted by Council shortly (30 June 2021) and I will briefly comment on it further below.
42. DrainWise was given high priority by submitters in the 2018-2028 LTP. Council's preferred option, to focus on public property and enforce private, was supported. However, submitters also expressed concerns regarding affordability and investigating funding options for private property owners was suggested.
43. The Infrastructure Section of the LTP recognises that *"Another of Council's top priorities in the short term is to reduce the risk of overflows of untreated wastewater into waterways caused by either the overwhelming of the system by rainwater (wet weather overflows), or blockages/system failure (dry weather overflows). Our management of these risks will be scrutinised through Freshwater Plan consents"*³.

³ LTP at 3-12

Council's Ongoing Investment in Wastewater and Stormwater

44. Provision of effective and efficient wastewater services to the community is a critical function of Council. As I have already noted, Council's infrastructure is also a valuable community asset.
45. Current annual operating costs of the wastewater network are in the order of \$7.1million. As will be explained in the evidence of Mr West, the wastewater pipes form a critical element of Council's wider wastewater and stormwater infrastructure. Council has currently allocated \$15.6 million for renewals of old wastewater pipes, increased additional jetting maintenance and surveillance for blockages by \$4million and provided \$6million towards addressing private property flooding issues; in the 2018/28 Long Term Plan⁴.
46. This includes \$140,000 for stormwater and \$250,000 for wastewater operational costs related to Council's DrainWise Programme. The DrainWise programme is explained in the evidence of Mr Kanz.
47. It also included \$5.4 million in capital improvements funded by Council to co-ordinate and fund public drain projects under limited conditions i.e. where there is insufficient capacity in the public network, a lack of suitable stormwater connection in the vicinity or where development has been allowed in low areas with no suitable drainage solution. Council could also use enforcement/regulation to encourage landowners to address flooding. Again, the DrainWise programme is addressed in the evidence of Mr Kanz.
48. In addition, Council has identified issues regarding infrastructure renewals in the LTP, including the clay sewer main and associated manholes, much of which have already passed its estimate of useful life, and which creates a significant peak in renewal requirements⁵.
49. The matter is further complicated by the need for GDC to manage affordability in the context of infrastructure challenges and Council's comparatively low income levels and high social deprivation scores⁶.

⁴ LTP at 1-25

⁵ LTP at 3-15

⁶ LTP at 3-17

50. Council's draft LTP consultation documents recognised a number of the challenges already outlined above. It recognised Te Tiriti and Council's responsibilities under Te Tiriti, the LGA and RMA as the basis for Council's partnership with Māori. It also recognised that meeting the expectations set out in these documents means changing how we think about our future, what we do and how we do it.⁷ It also recognised the challenges Council is facing, particularly in relation to the proposed 3 Waters Reform, and infrastructure challenges and proposed over the next ten years to continue a steady level of investment to ensure that we deliver what we need to. This included providing new infrastructure to support housing development to the west of the city; replacing ageing pipes earlier and undertaking planning to inform infrastructure decisions, such as whether and where the wastewater and water supply network should be extended⁸.
51. The draft LTP provided options in relation to the renewal programme for Council's water pipes (drinking water, wastewater and stormwater networks). It also outlined Council's plans in relation to DrainWise and provides for a significant level of funding (proposed \$32 million for the 10 Year period until 2030/2031)⁹. As noted in the draft LTP this is to continue the upgrades of drains on public and private property, with a focus on the Kaiti catchment in the first few years (as described further in the evidence of Mr Kanz). This is obviously a significant investment for Council and demonstrates its commitment to the DrainWise programme.
52. As noted in the Infrastructure Strategy for the draft LTP Council has started on a programme to achieve appropriate storage for all wastewater pump stations, which will provide improved environmental performance in the event of power or pump failure¹⁰. It also notes that maintaining and renewing wastewater pipelines and assets accounts for a large proportion of the capital expenditure on wastewater in the draft LTP (44% or \$28.8 million). It notes that Council will continue with implementation of DrainWise projects on private property (planned expenditure of \$4.1 million), prioritised on a catchment basis¹¹.
53. In addition, the Infrastructure Strategy recognised that Council is currently seeking consent for wastewater overflows via this Application, and that further investment could

⁷ Draft LTP at p8.

⁸ Draft LTP at p11

⁹ Draft LTP at p27

¹⁰ Infrastructure Strategy at p60

¹¹ Ibid at p64

be needed to meet consent requirements and expectations of the community. However, as that could not be determined at the time of the LTP no further provision has been included at this point in time. Finally, it should be noted that due to the age of the network, Council has to forecast significant expenditure towards renewal or replacement of its critical 3 Waters infrastructure.

54. The renewals strategy adopted for three waters prioritises timing of renewals and upgrades based on asset criticality (consequences of failure) and likelihood (probability) of failure. The assessment is updated at least every three years. Council's focus for the next ten years is renewing pipework and higher expenditure has been forecast than in the 2018 LTP. As noted in the document, there is other maintenance and renewal activities that require capital expenditure by Council, including renewing pump stations and plant components.

Term of consent

55. The Applicant understands that there are submitters who seek a shortened consent term. Consent term will be addressed further in the evidence of Mr Mayhew, but the Applicant's position on consent term was set out in the January s92 response, as outlined in paragraph 9.12 of the Section 42A Report. The Applicant's view is that the Gisborne wastewater network is fundamental public infrastructure and a lifeline utility. It considers that better environmental outcomes will be achieved by providing the Applicant with a longer consent term and targets which are required to be met at key points. This will enable better long-term infrastructure planning for this critical community asset and a dedicated pathway to continual improvement from an environmental and cultural perspective, rather than relying on the blunt instrument of a reduced consent term. It would not be 'business as usual' as asserted by some of the submitters. Rather, Council will be bound by the terms and conditions of the resource consent (if granted), which provide for a high level of reporting and transparency regarding its overflows. Again, the details of the consent conditions proposed by the Applicant will be addressed in the evidence of Mr Mayhew.

Community Liaison Group

56. Finally, I note that some submitters have raised an issue regarding the need for a Community Liaison Group. I note that part of the recommendations from the reporting officer in the Section 42A Report include:

Sch 18.4 Need to consider processes to ensure that the public can engage with the Application to seek responses and understanding on the consent conditions and monitoring data. This could involve a Community Consultation Reference Group and a process to hold public meetings on an as required basis.

57. I am not entirely clear as to the purpose of the above recommendation, and in any event I consider that such a group is not required for the following reasons:

- (a) The Applicant, through the proposed consent conditions (as discussed further by Mr Mayhew) will provide for a high level of transparency and reporting of overflow events;
- (b) Council has a comprehensive public education campaign through the DrainWise programme, as outlined in the evidence of Mr Kanz and detailed in the Application, which enables better understanding by the public of the causes of overflows and the community's part in addressing issues arising on private property;
- (c) The WMC provides a forum for representation of the community and iwi in a governance role, as outlined in my evidence; and
- (d) Members of the public are able to actively participate in Council's LTP processes which directly relates to Council's expenditure on key infrastructure projects such as DrainWise.

Conclusions

58. Gisborne's wastewater network represents a critical piece of strategic public infrastructure that requires long term certainty about its consented future to enable council investment and operating decisions to be taken with a clear long term focus on improvements to the network.

59. Consent is being sought on the basis of a substantial programme of improvement, known as the DrainWise programme, along with improved overflow management, appropriate overflow response and monitoring, proactive network maintenance; and operational and other network management improvements. This programme of improvements continues the substantial work already undertaken by Council, in which it has invested significant resources and expenditure. The DrainWise programme

remains a key part of Council's Three Waters work, as demonstrated through both the 2018-2028 LTP and the draft 2021-2031 LTP due for release shortly.

60. Council maintains its strong commitment to consulting and working with tangata whenua in making decisions; as demonstrated through this process which it understands is challenging and difficult for tangata whenua. It is committed to a programme that will ensure that over time those discharges will be reduced. The Applicant is committed to working with tangata whenua to mitigate effects and better understand priorities while the progressive reduction is implemented. Again, this is reflected in the draft conditions put forward by the Applicant, which will be discussed in more detail by Mr Mayhew.

David Raymond Kent Wilson

25 June 2021