

## Appendix 2: Statutory Assessment

### National Policy Statement for Freshwater Management 2020

Objective	Assessment
<p>(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <ul style="list-style-type: none"> <li>(a) first, the health and well-being of water bodies and freshwater ecosystems</li> <li>(b) second, the health needs of people (such as drinking water)</li> <li>(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</li> </ul>	<p>I consider that the Application will manage natural and physical resources in a way that prioritises the health and wellbeing of water bodies and freshwater ecosystems as:</p> <ul style="list-style-type: none"> <li>a. the adverse ecological effects of wastewater overflows have been assessed by technical specialists who have advised that adverse effects of WWOs are minor;</li> <li>b. overflows are proposed to be managed to a practicable minimum; and</li> <li>c. consent is sought on the basis of a substantial programme to ensure overflow performance is improved, consistent with the relevant statutory framework and the Waipaoa Catchment Plan (Urban Freshwater Management Unit). As a result, the overall health and wellbeing of water bodies and freshwater ecosystems will improve over time through the progressive reduction in the frequency of overflow events and overflow volumes.</li> </ul> <p>The Application also prioritises the essential health needs of people. The GWS (Gisborne Wastewater System) is critical infrastructure which provides an essential sanitation service to protect the health of Gisborne’s community and provide for their social, economic and cultural well-being, both now and in the future.</p>
Policies	Assessment
<p>Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.</p>	<p>While Te Mana o te Wai has yet to be implemented in Gisborne, I consider that the Application is consistent with this policy as it:</p> <ul style="list-style-type: none"> <li>a. Is consistent with the priorities stated in the Objective (see above);</li> <li>b. Reflects that while tangata whenua and the community oppose wastewater overflows, as recognised by the KIWA Group and in submissions, Council is working closely with tangata whenua to integrate tikanga, mātauranga Māori, and Māori values into its management of overflows. I acknowledge that this does not resolve the cultural issues inherent with wastewater overflow discharges to water. However, the ongoing involvement of tangata whenua in managing this challenging issue is consistent with the intent of the NPS-FM 2020 and in my view assists in mitigating and reducing impacts on tangata whenua values.</li> </ul>
<p>Policy 2:</p>	<p>As I have indicated above, Council is working closely with tangata whenua to integrate tikanga, mātauranga Māori, and Māori values into its management of overflows including through a</p>

<p>Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.</p>	<p>Tangata Whenua Reference Group and Tangata Whenua Cultural Monitoring Plan. This is intended to be a long term relationship to work together to reduce overflows and their associated adverse effects on cultural values, including mahinga kai.</p>
<p>Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</p> <p>Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.</p>	<p>These policies are more applicable to plan making processes and direct the implementation of the FMU process to maintain or improve the health and wellbeing of water bodies and freshwater ecosystems. Council (in its capacity as a regional council) is yet to go through this process, including the NOF process.</p> <p>Although Council has not yet given effect to the NPS-FM 2020, the Application has been assessed against the targets and limits in the Waipaoa Catchment Plan (set under the NPS-FM 2017), which includes the Gisborne Urban FMU (Taruheru River, Waikanae Creek and tributaries). It is recognised that these urban rivers are currently degraded and have been affected by wastewater overflows (particularly microbial contaminants). As indicated in the Application, while the effects of wastewater overflows will not be totally eliminated, it is proposed to substantially reduce overflow frequencies and volumes and improve degraded water quality, consistent with these policies.</p> <p>Furthermore, the Application includes a recommended condition of consent that provides for a review of the consent following the implementation of the NPS-FM 2020.</p>
<p>Policy 7: The loss of river extent and values is avoided to the extent practicable. Clause 3.24(1) “The loss of river extent and values is avoided, unless the council is satisfied: (a) that there is a functional need for the activity in that location; and (b) the effects of the activity are managed by applying the effects management hierarchy.”</p>	<p>This has been addressed in detail in my Evidence in Chief (<b>EIC</b>) and not repeated here.</p>
<p>Policy 9: The habitats of indigenous freshwater species are protected.</p>	<p>No physical works or loss of habitat is proposed or likely to result from the operation of the wastewater network.</p> <p>Coast and Catchment Limited were commissioned to undertake an assessment of the ecological effects of wastewater overflows (Appendix H to the Application). They concluded that sediment sampling directly below, and away from, key wastewater outfalls did not detect adverse ecological or sediment quality effects that could be linked to past wastewater overflow discharges. Substantially reducing wet weather overflow frequency and volume and maintaining dry weather</p>

	overflows at a practicable minimum, as proposed in the Application, will reduce already undetectable ecological effects.
Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.	The national target is to increase proportions of specified rivers and lakes that are suitable for primary contact and also to improve water quality across all categories. The categories are based on water quality in terms of the two human contact attributes, E. coli and cyanobacteria (planktonic).  The aim of the Application is to reduce the frequency and duration of wastewater overflows, which will positively contribute to the swimmability of Gisborne's rivers. This is consistent with the national aim of increasing proportions of rivers that are suitable for primary contact.
Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.	A well-functioning wastewater network is fundamental to the social, economic and cultural well-being of the Gisborne community. The Application provides for the ongoing operation of this network, subject to a range of management and maintenance requirements and a programme of progressive improvement which collectively ensure overflows and associated adverse effects are managed to a practicable minimum.  Overall, the NPS-FM 2020 seeks to improve water quality over time to protect the health and well being of freshwater bodies to meet freshwater objectives set in conjunction with communities and tangata whenua and to better provide for tangata whenua to undertake a role natural resource management. The Application is consistent with this approach.

## New Zealand Coastal Policy Statement 2010

Objectives	Assessment
Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by: <ul style="list-style-type: none"> <li>▪ maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;</li> <li>▪ maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity</li> </ul>	Coastal water quality will be improved through a progressive reduction in overflow events and overflow volumes.  As set out in the lodged Application and as further addressed in the evidence of Dr Kelly, ecological effects associated with existing discharges have been assessed as minimal. However, any effects will reduce further with reduced overflows over time.

<p>Objective 3</p> <p>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> <li>▪ recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</li> <li>▪ promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</li> <li>▪ incorporating mātauranga Māori into sustainable management practices; and</li> <li>▪ recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</li> </ul>	<p>The principles of the Treaty of Waitangi and the role of tangata whenua as kaitiaki have been taken into account in the Application.</p> <p>An assessment of the cultural impacts of wastewater overflows has been undertaken by tangata whenua and a summary of this process was included in Section 7 of the lodged Application and further summarised in the evidence of Mr Kanz.</p> <p>Conditions of consent have been proposed that include provision for tangata whenua input into the implementation of the consent, specifically through the creation of the Tangata Whenua Reference Group and the development and implementation of the Tangata Whenua Cultural Monitoring Plan.</p>
<p><b>Policies</b></p>	<p><b>Assessment</b></p>
<p>Policy 21 Enhancement of water quality</p> <p>Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:</p> <p>c. where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats;</p>	<p>During an overflow event, temporary restrictions on existing uses are required to protect human health. A range of overflow performance measures and associated targets have been developed. These demonstrate a programme of continuous improvement to reduce the number (and associated adverse effects) of WWO events and associated overflow volumes over time.</p> <p>As outlined in Dr Kelly's (and other) evidence, overflow discharges are not leading to significant ecological effects. However, overflows have the potential to temporarily restrict water-based activities and shellfish gathering. In accordance with the policy, priority has been given through reducing these effects by progressively reducing stormwater ingress to the wastewater network, thus reducing WWOs; and ensuring the wastewater network is designed, operated and maintained in accordance with good practice. Dry weather overflows will continue to be managed in accordance with best practice to ensure they are managed to a practicable minimum and are responded to promptly and effectively.</p>
<p>Policy 23 Discharge of contaminants.</p> <p>1. In managing discharges to water in the coastal environment, have particular regard to:</p> <ul style="list-style-type: none"> <li>a. the sensitivity of the receiving environment;</li> <li>b. the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and</li> </ul>	<p>As noted above, the evidence of Dr Kelly and Dr Wilson indicates that wet weather discharges do not have a substantial impact on benthic ecology or water quality (other than temporary) in estuarine sections of Gisborne's rivers, and the ecological effects (of wet weather overflows) are relatively minor. This is because:</p> <ul style="list-style-type: none"> <li>▪ overflow and corresponding river water quality analyses suggested that the effects of the monitored, wet weather discharges on urban river water quality, were below levels of ecological concern;</li> </ul>

<p>the risks if that concentration of contaminants is exceeded; and</p> <p>c. the capacity of the receiving environment to assimilate the contaminants; and:</p> <p>d. avoid significant adverse effects on ecosystems and habitats after reasonable mixing;</p> <p>e. use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and</p> <p>f. minimise adverse effects on the life-supporting capacity of water within a mixing zone</p>	<ul style="list-style-type: none"> <li>▪ the results of water quality monitoring were consistent with model predictions that suggest nitrogen, phosphorus and suspended solids concentrations from discharges will rapidly be diluted to levels well below those recorded in GDC's river monitoring programme;</li> <li>▪ only minor changes in sediment quality were detected directly below two of the primary and secondary outfalls;</li> <li>▪ adverse ecological effects were not apparent immediately below primary and secondary outfalls in lower river sections.</li> </ul> <p>Any effects will progressively reduce as improvements are implemented.</p>
<p>2. In managing discharge of human sewage, do not allow:</p> <p>a. discharge of human sewage directly to water in the coastal environment without treatment; and</p> <p>b. the discharge of treated human sewage to water in the coastal environment, unless:</p> <p>i. there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and</p> <p>ii. informed by an understanding of tangata whenua values and the effects on them.</p>	<p>This has been addressed in detail in my EIC and not repeated here.</p>
<p>4. In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:</p> <p>a. avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;</p> <p>b. ...</p>	<p>The DrainWise Programme seeks to reduce direct stormwater inflow into the wastewater network and is therefore consistent with this policy.</p>

## Tairāwhiti Resource Management Plan

Part B: Regional Policy Statement	Assessment
B1 Tangata Whenua	
Objectives	
B1.2.1 Objective	

<p>1. To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the Act.</p>	<p>An assessment of the cultural impacts of wastewater overflows has been undertaken by tangata whenua and a summary of this process is included in Section 7 of the lodged Application or as updated in the evidence of Mr Kanz. Conditions of consent have been proposed that include provision for tangata whenua input into the implementation of the consent, specifically through the creation of a Tangata Whenua Reference Group and the development and implementation of a Tangata Whenua Cultural Monitoring Plan.</p>
<p>B1.3.1 Objective</p> <p>1. To have particular regard to the concept of kaitiakitanga when managing the use, development and protection of natural and physical resources, in a way which accommodates the views of individual iwi and hapu.</p>	
<p>B1.4.2 Objectives</p> <p>1. To promote, where practicable, the preservation and protection of sites of value to Māori.</p> <p>2. To recognise and provide for the relationship of Māori with their culture, traditions, ancestral lands, and other resources.</p>	
<p><b>Policies</b></p>	
<p>B1.2.2 Policies</p> <p>1. <b>The Kawanatanga Principle</b> To recognise that the Gisborne District Council's (delegated) right to manage natural and physical resources (kawanatanga) is exercised subject to the protection of rangatiratanga.</p> <p>2. <b>The Rangatiratanga Principle</b> To endeavour to uphold, within the limits of the RMA, the rangatiratanga rights of iwi o Tairāwhiti. Policies and plans shall, as far as possible, be consistent with Māori values and preferences for management of their resources.</p> <p>3. <b>The Partnership Principle</b> To actively promote and develop greater partnership between Council and iwi o Tairāwhiti in the management of the district's natural and physical resources by exercising the utmost good faith, co-operation, reasonable compromise, flexibility and responsiveness.</p> <p>4. <b>The Active Protection Principle</b> To actively protect the manataiao and taonga of iwi o Tairāwhiti by identifying and protecting, in a manner appropriate to the values of iwi, those natural and physical resources of significance to iwi.</p> <p>5. To take account of the guarantee of rangitiratanga and its relationship with kawanatanga in resource management planning.</p>	<p>The principles of the Treaty of Waitangi have been taken into account and meaningful and on-going engagement with tangata whenua, through the Tangata Whenua Reference Group, is proposed.</p>

<p>B1.3.2 Policies</p> <ol style="list-style-type: none"> <li>1. To consult with iwi and hapu on an individual basis to determine how kaitiakitanga can be recognised and integrated in the management of the use, development and protection of natural and physical resources in the Gisborne district.</li> <li>2. To recognise and provide for the role and mana of kaitiaki as resource managers or guardians of local resources.</li> <li>3. To encourage applicants for resource consents to consult with tangata whenua.</li> <li>4. To take account any relevant planning document/s recognised by the appropriate iwi, hapu or marae.</li> </ol>	<p>As above, an assessment of the cultural impacts of wastewater overflows has been undertaken by tangata whenua and a summary of this process is included in Section 7 of the lodged Application or as updated in the evidence of Mr Kanz. Conditions of consent have been proposed that include provision for tangata whenua input into the implementation of the consent, specifically through the creation of a Tangata Whenua Reference Group and the development and implementation of a Tangata Whenua Cultural Monitoring Plan.</p> <p>Relevant statutory acknowledgements and Iwi Management Plans have also been reviewed and their contents taken into account.</p>
<p>B1.4.3 Policies</p> <ol style="list-style-type: none"> <li>1. To recognise that each iwi, hapu and marae has its own priorities and preference for the management of resources and to respect those priorities and preferences within the limits of the Act.</li> </ol>	
<p><b>B3 Built Environment, Energy and Infrastructure</b></p>	
<p><b>Objectives</b></p>	
<p>B3.5.1 Objectives</p> <ol style="list-style-type: none"> <li>2. The provision of the efficient development, operation and maintenance of network utilities by the relevant organisations throughout the Region in a way that avoids remedies or mitigates adverse effects on the natural and physical environment</li> </ol>	<p>The GWS is core urban infrastructure which provides an essential sanitation service to protect the health of Gisborne's community.</p> <p>The ongoing operation of the GWS is essential to the community and adverse effects have been avoided, remedied and mitigated to the extent practicable - including improvement over a period of time that is consistent with the need to address drainage on private property on a site-by-site basis.</p>
<p>B3.5.2 Policies</p> <ol style="list-style-type: none"> <li>4. To encourage efficient and sustainable transport and utility networks in the region.</li> </ol>	<p>As assessed above.</p>
<p><b>B4 Coastal Environment</b></p>	
<p><b>Objectives</b></p>	
<p>B4.2.1 Objectives</p>	<p>An integrated approach has been undertaken as consent has been sought for the point source discharge of untreated sewage/wastewater, resulting from overflows from wastewater</p>

<p>1. Management of the coastal environment that is integrated across the boundaries of the coastal marine and inland areas and between agencies, organisations and the tangata whenua.</p>	<p>reticulation during both dry and wet weather, to land and freshwater including estuarine areas.</p>
<p>B4.3.1 Objectives 3. Coastal water quality that is maintained or enhanced.</p>	<p>Coastal water quality will be maintained, and progressively enhanced through a reduction in overflow events (duration and frequency) and overflow volumes.</p>
<p>B4.4.1 Objectives 2. The protection of the integrity, functioning, resilience and quality of natural coastal processes, natural physical resources and biological communities in the coastal environment. 3. Restoration and rehabilitation of areas of the coastal environment where the integrity, functioning, resilience and quality of natural coastal processes, natural physical resources and biological communities has been degraded and appropriate remedial action can be taken.</p>	<p>A key finding of the Ecology Report (Appendix H to the lodged Application) and as summarised in the evidence of Dr Kelly, is that wet weather discharges do not have a substantial impact on water quality or benthic ecology in estuarine sections of Gisborne's rivers. Further, biological communities are not to be degraded by overflows to a point where remedial action is required.</p> <p>The proposed progressive reduction in overflow frequency, duration and volume will further reduce these minimal adverse effects.</p> <p>Due to the unpredictable nature of DWOs, Dr Kelly acknowledges that there is the potential to cause short-term adverse ecological effects if they make their way to streams and watercourses. However, as this is a relatively infrequent occurrence and effective systems and processes are put in place for preventing, detecting and responding to such events (conditions of consent), these are considered to appropriately avoid and remedy any potential effect.</p>
<p>B4.7.1 Objectives 1. Improvement of the water quality in the rivers and streams draining Gisborne city and the near shore waters of Poverty Bay, where appropriate. 2. Recognition of the mauri of coastal waters and restoration of mauri of degraded coastal waters.</p>	<p>The overflows consent seeks to reduce adverse effects over time, through a range of mechanisms, including reducing the frequency and duration of overflow events, the volume of overflows, as well as through implementing a hierarchy of overflow points (wet weather) to avoid more sensitive receiving environments.</p> <p>This is considered to also contribute to restoring the mauri of coastal waters, as assessed by the application of the 'Mauri Compass'.</p>
<p>B4.8.1 Objective 1. To avoid, mitigate or remedy the adverse effects of point-source discharges on receiving waters.</p>	<p>In terms of WWOs the consent includes a range of methods and management approaches to avoid, mitigate or remedy the adverse effects on receiving waters. These include:</p> <ul style="list-style-type: none"> <li>▪ Progressively reducing stormwater inflow and hence the frequency, duration and volume of overflow events;</li> <li>▪ Mitigation such as developing a hierarchy of wet weather overflow points and limiting overflows to a few locations;</li> <li>▪ Manual control of wet weather overflows to ensure the network only discharge when absolutely necessary;</li> <li>▪ Best practice design and management of the network;</li> <li>▪ Operational and response procedures to mitigate public health risk.</li> </ul>



	<p>In terms of DWOs, the consent includes a range of methods and management approaches to avoid, mitigate or remedy the adverse effects on receiving waters. These include:</p> <ul style="list-style-type: none"> <li>▪ Improving maintenance and ensuring appropriate and timely responses to minimise the likelihood of DWO discharges reaching water;</li> <li>▪ System controls and duplication;</li> <li>▪ Trade waste compliance;</li> <li>▪ Proactive maintenance of the system;</li> <li>▪ Public education and awareness;</li> <li>▪ Prompt response and clean-up.</li> </ul>
<b>Policies</b>	
<p>B4.4.2 Policies</p> <p>1. To avoid, remedy or mitigate the effects of activities which have an adverse effect on biological diversity and ecosystem integrity.</p>	<p>As detailed further in my assessment above, ecological effects have been assessed as low and the consent includes a range of methods and management approaches to avoid, mitigate or remedy the adverse effects on receiving waters and associated ecology.</p>
<p>B4.7.2 Policies</p> <p>4. To establish, maintain and, where appropriate, enhance water quality standards for the coastal environment of Poverty Bay.</p> <p>5. To improve the standard of treatment of Gisborne city sewage.</p> <p>6. To take into account cultural and spiritual values, and the mauri of water, when defining minimum water quality standards, considering waste treatment options, and processing applications for water and discharge permits.</p> <p>7. To implement a risk-based management regime for the region's coastal waters which recognises that receiving waters have varying degrees of sensitivity.</p> <p>8. To provide for the maintenance and future development of essential public services such as network utility operations, where these activities meet section 5(2)(a)(b)&amp;(c) of the RMA.</p>	<p>Assessment against specific water quality standards in the coastal environment has been undertaken in C3 Coastal Management below. As assessed above, the overflows consent seeks to reduce adverse effects over time, through a range of mechanisms, including reducing the frequency and duration of overflow events, the volume of overflows, as well as through implementing a hierarchy of overflow points (wet weather) to avoid more sensitive receiving environments.</p> <p>Cultural and spiritual values and the mauri of water has been taken into account in the application and documented by tangata whenua through the KIWA Group. On-going engagement with tangata whenua is proposed through the Tangata Whenua Reference Group.</p> <p>As assessed in the lodged application and as further detailed in my evidence, I consider the application, which relates to essential public infrastructure, to be consistent with the purpose of the RMA.</p>
B4.8.2 Policies	
<p><i>Protection of Existing or Potential Future Uses</i></p> <p>1. To endeavour to ensure that the effects of any contaminants contained in point-source discharges are such that they:</p>	<p>As discussed in Sections 5 and 6 of the lodged Application, wastewater overflows have the potential to contribute to temporary increases in contaminants, which may affect water quality. These effects are episodic and primarily occur during periods of heavy rain. However, overflow discharges are not likely to affect the ability to achieve the</p>

<ul style="list-style-type: none"> <li>a) do not unduly impact on the receiving environment; and</li> <li>b) do not reduce, after reasonable mixing, the quality of the receiving water below any standards established in any plan for that water.</li> </ul>	<p>narrative/numeric objectives for most attributes. The exception to that are enterococci numeric objectives, where wastewater overflows may contribute significant levels of enterococci during overflow events.</p> <p>It is noted that the median numeric objective of 280 CFU(ent)/100mL is currently met at most sites, other than the upper-most site on the Taruheru River (Tuckers - above the influence of wastewater overflows) and the Hirini site on the Kopuawhakatapa Stream (where no overflow points are located). Reduction in the frequency and volume of overflows, as proposed in this application, will contribute to maintaining this target being met.</p> <p>Infrequent wastewater overflows are more likely to affect the 95%ile objective of 500 CFU(ent)/100mL. However background water quality (in the absence of overflows) well exceeds the objective at all sites, particularly in upper catchment areas, indicating substantial catchment microbial sources. Reduction in the frequency and volume of overflows as proposed in this Application, such that overflows do not occur in events less than the 50% AEP rainfall event, will contribute to a reduction in catchment microbial sources that is required to meet this numeric objective.</p>
<p><i>Matters to be taken into account when Assessing Discharge Proposals</i></p> <p>2. When considering proposals or applications to discharge contaminants directly to water, matters to be taken into account include:</p> <ul style="list-style-type: none"> <li>a) the total contaminant load of the effluent [composition/flow rate];</li> <li>b) the assimilative capacity [including available dilution and dispersal] of the water body and existing water quality;</li> <li>c) the need to safeguard the life-support capacity of the water body;</li> <li>d) actual or potential uses of the water body and the degree to which the needs of other water users are or may be compromised;</li> <li>e) scenic, aesthetic, amenity and recreational values including fisheries values and the habitat of trout and indigenous fish;</li> <li>f) allowance for a reasonable mixing zone;</li> <li>g) the potential for bio-accumulative or synergistic effects;</li> <li>h) the actual or potential risk to human and animal health from the discharge;</li> </ul>	<p>The consent Application has taken into account these matters.</p> <p>The consent seeks to apply management procedures and practices to ensure overflows are managed to a practicable minimum while progressively reducing existing overflow discharges to reduce any adverse effects.</p>

<ul style="list-style-type: none"> <li>i) measures to reduce the quantity of contaminants to be discharged;</li> <li>j) the cultural and spiritual values of tangata whenua, and</li> <li>k) the use of the best practicable option for the treatment and disposal of contaminants, which in the case of human sewage wastewater, may include the use of land disposal or wetland treatment.</li> </ul>	
<b>B6 Freshwater</b>	
<b>Objectives</b>	
<p>B6.2.1 Objectives</p> <p>Note: The Objectives in this section are both Regional Policy Statement and Regional Plan Objectives. They must be read in their entirety and considered together. No single objective has more importance over any other.</p>	
<p>1. Land and freshwater is sustainably managed in a way that safeguards the life-supporting capacity of freshwater, including ecosystem processes and indigenous species, and the health of people and communities.</p>	<p>Effects on ecosystem and community health have been assessed through the Application and are assessed as generally low. The overflows consent includes a range of performance measures and targets which represent a programme for continuous improvement to further reduce adverse effects.</p>
<p>2. The quality of freshwater is maintained and is improved where it is degraded or does not meet the relevant objectives for the freshwater unit.</p>	<p>These have been set taking into account the financial constraints of Council and what the community can reasonably afford, while providing a pathway for progressive improvement and reduction in adverse effects.</p>
<p>4. Scheduled waterbodies and their margins, and the significant values of both outstanding waterbodies and wetlands, are protected or enhanced to provide for their values.</p>	<p>Waikanae Creek (G20 - Watercourses in Land Drainage Areas with Ecological Values), Taruheru River (G15A - Habitats and Migratory Pathways of Indigenous Fish Species) and the Waimata River (G15A - Habitats and Migratory Pathways of Indigenous Fish Species) are all scheduled waterbodies. Wastewater overflows will not impact on migratory pathways of indigenous species. Coast and Catchment has assessed effects on ecology to be no more than minor. A reduction in overflow discharges will reduce these minimal/negligible effects further.</p>
<p>10. The mauri of waterbodies is recognised and provided for and action is taken to restore the mauri of degraded waters.</p>	<p>I acknowledge that the discharge of wastewater to water is offensive to tangata whenua and has significant negative impact on the mauri of affected waterbodies. As Mr Kanz advises, Council has undertaken intensive engagement with tangata whenua through the KIWA Group, which has provided a very clear indication of the negative effects of overflows on tangata whenua and cultural values and practices. It is important that these effects are</p>
<p>11. Mana whenua values, matauranga and tikanga are reflected in resource management processes and decision making.</p>	

	<p>addressed as far as practicable and that Council continues to work alongside tangata whenua to achieve this. This is clear in the recommendations of the KIWA Group.</p> <p>A substantial reduction in overflow volumes and frequencies and ongoing engagement with tangata whenua is incorporated in the Application and Council's approach moving forward, and is required by proposed conditions of consent. Ten-year overflow reduction targets have been set and the proposed ten-year review aims to set future targets beyond this time. Tangata whenua will continue to be involved in the consent through the Tangata Whenua Reference Group, including the development of cultural monitoring measures and a range of other actions. This will not fully resolve tangata whenua concerns regarding wastewater overflows, which will remain while overflows occur. However, it assists in mitigating effects and is consistent with the RPS provisions.</p>
<b>Policies</b>	
<p>B6.2.2 Strategic Policies</p> <ol style="list-style-type: none"> <li>1. Council will work actively to engage and collaborate with all relevant stakeholders in the planning, management and monitoring of freshwater resources.</li> <li>2. Collaborate with iwi and hapū to recognise their kaitiaki role and identify their freshwater values and priorities, including the development of cultural assessment frameworks for mauri and other freshwater values.</li> <li>3. Have regard to the freshwater issues and outcomes identified in iwi and hapū planning documents, statutory acknowledgements and governance and partnership agreements.</li> </ol>	<p>See assessment above.</p>
<p>B6.2.6 Integrated Management Policies</p> <ol style="list-style-type: none"> <li>2. Manage the use of land and freshwater so that coastal water quality and ecosystems are maintained or improved where degraded.</li> <li>5. Manage the adverse effects of land use to maintain water quality, or improve it where it is degraded, and protect the physical form and character of rivers, lakes and wetlands and their margins.</li> <li>9. In addition to measures to avoid, remedy or mitigate adverse environmental effects, consider the use of: <ol style="list-style-type: none"> <li>a) Biodiversity Offsets in circumstances where there are ecologically significant residual adverse effects; and/or</li> </ol> </li> </ol>	<p>A range of overflow performance measures and associated targets have been developed. These demonstrate a programme of continuous improvement to reduce the number (and associated adverse effects) of overflow events over time. This will, overtime, improve water quality.</p> <p>Coast and Catchment has assessed the ecological effects of past overflows to be minor, and any effects will further reduce as overflow frequencies and volumes are reduced. Hence the proposal will not have ecologically significant residual adverse effects.</p> <p>As such, biodiversity offsets and/or environmental compensation is not considered necessary or appropriate.</p>

b) Any proposed environmental compensation or other measures that will result in positive environmental effects.	
<b>Part C (1-11) Region Wide Provisions</b>	
<b>C2 Built Environment, Infrastructure and Energy</b>	
<b>Objectives</b>	
<p>C2.1.3 Objectives (Infrastructure)</p> <ol style="list-style-type: none"> <li>1. Infrastructure that enables people and communities to provide for and enhance their environmental, social, cultural and economic well-being.</li> <li>2. Infrastructure that is designed, located, constructed, operated and maintained to ensure: <ul style="list-style-type: none"> <li>▪ A safe and healthy environment.</li> <li>▪ The efficient use of energy and resources.</li> <li>▪ Adverse effects are avoided, remedied or mitigated.</li> </ul> </li> </ol>	<p>The wastewater network is a piece of essential regional infrastructure and an effective and efficient wastewater network is fundamental in an urban environment. Gisborne's wastewater network has expanded and been significantly improved over time to meet the needs of a growing city and changing community and cultural expectations. As with all wastewater (and drainage) networks, this continual process of expansion and improvement is on-going, in order to meet the foreseeable needs of future generations and to provide for the health and well-being of the community.</p> <p>The Application provides for the ongoing operation of the network, subject to a range of management and maintenance requirements and a programme of progressive improvement which collectively ensure adverse effects are avoided, remedied or mitigated.</p>
<b>Policies</b>	
<p>C2.1.4.1 Policies (Network Utility Operations)</p> <ol style="list-style-type: none"> <li>1. Provide for the ongoing operation, maintenance, replacement and upgrading of network utilities and for the future development and operational requirements of new network utilities.</li> <li>2. Recognise the benefits of efficient network utility infrastructure and, that in order to achieve sustainable management given the technical and physical constraints which may be experienced by network utility operations, including those associated with their scale, location, design and operation, a compromise of the natural and physical environment may occur.</li> <li>3. To enable the development, maintenance and use of network utility infrastructure (including individually owned and operated systems) in a manner that avoids, as far as practicable, remedies or mitigates any adverse effects on the environment.</li> </ol>	As assessed in C2.1.3 above.
<p>C2.1.4.5 Policies (Works and Services)</p> <ol style="list-style-type: none"> <li>11. To ensure that the treatment and disposal of wastewater is undertaken in a manner that avoids, remedies or mitigates</li> </ol>	As assessed in C2.1.3 above.

adverse effects on the environment and is consistent with maintaining public health and safety.	
<b>C3 Coastal Management</b>	
<b>Objectives</b>	
<p>C3.2.2 Objectives – Natural Character</p> <ol style="list-style-type: none"> <li>1. The natural character of the Gisborne regions Coastal Environment and wetlands, rivers, lakes, and their margins within the Coastal Environment is preserved unless such preservation is inconsistent with the purpose of the RMA.</li> </ol>	<p>The effects of wastewater overflows on natural character were assessed at section 6.10 of the lodged Application where I concluded these were considered to be minor and temporary.</p>
<p>C3.6.2 Objectives – Tangata Whenua</p> <ol style="list-style-type: none"> <li>1. To protect the special value sites of tangata whenua.</li> <li>2. To rehabilitate, where practicable, sites of value to Māori degraded by human activities.</li> <li>3. To maintain the integrity of the relationship of Māori with their culture, traditions, ancestral lands, and other resources.</li> </ol>	<p>As assessed above, engagement with tangata whenua is on-going; a summary of this process is included in Section 7 of the lodged application or as updated in the evidence of Mr Kanz.</p> <p>Conditions of consent have been proposed that include provision for tangata whenua input into the implementation of the consent, specifically through the creation of a Tangata Whenua Reference Group and the development and implementation of a Tangata Whenua Cultural Monitoring Plan.</p>
<p>C3.10.2 Objectives</p> <ol style="list-style-type: none"> <li>1. To maintain or, where practicable enhance the physical and cultural quality of water (including that found in aquifers) and land in the Coastal Environment.</li> <li>2. The progressive upgrade of the quality of existing point and non-point discharges to water of the Coastal Environment.</li> <li>3. Avoidance, where practicable of the adverse effects of discharges to land or water on the natural character and amenity of the Coastal Environment. Where avoidance is not practicable, adverse effects on amenity and natural character will be remedied or mitigated.</li> </ol>	<p>The overflows consent seeks to progressively reduce wastewater overflows, thereby enhancing the physical and cultural quality of water, and mitigate any temporary adverse effects on the amenity and natural character of the Coastal Environment, over time.</p> <p>Wet weather overflow management has progressively improved over time such that most overflow points have been sealed and where necessary, overflows are managed through priority overflow points. No direct discharges to the CMA are proposed. However, complete avoidance of overflows to the coastal environment may not be practicable in extreme rainfall events where there is substantial flooding.</p> <p>The discharge of wastewater from DWOs to the coastal environment is unlikely and are sought to be eliminated to the extent practicable.</p>
<p>C3.14.1 Objective</p> <ol style="list-style-type: none"> <li>1. Protection of the quality of water, wetlands and aquatic habitats, and the preservation of the natural character associated with lakes, rivers, wetlands and their margins, and the Coastal Environment of the Gisborne District.</li> </ol>	<p>As discussed in Section 6 of the lodged Application, the potential impacts of wastewater overflows on the natural character on Gisborne’s urban rivers and the Bay are considered to be minor and temporary as:</p> <ul style="list-style-type: none"> <li>▪ The rivers have been identified as having moderate or low natural character values and due to the substantial modification that occurs in an urban environment, it can be expected that the urban reaches of these rivers would typically have lower natural character values than more natural reaches.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Past and current wastewater overflows have been assessed as having minimal effects on the estuarine ecology.</li> <li>▪ Wet-weather overflows only occur infrequently (currently an average of 2.5 times per year) in heavy and prolonged rain events. These large rain events carry significant sediment and contaminant loads from up-catchment areas and urban stormwater that will dominate visual and other impacts.</li> <li>▪ Dry weather overflows are relatively infrequent, typically small and most do not reach waterways.</li> </ul> <p>Following the implementation of the DrainWise Programme, overflow discharges (both frequency and volume) will be substantially reduced, further reducing the potential for any adverse effects on the natural character of the rivers, estuaries and the wider coastal environment.</p>
<b>Policies</b>	
C3.2.3	
<p>3. The adverse effects of activities on the integrity, functioning and resilience of natural processes and qualities should be avoided as far as practicable and, where complete avoidance is not practicable, the adverse effects shall be mitigated and provision made for remedying those effects to the extent practicable. Natural processes and qualities include:</p> <ul style="list-style-type: none"> <li>▪ Biodiversity.</li> <li>▪ Freedom of movement of biota (living organisms).</li> <li>▪ Intrinsic values.</li> <li>▪ Natural substrate composition.</li> <li>▪ Natural air and water quality.</li> <li>▪ Water quantity.</li> <li>▪ Dynamic processes and features arising from the natural movement of sediments, water and air.</li> </ul>	<p>Short duration overflow events, which are low volume discharges when compared to river flows (particularly in heavy rain) are unlikely to affect natural coastal processes.</p>
<p>8. Ecosystems that are unique to the Coastal Environment and vulnerable to modification – such as estuaries, coastal wetlands, dune systems, and their margins – should be protected from the adverse effects of activities in order to preserve the natural character of the Coastal Environment.</p>	<p>See previous assessment above (C3.14.1 Objective).</p>

<p>14. Lighting, glare, colour or any plume that is visually discernible as the result of any discharge to air or water, that occurs as a result of subdivision, use and development in the Coastal Environment and that is incongruous with natural levels of lighting, glare, colour, or any naturally occurring plume should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.</p>	<p>Wet weather overflows occur during high-rainfall events are unlikely to be visually discernible, due to large sediment loads already present in waterbodies, primarily from up catchment sources.</p> <p>A prolonged dry weather discharge to water could potentially have visually discernible effects, however these discharges do not often reach waterbodies, and associated effects are temporary. A range of avoidance, response and mitigation measures are in place to reduce the likelihood of dry weather discharges to waterbodies and to mitigate effects.</p>
<p>C3.6.3 Policies</p> <ol style="list-style-type: none"> <li>1. The Council and consent authorities will take into account the guarantees of rangitiratanga and its relationship with kawanatanga in resource management planning and decision-making.</li> <li>2. People exercising powers, duties and functions under the RMA will recognise that each hapu has its own priorities and preference for the management of coastal resources and will respect those priorities and preferences.</li> <li>3. The Council will encourage applicants for resource consents in the Coastal Environment to demonstrate that the tangata whenua have been consulted in respect of applications.</li> <li>4. The Council will recognise and, where appropriate, enhance the kaitiaki responsibilities of tangata whenua with respect to the Coastal Environment and will endeavour, by its actions in respect of management of the CMA, to maintain or enhance that responsibility.</li> <li>5. The Council and consent authorities shall have regard to the need to protect the mauri of coastal resources and, where necessary and appropriate, will encourage the restoration of the mauri of coastal resources.</li> <li>9. Consent authorities will, in respect of activities or developments which involve the discharge of contaminants into the CMA, have particular regard to Māori spiritual and cultural values and physical use of the CMA.</li> </ol>	<p>As discussed above, engagement has been undertaken with tangata whenua and the views of CMT applicants have been sought.</p> <p>Proposed conditions of consent provide for ongoing tangata whenua advice on, and input into, the consent application through the Tangata Whenua Reference Group and creation / implementation of a cultural monitoring plan and other measures.</p>
<p>C3.10.3 Policies</p>	



<p>1. Water quality of the CMA between Pariokonohi Point and Young Nick's Head to approximately 2km offshore will be managed to accommodate the following purposes:</p> <ul style="list-style-type: none"> <li>a) SA: Water managed to afford all water values the highest protection.</li> <li>b) SB: Water managed for contact recreation (to at least provide for low health risks while bathing) while also protecting ecosystem values.</li> <li>c) SC: Water managed to at least provide for low risk occasional human contact whilst protecting ecosystem values.</li> <li>d) SD: Water managed to at least protect organisms from death by toxic discharge and prevent fouling of fishing grounds.</li> </ul> <p>Refer: Method C3.10.4(10) for Water Quality Standards.</p>	<p>The water classification that applies to waters that are potentially affected by overflows is class SA and SB. Class SA is the most stringent and the key water quality standard is:</p> <ul style="list-style-type: none"> <li>e) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and the water shall not be rendered unsuitable for bathing by the presence of contaminants.</li> </ul> <p>As discussed in Dr Dada's evidence, there are periods where public health risk for both contact recreation and shellfish gathering is elevated and as such, temporary restrictions are warranted. However, I consider that there are circumstances justify this temporary discharge and restriction:</p> <ul style="list-style-type: none"> <li>a) The GWS is essential infrastructure and some overflows in wet weather and as a result of blockages are unavoidable;</li> <li>b) Wastewater overflows are infrequent and the proposal is to reduce these further, such that effects will be further reduced;</li> <li>c) The health risk effects are mitigated through notification of the public and potentially affected stakeholders, health warnings and monitoring;</li> <li>d) There are no direct discharges of wastewater to the CMA.</li> </ul>
<p>2. Council will seek to enhance Poverty Bay water quality through:</p> <ul style="list-style-type: none"> <li>c) Ongoing commitment to continued upgrading, where necessary, of infrastructure to manage the quality of urban run-off.</li> </ul>	<p>The targets and associated performance measures in this Application provide an on-going commitment to continued upgrading of infrastructure to reduce inflow and infiltration of stormwater into the wastewater network and associated overflow discharges.</p>
<p>4. The Consent authority shall not grant a permit for a discharge to water of the CMA which on its own, or in combination with other existing lawful discharges, will, after reasonable mixing, result in existing water classification standards being exceeded except where:</p> <ul style="list-style-type: none"> <li>a) Exceptional circumstances justify the granting of the consent.</li> <li>b) The discharge is of a temporary nature and will not result in adverse effects that are cumulative.</li> <li>c) The discharge is needed for maintenance work, the result of which will be an improvement in the quality of the discharge, and the discharge will not result in adverse effects that are cumulative.</li> </ul>	<p>No direct discharges to the CMA are proposed, other than a possibility in very heavy rainfall. Any discharges will be of a short-term, temporary nature and only occur in exceptional circumstances.</p>

<p>d) The existing water classification can be demonstrated to be inappropriate, and exceeding the standards is consistent with sustainable management having particular regard to the desirability of enhancing water quality, and public expectations for water quality.</p>	
<p>5. A discharge of human sewage, excluding discharges of human sewage from ships, direct into the water of the Coastal Environment, which does not pass through land, shall only occur where:</p> <ul style="list-style-type: none"> <li>a) It better meets the purpose of the Act than disposal onto land.</li> <li>b) There has been consultation with the tangata whenua in accordance with tikanga Māori and due weight has been given to Sections 6, 7 and 8 of the Act.</li> <li>c) There has been consultation with the community generally.</li> </ul>	<p>The discharge of wastewater overflows to land is not a feasible alternative and would give rise to significant public health risks. Wet weather overflows occur to avoid this from happening. However, in very large rain events informal overflow may occur and discharge over land to the CMA.</p> <p>Most dry weather overflows discharge via land prior to entering water.</p> <p>Consultation with tangata whenua and the community has been undertaken, and the outcome of this is documented in section 7 of the lodged Application or as updated in the evidence of Mr Kanz.</p>
<p>6. The consent authority shall not permit the discharge of human sewage direct to the CMA of a Protection Management Area unless it can be demonstrated that the adverse effects of the discharge will be minor. In particular the consent authority will have regard of the effects of the discharge on:</p> <ul style="list-style-type: none"> <li>a) The mauri of the receiving environment.</li> <li>b) The actual or perceived amenity values of the receiving environment.</li> <li>c) Any values protected or sought to be protected by the Protection Management Area, including any adverse effect on the natural character of the Protection Management Area.</li> </ul>	<p>No direct discharges to the CMA are anticipated as no overflow points are directed to the CMA and the wastewater network is largely set back from the CMA.</p> <p>A coastal permit to discharge wastewater overflows to the CMA has been sought to cover the possibility that in very rare instances, a wastewater discharge to the CMA may occur.</p>
<p>7. The discharge of a contaminant (either by itself or in combination with other discharges) directly into the CMA should only be allowed in circumstances where:</p> <ul style="list-style-type: none"> <li>a) The existing water quality is maintained and, where appropriate, enhanced.</li> <li>b) The effects on the community of not allowing the discharge would not promote the social and economic well-being of the community.</li> </ul>	<p>No direct discharges to the CMA are anticipated as no overflow points are directed to the CMA and the wastewater network is largely set back from the CMA. A coastal permit to discharge wastewater overflows to the CMA has been sought to cover the possibility that in very rare instances, a wastewater discharge to the CMA may occur.</p> <p>Discharges are an inevitable consequence of an urban wastewater network. Hence the authorisation of discharges, subject to a process of improvement and effective management, will provide for the social and economic wellbeing of the community.</p>

<p>c) The discharge to an alternative receiving environment would create a greater adverse effect than the proposed discharge to sea.</p>	
<p>8. All discharges of contaminants to water, land of the Coastal Environment shall avoid creating adverse effects on habitats, feeding grounds or ecosystems by:</p> <ul style="list-style-type: none"> <li>a) Not locating where locally important habitats, feeding grounds, or ecosystems are likely to be adversely affected by the contaminant.</li> <li>b) Not having physical or chemical properties such as a temperature, toxicity, pH or turbidity suspended solids which alone, or in combination with other discharge properties, is likely to cause fish mortality, a failure of fish spawning or passage, significant changes in the abundance and composition of aquatic flora and fauna in the receiving environment.</li> </ul>	<p>An assessment of the receiving environment and ecological effects of discharges to the coastal environment has been undertaken by Coast and Catchment Ltd and as detailed in the evidence of Mr Kelly. They find that wet weather discharges do not have a substantial impact on water quality or benthic ecology in estuarine sections of Gisborne's rivers, and the ecological effects (of wet weather overflows) are relatively minor.</p> <p>Dry weather overflows are unpredictable and can occur anywhere along the network. These have the potential to cause adverse effects if they reach a waterbody and the discharge is undetected for some time. However, this potential effect primarily relates to dry weather overflows to small streams with limited available dilution and not significant habitats in the CMA.</p> <p>To mitigate dry weather overflow risks, Council has a significant programme in place, including proactive maintenance works, appropriate operational procedures, and community awareness programmes.</p>
<p>9. Particular regard will be given to avoiding the adverse effects of discharges that:</p> <ul style="list-style-type: none"> <li>a) Do not readily degrade in the Coastal Environment into harmless forms.</li> <li>b) Have the potential, once discharged into the Coastal Environment, to be transformed into a more toxic form.</li> <li>c) When combined with other contaminants, have serious synergistic effects.</li> <li>d) Have poorly understood effects.</li> </ul> <p>Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.</p>	<p>Section 6.9 of the lodged Application and Dr Stewart's evidence addresses the potential adverse effects of Emerging Organic Contaminants (EOCs), which are any synthetic or naturally occurring organic chemical that is not commonly monitored in the environment but has the potential to enter the environment and cause known or suspected adverse ecological and (or) human health effects. Wastewater overflows are a potential source of EOCs.</p> <p>This assessment concluded that there is a potential for some EOCs to bioaccumulate within the receiving environment – although there are no established analytical methods to measure EOCs in biota and there is a large knowledge gap of the potential human health risks from consumption of these species.</p> <p>A condition of consent is proposed to review this in the future.</p>
<p>10. Maintain and where practicable, enhance amenity values in the following:</p> <ul style="list-style-type: none"> <li>a) Locations with a high public interest or public use of water except for the Port Management Area</li> <li>b) Locations with a particular tangata whenua interest in the water</li> <li>c) Places where food is regularly gathered</li> </ul>	<p>Amenity values will be enhanced as a result of the implementation of the DrainWise programme and the proposed operational and management regime to progressively reduce wet weather overflow frequency and volume and maintain dry weather overflows at a practicable minimum.</p>

<p>d) Places which can be demonstrated to be regionally important in respect of the amenity they provide and which may include:</p> <ul style="list-style-type: none"> <li>i. Important scenic sites.</li> <li>ii. Important recreation sites, including sites that may be used for active recreation such as surfing, swimming or fishing or passively used sites which may be appreciated for their relative ease of access, scenic beauty or seclusion.</li> <li>iii. Sites which contain a special mix of built and natural amenity values which combine to enhance people’s perception of amenity.</li> </ul> <p>For the purposes of this policy, the Port Management Area includes the area in the Tairāwhiti Plan planning maps. Within the Port Management Area, the dredge dump areas are excluded from amenity considerations in relation only to the deposition of dredge spoil and its discharge, and not in relation to any other discharge or deposit.</p>	
<p><b>C6 Freshwater</b>  <i>C6 provisions are regional plan provisions. The exception are some rules for riparian management areas, which are both regional and district rules.</i></p>	
<p><b>Policies</b></p>	
<p>C6.2.1 General Water Quality Policies</p>	
<p>1. When considering any application for a discharge the consent authority must have regard to the following matters:</p> <ul style="list-style-type: none"> <li>a) The extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and</li> <li>b) The extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.</li> </ul>	<p>These policies do not apply as the Application relates to an existing discharge, which is proposed to be progressively reduced in the future, rather than increased.</p> <p>Notwithstanding this, the discharge has been assessed as having no more than minor adverse effects on ecology.</p> <p>Overflow discharges can, and do, affect bathing water quality (albeit at times when water quality is already degraded by urban and rural runoff). However, as assessed in the Application, any adverse effects will be substantially reduced following the implementation of the DrainWise programme and the achievement of the objectives and targets in Section 4 of the lodged Application, and effects will be managed through consent conditions.</p>

<p>2. When considering any application for a discharge the consent authority must have regard to the following matters:</p> <ul style="list-style-type: none"> <li>a) The extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and</li> <li>b) The extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.</li> </ul>	
<p>3. This policy applies to the following discharges (including a diffuse discharge by any person or animal):</p> <ul style="list-style-type: none"> <li>a) A new discharge or</li> <li>b) A change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.</li> </ul>	
<p>C6.2.2 Policies for Point Source Discharges</p>	
<p>1. That there are no direct discharges to surface waterbodies, or to land where it can flow directly into a waterbody or to groundwater of:</p> <ul style="list-style-type: none"> <li>a) Untreated sewage, wastewater (except as a result of extreme weather related overflows where these are being reduced over time); or</li> <li>b) ...</li> </ul>	<p>This policy is assessed in detail in my EIC and that assessment is not repeated here.</p>
<p>2. Manage point source discharges to land and water so that the existing ecosystem functions within the Region’s waterbodies are maintained and that:</p> <ul style="list-style-type: none"> <li>a) Point source discharges to: <ul style="list-style-type: none"> <li>i. Regionally Significant Wetlands identified in Schedule G17;</li> <li>ii. Outstanding Waterbodies identified in Schedule G18;</li> </ul> </li> </ul>	<p>As indicated previously, the discharge has been assessed as having no more than minor adverse effects on ecology and any minimal adverse effects will be progressively reduced.</p> <p>Overflow discharges occur to both the Taruheru and Waimata Rivers, which are identified in G19 Schedule: Significant Swimming and Recreation Areas. While the discharge may affect the ability for contact recreation in these rivers for several days following an event:</p> <ul style="list-style-type: none"> <li>▪ These restrictions occur primarily following heavy rainfall, when these rivers are unlikely to be suitable for bathing due to other catchment sources; and</li> </ul>

<ul style="list-style-type: none"> <li>iv. Degraded waterbodies where the discharge is of contaminants which cause the waterbody to be degraded;</li> <li>b) Point source discharges are avoided to sensitive waterbodies or to land where it can directly enter water within Aquatic Ecosystem Waterbodies identified in Schedule G15, Significant Recreation Areas identified in Schedule G19 or freshwater bodies discharging within 100m of Marine Areas of Coastal Significance identified in Schedule G22, only occur if this will not impact on the values for which those waterbodies are scheduled;</li> <li>c) The mauri of waterbodies is retained, and where degraded are improved.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A management and improvement regime is proposed to reduce overflow events so they occur infrequently (not occur in events up to the 50% AEP), consistent with Policy 6.2.2 (9) below.</li> </ul>
<p>6. Where a water quality objective is not being met or a limit/target has been exceeded or the waterbody, including coastal waters, is identified as degraded:</p> <ul style="list-style-type: none"> <li>a) Targets, methods and timeframes for improvements in water quality will be identified through the catchment planning process;</li> <li>b) Ongoing monitoring will be undertaken to track the progress in water quality improvement;</li> <li>c) New discharges and renewals of existing discharge consents will be managed to bring the waterbody back within the water quality limit and/or to better achieve the freshwater quality objective;</li> <li>d) No discharge consents for new point source discharges of contaminants of concern will be issued unless the contaminants of concern are reduced to a concentration that maintains or improves water quality after reasonable mixing;</li> <li>e) As existing discharge consents are renewed additional requirements for avoidance of contamination, recovery of contaminants, treatment, or alternative disposal methods will be required unless treatment reduces the contaminants of concern to a concentration that maintains or improves water quality after reasonable mixing; and</li> </ul>	<p>The proposal, including proposed conditions of consent, include objectives and targets that will progressively reduce overflow frequency and volume and associated adverse effects and improve water quality.</p>

<p>f) Where a section 128 review of conditions of an existing discharge consent is undertaken additional conditions aimed at bringing the waterbody back within the limit, or to better achieve the freshwater quality objectives, may be placed on the consent.</p>	
<p>7. When waterbodies are identified in a catchment as degraded due to:</p> <p>a) Bacterial contaminants, wastewater discharges will be required to improve the quality of the discharge and/or reduce the volume of the discharge in order to meet the relevant freshwater objective as quickly as practicable; and</p>	<p>As discussed by Dr Wilson, the enterococci objectives for the Gisborne Urban FMU are not currently being met – including in the absence of wastewater overflows.</p> <p>Notwithstanding this, a substantial programme (DrainWise) and on-going improvements to operational and management processes have been implemented to reduce the frequency and volume of the discharge, consistent with this policy.</p>
<p>8. When considering applications to discharge contaminants directly to land or water, assessment criteria are:</p> <p>a) The total contaminant load of the discharge [composition/flow rate] and how the water quality will be maintained within the limits for the waterbody, in a manner than achieves the objectives;</p> <p>b) The proposed treatment methods and the likelihood of this being the Best Practicable Option for the contaminants;</p> <p>c) The need to provide for a high standard of pre-discharge treatment for Scheduled waterbodies and where water quality limits for a waterbody have been exceeded or are likely to be exceeded, or water quality objectives are not met;</p> <p>d) The actual or potential impact on any values of scheduled waterbodies;</p> <p>e) The assimilative capacity and an allowance for reasonable mixing in the waterbody;</p> <p>f) The need to safeguard the life-supporting capacity of the waterbody;</p> <p>g) The potential for bio-accumulative or synergistic effects;</p> <p>h) The actual or potential risk to human and animal health from the discharge;</p> <p>i) The measures to reduce the quantity of contaminants to be discharged;</p>	<p>These matters have been taken into account in the consent application.</p>

<ul style="list-style-type: none"> <li>j) The mauri of the receiving waterbody and any other values placed on the site by tangata whenua;</li> <li>k) The need to avoid exacerbation of flooding risk;</li> <li>l) The need to avoid erosion of the banks or bed or land instability at or downstream of the discharge point.</li> </ul>	
<p>9. Discharges of untreated sewage from the reticulated infrastructure network shall be managed to:</p> <ul style="list-style-type: none"> <li>a) Minimise the frequency of these discharges; and</li> <li>b) Achieve performance of an overflow occurrence of no more than 50% probability in any given year;</li> <li>c) Issue discharge permits for no longer than 5 years except where there is evidence from past performance to demonstrate that wastewater overflow events can reliably achieve the performance standard in clause b. above.</li> </ul>	<p>This policy, including the term of consent, is addressed in detail in my EIC and that assessment is not repeated here.</p>
<b>Part D: Area Based Provisions</b>	
<b>DC2 General Coastal Management Area</b>	
<b>Objectives</b>	
<p>2. The maintenance and enhancement of the quality and integrity of the coastal environment.</p>	<p>The effects of overflow events are temporary and the quality and integrity of the coastal environment will be maintained (and progressively enhanced).</p>
<b>Policies</b>	
<p>1. Gisborne District Council will ensure that people wishing to use, develop or protect the coastal environment in the General Management Area provide information concerning the adverse effects of their proposal on the environment.</p>	<p>The overflows consent has been supported by a range of technical specialist reports and associated evidence, providing a comprehensive assessment of the adverse effects of overflows on the environment. The comprehensive nature of this information is acknowledged in the s42A report.</p>
<b>DP1 Port Coastal Management Area</b>	
<b>Objectives</b>	
<p>4. Non port-related development provided for in the Port Coastal Management Areas in a way that does not compromise the operational requirements of the Port or those port-related industries and activities which have a direct relationship with marine activities and which benefit from a location in the Port.</p>	<p>There are no wet weather overflow points that direct wastewater overflows to the Port Coastal Management Area.</p>



DF1 Freshwater Management Units: Waipaoa Catchment Plan			
Objectives			
DF1.5.2.1 Water Quality Objectives			
Attribute	Narrative Objective	Numeric Objective	Assessment
Dissolved oxygen - INTERIM OBJECTIVE	Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.	Summer (1 Nov -30 April) DO 1 day minimum $\geq$ 5mg/L, (B Band) based on sampling at least monthly during daylight hours Summer (1 Nov -30 April) DO 7-day mean minimum $\geq$ 5.0mg/L, (C Band) the mean value of 7 consecutive daily minimum values based on continuous sensor monitoring for at least one week.	Dr Wilson in his evidence has reviewed this attribute and concludes: <ul style="list-style-type: none"> <li>In terms of WWOs, due to the large volume of water during heavy rainfall, the likelihood of WWO substantially decreasing the dissolved oxygen concentration and being the cause of not meeting the dissolved oxygen objectives is considered to be low.</li> <li>In terms of DWOs, these have the potential to temporarily decrease oxygen concentrations near the discharge location. Such decreases in oxygen may cause the waterway to not meet the 1-day minimum dissolved oxygen objective. DWO would be unlikely to cause the waterway to not meet the 7-day minimum objective, however. Monitoring is required where DWOs reach waterways to assist in managing potential effects.</li> </ul>
	In the Waikanae Stream and Awapuni Moana, moderate stress on a number of aquatic organisms caused by low dissolved oxygen levels for several hours each day. Risk of sensitive fish and macroinvertebrate species being lost.	Summer (1 Nov -30 April) DO 1 day minimum $\geq$ 4mg/L (C Band) based on sampling at least monthly during daylight hours Summer (1 Nov -30 April) DO 7-day mean minimum $\geq$ 5.0mg/L, (C Band) the mean value of 7 consecutive daily minimum values based on continuous sensor monitoring for at least one week.	
Nitrate toxicity – INTERIM OBJECTIVE	High conservation value system. Unlikely to be toxicity effects on even the most sensitive organisms	Nitrate Annual median $\leq$ 1.0mg/L (A Band) Nitrate Annual 95th Percentile $\leq$ 1.5mg/L (A Band) Both calculated from monthly samples over a 5 year rolling period	Dr Wilson in his evidence has reviewed this attribute and concludes: <ul style="list-style-type: none"> <li>In terms of WWOs, based on his high-level inspection of measured nitrate concentrations during WWO (para 31), he considers the likelihood of WWO causing an exceedance of the nitrate toxicity objectives to be very low.</li> <li>In terms of DWOs, the risk of nitrate toxicity is much less than that of ammonia toxicity for both DWO and WWO. Based on his</li> </ul>

	In the Awapuni Moana some growth effect on up to 5% of species	Annual median $\leq 2.4$ mg/L (B Band) Annual 95th Percentile $\leq 3.5$ mg/L (B Band) Both calculated from monthly samples over a 5 year rolling period	high-level inspection of measured nitrate concentrations during WWO, he considers the likelihood of a DWO exceeding the nitrate toxicity objectives to be low.
Ammonia toxicity – INTERIM OBJECTIVE	80% species protection level: Starts impacting regularly on the 20% most sensitive species (reduced survival of most sensitive species).	Ammonia Annual median $\leq 1.3$ mg/L NH <sub>4</sub> –N/L (C band) Ammonia Annual Maximum $\leq 2.20$ mg/L NH <sub>4</sub> –N/L Both calculated from monthly samples over a 5 year rolling period	Dr Wilson in his evidence has reviewed this attribute and concludes: <ul style="list-style-type: none"> <li>In terms of WWOs, the maximum measured ammonia concentrations during WWO were all <math>&lt; 1.1</math> mg/L (see River Monitoring Report, Figure 15). Based on this, WWO are unlikely to cause the annual median or maximum objectives to be not met.</li> <li>In terms of DWOs, based on the estimates in his Section 92 Response, DWO are unlikely to exceed the annual median or maximum objectives, even when discharging into one of the smaller waterways. He notes, however, that a DWO may exceed the NPSFM 2020 annual maximum bottom line of 0.4 mg/L if discharging into a small waterway. DWO into larger rivers, such as the Taruheru are unlikely to exceed the NPSFM 2020 annual maximum bottom line.</li> </ul>
Enterococci	People are exposed to a low risk of infection (less than 1% risk) from contact with water during activities with occasional immersion and some ingestion of water (such as wading and boating).	Annual median $\leq 280$ cfu/100mL Annual 95th percentile $\leq 500$ cfu/100mL Median and 95th percentile values both calculated from monthly samples over a 5 year rolling period	Dr Wilson in his evidence has reviewed this attribute and concludes: <ul style="list-style-type: none"> <li>In terms of WWOs, during heavy rainfall, enterococci concentrations are highly elevated without the addition of overflows. WWO further elevate enterococci concentrations but, due to their infrequent nature, are only likely to affect the 95th percentile objective; WWO are unlikely to affect the median objective.</li> <li>In terms of DWOs, these will result in high but temporary elevations of enterococci. Due to their infrequent nature, they are only likely to affect the 95th percentile objective; DWO are unlikely to affect the median objective.</li> </ul>
Physical habitat	Physical habitat, riparian margins and flow are modified but provide areas for some invertebrates and birds, and for		Wastewater overflows are unlikely to affect physical habitat. As assessed by Coast and Catchment in the lodged Application, effects

	some native fish species to spawn and live. Habitat primarily provides for less sensitive species such as shortfin and longfin eel (tuna) and inanga, including inanga spawning habitat in the side streams of the Taruheru River and Waikanae Stream.		on aquatic ecosystems are minor immediately adjacent to overflow points.
Clarity	Moderate levels of visual clarity during normal flows.	Visual Clarity in freshwater streams $\geq 0.5m$ at times when river flow is less than the median flow.	Wet weather overflows may temporarily affect visual clarity, but these overflows occur in heavy rain where clarity is already affected by sediment discharges from up-catchment sources. It is also noted that the target is unlikely to apply in the circumstances (abnormal flows). Dry weather overflows have the potential to affect clarity in small streams, should an overflow reach a waterway. However, these are rare and generally of short duration.
Fish	A range of generally less sensitive native fish species live in the waterways, as well as estuarine species and marine species which move into the rivers at high tide. The rivers remain a national stronghold for long finned eel (tuna).		Occasional wastewater overflows are not considered likely to affect fish or bird species.
Birds	The estuarine environment supports a range of native wading species, including migratory birds.		
<b>DF1.5.3.1 Water Quality Limits and Targets</b>			
<b>Attribute</b>	<b>Limit</b>	<b>Target</b>	
Temperature	Annual summer 1 day hottest day temperatures are $\leq 21^{\circ}C$	Improve Taruheru River Waikanae Stream and Awapuni Moana so that 1 day hottest day temperatures are $\leq 21^{\circ}C$ and to achieve DO objective by 2030	Wastewater overflows are unlikely to affect river temperature. Wet weather overflows occur in very heavy rain and river temperature will be dominated by up-catchment flows. Dry weather overflows, which are piped underground and hence generally at a lower temperature than above ground watercourses in

			summer, are not expected to increase annual summer river temperatures.
Suspended sediment	Sediment inputs from land use are managed through FEPs and consent conditions to achieve clarity objective. Numeric limits to be defined when sufficient monitoring data becomes available.	Sediment inputs from land use are managed through rules and resource consents to achieve clarity objective. Numeric targets to be defined when sufficient monitoring data becomes available.	As indicated in Appendix I of the lodged Application, sediment in the urban rivers is largely dominated by up-catchment sources. This target is directed at managing those sources.