Jonathan Streat Manager, Environmental Policy

# Environmental Policy Department Report – September 2010

## 1. Regional Policy Statement

As outlined at the last meeting of the Regulatory Committee, the appeal period against the proposed Regional Policy Statement closed on 6 July 2010. We can confirm that eight appeals have been received. The appellants are Meridian Energy Limited, Winstone Aggregates, Federated Farmers, Horticulture New Zealand, Kiwi Property Holdings, The 'Oil Companies', Upper Hutt City Council and Porirua City Council. Within the eight appeals are approximately 200 points of appeal. A point of appeals are essentially matters that must be addressed in resolving the appeal.

These points cover all sections of the proposed Regional Policy Statement. The areas of most concern to the appellants relate to significant amenity landscapes, minerals, the availability of water for use, renewable energy, significant biodiversity values, rural activities and the natural character of the coastal environment. Greater Wellington intends to meet all the appellants to work towards resolving the issues in their appeals. These meetings will be instigated by Greater Wellington and are initally outside of the formal Environment Court process. No date for Court-assisted mediation has been set.

## 2. Regional Policy Statement

Te Upoko Taiao – Natural Resource Plan Committee met on 29 July and 2 September. The 29 July meeting was held at the Regional Council Centre. The Committee received reports and presentations on mana whenua, contaminated land and soil health in the region, the operative Regional Soil Plan, the current regulatory framework for resource consents and the muddy waters programme. A field visit to subdivisions in the northern growth area of Wellington City followed the meeting.

The 2 September Committee meeting was held in the Masterton District Council offices. Reports and presentations were made on agricultural land use and discharges. The topics were: freshwater quality monitoring and investigations; Māori values in water; a policy perspective around the control of agricultural land use and discharges; and the current regulatory framework, working with the industry and issues for the future. The presentations focused on issues in the Mangatarere Stream catchment and a field visit to sites in the catchment followed.

## 3. Community consultation and engagement

By 9 September we will have had 16 meetings with the general public, one meeting with environmental policy professionals and one with a school. Numbers of the public have ranged from 80 (in Masterton) to 8 (in Paekakariki). Overall almost 300 people have attended the workshops and another 300 have completed the web-site survey - about 600 people in total.

A public report documenting these meetings is expected to be available in mid December.

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Ted Taylor Manager, Environmental Monitoring and Investigations

# **Environmental Monitoring and Investigations Department Report – September 2010**

## 1. Hydrology

#### 1.1 General

A summary of hydrological conditions during July and August can be found at http://www.gw.govt.nz/monthly-hydrological-summaries/. Brief notes follow.

#### 1.2 Rainfall

July was dry for the time of year across most of the region with the exception of the far eastern hill country in the Wairarapa where there was significantly more rain than normal. August was a wet month with particularly high rainfall on the Kapiti Coast, the south coast around Wellington city and around Masterton. The eastern Wairarapa experienced drier than normal conditions.

#### 1.3 Rivers

River flows were generally well below the long-term average for July in most parts of the region. Rivers on the Kapiti Coast were especially low. There was one storm event on 23 July that resulted in the highest peak river flows since January at many monitoring sites. While these flows did not reach flood magnitudes in most areas, the event was more significant in the south-eastern Wairarapa where the Huangarua River at Hautotara had a flow estimated to be between a 2 and 5 year return period flood.

River flows were generally above the long-term average for August in the Hutt Valley and other central areas and below average elsewhere in the region.

#### 1.4 Lake Bathometry

We have recently completed bathometric surveys of Lakes Onoke and Wairarapa. The raw data is currently being processed. This information will be compared with earlier surveys to identify any changes in lake bed level.

#### 2. Groundwater levels

Groundwater levels have generally been higher than the long-term mean over the July August period.

#### 3. Soil moisture

Soil moisture in July and August was generally at field capacity.

## 4. Floodwarning

There was one flood event in the Western part of the region in July and three in August. The Wairarapa had floods on two days in both July and August. The Huangarua River flood of the 23 July was the only one that had any significance (2 to 5 year return period).

Lake Wairarapa was generally above the target level in July and August with Lake Onoke open to the sea for most of the period, the exception being seven days in July.

#### 4.1 Instream flow investigations

Over winter we have been evaluating information collected in the Tauherenikau and Otaki rivers as a major component in setting minimum flows.

As part of the process of setting minimum flows the insteam values (how much water is needed to accommodate their interests) of various parties, such as DOC, Fish and Game, recreational groups and iwi are taken into account. We have contracted a consultant (Caleb Royal) to provide us with iwi values for Wairarapa rivers and streams that are on our priority list; this work being part funded by a grant from the Community Irrigation Fund.

#### 4.2 Water allocation investigations

The Wairarapa water allocation investigations, incorporating the groundwater models and groundwater/surface water interaction investigations, have reached the stage where a report combining this work and setting out a conjunctive management proposal is near completion. Conjunctive management in this context means that surface water and groundwater is treated as a single resource.

## 5. Air quality

#### 5.1 National environmental standard for air quality (NES-AQ)

The NES-AQ was breached in the Wairarapa airshed in June as only one exceedance is permitted in a 12 month period. Further exceedances in July were notified by way of public notice in the Wairarapa Times Age on 14 August 2010. There were three exceedances of the NES-AQ for  $PM_{10}$  in July; at Masterton on the  $4^{th}$  (57  $\mu g/m^3$ ) and 26th (51  $\mu g/m^3$ ) and at Carterton, where we had a temporary site, on the  $2^{nd}$  (53  $\mu g/m^3$ ).

## 6. Freshwater quality

#### 6.1 River and stream criteria

We have nearly completed work relating to ecological objectives (for algae, invertebrate and fish indicators) for the main river types in our region. These objectives are for use in developing region-specific criteria (standards, guidelines or some other format yet to be considered) that can be considered in the review of the Regional Freshwater Plan. We are currently engaging an

external consultant to assist with the next phase of work which involves consideration of region-specific nutrient and other water quality criteria.

#### 7. Coastal

We have received the results of ecological monitoring undertaken in Whareama, Waikanae and Hutt estuaries in January. The results of a third intertidal survey of Porirua Harbour are due later. The results of all of the monitoring will be the subject of a separate paper at a later committee meeting.

## 8. Soil quality

We carried out our annual soil quality sampling in April and are in the process of evaluating the results. The focus this year was on market gardens and cropping.

## 9. S-Map

We are working with Landcare Research planning fieldwork for the middle Wairarapa Valley which will be carried out in September/October and the low country around Lake Wairapara in late summer/autumn. The north Ruamahanga River, Waingawa River and Otaki areas have been completed.

#### 10. Stormwater

#### 10.1 Stormwater Action Plan

The Stormwater Action Plan, which is a document agreed to by the eight territorial authorities and Greater Wellington, sets out actions to further the understanding, management and regulation of stormwater in the region. A meeting with the territorial authorities was held in August with the future focus of the group in the context of the plan review process being discussed.

#### 10.2 Stormwater investigations report

We are continuing to compile a report summarising all of the information gathered since 2001 on the effects of stormwater contaminants on aquatic environments in the Wellington region. This report will be available later in the year and will feed into the review of stormwater policies as part of the plan review process.

Al Cross Manager, Environmental Regulation

# **Environmental Regulation Department Report – September 2010**

#### 1. Consent statistics

The following consents processing data reflects the entire region. In the period from 10 July and 20 August 2010 we have received 41 consent applications. This compares with 35 received for the same period last year.

Over the same period, we have processed 41 consents to a decision. This compares with 39 over the same period last year.

Our median processing time for non-notified consents (excluding s37 time extensions) for the year from 30 June 2010 sits at 18 working days, up one from the 2009-10 year.

Notified and limited notified consents are discussed in Section 2, and a summary of those consents already notified or served on affected parties (limited notified) is also attached for information.

## 2. Major resource consents and other matters

#### 2.1 Key notified consents update

Reporting, pre-hearing, hearing and decision work has continued to be reasonably steady in this period with work on Horokiwi Quarries coastal gravel extraction, Horokiwi Quarries site sediment discharges, JRs Orchards Ltd replacement water take consents, MDC Masterton Landfill closure replacement consents, GW Boulcott stopbank construction, WCC contaminated stormwater discharges, Dawsons Waste services waste processing, Juken Nissho wood processing and energy generation, Kumenga Farms Lake Wairarapa water take and Wairarapa Aggregates land-based gravel quarrying.

**Fully Notified** 

### **GWRC – Boulcott Stopbank**

Replacement applications by GWRC (Catchment Management Group) to construct the proposed Boulcott Stopbank in the Boulcott and Hutt Golf Courses were heard jointly over four days in mid August. I will report on the decision of the panel at the September Committee.

#### JR's Orchards Ltd – groundwater take

These applications are for the taking and damming water (Papawai Stream and local groundwater) associated with orchard irrigation, at Papawai, east of Greytown. Draft consent conditions have been circulated to the applicant and submitters and a negotiated agreement reached.

The conditions relate to new limits on taking water based updated in-stream flow assessment information (activated in four years), and requirements to consider future water storage/management options. A final report granting these consents will be completed towards the end of September.

#### **Dawsons Waste Services Ltd – waste dewatering facility**

The proposed waste dewatering facility in Happy Valley Road, Wellington (discharging contaminants to air) has been through two pre-hearings (April and July). In the process draft conditions have been circulated to the seven submitters involved and their feedback discussed, with a negotiated solution now confirmed following submitters agreements (thus avoiding the need for a hearing). A final report granting these consents will be completed towards the end of September.

Later in the process the decision was made not to consider a submission of a single submitter who chose not to participate at the second pre-hearing (despite attendance being compulsory) nor responded to our repeated attempts to contact and engage with them during the negotiation of consent conditions.

Other applications with significant work in the last period include:

- Juken Nissho Limited air discharges: Replacement applications for discharges of contaminants from the woodwaste boiler, veneer driers and presses, and various kilns at their Waingawa, Masterton plant. Discussions continue with Wairarapa Public Health and the applicant on final suite of cleaner-emission technology and mitigation options.
- WCC/Capacity contaminated stormwater discharges: Contaminated stormwater discharges (contaminated with sewage effluent) to Wellington harbour and south coast. Replacement of existing consents and new outfalls. Applications were notified on 3 July and 19 submissions received. Hearing dates tentatively set down for early November.
- Carterton District Council Carterton Wastewater Treatment Plant:
  Replacement applications for discharges and upgraded treatment from the
  Carterton Wastewater Treatment Plant application for shorter term
  consent to be notified in mid September. Applications would provide a
  framework for future discharges to farm land by increasing available land
  over time; and also providing for substantial winter storage to avoid winter
  discharges to the Mangatarere Stream in the long term.
- South Wairarapa District Council Greytown Wastewater Treatment Plant: Replacement applications for discharges and upgraded treatment from the Greytown Wastewater Treatment Plant revised AEE on preferred mixed treatment option of land-based discharges and discharges to Ruamahanga River.

- *Masterton District Council Masterton Landfill closure:* The applications will be heard on 20 September following two pre-hearing meetings. Issues presented to the hearing will focus on management of odours and litter from the waste transfer part of the operation.
- *Horokiwi Quarries Ltd Fitzroy coastal gravel extraction:* Pre-hearing held on 11 August. The applicant will continue to discuss with submitters matters around access to the site and site-specific environmental effects, with a second pre-hearing possible.

#### Limited Notified

#### Kumenga Farm – water take from Lake Wairarapa

A replacement application to take 50 l/s of water over 70 days from Lake Wairarapa via the Kumenga Drain was granted in August without requiring a hearing. Twenty-three parties were served notice (notified) of the application, with three submitting (two iwi and Kohunui Marae). A July pre-hearing resulted in conditions being negotiated between parties, including a four year consent term to tie in with the likely timing of the completion of negotiations between tangata whenua, the government and stakeholder agencies following the release of the Waitanga Tribunal report on the Lake area claim.

#### Pre-application work

#### **Transmission Gully Project**

New Zealand Transport Agency (NZTA) are gearing up to provide the participating regulatory authorities in late September with a complete set of environmental assessment information. The scale of information will be substantial, and our team of external technical experts will be required to review this material by mid October. In the meantime we have all but confirmed a relationship protocol and works services agreement with the EPA, thus formalising our arrangements together (our 'contract' with the EPA, how we handle information, engage external experts etc through the process).

#### **Castle Hill Wind Farm**

I recently circulated material to you on Genesis Energy's proposed Castle Hill Wind Farm. As reported by email, the proposed windfarm if consented and built would house up to 290 turbines over a 4000 ha area spanning both GW and Horizons areas – or three-times the generating capacity of Project West Wind.

In terms of pre-application progress, we have established a working group of staff from the four participating councils and hope to shortly appoint a consultant to project manage the process. These arrangements are largely based on the structure we have used for the Transmission Gully Project. The councils working group have visited the site and I can report that it is indeed massive in extent. Open days were also held on 10 and 11 September for the public.

#### Kapiti municipal water supply investigations

In the last six months we commenced discussions with KCDC and their consultants, Beca, on long term options for municipal water supply to the Kapiti Coast. In the last year KCDC have taken an initial package of 41 options down to four detailed options (including a dam, additional borefield supply and aquifer recharge) and now, following an August Council meeting, one preferred Waikanae 'river recharge' option (using groundwater pumped to Waikanae River to replace river water).

To date, KCDC have undertaken extensive and comprehensive technical investigations and consulted widely with community boards and key agencies and iwi, to develop preferred options. Further technical feasibility investigations will continue, including a more rigorous analysis on consenting issues, before reporting back to Council. Our team will continue to provide regulatory (at this stage mainly around possible impediments to consenting) and science advice (mainly regarding implications for Waikanae River) to assist KCDC through the process.

### 2.2 Other applications

Significant non-notified consents from the period are reported in the non-notified consents report (Report 10.483)

### 3. Consent appeals and objections

#### 3.1 Appeals

Work continued on seven consent-related appeals and a costs objection in the last period, with more significant work on the following:

#### WCC/Capacity - Carey's Gully Sludge Dewatering Plant

The November 2009 decision to grant consents for a continued sludge dewatering plant operation (including discharges of odour from the plant and sludge land filling operations) at the Carey's Gully Complex was appealed by Shenval Holdings and Shenval Windfarm Ltd on a wide range of matters. Mediation has now been completed following further discussions between the appellant and the applicant regarding the details amenity planting (to help reduce potential odour impacts) in the catchment area north of the facility. Final details are being put to the planting plan that would see planting commence in 2011.

## Wellington City Council/Capacity – Western Wastewater Treatment Plant

Appeals of the decision to grant consents for the ongoing operation of the Western Wastewater Treatment Plant (including the main discharge of treated effluent to the South Coast and emergency discharges of milliscreened effluent to Karori Stream), have now been resolved following the Minister of Conservation's approval in early August of the Court's recommendation. The main outcome from the mediated agreement is the earlier replacement of the effluent pipeline to the coastal outfall (commencing within 15 years).

#### Meridian Energy - Project Mill Creek

Joint decision appealed by seven parties (including Meridian) in early 2009 following a decision granting consents. Formal mediation and planning caucusing between the parties was completed earlier this year, and parties are now in the final stages of preparing evidence for a three week Environment Court hearing set to commence on 11 October.

Other appeals in progress in the last period:

- Kailua Ltd and Car Haulaways Ltd: Mediation is continuing on Kailua Ltd and Car Haulaways Ltd's appeal against decision declining consent to construct a car haulaway (storage and distribution) area at north Newlands. Following a site visit in July to view the revised proposal, the applicant has revised again their scope of works including further reductions in earthworks and stream reclamation. The next mediation round is set for 20 September.
- **J V and L A Petrie:** Taking groundwater in South Wairarapa. Also includes an on objection to consent processing costs.
- Southdowns Sullivan's Dam DBH determination: Appeal (by Environment Waikato) of Department of Building and Housing's (DBH) determination on a retrospective building permit under the Building Act issued to a South Wairarapa landowner by SWDC. GW is a respondent party having transferred our Building Consent Authority powers under the Building Act to Environment Waikato (discussed at the August Regulatory Meeting).

## 4. Compliance and enforcement

#### 4.1 Abatement notices

We issued 17 abatements between 10 July and 20 August (down from 21 for the previous double-reporting period), including unauthorised discharges of dairy effluent, sediment and other contaminants, taking water for irrigation, and damming and diverting water.

Abatement notices served are detailed in the Environmental Protection Report (report 10.478).

#### 4.2 Infringement notices

We issued six infringement notices in the reporting period (the same as issued in the previous period), primarily for discharge related activities (hydrocarbons, sediment and odours).

Infringements issued are detailed in the Environmental Protection Report (report 10.478).

#### 4.3 Prosecution and enforcement orders

Four prosecutions were before the Court in the last period. A summary of those with more significant load or outcomes are discussed below.

## Christie van Dyk and Earthmovers Wellington: stream and soil disturbance on erosion prone land, Kaitoke

Earthmovers Wellington was sentenced in the District Court on 13 August after entering a late guilty plea. Judge Kelly handed down a \$20,000 fine for their culpability in the soil disturbance offences, which follows Christie van Dyk's sentencing and \$15,000 fine in June. The level of fine in both instances reflects the Court's positions that the offences were significant.

## Alan Jefferies and Don McNeill: stream disturbance and diversion in Mangaroa River

Mr McNeil has entered a guilty plea at the 25 August hearing for charges relating to diverting the course of the Mangaroa River, and has been remanded for sentencing. Mr Jefferies entered a not guilty plea and a date for a defended hearing is yet to be set.

Meanwhile we are preparing evidence to defend abatement notices, appealed by Mr Jefferies, relating to bunding and diverting the Mangaroa River, and depositing fill material in the river bed.

#### CnD Landfill and Alex Burrell: filling above consented fill height limits

This joint (with WCC) inquiry will be heard in the Wellington District Court from 20 to 22 September, following the laying of charges in June 2009 against Alex Burrell and his company, C n D Landfill, for allegedly land-filling beyond the scope of his consent (30-40 metres above the existing consented fill height).

#### 4.4 Significant incidents

Significant incidents are reported in the Environmental Protection Report (report 10.478).

Applicant	Proposal	Date Consent Lodged	Date Submissions Closed	Number of Submissions Received	Pre-hearing Held	Hearing Held/ Process Delay	Hearing Committee Members	Date decision released	Granted or Declined
Masterton District Council WAR 060047 WAR 980159	To discharge contaminants to land and air associated with the operation of Masterton landfill, transfer station and composting plant, Homebush, Masterton	30/03/06	15/05/09	6	09/06/09 05/05/10	As agreement on proposed consent conditions could not be reached, a hearing has been scheduled for 20/09/10.	Cr Laidlaw		
Stronvar Properties Ltd WAR 060160	Various activities associated with subdivision including discharges of communal waste water, soil disturbance, taking water, and constructing an amenity and treatment dam, Stronvar, Masterton	24/07/06	15/12/06	24		Further information supplied late February 2008. Information externally reviewed and further response provided by applicant. Applicant has now requested for application to be placed on hold indefinitely.			

Applicant	Proposal	Date Consent Lodged	Date Submissions Closed	Number of Submissions Received	Pre-hearing Held	Hearing Held/ Process Delay	Hearing Committee Members	Date decision released	Granted or Declined
Hutt City Council (Limited Notified) WGN070019	To undertake erosion mitigation works in Wainuiomata River, including disturbance and diversion work	07/08/06	20/10/06	1	20/12/06 15/02/07	HCC revising plans (reducing the scope of the works).	-	-	-
South Wairarapa District Council WAR 080254	To undertake various activities associated with the proposed long term upgrade and operation of the Greytown Wastewater Treatment Plant at Papawai, east of Greytown	28/12/07	A final draft AEE has been submitted by the applicant for GW comment.						
Juken Nissho Ltd WAR 080250	To discharge contaminants to air from woodwaste boiler, veneer driers and presses, kilns at Waingawa, Masterton	29/12/07	06/11/08	7	19/04/10	Applicant engaged BECA to produce technical report to treat air from boiler and veneer driers.			

Applicant	Proposal	Date Consent Lodged	Date Submissions Closed	Number of Submissions Received	Pre-hearing Held	Hearing Held/ Process Delay	Hearing Committee Members	Date decision released	Granted or Declined
Wairarapa Aggregates Ltd WAR 080518	To discharge stormwater from a gravel extraction and associated cleanfill operation to water	04/06/08	01/04/09	13	No	Hearing held 1-2/06/10. Hearing adjourned Applicant's final right of reply submitted 02/08/10. Awaiting decision.	Christine Foster Hamish Lowe		
JR's Orchards Ltd WAR 080557	To take and dam water from the Papawai Stream and to take groundwater from a bore for irrigation purposes at Papawai, east of Greytown	30/06/08	25/11/09	5	21/04/10	All parties have now provided written approval to proposed consent conditions, hence no hearing required. Decision is pending.	N/A		
CnD Landfill WGN090036	Extension of construction and demolition fill	04/08/08				This application is on hold until enforcement action for existing consent determined.			

Applicant	Proposal	Date Consent Lodged	Date Submissions Closed	Number of Submissions Received	Pre-hearing Held	Hearing Held/ Process Delay	Hearing Committee Members	Date decision released	Granted or Declined
Carterton District Council WAR 090120	To discharge contaminants to water, land, and air associated with the Carterton Wastewater Treatment Plant at Dalefield Rd, Carterton	30/09/08	06/10/10			Application about to be notified on 08/09/10.			
WCC (Capacity) WGN090219	Stormwater discharges to Wellington Harbour and the South Coast	19/12/08	05/08/10	19		Publically notified 03/07/10.  Hearing to be held 9,10, 11 November 2010	TBA		
South Wairarapa District Council WAR090322	Coastal structures along 25 km stretch of Palliser Bay	27/04/09	05/06/09	9		Further info sought from application on nature and scope of application.			
Horokiwi Quarries WGN090117	To conduct activities associated with the extraction of gravel and sand at Fitzroy Bay, Pencarrow Coast	09/10/08	15/07/09	14		Pre hearing 11 August 2010. Applicant discussing matters further with submitters.	Byrdie Eyres Stuart Kinnear		

Applicant	Proposal	Date Consent Lodged	Date Submissions Closed	Number of Submissions Received	Pre-hearing Held	Hearing Held/ Process Delay	Hearing Committee Members	Date decision released	Granted or Declined
Dawsons Waste Services Ltd WGN100057	To discharge contaminants to air from a waste dewatering facility, Happy Valley Road	18/08/09	10/12/09	7	Joint prehearing 15/04/10.	All submitters have agreed to negotiated conditions, withdrawn right to be heard.	NA		
						Recommendation to be made to Manager by end September.			
Kumenga Farm Ltd WAR 100232 (Limited notified)	Take water from Lake Wairarapa Narrows for irrigation purposes	10/03/10	27/05/10	3	01/07/10	All parties have provided written approval to proposed consent conditions, hence no hearing required.	N/A	13/08/10	Granted
GW Flood Protection WGN100234.	Construct, upgrade and maintain existing and proposed stopbanks – Boulcott Hutt Stopbanks	11/03/10	04/05/10	71	Prehearing meeting held 15/06/10. Hearing early August 2010.				

Applicant	Proposal	Date Consent Lodged	Date Submissions Closed	Number of Submissions Received	Pre-hearing Held	Hearing Held/ Process Delay	Hearing Committee Members	Date decision released	Granted or Declined
Hutt City Council – Wainuiomata Landfill WGN100226	To discharge contaminants to land, air and water associated with ongoing the operation of the Wainuiomata Landfill		25/05/10	7	No	Hearing 08/07/10	Cr Baber	23/07/10	Granted (no appeals)

Mike Pryce Manager, Harbours department

# Harbours Department Report – September 2010

## 1. Navigation Aids

Steeple Rock and Evans Bay navigation lights required attention due to faulty storage batteries or "sun-switches".

#### 2. Oil Pollution

No reports of any oil spills were received.

#### 3. Beacon Hill

Fabrication of the radar/aerial mast is in hand, to be followed by galvanising of the structure and installation by mid-September. The base for the new radar/aerial mast has already been installed. When this is all in place, the Transas engineer from Singapore will install all the new electronic equipment in the new building. More work has been carried out to repair defective radios to ensure continued operation of Beacon Hill until the new equipment becomes fully operational.

#### 4. Harbour Events

Harbour Rangers and other staff manned the GWRC "Safety Stand" at the Wellington Boat, Fishing & Outdoor Sports & Leisure Equipment show at Chaffers Marina on the weekend of 27 to 29 August.

#### 5. Other

The "Bluebridge" ferry *Monte Stello* was absent from Wellington from 13 to 29 June for dry-docking in Auckland.

The Interislander ferry Kaitaki was absent from Wellington from 19 July to early September for dry-docking in Brisbane.

The ferries schedule normal dry-docking/survey/refit periods during the quieter winter period.