

Appendix K: Assessment of proposal in relation to relevant Policy Statement & Plan provisions

Discharge of Treated Wastewater from the Porirua WWTP - Planning Assessment

25 May 2020

Rev. No.	Date	Description	Prepared By	Checked By	Reviewed By	Approved By
1	13/03/20	Draft	Richard Peterson	Various technical specialists	Paula Hunter	Richard Peterson
2	30/03/20	Final	Richard Peterson	Paula Hunter	Paula Hunter	Richard Peterson
3	25/05/20	Updated based on final recreation assessment	Richard Peterson	Paula Hunter	Paula Hunter	Richard Peterson

1 Introduction

This report provides a planning assessment of the proposed discharge of treated wastewater from the Porirua Wastewater Treatment Plant (WWTP) at Rukutane Point. The purpose of the report is to meet the requirements of clause (2)(1)(g) of the 4th Schedule to the RMA and to inform consideration of the application under Section 104(1)(b) of the RMA. It is noted that an assessment of the application relevant to Part 2 and Section 104(1)(c) of the RMA is included in the main body of the AEE.

The approach taken in this report is to group the analysis by the major policy issues that run through the statutory documents. The major policy issues that have been considered in the assessment are:

- Providing for activities and recognizing the benefits of infrastructure
- Water quality and wastewater discharges
- Indigenous biodiversity values and significant habitats
- Natural character and processes
- Natural features, landscapes and visual amenity
- Resource management with tangata whenua
- Recreation and public access.

The technical reports and the assessment of environmental effects (AEE) which support the Porirua WWTP wastewater discharge consent application have been taken into account in preparing this planning assessment. In addition, input from relevant technical specialists working on the WWTP discharge application has been sought.

The Policy Statements and Plans that have been considered in this analysis are:

- The New Zealand Coastal Policy Statement (NZCPS)
- The National Policy Statement for Urban Development Capacity (NPS-UDC)
- The Regional Policy Statement for the Wellington Region (RPS)
- The Regional Coastal Plan for the Wellington Region (RCP)
- The Proposed Natural Resources Plan (Decisions Version) for the Wellington Region (PNRP)

It is noted that the PNRP has reached the Environment Court appeal stage. Some provisions of the PNRP, which are not subject to appeals, may therefore in effect be operative. However, for the purpose of this assessment both the RCP and PNRP provisions have been assessed. It is also of note that the PNRP provisions may be amended by decisions of the Environment Court. Amendments to

PNRP provisions and the implications of PNRP provisions becoming operative will be addressed in evidence to the future hearing.

As the application is for a discharge to the coastal marine area, the provisions of the Porirua City District Plan are not considered to apply and have not been assessed. There are currently no national environmental standards or other regulations that are relevant to the application. However, it is acknowledged that government has signaled that a National Environmental Standard for wastewater may be introduced in 2020. If this is the case, it will be addressed in evidence to the future hearing.

The provisions considered in this assessment are set out in full in Appendix A.

2 Providing for activities and the benefits of infrastructure

This section assesses the proposed discharge in relation to objectives and policies that seek to enable the benefits of infrastructure and which seeks to provide for activities.

2.1 NZCPS

Objective 6 of the NZCPS seeks to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety. In doing so the Objective directs recognition that (among other things):

- some uses which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities
- functionally some uses and developments can only be located on the coast or in the coastal marine area.

Policy 6 of the NZCPS provides a number of directions under the general heading 'activities in the coastal environment'. Amongst these directions the policy seeks to:

- recognise that the provision of infrastructure is important to the social, economic and cultural well-being of people and communities
- consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment
- recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area
- recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places.

In relation to these aspects of both Objective 6 and Policy 6 it is noted that:

- the proposed discharge is an integral component of the Porirua wastewater system which serves a current population of about 80,000 people (projected to rise to 120,000 by 2043)
- The benefits of the Porirua wastewater system relate to public health and assisting the community to provide for its environmental, social, cultural and economic wellbeing
- the application seeks consent for an increase in the average daily discharge volumes. This is intended to ensure that the Porirua wastewater system (a key piece of public infrastructure) is able to provide for the foreseeable needs of population growth. As is described in other sections of the planning assessment it is considered that this can be done without compromising the ecological and recreation values of the CMA. Further work is

ongoing to also ensure that adverse effects on cultural values of Ngāti Toa are also adequately mitigated

- discharges of treated wastewater are not functionally dependent on being located in the CMA, i.e. the CMA is not the only environment within which they can occur. However, in this case the alternatives assessment has determined that alternative receiving environments are not appropriate and do not represent the best practicable option (see Appendix C to the AEE).

Based on this it is considered that granting this consent would accord with Objective 6 and Policy 6 by assisting the community within the Porirua wastewater system catchment to provide for its social, economic and cultural wellbeing and by recognising that alternative receiving environments are in this case not appropriate or the best practicable option.

2.2 NPS-UDC

The NPS-UDC provides direction for 'planning decisions' made under the RMA, recognising the national significance of:

- a) urban environments and the need to enable such environments to develop and change
- b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

The definition of 'planning decisions' in the NPS-UDC includes any decision on a resource consent. Consequently, the objectives and policies of the NPS-UDC are of relevance to this resource consent application.

Relevant objectives of the NPS-UDC seek:

- effective and efficient urban environments that enable people and communities and future generations to provide for their well-being (**Objective OA1**)
- urban environments that develop and change in response to changing community needs (**Objective OA3**)
- planning decisions that enable urban development which provides for the well-being of people and communities and future generations in the short, medium and long-term (**Objective OC1**)
- integration of land use, development, development infrastructure and other infrastructure (**Objective OD1**).

Policy PA1 requires local authorities to ensure there is sufficient housing and business land development capacity in the short, medium and long term.

Both Porirua City Council and Wellington City Council have undertaken housing and business land development capacity assessments in response to the NPS-UDC. This work anticipates that a high level of population growth will need to be provided for in the catchment of the Porirua WWTP and within the 20-year consent duration sought through this resource consent application. These population projections have been used as the basis for the wastewater inflow and discharge projections used in the AEE (see Appendix D of the AEE).

It is considered that providing for the projected growth, and consequential projected increase in wastewater inflow to the WWTP is consistent with the direction in the NPS-UDC. It is acknowledged that the AEE identifies that, without additional mitigation, the projected population growth and resulting increase in wastewater inflow has the potential to result in more than minor adverse ecological effects. It is proposed to mitigate these potential adverse effects through a monitor, review and respond approach. It is considered that this approach will adequately mitigate the potential adverse effects while enabling Porirua City Council and Wellington City Council to ensure development capacity within the catchment of the WWTP is sufficient to meet future demands.

2.3 RPS

The RPS defines 'regionally significant infrastructure' to include the local authority wastewater and stormwater networks, systems and wastewater treatment plants. Under this definition, the Porirua wastewater system is 'regionally significant infrastructure'.

Objective 10 of the RPS seeks that the social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected. Further, **Policy 39** of the RPS requires that when resource consents are being considered particular regard shall be given to the the social, economic, cultural and environmental benefits of regionally significant infrastructure.

The benefits of the 'regionally significant' Porirua wastewater system are summarised in section 5.2 of the AEE and relate to public health and assisting the community to provide for its environmental, economic, social and cultural well-being. These benefits only arise through the operation of the wastewater system. That is, it is through the conveyance of wastewater away from residential, commercial and industrial areas to the treatment plant and from there to the ultimate receiving environment that the benefits of the system arise.

Granting consent to the proposed discharge would recognise its integral role within the Porirua wastewater system and the benefits that the system provides to the community.

2.4 RCP

Objective 4.1.2. of the RCP directs that communities should be able to undertake appropriate uses in the CMA, which satisfy environmental protection policies in the plan. Such activities include those which involve one or more of the following attributes:

- rely on natural and physical resources of the coastal marine area
- require a coastal marine area location
- provide essential public services
- avoid adverse effects on the environment
- have minor adverse effects on the environment, either singly or in combination with other users
- remedy or mitigate adverse effects on the environment and provide a net benefit to the environment.

In relation to Objective 4.1.2 it is noted that:

- The proposed discharge relies on the natural resources of the CMA, particularly the capacity of the CMA to assimilate contaminants within the treated wastewater
- Being a marine discharge, it requires a CMA location and as noted previously alternative non-CMA options were eliminated in the alternatives assessment process (see Appendix C to the AEE)
- The discharge is an integral part of the essential public service provided by the Porirua wastewater system
- While the discharge will not avoid adverse effects, with the proposed mitigation its adverse effects will generally be minor. Further work is on-going with Ngāti Toa to identify measures to adequately mitigate the adverse effects on their cultural values
- This planning assessment has shown that the discharge will satisfy the environmental protection policies in the plan.

Based on these points it is considered that proposed discharge is an appropriate use in accordance with Objective 4.1.2.

2.5 PNRP

The PNRP defines 'regionally significant infrastructure' to include local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities. The definition has been further developed from that in the RPS and notably makes specific reference to 'discharge facilities'.

Under this definition, like that in the RPS, the Porirua wastewater system is 'regionally significant infrastructure'.

Objective O12 of the PNRP seeks that the social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised.

The benefits of the 'regionally significant' Porirua wastewater system are summarised in section 5.2 of the AEE. These benefits relate to public health and assisting the community to provide for environmental, economic, social and cultural well-being, including population and economic growth. The benefits only arise through the operation of the wastewater system. That is, these benefits arise through the conveyance of wastewater away from residential, commercial and industrial areas to the treatment plant and from there to the ultimate receiving environment.

Policy P12 directs that these benefits are recognised by having regard to (among other things) the location of existing infrastructure and the functional need and operation requirements associated with the development, operation, maintenance and upgrade of regionally significant infrastructure in the CMA. In this respect it is noted that the proposed discharge utilises the existing discharge infrastructure. Alternative discharge locations (and therefore discharge infrastructure) were considered as part of the alternatives assessment. However, taking account of the results of a multi-criteria analysis, these options were determined not to be the Best Practicable Option (see Appendix C to the AEE). While considered as part of the alternatives assessment, there are not suitable alternative receiving environments for the discharge.

Granting consent to the proposed discharge would recognise its integral role within the Porirua wastewater system and the benefits that the system provides to the community. It would also recognise that the proposed discharge seeks to make use of existing infrastructure and that alternatives to a CMA discharge have not been identified as the best practicable option in this case.

3 Water quality and wastewater discharges

This section of the assessment considers the provisions of the Policy Statements and Plans that address water quality and wastewater discharges.

3.1.1 NZCPS

Objective 1 of the NZCPS is to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems. In relation to water quality, the Objective seeks to do this by 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.

The Cawthron Report (Appendix F of the AEE) identifies that the current discharge has not had significant adverse effects on the ecology and habitat of the receiving waters.

Assuming population growth occurs at the rate projected, the AEE identifies that without further mitigation the proposed discharge has the potential to result in measurable differences in water quality compared to its natural condition. This could result in adverse effects on the ecology and habitat of the receiving waters. However, it is proposed to mitigate the potential reduction in treated wastewater quality, and the resulting potential adverse effects on ecology and habitat, through a monitoring, review and respond approach (see the AEE for a description of this approach). Consequently, it is considered that the proposal will maintain coastal water quality as anticipated by Objective 1, and by doing so safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems.

Policy 21 of the NZCPS directs that 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 (among other things) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats. In addition, the Policy directs 'plans' to include provisions to improve water quality where needed, including through engagement with iwi.

With respect to ecosystems, natural habitats, or water-based recreational activities, the AEE identifies that with the proposed mitigation the discharge of wastewater will not have significant adverse effects on these values. The discharge will not restrict uses outside of the proposed 200 m radius mixing zone. While the discharge does restrict contact recreation use within the mixing zone, such activities are not 'existing uses' because they have been historically restricted by the existence of the wastewater discharge. It is also not considered to be 'practicable' to avoid a restriction on contact recreation within the mixing zone. In these respects, it is therefore considered that the proposal is consistent with the Policy.

With respect to Ngāti Toa's cultural activities, the AEE identifies that the discharge does cause significant adverse effects on these activities within the mixing zone. It is recognised that there may be measures which are practicable and would mitigate these adverse effects. Porirua City Council, Wellington Water and Ngāti Toa are continuing to work together to identify measures to remedy and mitigate these adverse effects in a manner consistent with clause (e) Policy 21. Further information is expected to be available on these mitigation measures prior to the hearing on this resource consent.

Policy 23 (1) of the NZCPS directs that in managing discharges to water in the coastal environmental particular regard should be given to:

- (a) the sensitivity of the receiving environment;
- (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 the risks if that concentration of contaminants is exceeded; and
- (c) the capacity of the receiving environment to assimilate the contaminants; and:
- (d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;
- (e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and
- (f) minimise adverse effects on the life-supporting capacity of water within a mixing zone

All of these factors have been taken into account in the alternatives assessment process and in the AEE (see Sections 2, 3 and 5 of the AEE). In particular, it is noted that the proposal avoids significant adverse effects on ecosystems and habitats after reasonable mixing. Adverse effects on the life-supporting capacity within the mixing zone will also be minimized. This conclusion is supported by the ecological survey undertaken by Cawthron (Appendix F of the resource consent application) and the AEE, including the proposed mitigation measures.

Policy 23 (2) of the NZCPS directs that in managing discharges of human sewage, "do not allow"

- a) the discharge of human sewage directly to water in the coastal environment “without treatment” and
- b) the discharge of treated human sewage to water in the coastal environment, unless:
 - there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge, and
 - the decision regarding the discharge is informed by an understanding of tangata whenua values and the effects on them.

There are no untreated wastewater discharges proposed as part of the resource consent application. Partially treated discharges are proposed to intermittently occur until June 2023. From June 2023, following commissioning of capacity upgrades, the WWTP will provide secondary treatment and UV disinfection to all untreated wastewater that is conveyed to it.

In relation to clause b) of Policy 23(2), a full consideration of alternative methods, sites and routes has been undertaken. This has directly involved Ngāti Toa and their values have informed the assessment of these alternatives. A detailed record of the alternatives assessment is included in Appendix C to the AEE.

It is therefore considered that the proposed discharge is consistent with Policy 23(2) of the NZCPS.

3.2 Regional Policy Statement & RCP

Objective 6 of the RPS is that the quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.

The Cawthron Report (Appendix F to the AEE) shows that the current discharge is of sufficient quality to maintain the health and vitality of the coastal ecosystem. While there is potential that the treated wastewater quality will reduce over the proposed 20-year consent period, the potential adverse ecological effects will be mitigated through the proposed monitoring, review and respond approach. As a result of these measures the health and vitality of the coastal ecosystem will be maintained.

Policy 40 of the RPS requires that when a resource consent application is considered, particular regard is given to requiring that water quality in the coastal marine area (CMA) is managed to maintain or enhance aquatic ecosystem health and for other purposes identified in regional plans.

As noted, the Cawthron Report (Appendix F of the resource consent application) shows that the current discharge is of sufficient quality to maintain the health and vitality of the coastal ecosystem. While there is potential that the treated wastewater quality of the discharge will reduce over the proposed 20-year consent period, the potential adverse ecological effects will be mitigated through the proposed monitoring, review and respond approach.

With respect to the direction of RPS Policy 40 that is underlined above, **Policy 10.2.2** of the RCP seeks that waters in Titahi Bay are managed for contact recreation purposes and **Appendix 6** of the RCP sets criteria to which ‘particular regard must be had when considering whether Policy 10.2.2 is met’. The criteria in Appendix 6 include, among other things, the requirement that median bacterial content in samples taken over the bathing season must not exceed 35 enterococci per 100 ml.

Discharges into water which does not meet this criterion will only be allowed if at least one of the conditions specified in **Policy 10.2.4** of the RCP are met. These conditions are that after reasonable mixing:

- The discharge is not likely to cause a decrease in the existing quality of water at that site; or
- The discharge would result in an overall improvement in water quality in the coastal marine area; or

- The discharge was present at the time this plan was notified and the person responsible for the discharge has defined a programme of work for the upgrading of the discharge so that it can meet the requirements of Policies 10.2.1, 10.2.2 and 10.2.3; or
- The discharge is of a temporary nature or associated with necessary maintenance works or there are exceptional circumstances and that it is consistent with the purposes of the Act to do so.

Table 3-4 of the AEE sets out monitoring results in Titahi Bay from 2014 – 2019. These results show that the RCP median criteria was achieved at Titahi Bay north beach for four of the last five summers, at Titahi Bay middle beach for all five summers, and Titahi Bay South Beach Bay Drive on three of the last five summers, failing on 2017/18 and 2018/19.

As water quality in the receiving waters for the discharge does not meet the requirements of Policy 10.2.2, the proposed discharge can only be allowed if one of the conditions specified in RCP Policy 10.2.4 is met. The proposed discharge will meet the first of the Policy 10.2.4 conditions, i.e. the discharge is not likely to cause a decrease in the existing quality of water in Titahi Bay, i.e. 'that site' for the purposes of Policies 10.2.2 and 10.2.4. The proposal involves an improvement to the UV disinfection at the WWTP and therefore will result in a reduction in the level of faecal bacteria contamination in the discharge entering Titahi Bay, compared with the current WWTP discharge.

It is also of note that the WWTP discharge is only one source of enterococci contamination in Titahi Bay. As identified in Section 3.3 of the AEE, local stormwater discharges are likely to be the principal source of this contamination and cause of the failure of waters in Titahi Bay to comply with the criteria in Appendix 6.

Objective 4.1.7 of the RCP requires that public health is not endangered through the effects of previous, present or future activities in the coastal marine area. The AEE identifies that the proposed discharge will result in no illness risk in terms of both contact recreation and the consumption of shellfish (see Section 5.7 of the AEE). This is considered to be consistent with Objective 4.17.

3.3 PNRP

Objective O23 is the overall PNRP objective relating to water quality and seeks that water quality is maintained or improved. For the reasons already outlined above, and based on the conclusions of the AEE, it is considered that the proposal, including mitigation measures will maintain current receiving water quality from an ecological perspective and improve it in relation to microbiological contamination.

Objective O23 is expanded upon in relation to contact recreation and Māori customary use through Objective O24 and in relation to biodiversity, aquatic ecosystem health and mahinga kai through Objective O25. These objectives relate to the outcome sought for receiving water quality, rather than applying directly to individual discharges. Achieving the stated outcomes will, in most instances, require management of multiple contaminant sources, both point source and non-point source discharges.

Objective O24 seeks that water is suitable for contact recreation and Māori customary use. It directs that this is to be achieved '*including by*' maintaining water quality or improving it to meet, '*as a minimum*', stated numerical and narrative objectives. For coastal waters the stated objectives from Table 3.3 of PNRP are:

- 95 percentile enterococci concentrations of < or = 500 / 100 mL
- The requirement that coastal water supports Māori customary use by the achievement of the huanga identified by mana whenua
- The requirement that concentrations of contaminant, including pathogens, are sufficiently low for shellfish to be safe to collect and consume where appropriate.

As shown in Table 3-5 of the AEE, the marine water in Titahi Bay currently exceeds the enterococci objective in O24. Enterococci concentrations in the marine waters outside Titahi Bay are currently only monitored during WWTP wet weather bypass events. Between 2016 and 2019, even during these bypass events, when the WWTP was only partially treating some of the wastewater, enterococci concentrations at the edge of the mixing zone for the WWTP discharge met the objective in O24 (see Table 3-7 of the resource consent application). The proposal involves upgrading the WWTP so that, after June 2023, bypass events will no longer occur and therefore the peak enterococci concentrations from the WWTP is expected to decline. This is supported by Table 5-4 of the resource consent application, which shows that following the proposed WWTP upgrades predicted enterococci concentrations from the WWTP drop substantially during peak wastewater flows. Consequently, it can be expected that water quality at the edge of the WWTP mixing zone will continue to meet the enterococci objective in O24.

With respect to the shellfish gathering objective in O24, it is noted that filter feeding shellfish, which are most susceptible to contamination, are not naturally present along the shoreline near the WWTP outfall (except for the little black mussel which is small, < 3cm, and not commonly taken for human consumption). Grazing shellfish, such as paua, are present near the outfall and while these are not as susceptible to contamination it is recommended that they are not consumed (there are warning signs at the outfall to this effect). The Quantitative Microbiological Risk Assessment (QMRA) completed as part of the AEE indicates that the proposed WWTP discharge presents no illness risk to the filter feeding shellfish gathering sites that exist within the Porirua harbour.

From the Cultural Impact Assessment contained in Appendix I of the AEE, it is concluded that the proposal, as lodged, does not support Māori customary use [in the vicinity of the outfall].

The above analysis, and the AEE, indicate that the receiving water for the discharge does not meet the stated numerical and narrative objectives in Table 3.3 of O24. Therefore, the direction in O24 to improve water quality applies. As already noted, the proposal involves an upgrade to the WWTP which improves the UV disinfection at the WWTP and therefore reduces enterococci concentrations in the discharge, and reduces risks associated with contact recreation, including the act of gathering shellfish. The AEE concludes that potential adverse effects on recreation and shellfish gathering from the proposed WWTP discharge will be negligible. This aligns with the 'improve' direction in O24. Further work is also continuing with Ngāti Toa to develop measures to improve the WWTP discharge with respect to its impact on customary uses. Information is expected to be available on these mitigation measures prior to the hearing of this resource consent.

With respect to Titahi Bay, it is of note that improvements at the WWTP will not on their own ensure the marine waters meet O24. This is because of the influence of the adjoining urban area and, in particular, the effects of discharges from the stormwater and wastewater networks. The adverse effects of these discharges are addressed through separate resource consent processes, and in particular through the Stormwater Management Strategy and Plan process that is linked to the stormwater resource consent.

Objective O24 is implemented by **Policy P10 and Policy P63**.

Policy P10 requires that use and development avoid, remedy or mitigate any adverse effects on contact recreation and Māori customary use including by providing water quality suitable for these activities. The WWTP itself is the main mitigation measure associated with the discharge. It is considered that the WWTP, including upgraded UV disinfection, will adequately mitigate the adverse effects of the discharge on contact recreation. Further work is also continuing with Ngāti Toa to develop measures to improve the WWTP discharge with respect to its impact on customary uses. Information is expected to be available on these mitigation measures prior to the hearing of this resource consent.

Policy P63 is directed at receiving water quality, and requires that water quality shall be improved over time to meet, as a minimum, the numerical and narrative objectives in O24.

Clause (a) of P63 directs that improving water quality should include improving water quality in all water bodies listed as first priorities for improvement for secondary contact in Schedule H2. While 'Titahi Bay at the South Beach Access Road' is listed in Schedule H2, it appears not to be listed as a 'first priorities for improvement for secondary contact'. It therefore appears that clause (a) of P63 does not apply to this application.

Notwithstanding, it is noted that the proposal involves WWTP upgrades which will mitigate and reduce the effect of the WWTP on enterococci concentrations in Titahi Bay. Further, it is noted that the poorer water quality at the south end of the Titahi Bay is likely to be caused by local stormwater discharges (as identified in Section 3 of the AEE). The effects of these discharges are regulated under a separate resource consent, the global stormwater consent. This is a relatively new consent and applies across all stormwater networks managed by Wellington Water. Under the stormwater consent a series of stormwater management strategies and stormwater management plans will be developed which will seek to improve receiving water quality.

Clause (b) of P63 directs that particular regard should be given to improving water quality where contact recreation and Māori customary use are adversely impacted by discharges from wastewater networks and wastewater treatment plants. Again, it is noted that the proposed upgrades to the WWTP will reduce its impact on contact recreation. Work is continuing with Ngāti Toa to identify measures to mitigate the effects of the WWTP discharge on Māori customary use. Information is expected to be available on these mitigation measures prior to the hearing of this resource consent.

Objective O25 of the PNRP seeks that biodiversity, aquatic ecosystem health and mahinga kai in water are safeguarded 'such that' water quality and coastal habitats are managed to maintain biodiversity, aquatic ecosystem health and mahinga kai. Further, Objective O25 directs that where an outcome sought in Table 3.8 is not met, the coastal marine area is to be improved over time to meet that objective.

The Cawthron ecological assessment concludes that the existing discharge has not had a marked ecological effect (Appendix F to the AEE), and based on this it is concluded that the objectives of O25 relating to biodiversity and aquatic ecosystem health are currently being met in the vicinity of the discharge. The AEE predicts that with projected population growth and without mitigation the proposed discharge may have some adverse effects on aquatic life which are more than minor. However, when the proposed mitigation measures are taken into account the adverse effects on biotic life will remain less than minor. Therefore, it is considered that with respect to biodiversity and aquatic ecosystem health the proposal is consistent with O25.

The Cultural Impact Assessment (Appendix I to the AEE) identifies that the WWTP discharge has adverse effects on mahinga kai and it is therefore likely that without further mitigation the narrative objective for mahinga kai in Table 3.8 of O25 will not be met. Work continues with Ngāti Toa to develop mitigation measures to address this matter.

Objective O25 is implemented by three policies of relevance to the WWTP discharge, being Policies P31, P32 and P70.

Policy P31 directs that biodiversity, aquatic ecosystem health and mahinga kai shall be maintained or restored by 'managing the effects of use and development' on physical, chemical and biological processes to¹:

¹ Only clauses considered relevant to the WWTP have been listed.

- Maintain or improve water quality in accord with Objective O25
- Maintain or restore habitat diversity and quality, and the natural form of the CMA
- Maintain or restore habitats that are important to life cycle and survival of indigenous aquatic species
- Maintain or restore habitats of indigenous birds used breeding, roosting feeding and migration
- Minimise adverse effects on aquatic species at times which will most affect breeding, spawning and dispersal or migration. Including timing to avoid times of the year when the adverse effects would be more significant.

As per the assessment against Objective O25, it is considered that the proposal is consistent with this policy as it relates to biodiversity and aquatic ecosystem health. There is potential for the policy not to be met with respect to mahinga kai and further work is being undertaken to identify appropriate mitigation measures in this respect. Information is expected to be available on these mitigation measures prior to the hearing of this resource consent.

Policy P32 directs that adverse effects on biodiversity, aquatic ecosystem health and mahinga kai shall be managed by avoiding significant adverse effects. Where significant adverse effects cannot be avoided, they should be minimised. Where significant adverse effects cannot be avoided or minimised, they should be remedied, and if significant residual adverse effects² remain the use of biodiversity offsets should be considered³.

The AEE identifies that, with the proposed mitigation, there will be no significant adverse effects on biodiversity and aquatic ecosystem health. Further work is continuing to identify measures to minimise adverse effects from the discharge on mahinga kai. Information is expected to be available on these mitigation measures prior to the hearing of this resource consent.

Policy P70 directs that if any of the outcomes sought in Table 3.8 are not met, then an existing point source discharge that contributes to the objective not being met is only appropriate if:

- the resource consent application includes a defined programme of work to upgrade the discharge in accordance with good management practice within the term of the consent, and
- conditions on resource consent require the reduction of adverse effects to improve water quality in relation to the objective.

The proposal, in its current form (and subject to the development of further mitigation), does contribute to the outcomes sought in Table 3.8 in relation to mahinga kai not being met. While there is a defined programme to upgrade the UV disinfection facility and overall capacity of the WWTP, there is not, at this point, a defined programme to upgrade the discharge with specific respect to mahinga kai. Measures are being developed alongside Ngāti Toa to rectify this. Information is expected to be available on these mitigation measures prior to the hearing of this resource consent.

In all other respects it is considered that the outcomes sought in Table 3.8 are being met, and with the proposed mitigation will continue to be met.

Objective O49 of the PNRP seeks that:

Discharges of wastewater to land are promoted over discharges to fresh water and coastal water.

² A residual adverse effect is defined in the PNRP as 'The negative effects on the environment remaining from an activity after avoidance, remediation, and mitigation measures have been taken.'

³ The application of Policy P32 and P41 is guided by Schedules G1 and G2

Policy P62 implements the Objective and directs that discharges to land are promoted over direct discharges to water, particularly where there are adverse effects on aquatic ecosystem health and mahinga kai or contact recreation and Māori customary use.

The application of treated wastewater from the Porirua WWTP to land was considered as part of the alternatives assessment undertaken in preparation of the resource consent application (See Appendix C to the AEE). The alternatives assessed through this process anticipated that any option that involved land application would also involve a discharge to the CMA. This mixed discharge arrangement was assumed necessary to allow for limited suitable land application areas and high soil moisture levels that will occur at certain times of the year.

The combined land application and coastal discharge option was not carried through to the short list because of:

- the very limited amount of suitable land within the catchment, which would mean that most of the treated wastewater would continue to be discharged to the CMA
- the land that is most readily available is highly valued by the community (e.g. Whitireia Regional Park) and therefore it was expected that there significant adverse social effects
- the land that is most readily available is highly valued by Ngāti Toa and therefore it was expected that there would be significant adverse effects on their cultural values
- the anticipated high cost relative to other treatment methods.

The decision not to take land application to the option short list was agreed to by the Collaborative Group, including GWRC officers and representatives of Ngāti Toa.

Consideration of land application as an option for the discharge of Porirua's treated wastewater is consistent with Objective O49 and Policy P62. The decision not to proceed with land application as a primary option reflects the characteristics of the WWTP catchment, i.e. significant urban areas, hilly topography, relatively poor soils and valued recreation and cultural resources.

It is noted that land application (small scale irrigation of treated wastewater) as an ancillary discharge option remains a potential option. It is expected that this will be among the measures that will be considered by Porirua City Council, Wellington Water and Ngāti Toa to mitigate the cultural effects of the discharge. Further information on how these measures might be advanced is expected to be presented at the hearing of this resource consent application.

Policy P67 directs that discharges of contaminants to land and water are minimised using the following hierarchy:

- a) avoiding the production of the contaminant
- b) reducing the amount of contaminants, including by re-using, recovering or recycling contaminants
- c) minimising the volume or amount of the discharge
- d) discharging to land including using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge

In relation to the direction to avoid the production of contaminants, Porirua City Council manages trade waste inputs from food premises and manufacturing facilities under their Trade Waste Bylaw. Wellington Water undertakes education campaigns through various channels to remind public to not send contaminants into the wastewater system, e.g. "Only flush the 3 P's: Pee, Poo and toilet Paper and "No fats, oils and grease down the drain". We also discourage the use of insinkerator type devices which can increase the organic waste.

The amount of contaminants in the discharge are significantly reduced through the treatment processes that occur in different parts of the treatment plant. This will continue to be the primary mechanism through which contaminant reduction occurs. New Zealand does not have a significant history of resource recovery, re-use or recycling with respect to municipal wastewater.

This is partly due to widely held negative perceptions. However, re-use of the treated wastewater from the Porirua WWTP, in the form of small-scale irrigation, is being considered as part of the measures to mitigate the effects of the discharge on Ngāti Toa's cultural values.

Wellington Water has two main programmes which relate to reducing the volume or amount of the discharge. The first is the "Inflow and Infiltration" programme for Porirua which specifically helps to reduce peak wastewater flows in the network and therefore to the WWTP. This includes flow monitoring at several locations in the wastewater network to identify where the highest flows are coming from with respect to rainfall in order to prioritise inspections and remedial work. The focus of the inspections is on removing direct connections of stormwater inflow to the wastewater system. This is done by inspection teams visiting all properties in the relevant area to visually inspect the gully traps to verify that the gully traps are sufficiently high to not drain surface water and also that there are no direct connections of stormwater drains. In some cases, the inspectors may also use fog machines to blow fog into wastewater drains to check that there are no major faults or buried connections to stormwater downpipes.

The second programme which helps to reduce wastewater volumes is water demand management. This includes education, for example raising awareness of shower time, and also includes managing water pressure within zones to reduce flow rates in private property and consequential wastewater flows.

With respect to the final element of the hierarchy in Policy P67, the assessment of land application as a primary option has been mentioned above and is addressed in the Alternatives Assessment Report (Appendix C to the AEE). Ancillary land application (e.g. small-scale irrigation) and discharge regimes which involve a land or wetland passage, prior to discharge to the marine waters, are being discussed as part of the measures to mitigate the adverse effects of the discharge on Ngāti Toa's cultural values. Further information on how these measures might be advanced is expected to be presented at the hearing.

Policy P80 directs applicants seeking to replace existing resource consents to discharge wastewater to coastal water to provide a range of information. The information required to be identified in an application is:

- a) the relevant objectives, limits, targets, discharges standards or other requirements from the PNRP
- b) results of consultation with the community and mana whenua on values and interests related to the discharge and receiving waters, including Māori customary use and mahinga kai
- c) in response to the consultation, short term (within the life of the PNRP) and long term (beyond the life of the PNRP) goals for wastewater discharges
- d) how the goals satisfy the PNRP provisions
- e) infrastructure upgrades required to meet the long-term goals, including milestones and dates.

The relevant objectives, limits, targets, discharges standards or other requirements from the PNRP, required to be identified under clause (a) are identified throughout the AEE.

Results of consultation with the community and mana whenua on values and interests related to the discharge and receiving waters, required under clause (b), are set out in Section 7 of the AEE, in the Alternatives Assessment Report (Appendix C to the AEE) and in the Cultural Impact Assessment (Appendix I to the AEE).

Taking account of the consultation feedback, amongst other things, Porirua City Council's short-term goal for the discharge is to eliminate partially treated discharges from the WWTP. This will be achieved through the upgrades proposed as part of this application to be completed by June

2023. Porirua City Council also intends to work with Ngāti Toa to identify measures to better address the adverse impacts of the discharge on Ngāti Toa's cultural values.

Longer term, Porirua City Council's goal is to, otherwise, maintain treated wastewater quality at a level which is the same or better than the current discharge. It will do so by closely monitoring the quality of the treated wastewater and receiving waters to ensure that increases in the average flow to the WWTP, which will be the inevitable result of projected population growth, do not result in a decline in the quality of the receiving waters. Should the monitoring identify that the quality of treated wastewater is declining to the extent that the potential more than minor adverse ecological effects are likely to be realised, Porirua City Council is proposing to review the WWTP technology and operations to identify mechanisms to prevent or minimise these adverse effects. This goal will be achieved through the proposed monitoring and review conditions.

With respect to clause (e) of Policy P80, Porirua City Council has not identified the infrastructure changes needed to achieve its long-term goal. Infrastructure changes, if required, will be identified through the 'Monitoring and Technology Review' proposed as a condition of the resource consent. Improvements are available for the WWTP and/or discharge infrastructure and can be implemented if monitoring of actual adverse ecological effects proves that this is necessary. Details on the monitoring, review and respond mitigation approach proposed as part of the resource consent application are set out in the AEE.

Policy P81 of the PNRP directs that the adverse effects of existing wastewater discharges to water shall be minimised and that the quality of discharges from the WWTP shall be progressively improved and the quantity shall be progressively reduced.

In relation to the general directive to minimise adverse effects of existing discharges of wastewater, it is noted that the primary mechanism for achieving this is through the various treatment processes that occur at the WWTP. The proposal aims to improve the level of mitigation provided by the WWTP by increasing its capacity and thereby ensuring that all discharges are fully treated. In addition to this improvement, the assessment with respect to Policy P67 above sets the other mechanisms through which Porirua City Council and Wellington Water will continue to minimise the discharge of contaminants from the WWTP.

While opportunities for small scale irrigation of treated wastewater to land are being considered as part of measures to minimise adverse effects on Ngāti Toa's cultural values, and Inflow and Infiltration and water demand management programmes are in place, the volume of treated wastewater discharged to the CMA from the WWTP is most likely to continue to increase as a result of projected population growth. The redirection of a large proportion of the treated wastewater to another receiving environment (likely to be land) would likely be the only way the discharge volume to the CMA could be progressively reduced in accordance with Policy P81. This option was eliminated from the alternatives assessment process, with the support of the Collaborative Group, because of the significant constraints to land application in the Porirua catchment. See Appendix C to the AEE.

Policy P82 requires that Mana whenua values and interests shall be reflected in the management of wastewater discharges to fresh and coastal water. The policy notes that the values and interests should include Māori customary uses, Ngā Taonga Nui a Kiwa⁴, outstanding water bodies⁵ and mahinga kai.

⁴ Te Moana O Raukawa (Cook Strait) is included in the list of Ngā Taonga Nui a Kiwa in schedule B of the PNRP

⁵ No open coastal waters are included in the list of outstanding water bodies in Schedule A of the PNRP

Ngāti Toa has been engaged throughout the alternatives assessment process. The Comparative Assessment of Effects on Tangata Whenua Values used for the June and August MCA workshops was prepared on behalf of Te Runanga O Toa Rangatira. These assessments indicated that all options in the Combined short list and subsequent WWTP short list fall within a “low to moderate effects” envelope. In both instances, an option with a long outfall was identified as Ngāti Toa's preferred option to support its vision for the restoration of the ‘mauri’ (life force) to Te Awarua-o-Porirua and the surrounding coastal environment. The preference for these options was in part due to the ‘ability to significantly improve dilution and dispersion of wastewater discharges via an offshore ocean outfall’. The ocean outfall was however not selected as the overall Best Practicable Option for the WWTP option, taking into account a range of assessment criteria (see Appendix C for explanation of this).

Porirua City Council, Wellington Water and Ngāti Toa continue to work together to identify ways in which the adverse effects on Ngāti Toa's cultural values can be adequately mitigated. Information on the outcomes of this work is expected to be presented at the hearing.

4 Indigenous biodiversity values and significant habitats

4.1 NZCPS

Objective 1 of the New Zealand Coastal Policy Statement (NZCPS) seeks to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems. It seeks to do this by, among other things:

- maintaining or enhancing natural biological and physical processes in the coastal environment
- recognising their dynamic, complex and interdependent nature
- protecting representative or significant natural ecosystems and sites of biological importance
- maintaining the diversity of New Zealand's indigenous coastal flora and fauna.

The survey undertaken for the Cawthron ecological assessment (Appendix F to the AEE) identified that there ‘*were no clear differences between the fauna and flora around the existing outfall and those at Round Point or the reference location*’. The assessment goes on to conclude that the existing discharge has not had a marked ecological effect. The AEE predicts that with projected population growth and without mitigation the proposed discharge may have some adverse effects on aquatic life which is more than minor.

In response to these potential more than minor adverse effects a monitor, review and respond mitigation approach is proposed in the application. Based on this mitigation approach, the proposed discharge is consistent with Objective 1 and will safeguard the integrity, form, functioning and resilience of the coastal environment and will sustain its ecosystems.

Policy 11 of the NZCPS aims to achieve Objective 1 by protecting indigenous biological diversity in the coastal environment. Clause (a) of Policy 11 requires indigenous biological diversity to be protected by avoiding (all) adverse effects on:

- indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
- taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
- indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;

- habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
- areas containing nationally significant examples of indigenous community types; and
- areas set aside for full or partial protection of indigenous biological diversity under other legislation.

Cawthron has prepared an assessment of the effects of the existing discharge against clause (a) of Policy 11 (see Appendix L of the AEE). Cawthron's assessment identifies:

...five algal and eight invertebrate species were identified that are classified as Threatened or At Risk and could potentially occur in the outfall location. There are no features of the outfall location that might make these species more likely to occur there than at other locations along the adjacent coast. Two Threatened and two At Risk species of sharks could also potentially occur in the outfall location, but in passage rather than as residents. Nine species of marine mammals classified as Threatened or At Risk have been recorded in the coastal area from Cook Strait to Taranaki. Most species are seasonal migrants. Māui's dolphins, and possibly blue whales, are resident in this region but Māui's dolphins have not been recorded from the Kapiti coast.

Relying on its earlier ecological assessment, Cawthron has concluded that:

...identified levels of short-term and long-term risk to habitats and organisms on rocky and sandy substrata as negligible or less than minor. The same levels of risk were assumed to apply to the Threatened and At Risk taxa and, consequently, adverse effects will be avoided.

It is acknowledged that Cawthron's assessment is based on its recent survey of the outfall area and therefore relates to the existing discharge. It does not assess the future discharge, including allowance for higher average wastewater inflow and potential reductions in the quality of the treated wastewater discharge overtime.

However, with regard to the future discharge, it is noted that the proposed conditions involve a new requirement to repeat the Cawthron ecology survey (see section 5.13 of the AEE). This is part of the overall monitor, review and respond approach, through which adverse effects on the values listed in Policy 11(a) can be avoided.

Clause (b) of Policy 11 requires indigenous biological diversity to be protected by avoiding significant adverse effects and by avoiding, remedying or mitigating other adverse effects on other listed indigenous biological values. With the proposed mitigation, there will be no significant adverse effects from the discharge on indigenous biological diversity. Adverse effects on the listed biological values are mitigated by the existing treatment process, and potential future effects will be mitigated through the proposed monitor, review and respond approach.

4.2 RPS

Objective 3, 7 and 16 of the RPS seek that:

Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected...

The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.

Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.

Objective 3 sets an unqualified requirement to protect habitats and features with significant biodiversity values. Schedule F5 in the Proposed Natural Resources Plan identifies habitats with significant biodiversity values in the coastal marine area. The assessment of ecological effects by Cawthron (Appendix F to the AEE) identifies the existence of subtidal rocky reefs in the vicinity of the existing outfall. This habitat type is included in Schedule F5, and therefore this habitat must be protected from the effects of the future discharge. The Cawthron report notes that, under normal flow conditions, the discharge of nutrients from the WWTP is likely to be the main source of potential adverse effects on the rocky reef habitat. However, based on observations which inform the report, Cawthron has concluded that:

This lack of observed effects suggests that dispersion and dilution of the discharge at Rukutane Point is sufficient to reduce concentrations of nutrients to ecologically acceptable levels. (p46)

Further the Cawthron report concludes that:

Long-term risk from loss or alteration of habitat and effects of the discharge (nutrient enrichment and reduced salinity) were also identified as negligible or less than minor. (p49)

Again, it is acknowledged that Cawthron's assessment is based on its recent survey of the outfall area and therefore relates to the existing discharge. It does not assess the future discharge, including allowance for higher average daily flows and potential reductions in the quality of the treated wastewater discharge overtime. However, taking account of the monitoring, review and respond mitigation approach (see Section 5.13 of the AEE), it is considered that the proposed discharge will continue to comply with Objectives 3, 7 and 16 of the RPS.

Policy 37 of the RPS seeks to achieve Objectives 3, 7 and 16 by requiring that particular regard is given to safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing a range of factors. Those factors of relevance to the proposed discharge are:

- Areas within the intertidal or subtidal zone containing unique, rare, distinctive or representative marine life or habitats
- Areas that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification, including rocky reef systems
- The integrity, functioning and resilience of physical and ecological processes

Policy 47 of RPS seeks to achieve Objectives 3, 7 and 16 by requiring that consideration is given to range of matters when determining if an activity proposed in a resource consent application is 'inappropriate'. These matters include

- avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats
- providing seasonal or core habitat for indigenous species
- protecting the life supporting capacity of indigenous ecosystems and habitats
- remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable
- the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.

Based on the conclusions of the Cawthron report (Appendix F to the AEE) and the proposed monitor, review and respond mitigation approach, the proposed discharge:

- will safeguard the life-supporting capacity of the coastal ecosystems
- will maintain the habitat and ecosystem values of the receiving waters
- is not an inappropriate activity.

4.3 RCP

Objective 4.1.4 of the RCP seeks that coastal marine water retains its life supporting capacity. The AEE confirms that this requirement is met by the proposed discharge.

Objective 4.1.6 of the RCP seeks that important ecosystems in the CMA are protected from inappropriate use and development. There are important ecosystems in the receiving waters for the proposed discharge. However, the AEE identifies that these will be protected.

Policy 4.2.10 of the RCP seeks that sensitive, rare or unusual habitats, natural and physical resources and ecosystems are protected from adverse effects, and in particular areas of significant or important conservation value.

There are no areas with significant conservation values impacted by the proposed discharge, however two areas of important conservation value are located within the receiving waters (see Figure 4-1). Based on the Cawthron ecological assessment (Appendix F to the AEE) and the AEE, it can be concluded that the values of these areas will be protected.

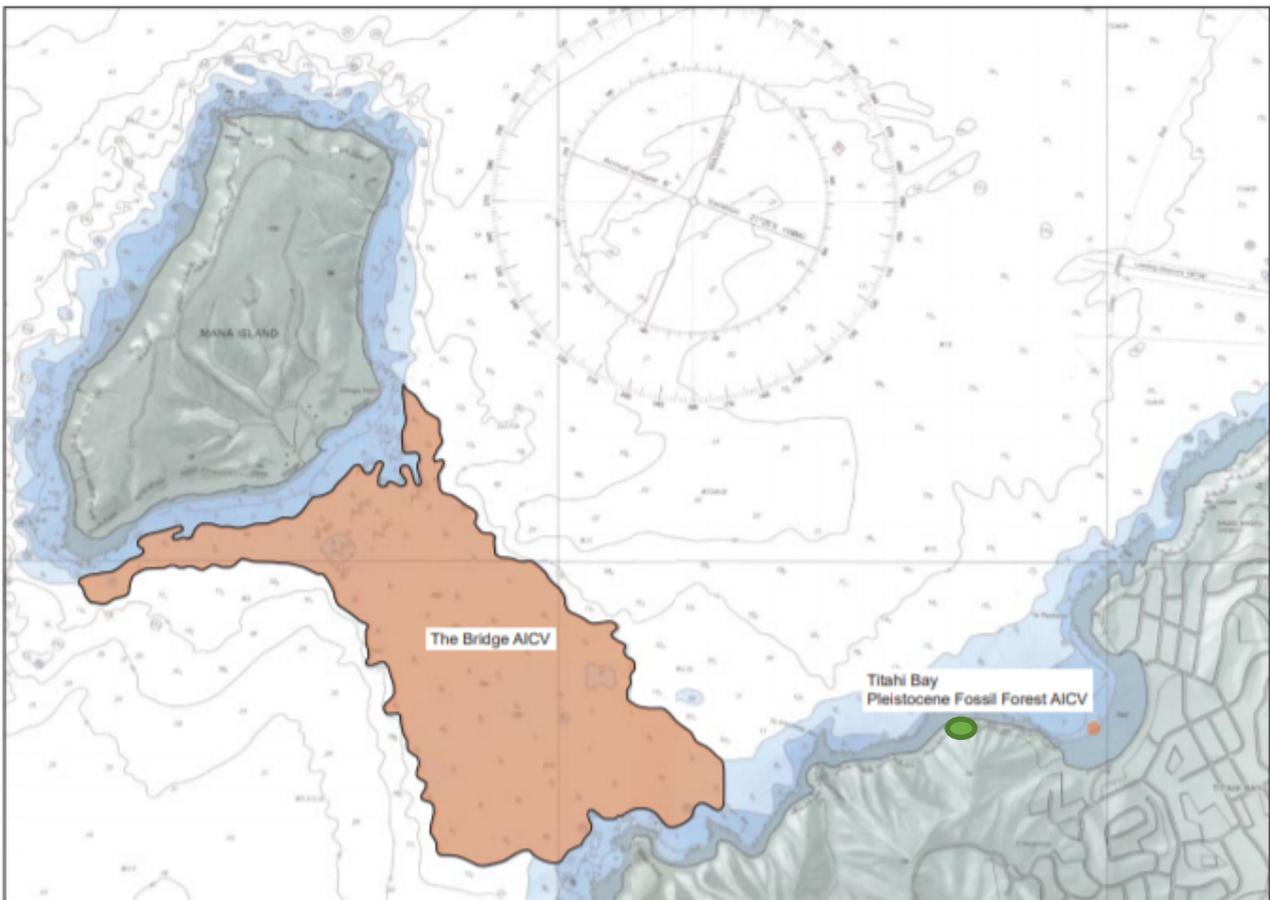


Figure 4-1: RCP Areas of important conservation value (shown by orange shading) in proximity to the discharge point (shown by the green dot)

4.4 PNRP

As noted above, **Schedule F5** of the PNRP identifies coastal habitat types with significant indigenous biodiversity values. The Cawthron report (Appendix F to the AEE) confirms that one of these types, subtidal rocky reefs, will be impacted by the WWTP discharge.

Objective O35 of the PNRP seeks to protect these habitats and restore them where appropriate. **Policy P40** of the PNRP similarly seeks to protect and restore these habitats.

Policy P41 of the PNRP directs that, to protect the ecosystems and habitats identified in Policy 40, activities that risk causing adverse effects on values of a significant site shall avoid these sites. If the ecosystem or habitat cannot be avoided, then Policy 41 directs that adverse effects shall be managed by:

- (a) avoiding more than minor adverse effects
- (b) where more than minor adverse effects cannot be avoided, remedying them
- (c) where more than minor adverse effects cannot be remedied, mitigating them
- (d) where residual adverse effects remain it is appropriate to consider the use of biodiversity offsets.

With reference to Objective O35 and Policy P40, based on the Cawthron ecological assessment (Appendix F to the AEE) and the AEE, it can be concluded that the significant habitats within the receiving waters for the discharge will be protected.

More specifically with reference to Policy P41, it is acknowledged that the proposed discharge presents a potential future risk of adverse effects to values of the subtidal rocky reef. This risk arises from the potential reduction in treated wastewater quality that may occur if population growth occurs as projected. However, the AEE concludes that with the proposed mitigation measures (monitoring and technology review) more than minor adverse effects will be avoided. On this basis the proposal is consistent with Policy P41.

Policy P39A of the PNRP effectively repeats the directive in Policy 11 of the NZCPS. The conclusions reached with respect to NZCPS Policy 11 (see Section 4.1 above) can therefore be applied in relation to Policy P39A. It is therefore considered that the proposed discharge is consistent with P39A.

5 Natural character

5.1 NZCPS

Objective 2 of the NZCPS seeks to preserve natural character through recognizing the characteristics and qualities that contribute to that natural character, identifying areas where various forms of use would be inappropriate and encouraging restoration of the coastal environment.

Policy 13 of the NZCPS seeks to achieve this Objective by preserving the natural character of the coastal environment and protecting it from inappropriate subdivision, use and development. To do so, the policy directs that effects on areas of outstanding natural character shall be avoided, significant adverse effects on the natural character of other areas shall be avoided, and that other effects (less than significant) on natural character shall be avoided, remedied or mitigated.

The Landscape, Natural Character and Visual Assessment prepared for this application (Appendix G to the AEE) is informed by the 2018 Porirua Coastal Study. The Porirua Coastal Study was jointly commissioned by Porirua City and Greater Wellington Regional Councils. The Study maps and evaluates levels of natural character within the Porirua coastal environment. The Porirua Coastal Study identifies that the terrestrial area adjoining the discharge has a moderate-high level of natural character due to the high abiotic values of the prominent rocky headlands with steep exposed cliffs, exposed to severe gales and salt laden winds with wild and scenic experiential values rated as high. The vegetation dominated by pasture with some pockets of regenerating native vegetation tends towards a lower rating - hence moderate-high rating overall. The Study identifies that the coastal marine area into which the discharge occurs has high natural character.

This is due to its largely unmodified coastal reefs and largely intact submerged 'Bridge' shoal and the high experiential rating arising from the limited human interference combined with a wild and rugged setting.

Neither the terrestrial area nor marine waters potentially impacted by the discharge have been identified as having outstanding natural character. Further, the Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) identifies that the discharge will not have significant adverse effects on the natural character of the receiving environment. Without the proposed mitigation, more than minor adverse on natural character could potentially arise from the discharge. However, with the proposed monitoring, review and respond mitigation approach the assessment concludes that any adverse effects on natural character will be very low. Consequently, the proposal is consistent with Objective 2 and Policy 13 of the NZCPS and will preserve and protect the natural character of the coastal environment.

5.2 RPS

Objective 4 of the RPS seeks that the natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development. Following the assessment of the NZCPS provisions above the proposal will preserve and protect the natural character of the coastal environment as, with the proposed mitigation, any adverse effects will be less than minor.

Objective 5 of the RPS seeks that areas of the coastal environment where natural character has been degraded are restored and rehabilitated. The Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) identifies that the natural character of the area of the discharge is moderate-high (terrestrial) and high (coastal marine area). It is therefore not degraded and requiring restoration or rehabilitation.

Policy 35 of the RPS requires that when a resource consent is considered particular regard is given to preserving natural character through a range of mechanisms. Those most relevant to the discharge from the WWTP are:

- minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded
- protecting the values associated with estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them from inappropriate subdivision, use and development, so that healthy ecosystems are maintained
- safeguarding the life supporting capacity of coastal and marine ecosystems
- maintaining or enhancing biodiversity and the functioning of ecosystems
- protecting geological features from inappropriate subdivision, use and development.

In relation to these points it is noted that:

- the assessment of effects on biotic life in the AEE shows that the proposal, including the mitigation measures, will safeguard aquatic ecosystem health and the life supporting capacity of the marine ecosystem, and will maintain biodiversity
- the proposed mitigation measures will enable the values of Titahi Bay and beach areas to be protected, there will not be adverse effects on the physical processes that occur in the Bay or its ecosystem
- the regionally significant geological features (Schedule G of the PNRP) in proximity to the discharge (being the Bridge, the Titahi Bay flysch sequence and the Titahi Bay fossil forest) will not be adversely impacted by the proposed discharge
- there are no structures proposed as part of the proposal with potential for direct adverse effects on the existing ecological and geological features.

As a result, it is considered that the proposal is consistent with Policy 35.

Policy 36 of the RPS requires that when considering a resource consent application, a determination shall be made as to whether the activity may affect natural character and in determining whether an activity is 'inappropriate' particular regard shall be given to the following matters:

- the nature and intensity of the proposed activity including:
 - the functional need or operational requirement to locate within the coastal environment
 - the opportunity to mitigate anticipated adverse effects of the activity
- the degree to which the natural character will be modified, damaged or destroyed including:
 - the duration and frequency of any effect, and/or
 - the magnitude or scale of any effect;
 - the irreversibility of adverse effects on natural character values;
 - whether the activity will lead to cumulative adverse effects on the natural character of the site/area.
- the resilience of the site or area to change
- the opportunities to remedy or mitigate previous damage to the natural character
- the existing land uses on the site.

The proposal will have an adverse effect on the natural character relating to biotic values in the immediate vicinity of the discharge. The Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) has determined that, with the proposed mitigation measures, the adverse effect will be less than minor. In relation to whether the discharge is therefore 'inappropriate' in terms of the policy it is noted that:

- the discharge is functionally dependent on being located in the coastal environment. The Alternatives Assessment (Appendix C of the AEE) has identified that other receiving environments are not feasible and do not represent the best practicable option
- there are opportunities to mitigate the potential adverse effects of the discharge and these have been integrated into the proposal through the monitoring, review and respond approach
- the potential level of modification, without the proposed mitigation measures, to natural character from the discharge has been assessed as being 'very low' and is only likely to occur later in the proposed 20-year consent period as the average wastewater volume increases due to population growth. These potential adverse effects can be mitigated through the proposed mitigation approach and would be reversible in the unlikely event that they did occur despite the proposed mitigation
- any adverse effects on natural character would be limited to the immediate area of the discharge. There are limited other sources of adverse effects in the immediate area of the discharge (e.g. other discharges) and therefore cumulative adverse effects are not anticipated
- the Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) identifies that the natural character of area of the discharge is moderate-high (terrestrial area which is beyond the affected by the proposal) and high (coastal marine area where the existing discharge is located). It is therefore considered that there is no need to remedy previous damage.

5.3 RCP

Objective 4.1.5 of the RCP seeks that the natural character of the coastal marine area is preserved and protected from inappropriate use and development. This is similar to the direction in the NZCPS and therefore the same assessment applies.

Policy 4.2.2 of the RCP requires that those parts of the coastal marine area which retain high natural character and those areas where natural character has already been compromised are to be recognised and distinguished. Having done so, the policy directs that development should be encouraged to locate in areas in which the natural character is compromised.

The Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) identifies that the natural character of area of the discharge is moderate-high (terrestrial) and high (coastal marine area). It is therefore not comprised in a significant way. However, it is considered appropriate that the discharge continues in this area because the anticipated adverse effects, taking account of proposed mitigation, will be less than minor. In addition, it is noted that Porirua City Council has a significant investment in the existing outfall structures (which extend from the UV disinfection facility to the discharge point). The cost of shifting the discharge to an alternative location would be significant, as is evidenced by the cost estimates of WWTP short list options and would have implications for the funding of other improvements to the wastewater network and would have implications for the funding of other improvements to the wastewater network ⁶.

5.4 PNRP

The provisions of the PNRP seek to preserve and protect the natural character of the coastal environment (**Objective O17**) and do so by avoiding significant adverse effects on natural character (**Policy P24 (c)**). This is similar to the direction in the NZCPS and therefore the assessment from section 5.1 above applies.

6 Natural features and landscapes

6.1 NZCPS

Objective 2 of the NZCPS seeks to protect natural features and landscape values through recognizing the characteristics and qualities that contribute to those natural features and landscapes, identifying areas where various forms of use would be inappropriate and encouraging restoration of the coastal environment.

Policy 15 of the NZCPS seeks to achieve this objective by protecting the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development. To do so the policy seeks to, among other things, avoid (any) adverse effects on areas of outstanding natural landscape, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects (being less than significant) of activities on other natural features and natural landscapes in the coastal environment.

The Landscape, Natural Character and Visual Assessment prepared for this application (Appendix G to the AEE) is informed by the 2017 Porirua Landscape Evaluation Study. The Porirua Landscape Evaluation Study identifies and maps Outstanding Natural Features and Landscapes and Special Amenity Landscapes within Porirua City. It identifies that the terrestrial area in the location of the discharge as a Special Amenity landscape due to:

- high natural science values with an intact coastal landform, steep rocky headlands with pockets of regenerating coastal vegetation in the rural gullies and on the rocky cliff escarpments, including at nearby Stuart Park
- high sensory values derived from the exposure to the high prevailing westerly winds and sunsets which emphasise the dramatic landforms around the coast.

⁶ See Attachment H of the Alternatives Assessment Report, which is Appendix C of the AEE.

The landscape is not an outstanding natural landscape, due to the level of modification to the indigenous vegetation of the area, nor does it contain outstanding natural features. Further, the Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) identifies that the discharge will not have significant adverse effects on the landscape and that:

The effects on the character of the seascape arising from the proposal are assessed as very low to the point of negligible.

Consequently, the proposal is consistent with Objective 2 and Policy 15 of the NZCPS and will preserve and protect the outstanding natural features and landscape values of the area.

6.2 RPS

Objective 18 of the RPS seeks that the region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.

The 2017 Porirua Landscape Evaluation Study identifies Special Amenity Landscapes within Porirua City. The area within which the discharge is located is identified in this study as a Special Amenity Landscape. As the effects of the discharge have been assessed in the Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) as being very low to the point of negligible, it is considered that the landscape values will be maintained consistent with Objective 18.

Policy 50 of the RPS requires when a resource consent is being considered that two determinations shall be made.

The first determination is whether the activity will affect an outstanding natural feature and / or landscape. The discharge will not affect an outstanding natural feature and / or landscape.

The second determination is whether the activity is appropriate. Policy 50 lists a number of matters to which particular regard should be given in the case of an area identified as an outstanding natural feature or landscape. In this case, the landscape in the vicinity of the proposal is not identified as an outstanding natural landscape. The matters for consideration in this second part of the determination therefore do not apply. However even if it were determined that the landscape is an outstanding natural landscape it is noted that the Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) identifies that adverse effects of the will be very low to the point of negligible. It is therefore considered that the activity for which consent is sought is appropriate.

6.3 RCP

There are no specific landscape provisions in the RCP. However **Objective 4.1.9** seeks that amenity values are maintained and enhanced. Related to this, **Policy 4.2.19** directs that the importance of amenity values in the coastal marine area are recognised and that adverse effects on those values are avoided, where practicable. The explanation to the policy notes that 'where practicable' includes recognition of technical and financial constraints. If it is not practicable to avoid adverse effects, Policy 4.2.19 requires that they are remedied or mitigated.

As already noted, the Landscape, Natural Character and Visual Assessment (Appendix G to the AEE) identifies that the adverse effects of the proposed discharge on the character of the seascape will be very low to the point of negligible. The same assessment also concludes that any visual effects arising from the discharge are likely to be indiscernible, thus very low or negligible. It is therefore considered that the activity is not inconsistent with these provisions of the RCP.

6.4 PNRP

Policy P48 of the PNRP requires that the natural features and landscapes of the CMA are protected from inappropriate use and development by (among other things not relevant to this proposal) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on all other natural features and landscapes.

The adverse effects of the proposal on landscape values have been assessed as very low to negligible. It is therefore considered that the proposed is consistent with Policy P48.

Policy P134 of the PNRP seeks that adverse effects on visual amenity within the CMA are minimised including by managing use and development to be of a scale, location, density and design which is compatible with the natural features and landscapes and amenity values of the coastal environment. The adverse effects of the proposal on landscape values will be very low to negligible. It is therefore considered that the proposed is consistent with Policy P134.

7 Resource management with tangata whenua

7.1 NZCPS

Objective 3 of the NZCPS seeks 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 the management of the coastal environment. It seeks to do this by:

- recognizing the relationship of tangata whenua to their land, rohe and resources
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act
- incorporating mātauranga Māori⁷ into sustainable management practices
- recognizing and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Of relevance to the resource consent application, **Policy 2** of the NZCPS requires recognition of traditional and continuing relationships of tangata whenua with areas of the coastal environment, incorporation of mātauranga Māori in the consideration of resource consent applications, provision for Māori involvement in decision making and take account of relevant planning documents recognised by the appropriate iwi authority. The policy also requires that opportunities are provided to tangata whenua to exercise kaitiakitanga and that values and sites of significance to Māori are recognised through mechanisms including Cultural Impact Assessments.

Porirua City and Wellington Water have worked with Ngāti Toa throughout the alternatives assessment process, via the Collaborative Group (see Alternatives Assessment Report, Appendix C to the AEE). Ngāti Toa has prepared the Cultural Impact Assessment for the application and Porirua City and Wellington Water continue to work with Ngāti Toa to development measures (and related consent conditions) to monitor and mitigate the adverse effects on Ngāti Toa's cultural values. In these respects, it is considered that the approach being taken is consistent with Objective 3 and Policy 2.

It is acknowledged that the Cultural Impact Assessment (Appendix I to the AEE) identifies that without further mitigation the continuation of the wastewater discharge will adversely affect characteristics of the coastal environment, particularly within the mixing zone, that are of special value to Ngāti Toa. In this respect, the proposal is not currently consistent with Objective 3. Work is on-going with Ngāti Toa to resolve this.

⁷ Mātauranaga Māori is defined in the NZCPS as Māori customary knowledge, traditional knowledge or intergenerational knowledge.

7.2 RPS

The relevant RPS objectives are a mix of resource management process objectives and outcome objectives. The resource management process objectives seek that:

The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future. (Objective 23)

The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made. (Objective 24)

The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources. (Objective 25)

As described above, Porirua City and Wellington Water have worked with Ngāti Toa throughout the alternatives assessment and in developing the resource consent application. The purpose of doing so is to reflect the principles of the Treaty of Waitangi, including the principle of partnership and to provide scope for Ngāti Toa to exercise its position as kaitiaki. The parties are continuing to work together on mechanisms to ensure that this is on-going.

The outcome objectives seek that:

Mauri is sustained, particularly in relation to coastal and fresh waters. (Objective 26)

Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua. (Objective 27)

The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained. (Objective 28)

The Cultural Impact Assessment (Appendix I to the AEE) identifies that without further mitigation, the continuation of the wastewater discharge will adversely affect, particularly within the mixing zone, the values covered by Objectives 26 to 28. At present, the proposal is not therefore consistent with Objective 26 to 28. Work is on-going with Ngāti Toa to resolve this.

Policy 48 of the RPS seeks to achieve these objectives by requiring that particular regard is given to the principles of the Treaty of Waitangi and to Waitangi Tribunal Reports and settlement decisions when considering resource consent applications.

As noted above, active engagement undertaken by Porirua City Council and Wellington Water with Ngāti Toa is reflective of the principles of the Treaty of Waitangi, particularly that of partnership. The Cultural Impact Assessment for the application (Appendix I to the AEE) summarises the Ngāti Toa Rangatira Claims Settlement Act 2014 and the Coastal Statutory Acknowledgements (CSA) included in the Settlement Act. It notes that of these, the CSA relating to Te Moana o Raukawa is considered to be the only one directly relevant to the application. Potential measures to mitigate the adverse effects of the discharge on Te Moana o Raukawa are being discussed with Ngāti Toa and are expected to be presented to the hearing for this application.

7.3 RCP

The RCP includes 4 Objectives of relevance to the proposal relating to resource management with tangata whenua (**Objectives 4.1.13 – 4.1.16**). These objectives seek that:

- characteristics of value to tangata whenua are protected
- tangata whenua values are recognised and provided for
- opportunities to exercise kaitiakitanga increase
- tangata whenua are consulted on resource consent applications.

Ngāti Toa has been engaged as part of the alternatives assessment process and in the preparation of the resource consent application. Engagement continues with respect to mitigation measures, including opportunities for Ngāti Toa to exercise kaitiakitanga in the area of the discharge. In these respects, the proposal is consistent with the Objectives of the RCP.

The Cultural Impact Assessment (Appendix I to the AEE) identifies that without further mitigation the continuation of the wastewater discharge will adversely affect characteristics that are of value to Ngāti Toa. In this respect, the proposal is not currently consistent with the RCP objectives. Work is ongoing with Ngāti Toa to resolve this.

Policy 4.2.25 of the RCP directs that the applicant for an activity in or adjacent to a site of significance to tangata whenua consult directly with them to ascertain whether the activity would have adverse effects on the values of the site, and if so, how such adverse effects might be avoided, remedied or mitigated. The RCP does not identify sites of significance to tangata whenua. These are identified in Schedule C of the PNRP. No sites identified in Schedule C of the PNRP are located near the discharge. Notwithstanding, Porirua City and Wellington Water have consulted with Ngāti Toa and are continuing to work with them to determine measures to mitigate the adverse effects of the discharge.

7.4 PNRP

The outcomes sought in PNRP Objectives O24 and O25 with respect to the relationship between water quality and Māori customary use and mahinga kai are addressed in Section 3.3 above.

Objective O3 of the PNRP seeks that mauri, particularly the mauri of fresh and coastal waters, is sustained. Where mauri has been depleted, natural resources and processes are to be enhanced to replenish it. In relation to this, **Policy P17** directs that the mauri of coastal waters shall be recognised as being important to Māori and is sustained and enhanced by managing individual and cumulative adverse effects of activities and recognising and providing for the role of kaitiaki in sustaining mauri.

Objective O14 of the PNRP seeks that the relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for. The objective seeks that this is achieved including by:

- a) maintaining and improving opportunities for Māori customary use of the coastal marine area
- b) maintaining and improving the availability of mahinga kai species, in terms of quantity, quality and diversity, to support Māori customary harvest
- c) providing for the relationship of mana whenua with Ngā Taonga Nui a Kiwa
- d) protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.

Linked to this objective, **Policy P18** seeks to recognise and provide for the relationship between mana whenua and Ngā Taonga Nui a Kiwa Huanga, and **Policy P19** seeks that the relationship of Māori to air, land and water shall be recognised and adverse effects on the relationship and values are minimised.

Objective O15 seeks that kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation. **Policy P20** seeks that kaitiakitanga shall be recognised and provided for by involving mana whenua in the assessment and decision-making processes associated with use and development of natural and physical resources.

With respect to Objective O3 and Policy P17, the Cultural Impact Assessment (Appendix I to the AEE) identifies that without further mitigation the continuation of the wastewater discharge will adversely affect the mauri of the receiving water. Further, the assessment notes that, in combination with the discharge that has occurred for the previous 30 years, this represents a cumulative adverse effect. Based on this, at present the proposal is not consistent with Objective O3 and Policy P17.

With respect to Objective O14 and Policy P18, Te Moana o Raukawa is identified as a Ngā Taonga Nui a Kiwa in Schedule B of the PNRP, however there are no sites with significant mana whenua values impacted by the discharge. The Cultural Impact Assessment (Appendix I to the AEE) identifies that without further mitigation, the continuation of the wastewater discharge will adversely affect customary use of the immediate receiving waters and Ngāti Toa's traditional relationship with the area, including this small portion of Te Moana o Raukawa. The relationship of Ngāti Toa to the immediate receiving environment for the discharge, including its customary use of the area, is recognised. However, the proposal does not at this point adequately provide for these values or improve opportunities for customary use and is therefore not consistent with Objective O14.

Finally, with respect to Objective O15 and Policy P20, it is noted that Ngāti Toa representatives have been active participants in the alternatives assessment process. Ngāti Toa has also prepared the Cultural Impact Assessment which accompanies the application (Appendix I to the AEE). This goes some way to recognise their mana whenua status and kaitiakitanga. Porirua City Council, Wellington Water and Ngāti Toa are continuing to develop mechanisms to recognise both Ngāti Toa's mana whenua status and kaitiakitanga on a more continuous basis with respect to the WWTP and the discharge.

8 Recreation

8.1 NZCPS

Objective 4 of the NZCPS seeks to maintain and enhance public open space qualities and recreation opportunities of the coastal environment. **Policy 18** of the NZCPS requires the need for public open space within the CMA and for public use and appreciation of the CMA to be recognised.

Recreation opportunities along Porirua's open coast and in Titahi Bay are currently adversely affected by a variety of discharges. The proposal seeks to reduce the contribution of the WWTP discharge to these adverse effects through improved UV disinfection and through the eradication of partially treated discharges. Based on the proposed improvements the AEE concludes that the adverse effects of the proposed WWTP discharge on recreation and shellfish gathering will be negligible. The more significant contributions to current adverse recreation effects which arise from wastewater contamination of the stormwater network will be addressed overtime through the stormwater management strategy and plan yet to be developed under the Global Stormwater Resource Consent. Therefore, it is considered that existing recreation opportunities will, at least, be maintained consistent with Objective 4.

The proposal recognises the need for public use of the CMA, in accordance with Policy 18, through the proposed upgrade of the UV disinfection and the proposal to eradicate partially treated discharges.

8.2 RPS

Objective 3 of the RPS seeks that habitats and features of the coastal environment that have (among other things) recreation values that are significant are protected from inappropriate subdivision use, and development.

Titahi Bay has high recreation value. Notwithstanding this value, given the assessment that the WWTP discharge will present 'no risk' contact recreation and shellfish consumption, it is considered that there is negligible adverse effects on the recreation values of Titahi Bay from the proposed discharge.

Objective 8 of the RPS seeks that public access to and along the CMA is enhanced. The presence of the discharge does have the effect of preventing public access to the marine waters within the mixing zone of the discharge. This is an existing restriction, it is limited to a small area of the coast and there are similar readily accessible recreation opportunities nearby. The proposal seeks to reduce the level of this limitation, and improve access to the CMA, by improving the UV disinfection and eradicating partially treated discharges.

Policy 35 of the RPS directs that when considering a resource consent application particular regard shall be given to preserving the natural character of the coastal environment (among other things), by maintaining or enhancing amenity and opportunities for recreation and the enjoyment of the coast by the public and minimising any significant adverse effects from use and enjoyment of the coast by the public.

The proposal will not create any significant adverse effects on the use and enjoyment of the coast by the public. This conclusion is supported by the Landscape and Natural Character Assessment (Appendix G to AEE). In addition, as already described, it is considered that the proposal does maintain recreation opportunities in the CMA. The Landscape and Natural Character Assessment (Appendix G to AEE) also identifies that adverse on visual amenity will be very low or negligible. It is therefore considered that the proposal is consistent with Policy 35.

8.3 RCP

Objective 4.1.8 of the RCP seeks to maintain and enhance public access along and within the CMA. **Policy 4.2.15** seeks that, subject to Policy 4.2.17, adverse effects on access along and within the CMA are avoided where practicable and where it is not practicable, the adverse effects should be mitigated or remedied so that there is no net reduction of the quality of public access. **Policy 4.2.17** recognises that there are circumstances where public access is not appropriate. The explanation to the policy identifies risk to public health as one reason why public access may not be appropriate.

As already noted, the presence of the discharge does have the effect of preventing public access to the marine waters within the mixing zone of the discharge. This is an existing restriction for public health reasons, is limited to a small area of the coast and there are similar readily accessible recreation opportunities nearby. The proposal seeks to reduce the effects of the discharge on access to the CMA by improving the UV disinfection and eradicating partially treated discharges. Consequently, it is considered that the proposal is consistent with these provisions of the RCP.

8.4 PNRP

The provisions of the PNRP with respect to the relationship of water quality to recreation have been addressed in Section 3.3 above.

Objective O9 seeks that recreation values in the coastal marine are maintained or enhanced. The proposal, which involves upgraded UV disinfection of the wastewater will at least maintain the current recreation values and is therefore consistent with this objective.

Objective O10 seeks that public access to and along the CMA is maintained and enhanced.

Policy P9 seeks that the extent and quality of public access to and along the CMA is maintained and enhanced, except in certain circumstances, including to protect public health and safety.

The presence of the discharge will continue to have the effect of limiting public access to the marine waters within the mixing zone of the discharge. However, this is an existing restriction and is not being worsened by the proposed discharge. It is also necessary to protect public health and safety. Therefore, it is considered that current levels of access will be maintained and the proposal is consistent with Objective O10 and Policy P9.

9 Summary of the assessment

The assessment provided above identifies that the proposal is generally consistent with the provisions of the various relevant resource management policy statements and plans. However, there are some exceptions to this general conclusion.

The first and most significant exception relates to the values of significance to Ngāti Toa and their cultural activities. The Cultural Impact Assessment prepared for this application (Appendix I to the AEE) identifies that the continued operation of the WWTP and outfall will inevitably result in adverse effects, of varying intensity, on identified cultural values. This is particularly in relation to the sustainability of mauri, mahinga kai, customary fishing practices and rangātiratanga. Adverse effects within the 200 m mixing zone are anticipated as being of greatest significance.

As a result of these adverse effects, and despite the efforts that have been made by Wellington Water and Porirua City to actively involve representatives of Ngāti Toa in the alternatives assessment process, the proposal (as lodged) is inconsistent with various objectives and policies which seek to recognise, provide for, protect and manage water quality to support Ngāti Toa's values and customary uses. Porirua City and Wellington Water are continuing to work with Ngāti Toa representatives to develop measures to mitigate the potential adverse effects. Information on these measures is expected to be presented to the resource consent application hearing and will be considered in the planning evidence presented to the hearing.

The second exception relates to the provisions of the PNRP (Objective O49 and Policy P62) which promote discharges to land over discharges to coastal water. Obviously, the proposal involves a discharge to coastal water, and not to land. Consideration was given to land application options in the alternatives assessment completed for this application. The decision not to proceed with land application as the primary discharge option reflects the characteristics of the WWTP catchment, i.e. significant urban areas, hilly topography, relatively poor soils and valued recreation and cultural resources. It is therefore not considered appropriate in this instance that a land application system is used for the discharge of the wastewater.

The third exception is with respect to PNRP Policy P81 and specifically the direction within that policy that wastewater discharge quantity shall be progressively reduced.

The population within the catchment of the Porirua WWTP is projected to grow from approximately 84,000 currently to 121,000 by 2043. Providing for this population growth is consistent with the direction of the NPS-UDC to ensure that there is sufficient development capacity to provide for future needs.

Providing for this population growth will inevitably increase the average daily flow of wastewater to the WWTP. Water demand management and an inflow and infiltration programme will continue to be undertaken in the catchment. However, these programmes are very unlikely to offset the effects of population growth on the inflow of wastewater to the WWTP. In theory, the volume of discharge to the CMA could be reduced by diverting some or all of the discharge to land. The Alternatives Assessment (Appendix C) identifies that given the physical characteristics of the Porirua WWTP catchment this is not best practicable option.

Opportunities for small scale irrigation of treated wastewater to land are being considered as part of measures to minimise adverse effects on Ngāti Toa's cultural values. While the scale of these potential measures has not yet been evaluated it is unlikely that they will be sufficient to offset the increases in wastewater inflow caused by population growth.

Based on these points it is not considered feasible for the discharge of wastewater from the Porirua WWTP to meet the direction of Policy P81, nor is it considered to be the best practicable option.

Appendix A – Policy Statement & Plan Provisions

The New Zealand Coastal Policy Statement

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:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- 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.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Objective 3

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:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Policy 2: The Treaty of Waitangi, tangata whenua and Māori

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

- a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;
- b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;
- c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;
- d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available;
- e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and
 - i. where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and
 - ii. consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;
- f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:
 - i. bringing cultural understanding to monitoring of natural resources;
 - ii. providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;
 - iii. having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non commercial Māori customary fishing;
- g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to

choose not to identify places or values of historic, cultural or spiritual significance or special value:

- i. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and Cultural Impact Assessments; and
- ii. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.

Policy 6: Activities in the coastal environment

1. In relation to the coastal environment:
 - a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;
 - b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
 - c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
 - d) recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them;
 - e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
 - f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
 - g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;
 - h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
 - i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
 - j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.
2. Additionally, in relation to the coastal marine area:
 - a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;
 - b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
 - c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
 - d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and
 - e) promote the efficient use of occupied space, including by:
 - i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;

- ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
- iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

Policy 11: Indigenous biological diversity

To protect indigenous biological diversity in the coastal environment:

- a) avoid adverse effects of activities on:
 - i. indigenous taxa⁴ that are listed as threatened⁵ or at risk in the New Zealand Threat Classification System lists;
 - ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare⁶;
 - iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - v. areas containing nationally significant examples of indigenous community types; and
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - i. areas of predominantly indigenous vegetation in the coastal environment;
 - ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable
 - iv. to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - v. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - vi. habitats, including areas and routes, important to migratory species; and
 - vii. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 13: Preservation of natural character

1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
 - c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - a) natural elements, processes and patterns;
 - b) biophysical, ecological, geological and geomorphological aspects;
 - c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - d) the natural movement of water and sediment;
 - e) the natural darkness of the night sky;
 - f) places or areas that are wild or scenic;

- g) a range of natural character from pristine to modified; and
- h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 15: Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:
- c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - i. natural science factors, including geological, topographical, ecological and dynamic components;
 - ii. the presence of water including in seas, lakes, rivers and streams;
 - iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - iv. aesthetic values including memorability and naturalness;
 - v. vegetation (native and exotic);
 - vi. transient values, including presence of wildlife or other values at certain times of the day or year;
 - vii. whether the values are shared and recognised;
 - viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - ix. historical and heritage associations; and
 - x. wild or scenic values;
- d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
- e) including the objectives, policies and rules required by (d) in plans.

Policy 18: Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
- c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
- d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
- e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

Policy 21: Enhancement of water quality

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:

- (a) identifying such areas of coastal water and water bodies and including them in plans;
- (b) including provisions in plans to address improving water quality in the areas identified above;
- (c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats;
- (d) requiring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and
- (e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.

Policy 23 Discharge of contaminants

(1) In managing discharges to water in the coastal environment, have particular regard to:

- (a) the sensitivity of the receiving environment;
- (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 the risks if that concentration of contaminants is exceeded; and
- (c) the capacity of the receiving environment to assimilate the contaminants; and:
- (d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;
- (e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and
- (f) minimise adverse effects on the life-supporting capacity of water within a mixing zone.

(2) In managing discharge of human sewage, do not allow:

- (a) discharge of human sewage directly to water in the coastal environment without treatment; and
 - (b) the discharge of treated human sewage to water in the coastal environment, unless:
 - (i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and
 - (ii) informed by an understanding of tangata whenua values and the effects on them.
- (3) ...

The National Policy Statement on Urban Development Capacity 2016

Objective OA1

Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.

Objective OA3

Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.

Objective OC1

Planning decisions, practices and methods that enable urban development which provides for the social, economic, cultural and environmental wellbeing of people and communities and future generations in the short, medium and long-term.

Objective OD1

Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.

Policy PA1

Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:

Short term	Development capacity must be feasible, zoned and serviced with development infrastructure.
Medium term	Development capacity must be feasible, zoned and either: <ul style="list-style-type: none">• serviced with development infrastructure, or• the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.
Long term	Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.

The Regional Policy Statement for the Wellington Region

Objective 3

Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.

Objective 4

The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.

Objective 5

Areas of the coastal environment where natural character has been degraded are restored and rehabilitated.

Objective 6

The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.

Objective 7

The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.

Objective 8

Public access to and along the coastal marine area, lakes and rivers is enhanced.

Objective 10

The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.

Objective 16

Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.

Objective 18

The region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.

Objective 23

The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.

Objective 24

The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.

Objective 25

The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.

Objective 26

Mauri is sustained, particularly in relation to coastal and fresh waters.

Objective 27

Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.

Objective 28

The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained.

Policy 35: Preserving the natural character of the coastal environment – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:

- a) minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded;
- b) protecting the values associated with estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them from inappropriate subdivision, use and development, so that healthy ecosystems are maintained;
- c) maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public;
- d) minimising any significant adverse effects from use and enjoyment of the coast by the public;
- e) safeguarding the life supporting capacity of coastal and marine ecosystems;
- f) maintaining or enhancing biodiversity and the functioning of ecosystems; and
- g) protecting scientific and geological features from inappropriate subdivision, use and development

Policy 36: Managing effect on natural character in the coastal environment – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect natural character in the coastal environment, and in determining whether an activity is inappropriate particular regard shall be given to:

- a) the nature and intensity of the proposed activity including:
 - i. the functional need or operational requirement to locate within the coastal environment

- ii. the opportunity to mitigate anticipated adverse effects of the activity
- b) the degree to which the natural character will be modified, damaged or destroyed including:
 - i. the duration and frequency of any effect, and/or
 - ii. the magnitude or scale of any effect;
 - iii. the irreversibility of adverse effects on natural character values;
 - iv. whether the activity will lead to cumulative adverse effects on the natural character of the site/area.
- c) the resilience of the site or area to change;
- d) the opportunities to remedy or mitigate previous damage to the natural character;
- e) the existing land uses on the site.

Policy 37: Safeguarding life-supporting capacity of coastal ecosystems – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing:

- a) any area within the intertidal or subtidal zone that contains unique, rare, distinctive or representative marine life or habitats;
- b) areas used by marine mammals as breeding, feeding or haul out sites;
- c) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
- d) habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species;
- e) any area that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as, estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes; and
- f) the integrity, functioning and resilience of physical and ecological processes.

Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure; and
- (b) protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and
- (c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and
- (d) significant wind and marine renewable energy resources within the region.

Policy 40 - Maintaining and enhancing aquatic ecosystem health in water bodies – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to:

- a) requiring that water quality, flows and water levels and aquatic habitats of surface water bodies are managed for the purpose of safeguarding aquatic ecosystem health;
- b) requiring, as a minimum, water quality in the coastal marine area to be managed for the purpose of maintaining or enhancing aquatic ecosystem health; and
- c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans.

Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an

activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:

- a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;
- b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;
- c) managing wetlands for the purpose of aquatic ecosystem health;
- d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;
- e) providing seasonal or core habitat for indigenous species;
- f) protecting the life supporting capacity of indigenous ecosystems and habitats;
- g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and
- h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.

Policy 48: Principles of the Treaty of Waitangi – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the principles of the Treaty of Waitangi; and
- (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.

Policy 50: Managing effects on outstanding natural features and landscape - consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, a determination shall be made as to first, whether an activity may affect an outstanding natural feature and/or landscape, and second, whether or not an activity is inappropriate, having particular regard to the following:

- a) the degree to which the natural feature or landscape values will be modified, damaged or destroyed including:
 - i. the duration and frequency of any effect, and/or
 - ii. the magnitude or scale of any effect;
- b) the irreversibility of adverse effects on landscape values;
- c) the resilience of the natural feature, place or area to change;
- d) the opportunities to remedy or mitigate previous damage to natural feature or landscape values; and
- e) whether the activity will lead to cumulative adverse effects on the natural feature or landscape values.

The Regional Coastal Plan for the Wellington Region

Objective 4.1.2

People and communities are able to undertake appropriate uses and developments in the coastal marine area which satisfy the environmental protection policies in the plan, including activities which:

- rely on natural and physical resources of the coastal marine area; or
- require a coastal marine area location; or
- provide essential public services; or
- avoid adverse effects on the environment; or
- have minor adverse effects on the environment, either singly or in combination with other users; or
- remedy or mitigate adverse effects on the environment and provide a net benefit to the environment.

Objective 4.1.4

Land, water and air in the coastal marine area retains its life supporting capacity.

Objective 4.1.5

The natural character of the coastal marine area is preserved and protected from inappropriate use and development.

Objective 4.1.6

Important ecosystems and other natural and physical resources in and adjacent to the coastal marine area are protected from inappropriate use and development.

Objective 4.1.7

Public health is not endangered through the effects of previous, present or future activities in the coastal marine area.

Objective 4.1.8

Public access along and within the coastal marine area is maintained and enhanced.

Objective 4.1.9

Amenity values in the coastal marine area are maintained and enhanced.

Objective 4.1.13

Characteristics of special spiritual, historical or cultural significance to tangata whenua, including waahi tapu, tauranga waka, mahinga maataitai and taonga raranga, are protected.

Objective 4.1.14

The values of the tangata whenua, as well as their traditional uses, are, where practicable, recognised and provided for.

Objective 4.1.15

Opportunities for iwi and hapu to exercise kaitiakitanga in the coastal marine area are increased.

Objective 4.1.16

Tangata whenua are consulted on resource consent applications which may affect their interests and values.

Objective 4.1.17

Public health is not endangered through the effects of previous, present or future activities in the coastal marine area.

Objective 4.1.18

Public access along and within the coastal marine area is maintained and enhanced

Policy 4.2.2

To recognise and distinguish between those parts of the coastal marine area which retain natural character, and those areas where natural character has already been compromised, and to encourage appropriate new developments only in the latter areas.

Policy 4.2.10

To protect sensitive, rare, or unusual:

- habitats;
- natural and physical resources; and
- ecosystems

from the adverse effects of use and development. In particular, the values of the areas identified by this Plan either as an Area of Significant Conservation Value or an Area of Important Conservation Value shall be protected.

Policy 4.2.15

Subject to Policy 4.2.17, to ensure that the adverse effects of new use and development on existing lawful access along and within the coastal marine area are avoided where practicable; where avoidance is not practicable, to ensure that the adverse effects are mitigated or remedied so that there is no net reduction of the quality of public access in the area.

Policy 4.2.17

To recognise that there are circumstances when public access along the coastal marine area is not appropriate; and other circumstances where it is not practicable because of the nature of the coastline.

Policy 4.2.19

To recognise the importance of amenity values in the coastal marine area, and to avoid, where practicable, any adverse effects on these values; where avoidance is not practicable, to remedy, or mitigate the adverse effects.

Policy 4.2.25

Where a resource consent application is for an activity in or immediately adjacent to a site of significance to tangata whenua, to require the applicant to notify and consult directly with the tangata whenua group in order to ascertain:

- whether the granting of the resource consent would have any adverse effects on the values that cause the site to be significant to the tangata whenua; and
- how any actual or potential adverse effects which might result from the activity could, from the tangata whenua viewpoint, be avoided, remedied or mitigated.

Policy 10.2.2

To manage all water in the following areas for contact recreation purposes:

- ...
- Those parts of the coastal marine area in Titahi Bay landward of a line extending from Rukutane Point at NZMS 260 Sheet R27 632 096 to NZMS 260 Sheet R26 639 102
- ...

Policy 10.2.4

To allow discharges of contaminants or water to land or water in the coastal marine area which do not meet the requirements of Policies 10.2.1, 10.2.2 and 10.2.3 only if, after reasonable mixing:

- the discharge is not likely to cause a decrease in the existing quality of water at that site; or
- the discharge would result in an overall improvement in water quality in the coastal marine area; or
- the discharge was present at the time this plan was notified and the person responsible for the discharge has defined a programme of work for the upgrading of the discharge so that it can meet the requirements of policies 10.2.1, 10.2.2 and 10.2.3; or
- the discharge is of a temporary nature or associated with necessary maintenance works or there are exceptional circumstances and that it is consistent with the purposes of the Act to do so.

The Proposed Natural Resources Plan (Decisions Version) for the Wellington Region

Objective O3

Mauri, particularly the mauri of fresh and coastal waters is sustained and, where it has been depleted, natural resources and processes are enhanced to replenish mauri.

Objective O9

The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and enhanced.

Objective O10

Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced.

Objective O12

The social, economic, cultural and environmental benefits of regionally significant infrastructure, renewable energy generation activities and the utilisation of mineral resources are recognised.

Objective O14

The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including:

- (a) maintaining and improving opportunities for Māori customary use of the coastal marine area, rivers, lakes and their margins and natural wetlands, and
- (b) maintaining and improving the availability of mahinga kai species, in terms of quantity, quality and diversity, to support Māori customary harvest, and
- (c) providing for the relationship of mana whenua with Ngā Taonga Nui a Kiwa, and
- (d) protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.

Objective O15

Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation to the use, development and protection of natural and physical resources.

Objective O17

The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.

Objective O23

The quality of groundwater, water in surface water bodies and the coastal marine area is maintained or improved.

Objective O24

Rivers, lakes, natural wetlands and coastal water are suitable for contact recreation and Māori customary use, including by:

- (a) maintaining water quality, or
- (b) improving water quality in:
 - i. ..., and
 - ii. coastal water and sites with significant mana whenua values and Ngā Taonga Nui a Kiwa to meet, as a minimum, the primary contact recreation objectives in Table 3.3, and
 - iii.

Table 3.3 Contact recreation and Māori customary use objectives in coastal water			
Coastal water type	Pathogens Indicator bacteria/100mL 95 th percentile	Māori customary use	Shellfish quality
Estuaries	≤ 540 <i>E. coli</i>	Coastal water supports Māori customary use by the achievement of the huanga identified by mana whenua	Concentrations of contaminants, including pathogens, are sufficiently low for shellfish to be safe to collect and consume where appropriate
Open coast and harbours	≤ 500 enterococci		

Objective O25

Biodiversity, aquatic ecosystem health and mahinga kai in fresh water bodies and the coastal marine area are safeguarded such that:

- water quality, flows, water levels and aquatic and coastal habitats are managed to maintain biodiversity aquatic ecosystem health and mahinga kai, and
- where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a fresh water body or coastal marine area is improved over time to meet that objective.

Table 3.8 Coastal waters							
Coastal water type	Macroalgae	Seagrass and saltmarsh	Invertebrates	Mahinga kai species	Fish	Sedimentation rate	Mud content
Open coast	The algae community is balanced with a low frequency of nuisance blooms	NA	Invertebrate communities are resilient and their structure, composition and diversity are balanced	Mahinga kai species, including taonga species , are present in quantities, sizes and of a quality that is appropriate for the area ⁸ Huanga of mahinga kai as identified by mana whenua are achieved.	Indigenous fish communities are resilient and their structure, composition and diversity are balanced	NA	
Estuaries and harbours		Seagrass, saltmarsh and brackish water submerged macrophytes are resilient and diverse and their cover is sufficient to support invertebrate and fish communities				The sedimentation rate is within an acceptable range of that expected under natural conditions	The mud content and areal extent of soft mud habitats is within a range of that found under natural conditions

Objective O35

Ecosystems and habitats with significant indigenous biodiversity values are protected, and where appropriate restored to a healthy functioning state as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.

Objective O49

Discharges of wastewater to land are promoted over discharges to fresh water and coastal water.

Policy P9: Public access to and along the coastal marine area and the beds of lakes and rivers

⁸ Appropriate for the area refers to those species expected present based on natural distribution and habitat

Maintain and enhance the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers except where it is necessary to:

- (a) protect the values of estuaries, sites with significant mana whenua values identified in Schedule C (mana whenua), sites with significant historic heritage value identified in Schedule E (historic heritage) and sites with significant indigenous biodiversity value identified in Schedule F (indigenous biodiversity), or
- (b) provide access to significant surf breaks within the coastal marine area on a permanent or ongoing basis, or
- (c) protect public health and safety, or
- (d) provide for a temporary activity such as construction, a recreation or cultural event or stock movement, and where the temporary restrictions shall be for no longer than reasonably necessary before access is fully reinstated, and

Policy P10: Contact recreation and Māori customary use

Use and development shall avoid, remedy or mitigate any adverse effects on contact recreation and Māori customary use in fresh and coastal water, including by:

- (a) providing water quality and, in rivers, flows suitable for contact recreation and Māori customary use, and
- (b) managing activities to maintain or enhance contact recreation values in the beds of lakes and rivers, including by retaining existing swimming holes and maintaining access to existing contact recreation locations, and
- (c) encouraging improved access to suitable swimming and surfing locations, and
- (d) providing for the passive recreation and amenity values of fresh water bodies and the coastal marine area.

Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities

The benefits of regionally significant infrastructure and renewable energy generation activities are recognised by having regard to:

- (a) the strategic integration of infrastructure and land use, and
- (b) the location of existing infrastructure and structures, and
- (c) the need for renewable energy generation activities to locate where the renewable energy resources exist, and
- (d) the functional need and operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities in the coastal marine area and the beds of lakes and rivers.

Policy P17: Mauri

The mauri of fresh and coastal waters shall be recognised as being important to Māori and is sustained and enhanced, including by:

- (a) managing the individual and cumulative adverse effects of activities that may impact on mauri in the manner set out in the rest of the Plan, and
- (b) providing for those activities that sustain and enhance mauri, and
- (c) recognising and providing for the role of kaitiaki in sustaining mauri.

Policy P18: Mana whenua relationships with Ngā Taonga Nui a Kiwa

The relationships between mana whenua and Ngā Huanga o Ngā Taonga Nui a Kiwa identified in Schedule B (Ngā Taonga Nui a Kiwa) will be recognised and provided for by:

- (a) having particular regard to the values and Ngā Taonga Nui a Kiwa huanga identified in Schedule B (Ngā Taonga Nui a Kiwa) when applying for, and making decisions on resource consent applications, and developing Whaitua Implementation Programmes, and
- (b) informing iwi authorities of relevant resource consents relating to Ngā Taonga Nui a Kiwa, and
- (c) recognising the relevant iwi authority/ies as an affected party under RMA s95E where activities risk having a minor or more than minor adverse effect on Ngā Huanga o Ngā Taonga Nui a Kiwa or on the significant values of a Schedule C site which is located downstream, and

- (d) working with mana whenua, landowners, and other interested parties as appropriate, to develop and implement restoration initiatives within Ngā Taonga Nui a Kiwa, and
- (e) the Wellington Regional Council and iwi authorities implementing kaupapa Māori monitoring of Ngā Taonga Nui a Kiwa.

Policy P19: Māori values

The cultural relationship of Māori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be minimised.

Policy P20: Exercise of kaitiakitanga

Kaitiakitanga shall be recognised and provided for by involving mana whenua in the assessment and decision-making processes associated with use and development of natural and physical resources including;

- (a) managing activities in sites with significant mana whenua values listed in Schedule C (mana whenua) in accordance with tikanga and kaupapa Māori as exercised by mana whenua, and
- (b) the identification and inclusion of mana whenua attributes and values in the kaitiaki information and monitoring strategy in accordance with Method M2, and
- (c) identification of mana whenua values and attributes and their application through tikanga and kaupapa Māori in the maintenance and enhancement of mana whenua relationships with Ngā Taonga Nui a Kiwa.

Policy P24: Assessing outstanding natural character

Areas of outstanding natural character in the coastal marine area, lakes and rivers and their margins and natural wetlands, will be preserved by:

- a) identifying areas of outstanding natural and high natural character within the region, and
- b) avoiding adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and
- c) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on all other areas of natural character.

Policy P31: Biodiversity, aquatic ecosystem health and mahinga kai

Biodiversity, **aquatic ecosystem health** and **mahinga kai** shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes to:

Hydrology

- (a) maintain or restore natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and **natural wetlands**, and

Water quality

- (b) maintain or improve water quality to meet the objectives in Tables 3.4, 3.5, 3.6, 3.7 and 3.8 of Objective O25, and

Aquatic habitat diversity and quality

- (c) maintain or restore aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, **natural wetlands** and the coastal marine area, and
- (d) restore the connections between fragmented aquatic habitats, and

Critical habitat for indigenous aquatic species and indigenous birds

- (e) maintain or restore habitats that are important to the life cycle and survival of indigenous aquatic species and the habitats of indigenous birds in the coastal marine area, **natural wetlands** and the beds of lakes and rivers and their margins that are used for breeding, roosting, feeding, and migration, and

Critical life cycle periods

- (f) minimise adverse effects on aquatic species at times which will most affect the breeding, spawning, and dispersal or migration of those species, including timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more significant, and

Riparian habitats

- (g) maintain or restore riparian habitats, and

Pests

- (h) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.

Policy P32: Adverse effects on biodiversity, aquatic ecosystem health and mahinga kai

Adverse effects on biodiversity, aquatic ecosystem health and mahinga kai shall be managed by:

- a) avoiding significant adverse effects, and
- b) where significant adverse effects cannot be avoided, minimising them, and
- c) where significant adverse effects cannot be remedied, mitigating them avoided and/or minimised they are remedied, and
- d) where significant residual adverse effects remain, it is appropriate to consider the use of biodiversity offsets.

Proposals for biodiversity mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G1 (biodiversity mitigation) and Schedule G2 (biodiversity offsetting).

Policy P39A: Indigenous biodiversity values within the coastal marine area

To protect the indigenous biodiversity values of aquatic ecosystems, habitats and species, use and development within the coastal marine area shall:

- (a) avoid adverse effects on:
 - (i) indigenous taxa listed as threatened or at risk in the NZ Threat classification system lists or as threatened by the International Union for Conservation of Nature and Natural Resources;
 - (ii) indigenous ecosystems and vegetation types in the coastal marine area that are threatened or are naturally rare;
 - (iii) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - (iv) areas in the coastal marine area containing nationally significant examples of indigenous community types;
 - (v) areas set aside for full or partial protection of indigenous biological diversity under other legislation.
- (b) avoid significant adverse effects, and avoid, minimise, and/or remedy other adverse effects, of activities on the ecosystem values of estuaries, including their importance as habitat for indigenous plants, birds and fish including diadromous species, and as nursery for important fish stocks.

Policy P40: Ecosystems and habitats with significant indigenous biodiversity values

Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values:

- a) ...
- b) ...
- c) ...
- d) the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).

Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values

In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities that risk causing adverse effects on the values of a significant site, other than activities carried out in accordance with a wetland restoration management plan, shall avoid these ecosystems and habitats.

If the ecosystem or habitat cannot be avoided, (except for those ecosystems and habitats identified in Policy P40 (b), (c) and (d) that are identified and managed by Policy P39A(a)), the adverse effects of activities shall be managed by:

- a) avoiding more than minor adverse effects, and
- b) where more than minor adverse effects cannot be avoided, minimizing them, and
- c) where more than minor adverse effects cannot be avoided and/or minimised, they are remedied, and
- d) where residual adverse effects remain it is appropriate to consider the use of biodiversity offsets may be proposed or agreed by the applicant.

Proposals for biodiversity mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G1 (biodiversity mitigation) and Schedule G2 (biodiversity offsetting). A precautionary approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values.

Where more than minor adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 cannot be avoided, remedied, mitigated or redressed through biodiversity offsets, the activity is inappropriate.

Policy P48: Protection of natural features and landscapes

The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by:

- a) identifying outstanding natural features and landscapes within the region, and
- b) avoiding adverse effects of activities on outstanding natural features and landscapes, and
- c) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on all other natural features and landscapes.

Policy P62: Promoting discharges to land

The discharge of contaminants to land is promoted over direct discharges to water, particularly where there are adverse effects on:

- a) aquatic ecosystem health and mahinga kai, or
- b) contact recreation and Māori customary use.

Policy P63: Improving water quality for contact recreation and Māori customary use

The quality of fresh water bodies and coastal water shall be improved to meet, over time and as a minimum, the objectives in Table 3.1, 3.2 and 3.3, including by:

- a) improving water quality in all first priority for improvement water bodies for secondary contact with water listed in Schedule H2 (priority water bodies) in accordance with Method M27, and

- b) having particular regard to improving water quality in fresh water bodies and coastal water where contact recreation and/or **Māori customary use** are adversely affected by discharges from **stormwater** from a port, airport or state highway, **wastewater networks** and **wastewater** treatment plants.

Policy P67: Minimising effects of discharges to water or land

Discharges of contaminants to water or land will be minimised by adopting the following hierarchy:

- a) avoiding the production of the contaminant
- b) reducing the amount of contaminants, including by reusing, recovering or recycling contaminants
- c) minimising the volume or amount of the discharge
- d) discharging to land is promoted over discharging direct to water, including using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge.

Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai

Where an objective in Table 3.4, Table 3.5, Table 3.6, Table 3.7 or Table 3.8 of Objective O25 is not met, point source discharges to water shall be managed in the following way:

- a) for an existing discharge that contributes to the objective not being met, the discharge is only appropriate if:
 - i. an application for a resource consent includes a defined programme of work for upgrading the activity discharge, in accordance with good management practice, within the term of the resource consent, and
 - ii. conditions on the resource consent require the reduction of adverse effects of the discharge in order to improve water quality in relation to the objective, and
- b) for a new discharge, other than a wastewater discharge, the discharge is inappropriate if the discharge would cause the affected fresh water body or area of coastal water to decline in relation to the objective.

In assessing the appropriateness of a new discharge or existing discharge, the ability to offset residual adverse effects may be considered.

Policy P80: Replacing wastewater discharge consents

Applicants replacing existing resource consents to discharge wastewater to fresh water and coastal water shall identify:

- a) the objectives, limits, targets, discharge standards or other requirements set out in the Plan relevant to wastewater discharges to water, and
- b) the results of consultation with the community and mana whenua on their values and interests in relation to discharges and receiving waters, including adverse effects on Māori customary use and mahinga kai, and
- c) in response to consultation with the community and mana whenua, the short-term and long-term goals for wastewater discharges to water, where short-term goals are within the lifetime of the Plan and long-term goals are beyond the lifetime of the Plan, and
- d) how the short- and long-term goals for wastewater discharges to water will satisfy provisions of the Plan, and
- e) infrastructure changes needed to meet long-term goals for wastewater discharges to water, including key milestones and dates.

Policy P81: Minimising and improving wastewater discharges

The adverse effects of existing discharges of wastewater to fresh water and coastal water shall be minimised, and:

- a) in the case of existing discharges to fresh water or coastal water from wastewater treatment plants, the quality of discharges shall be progressively improved and the quantity of discharges shall be progressively reduced, and

- b) in the case of existing discharges to fresh water or coastal water from wastewater networks during or following rainfall events, the frequency and/or volume of discharges shall be progressively reduced.

Policy P82: Mana whenua values and wastewater discharges

Mana whenua values and interests shall be reflected in the management of wastewater discharges to fresh and coastal water, including adverse effects on Māori customary use, Ngā Taonga Nui a Kiwa, outstanding water bodies and mahinga kai.

Policy P134: Public Open Space Values and visual amenity

The adverse effects of new use and development on public open space and visual amenity viewed within, to and from the coastal marine area shall be minimised by:

- a) having particular regard to any relevant provisions contained in any bordering territorial authorities' proposed and/or operative district plan; and
- b) managing use and development to be of a scale, location, density and design which is compatible with the natural character, natural features and landscapes and amenity values of the coastal environment and the functional needs, operational requirements and locational constraints, the Commercial Port Area and the Wellington International Airport, and
- c) taking account of the future need for public open space in the coastal marine area