

# OMAHA WWTP RESOURCE CONSENTS

WHERE TO NEXT?

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# Presentation Outline

- ④ Background
- ④ Where we are at now
- ④ Priority task for the Consultative Group
- ④ A suggested way forward

# Background

- ④ There is a compelling RMA policy support for land based disposal of treated municipal wastewater, subject of course, to it being undertaken in an appropriate way:
  - ④ New Zealand Coastal Policy Statement
  - ④ Auckland Regional Policy Statement
  - ④ Auckland Regional Coastal Plan
  - ④ Proposed Auckland Unitary Plan

# Background (cont.)

- ④ The technical work programme overseen by the Consultative Group has not identified any significant issues with the current treatment and disposal operations at Omaha.

## HOWEVER

- ④ We are yet to receive final technical reports, but “so far so good”.
- ④ That is not to say that improved land / vegetation management practices cannot be optimised.
- ④ Future monitoring is a matter needing our attention.

## AND

# Where we are at now

- ④ The key pieces of outstanding information are the groundwater and nutrient modelling results. These are crucial to enable us to know:
  - ④ If, and to what extent, wastewater application rates can be increased at the existing disposal locations in response to population growth.
  - ④ Whether irrigation of additional areas on the golf course is feasible, and if so, on what basis.
  - ④ How irrigation of Watercare's total landholding at Jones Road should best be undertaken.

# Where we are at now (cont.)

- Having said all of the above, the Group needs to start thinking about how we use all the information available to us to develop an enduring resource consent for the Omaha WWTP.

# Recap of Consultative Group Terms of Reference

## ④ ***“OBJECTIVE***

- ④ [A]ttempt to achieve consensus in respect of:
  - ④ The effects of ... discharges from the Omaha WWTP.
  - ④ The contributions of [other] factors ... that may be affecting the Whangateau Harbour.
  - ④ Development of [environmentally appropriate] resource consent applications for a period of up to 35 years.
  - ④ Identification of other initiatives [not necessarily within Watercare’s control] that may contribute to improving ... the Whangateau Harbour.”

# Priority task

- ④ All the above leads to us having to identify the **OUTCOME** we are seeking to achieve and communicate this, proactively to the Auckland Council.
- ④ In practical terms, that means we have to focus on what the appropriate conditions of consent ought to be.
- ④ As the Terms of Reference make clear, it is hoped that we can develop an agreed set of consent conditions.
- ④ That would be a terrific outcome, and send a strong message validating the benefits of consultative processes.



# Consent conditions

- ④ There is well established RMA case law that requires consent conditions to comply with the so-called “Newbury tests”, namely:
  - ④ A condition must be for a resource management purpose, not an ulterior one.
  - ④ A condition must fairly and reasonably relate to the activities involved.
  - ④ A condition must be reasonable, such that a reasonable decision-maker would impose it.
- ④ Conditions also need to be specific, clear, accurate and certain.

# Also

- As the Terms of Reference makes clear, nothing stops the parties agreeing matters outside the scope of what conditions can achieve.

# Suggested next step

- It is premature to try and develop details now, but the following framework might be of assistance in helping the Group start to think about the conditions of consent.

# Typical framework for consent conditions

## 1) STANDARDS TO BE ACHIEVED - for example:

- ④ Treatment and disposal plant to be properly maintained
- ④ Areas allowed to be irrigated
- ④ Maximum application rates and irrigated volumes
- ④ Maximum contaminant concentrations.

## 2) TREATMENT SYSTEM MANAGEMENT PLAN:

- ④ Details of key operational practices at the treatment plant and irrigation areas to ensure the system works optimally
- ④ Contingency plan.

# Typical conditions framework (cont.)

## 3) MONITORING REQUIREMENTS - for example:

- ④ Quality and quantity of water leaving the WWPT
  - Key indicator parameters (Regular)
  - Fuller parameter list (Periodic)
- ④ Efficacy of all operating plant / equipment (Regular)
- ④ Quality of adjacent bore and drains (Periodic)
- ④ Harbour water quality (Occasional)
- ④ Ecology of harbour, forest etc (Occasional)
- ④ Other monitoring (eg emerging contaminants etc) (Infrequent)

# Typical conditions framework (cont.)

## 4) REPORTING REQUIREMENTS - for example:

- ④ Reporting of monitoring results to Council (details and timing)
- ④ Provision of information to the public (details and timing)
- ④ Advising of contingency events (as and when occur)

# Typical conditions framework (cont.)

## 5) CONSULTATION REQUIREMENTS

## 6) REVIEW OF CONDITIONS IN RESPONSE TO:

- ⌚ Monitoring results
- ⌚ Better/new information
- ⌚ Unanticipated environmental effects
- ⌚ New environmental standards

➤ **Questions / comments /  
suggestions welcomed**