Appendix 3

Matters for Consideration

1. The Resource Management Act 1991

Section 104 of the Resource Management Act 1991 outlines the matters that a consent authority is to have regard to when considering an application. Section 104 gives precedence to Part II of the Act.

Section 104(1) states that the consent authority shall have regard to:

(a) Any actual and potential effects on the environment of allowing the activity; and

(b) Any relevant regulations; and

(c) Any relevant national policy statement, New Zealand coastal policy statement, regional policy statement, and proposed regional policy statement; and

(d) Any relevant objectives, policies, rules, or other provisions of a plan or proposed plan; and…

(e) Any relevant district plan or proposed district plan, where the application is made in accordance with a regional plan; and

(f) Any relevant regional plan or proposed regional plan where the application is made in accordance with a district plan; and

(g) Any relevant water conservation order or draft water conservation order; and

(h) Any relevant designations or heritage orders or relevant requirements for designations or heritage orders; and

(i) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Section 104(3) states:

Where an application is for a discharge permit or a coastal permit to do something that would contravene section 15 (relating to discharge of contaminants), the consent authority shall, in having regard to the actual and potential effects on the environment of allowing the activity, have regard to-

(a) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects and the applicant's reasons for making the proposed choice; and

(b) Any possible alternative methods of discharge, including discharge into another receiving environment.

Section 104(8) states:

When considering an application for a resource consent. a consent authority shall not have regard to the effects of trade competition on trade competitors.

In section 3 of the Resource Management Act *effect* means:

(a) Any positive or adverse effect; and

(b) Any temporary or permanent effect; and

(c) Any past, present, or future effect; and

(d) Any cumulative effect which arises over time or in combination with other effects-

regardless of the scale, intensity, duration, or frequency of the effect, and also includes-

(e) Any potential effect of high probability; and

(f) Any potential effect of low probability which has high potential impact.

The Committee is required to assess this application against the following:

A. **Part II of the Act, Purposes and Principles, include:**

Section 5 - Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while-

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the

reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.

Section 6 - Matters of national importance

In achieving the purpose of this Act, all person exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of the them from inappropriate subdivision, use and development:

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources shall have particular regard to-

(a) Kaitiakitanga:

(b) The efficient use and development of natural and physical resources:

(c) The maintenance and enhancement of amenity values:

(d) Intrinsic values of ecosystems:

(e) Recognition and protection of the heritage values of sites, buildings, places, or areas:

(f) Maintenance and enhancement of the quality of the environment:

(g) Any finite characteristics of natural and physical resources:

(h) The protection of the habitat of trout and salmon.

Section 8 - Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

B. **Relevant Policy Statement, Conservation Order, etc.**

There is no national policy statement, water conservation order, draft conservation order or relevant regulations. The New Zealand Coastal Policy Statement was gazetted on 5 May 1994, but the consents applied for are not within the coastal marine area.

C. **The Regional Policy Statement and Regional Plans**

These are addressed individually in later sections of this document.

Section 107 of the Resource Management Act 1991 provides:

(1) Except as provided in subsection (2), a consent authority shall not grant a discharge permit [or a coastal permit to do something that would otherwise contravene section 15] allowing-

(a) The discharge of a contaminant or water into water; or

(b) A discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water,-

if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar or other contaminants or water), is likely to give rise to all or any of the following effects on receiving waters:

(c) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:

(d) Any conspicuous change in colour or visual clarity:

(e) Any emission of objectionable odour:

(f) The rendering of freshwater unsuitable for consumption by farm animals:

(g) Any significant adverse effect on aquatic life.

(2) A consent authority may grant a discharge permit [or a coastal permit to do something that would otherwise contravene section 15] that may allow any of the effects described in subsection (1) if it is satisfied-

(a) That exceptional circumstances justify the granting of the permit; or

(b) That the discharge is of a temporary nature; or

(c) That the discharge is associated with necessary maintenance work-]

and that it is consistent with the purpose of the Act to do so.

(3) In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as well as ensure that upon expiry of the permit, the holder can meet the requirements of subsection (1) and any of the relevant regional rules.]

2. The Regional Policy Statement for the Wellington Region

The Regional Policy Statement for the Wellington Region (RPS) became operative May 1995 and contains a number of policies and objectives aimed at maintaining and enhancing the natural and physical environment and providing for existing and reasonably foreseeable future uses of the environment.

The following issues, objectives and policies are relevant to these applications:

2.1 The Iwi Environmental Management System

Objective 2 The principles of the Treaty of Waitangi are taken into account in resource management.

Objective 3 There are increased opportunities for tangata whenua to exercise kaitiaki tanga in the Region.

Objective 4 There are increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met.

Developing a satisfactory relationship and good planning and decision making processes is fundamental to addressing resource management issues of significance to iwi. By focusing on process, rather than environmental outcomes, this set of objectives retains the flexibility necessary to provide for iwi aspirations in a realistic manner within the framework of the Act.

The Treaty of Waitangi is the basis of Maori involvement in resource management in the context of the Act (Objective 2).

Kaitiakitanga (Objective 3) and the exercise of tikanga in relation to natural and physical resources (Objective 4) are two of the primary ways in the iwi environmental management system is implemented. Protection of mauri is one of the elements of kaitiakitanga which is embodied in Objective 3.

This set of objectives has been adopted in order to help achieve the iwi vision for the future of the Region, to provide general objectives for resource managers dealing with issues of iwi concern, and to give effect to the relevant provisions of the Act (see section 1.7 of the Regional Policy Statement). The wording of the Iwi objectives reflects what is achievable in the lifetime of the Regional Policy Statement.

Policy 1 To develop an understanding of, and recognise the relationship between, rangatiratanga and kawanatanga in the management of the Region's natural and physical resources, including recognition of the principle of tino rangatiratanga and its association with tribal autonomy, authority, control and self-determination.

Policy 2 To support the active participation of tangata whenua in the development and implementation of resource management policy and plans, and in the resource consent granting process.

Policy 3 To promote awareness of the Treaty of Waitangi and the Maori environmental management system within local authorities and other resource management agencies.

Policy 4 To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Policy 6 To recognise and promote the role and importance of kaitiakitanga.

Method 4 The Wellington Regional Council, where it is the consent granting authority, will:

(1) Consult tangata whenua on all consent applications it considers will have a significant effect on tangata whenua;

(2) Encourage applicants to consult with tangata whenua as part of the assessment of effects;

(3) Appoint Maori as hearings commissioners, when appropriate;

(4) Recognise, when appropriate, tikanga Maori in pre-hearing meetings and hearings; and

(5) Consider effects on iwi when assessing whether consent applications should be non-notified.

2.2 **Freshwater**

Issue 1 Poor water quality is of concern to many people. The quality of fresh water is high on the list of the community's most significant environmental worries. Disposal of wastes into water is becoming more and more unacceptable to the regional community. For iwi, discharges of sewage are an affront to the mauri (life principle) of water bodies. However, sewage in fresh and coastal water is also of concern to the community more generally.

Freshwater bodies identified by the Wellington Regional Council as having impaired water quality include:

- Waiwhetu Stream (Lower Hutt City).

...Water quality is primarily affected by discharges, although the severity of any discharge is related to the quantity of the water in a water body. Pollution discharges can result in reduced species diversity and ecosystem instability. Discharges include:

- Pollution spills, for example, from manufacturing processes, petrochemicals, timber treatment chemicals.

- Stormwater run-off from industrial zones and city streets, for example, heavy metals and chemicals.

- Sediment from land clearance, track and road construction, quarries and new subdivision, for example, silt, loess.

- Discharges from sewage treatment plants, septic tanks, and leaks from sewage pipelines, including trade wastes.

- Diffuse pollution (non-point source), for example, silt from eroding hill country, and nutrients, including nitrate and phosphorous from agricultural activities, animal excreta, and chemicals.

Issue 2 Some uses of fresh water do not meet the expectations of the tangata whenua for water. For them, water is a taonga .... It provides essential elements of both a spiritual and physical nature and possesses a mauri or life force which can be harmed by certain practices, such as diverting water between catchments or rivers.

Iwi believe some rivers to be under threat, saying mauri has been diminished by discharges and/or water diversion, for example, Ngati Raukawa believe this of the Otaki River.

Issue 5 Of related concern is how to manage water so that the needs of future generations are taken into account (s. 5). While it may be hard to determine what future generations may need, it is easier to determine what they do not need — water bodies that are polluted or over allocated to such an extent that they cannot be used or enjoyed.

Issue 6 There is widespread concern about the loss of freshwater habitats…….Discharges from sewage ponds or agricultural waste can also cause algal growths which restrict habitats.

Issue 8 S. 6 and 7 of the Act require consideration to be given to the protection of various aspects of fresh water, including quality, natural character, and any scenic, cultural, recreational, fisheries, or other amenity values. There is currently little formal protection for rivers, lakes and streams, or parts thereof, that are highly valued by the community (e.g., the aquifer under the Hutt Valley). Only some water bodies are protected in any way by the Wellington Regional Council. This includes limiting access to water supply catchments, preserving the Lake Wairarapa wetland system through a national water conservation order, and maintaining the quality of the Hutt aquifer from saline intrusion. As well as protection, there are also public demands for the enhancement of water quality.

Objective 2 The quality of fresh water meets the range of uses and values for which it is required, safeguards its life supporting capacity, and has the potential to meet the reasonably foreseeable needs of future generations.

Objective 3 Freshwater resources of significance or of high value for cultural, spiritual, scenic, ecosystem, natural, recreational, or other amenity reasons are protected or enhanced.

Some water bodies (or parts thereof) and their component ecosystems, habitats, and flora and fauna have greater importance than others and require a higher level of protection than the norm. For iwi, all water

bodies are a taonga. Other rivers and streams may have the potential for a higher status if they were improved in some way. The principal reasons for adopting this objective are to safeguard these waters and to give effect to s. 6-8 of the Act.

Policy 1 To manage the quantity of fresh water so that it is available for a range of uses and values, and:

(1) Its life supporting capacity is safeguarded; and

(2) Its potential to meet the reasonably foreseeable needs of future generations is sustained; and,

(3) For surface water, any adverse effects on aquatic ecosystems are avoided, remedied, or mitigated.

Policy 4 To maintain and protect the quality of fresh water so that it is available for a range of uses and values, and:

(1) Its life supporting capacity is safeguarded; and

(2) Its potential to meet the reasonably foreseeable needs of future generations is sustained; and

(3) For surface water, any adverse effects on aquatic and riparian ecosystems are avoided, remedied, or mitigated.

Policy 5 To improve water quality and restore contaminated water to a standard which is appropriate for its desired uses and natural values.

Policy 6 To ensure that the effects of contaminants contained in point source discharges on the quality of fresh water and aquatic ecosystems are avoided, remedied, or mitigated and allowing for reasonable mixing:

(1) Do not render any fresh water unsuitable for any purpose specified in any regional plan for that water;

(2) Do not prevent the receiving fresh water from meeting any standards established in any regional plan for that water;

(3) Do not render any water in the coastal marine area unsuitable for any purpose specified in a regional coastal plan for the Wellington Region.

Policy 7 To avoid, remedy, or mitigate adverse effects on water quality and aquatic ecosystems of contaminants contained in non-point source discharges.

Fresh water (including groundwater) may be contaminated by pollutants entering it from a diffuse range of sources (non-point

sources), as well as from a single controllable discharge (point sources). The run-off from most land uses — pastoral, horticultural, forestry (during establishment and logging operations), industrial, urban areas — contains contaminants with the potential to degrade the quality of water. Rural run-off may contain nutrients, sediment, agrichemicals and effluent. In urban areas run-off may also contain sediments and nutrients, as well as hazardous substances and heavy metals from motor vehicles and roads.

The reduction of adverse effects is the only practical policy response to this issue since the relationship between the cause (activity) and the effect (contamination) is often difficult to determine. The diffuse nature of the origin of such contaminants prevents the adoption of a more strict policy to ensure their effects are consistent with the purposes and uses identified for their receiving waters.

Policy 9 To avoid, remedy, or mitigate the adverse effects of modifications to the beds of water bodies on water quality, groundwater, aquatic ecosystems, and the amenity and cultural values of water.

Policy 10 To manage the quality of water in, and the flows, levels and beds of, waterbodies so that the following values are protected:

(1) Regionally significant natural features, indigenous vegetation or regionally significant habitats of indigenous aquatic fauna, including those identified in table 4.

(2) Scenes or landscapes of regional significance within which water forms an essential component, as identified in table 5.

(3) Landforms and geological features of regional significance, including those identified in table 6.

(4) Heritage, recreational, scientific, or other amenity or intrinsic values of regional significance, including those identified in table 7.

Table 7: Water Bodies of Regional Significance for their Heritage, Recreational or Other Amenity Values

- Mid-Ruamahanga River (recreation, angling)
- Otaki River, gorge and above (recreation, angling)
- Otaki River, gorge to State Highway 1 (recreation, angling)
- Hutt River, Kaitoke Gorge and above (recreation)
- Mid-Hutt River (angling)
- *Wainuiomata River (angling)*
- Kopuaranga River (angling)
- Middle and Lower Orongorongo (recreation)
- Lake Onoke (recreation)
- Lake Wairarapa (recreation, waterfowl hunting)

Policy 11 To ensure that, in respect of all water bodies not covered by Fresh Water Policy 10, any adverse effects on amenity values or the intrinsic values of ecosystems which may result from any use and development, and on any natural or near natural areas, are avoided, remedied, or mitigated.

Policy 12 To avoid, remedy, or mitigate any adverse effects of any new or existing use and development where these effects impact on the natural character of wetlands, lakes, rivers, and other water bodies, and their margins.

Policy 13 To recognise the cultural relationship of the tangata whenua with rivers, lakes, wetlands, and other water bodies, and to promote the management of fresh water in ways that take into account iwi values and beliefs. In addition, to promote the protection and management of sites of significance to iwi within the beds of water bodies.

Policy 15 To protect water resources used for public water supply from abstractions of water and discharges of contaminants which may affect the suitability of those waters for water supply purposes. This policy recognises the importance of ensuring a reliable supply of potable water, free from any risks to human health. There is general public agreement that waters that provide for the needs of communities for public water supply (both urban and rural) should receive some protection.

2.3 Waste Management and Hazardous Substances

Issue 2 There is a lack of reliable, comprehensive information on the quantities and components of the waste stream in the Wellington Region. This makes it difficult to direct initiatives towards problem waste sources, to determine the most efficient and effective means of managing the waste stream, and to justify requirements or incentives for waste reduction.

Issue 3 The Wellington Region, like the rest of New Zealand, generates large quantities of waste. The amount of waste we generate is clearly unsustainable as it uses up large quantities of resources and causes ongoing problems with disposal. In general, the costs of waste disposal are not borne by the generators of the wastes, so there is no incentive for reducing the amount of waste generated.

Issue 5 Waste materials tend to be viewed as a problem rather than as a resource. For example, sewage contains valuable nutrients and can be used as an energy resource. Metals such as copper and lead can be lost in landfills. Re-use of waste resources and recovery of materials from waste is a response to both the current excessive levels of resource use and the loss of potentially valuable resources through waste disposal.

Issue 6 The discharge of treated and untreated sewage into water, including the discharge of sewage into the sea in Wellington and the Hutt Valley, and into rivers in the Wairarapa, is of general concern and of particular concern to Maori.

Objective 1 The quantity of waste generated is reduced.

The Wellington Region has one of the highest levels of waste generation per person in the world. Our highest priority, therefore, should be to reduce the amount of waste generated. The reduction of waste at source is an effective way of addressing waste management problems because it reduces the amount of material entering the waste stream. Reducing the amount of waste generated also has immediate benefits in terms of economic efficiency. This objective applies to all types of wastes, including solid wastes, liquid wastes and hazardous wastes and is consistent with the priority given to waste reduction in national waste management policy.

Objective 2 The quantity of residual wastes for disposal is minimised through reuse, recycling and resource recovery.

Many materials which have reached the end of their useful life in one form may still have similar or other uses in a different form. Reusing materials for the same or similar purposes, recycling and recovering materials from the waste stream (e.g., compost or energy) are ways of making use of resources which would otherwise be disposed of as waste. This reduces the amount of residual waste material which needs to be disposed of (and therefore reduces the problems associated with waste disposal) and provides opportunities for sustainable production based on reused materials rather than on raw resources.

Objective 3 Adverse effects on the environment and human health from the inappropriate disposal of residual liquid and solid wastes are avoided or, where this is not possible, remedied or mitigated.

Even if all possible steps are taken to minimise the amount of waste left for disposal, there will still be some materials which cannot be reused, recycled or recovered from the waste stream. The objective for residual waste is to dispose of it in a manner which avoids the adverse effects on human health and the environment which have characterised past waste management practices. Not all adverse effects from waste disposal can be avoided immediately, particularly effects that result from poor waste management practices in the past. They can, however, be remedied or mitigated and planning to avoid adverse environmental effects now will save future generations from the problems of dealing with our wastes and contaminants.

Objective 4 The potential for any accidental or unanticipated effects to arise as a result of the use, storage, transportation and disposal of hazardous

substances is minimised and any adverse effects that do occur are remedied or mitigated.

There are two matters which distinguish waste hazardous substances from other kinds of wastes. First, hazardous substances, by their nature, have the potential to cause significant adverse environmental effects. Secondly, hazardous substances can cause adverse environmental effects throughout their life cycle, from when they are first manufactured or imported into the country until they are finally treated or disposed of as hazardous wastes. The management of hazardous wastes is therefore closely associated with the management of hazardous substances during their useful lives.

Objective 4 emphasises the need to avoid the adverse effects of hazardous substances throughout their life cycles, including the need to minimise the risk of the occurrence of accidental discharges of hazardous substances during their use, storage, transportation or disposal. Waste Objectives 1-3 also apply to the management of hazardous wastes.

Policy 1 To develop an integrated waste management framework in the Region, including integration across environmental media and jurisdictional boundaries, and between levels of government.

Policy 2 To adopt and implement the waste management hierarchy of:

(1) Reducing the amount of waste generated;

(2) Reusing waste resources;

(3) Recycling waste resources;

(4) Recovering resources (including energy) from waste; and

(5) Disposing of residual waste in an environmentally safe way.

Policy 3 To give consideration to energy management in the development of waste management policies and plans and the delivery of waste management services.

Policy 4 To ensure that, as far as is practicable, the Region's waste generators meet the costs of the waste they produce.

Policy 5 As a matter of priority, to promote the concepts of clean production and waste minimisation and to support all sectors of the community in the implementation of these concepts.

Policy 6 To provide opportunities for the reuse of waste materials, recycling, and there recovery of resources from waste (including composting and the recovery of landfill gas).

Policy 7 To ensure that all residual wastes are safely disposed of in an appropriate facility

Policy 8 To avoid, remedy or mitigate all adverse effects of waste disposal sites, including those sites that are no longer used for waste disposal, and as a matter of priority to avoid the adverse effects of landfill leachate.

Policy 10 To ensure, in all decisions on the treatment and disposal of sewage, that:

(1) Sewage is treated to a level which is appropriate to the means of disposal so that adverse effects on human health and the quality of ecosystems are avoided, remedied or mitigated, and in particular:

(a) For discharge into or onto land, adverse effects on the quality of groundwater and surface water are avoided, remedied or mitigated;

(b) For discharge into coastal water, the discharge, after reasonable mixing, does not render the receiving waters unsuitable for contact recreation or for any other purpose specified for that water in the Regional Coastal Plan;

(c) For discharge unsuitable for any purpose specified for that water in any relevant plan;

(2) The values and views of the relevant iwi are given due recognition; and

(3) The values and views of the appropriate communities of interest are taken into account.

Policy 10 deals with the treatment and disposal of human wastes in the form of sewage.

The policy distinguishes between sewage treatment (chemical, biological and physical processes which occur under controlled conditions) and sewage disposal (the release of treated sewage into the wider environment, for example, discharge to water through an outfall, discharge onto land by spraying or discharge into waterways from a wetland treatment system). The focus of this approach is on the quality of sewage effluent and sewage solids after treatment and the effects of the treated effluent and solids on the receiving environment. The criteria listed in Part (1) of the Policy are consistent with the criteria adopted elsewhere in the Regional Policy Statement. The reference to contact recreation in clause (b) has been adopted to broadly reflect the existing coastal water quality in the Region and to ensure that there is

no further degradation from that quality as a result of discharges of human effluent.

This approach has been adopted in preference to advocating a particular receiving environment (i.e., disposal on land), because discharge of sewage effluent onto land, while not impossible in the Wellington Region, is subject to considerable geographic (and therefore cost) limitations. Sewage treatment and disposal is the responsibility of territorial authorities and decisions on appropriate systems will be based on a number of factors, including the ability of particular options to meet the purposes of the Act. In these circumstances, and given the "effects based" approach of the Act, it is more appropriate to specify criteria for the receiving environment, than to specify a particular location for disposal.

However, the disposal of human wastes in water is culturally and spiritually offensive to tangata whenua, and many find this practice to be unacceptable regardless of the level of treatment. The disposal of human wastes on some areas of land may also be unacceptable to tangata whenua. Part (2) of the Policy ensures that these values are given due recognition in decision making processes, as required in s. 6(e) of the Act. Part (3) of the Policy recognises that sewage treatment and disposal is also an issue of major significance throughout the regional community and that community values, including willingness and ability to pay, need to be taken into account in decisions on sewage. Parts (2) and (3) of the policy indicate that there are many different values and considerations which must be worked through when making decisions on sewage treatment and disposal and that trade-offs are a necessary part of this process.

2.1 The Relationship of Tangata Whenua with Fresh Water

2.1.1 The use and development of water bodies and river and lake beds has the potential to adversely affect:

- sites of special spiritual, historical or cultural value to tangata whenua, including mahinga kai and waahi tapu and areas where pure water is used for ritual purposes; and important values including the mana of iwi, hapu and whanau, and the ability of tangata whenua to provide manaakitanga (hospitality).

2.1.2 Tangata whenua in the Region want an involvement in the decision making process.

2.1.3 Tangata whenua wish to have access to fresh water related waahi tapu and be able to use traditional freshwater resources such as mahinga kai. They also wish to be able to undertake environmental enhancement of culturally significant resources.

2.1.4 The tangata whenua are concerned that the effects of use and development of water bodies and river and lake beds will affect the mauri of fresh water.

2.1.5 Tangata whenua are concerned that their role as kaitiaki over water bodies and river and lake beds is not adequately recognised, and that there are few opportunities to manage water bodies and river and lake beds according to tikanga Maori.

4.1 **Objective**

4.1.1 The relationship of tangata whenua and their culture and traditions with fresh water, and with ancestral sites, waahi tapu and other taonga within the beds of rivers and lakes, is recognised and provided for.

4.1.2 The mauri of water bodies and river and lake beds is protected.

4.1.3 The principles of the Treaty of Waitangi are taken into account in the management of the Region's water bodies and river and lake beds.

Policy 4.2.5 To have regard to the values and customary knowledge of the tangata whenua, where these have been identified by the tangata whenua, when assessing resource consent applications for the use and development of water bodies and river and lake beds.

2.5 **Water Quality and Discharges to Fresh Water**

2.5.1 Some people and communities want to continue to use water bodies as the receiving environment for some contaminants, although improvements may be needed for some discharges to promote sustainable management.

2.5.2 Point source discharges into water bodies can cause deterioration in water quality if they are not adequately controlled.

2.5.3 In some areas of the Region the cumulative effects of non-point source pollution can have adverse effects on freshwater quality.

5. **Water Quality and Discharges to Fresh Water**

5.1 Objectives

5.1.1 The quality of fresh water meets the range of uses and values for which it is required while the life supporting capacity of water and aquatic ecosystems is safeguarded.

5.1.2 The quality of fresh water has the potential to meet the reasonably foreseeable needs of future generations.

5.1.3 The quality of water is, as far as practicable, consistent with the values of the tangata whenua.

Policy 5.2.1 To manage water quality in its natural state in those water bodies identified in Part A of Appendix 2 (subject to Policy 5.2.10).

Policy .5.2.2 To manage water quality in Lake Wairarapa in accordance with the National Water Conservation (Lake Wairarapa) Order 1989 (subject to Policy 5.2.10).

Policy 5.2.3 To manage water quality for trout fishery and fish spawning purposes in those rivers, or parts of rivers, identified in Appendix 4 (subject to Policy 5.2.10).

Policy 5.2.4 To manage water quality for contact recreation purposes in those water bodies identified in Appendix 5 (subject to Policy 5.2.10), excluding Lake Waitawa (managed according to Policy 5.2.6) and Lake Wairarapa (managed according to Policies 5.2.2 and 5.2.6)

Policy 5.2.5 To manage water quality for water supply purposes in those water bodies, or parts of water bodies, identified in Appendix 6 (subject to Policy 5.2.10).

Policy 5.2.6 Except for rivers and streams identified in Appendix 7, to manage the water quality of all surface water bodies in the Region for aquatic ecosystem purposes (subject to Policy 5.2.10).

Policy 5.2.7 To manage all groundwater in the Wellington Region so that there are no net adverse affects on its quality as a result of discharges to surface water or groundwater (subject to Policy 5.2.10).

Policy 5.2.8 To have regard to the relevant guidelines in Appendix 8 when deciding whether a discharge is able to satisfy Policies 5.2.1 to 5.2.7 (above) when considering applications for resource consents (subject to Policy 5.2.10).

Policy 5.2.9 To manage the quality of the fresh water of the rivers, or parts of rivers, identified in Appendix 7 so that water quality is enhanced to satisfy the purposes identified in the Appendix (subject to Policy 5.2.10).

Policy 5.2.10 To allow the discharge of contaminants to fresh water which do not satisfy Policies 5.2.1 to 5.2. 9, whichever is (are) relevant, only where:

(1) the discharge is of a temporary nature; or

(2) the discharge is associated with necessary maintenance works; or

(3) exceptional circumstances justifying the granting of a permit; or

(4) the discharge:

- was present at the time the Plan was notified; and

- is not likely to cause a decrease in the existing quality of water at that site and the person responsible for the discharge has defined a programme of work for upgrading the discharge within a specified timeframe; or

(5) that in any event, it is consistent with the purpose of the Act to allow the discharge.

Policy 5.2.11 To ensure that any zones allowed on a discharge permit for reasonable mixing of contaminants or water with the receiving water are determined by having regard to:

- the purpose for which the receiving water is being managed, and any effects of the discharge on that management purpose; and
- any tangata whenua values that may be affected; and
- the volume of water or concentration of contaminants being discharged, and the area of receiving water that could potentially be affected; and
- the physical, hydraulic and hydrological characteristics of the receiving water.

Policy 5.2.12 To allow a discharge containing sewage directly into fresh water without passing through land or an artificial wetland, (subject to 5.2.10), where:

- it better meets the purpose of the Act than disposal to land; and
- there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to sections 6, 7, and 8 of the Act; and
- there has been consultation with the community generally.

Appendix 8 : **Water Quality Guidelines**

A8.1 the following guidelines reflect the minimum water quality standards established in Sections 70 and 107 of the Act.

After reasonable mixing the contaminant, either by itself or in combination with other contaminant, is not likely to cause any of the following effects:

(1) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

(2) Any conspicuous change in the colour or visual clarity.

(3) Any emission of objectionable odour.

(4) The rendering of freshwater unsuitable for consumption by farm animals.

(5) Any significant adverse effects on aquatic life.

A8.2 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystems purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in 8.1.

(2) The natural water temperature shall not be changed by more than 3 degrees Celsius.

(3) The following shall not be allowed if they have an adverse effect on aquatic life:

(a) any pH change:
(b) any increase in the deposition of matter on the bed of the water body or coastal water:
(c) any discharge of a contaminant into the water.

(4) The concentration of dissolved oxygen shall exceed 80% of saturation concentration.

(5) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.

A8.3 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystems and contact recreation purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in 8.1.

(2) All those effects in 8.2

(3) The visual clarity of the water to be so low as to be unsuitable for bathing.

(4) The water to be rendered unsuitable for bathing by the presence of contaminants.

(5) The presence of undesirable biological growths as a result of any discharge of a contaminant into the water.

A8.4 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystems and fishery purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in 8.1.

(2) All those effects in 8.2.

(3) The naturals temperature of the water –

- To be changed by ore than 3°Celsius; and
- To exceed 25 °Celsius.

(4) The concentration of the dissolved oxygen to be less than 80% of saturation concentration.

(5) Fish to be rendered unsuitable for human consumption by the presence of contaminants.

A8.5 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystems and fish spawning purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in 8.1.

(2) All those effects in 8.2.

(3) The natural water temperature shall not be changed by more than 3 degrees Celsius. The temperature of the water to adversely affect the spawning of specified fish species (either brown trout, *Salmo trutta,* or inanga, *Galaxias maculatus)* during the spawning season.

(4) The concentration of dissolved oxygen to fall below 80% of saturation concentration.

A8.6 The following guidelines reflect the water quality standards in the Third Schedule of the Act regarding water managed for aquatic ecosystems and water supply purposes.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

(1) All those effects in 8.1.

(2) All those effects in 8.2.

(3) The pH of surface waters to be outside the range of 6.0 – 9.0 units.

(4) The concentration of dissolved oxygen in surface waters to be below 5 g/m3.

(5) The water is rendered unsuitable for treatment (equivalent to coagulation, filtration, and disinfection) for human consumption by the presence of contaminants.

(6) The water is tainted or contaminated so as to make it unpalatable or unsuitable for consumption by humans after treatment (equivalent to coagulation, filtration, and disinfection) or unsuitable for irrigation.