



RESOURCE CONSENT
Discharge Permit

In accordance with the provisions of the Resource Management Act 1991, and subject to the attached conditions, Hawke's Bay Regional Council (the Council) grants a resource consent for a restricted discretionary activity to:

Central Hawke's Bay District Council
PO Box 127
Waipawa 4240

to discharge treated domestic effluent into or onto land (via soakage) from the existing Te Paerahi (Porangahau Beach) Oxidation Pond in circumstances where that contaminant may enter water

LOCATION

Address of site: End of Te Paerahi Road, Porangahau Beach
Legal description: Pt Puketauhinu Block, BLK XII Porangahau SD, Porangahau Beach
Map reference: V24: 2821674 6094621

CONSENT DURATION

This consent is granted for a period expiring on 31 May 2021.

A handwritten signature in blue ink, appearing to read "Malcolm Miller".

Malcolm Miller
Manager Consents

RESOURCE MANAGEMENT GROUP
Under authority delegated by Hawke's Bay Regional Council
14th May 2012

CONDITIONS

Activity Definition

1. All works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and at all times maintained to a safe and serviceable standard.
2. The consent holder shall undertake all operations substantially in accordance with any drawings, specifications, statements of intent, proposed mitigation measures and other information supplied as part of the application for this resource consent. Specifically this includes the following documents provided in support of the application:
 - a) Resource consent application received by Hawke's Bay Regional Council on 28 March 2003
 - b) Assessment of environment effects received by Hawke's Bay Regional Council on 2 December 2003
 - c) S 92 Further information received by Hawke's Bay Regional Council on 1 October 2008 (excluding the construction of proposed bore in location shown on pg.12 of "Porangahau Beach 92 Response", dated September 2008)

If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.

Limits

3. The average daily volume of wastewater discharged from the pond over any 12 month period shall not exceed 87 m³/d for more than 50% of the time, nor shall it exceed 190 m³/d for more than 5% of the time, as determined by daily flow records collected in accordance with condition 12.
4. The effluent discharged from the oxidation pond shall comply with the following standards:
 - a) over any 12 month period the concentration of unfiltered cBOD₅ shall not exceed 30 mg/L for more than 50% of the time, nor shall it exceed 60 mg/L for more than 10% of the time;
 - b) over any 12 month period the concentration of suspended solids shall not exceed 60 mg/L for more than 50% of the time, nor shall it exceed 140 mg/L for more than 10% of the time;
 - c) the pH shall be within the range of 6.5 – 9.

These standards are deemed to have been breached if:

- i) more than 16 samples taken over any 12 month period in accordance with condition 14 have an unfiltered cBOD₅ concentration exceeding 30 mg/L or more than 5 have an unfiltered cBOD₅ concentration exceeding 60 mg/L;

- ii) more than 16 samples taken over any 12 month period in accordance with condition 14 have a suspended solids concentration exceeding 60 mg/L or more than 5 have a suspended solids concentration exceeding 140 mg/L;
- iii) any sample taken is outside a pH range of 6.5 – 9.

Mitigation of effects

5. Within 3 months of the date of commencement of this consent, the consent holder shall prepare and forward to the Council a 'Stormwater Infiltration Management Plan'.

The report shall be to the satisfaction of the Council (Manager Compliance) and shall, as a minimum, address the following:

- a) The incidence of stormwater infiltration into the reticulated wastewater system and measures available to reduce such infiltration as far as practicable;
 - b) A strategy for reducing stormwater infiltration into the reticulated wastewater system and an implementation plan for achieving the strategy to be reported as the Stormwater Infiltration Management Plan;
 - c) Any proposed works or methods to address sources of stormwater infiltration into the reticulated wastewater system where those sources have been identified as part of the Stormwater Infiltration Management Plan.
6. Within 12 months of the commencement date of this consent the consent holder shall have constructed an earth bund to contain surface ponding of effluent to the designated soakage area.
7. Within 12 months of the commencement date of this consent the consent holder shall install four additional monitoring piezometers around the soakage area. Piezometers are to be surveyed in to a Council specified datum, and a plan showing the final location of these piezometers shall be submitted to Council (Manager Science) for approval prior to construction.
8. Within 12 months of the date of commencement of this consent, the consent holder shall install a baffle system within the oxidation pond to improve the retention time of the effluent within the pond. The baffle system shall be designed by a suitably qualified person and design plans shall be submitted to the Council (Manager Compliance) for approval prior to construction.
9. Within 3 months of the date of commencement of this consent the consent holder shall prepare an operations and management plan for the Te Paerahi Wastewater treatment system (including the soakage area) and submit to Council (Manager Compliance) for approval.

The plan shall include:

- a) Details of the procedures for ensuring that the system is managed, maintained and sampled sufficiently to ensure compliance with the conditions of consent.
- b) Details of the procedure for determining the accumulated volume of sludge in the oxidation pond, and criteria for determining when 'desludging' of the pond will occur.

- c) Details of a regular maintenance programme that will ensure that the system (including the soakage area) continues to a function at optimum performance.
- d) Contingency plans in the event of system malfunction.

The consent holder shall undertake all operations in accordance with the approved plan. This operations and management plan shall be reviewed within 3 months of any improvements to the wastewater treatment system taking place.

- 10. Within 6 months of the date of commencement of this consent signs shall be erected and maintained for the duration of the consent at the oxidation pond, and at other suitable locations where a potential public health risk exists as a result of the discharge. The signs shall give the public clear indication of the location of the discharge point and the extent of the risk zone. The form, content and location of signs shall be identified in a signage and fencing plan, developed in consultation with the Public Health Unit and shall be submitted to the Council (Manager Compliance) prior to the erection of any new signs.
- 11. Within 6 months of the date of commencement of this consent a fence shall be erected and maintained around the oxidation pond and soakage area which prevents the public entering into those areas. The form and location of the fence shall be identified in a signage and fencing plan, developed in consultation with the Public Health Unit and shall be submitted to the Council (Manager Compliance) prior to the erection of any fence.

Monitoring

- 12. The measuring device and recording system installed shall be maintained to continually measure and record the rate and volume of effluent discharged from the oxidation pond. Measuring and recording shall be at intervals not exceeding 30 minutes and to an accuracy of +/- 5%. The volume of effluent discharged daily (i.e. midnight to midnight) shall be provided to the Council (Environmental Regulation Section) no later than 31 January, 30 April, 31 July and 31 October each year in a digital format compatible with the Council's computer system.
- 13. The consent holder shall ensure that there is a suitable location after the oxidation pond and before the discharge point to the soakage area where effluent is readily accessible for sampling.
- 14. The consent holder shall ensure that samples are taken from the place described in condition 13 at 14 day intervals between 7 am and noon and tested for:
 - a) Unfiltered cBOD₅;
 - b) Dissolved oxygen;
 - c) Suspended solids;
 - d) pH.
- 15. The consent holder shall ensure that samples are taken from the four monitoring piezometers described in condition 7, at monthly intervals for the first 12 months and then quarterly thereafter, between 7 am and noon and tested for:
 - a) Total ammoniacal nitrogen;
 - b) Total nitrogen;

- c) Nitrate;
 - d) Total phosphorus;
 - e) Soluble reactive phosphorus;
 - f) Faecal coliforms.
16. At the same time samples required by condition 15 are taken, the water level in each of the four piezometers sampled shall be measured. The Porangahau River flow (Council's flow monitoring site readings will be sufficient), approximate mouth location, opening status of river mouth and tide measurement shall be noted at the time these measurements are taken.
17. All sampling shall be carried out by a person suitably qualified and experienced in environmental monitoring and approved by the Council (Manager Compliance).
18. All analyses in accordance with conditions of this consent shall be carried out by an independently accredited laboratory in accordance with the most appropriate version of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, American Wastewater Association, and Water Environment Federation, for the wastewater being sampled.
19. Results of all analyses undertaken in accordance with conditions of this consent shall be provided to the Council (Environmental Regulation Section) within 14 days of being received by the consent holder. Results provided shall be in a digital format compatible with Council computer systems that have been approved by the Council (Manager Compliance). Original laboratory reports shall be forwarded to the Council (Manager Compliance) on request for auditing purposes.
20. The consent holder shall nominate a person who is responsible for the maintenance of the wastewater treatment system and the return of information (as required by conditions of this consent). The consent holder shall advise the Council (Manager Compliance) who this person is within one month of the commencement date of this consent and within ten working days of any change occurring.

Reporting

21. Within 30 months of the date of commencement of this consent the consent holder in accordance with the agreement entitled "Finding a solution to wastewater disposal at Porangahau and Te Paerahi" shall lodge with the Council a report entitled "Wastewater Treatment for Porangahau and Te Paerahi - Long Term Treatment Strategy."

The purpose of the report is to document the environmental effects of the discharge from the Porangahau and Te Paerahi wastewater treatment facilities and to set out the options available to address the effects on the receiving environment resulting from wastewater generated within these communities.

The report shall be to the satisfaction of the Council (Manager Compliance) and shall, as a minimum, address the following:

- a) the environmental effects of any discharges to land, air or water;
- b) the cultural effects of any discharges;

- c) the loadings (such as flows, organic loads, nutrient) on which the design for a long term strategy will be based;
 - d) options available for treatment of wastewater from the Porangahau and Te Paerahi communities to address the environmental and cultural effects of wastewater in these communities.
 - e) Recommended changes to the wastewater disposal processes used in Porangahau and Te Paerahi including an implementation strategy and timeline.
22. Before 1 September of each year the consent holder shall provide a report to the Council covering the 12-month period ending 30 June. As a minimum this report shall include the items listed below and a comparison with previous years:
- a) a summary of all monitoring undertaken as required by this consent, and any additional monitoring undertaken by the consent holder to better characterise the effects of the discharge on the receiving waters;
 - b) a review of compliance with the conditions of this consent, including the effluent standards and compliance limits;
 - c) identification and comment on any trends in data collected;
 - d) a waste profile analysis which assesses the source of wastewater entering the system and identifies any potential increases in risk as a result of this;
 - e) comment on any non-compliances and operational problems, and any actions undertaken to address these;
 - f) details of any works undertaken or proposed to improve the performance of the treatment system, and the timeframe for completion of any proposed works;
 - g) the number of Porangahau Environmental Management Team meetings convened and the actions and/or outcomes agreed.
23. The consent holder shall establish and maintain a 'complaints register' to record the date and time of any complaints received and from whom, the nature and location of the complaint, and any actions taken in response to that complaint. A copy of the complaints register shall be made available to the Council on request.
24. Any malfunctions or breakdowns shall be reported to the Regional Council as soon as practicably possible, and within 12 hours of the problem becoming known. Corrective action shall be undertaken as soon as practicable.
25. The consent holder shall notify, as soon as reasonably practicable, the Public Health Unit and the Regional Council if an event occurs that may have an adverse effect on the drinking water of Porangahau Beach or recreational uses of the surrounding area.

Kaitiaki Liaison

26. The consent holder shall, in accordance with the agreement entitled "Finding a solution to wastewater disposal at Porangahau and Te Paerahi" facilitate the establishment and provide reasonable administrative support for the Porangahau Environmental Management Team (PEMT). The PEMT shall be convened within 6 months of the commencement of this consent. The PEMT shall comprise representatives of Central Hawke's Bay District Council, including at least one senior officer, and representatives as nominated by Ngati Kere. A minimum of 1 meeting shall be arranged every 12 months, and the Regional Council shall be notified of all meeting dates.

ADVICE NOTES

The consent holder may need to attain bore permits from the Regional Council prior to construction of the 4 required monitoring piezometers.

The 'Stormwater Infiltration Management Plan' may be the same plan required in accordance with resource consent DP030233W.

1. The 'Operations and Management Plan' may be the same plan required in accordance with resource consent DP030862A.
2. The annual report should be the same report as required in accordance with resource consent DP030862A.
3. The complaints register may be the same register established in accordance with resource consents DP030233W, DP080621L, DP030861A, and DP030862A.
4. The Porangahau Environmental Management Team shall be the same group as established in accordance with resource consent DP030233W.
5. The functions of the Porangahau Environmental Management Team shall be to:
 - Receive information that the consent holder has available about the operations of the wastewater treatment plants and the effects on the receiving environments of the treated effluent.
 - Investigate, analyse, consider, and within 30 months from the commencement date of this consent, report in association with the consent holder to the Hawke's Bay Regional Council on future wastewater disposal options for Porangahau and Te Paerahi.
 - Facilitate access to any external funding sources that may be available to help implement a long term solution for wastewater disposal at Porangahau and Te Paerahi.

Liaison between the Porangahau Environmental Management Team and the Central Hawke's Bay District Council shall be undertaken in accordance with the agreement entitled "Finding a solution to wastewater disposal at Porangahau and Te Paerahi" attached in Appendix A.

6. Where conditions require the approval of the Council (Manager, Compliance) or (Manager, Science) such approval is to be provided in a certifying capacity only.
7. For the purpose of condition 17, qualified means "make competent or knowledgeable enough to do something", Oxford English Dictionary.

REVIEW OF CONSENT CONDITIONS BY THE COUNCIL

The Council may review conditions of this consent pursuant to sections 128, 129, 130, 131 and 132 of the Resource Management Act 1991. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with s 36(1) of the Resource Management Act.

Times of service of notice of any review: Annually during the month of September.

Purposes of review:

- To deal with any adverse effect on the environment that may arise from the exercise of this consent, which it is appropriate to deal with at that time or which became evident after the date of issue.
- To require the adoption of the best practicable option to remove or reduce any effects on the environment.
- To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate or inadequate.

MONITORING NOTE

Routine monitoring

Routine monitoring inspections will be undertaken by Council officers at a frequency of no more than once every year to check compliance with the conditions of the consent. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-routine monitoring

"Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the Resource Management Act 1991 (RMA) shown below.

Section 17(1) of the RMA 1991 states:

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with

- a) *any of sections 10, 10A, 10B, and 20A; or*
- b) *a national environmental standard, a rule, a resource consent, or a designation.*

Consent Impact Monitoring

In accordance with section 36 of the RMA (which includes the requirement to consult with the consent holder) the Council may levy additional charges for the cost of monitoring the environmental effects of this consent, either in isolation or in combination with other nearby consents. Any such charge would generally be set through the Council's Annual Plan process.

DEBT RECOVERY

It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under s36 of the Resource Management Act, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

CONSENT HISTORY

Consent No. (Version)	Date	Event	Relevant Rule	
			Number	Plan
DP030234L	22/10/2009	Consent initially granted	36	Regional Resource Management Plan
DP030234La	14/05/2012	Condition 14 changed via review undertaken in accordance with sections 128 and 129 of RMA	36	Regional Resource Management Plan
			28	Proposed Regional Coastal Environment Plan (v 2.3, 21 April 2011)

APPENDIX A

AGREEMENT

BETWEEN

TANGATA WHENUA OF PORANGAHAU
(Ngati Kere, Ngati Manuhiri and Ngati Pihere)

and

CENTRAL HAWKES BAY
DISTRICT COUNCIL

ABOUT

FINDING A SOLUTION TO
WASTEWATER DISPOSAL AT
PORANGAHAU AND TE PAERAHI

Dated _____ day of _____ 2009

PREAMBLE

Ko te wehi ki te Atua, timatanga o te Kupu, whakamaua te rongopai, kia u ki te whenua, arohanui ki te tangata. Ko Kere, Manuhiri, Pihere nga hapu, ko Rongomaraeroa te marae, ko Ngarangihakaupoko te tangata, ko Taurekaitai te awa, ko Te Awa Putahi te maunga, ko Porangahau te kainga

This agreement has been entered into in good faith between the Central Hawke's Bay District Council and the tangata whenua of Porangahau and seeks long term solutions for the effective and sustainable management of effluent in Porangahau and at Te Paerahi.

Presently, the Te Paerahi Oxidation and Porangahau Township oxidation ponds affect the integrity of sacred sites (wahi tapu) including the river and in particular the Te Paerahi oxidation pond, located between the Te Taure Kai Tai River (Porangahau) and Te Paerahi beach on a cultural Landscape which is known as Puketauhini. Puketauhini is associated with the original occupants of the district. Tangata whenua have occupied this region for no less than 800 years. There have been many layers of occupation with many successive key peoples in this region. Puketauhini is sacred to tangata whenua.

This agreement seeks solutions that provide for social, cultural, economic, and environmental wellbeing of those living in Porangahau.

WHY WE HAVE THIS AGREEMENT

This Agreement between tangata whenua of Porangahau and Central Hawke's Bay District Council has been made due to the desire of both parties to find and implement long term solutions for wastewater disposal at Porangahau and Te Paerahi.

REPRESENTATION

With a view to ensuring this agreement has a broad mandate it has been entered into with all the bodies currently representing the interests of Ngati Kere, Ngati Manuhiri, Ngati Pihere and Puketauhini in Porangahau including the Ngati Kere Rohe Trust, the Puketauhini Trustees, the Porangahau Marae Committee, and the Porangahau Marae Maori Committee. All are signatories to this Agreement with the Central Hawke's Bay District Council and it is appropriate to include signatories representing these interests to acknowledge the significance of this Agreement.

BACKGROUND

Council operates wastewater treatment plants at Porangahau and Te Paerahi. These plants take wastewater collected from the communities of Porangahau

and Te Paerahi, treat it, and discharge the treated effluent into the Porangahau River (for Porangahau) and into sand dunes (for Te Paerahi).

Tangata whenua have expressed concern at the way wastewater is disposed of because of the adverse effects of the treated effluent on the environment and on the cultural requirements of tangata whenua.

During the resource consent renewal hearing process tangata whenua and Council meet to discuss their ideas for wastewater disposal. There was general agreement on the way forward in principle and this Agreement provides details as to how those principles should be implemented.

AGREED AIM

We agree that our intention is to find a long term solution for the treatment of effluent from Porangahau and Te Paerahi which is sustainable environmentally, economically, culturally and socially.

WHAT WE AGREE ON

- There is a need for improvements to the oxidation ponds as described in the proposed resource consents, including baffles and extra monitoring of the environment. These improvements are to improve the effectiveness of the existing oxidation ponds.
- Water from effluent should not be discharged directly into waterways (rivers, streams, sea) or places close to a drinking water source.
- The Te Paerahi oxidation pond needs to be removed.
- A level of flexibility must be adopted in considering improved wastewater treatment options to allow us to take advantage of new technological or other opportunities which may arise.
- A timeframe needs to be constructed that includes specific milestones that must be met to give certainty to the community. Some flexibility can be included as agreed by the parties from time to time.
- An ongoing relationship between the parties (the community and Council) must be maintained to ensure the achievement of our Aim.
- We agree on a mechanism to do this, as described in this Agreement.

PORANGAHAU KAITIAKI LIAISON GROUP

The requirement for a Kaitiaki Liaison Group has been included in the resource consents for the wastewater treatment plants. Council and Ngati Kere agree to use this Group as the means to implement this Agreement, and to call the group the Porangahau Environmental Management Team.

WHAT WE WILL DO

Council and Ngati Kere will work together to investigate, design and construct a long term solution for wastewater treatment in Porangahau and Te Paerahi. In working together, we expect to be able to do the following:

- We will provide members for the Porangahau Environmental Management Team.
- Council will provide administrative resources for the implementation of this Agreement and the operation of the Porangahau Environmental Management Team.
- Council will provide information it has available about the operations of the wastewater treatment plants and of the effects on the receiving environments of the treated effluent to the Porangahau Environmental Management Team.
- Council will provide resources to the Porangahau Environmental Management Team for the investigation, analysis, consideration and reporting of options for wastewater disposal.
- We will facilitate access to any external funding sources that may be available to help implement a long term solution for wastewater disposal at Porangahau and Te Paerahi.
- We will work with all expediency to implement the preferred solutions as soon as they are accepted by Council and tangata whenua and by the Hawke's Bay Regional Council.

TIMEFRAMES AND MILESTONES

We expect to achieve the following results:

1. Within 30 months of the granting of resource consents for the Porangahau and Te Paerahi wastewater treatment plants we will report the preferred solutions to the Regional Council.
2. Within 6 to 8 years of the granting of resource consents we will have implemented the preferred solutions for wastewater treatment and disposal. These solutions will mean that the use of the Te Paerahi oxidation pond will stop and the discharge of treated effluent into the Porangahau River will stop.

AMENDMENTS

The expectations described in this Agreement can be amended by the agreement of the parties who have signed this Agreement. Such amendments must be recorded in writing.

We sign this Agreement to confirm our desire to provide a sustainable wastewater system for Porangahau and Te Paerahi.

SIGNED by
as Chairman of trustees) _____
Ngati Kere Rohe Trust)

SIGNED by
as Chairman of trustees) _____
Puketahinu Trust)

SIGNED by
as Chairman of Rongomaraeroa) _____
Marae Committee)

SIGNED by
as Chairman of Porangahau Marae) _____
Maori Committee)

EXECUTED by THE)
CENTRAL HAWKES BAY)
DISTRICT COUNCIL)
by the affixing of its common seal)

DRAFT