

Decision on an application for resource consent under the Resource Management Act 1991



Non-Complying activity (s15 wastewater discharges)

Application number:	DIS60393421 (s15 land use wastewater discharge consent under the AUP-OP) DIS60409396 (s15 wastewater discharge under NES:FW)
Applicants:	Motutapu Outdoor Education Camp Trust
Site address:	5 Motutapu Island OUTLYING ISLANDS 1010
Legal description:	SECT 5 SO 484942
To discharge 26m ³ /day of treated wastewater to land from an outdoor education camp located at Administration Bay, Motutapu Island. This consent will replace an historic wastewater discharge permit (reference number 38522) which expired on 31 December 2020.	

Resource consent is required as follows:

Discharge consent (section 15)

DIS60393421 - Auckland Unitary Plan (AUP OP)

- The proposal is a **Restricted Discretionary Activity** under Rule E5.4.1(A5) as the wastewater discharge exceeds 6m³/day.

DIS60409396 - Discharge Consent (s15)- Resource Management (National Environmental Standards for Freshwater) Regulations 2020

- The proposal involves the discharge of wastewater within 100 metres of a natural wetland, which requires consent under regulation 54(c) as a **non-complying activity**.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C, 105, 107, 123 and Part 2 of the RMA, the resource consent is **GRANTED**.

9. Reasons

Under Section 113 of the RMA, the reasons for this decision are:

- The proposal passes both of the gateway tests under s104D for non-complying activities, resulting in less than minor adverse effects for the reasons noted in the s95 assessment, and being generally consistent with the relevant objectives and policies as discussed below.

2. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptably avoided and mitigated as:
 - a) The wastewater system accords with all requirements under TP58 and subject to suitable control technology and appropriate on site management techniques including a 6-monthly inspection programme (as adopted by the applicant), the wastewater treatment and discharge is of a quality and volume that is suitable for the site conditions, including proximity to surface water bodies, stormwater drains and neighbouring properties.
 - b) The submitted wastewater report and subsequent review by Auckland Council's specialist for wastewater confirms that the proposal accords with other design provisions of TP58.
 - c) The proposal will not adversely affect mana whenua values as there are no physical works and there are no known archaeological features on, or in close proximity to the wastewater treatment and disposal system itself.
 - d) Based on the above points, the actual and potential effects of the development will be less than minor and in accordance with the matters of discretion. In addition, the adverse effects are appropriately mitigated due to the high level of operational and maintenance of the system.
 - e) With regard to wastewater discharge within 100m of a wetland, it is noted that wastewater will continue to be treated to a secondary level by the wastewater treatment and discharged to land via a PCDI drip irrigation system. This treatment is in accordance with TP58 requirements, and Chapter E5 of the AUP: OP thereby ensuring that the adverse effects on the environment, including the wetland are acceptably mitigated.

Based on the above points, the actual and potential effects of the development will be appropriately mitigated and in accordance with the matters of discretion.

3. Section 104(1)(a) of the RMA requires council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects. The proposal will have the following positive effects:
 - The wastewater system will continue to provide for wastewater disposal in accordance with current technology and requirements.
4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.

Chapter B of the AUP OP sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought. The relevant objectives and policies of Chapter B of the AUP OP relate to sustainably managing Mana Whenua Values and our natural resources.

Specific objectives and policies pertaining to wastewater, are contained in sections E1.2 and E1.3 These wastewater objectives seek to ensure that freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas. In addition, the mauri of freshwater is to be maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua whilst stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.

The development is considered to meet the relevant objectives and policies, matters of discretion and assessment criteria of the AUP OP for reasons outlined in the foregoing report and summarised as follows:

- Auckland Council's wastewater specialist has reviewed the proposed wastewater upgrade and is satisfied with the proposal given that it meets public health recommendations and there are no known archaeological features on, or in close proximity, to the wastewater treatment and disposal system.
- The treatment of the water and the use of suitable control technology and appropriate on site management techniques will ensure that the wastewater system protects the environment, cultural values, public health and amenity and in particular avoids significant adverse effects on groundwater and surface water quality and on the downstream environment. The treatment system is suitable and does not generate odours or noise nor adversely affect the environment and public health.
- The system continues to be sized and designed appropriately, taking into account the characteristics of the site.

The development will therefore not be contrary to Chapters B and E of the AUP OP. In particular, the wastewater system will continue to treat wastewater in a sustainable manner and will maintain water quality.

5. The development will be consistent with Part 2 of the RMA by promoting the sustainable management of natural and physical resources. In particular, the development will continue to provide for a wastewater system that will treat wastewater in a sustainable manner. Overall, it is considered the cumulative safeguards of section 5(2)(a) to (c) have been met and the development thereby meets the purpose of the RMA. The development is further consistent with sections 6, 7 and 8 in Part 2 RMA in terms of considerations that include the coastal environment and the quality of the environment.
6. In balancing all of the Section 104 considerations, it is determined that the development shall be granted. This is due to the on-site wastewater treatment and discharge that is of a volume that is suitable for the site conditions. In addition, the high level of operational and maintenance of the system will ensure that the system meets current technology and requirements.
7. In terms of section 105 and 107 of the Resource Management Act 1991, it is considered that the provisions of section 105 have been met subject to appropriate conditions of consent to ensure there is no significant effect on the receiving environment. Regard has been had to the nature of the wastewater discharge and the sensitivity of the environment. It is considered the applicant's reasons for the use of the wastewater system are appropriate in the circumstances and regard has been had to alternative methods of discharge applicable in this case.
8. In terms of s123 of the RMA and as offered by the applicant, it is considered appropriate to set a term of **20 years** with a 15 year audit requirement as the land treatment system is a natural system that can become degraded over time and requires regular assessment to determine its suitability for on-going use. At the expiry of the consent, the quality of receiving soils, the performance of the system and need for any upgrades should be assessed.
9. In terms of section 104(1)(c) of the Resource Management Act 1991, other relevant matters

have been considered in the determination of the application. In this regard, it is recommended that a monitoring charge and wastewater conditions form conditions of consent.

10. For reasons outline above, the proposal is considered consistent with the sustainable management purpose of Part II of the Resource Management Act 1991, and other relevant documents including the NZ Coastal Policy Statement, the Regional Policy Statement, Chapter B of the AUP OP, the National Policy Statement for freshwater and management, the Hauraki Gulf Marine Park Act 2000 and Essentially Waiheke - Refreshed.

Conditions

Under section 108 and 108AA of the RMA, this consent is subject to the following conditions:

Activity in accordance with the plans

1. The discharge of wastewater from the facility must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by council as consent numbers **DIS60393421** and **DIS60409396**.

Report title and reference	Author	Rev	Dated
<i>'On-site Wastewater Disposal Site Evaluation Checklist'</i>	Hall Consulting		14/12/2021
<i>"Environmental Effects Statement-Application to Renew Wastewater Discharge"</i>	Facility Manager		Not dated
<i>"Motutapu Outdoor Education Camp, Wastewater Treatment & Disposal Review Report"</i>	Hall Consulting		26/05/2022
Plans	Author	Rev	Dated
<i>'Location and Hand Auger Location Plan'</i>	Hall Consulting		05/04/2022
<i>"As Built Schematic MOEC"</i>	Innoflow		22/12/1998

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$348 (inclusive of GST), plus any further monitoring charge or charges to recover the

actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.

Duration of consent

4. This consent must expire on **30 November 2042** unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

Wastewater volume

5. The wastewater discharge volume to land must not exceed 26m³/day.

Wastewater system design

6. The key components of the wastewater treatment and land disposal system must be consistent with those described in the application and must comprise at least the following minimum, or additional, components, dimensions and standards:
 - a) Innoflow Re-Circulating Sand Contactor Wastewater treatment system:
 - (1x) 29m³ septic tank with effluent outlet filter
 - (1x) 23m³ storage tank
 - (1x) 130m² recirculating sand contactor
 - (1x) 27m³ recirculation tank
 - (1x) 27m³ treated effluent tank
 - (1x) Visual and audible alarm
 - (1x) Wastewater meter (+/-5% accuracy)
 - b) Wastewater land disposal system:
 - At least 5,200 lineal m of surface laid Pressure Compensating Dripper Irrigation (PCDI) area, planted to increase evapotranspiration. The peak loading rate will be 5mm/day.
 - At least 100% reserve land disposal area.
 - The primary and reserve wastewater land disposal areas must be located in accordance with the approved plans and must be a minimum distance of:
 - 15m from surface water

- 20m from water supply bores, and
- 0.9m from the highest seasonal groundwater level.

Minor Modifications approval

7. In the event that any minor modifications to the wastewater treatment and land disposal system are required, and if these will not result in an application under section 127 of the RMA or a new application, then the following information must be provided:
 - Plans and drawings outlining the details of the modifications; and
 - Supporting information that details how the proposal does not affect the capacity or performance of the wastewater treatment and land disposal system.

All information must be submitted to, and approved by the Council, prior to implementation.

Advice Note:

All proposed changes must be discussed with Council, prior to implementation.

Fencing and signage

8. A suitable fence and signage must be maintained around the effluent disposal area, that prevents stock access and discourages unauthorised access. Due to the public nature of the camp, the treatment plan and sand filter must have appropriate warning signage.

Land disposal area performance

9. The discharge of wastewater to land must not result in:
 - ponding of wastewater within or adjacent to the land disposal area;
 - channelling of wastewater that results in overland runoff of wastewater beyond the land disposal area;
 - surface seepage (breakout) of wastewater beyond the land disposal area.

Effluent Disposal Area Vegetation Coverage

10. The vegetation cover of the effluent disposal area must be maintained free of smothering weeds and managed consistently with the Motutapu Island Management Plan or other Department of conservation land management requirements, to ensure that the irrigation lines are readily accessible, at all times, by contractors and council staff undertaking maintenance and/or inspections.

Stormwater Management System

11. No stormwater must be allowed to flow onto, or have potential access to, the wastewater treatment plant, pump sump or wastewater disposal areas.

Use of reserve wastewater disposal areas

12. Written approval from Council must be obtained prior to the use of all or part of the reserve land disposal area. In order to assist the council to determine whether or not to approve use of all or part of the reserve wastewater disposal area the following information must be provided:

- The reason why the reserve land disposal area is needed;
- An assessment of the condition of the primary land disposal area and any maintenance or other mitigation measures required to allow its continued use;
- An assessment of discharge flow volumes on the site and an assessment of options to manage or reduce flows; and
- An updated site plan showing the proposed layout of the irrigation lines within the reserve land disposal area.

Protection of the reserve wastewater disposal area

13. The reserve wastewater land disposal area must be protected and maintained so that it remains available for future wastewater disposal should it be required. Retaining walls, buildings, or other permanent structures (including but not limited to vehicular access ways) that may compromise the future use of the reserve land disposal area for wastewater disposal must not be established in the reserve land disposal area and any earthworks carried out within the reserve land disposal area must be limited to minor disturbances of the topsoil and gardening.

Maintenance standard

14. The wastewater treatment and land disposal system must be maintained in good working order at all times.

Operation and Maintenance Plan

15. Within three months of the granting of consent, an Operation and Maintenance Plan for the on-going operation and maintenance of the wastewater treatment and land disposal system, must be submitted to the Council for certification. The Plan must include:
 - Details of a **6-monthly** inspection programme to be undertaken by a suitably qualified person to inspect and maintain the key components of the wastewater treatment and land disposal systems.
 - A schedule, instructions, checklist and forms for all operation and maintenance tasks required for the satisfactory operation of the wastewater treatment and land disposal systems, including:
 - solids removal;
 - filter cleaning;
 - pump maintenance;
 - flushing of PCDI lines (without discharging flushings off site or into surface water);
 - inspection of the land disposal area and vegetation management within it;
 - flow meter readings; and
 - the checklist must clearly specify who is responsible for completing the required maintenance (for example the consent holder may be responsible for monthly

cleaning of the outlet filter monthly and the maintenance contractor for the inspection and maintenance of other treatment system components).

- Names of appropriate people to contact in the event system malfunctions occur including contact telephone numbers.

16. The wastewater treatment and disposal system must be managed in accordance with the Operation and Maintenance Plan.

Maintenance Contract

17. A written maintenance contract for the on-going maintenance of the key components of the system(s) must be entered into with an appropriate wastewater treatment system operator, prior to the operation of the system(s). A written maintenance contract must be in place and maintained for the duration of the consent. The maintenance provider must provide the consent holder with a service report, following each service.
18. A copy of the current maintenance contract and any replacement contract(s) must be provided to Council within three months of a contract being entered into.

Advice Note:

If a wastewater professional that the consent holder has entered into a maintenance contract with becomes unable to fulfil the obligations of the contract, for any reason, then the consent holder will need to enter into a maintenance contract with another suitably qualified wastewater professional as soon as possible after becoming aware that the original provider will no longer be able to fulfil their contractual obligations.

Flow meter readings

19. The effluent flow meter must be read in full and the meter reading and camp occupancy numbers recorded when the camp is occupied. Meter readings must be recorded on a form that contains the following information: the consent number, site address, consent holder's name, the date the flow reading was recorded, camp occupancy numbers, the meter reading, and the calculated discharge flow volume.

Exceedance of the maximum consented flow limit

20. For any exceedance of the maximum consented discharge limit as authorised by condition **5** of this consent, the consent holder must prepare a Discharge Exceedance Investigation Report. This report must include, but is not limited to, the following:
 - a) Details of any previous discharge volume exceedances,
 - b) Daily flow monitoring records for the preceding six (6) month period,
 - c) The reason for the exceedance including a description of the actions undertaken to investigate the reason(s) for the exceedance; and
 - d) A description of the actions taken to remedy the cause of the flow exceedance.

A copy of the Discharge Exceedance Investigation Report must be provided to the council within **14 working days** from the date of the exceedance.

Reporting

21. The following information must be submitted to the Council by **30 September of each year**:

- Maintenance service records for the preceding period of 1 September to 31 August; and
- Flow monitoring records for the preceding period of 1 September to 31 August.
- Details of any incidents, complaints, failures and replacements for the preceding period of 1 September to 31 August.

Audit

22. An audit of the consent conditions, operation, and performance of the wastewater treatment and land disposal systems must be undertaken by a suitably qualified wastewater professional in August 2032 and August 2037. The audit must include:

- An assessment of the effluent sample analysis.
- An assessment of the condition of the wastewater treatment and land disposal system.
- An assessment of the adequacy of the system to treat and dispose the consented wastewater volume and quality.
- An up-to-date list of the components of the wastewater treatment and land disposal system.
- Recommendations including timeframes for any changes, upgrades or remedial works to the treatment and land disposal system or process.

A copy of the assessment report must be provided to the Council by no later than 30 September of the year in which the assessment is undertaken.

Compliance with audit

23. All recommendations specified in the audit report must be implemented to the satisfaction of the Council.

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring inspector unless otherwise specified. Please contact monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council’s website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.*
4. *If you as the applicant disagree with any of the above conditions or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in*

writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).

5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015 regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
6. *The Consent Holder is advised that the date of the commencement of this consent will be as determined by Section 116 of the RMA, unless a later date is stated as a condition of consent. The provisions of Section 116 of the RMA are summarised in the covering letter issued with this consent.*
7. *The Consent Holder is advised that, pursuant to Section 126 of the RMA, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the Council unless other criteria contained within Section 126 are met.*
8. *The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*
9. *Heritage New Zealand Pouhere Taonga Act 2014*

The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans.

According to the Act (section 6) archaeological site means, subject to section 42(–

1. *Any place in New Zealand, including any building or structure (or part of a building or structure), that –*
 - *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - *provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
2. *Includes a site for which a declaration is made under section 43(1)*

It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals (contact details above).

10. *Protected Objects Act 1975*

Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be

tāonga (treasures). These are tāonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).

According to the Act (section 2) tāonga tūturu means an object that –

- a) relates to Māori culture, history, or society; and*
- b) was, or appears to have been –*
 - i. manufactured or modified in New Zealand by Māori; or*
 - ii. brought into New Zealand by Māori; or*
 - iii. used by Māori; and*
- c) is more than 50 years old*

The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts, but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum, which shall notify the chief executive, of the finding of the tāonga tūturu, within 28 days of finding the tāonga tūturu; alternatively provided that in the case of any tāonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

Under section 11 of the Act, newly found tāonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.

For information please contact the Ministry of Culture and Heritage – 04 499 4229 /

protected-objects@mch.govt.nz.

11. Tikanga

Guidance should be sought from Mana Whenua for tikanga in relation to the consented proposal.

12. Flushing of PCDI Lines

Six-monthly flushing of pressure compensating drip irrigation (PCDI) is recommended. The flushing of the lines should be conducted in a manner that does not result in discharges of flushed water off the property or into surface water.

13. Contact Details

All information requirements of this consent including the engineer's certificates, as-built plans, maintenance contract, operations and maintenance plan, annual flow monitoring records, copies of maintenance service records, audit reports any other monitoring requirements of this consent can be emailed to Auckland Council at monitoring@aucklandcouncil.govt.nz.

Please include the consent number in the email title.

National Environmental Standard for Fresh Water

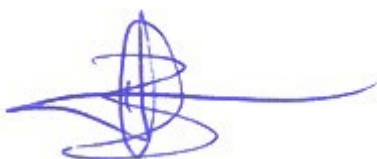
14. *The primary disposal area is located 55 metres from a wetland. Accordingly, non-complying activity consent is required under regulation 54(c) of the National Environmental Standard for Fresh Water.*

Delegated decision maker:

Name: Brad Allen

Title: Team Leader, Resource Consents

Signed:



Date: 17 November 2022