

Resource Consent

RESOURCE MANAGEMENT ACT 1991

Summary of decision – s127 variation

Consent No.	WGN050359	
Consent ID(s)	[39668] (new) [24539] (old) Discharge to Water	
Name	Hutt City Council	
Address	Private Bag 31-912, Lower Hutt 5040	
Decision made under	S127 of the Resource Management Act 1991	
Duration of consent	Original date granted: 25 August 2006	Variation effective: 6 December 2024
	Expires: 25 August 2031	
Purpose for which consent(s) is granted	To discharge secondary treated and disinfected wastewater to the coastal marine area through an existing outfall at Bluff Point.	
Location	The existing outfall at bluff Point, approximately 500m south-east of Pencarrow Head, Lower Hutt, at or about map reference NZMS 260: R27;649.808.	
Legal description of land	Coastal marine area	
Conditions	See below	

Decision recommended by:	Qurat Mahmood	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Kirsty van Reenen	Consultant Resource Advisor, Environmental Regulation	
Decision approved by:	Christina Schierlitz	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged: 20/06/24 **Application officially received:** 26/06/24

Application stopped: 02/07/24 (s92(1)) **Application started:** 18/11/24

Applicant to be notified of decision by: 06/12/24 **Applicant notified of decision on:** 06/12/24

Time taken to process application: 20 working days

Consent conditions

Activity

- 1.1 The location, treatment, and operation of the discharge shall be in accordance with the consent application and associated plans and documents lodged with the Wellington Regional Council on:
 - 7 June 2005, and further information lodged on 5 September 2005, subject to any modifications required to comply with the conditions of this permit.
 - Section 127 change of conditions application to delete condition 14 lodged on 20 June 2024, and further information provided on:
 - 4 July 2024 and 5 August 2024.
2. The rate of discharge shall not exceed:
3,100 L/s or 268,000 m³/day (peak wet weather flow).

Operations and Maintenance

3. The discharge point shall be the existing outfall at Bluff Point, at or about NZMS 260:R27;649.808.
4. (a) The permit holder shall maintain an Operations and Management Manual to provide for the effective and efficient operation of the wastewater treatment and disposal system at all times. The Operations and Management Manual shall be updated over time as appropriate and made available to the Wellington Regional Council for viewing at the Seaview treatment plant upon request.
(b) Records of incidents including complaints, failures, malfunctions and responses, associated with the wastewater treatment and disposal system shall be kept in a log and a copy of the log shall be made available to the Wellington Regional Council for viewing at the Seaview treatment plant upon request.

Treated Wastewater Monitoring

5. The permit holder shall continuously monitor and record the flow rate and volume of treated wastewater entering the main outfall sewer.
6. The permit holder shall take daily grab samples (between the hours of 10am and 4pm) and daily 24 hour flow proportioned composite samples of treated wastewater from the sampling location specified in condition 7 of this permit. The samples shall be analysed for the constituents and at the frequencies and detection limits listed in Schedule 1 attached to this permit.
7. The permit holder shall provide a suitable wastewater sampling location for the monitoring required by this permit. The sampling station shall be located at the outlet of the disinfection bank, prior to entry into the main outfall pump station.
8. All sampling techniques employed in respect of the conditions of this permit shall be acceptable to the Wellington Regional Council. All analyses undertaken in connection with this consent shall be performed by an International Accreditation New Zealand (IANZ) registered laboratory or otherwise as specifically approved by the Wellington Regional Council.

¹ Condition changed under s127 of the Act, granted 6/12/24

Effluent Quality

9. The following effluent standards shall apply at all times:

(a) Carbonaceous Biochemical Oxygen Demand (cBOD5)

Compliance is based on daily 24 hour flow proportioned composite sampling, with a running geometric mean and eighty-percentile calculated each day using 90 consecutive daily test results.

The geometric mean of 90 consecutive daily cBOD5 values shall not exceed 50 g/m³ and no more than 20% of 90 consecutive daily values shall exceed 85 g/m³.

(b) Suspended solids

Compliance is based on daily 24 hour flow proportioned composite sampling, with a running geometric mean and eighty-percentile calculated each day using 90 consecutive daily test results.

The geometric mean of 90 consecutive daily suspended solids values shall not exceed 50 g/m³ and no more than 20% of 90 consecutive daily values shall exceed 85 g/m³.

(c) Faecal Coliforms

Compliance is based on daily grab samples to be taken between the hours of 10am and 4pm with a running geometric mean and eighty percentile calculated each day using 90 consecutive daily test results.

The geometric mean of 90 consecutive daily faecal coliform values shall not exceed 1000 per 100 ml and no more than 20% of 90 consecutive daily values shall exceed 5000 per 100 ml.

10. The permit holder shall report to the Manager, Environmental Regulation, Wellington Regional Council, immediately in the event that a running geometric mean and/or 80 percentile calculated daily from the monitoring programme exceeds the values stipulated in condition 9 for more than three consecutive days. Such a report shall include the likely reason for exceedance, and measures to be undertaken by the permit holder to remedy the situation. The permit holder shall also immediately notify the Medical Officer of Health of any such event.

11. Based on 24 hour flow-proportioned composite samples collected and analysed once each month in accordance with conditions 6, 7 and 8 and Schedule 1 of this permit, all wastewater discharged through the outfall shall meet the following standards:

Analyte	Units	Standard:
		Over each 12-month period, from 1 July to 30 June, no more than 2 sample results shall exceed:
Dissolved Arsenic	mg/L	0.115
Dissolved Cadmium	mg/L	0.035
Dissolved Chromium	mg/L	0.220
Dissolved Copper	mg/L	0.065
Dissolved Nickel	mg/L	0.350
Dissolved Lead	mg/L	0.220

Dissolved Zinc	mg/L	0.750
Dissolved Mercury	mg/L	0.005
Cyanide	mg/L	0.200
Phenol	mg/L	0.500

Notes: 1. Two exceedances out of 12 samples is permitted to meet a 95-percentile discharge compliance standard, based on a discharger's risk of no more than 10% (from 'New Zealand Municipal Wastewater Monitoring Guidelines' NZWERF/MfE 2002)

2. The treated wastewater standards above are based on the ANZECC (2000) marine water trigger levels for 'slightly to moderately disturbed ecosystems' multiplied by a factor of 50 to allow for reasonable mixing (the 50:1 dilution contour extends approximately 400metres from the outfall).

Receiving Water Monitoring

12. The discharge shall not result in any of the following effects beyond a 200 metre radius of the discharge point:
- (a) The production of any conspicuous oil or grease films, scums or foams or floatable or suspended material;
 - (b) Any conspicuous change in colour or visual clarity;
 - (c) Any emission of objectionable odour; and/or
 - (d) Any significant adverse effect on aquatic life.
13. The permit holder shall collect representative coastal water samples from knee deep water at the following locations, once each month for six months through November to April inclusive each year, for the duration of this permit:
- (a) Fitzroy Bay 400 m SE of outfall (R27:651.807)
 - (b) Fitzroy Bay 100 m SE of outfall (R27:650.808)
 - (c) Fitzroy Bay 100 m NW of outfall (R27:648.808)
 - (d) Fitzroy Bay 400 m NW of outfall (R27:647.810)
 - (e) Pencarrow Head at Lighthouse (R27:647.816)
 - (f) Inconstant Point (R27:650.825)
 - (g) Hinds Point (R27:655.839)

The water samples shall be analysed for faecal coliform and enterococci bacteria.

~~14.² The permit holder shall collect three replicate composite samples of the green-lipped mussel (*Perna canaliculus*) from near shore waters at each of the following locations during February or March of every second year, for the duration of this permit:~~

- ~~(a) Fitzroy Bay 100m NW of outfall (R27:648.808)~~
- ~~(b) Fitzroy Bay 400m MW of outfall (R27:647.810)~~

² Condition deleted under s127 of the Act, granted on 06 December 2024

~~(c) — Pencarrow Head at Lighthouse (R27:647.816)~~

~~The flesh of the mussel samples shall be analysed for arsenic and trace metal (cadmium, chromium, copper, mercury, lead, nickel and zinc) concentrations. The number and size (length) of the shellfish analysed in each sample shall be recorded and this record forwarded to the Wellington Regional Council together with the analytical results.~~

15. The permit holder shall undertake a survey of marine subtidal communities along five transects extending from mean low water out to a distance of at least 100 metres offshore (at approximately the locations surveyed by the Cawthron Institute in 2004) in the years 2014 and 2024. The results of these studies are to be forwarded to Wellington Regional Council within three months of the surveys being undertaken.

Signage

16. The permit holder shall place and maintain appropriate signs on the shore to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. The signs shall:
 - (a) Provide clear identification of the location and nature of the discharge and risk to public health from bathing and the collection of shellfish for human consumption in the vicinity of the discharge; and
 - (b) Be visible to the public visiting the area without unnecessarily detracting from the visual amenity of the area.

Reporting

17. The permit holder shall make the results of all monitoring undertaken, as required by conditions of this permit, available to the Manager, Environmental Regulation, Wellington Regional Council on request, including provision of results in electronic format, and a monitoring report for each three-month period ending March, June, September and December shall be forwarded to the Manager, Environmental Regulation, Wellington Regional Council within 30 days after the end of each three month period. The quarterly report shall include reasons for any non-compliance and subsequent actions undertaken to remedy the non-compliance.
18. The permit holder shall provide to the Wellington Regional Council an annual monitoring report by 31 July each year summarising compliance with the conditions of this permit. This report shall include as a minimum:
 - (a) a summary of all monitoring undertaken in accordance with the conditions of this permit and a critical analysis of the information in terms of compliance and adverse environmental effects;
 - (b) a comparison of data with previously collected data in order to identify any emerging trends;
 - (c) any reasons for non-compliance or difficulties in achieving compliance with the conditions of this permit;
 - (d) any measures that have been undertaken, to improve the environmental performance of the wastewater treatment and disposal system; and
 - (e) any other issues considered important by the permit holder.
19. The permit holder shall take reasonable steps to investigate ways and means of minimising infiltration and stormwater ingress into the sewerage system and provide the Manager,

Environmental Regulation, Wellington Regional Council, with an annual report by 31 July on progress.

20. The permit holder shall take reasonable steps to monitor and manage trade waste inflows into the sewerage system so as to minimise the risk of disruption to the wastewater treatment process. The permit holder shall provide the Manager, Environmental Regulation, Wellington Regional Council, with an annual report on trade waste which summarises issues arising and actions taken by 31 July.

Main outfall pipeline

21. The permit holder shall submit a management plan for the main outfall pipeline to the Manager, Environmental Regulation, Wellington Regional Council within three months of the commencement of this permit. This plan shall be developed in consultation with, and to the reasonable satisfaction of, the Manager, Environmental Regulation, Wellington Regional Council, and shall include, but not be limited to, the following elements:
- (a) a management regime for the pipeline;
 - (b) a monitoring regime for the condition of the pipeline;
 - (c) identification of indicators that the pipeline or part of the pipeline may require replacement or repair to avoid discharges; and
 - (d) an evaluation of the expected life of the pipeline, and when its replacement (or part replacement) may be required with regard to the duration of this permit.

The management plan is to be reviewed and updated once every five years.

Where indicators in (c) identify the need for replacement or repair of the pipeline or part of the pipeline then, within 6 months of that identification being made, the consent holder shall submit an action plan to the Manager, Environmental Regulation, Wellington Regional Council outlining the actions to be undertaken and a timeframe in which those actions will occur.

22. The permit holder shall submit an annual report for the main outfall pipeline, which addresses activities undertaken during the previous year, to the Manager, Environmental Regulation, Wellington Regional Council, by 31 July each year. This report shall include, but not be limited to, the following elements:
- (a) Details of works (including any repairs and replacements) undertaken during the past year; and
 - (b) Collation and assessment of the results of any environmental monitoring undertaken during the year.
23. The permit holder shall develop a contingency plan outlining the procedures that will be adopted during a discharge event resulting from emergency works undertaken on the main outfall pipeline. The plan shall be developed in consultation with, and to the reasonable satisfaction of, Regional Public Health and the Manager, Environmental Regulation, Wellington Regional Council. This plan shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council within three months of the date of commencement of this permit. The plan shall include, but not be limited to, the following elements:
- (a) procedures the permit holder will adopt during and following a discharge event to ensure that the potential adverse effects of the discharge are minimised;

- (b) procedures to ensure appropriate signage is erected as soon as practicable following a discharge event;
 - (c) procedures for making information regarding discharge events publicly available as soon as practicable after such a discharge;
 - (d) procedures for the notification of potentially affected parties and relevant regulatory authorities in the event of a discharge event; and
 - (e) procedures for recording and reporting on the timing, duration and volume of each discharge event.
24. The permit holder shall advise the Manager, Environmental Regulation, Wellington Regional Council at the beginning of each financial year of any work planned in the next 12 months to repair or replace the pipeline.

Review

25. Within six months of the 9th and 19th anniversaries of the commencement of this permit, the permit holder shall submit to the Manager, Environmental Regulation, Wellington Regional Council, a Monitoring and Technology Review Report. The assessment shall be undertaken by a suitably qualified New Zealand specialist or specialists in wastewater systems.

The scope of the assessment should address, but not necessarily be limited to, the following:

- (a) Ongoing compliance with the requirements of the resource consent particularly in relation to any reported non-compliance with consent conditions;
 - (b) An assessment of compliance/consistency with any relevant national, or regional water quality policies, standards or guidelines in effect at the time;
 - (c) An assessment of the results of the permit holder's monitoring undertaken in accordance with the resource consent, including the adequacy and scope of such monitoring;
 - (d) A summary of any improvements made to the reticulation, treatment or disposal system since the grant of consent;
 - (e) A summary of any residual actual or potential effects of the discharge, irrespective of whether those effects are in accordance with the conditions of the consent;
 - (f) An outline of technological changes and advances in relation to wastewater management, treatment, disposal and beneficial use technologies, which may be available to address any residual adverse effects; and
 - (g) An assessment of whether any such options or combination of options represent the Best Practicable Option to minimise the effects of the discharge and whether the permit holder intends to incorporate such changes.
26. Wellington Regional Council may review any or all conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within six months of the fifth, tenth, fifteenth and twentieth anniversary of the commencement of this permit, for any of the following reasons:
- (a) To review the adequacy of, and if necessary amend the monitoring requirements outlined in this permit;

- (b) To address any adverse effects on the environment arising from the exercise of this permit; and/or
- (c) To require implementation of Best Practicable Option, including new treatment technology where appropriate, to avoid, remedy or mitigate any significant adverse effect on the environment arising from the discharge.

The review of conditions shall allow for the deletion or amendment of conditions of this permit; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Schedule 1: Discharge Monitoring

Analyte	Monitoring Frequency				Sample type	Units	Detection Limit
	Daily	Weekly	Monthly	Annually			
cBOD5	✓				Composite	mg/L	1
Total suspended solids	✓				Composite	mg/L	1
Faecal coliforms	✓				Grab		10
Enterococci		✓			Grab		10
Total grease/fat*			✓		Composite	mg/L	5
Ammonia-N			✓		Grab	mg/L	0.1
Nitrate-N			✓		Grab	mg/L	0.1
Total Phosphorus			✓		Grab	mg/L	0.1
Dissolved Reactive Phosphorus			✓		Grab	mg/L	0.1
pH			✓		Grab	pH	n.a
Conductivity			✓		Grab	mS/m	0.1
Arsenic (dissolved)			✓		Composite	mg/L	0.005
Cadmium (dissolved)			✓		Composite	mg/L	0.001
Chromium (dissolved)			✓		Composite	mg/L	0.001
Copper (dissolved)			✓		Composite	mg/L	0.001
Lead (dissolved)			✓		Composite	mg/L	0.002
Mercury (dissolved)			✓		Composite	mg/L	0.00008
Nickel (dissolved)			✓		Composite	mg/L	0.01
Zinc (dissolved)			✓		Composite	mg/L	0.01
Cyanide			✓		Composite	mg/L	0.001
Phenol			✓		Composite	mg/L	0.01

Formaldehyde				✓	Grab	mg/L	0.05
Volatile Organic Compounds				✓	Grab	mg/L	0.001
Semi Volatile Organic Compounds				✓	Grab	mg/L	0.001

* To be monitored for the first 12 months from the granting of this permit, after which time monitoring may cease with the written approval from the Wellington Regional Council.

Reasons for decision report

1. Background

Under section 127(1) of the Act, Hutt City Council (the applicant) has applied to delete consent condition 14 of the Coastal Permit WGN050359 [24539] associated with the discharge of treated wastewater from the Seaview WWTP to the Coastal Marine Area (CMA) from the outfall at Bluff Point, Pencarrow.

A consequential change to condition 1 is also applied for to reference the change of conditions application as follows:

No	Condition details
1	<p>Current condition</p> <p>The location, treatment, and operation of the discharge shall be in accordance with the consent application and associated plans and documents lodged with the Wellington Regional Council on 7 June 2005, and further information lodged on 5 September 2005, subject to any modifications required to comply with the conditions of this permit.</p> <hr/> <p>Revised Condition</p> <p>The location, treatment, and operation of the discharge shall be in accordance with the consent application and associated plans and documents lodged with the Wellington Regional Council on:</p> <ul style="list-style-type: none"> • 7 June 2005, and further information lodged on 5 September 2005, subject to any modifications required to comply with the conditions of this permit. • Section 127 change of conditions application to delete condition 14 lodged on 20 June 2024, and further information provided on: <ul style="list-style-type: none"> ○ 4 July 2024 and 5 August 2024.
14	<p>Deleted Condition</p> <p>The permit holder shall collect three replicate composite samples of green-lipped mussels (<i>Perna canaliculus</i>) from nearshore waters at each of the following locations during February or March of every second year, for the duration of this permit:</p> <p>(a) Fitzroy Bay 100m NW of the outfall</p>

	<p>(b) Fitzroy Bay 400m NW of the outfall</p> <p>(c) Pencarrow Head Lighthouse</p> <p>The flesh of the mussel samples shall be analysed for arsenic and trace metals (cadmium, chromium, copper, mercury, lead, nickel, and zinc) concentrations. The number and size (length) of the shellfish analysed in each sample shall be recorded and this record forwarded to the Wellington Regional Council together with the analytical results.”</p>
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1.1 Reasons for the deletion of Condition 14

The applicant applied to remove the requirement for routine monitoring of metals and metalloids in mussels collected from coastal waters near the Bluff Point outfall as per condition 14 because there are no longer sufficient mussels present at the sites to support and sustain this monitoring programme.

This change of consent conditions application is to improve administrative and monitoring processes.

In accordance with section 127(3) of the Act this application has been considered as a discretionary activity.

2. Consultation

The original application was publicly notified. In accordance with Section s127(4)(a) and (b) of the RMA I have considered the effects of deletion of condition 14 on all three parties who made submissions on the original application and concluded that:

Water quality will not change as a result of condition 14 being deleted. Therefore, there is no need to notify East Harbour Environmental Association Inc (EHEA) as their original submission was in support of the construction and operation of Seaview WWTP.

I notified the Department of Conservation (DOC) as an affected party under s95e as in their original submission their main concern was to ensure that there is no impact on wildlife, including birds feeding on shellfish and other intertidal zone fauna, marine mammals and other marine life passing through the mixing zone. Condition 14 was placed on the consent decision requiring monitoring of the receiving environment to address these concerns.

National Public Health Service – Te Whata Ora (NPH)’s original submission was neutral and they sought to ensure public health risks associated with

the application were considered, namely from recreational water contact and recommended conditions relating to signage (including temporary signage in the event of non-disinfected effluent discharges), microbial monitoring, and minimum wastewater standards. These recommendations were added to the consent decision. The effect of deletion of condition 14 was assessed, and it is evident from information provided that there is little to no recreational shellfish gathering, as mussels do not and have never lived at the bluff point in any abundance. Recreational fishing in the area would be unaffected as fish are transient and there are ‘no take’ signs in the area as required by condition 16 of the coastal permit. The consultation undertaken for this change of consent condition application is outlined in the table below.

Iwi authority	Comments
Taranaki Whānui ki Te Upoko o Te Ika (Port Nicholson Block Settlement Trust)	A full set of the application documents was provided to Taranaki Whānui ki Te Upoko o Te Ika (Port Nicholson Block Settlement Trust) via Te Wāhi for comment, and a snapshot was sent via email (see correspondence saved to file under document # Port Nicholson Block Settlement Trust - Snapshot of Resource Consent Application WGN050359.msg). No comments were provided on Te Wāhi or via email
Ngāti Toa Rangatira	A full set of the application documents was provided to Ngāti Toa Rangatira via Te Wāhi for comment, and a snapshot was sent via email. Ngāti Toa Rangatira provided comments in an email dated 21 August 2024 (see correspondence saved to file under document # Te Rūnanga o Toa Rangātira Inc - Snapshot of Resource Consent Application WGN050359.msg) Overall, Ngāti Toa Rangatira acknowledged the proposed changes to condition 14, as sought by the applicant, and are supportive of the proposal.
Applicant group(s) under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA)	Comments
Muaūpoko Tribal Authority	In accordance with section 62 of the MACA Act 2011, the applicant has confirmed that they have notified and sought the views of Muaūpoko Tribal Authority and received no comments (see correspondence saved to file under document # MACA Act correspondence.msg).

Other parties or persons	Comments
Department of Conservation (DOC)	<p>The Department of Conservation was consulted as part of the original application process and was considered to be an affected party under section 95E of the Act.</p> <p>DOC acknowledged the proposed changes to condition 14 as sought by the applicant and did not raise any concerns. A response was seen on 30 October 2024 advising that DOC supported this application (see correspondence saved to file under document # s95e DOC Response.msg).</p>
The National Public Health Service – Te Whata Ora (NPH)	<p>The National Public Health Service was consulted as part of the original application process and was considered to be an affected party under section 95E of the Act.</p> <p>A full set of this section 127 application documents were sent to The National Public Health Service as an interested party. A response was received on 2 August 2024 advising that National Public Health Service supported this application (see correspondence saved to file under document # NPH Response.msg).</p>
Dr Megan Melidonis Senior Coastal Scientist, GWRC	<p>Dr Melidonis was consulted regarding the proposal and requested further information to address her concerns. Her assessment is incorporated in section 4 below (see correspondence saved to file under document # WGN050359 Technical Advice email 1.msg WGN050359 Technical Advice email 2.msg WGN050359 Technical Advice email final.msg).</p>

3. Notification decision

A decision was made to process the application on a non-notified basis on 18 November 2024. Further information on the notification decision is provided in document # [WGN050359 - Notification decision report.docx](#).

4. Environmental effects

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and further information sourced during the processing of the application.

For the original consent application, a full assessment of environmental effects was made under WGN220099 as set out in the decision report on 20 December 2021. In the original application, DOC made a preliminary response in January 2005, stating that their main concern was to ensure

that there is no impact on wildlife including birds feeding on shellfish and other intertidal zone fauna, marine mammals and other marine life passing through the mixing zone.

Condition 14 was placed on the consent decision requiring monitoring of the receiving environment with regards to bioaccumulation monitoring studies of mussels at the three locations to understand the before and after environmental effects of heavy metals in the discharge on the environment.

The assessment under this s127 application focuses only on the environmental effects of deleting condition 14. This will be discussed in the report.

Section 127(3) of the RMA, states that an assessment of environmental effects must be made under section 88.

The overall summary of AEE concludes that:

- There is no evidence of any effects in the environment or accumulation over time. The loss of mussels in the area is not related to the discharge but rather that there were only small, isolated populations in the first instance due to the harsh conditions and largely mobile substrate in the intertidal zone.
- There is evidence that concentrations of zinc in mussels close to the outfall are influenced by the WWTP discharge but there is no evidence for a practically important difference in mussel tissue concentrations of arsenic, cadmium, chromium, copper, lead, or nickel.
- The concentration of metals and metalloids in the treated wastewater discharge has decreased over the twenty years since the WWTP was commissioned, indicating that the risk of bioaccumulation or secondary poisoning has declined.
- The predicted concentrations of metals and metalloids in coastal waters caused by the wastewater discharge are unlikely to have any adverse effect on the mussel population beyond a distance of 300m of the outfall.
- Given the sparse distribution of mussels in Fitzroy Bay and the relatively low body burden of metals in test samples taken from this area compared with those elsewhere in New Zealand, there is no evidence of any public health risk associated with metal content.
- Monthly monitoring of metals and metalloids in the WWTP discharge is a critical element for managing the risk associated with these contaminants, and to indicate if the level of risk increases or decreases in the future.

- Wastewater monitoring has characterised metal inputs to coastal waters over the period 2003 to 2023 and can be benchmarked against the results of the 10 yearly subtidal ecology surveys. This provides a level of confidence that unless there is a marked increase in the metal concentrations discharged the magnitude of metal-related adverse effects is unlikely to increase beyond that observed in the last subtidal ecology survey.
- A strong increase in metal concentrations above the range observed to date may indicate an increased level of risk for the marine ecology and could act as a trigger for further investigations. For instance, bringing forward the next scheduled ecology survey, or conducting a coastal water metal monitoring programme. As there has not been strong increases in metal concentrations that applicant does not consider such investigations are warranted.
- GWRC as a regulator can require additional investigations if the risk of adverse effects is significantly increased, or if treated wastewater metal concentrations exceed the limits specified in condition 11 of the consent.
- The coastal permit condition 11 directs the consent holder to continuously monitor metals and metalloids in the WWTP discharge monthly. This is a critical element for managing the risk associated with these contaminants and indicating whether the level of risk increases or decreases in the future. The threshold between ‘potential adverse effects’ and ‘no adverse effects’ on marine biota is between 100m and 300m from the outfall. Condition 12 of the coastal permit requires that the discharge shall not result in any significant effects beyond a 200m radius of the discharge. All of the evidence currently available indicates that this discharge standard is achieved.

Dr Megan Melidonis was consulted for technical expert advice on the proposal. Dr Melidonis raised concerns regarding higher zinc concentrations in mussels collected 100m from the outfall compared with 900m. Her concerns were addressed by the applicant. The zinc concentration in the mussels collected near the outfall was not significantly higher than in the mussels collected from New Zealand clean water reference sites at Adele Island and Carters Beach (Chandurvelan et al., 2015).³

The reference sites indicate the natural concentration of zinc in mussels in the absence of any anthropogenic sources and provide an ideal reference for the ‘impact’ sites close to the Pencarrow outfall. The zinc concentrations in mussels taken from clean water reference sites at Adele Island and Carters Beach were highest in gill tissue (78 to 92 µg/g) and

³ Chandurvelan et al. , Assessment of a mussel as a metal bioindicator of coastal contamination: Relationships between metal bioaccumulation and multiple biomarker responses. Science of the Total Environment 511 (2015) 663–675

lowest in foot tissue (46.1 to 46.4 µg/g). Zinc concentrations in the combined tissue from mussels collected from Fitzroy Bay 100m from the outfall ranged from 18.6 to 33.0 µg/g, while at 900m from the outfall, all tissue concentrations ranged between 19 to 30.5 µg/g.

These results indicate that the tissue of mussels collected at Fitzroy Bay does not contain zinc at higher concentrations than in mussels from clean water reference sites. ANZG 2018 guidelines for toxicants in sediment have a default guideline value for zinc of 200 µg/g.

The applicant has also considered performing the bioaccumulation investigations on available species (blue mussels, seaweed), however, this could result in potential health and safety risks within the rugged environment of Bluff Point and previous mussel monitoring studies have already shown low body burden of metals in the mussels, therefore, presenting no evidence of any public health risk associated with metal content.

Dr Melidonis was satisfied that the treated wastewater discharge is not leading to an elevated uptake of metals by marine biota in surrounding waters, after reasonable mixing. She considered the deletion of condition 14 for bioaccumulation studies in mussels will not have any additional environmental effects other than those already discussed in the original application. The deletion of condition 14 will not alter the ability to discharge secondary treated and disinfected wastewater to the coastal marine area through an existing outfall at Bluff Point and existing conditions associated with the coastal permit will continue to ensure intrinsic values of ecosystems are protected, including Condition 12 which requires that the discharge shall not result in any significant adverse effect on aquatic life beyond a 200 metre radius of the discharge point.

However, Dr Melidonis emphasised that enforcement actions must be carried out to address the issues and avoid any adverse environmental impacts in case of any exceedance of arsenic and trace metals concentration limits in the treated wastewater as specified in condition 11 of the consent.

I consider that ongoing monthly monitoring of metals in the treated wastewater and wastewater quality limits provides all the information needed to identify and manage any future increase in the risk of adverse effects associated with these contaminants. I consider the adverse environmental effects from the deletion of condition 14 to be less than minor.

4.1 Effects on significant mana whenua values

The applicant has consulted with Taranaki Whānui ki Te Upoko o Te Ika (Taranaki Whānui) and Ngāti Toa Rangatira during the preparation of the

change of consent application with the proposal of deleting condition 14 for mussel monitoring.

Taranaki Whānui acknowledged the challenges faced by WWL in continuing the mussel monitoring programme and recognised that is crucial to maintain environmental oversight and ensure the cultural and ecological integrity of the coastal and freshwater areas. In agreeing to the change in the resource consent condition, Taranaki Whānui expects that there is a reallocation in the funding previously designated for the mussel monitoring programme to a mutually agreed kaupapa that aligns with their values and priorities, particularly those that uphold Te Mana o te Wai and ensure the sustainability and protection of Wellington's waterways and marine environments.

Te Rūnanga supported the proposal of removing condition 14 and mutually agreed kaupapa developed between WWL and Taranaki Whānui to protect the values of the coastal marine area, ensuring the environment is sustained for future generations.

I consider that the applicant is committed to collaboratively working with Taranaki Whānui to agree upon a suitable kaupapa by respecting the effects on mana whenua values and sustainable management of the environment.

4.2 Summary of effects

Given the assessment above, it is considered that the proposed change of consent condition by deleting condition 14 will result in less than minor effects when undertaken in accordance with the recommended consent conditions.

5. Statutory assessment

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. The original decision provided a detailed assessment of the activity against Section 104-108AA of the Act.

I have assessed the change of conditions application against that assessment and consider that the proposed change is consistent with that assessment.

- 5.1** Since the original decision was made, the Natural Resources Plan (NRP) has been made operative. There have also been proposed changes notified to the New Zealand Coastal Policy Statement, Regional Policy Statement and the NRP. I provide an updated assessment that considers these changes below, the assessment in the original report has not been duplicated. There are no additional or new matters to be considered with this application because the proposal is to remove a monitoring condition while there have been changes in the planning documents in relation to

discharges, these have not been considered as the nature of the consented discharge is not changing.

The site of the Seaview WWTP existing main outfall is at Bluff Point, Pencarrow which is a site identified as the following in the schedules of the NRP:

- Schedule B – Ngā Taonga Nui a Kiwa:
 - Raukawa Moana (Cook Strait)
 - Te Whanganui-ā-Tara (Wellington Harbour)
- Schedule D – Statutory Acknowledgement Areas
 - Coastal Marine Area
- Schedule F – Ecosystems and habitats with significant indigenous biodiversity values:
 - Wellington Harbour Foreshore
 - Pencarrow Foreshore

I am satisfied that the change of conditions application is consistent with the relevant objectives and policies of the Regional Policy Statement, the Natural Resources Plan, Proposed RPS Change 1, and Proposed Change 1 to the NRP.

RMA section	Matter to consider	Comment
104(1)(b)(iv)	New Zealand Coastal Policy Statement (NZCPS 2010)	I consider that, with the application of the recommended deletion of condition 14 of consent, the proposed activity is consistent with the objectives of the New Zealand Coastal Policy Statement.
	Objective/Policy	Comment
	Objective 1 Policy 6, Policy 11, Policy 23,	The proposal will achieve Objective 1 as the deletion of condition 14 will not change the current design, situation and location of the Seaview WWTP main outfall at Bluff Point within the coastal marine environment. I consider the proposal is consistent with the policies as: a) The concentrations of metals and metalloids in the treated wastewater discharge have decreased over the twenty years since the WWTP was commissioned, indicating that the risk of

RMA section	Matter to consider	Comment
		<p>bioaccumulation or secondary poisoning has declined.</p> <p>b) The monthly monitoring of metals and metalloids in the WWTP discharge and wastewater quality limits is critical for managing the risk associated with these contaminants and indicating if the risk level increases or decreases in the future.</p>
	Objective 2 Policy 13	The deletion of condition 14 will not result in changes to the natural character of the coastal environment at this location.
	Objective 3 Policy 2	<p>I consider that the proposal is consistent with taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment as:</p> <p>Consultation has been undertaken with mana whenua and WWL is committed to collaboratively working with Taranaki Whānui to agree upon a suitable kaupapa that aligns with their values and priorities, particularly those that uphold Te Mana o te Wai and ensure the sustainability and protection of Wellington's waterways and marine environments.</p>
104(1)(b)(v)	Regional Policy Statement- Plan Change 1	I consider that with the application of the recommended deletion of condition 14 of consent, the proposed activity is consistent with the objectives and policies of the RPS (including proposed change 1).
	Objective/Policy	Comment
	Objective 4 Policy 35, Policy 36	The deletion of 14 will not result in changes to the natural character of the coastal environment at this location.
	Objective 6, Objective 7, Objective 16 Policy 40, Policy 36, Policy 37, Policy 47	<p>I consider that with the deletion of condition 14, the current water quality at Bluff Point will not change as:</p> <p>a) The monitoring has indicated that there is no significant change in heavy metals in the environment over time and there are no significant changes to levels of</p>

RMA section	Matter to consider	Comment
		<p>metal buildup in mussel flesh over the period of monitoring.</p> <p>b) Monthly monitoring of metals and metalloids in the WWTP discharge is a critical element for managing the risk associated with these contaminants to affect the life-supporting capacity of coastal ecosystems, and to indicate if the level of risk increases or decreases in the future.</p> <p>c) Monthly monitoring and other conditions on the coastal permit decision will continue to ensure potential effects on flora and fauna are avoided, remedied or mitigated.</p>
	Objective 26 Policy 49	I consider that the proposal is consistent with recognising and providing for matters of significance to tangata whenua with WWL commitment to working with Taranaki Whānui in a collaborative manner to agree upon a suitable kaupapa that aligns with their values and priorities, particularly those that uphold Te Mana o te Wai and ensure the sustainability and protection of Wellington's waterways and marine environments.
104(1)(b)(vi)	Natural Resources Plan	I consider that, with the application of the recommended deletion of condition 14 of consent, the proposed activity is consistent with the Natural Resources Plan.
	Objective/Policy	Comments
	Objective 1	The monitoring has indicated that there is no significant change in heavy metals in the environment over time and the continued mussel sampling has resulted in mussel species being absent from the three sampling sites, therefore deletion of condition 14 is considered appropriate in this instance.
	Objective 2 Beneficial use and development	Given the sparse distribution of mussels in Fitzroy Bay and the relatively low body burden of metals in test samples taken from this area compared with those elsewhere in New Zealand, there is no evidence of any

RMA section	Matter to consider	Comment
		public health risk associated with metal content.
104(1)(b)(vi)	Objective 7 Policy 9	I consider that the proposal is consistent with avoiding, remedying or mitigating the effects of wastewater discharge to the coastal marine area on contact recreation and Māori customary use as:
	Objective 9 and 10 Policy 11	<ul style="list-style-type: none"> a) WWL is committed to working with Taranaki Whānui in a collaborative manner to agree upon a suitable kaupapa that aligns with their values and priorities, particularly those that uphold Te Mana o te Wai and ensure the sustainability and protection of Wellington’s waterways and marine environments. b) Monthly monitoring of metals and metalloids in the WWTP discharge is a critical element for managing the risk associated with these contaminants to affect the life-supporting capacity of coastal ecosystems, and to indicate if the level of risk increases or decreases in the future. c) Due to the exposed environment and access restrictions, contact recreation is limited in the area. There is also signage in the area excluding the public from recreating in the waters off Bluff Point because of the health risks.
	Objective O12 and Policy P18, Policy P20,	<p>The proposal recognises that the mauri of fresh and coastal waters is important to Māori and must be sustained and enhanced.</p> <p>Taranaki Whānui prioritise the health and well-being of all water bodies, and as a fundamental value, emphasises the importance of safeguarding the mauri (life force) of all waters. As stated above, WWL is committed to collaboratively working with Taranaki Whānui to agree upon a suitable kaupapa that aligns with their values and priorities.</p>

RMA section	Matter to consider	Comment
	Objective O13 Policy P21	I consider that the proposal is consistent with exercising Kaitiakitanga by consulting with mana whenua and committed to working with Taranaki Whānui collaboratively to agree upon a suitable kaupapa that aligns with their values and priorities, particularly those that uphold Te Mana o te Wai and ensure the sustainability and protection of Wellington's waterways and marine environments.
	Objective O14, Policy P24,	The deletion of condition 14 will not result in changes to the natural character of the coastal environment at this location.
	Objective O17	The current water quality at Bluff Point will not change as a result of condition 14 being deleted.
	Objective O19, Policy P30, Policy P31	<p>I consider that the proposal is consistent with managing biodiversity, aquatics ecosystem health and mahinga kai as:</p> <ul style="list-style-type: none"> a) There will be no changes to hydrology of the coastal marine area with the deletion of condition 14. b) Existing conditions associated with the coastal permit decision will continue to ensure intrinsic values of ecosystems are protected, including Condition 12 which requires that the discharge shall not result in any significant adverse effect on aquatic life beyond a 200-metre radius of the discharge point. c) Riparian habitats will not be affected, and pests will not be introduced as a result of condition 14 being deleted. d) Monthly monitoring and other conditions on the coastal permit decision will continue to ensure potential effects on flora and fauna are avoided, remedied or mitigated. e) There is also signage in the area excluding the public from recreating in the waters off Bluff Point because of the health risks.

RMA section	Matter to consider	Comment
	Objective O39, Policy P91, Policy P92	I consider that the proposal is valuing mana whenua values and interests in the management of wastewater discharges to the coastal water including adverse effects on Māori customary use, Ngā Taonga Nui a Kiwa, outstanding water bodies and mahinga kai as WWL is committed to working with Taranaki Whānui in a collaborative manner to agree upon a suitable Kaupapa. Also, this proposal does not change the existing wastewater discharges to water at Bluff Point as a result of condition 14 being deleted.
	Objective O45, Policy P139,	The deletion of condition 14 will not change the current situation of the outfall point being located at Bluff Point within the coastal marine environment
	Objective O46, Policy P140, Policy P141, Policy P142, Policy P92	I consider that with the deletion of condition 14 the use and development of any occupied space in the coastal marine area will not change as: <ul style="list-style-type: none"> a) Due to the exposed environment and access restrictions, contact recreation is limited in the area. b) There is also signage in the area excluding the public from recreating in the waters off Bluff Point because of the health risks. c) Visual amenity values in the area will not change. d) Existing vessel passage in this area will also not change.
107		It is worth noting that the nature of the discharge is not changing and condition 12 of the coastal permit decision ensures that the discharge of wastewater from Bluff Point will continue to be in accordance with s107 of the RMA.
108 – 108AA	Conditions on resource consents	Deleting 14 will not affect the application of the remaining consent conditions. All the remaining consent conditions will remain applicable to the consent activity.

Overall, the proposal is considered to promote sustainable management of the natural and physical resources as the deletion of condition 14 will not

alter the ability to discharge secondary treated and disinfected wastewater to the coastal marine area through an existing outfall at Bluff Point, whilst ensuring potential effects on the environment are mitigated through monthly monitoring and adherence to wastewater quality limits.

6. Duration of consent

Under section 127(1)(b) of the Act, no consent holder may apply for a change of the consent duration. so the consent expiry date will remain as 25 August 2031.

7. Monitoring

The current compliance monitoring programme and associated charges will remain.