

# ORC Omnibus Plan Change - Plan Change 8

## Submission Reference no: 18

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**Submitter Type:** Not specified

**Source:** Web Form

### Overall Notes:

#### Clause

Are you a trade competitor?

#### Position

I am a person who would not gain an advantage in trade competition through this submission

#### Notes

#### Clause

What are you submitting on? You can submit on specific parts of Plan Change 8 or the whole plan change.

#### Position

I am submitting on specific parts of the plan change (please detail below).

#### Notes

#### Clause

The specific parts of the plan change that my submission relates to are:

#### Notes

As per the attached submission

#### Clause

What is your view on the Plan Change 8 or the specific parts listed above? Please select one, if you have multiple views state clearly in the notes box below.

#### Position

Support

#### Notes

Support with amendments as per the attached submission

#### Clause

The reason(s) for my views are:

#### Notes

As per the attached submission

#### Clause

What decision would you like the Environment Court to make?

#### Position

Approve the plan change with amendments

#### Notes

#### Clause

The reasons form my view and/or any amendment(s) I am seeking are:

#### Notes

As per the attached submission

#### Clause

Do you wish to be heard in support of your submission? All submissions will be considered by the Environment Court. Please indicate if you wish to be heard in support of your submission.

**Position**

I wish to be heard in support of my submission

**Notes**

**Clause**

Authority to act:

**Position**

I confirm I have the authority to sign this submission on behalf of the submitter

**Notes**

17 August 2020

Environmental Protection Authority  
Private Bag 63002  
Wellington 6140

Otago Regional Council  
Private Bag 1954  
Dunedin 9054

### **SUBMISSION ON PROPOSED PLAN CHANGE 8 (DISCHARGE MANAGEMENT)**

1. The Dunedin City Council (DCC) thanks the Environmental Protection Authority for the opportunity to comment on proposed Plan Change 8 (Discharge Management) to the Regional Plan: Water for Otago (PC8).
2. The DCC acknowledges the issues the Otago Regional Council (ORC) seeks to address and supports the long-term goal of improving water quality in the Otago Region.
3. As a territorial authority with responsibilities for three waters service delivery, district planning and waste management, the DCC has a strong interest in the changes proposed in PC8 and welcome engagement with the ORC on this plan change.
4. The DCC supports the intent of PC8, and requests amendments to provide strengthened and clarified policy direction as detailed in this submission.

### **Background**

#### *Dunedin City's drainage systems*

5. The DCC wastewater and stormwater systems service over 40,000 properties. Wastewater from the greater Dunedin and Mosgiel areas is tertiary treated before discharge to the sea via outfall pipelines at St Kilda and Waldronville. The DCC also has community wastewater treatment plants that discharge to land in a manner that may enter fresh water. The DCC's stormwater system discharges to streams, the Otago Harbour and the coast.
6. Parts of Dunedin's stormwater and wastewater systems are old and need refurbishment, or have exceeded their design capacity. Improving these systems and their performance is essential to ensure the sustainable management of the city's drainage infrastructure, and land and water resources, and to meet public expectations for positive environmental outcomes.

#### *DCC's drainage resource consents*

7. The DCC holds more than 30 resource consents from the ORC for wastewater and stormwater discharges to both land and water (including both freshwater and coastal waters); discharge of contaminants from water treatment processes to land and water; and wastewater network overflows to freshwater and coastal waters.
8. The DCC is also currently working with the ORC on consenting some of its less frequent wastewater discharges previously considered to be provided for by Resource Management Act 1991 (RMA) emergency provisions.

9. Within the next 10 years, the DCC will need replacement consents or variations to existing discharge resource consents for around 14 of its discharges, notwithstanding any Government changes that impose further consenting requirements (e.g. the Essential Freshwater package).

#### *Improving the City's discharge systems*

10. The DCC is committed to improving the quality of its discharges to the environment. The *3 Waters Strategic Direction Statement 2010-2060* identifies improving discharge quality as a key priority, while embracing the concept of kaitiakitaka and having regard to affordability. *Te Ao Tūroa – Dunedin's Environment Strategy 2016* takes a partnership approach to facilitate and secure a healthy environment now and into the future. Both strategies identify reducing wastewater overflows and polluting discharges, and discharging in an environmentally responsible manner, as actions the DCC will take to achieve a healthy environment.
11. The DCC has made significant strategic and financial investment to enable improvements to Dunedin City's wastewater and stormwater systems including:
  - a) Substantial investment (around \$157 million to date) on wastewater management since 2000, upgrading Dunedin's two main wastewater treatment plants and ocean outfalls to improve plant processes and performance, and the quality of the discharges. This investment, including at the five smaller plants, is ongoing. For example, a further \$68 million is earmarked for further plant resilience work which includes renewals and new capital work and addresses wet weather capacity upgrades; investigation, planning and implementation of a Bioresources Strategy; and development of the Wastewater System Plan.
  - b) Substantial investment in the DCC's wastewater network renewals programme with a total forecast spend over the next 10 years of \$191 million. This includes network renewals in Sawyers Bay, North East Valley, Kaikorai Valley and the Tertiary Precinct where inflow and infiltration (I&I) contributes to wastewater overflows.
  - c) Long-term strategic system planning which considers whole of system performance, drivers for change, and options to achieve identified objectives that aligns with financial planning cycles.
  - d) The proposed Trade Waste Bylaw (2020) and proposed Stormwater Quality Bylaw (2020) have been notified. These will replace the existing Trade Waste Bylaw (2008) as tools for managing discharges to the wastewater system and stormwater systems, and together strengthen the DCC's ability to manage its discharges to the environment.
12. The DCC's stormwater and wastewater system improvements are essential to ensure the sustainable management of Dunedin's drainage infrastructure and to continue to meet public expectations for positive health and environmental outcomes. Improvements will also continue as regulation becomes more stringent as a result of the Government's Essential Freshwater and 3 Waters Reform programmes.

#### *Regional wastewater and stormwater provisions*

13. The ORC's Urban Water Quality Strategy 2017 identifies a range of key issues broadly summarised as 'cumulative effects', a 'complex environment' and 'infrastructure and funding'. That strategy has not yet translated into a clear set of objectives and policies in either the Regional Policy Statement or the Regional Plan: Water specifically to give direction and

guidance for the unique challenges posed by operating extensive and complex wastewater and stormwater systems, often in the urban environment.

#### *Earthworks for residential development*

14. The DCC manages residential earthworks through the Dunedin City Proposed District Plan (2GP). The 2GP provides objectives, policies and rules related to earthworks, and objectives and policies for earthworks in proximity to the coast and riparian margins. Appendix 1 provides the relevant earthworks provisions of the 2GP.
15. An effects-based performance standard is used to set scale thresholds for 'Earthworks – small scale' and 'Earthworks – large scale' based on finished ground level, maximum area and volume. Restrictions are imposed in specific zones.
16. All earthworks are subject to other performance standards including sediment and dust control, and large-scale earthworks are also subject to a coastal and waterbodies setback performance standard.
17. Earthworks must be undertaken using best practice sediment control management to prevent sediment entering water bodies, stormwater networks, or the coastal marine area, or going across property boundaries, otherwise consent is required. Earthworks are also required to be located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies.

#### *Landfill operation*

18. Dunedin City's primary disposal facility for putrescible and special hazardous waste is Green Island Landfill, owned and operated by the DCC. This landfill commenced operation in the 1950's adjacent to Kaikorai Estuary. Resource Management Act 1991 (RMA) consents for its operation were granted in 1994, and these consents expire in Oct 2023.
19. The Smooth Hill landfill site has long been designated in the operative Dunedin City District Plan, and the subsequent proposed Second Generation District Plan (2GP) for "Landfilling and Associated Refuse Processing Operations and Activities". The proposed Smooth Hill landfill will be a class 1 landfill with a capacity of approximately 6 million m<sup>3</sup> and an expected life, at current Dunedin disposal rates, of approximately 55 years. Dunedin's population is around 126,800 (2018 data) and is the largest metropolitan centre in the Otago Region. With the closure of Green Island, Smooth Hill landfill will be the only landfill in Dunedin (and potentially within 10 years, Otago) that can accept municipal solid waste. The DCC is the Requiring Authority for this landfill.

#### **Plan Change 8 - wastewater and stormwater**

20. The purpose of PC8 is *"to introduce a range of amendments targeting specific issues or activities known to be contributing to water quality issues in parts of Otago"*, including a *"strengthened and clarified policy direction for assessing resource consent applications for discharges of stormwater, wastewater and from rural land uses"*.
21. To do this, PC8 proposes amendment to two stormwater policies (one is minor edits only) and a new wastewater policy. There are no changes to rules associated with these policies. PC8 also proposes a new policy and rules for sediment discharge from residential earthworks.
22. The DCC supports the intent of PC8 and would welcome wastewater and stormwater system provisions that provide clarity and certainty for long term planning, budgeting, and consent

applications. Clearly defined environmental, flow, and performance expectations, along with reasonable timeframes for meeting any new requirements are important.

23. The DCC considers PC8, as proposed, does not adequately provide a “strengthened and clarified policy direction” for the following stormwater and wastewater issues that currently contribute to long-term planning and consent application challenges:

- a) **The need to consider the wider system:** a catchment scale focus, clear standards, and consideration of entire system requirements would provide opportunities for community involvement, aid in the planning and funding of capital works, and ensure the chosen solutions represent the best overall value for money or the best practicable option, with the lowest carbon impact.
- b) **The need to recognise the considerable cost of forward planning to achieve significant environmental improvements, and the need to provide clear, achievable standards:** strategic planning and budgeting for system improvements commences many years prior to a consent application being lodged. Significant time and resource is spent determining appropriate environmental bottom lines, flow, and performance standards on a case-by-case basis, with early stakeholder and iwi partner engagement. Clear and achievable standards would provide certainty that the selected approach will be considered appropriate by the processing planner. The more stringent the standards, the more expensive the solution. Clear standards are particularly important for wastewater treatment plants.
- c) **The need to provide clear guidance on wastewater system issues:** issues can result in the discharge of untreated wastewater to the environment, many of which are unconsented across Otago e.g. blockages and breakages, constructed overflows, mechanical failure and various types of wet weather overflows. Overflows occur because of incapacity in the wastewater network, or to safeguard the wastewater system and have the potential to find their way from the wastewater system into the stormwater system, whether through a direct connection via a constructed overflow, or an indirect path. There is a need for clarity about which type of overflows, if any, could be considered ‘emergency’, and whether allowance for bypassing wet weather flows through treatment plants will be provided.

Wastewater overflows require significant investment system-wide and a long period of dedicated effort before there are tangible positive outcomes. In addition, given the significant lifespan of drainage assets (about 60 years), it is essential that accurate growth and climate change forecasts are available when constructing infrastructure, otherwise overflows may occur early in the lifecycle of drainage assets and there could be a lag time of some years when an overflow continues to occur before adequately sized infrastructure can be designed and constructed.

The difficulties the Queenstown Lakes District Council recently had navigating the current planning framework (RM19.501 for consent for wastewater network discharges, subsequently declined) illustrates the need to provide clear guidance for consenting wastewater system issues.

- d) **Recognise the positive effects of wastewater and stormwater systems, and enable balanced consideration of the effects:** in terms of the RMA definition of sustainable management, stormwater and wastewater networks are essential physical resources serving the important functions of flood protection, safeguarding public health and safety, and promoting community wellbeing. If the regulatory process does not recognise

these positive effects, some of the basic benefits of stormwater and wastewater networks may be reduced or compromised.

Policy 7.B.2 of the Regional Plan: Water requires objectionable discharges of water or contaminants be avoided, to maintain freshwater body values. In light of the findings of the RM19.051 decision panel who found the application to discharge network wastewater was inconsistent with this policy, and in order to enable wastewater network issues in particular to be appropriately addressed, Policy 7.B.2 should be revisited.

In some cases, the provision of an overflow may be the best practicable option with minimal environmental effects. Total elimination of overflows is near impossible or prohibitively expensive. Even a network where each pipe has sufficient storage to accept flows from the entire upstream network for a set period of time is unlikely to provide total elimination of overflows and twinning the entire network would effectively double the financial expenditure required to maintain and renew the network (and is unlikely to be practical).

Clear policy guidance would also clarify the assumption that all flows must be treated. Treating all wastewater discharges will lead to significant expenditure on both networks and treatment plants, with a flow on impact on rates.

A balance needs to be found between the community's essential infrastructure needs and the management of discharges into the region's waterways.

- e) **Provide clear guidance for the management or application of biosolids to land.**
  - f) **Provide clear guidance on acceptable timeframes for making any improvements that may be required.**
  - g) **Recognise the challenges of achieving stormwater water quality aspirations:** there are challenges in retrofitting water quality solutions on existing stormwater systems, and for a Territorial Authority to require new systems installed by developers to incorporate water sensitive urban design features. The need for clear water quality standards is essential for understanding the financial impacts of designing and maintaining the system to meet those standards; and given the significant lifespan of drainage assets, when changing water quality standards, a significant lead in time is required to allow for forward planning, investment and implementation.
  - h) **Avoid ambiguity within the planning framework:** a clear and certain framework has positive outcomes for all parties through a clear understanding of expectations and consistent application of policy by individual consent planners.
24. In addition to the feedback at paragraph 23 (a) – (h) above, Appendix 2 suggests amendments to PC8 that could address uncertainty and ambiguity that would be created by policies 7.C.6 and 7.C.12 if adopted as drafted.
25. The DCC notes the new Regulator Taumata Arowai will have a “small number of complementary functions relating to improving the environmental performance of wastewater and stormwater networks”. A new National Environmental Standard for Wastewater Discharges and Overflows (NES-WDO) is also proposed and may assist with national guidance on some of the above, although it could still be some years before this national guidance is developed and implemented.

### **Plan Change 8 - Earthworks for residential development**

26. PC8 proposes a new policy and new rules to address sediment from earthworks for residential development. The DCC is supportive of the intent of PC8 providing regional rules for managing the effects of sediment on water quality. The DCC acknowledges the sediment control provisions of PC8 are more comprehensive than the 2GP provisions.
27. However, the proposed PC8 provisions may result in duplication with the 2GP plan provisions which is inefficient and may cause confusion for Plan users. Small scale earthworks under the 2GP will likely be able to meet the proposed ORC permitted activity rule. However, some 'large scale' earthworks under the 2GP will require consent under the 2GP but not the Regional Plan: Water, and some 'large scale' earthworks will require consent from both plans, duplicating consideration of sediment control matters.
28. As well as duplication, there is also misalignment of the rules in the respective plans regarding setbacks from water bodies. Proposed ORC Rule 14.5.1.1 requires a 10 metre setback from water bodies to be a permitted activity, whereas the 2GP rules use either a 20 metre or 5 metre setback to reduce the thresholds for 'earthworks – small scale'; and for minimum setbacks for 'earthworks – large scale'.

### **Plan Change 8 – Regionally significant infrastructure**

29. Policy 10.4.2 currently refers to "nationally or regionally important infrastructure". This wording is inconsistent with the phrase "nationally or regionally significant infrastructure" which is used in the Partially Operative Otago Regional Policy Statement (PORPS) and other resource management legislation.
30. PC8 proposes to refer to "nationally or regionally significant infrastructure", however there is no definition of such infrastructure in the Water Plan, nor is any infrastructure identified as being nationally or regionally significant in the Water Plan or the Waste Plan.
31. The DCC is supportive of this proposed change and seeks further consequential amendments to the Regional Plan: Water to identify Smooth Hill as designated in the Dunedin 2GP as regionally significant infrastructure. Detail for this request is given in Appendix 3.

### **Potential wider impacts of Plan Change 8**

32. While the ORC considers this plan change to be a 'quick fix', the Section 32 Evaluation Report for PC8 notes 'targeted solutions' provided by the plan change can be "easily incorporated into a new regional plan in the future" (i.e. the new Land and Water Regional Plan (LWRP)). Consequently, it is even more important to achieve the purpose of PC8 as this may be the last opportunity for some time to clarify and strengthen regional planning provisions relating to wastewater and stormwater management.
33. Further, discharges to the coastal marine area are currently regulated by the Regional Plan: Coast for Otago and will not be directly affected by PC8. However, the ORC's new LWRP will provide for the integrated management of resources, which includes the coastal environment. It is therefore likely PC8 will have flow-on effects for the DCC's coastal permits when the LWRP is developed.

### **Specific requests**

34. The DCC considers PC8 would benefit from improvements to provide the strengthened and clarified policy direction it is seeking to achieve. The DCC requests PC8 be amended to address:



- (a) The matters raised in paragraph 23 (a) to (h). If amendments to address the DCC's concerns result in a proposal substantially different to the one notified, the DCC would like to be further engaged either through this plan change process or by way of a variation to PC8.
  - (b) Uncertainty and ambiguity resulting from proposed policies 7.C.6 and 7.C.12, as detailed in Appendix 2.
- 35. The DCC seeks clarity on aligning the respective earthworks rules of the Regional Plan: Water and the 2GP, including the potential for removing duplication from the 2GP.
  - 36. The DCC seeks the proposed Smooth Hill landfill be identified and provided for as Regionally Significant Infrastructure by inclusion of text under policy 10.4.2 that states "To provide for the Smooth Hill landfill as designated in the Dunedin 2GP as regionally significant infrastructure", or alternatively, that a new policy is inserted after 10.4.2 to identify the Smooth Hill landfill as regionally significant infrastructure.
  - 37. The DCC requests any other necessary or consequential amendments are made to give effect to this submission.

### **Conclusion**

- 38. To efficiently and effectively plan for wastewater and stormwater improvements over the long term, and target resources wisely during the planning phase, clear regulatory expectations and timeframes are crucial.
- 39. To enable a future regional solution for waste management in Otago, the proposed Smooth Hill landfill needs to be recognised as regionally significant infrastructure.
- 40. The DCC supports the long-term goal of improving water quality in the Otago Region and looks forward to continuing to work with the ORC to achieve that objective.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Hawkins', written in a cursive style.

Aaron Hawkins  
**Mayor of Dunedin**



## APPENDIX 1: EARTHWORKS PROVISIONS OF THE DUNEDIN CITY PROPOSED DISTRICT PLAN (2GP)

1. The DCC manages residential earthworks under the Dunedin City Proposed District Plan (2GP). In the 2GP earthworks are a city-wide activity (Section 8A - Earthworks). This section contains objectives, policies and rules related to earthworks. Objectives and policies related to earthworks in proximity to the coast and riparian margins are also contained in Section 10 (Natural Environment).
2. Rule 8A.5 includes the performance standards that apply to earthworks for it to be considered a permitted activity. The 2GP uses a set of performance standards to set scale thresholds to be permitted. "Earthworks – small scale" are permitted and those that are above this scale are managed as "earthworks – large scale", which is a restricted discretionary activity.
3. Rule 8A.5.1 is the performance standard that sets the parameters for being considered "earthworks - small scale". It includes (1) a list of types of earthworks that are always considered "small scale", and (2) 'scale' thresholds for earthworks that are not in that list based on:
  1. 8A.5.1.3 Maximum change in finished ground level;
  2. 8A.5.1.4 Maximum area; and
  3. 8A.5.1.5 Maximum volume of combined cut and fill.
4. The above-mentioned thresholds are more restrictive in a number of areas, including within:
  1. Groundwater protection mapped areas;
  2. Areas of significant biodiversity value;
  3. 20m of a water body or MHWS in the Rural, and Invermay and Hercus Zones, or within 5m of a water body or MHWS in all other zones.
5. All earthworks (whether small scale or large scale) are subject to several other performance standards, including:
  1. Rule 8A.5.7 (sediment control) which requires earthworks to be undertaken using best practice sediment control management to prevent sediment entering water bodies, stormwater networks, or the coastal marine area, or going across property boundaries. Contravention of this performance standard requires restricted discretionary consent. A note is included under this rule alerting plan users to other potential requirements under the Regional Plan: Water for Otago (note 8A.5.7A). Assessment matter 8A.6.3.3 includes matters of discretion regarding effects on surrounding sites, effects on biodiversity values and natural character of riparian margins and coast, and effects on the efficiency and affordability of infrastructure.
  2. Rule 8A.5.12 (dust control) requires earthworks to be undertaken in a manner that avoids, or minimises as far as practicable, creating a dust nuisance beyond any property boundary, by using best practice dust control. This rule states that dust nuisance includes suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water. Contravention of this performance standard requires restricted discretionary consent. Assessment matter 8A.6.3.9 has a matter of discretion regarding effects on amenity of surrounding sites.

6. In addition, earthworks – large scale are subject to a performance standard for Setback from Coast and Water Bodies (Rule 10.3.3). This performance standard requires earthworks – large scale to meet the following setbacks (noting that there are exemptions in this rule for certain activities):
  1. 20m from MHWS; and
  2. 20m from any wetland identified in Appendix A1.2, Schedule of Areas of Significant Biodiversity Value (ASBV);
  3. 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones;
  4. 5m from any water body with a clearly defined bed less than 3m in width in the rural zones; and
  5. 5m from any water body with a clearly defined bed in all other zones.
7. Contravention of Rule 10.3.3 is a restricted discretionary activity. Assessment matter 10.5.3.10 includes matters of discretion regarding effects on biodiversity values and natural character of riparian margins and the coast, effects on public access and risk from natural hazards.
8. Contravention of Rules 8A.5.7 and 10.3.3 include consideration of Policy 10.2.2.5 (Require earthworks to be located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies.).



## APPENDIX 2: DETAILED COMMENTS ON PROPOSED PROVISIONS OF PC8 AS NOTIFIED

The DCC requests the following changes to PC8 to address the matters raised in this submission -

(A) Amend **Policy 7.C.6** as follows:

- (1) The policy would benefit from improved clarity to ensure the intent of the policy is well understood. The wording as proposed will not meet the outcome the ORC seeks, that the policy “strengthens the expectations regarding reductions in sewage overflows into stormwater systems”<sup>1</sup> as the expectations are not quantified or timebound.
- (2) It would be useful to clarify:
  - a) what a “progressive” upgrade involves.
  - b) how “minimise the volume of sewage” will be determined. It is noted the frequency and volume of sewage overflows is dependent on weather patterns and the number of rainfall events, which are variable each year.
  - c) when and how the policy will be applied to require stormwater upgrades that specifically address sewage overflows.
  - d) whether there is a target or timeframe for reducing overflows.
  - e) how the ORC will *require* the implementation of policy 7.C.6, given there are no proposed changes to rules. The current rules permit stormwater discharges provided the discharge does not contain any human sewage. The DCC considers with the proposed wording, the outcome the ORC seeks “to improve the quality of discharges”<sup>2</sup> will not be achieved through requiring “the progressive upgrade of stormwater reticulation systems” because it has no targeted direction and guidance for how this will be achieved.
- (3) Common terminology should be used to support conversations around improvements and change. Policy 7.C.6 would benefit from clarifying whether “sewage overflows” includes both “dry weather” as well as “wet weather” overflows.

(B) Amend **Policy 7.C.12** as follows:

- (1) Provide clarity and guidance to ensure the intent of the policy is well understood and requirements are measurable, achievable, and targeted.

<sup>1</sup> ORC Section 32 Evaluation Report, page 19

<sup>2</sup> ORC Section 32 Evaluation Report, page 19

- (2) Provide clear guidance on expectations, targets and timeframes for improvement in wastewater overflows.
- (3) Policy 7.C.12(a) should focus on providing guidance on expectations around the quality of the discharge required. A water service provider needs certainty on the expectations for the quality of the discharge to enable the wastewater system to be designed, operated, maintained and monitored to meet those expectations. Monitoring the adverse effects of the discharge needs to be targeted to the effects of the *discharge activity*, establishing measurable, reasonable, and enforceable conditions of consent. Focusing on the expectations for the quality of the discharge, perhaps including performance standards and environmental bottom lines will assist the ORC in achieving the outcome of “reducing adverse effects from wastewater discharges by requiring the design and ongoing operation of wastewater systems to be in accordance with recognised industry standards” because the wastewater system can be designed to meet discharge quality expectations.
- (4) Clarify Policy 7.C.12(b) so the “measures” that are applied are clear, and there are appropriate expectations for implementation of “measures” to reduce wet weather overflows and minimise dry weather overflows.
- (5) Clarify the meaning of “progressively reduce” in Policy 7.C.12(b).
- (6) Clarify technical terms in Policy 7.C.12 to avoid ambiguity – the proposed policy switches between discharges from a wastewater treatment plant 7.C.12(a) and (c), and network discharges (b).
- (7) Clarify the wording of policy 7.C.12(c) which is stronger than policy 7.B.1(g) of the operative Regional Plan: Water that *promotes* the discharge of contaminants to land in preference to water. Policy 7.C.12(c) should be clarified to include more guidance on the level of acceptable adverse effects and criteria used to determine when a discharge to water would be acceptable over a discharge to land. It is unclear how the policy “incentivises discharges to land”<sup>3</sup>. Moving away from an existing discharge to water and towards a discharge to land would require substantial forward planning and financial investment (over and above that of a renewal of a discharge) because of significant considerations such as buying land and the likely need to significantly change treatment processes.
- (8) The DCC’s discharge consent monitoring often indicates no significant adverse water quality impacts, yet there is often a public expectation improvement must always occur. Clearer guidance on the expectations for information requirements and monitoring data required for a stormwater or wastewater discharge consent application would be helpful.

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<sup>3</sup> Section 32 Evaluation Report, Page 19

(9) Policy 7.C.12(d) requires “particular regard” to be given to *any adverse effects* on cultural values. ORC states the “policies do not prevent culturally offensive discharges of wastewater to water”<sup>4</sup> but that they “may have significant adverse effects on those values”<sup>5</sup>. The policy would benefit from clarity on when the level of adverse effects become unacceptable, or the mitigation required.

(10) Clarify how the ORC will *require* the implementation of Policy 7.C.12, given there are no proposed changes to rules and no methods associated with this policy to give guidance on how it will be implemented. The proposed policy provides little certainty on when or how it will be applied.

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<sup>4</sup> Section 32 Evaluation Report, Page 20

<sup>5</sup> Section 32 Evaluation Report, Page 20





### APPENDIX 3: SMOOTH HILL LANDFILL AS REGIONALLY SIGNIFICANT INFRASTRUCTURE

1. It is noted that Proposed Plan Change 1 (PC1) to the Regional Plan: Waste (Waste Plan) and Proposed Plan Change 8 (PC8) to the Regional Plan: Water (Water Plan) have been jointly notified as the "Omnibus Plan Change". Both seek to address water quality issues, PC1 by improving minimum standards for landfills and PC8 by strengthening and clarifying policy direction for discharges. While the DCC is submitting on both PC1 and PC8, they require separate submissions to be made. However, both PC1 and PC8 are discussed here.
2. PC8 8 proposes an amendment to policy 10.4.2 of the Water Plan so that it will refer to "nationally or regionally significant infrastructure" rather than "nationally or regionally important infrastructure" as it currently does. The current wording is inconsistent with the phrase "nationally or regionally significant infrastructure" which is used in the Partially Operative Otago Regional Policy Statement (PORPS) and other resource management legislation.
3. The regional plans must give effect to a regional policy statement (section 67(3) RMA). The proposed amendment to policy 10.4.2 of the Water Plan gives effect to policy 4.3.2 of the PORPS which says:

***Policy 4.3.2 Nationally and regionally significant infrastructure***

*Recognise the national and regional significance of all of the following infrastructure:*

- a) Renewable electricity generation activities, where they supply the National Grid or local distribution network;*
- b) National Grid;*
- c) Electricity sub-transmission infrastructure;*
- d) Telecommunication and radiocommunication facilities;*
- e) Roads classified as being of national or regional importance;*
- f) Ports and airports and associated navigation infrastructure;*
- g) Defence facilities;*
- h) Rail infrastructure;*
- i) Municipal infrastructure.*

4. However further consequential amendments to the Water Plan and amendments to the Waste Plan are also required.
5. The DCC is the requiring authority for the Proposed Smooth Hill Landfill which is designated in the Operative Dunedin City Plan and the proposed 2GP for "Landfilling and Associated Refuse Processing Operations and Activities". DCC seeks that the Smooth Hill Landfill be recognised as "regionally significant infrastructure".
6. The proposed amendment to policy 10.4.2 of the Water Plan will refer to "nationally or regionally significant infrastructure", however there is no definition of such infrastructure in the Water Plan, nor is any infrastructure identified as being nationally or regionally significant in the Water Plan or the Waste Plan.

7. Policy 10.4.2 of the PORPS refers to "municipal infrastructure" therefore it is appropriate to include a landfill for which a local authority is the requiring authority.
8. As regional plans are forward looking documents, "regionally significant infrastructure" is not limited to infrastructure which has already been constructed and can include proposed infrastructure.
9. This would not be the first landfill to be described as "regionally significant infrastructure". The Kate Valley landfill is described as key strategic infrastructure in the Hurunui District Plan. The Canterbury Regional Policy Statement then defines "regionally significant infrastructure" to include key strategic infrastructure which includes facilities, services and installation which are of "greater than local importance".
10. Regional plans are identified in the PORPS as one of the methods for recognising the regional significance of infrastructure, and owing to the title of "regionally significant infrastructure" it is appropriate to include this in a regional plan such as the Waste Plan.
11. The current landfill at Green Island is likely to come to the end of its functional life sometime between 2023 and 2028.
12. The DCC has embarked on the Waste Futures Project to develop an improved comprehensive waste management and diverted material system for Dunedin, including future kerbside collection and waste disposal options.
13. The proposed Smooth Hill landfill will be a class 1 landfill with a capacity of approximately 6 million m<sup>3</sup> and an expected life, at current Dunedin disposal rates, of approximately 55 years.
14. Dunedin's population is around 126,800 (2018 data) and is the largest metropolitan centre in the Otago Region. With the closure of Green Island, Smooth Hill landfill will be the only landfill in Dunedin that can accept municipal solid waste. There are two other landfills in the Otago region, Mt Coee in Clutha District and Victoria Flats in the Queenstown Lakes District. Both are predicted to reach capacity within the next 10 years, leaving the region without a landfill if Smooth Hill is not constructed.
15. The Smooth Hill site has been designated since the early 1990's. The DCC intends lodging resource consent applications for this project soon.
16. It is submitted that the proposed Smooth Hill landfill as designated in the Dunedin 2GP is regionally significant infrastructure and should be identified as such in both the Water Plan and Waste Plan.