

**BEFORE THE BAY OF PLENTY REGIONAL COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Lake Rotorua Nutrient Management - Proposed Plan Change 10 to the Bay of Plenty Regional Water and Land Plan under clause 8B of Schedule 1 to the Act

**BETWEEN** **ROTORUA LAKES COUNCIL**

**Submitter**

**AND** **BAY OF PLENTY REGIONAL COUNCIL**

**Plan Change 10 Proponent**

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**SUMMARY OF EVIDENCE OF SIMON DOUGLAS BANKS  
(Wastewater infrastructure)**

**Dated 6 March 2017**

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## **INTRODUCTION**

1. My full name is Simon Douglas Banks. I am a planner with 10 years' experience, and currently work at Opus International Consultants Ltd (Opus). I have a Master of Planning (MPlan) from the University of Otago, and I am an Intermediate Member of the New Zealand Planning Institute.
2. I have previously been engaged by Rotorua Lakes Council ('RLC') to work on consenting for wastewater infrastructure. I am therefore broadly familiar with nutrient management issues in the Rotorua Lakes catchment related to wastewater treatment and disposal, and with the Bay of Plenty Regional Water and Land Plan (RWLP).
3. My evidence addresses the specific matters raised in relation to the Rotorua Wastewater Treatment Plant (WWTP). My evidence relies on technical information provided by Alison Lowe (Senior Environmental Scientist - RLC) and Kevan Brian (Technical Director - Mott MacDonald Australia Pty Ltd) - which is appended to my evidence in chief.

## **SCOPE OF EVIDENCE**

4. RLC has submitted in support of Plan Change 10 (PC10), but has also identified a number of concerns. As currently written, RLC considers that PC10 restricts the ability of the community to provide for its social, cultural and economic well-being.
5. The issue at the centre of RLC's concerns is, in my opinion, that PC10 implies a fixed mass limit of 30 t/N/yr for the Rotorua WWTP. Even with the best practicable technology, the amount of nitrogen discharged from the WWTP will likely exceed this limit in the near future (as shown in Figure 1 of my summary).
6. The fixed mass limit implied by PC10 does not account for increased wastewater flows as a result of growth. It also fails to provide for the transfer of nitrogen allocations from rural land to the WWTP when that land is subdivided and developed for urban use.

## **BACKGROUND**

7. Currently the Rotorua WWTP accepts loads from within the Rotorua urban area, and from some communities outside the Lake Rotorua groundwater catchment. The discharge of treated wastewater from the Rotorua WWTP accounts for less than 5% of the nitrogen load into Lake Rotorua. In the future, there will be additional loads to the WWTP resulting from growth.
8. The current discharge permit for the Rotorua WWTP expires in September 2021. RLC has also committed to cease discharging treated wastewater to land in the Whakarewarewa Forest by December 2019. A new discharge site and major upgrade of the Rotorua WWTP (to increase capacity and allow for full treatment prior to discharge), is currently under consideration.
9. The preferred option for the WWTP upgrade is designed to discharge around 26 t/N/yr (based on current sewage loads). It will discharge wastewater to earth contact beds, which then flows overland to Lake Rotorua. The preferred option is close to the limit of technology and would be the lowest consented limit for any municipal WWTP in New Zealand.
10. A future consent for the Rotorua WWTP would ideally include flexible mass and concentration limits to allow growth without compromising the sustainable load to Lake Rotorua.

## **GIVING EFFECT TO THE REGIONAL POLICY STATEMENT (RPS)**

11. The RWLP, which PC10 seeks to amend, is required to give effect to the RPS under section 67(3)(c) of the Act. PC10 itself is only required to give effect to those provisions of the RPS that fall within its scope.
12. The recommended amended Introduction to PC10 states that it gives effect to Policies WL 3B, WL 5B, and WL 6B of the RPS. However, in my opinion, the primary focus of PC10 is on several specific clauses in the RPS which relate to nitrogen limits for Lake Rotorua.
13. PC10 also fails to recognise that giving effect to the identified policies is reliant on management of non-rural nutrient sources. Accurately describing which RPS policies are given effect to will clarify the scope of PC10 and highlight that

it is just one of several measures required to manage nutrients in Lake Rotorua.

#### **CONSEQUENTIAL CHANGES TO THE REGIONAL WATER AND LAND PLAN**

14. The consequential changes to the RWLP proposed as part of PC10 will affect the activity status of the upgrade to the Rotorua WWTP, if the application seeks a higher mass limit than the current 30 t/N/yr cap.
15. Prior to PC10, an increased discharge of nitrogen or phosphorus arising from the upgrade of the Rotorua WWTP would be treated as a Restricted Discretionary Activity under Rule 11F of the RWLP.
16. However, the consequential changes to the RWLP exclude the Rotorua WWTP from consideration. An application to increase the discharge from the Rotorua WWTP would therefore have to be considered as a full discretionary activity under the “catch-all” Rule 37 of the RWLP.
17. This is not addressed in the s42A report, and may be an unintended consequence of the current drafting of PC10. It is also contrary to the recommended Policy LR P17 set out in the s42a Report. In my view, this issue would be best addressed through the inclusion of specific provisions in PC10 to provide for the Rotorua WWTP, as discussed by Mr Eccles.

#### **SPECIFIC PROVISIONS FOR THE ROTORUA WWTP**

18. RLC is not seeking to increase the consented load from the WWTP through PC10. However, it is critical that the ability to do so through a subsequent resource consent process is not precluded by PC10.
19. The inclusion of specific provisions for the Rotorua WWTP would give RLC certainty regarding the future of the WWTP, while acknowledging that the plan change process cannot be used to set limits. This would, in my opinion, be within scope of PC10 and would not affect its fundamental policy direction.

#### **PRECEDENT FOR THE INCLUSION OF SPECIFIC PROVISIONS**

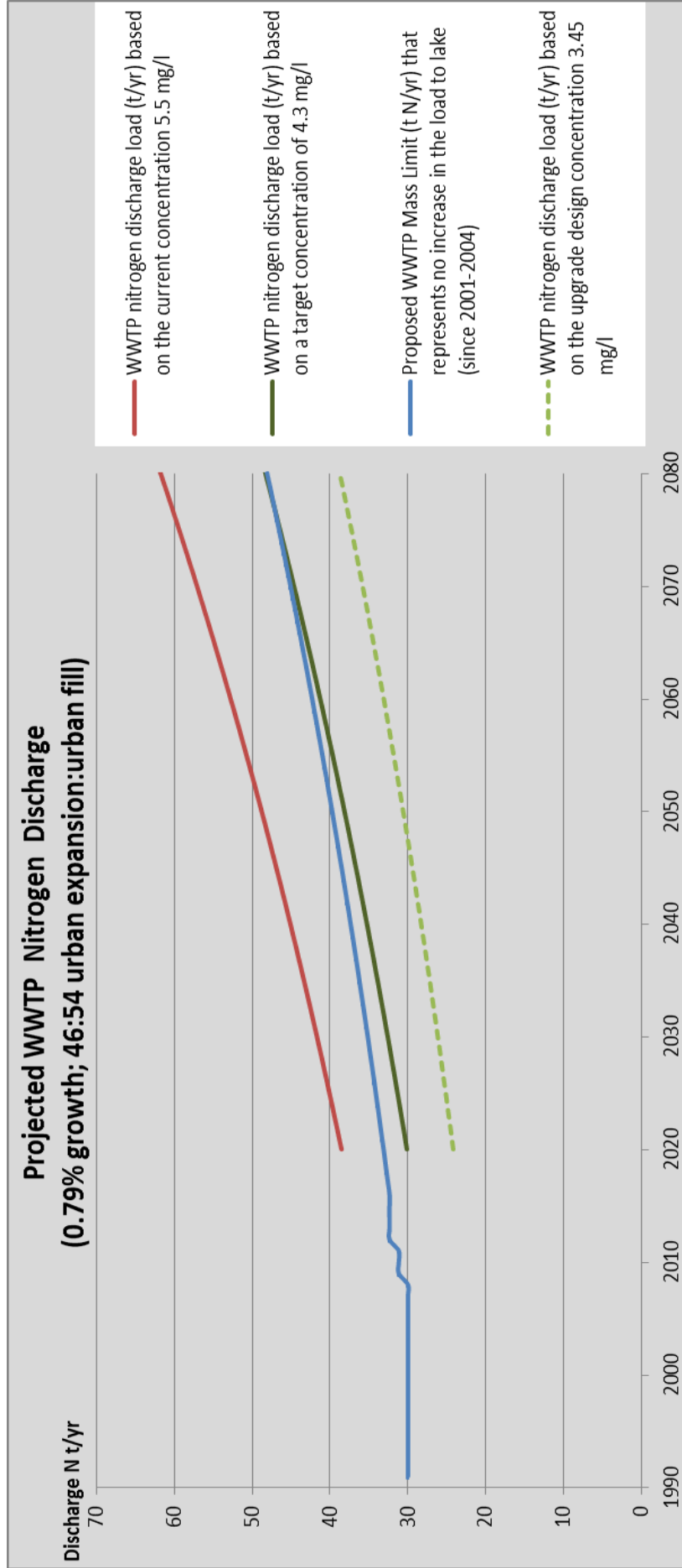
20. Examples of specific provisions for municipal infrastructure include Plan Change 9 to the RWLP, Plan Change 1 to the Waikato Regional Plan (WRP), and Variation 5 to the then Proposed WRP (now operative).
21. These examples recognise the social, cultural and economic benefits of municipal infrastructure, including the economic investment associated with them. In my view, there is no reason why a similar approach could not be applied to municipal wastewater treatment infrastructure in PC10.
22. These examples also acknowledge that upgrades can only go so far before costs become unrealistic. Additional capital could be better spent on strategic investment, alternative farming, public education, planting, wetlands, gorse reduction, stormwater discharge and treatment, etc.

#### **CONCLUSION**

23. I have reviewed the further amendments to PC10 recommended by Mr Eccles in his evidence that deal with wastewater infrastructure and confirm that I agree with those recommendations.

**Simon Banks**

**6 March 2017**



**Figure 1 - Projected Nitrogen Loads from Rotorua WWTP**

(Source: letter by Alison Lowe titled "Re: Urban sector nitrogen requirements" dated 20 February 2017)