

Gisborne 2007

A Wastewater Odyssey



**Gisborne wastewater consent process:
How collaboration overcame consternation**



How collaboration overcame consternation:

The story of how Gisborne District Council, together with its community, resolved the impasse over discharge of city wastewater into Poverty Bay

(Comments from individuals in blue italics)

This entry, for the *New Zealand Post Community Relationships Award*, outlines how a long-standing, highly adversarial situation was completely turned around inside a one-year period using a fresh and collaborative approach to bring together individuals and groups with greatly divergent views.

“Te Runanga O Turanganui A Kiwa is hopeful that the unfortunate history of the wastewater issue is nearing an end and that we can look to the future, knowing our children will not be involved in such battles.” Ronald Nepe, Chief Executive Te Runanga O Turanganui A Kiwa, WARG member.

The discharge of raw human sewerage from Gisborne City into Poverty Bay has long been a controversial and emotionally charged issue. Discharge of human waste is culturally offensive to Maori and repugnant to a significant portion of the wider Gisborne community.

“I was ashamed at what had been daily breaches of the Treaty of Waitangi and the Resource Management Act.” Catherine Delahunty, environmentalist, WARG member.

“We are fundamentally opposed to.... the use of oceanic waters as a dumping ground for human wastewater. This is the domain of Tangaroa and should not be used for these purposes. What is created on land should be treated by the land.” Malibu Hamilton, surfer and environmental researcher.

The project involved initiating the **Wastewater Adjournment Review Group** (known as WARG) at the behest of the consent authority (the Environment & Planning Department of the Gisborne District Council). The group comprised a cross section of community interests, along with the resource consent applicant and consent authority.

The group was charged with seeking a resolution to the conflict by investigating the

biological trickling filter, and finding a pragmatic way forward.

“This was the first time that Gisborne District Council took the concerns of tangata whenua in relation to marine discharges seriously.” John Ruru, Chairperson of Te Runanga O Turanganui A Kiwa, WARG member.

The result is a proposed solution satisfying to those formerly in opposition to Gisborne’s wastewater outfall, to councillors, council staff, environmental groups and the wider community of Gisborne. And that’s not all – statutory requirements will be met along with achieving significant cost-savings to ratepayers.

Background to Gisborne’s wastewater situation

The existing Gisborne City wastewater outfall was commissioned in 1964, and other than installation of milliscreens in 1991, no other treatment steps have occurred.

Resource consent applications (in 1993 and 1999) for ongoing use of the outfall, have been fiercely and passionately contested by groups and individuals within the community.

Such a significant resource consent application within the coastal marine area is deemed a Restricted Coastal Activity, and is ultimately determined by the Minister of Conservation. As Gisborne District Council, a unitary authority, is both the applicant and the consent-issuing authority, hearings are conducted by independent commissioners, including one appointed by the Minister of Conservation.

Commissioners, the Environment Court and the Minister of Conservation had been unanimously critical of the lack of progress shown by the applicant in appeasing appellants’ concerns.

The pressure was on. Gisborne needed a new way of dealing with wastewater to address requirements of the Regional Policy Statement for Gisborne District and the Proposed Regional Coastal Environment Plan*.

*The Regional Policy Statement for the Gisborne District and the Proposed Regional Coastal Environment Plan are consistent with the RMA and New Zealand Coastal Policy Statement, requiring stringent water quality discharge standards together with intensive community consultation processes.

In 2002 Council launched its Wastewater Strategy, outlining proposed upgrades to the existing system comprising primary sedimentation (by 2010) and high-rate activated sludge with ultraviolet disinfection (by 2016).

But the Environment Court at its most recent hearing on the matter (2003) was soundly unsatisfied with the Wastewater Strategy. It noted:

“We feel compelled to send a clear message to the Council that time is running out. It is now 12 years since the precepts binding consent authorities to requirements of, particularly, sensitivity to Maori issues, were legislated.... However the Council’s “wastewater strategy”....causes us to ask the question – is the Council only giving lip-service to the precepts?”

The Court continued: *“The Council witnesses conceded the affront to Maori being perpetrated. This, together with the strong directions of S6 (e), 7(a) and 8 of the Act, to be borne in mind at every stage of the planning process, causes us to ask the question – why has the council waited so long to address these issues?”*

Then the wastewater hit the fan

The resource consent to discharge wastewater via the City outfall was due to expire on the 31st of December 2005, and the Engineering & Works Department, as the applicant, applied once again to the Environment & Planning Department for a suite of resource consents in September 2005.

This time the application included, in addition to the steps already outlined in the 2002 Wastewater Strategy, a “boulder bed” to address cultural concerns.

It wasn’t to be: Once again there ensued aggressive, determined submissions in opposition to the application, in particular citing lack of cultural considerations. Others attacked the too-long time period before treatment would occur, and there was direct opposition to the proposed boulder beds, some submitters regarding them as a functionless “token gesture”.

Again, a stalemate had been reached.

An innovative and original approach: enter the “WARG”

After all the confrontation it was clear a fresh approach was needed. Council Environment and Planning staff initiated a series of friendly, informal meetings with key submitters to attempt to identify some common ground.

Together they decided to inspect with some wastewater treatment processes in other regions of particular interest to tangata whenua. These included a conventional treatment process at Tauranga, land-disposal of treated effluent to forests at Rotorua and to pasture (Taupo), and the biological trickling filter trial at Hastings.

There was genuine interest from tangata whenua in the biological trickling filter. The Engineering & Works Department became intrigued by the constructive dialogue, and started to consider the merits of the trickling filter. The impasse was broken.

To allow further investigation of this system, the hearings commissioners readily agreed to an adjournment in their Interim Decision of April 2006, stating:

“The parties are seeking further time in order to...settle some major concerns by submitters. ... In this respect the commissioners compliment the parties on coming together in a manner that may have an outcome that meets the aspirations of the respective parties.”

The commissioners required a working group be set up to progress these matters and the Wastewater Adjournment Review Group (WARG) was formally incepted, charged with the task of investigating the biological trickling filter as a means of resolving the impasse, under the guidance of independent facilitator Peter Kite, a local lawyer.

“The WARG process happened because submitters from the community, the Council staff and the commissioners, all saw an opportunity at the pre-hearing to avoid a painful hearing and make something happen, at long last.” Gordon Jackman, environmentalist, WARG member.

“If ever an issue was heading for Court this one was. We felt there must be a better way than the adversary, conflict and bitter litigation of the past.” Kerry Hudson, Gisborne District Council, WARG member.

A unique quality of the project was that it was initiated but by the consent authority – the Environment & Planning Department, rather than the applicant – the Engineering & Works Department.

*“Despite significant efforts by the applicant to consult, it was the mandate of Environment & Planning, under the RMA, to step in and get the parties talk to each other and listen.”
Hans van Kregten, Manager of Environment & Planning Department, Gisborne District Council, WARG member.*

An inclusive style of project management

At the outset the WARG set terms of reference, objectives, a purpose, and defined collaborations, membership and a protocol.

Weekly meetings provided for the full participation of all interested parties. Detailed minutes were kept and regular updates were provided by the WARG to all submitters, Council and the Commissioners. The wider community was kept informed via the media.

“The WARG...we all had opportunities to express our views and we all took each other seriously.” Kerry Hudson.

“With the exception of one week, the WARG met once a week up to December 2006. To meet the commissioners’ timeframe it was important for WARG to maintain momentum... Unity was important for WARG and the Gisborne District Council.” John Ruru.

The Gisborne District Council, recognising the successful approach Hastings District Council adopted in dealing with its wastewater, and to assist the WARG, employed the services of wastewater engineer, Jim Bradley. He had been involved in developing the Hastings biological trickling filter trial.

A new use of old technology

The challenge for the WARG was to recommend a treatment option that represented proven technology, delivered water quality as good as or better than the Council’s proposed scheme, was affordable, and had the potential to meet the cultural requirements of tangata whenua.

To address the last point, it was desirable that the ability existed to ultimately discharge wastewater in a more culturally acceptable and ecologically sound manner, rather than continuing to discharge to the sea through the outfall indefinitely.

Biological trickling filters are not a new technology, having been used as a secondary wastewater treatment option for over a century. What is new is the proposal to use this technology without a primary step but at a low loading, allowing human waste to be transformed by natural processes to plant matter.

The WARG provided a series of recommendations to Council and the commissioners. The biological trickling filter is proposed as the initial stage, to be built on Council-owned land adjacent to Gisborne Airport, commissioned by the end of 2010, and still utilising the ocean outfall.

Further treatment to reduce contaminant concentrations and enhance the effect of ultraviolet disinfection is programmed by the end of 2012.

Once the latter is up and running, outfall monitoring should result in compliance with bathing water standards virtually all the time. Meanwhile alternative ‘on land’ disposal will be investigated as an ongoing consent requirement.

“In my opinion the proposal driven by the WARG represents a good compromise of perspectives of the community.” Dr. Bruce Duncan, Medical Officer of Health for Tairāwhiti.

Another source of frustration to submitters in the past had been the lack of community participation once consents had been approved.

The WARG took the initiative of developing a negotiated set of ongoing consent conditions, particularly aimed at looking for sustainable alternatives to the use of the ocean outfall. The result will be a “living consent” with community and expert involvement throughout the 35-year span of the consents.

“The conditions for the 35-year consents are common sense.” Mayor of Gisborne District, Meng Foon.

Successful results – in both financial and non-financial terms

As a result of this project, further consent and designation applications were lodged with renewed confidence in January 2007, and were heard by Commissioners in March 2007.

It was clear the proposed option developed by the WARG would provide a range of environmental benefits, and in addition

satisfy requirements of the Health Act 1956, the Local Government Act 2002 and the Resource Management Act 1991.

The hearing concluded positively, the commissioners stating they would grant the designations and consents, and recommend the proposed Restricted Coastal Activities to the Minister of Conservation for approval. The commissioners provided draft conditions to all parties for comment prior to releasing their final decision.

“The commissioners have praised the work of WARG and found the biological trickling filter process to be the appropriate one for Gisborne.” Gisborne Herald, 7 July 2007.

“The WARG was an excellent example of an effective mechanism to progress a difficult issue through the RMA process in order to achieve a ‘win-win’ solution for the whole community.” Kerry Hogan, Department of Conservation representative on the WARG.

“We then found the biological trickling filter plant was \$5 million cheaper than the original scheme and \$800,000 a year cheaper to run.... If the consent is granted for 35 years, we are talking about a saving of close to \$28 million just in running costs.” Gordon Jackman

A significant barrier to upgrading Gisborne's wastewater system had always been cost. The cost of the original proposal was to have been \$29 M capital cost plus \$2 M per annum operational costs.

The biological trickling filter plant is estimated to cost \$24 M (capital cost) and thereafter \$1.2 M per annum to operate, giving total savings of \$5 M in capital and \$0.8 M annually.

The WARG project was without doubt a good, sensible, and a right thing to do

Once the process got under way, the atmosphere between the parties shifted from one of acrimony, emotion and stressful confrontation to a mood of cooperation, acceptance and positivity.

The process itself was transparent, providing significant cost savings by avoiding further litigation.

“To their surprise everybody involved enjoyed it. In a way, WARG has been modelling the future.” Gordon Jackman.

“The incentive of an agreed outcome was appealing to a core of dedicated people who worked diligently to achieve and surpass the initial aims of the WARG. This was a process that I was very proud to be part of. The WARG experience is all the more remarkable when the bitter confrontational history of Gisborne’s wastewater issue is considered.” Kerry Hudson.

“At last we have worked out an alternative to 30,000 people’s raw waste going into the food basket.” Catherine Delahunty.

Where to from here

A Wastewater Management Committee will be established under the Local Government Act 2002 to ensure continuation of a WARG-type process. Further initiatives that are conditions in the commissioners’ decision include:

- An Alternative Use and Disposal Programme, to investigate alternative technologies and means of wastewater disposal into the future
- Turanganui A Kiwa Water Quality Enhancement Project to investigate a wide range of water quality issues within Poverty Bay. The project should be able to attract external funding.
- An Independent Review Panel allowing expert up to date advice to be obtained by the Wastewater Management Committee.

The process has positively demonstrated the unitary authority concept at work in an effective way, and has created considerable goodwill in the Gisborne community.

“The success of the WARG process is such that a new time-efficient approach to Resource Management consent applications has been defined and proven to work.

“The WARG was, without a doubt the most satisfying Resource Management process with which that I have been involved in 17 years as Manager of Engineering & Works for the Gisborne District Council.” Bill Turner, (formerly) Gisborne District Council, WARG member.

The resource consent applications for the proposed Gisborne City wastewater upgrade will be forwarded to the Minister of Conservation for approval.

Appendix

A full list of members of the Wastewater Adjournment Review Group

Gordon Aston	Ngati Oneone
Martin Baker	Awapuni B2B Blocks
Catherine Delahunty	Oho Ake (Environmental group)
Dr. Bruce Duncan	Medical Officer of Health
Kerry Hogan	Department of Conservation
Kerry Hudson	Environment & Planning, Gisborne District Council
Gordon Jackman	Oho Ake
Peter Kite	Independent facilitator
Henry Lardelli	Te Runanga o Turanganui a Kiwa
Mark McLean	Public Health Unit
Ronald Nepe	Te Runanga o Turanganui a Kiwa
Dawn Pomana	Ngai Tamanuhiri
Bill Ruru	Te Aitanga A Mahaki
Ian Ruru	Te Aitanga A Mahaki
John Ruru	Chairperson, Te Runanga o Turanganui a Kiwa
Barney Tupara	Ngati Oneone
Bill Turner	Engineering & Works, Gisborne District Council
Bevan Turnpenny	Te Runanga o Turanganui a Kiwa
Hans van Kregten	Environment & Planning, Gisborne District Council