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To: Otorohanga District Council

Submitter: Fish and Game New Zealand, Auckland/Waikato Region.

Submission on: Waikeria Prison Expansion Project

Notice of Requirement authority: Minister of Corrections

Our submission is that;

1. Fish and Game is a statutory body established under the Conservation Act (1987): to manage, maintain and enhance the sports fish and game bird habitat resource in the recreational interests of anglers and hunters (s26Q(1)); to assess and monitor the conditions and trend of ecosystems as habitats for sports fish and game (s26Q(1)(a)); and to represent the interests and aspirations of anglers and hunters in the statutory planning process (s26Q(1)(e)).
2. The Otorohanga and Waipa Districts (the upper reaches of the Waipa River) offer a mosaic of streams, rivers and farm dams that provide habitat for waterfowl. Rivers are common throughout both districts offering abundant rainbow trout populations in generally clear water and providing locally and regionally important recreational fisheries. The headwaters of the Waipa River contain numerous excellent fisheries including the Upper Waipa River, Puniu River and Mangatutu Stream. Many of the tributaries of the Waipa River, including the Mangapiko Stream, provide significant trout spawning and juvenile trout rearing habitat for the Waipa and lower Waikato Rivers.
3. Decreasing contaminant and nutrient loadings to these water bodies should be a priority to ensure that the life supporting capacity, biodiversity and recreational values of these areas are safeguarded.



4. The Notice of Requirement (“NoR”) for the alteration to the designation fails to adequately assess the adverse effects on the environment, including cumulative effects. The NoR states that the Department of Corrections has entered into an agreement with Waipa District Council to transfer the domestic wastewater from the existing and proposed facilities on the site to the municipal wastewater treatment plant at Te Awamutu. Of concern to Fish and Game is that the treatment plant at Te Awamutu, which discharges into the Mangapiko Stream, is in a declining state. We are concerned that the treatment plant has not been shown to have capacity to deal with the increased wastewater coming from the prison. There is a reasonable risk that this will result in increased pressure on the Mangapiko Stream through the discharge from the Te Awamutu plant. There is no assurance in the NoR on how the treatment plant will cope with this increase in wastewater.
5. According to the Waipa District Council’s ‘Wastewater Treatment and Disposal Management Plan’ the treatment plant’s resource consent for the discharge into the Mangapiko Stream expired in 2015 and from our understanding is yet to be renewed. It further states that the plant was last upgraded in 2004 and is set to be upgraded again but is not specific about when; only sometime “between 2017 and 2022”.
6. Under s 15 of the Resource Management Act no person shall discharge a contaminant into water unless expressly allowed by a resource consent. We consider that the Department of Corrections has no authority to transfer the wastewater from the prison to the treatment plant to be discharged into the Mangapiko Stream, when the resource consent for that discharge has expired.
7. The position in the NoR, in assuming the Te Awamutu treatment plant can cope with the increased wastewater from the prison even though it’s resource consent for discharge has expired and the plant itself is due for an upgrade, fails to adequately address cumulative effects. If this stance were accepted for every entity proposing to transfer their wastewater to a treatment plant that cannot cope with it, it is difficult to see how any water quality improvements would ever be realised within the catchment.



8. The increase in the discharge of contaminants into the Mangapiko Stream, from a treatment plant that is not designed or legally able to cope with processing them, would be contrary to the National Policy Statement for Freshwater Management 2014, the Waikato Regional Plan, the Waikato Regional Policy Statement and the Maniapoto Iwi Environmental Management Plan. A universal theme throughout all of these policies and plans is an improvement in water quality from current state, with particular emphasis on catchments that are over allocated in both quality and quantity.
9. We consider that the NoR fails to adequately apply Part 2 of the RMA by addressing how the life supporting capacity of air, water, soil and ecosystems will be safeguarded and how any adverse effects on the environment will be avoided, remedied or mitigated. The NoR fails to adequately address matters of National Importance (s6.a) and other matters including the protection of habitat of trout (s7.h) of the Resource Management Act.
10. It is our view that the NoR in its current form is contrary to the purpose of the Resource Management Act and is not capable of passing the test in section 171 of that Act which requires the territorial authority, when considering a requirement, to consider the effects on the environment subject to Part 2 of the Act. The unaddressed adverse environmental effects including cumulative effects of the proposed transfer of discharge to the Mangapiko Stream are contrary to provisions of the Regional Policy Statement, Regional Plan, and the National Policy Statement for Freshwater.
11. Finally Fish and Game are concerned about a lack of public access to the Mangatutu Stream. Public can currently drive through the prison to the Mangatutu River but it is technically off limits for hunters and anglers. The maintenance and enhancement of public access to and along rivers is a matter of National Importance under s6 of the Resource Management Act. Further under the s17 of the Wildlife Act designated hunting areas include all that area contained within a distance of 100 metres from the margin of



any waters together with the area covered by those waters. Hunters and anglers should be able to access the Mangatutu River as a hunting area.

12. We request that the proposal to have the wastewater from the prison transferred to the Te Awamutu wastewater treatment plant be withdrawn. Any subsequent proposal must show how increased contaminant discharge into the Mangapiko from the Te Awamutu waste water treatment plant will be addressed. We further request that public access, including for hunters and anglers, to the Mangatutu Stream that runs through prison ground but outside the proposed current secure area, be provided for in the designation.

We wish to be heard in support of our submission

Dated at Auckland, this 25th day of May, 2017.

Mischa Davis

Environmental Officer

Auckland/Waikato Fish and Game Council