

3 March 2023

Dear submitter

Decision on the Sludge Minimisation Facility Notice of Requirement

- 1 This letter comprises Wellington City Council's ('**WCC**') decision on the proposed Sludge Minimisation Facility ('**SMF**') notice of requirement ('**NOR**').
- 2 The NOR will alter Designation 58 (Moa Point Drainage and Sewage Treatment) in the Wellington City District Plan¹ to provide for the construction, operation and maintenance of the proposed SMF at Moa Point, Wellington.
- 3 The altered designation will provide approval under the District Plan for:
 - a A new Sludge Minimisation Facility with all associated structures and pipework;
 - b Associated connections to the existing Moa Point Wastewater Treatment Plant ('**WWTP**') for purposes of water and wastewater transfer;
 - c Associated enabling works, including earthworks and slope stabilisation;
 - d Formation of new vehicular accesses/egresses to/from Stewart Duff Drive;
 - e Construction activities including site offices and material laydown areas; and
 - f Associated connections to the local water supply, local stormwater and sewer networks.
- 4 The SMF will:
 - a Reduce sludge volumes to landfill by 82%;
 - b Reduce carbon emissions from the treatment and processing process by 63%;
 - c Produce a low odour, stabilised (inert) product; and
 - d Allow treated sludge to be stored and/or transported to other sites for disposal.
- 5 WCC is the territorial authority with financial responsibility for the project under section 168A of the Resource Management Act 1991 ('**RMA**'). As Chief Executive Officer, I have delegated authority to make this decision on behalf of WCC. I have considered the recommendation from the independent hearing commissioner (outlined below).
- 6 I accept the recommendation in part, and hereby decide to modify the notice of requirement in order to make the changes to conditions for the SMF that were recommended by the independent commissioner (with minor refinements).
- 7 For completeness, I have included with this letter plans and other material that was notified with the NOR but not attached in the Commissioner's recommendation.
- 8 Accordingly, my decision is to confirm the NOR, subject to the imposition of the conditions in **Appendix A** and pages 1-3 of **Appendix B**.

Reasons for decision

- 9 The reasons for the WCC's decision are:
- a WCC appointed an independent commissioner to consider submissions and hear evidence on the NOR, and to provide a recommendation. On 27 February 2023, the Commissioner recommended WCC confirm the NOR, subject to conditions. The Commissioner's recommendation report ('Recommendation') is attached as **Appendix C**.
 - b WCC accepts the findings of the Commissioner, including that:²
 - i There is a reasonable necessity for the establishment of the SMF;
 - ii The positive effects of the proposal have been well outlined and the proposal is reasonably necessary to achieve the project objectives;
 - iii The analysis of alternative sites has been robust and that the chosen location is appropriate;
 - iv All other effects of the proposal on the local and wider environment from the proposed SMF are acceptable and can be mitigated to a reasonable level;
 - v WCC has appropriately engaged with the local and wider community;
 - vi There is nothing in any of the applicable policy statements and plans under the Act that is contrary to the proposal proceeding;
 - vii In terms of s5 of the RMA, the proposed SMF will enable the wider Wellington community to provide for its social, economic, and cultural well-being and for their health and safety while avoiding, remedying and mitigating adverse effects to the extent that is possible;
 - viii Particular regard has been had to the relevant s6 and s7 RMA matters and no matters contrary to s8 have arisen; and
 - ix The designation conditions will appropriately manage the effects of the SMF project.

Conditions

- 10 The Commissioner recommends three changes to the conditions agreed between WCC as the requiring authority and WCC as the Regulator, in relation to flooding, engineering approval, and overlap with the building consent process.³
- 11 WCC accepts the intent of these three changes to the conditions, but has made minor further drafting refinements.⁴ WCC's changes to these conditions are shown using underline and strikethrough in **Appendix A**.
- 12 WCC has also made further minor corrections throughout the conditions document.
- 13 For completeness, I confirm that WCC has also decided to amend the introductory text and existing conditions of Designation 58, in the manner set out in pages 1-3 of **Appendix B**. The changes shown in this document were included in Appendix D to the NOR when it was issued. These documents were not attached to the Recommendation, but there is nothing in the Recommendation to suggest these aspects of the NOR should be withdrawn. WCC considers

² Recommendation, page 3.

³ Conditions 22.2, 22A.7 and 25A.3.

⁴ The drafting refinements are to make the terminology consistent with the rest of the conditions and WCC does not consider they change the intent of the Commissioner's recommended conditions.

the amendments set out in pages 1-3⁵ of **Appendix B** provide useful background to the project and helpfully clarify how the different conditions apply to the WWTP and SMF.

- 14 Similarly, while the Commissioner's Recommendation did not attach Plans 1-7 to the conditions, WCC confirms these plans (attached as part of **Appendix A** to this letter) are to be retained as part of the designation conditions. These plans are referred to in the Commissioner's recommended conditions, and there was no suggestion that they should be deleted.

Appeals

- 15 Any person who made a submission on the NOR can appeal against the whole or any part of the WCC's decision.
- 16 Any notice of appeal must be prepared in accordance of a section 174 of the Resource Management Act 1991, and be lodged with the Environment Court and served on WCC within 15 working days of the date you receive this notice of decision.

Incorporation into District Plan

- 17 The designation will be included in the Wellington City District Plan:
- a Once the appeal period has expired, if no appeals are lodged; or
 - b Once any appeals are resolved, if any appeals are lodged.

Yours sincerely



Barbara McKerron
Chief Executive

⁵ The remaining pages of Appendix B set out conditions for the SMF that have now been superseded by Appendix A.