



# TOI TE ORA PUBLIC HEALTH

Bay of Plenty + Lakes Districts

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## **Submission on Plan Change 93 - Te Puna Springs**

This is a submission on a private plan change request from Te Puna Springs Estate Limited to Western Bay of Plenty District Council. [Plan Change 93 – Te Puna Springs](#). The purpose of the Te Puna Springs Structure Plan (17 Te Puna Road) is to make provision for a larger commercial area at the existing Te Puna commercial area and remove the split zoning of rural/commercial across this property which is at the northwest corner of the roundabout. Rule changes are proposed for the Structure Plan Area to allow for the Te Puna Hall site and ancillary offices and to restrict ‘sensitive activities’ (such as dwellings) from establishing too close to the adjoining orchard. The Structure Plan also proposes a new link road through the site, with access from Te Puna Road linking into the existing slip lane.

This submission has been prepared by Toi Te Ora Public Health (Toi Te Ora) which is the Public Health Unit for the Bay of Plenty District Health Board. The key role of Toi Te Ora is to promote, protect and improve population health, prevent ill health and minimise the risk of disease and injury through population-based interventions.

Public health approaches wellbeing and health in terms of the social, economic, cultural, environmental and political context and from a “determinants of health” perspective. Many of the crucial underlying factors that contribute to population health and wellbeing are directly influenced by the decisions and activities of consenting authorities.

Designated officers within Toi Te Ora have responsibilities to reduce conditions within the local community which are likely to cause disease. In part this is undertaken by assisting Councils with their responsibilities pursuant to the Resource Management Act.

For these reasons, Toi Te Ora makes this submission and welcomes the opportunity to provide helpful, objective and independent input to inform plan change request decisions for the health of people living in Western Bay of Plenty.

Toi Te Ora Public Health could not gain an advantage in trade competition through this submission.

Toi Te Ora Public Health has no preference whether Council delegate their functions, powers, and duties to hear and decide the application to one or more hearing commissioners who are not members of the local authority.

This submission relates to the entire application and Toi Te Ora opposes the application as notified. Our reasons for opposition are that there is inadequate detail within the plan change request regarding proposed wastewater provisions, the existing provisions of sanitary services have proven to be inadequate within this area, and this plan change request, if approved with a similar approach to the present wastewater arrangements, would likely lead to further 'nuisances' under the Health Act 1956.

The reasons for our objection are explained further below including the decisions Toi Te Ora seek should the private plan change request be granted.

### **1. There is inadequate detail within the Assessment of Environmental Effects regarding how human sewage and trade waste will be safely managed.**

Sanitary services have a significant impact on the health of individuals and communities. Toi Te Ora advocates for and supports the best practicable sanitary services to protect the health of the public.

Human faeces must be regarded as containing human pathogens which are capable of causing illness and disease. Diseases such as Campylobacter, Salmonella, Giardia Norovirus and now COVID-19 are present in the community. Many of these, particularly viruses, are still infectious, even when sewage has been in the external environment for some time.

Consequently, it is necessary to dispose of sewage in such a way that public health is protected. Effective sewage disposal will separate people from waste, keep pathogens out of the environment and prevent contamination of food and water sources. Te Puna commercial area is not currently serviced by council reticulated sewage infrastructure. Therefore, landowners currently need to manage their wastewater in accordance with the Bay of Plenty Regional Council Onsite Effluent Treatment Plan, or store wastewater for frequent collection by a contractor.

It is noted in the plan change request that "in September 2020 Council approved the proposed connection of the properties in the Te Puna village commercial area to the Ōmokoroa wastewater transfer pipeline. Council has subsequently received funding for the extension of the network reticulation" (Appendix I "Te Puna Village Commercial Area- Wastewater Reticulation Scheme Information Sheet"). However, Toi Te Ora understands that while this will service the existing community, there is no further capacity in that line to service additional growth. Any further development in the area would generate the same environmental and public health issues experienced with the existing wastewater provision, which is clearly not acceptable.

The private plan change request does not set out adequate detail regarding how human sewage and trade waste will be managed, and this in turn means that Toi Te Ora are unable to adequately assess the risk to public health and be assured that public health is protected for years to come.

Decision sought: Toi Te Ora requests further information about how wastewater for the new commercial area and new activities within the existing area will be provided in order to adequately assess the risk to public health.

### **2. Onsite Effluent Treatment (OSET) is not a suitable technology for an urban environment.**

OSET systems put people at risk of harm because they are known to fail due to inadequate maintenance and operation. Having many individual systems results in multiple separate discharge

locations. Protecting human health is the primary purpose for treating and disposing sewage. Professionally designed, maintained and operated centralized sewerage systems are the most protective of health for individuals and communities, such as those owned and operated by councils.

Te Puna has a history of OSET failure. A number of wastewater issues have already been identified due to failing systems and resultant issues of properties experiencing wastewater overflow.

Council needs to consider whether individual onsite systems are the acceptable sanitary service solution for this situation. From our perspective, disposal of human waste by OSET systems is an acceptable solution to protect public health, but only for isolated and remote dwellings and provided they are properly designed, sited, maintained and operated.

Toi Te Ora considers that onsite systems are not suitable for growing communities and propose that this area should be serviced with appropriate wastewater disposal. We are supportive of community facilities in a safe, well-serviced environment. Experience in this area has shown that reticulation is required. This private plan change should not be approved until a centralized reticulated wastewater scheme is in place.

Decision sought: Should this private plan change request be approved, Toi Te Ora recommends that a condition of approval requires a professionally designed, maintained and operated centralized sewerage system be in place before developments commence.

### **3. The capacity to connect to a reticulated centralised sanitary system is necessary for all commercial zones.**

The Western Bay of Plenty District Council Operative District Plan section 12.4.1 (g) states that:

Each *lot* in a Residential, Commercial or Industrial Zone shall be capable of being connected to reticulated water supply, wastewater management and stormwater management *infrastructure* of adequate capacity, and formed and sealed roading in accordance with *Council's* Development Code.

At the time of writing, Toi Te Ora understands that there is no further capacity in the municipal reticulation to support further development in this area.

Decision sought: That Council requires the Te Puna Commercial zones to be capable of being connected to reticulated wastewater management.

### **4. Failures of sanitary sewage system are deemed a nuisance under the Health Act 1956.**

Section 29 of the Health Act 1956 states that the scenario “where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health” is deemed a nuisance. If a nuisance occurs, this nuisance must be investigated and addressed by the local authority under the Health Act 1956.

The wastewater failures already identified in this area constitute a ‘nuisance’. Toi Te Ora is aware of at least one incident in October 2021 where an Environmental Health Officer from WBOPDC attended a significant statutory health nuisance in this area. Toi Te Ora is also aware of compliance issues with the regional onsite effluent treatment and raised intensification concerns with WBOPDC in 2018.

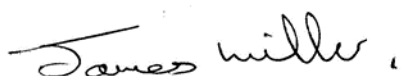
The plan change request has not addressed how wastewater nuisances would be prevented in the interim time before the proposed extension of the network reticulation is completed. Therefore, if the

plan change request were approved, our experience shows that further nuisances under the Health Act 1956 are likely to occur.

Decision sought: That Council takes into consideration their local authority responsibilities to abate and remove potential nuisance situations under the Health Act 1956 before they arise.

Toi Te Ora wishes to be heard in support of this submission. Dr Jim Miller, Medical Officer of Health is willing to meet to discuss the points raised in this submission.

Toi Te Ora would not consider presenting a joint case with others who make a similar submission.

A handwritten signature in black ink that reads "James Miller". The signature is written in a cursive style with a small flourish at the end.

JIM MILLER  
**Medical Officer of Health**

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