

## Alissa Sluys

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**From:** Sheena Ross <>  
**Sent:** Friday, 29 September 2023 10:21 am  
**To:** Alissa Sluys  
**Cc:** 'Cliff Royal'; Peter Moetara; Desiree Sunde; Daniel Matene; Bridgette Heatley; Siân Fisher; David Stone; Catherine Leauga; J Shaw (MIN); chris.hipkins@parliament.govt.nz; Roger Brand; Janine McVeagh; Jessie McVeagh; Dallas Williams; Moko Tepania; Hon Willie Jackson - Ministry of Maori Development; Lorene Royal; donna washrook  
**Subject:** As attached Waste Water Treatment Plant Omapere/Opononi  
**Attachments:** sheena NRC Hearing Response to KOH, OPO Review 28 09 2023.pdf; IMG\_0352 (1) (4).jpg

Kia ora, Alissa

A hard copy will follow with signature signed off. If you watched the headlines on the AM Show how the pipes that broke in Tamaki Makaurau, will explain why we noted in our submission that monitoring of the pipes need to be daily, we do not want to go down that track with our Taonga o Te Moana. What also needs to be looked at is the influx of Economic Development, ie, more housing, more concerns on our Waste Water Treatment Plant. Again refer back to Tamaki Makaurau 1910 at that time the infrastructure was not set up right, as we can see todote more housing is happening, as well as Commercial Buildings. We also need to remember our Mauri in our Moana needs to be protected, and respected as we are a part of it. We have seen in many Government Employment Application it states do we understand Te Tiriti/He Wakaputanga. I have to question why this has not been adhered to, when those Chiefs of Hapu, not Iwi that signed made it clear we did not cede our sovereignty. So why were we of the Hapu left out, this is the question to Northland Regional Council and Far North District Council as we of Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust made it clear that we want to be involved in any decisions of our Moana Rohe, and their Resource Consent.

Nga mihi

Sheena Ross nee (Moetara) mandated Kaikorero/ Claimant Wai 1857 Ngati Korokoro Hapu:Ngati Korokoro Hapu Trust.



**BEFORE THE NORTHLAND REGIONAL COUNCIL  
HEARINGS PANEL**

Ngati Korokoro Hapu / Ngati KoroKoro Hapu Trust

Appellant

And

FAR NORTH DISTRICT COUNCIL

Respondent

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

AND

IN THE MATTER of an application by FAR NORTH DISTRICT COUNCIL Resource  
Consent

Applications APP. 00389.01.03- and APP.002667.01.04 Opononi/Omapere and  
Kohukohu Waste Water Treatment Plants response to NRC KOH and OPO Consents  
Review;

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Filed by :sheena:ross (nee) moetara (Mandated Kaikorero) for and on behalf Ngati KoroKoro  
Hapu/Ngati KoroKoro Hapu Trust;

Date: 28<sup>th</sup> September 2023 Anno Domini

Nga mihi kei roto te kowowai ote matua arikinui

Firstly, with respect, it is not for the secondary paper title holders, assumed un constituted by way of assumption, to dictate any and or all matters relating to our sovereign power and authority regards the dispossession of our whenua including any and all matters thereof;

This includes the arbitrary imposition placed upon Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust by the conditions outlined in the NRC KOH and OPO Consents Review process which stated no further (submissions) shall be accepted by prior submitters, Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust filed our wero, tabled a physical copy with the NRC administration, it wasnt a submission, furthermore we noted the pending and defaulting Consent Holder FNDC in the NRC KOH and OPO Consents Review was, post NRC Hearing able to edit, amend their prior binding statutory clauses with no input from prior submitters and or Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust;

Regarding Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust, our Kaikorero wero at the NRC hearings at Rawene, Cf. Resource Consent Applications APP.003839.01.03 and APP.002667.01.04, standing as the beneficial and equitable primary source title holders, of the un-extinguished native title over the whenua, ngahere, awa, moana from Mongero Koutu to Omamari (Cf. wai 1857) over which parts of the current assumed resource consents review are related, provided written and oral evidence by our Hapu Kaikorero as attached and also included by way of prior Notices to all subordinated corporate agencies;

As yet we have not received a response, point by point to the Issues to be Determined Cf. page 4 Filed by :clifford-morgan: royal included herein:

Issues to be determined;

Jurisdiction:

Based upon the evidence filed, un rebutted, we ask where possible the following questions be answered point by point;

Upon which Treaty, which version and by which author does the assumed unconstituted illegitimate Crown (NZ) and its service agencies base its sovereign power and authority upon?

In terms of applicability of the past and concurrent corporate rules, codes and regulations, policies and procedures of the legislature (NZ) including the Acts RMA et al, what does the Crown Service Agencies rely upon, to apply an assumed un constituted and now established illegitimate process of misrepresentation?

With respect, is the Hearing panel acting as agents of the Crown (NZ)?

With respect, it is not for the service agencies to apply executive dictate to the Principal, henceforth within our mana whenua, mana moana, mana ngahere, mana awa, mana tangata you shall be answerable to the Principals, nga uri tohu rangatira of Ngati KoroKoro Hapu:Ngati KoroKoro Hapu Trust;

For the purposes of objective reality, with the intention of quantifying the analysis of monitoring, measurement data we, Ngati KoroKoro Hapu:Ngati KoroKoro Hapu Trust, required direct involvement with and access to all related parties, suppliers, BECA, staff, added, charges where applicable shall apply, across our related rohe mana whenua, mana moana, mana tangata, mana ngahere, mana awa;

To date we have not received any response or invitation to participate in this review nor had any response to the matters raised of potential conflicts of interest nor as we stipulated that we require ongoing engagement;

As such we of Ngati KoroKoro Hapu:Ngati KoroKoro Hapu Trust have more questions, requiring responses to the most recent amended review KOH and OPO WWTP Adjournment;

Could NRC clarify what was the purpose of deleting the section "Lot 1 DP 110735 and Lot 1 DP 167208 Blk VII Hokianga servicing the townships of Ōmāpere and Opononi, as defined by the Operative Far North District Council Plan, and all existing connections to this system that are outside these townships, as at the date of commencement of these consents"?

Regards the Geodetic Datum 2000, how does the change in technological data change and or affect the un extinguished native title of Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust?

In terms of AUT.0022667.04.02 to own by way of the un extinguished native title the bed of the coastal marine area of the Hokianga Harbour with an existing wastewater discharge pipeline structure, Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust requires proof of claim any occupational titles are not null and void;

General Conditions:

Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust reserves the sovereign power and authority within our rohe to hold the power of veto over any and all assumed General Conditions, including all requirements applicable of the Consent Holder to NRC in terms of monitoring, reporting, breaches will be reciprocal in terms of Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust;

4. Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust object to the 6 month timeframe, why isn't there an existing SMP (OPO-WWTP)?;

5. What timeframe can be expected for the completion of the review?;

6. What is the point of placing minimum operational, management conditions in accordance with the most recent reviewed version of the SMP without firstly including material considerations, breaches to past and potentially future environmental harm and safety, Ngati KoroKoro Hapu: Ngati KoroKoro Hapu Trust requires any and all records of harms of injury, hazard, risk assessments, directly related to past breaches, current and future SMPs in accordance with the assumed statutory obligations;

7. Why has Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust as mana whenua, mana moana, mana tangata been excluded from the third party assumed Consent Holder forming and inviting representative groups?

This is yet another breach of our mana, regards (a) (b), Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust does not consent to their inclusion, they do not hold mana whenua within our rohe, our Hapu is NOT a creature of statute, amend (c) to Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust solely; (d) Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust in principle has already agreed to work with the OORPA as noted in a public hui dated Sat 16th September 2023;

8. (a) Share and discuss information on the performance of the wastewater treatment plant and monitoring of the Hokianga Harbour; Amend Daily not monthly (d) Address any other matters relating to the wastewater treatment plant as identified by Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA;

9. The Consent Holder must:

(a) Provide the Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and the OORPA with technical support from an independent person qualified and specializing in wastewater engineering (Andre) and land disposal systems (appointed by Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and the OORPA and approved by the Northland Regional Council's assigned monitoring officer as being independent, suitably qualified and having no conflict of interest); (b) How does a regular meeting correlate with an annual meeting? Annually is unacceptable, as for less frequent does that mean 2 yearly? Could NRC explain how 9 (b) how can Te Rununga o Te Rarawa be deleted from any regular meetings by NRC when in 7 (a) the consent holder has included them? The inclusion of which we do not consent to;

We require at least a monthly meeting with OORPA and the Consent Holder including applicable administrative and meeting expenses (d) How do past and or future breaches in terms of excess discharges correlate with Best Practicable Options?

10. This is not the decision of the NRC or any statutory bodies, Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust reserves the right to be the principal in any future outcomes and developments with the support of the OORPA;

11. Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust requires The Consent Holder, or its authorised agent, must invite and allow Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust including applicable administrative and meeting expenses to attend monitoring of the wastewater discharge including OORPA ;

(b) Immediately notify Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust, OORPA and the Northland Regional Council by telephone of an escape contaminant:

(d) Notify Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust, OORPA by both telephone, text alerts and email and arrange an onsite meeting including applicable administrative and meeting expenses, and notify the Northland Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escapes;

12. The stated s128 of the RMA 1991 corporate rules, codes and any successive Act is subordinate to Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust;

Regards 12 serve notice on the Consent Holder of its intention to review the conditions annually during the month of May for any one or more of the following purposes: Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust require clarification in terms of annually during the month of May?

(c) Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust will control and determine the consent to land and or water discharge;

AUT.002667.01 and AUT.002667.02 – Discharges to Coastal Water and Land

13. A duly qualified consultant to appointed by Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust;

14. A duly qualified consultant to appointed by Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust;

15. A duly qualified consultant to appointed by Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust;

16. Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust Cf. to include checking recalibration of the meters by a duly qualified consultant appointed by Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust;

17. Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust Treated wastewater shall only be discharged to the Hokianga Harbour for a maximum of three hours each tidal cycle in the three-hour period between one hour and four hours after high tide to be monitored at the point of discharge and via the discharge pipeline from the treatment system;

18. (a) Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust objects to the 3 year commencement of these consents, that waiting 3 years is not sufficient to address the failures of the past and current waste treatment plantsand that immediate remedial strategies are require with the engagement of Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA;

(b) provide Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust an annual update to Northland's Regional Council's assigned monitoring officer by 1 May each year regarding the progress of the planned upgrades to the wastewater treatment system to also include a duly qualified consultant to be appointed by Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust;

19. In terms of meeting following standards Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust object to the stated standards specifically Escherichia Coli 90th percentile, Escheria Coli 24,000?

We require Human Escherichia coliform to be added to the standard Determinants; change 1 month to daily, also add the testing for and monitoring of 1080;

Regards if any monitoring results show that any of the following determinants in the treated wastewater are exceeded, as measured at Northland Regional Council Sampling Site 101580 (final outlet from the treatment plant prior to the discharge pipeline) the Consent Holder must, immediately of becoming aware of any exceedance, forward to Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA, then the Northland Regional Council's Compliance Monitoring Manager a written report that provides the following:

20. The Consent Holder shall ensure safe and easy access to the final outlet from the treatment plant prior to the discharge pipeline to Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA to the Northland Regional Council sampling site 101580 is maintained at all times), so that treated wastewater samples can be collected;

21. There shall be no discharge of contaminants onto or into land, or into water, from any part of the treatment system except via seepage from the base of the treatment system and the designated outlet pipe from the treatment system into the Hokianga Harbour for the time being until a viable alternate land based treatment technology is agreed and consented to by Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust;

22. The discharge of contaminants to land via seepage from the base of the treatment system shall not result in any adverse effects on the water quality change to the concentration of Human Escherichia Coli and any other contaminants in the Waiarohia Stream at NRC Sampling Site 100756., as measured immediately downstream of either the treatment ponds or the constructed wetland system. For compliance purposes the downstream water quality concentration of Escherichia Coli at NRC Sampling Site 100756 shall be compared with the background concentration of Human Escherichia Coli upstream of the constructed wetland system at NRC Sampling Site 101579. The error of the analytical method, or and measuring instrument, at the (95%) 90th percentile ( 90th) confidence level shall be taken into account included in determining all parameters;

23. (e) No more than minor adverse change in either the Human Escherichia coliform or Enterococci concentration;

For compliance purposes, the down-current water quality shall be compared to the background water quality of the Hokianga Harbour at an up-current site that is not affected by this discharge of the above parameters. The error of the analytical methods and measuring instrument at the (95th 90th) 90th~ percentile confidence level shall be included in determining all parameters;

#### AUT.002667.03 – Discharge to Air

24. The exercise of this consent must not result in the discharge of contaminants which are deemed by a Monitoring Officer of the Northland Regional Council to be noxious, dangerous, offensive or objectionable at or beyond the boundary of the area legally occupied by the wastewater treatment plant. NRC to provide evidence of legal occupational title that has extinguished the Native Title;

#### AUT.002667.04 – Discharge Pipeline Structure

25. This consent only authorises use of the existing structure as installed at the date of commencement of this consent, Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust requires the past and current details of public indemnity insurance applying to the Executives of both NRC and FNDC;



27. The Consent Holder shall undertake inspections of the bed of the Hokianga Harbour where the pipeline is installed and also the outlet of the pipeline on the commencement of this temporary consent and completion within the duration of the consent, to also shall include the services of a under water survellience, monitoring system to check the structural condition of the existing pipeline;

The Consent Holder shall give the representatives of Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA and an independent monitor as required at least seven days notice of the proposed inspection of the pipeline;

A written report on the results of the inspection shall be forwarded to Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA, the Northland Regional Council and made available on the Consent Holder's website by 1 May yearly from the date of commencement of this consent;

EXPIRY DATE: 31 AUGUST Three years from the date of commencement of the consents;

## SCHEDULE 1

### MONITORING PROGRAMME

The Consent Holder shall undertake the following monitoring in conjunction with Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA, and a independent monitor;

2.1. Human Escherichia Coli (per 100 millilitres)

2.2 The 90th percentile value shall be calculated annually for the period 1 May to 30 April using, as a minimum, the results from the monthly sampling required by Section (roger)

Compliance with the median for Human Escherichia Coli and Total Suspended Solids ceases once the plant has been upgraded as required by Condition;

These water samples shall then be analysed for Human Escherichia coli concentration;

### 3. RECEIVING WATER QUALITY

FNDC - undelete - The upstream and downstream Escherichia coli concentration shall be compared after sampling occasion to determine whether there is any adverse effect on the

water quality of the Waiarohia Stream as a result of the discharge of contaminants to land via seepage from the base of the constructed wetland system;

NRC - undelete- This monitoring shall cease after a two year period if the results show that the discharge of contaminants to land via seepage from the base of the constructed wetland system is not having an adverse effect on the water quality of the Waiarohia Stream;

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#### 5. NON-COMPLIANCE WITH CONSENT CONDITIONS

The Consent Holder shall notify Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA, the Regional Council of any non-compliance of the “rolling median” or any adverse effects on the water quality of the Waiarohia Stream, immediately after the results of the monitoring required by Section;

If the Consent Holder detects any noxious, dangerous, offensive or objectionable odours at the legal boundary of the treatment system, then Ngati Korokoro Hapu: Ngati Korokoro Hapu Trust and OORPA Northland Regional Council should be notified immediately;

In addition we require all of the current WWTP systems within the Hokianga be done all at the same time rather than staggered or delayed and that funding be made available for wananga and hui;

Lastly, we have yet to sight any meaningful source of risk based assessments, specifically in terms of the assumed Health and Safety Act and breaches thereof which the pending Consent Holder should be liable for or whether the defaulting, non complying parties bond is capable of withstanding personal and or criminal liability, subject to their assumed statutory obligations, financial and legislative due diligence, including the related codes of conduct;

cont;

Thank you for your confirmation

Filed jointly By; :sheena: ross  
Kai Korero Ngati KoroKoro Hapu/Ngati KoroKoro Hapu Trust;  
As the Equitable Beneficial Primary Source Title Holder of the un extinguished native title;

:clifford-morgan: royal  
Kai korero o He waka putanga o te Rangatiratanga o Nu Tireni,  
i raro mai Hauraki me tau iwi o runga 1835, ano Te Tiriti O Waitangi 1840 te takahi  
As the Equitable Beneficial Primary Source Title Holder of the un extinguished native title;

All Rights Reserved – With Prejudice;





NEW ZEALAND  
NORTH ISLAND WEST COAST

# HOKIANGA RIVER

SURVEYED BY COMD<sup>r</sup> E. DRURY AND THE OFFICERS OF H.M.S. PANDORA  
1851

Pilot Staff at 35° 34' 5" S  
Entrance (S. Shore) 173° 22' 55" E

H.W.F. & C.T. 45<sup>m</sup> Springs rise 10 feet

246, km. base, Flood

Fathoms lines

R. Bay, C. Cape, Pt. Head, H. Harbour, L. Island, E. Port, F. Point, R. River, R. Rock,  
d. day, cl. coral, g. gravel, m. mud, r. rock, s. sand, sh. shells, st. stones.

Figures on the land show the height in feet above High Water.

Bearings to the Marks and Tiers are Magnetic.

Variation in 1851 increasing annually about 2°

SOUNDINGS IN FATHOMS

Natural Scale 1:1000

Cables 10

