

BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
NORTHLAND REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of applications by the Far North District Council for resource consents
associated with the operation of the
East Coast Wastewater Treatment Plant

SUBMISSION IN SUPPORT OF JULIE RICKETT (READ)

BY PETER MORRIS, REPRESENTATIVE OF AFFECTED LANDOWNER MUIR TRUST

TE MANA O TE WAI HAPU ITERGATION HAPU MEMBER

24TH JUNE 2019

I wish to take the opportunity to thank the Commissioners for the opportunity to present this submission in support of Julie Ricketts read submission.

My involvement in with this matter began with my Father in law Mr Ian Muir (deceased) handing me a copy of FNDC 2008 application for renewal of consent For East Coast wastewater. This come about when accusations had been made to NRC about our lease holder supposedly discharging from the effluent ponds into the unnamed tributary of the Parapara river. At the time it was summer and very low flow to semi stagnant in this stream at Parapara Road Bridge at the entrance to the farm.

Subsequent investigation by a compliance officer from NRC cleared the farm from any wrongdoing and it was found the offending smell was from dead and decomposing dead Koi Carp under the bridge. This was the summer of 2014.

From that point on I become aware of the situation of water quality on the Farm. I can clearly state that despite the farm lease holder being accused of illegal discharges at no time was this proved to be the case nor was any compliance action or warnings issued against the discharge consent that was held by the farm. In fact, it was our policy to not let our ponds get to a point where the discharge to water consent was needed to be used. I became actively involved with NRC LTP Fresh Water Quality committee involved in the Doubtless Bay Priority Catchment Plan, and we developed our own Freshwater Quality plan for the farm as owners over and above the requirements of the Fonterra Accord that was required as being a supplier. This plan remains in place as a living document and is continually being added to on an annual basis. We have taken water samples in normal flow conditions in our main drain during July to assess through farm PO an N levels starting from where it enters through a culvert at State Highway 10 and at the Upstream sampling point. The results were 8/06/16

SH10 NH 4 0.4 mg/l N03 5 mg/l P04 1.3 mg/l

US POINT 5939 NH4 0.8 mg/l N03 11 mg/l P04 2.9 mg/l

DS POINT 5941 NH4 18 mg /l N03 30 mg/l P04 9.5 mg/l

Appendix 1 sample results

We take Umbridge at the number of indirect accusations being directed at the farm during this hearing by some of the applicants expert testimonials as to the poor performance of both us and the farms leasee and challenge them to either remove those accusations from their testimony or provide concrete evidence backing their claims.

IE Counsel for the Applicant, Page 2 Paragraph 1

“The farm drain then captures farm effluent and discharges into the Parapara stream”

DR Jamie MacKay

“Ammonia levels in effluent can frequently exceed 360 mg/l and at the time of the assessment there was a dairy shed effluent pond below downstream of the WWTP discharge and compliance point that MAY have discharged into the stream”

From our point of view, this is like saying the discharge water from the WWTP DISCHARGE POINT MAY BE OF DRINKING QUALITY. Certainly, a big assumption and hardly what I would call expert testimony to encourage me to drink it.

Tuna- a tatou taonga have a great significance to the local iwi particularly the longfin eel. Our farm is a major habitat for these, and you can find young eels high up the hills in springs and any wet areas all over the farm. Our dams hold significant numbers. These waterways including the unnamed stream have historical significance to local Hapu and anyone who has entered Parapara Marae can clearly see the significance of not only tuna but inanga as a taonga to them.

The applicant has failed to recognise the importance of this by relying on one outdated Wildlands report done 4-5 years ago. With climate change affecting our streams and in particular the flows down these streams we have seen a change already with the length of time that these flows are reduced, with this year our main waterways on the farm being dry from January until the end of May this year. Bearing in mind that the testimony given is reliant on natural flows to mix with discharged influent to increase dilution, how is this going to happen? This brings us back to the tuna, it is widely publicised (DOC, MFE, Forest and Bird information publications) that that retuning Elver are repulsed by polluted waters and that these are acting as barriers preventing them from returning to their habitat. Low flows are meaning higher concentrations with little or no mixing zone.

How is Climate change going to effect or farm water ecology with the eels migrating to spawning grounds in Tonga during these low flow months.

“There is a specific pattern in the sequence of seaward migrations with the smallest, shortfin males migrating during February and March, followed by shortfin females in March and April. Longfin males migrate during April, followed by longfin females from late April to June.”

www.niwa.co.nz/te-kauwaha/tuna-information-resource/biology-and-ecology

Mr Ben Tate, NRC has failed to recognise the ecological importance of climate change by saying that one 9 km stretch is not going to have a big effect in his submission yesterday.

We say that 9km stretch can have a major effect long term to local and national Taonga.

Doubtless bay is classified as a Priority one catchment and for FNDC experts to say that because there are other sources of pollution so therefore one more isn't going to matter is wrong.

To clean up the waterways one step at a time is needed, and by removing one source of pollution it allows you to identify and locate the next source so it to can then be mitigated. Eventually all sources of pollution can be tackled.

Mr Somers testimony leaves us confused as to how to treat it. Do we treat it as expert testimony due to his ability to manage assets and his prowess of Financial control over three waters?

We think not. How can you produce evidence of financial stewardship when saying that money is not available to rectify an out of consent system, while yet during the term that it has been out of consent see that another system under his control has excessive money allocated to it in the LTP.

Wastewater network Long term Plan

Kaikohe wastewater upgrade It is anticipated a higher quality of treated effluent will be required as a result of the renewing of the discharge consent in 2021. Until the consent is granted, the extent of works and final costs cannot be accurately determined Years 5-6 \$3.6 million LOS

Kaitaia wastewater upgrade Untreated overflows from the wastewater reticulation occur on average once every three weeks. \$13.4 million has been budgeted during 18-21 to improve this

situation. It is anticipated a higher quality effluent discharged from the treatment plant will be required after 2021 when the existing consent expires Years 1-4 and Years 6-8 \$13.4 million LOS

Kerikeri wastewater upgrade Complete current project to expand the area serviced by wastewater and build a new treatment plant to cater for the higher flows (phase 1) Year 1 \$13.8 million LOS
Supporting growth in and around Kerikeri / Waipapa New wastewater scheme (phase 2) Year 12 (Phase 2) \$18.1 million LOS

Supporting growth in and around Kerikeri / Waipapa Expand the Kerikeri wastewater scheme and / or Waipapa scheme to service all residential, commercial and industrial land within Waipapa (phase 3 of above project) Year 22 (Phase 3) \$23.7 million LOS

Opononi wastewater treatment plant upgrade It is anticipated a higher quality of treated effluent will be required as a result of the renewing of the discharge consent in 2019. Until the consent is granted, the extent of works and final costs cannot be accurately determined Years 4-5 \$1 million LOS

Hihi wastewater treatment The main concrete structure is in poor condition and requires replacement. There is an unacceptable risk of failure Years 1-2 \$1.9 million

Renewal Sludge management Sludge accumulation in the waste stabilisation ponds is adversely affecting their performance requiring removal of the sludge Years 1 - 6 \$5.8 million OPEX

Page 61 Far North District Council Long Term Plan 2018-28

The above seems to reflect that at \$672,000 that FNDC treats this area as a poor cousin to Kerikeri where it seems major growth is about to happen and the need for \$53.9 million be budgeted for in the LTP over top of the \$28 million already spent on a new WWTP, Plus the additional reticulation costs

I wonder if it is this kind bias why we have the most expensive council for wastewater or is it because of the reactive type management that relies on need for these hearings to make money available out of some hidden contingency fund.

This snapshot has also highlighted another oversight of this application in the fact that should an SBR plant be installed this will require larger quantities of sludge removal and it has become apparent that FNDC has no plan in place for the disposal of this nor consent application. There is also no where mentioned in the application, provision for phosphate (P04) testing or limits as is normally standard with wastewater discharges. Environmentally phosphates and nitrogen go hand in hand for algal blooms and excessive growths in water. Why in an area with naturally high phosphate levels is this not being monitored?

As part of HIR (Te Mana O Te Wai Hapu Integration Roopu) I believe Mr Somers comments are far from accurate as to the true standing of consultation with the local Hapu. For consultation to happen FNDC needs to be able to hear what is being said, not dictate what they want and then when they don't achieve what they want put out veiled threats of financial blackmail in a public forum.

This has been continued here at this hearing by the assumption that the community will not be able to afford or want to spend any money when there are no final costs available as no decision can be settled when FNDC wont come to the party and talk. All progress stopped as soon as this formal hearing was announced.

I believe that serious trust issues are at play as to FNDC complying with direction or consent constraints when they know that NRC will not enforce action if it is going to cost the ratepayers.

I use the letter issued by Mr Rob Lieffering to FNDC as an example of their contempt towards direction and time frames.

Letter from Northland Regional Council dated 03 December 2010:

Dear Sir or Madam

RESOURCE CONSENT APPLICATION CON20080400701 – EAST COAST BAYS WASTEWATER DISCHARGE – OUTCOME OF REQUEST OF EXTENSION OF TIMEFRAME

This letter is to provide you with an update of the above resource consent application to which you lodged a submission. The applicant has requested an extension of time to investigate land discharge options for the treated wastewater. This request was considered by the Hearings Committee (made up of Mrs Lorraine Hill (Chair) and Mr Hamish Lowe).

The Committee has agreed to the extension of time for a hearing to be held (to 3 June 2011). However, the Committee has issued a direction, pursuant to section 41C(3) of the Resource Management Act 1991 ('the Act'), that a detailed report be prepared which clearly explains what matters are to be progressed and a timeline of proposed events. The Committee has directed that this report must be submitted to the Council no later than Monday 20 December 2010. In addition, in order for a hearing to be organised by 3 June 2011 the Committee has directed that the final information be provided to the Council by 15 April 2011. This allows time for the additional information to be circulated to submitters if required prior to a 3 June 2011 hearing. To ensure this target date is met, the Committee has also directed that progress reports be prepared and submitted to the Council on 1 February 2011 and 15 March 2011. The extension period requested by the applicant is a worst case scenario and matters may be able to be resolved (including resolving that land discharge is not a viable alternative) earlier than this. If this is the case you will be advised and a earlier hearing date will then be scheduled.

The Committee also notes that if an outcome of the investigations is that land discharge is a viable alternative, then new consents would need to be applied for. If this were the case then further extensions may need to be requested by the applicant for the current application to enable both sets of applications to be considered together.

In extending the timeframes mentioned in this letter, the Committee has taken into account the matters outlined in section 37A(1) of the Act. If you

have any queries on this matter, please contact Mr Stuart Savill at our Whangarei office.

Yours faithfully

Rob Lieffering
Consents Programme Manager
Northland Regional Council

Despite this being issued we appear to be still dealing with the exact reasons for delay eight years on.

I wish to submit that the following conditions be applied.

1. The applied interim consent only be for 5 not 8 years.
2. Investigations on land disposal be finalised within 12 mths and subsequent consent application be made within that time frame.
3. Land application treatment be at the highest levels possible to open up options for use as irrigation on farmland during summer periods to help mitigate climate change. This also increases land options.
4. A true unbiased look at Electro flocculation trials as a realistic treatment option.
5. Phosphate level testing and limits be applied to current discharge parameters.
6. Some sort of compliance enforcement monitoring to ensure FNDC does what is required.

Thankyou for your time.

Peter Morris

HIR member

Muir Trust

Far North Envirolab Ltd

Drinking and Recreational Water

Customer	Muir Farm; Peter Morris		
Ministry of Health ID No			
Sample	Sample 2		
Date	08/06/2016	Time	3:30pm
Customer ID	1730	Sampler	Peter M
Sample taken from	Sample Point 5941	Sample source	Creek water
Sample condition at arrival	>10°C	Sample accepted Yes/No	yes
Start Date Laboratory	8/06/2016	Time	4:00pm

Laboratory result

Laboratory No	6885
Total Coliforms Colilert 9223B	
Escherichia Coli Colilert 9223B	
Faecal Coliforms CFU/100 ml	
Escherichia Coli CFU/100 ml	
pH	
Ammonium NH ₄ mg/l	18
Nitrate NO ₃ mg/l	30
Nitrite NO ₂ mg/l	
Phosphate PO ₄ mg/l	9.5
Total Hardness CaCO ₃ mg/l	
Iron Fe mg/l	
Copper Cu mg/l	
Calcium Ca mg/l	
Manganese Mn mg/l	
Sulphate SO ₄ mg/l	
Alkalinity mg/l HCO ₃	
Sodium Na mg/l	
Magnesium mg/l	
Zinc mg/l	
Acidity mg/l CO ₂	
BOD 5 mg/l	
Conductivity μs	
Total dissolved solids mg/l	
UVT %	
Carbonate Hardness CaCO ₃ mg/l	
Turbidity (NTU)	
Dissolved Oxygen mg/l	
Chlorine mg/l	



Far North Envirolab Ltd

Drinking and Recreational Water

Customer	Muir Farm; Peter Morris		
Ministry of Health ID No			
Sample	Sample 3		
Date	08/06/2016	Time	3:30pm
Customer ID	1730	Sampler	Peter M
Sample taken from	SH10 Gul	Sample source	Surface water
Sample condition at arrival	>10°C	Sample accepted Yes/No	yes
Start Date Laboratory	8/06/2016	Time	4:00pm

Laboratory result

Laboratory No	6886
Total Coliforms Colilert 9223B	
Escherichia Coli Colilert 9223B	
Faecal Coliforms CFU/100 ml	
Escherichia Coli CFU/100 ml	
pH	
Ammonium NH ₄ mg/l	0.4
Nitrate NO ₃ mg/l	5
Nitrite NO ₂ mg/l	
Phosphate PO ₄ mg/l	1.3
Total Hardness CaCO ₃ mg/l	
Iron Fe mg/l	
Copper Cu mg/l	
Calcium Ca mg/l	
Manganese Mn mg/l	
Sulphate SO ₄ mg/l	
Alkalinity mg/l HCO-3	
Sodium Na mg/l	
Magnesium mg/l	
Zinc mg/l	
Acidity mg/l CO ₂	
BOD 5 mg/l	
Conductivity µs	
Total dissolved solids mg/l	
UVT %	
Carbonate Hardness CaCO ₃ mg/l	
Turbidity (NTU)	
Dissolved Oxygen mg/l	
Chlorine mg/l	



Far North Envirolab Ltd

Lab Sample No 6886

Authorised

Andreas Kurmann Scientist M.Sc.

Thanks for using our Laboratory

Every care is exercised in preparing this report and recommendations; however it is important that the recommended sampling procedure has been followed. Envirolab Ltd does not accept any responsibility for the resulting use of this Information.

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