

**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 Bays
Wastewater Treatment Plant

APPLICANT'S RIGHT OF REPLY – FAR NORTH DISTRICT COUNCIL

15 JULY 2019

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APPLICANT'S RIGHT OF REPLY

Introduction

1. This memorandum addresses issue that arose at the hearing of this application at Taipa on 24-26 July 2019.

Issues for reply that arose during the hearing

2. The issues that arose during the hearing which require response were:
 - a. Clarification of parts of the evidence from Dr Jamie Mackay;
 - b. Clarification of certain parts of the evidence of Dr Becky Macdonald;
 - c. Details of the scheduled waahi tapu and/ or Site of Significance to Maori ("SSM") in the vicinity of the site;
 - d. Clarification of the volume of discharge sought by the applicant;
 - e. Details of the current investment value of the East Coast Bays Wastewater Treatment Plant ("WWTP");
 - f. Further detail regarding the applicant's plans for upgrades and consideration of long-term alternative disposal options;
 - g. Further comment on whether a Community Liaison Group and/or an iwi liaison group should be established and how consultation will occur; and,
 - h. Comment on the amended draft conditions provided by Northland Regional Council ("NRC").

Evidence of Dr Mackay

3. The issues which required clarification by Dr Jamie Mackay were:
 - a. That his report refers to "Ammoniacal Nitrogen";
 - b. What are the chronic figures of N exposure;
 - c. Provide a comparison of the freshwater attributes of Richardson and the National Policy Statement on Freshwater.
4. Filed herein is a supplementary statement from Dr Mackay addressing these issues.

Evidence of Dr MacDonald

5. The issues which required clarification by Dr MacDonald were:

- a. Confirmation of the volume sought for discharge, including an advice note regarding the action to be taken if the groundwater monitoring shows a problem;
- b. Updating Table 1 to her evidence;
- c. A statement regarding total ammoniacal N and coliform performance after upgrade works;
- d. Expected costs of SBR modifications.

6. Filed herein is a reply statement from Dr MacDonald addressing these issues.

Scheduled waahi tapu/SSM

7. There are three scheduled sites in the District Plan in the vicinity of the application site, namely:

Place #	Location	Name/Description	Requesting Party	Legal Description	Map
MS05-38	Awapoko Reserve	Okokori/Kaimaua Recreation Reserve & waahi tapu	Maori Owners	Pt Okokori Blk (Awapoko Reserve)	14
MS05-41	Taipa	Karipori Marae & Recreation Reserve	The Trustees	Pt Allot 12, Taipa Parish	15
MS05-42	Taipa	Putangarau - waahi tapu	The Trustees	Pt Allot 12, Taipa Parish	15

8. These are shown on Maps 14 and 15 in the District Plan, **attached** as Appendix "A".

9. All three sites are recorded as Maori Reserves. No other information is held by FNDC regarding these sites.

Current Investment Value of the WWTP

10. The current insured value of the WWTP is approximately \$2.187 Million including \$2.105m of assets and a land value of \$81,400. Refer the statement of Barry Somers attachment "BJS-1" which verifies the data.

Applicant's plans for advancing this plant – upgrades, consideration of alternative disposal options

11. Far North District Council ("*Council*") as local government authority has strict legislative requirements regarding the process to be followed to obtain funding for a project. The ability to commission upgrades and to consider alternative disposal systems will depend on the allocation of funding through Council's consultative local government processes. This is a separate role of Council to that of applicant in relation to this consent.
12. The current state of play regarding funding allocation for all wastewater treatment plants across the District including Taipa is contained in Current Wastewater Asset Management Plan contained in the Long-Term Plan 2018-2028 (attached to the reply statement of Barry Somers as "BJS- 2").
13. In summary, there is a nominal amount of \$672,000 allocated in the Long-Term Plan for upgrades to the WWTP. In order to comply with the upgrades and consideration of alternative disposal options, that allocated funding will need to be increased substantially.
14. For a substantial increase in funding, the project will need to meet the "significance" criteria in Council's "Significance and Engagement Policy" (Attached to the reply statement of Barry Somers as "BJS-3"). The criteria for significance are:
 - a. Unbudgeted expenditure: capex exceeding 10% of total rates in the year commenced (roughly \$8.6m) or opex exceeding 2.5% of total rates commenced in the year commenced (approximately \$2.15m).
 - b. The level of public interest – must be considerable or deeply divided community views;
 - c. The effect on the Far North District or its wards – must create radically different effects on ratepayers;
 - d. The effect on individuals or communities- must radically impact specific demographics;
 - e. Level of service – major and/or long-term changes.
15. In order to allocate the necessary funding for WWTP, Council can amend its Long-Term Plan through its Annual Plan process (the next one will be for 2020-2021) or, if it is considered significant, by amending the Long-term Plan through a Special Consultative Procedure.

16. Filed herein is a reply statement by Mr Somers, Council's Asset Manager – 3 Waters, regarding the current and likely timeframes for the upgrades and considerations of the WWTP in relation to the above framework.

Should a Community Liaison Group/ Iwi liaison be established and how will consultation occur?

17. Refer to the reply statement of Mr Somers. The applicant's preference is for a tangata whenua working group to be established as set out in the reply statement of Mr Barry Somers. It is acknowledged that consultation needs to be meaningful. Council intends to create a Tangata Whenua Working Group with representatives from Council and Tangata Whenua affected by the discharge from the WWTP.
18. Expert evidence presented by Tim Hegarty recommended a Community Liaison Group be established. The purpose of other CLGs in the District tend to be focussed on keeping the community informed of operational matters. The proposed Tangata Whenua Working Group is intended to be a collaborative approach to assessing alternative discharge options.
19. Council considers that wider public and community consultation will be achieved through the funding and LTP processes.

Amended draft conditions tabled by NRC

20. Council's experts have commented on and amended the draft conditions which are filed herein.

Dated 15 July 2019



J S Baguley

Counsel for the applicant

"A"



- Resource**
- Outstanding Landscape
 - Outstanding Natural Feature
 - Site of Cultural Significance to Maori

10	11	12
13	14	15
18	19	20

Map Index

Map 14

DISCLAIMER

Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, the Far North District Council cannot accept any responsibility for such errors and omissions.



Scale 1:50,000



Far North District Plan - Resource Maps



