

My name is Linda Kaye.

I wish to make a supplementary submission on matters arising regarding this application for consent.

I live in Kohukohu. I have been here for 20 years. I am Pakeha, born and raised in Aotearoa NZ.

I have been a lawyer, Disputes Tribunal Referee and chair of professional Disciplinary Tribunal

In this submission, however, I claim expertise as a Kohukohu resident. I live on Old Beach Road, behind the area where the pou tiaki stand. I am nearest house to the sewage pumping station. There is also a council-owned large drain on the property next to mine. Kohukohu Clinic is on the neighbouring south side of my house. The house on the north side of mine is unoccupied.

I am therefore perhaps the only person who lives daily, minute by minute with these intermediate inlet/outlet installations.

I explain later in this submission, the relevance of this.

Initially, I would like to make some more general observations.

### 1. Criteria for assessment of waste water treatment options

It seems to me, that there is a fundamental flaw in the "weighting" of criteria in FNDC's adoption of "multi-criteria assessment", as set out in the Jacobs Reoprt.

I question and challenge the premise of competing priorities. But, if there is an insistence on some kind of hierarchy, then I propose that "Maori cultural values" should be the over-riding criterion.

If we implement a system in harmony with "Maori cultural values", we will surely meet objectives of optimal health and well-being for our community, and our environment. Instead of a hierarchy, or zero-sum competition game-playing, we might achieve integration and balance.

Further, if we adopt "Maori cultural values" for the process of designing such a system, we are more likely to arrive at a result that serves us, our planet and future generations.

I also suggest that the "weighting" in terms of the Jacobs report is statistically inappropriate. Our population demographic in Hokianga is overwhelmingly tangata whenua. Yet, tikanga in the report is assigned at only 20% priority.

By any measure, partnership in terms of te Tiriti would surely begin at equal sharing. By the measures usually applied where one party is at a disadvantage, human rights law assigns compensatory additional "weight" that attempts to correct imbalance and redress the balance.

This would mean that in both population terms and social equity, a much greater "weight" in favour of "Maori cultural values" needs to apply.

## 2. Evidence-based decision-making

I am aware that there is a prevalent assumption that what we deem "science," is a more credible and objective source of verifiable evidence than "cultural values." .

If we accept this, even as a hypothetical speculation, the "evidence" on which Applicant relies in support of its proposal nevertheless is inadequate.

Two examples:

First: The "desk-top" investigation of sites for land-based options. Other submitters have addressed this. It is inadequate as a basis for advice or indeed decision-making.

Secondly: The "scientific" test for assessing odour emission - apparently the test is: how many complaints are made.

As I note above, I am perhaps uniquely qualified to comment on the issue of smell/odour and testing, as I live immediately above the pumping station on Old Beach Road, and next-door to a section with a Council drain.

Both these installations stink. They stink most days. Some days (and nights) are worse than others. The stink is not from the mud flats, because the pumping station and the drain stink when the tide is full as well as when it is out. The odour is offensive, persistent and noxious.

I think if "number of complaints" is the criterion for assessment of frequency and scale of odour discharge, I could probably meet that test

most days. I also think, that after just a few days, there would be a note on my file, labelling this woman as a constant complainant who should be disregarded.

### 3. Economics/Affordability

I suggest that there are alternative funding sources for a land-based disposal system, that will not increase our rates, and that might even result in a reduction or refund.

The Ministry of Health directly funded the total cost of the current system, in about 1984. To the best of my knowledge, FNDC's predecessor (Hokianga County?) made no financial contribution. It did however, assume the responsibility of maintaining and operating the system, including maintenance and clearing of individual, domestic septic tanks discharging into it.

Although the system as installed was fully-funded and entirely debt-free, residents paid rates for its maintenance, operations and related expenses. The legitimate expectation was that these funds would provide a capital fund, bearing interest.

At least since amalgamation and transfer of assets to FNDC, there has never been an accounting for those rates. The payments disappeared into Council general funds.

The unencumbered asset remained however, and Council borrowed against it. They then charged Kohukohu residents for that borrowing, including interest on the loans.

There has never been an accounting for those loan charges. We have no satisfactory records of where the money went.

I do know that FNDC continued to charge, thousands and thousands of dollars, to Kohukohu properties, for the borrowings on the originally fully paid up and debt-free system. The rates are called either a "connected" rate, or an "availability" rate. Frequently, FNDC charges both rates on properties already connected.

Council evidence before you now, seems to suggest that, if properties have been charged an "availability" rate and Council then decides it cannot in fact connect them, it does not refund those "targeted" rates, but has a discretion to refund "up to 5 years" of the payments.

Kohukohu residents should be eligible for substantial sewage rate credits, under both the "connected" and the "availability" classifications. Council has acknowledged this by a partial "refund" of \$400 per household, in the final year of the previous Mayor's term of office. This amount is of course a fraction of the huge sums that are unaccounted for.

The imposition of increased rates for continuation of an inadequate and inappropriate system that Kohukohu residents have already paid for many times over, would be manifestly unjust.

#### 4. Outcome

I made several suggestions in my original written submission, which are taken as read. At the hearing, I submitted that, perhaps some of the deficiencies of the Applicant's documentation in support of renewed consent, might result from the instructions that consultants and officers received from Council itself. Our elected representatives' role is to determine and direct policy-making. Council officers' role is to implement that policy.

I therefore proposed, as a preliminary draft suggestion, that Council could resolve:

**to engage immediately in partnership with local communities, in the design and implementation of culturally appropriate, fiscally responsible, land-based waste water treatment systems that serve, enhance and protect the health and well being of the people and the environment of Hokianga, and the well being of future generations.**

Council can then instruct its officers to give effect to such a resolution, with stringent time frames, reporting and accountability.

This proposal is only a rough draft, but it prioritises "cultural values". It also allows a much broader approach to financing, than "economic affordability". A fiscally responsible approach would promote investigation of alternative funding sources such as Vote Health, Three Waters, Conservation and other public, government funds, rather than imposing a rates burden on small, under-resourced (in financial terms) communities.

In conclusion of my oral submission, I read a poem. I include it here, but I emphasise that I do not have copyright permission for its publication.

## Vein

by April Lim

*Did you know*

*when a river dies, the earth does not forget. It remembers  
each depleted stream's body like a keepsake. Buries them  
away but never completely moves on.*