

COPY OF CONDITIONS IMPOSED BY THE ENVIRONMENT COURT IN ITS DECISION (A121/2009) DATED 18 NOVEMBER 2009

NOTE: Pursuant to Section 116 of the Resource Management Act 1991, the date of commencement of this consent is 18 November 2009.

CON20070266701

Notified New and Replacement

FAR NORTH DISTRICT COUNCIL, PRIVATE BAG 752, KAIKOHE 0440

To undertake the following activities associated with the operation of a wastewater treatment system on Lot 1 DP 110735 and Lot 1 DP 167208 Blk VII Hokianga servicing the townships of Omapere 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:

- (01) To discharge treated wastewater into the Hokianga Harbour at or about location co-ordinates 1634768E 6069462N.
- (02) To discharge treated wastewater to land from the base of a wastewater treatment system at or about location co-ordinates 1635620E 6069420N and 1635800E 6069350N.
- (03) To discharge contaminants, primarily odour, to air from a wastewater treatment system at or about location co-ordinates 1635620E 6069420N and 1635800E 6069350N.
- (04) To occupy and use the bed of the Hokianga Harbour for an existing wastewater discharge pipeline structure.

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

Subject to the following conditions:

(01) & (02) Coastal and Land Discharge

- 1 The quantity of treated wastewater discharged to the Hokianga Harbour shall not exceed 685 cubic metres per day.



Notwithstanding Condition 1, the Consent Holder shall minimise, as far as practicable, any increase in the quantity of wastewater discharged to the Hokianga Harbour as a result of stormwater inflow and infiltration into the

sewage reticulation network and treatment system. This shall include the prevention, as far as is practicable, of stormwater run-off from the surrounding land entering the treatment system. For compliance purposes, the Consent Holder shall record the daily wastewater inflow volume to the treatment system.

- 3 The Consent Holder shall notify the Northland Regional Council's Monitoring Senior Programme Manager in writing of any proposed changes to the wastewater treatment and coastal discharge system, as installed at the date of commencement of these consents, at least one month prior to the proposed change(s) being undertaken.
- 4 The Consent Holder shall maintain a meter on both the inlet to, and the outlet from, the treatment system that has a measurement error of $\pm 5\%$ or less. These meters shall then be used to determine compliance with Conditions 1 and 2.
- 5 The Consent Holder shall re-calibrate the meters required by Condition 4 at least annually to ensure that the specified accuracy is maintained. Written verification from a suitably qualified person that the meter has been calibrated during the previous 12 month period shall be forwarded to the Northland Regional Council's Monitoring Senior Programme Manager by 1 May each year.
- 6 Treated wastewater shall only be discharged to the Hokianga Harbour for a maximum of three hours each tidal cycle between one hour and four hours after high tide via the discharge pipeline from the treatment system, as installed at the date of commencement of these consents.
- 7 The Consent Holder shall calibrate the tidal clock used to control the time of discharge to the Hokianga Harbour at least annually to ensure that the programmed high tide discharge time is, as far as is practicable, the same as when high tide actually occurs at the site. Written verification from a suitably qualified person that this calibration has been undertaken during the previous 12 month period shall be forwarded to the Northland Regional Council's Monitoring Senior Programme Manager by 1 May each year.



- 8 The Consent Holder shall ensure safe and easy access to Northland Regional Council sampling site 101580, Marsh Discharge, so that treated wastewater samples can be safely collected.
- 9 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.
- 10 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 of the Waiarohia Stream, as measured immediately downstream of either the treatment ponds or the constructed wetland system. For compliance purposes the downstream water quality shall be compared with the water quality immediately upstream of the constructed wetland system. The error of the analytical method and measuring instrument at the 95%ile confidence level shall be included in determining all parameters.
- 11 Notwithstanding any other conditions, the discharge of any contaminant (either by itself or in combination with the same, similar or other contaminants or water) shall not result in any of the following effects in the water quality of the Hokianga Harbour, as measured at any point at, or down-current of, where the treated wastewater first contacts the surface of the Hokianga Harbour:
- (a) The production of conspicuous oil or grease films, scums or foams, floatable or suspended materials;
 - (b) Any conspicuous change in the colour or visual clarity;
 - (c) Any emissions of objectionable odour;
 - (d) Any significant adverse effects on aquatic life; and
 - (e) No more than minor adverse change in either the 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 for each of the above parameters. The error of the analytical method and measuring instrument at the 95%ile confidence level shall be included in determining all parameters.

(03) Discharge to Air

- 12 The Consent Holder's operations shall not give rise to any discharge of contaminants at or beyond the legal boundary of Lot 1 DP 110735 and Lot 1 DP 167208 Blk VII Hokianga which is deemed by a suitably trained and experienced Enforcement Officer of the Regional Council to be noxious, dangerous, offensive or objectionable.

(04) Discharge Pipeline Structure

- 13 This consent only authorises the existing structure as installed at the date of commencement of this consent.

- 14 The Consent Holder shall, within three months of the date of commencement of this consent, forward to the Regional Council's Monitoring Senior Programme Manager and the representatives of the community liaison group required by Condition 21, a plan drawn by a registered surveyor that shows the location of the existing pipeline structure from State Highway 12 to the outlet of the pipeline.

- 15 The pipeline shall be buried at all times and the structural integrity of the pipeline shall be maintained at all times. 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 at least once every two years, with the first inspection occurring within three months of the date of commencement of this consent. The Consent Holder shall give the representatives of the community liaison group required by Condition 21 at least seven days notice of the proposed inspection of the pipeline. A written report on the results of this inspection shall be forwarded to the Northland Regional Council's Monitoring Senior Programme Manager and the representatives of the Community Liaison Group by 1 May every two years from the date of commencement of this consent. The written report for the first inspection shall be forwarded with the plan required by Condition 14 to the Northland Regional Council's Monitoring Senior Programme Manager



and the representatives of the community liaison group required by Condition 21.

Advice Note: Any maintenance or repair work on the discharge pipeline will need to meet the permitted activity criteria of Rule 31.4.4(f) of the Regional Coastal Plan for Northland or otherwise be the subject of an application for resource consent.

General Conditions (01) – (04)

- 16 The Consent Holder shall maintain the treatment system so that it operates effectively at all times, and a written record of all maintenance undertaken shall be kept. In addition, the Consent Holder shall forward to the Northland Regional Council's Monitoring Senior Programme Manager within six months of the date of commencement of these consents, a maintenance programme for the constructed wetland that includes, but is not limited to, details of how the extent of the areas within the wetland that require plant coverage will be maximised and how the plants within the wetland will be maintained.
- 17 To prevent damage to the wastewater treatment system, stock shall not be allowed to enter any area that is utilised for the treatment of wastewater.
- 18 The Consent Holder shall, within six months of the date of commencement of these consents, forward to the Northland Regional Council's Monitoring Senior Programme Manager a list of all existing connections to the Omapere and Opononi Wastewater Treatment System that are outside the townships of Omapere and Opononi, as defined by the operative Far North District Council Plan.
- 19 The Consent Holder shall monitor these consents in accordance with Schedule 1 (attached). If the monitoring results show that any of the following determinants in the treated wastewater are exceeded, as measured at NRC sampling site 101580:



Determinand	Median Concentration	90 percentile Concentration
-------------	-------------------------	--------------------------------

Determinand	Median Concentration	90 percentile Concentration
5 day Biochemical Oxygen Demand (grams per cubic metre)	20	35
Escherichia Coli (per 100 millilitres)	3,000	5,500
Total ammoniacal nitrogen (grams per cubic metre)	30	38
Total suspended solids (grams per cubic metre)	35	80

The Consent Holder shall, within one month of becoming aware of any exceedance, forward to the Northland Regional Council's Monitoring Senior Programme Manager a written report that provides the following:

- (a) Reasons for the exceedance;
- (b) What actions are required to correct the exceedance and prevent it from re-occurring again; and
- (c) What actions are intended to be actually undertaken by the Consent Holder to correct the exceedance.

Advice Note: The Northland Regional Council may undertake receiving water sampling of the Hokianga Harbour in the event that there is a non-compliance with any of the trigger level concentrations.

20 The Consent Holder shall undertake an investigation into alternative land areas that are considered by local Iwi to be suitable for the discharge of treated wastewater to land from Opononi and Omapere townships. The Consent Holder shall, within one month of the date of commencement of these consents, meet with the community liaison group required by Condition 21 to discuss the scope, process and timetable of the investigation and final written report. This investigation shall then be completed within 18 months of the date of commencement of these consents and the results forwarded to the representatives of the Community Liaison Group. A written



report shall be forwarded to the Northland Regional Council's Monitoring Senior Programme Manager and the representatives of the Community Liaison Group within two years of the date of commencement of these consents which includes, but is not limited to, the following:

- (a) A detailed map showing the land areas that are considered by local Iwi as being suitable for a discharge to land of treated wastewater.
- (b) Details of the Consent Holder's investigation into these identified land areas being utilised as wastewater disposal areas.
- (c) Conclusions on whether the identified land areas can technically be utilised as treated wastewater disposal areas.

21 The Consent Holder shall, for the purpose of discussing matters relating to this consent, form a community liaison group consisting of representatives from the Pakanae, Kokohuia, Waiwhatawhata and Waimamaku Marae (Nga Marae O Te Wahapu), Te Runanga O Te Rarawa and also a duly appointed representative from each of the Omapere and Opononi communities. The Consent Holder shall hold a meeting with the liaison group not less than once every year to discuss matters related to these consents. The meeting shall only be held if a representative(s) of the community liaison group request a meeting with the Consent Holder. If such a request is made, then the Consent Holder shall organise a meeting at a local venue for members of the community liaison group to attend, and invite all other representatives of the community liaison group. The meeting shall be held at a time convenient for the majority of the community liaison group. Until such time as the investigation into alternative land disposal areas has been completed, the Consent Holder shall meet with the community liaison group quarterly to discuss progress with the investigation. The Consent Holder shall organise these meetings at a local venue and invite all members of the community liaison group to each meeting. The meeting shall be held at a time that is convenient for the majority of the community liaison group members.

22 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under Section 35 of the Resource Management Act 1991, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with this consent:



- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape;
- (b) Immediately notify the Northland Regional Council's Monitoring Senior Programme Manager, Northland District Health Board's On-call Health Protection Officer and the community liaison group for this consent, by telephone of an escape of contaminant;
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
- (d) Report to the Northland Regional Council's Monitoring Senior Programme Manager and the community liaison group for this consent 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 escape

23 The Northland Regional Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder within two months of the date that it formally receives a report required in accordance with Conditions 19, 20, 22, and Schedule 1, of its intention to review the conditions of these consents.

24 The Regional Council may, in accordance with Section 128 of the Act, serve notice on the Consent Holder of its intention to review the conditions of these consents annually during the month of June. The review may be initiated for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Northland Regional Council's monitoring of the state of the environment in the area;
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment;
- (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent;



- (d) To deal with any inadequacies or inconsistencies the Northland Regional Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent;
- (e) To change existing, or impose new limits on, conditions relating to the quality of the discharge and the receiving waters;
- (f) To change the monitoring programme contained in Schedule 1; and
- (g) To deal with any material inaccuracies that may in future be found in the information made available with the application (notice may be served at any time for this reason).

The Consent Holder shall meet all reasonable costs of any such review.

EXPIRY DATE: 31 AUGUST 2019

SCHEDULE 1

MONITORING PROGRAMME

The Consent Holder shall undertake the following monitoring:

1 Wastewater volumes

The Consent Holder shall keep a written record of both the daily, midday to midday, inflow volumes to the treatment system and the wastewater discharge volume using the meters required by Condition 4 of this Consent.

2 Treated wastewater

The following sampling and analyses shall be undertaken on at least one occasion each calendar month. During the winter months, the sampling shall be undertaken during, or immediately after, a rain event on at least three occasions.



A composite* wastewater sample shall be collected from the outlet of the treatment system at NRC Sampling Site 101580: Marsh discharge.

The composite wastewater sample shall be analysed for the following:

Escherichia coli
5 day Biochemical Oxygen Demand
Total Suspended Solids
Total Ammoniacal Nitrogen

**A sample made up of equal volumes from three samples taken at least one minute apart during the same sampling event.*

Temperature, pH and dissolved oxygen concentration shall be recorded in the wastewater sample using an appropriate meter, and in accordance with standard procedures.

3 Waiarohia Stream

On a quarterly basis, a sample of water shall be collected from the Waiarohia Stream at NRC Sampling Sites:

- 101579: Waiarohia Stream @ Above marsh, approximate location coordinates 1635907E 6069331N; and
- 100756: Waiarohia Stream @ Below marsh, approximate location coordinates 1635728E 6069372N.

These water samples shall then be analysed for Escherichia coli concentration.

The upstream and downstream Escherichia coli concentration shall be compared after each 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 (as regards Condition 10).



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.

4 Compliance with Condition 19

Median Value

The median value for the determinands listed shall be a "rolling" median calculated on the 12 most recent treated wastewater samples collected. Until such time as 12 individual monthly samples have been collected, the results of sampling to date shall be utilised for compliance purposes.

3.2 90th Percentile Value

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 2. Until such time as 12 individual monthly samples have been collected, the results of sampling to date shall be utilised for compliance purposes.

5 Collection of Samples

All samples shall be collected using standard procedures and in appropriate laboratory supplied containers.

All samples collected as part of this monitoring programme shall be transported in accordance with standard procedures and under chain of custody to the laboratory.

All samples taken shall be analysed at a laboratory with registered quality assurance procedures[#], and all analyses are to be undertaken using standard methods, where applicable.

[#] *Registered Quality Assurance Procedures are procedures which ensure that the laboratory meets recognised management practices as would include registrations such as ISO 9000, ISO Guide 25, Ministry of Health Accreditation.*



6 Non-compliance with Consent Conditions

The Consent Holder shall notify the Regional Council of any non-compliance of the "rolling median" trigger level concentrations stated in Condition 19 or any adverse effects on the water quality of the Waiarohia Stream, immediately after the results of the monitoring required by Sections 2 and 3 are known.

If the Consent Holder detects any noxious, dangerous, offensive or objectionable odours at the legal boundary of the treatment system, then the Regional Council should be notified immediately.

7 Reporting

The Consent Holder shall forward an annual report to the Regional Council's Monitoring Senior Programme Manager and the community liaison group for this consent by 1 May each year, for the preceding year 1 April and 31 March, detailing the following:

- The daily wastewater inflow and discharge volumes, and
- An assessment of any increase in the inflow volumes as a result stormwater infiltration and inflow, and what is proposed to be undertaken to rectify any identified problems. The daily rainfall record for this area shall be included in this assessment to identify rainfall events; and
- The monitoring results for Section 2 and 3; and
- All the calculated "rolling" medians for the period and the 90 percentile value for the determinands listed in Condition 19.

All required numerical monitoring results shall be provided in a Microsoft Excel spreadsheet, or otherwise an alternative format agreed to beforehand with the Regional Council.

Advice Note: The daily rainfall can be taken from the Regional Council rainfall recorder site 534403: Hokianga Harbour - Omapere. This data will be supplied by the Regional Council on written request by the Consent Holder.

