

COPY OF CONDITIONS IMPOSED BY THE ENVIRONMENT COURT IN ITS DECISION (ENV-2023-AKL-000220) DATED 19 NOVEMBER 2024

NOTE: Pursuant to Section 116 of the Resource Management Act 1991, the date of commencement of this consent is **19 November 2024**.

FAR NORTH DISTRICT COUNCIL – OPONONI-ŌMĀPERE WASTEWATER TREATMENT PLANT

To undertake the following activities associated with the operation of the Opononi- Ōmāpere Wastewater Treatment Plant on Part Taumatawiwi Survey Office Plan 405122 (aeration and detention ponds), Section 1 Survey Office 405122 (clean water tank), Part River Bed (part-of constructed wetland over the bed of the Waiarohia Stream), and Lot 1 Deposited Plan 167208 (majority of constructed wetlands):

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

Note: The Consent Holder agrees to record that:

The Cultural Impact Assessment (CIA) prepared by Te Arani Te Haara, ART Consultancy Ltd in June 2020 cannot be relied on by any person, corporation, statutory authority and/or hapū. That is because the CIA was finalised and provided to Northland Regional Council without first being provided to Ngāti Korokoro Hapū for review, comment, correction and/or endorsement. Ngāti Korokoro Hapū has not consented to the CIA and/or consented to the accuracy of the content.

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| AUT.002667.01.04 | To discharge treated wastewater into the coastal marine area of the Hokianga Harbour, at or about location co-ordinates 1634768E 6069462N. |
| AUT.002667.02.03 | To discharge treated wastewater to land (seepage) from the base of a wastewater treatment system, at or about location co-ordinates 1635620E 6069420N and 1635800E 6069350N. |
| AUT.002667.03.03 | To discharge contaminants (primarily odour) to air from the operation of the wastewater treatment system, at or about location co-ordinates 1635620E 6069420N and 1635800E 6069350N. |
| AUT.002667.04.02 | To occupy the bed of the coastal marine area of the Hokianga Harbour with an existing wastewater discharge pipeline structure. |

Subject to the following conditions:

General Conditions

- 1 The Consent Holder must maintain the treatment system so that it operates effectively at all times and keep a written record of all maintenance required and undertaken. A copy of this record must be forwarded to Northland Regional Council's assigned monitoring officer immediately upon request.
- 2 The Consent Holder must install and maintain a stock-proof fence to prevent stock from entering any area that is utilised for the treatment of wastewater.
- 3 The Consent Holder must provide a Site Management Plan (SMP) that covers all operations and maintenance of the Opononi-Ōmāpere Wastewater Treatment System to the Northland Regional Council's assigned monitoring officer and the Community Working Group within six months of the date of commencement of this consent.
- 4 The Consent Holder must complete a review of the SMP required by Condition 3 at least once during the term of this consent. The purpose of the review is to identify, evaluate and determine improvements to the operation and maintenance of the treatment plant and discharge to better ensure good plant performance and compliance with conditions of these consents. The SMP must be revised to address any findings from the review.
- 5 A written copy of the review's findings and any revised SMP must be provided to the Northland Regional Council's assigned monitoring officer within one month of completion of the review.
- 6 The Consent Holder must, as a minimum, operate and manage the wastewater treatment plant in accordance with the most recent reviewed version of the SMP required by Condition 3.
- 7 The Consent Holder shall assist in the facilitation of, and actively participate in, meetings with a Community Working Group. The Consent Holder shall meet the reasonable costs of meetings associated with venue hire and other disbursements directly related to facilitation of each Community Working Group meeting.
- 8 Within one month of the commencement of these consents, the Consent Holder must assist in the formation of the Community Working Group. The Community Working Group must include at least two representatives of the Far North District Council and representatives of the community by inviting at least two representatives from each of the following groups to form a Community Working Group:
 - (a) Ngāti Korokoro Hapū (supported by ngā hapū o Hokianga, Te Rūnanga Ā Iwi o Ngāpuhi and Te Rūnanga o Te Rarawa); and
 - (b) Ōmāpere and Opononi Communities (duly appointed).The Community Working Group may appoint or invite other people to participate in meetings.
- 9 The purpose of the Community Working Group is to provide a forum to:
 - (a) Develop, adopt, and maintain a Terms of Reference which must include names of members who will receive and distribute monitoring information to be reported to the Community Working Group in accordance with Schedule 1 (**attached**);
 - (b) Input into the drafting, preparation, and development of the SMP to be prepared by the Consent Holder as set out in Condition 3;

- (c) Share and discuss information on the performance of the wastewater treatment plant and monitoring of the Hokianga Harbour;
- (d) Review, discuss, and make recommendations on the maintenance programme and opportunities to improve the quality of the wastewater discharge;
- (e) Be involved in the investigation of discharge options for the treated wastewater as required by Condition 11; and
- (f) Address any other matters relating to the wastewater treatment plant as identified by the Community Working Group.

10 The Consent Holder must:

- (a) Alongside the Community Working Group, review the Terms of Reference at least annually or as set out in the Terms of Reference;
- (b) Provide the Community Working Group with technical support from an independent person qualified and specialising in wastewater engineering and land disposal systems;
- (c) Schedule and hold meetings for the duration of the Consent, at least every two months unless the Community Working Group agrees a different schedule, and this is formalised and adopted within the Terms of Reference; and
- (d) Prepare and circulate an agenda for each meeting and prepare minutes recording actions. A copy of the minutes must be provided to the members of the group within a one month period following a meeting.

11 The Consent Holder must, no later than one-year from commencement of the consent, provide a report to the Northland Regional Council's assigned monitoring officer which assesses the options for avoiding, remedying and mitigating adverse effects on cultural values and the Hokianga Harbour, including a recommendation as to which discharge option is considered to be the best practicable option (BPO) for achieving this. The assessment must include options of discharging the treated wastewater to land and must identify the costs and benefits of all practicable discharge options, including estimates of capital costs and ongoing operation and maintenance costs. The assessment of options must be undertaken by a suitably qualified and experienced person(s) and must involve input from the Community Working Group established in accordance with Condition 8.

Advice Note: *Should the Consent Holder authorise, construct and commission infrastructure to discharge treated wastewater to land within the 3-year consent term, then Resource Consent AUT.002667.01.04 will be surrendered. The terms of the surrender are expected to be set out in any consent that authorises that discharge to land.*

12 The Consent Holder must, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:

- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
- (b) Immediately notify the Northland Regional Council by telephone of the discharge; and
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and

- (d) Report to the Northland Regional Council's Compliance Monitoring Manager in writing within one week on the cause of the discharge and the steps taken, or being taken, to effectively control or prevent the discharge.

For telephone notification during the Northland Regional Council's opening hours, the Northland Regional Council's assigned monitoring officer for these consents must be contacted. If that person cannot be spoken to directly, or it is outside of the Northland Regional Council's opening hours, then the Environmental Hotline must be contacted.

- 13 The Northland Regional Council may, in accordance with Section 128 of the Resource Management Act 1991, 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:
 - (a) To deal with any adverse effects on the environment that may arise from the exercise of the consents and which it is appropriate to deal with at a later stage, or
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

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

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

- 14 The quantity of treated wastewater discharged to the Hokianga Harbour shall not exceed 450 cubic metres per day.
- 15 Notwithstanding Condition 14, the Consent Holder shall minimise, as far as practicable, any stormwater inflow and infiltration into the sewage reticulation network and treatment system. This shall include the prevention, as far as 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 plant.
- 16 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 +/- 5% or less. These meters must be used to determine compliance with Conditions 14 and 15.
- 17 The Consent Holder shall re-calibrate the meters required by Condition 16 at least annually to ensure 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 assigned monitoring officer by 1 May each year.
- 18 The Consent Holder must keep a written record of the daily volume of wastewater through the flow measuring devices required by Condition 16. A copy of these records shall be forwarded to the Northland Regional Council and Community Working Group in accordance with Schedule 1 (**attached**), and also immediately upon request by the Northland Regional Council's assigned Monitoring Officer.
- 19 Treated wastewater shall only be discharged to the Hokianga Harbour in the three-hour period between one hour and four hours after high tide via the discharge pipeline from the treatment system located approximately 400 metres offshore.

- 20 The Consent Holder must utilise a programmable tidal clock that is connected to the wastewater pump system to control the time of the discharge to the Hokianga Harbour. This tidal clock must be verified at least monthly 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 the Consent Holder that this calibration has been undertaken each month must be provided to the Northland Regional Council's assigned monitoring officer and the Community Working Group in accordance with Schedule 1 (**attached**).
- 21 The Consent Holder must:
- (a) As soon as possible, but no more than two years of the date of commencement of these consents, implement chemically assisted solids removal and install UV disinfection treatment;
 - (b) Provide 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; and
 - (c) Provide written notice to Northland Regional Council's assigned monitoring officer when the upgrades in clause (a) are completed.
- 22 The quality of the treated wastewater, as measured at the final outlet from the treatment plant prior to the discharge pipeline, must meet the following standards based on the results of samples collected in accordance with **Schedule 1 (attached)**:

Determinant	50 th Percentile Concentration	90 th Percentile
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 metres)	30	38
Total suspended solids (grams per cubic metre)	35	80

Compliance with the 50th and 90th percentile concentrations shall be in accordance with Section 2 of Schedule 1 (**attached**).

Advice Note: The Consent Holder must ensure safe and easy access to Northland Regional Council sampling site 101580 is maintained at all times, so that treated wastewater samples can be collected.

- 23 There must 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.
- 24 The discharge of contaminants to land via seepage from the base of the treatment system must not result in any adverse change to the concentration of *Escherichia Coli* in the Waiahoia Stream at NRC Sampling Site 100756. For compliance purposes the concentration of *Escherichia Coli* at NRC Sampling Site 100756 must be compared with the background concentration of *Escherichia Coli* upstream at NRC Sampling Site 101579. The error of the analytical method, or measuring instrument, at the 90th percentile confidence level must be taken into account.

- 25 Notwithstanding any other conditions, the discharge of any contaminant (either by itself or in combination with the same, similar or other contaminants or water) must not result in any of the following effects in the water quality of the Hokianga Harbour, as measured at any point, or down-current of that point, 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 coli* or Enterococci concentration.

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

AUT.002667.03 – Discharge to Air

- 26 The exercise of this consent must not result in the discharge of contaminants to air 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.

AUT.002667.04 – Discharge Pipeline Structure

- 27 This consent only authorises use of the existing structure as installed at the date of commencement of this consent.
- 28 The Consent Holder must, at all times, ensure the pipeline:
- (a) Remains buried at all times;
 - (b) Is maintained to ensure its structural integrity; and
 - (c) Is identifiable at the surface of the water by a permanent marker buoy.

Advice Note: *If the marker buoy becomes unfixed from its position, it must be reinstated as soon as is practicable and safe to do so.*

- 29 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 at least one occasion within the term of the consent. A written report on the results of the inspection shall be forwarded to the Northland Regional Council's assigned monitoring officer and the representatives of the Community Working Group and made available on the Consent Holder's website by 1 May every two years from the date of commencement of this consent.

EXPIRY DATE: 27 AUGUST 2028

SCHEDULE 1

MONITORING PROGRAMME

The Consent Holder must undertake the following monitoring:

1. DAILY WASTEWATER FLOWS

The Consent Holder must 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 16 of this Consent.

2. WASTEWATER TREATMENT SYSTEM

2.1. Sampling and Analysis

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

Determinant
5 day Biochemical Oxygen Demand (grams per cubic metre)
Escherichia Coli (per 100 millilitres)
Total ammoniacal nitrogen (grams per cubic metres)
Total suspended solids (grams per cubic metre)

A wastewater sample must be collected from the final outlet of the treatment system, prior to it entering the discharge pipeline (at NRC Sampling Site 101580).

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

2.2. Wastewater Concentrations

Compliance with the 50th and 90th percentile values shall be determined OVER a fixed 12-month period. The 50th and 90th percentile values shall be calculated using the “monthly” monitoring results required by Section 2.1 of this schedule and any monitoring results from audit sampling undertaken by the Northland Regional Council.

The number of allowable exceedances within a 12-month period for the 50th and 90th percentile is shown in the following table:

Number of Samples	50 th Percentile value: Allowable number of exceedances	90 th percentile value: Allowable number of exceedances
12	6	1
13	7	1
14	7	1
15	8	2
16	8	2
17	9	2
18	9	2
19	10	2
20	10	2

21	11	2
22	11	2
23	12	2
24	12	2
25	13	3
26	13	3
27	14	3
28	14	3

A non-compliance occurs when the number of exceedances for a percentile value is greater than that allowable for the number of samples used to calculate the percentile. If non-compliance occurs, then the 12-month period for that determinant and percentile begins again. An allowable exceedance of a percentile value shall only be as a result of natural variation in the treated wastewater quality from a well maintained and effectively operating treatment system.

Compliance with the 50th Percentile for Escherichia Coli and Total Suspended Solids ceases once the plant has been upgraded as required by Condition 21.

3. WAIAROHIA STREAM SAMPLING

The following sampling and analysis must occur on a quarterly basis starting on 1 May and ending on 30 April each year. During the winter months, this sampling must be undertaken during, or immediately after, a rain event on at least three occasions.

A sample of water must be collected from the following sampling sites:

- (a) 101579: Waiarohia Stream upstream of treatment plant, approximate location coordinates 1635907E 6069331N; and
- (b) 100756: Waiarohia Stream downstream of treatment plant, approximate location coordinates 1635728E 6069372N.

These water samples must then be analysed for Escherichia Coli concentration.

4. COLLECTION OF SAMPLES

All samples must be collected using National Environmental Monitoring Standards (NEMS) procedures and stored in appropriate laboratory supplied containers.

All samples collected must be transported in accordance with NEMS procedures to the laboratory.

All samples must be analysed at an accredited 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 and would include registrations such as ISO 9000, ISO Guide 25, Ministry of Health Accreditation.

5. REPORTING

By the 15th of each month, the following information for the previous calendar month shall be forwarded to the Northland Regional Council and the Community Working Group⁵:

⁵ As named in the Terms of Reference for this group to receive these reports

- (a) The monitoring results for Sections 1, 2 and 3 of this Schedule;
- (b) The written verification of the tidal clock calibration as required by Condition 20 of the consent;
- (c) An assessment of compliance with Condition 14 in accordance with Schedule 1 of this Schedule;
- (d) An assessment of compliance with Condition 22 in accordance with Section 2 of this Schedule;
- (e) An assessment of compliance with Condition 25 in accordance with Section 3 of this Schedule.

This information shall be in electronic format that has been agreed to by the Northland Regional Council.