**Before the Independent Hearings Panel**
**Far North District Council**

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| Under: | the Resource Management Act 1991 |
| In the matter of: | submissions and further submissions in relation to the proposed Far North District Plan |
| And: | submission 551 (Lucklaw Farm Ltd) Rangiputa WWTP - FN160 |

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**Legal Submissions for Lucklaw Farm Ltd**

Designations – Hearing 11 (submission 551) - Rangiputa WWTP - FN160

**Dated**: 24 April 2025

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**Introduction**

1. These submissions are filed for Lucklaw Farm Ltd (s551) in relation to Rangiputa Wastewater Treatment Plant (Rangiputa WWTP) (FN160). Lucklaw is an owner of land at Puheke Beach in the Karikari peninsula.

2. The submitter has filed statements/documents from:

    a. Expert witness statement - Gavin Sole (wastewater treatment)

    b. Expert witness statement – James Blythe (hydrology)

    c. Expert witness statement - Melanie Dixon (ecology)

    d. PowerPoint presentation from submitter, Lucklaw Farm, and

    e. These submissions.

3. Lucklaw Farm Limited has a number of submissions on the Proposed Far North Plan. The primary reason for the submissions is seeking to provide appropriate zoning/use of the Lucklaw Farm site and surrounding areas.

4. The vision for development on the submitter's site is to provide for both economically viable and environmentally sustainable development of the land, with a view to enabling tourism and development potential on the site, while consolidating development opportunities in appropriate locations, and providing for better ecological outcomes that protect and enhance the values of this part of the Karikari Peninsula.

5. This memorandum sets out the planning issues related to the Rangiputa Wastewater Treatment Plant (Rangiputa WWTP) and the reasons for the interest of Lucklaw Farm Limited in its submission on the designation. Limitations of the functioning of infrastructure should not be a barrier to growth, and the submitter considers that this is particularly the case in relation to the Rangiputa WWTP.

6. Through its submission, Lucklaw Farm Limited seeks to highlight concern related to the designation for the Rangiputa WWTP. This WWTP started life as a joint community project which was taken over by FNDC under the Public Works Act. The number of connections has grown over time.

7. It is important that the plant functions both efficiently and effectively, within the resource consent granted by Northland Regional Council. At the same

time, the WWTP should, in the submitter's view, provide capacity for additional connections where these are technically feasible, including through upgrades to the WWTP if required.

8. Lucklaw Farm understands that additional works to the treatment plant are not currently proposed to be funded in the Long-Term Plan or Annual Plan as specific line items particular to the Rangiputa WWTP, although some provision is made for general maintenance and upgrades throughout the district in relation to wastewater treatment.

9. The submitter is concerned that:

   a. There is a vulnerability of dune lakes (Lake Rotokawau East and Lake Rotokawau) West and adjacent wetlands to contaminants from all potential sources (Ms Dixon, Appendix).

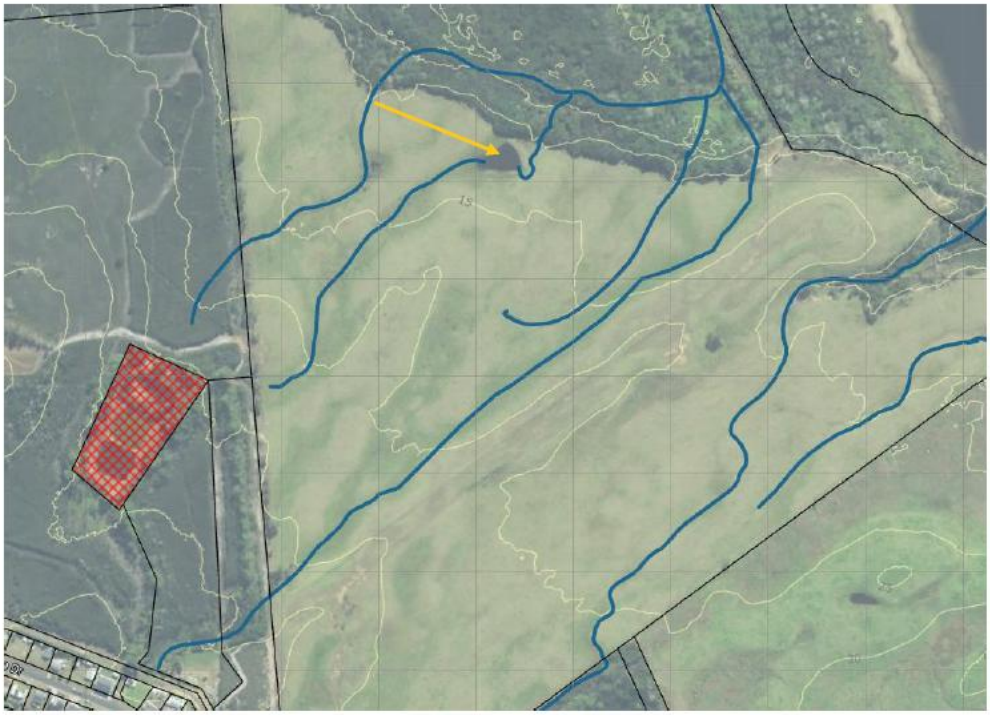

**Figure 1: The wastewater treatment plant (red cross hatching), 5m contours (light yellow) and approximate surface (and near surface) water flows in dark blue. The yellow arrow points to the small pond where water quality samples have been taken. Rotokawau Lake (west) is just visible in the top right hand corner.**

   b. The WWTP is located within a surface water catchment that drains towards the wetlands and lakes, rather than southwest towards the coast. (Mr Blythe, at [10]).

c. The Rangiputa WWTP has a resource consent for discharge of wastewater (Consent CON20070263501) issued July 2008 with an expiry of 30th November 2032. (Mr Sole, at [16])

d. As built the construction of the Rangiputa WWTP does not appear to align with the available construction design (i.e.: wastewater disposal is not into and via deep injection bores) but rather to land via shallow seepage as-a-result of the sewerage reticulation and treatment plant not being sealed (Lucklaw, PowerPoint)

e. The WWTP discharges to ground via soakage to the shallow aquifer through pond 3 (Mr Sole, para 3).

f. While limited hydrological [and other] monitoring data is available, it is reasonable to theorise based on the topography and presence of the iron pan, that the lakes and connected wetlands receive the majority of their hydrological inputs via rainfall, and the catchments localised surface water runoff and groundwater seepage from the shallow aquifer above the iron pans (Mr Blythe, at [12]).

g. Analysis of wastewater flow and rainfall events by Mr Sole (wastewater engineer) indicates that stormwater is entering the WWTP system and has a significant negative effect at times increasing the flow through the WWTP. (Mr Sole, para 11). High flows can wash out biomass within the WWTP reducing the treatment effectiveness for organic removal. (Mr Sole, para 11).

h. There is no screening occurring of wastewater before it enters Pond 1 (there is an inlet screen on site but is not used or connected). Screening of the wastewater is very important as it reduces the inorganic load (sediment) and items from building up on the bottom of the pond (this reduces the hydraulic capacity). The inlet screen should be connected. (Mr Sole, para 11).

i. There are currently no limits for the discharge to ground for Biochemical Oxygen Demand (BOD), Total Suspended Solids

(TSS), Total Nitrogen (TN), Total Phosphorus (TP) or Faecal Coliforms (FC). (Mr Sole, at 17).[1]

j. That effects are likely to be occurring outside of the designation. This applies to the potential for odour, as well as discharge of nutrients and potentially contaminants by groundwater. This is important given the high ecological values of the area.

10. Mr Sole addresses recommendations in his Evidence.

11. The submitters key interest is that a well-functioning WWTP will internalise its effects within the designated area, will not adversely affect important adjacent ecological values (as identified in the evidence of Ms Dixon), and provides opportunities for new connections to the plant to enable development at and adjacent to Rangiputa.

12. To this end, the submitter seeks that additional conditions be placed on the designation to ensure that effects of the WWTP designation are maintained within the designated site.

13. While the submitter acknowledges there is a compliance issue for the Regional Council under the NRC consent, it is considered that as a use of land, it is also within the scope of the territorial authority's functions under s 31(1)(b) of the Act to impose additional conditions to control the actual or potential effects of the use, development or protection of land.

14. Conditions on designations requiring compliance with granted consents is not without precedent. As an example, the Auckland Unitary Plan includes, among other matters, conditions for the Whitford Landfill,[2] for which the requiring authority is Auckland Council, that:

- The landfill and all associated activities, development and works (including post closure aftercare) shall:…

[1] Taumata Arowai is currently reviewing limits for wastewater discharge and will look to have standard discharge conditions as well as standard treatment options for wastewater to achieve the conditions. The proposed discharge limits are out for consultation at the moment with the consultation period closing on 25th April 2025.

[2] Designation 612
https://unitaryplan.aucklandcouncil.govt.nz/images/Auckland%20Unitary%20Plan%20Operative/Chapter%20K%20Designations/Auckland%20Council.pdf

- Be subject to compliance with all necessary resource consents from the Auckland Council and any other applicable statutory requirements.

  (For the avoidance of doubt, where any conditions attaching to any necessary resource consents or any other statutory requirements impose more stringent requirements on the landfill than these conditions, then the more stringent requirements shall prevail).

15. In other situations, in the AUP, advice notes are used on designations recording the relevant consents and need for compliance.[3]

16. In addition to compliance with granted regional discharge consents, there is an issue of reverse sensitivity to the extent that development in the immediate vicinity of the WWTP has the potential to place pressure on FNDC as a designating authority to manage effects from the WWTP FNDC has a responsibility to control the effects of activities within the designation.

17. To address issues with reverse sensitivity, it is sought that a condition is placed on the designation that:

- There shall be no odour caused by discharges at the WWTP site beyond the boundary of the odour buffer, measured at a distance of 100m from the oxidation ponds, which, in the opinion of an enforcement officer, are noxious, offensive or objectionable.

18. As part of Lucklaw Farm's rezoning request, it is anticipated that a similar reciprocal rule is to be sought to require a minimum setback for any residential unit from the Rangiputa WWTP of at least 100m, with a stringent activity classification within the buffer area, to address issues with reverse sensitivity. This will be addressed in Hearing Stream 15C.

19. It is submitted that additional conditions for FN160 are both appropriate and necessary, to ensure provision of well-functioning infrastructure that will service the Rangiputa community, avoid effects, and provide potential for growth in appropriate locations.

**Dated**: 24 April 2025

S Ryan
Counsel for the submitter

[3] For example the Greenmount Landfill, Designation 611