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24 February 2020

Mr Colin Dall,
Group Manager Regulatory Services
Northern Regional Council
Whangarei.

REQ.597551: OFFICIAL INFORMATION REQUEST – RUSSELL WHARF ACTIVITIES & RUSSELL GROUNDWATER

Thank you for your letter dated 24 December ([attached](#)) and replies to our questions which we now seek further clarification thereof; in the order of your letter headings below.

[a/Groundwater Information](#)

[b/FNHL Dredging Consent Application](#)

[c/Russell Wharf Sewage](#)

[d/Sewage Discharge from Visiting Vessels](#)

[e/Potable Water Supply](#)

For Your Information: ‘The Russell Community does not have a reticulated fresh water supply, the Community is reliant on rainwater tanks and very limited aquifer water bore resources, which are currently exhausted.

[a/Groundwater Information](#)

Mr Dall states;

The Northland Regional Council (“the council”) has implemented most of the recommendations of the Russell Hydrogeological Update Report (June 2001). A key outcome of the groundwater modelling work commissioned by the council in 2002 in response to the Update Report (as reported in the Russell Groundwater Modelling Report (2002) was: “... a numerical groundwater flow model (MODFLOW) was developed to enable dynamic sustainable yield and the effects of wastewater reticulation to be assessed. Reticulation of the sewage system for Russell township began in 1998 with completion expected by 2006. The specific objectives of the study included:

- *Assessment of the effects of reduced recharge due to wastewater reticulation;*
- *Refinement of the sustainable aquifer yield specified in SKM (2001) and assessment of future sustainable yield based on proposed wastewater infrastructure development; and*
- *Development of appropriate aquifer management procedures.”*

As noted in our letter dated 14 October 2019, the council will be undertaking additional groundwater data review and modelling within the next 12 months to determine groundwater quality and level triggers for the aquifer. This modelling will also reassess sustainable allocation limits for the aquifer.

The majority of historic groundwater use records for the Russell area are in hardcopy form, which is why it will take 45 hours of staff time to provide all water use and historic groundwater monitoring data for Russell from 2001-2019. The council still requires a payment of \$3,510 before proceeding to collate and provide that information. As an alternative, you can make an appointment at our Whangarei office to view the hardcopy files that contain this information.

Mr Dall; In reference to your letter dated 24 December 2019, we conclude that NRC Groundwater monitoring and reporting for Russell, is 'non-existent'.

My experience as a former Regional Councillor tells me that if there is no immediate Groundwater data available to your Officers online or otherwise then the data does not exist or at the very least, is irrelevant.

Additionally, we do not understand what you mean by; *"... a numerical groundwater flow model (MODFLOW) was developed to enable dynamic sustainable yield and the effects of wastewater reticulation to be assessed."*

Is this a reference to the fact that septic tanks previously were an important source of groundwater recharge and therefore it would be necessary in any calculation of sustainable yield to discount this source, since it was going to be eliminated by the proposed sewerage scheme?

Or are you suggesting that the Russell bore water supply is somehow part of the Russell wastewater reticulation? The fact is that the very limited bore water supplies (currently all but exhausted by the drought) are for specific use by some businesses in Russell, the Fire Brigade and for some limited Public use.

The bulk of the wastewater reticulation is fed from household rainwater tanks, which predictably, are normally under pressure from any lack of rainfall and all year round.

Your letter dated 24 December 2019 suggests to us that the NRC knows next to nothing about Russell water reserves and has no contingency plan analysis about the reliance of the Russell Wastewater Scheme, upon an unreticulated water system?

We therefore conclude that there is no NRC Russell water program in place at all and as a result there was no fore warning about the current situation being faced by the Russell Community and the real possibility of a Public Health emergency due to sewerage pumping problems.

Mr Dall; In your letter dated 24 December 2019, are you telling ratepayers that it has taken 19 years for the NRC to implement the recommendations of the Russell Hydrogeological Update Report (June 2001) and also the NRC cannot produce any reports on request and want to charge a ratepayer \$3500 to retrieve the data you think you have?

Our conclusion is that the data does not exist, and if some data does surface then it is irrelevant and that you, Mr Dall and the NRC, are fabricating the facts, misleading the Public and hiding the truth behind non-notified Consents', all of which conflicts with the Public interest.

Mr Dall states;

"As noted in our letter dated 14 October 2019, the Council will be undertaking additional groundwater data review and modelling within the next 12 months to determine groundwater quality and level triggers for the aquifer. This modelling will also reassess sustainable allocation limits for the aquifer."

Mr Dall; The data review you are proposing here is too little too late as the current drought conditions in Northland have all but exhausted Russell's water bores, which in turn, may trigger seawater ingress, which on the face of the evidence in your letter dated 24 December 2019, the NRC also know nothing about and are unprepared for.

It stands to reason that if the NRC had a Water bore Monitoring system in place as the NRC maintain, then why did the NRC not act before this event unfolded?

We point out that without a reliable well managed bore water supply the Russell Peninsula is now grappling with the failure of this water source, meaning the Community is vulnerable to an increased fire risk and cannot pump town and Area of benefit (AOB) sewerage without scarce and expensive Northland water being trucked in daily to Russell businesses and households. This does not account for the additional unplanned demands being applied to the Russell sewerage system from pans added that are outside the AOB.

The NRC and the FNDC appear to have agreed to disregard the AOB, without any Public consultation and the detail of any changes have not been made available to the Public.

We request that the NRC provide us with copies of the original and current Russell Wastewater consents and advise us of any changes that have been made to the consents?

The Auditor General:

*Last week the Auditor General released **a report 'Reflecting on our work about water management'** confirming our direct experience in Russell, that Northland Councils have for years, consistently mismanaged Northland water supplies and wastewater infra structure, the evidence of which, overflowing from the current drought, is compelling.*

b/FNHL Dredging Consent

Mr Dall; Once again the NRC have issued another Consent on a Non- Notified basis.

There was no public input as was the case with the Russell Wharf upgrade Consent which ran into some difficulties. We make the point that without appropriate planning and engineering data being requested by the NRC for specific work around our Wharf then this open-ended Consent for maintenance sets a dangerous precedent and should be withdrawn or modified. Files and links to the FNHL Dredging Consent provided could not be accessed on the NRC website and we request that the application details and NRC condition documents be sent to us?

We also note that at the time the Dredging Consent was granted the Russell Wharf was still in FNDC ownership and your reference to FNHL is wrong.

c/ Russell Wharf Sewage

Mr Dall States: *The council stands by its view that Resource Consent AUT.008339.01.03 does not restrict the areas served by the Russell Sewage Scheme. In particular, the consent authorises the discharge of "treated wastewater, including Russell Landfill leachate to ground via disposal boreholes" from the "Russell Sewage Treatment Plant" and does not mention or identify the "Area of Benefit" for the treatment plant.*

As previously advised, the current volumes of wastewater discharged from the treatment plant are well below the design volume/capacity of the treatment plant and, therefore, can easily accommodate the proposed wastewater/sewage from the wharf facilities. The wastewater from the toilet facilities may result in little or no increase to wastewater inflow to the treatment plant as it is reasonable to assume that people using the wharf toilet facilities will not need to use onshore toilet facilities. Should the wastewater inflows into the

treatment plant approach its design capacity during the term of the current consent (30 April 2024), then the Far North District Council would need to consider upgrade requirements for the treatment plant and obtain either a change of conditions to the consent or, more likely, a new (replacement) consent for the discharge.

d/ Sewage Discharges from Visiting Vessels

The council does not accept your assertions regarding sewage discharges from visiting vessels.

Mr Dall; In her letter dated 19 February 2020, the Minister of Local Government Hon. Nanaia Mahuta, has made it clear to us that 'Councils are accountable to their Communities for operational decisions and, with limited exceptions'.

FYI - The Area of Benefit (AOB) was established to define and protect the capacity of the Russell Community Wastewater Scheme and the Russell Wharf is not included in the AOB. By bringing in sewerage from outside the AOB, this is a direct conflict with the intention of the scheme and undermines the local Community interest, without consultation. If it is permitted to bring in sewerage from outside the AOB this simply forward loads the system, it negates the AOB formal plan for defined growth yet to be realised and will become an added cost burden on ratepayers whilst undermining the original plan.

It has become obvious to people in Russell that the FNDC is attempting to abandon the "Area of Benefit" (AOB) requirement for the Russell Sewerage Scheme, as it has become an impediment to further subdivision and development on the Russell Peninsula.

This has put 'sensible development' at risk, which should be of prime concern to the NRC.

The AOB was the plan (attached) that defined the area to be covered by the original Russell Wastewater Resource Consent Application (AUT.008339.01.03?)

The question now arises; have the NRC subsequently reviewed that Consent and is there a renewed Consent in which the NRC have not acknowledged the 'original AOB plan provision'? (FYI - Mr Dall; we cannot find any references to any consents for the Russell Wastewater Scheme on the NRC website.)

The NRC cannot pretend that the AOB was not relevant to the original Consent because it formed the premise to the original Application, and irrespective of whether the NRC specifically mentioned it in their conditions of Consent, the AOB was the basis of the science behind capacity restrictions, integration and the operation of the scheme.

Your claim that the Russell Sewerage Scheme is well below capacity is not properly documented. During high-intensity summer sub-tropical storm events the capacity of the Scheme has been exceeded through stormwater and groundwater ingress.

The previous record keeping has large gaps, particularly during these events, and it is not possible to categorically claim that the Scheme has spare capacity.

This issue now is for the NRC to verify and confirm the facts of the matter to the Community, the Minister of Local Government and the Minister of Environment, ensuring that all aspects of the original NRC Russell Wastewater Consent approval reflect the AOB and confirm that these facts did transition into a re issued Russell Wastewater consent, if any? If this is not the case, then please confirm if any new conditions were sought by the FNDC as per a standard RMA FORM 15. If the FNDC did not mention the AOB in any Consent

Renewal or submit a FORM 15 Application to vary the Consent, then the FNDC and the NRC may be in breach of some fundamental Local Government Rules.

Please comment?

We submit that by granting an approval to discharge from a sewerage system, the NRC must accept and clearly define the parameters of that whole system, which includes the area of reticulation, likely population, amount of effluent generated, location of overflows, the nature of raw effluent, treatment processes used, quality of treated effluent, location of discharge and the source of reliable potable water to expedite pumping.

It is rather curious that the NRC would argue that it has no interest in the AOB, because this is the base plan for the Russell Sewerage Scheme and it is necessary in order to ensure that the whole system functions properly and is not at risk or at the very least, that the risks are understood. For instance, if Whangarei suddenly decided to connect Hikurangi to its sewerage system, then this would require a fresh NRC Resource Consent, before such a change could be made. As such, if the FNDC decides it wants to go outside of Russell's previously defined AOB, then by definition this will also require a new Resource Consent replacing the plan/scheme and not be a backroom deal done by Councils to quietly forget the AOB ever existed, a fact that is now coming to light within the Russell Community, as new connections are being sought.

e/Potable Water Supply

Mr Dall States:

The council stands by its view that the water supply to the wharf could be accommodated by existing consents for water takes in the Russell area.

Any arrangement that the holder of the consents for Russell Wharf enters into with any existing groundwater take consent holder to provide water would be a civil matter between those parties, which the council would not get involved in. The council's role would be to monitor and enforce the conditions of the consent being relied on.

District Plan and Building Act 2004 requirements for a water tank on the wharf are matters that fall under the jurisdiction of the Far North District Council, which the Northland Regional Council would not get involved in.

The council understands that a 3,000 L water tank is proposed for the new facility, as shown on Plan Number 4761/2B attached to the consents for the wharf and the previous version of that plan – Plan Number 4761/2A. If a 6,000 L water tank is to be installed on the wharf, then that would require a variation to the consents to replace Plan Number 4761/2B with a new (updated) plan. FNHL has been advised of this.

Mr Dall; We request that you qualify the statement above as there is no evidence of specific regular monitoring of Russell water bores or water takes, being undertaken by the NRC. The fact is now, drought has all but exhausted the potable water supplies in Russell from bores or any other source, for the wharf or other uses including existing public toilets.

Therefore, contrary to your view; 'the wharf' could be accommodated by existing consents for water takes in the Russell area.' Your statement is a fabrication and is simply not correct because the NRC's lack of accurate up to date bore monitoring and analysis of this information means that the NRC is simply not able to make the claims that you have stated. The relevance of existing water right consents in the context of global warming and seasonal

droughts needs to be addressed before the NRC *assumes* that further water takes can be granted for commercial purposes.

Once again Mr Dall, we strongly reiterate that you and the NRC are misleading the Public and we are holding your organisation accountable.

We would appreciate having your answers to our questions and your further comments to explain the matters arising and outlined here being part of; – **LOGOIMA REQ.597551: OFFICIAL INFORMATION REQUEST – RUSSELL WHARF ACTIVITIES & RUSSELL GROUNDWATER**

Yours sincerely

Douglas Owens

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