Non-notified resource consent application report and decision

Summary of decision

File Reference:	WGN160316
Date Granted:	11 May 2018
Applicant:	Kāpiti Coast District Council 175 Rimu Road Paraparaumu 5032
Decision made under:	Section 104A and 108 of the Resource Management Act 1991 (the Act)
Consent Granted:	**Operative Regional Plans** **[34143]: Discretionary Activity** Discharge permit for the discharge of stormwater into fresh or coastal water, and onto or into land where it may enter fresh and coastal water from the Kāpiti Coast District Council owned stormwater network. **Proposed Natural Resources Plan** **[34143]: Controlled Activity** Discharge permit for the discharge of stormwater into fresh or coastal water, and onto or into land where it may enter fresh and coastal water from the Kāpiti Coast District Council owned stormwater network.
Activity:	Discharge of stormwater from the Kāpiti Coast District Council owned stormwater network to land, freshwater and coastal water.
Location:	Paekakariki, Paraparaumu, Waikanae and Ōtaki
Map Reference:	Various
Legal Description:	Various

Duration of Consent: 5 years to expire on 2023

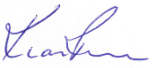
Consent conditions: Attachment 1

Processing timeframes:

Application lodged:	13/06/16	**Application officially received:**	13/06/16
Application stopped (S92(2)):	01/07/16	**Application started (S92(2)):**	11/08/16
Application stopped (S92(1)):	12/06/17	**Application started (S92(1)):**	12/08/17
Applicant to be notified of decision by:	09/03/17	**Applicant notified of decision on:**	11/05/18

Time taken to process application: 301 working days, with a mutually agreed S37 provision provided for 281 days, to allow time for iwi consultation and review of draft consent conditions

Decision:

Decision recommended by:	Gwenyth Stewart	Resource Management Consultant	
Decision peer reviewed by:	Kirsty van Reenen	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Jeremy Rusbatch	Team Leader, Environmental Regulation	

Reasons for decision report

1. Background

Kāpiti Coast District Council (KCDC; the applicant) has applied for a global consent for the discharge of stormwater to fresh water, coastal water and to land from their stormwater network.

KCDC holds two existing (now expired) resource consents for discharges from their network. These consents are for network stormwater discharges into freshwater bodies, land and the coastal marine area; WGN060327 [32642] and [32643], respectively. Under these consents, KCDC has monitored discharges from their stormwater network for 10 years, and has developed a reasonable level of understanding of the level of effects and contaminants present in stormwater.

1.1 The Kāpiti stormwater network

KCDC manages the network that collects, transports and disposes of stormwater, which is collectively referred to as the stormwater network. The Council's stormwater network consists of over 8,000 stormwater pipelines with a total length of approximately 210km. The network includes a total open channel and stream network of more than 80km, and more than 300 outlets to the receiving environment. The network operates across the District and discharges into four key receiving catchments, being Paekakariki, Paraparaumu, Waikanae and Ōtaki, each consisting of further smaller key environments.

The stormwater network discharges from predominantly residential land use areas (60%) as well as rural areas (20%), roads and rail (15%), and smaller commercial, industrial and open space areas. The key water quality issues for the network are therefore contamination from roads and housing areas, as well as nutrient discharges from rural sites.

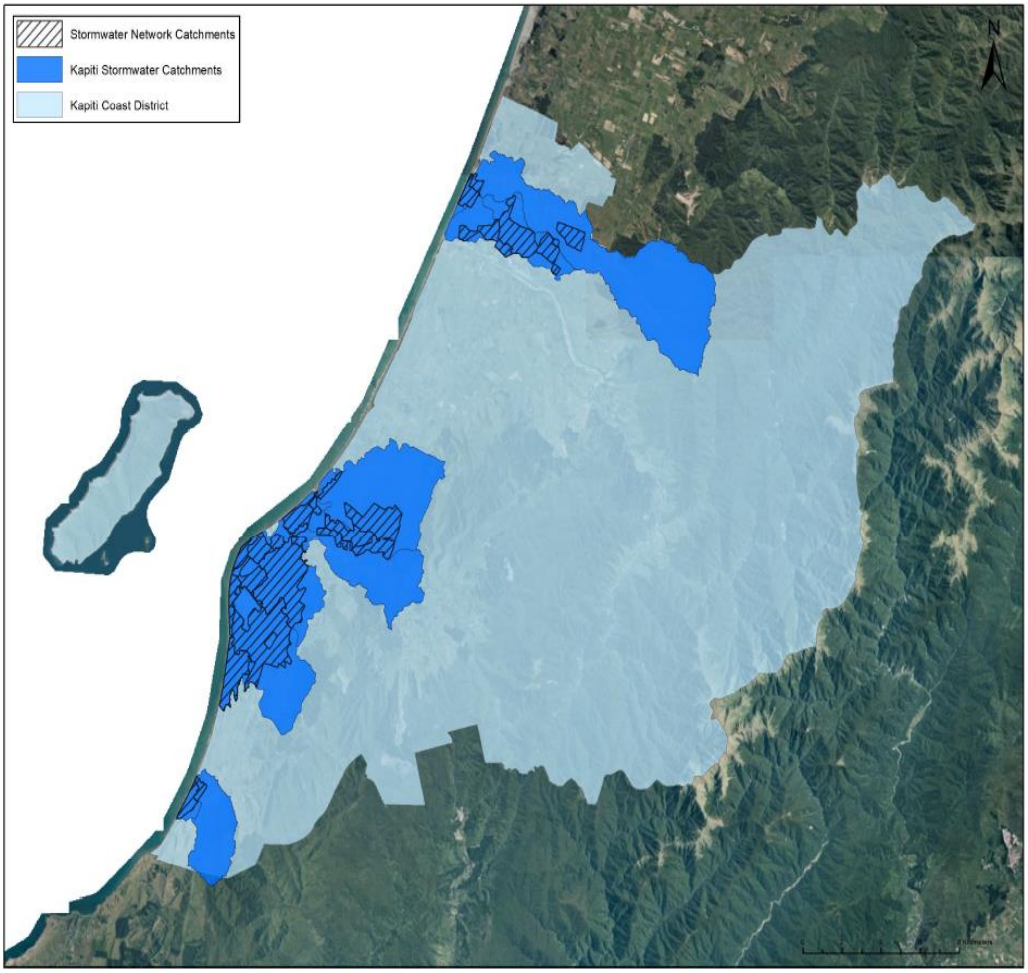


Figure 1: Showing total area of stormwater network catchments (dark blue) compared to Kāpiti District area (light blue), taken from application.

The key changes to the Council's existing discharges from stormwater network over the next five years, which are part of the new consent, are:

- The operation of a new pump station at Ōtaki, resulting in the diversion of the majority of existing stormwater network discharges from the Ōtaki CMA and the freshwater environment of the Waitohu Stream, to a stormwater discharge to land where it may enter water. The discharge structure is located within the sand dunes on Ōtaki beach. This new pumping station and discharge to land was implemented in 2017.

- The transfer of the management of the old SH1 and associated stormwater discharges from the New Zealand Transport Agency (NZTA) to the Council, as the new SH1 from Mackays Crossing to PekaPeka (M2PP) is now in operation.

- New residential/industrial/commercial developments that will be adopted by Council's existing stormwater network; and

- Any additional changes associated with the maintenance programme.

The Kāpiti District is currently in a state of growth, so the management of effects of new developments on the stormwater network is also a key issue in ensuring the maintenance of stormwater quality across the District.

The applicant has stated that it works in close partnership with communities and tāngata whenua to maintain an overview of the receiving water quality of the stormwater network, and the impacts of stormwater on freshwater and coastal systems. There are three iwi in the Kāpiti District, and KCDC's relationship with tāngata whenua is recognised in the Memorandum of Partnership signed between KCDC, Te Ātiawa, Ngā Hapū o Ōtaki and Ngāti Toa Rangātira on 6 February 2015.

1.2 Summary of existing stormwater management

The applicant has advised that stormwater management is guided through a range of key measures and policy instruments, including:

- The current stormwater monitoring programme;
- The stormwater maintenance programme;
- The Low Impact Urban Design and Development (LIUDD) Stormwater Guideline (2012);
- The Kāpiti Coast Long Term Plan (LTP) 2015-35;
- Stormwater Management Strategy (SMS);
- Choosing Futures – The Community's Vision for the Kāpiti Coast District – Community Outcomes; and
- Iwi and community involvement in decision-making.

Stormwater infrastructure and quality of individual sites is also managed through the Kāpiti Coast District Plan (through resource consenting requirements) and Trade Waste Bylaw 2006 (through trade waste bylaw requirements).

1.3 Discharge locations

The applicant has provided catchment maps within the stormwater network in appendix A of the application. These maps also show the monitored discharge locations within each catchment.

1.4 Existing monitoring programme

The network stormwater discharges are currently monitored under the existing discharge consents and were chosen based on stream walkovers (2006) and identified 'at risk' sites with the potential to pose significant risk to the receiving environment compared to other stormwater discharges entering those waterbodies.

Where possible, sites were also chosen to be representative of stormwater discharges within each stormwater catchment in relation to the land use, as can be shown through the tables provided in Section 3 of the application.

Throughout the ten years of monitoring, those consented sites that met the specified guideline criteria over two consecutive years were replaced, in accordance with the conditions of consent. Replacement sites were also chosen based on the above criteria (risk and representativeness).

The applicant has provided a summary of the current monitoring regime with further information to the application received 15 September 2017.

1.4.1 Monitoring categories

The KCDC water quality monitoring can be categorised into the following types:

- Freshwater receiving environments – long-term (routine) monitoring sites: water quality samples are collected from stormwater outfalls and the freshwater receiving environment upstream and downstream (at the end of the zone of reasonable mixing) of the outfall. Sampling has generally occurred on 2 to 3 occasions per year from 2006/07. Heavy metal, microbiological and physical water quality data are available, along with limited nutrient data and, at some locations, one-off polycyclic aromatic hydrocarbon (PAH) results.

- Freshwater receiving environments – investigation sites: one-off investigations were conducted at various times to track down sources of contamination. The sites are generally upstream of the routine monitoring sites, and the data consist of single results for a range of physico-chemical and microbiological parameters, as well as PAHs at some sites.

- Stream mouths: Four stream mouths have been sampled regularly (Wainui Stream Mouth, Wharemaukū Stream Mouth, Titoku Stream Mouth and Waimeha Stream Mouth). The analysis has focused on microbiological water quality, although some limited physico-chemical data are available from 2009 onwards.

- Coastal stormwater outfalls: water quality has been monitored at six outfalls that discharge directly to the coast, and each outfall site has a monitored receiving environment (sea) site. The monitoring has focused on physical and microbiological water quality, although some limited heavy metal and nutrient results are available.

- Dry Weather monitoring: The applicant undertakes annual dry weather monitoring at each site and monthly dry sampling in each catchment.

All freshwater and coastal sites are monitored for a number of contaminants associated with stormwater, including metals and microbiology. Samples are tested for heavy metals; dissolved zinc, copper and chromium, as well as total suspended solids. At freshwater sites Escherichia coli (E.coli) and faecal coliforms are measured. At coastal sites, Enterococci and faecal coliforms are measured at each site and receiving environment.

For sites managed for "primary contact recreation", being the Titoku, Waimeha and Wharemaukū Stream mouths and the Waikanae River and Estuary, the Council also monitors for E. coli and Enterococci.

1.4.2 Data analysis

To analyse results the following guidelines are used:

- The Australian and New Zealand Environmental and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ (2000) Guidelines).

- Ministry for the Environment/Ministry of Health (2003) Microbiology Water Quality Guidelines for Marine Recreational Areas.

- National Policy Statement for Freshwater Management (NPS-FM) 2014.

1.4.3 Annual reporting

The Council reports annually to GWRC on compliance with the conditions of consent. As a result the GWRC holds a dataset of monitoring results from 2006. GWRC Environmental Science Department have undertaken a preliminary analysis of monitoring results. This is discussed further in section 6 of this report.

2. Proposal

2.1 Planning context

As evaluated in Section 3 of this report, the consent is being processed under Rule RR50 of the Proposed Natural Resources Plan (PNRP). The PNRP has set out a 2-stage consenting framework for Territorial Authority (TA) stormwater discharges. Rule R50 covers the "first-stage" of these consents and requires that they are processed as a controlled activity, with the key controls being:

1. Requirements to monitor and report on the quality of **stormwater** discharges to fresh and/or coastal water, including of **stormwater** discharges containing **wastewater.**

2. Management of acute effects of **stormwater** on human health detected during monitoring.

3. Duration of consent up to a maximum of five years.

4. Timeframes for the development of a s**tormwater management strategy** in accordance with Schedule N (stormwater strategy).

The purpose of the first-stage consent is to collect information to produce a Stormwater Management Strategy (SMS) which is in accordance with Schedule N of the PNRP. The intent of the first-stage consent is also to investigate and undertake remediation where acute effects on human health are identified.

The "second-stage" consents required under Rule R51 will require implementation of that SMS.

Rule RR50 interacts directly with policy P74 of the PNRP, which gives a broader context for the monitoring. Ultimately, monitoring needs to be sufficient to fill any gaps in information required to draft a Stormwater Management Strategy (SMS), as required by Rule R51 of the plan.

2.2 Proposed monitoring programme

The applicant proposes to continue monitoring water quality using an Adaptive Monitoring Plan (AMP).

As part of this, in addition to the continuation of water quality monitoring the applicant proposes to monitor the effects of stormwater discharges on;

- Cultural values, mahinga kai and Maori customary use;
- Aquatic ecosystems health; and
- Contact recreation values.

The intention is that monitoring over the next five year period will be to fill any knowledge gaps in the information already gathered to enable a cohesive SMS.

The applicant has provided a draft AMP and gap analysis with further information to the application received 15 September 2017.

The further information provided on the 15 September 2017 also contained a 5 year program which outlines how the applicant will meet the requirements of the PNRP (development of a Stormwater Management Strategy in accordance with Schedule N) in order to apply for their longer term stormwater consent in accordance with Rule R51 (section 4 of memo titled *KCDC Global Stormwater Discharge Consent Application- Response to GWRC Further Information Request, dated 15 September 2017*).

3. Reasons for resource consent

3.1 Operative Regional Plans

The rules in the operative regional plans are focussed on individual discharges from pipes, rather than a global consenting framework. GWRC have made an organisational decision to process global stormwater consents for TAs under the PNRP rules (as described and signed off in document ENVREG-10-72).

This is because the PNRP sets a precedent for local authority stormwater discharges to be consented using a global framework, as a controlled activity and with a clear framework. As discussed in the sign off document, the Operative Plan rules and policies are not deemed to be comparable to the approach taken in the PNRP, given the rules are for point source discharges rather than holistic management of a stormwater network.

An assessment of the operative plan rules are outlined below.

RMA section	Plan	Rule	Status	Comments
15	Regional Freshwater Plan	2 (stormwater to surface water)	Permitted	The Regional Freshwater Plan has a variety of rules that cover stormwater discharges; however they are focussed on point source rather than discharges from whole TA networks. Strictly looking at the operative plan, the discharge would be assessed under Rule 3 as a **controlled activity**.
		3 (discharges not meeting rule 2)	Controlled	
	Regional Coastal Plan	53 (stormwater to CMA)	Permitted	The Regional Coastal Plan has a variety of rules that cover stormwater discharges; however they are focussed on point source rather than discharges from whole TA networks. Strictly looking at the operative plan, the discharges would be assessed under Rule 61 as a **discretionary activity**.
		61 (discharges not meeting Rule 53)	Discretionary	
	Regional Discharges to Land Plan	3 (stormwater to land)	Permitted	The Regional Discharges to Land Plan has a variety of rules that cover stormwater discharges; however they are focussed on point source rather than discharges from whole TA networks. Strictly looking at the operative plan, the discharges would be assessed under Rule 2 as a **discretionary activity**.
		2 (discharges not meeting rule 3)	Discretionary	

The application is for a global discharge consent which spans a wide area and so stormwater catchments are located within, upstream or adjacent to multiple sites listed in appendices of the Operative Regional Plans. Where relevant, I have summarised these sites below based on each relevant plan and appendix.

3.1.1 Regional Freshwater Plan (RFP)

Appendix 3: Water Bodies with Nationally Threatened Indigenous Fish Recorded in the Catchment:

- Waikanae River;
- Wainui Stream;
- Wharemaukū Stream; and
- Waitohu Stream.

Appendix 4: Water Bodies with Important Trout Habitat

- Waikanae River

Appendix 5: Water Bodies with Regionally Amenity and Recreation Values:

- Waikanae River

Appendix 7: Water Bodies with Water Quality Identified as Needing Enhancement:

- Titoku Stream;
- Mazengarb Stream; and
- Ngarara Stream.

3.1.2 Regional Coastal Plan (RCP)

Appendix 3: Areas of Important Conservation Value:

- Waikanae Beach and Estuary

Policy 10.2.2 of the RCP requires that the following beaches are managed for contact recreation purposes:

- Paekakariki Beach;
- Raumati South to Waikanae Beach;
- Te Horo Beach; and
- Ōtaki Beach.

3.2 Proposed Natural Resources Plan

The Proposed Natural Resources Plan (PNRP) was publicly notified by the Council on 31 July 2015. All rules in the PNRP have immediate legal effect under section 86B (3) of the Act. As the application was lodged after 31 July 2015, the PNRP is relevant to determining the resource consents required, activity status, the notification decisions and the substantive assessment of the proposal under section 104 of the Act.

RMA section	Rule	Status	Comments
15	RR50	Controlled	RR50 relates to the discharge of stormwater into water, or onto or into land where it may enter water, from a local authority stormwater network. This rule applies when consent has been applied for within 2 years of plan notification, as is the case with KCDC's application. Applications are processed as a **Controlled Activity** under RR50 and public notification and limited notification is precluded unless special circumstances exist.

The application is for a global discharge consent which spans a wide area and so stormwater catchments are located within, upstream or adjacent to multiple Scheduled sites. Where relevant, I have summarised some of these sites below based on each schedule.

3.2.1 Schedule A: Outstanding water bodies

There are no outstanding waterbodies listed in Schedule A that receive water from the stormwater network.

3.2.2 Schedule B: Ngā Taonga Nui a Kiwa

The Schedule B sites for each iwi within the stormwater catchment area are:

- **Ngā Hapū o Ōtaki:** Te Awa o Ōtaki (Ōtaki River), Te Awaawa me te Roto o Waiorongomai (Waiorongomai Lake and Stream) and Te Takutai o Ōtaki (Ōtaki Beach).
- **Te Ātiawa ki Whakarongotai:** Te Awa o Waikanae (Waikanae River), Te Manga o Wharemaukū (Wharemaukū Stream), Te Manga o Waimeha (Waimeha Stream)
- **Ngāti Toa Rangatira:** Raukawa Moana (Cook Strait)

3.2.3 Schedule C: Sites with significant mana whenua values

Multiple sites are identified for Ngā Hapū o Ōtaki, Ngāti Toa Rangatira and Te Ātiawa ki Whakarongotai, given their rohe within the Kāpiti area. I have not listed out all the sites as these can be found within the PNRP and are highlighted in the Cultural Impact Assessments for these iwi, as discussed in Section 6.5. The only Schedule C site for Ngāti Toa Rangatira is the Whareroa Shoreline.

3.2.4 Schedule F1: Rivers and lakes with significant indigenous ecosystems

The following rivers are listed in Schedule F1 of the PNRP, and are located within the urban stormwater catchment boundaries provided in the application:

- Waitohu stream and all tributaries, with inanga spawning habitat at the reach of tidal influence
- Ōtaki River and all tributaries, with inanga spawning habitat at the reach of tidal influence
- Waimeha Stream (Ngarara Stream) and all tributaries, with inanga spawning habitat at the reach of tidal influence
- Waikanae River and all tributaries, with inanga spawning habitat at the reach of tidal influence
- Wharemaukū Stream and all tributaries
- Wainui Stream and all tributaries

Note that all rivers are identified as habitat for indigenous threatened/at risk fish species, and habitat for six or more migratory indigenous fish species.

3.2.5 Schedule F2: Habitats for indigenous birds

The following rivers are listed in Schedule F2 of the PNRP, and are located within the urban stormwater catchment boundaries provided in the application:

- Ōtaki River and River mouth, including several threatened or at risk species and the largest breeding populations of both banded dotterels and black-fronted dotterels on the west coast of the North Island south of the Manawatu River.

- Paraparaumu Beach, four threatened or at risk species are known to be resident or regular visitors to this site.

- Waikanae Estuary, at least twelve threatened or at risk species are known to be resident or regular visitors to this site. An important breeding ground for the North Island Fernbird and one of the only large estuaries in the Wellington Region, and therefore an important stop over point for migratory birds.

- Waitohu Stream mouth, five threatened or at risk species are known to be resident or regular visitors to this site.

3.2.6 Schedule F3: Identified significant natural wetlands

There are a large number of wetlands throughout Kāpiti Coast and stormwater catchments, which I have not detailed in this report, as they are listed in the PNRP with coordinates.

3.2.7 Schedule F4: Sites with significant indigenous biodiversity values in the CMA

- Ōtaki River mouth/Estuary, providing seasonal or core habitat for seven threatened indigenous fish species

- Waikanae Estuary and Waikanae Scientific Reserve, which contains rare plants and wildlife, and fragile habitats, and provides seasonal or core habitat for nine threatened indigenous fish species

- Waimeha Estuary, providing seasonal or core habitat for four threatened indigenous fish species

- Wainui Stream mouth/Estuary, providing seasonal or core habitat for five threatened indigenous fish species

- Waitohu Stream mouth/Estuary, providing seasonal or core habitat for eight threatened indigenous fish species

- Wharemaukū Estuary, providing seasonal or core habitat for seven threatened indigenous fish species

3.3 Overall activity status

Wellington Regional Council's (GWRC) consenting approach to TA stormwater consents has been discussed above in Section 3.1 of this report and ENVREG-10-72. The conclusion reached in this assessment is that the TA global stormwater discharges is most appropriately assessed under Rule R50 as a **Controlled Activity** under the Proposed Natural Resources Plan.

4. Consultation

Iwi authority	**Comments**
Ngā Hapū o Ōtaki	This party provided a cultural impact assessment (CIA) for the application. The CIA is discussed in section 6 of this report.
Te Ātiawa ki Whakarongotai Charitable Trust	This party provided a cultural impact assessment (CIA) for the application. The CIA is discussed in section 6 of this report.
Ngāti Toa Rangatira	This party provided a cultural impact assessment (CIA) for the application. The CIA is discussed in section 6 of this report.
Other parties or persons	**Comments**
Dr Shane Kelly, Director, Coast and Catchment Ltd	This party provided a technical review of the application of behalf of GWRC. Dr Kelly's review is saved to file under document number 160316-1905223574-78 Comments from this party are discussed in section 6 of this report.
Ms Juliet Milne, Resource Management Scientist, NIWA	Ms Milne undertook an independent review of the applicants proposed monitoring (on behalf of the applicant) in response to comments from Dr Shane Kelly and made recommendations regarding the applicant's adaptive monitoring plan and proposed conditions of consent. Outcomes of consultation with this party have been discussed in section 2.2 of this report and are discussed further in section 6 of this report. Ms Milnes reviews are saved to file under document number 160316-1905223574-90
GWRC Environmental Science Department: • Ms Claire Conwell, Senior Coastal Scientist • Ms Juliet Milne, Team Leader • Ms Laura Keenen, consultant scientist to GWRC	Prior to the lodgement of the application (during pre-application discussions between the applicant and GWRC) Ms Keenen and Ms Milne undertook a preliminary analysis of the data received under the existing stormwater discharge consent. The results of this are contained in two memos (saved to file under document number 160316-1905223574-94 and 160316-1905223574-93) The memos contains an overview of monitoring results and identify key issues in each receiving environments (discussed further in section 6 below). Ms Conwell has provided ongoing technical advice to GWRC Environmental Regulation during the processing of the application. In particular she has reviewed the proposed conditions of consent to ensure that they are sufficient for purpose (discussed further in section 6 below).

5. Notification decision

A decision was made to process the application on a non-notified basis on 19 September 2017. Further information on the notification decision is provided in document #160316-1905223574-73.

6. Environmental effects

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application. Key information received by GWRC during the processing of the application includes:

- 13 June 2016, Application document including Aquatic Ecological Assessment (Appendix D) and Water Quality Assessment (Appendix C).

- 11 August 2016, Review of Application for a Stage 1 Stormwater Discharge Consent: Kāpiti Coast District Council, Dr Shane Kelly.

- 15 September 2017, further information to the application in the form of a memo titled KCDC Global Stormwater Discharge Consent Application-Response to GWRC Further Information Request. This information includes:

    a) An independent review of the proposed monitoring undertaken by Ms Juliet Milne, NIWA. Including recommendations regarding the Adaptive Monitoring Plan outlined in Appendix G of the application; and

    b) An updated Adaptive Monitoring Plan and proposed consent conditions in light of recommendation made by Ms Milne.

- 3 October 2017, further information to the application received via email, Cultural Impact Assessments (CIA) from Ngā Hapū o Ōtaki, Te Ātiawa ki Whakarongotai Charitable Trust and Ngāti Toa Rangatira.

- 4 December 2017, second review of updated Adaptive Monitoring Plan and proposed consent conditions undertaken by Ms Milne from NIWA.

6.1 Matters of control

As outlined in section 3 of this report the stormwater from a local authority network at plan notification is a controlled activity under rule R50. Under Rule R50 GWRC retain the following matters or control:

1. Requirements to monitor and report on the quality of **stormwater** discharges to fresh and/or coastal water, including of **stormwater** discharges containing **wastewater**

2. Management of acute effects of **stormwater** on human health detected during monitoring

3. Duration of consent up to a maximum of five years

4. Timeframes for the development of a s**tormwater management strategy** (SMS) in accordance with Schedule N (stormwater strategy)

6.2 Existing environment

The applicant provides a description of the existing environment in section 3 of the application. I consider this to be an accurate discretion and therefore adopt this section in accordance with section 42A (1B) (b) of the Act.

6.3 Stormwater quality

Stormwater can contain a range of contaminants, including sediment, trace metals, hydrocarbons from petrol, pesticides and bacteria. The amounts of each contaminant can vary depending on the different land uses in catchments. The applicant has been monitoring the quality of stormwater discharges since 2006.

The applicant has provided water quality assessment of affects (technical report in Appendix C of the application) and an Assessment of Environmental Effects (AEE) in section 6 of the application. Section 6.3 of the AEE pertains specifically to water quality.

In the AEE (section 6.3) the applicant concludes that, overall, the *discharges from the stormwater network are considered to be having a minor or negligible effect on water quality of the receiving environment*. In his review of the application Dr Shane Kelly considered that the Water Quality Assessment of Effects appeared to downplay and\or not highlight implications of some effects.

Dr Kelly states in his review that *"based on the information provided, I conclude that the effect of stormwater discharges vary across the Kāpiti Coast District, and range from negligible to more than minor. Key issues appear to be microbial, copper and zinc contamination. The scale and magnitude of effects, and areas affected are not adequately defined in the application".*

Dr Kelly's assessment is consistent with the information provided in the memos provided by GWRC Environmental Science which highlight that E.Coli at several sites exceed the NPS-FM 'bottom line' and copper and zinc appear to pose a toxicity issue to aquatic life at some sites (the memo highlights dissolved copper levels in the Waimeha Stream and dissolved copper and zinc in the Mazengarb Stream as examples).

Dr Kelly's comments indicated that based on information provided, the quality of the water being discharged may be having a more than minor adverse effects in some receiving environments. I note that, for this consent process, the matters for control are limited to those outlined in section 6.1. Conditions relating to the control of containments are limited to those required for the management of acute effects of stormwater on human health detected during monitoring (conditions relating to this are outlined in section 6.6.2 below).

With the exception of water quality as it relate to acute effects of stormwater on human health, in brief, the intent of this consent is to ensure monitoring of stormwater discharges over the next five years is sufficient to inform the longer term SMS required during the phase two consent (Rule R51 of the PNRP).

Monitoring is discussed in section 6.6.1.

6.4 Effects to aquatic ecology

Section 6.4 of the application provides the applicants AEE as they relate to aquatic ecology; this is supported by a technical report in Appendix D of the application.

The aquatic ecology assessment provides an assessment of the likely effects on aquatic ecology in accordance with the approach recommended by the Environmental Institute of Australia and New Zealand (EIANZ). This assessment is presented in table 1 below (information taken from table 22 of the application).

Receiving environment	Likelihood of effects	Significance and magnitude of effects
Wainui Stream, Paekakariki Beach, Waikanae River & Estuary, Waikanae Beach, Waimeha Stream	Low	Negligible
Mangapouri Stream, Rangiuru Stream	Low	Low
Wharemaukū Stream	Low	Moderate
Raumati Beach, Paraparaumu Beach, Ōtaki Beach, Mazengarb Stream	Moderate	Low
Tikotu Stream	Moderate	Moderate
Kena Kena Drain	High	Moderate

Table 1: Applicants assessment of likely effects of existing stormwater discharges on aquatic ecology (taken from table 22 of the application document)

The aquatic ecology assessment found that, overall, the smaller, modified streams that originate on the coastal plain (e.g. Tikotu Stream and Kena Kena Drain) are considered to have a greater likelihood of being adversely affected by the existing discharges, primarily due to the greater influence of urban land use of water quality.

However, the assessment notes that these streams are also influenced by relatively poor habitat quality, associated with a long history of management primarily for drainage. The potential significance of any stormwater effects on ecological values is considered to be higher for less modified waterways, such as Wharemaukū Stream.

The applicant notes that ecological monitoring of the discharges is the only way to confirm the relative influence of stormwater quality, hydrology, and local habitat quality on ecosystem health in these waterways (monitoring is discussed in section 6.6.1 below).

It is the applicant's assessment that during the 5 year period of this consent stormwater quality is expected to be generally consistent with the current stormwater discharge (i.e. the level of effect is not expected to increase or decrease in a way which is more than minor).

As discussed in section 6.3 above there is doubt regarding the quality of the stormwater discharges and thus the level of effect that it may be having on aquatic ecology. Monitoring over the next 5 years is aimed at obtaining sufficient information to establish the level of effect that is occurring and developing an appropriate SMS in accordance with Schedule N of the PNRP.

6.5 Effects to cultural values

Te Āti Awa Whakarongotai Charitable Trust (Te Āti Awa), Ngā Hapū o Ōtaki (NHoO) and Te Runanga o Toa Rangatira (Ngāti Toa) have all provided a cultural impact assessment (CIA) relating to the current and ongoing effects to their cultural values arising from the discharge of stormwater.

Te Āti Awa identify the following waterbodies (which they identify as being either affected by the stormwater discharge or potentially affected) as being of cultural significance to them:

- Mazengarb Stream;
- Kaitoenga Wetland;
- Waikanae Estuary;
- Kena Kena Stream;
- Paraparaumu Beach Coastal Marine Area;
- Tikotu Stream;
- Wharemaukū Stream;
- Ngārara Stream; and
- Te Puka Stream

NHoO identify the following waterbodies (which they identify as being either affected by the stormwater discharge or potentially affected) as being of cultural significance to them:

- Ōtaki River;
- Rangiuru Stream;
- Ōtaki Beach;
- Mangapouri Stream; and
- Waitohu Stream.

Ngāti Toa identifies the following waterbodies (which they identify as being either affected by the stormwater discharge or potentially affected) as being of cultural significance to them:

- Te Puka Stream;
- Tikotu Stream;
- Wainui Stream; and
- Coastal marine area off Kāpiti Island.

All CIAs identify the values of the waterways, outline ways in which they have been affected or potentially could be affected by the discharge of stormwater. They also make recommendations regarding the management of the waterways to avoid or remedy in some cases adverse effects identified. Key management outcomes common to all iwi are:

- The fresh and coastal water is safe for bathing including submerging the head;
- Waters from different catchments are not mixed;
- Fresh and coastal water can be used in customary ways including (but not limited to) gathering mahinga kai which is abundant and safe; and
- Food can be stored in waterways.

The applicant has provided responses to the key recommendations of the CIAs (see document 160316-1905223574-92).

The monitoring conditions discussed in section 6.6.1 below has been designed to ensure that cultural values identified as being affected or potentially affected are monitored to inform the SMS to ensure that it adequately provides for the protection (or in some cases restoration) of values identified in the CIA's.

6.6 Matters for control and consent conditions

6.6.1 Monitoring of water quality

The proposed AMP was reviewed by Dr Shane Kelly. This review information informed GWRC's further information request (Section 92(1) of the Act) including the requirement for an independent review of the proposed monitoring program to ensure that it is sufficient for purpose.

The applicant subsequently engaged Ms Juliet Milne, NIWA to undertake a review of the proposed AMP. Ms Milne provided an initial review which made several recommendations.

The AMP and proposed draft conditions were amended in light of Ms Milne's comments. The amended AMP and draft conditions were again reviewed by Ms Milne. In her second review Ms Milne commented that the amended AMP *"remains a high level overview and would benefit from additional detail to make it a stand-alone document".* In her second review Ms Milne made several recommendations around how the AMP could be amended to make it a *"stand-alone"* document.

After consultation with the applicant, GWRC have proposed conditions of consent which require the submission of a final AMP based on the draft AMP submitted as further information to the application but updated to include the items raised by Ms Milne in her second review.

The AMP has been split into requirements for the first year and then ongoing updates to the AMP. The reason for this is that for the first year the applicant is not proposing to undertake monitoring for iwi values, such as those discussed in the CIA's.

The applicant has advised that the reason for this is that they desire to undertake effective and meaningful consultation separately with each of the three iwi in the District to inform future monitoring around cultural values. This process will require strategy and planning by all parties, and they anticipate that this will take the better part of Year 1.

I consider that a delay of one year in the commencement of monitoring for iwi values, while not ideal, is reasonable and will still allow for the collection of adequate data to inform the SMS. This will also allow time for GWRC to complete the development of a cultural health monitoring framework which can inform KCDC's cultural health monitoring.

Conditions relating to the submission of a final AMP, updates to the approved AMP and operating in accordance with approved AMP are outlined below (conditions 2-6);

Year 1 AMP

*2. The consent holder shall by 21 June 2018 or within such longer time as may be agreed in consultation with the Manager, Environmental Regulation, Wellington Regional Council, finalise and submit for approval of the **Manager**, an Adaptive Monitoring Plan (AMP) for Year 1 (from consent commencement to 1 September 2019).*

The AMP shall be approved, to confirm that the AMP:

a) *Is generally consistent with the draft AMP submitted with the consent application; and*
b) *Addresses matters listed in Condition 4 below with the exception of (d).*

Further Updates to the AMP

*3. By the 1 September each year or within such timeframe as may be agreed in consultation with the **Manager** the consent holder shall finalise and submit for approval of the **Manager,** an updated AMP.*

The updated AMP shall be approved, to confirm that it:

a) *Is generally consistent with the draft AMP submitted with the consent application; and*
b) *Addresses matters listed in Condition 4 below.*

Note: Please email the updated AMP to notifications@gw.govt.nz. Please quote consent number WGN160316.

4. *The purpose of the AMP is to set out the monitoring necessary to inform the long term Stormwater Management Strategy required by Condition 12 of this consent, and to set out methods for managing acute effects on human health.*

   The AMP shall include at a minimum the following detail:

   a) Monitoring objectives;
   b) Monitoring locations, frequency and methodology;
   c) Water quality parameters;
   d) Monitoring for iwi values, such as those discussed in the Cultural Impact Assessments associated with the consent application;
   e) Routine monitoring for acute human health effects;
   f) Protocols for sanitary investigations (including but not limited to faecal source tracking) as required by Condition 7.
   g) Protocols for the management of acute effects of stormwater discharges on human health detected during monitoring, as required by Conditions 7-9;
   h) Reporting; and
   i) A monitoring review process.

   Note 1: To ensure sufficient information is obtained for the development of the stormwater management strategy required by condition 12 the Greater Wellington Regional Council recommends that the AMP also includes:

   - *Sediment quality monitoring;*
   - *Benthic habitat monitoring;*
   - *Incorporating recommendations from the Kaitiaki monitoring framework under Method M2 of the PNRP (once developed);*

   These matters have been excluded from this condition of consent because they are outside of the matters of control under Rule RR50 of the Proposed Natural Resource Plan.

   Note 2: The Regional Kaitiaki Monitoring Framework is not currently defined, but is required under Method M2 of the Proposed Natural Resources Plan (June, 2015). The consent holder may be invited to contribute to the development of this framework, as it could impact how cultural values monitoring is undertaken on global stormwater consents.

5. *The consent holder shall undertake all stormwater monitoring in accordance with the approved AMP (or subsequent updated AMP's).*

6. *All sampling techniques, including sample preservation and dispatch to the analysing laboratory, employed in respect of the conditions of this consent shall be carried out by suitably trained and experienced persons in accordance with*

best practice and in accordance with the requirements of the analysing laboratory. All water and sediment analyses undertaken in connection with this consent shall be performed by an Internationally Accredited (IANZ) registered laboratory.

I would like to highlight *Note 1* to *Condition 4* which recommends that to ensure sufficient information is obtained for the development of the SMS required by condition 12 the GWRC recommends that the AMP also includes:

- Sediment quality monitoring;
- Benthic habitat monitoring;
- Incorporating recommendations from the Kaitiaki monitoring framework under Method M2 of the PNRP (once developed);

These matters were originally included as a requirement of this condition; however, as they are technically outside the matters of control listed in Rule R50 (which only require the monitoring of stormwater quality) they were not accepted by the applicant.

It has been reiterated to the applicant several times that sediment quality monitoring, benthic habitat monitoring and incorporating recommendations from the Kaitiaki monitoring framework will be key to the development of their SMS.

Despite this, the applicant has been resolute in their decision with key reasoning being that they intend to undertake this monitoring but as it is not a matter of control they do not want these points included within a condition of consent which is subject to approval by GWRC i.e. they want to undertake the monitoring on their own terms.

The conditions outlined and discussed above have been reviewed by Dr Claire Conwell who considers that they are appropriate and sufficient for the intended purpose. The submission of a final AMP will allow GWRC to review and approve the final AMP to ensure it is in accordance with the conditions outlined below and addresses the matters raised by Ms Milne in her final review.

6.6.2 Management of acute effects of stormwater on human health detected during monitoring.

Data collected since 2006 indicate that during wet weather in particular discharges of stormwater have the potential to adversely effects human health, specifically as a result of wastewater contamination.

To ensure that the management of acute effects of stormwater on human health detected during monitoring is adequate the below conditions of consent have been developed in consultation with Dr Conwell, Ms Milne and the applicant (conditions 7-9):

7. The consent holder shall commence a sanitary survey in a catchment(s) as soon as practicable but within 24hours either a), b) or c) occurring:

a) *Any routine water sample collected under this consent has a faecal coliform count exceeding 10,000 cfu/100mL and these counts are higher than the concentration measured at the upstream control site in the catchment(s); or*
b) *Any two successive routine water samples at stream mouth and/or beach monitoring sites exceed 1,000 cfu/100ml, and these counts are higher than the concentration measured at the upstream control site in the catchment on the same day; or*
c) *The rolling 12-month median bacteria count obtained from undertaking monitoring as identified in the AMP exceeds 1,000 cfu/100 mL*

Note: Bacteria means all the indicator organisms identified for the specific monitoring site in the Adaptive Monitoring Plan.

The sanitary survey shall consist of the following in the catchment that 7 (a), 7(b) or 7(c) was recorded:

a) *A dry weather walkover and visual inspections, and*
b) *Dry and wet weather sampling of stormwater discharges to identify the source*
c) *Any other actions or investigations necessary to identify the source of contamination in accordance with the protocols in the AMP approved under Condition 4.*

As soon as practicable or within 24 hours of receipt of analytical results from stormwater discharge monitoring undertaken during the sanitary survey, which confirms the presence of faecal coliform counts exceeding 10,000 cfu/100mL in the stormwater discharge, the consent holder shall Notify the Manager and Regional Public Health in writing. The notification shall include relevant sample collection details (including the date and time of sample collection, rainfall in the 24 hours prior to sampling, and weather and tidal conditions at the time of sampling), and proposed further water sampling and/or investigations.

The details and outcomes of any sanitary surveys undertaken shall be provided ***monthly*** *to the Manager and summarised in the Annual Report as required by Condition 11.*

Note 2: Notifications of high faecal coliforms must be emailed to GWRC on notifications@gw.govt.nz and Regional Public Health on healthprotection@huttvalleydhb.org.nz.

Immediate actions

8. If a sanitary survey indicates that there is the potential for adverse effects to human health resulting from discharges from the stormwater network, as established by monitoring undertaken in accordance with Condition 7, the consent holder shall:

- *Establish temporary warning signs if necessary to prevent people coming into contact with the discharge;*
- *Whenever practicable implement immediate remedial works to address the causes of the contamination.*

Note 1: The response timeframes of the consent holder may be subject to external factors such as, but not limited to, time required to gain access to private property should the site of potential remedial works require it, and engaging subcontractors to undertake remedial works.

Note 2: The intent of this condition is to prevent the public coming into contact with any discharge that could have the potential for acute effects on human health and to address the cause of the contamination as quickly as possible where a human health project is not required e.g. fix a broken sewer pipe or wastewater overflow.

Human Health Mitigation Projects

9. Human health mitigation projects shall be developed where either a) or b) occurs:

a) the rolling 12-month median bacteria count obtained from undertaking routine monthly monitoring in the receiving waters as identified in the AMP exceeds 1,000 cfu/100 mL; or
b) the sanitary survey undertaken in accordance with Condition 7 indicates continued contamination which has the potential to result in acute human health effects and this is linked to discharges from the stormwater network and the cause of the contamination has not been rectified through immediate actions as required by Condition 8.

Note: Bacteria means all the indicator organisms identified for the specific monitoring site in the Adaptive Monitoring Plan.

The project scopes shall be provided to the Manager, within 1 month of completion of the sanitary survey required under Conditions 7, with proposed implementation timeframes. The consent holder shall prioritise projects based on the significance and magnitude of acute effects.

The consent holder's projects may include, but not be limited to:

a) Installation of permanent signage
b) Further sewer /stormwater network investigations such as CCTV and/or faecal source tracking
c) Public education
d) Physical works
e) Further catchment investigations including ecological and cultural monitoring

The human health mitigation projects developed to manage any acute effects on human health shall be to the satisfaction of the Manager.

Note: It is noted that budget requirements are a consideration with the implementation of certain projects.

Note 2: The investigations and projects are to be programmed and undertaken based on their priority. The consent holder may be required to align the scheduling of the adaptive monitoring and SMS monitoring, investigations and projects with the budget requirements of the Annual budgets and Council Long Term Plan.

The intent of these conditions is to require the consent holder to undertake an investigation when monitoring results show that stormwater discharges have the potential to have effects on human health and to address any issues identified – either immediately where possible or through a human health project which is a longer term response.

This is specifically in relation to identifying and addressing issues with stormwater and wastewater network interactions. The applicant has noted that in some cases contamination could be a result of runoff upstream of the urban area (i.e. not from KCDCs reticulated stormwater network). The conditions require monitoring at an upstream control site so that the source of the contamination (either the reticulated stormwater network or upstream) can be determined.

6.6.3 Reporting requirements

As outlined above some of the conditions relating to the management of acute effects on human health have their own reporting requirements. In addition to this the applicant is required under condition 11 (outlined in Attachment 1) to submit a report annually by the 1 September. Condition 11 specifies that the annual report must include the following:

a) A summary of physical capital and maintenance works carried out to the stormwater network in the preceding year;

b) A summary of any expansions or additions to the stormwater network (such as new roads or subdivisions) in the preceding year;

c) A summary of routine monitoring results and analysis of results from previous years including differences and trends;

d) A summary of monitoring undertaken in accordance with the AMP;

e) Observations and photographs from the visual inspections undertaken during stormwater outfall discharge water quality monitoring;

f) A summary of sanitary survey results, remedial works, management actions and projects in relation to acute adverse effects on human health detected during monitoring;

g) Any other matters the consent holder considers relevant, including any follow-up actions resulting from the preceding year's operation.

6.6.4 Timeframes for the development of a stormwater management strategy in accordance with Schedule N (stormwater strategy)

The consent duration is recommended to be 5 years in accordance with matter of control number 3. Recommended consent condition 13 (below) requires the development and submission of a draft SMS within 4 years of the grant of this consent. This time frame is considered to be sufficient to allow adequate time for monitoring undertaken in accordance with this consent to inform the SMS. Further detail will be able to be added to the SMS prior to any second stage consent being issued to take into account monitoring data obtained between the submission of the draft SMS and the consent application being considered.

12. The consent holder shall prepare and submit to the Wellington Regional Council by 10 May 2022, a draft long term Stormwater Management Strategy (SMS).

The SMS shall be prepared in accordance with Schedule N of the Proposed Natural Resources Plan (or subsequent amendment).

Note: The purpose of the SMS is to:

a) Provide a strategy for how sub-catchments within the local authority stormwater network will be managed in accordance with any relevant objectives identified in the Proposed Natural Resources Plan (or subsequent amendment), including any relevant whaitua specific objectives at the time of developing the strategy; and
b) Describe how the stormwater network will be managed in accordance with good management practice and progressively through time, to minimise the adverse acute, chronic and cumulative effects of stormwater discharges on fresh and coastal water.

6.7 Summary of effects

I consider that currently it is difficult to quantify the effects that stormwater is having on the receiving environments. Conditions of consent have been included to ensure that adequate information is gathered over the 5 year consent duration to fill knowledge gaps and provide sufficient information to quantify effects to each receiving environment and develop a comprehensive SMS in accordance with Schedule N of the PNRP in preparation for the phase two consent required under R51 for the PNRP.

I consider that the above conditions of consent which have been developed in consultation with the applicant and suitably qualified environmental scientists fulfil the matters of discretion listed by R50 of the PNRP including the management of acute effects of stormwater on human health detected during monitoring.

7. Statutory assessment

7.1 Part 2

Part 2 of the Act outlines the purposes and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

7.2 Matters to be considered – Section 104-108

Section 104-108 of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(b)(iii)	**National Policy Statement for Freshwater Management 2014**	The NPSFM is given effect to through policy 66 of the PNRP (discussed below).
104(1)(b)(iv)	**National Coastal Policy Statement**	The objectives and policies of the NZCPS that are most relevant to this application are outlined below
	Objectives 1 and 6	These objectives relate to safeguarding the integrity, form, functioning and resilience of the coastal environment and sustaining its ecosystems, including marine and intertidal areas, estuaries, dunes and land; as well as enabling people and communities to provide for their social, economic, and cultural wellbeing, and their health and safety, through subdivision, use and development in a way that is sustainable. The stage one consent is aimed at monitoring to obtain information to form a comprehensive SMS in accordance with Schedule N of the PNRP in preparation for the stage two consents which will identify adverse effects and mange those effects to avoid adverse effects including cumulative effects to aquatic ecosystem health, mahinga kai and Maori customary use.

RMA section	Matter to consider	Comment
	Policies 22 (sedimentation) and 23 (discharge of contaminants), and specifically:	Amongst other things Policy 22 requires that: • Sedimentation levels and impacts on coastal environment are Assessed and monitored (22(1)) • Subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water (22(2) • controls on land use activities reduce sediment loads in runoff and in stormwater (22(3)) Policy 23 (1) outlines matters to have particular regard to when managing a discharge in the coastal environment. Including; • the sensitivity of the receiving environment • the nature of the contaminants to be discharged • capacity of the receiving environment to assimilate the contaminants • avoid significant adverse effects on ecosystems and habitats after reasonable mixing • use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and • minimise adverse effects on the life-supporting capacity of water within a mixing zone 23 (4) requires that in managing discharges of stormwater steps are taken to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by: a. avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems; b. reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities; c. promoting integrated management of catchments and stormwater networks; and

RMA section	Matter to consider	Comment
		d. promoting design options that reduce flows to stormwater reticulation systems at source. The current stormwater network is designed so as to avoid cross contamination of sewage and stormwater systems. This in turn minimises the impacts the stormwater system may be having on E.coli contamination found in some catchments. The proposed AMP will identify any outlets where cross connections may be occurring. These can then be investigated and remedied. Since 2012, new developments are required to have regard to the LIUDD, which provides guidance around stormwater management and treatment. In addition, industrial sites are required to obtain trade waste permits to ensure all contaminated waste water is directed towards the sewer and away from the stormwater network in accordance with the Trade Waste Bylaw 2007. This further reduces the ability for industrial activities to contaminate the stormwater network. In addition, through the Council's existing consents and Stormwater Management Strategy, the Council is aiming to manage stormwater discharges through a holistic approach, including understanding the interrelationship between the four key catchments in the District, and the impacts of land use on stormwater quality. Through its current programs the Council has been able to target high priority sites for water quality improvement. For example, Te Roto flood storage area had previously been identified as potentially contaminating freshwater bodies. As a result, the Council has installed Te Roto wetland, which naturally treats stormwater thus increasing the water quality before it is discharged into the stream and ultimately the coastal environment.
104(1)(b)(v)	**Regional Policy Statement**	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS. The most relevant objectives and policies to

RMA section	Matter to consider	Comment
		consider for this application are outlined below.
	Objective	**Policy**
	Objective 3 – Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.	Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values.
	Objective 6 - The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.	Policy 5: Maintaining and enhancing coastal water quality for aquatic ecosystem health Policy 40: Safeguarding aquatic ecosystem health in water bodies Policy 37: Safeguarding life supporting capacity of coastal ecosystems
	Objective 10 - The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.	Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure Policy 8: Protecting regionally significant infrastructure
	Objective 13 - The region's rivers, lakes and wetlands support healthy functioning ecosystems.	Policy 19: Managing amenity, recreational and indigenous biodiversity values of rivers and lakes Policy 43: Protecting aquatic ecological function of waterbodies Policy 64: Supporting a whole of catchment approach
	Objective 23 - The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.	Policy 66: Enhancing involvement of tāngata whenua in resource management decision-making

RMA section	Matter to consider	Comment
	Objective 26 - Mauri is sustained, particularly in relation to coastal and fresh waters.	Policy 49: Recognising and providing for matters of significance to tāngata whenua
	Comment	
	The proposal is considered consistent with the above objectives and policies for the following reasons: • The application forms stage-one of a two-stage process to establish a clear direction for stormwater management within the Kāpiti District. The information collected over the five year consent term will inform the Council of management changes or upgrades that are required within the stormwater network to improve water quality. In turn, this will reduce adverse effects on aquatic ecology, contact recreation and Maori customary use in the long term. • Conditions of consent will ensure a more targeted approach to monitoring stormwater discharges over the consent term, including additional monitoring of microbiological contamination and the development of a CIA to further inform monitoring and management measures in the long-term. This approach will enable further data to be collected to refine the key areas of focus in the long-term forming part of the SMS. • The Council's stormwater network is regionally significant due to the critical service it provides to the Kāpiti community. The continued use and maintenance of this network, including the associated discharges in a sustainable way, is therefore crucial to the management of stormwater in the District.	
104(1)(b)(vi)	**Operative Regional Plans**	As outlined in section 3.1 of this report a decision was made to process this application under the provisions of the PNRP. As such, no detailed assessment has been provided for the Operative Regional Plans. However, I consider that the proposal is not contrary to the Objectives and Policies of the Operative Regional Plans as the purpose of this consent is to inform a comprehensive SMP which will aim to improve the quality of stormwater discharge from the stormwater network. This aim and outcome is generally consistent with the objectives and policies of the Relevant Operative Regional Plans.
	Proposed Natural Resources Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan.
	Objective/Policy	*Comment*
	Objectives O9, O11, O12 and	These objectives and policies relate to:

RMA section	Matter to consider	Comment
	Policies P7, P8, P10, P12, P13	• The beneficial use and development of natural resources, including water. • Recreational values of watercourses. • Maori customary use. • The use and ongoing operation of, regionally significant infrastructure (which by definition includes stormwater networks). The proposal is considered consistent with these objectives and policies. specifically the proposal- • Will undertake monitoring to fill the knowledge gap regarding the level of effect to aquatic ecosystems, recreational values and Maori customary use. • Will develop a SMS to reduce effects and restore values in accordance with the provision of the PNRP. • recognises the cultural, social and economic benefit of using land and water for the treatment and disposal of stormwater; • Recognises the benefits of the stormwater network as regionally significant infrastructure by having regard to the operational requirements of the network.
	Objectives O14, O15, O16 And Policies P17, P19, P20	These objectives and policies relate to the Maori relationships with natural resources and recognises the importance of mauri, mana whenua relationships with the environment and the cultural relationship of Maori with water. Iwi have provided CIS's which outline: • Outline key waterbodies of cultural significance; • Outline effects which have occurred or are likely to occur from the discharge of stormwater; • Make recommendations regarding the management of stormwater to avoid or in some cases remedy adverse effects. Under this consent effects to values identified are required to be monitored. The intention of this is to inform the SMS. The SMS will

RMA section	Matter to consider	Comment
		develop a prioritised program for improvement of areas within the stormwater network. Long term it is anticipated that impacts to Maori customary use and sites of significance will be reduced.
	Objectives O23, O24, O25 and Policies P31, P32, P34	These objectives and policies relate to maintaining and restoring water quality, aquatic ecosystem health and mahinga kai and ensuring water quality is maintained or improved for primary and secondary contact recreation. Under these objectives and policies the restoration of water quality for aquatic ecosystem health and mahinga kai is encouraged and significant adverse effects are to be avoided, remedied, mitigated or offset. The proposal is considered consistent with these objectives and policies for the following reasons: • The proposal is an ongoing activity and there is not expected to be any significant change in effects from that currently occurring (i.e. effects to aquatic ecosystem health and mahinga kai are not anticipated to get worse during the 5 year duration of consent); • Under this consent effects to water quality as it relates to aquatic ecosystem health and mahinga kai are required to be monitored and a SMS developed. The SMS will develop a prioritised program for improvement of areas within the stormwater network. Long term it is anticipated that impacts to aquatic ecosystem health and mahinga kai will be reduced.
	Objective O35 And Policies P40, P41, P44, P45	These objectives and policies relate to sites with significant values, including indigenous biodiversity values (Schedule F1) and mana whenua values (Schedule C). A number of the watercourses receiving stormwater from the stormwater network are

RMA section	Matter to consider	Comment
		listed in the PNRP are sites with significant values. These classifications have been considered throughout this consent process. As discussed elsewhere, effects to receiving environments including those identified as having significant values will be monitored for a duration of 5 years. Conditions of consent have been developed in consultation with suitably qualified and experienced environmental scientists to ensure that monitoring is sufficient for its intended purposes. The purpose of monitoring is the development of the comprehensive SMS which will develop a prioritised program for improvement of areas within the stormwater network.
	Objective O47, O48 and Policies P66, P67, P73, P74, P76, P78, P79	These objectives and policies relate to discharges. Primarily, the amount of sediment-laden run-off entering the water is to be reduced, and stormwater networks and urban land uses are to be managed so that the adverse quality and quantity effects of discharges from the network are improved over time. The improvement of water quality overtime is the long term goal of the SMS under the phase two consent. P66 pertains to the NPS-FM. In general terms as the discharge is not new (i.e. it is a continuation of the same activity) and the scale and intensity of the discharge is not expected to change (in a way which is more than minor) over the next 5 years, this policy does not strictly apply to this application. P73 and P74 are particularly relevant and require the adverse effects of stormwater discharges to be minimised through good management practice, source control, implementing sensitive urban design and progressively improving discharges. I note that the applicant has developed the LIUDD which is designed to ensure that new development does not result in further adverse effects to receiving environments. Long term monitoring will provide information as to how effective this measure is.

RMA section	Matter to consider	Comment
		P74 requires adverse effects to be managed through a range of measures, including undertaking monitoring and managing acute adverse effects of discharges. Conditions of consent have been designed to specifically align with the requirements of these policies and objectives. A final adaptive monitoring plan (AMP) is required under conditions of consent. Conditions require that this is based on the AMP submitted as further information to the application but is updated in light of recommendations made by Ms Milne in her independent review of the AMP. Conditions of consent have been included to ensure that acute adverse effects are managed during the phase one consent. The applicant has provided an overview of actions over the next 5 years to ensure that requirements of the PNRP are met in time for the longer term consent required by Rule R51.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
104(2A)	Value of investment for existing consents	I have considered the value of existing investment associated with this application.
105(1)	Matters relevant to discharge permits	I have had regard to the matters outlined in section 105 (1)
107	Restrictions on grant of certain discharge permits	Section 107 does not preclude the granting of this consent.
108	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. Any additional conditions are outlined in Section 5 of this report. All conditions are documented in Attachment 1 to this report.

7.3 Weighting of the Proposed Natural Resources Plan

As discussed in section 3.1 the rules in the operative regional plans are focussed on individual discharges from pipes, rather than a global consenting framework, GWRC have made an organisational decision to process global stormwater consents for TAs under the PNRP rules (as described and signed off in document ENVREG-10-72).

This is because the PNRP sets a precedent for local authority stormwater discharges to be consented using a global framework. As discussed in the sign off document, the Operative Plan rules and policies are not deemed to be

comparable to the approach taken in the PNRP, given the rules are for point source discharges rather than holistic management of a stormwater network.

Considering the above, full weight is given to the PNRP.

8. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.

2. The proposed activity is consistent with the relevant objectives and policies of the New Zealand Policy Statement for Freshwater Management, the New Zealand Coastal Policy Statement, Regional Policy Statement the Proposed Natural Resources Plan.

3. Conditions of the consent(s) will ensure that the effects of the activity are monitored to inform a comprehensive Stormwater Management Strategy (SMS)

4. The proposal incorporates appropriate mitigation measures, to ensure that acute adverse effects on human health are managed.

9. Duration of consent

A duration of 5 years has been recommended in accordance with the matters of control on Rule R50 and direction of policy 74 in the PNRP.

10. Monitoring

Monitoring will be undertaken in accordance with conditions of consent.

Attachment 1: Consent conditions WGN160316

INTERPRETATION

Wherever used in the conditions below, the following terms shall have the prescribed meaning:

The Manager means the Manager, Environmental Regulation, Wellington Regional Council.

General condition

1. The consent holder shall manage the network stormwater discharges in general accordance with the consent application and associated documents lodged with the Wellington Regional Council on 13 June 2016 and further information received via email on:

    - 15 September 2017, further information to the application in the form of a memo titled *KCDC Global Stormwater Discharge Consent Application-Response to GWRC Further Information Request*. This information includes:

        a) An independent review of the proposed monitoring undertaken by Ms Juliet Milne, NIWA, dated 16 August 2017. Including recommendations regarding the Adaptive Monitoring Plan outlined in Appendix G of the application; and

        b) An updated Adaptive Monitoring Plan and proposed consent conditions in light of recommendation made by Ms Milne.

    - 3 October 2017, further information to the application received via email, Cultural Impact Assessments (CIA) from Ngā Hapū O Ōtaki, Te Ātiawa ki Whakarongotai Charitable Trust and Ngāti Toa RaNgātira.

    - 4 December 2017, second review of updated Adaptive Monitoring Plan and proposed consent conditions undertaken by Ms Milne, NIWA, dated 4 December 2017.

    Where there may be contradictions or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

    Note: Any change from the location, design concepts and parameters implemented and/or operation may require a change in consent conditions pursuant to Section 127 of the Resource Management Act 1991 (RMA).

Adaptive Monitoring Plan

Year 1 AMP

2. The consent holder shall by 21 June 2018 or within such longer time as may be agreed in consultation with the Manager, Environmental Regulation, Wellington Regional Council, finalise and submit for approval of the **Manager**, an Adaptive Monitoring Plan (AMP) for Year 1 (from consent commencement to 1 September 2019).

   The AMP shall be approved, to confirm that the AMP:

   a) Is generally consistent with the draft AMP submitted with the consent application; and

   b) Addresses matters listed in Condition 4 below with the exception of (d).

Further Updates to the AMP

3. By the 1 September each year or within such timeframe as may be agreed in consultation with the ***Manager*** the consent holder shall finalise and submit for approval of the ***Manager,*** an updated AMP.

   The updated AMP shall be approved, to confirm that it:

   c) Is generally consistent with the draft AMP submitted with the consent application; and

   d) Addresses matters listed in Condition 4 below.

   Note: Please email the updated AMP to notifications@gw.govt.nz. Please quote consent number WGN160316.

4. The purpose of the AMP is to set out the monitoring necessary to inform the long term Stormwater Management Strategy required by Condition 12 of this consent, and to set out methods for managing acute effects on human health

   The AMP shall include at a minimum the following detail:

   a) Monitoring objectives;

   b) Monitoring locations, frequency and methodology;

   c) Water quality parameters;

   d) Monitoring for iwi values, such as those discussed in the Cultural Impact Assessments associated with the consent application;

   e) Routine monitoring for acute human health effects;

f) Protocols for sanitary investigations (including but not limited to faecal source tracking) as required by Condition 7.

g) Protocols for the management of acute effects of stormwater discharges on human health detected during monitoring, as required by Conditions 7-9;

h) Reporting; and

i) A monitoring review process.

Note 1: To ensure sufficient information is obtained for the development of the stormwater management strategy required by condition 12 the Greater Wellington Regional Council recommends that the AMP also includes:

- *Sediment quality monitoring;*
- *Benthic habitat monitoring;*
- *Incorporating recommendations from the Kaitiaki monitoring framework under Method M2 of the PNRP (once developed);*

These matters have been excluded from this condition of consent because they are outside of the matters of control under Rule RR50 of the Proposed Natural Resource Plan.

Note 2: The Regional Kaitiaki Monitoring Framework is not currently defined, but is required under Method M2 of the Proposed Natural Resources Plan (June, 2015). The consent holder may be invited to contribute to the development of this framework, as it could impact how cultural values monitoring is undertaken on global stormwater consents.

5. The consent holder shall undertake all stormwater monitoring in accordance with the approved AMP (or subsequent updated AMP's).

6. All sampling techniques, including sample preservation and dispatch to the analysing laboratory, employed in respect of the conditions of this consent shall be carried out by suitably trained and experienced persons in accordance with best practice and in accordance with the requirements of the analysing laboratory. All water and sediment analyses undertaken in connection with this consent shall be performed by an Internationally Accredited (IANZ) registered laboratory.

Managing acute effects on Human Health

7. The consent holder shall commence a sanitary survey in a catchment(s) as soon as practicable but within 24hours either a), b) or c) occurring:

a) Any routine water sample collected under this consent has a faecal coliform count exceeding 10,000 cfu/100mL and these counts are higher than the concentration measured at the upstream control site in the catchment(s); or

b) Any two successive routine water samples at stream mouth and/or beach monitoring sites exceed 1,000 cfu/100ml, and these counts are higher than the concentration measured at the upstream control site in the catchment on the same day; or

c) The rolling 12-month median bacteria count obtained from undertaking monitoring as identified in the AMP exceeds 1,000 cfu/100 mL

Note: Bacteria means all the indicator organisms identified for the specific monitoring site in the Adaptive Monitoring Plan.

The sanitary survey shall consist of the following in the catchment that 7 (a), 7(b) or 7(c) was recorded:

d) A dry weather walkover and visual inspections, and

e) Dry and wet weather sampling of stormwater discharges to identify the source

f) Any other actions or investigations necessary to identify the source of contamination in accordance with the protocols in the AMP approved under Condition 4.

As soon as practicable or within 24 hours of receipt of analytical results from stormwater discharge monitoring undertaken during the sanitary survey, which confirms the presence of faecal coliform counts exceeding 10,000 cfu/100mL in the stormwater discharge, the consent holder shall Notify the Manager and Regional Public Health in writing. The notification shall include relevant sample collection details (including the date and time of sample collection, rainfall in the 24 hours prior to sampling, and weather and tidal conditions at the time of sampling), and proposed further water sampling and/or investigations.

The details and outcomes of any sanitary surveys undertaken shall be provided **monthly** to the Manager and summarised in the Annual Report as required by Condition 11.

Note 2: Notifications of high faecal coliforms must be emailed to GWRC on notifications@gw.govt.nz and Regional Public Health on healthprotection@huttvalleydhb.org.nz.

Immediate actions

8. If a sanitary survey indicates that there is the potential for adverse effects to human health resulting from discharges from the stormwater network, as established by monitoring undertaken in accordance with Condition 7, the consent holder shall:

- Establish temporary warning signs if necessary to prevent people coming into contact with the discharge;

- Whenever practicable implement immediate remedial works to address the causes of the contamination.

Note 1: The response timeframes of the consent holder may be subject to external factors such as, but not limited to, time required to gain access to private property should the site of potential remedial works require it, and engaging subcontractors to undertake remedial works.

Note 2: The intent of this condition is to prevent the public coming into contact with any discharge that could have the potential for acute effects on human health and to address the cause of the contamination as quickly as possible where a human health project is not required e.g. fix a broken sewer pipe or wastewater overflow.

Human Health Mitigation Projects

9. Human health mitigation projects shall be developed where either a) or b) occurs:

a) The rolling 12-month median bacteria count obtained from undertaking routine monthly monitoring in the receiving waters as identified in the AMP exceeds 1,000 cfu/100 mL; or

b) The sanitary survey undertaken in accordance with Condition 7 indicates continued contamination which has the potential to result in acute human health effects and this is linked to discharges from the stormwater network and the cause of the contamination has not been rectified through immediate actions as required by Condition 8.

Note: Bacteria means all the indicator organisms identified for the specific monitoring site in the Adaptive Monitoring Plan.

The project scopes shall be provided to the Manager, within 1 month of completion of the sanitary survey required under Conditions 7, with proposed implementation timeframes. The consent holder shall prioritise projects based on the significance and magnitude of acute effects.

The consent holder's projects may include, but not be limited to:

a) Installation of permanent signage

b) Further sewer /stormwater network investigations such as CCTV and/or faecal source tracking

c) Public education

d) Physical works

e) Further catchment investigations including ecological and cultural monitoring

The human health mitigation projects developed to manage any acute effects on human health shall be to the satisfaction of the Manager.

Note: It is noted that budget requirements are a consideration with the implementation of certain projects.

Note 2: The investigations and projects are to be programmed and undertaken based on their priority. The consent holder may be required to align the scheduling of the adaptive monitoring and SMS monitoring, investigations and projects with the budget requirements of the Annual budgets and Council Long Term Plan.

Incident notification and spills

10. The consent holder shall keep a permanent record of any known incident(s) involving major spillages or illegal discharges of chemicals, fuels, or other contaminant sources into the stormwater network that results, or could result, in an adverse effect on the freshwater and coastal marine area environments. The consent holder shall make the incident register available to Wellington Regional Council officers on request. The consent holder shall notify the Manager, of any such incident the next working day following the incident being brought to its attention.

    The consent holder shall forward an incident report to the Manager within **7 working days** of the incident occurring, unless otherwise agreed with the Manager.

    The report shall describe the manner and cause of the incident, measures taken to mitigate/control the incident (and/or illegal discharge), and measures to prevent recurrence.

    Note: The consent holder shall advise Wellington Regional Council on the day of the incident being brought to its attention by calling the Environmental Hotline on 0800 496 734.

Annual Report

11. The consent holder shall prepare and submit an Annual Report to the Manager **by 1 September each year.**

    The Annual Report shall include the following:

    a) A summary of physical capital and maintenance works carried out to the stormwater network in the preceding year;

    b) A summary of any expansions or additions to the stormwater network (such as new roads or subdivisions) in the preceding year;

c) A summary of routine monitoring results and analysis of results from previous years including differences and trends;

d) A summary of monitoring undertaken in accordance with the AMP;

e) Observations and photographs from the visual inspections undertaken during stormwater outfall discharge water quality monitoring;

f) A summary of sanitary survey results, remedial works, management actions and projects in relation to acute adverse effects on human health detected during monitoring;

g) Any other matters the consent holder considers relevant, including any follow-up actions resulting from the preceding year's operation.

Note: The Annual Report shall report on the year 1 July to 30 June inclusive.

Stormwater Management Strategy (SMS)

12. The consent holder shall prepare and submit to the Wellington Regional Council by 10 May 2022, a draft long term Stormwater Management Strategy (SMS).

The SMS shall be prepared in accordance with Schedule N of the Proposed Natural Resources Plan (or subsequent amendment).

Note: The purpose of the SMS is to:

a) Provide a strategy for how sub-catchments within the local authority stormwater network will be managed in accordance with any relevant objectives identified in the Proposed Natural Resources Plan (or subsequent amendment), including any relevant whaitua specific objectives at the time of developing the strategy; and

b) Describe how the stormwater network will be managed in accordance with good management practice and progressively through time, to minimise the adverse acute, chronic and cumulative effects of stormwater discharges on fresh and coastal water.

Review condition

13. The Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time within one month of the first and third anniversary of granting consent for the following purposes:

a) To review the adequacy of any report and/or monitoring requirements in relation to adverse effects on human health, and if necessary, amend these requirements;

b) To deal with any adverse effects on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later stage; and

c) To enable consistency with any relevant operative Regional Plans or National Environmental Standards, or Regulations.

The review of conditions shall allow for the deletion or amendment of conditions of this consent, and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.