



# Resource Consent

## RESOURCE MANAGEMENT ACT 1991

**Consent No. WGN160316 [34143]**

**Category: Discharge permit**

Pursuant to sections 104A, 105, 107 and 108, and subject to all the relevant provisions of the Resource Management Act 1991 and any regulations made thereunder, a consent in respect of a natural resource is hereby granted to:

<b>Name</b>	Kāpiti Coast District Council	
<b>Address</b>	175 Rimu Road, Private Bag 60601, Paraparaumu 5032	
<b>Duration of consent</b>	Granted: 11 May 2018	Expires: 11 May 2023
<b>Purpose for which right is granted</b>	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.	
<b>Location</b>	Paekakariki, Paraparaumu, Waikanae and Ōtaki	
<b>Legal description of land</b>	Various	
<b>Conditions</b>	1-13 as attached	

For and on behalf of  
WELLINGTON REGIONAL COUNCIL

.....  
Team Leader, Environmental Regulation

11 May 2018

Date: .....

# Summary of your rights and responsibilities

(Not part of the resource consent)

This resource consent gives you the right to use a public resource (e.g. water, air, the coastal marine area) in the manner specified in the consent.

You may exercise the resource consent as you see fit provided that you comply with all the conditions of your resource consent and all other laws of the land.

If you wish to change the way you operate under this resource consent or if you wish to change or cancel any consent conditions, please contact the Greater Wellington Regional Council (GWRC) prior to making the changes. You may need a formal change to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. If you sell your operation please contact GWRC and we will arrange the transfer for you (at no cost) once you've completed a 'Transfer of Permit' form including the signatures of the old and new owners.

If your resource consent application contained inaccurate or misleading information, GWRC may cancel or alter the resource consent.

Your resource consent does not:

- provide any warranty of any structure or process;
- provide any guarantee that the resource will be available at all times;
- provide any right of access through or over public or private land;
- negate the need for any approvals necessary under other legislation.

You as the holder(s) of this resource consent and your agents (including contractors and employees), are jointly and severally liable for compliance with the conditions of this consent. It is important that anyone operating on your behalf fully understands and complies with the conditions of the resource consent.

You are required to pay any relevant charges that are associated with the processing and monitoring of your consent under section 36 of the Resource Management Act 1991. Charges may be reviewed every year. If you would like a copy of our current Resource Management Charging Policy please ask us.

You have the right to object to the decision on your consent and/or any additional charges (over and above fixed charges) under section 357A and 357B of the Resource Management Act 1991. Such an objection should be made in writing, setting out the reasons, and be received by us within 15 working days of any decision on your consent and/or additional charges being notified to you.

You are required to allow GWRC Enforcement Officers access to your site and operation at any reasonable time so that we can inspect your operation and confirm that it is complying with your resource consent.

Your resource consent will lapse if you do not give effect to it within five years of the date it was granted (unless otherwise specified in the resource consent conditions). If you wish to apply for an extension of this lapse date please contact GWRC before the lapse date.

If you stop using your resource consent for a continuous five-year period, GWRC may cancel your resource consent. We will advise you in advance if we propose to cancel your consent. You have the right to object to your consent being cancelled.

This consent is issued without prejudice to any claim that is lodged with the Waitangi Tribunal in relation to the customary ownership of natural resources, whether it be a claim that is awaiting hearing or awaiting settlement by the Crown.

# Conditions to Resource Consent WGN160316 [34143]

## 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 Ōtāki, 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:

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



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*Note: Please email the updated AMP to [notifications@gw.govt.nz](mailto: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.



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## 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 24 hours 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](mailto:notifications@gw.govt.nz) and Regional Public Health on [healthprotection@huttvalleydhb.org.nz](mailto: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.*



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## 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.*



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## 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 whitua 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



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- 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.



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