Resource Consent

RESOURCE MANAGEMENT ACT 1991

Summary of decision

Consent No.	WAR220178	
Consent ID(s)	[38035] Discharge Permit – Stormwater	
Name	Masterton District Council (MDC)	
Address	PO Box 444, Masterton 5840	
Decision made under	Section 104A, 105, 107, and 108 of the Resource Management Act 1991	
Duration of consent	Granted: 6/12/22	Expires: 6/12/2027
Purpose for which consent(s) is granted	To discharge stormwater, including stormwater contaminated with wastewater, from the Masterton District Council owned stormwater networks to water and into or onto land, where it may enter water.	
Location	Various watercourses and land around the urban Masterton District, Wairarapa.	
Legal description of land	Various	
Conditions	See below	

Decision recommended by:	Genevieve Walker	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Michelle Conland	Resource Management Consultant for Environmental Regulation	
Decision approved by:	Nicola Arnesen	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged:	15/12/21	**Application officially received:**	15/12/21
Application stopped (S92(1)):	31/01/21	**Application started:**	25/11/22
Applicant to be notified of decision by:	12/11/22	**Applicant notified of decision on:**	6/12/22
Time taken to process application:	27 working days		

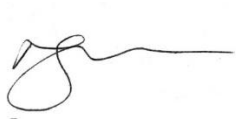
The applicant provided written agreement (WAR220178-714540057-59) on 5 September 2022 for an extension of timeframes under s37(1) to process the application, for an additional 15 working days under sections 37A(4) of the Act.

The reason for the extension is:

- To allow time to finalise application, given the s92 was requested on day 19; and
- Allow time for the applicant to review the conditions.

In making this decision Wellington Regional Council has given consideration to the following issues, as required by section 37A(1) of the Act:

- The interests of any person who the Council considers may be directly affected by the extension;
- The interests of the community in achieving adequate assessment of the effects of the proposal; and
- The Wellington Regional Council's duty under section 21 of the Act to avoid unreasonable delay.

Decision approved by:	Nicola Arnesen	Team Leader, Environmental Regulation	

Consent conditions

INTERPRETATIONS

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

Compliance Officer means officer or agent of the Wellington Regional Council.

Constructed overflows means deliberate overflows via wastewater pipes with built-in overflow designed to discharge into the stormwater network, or pump stations that redirect excess wastewater to the stormwater network when the wastewater network capacity is exceeded.

Manager means the Manager, Environmental Regulation, Wellington Regional Council

Sanitary survey means actions or investigations necessary to identify the source of faecal contamination, such as dry and wet weather water sampling, faecal source tracking (if applicable), visual inspections of the discharge (including lifting of manhole covers and closed-circuit television monitoring (CCTV)) and considering inputs from other sources such as illegal cross-connections and leaks from private wastewater laterals.

Stormwater is defined in the pNRP as 'Runoff that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure, as a result of precipitation and include any contaminants contained therein.'

Stormwater Network is defined as 'the network of devices designed to capture, detain, treat, transport and discharge stormwater, including but not limited to kerbs, intake structures, pipes, soak pits, sumps, swales and constructed ponds and wetlands, and that serve a road or more than one property.'

Stormwater Monitoring Plan means a strategy as described in Schedule N of the Proposed Natural Resources Plan, Chapter 12.

Unconstructed overflows mean unintentional overflows that occur when wastewater pipes receive flows in excess of their conveyance capacity as a result of heavy rainfall.

Wastewater network: A community reticulated wastewater system, including, but not limited to, a network of devices, pipes and pump stations, designed to accept and transport wastewater from properties to a treatment plant and then to disposal.

Wastewater network overflows (WNOs) means constructed and unconstructed overflows into the stormwater network.

Water sample means any water sample taken to monitor effects in the receiving environment.

General conditions

1. The location, implementation and operation of the activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 15 December 2021 and further information received on:

   - 5 September 2022: Response to further information request (received via email).

   - 25 September 2022: Response to further information request (via condition approval for mana whenua engagement – received via email).

   Where there may be contradiction 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, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Stormwater Monitoring Plan (SMP)

2. The consent holder shall **within six months of the granting of consent**, or within such longer time as may be agreed in consultation with the Manager, finalise and submit for certification by the Manager, a Stormwater Monitoring Plan (SMP) which:

   a) is generally consistent with the draft SMP submitted with the consent application; and

   b) addresses all matters listed in condition 3 below.

3. The purpose of the SMP is to set out the sampling locations, parameters, frequency, and methods to be adopted by the consent holder to monitor water quality, in order to establish the baseline state of the receiving water into which stormwater from the urban stormwater network discharges into, to monitor the contaminant concentrations of the stormwater discharged, to monitor and manage acute effects to human health, and any other information necessary to inform the long-term Stormwater Management Strategy required by condition 9 of this consent.

   The SMP required by condition 2 shall include, but not be limited to, the following detail:

   a) Monitoring objectives, including for the management of human health for the duration of this consent;

   b) Sampling locations, parameters and frequency of baseline and subsequent monitoring;

   c) Cultural Health Monitoring to inform the matters of condition 10;

   d) Identification of receiving environments where contaminated stormwater may result in acute health risks;

   e) Protocols to prevent people coming into contact with the contaminated receiving environment to minimise acute health risks (e.g. Through use of signage and notifying public of risk/avoidance of use of area for 48hrs);

   f) Reporting process; and

   g) A monitoring review process.

Note: It is intended that the GWRC SMP approval process will be within 20 working days, if the information provided is sufficient.

4. The consent holder shall undertake all stormwater monitoring, and the management of acute effects of stormwater discharges on human health detected during monitoring, in accordance with the approved SMP (or subsequent amendments).

5. The consent holder shall commence implementation of the monitoring plans developed in accordance with conditions 2 and 3, within 10 working days of receiving Manager certification.

6. Any amendments proposed to the approved plans required by conditions 2 and 3 shall be confirmed in writing by the consent holder and be certified by the Manager prior to implementation.

7. 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, or as otherwise approved by the Manager.

   Note: The consent holder should aim to collect water quality data that meets the highest quality code (QC 600) in the National Environmental Monitoring Standards (NEMS) when achievable.

Stormwater Management Strategy (SMS)

8. The consent holder shall, no later than **31 December 2024**, report to the Manager on progress with preparation of a SMS.

9. The consent holder shall prepare and submit to the Manager by **5 December 2026**, a draft long-term Stormwater Management Strategy (SMS).

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

   Note: The purpose of the SMS shall be 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 that evolves through time, to minimise the adverse acute, chronic and cumulative effects of stormwater discharges on freshwater. The SMS shall be prepared in accordance with Schedule N of the Proposed Natural Resources Plan (or subsequent amendment).

10. The consent holder shall, within six months of grant of consent, engage with and invite a representative of both Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa to develop a Kaitiaki Monitoring Framework (KMF). Representatives of Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa may nominate a representative for their Iwi.

Any draft KMF or updates to the framework shall be provided to the Manager as soon as practical, with a draft KMF provided to the Manager no later than **31 December 2024.** The KMF shall be included in the SMS**.**

At a minimum (including any matters considered relevant by mana whenua), the plan should include the following:

i. The objectives of the kaitiaki monitoring

ii. The values of the receiving water bodies

iii. Ngā huanga as identified by mana whenua and sampling sites within sites of significance to mana whenua

iv. The locations of proposed monitoring

v. The kaitiaki indicators to be monitored

vi. The method, timing and frequency of monitoring proposed, and

vii. Methods and timing of reporting.

Note: This invitation may be accepted at any time during the duration of consent.

Management of acute effects of stormwater on human health

11. Management of acute effects of stormwater on human health shall be in general accordance with the process set out in Section 3 of the draft SMP (or subsequent amendments), and conditions 12 to 14 below. The outcomes shall be detailed in the Annual Report as required by condition 15 of this consent.

12. The consent holder shall commence a sanitary survey in the catchment(s) as soon as practicable but within 24 hours of receiving the results of either a), b) or c):

a) Any routine water sample collected under this consent which has an *Escherichia coli* (E.coli) count exceeding 10,000cfu/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 the monitoring sites, which 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 SMP exceeds 1,000 cfu/100ml.

The sanitary survey shall consist of the following in the catchment:

d) A dry weather walkover and visual inspections, and

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

f) Any other actions or investigations necessary to identify the source of contamination.

13. In accordance with condition 14, as soon as practicable or within 24 hours of receipt of analytical results from monitoring which identifies the presence of E.coli counts exceeding 10,000 cfu/100mL in the stormwater discharge or receiving environment monitoring sites, 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 conditions at the time of sampling) and proposed MDC response (e.g. methods to warn public such as erection of signage if evidence of wastewater discharges were identified).

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 15.

Note: Notifications of high E.coli concentrations must be emailed to GWRC on *notifications@gw.govt.nz* and Regional Public Health on *healthprotection@huttvalleydhb.org.nz*

Immediate actions

14. If the process set out in section 3 of the draft SMP (or subsequent amendments) or Condition 13 indicates that there is the potential for adverse effects on human health resulting from discharges from the stormwater network, the consent holder shall:

a) Establish temporary warning signs if necessary to prevent people coming into contact with the discharge, provide information via social media or MDC's website; and
b) whenever practicable implement immediate remedial works to address the causes of the contamination.

Note: 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 remediate the cause of a wastewater overflow.

Annual Report

15. The Consent Holder shall prepare and submit an Annual Report to the Manager by **1 December** each year (or within such longer time as may be agreed in consultation with the Manager) detailing the findings of the previous year's monitoring and any recommended variations to the SMP to be implemented in subsequent monitoring. The Annual Report shall include (but not be limited to) 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) Stormwater water quality monitoring results, including an evaluation of the results, an analysis of any dry and wet weather sampling results and differences, and an analysis of any differences of trends from previous results;

d) A summary of the results, management actions or remedial works in relation to any bacterial pathogen data gathered during monitoring;

e) A discussion of the key findings of the monitoring undertaken in relation to environmental effects and network performance; and

f) A summary of management actions in relation to acute adverse effects on human health detected during monitoring.

g) Recommendations for amendments to monitoring procedures or locations.

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

Review condition

16. The Greater 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, 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.

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 monitor and report on the quality of stormwater discharges and manage acute health effects of stormwater discharges on human health.

Reasons for decision report

1.0 Background

Masterton District Council (MDC; the applicant) has applied for a global consent for the discharge of stormwater, including stormwater contaminated with wastewater, to fresh water and into or onto land where it may enter water from their stormwater network. This activity will include authorising the existing discharge from the local authority stormwater network. MDC manages the network that collects, transports and disposes of stormwater, which is collectively referred to as the stormwater network. The intent of this consent is a two-stage process, in which this application comprises Stage 1. This is further outlined in section 1.1 of this report.

The ultimate receiving environment catchments for the stormwater network within the Masterton Township consists of three rivers which arise in the hills of the Tararua Ranges; the Ruamāhanga, the Waingawa and the Waipoua. The Waingawa flows through the westernmost aspect of the Masterton District, and provides the boundary between the Masterton and Carterton Districts for the northern part of the District. The Waipoua River joins the Masterton urban centre near the northern aspect of the township, and flows south-east before converging with the Ruamāhanga. The Ruamāhanga largely avoids the Masterton urban centre, flowing past the northern aspect of the town and converging with the Waipoua at the southern aspect of the town; The Ruamāhanga converges with the Waingawa River approximately 7.5km downstream of this point.

There are also a number of smaller urban streams in the sub-catchments that either flow through or arise in the urban centre. Three main spring fed streams play a key role in transporting water through the catchment, the Makoura, Kuripuni and Solway Streams. These streams arise due to the Masterton Fault, which forms an extensive network of spring fed channels which occupy the area between the Masterton Fault, Ruamāhanga and Waingawa Rivers.

The receiving environment catchments and smaller sub-catchment streams are shown below in figure 1, sourced from the application documents.

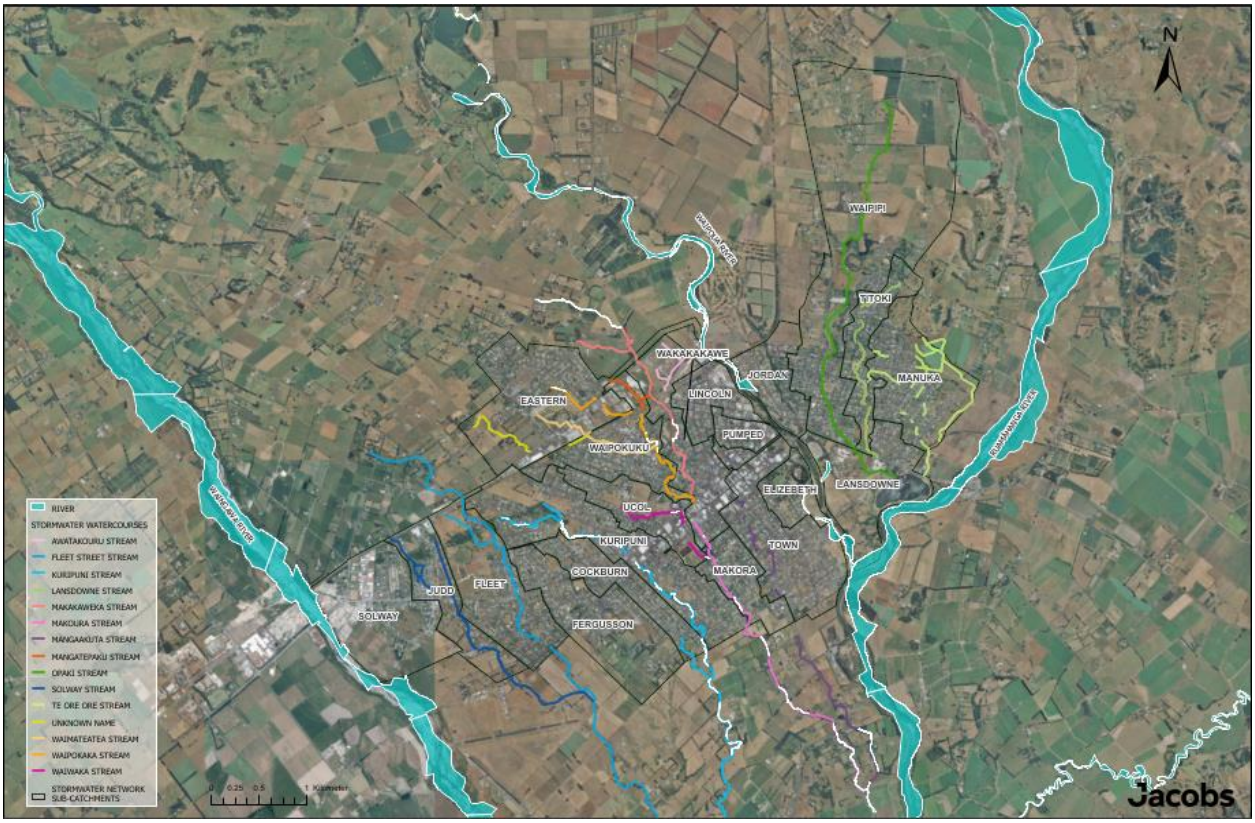


Figure 1: Masterton receiving environment catchments (three main rivers) and sub-catchments (main stem urban streams)

1.1 Planning context

The Proposed Natural Resources Plan (PNRP) was notified on 31 July 2015, and introduced a two-stage consenting regime for the discharge of stormwater to the receiving environment from local authority stormwater networks. The consent regime requires a 'global' approach for stormwater discharges from local authority networks. This approach is consistent with the overall intent of the PNRP, which is to manage natural and physical resources in a holistic manner, recognising they are interconnected and reliant upon one another.

Stage one of the consenting regime requires consent be obtained under Rule R52 as a controlled activity. Matters of control retained by GWRC under Rule R52 include:

1. Requirements to monitor and report on the quality of stormwater discharges to fresh and/or coastal water, including stormwater network 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 stormwater management strategy in accordance with Schedule N (stormwater strategy).

Stage two of the consenting regime requires consent be obtained under Rule R53 as a restricted discretionary activity. This rule requires the aforementioned stormwater strategy be included in the consent application. The matters of discretion under Rule R53 are restricted to:

1. The contents and implementation of the stormwater management strategy in accordance with Schedule N (stormwater strategy).
2. Development and implementation of methods, such as catchment-specific stormwater management plan(s), in accordance with any relevant objectives identified in the PNRP, including any relevant whaitua-specific objectives.
3. Management of adverse effects, including cumulative effects, on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use.
4. Management of adverse effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity).
5. Management of adverse effects on human health

The intention behind the two-stage consenting regime is that monitoring undertaken during Stage 1 will help to inform the development of a prioritised programme for improvements in the Stormwater Management Strategy (SMS) required by Stage 2. The five-year period of the Stage 1 consent is an appropriate timeframe to enable sufficient monitoring of stormwater discharges, to inform Stage 2.

1.2 Proposal

The applicant, MDC, has applied for a global discharge consent for discharges from the local authority stormwater network, in accordance with the requirements of Rule R52 of the PNRP (as outlined in section 1.1 of this report).

The proposal is to:

- Continue to discharge stormwater occasionally contaminated with wastewater into water from the Masterton District Council owned stormwater networks.

- Develop a Stormwater Management Strategy (SMS) over the term of the consent to monitor the water quality of stormwater discharges to receiving environment across the sub-catchment areas; Appendix C of the application describes the potential structure and contents of the SMS.

- The SMS aims to characterise existing water quality and the cumulative impacts of discharges through monitoring:

    a. Suspended sediment, metals, nutrients and hydrocarbons;

    b. Bacteria for contact recreation use;

    c. Identify relevant guidelines or limits related to “acute” adverse effects or “significant” adverse effects on primary and secondary contact recreation.

- A draft SMS shall be developed by the fourth year of the five-year term of this consent.

- The SMS will also require the Council to engage with mana whenua, to establish an appropriate kaitiaki monitoring framework (KMF) to inform Stage 2 of the consent.

A monitoring programme has been developed based on the following principles:

- To assess the cumulative effects of combined discharges from the stormwater network infrastructure within a stormwater sub-catchment on the receiving environments within the Masterton District.

- To target sampling upstream and downstream of the combined network discharges.

- Use an adaptive management approach. Not all receiving environments will be sampled initially; sub-catchments have been grouped based on common receiving environments and similarity in land use/ stormwater risk profile. One stream shall be sampled in environments with multiple competing land uses, as a representation of the sub-catchment. If issues are identified during monitoring, sampling can be modified.

- Monitoring parameters based on routine physicochemical stormwater contaminants, and biological contaminants in the three big rivers used for contact recreation.

- Effects of discharges to QE Lake and Henley Lake will be monitored.

2.0 Existing stormwater networks

2.1 The Masterton stormwater network

The Masterton stormwater network is characterised by a mixture of modified urban streams, open watercourses and piped networks. The network contains a high proportion of urban natural streams, however, the main stems of the urban streams are defined and mapped as waterways in the pNRP and are therefore considered to be receiving environments for the purposes of this consent application. All other side channels of these main stems of the urban streams that have not been mapped as watercourses under the pNRP are considered to be part of the stormwater drainage network.

There are three main spring fed streams that play a key role in transporting stormwater through the township: Solway, Kuripuni and Makoura. These three watercourses flow from the Masterton Springs which form a discrete and extensive network of spring fed channels that occupy the area between the Masterton Fault, Ruamāhanga and Waingawa Rivers.

The applicant has divided the MDC stormwater network into the following six sub-catchments (as defined by the MDC Asset Management Plan), which have been fully described in the application, and illustrated in figure 1. In summary:

1. **Solway stormwater network sub-catchment.**
   - Mainly piped network.
   - Waingawa River is the receiving environment.
   - Upstream/ downstream monitoring locations proposed for two main discharge points.

2. **Judd and Fleet stormwater network sub-catchments.**
   - Judd mainly soakage features, some piped/ open stormwater channels. Fleet mainly piped network.
   - Receiving environments are the Solway and Fleet Street Streams, with upstream/downstream monitoring proposed in these two streams.

3. **Fergusson, Cockburn and Kuripuni stormwater network sub-catchments.**
   - Mixture of piped and open watercourses.
   - Receiving environment is the Kuripuni Stream.
   - One upstream/ downstream sampling site for cumulative effects monitoring into the Kuripuni Stream.

4. **UCOL, Makoura, Town, Eastern, Waipokuku and Wakakakawe stormwater network sub-catchments.**
   - Mixture of sumps, open channels, and piped network.
   - Nine streams comprise the receiving environments – shown in figure 3-14 in the application.

- Three monitoring locations, two upstream and one downstream of the catchments' stormwater network.

5. **Chapel, Elizabeth, Pumped, Town, Lincoln and Jordan stormwater network sub-catchments.**
   - Mainly piped network, sumps, some kerb and channel, and open channels.
   - Receiving environment is the Waipoua River.
   - Upstream/ downstream monitoring proposed for the Waipoua River.
   - Downstream monitoring proposed for the Mangaakuta Stream, as no suitable upstream monitoring locations.

6. **Waipipi, Titoki, Manuka and Lansdowne stormwater network sub-catchments.**
   - Piped network, the Opaki Lansdowne and Te Ore Ore streams.
   - The Lansdowne catchment includes Henley Lake (man-made lake), which eventually discharges to the Ruamāhanga River.
   - Opaki Stream is the receiving environment for the Waipipi stormwater sub-catchment; upstream/ downstream monitoring location proposed.
   - Lansdowne Stream is the receiving environment for the Titoki sub-catchment; upstream/ downstream monitoring location proposed.
   - Te Ore Ore Stream is the receiving environment for the Manuka sub-catchment; upstream/ downstream monitoring location proposed.
   - The Ruamāhanga River is the ultimate receiving environment for all four sub catchments.

2.2 Existing stormwater network water quality information

In order to develop the SMS, the existing networks risk and impacts at present need to be understood. The review conducted in the application for each sub-catchment determined there was limited data available to characterise the effects of stormwater discharges across the Masterton urban area.

There is data on water quality, sediment quality, ecological values and contact recreation; however this data is only available for various streams and lakes, and largely limited to existing monitoring undertaken by GWRC State of the Environment (SoE) monitoring.

3.0 Reasons for resource consent

3.1 Proposed Natural Resources Plan

The Council's decision on the Proposed Natural Resources Plan (PNRP) was publicly notified on 31 July 2019. All rules in the PNRP (decisions version) had immediate legal effect under section 86B(1) of the Act. As the application was lodged after 31 July 2019 and after the resolution of all of the appeals by the

Environment Court, the PNRP (final appeals version, 2022) is relevant to determining the resource consents required, their activity status, and the substantive assessment of the proposal under section 104(1)(b) of the Act.

Section 86F of the Act allows rules to be treated as operative (and any previous rule inoperative) where any appeal on a rule is withdrawn or determined, including by way of consent order or Court decision. As all of the appeals on the PNRP rules have been determined by consent order, the rules in the PNRP can be treated as operative, even though the plan as a whole is not yet operative. As such, the rules in the Regional Freshwater Plan are no longer relevant.

RMA section	Rule	Status	Comments
15	R52 (previously numbered R50)	Restricted Discretionary	Consent for the discharge of stormwater has been applied for prior to 31 December 2021, and so will be processed under Rule R52 as a Controlled Activity.

I adopt the applicant's assessment of the receiving environments scheduled sites in accordance with s42A (1B)(a) of the Act.

3.2 Overall activity status

Overall, the activity must be assessed as a **controlled activity** under the Proposed Natural Resources Plan (final appeals version).

4.0 Consultation

Iwi authority	Comments
Rangitāne o Wairarapa	The applicant consulted with representatives of both mana whenua, and the application was sent to both Iwi via Te Wahi. Rangitāne o Wairarapa (RoW) commented via Te Wahi their opposition to the global stormwater consent application until they have capacity to review the application (noting all three Wairarapa District authorities submitted their global stormwater consents within December 2021). RoW requested the application be put on hold until Iwi have a better understanding of the application. The application was put on hold under s92 for further information in relation to iwi consultation. RoW commented on 14 July 2022, RoW found the application had so much information that there was little cultural evidence to support the report, no monitoring
Kahungunu ki Wairarapa	

	had been done, most of the streams were spring fed and the streams were in a bad state of noxious weeds and rubbish. As part of the applicant's engagement with RoW, a site meeting was held between Mr. Evans at MDC and representatives of Rangitāne o Wairarapa. A couple of sites, including Henley and QE lake, were visited as sites of particular concern to mana whenua. I note these sites were already proposed to be monitored. I spoke to Mr Evans of MDC on the phone regarding the site visit and ongoing consultation. I requested a timeline of proposed engagement with mana whenua for the duration of consent. I note this has not been provided. However, the condition review process has provided comfort that further engagement is planned, and the Kaitiaki Monitoring Framework (KMF) conditions provide for this engagement. The applicant also stated (via email dated 18 November 2022) that following conversation with MDC's Iwi Liaison officer, the biggest limitation of the conditions (as drafted) is availability of mana whenua to engage. The applicant suggested engaging someone respected or nominated by iwi to draft a Cultural Impact Assessment (CIA) (with agreement from both mana whenua partners) on the key issues to be addressed in the Stage 2 consent. A 6-month timeframe was recommended for this work, which will align with the 6-month deadline of the SMP. Condition 10 captures this requirement with the KMF, but it is recognised that the CIA will likely cover a larger ambit than those matters identified under the KMF condition 10. I am satisfied that matters of mana whenua concern can be appropriately managed through this process, in the lead up to the Stage 2 consent. I note the applicants s92 response was only fulfilled when these conditions for ongoing mana whenua engagement were agreed upon, to satisfy point 1 of the RFI. The comments suggest Mana Whenua have general concerns with the discharge of stormwater to water, and noted the lakes as particular areas of concern. The ongoing monitoring and engagement with Mana Whenua for the duration of this consent should aid in addressing these concerns, and establishing baseline monitoring data, including from a kaitiaki monitoring perspective.

Other parties or persons	Comments
Dr Michael Greer, Aquatic Scientist, Aquanet Limited	Dr Michael Greer provided an initial assessment and recommendations to inform a s92 further information request. Dr Greer was satisfied with the applicant's s92 response, for the reasons discussed in section 6 of this report. Dr Greer also reviewed the draft consent conditions and considered them to be appropriate.
Phil Vernon, health Protection officer, Te Whatu Ora (Regional Public Health)	Mr Vernon was consulted in relation to the assessment of acute effects to human health as part of this Stage 1 application. Mr Vernon's comments are discussed in section 6 of this report, but overall, I note Te Whatu Ora are supportive of establishing a monitoring programme which includes a focus on effects to human health.

5.0 Notification decision

5.1 The application is a controlled activity under R52 of the PNRP. As such, the activity is precluded from public notification but not limited notification. A decision was made to process the application on a non-notified basis on 3 October 2022. Further information on the notification decision is provided in document # WAR220178-714540057-10**.**

6.0 Environmental effects

As outlined in section 3 of this report the stormwater from a local authority network at plan notification is a controlled activity under Rule R52. Under this rule, GWRC retains control of the following matters:

1. Requirements to monitor and report on the quality of stormwater discharges to fresh and/or coastal water, including stormwater network 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 stormwater management strategy (SMS) in accordance with Schedule N (stormwater strategy)

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.

6.1 Stormwater contaminants

Stormwater can be contaminated by sediments, oils, greases, metals and organic material accumulated on roads and other impervious areas. Rubbish and contaminants accidentally and illegally discharged into the stormwater system also degrade the quality of water in the receiving environment.

Contaminants can accumulate on surfaces over time during dry periods between rain events (antecedent periods). Stormwater is not able to infiltrate impervious surfaces so runs overland, which provides a pathway for contaminants to become entrained, and during rain events these contaminants can be washed into the stormwater networks.

The degree of stormwater contamination is influenced by land uses such as transport routes and the extent of impervious surfaces. Contamination from surface run-off is an inherent part of stormwater.

Contaminants such as rubbish, wastewater, high sediment loads and toxins that enter stormwater other than through surface run-off can be managed to some degree by physical installations (eg grates and sumps to remove debris), earthworks best management practices, and educating the community about what should not be put into the stormwater network.

The stormwater and wastewater networks are often linked via constructed or unconstructed overflows, or due to leaks caused by inflow/infiltration. This can result in stormwater becoming contaminated with wastewater. The interactions between the stormwater and wastewater discharges will be investigated during the term of this consent.

With the exception of water quality as it relates 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 Stage 2 consent (Rule R53 of the PNRP).

Dr Greer considers the overall effects assessment provided to be largely sufficient, given the consenting pathway for this activity and the nature of consent being sought for information gathering purposes. The majority of technical aspects of the application were resolved prior to consent lodgement.

The applicant provided a thorough description of each sub-catchment and relevant receiving environments, including a risk assessment for each receiving environment, review of available monitoring data, and an analysis of the available existing water quality and sediment quality data. Dr Greer was satisfied with the draft SMS provided with the application.

6.2 Wastewater overflows

It is understood that wastewater overflows into stormwater have the potential to adversely affect receiving waterways and their values. The Masterton district consists of four wastewater treatment plants (WWTPs), 17.5km of piped

network and 12 pump stations. The three smaller WWTPs service Riversdale, Castlepoint, and Tinui. The Masterton urban area has one WWTP. The only authorised WW network overflow is under consent WAR120137 for Columbo Road, which during periods of high rainfall, discharges to a specific land area only.

MDC stated in the application that within Masterton, there is not thought to be much interaction between the wastewater and stormwater networks, due to the two separate systems, no combined overflows, and the stormwater network is not extensive. As such, MDC have a different approach to the management of acute effects of stormwater on human health, compared with other councils. Unlike the Wellington Stage 1 global stormwater consent, where there are significantly more constructed overflow points and wastewater/ stormwater cross connections, the MDC SMS will focus on the known recreation areas in the larger rivers, with no faecal monitoring proposed in the small urban streams as they are not considered to have regular contact recreation values/ uses.

However, MDC further clarified that *Council has an ongoing programme of renewals to reduce inflow and infiltration of stormwater to the wastewater network… Further work is planned to identify cross connections.* The interaction between wastewater overflows and associated stormwater discharges contaminated with wastewater will be investigated and reported under this consent.

The proposed conditions provide certainty that the plan will be sufficient to inform an effects assessment in five years' time; by this time the interaction between the stormwater and wastewater systems should be better understood.

6.3 Management of acute effects of stormwater on human health detected during monitoring

Mr Vernon of Te Whatu Ora (Regional Public Health) was consulted during the application process, as the public health unit which aims to improve and protect the health of the population in the Greater Wellington region.

Te Whatu Ora noted that there are gaps in the available data on the effects of stormwater discharges to surface water in Masterton, and the potential public health effects of these discharges. Te Whatu Ora therefore supports the establishment of a water quality monitoring programme, and appropriate monitoring parameters.

Te Whatu Ora believes that effects on public health of Masterton stormwater discharges are likely to be indirect and that improvements in water quality arising from the implementation of the plan will be sufficient to reduce public health effects. It was also noted there is opportunity for engagement with local groups and community in this process.

Based on the comments provided by Te Whatu Ora, I consider the proposal and conditions are appropriate to effectively manage and monitor acute effects to human health under this consent.

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 five years in accordance with matter of control number 3. Recommended consent conditions 8 and 9 (below) require the development and submission of a draft SMS within 4 years of granting this consent. This time frame is considered to be sufficient to allow adequate time for monitoring to be 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 processed to take into account monitoring data obtained between the submission of the draft SMS and the consent application being considered.

8. The consent holder shall, no later than **31 December 2024**, report to the Manager on progress with preparation of a SMS.

9. The consent holder shall prepare and submit to the Manager by **5 December 2026,** draft long-term Stormwater Management strategy (SMS).

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.

6.5 Summary of effects

I consider that it is currently difficult to quantify the effects that stormwater is having on the receiving environments due to the absence of monitoring data. 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 on the two receiving catchments and develop a comprehensive SMS in accordance with Schedule N of the PNRP and in preparation for the Stage 2 consent.

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 Rule 52 of the PNRP, including the management of acute effects of stormwater on human health detected during monitoring.

7.0 Statutory assessment

7.1 Part 2

8.0 Consideration of an application under section 104 of the Act is 'subject to Part 2' (sections 5, 6, 7 and 8) of the Act. Part 2 sets out the purpose and principles of the Act. I acknowledge the caselaw direction in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 that the statutory language in section 104 plainly contemplates direct consideration of Part 2 matters, when it is appropriate to do so. Further, the Court considered that where a plan has been competently prepared under the RMA it may be that in many cases there will be no need for the Council to refer to Part 2 because it would not add anything to the evaluative exercise. However, if there is doubt that a plan has been "competently prepared" under the RMA, then it will be appropriate and necessary to have regard to Part 2.

9.0 In my view, the relevant Operative and Proposed Regional Plans are competently prepared and I do not consider there is a need to refer to Part 2.

9.1 Section 104-108AA 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 6 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment.
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020	The NPS-FM sets out objectives and policies that direct local government to manage fresh water through regional policy statements, regional plans and in the consideration of resource consent applications. The 2017 amendment to the NPS-FM gave greater prominence to the concept of Te Mana o te Wai (the integrated and holistic well-being of a freshwater body). Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the water and restores and preserves the balance between the water, the wider environment, and the community. The NPS-FM 2020 also sets out a hierarchy that prioritises:

RMA section	Matter to consider	Comment
		(a) first, the health and well-being of water bodies and freshwater ecosystems *(b) second, the health needs of people (such as drinking water)* *(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.* I consider that the assessment of the water quantity and quality effects of the stormwater discharges goes some way to meeting the requirements of the NPS-FM, and will assist with the information needed for the Stage 2 application for an assessment under the National Objectives Framework set out in the NPS-FM. Engagement with mana whenua will assist with meeting Policies 1 and 2 of the NPS-FM. Policy 3 recognises the integrated management of freshwater, including effects of use and development of land on a whole-of-catchment basis. Effects on the sub-catchments and ultimate receiving environments are being considered through this global consent application.
104(1)(b)(v)	Regional Policy Statement, including where it has been amended by proposed Change 1 to the RPS (August 2022)	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 consider for this application are outlined below.
	Objective	**Policy**
	Objective 10 - The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.	Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure Policy 8: Protecting regionally significant infrastructure

RMA section	Matter to consider	Comment
	Objective 12 – natural and physical resources are managed in such a way that prioritises: a) first, the health and well-being of water bodies and freshwater ecosystems b) second, the health needs of people (such as drinking water) c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; and The six principles of te mana o Te Wai.	Objective 12 seeks that the quantity and quality of fresh water meets the range of uses and values for which water is required, safeguards the life supporting capacity and meets the reasonably foreseeable needs of future generations. The proposal is consistent with this objective. This objective, as amended by proposed Change 1, seeks to manage the natural and physical resource in a way that provides for Te Mana o te Wai. This proposal is seeking to manage ongoing discharges to freshwater, via ongoing monitoring and response to these discharges, and information gathering which will be undertaken under this consent.
	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 40: As amended by proposed Change 1, protecting and enhancing the health and well-being of water bodies and freshwater ecosystems. Policy P42, as amended by proposed Change 1, relates to controlling the effects on freshwater from urban development. This states that applications must give effect to Te Mana o te Wai and have particular regard to a number of matters including the use of Water Sensitive Urban Design principles, minimising the extent of earthworks, and requiring hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows. This will be factored into the proposal on the sub-catchment level. Policy 64: Supporting a whole of catchment approach. This application supports this approach, however for

RMA section	Matter to consider	Comment
		ease of monitoring has been divided into several sub-catchments.
	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. Mana whenua have been engaged by MDC, and a site visit has been carried out. Conditions of consent support ongoing engagement with mana whenua for the duration of this consent.
104(1)(b)(vi)	**Proposed Natural Resources Plan** (final appeals version)	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan (decisions version).
	Objective/Policy	*Comment*
	Objectives O9, O10 and Policies P6, P7(h), and P11	These objectives and policies relate to: - The beneficial use and development of natural resources, including water. - Recreational values of watercourses. - The use and ongoing operation of regionally significant infrastructure (which by definition includes stormwater networks, and in the context of this consent also includes the interaction with the wastewater network). The proposal is considered consistent with these objectives and policies. Specifically, the proposal: - Will develop a SMS to reduce effects and restore values in accordance with the provision and timeframe of the PNRP. - Recognises the benefits of the stormwater network as regionally significant infrastructure by having regard to the operational requirements of the network.
	Objectives O12, O13, and Policies P18, P19, P20 P21	These objectives and policies relate to Māori relationships with natural resources and recognises the importance of mauri, mana whenua relationships with the environment the

RMA section	Matter to consider	Comment
		cultural relationship of Māori with water and kaitiakitanga. Iwi have been involved in the consent process, predominantly post consent being applied for, through the hui held between both Kahungunu ki Wairarapa and Rangitāne o Wairarapa. Engagement with Mana Whenua outlined key areas of concern (being the two lakes and new subdivisions in general), and also provided a schedule for ongoing discussions through the 5 year consent duration. These discussions will aid in the drafting of a Cultural Impact Assessment (CIA) under the Stage 2 consent. In this regard, consent conditions have been designed to: - Ensure that water quality monitoring within key sites recommended by mana whenua is undertaken and that the results are interpreted from a mana whenua perspective; and - Facilitate the development of the regional Kaitiaki Monitoring Framework after which time a specific Mana Whenua Values Monitoring Plan will be developed and implemented under this consent. The intention of these conditions is to inform the SMS, and to facilitate the drafting of a detailed cultural impact assessment in the SMS. The SMS will develop a prioritised program for improvement of areas within the stormwater network. Long term it is anticipated that impacts to Māori customary use and sites of significance will be reduced.
	Objectives O17, O18, O19, and Policies P9, P30 P77, P78	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, and Māori customary use.

RMA section	Matter to consider	Comment
		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 applicant will also undertake monitoring to fill the knowledge gap regarding the level of effect on aquatic ecosystems, recreational values and Māori customary use. 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 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 O28, and Policies P42, P44, P47 P48	These objectives and policies relate to sites with significant values, including indigenous biodiversity values (Schedule F1) and mana whenua values (Schedule C). The ultimate receiving watercourse, being the Ruamāhanga (upper and lower sections) is listed in the PNRP as a site 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 approximately 4-5 years.

RMA section	Matter to consider	Comment
		Conditions of consent have been developed in consultation with a suitably qualified and experienced environmental scientist 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 O36, O37, O38 and Policies P65, P66, P83, P84, P85, P87,	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. P65 was inserted as a result of the NPS-FM 2014. 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. P83 and P84 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. Under this consent water quality is required to be monitored and a Draft SMS developed. The SMS will develop a prioritised program for improvement of areas within the stormwater network. P85 which relates to Stage 1 consents 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

RMA section	Matter to consider	Comment
		designed to specifically align with the requirements of these policies and objectives. Conditions of consent have been included to ensure that acute adverse effects are managed during the Stage 1 consent.
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. I consider the discharge is consistent with the purpose of the Act (RMA 1991), under s107(2), for a consent authority to grant a discharge permit which may contravene s15 of the Act. The discharge is existing, and the intent of the consent is to monitor the existing stormwater network discharge and its effects to the receiving environment. I consider this is consistent with the sustainable management of natural and physical resources.
108 – 108AA	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.

10.0 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 Regional Policy Statement and Proposed Natural Resources Plan (final appeals version).

3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor over the short term of the consent.

4. Conditions of the consent will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.

5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

11.0 Duration of consent

A duration of 5 years has been recommended in accordance with the matters of control for Rule R52 and direction of Policy P85 in the PNRP.

12.0 Monitoring

Monitoring schedule

Consent monitoring charges apply for the consent approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of $60. This covers costs associated with the administration of your consent.

2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.

3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

		Amount	Charge code(s)
Customer service charge	1 consent	$60.00	
Monitoring charge	Variable		
SOE charge	Yes	$540.00	4.3.4.3
Further notes (if applicable)			

*Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent.

The GWRC Resource Management Charging Policy is reviewed on an annual basis and may alter these charges.