



Resource Consent

RESOURCE MANAGEMENT ACT 1991

Consent No. WGN180027 [34920]

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:

Name	Wellington Water Limited	
Address	Private Bag 39804, Wellington Mail Centre, Petone 5045	
Duration of consent	Granted: 30 November 2018	Expires: 30 November 2023
Purpose for which right is granted	Discharge permit for the discharge of stormwater, and stormwater occasionally contaminated with wastewater, into fresh or coastal water, and onto or into land (including land in the coastal marine area) where it may enter fresh and coastal water from the Wellington City Council, Porirua City Council, Hutt City Council and Upper Hutt City Council owned stormwater network.	
Location	Various watercourses, the CMA and land around Wellington, Porirua, Hutt and Upper Hutt cities.	
Legal description of land	Various	
Conditions	1-18 as attached	

For and on behalf of
WELLINGTON REGIONAL COUNCIL

Team Leader, Environmental Regulation

Date: 30 November 2018

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 WGN180027 [34920]

Definitions

The following expressions have the meaning given:

Bacteria means all the indicator organisms identified for the specific monitoring sites in the stormwater monitoring plan.

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.

Unconstructed overflows means unintentional overflows that occur when wastewater pipes receive flows in excess of their conveyance capacity as a result of heavy rainfall and surcharge predominantly through service access chamber lids (manholes).

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

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. Sanitary survey techniques will be undertaken as outlined in the Wastewater Overflows into the Stormwater Network Management and Procedures Plan (WOSNMP) by condition 10.

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

General conditions

1. The consent holder shall operate the proposed discharges in general accordance with the consent application and associated documents lodged with the Wellington Regional Council on 28 July 2017 and further information received on:
 - 2 May 2018 (response to further information request email with attachments)
 - 11 May 2018 (email with attached source file of wastewater network overflow to stormwater coordinates)
 - 1 June 2018 (email with attached map showing wastewater network overflows to stormwater)
 - 9 August 2018 (email with spreadsheet and map detailing wastewater network overflow information)

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.

2. Wastewater contamination of the stormwater network from new wastewater networks or connections (constructed overflows) are not authorised by this consent.

Monitoring Plans

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3. The consent holder shall **within six months** of the granting of this consent, or within such longer time as may be agreed in consultation with the Manager, submit for approval of the Manager a *Stormwater Monitoring Plan* (SMP).

The SMP shall be approved, to confirm it addresses all the matters listed in Condition 4.

4. The purpose of the SMP is to set out the monitoring and other information-gathering necessary to inform the management of acute effects on human health and the development of the long term Stormwater Management Strategy required by Condition 17.

The SMP shall include at a minimum the following detail:

- a) Monitoring objectives;
- b) Stormwater discharge, and freshwater and coastal receiving water sampling locations, including:
 - i) Identification of high priority sampling sites based on existing knowledge; and
 - ii) Sampling sites located within sites of significance to iwi developed in consultation with iwi. These should include but may not be limited to locations within sites identified in Schedule C of the Proposed Natural Resource Plan
- c) Water quality, sediment quality and/or ecological variables and associated test methods;
- d) Bacteria indicator organisms identified for specific monitoring sites for the purposes of monitoring effects to human health
- e) Key metadata and other supporting information that is to be collected, including weather conditions, field observations and photographs;
- f) Linkages with other existing resource consents and/or monitoring programmes;
- g) Data assessment and reporting procedures; and
- h) Timing and process for reviewing the SMP, including the personnel that will undertake the review.

Note 1: The consent holder has engaged a group of environmental scientists (known as the Technical Review Group, (TRG)) to advise on the content of the SMP. The consent holder will collate recommendations made by the TRG, determine the final content of SMP, and submit the SMP to Greater Wellington Regional Council for approval.

Note 2: Modelling will be required to inform the draft Stormwater Management Strategy (SMS) required by condition 17 of this consent. To inform the modelling appropriate hydrological information will need to be gathered and collated.

5. The consent holder shall in collaboration with Greater Wellington Regional Council and iwi contribute to and help to facilitate the development of the Regional Framework for Kaitiaki Monitoring required by Method M2 of the Proposed Natural Resources Plan. This shall include contributing to and helping to facilitate the development of a Kaitiaki Freshwater Health Index.
6. Within 6 months of the development of the Regional Kaitiaki Monitoring Framework required by Method M2 of the Proposed Natural Resource Plan the consent holder shall submit for approval to the Manager a *Mana Whenua Values Monitoring Plan* (MWVMP) which has been developed in consultation with relevant iwi authorities and in accordance with the Regional Kaitiaki Monitoring Framework.
7. The consent holder shall commence implementation of the monitoring plans developed in accordance with conditions 3 and 6 within 10 working days of receiving approval.

Note: The consent holder intends to progressively implement the monitoring outlined in the SMP to monitor priority catchments first.

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8. Any amendments proposed to the approved plans required by condition 3 and 6 shall be confirmed in writing by the consent holder and be to the satisfaction of the Manager prior to implementation.
9. 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.

Management of acute human health effects

10. The consent holder shall **within three months** of the granting of this consent, submit for approval of the Manager a Wastewater Overflows into the Stormwater Network Management and Procedures Plan (WOSNMP) that sets out how actual or potential acute effects on human health will be communicated and managed. This procedure shall be prepared in consultation with Regional Public Health and include at a minimum:
 - a) An overview summary of the different sources of wastewater overflows that enter the stormwater system, including wastewater from constructed overflows, unconstructed overflows, illegal cross-connections and leaks from private laterals;
 - b) Detail of sanitary survey procedures and detailed upstream catchment investigations including but not limited to specific upstream catchment investigations in the Hutt, Akatarawa and Whakatikei rivers to be followed in the event that the trigger limits outlined in condition 11 are recorded.
 - c) Actions to be taken if the source of wastewater is identified, including for known and newly identified wastewater sources;
 - d) Risk communication procedure(s) to be followed to inform the public of the actual or potential presence of wastewater overflows, including but not limited to:
 - i) measures to inform and educate the public about the human health risks associated with stormwater discharges;
 - ii) the use of automated notifications to inform recreational users of sewage overflows (for example, by posting to a web site and/or text message);
 - iii) the timing and recipients of notifications to Regional Public Health and Greater Wellington Regional Council of sample results that indicate a potential acute effect to human health. Notifications may include results from culvert discharge sampling and/or receiving environment sampling;
 - e) A review of existing health warning signage to distinguish between ongoing versus acute short-term health risks; and
 - f) A process for reviewing and updating the procedure on at least an annual basis in conjunction with the SMP.

Note: Risk communication procedures shall be consistent with the Microbiological water quality guidelines for marine and freshwater recreational areas (MfE/MoH 2003); or subsequent amendment.

11. The consent holder shall commence a sanitary survey, actions and risk communication procedures in accordance with the methods and procedures approved under condition 10 in the relevant upstream catchment(s) as soon as practicable but within 24 hours of receipt of analytical results of either a), b), c) or d) occurring:
 - a) Any water sample collected in dry weather from a stormwater outfall or pipe under this consent has an indicator bacteria count exceeding 10,000 cfu/100mL; or

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- b) Any two successive routine water samples collected at a coastal receiving water site exceed 1,000 indicator bacteria count per 100 mL; or
- c) Any two successive routine water samples collected at a freshwater receiving water site, with the exception of any sites on the Hutt, Akatarawa and Whakatikei rivers, exceed 1,000 indicator bacteria count per 100 mL;
- d) Any single dry weather water sample collected from the Hutt, Akatarawa or Whakatikei rivers exceeds 1,000 indicator bacteria count per 100 mL

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.

Immediate actions

12. 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 11, the consent holder shall:

- Undertake the actions and communications procedures approved in accordance with condition 10. This includes but may not be limited to establishing temporary warning signs if necessary to prevent people coming into contact with the discharge; and
- 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

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

- a) The rolling 12-month median indicator bacteria count obtained from undertaking routine monthly monitoring in the receiving waters exceeds 1,000 cfu/100 mL; or
- b) The sanitary survey undertaken in accordance with Conditions 10 and 11 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 12.

The project scopes shall be provided to the Manager, within 1 month of completion of the sanitary survey required under Conditions 10 and 11, 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 cultural and human health monitoring

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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 restrictions are a consideration with the implementation of certain projects.

Note 2: The investigations and projects are to be programmed and undertaken based on priority. It may be necessary for the consent holder to align the scheduling of monitoring, investigations and projects with funding confirmed through Council Annual Plans and Council Long Term Plans.

Stormwater Working Party

14. The consent holder shall in consultation with the Manager establish a **Stormwater Working Party (SWP)** and invite members of the party to a meeting at least annually for the duration of this consent.

The members of the SWP shall be representatives of key stakeholder organisations to be confirmed with the Manager and shall be sufficient for the purposes of:

- a) Reviewing key findings in the Annual Report;
- b) Engaging in the development of the draft Stormwater Management Strategy required by condition 17; and
- c) Any other relevant matters relating to the exercise of this consent.

For the purpose of this consent, the SWP shall have the following terms of reference:

- i) A meeting shall be called by the consent holder with no less than 20 working days' notice and at least annually;
- ii) The agenda for the meetings and any relevant reports shall be circulated to all SWP members a minimum of 10 working days prior to the meeting; and
- iii) Records of each meeting shall be kept and circulated to members within 20 working days of each meeting being held. The records should include, but not be limited to, issues discussed, actions agreed upon and any follow-up on agreed actions from previous meetings.

Note: the SWP is not a decision making group, but is a forum for the dissemination of information on consent compliance, impacts of stormwater discharges on receiving environments as the information becomes available, remedial actions taken and priorities for future work.

Annual Report

15. 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 to the stormwater network carried out in the previous year to mitigate acute effects on human health including on Human Health Mitigation Projects undertaken in accordance with condition 13;
- 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 water sample results that exceeded trigger levels specified in condition 11;
- d) The results of sanitary surveys required by condition 11, including details, findings and remedial works undertaken or planned (with timeframes) to address the source of contamination;

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- e) A summary of routine monitoring results and analysis of results from previous years including:
 - i) an assessment by an appropriately qualified and experienced environmental scientist(s) on the differences and trends, and the significance of the results from a human and environmental health perspective; and
 - ii) an assessment by an appropriately qualified and experienced person of the significance of the results from a mana whenua perspective (this should include but is not limited to specific reference to results of monitoring undertaken within the sites of significance identified in condition (4)(b)(ii));
- f) Observations and photographs from the visual inspections undertaken during stormwater outfall monitoring;
- g) An assessment by a suitably qualified and experienced environmental scientist of the adequacy of existing monitoring and investigations in identifying any adverse effects from stormwater discharges and recommendations for amendments to the SMP and WOSNMP;
- h) A summary of meetings held with the SWP required by condition 14; and
- i) An updated list of all known unconstructed wastewater networks overflows.

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

Note 2: It is recommended the TRG assess the SMP in year two of the consent and advise on any updates required.

Note 3: It is recommended the suitability of the monitoring programme for assessing effects on mahinga kai and customary use is reviewed in consultation with the relevant iwi authority.

- 16. The consent holder shall provide electronic copies of the Annual Report to the Stormwater Working Party (established by condition 14 of this consent).

Stormwater Management Strategy (SMS)

- 17. The consent holder shall prepare and submit to the Greater Wellington Regional Council by **30 November 2022** a draft long term Stormwater Management Strategy (SMS) in consultation with Stormwater Working Party required by condition 14.

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

Review condition

- 18. 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; 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 monitor and report on the quality of stormwater discharges, and manage acute health effects of stormwater discharges on human health.

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