

13 February 2019

Western Bay of Plenty District Council
c/- AECOM
PO Box 13161
Tauranga 3110

Attention: Ariell King

Dear Sir/Madam

Resource Consent Application RM17-0121 – Request for Further Information (s92 RMA)

Following review of WBoPDC's application for a comprehensive stormwater consent for the Central Catchments (Te Puna West and Minden) and discussion with the Applicant team regarding the same, please find a request for further information as outlined below.

Whilst we have endeavoured to identify the outstanding matters in this request, please note that further queries may arise due to the nature and complexity of the application.

General

We have previously discussed the overall piecemeal nature of the application and the subsequent difficulty that Council staff have had in reviewing the material and understanding what activities are proposed and are being applied for.

Both the original catchment management plan (CMP) by PMS and addendum by AECOM lack key information (including but not limited to stormwater modelling and ecological surveys), which means that the assessment of environmental effects is also incomplete.

Subsequently it is difficult to understand the existing stormwater situation and assess whether the proposed stormwater management measures are appropriate.

1. Please provide a single comprehensive CMP document to supersede the PMS document and AECOM gap analysis.

This should be structured as a 'living' document, to be updated as stormwater management activities are progressed and more information becomes available. It should address the matters in Chapter 7 of the Bay of Plenty Regional Council's Guidelines for the Development of Comprehensive Stormwater Consent Applications and Catchment Management Plans 2005/02. The CMP should be limited to the catchments in question.

2. Please provide a separate consent application report which fulfils the requirements of Schedule 4 of the Act, and includes complete coverage/assessment of the necessary matters. This includes:
 - a. An assessment of the proposal against the matters in Part 2 of the RMA;
 - b. An assessment of the proposal against the matters in s104(1)(b) of the RMA;

- c. An assessment of the effects of the activity on the environment, in accordance with clauses 6 and 7 of Schedule 4 of the RMA.
3. As a means of presenting the relevant supporting information succinctly and in an easy to manage way, please provide a GIS database or layers of the following:
 - a. Catchment and sub-catchment boundaries;
 - b. The details of all existing stormwater network assets (including outlets, open channels, ponds, wetlands, all recognized OLFPs (protected and otherwise), individual pipelines, earth structures, works in water bodies), including the applicable resource consent number(s). Ensure that the data on outlets includes the location, specifications, capacity, condition and photograph(s);
 - c. Secondary flowpaths;
 - d. Flood maps for different rainfall events;
 - e. Existing catchment areas where stormwater modelling has been undertaken;
 - f. Priority areas for future stormwater modelling;
 - g. Proposed capital works and their priority status;
 - h. Existing water quality information;
 - i. Existing land use;
 - j. Soil and geological information;
 - k. Groundwater/surface water interaction;
 - l. Industrial sites and hazards;
 - m. Sites of cultural, historical, archaeological and geological significance;
 - n. Existing water-related consents;
 - o. Receiving water information;
 - p. Monitoring sites;
 - q. Historic flooding;
 - r. Existing and potential erosion and sedimentation sites.

Note: Council may seek to require the maintenance of this database as a condition of consent. WBoPDC may already keep this information for its own asset management.

Condition: Any new discharges/structures/works to be authorised under this consent must be approved in writing and added to the schedule prior to construction.

Scope of Proposal

As an overall comment, please revise the application to incorporate updates on any stormwater related matters that may have advanced since the application was lodged.

4. In conjunction with (3) and for clarity in setting out the scope of the consent, please provide a schedule of the following:
 - a. All works and discharges to be authorised under this consent. This will form a baseline schedule to enable audit of new activities. The Applicant may already hold such asset management information in a readily shareable format.
 - b. All proposed management and mitigation methods, including capital works/infrastructure solutions, and policy solutions (District Plan, code of practice, education, etc). Include an updated schedule and budget for implementation.
 - c. All existing resource consents to be replaced by the CSC. Include consent numbers and grant/expiry dates. It appears that the revised list of consents in

Table 6 of the AECOM report does not include a number of relevant consents from Appendix J (Existing Stormwater Consents) of the PMS report. It is unclear whether this is because they are outside of the urban catchment, have expired, been withdrawn, or omitted for some other reason. Further, if any stormwater related consents have been sought and granted since the application was first lodged these should be included.

Note: Council may seek conditions of consent to ensure that new discharges/ structures/ works to be authorised under the consent must meet certain design criteria, be approved by Council in writing, and be added to the schedule in (2), prior to construction.

Hydrology

No hydrological calculations were presented; the modelling of Te Puna carried out in 2005 does not appear to have been peer reviewed; and no modelling has been provided for Minden.

As such, there is currently not enough valid information to assess the likely effects of the proposal or whether the stormwater management is acceptable, nor to determine whether the proposed monitoring is appropriate.

Please provide the following:

5. An updated, peer-reviewed modelling report for both Te Puna and Minden catchments.
 - a. Ensure the hydrological assumptions, including flows and volumes, are robust and correct, and incorporate the correct Tauranga Harbour sea levels.
 - b. Ensure that the report is consistent with BoPRCs *Stormwater Management Guidelines for the Bay of Plenty Region 2012/01* and *Hydrological and Hydraulic Guidelines 2012/2*.
 - c. Include clarification on whether or not the upgrades proposed for Te Puna West have been implemented and included in the modelling.

Water Quality and Freshwater Ecology

Overall the ecological reports provided for each catchment do not provide sufficient assessment of the aquatic values of waterways in the catchment (streams, drains, ponds); do not adequately identify the devices/measures proposed for mitigation; and do not assess the impact of such measures.

While it appears that the application supports low impact urban design, minimizing creation of stormwater, using devices/structures to improve water quality, and maintaining hydrologic neutrality, there is no certainty as to what devices will be implemented in different parts of each catchment, and to what effect.

As such, the application is lacking substantial detail on how the stormwater objectives of the CMP will actually be achieved.

6. Please provide revised ecology reports for both catchments that include substantiated (surveyed) descriptions of the receiving environments in each catchment. Include description of the ephemeral and perennial habitat conditions in the streams.
7. What are the invertebrate communities dominated by and what does this indicate about the sensitivity of the receiving environment? Again, please substantiate with survey information.
8. Sections 4.1.3 and 4.2.4 of the AECOM report provide some discussion on quality and quantity treatment options, but there is little throughout the report or application overall to identify where these are proposed to be implemented in either catchment. The recommendations in section 7 of the AECOM report are general and not site-specific. Please confirm the mitigation and management measures proposed and provide an

assessment of the effectiveness of these.

For example, on p73 of the AECOM report it is noted that gullies and streams in the Minden catchment may be suitable for conveyance and treatment if combined with riparian planting and enhancement. However, this is presumably based on the brief ecological assessment provided; proposals to discharge stormwater to surface water seem at odds with a low impact urban design approach; and reliance on riparian planting assumes that the Applicant is able to secure access rights to riparian margins through private land. Further detail is needed to substantiate the effectiveness of this approach.

9. Please provide further detail on the locations and frequency of proposed sampling for monitoring both water quality and sediment quality. In his review of the application, BoPRCs Freshwater Ecologist, Alastair Suren, recommended that monitoring of stormwater in catchments needs to examine sediment quality over time, as this is often where evidence of heavy metal accumulation is first detected.
10. The contaminant load modelling in Tables 9 to 11 of the AECOM report shows that heavy metals are predominantly generated from roads and other paved areas. The report states that the concentrations are below the ANZECC guidelines, however the long-term cumulative effects on receiving environments have not been assessed (e.g. estuarine sediments for Te Puna; soils and streams in Minden). Please advise.
11. The summary of BoPRC water quality monitoring in section 3.6.3 of the AECOM report shows that discharges from the Te Puna West catchment may be contributing to bacterial contamination of the foreshore. What mitigation is proposed to address this?
12. Table 13 (p73 of the PMS report and revised version on p59 of the AECOM report) identifies recommended methods for the protection of ecological values, but does not assess the environmental effects of these. Please advise.
13. For discharges of stormwater to ground soakage, please provide an assessment of impacts on groundwater quality and any groundwater takes in proximity.

Coastal Ecology

14. In terms of discharges to the CMA (Te Puna only), very little information has been provided on the ecological impacts on marine habitats. Please provide further discussion on whether any outfalls are causing physical degradation of the habitat (e.g. via erosion); or whether contamination may affect flora and fauna of receiving environment.
15. The monitoring proposed in section 7.5.1 of the AECOM report is focused on freshwater environment. It is recommended that monitoring also include sediment sampling for contaminants in the marine environment, at a minimum from the worst-case example of the outfalls.

Cultural values

16. A cultural impact assessment was undertaken in 2014 by Pirirakau. This assessment was conducted on the basis of a technical summary report of the CMP, as opposed to the full and final application (such as it is), and it is not clear whether Pirirakau have been consulted further. Please advise.
17. It is not clear how the recommended methods to manage/mitigate effects on cultural values (Table 14 of PMS report and Table 14b of AECOM report) correlate to the matters identified in the CIA. Please advise.
18. It is not clear whether there are other iwi/hapū with interest in the application catchments. Please advise how the interest groups were established. If other groups have an interest, an assessment of effects will be required.

Consultation

19. The application identifies stakeholders but does not identify any persons as being affected by the proposal. The CMP notes that a presentation was made to tangata whenua representatives in 2010; that consultation has been undertaken in the form of letter drops and the WBoPDC website; and implies that the public notification process for the consent application will be relied upon for consultation. Please advise if any further consultation has been undertaken, and provide evidence of the same.

Once we have received all information necessary to assess the effects of your proposal on the receiving environment, we will continue processing your application.

Please feel free to contact me regarding the requirements of this letter, on 07 571 8289 or steph@enspire.co.nz

When and how should I respond?

In accordance with section 92A(1) of the Resource Management Act 1991 (RMA) you must respond to this request by **6 March 2019**. You may either:

1. provide the required information,
2. write to us stating that you will supply the required information, but require a longer period in which to do so, or
3. write to us stating that you refuse to provide the required information.

What happens if I do not respond or refuse to provide the information?

If you do not respond by **6 March 2019** or respond indicating your refusal to provide the requested information, then under section 92B(2) of the RMA we must continue to process your application but your application is likely to be notified (incurring extra costs) and/or declined. If we decline your application, you have the right of appeal (s120 RMA) to the Environment Court.

Yours faithfully



Steph Hantler
Senior Environmental Planner
Enspire Consulting Limited

for General Manager Regulatory and Customer Service