

**From:** [Ann Nicholas](#)  
**To:** [Mary Pappon](#)  
**Cc:** [Greg Manzano](#)  
**Subject:** RE: RM17-0635 Further Info Request - Version 2 - NESFM  
**Date:** Thursday, 11 May 2023 4:08:48 pm  
**Attachments:** [image001.ipa](#)  
[3706 RLC RM17-06350AP Discharge Urban Stormwater RFI Response 5 110523.pdf](#)

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Hi Mary

Attached is a further/final update to the RFI.

Can you send me your updated RFI letter re the NES-FM as it was not attached (my letter was). My apologies for not requesting this sooner. I will cover the NES-FM in the updated application to be provided.

Kind regards

Ann

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**Ann Nicholas**  
**Principal - Planner**

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**From:** Mary Pappon <Mary.Pappon@boprc.govt.nz>  
**Sent:** Friday, March 24, 2023 3:58 PM  
**To:** Ann Nicholas <ann@sigmaconsult.co.nz>; Greg Manzano <Greg.Manzano@rotorualc.nz>  
**Subject:** RM17-0635 Further Info Request - Version 2 - NESFM

Hi Ann and Greg,  
Ann as discussed, just updating the s92 request to add in some questions around the NES-FM.

I've provided a little guidance in there around NES regs that might apply but am happy to discuss further

Kind Regards,  
Mary

**Mary Pappon**

Senior Consents Planner

**Bay of Plenty Regional Council Toi Moana**

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**Thriving together – mō te taiao, mō ngā tāngata**

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11 May 2023

Consents Officer  
Bay of Plenty Regional Council  
PO Box 364  
WHAKATANE 3158

Attention: Mary Pappon

Dear Mary,

**RM17-0635-AP – ROTORUA LAKES COUNCIL – DISCHARGE URBAN STORMWATER TO LAKE ROTORUA – REQUEST FOR FURTHER INFORMATION – UPDATE 5**

In your letter dated 23 May 2022, you have asked for further information. On 10 June 2022, 19 July 2022, 15 October 2022 and 23 March 2023 we provided interim responses to the 31 points, with a further update to be provided. The attachment has been updated to reflect this final information.

As discussed, we are now in the final stages of updating the application to include the further information and other information required to complete the documents ready for notification. The timeline is as follows:

- The amended application and AEE will be provided by 26 May 2023.
- The Cultural Values Assessment are programmed to be available by July 2023, although this process will proceed to completion in parallel with notification.
- Community consultation has been initiated with public input sought through the Council website.

I confirm that the applicant requested that the application is publicly notified in the application as provided previously. However, Greg Manzano [will confirm this formally as well](#).

Please contact me for any additional information or clarification.

Yours faithfully  
SIGMA CONSULTANTS LTD



Ann Nicholas  
Principal – Planner

**RM17-0635-AP – ROTORUA LAKES COUNCIL – DISCHARGE URBAN STORMWATER TO LAKE ROTORUA  
REQUEST FOR FURTHER INFORMATION – UPDATE 5**

The information requested is responded to as follows:

**Updates, amendments or changes to the application**

*In previous discussions I have queried whether there have been any changes to the application, the CMP or modelling since lodgment (or rather re-lodgment) in 2017.*

	<b>Request</b>	<b>Response</b>
1	<i>Please confirm whether there have been any changes or updates to the application, the CMP or modelling since lodgment</i>	The scope is confirmed as specifically excluding industrial zoned and high risk sites. Monitoring and modelling inputs have been updated.  An updated application was prepared in December 2018 as sent to you on 20 December 2018. This is being further updated to integrate all the points of further information and will be provided in mid May.
2	<i>Where changes have occurred, please provide further detail on this. If there are significant or extensive changes, I would recommend amending the relevant document(s) in its entirety so one document can be circulated rather than multiple documents with amendments.</i>	As above, one integrated document incorporates the response to request for further information.  The only exception will be the response to iwi/hapū and community engagement. This is ongoing.

**Existing Consents**

*Section 4.6 of the application advises that there are 39 consents relating to the discharge or diversion of stormwater and associated works. This section states that some of the consents have expired and are operating under s124 rights, while this application is processed.*

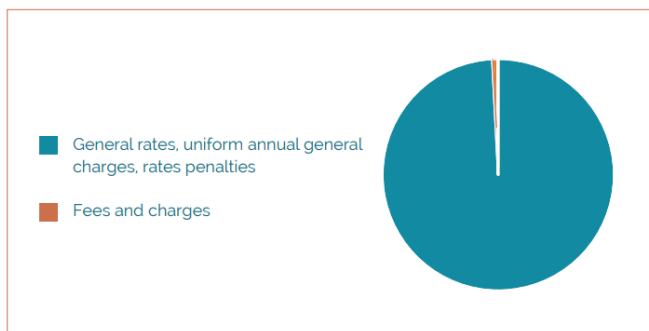
	<b>Request</b>	<b>Response</b>
3	<i>Please update Appendix D (if applicable) to advise any consents that may have expired (and be operating under s124) or that have been granted since the application was lodged and that RLC wishes to include in this consent.</i>	<u>Appendix D</u> was updated and attached to the response dated 19 July 2022. A further update is now available and will be provided in the amended application.  Discharge consent 23960 has expired. Discharge consents RM17-0301 and RM17-0070 are current and now included. Consent 20255 previously included but has been surrendered.

## Works undertaken to date

Section 4.12 of the application document provides a description of works that at the time of lodgement were under consideration. Given the time that has passed since lodging this consent, it would be helpful to understand if any of the measures identified in section 4.12 have been completed or if any other measures that have been implemented to manage stormwater since this time.

	Request	Response
4	Please provide a description of which works (if any) in the table under section 4.12 have been completed.	Table 6 in section 4.12 has been further updated and provided as attached. This will be included in the amended application.
5	<p>Please provide a detailed description of:</p> <ul style="list-style-type: none"> <li>Any works, upgrades, maintenance, flood mitigation that has been undertaken since consent lodgement; and</li> <li>Any works that are proposed. Please include the proposed timeframes for this work; and</li> <li>The allocation of funding for these works (e.g. what financial commitment has RLC made to undertaking proposed works?)</li> </ul>	<p>The changes to the list of proposed works have been provided as above.</p> <p>The updated project list is based on the Rotorua Stormwater Master Plan April 2021. This Master Plan was developed to identify stormwater upgrade works required to enable development within the Eastern and Western Catchments.</p> <p>Funding is allocated in the Rotorua Lakes Council Long Term Plan 2021-2031 as below. (pp 61-65).</p>

### How we will fund this activity



### Capital Expenditure

Project Type	Project Header Description	2021/22	2022/23	2023/24	2024-2031	Total Budget
Growth	Stormwater Network Expansion	7,393,000	3,500,000	3,000,000	11,500,000	25,393,000
Growth	Wharenui Estate (CIP funded)	3,000,000	6,000,000	5,953,300	-	14,953,300
LOS	Stormwater Network Enhancements	500,000	500,000	500,000	3,500,000	5,000,000
Renewal	Stormwater Network Renewal	3,000,000	3,000,000	3,000,000	21,000,000	30,000,000
<b>Total</b>		<b>13,893,000</b>	<b>13,000,000</b>	<b>12,453,300</b>	<b>36,000,000</b>	<b>75,346,300</b>

## Potential change of approach to this application

*I am aware that RLC is considering changing their approach to the scale of the application. If pursued this would mean that RLC would progress some catchments ahead of other catchments. For example, low-risk catchments might be progressed before those considered to be higher risk or contentious.*

*Before confirming this approach, I think it would be beneficial to discuss the pros and cons of this.*

	<b>Request</b>	<b>Response</b>
6	<i>Please confirm if this is the approach that RLC would like to take?</i>	No change to the scale of the application is proposed ie the application remains for the whole urban area and RLC does not intend to progress some catchments ahead of others.
7	<i>If this is the approach that RLC now considers appropriate, please identify which catchment(s) RLC would like the BOPRC to progress</i>	As above, the application includes the whole urban area catchment, with no separation of sub catchments.
8	<i>Please confirm if RLC intends to continue stormwater licensing from industrial sites? If this approach has changed, please advise how these sites will be managed into the future? For example, is it RLC's preference that those sites are excluded from the CSC and obtain their own consent?</i>	<p>The application seeks consent for all land except for sites zoned Industrial and high risk sites (it will include roads and reserves in RLC ownership).</p> <p>RLC intends to continue to license or register stormwater discharges, but this process is not intended to permit discharges to stormwater that exceed BOPRC permitted levels. It is proposed that RLC will monitor, investigate, identify where possible and assist the discharger to mitigate the discharge of contaminants where possible. It is proposed that BOPRC rules related to the discharge of contaminants to water or discharges to land that may enter water will continue to apply to individual dischargers. A Consent from BOPRC may be required for discharges that breach permitted levels.</p> <p>The updated application reflects this change.</p>

## Existing vs new development

*Does RLC intend to include green field development within the scope of the CSC? Typically greenfield development has been excluded from CSCs and developers have been required to obtain their own consents prior to development. This process sees the design and construction of stormwater networks to agreed standards and the effects associated with water quality and quantity assessed and considered upfront. This ensures the existing network is not overwhelmed (or further impacted). These consents are then amalgamated into the CSC once completed.*

	Request	Response
9	<i>Please confirm RLC's approach to development. Does RLC wish to include greenfield areas in the scope of the consent?</i>	Council will exclude greenfield areas. Developers/applicants will obtain individual consents and after that stage they may be integrated in the consent subject to an agreed process referenced in the CMP.

## Proposed Monitoring and Upgrades

*In our conversations we have discussed the approach taken by the Bay of Plenty Regional Council with regards to Comprehensive Stormwater Consents. This approach acknowledges the difficulties associated with an applicant assessing and understanding the full suite of effects associated with the discharge of stormwater across urban catchments. To date consent conditions require adaptive management, following the targeted monitoring and analysis of stormwater across these catchments. Conditions also require the prioritization of high-risk catchments for monitoring and infrastructure upgrades. It is expected over time, that the full urban area (authorized by this consent) will be progressively monitored and assessed, and that infrastructure will be upgraded to avoid, remedy or mitigate adverse effects associated with the discharge of stormwater to land and water. With that in mind:*

	Request	Response
10	<i>Please provide a detailed description of the catchment(s) that the Rotorua Lakes Council considers high risk and that RLC proposes to prioritise for monitoring and analysis and infrastructural upgrades (where required).</i>	<p>As advised above all sites zoned Industrial will be excluded.</p> <p>At this stage these sites are located in the Waitawa, Puarenga, Utuhina, Waiwhiro and Ngongotaha Stream catchments, being 5u, 6u, 7u, 15u, 16u, 17u, 19u and 27u.</p> <p>In relation to monitoring water quality, part of the strategy for licensing/ registering discharges from high risk sites is to provide information and the ability to access and sample discharges when</p>

	<b>Request</b>	<b>Response</b>
		<p>routine stream and network monitoring triggers investigative monitoring.</p> <p>However, as explained, the outcome of the iwi/hapū engagement process will inform the final location and selection of monitoring sites. It is anticipated that this will be used to inform the application process as it is notified and decisions made.</p> <p>It is proposed that all catchments will be monitored at strategic locations and at locations identified as important through the engagement process. A Draft Monitoring Strategy has been prepared and is included in the updated Application.</p> <p>RLC has a focus on enabling development and where there are flooding issues (quantity) then this will be addressed at the time of development. Funding has also been allocated to address localised flooding issues, with renewal also funded on an annual basis.</p>
11	<i>Please provide a timeline for when RLC proposes that the monitoring of these catchments will commence.</i>	Monitoring is already undertaken by RLC and the strategy is being reviewed and updated, as explained above.
12	<i>Please provide a general monitoring regime for urban stormwater which will enable RLC to understand water quality and quantity effects across the Rotorua Urban Area. For the purpose of this question, I believe it is important that RLC submit a proposal that can be reviewed by BOPRC and amendments made where necessary. It is anticipated that such a regime would be incorporated in consent conditions and applied across the various Rotorua Urban Stormwater Catchments</i>	As above, the monitoring regime is being further developed and will be finalised through this process, including through notification and decision making.
13	<i>Please consider and comment on whether such monitoring could commence alongside the processing of the consent as a way of</i>	Monitoring is already undertaken and changes will be made as investigations proceed and decisions are made.

	Request	Response
	<i>understanding some of the effects associated with the discharge of stormwater in specific catchment(s).</i>	
14	Please provide an assessment relating to any state of the environment monitoring undertaken which helps to understand the risks throughout the catchment in a rain event.	The application as lodged provides information about state of the environment monitoring and other results.  Further information will be provided as it becomes available.

### Allocation of resources

*It is acknowledged that the operation, maintenance and upgrading of such an extensive system is an expensive undertaking.*

	Request	Response
15	<i>Please provide a detailed description of how RLC is allocating funding for the operation, maintenance and upgrading of the stormwater system, currently and into the future</i>	The Stormwater Asset Management Plan guides works in relation to the stormwater infrastructure – funding is allocated through the RLC Long Term Plan 2021-2031 as referenced above. Table 6 also refers.

### Stormwater Modelling

*Information provided in the consent application explains that stormwater modelling has been completed for four catchments and has partially been undertaken for three further catchments. In her technical review (dated 13/02/2016) Ms. Sue Southerwood recommended that a modelling program be required as a condition of consent with associated timeframes. Ms Southerwood’s proposed wording is as follows:*

*“Within 2 years all high priority modelling shall be completed and within 5 years all catchments to have been modelled and modelling reports provided to BOPRC. The information to be provided to BOPRC will include flood maps for various rainfall events and a list of prioritised capital works to be carried out.”*

	Request	Response
16	<i>Please confirm if any further modelling has been undertaken since the lodgement of the consent application? PROVIDE THIS INFO TO US</i>	A summary of modelling undertaken to date was provided in July 2022. This has been updated and the latest information is attached.



	<b>Request</b>	<b>Response</b>
17	<i>Please comment on whether RLC has any work scheduled to undertake such works</i>	As above, modelling is scheduled across the urban catchments. Stormwater modelling in Ngongotaha area is planned to be carried out (by external consultants) in next 18 months.
18	<i>Please comment on this proposed wording of this consent condition. Is a condition of this nature something that would be supported by RLC and the timeframes achievable?</i>	A timeframe of 5 years for high priority modelling and 10 years for all catchments is supported.

### **Monitoring / Reporting**

*Given the extent of stormwater discharges throughout the Rotorua Urban Area which has occurred in an unconsented manner for an extended period of time, it is difficult to understand the effects associated with, and arising from the discharge of urban stormwater. Therefore, in our previous conversations we discussed undertaking a small-scale monitoring regime on the Utuhina Stream (near the industrial area) as a means of understanding the potential effects associated with the discharge of stormwater to water from a high-risk catchment.*

	<b>Request</b>	<b>Response</b>
19	<i>Please confirm if this monitoring has been undertaken</i>	Monitoring sites are proposed where major stormwater flows enter the stream. The final locations will be informed by the outcomes of iwi and stakeholder consultation.
20	<i>If this monitoring has been undertaken, please provide the outcome of that monitoring including an assessment of the effects associated with the discharge at that location</i>	Monitoring was reported in the application as lodged. Additional monitoring results will be provided when available.
21	<i>If applicable, please provide further information on any monitoring / reporting / analysis that has been undertaken to support the assessment of this application</i>	The information provided through this response and the updated application represent the most recent information. Further updates will be provided through the application process.

### **Consultation / Engagement**

*I understand that there have been attempts by Rotorua Lakes Council and/or their contractors to engage with tangata whenua across the Rotorua Urban Area as a means of understanding the effects of the activity on cultural values. It is not clear how this engagement has progressed*

	<b>Request</b>	<b>Response</b>
22	<i>Please provide a detailed description of consultation undertaken to date and the outcome of that consultation including (where applicable) how Rotorua Lakes Council proposes to give effect to that feedback.</i>	A comprehensive consultation programme has been agreed with Te Arawa Lakes Trust as the lead, as provided in October 2022. This programme commenced in early 2023 and the cultural impact assessment due for completion in July 2023.
23	<i>Please include detail on workshops held or meetings attended by RLC and tangata whenua representatives, meetings with iwi / hapu and proposed / fulfilled engagement plans (if relevant).</i>	As set out in the Engagement plan provided – to be reported on progressively.  Minutes from the first hui were provided on 17 February 2023..
24	<i>If applicable, please provide any Cultural Impact Assessment(s) or written approvals where these have been provided</i>	As above
25	<i>Please provide a description of any proposed consultation or engagement and the timeframes associated with this</i>	As above.
26	<i>If, to date, engagement has not been undertaken or completed please provide an explanation as to why this engagement has not been undertaken</i>	As above

*I understand that engagement with the Rotorua community affected by this application was proposed as a means of further understanding potential adverse effects associated with this activity.*

	<b>Request</b>	<b>Response</b>
27	<i>Please provide a detailed description of consultation undertaken to date with the community and the outcome of that consultation including (where applicable) how RLC proposes to give effect to that feedback</i>	As Stage 1 of the iwi engagement and consultation programme has been completed, community consultation commenced in March 2023.  Information from community consultation is included in the updated application but the process will proceed in parallel to notification.
28	<i>If, to date, engagement has not been undertaken or completed please provide an explanation as to why this engagement has not been undertaken.</i>	As above

*It is important that RLC engages with the Bay of Plenty Regional Council Rivers and Drainage (R&D) Team. R&D manage flood flows and the associated infrastructure (stop banks) across a number of waterways throughout the Rotorua Urban Area. As part of this, R&D provide an agreed level of flood mitigation for scheme members. Scheme members pay a targeted rate to access this mitigation. I understand that the level of mitigation may vary for each scheme. Therefore, it is important for RLC to understand the level of service BOPRC has agreed to*

and how the existing stormwater flows, and infrastructure fit with this. As the existing infrastructure and discharges are not currently authorised they may be impacting upon the level of service agreed between BOPRC and scheme members and on-going mitigation, by way of consent conditions, may be required. It is likely that this engagement will result in the imposition of consent condition(s) to avoid, remedy or mitigate these effects

	<b>Request</b>	<b>Response</b>
29	<i>Please commence engagement with Kirsty Brown and Bruce Crabb at BOPRC.</i>	A meeting was held on 24 March 2023.
30	<i>Please provide the outcome of that consultation including (where applicable) how RLC proposes to give effect to that feedback</i>	BOPRC provided an email setting out the outcomes sought by BOPRC. These requirements are noted and addressed in the updated application. The final conditions to the consent will be considered through the next stages of the application process and confirmed when a decision is made.

#### **National Policy Statement for Freshwater Management**

*The National Policy Statement for Freshwater Management 2011 that you assessed your application against has now been replaced.*

	<b>Request</b>	<b>Response</b>
30	<i>Please provide an updated policy assessment against the relevant objectives and policies of the NPS-FM 2020</i>	This is integrated in the updated application.

11 May 2023

**TABLE 6 – MAJOR STORMWATER PROJECTS/WORKS**

**ROTORUA LAKES COUNCIL – STORMWATER INFRASTRUCTURE**

<b>Catchment</b>	<b>Description of Project</b>	<b>Estimated Cost</b>	<b>Programmed completion date</b>
15	Linton Park Detention Pond Refurbishment of existing detention bund to comply with new building regulations and increased storage capacity.	\$12M	December 2023 (work is now underway)
4	Morey Street East and West Detention Dams to enable the development of about 1,000 lots within the Ngāti Whakaue Tribal Land at Wharenui Road.	\$15M	December 2023 (work is now underway)
13, 14, 15	Several detention ponds and stormwater network upgrades within the greater Uthina catchment. These works will mitigate existing flooding problems, address climate change and enable development of the PC2 area and infill development within the urbanised areas of Catchment 13, 14 and 15.	\$39.30M	Stage 1 – October 2026  Stage 2 – July 2027  Stage 3 – June 2028 (Detailed Feasibility Study underway)
4	Stormwater Conveyance upgrades of the Kaipukau catchment to address flooding issues and climate change and enable development of the Owhatiura South Block and other areas	\$5.0M	December 2025
18	Stormwater detention pond and stormwater network upgrade to address flooding issues and climate change and enable development within the Frank Street and part of Waikite Rugby Club.	\$3.32M	December 2027
13	Stormwater detention ponds to address flooding issues and climate change and enable infill development within Catchment 13 of the stormwater system.	\$15.26M	December 2027
17	Stormwater network upgrades to address flooding issues and climate change and enable development at Bennetts Road.	\$3.47M	December 2027
8, 9, 12	Stormwater network upgrades including a new stormwater pump station – to address flooding issues and climate change and enable development at Whakatau Street, Glenholme area, Lytton Street and Victoria Street.	\$21.13M	June 2028
7	Stormwater network upgrades to address flooding issues and climate change and enable intensification at White Street, Marguerita Street and Fenton Street.	\$17.99M	June 2028
8, 9	Stormwater network upgrade to enable development of the Recycling Centre at Te Ngae Road.	\$2.08M	June 2028

8	Stormwater network upgrade to enable development of the Rotorua Racecourse (subject to planning approvals).	\$2.48M	December 2028
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**ROTORUA LAKES COUNCIL  
STORMWATER INFRASTRUCTURE MODELLING**

**(a) Modelled catchments to assess proposed developments within the specific catchments**

<b>No.</b>	<b>Catchment Modelled</b>	<b>Model Build Software</b>
1	Catchment 4	InfoWorks ICM
2	Catchment 5	InfoWorks ICM
3	Catchment 6	InfoWorks ICM
4	Catchment 7	InfoWorks ICM
5	Catchment 8	InfoWorks ICM
6	Catchment 9	InfoWorks ICM
7	Catchment 12	InfoWorks ICM
8	Catchment 14	InfoWorks ICM
9	Catchment 15	InfoWorks ICM
10	Catchment 18	InfoWorks ICM
11	Masterplan model covering catchments 1 to 6 in the east and catchments contributing to Utuhina Stream in the west	TUFLOW
12	Catchment 3 (work underway – March 2023)	InfoWorks ICM
13	Ngongotaha catchments	TUFLOW

**(b) Programmed catchment modelling to a detailed feasibility level**

This modelling work will assess the feasibility of proposed stormwater enabling works within specific catchments (refer also Table 6.)

<b>Catchment</b>	<b>Description of proposed stormwater enabling works</b>	<b>Programmed start of modelling work</b>
13, 14, 15	Several detention ponds and stormwater network upgrades within the greater Utuhina catchment. These works will mitigate existing flooding problems, address climate change and enable development of the PC2 area and infill development within the urbanised areas of Catchment 13, 14 and 15.	June 2023
4	Stormwater conveyance upgrades of the Kaipukau catchment to address flooding issues and climate change and enable development of the Owhatiura South Block and other areas.	January 2024
18	Stormwater detention pond and stormwater network upgrade to address flooding issues and climate change and enable development within the Frank Street and part of Waikite Rugby Club.	April 2024

13	Stormwater detention ponds to address flooding issues and climate change and enable infill development within Catchment 13 of the stormwater system.	April 2024
17	Stormwater network upgrades to address flooding issues and climate change and enable development at Bennetts Road	April 2024
8, 9,12	Stormwater network upgrades including a new stormwater pump station to address flooding issues and climate change and enable development at Whakatau Street, Glenholme area, Lytton Street and Victoria Street.	April 2025
7	Stormwater network upgrades to address flooding issues and climate change and enable intensification at White Street, Marguerita Street and Fenton Street.	April 2025
8, 9	Stormwater network upgrade to enable development of the Recycling Centre at Te Ngae Road.	April 2025
8	Stormwater network upgrade to enable development of the Rotorua Racecourse (subject to planning approvals.)	April 2025