

1.0 Regional Consent Conditions – Stormwater Discharge

Discharge Permit – to divert and discharge stormwater to land and to water associated with a Residential, Greenway and Commercial

Consent Duration: 35 years

1.1 General Conditions

- (1) The diversion and discharge of wastewater to land authorised by this resource consent shall be undertaken in general accordance with the application documentation as listed in XXX dated XXX recorded as document number XXXXXX in the Waikato Regional Council's document recorder system unless inconsistent with the conditions below, which must prevail..
- (2) The Consent Holder shall be responsible for all contracted operations relating to the exercise of this resource consent and shall ensure contractors are made aware of the conditions of this consent and their requirement to comply with those conditions.
- (3) The consent holder must appoint a representative prior to commencement of any works authorised by this resource consent, who must be the Waikato Regional Council's principal contact person in regard to matters relating to this resource consent. The consent holder must inform the Waikato Regional Council of the representative's name and how they can be contacted prior to this resource consent being exercised.
- (4) A copy of this resource consent and any certified management plans shall be kept onsite at all times that the works authorised by this resource consent are being undertaken and shall be produced without unreasonable delay upon request from an agent of the Waikato Regional Council.
- (5) The consent holder must be responsible for all contracted operations relating to the exercise of this resource consent, and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
- (6) The stormwater network authorised by this resource consent does not authorise stormwater diversion and discharge activities from private lots.

Advice Note 1: *The consent holder is responsible for ensuring that all on-lot source controls are established and maintained in operational condition over the duration of this consent, and for meeting the requirements of this consent at point of discharge to the stormwater network and receiving environment.*

- (7) The Consent Holder must be responsible for the design, structural integrity and maintenance of the stormwater network, and must operate and maintain the stormwater network to meet the requirements of this resource consent. Following construction, no alterations shall be made to the stormwater network (other than to meet the requirements of this resource consent) without first submitting detailed design drawings and report(s) to the Waikato Regional Council for technical certification prior to altering the stormwater network.

1.1.1 Fees and Charges

- (8) The Consent Holder must pay to the consent authority any administrative charge fixed in accordance with section 36 of the *RMA*, or any charge prescribed in accordance with regulations made under section 360 of the *RMA*.

1.1.2 Consent Lapse

- (9) Pursuant to clause 26(2) of Schedule 5 to the *FTAA*, the consents numbered **RCXX** shall lapse thirty-five (35) years from the date of commencement unless it has been given effect to, surrendered, or been cancelled at an earlier date.

1.1.3 Review

- (10) The Waikato Regional Council may at any time two months either side of June 2030, 2035, 2040, 2045, 2050 and 2055 serve notice on the consent holder under section 128(1) of the Resource Management Act (1991) and commence a review of the conditions of this resource consent for the following purposes:

- a. To review the effectiveness of the conditions of this resource consent in avoiding, remedying or mitigating any adverse effects on the environment and, if necessary, to address such effects by way of further or amended conditions;
- b. To require the consent holder to adopt the Best Practicable Option or other specific measures to avoid, remedy or mitigate any adverse effects on the environment;
- c. To review the adequacy and necessity for the monitoring and reporting undertaken by the consent holder and, if necessary, to amend or introduce new monitoring conditions.

Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act (1991).

1.2 Stormwater Detailed Design

- (11) The consent holder must retain suitably qualified and experienced practitioners to complete and finalise the detailed design of the stormwater network.

The detailed design drawings and report must be to an acceptable standard and submitted to the Waikato Regional Council for technical certification prior to construction of the stormwater network.

***Advice Note 1:** Condition 1 requires that the consented stormwater network is constructed in general accordance with the application documentation, providing flexibility for minor stormwater network design changes subject to the consented design criteria still being achieved. Conditions 11 (detailed design) and 13 (as-builts) provide for regulatory oversight of minor design changes to the stormwater network. The purpose of this approach is to avoid an administrative Section 127 change of condition application for minor design changes which do not impact the consented design criteria.*

- (12) At least twenty (20) working days prior to commencement of works, the Consent Holder shall submit a Stormwater Management Plan (SMP) to WRC for certification. No works shall commence until the SMP has been certified by WRC. The objective of the SMP is to demonstrate that the proposed stormwater management is the best practicable option, taking

into consideration the existing site features. The SMP must include but not be limited to the following information:

- a. An assessment of the Best Practical Option (BPO) approach adopted, accounting for elevated groundwater across the stormwater system, including Basin B
- b. Confirmation of attenuation requirements for the 2-, 10-, and 100-year ARI events (including extended detention, retention of initial abstraction volume, and water quality treatment), and include details on the optimisation of infrastructure sizing
- c. Demonstrate no adverse downstream flood or erosion effects for all relevant design events
- d. Provide detailed Greenway outlet design that manages energy dissipation and geotechnical constraints that are both constructable and empathetic to the landscape
- e. Assessment and management of effects of all discharges to receiving drains and open water bodies (including flood depth and duration, scour, and erosion effects)
- f. A flood risk assessment including a model build report

1.2.1 As-Built Certification Statements

(13) The consent holder must retain suitably qualified and experienced practitioners to prepare and sign As Built Certification Statements which certify that the stormwater network has been constructed in accordance with the Detailed Design as required by Condition 6. The As Built Certification Statements must be submitted to the Waikato Regional Council within 1 month of completion of the construction works.

1.3 Transitional Infrastructure

(14) The stormwater network must be fitted with pre-treatment devices until all development is complete and fully established. The pre-treatment devices must be subject to review and technical certification by the Waikato Regional Council.

1.4 Stormwater Quality and Receiving Environment

(15) The consent holder must manage the stormwater network to avoid the following stormwater quantity effects:

- a. Adverse scour, erosion and sediment deposition on land, property, and the beds of downstream water bodies
- b. Adverse flooding of land, property and downstream water bodies; and
- c. Adverse effects on aquatic ecosystems

All such adverse effects that are more than minor must be addressed in the manner provided for in Condition 14, where they have been caused by the stormwater diversion and discharge activities authorised by this resource consent.

Advice Note: *Stormwater diversion and discharge activities in conjunction with urban land-use, can adversely affect flood potential by either limiting the rate at which stormwater drains from a catchment, or by increasing the rate and volume of discharge to downstream catchments. Whilst such effects are the subject of this consent, it is also recognised that 'levels of service' for flood alleviation in urban catchments are established by territorial authorities through separate*

statutory procedures and community consultation. The 'levels of service' that are established between the territorial authority and the community are not the subject of this resource consent.

- (16) As soon as practicable after becoming aware of any of the adverse effects specified in Condition 13, the consent holder must submit a report to the Waikato Regional Council in relation to the adverse effects. As a minimum, the report must include:
- a. A description of the adverse effects;
 - b. A description of the cause of the adverse effects;
 - c. An explanation of any measures taken to remedy or mitigate the adverse effects, the outcome of those measures, and whether further measures are necessary and reasonably practicable; and
 - d. If no measures have been taken in accordance with (c), a description of any reasonably practicable measures that could be taken to remedy or mitigate the adverse effects and a recommendation as to whether those measures are necessary.

The consent holder must liaise with the Waikato Regional Council with a view to determining any reasonably practicable measures which should be taken to remedy or mitigate the adverse effects.

Advice Note: *Separate resource consents may be required to undertake remedial or mitigation works. The consent holder is advised to obtain all such consents at its sole expense, prior to any works being undertaken*

1.5 Stormwater Quality and Receiving Environment

- (17) The consent holder must manage the stormwater network to avoid the discharge of suspended solids and any other substances that are likely to cause the following effects in downstream water bodies after reasonable mixing:
- (a) Conspicuous changes in colour or visual clarity;
 - (b) Smothering of benthic organisms by sediment; or
 - (c) Increases in suspended solids concentrations by more than 10 percent or exceedance of 80 grams per cubic metre (whichever is the lesser).
- (18) The consent holder must manage the stormwater network to avoid the discharge of hazardous substances in concentrations that are likely to adversely affect aquatic life, or the suitability of water for human consumption after treatment. Where a question arises as to whether the concentration of any particular hazardous substance is causing these effects, it must be determined through the application of the United States Environmental Protection Agency National Recommended Water Quality Criteria (USEPA, 2009) – Criteria Maximum Concentration, or any other technical publication technically certified in advance by the Waikato Regional Council.
- (19) The consent holder must manage the stormwater network to avoid the discharge of micro-organisms in concentrations that are likely to adversely affect human health. Where a question arises as to whether the concentration of micro-organisms is adversely affecting human health, it must be determined through the application of the Microbiological Water Quality

Guidelines for Marine and Freshwater Recreational Areas (MfE, 2003), or any other technical publication technically certified in advance by the Waikato Regional Council.

- (20) The consent holder must manage the stormwater network to avoid discharges that are likely to adversely affect aquatic ecosystems and cause the following effects in downstream water bodies after reasonable mixing:
- (d) Dissolved oxygen levels to fall below 80% of saturation;
 - (e) pH to fall below 6 or exceed 9;
 - (f) Suspended sediments to smother benthic organisms;
 - (g) Undesirable biological growths;
 - (h) Water temperature to change by more than 3oC or exceed 23oC;
 - (i) Turbidity levels to exceed 25 NTU;
 - (j) Ammoniacal nitrogen concentrations to exceed 0.88 grams of nitrogen per cubic metre; and
 - (k) Other contaminant concentrations to exceed the United States Environmental Protection Agency National Recommended Water Quality Criteria (USEPA, 2009) – Criteria Maximum Concentration.

The consent holder must manage the stormwater network to avoid the discharge of any substance that is likely to cause the production of conspicuous oil, or grease films, scums or foams, or floatable suspended materials in downstream water bodies after reasonable mixing.

1.6 Operations and Maintenance

- (21) The Consent Holder must undertake routine inspections of the stormwater network and its management devices and is responsible for ensuring that these are operated and maintained to function as designed at all times
- (22) The consent holder must undertake routine inspections of all stormwater inlet and outlet structures and is responsible for any future protection or erosion control works that become necessary to preserve the integrity and stability of land and downstream waterbodies in accordance with **Conditions XX and XX** of this resource consent.
- (23) The consent holder is responsible for maintaining all stormwater inlet and outlet structures clear of debris and other potential obstructions.

1.7 Stormwater Operation, Monitoring and Maintenance Management Plan (OMMP)

- (24) The consent holder must retain suitably qualified and experienced practitioners to prepare an Operations, Monitoring and Maintenance Plan (OMMP) for the stormwater network. The main objectives of the OMMP are to:
- Describe the operation, monitoring and maintenance procedures that the consent holder will routinely implement;
 - Ensure that the stormwater network is operated and maintained to function as designed; and
 - Meet the overall requirements of this resource consent.

The OMMP must provide for all operation, monitoring and maintenance requirements and include, as a minimum, the following details:

- (a) Design parameters of the stormwater network;
- (b) Operation and maintenance procedures for the stormwater network, including the frequency of these procedures;
- (c) Monitoring methods for the stormwater network and receiving environment downstream of the main discharge outlet, including the frequency of all monitoring procedures;
- (d) Inspection checklists for all aspects and elements of the stormwater network;
- (e) Inspection record keeping and processes to report **OMMP** activities to the **WRC**; and
- (f) Details of who will be responsible for overseeing the **OMMP**.

The OMMP must be prepared in consultation with the Matamata-Piako District Council and in general accordance with Waikato Regional Council's 'Waikato Stormwater Management Guideline' (WRC, TR20/07 or any subsequent updated version). It must also be to an acceptable standard and submitted to the Waikato Regional Council for technical certification at least 10 working days prior to the commencement of activities authorised by this resource consent.

Advice Note: The consent holder is advised that a Draft OMMP may be submitted to WRC with the detailed design of the stormwater network, as per **Condition 6** of this resource consent.

- (25) The consent holder must implement all operation, monitoring and maintenance requirements in accordance with the technically certified OMMP.
- (26) The OMMP may be amended at any time at the written request of the consent holder. Any changes to the OMMP must be subject to technical certification by the Waikato Regional Council prior to implementing these changes.

1.7.1 OMMP – Implementing and Reporting

- (27) The consent holder must submit to the Waikato Regional Council by 31 July each year records of monitoring, inspection and maintenance undertaken in accordance with the OMMP during the previous 1 July to 30 June period.

1.8 On-lot Devices Management Plan

- (28) The consent holder must retain a suitably qualified and experienced practitioner (stormwater engineer) to prepare an On-lot Devices Management Plan (**ODMP**). The main objective of the **ODMP** is to ensure that private on-lot stormwater devices are effectively managed, and that subsequent stormwater discharges to the stormwater network align with the requirements of this resource consent.
- (29) The **ODMP** must include, as a minimum, the following details:
 - (a) Design Statement for all on-lot stormwater devices including design specifications, best practicable option and a worked example showing site layout and option configuration;

- (b) Operation and maintenance procedures for all on-lot stormwater devices, including the frequency of these procedures;
- (c) Inspection checklists for all aspects and elements of the on-lot stormwater devices;
- (d) A schedule of the ongoing compliance monitoring and maintenance inspections to be undertaken by the consent holder, including the frequency of these inspections, to ensure that the on-lot stormwater devices are being properly operated and maintained; and
- (e) Details of who will be responsible for overseeing the **ODMP**.

The ODMP must be prepared in consultation with the Hamilton City Council. It must also be to an acceptable standard and submitted to the Waikato Regional Council for technical certification at least 20 working days prior to the commencement of activities authorised by this resource consent.

***Advice Note 1:** It is recognised that stormwater discharges via private on-lot connections to the stormwater network will contribute to the overall discharge activity authorised by this resource consent. However, this consent does not authorise these discharges. Rather, it is the responsibility of the consent holder to ensure that these discharges meet the requirements of this consent. Therefore, in terms of compliance with this consent, WRC can only monitor and enforce compliance with the consent holder, not third party private lot owners.*

***Advice Note 2:** The consent holder must ensure that all on-lot source controls are established and maintained over the duration of this resource consent in accordance with the certified ODMP.*

- (30) The consent holder must ensure that all operation, monitoring and maintenance requirements are implemented in accordance with the technically certified **ODMP**.
- (31) The **ODMP** may be amended at any time at the written request of the consent holder. Any changes to the **ODMP** must be subject to technical certification by the Waikato Regional Council prior to implementing these changes.

1.8.1 Advice Notes

- This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.
- This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (Sections 134 to 137 of the *RMA*). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
- The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
- The reasonable costs incurred by *WRC* arising from supervision and monitoring of this/these consents will be charged to the Consent Holder. This may include but not be limited to routine inspection of the site by *WRC* officers or agents, liaison with the Consent Holder, responding to

complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.

- Note that pursuant to Section 332 of the *RMA*, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.
- If at any time during the resource consent period, you no longer require your consent, it may be surrendered, in whole or part, by giving written notice of such to the consent authority. Alternatively, please contact Resource Use staff on 0800 800 402 and we can provide you with a surrender form. Note that the surrender takes formal effect when you receive a notice of acceptance of the surrender from the Council.