20230403 LGOIMA WRC 2011 resource consent

This is an odd statement from WRC – that they are hands off basically -

From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Monday, April 3, 2023 10:54 AM
To: Ian Holyoake <ian@moisturedetection.co.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Kia ora Ian,

Apologies for the confusion in my previous email.

TCDC is the authority responsible for managing the stormwater system in Whangamata. Waikato Regional Council is the regulatory authority – in other words WRC granted resource consent to TCDC to operate the stormwater system including any discharges to the environment. WRC also monitors TCDC's compliance with the conditions of the resource consent. How TCDC manages it SW system is up to them, WRC's role is to ensure that the system does not result in adverse effects on the environment by ensuring TCDC meets the consent conditions.

I have attached:
the decision report and certificates for TCDC's Comprehensive Stormwater Discharge Consents.
The last Annual report submitted to WRC by TCDC.
The last Compliance Inspection report prepared by WRC.

Based on the above information , can you please clarify what information you still require from WRC.

Kind Regards,

Alyx McDonald.

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From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Thursday, March 30, 2023 11:13 PM
To: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

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Hi Alyx

Firstly thank you for your response.

I will take this up with an information request directly to TCDC.

I naturally assumed WRC role was to act as an independent body to ensure TA's themselves met the laws.

For a TA to 'self-issue' takes away the natural and expected gatekeeper for the RMA. These are the protections I expected to be in place just in case TA's failed to not only understand their duties but to make good past permits for infrastructure that would no longer be acceptable under the RMA if a new application was made.

I do not accept the possibility that WRC and also EW have no say in any TCDC operational plan regarding water.

If I were to lodge a complaint would I lodge it with WRC, or EW or TCDC first, and then if I'm not satisfied lodge with WRC and then if I'm still not satisfied lodge with EW and if I'm still not satisfied with the Minister? Is that the chain of events?

I would like to now request this information.

1. Does TCDC lodge resource management plans like ***resource consent held by TCDC which covers its entire Whangamata stormwater network*** with WRC
2. If not why not
3. In respect to the ***resource consent held by TCDC which covers its entire Whangamata stormwater network*** please provide all documentation, correspondence, emails and minutes of meetings WRC (and its contractors and engineers and other outside parties) have had in the lead up to the 2011 (as you stated) ***resource consent held by TCDC which covers its entire Whangamata stormwater network.***
4. In respect to subsequent events since the self-issuing by TCDC of the ***resource consent held by TCDC which covers its entire Whangamata stormwater network*** please provide me all documentation, correspondence, emails and minutes of meetings WRC (and its contractors and engineers and other outside parties) have had following TCDC issuing the 2011 (as you stated) directive.
5. In response to question 4 above please provide me with all documentation, correspondence, emails and minutes of meetings WRC (and its contractors and engineers and other outside parties) have had in respect to any subsequent amendments to the 2011 policy (as you stated)
6. If WRC has had no communication, or input, or correspondence (including issuing or notices) to TCDC in respect to the ***resource consent held by TCDC which covers its entire Whangamata stormwater network*** please advise why not
7. In respect to question 6 above please state under what specific law or policy WRC does not need to get involved in resource consents for the use of water eg the ***resource consent held by TCDC which covers its entire Whangamata stormwater network***

Thank you

If my request is too broad, I am happy to visit you at your offices and discuss further these matters.

Ian Holyoake

Managing Director
Moisture Detection Company Ltd
Ratepayer Whangamata

From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Tuesday, March 28, 2023 10:47 AM
To: 'ian@moisturedetection.co.nz' <ian@moisturedetection.co.nz>
Subject: FW: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Kia ora Ian,

The Williamson Park stormwater pond and discharge are authorised by a resource consent held by TCDC which covers its entire Whangamata stormwater network. These consents were granted in 2011 and included all of TCDC's existing stormwater assets and discharges that were already established at that time.

Your questions are better directed to TCDC to respond to as the Williamson Park stormwater system is managed by that Council.

Can you please advise whether you have contacted TCDC already regarding this matter, and whether you wish for me to transfer your information request to TCDC.

Kind Regards,

Alyx McDonald

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From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Wednesday, March 15, 2023 8:47 AM
To: 'ian@moisturedetection.co.nz' <ian@moisturedetection.co.nz>
Subject: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Kia ora Ian,

Thank you for your information request received 14 March 2023.

What I am seeking is:
1. A copy of all WRC resource consents that cover the construction of the Lake and its discharge into the Ocean. These are to include who was approved, any conditions of use, any adverse effects and how these were to be mitigated, what maintenance requirements and performance standards were set into the resource consent for example cleaning the Lake and treating discharge other than the original natural watercourse. This would include how to mitigate Coastal erosion of the sand dunes and sand once liquified by the artificial water table around the Lake when it is not empty.

2. If no permits why not?
3. Was any discretionary powers included for example to meet Operational Plans of TCDC?
4. I understand the RMA and subsequent legislation provided for a sort of amnesty period to correct things like this. Has WRC made such application and when and provide a copy.
5. If not why not?
6. Any discharge permits issued in relation to volumes of water that can be discharged, or collected, quality of water that can be discharged, catchment areas that can be included in the redirection of land not included in the natural catchment areas and testing requirements. How was the impact of Coastal discharge satisfied?
7. If no conditions why not?
8. Any resource consents other than the TCDC Operational plan that TCDC have applied for to effect the function of detention ponds for example the Lake and discharge into the Ocean
9. A copy of the TCDC Operational Plan that WRC has approved. I have the TCDC Operational Plan but that does not reference WRC. Does TCDC need to seek WRC approval for any of the activities it requires to manage detention ponds, activities within natural stream beds and including artificial Lakes and Ocean discharges.
10. If WRC does not possess the TCDC Operational Plan can you please explain why TCDC is not required to seek such approval.
11. Would WRC agree to TCDC preparing and approving an Operational Plan (or in part) for the work I describe above to meet RMA requirements?
12. If TCDC were approved does WRC still manage the performance of that Operational Plan?
13. A copy of WRC policy, design, specification and management of detention ponds in general, like the artificial Lake at Williamson Park including changing, modifying or adapting natural water ways and in particular where they directly discharge to the Ocean or Estuary.
14. If the WRC detention pond specifications vary from the MBIE 2012 Guidelines for Artificial Lakes please provide an explanation of why they do.
15. Please provide any report available relating to Whangamata Coastline written by the WRC Coastal Engineer or manager of the Coastline (including that department). I understand WRC does not permit Coastal discharge.
16. Please provide a reference or copy of any external report covering in particular the Coastline along Whangamata Beach at the Williamson Park Lake discharge site.

In relation to timing of your response. TCDC are ready to release their Annual Plan and Long Term Plan 2023-2033 with a submission period closing 10th April 2023. They may be changing that to comply with s83(1)(b)(iii) of LGA but I must assume for now they will not change the closing date. I therefore need the information urgently. I appreciate this request is a particularly extensive one. I would accept modification of this LGOIMA if WRC intends to submit to TCDC during the submission period, or by way of special request to TCDC, WRC position and objectives and requirements that TCDC must consider and abide by in relation to Williamson Park Lake, storm water collection, containment and treatment of contaminants and discharge to the sea at the Coastline. I would require an early copy of that to allow any modification of this request so I can then evaluate WRC position so I can modify my submission to TCDC.

Council will respond as soon as possible, but in any case no later than 13 April 2023. At that time, you will be informed whether or not your request has been granted and, if granted, when Council expects to be able to provide you with the information.

If you have any further questions, please feel free to contact me.

Kind Regards,

Alyx McDonald

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