

Fundamentally, my view has not changed but I make the following points -

#### CONDITIONS

The panel have before them a largely agreed set of conditions. In particular I note the condition put forward regarding endeavours to avoid discharges during the April/May period when river flows are below the 20<sup>th</sup> FEP. It is my understanding that this to a large extent addresses the outstanding concerns of Mr Brown, and relates to reducing the risk of periphyton growth and associated effects on the life supporting capacity of the river during this period. Results and findings from the endeavours reporting required by this condition can be built in to ongoing refinements to the management of the treatment system over time. We have tried to draft a condition to reflect what is within the control of the applicant to manage.

In relation to the conditions regarding the question of pond seepage, while there is a large degree of agreement between the experts about some further monitoring being required. I consider it appropriate to consider ensuring that any imposed conditions are certain and enforceable. I do not consider it appropriate having wording such as 'noticeable' impact on groundwater concentration. It is my recommendation that the condition as drafted (12f) is appropriate and 12g can be modified to include reference to mass balance approach.

The applicant proposed conditions to require investigate optimisation, allowing for Ngati Kauwhata and TMI to consult on the report produced. As proposed by the applicant there is no requirement to act on any of the findings. I would suggest this could be strengthened by referring specifically to this report in the review condition proposed, and changes to the management of the discharges that are identified as practical and affordable during the term of the consent could be implemented. Further it would be valuable in determining a long term action plan which is considered to be highly desirable by a number of parties.

#### COMMENT ON OTHER MATTERS RAISED IN THE HEARING

A number of references have been made during the hearing regarding the permitted activity standard for permeability of pond liners. I noted in para 121 of my section 42A report that there is no rule that expressly permits storage facilities of MWE. Rule 14-16 (the only permitted activity referred to in the One Plan for storage and treatment facilities) specifically refers to the storage of human effluent. Therefore in my opinion it is not correct to refer to permitted activity standards for the permeability of meatworks effluent storage ponds.

A question was raised regarding whether it was correct to apply Policy 5-4, I am comfortable that this is the correct Policy to apply as the wording of the policy refers to water quality within the subzone.

Mr Edwards was asked a question regarding whether any guidance is given around when the One Plan targets are expected to be achieved by. I had not addressed this in my 42A report either. Some guidance is given in Section 5.6 of the One Plan in the table "Anticipated Environmental Results" In the first column "*During the life of this Plan, water quality maintains the values set in this plan*". It goes on to list two bullet points which in summary refer to water quality targets being no worse than

was the case prior to the plan becoming operative. In column three of the table a number of indicators are listed.

Under the current planning framework the lifecycle of a plan is 10 years (under 179(1), however this is only when you need to start the review and the process itself can take some time.

I have attached a paper prepared by the Horizons Policy Team that considers the implementation of the NPSFM 2014. While recognising that this is a 'work in progress' of note to me is it is being considered whether there is a need to review on a catchment basis what may need to be done to meet the NPSFM requirements.

I do not agree with the opinion of Mr Edwards that the irrigation component of the treatment system means the activity is infrastructure as defined by the act. In reading (e) *a water supply distribution system, including a system for irrigation* I believe it is more appropriate to take the 'ordinary meaning' and I don't believe that a water supply would be referring to treated meatworks effluent. I believe these definitions and provisions were written with a lens of applying to local authorities requiring status. Even the way the wording under policy 12-5(b) infers activities that are more likely undertaken as public good activities. I therefore do not consider this needs to be considered under the Policy 12-5(b) assessment.

#### TERM

Having listened to the various iwi submitters I am of the opinion that a term of approximately 13 years, to 1 July 2029 is appropriate. It is my opinion that there are ongoing cultural effects and uncertainty regarding some effects (pond seepage) and the guidance given in Policy 12-5 this term is appropriate. While the iwi submitters acknowledged that the proposed discharge structure would improve the Mauri of the water to some extent it is unlikely to address all of their cultural concerns and will continue to impact on some aspirational intentions for use of the river (other economic development such as tourism). My understanding from listening to submissions is there is not a seasonality to cultural values that can be mitigated through restricting discharges to the River to certain times of the year. Term is the only mitigation factor that I can see that would meaningfully address the contribution to the alienation of the iwi from the awa. As the main area of contention I do not see how this could be meaningfully dealt with through 128 reviews.

I do agree that adequate consideration needs to be given to the other well beings (social and economic) provided to the wider community from the ongoing operation of the Affco plant. While some indication of costs associated with various additional options has been put forward during the hearing, and the applicant has stated in their evidence they consider the cost of other measures would be cost prohibitive. This is the only evidence that has been put forward. The applicant, Ms Nuku in particular, notes the need for certainty for continued operation of the plant. My recommended term, in my opinion, should allow for sufficient time for an affordable plan to be developed which addresses the cultural effects and current uncertain effects to create a better instream environment. This can be built on the various monitoring conditions put forward as part of the application, including those additional conditions put forward by the applicant which I do give some weight to.

Mr Edwards references the Shannon decision where a 32 year term was granted as part of his consideration of term recommendation. I do not claim to be overly familiar with the decision, but I note that in that proposal the discharge to the River would occur, on average, 10 days a year and represented a considerable improvement to River quality. While this proposal is to operate a CLAWD system as well, it still proposes to introduce an increased annual load to the River albeit generally at less sensitive times of the year. On that basis I do not consider you are comparing apples with apples.

#### OVERALL JUDGEMENT

A number of submitters have put forward the view that sufficient work has been undertaken to demonstrate that full discharge to land is feasible. However, as noted in my 42A report I do not believe that requiring full discharge to land be undertaken is something that can be considered by way of conditions, rather a shorter term allows for consideration of wider assessment to be undertaken and costings made. The proposal as put forward must be considered on its merits.

Listening to the submissions from the iwi groups has consolidated my opinion in para 180 of my 42A report that not all the cultural concerns can be addressed through conditions of consent. This is not sufficient grounds for decline (and I did not suggest this in my 42A report) but in my opinion term is a mitigation factor in terms of the overall judgement that applies.