

15 December 2020 Version

The points of agreement and disagreement reached at caucusing on 4 December 2020 are attached in the table and marked in yellow. Due to time constraints the parties did not discuss all conditions.

- Changes made and circulated by PH prior to the meeting (prior to 4 December) are in Grey.
- Natasha Adsett circulated additional comments to the parties following the meeting which are highlighted in green.
- Peter Hall responded on behalf of Ara Poutama Department of Corrections to the further changes made by Natasha after the conditions meeting and these changes are highlighted on the attached in blue.
- Comments from Chris Shenton in condition 12 are shown in purple.
- Cross referencing corrections have been made by Natasha Adsett and highlighted in teal green
- Comments from Jill Sheehy in Pink

The following acronyms are used for names

Horizons Regional Council: Natasha Adsett (NA), Logan Brown (LB)

Applicant: Peter Hall (PH), Ewen Robertson - Ara Poutama Department of Corrections (ER) and

Tangata whenua representatives: Chris Shenton (CS) and Jill Sheehy (JS).

New condition number	Condition	Parties position	Outstanding matters of disagreement as at 15 December 2020
	<u>Descriptive specification</u>		
1	<p>[New condition A] The activity authorised by this consent shall be restricted to the discharge of up to 500l/s 550l/s of stormwater from the Whanganui Prison Property and adjoining Pauri Domain Road property legally described as Section 476 Left Bank Wanganui River (hereafter referred to as the property) to water, being the channel connecting Lakes Pauri and Wiritoa via two outlet pipes located at approximately 39°58'44.79"S, 175° 5'42.85"E.</p>	<p>[NA] Queried if the scope of the application as notified included discharge from Pauri Domain Road. My interpretation is it is the prison road and hardstand areas within the prison grounds only that were included within the notification.</p>	<p>Scope of application remains a matter of disagreement between NA and PH. No other parties have provided any comment</p>

		<p>Otherwise agreeable to the condition as written</p> <p>(PH) Considers the addition of reference to 'adjoining Pauri Domain Road' as included is appropriate and accurate. The stormwater from the road has always been connected to the prison's system. In terms of scope, Figure 3 from the April 2018 AEE as notified showed the SW network and manholes extending into the road.</p>	
2	<p>1 The consent holder shall undertake the activity in general accordance with the consent application lodged with Manawatū-Whanganui Regional Council in June 2013, as amended by the AEE prepared by Boffa Miskell Limited dated 10 April 2018, and as amended by the following further information provided to the Manawatū-Whanganui Regional Council:</p> <ul style="list-style-type: none"> a. Letter dated 18 June 2020 from Peter Hall Planning Limited, responding to the request for further information, including the following attachments: <ul style="list-style-type: none"> i) Plan showing the extent of stormwater pipe lining at Whanganui Prison, prepared by Tech Mechanical Services Limited, Drawing No A104, Rev 4, dated 04/06/20. ii) Groundwater sampling results, three spreadsheets dated 06/05/2019, 18/11/2019 and 25/02/2020. 	<p>[NA] Agreeable to condition as written</p>	<p>No disagreement</p>

	<ul style="list-style-type: none"> iii) Plan showing location of groundwater monitoring bores, titled Piezometer Locations. iv) Report titled “Whanganui Prison Stormwater Management -Best Practicable Option”, prepared jointly by Tonkin + Taylor Limited, Peter Hall Planning Limited and Boffa Miskell Limited, dated March 2020, Version – Final. <p>b. Letter dated 6 July 2020 from Peter Hall Planning Limited providing additional stormwater quality sampling results, specifically:</p> <ul style="list-style-type: none"> i) Stormwater Sampling Results Spreadsheet for 24 May 2020, titled “Copy of R2.WQ.SIAL.updated 06/07/2020”. ii) Sampling and Analysis Methodology Memo titled “Water quality and treatment assessment- SWMH1 and SWMH2a”, Tonkin + Taylor, 6 July 2020. <p>Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent apply.</p> <p>Advice Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.</p> <p>Advice Note: Any contractor or third party who is responsible for undertaking activities authorised by this consent, shall be shown a copy and made aware of these consent conditions.</p>		
	<p><i>Pre-Development Assurance</i></p>		
3	<p>[New Condition B] Prior to exercising this consent or in the case of a renewal, no more than three (3) months after a renewal has been granted, the consent holder shall have a flow meter installed by an accredited installer. The flow meter must be:</p> <ul style="list-style-type: none"> a. located on the stormwater discharge line; and b. have a pulse counter output traceably calibrated to +/- 5% or better; and 	<p>[NA] of the opinion the following condition should be included (taken from Mr Cochranes evidence of 18 November 2020).</p>	<p>No disagreement</p>

	<p>c. — capable of providing daily water discharge volumes as well as a pulse counter output; and</p> <p>d. — positioned to measure the entire volume discharge under authorisation of this consent.</p> <p>[New Condition B] Within 6 months of granting the consent, the Consent Holder shall install and maintain a Hydro Services TB3 Tipping Bucket Rain gauge (or similar) at the prison site. The rain gauge shall be capable of measuring and recording >0.5mm rainfall increments. Provision of the rain gauge enclosure shall be in general accordance with National Environmental Monitoring Standard for Rainfall Recording (version 2.1).</p>	<p>This will assist with calculations required in condition 17B</p> <p>New condition B. Within 6 months of granting the Consent Holder shall install and maintain a rain gauge at the site. The rain gauge shall be capable of measuring and recording rainfall at maximum interval of 10-minute.</p> <p>(PH) Agree with a new rain gauge condition, however after discussion with T+T a more precise industry standard condition is proposed as per my blue mark up.</p>	
	<p>[New Condition C] Prior to exercising this consent or in the case of a renewal, no more than three (3) months after a renewal has been granted, the consent holder shall install and maintain, in fully operational condition, a GPS data logger / telemetry unit compatible with the Manawatū Whanganui Regional Council's Telemetry System. The data logger / telemetry unit must be:</p> <p>a. — Installed on the water discharge line; and</p> <p>b. — traceably calibrated to +/- 5% or better; and</p> <p>c. — Set to New Zealand Standard Time.</p>	<p>[NA] as above</p> <p>(PH) does not agree that new condition C needs to be retained, as with a rain gauge stormwater volumes from the prison can be accurately calculated.</p>	<p>Condition deleted. No disagreement</p>

	<p><u>ADVICE NOTE: The GPS data logger, which is attached to the pulse counter output will be monitored by the Manawatū-Whanganui Regional Council to ensure compliance with the resource consent conditions.</u></p>		
4	<p>2- Within 6 months of the granting of consent, the consent holder shall submit to the Manawatū-Whanganui Regional Council, for certification, a Stormwater Management Plan (“SMP”) for the Whanganui Prison stormwater system.</p> <p>The objective of the SMP shall be to ensure that the stormwater system is maintained and operated in a manner that:</p> <ol style="list-style-type: none"> Ensures compliance with the conditions of this consent. Minimises adverse effects on the receiving environment from the stormwater discharge. Implements opportunities for continual improvement to the quality of the stormwater discharge, including consideration of water sensitive design methods and water re-use to moderate peak flow rates and manage stormwater quality. <p>The Stormwater Management Plan shall include a maintenance and monitoring regime which shall include the following:</p> <ol style="list-style-type: none"> A description of maintenance and monitoring actions required to be undertaken and their frequency. This shall include the inspection and maintenance of buildings (including but not limited to roof and guttering systems), hardstand areas, carparks, manholes, catchpits and hazardous substance storage areas where runoff from rainfall may enter the stormwater system, and shall include in particular: <ol style="list-style-type: none"> The dust extraction unit in the timber block plant to ensure that sawdust does not enter the stormwater system; Management of the paved areas around the joinery workshop to ensure the area is kept tidy and free of material that might enter the stormwater system; The concrete plant to ensure that cement residue cannot enter the stormwater system; 	<p>All parties accept the insertion of 6 months. All parties accept including annual checking for dry weather flows in point 9.</p> <p>(PH) formatting change to remove d lettering and make this para a standalone requirement.</p> <p>(PH) is happy with the reordering and inclusion of tangata whenua, but does not agree with addition by JS of the additional words “...as members of the WPTWEG” in each case, these conditions specify certain roles for tangata whenua which are independent of their separate role on the WPTWEG. Further, Ngati Rangiwahakaturia</p>	<p>(PH) disagrees with the addition of the words “...as members of the WPTWEG” for the reasons stated next to condition 4. Otherwise no disagreement</p>

	<ol style="list-style-type: none"> 4. Roof maintenance and inspection to ensure they are in good condition; 5. Fuel storage tanks and surrounding area to ensure tanks are in sound condition and that all necessary containment is in place; 6. Routine inspections of sewer manholes for obstructions and storage and waste management areas for contamination that could impact stormwater quality; 7. “Save the drain for rain” (or similar) stencils next to catch pits are refreshed as required. 8. Inspection of all catchpits and manholes. 9. Maintenance of the stormwater system including annual checking for dry weather flows. including checking for deterioration such as cracks in the pipes which may result in groundwater infiltration to the system. 10. Yearly inspections of all areas identified in condition 85. <p>b. Methods to ensure that the proprietary filter is maintained in accordance with the manufacturer’s specification to ensure that it meets the standards prescribed by the manufacturer. This shall include the frequency and purpose of maintenance.</p> <p>c. A method to ensure that a record of all inspections and maintenance activities is kept.</p> <p>d. A description of roles and responsibilities for undertaking the above actions.</p> <p>e. The SMP submitted under this condition shall be accompanied by an agreed record of consultation with Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Tūpoho, and the Ngāti Tumango/Ngāti Tūpoho hapu of Putiki Wharanui Marae Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Tumango/Ngāti Tūpoho Hapu of Putiki</p>	<p>Hapu of Whangaehu Marae have been added to these conditions, of which there is no issue, however the Hapu is not currently a member of the WPTWEG, making the condition addition incorrect.</p>	
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	<p>Wharanui Marae and Te Rūnanga o Tūpoho as members of the WPTWEG, Te Rūnanga o Tūpoho, Ngāti Tumango /Ngāti Tūpoho Hapu of Putiki Wharanui Marae, Ngāti Rangihakaturia Hapu of Whangaehu Marae and Te Rūnanga o Ngā Wairiki Ngāti Apa.</p>		
5	<p>8. The consent holder shall ensure that within 12 months of granting of the consent, all areas, outside of buildings, used for storing hazardous substances (as defined in the Hazardous Substances and New Organisms Act 1996) that are located within 20 metres of the stormwater network or a surface water body are sealed to a permeability standard of not exceeding 1 x 10⁻⁹ m/s and banded to prevent chemicals entering the stormwater network and surface water.</p> <p>The Applicant shall provide to the Manawatū-Whanganui Regional Council confirmation this work is complete in the annual report required in New Condition G Condition 27.</p> <p><u>Note: This excludes the area of land where hydrocarbons stored in certified above ground double skin tanks.</u></p>	<p>[NA] addition of cross reference to New Condition G requiring updated be provided for the first 3 years of the consent</p> <p>(PH) agree with requirement to provide confirmation the work is done in the first annual monitoring report as drafted in green. Note that comment above from NA relating to first three years perhaps relates to another condition?</p>	<p>No disagreement between NA and PH. No other parties have provided comment</p>
6	<p>11. A proprietary filter stormwater treatment device shall be installed in the stormwater system and commissioned within 3 3 years of the granting of consent. The proprietary filter stormwater treatment device shall be suitable to achieve the removal of at least 40% Dissolved Zinc and at least 30% Total Phosphorous and Total Nitrogen on a long-term (annual) average basis.</p> <p>An update on the installation shall be provided to Manawatū-Whanganui Regional Council during in each of the 3 years following the granting of the consent, in the annual report required in New Condition G Condition 27.</p>	<p>HRC agree with the inserting of "be suitable to achieve the removal of at least 40% Dissolved Zinc and at least 30% Total Phosphorous and Total Nitrogen on a long-term (annual) average basis."</p>	<p>Agreement to condition in principle from all parties.</p> <p>However concern from tangata whenua that the device remains a concept rather than a physical item and from NA that potential third</p>

		<p>Tangata Whenua have concerns about this only being a concept rather than it being a physical item. HRC have flagged concern in regard to the need to obtain consent [NA] and potential third party approval required, but otherwise agree to condition.</p> <p>[NA] addition of cross reference to New Condition G requiring updated be provided for the first 3 years of the consent</p> <p>(PH) Subject to correction of typo "during" as noted, agree the requirement for an update on progress of installation of the filter in each of the first three years of the Annual Report.</p>	<p>party approvals may be required.</p>
7	<p>16. Within 12 months following the granting of consent, the consent holder shall submit to the Manawatū-Whanganui Regional Council a landscape <u>Ecological</u></p>	<p>[NA] of the opinion all submitters should be</p>	<p>Disagreement between PH, NA and JS in regards</p>

<p><u>Management Plan (EMP), Landscape Plan</u> prepared by a suitably qualified <u>ecological</u> expert, for the area adjoining the channel connecting Lake Pauri and Lake Wiritoa.</p> <p>The landscape plan shall include a programme for the removal from this area of weed and exotic species and the replanting in suitable native species <u>at a rate of no less than 1 per m²</u>. The landscape plan shall also document the outcome of consultation with <u>and Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Tūpoho, and the Ngāti Tumango/Ngāti Tūpoho hapu of Putiki Wharanui Marae Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Tumango/Ngāti Tūpoho Hapu of Putiki Wharanui Marae and Te Rūnanga o Tūpoho as members of the WPTWEG, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Tūpoho, Ngāti Tumango/Ngāti Tūpoho hapu of Putiki Wharanui Marae</u> and the Whanganui District Council, <u>and all submitters to APP-2013016147.00</u> on the replanting programme and the details of the plan. The landscape plan shall be implemented, subject to obtaining landowner approval, <u>within three planting seasons of the granting of consent, no later than May 2022</u> <u>within three planting seasons after granting the consent</u> and may be implemented in a staged manner across this timeframe <u>at or prior to December 2025 across this timeframe. The planting must be maintained (including annual weed control and an annual program to replace dead plants) by the consent holder for the term of this consent three years following the completion of planting.</u> <u>Planting must achieve an 80% canopy cover within five (5) years following the completion of planting. If 80% cover is not achieved the Consent Holder must continue to maintain the site until this is achieved.</u></p> <p><u>An update on the planting program and canopy cover shall be provided to Manawatu-Whanganui Regional Council in the annual report required in New Condition G Condition 27.</u></p>	<p>included and have changed condition to require 80% canopy cover as a trigger for maintenance to stop. I have also added in a cross reference to the annual report.</p> <p>(PH) List of iwi to be consulted updated to be consistent with the other conditions that were amended by agreement at the 4/12/2020 conditions meeting.</p> <p>(PH) canopy cover performance standard may not be suited to wetland planting where for example sedges and flax may be used. Its more appropriate for the landscape plan to set out the planting specifications suitable for the wetland environment, which under this condition is required to be met when implemented.</p>	<p>to who should be included in consultation on the planting program (all submitters vs selected submitters) and the requirement for planting to achieve 80% canopy cover as a trigger to cease maintenance.</p> <p>(PH) disagrees with the addition of the words “...as members of the WPTWEG” for the reasons stated next to condition 4.</p>
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		<p>(PH disagrees with the inclusion of this new canopy cover clause)(PH disagrees with the requirement to report on canopy cover, but accepts the update on planting programme to be part of the annual report</p> <p>[JS] The landscape plan sits with the community and shall include engagement with all submitters including fishermen.</p> <p>[JS] Agree with NA for 80% canopy cover annual reporting as a trigger for maintenance to stop.</p>	
	<p>17. The consent holder shall pay to the Manawatū-Whanganui Regional Council a sum of [\$ Insert Dollar Value] \$45,000 for a period not exceeding [Insert duration] five years. The first payment shall be made within three months of the date of the granting of the consent, and per annum on the anniversary of the consent date thereafter. The purpose of the payment shall be to:</p> <p>a. Assist Manawatū-Whanganui Regional Council to undertake the necessary data collection and technical assessments required to prepare a Lake Restoration Plan for Lakes Wiritoa and Pauri, including undertaking an assessment of nutrient and other contaminant inputs</p>	<p>All parties agree that HRC does not currently have this as a dedicated work program, however Corrections can approach HRC Councillors regarding inclusion of such an approach in LTP. This</p>	<p>Condition deleted. No disagreement.</p>

	<p>to the lakes suitable for the purpose of preparing an Action Plan for the lakes or the lakes' wider freshwater management unit under the NPS: Freshwater Management (2020), National Objectives Framework.</p> <p>b. Undertake projects to improve lake water quality, as identified in a Lake Restoration Plan for lakes Wiritoa and/or Pauri.</p> <p>c. Undertake projects to improve te mana o te wai, enhance cultural values or the mauri of the lakes, as identified by Te Rūnanga o Tūpoho, Ngāti Tumango me Ngāti Tūpoho hapu of Putiki Wharanui Marae, or Te Rūnanga o Ngā Wairiki Ngāti Apa, or to undertake the necessary assessments or cultural health monitoring associated with such projects. <u>Projects may include, but not be limited to, a Biodiversity Audit.</u></p> <p>d. Undertake projects to improve the biodiversity values of lakes Wiritoa and Pauri and/or their catchments.</p>	<p>would be considered as a separate work program and may not be appropriate as a consent condition.</p> <p>(PH) In light of response from the HRC as recorded above and no support for the condition from tangata whenua representatives at the conditions meeting on 4/12/20, condition 17 is deleted. In terms of mitigation, the condition below (former 17B) now provides a clear prescription for mitigating the negligible effects of nutrients on the lakes.</p>	
8	<p>17-B. The consent holder shall undertake works to remove at least the equivalent of the annual load of phosphorous (annual load) discharged from the stormwater into Lake Wiritoa and Lake Pauri catchment in accordance with the requirements below.</p> <p>(a) The consent holder shall undertake such measures to remove at least the equivalent of the annual load of phosphorous discharged from the stormwater from the prison, from either Lakes Wiritoa and Pauri or their catchments. This shall be based on either an annual load of 7.7kg of</p>	<p>Ngati Tumango/Ngati Tupoho Hapu and Te Runanga o Tupoho request that a Matauranga Maori Civil Engineer be considered as the suitably qualified person under point ii.e [JS] ki pono nga tikanga,</p>	<p>Disagreement between PH and NA on the following matters</p> <ul style="list-style-type: none"> - Monitoring of dry weather flows - Inclusion of condition (h)

	<p>phosphorus or shall be as calculated in accordance with (iii) below. . This may include, but is not limited to, removing of lake weed from either Lake Wiritoa or Lake Pauri every two years. This may be undertaken at a different any frequency as suitable to achieve the equivalent in annual removal. The removal of the equivalent load of phosphorus may be undertaken by lake macrophyte harvesting, construction of detainment bunds in the catchment, or such other works or combination of works.</p> <p>(b)(ii) Within 6 months following the granting of consent, the consent holder shall submit to the Manawatū-Whanganui Regional Council a Nutrient Removal Plan which as a minimum shall require:</p> <p>a) (i) The work or works required to implement this condition and a programme for undertaking those works.</p> <p>b) (i) Where nutrient is removed through macrophyte harvesting, a methodology to establish the nutrient concentrations of phosphorous contained in the macrophytes to be harvested</p> <p>c) (i) Where nutrient is removed through macrophyte harvesting, the volumes of macrophytes that are required to be harvested to remove the equivalent annual phosphorous load discharged to the lakes from the prison.</p> <p>d) (i) Where nutrient is removed through macrophyte harvesting, the consent holder shall include procedures to address biosecurity.</p> <p>e) (i) Where nutrient is removed through a method other than macrophyte harvesting, land owner approval and appropriate agreements eg. An easement on the title to provide for these works and ongoing access. (where relevant) and a certification from a suitably qualified person that</p>	<p>kawa, wairua, kaupapa o te Taiao, o te Tangata.</p> <p>7.7kg is based on current nutrient input prior to the installation of the filter. This has been calculated from stormwater sampling undertaken during 2019/20. The department is presenting the consent landowner approval requirements in its response to the panel</p> <p>[NA] Addition to allow for annual reporting on this condition to occur and cross reference to new condition B. Requirement to monitor dry water flows to ensure they are not contributing to the nutrient levels.</p> <p>(PH) agrees with changes, except for the wording of the new requirement for the annual reporting as</p>	<p>Disagreement between PH and Tangata Whenua on the following matters</p> <ul style="list-style-type: none"> - Inclusion of Maturanga Maori Civil Engineer be specifically added as a suitably qualified person under point ii.e.
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	<p>the method to be used will remove the equivalent annual phosphorous load discharged to the lakes from the prison.</p> <p>(c) (iii) Once every three years the consent holder shall undertake investigations to reconfirm the load of total phosphorus that is discharged to the lakes and is required to be removed through macrophyte harvesting or by other means. These investigations shall include but not be limited to:</p> <ul style="list-style-type: none"> (i) The concentration of contaminants (including TP, TN, NNN, DRP, and ammoniacal-N) in the discharge over at least three discharge events where there has been at least 96 48 hours of dry weather with less than 0.5mm of precipitation prior to the stormwater monitoring event. Stormwater samples shall be collected according to best practice stormwater sampling. A minimum of six samples representing the entire duration of the rainfall event shall be analysed for the parameters outlined. Each sample shall be weighted (by relatively rainfall depth recorded as per [new condition 83] over the duration the sample represents) and averaged over all results to provide a volume proportional event mean concentration. (ii) The establishment of volumes of water discharged and associated nutrient concentrations during dry weather flows. (PH – delete this new clause) (iii) (The establishment of loads discharged based on the calculated volume and measured concentrations information collected above; <p>(d) (iv) Works to remove the equivalent annual load of phosphorous shall be undertaken by the consent holder in accordance with the methodology and programme in the Nutrient Removal Plan submitted to the Manawatu-Whanganui Regional Council. Removal of the equivalent load of</p>	<p>added by NA at (viii). Alternative wording has been added by PH to (vii) to make it clear that it is only reporting annually on weed removal that is required, and not the other methods that may occur under condition e) where there won't be a quantum of output that will be measured each year (eg containment bunds) Rather the effectiveness of such other methods will be established and approved by the Council through the Nutrient Removal Plan prior to their installation</p> <p>(PH) does not agree with Te Runanga o Tupoho and Ngati Tumango/Ngati Tupoho Hapu ask that a Matauranga Maori Civil Engineer be specifically added as a suitably</p>	
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	<p>phosphorous may occur on an annual basis or at such other frequency as set out in the Nutrient Removal Plan.</p> <p>(e)(v) The Nutrient Removal Plan may be amended by the consent holder and submitted to the Manawatu-Whanganui Regional Council, Any amendments are to be agreed to by the Manawātū-Whanganui Regional Council in writing prior to implementation of the changes. Where an alternative method or programme is proposed, or where the equivalent annual load of phosphorus is calculated using the methods set out in ##(c) of this condition.</p> <p>(f)(vi) In the event that macrophyte harvesting for the purposes of nutrient reduction is undertaken by the Manawatu-Whanganui Regional Council for any particular year or years, then as an alternative to undertaking the work itself, the consent holder shall pay to the Council on an annual basis an equivalent monetary sum for undertaking the macrophyte harvesting itself in lieu of it doing the work. Where such payment is made, then no further work is required to be undertaken by the consent holder for that year or years under this condition. The equivalent monetary sum shall be calculated by applying market rates for macrophyte harvesting of the equivalent annual load of phosphorous from the prison stormwater.</p> <p>(g)(vii) Where macrophyte harvesting is used, the consent holder shall monitor and report to the Manawātū-Whanganui Regional Council the wet weight of weed removed on an annual basis (or such other frequency as set out in the Nutrient Removal Plan). Samples of lake weed shall be analysed for total recoverable nitrogen and total recoverable phosphorus, with a minimum of six samples per weed removal event. This shall be provided to Manawātū-Whanganui Regional Council in the annual report required in [New Condition G] Condition 27.</p> <p>(h)(viii) An annual analysis of the weed harvesting and the results from the analysis in (e)(b)(v) and (vii) [where applicable] shall be provided to</p>	<p>qualified person under point ii.e. The condition is drafted broadly enough to allow an engineer, ecologist or water quality expert to be used, provided they are suitably qualified.</p> <p>(PH) Further change sought on the requirement for dry weather prior to sampling in (iii). T+T advise that achieving 96 hours of dry weather will be difficult to meet, and have recommended at least 48 hours with less than 0.5mm of precipitation as more realistic.</p> <p>(PH) does not agree with the new clause requiring the establishment of volumes of water discharged during dry weather flows. The re-lining has all but removed dry weather</p>	
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	<p>Manawatū-Whanganui Regional Council in the annual report required in [New Condition G] Condition 27. (PH disagrees with new (viii))</p>	<p>flows, such that measuring of concentrations of nutrients will not be practicable. The SMP requires monitoring of the network to ensure dry weather flows are minimal.</p> <p>[JS] Refer Tangata Whenua Impact Assessments and Maatauranga Maori Report recommendations.</p>	
9	<p>18. The consent holder shall fund the costs of a kaitiaki monitor appointed jointly by Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Tūpoho, and the Ngāti Tumango/Ngāti Tūpoho hapu of Putiki Wharanui Marae Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Tumango/Ngāti Tūpoho Hapu of Putiki Wharanui Marae and Te Rūnanga o Tūpoho as members of the WPTWEG, to be on site to supervise any earthworks <u>associated with planting undertaken in and adjacent to Lakes Pauri and Wiritoa for the purpose of environmental restoration</u> for the duration of those earthworks, or such lesser time to establish the existence of any archaeological material.</p>	<p>NA] Agreeable to condition as written</p> <p>(PH) List of iwi updated to be consistent with the other conditions that were amended by agreement at the 4/12/2020 conditions meeting</p> <p>[JS] Listing of tangata whenua have been placed in order of Hapu followed by Runanga, at each mention</p>	<p>(PH) disagrees with the addition of the words “...as members of the WPTWEG” for the reasons stated next to condition 4. Otherwise no disagreement</p>

10	<p>[New Condition D] the consent holder shall, no later than 1 February 2021, place and maintain, a sign at the stormwater outlet identifying what the outlet is for and a contact point for enquiries.</p> <p>The consent holder shall confirm the sign is still in place in the annual report required in New Condition G Condition 27.</p>	NA] update to cross reference to the annual report	No disagreement
11	<p>[New Condition DA]</p> <p>a) The consent holder shall establish and coordinate a Tangata Whenua Engagement Group (“TWEG”), except as provided for under subsection (c)(i) below.</p> <p>b) The TWEG shall include a representative each from the Department of Corrections, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngati Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Tūpoho, and the Ngāti Tumango/Ngāti Tūpoho hapu of Putiki Wharanui Marae</p> <p>Ngati Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Tumango/Ngāti Tūpoho Hapu of Putiki Wharanui Marae and Te Rūnanga o Tūpoho as members of the WPTWEG, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngati Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Tūpoho, and Ngāti Tumango/Ngāti Tūpoho hapu of Putiki Wharanui Marae.</p> <p>Ngati Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Tumango/Ngāti Tūpoho Hapu of Putiki Wharanui Marae and Te Rūnanga o Tūpoho as members of the WPTWEG</p> <p>c) The purpose of the TWEG is as follows:</p> <p>i) To provide a forum for the consent holder to circulate and discuss on an annual basis the Annual Report prepared under condition G Condition 27.</p> <p>ii) Engage on the Stormwater Management Plan submitted under condition 24.</p> <p>iii) Engage on the draft landscape plan as part of the consultation required under condition 16-7.</p> <p>iv) Engage on the establishment of a Matauranga Maori monitoring regime for the lakes via two facilitated Wananga / workshops in the first year after consent being granted.</p>	<p>Ngati Tumango/Ngati Tupoho Hapu and Te Runanga o Tupoho request an inclusion of the Whanganui Prison Tangata Whenua Engagement Group TOR Purpose Point 2 a-d.</p> <p>[JS] being direct reference to the purpose of the WPTWEG. The WPTWEG TOR was established to formalise a process to engage in the prison stormwater and wasterwater applications and therefore highly relevant.</p> <p>Ngati Rangiwahakaturia Hapu of Whangaehu Marae and Te Rūnanga o Ngā Wairiki Ngāti Apa, Corrections and</p>	<p>Tangata Whenua and PH disagree that Whanganui Prison Tangata Whenua Engagement Group TOR Purpose should be added to this condition</p> <p>(PH) disagrees with the addition of the words “...as members of the WPTWEG” for the reasons stated next to condition 4.</p> <p>(PH) does not agree with the additional clauses added by (CS). These additions require the engagement group to discuss matters unrelated to conditions of this consent. While Corrections would still like to hear back from tangata whenua through the WPTWEG forum on its pre-hearing offer of it</p>

<p>v) Engage on the development of an annual Maturanga Maori sample survey to commence in the second year after consent being granted.</p> <p>d) The first meeting of the TWEG shall take place later than 2 months following the granting of consent.</p> <p>e) Meetings shall be held at least yearly, at times and locations that maximise representation and attendance, or at such lesser frequency as agreed by all members. The TWEG shall otherwise determine its own procedures.</p> <p>f) The consent holder shall offer an honorarium to TWEG members for participants to cover the reasonable expenses in attending meetings. The amount of this honorarium will be at the sole discretion of the consent holder. The consent holder shall also be responsible for any direct costs of running the meetings.</p> <p>g) The consent holder shall not be in breach of Condition 11 if any one or more of the specified parties external to the Department of Corrections either do not wish to be members of the TWEG or do not attend particular meetings.</p> <p>h) The TWEG shall be discontinued if all named members in b) above agree that it is no longer necessary.</p> <p>i) Where agreed by all parties set out in subsection b) above, the Whanganui Prison Tangata Whenua Engagement Group (constituted under the signed Terms of Reference Version 1.6, dated 17 February 2020) can fulfil the purposes of this condition under subsection c).</p> <p>Advice Note: The purpose of the existing Whanganui Prison Tangata Whenua Engagement Group, as set out in its Terms of Reference, is wider than the scope of this consent condition and may extend to other resource management matters relevant to the Whanganui Prison. Nothing in this condition limits the ability of the Whanganui Prison Tangata Whenua Engagement Group to engage in accordance with its full purpose under its Terms of Reference.</p>	<p>HRC agree with proposed wording.</p> <p>(PH) agrees with the addition of Ngati Rangiwahakaturia Hapu of Whangaehu Marae to this and other clauses. Does not agree that Whanganui Prison Tangata Whenua Engagement Group TOR Purpose should be added to this condition as the scope of that group is for wider resource management purposes and its TOR should not be tied and locked in to this particular consent through conditions.</p> <p>Subsection cross reference to i) updated after relettering to delete double e).</p> <p>(CS) added c) iv) & (v) to recognise some Maturanga Maori methodology from the extensive Maturanga</p>	<p>establishing and funding a wananga for tangata whenua relating to the lakes, and such similar initiatives, these are matters that go beyond the scope of this stormwater application and its conditions. The original condition 17 recognised that matters relating to the mauri and biodiversity of the lake are catchment-wide, and most properly the responsibility of Horizons. Corrections was willing to assist in funding such initiatives in the original condition 17 with Horizons taking the lead on a catchment-wide approach, however there was no appetite by the parties for this condition. The proposed additions to the conditions by (CS) require the engagement group to discuss matters outside of the reasonable scope of this</p>
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		Maori input on this consent to fill out the monitoring regime for the lakes whilst also upholding kaitiakitanga.	consent, including monitoring of lake condition and effects of other contributors to lake water quality, well beyond the effects of the stormwater discharge. JS support additions by CS
	Environmental standards		
12	4. The stormwater system for the prison site shall be managed and maintained in accordance with the certified SMP <u>SMP certified under condition 24</u> or any subsequent amendments.	NA] Agreeable to condition as written	No disagreement
13	5. The maintenance of the discharge outlets and immediate environs shall remain the responsibility of the consent holder and shall be maintained so that any erosion, scour or instability of the channel bed or banks <u>bed</u> that is attributable to the discharge is remedied by the consent holder.	NA] Agreeable to condition as written	No disagreement
	Post Development Assurance		
14	3. The certified SMP <u>SMP certified under condition 24</u> may be amended if necessary to reflect any changes in stormwater management methodology or approach to mitigating effects. Any amendments are to be agreed to by the Manawatū-Whanganui Regional Council in writing prior to implementation of the changes. Recertification of the SMP is not required under Conditions 24 if, the Manawatū-Whanganui Regional Council confirms those amendments are within scope of the consent, and once implemented would result in an outcome that is similar to, or better than that described in the original SMP.	NA] Agreeable to condition as written	No disagreement

15	<p>9-In the event of a hazardous substance spill where there is potential for the spill to enter the stormwater network or surface water, the consent holder shall advise the Manawatū-Whanganui Regional Council within 12-112 hours of the spill being discovered.</p> <p>Advice note: At the time of granting this consent, the Council’s pollution hotline can be contacted 24/7 on 0508 800 800.</p>	<p>[NA] remains of the opinion that four hours in sufficient time. I assume staff will be on duty 24 hours a day.</p> <p>(PH) still considers 12 hours is appropriate as a notification time for any spills. Dr Fisher has described the additional controls that are in place to manage spills with the spill response equipment (refer to the SMP) and the proprietary filter than has a forebay as a capture area and filters that are a physical barrier to spills. Unlike other sites, there are security constraints meaning that Horizons are limited in their ability to respond themselves to spills 4-hours after notification. For this reason, the prison site has a good regime of spill management on-</p>	<p>Disagreement between NA, PH and JS on time it should take for the Regional Council to be notified (4 vs 12 hours)</p>
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		<p>site as described by Dr Fisher.</p> <p>[JS] In looking through the eyes of the tuna no more than 4 hours notification for a hazardous substance spill is vital.</p>	
16	<p>[New Condition E] The consent holder shall, every 2 months, undertake sampling of the stormwater. The sampling event shall occur after the first rainfall event after a period of at least 96 hours without rainfall onto the prison grounds. The samples shall be collected from the two manholes located adjacent to Pauri Domain Road located at approximately 39°58'49.58"S, 175° 5'43.70"E via an auto sampler. Samples shall be collected hourly by auto sampler for a maximum of 6 hours (if the event is less than 6 hours then sampling may occur for a shorter period of time). The samples shall be tested for the following parameters:</p> <ul style="list-style-type: none"> a. Total Phosphorus; b. Total Nitrogen; c. Nitrate; d. Nitrite; e. Ammoniacal-N; f. E. coli; g. Dissolved Reactive Phosphorus; h. Total Petroleum Hydrocarbons; i. Polycyclic aromatic hydrocarbons (PAH's); j. Total Suspended Solids; k. Total and dissolved zinc; l. Total and dissolved copper; m. Total and dissolved lead; n. Total and dissolved nickel; o. pH; and 	<p>[NA and LB]</p> <p>Would like to see best practice defined</p> <p>[JS] Support a definition of best practice be provided.</p> <p>Added inclusion to monitor prior to entering stormwater filter so it can be demonstrated that the reductions in Condition 2 can be achieved.</p> <p>LB of the opinion the following should be monitored for as a minimum</p>	<p>Disagreement between PH and NA on</p> <ol style="list-style-type: none"> 1. requirements for sampling upstream and downstream, 2. taking measurements of Total Petroleum Hydrocarbons; Polycyclic aromatic hydrocarbons (PAH's) 3. demonstrating compliance with the proprietary filter stormwater treatment device expected

<p>p. Hardness (as CaCO₃ g/m³)</p> <p>Results shall be compared against the One Plan lake water quality targets (for deep lakes) and any relevant Freshwater National Policy Statement attributes for lakes.</p> <p>An analysis of the results shall be provided in end of year report in [New Condition F]. The analysis shall consider any breaches and recommend any actions that need to be undertaken as per [new Condition F(c)]</p> <p>[New Condition E] Within one year following the installation of the proprietary filter stormwater treatment device the consent holder shall undertake sampling of the stormwater.</p> <p>This shall comprise the collection and analysis of stormwater quality samples collected over a minimum of three rainfall run-off events, from the stormwater network located both upstream and downstream of the stormwater treatment device. (PH delete "both upstream and")</p> <p>Stormwater samples shall be collected according to best practice stormwater sampling. A minimum of six samples representing the entire duration of the rainfall event shall be analysed for the parameters outlined below.</p> <ul style="list-style-type: none"> • Total Phosphorus; • Total Nitrogen; • Ammoniacal-N; • E. coli; • Dissolved-zinc; • Dissolved-copper; • Hardness (as CaCO₃ g/m³); • pH <p>a. Total Phosphorus;</p> <p>b. Total Nitrogen;</p> <p>c. Nitrate;</p> <p>d. Nitrite;</p>	<p>a. Total Phosphorus;</p> <p>b. Total Nitrogen;</p> <p>c. Nitrate;</p> <p>d. Nitrite;</p> <p>e. Ammoniacal-N;</p> <p>f. E. coli;</p> <p>g. Dissolved Reactive Phosphorus;</p> <p>h. Total Petroleum Hydrocarbons;</p> <p>i. Polycyclic aromatic hydrocarbons (PAH's);</p> <p>j. dissolved zinc;</p> <p>k. dissolved copper;</p> <p>l. pH; and</p> <p>m. Hardness (as CaCO₃ g/m³)</p> <p>[NA] Cross reference correction</p> <p>(PH) Has consulted with Peter Cochrane on the new parameters added. He does not see the value in adding TPHs</p>	<p>treatment levels.</p> <p>Disagreement between PH, NA and JS on</p> <p>4. defining best practice when it comes to sampling</p>
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- e. Ammoniacal-N;
- f. *E. coli*;
- g. Dissolved Reactive Phosphorus;
- h. Total Petroleum Hydrocarbons; (PH delete)
- i. Polycyclic aromatic hydrocarbons (PAH's); (PH delete)
- j. dissolved zinc;
- k. dissolved copper;
- l. pH; and
- m. Hardness (as CaCO3 g/m³)

Each sample shall be weighted (by relatively rainfall depth recorded over the duration the sample represents) and averaged over all results to provide a volume proportional event mean concentration.

The results shall be assessed against the Schedule E One Plan lake water quality targets (for deep lakes) or any replacement equivalent provisions and to show compliance with the expected reductions of 40% Dissolved Zinc and at least 30% Total Phosphorous and Total Nitrogen on a long-term (annual) average basis as a result of the installation of the proprietary filter stormwater treatment device in condition 1±6. (PH – delete added green text in this paragraph).

An analysis of the results shall be provided to Manawatū-Whanganui Regional Council in the annual report in [New Condition ~~6~~]. Condition 27.

and PAHs as proposed by NA. PH seeks to delete these as they add additional cost with no benefit. Peter Cochrane advises that if TPH did occur it would most likely come through in stormwater as a result of a spill on the site and would be monitored as a part of a response to that event. For PAHs the potential for them to be present in stormwater is really low.

(PH) also do not agree with the addition of the requirement to sample upstream and measurement against the minimum standards now required in condition 6 of 30%/40% removal. This changes the intent of this condition from a condition which characterised SW post filter installation. Performance of the

		<p>filter and steps to mitigate effects are properly provided for in the conditions requiring sediment sampling for metals and mitigation over certain triggers, and the requirement for equivalent load nutrient removal. In the context of these conditions which have a threshold, a trigger and an action to mitigate, the additional text added by NA is unnecessary here.</p> <p>(PH) There is no need to provide a definition of Best Practice as this is well understood as an engineering concept and so repeating will add no clarity or certainty.</p>	
17	<p>12. Within one year following the installation of the proprietary filter stormwater treatment device, the consent holder shall commence twice yearly aquatic sediment sampling every 2 years from the locations identified as Site 1, 2 and 3 in the attached Sediment Sampling Monitoring Locations Plan.</p> <p>a. Sampling of sediment shall be undertaken for the following:</p> <ul style="list-style-type: none"> i) Total recoverable Copper (mg/kg) ii) Total recoverable Zinc (mg/kg) 	<p>[LB] of the opinion TP and TN should be kept in order to monitor the legacy load present in the sediment.</p>	<p>Disagreement between NA and PH on inclusion of Total recoverable Phosphorus and Total recoverable Nitrogen.</p>

	<p>iii) Particle Size Distribution</p> <p>iv) Total recoverable Phosphorus, (mg/kg) (PH delete)</p> <p>v) Total recoverable Nitrogen, (mg/kg) (PH delete)</p> <p>e. Five sample locations at each site shall be selected at regular intervals for each site using 1 x 1m grid, with the first sampling location chosen at random to lessen bias (e.g. Systematic sampling). These samples will form a composite sample for analysis at an accredited Laboratory. The top 0 – 7.5 cm of sediment shall be sampled.</p>	<p>[LB] of the opinion monitoring can occur every 2 years and be sufficient</p> <p>(PH) Monitoring P and N in the sediment sampling as added by NA is unnecessary. Addressed in Peter Cochrane’s evidence at para 251 as follows: <i>“The purpose of sediment monitoring is to monitor contaminants characteristic of the site’s stormwater discharge, and where there are published criteria for comparison purposes (I am unaware of environmental criteria for nitrogen or phosphorus in sediment). As set out earlier, the concentrations of phosphorus and nitrogen in surface waters are</i></p>	
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		<i>elevated, and in the event that elevated concentrations were detected in sediment it wouldn't be possible to attribute that to the site's stormwater discharge"</i>	
18	15. Sediment sampling under condition 1217 shall continue every 2 years at a twice-yearly basis, in the months of August and March, with at least a 6-month interval period between sampling, for a minimum duration of five years from the date of the installation of the proprietary filter stormwater treatment device. If the DGV in table 1 (contained in condition 24) is not exceeded for either copper or zinc in the period thereafter, the frequency of sampling for that contaminant shall be reduced to 5 yearly intervals.	[NA] change to make condition consistent with condition 12 (PH) Agree with new NA change.	No disagreement
19	19. In the event of an accidental discovery of archaeological material, the consent holder must: <ul style="list-style-type: none"> a. Cease work immediately within 10m of the discovery, and secure this area. b. Notify the Council and Heritage New Zealand - Pouhere Taonga Regional archaeologist within one working day of the discovery. c. Advise the NZ Police and Coroner if skeletal remains are uncovered. d. Ensure that works within the secured area do not resume until all necessary statutory authorisations or consents have been obtained. 	NA] Agreeable to condition as written	No disagreement
20	20. If at any time potential tongi tawhito koiwi, archaeology or artefacts of Māori origin are discovered, the consent holder will notify the appropriate representative of Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Tūpoho, and the Ngāti Tumango/Ngāti Tūpoho hapu of Putiki Wharanui Marae Ngāti Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Ngā Wairiki Ngāti Apa, Ngāti Tumango/Ngāti Tūpoho Hapu of Putiki Wharanui Marae and Te Rūnanga o Tūpoho as members of the WPTWEG, Te Rūnanga o Ngā Wairiki Ngāti Apa,	NA] Agreeable to condition as written (PH) List of iwi to be notified updated to be consistent with the other conditions that	(PH) disagrees with the addition of the words "...as members of the WPTWEG" for the reasons stated next to condition 4.

	<p>Ngati Rangiwahakaturia Hapu of Whangaehu Marae, Te Rūnanga o Tūpoho, and the Ngāti Tumango/Ngāti Tūpoho hapu of Putiki Wharanui Marae.</p> <p><u>Advice note: At the time of granting the contact for each group are as follows</u> <u>Te Rūnanga o Tūpoho, Ngāti Tumango me Ngāti Tūpoho hapu of Putiki Wharanui Marae — [Contact Name and phone number]</u> <u>Te Rūnanga o Ngā Wairiki Ngāti Apa — [Contact Name and phone number]</u></p>	<p>were amended by agreement at the 4/12/2020 conditions meeting</p> <p>[JS] addition of tongi tawhito. This is specific tangata whenua mahi. Archaeologist and Kaitaiki Monitors will work side by side throughout earthworks. Reference to consistency of conditions is irrelevant.</p> <p>(PH) also happy with the addition of 'tongi tawhito' by JS. For the Panel this is described in section 8.6 of the Tūpoho as <i>“Tongi Tawhito’, is from the local dialect and loosely translates as sites of significance...”</i></p>	
21	<p><u>[New Condition F] The consent holder shall maintain a Complaints Register for any complaints received regarding the discharge including any complaints either received directly or directly referred to the Consent Holder by the Whanganui District Council or the Manawatū-Whanganui Regional Council. For each complaint received the consent holder shall record:</u></p> <p>a. the name and address of the complainant (if given); b. the location where the complaint occurred.</p>	<p>NA] update to cross reference to the annual report</p> <p>(PH) “Permit Holder” changed to “Consent</p>	No disagreement

	<p>c. the weather conditions at the time of the complaint including rainfall intensity</p> <p>for each compliant complaint the consent holder shall:</p> <p>d. investigate the complaint</p> <p>e. record the likely source</p> <p>f. take a sample of the stormwater discharge if appropriate</p> <p>f. if the source is from within the consent holders site undertake remediation or mitigation measures designed to prevent or minimise the risk of it occurring again</p> <p>e. provide feedback within two working days of receiving a complaint to:</p> <ul style="list-style-type: none"> - the complainant; and - the Manawatū-Whanganui Regional Council <p><u>detailing whether or not the source of the complaint was identified and what actions were undertaken by the consent holder in order to ensure the incident does not reoccur.</u></p> <p>A copy of the complaints register shall be provided in the annual report required under New Condition G Condition 27.</p>	Holder" for consistency elsewhere	
	Monitoring		
	6. The consent holder shall make available on request records of all monitoring and maintenance carried out on the stormwater reticulation system.		Condition deleted
22	7. The consent holder shall allow the Manawatū-Whanganui Regional Council's Officers or agents access to the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples relating to activities in this consent. This shall be subject to obtaining the appropriate security clearances when accessing the prison property.	NA] Agreeable to condition as written	No disagreement
23	10. The consent holder shall prepare an incident report of any spills notified under the above condition, which includes (but is not limited to) <ul style="list-style-type: none"> a. the scale of the event, factors which caused the spill to occur, b the volume of hazardous substance discharged into the drain and c. measures undertaken to mitigate potential environmental effects of the spill. 	NA] Agreeable to condition as written. Minor correction to cross reference to	No disagreement

	A copy of the incident report shall be provided to the Manawatū-Whanganui Regional Council within 10 working days of the incident occurring and <u>as part of the annual report in New Condition G Condition 27.</u>	reference the correct condition. (PH) agree with NA minor correction.										
24	<p>13. The results of each sediment sampling event shall be provided by the consent holder to Manawatū-Whanganui Regional Council no less than 3 months after the date of the sampling event and be provided as part of the annual report in <u>New Condition G Condition 27.</u>]:</p> <p>The results shall be reported against the ANZECC (2000) Toxicant Default Guideline Values for Sediment Quality Table 1 (“ANZECC 2000”) (extract at Table 1 below).</p> <p>Table 1: Extract from ANZECC (2000) Toxicant Default Guideline Values for Sediment Quality</p> <table border="1"> <thead> <tr> <th>Toxicant Metals (mg/kg dry weight)</th> <th>DGV</th> <th>GV-High</th> </tr> </thead> <tbody> <tr> <td>Copper</td> <td>65</td> <td>270</td> </tr> <tr> <td>Zinc</td> <td>200</td> <td>410</td> </tr> </tbody> </table> <p>DGV = default guideline value, GV-high = additional upper guideline value</p>	Toxicant Metals (mg/kg dry weight)	DGV	GV-High	Copper	65	270	Zinc	200	410	NA] Agreeable to condition as written	No disagreement
Toxicant Metals (mg/kg dry weight)	DGV	GV-High										
Copper	65	270										
Zinc	200	410										
25	<p>14. The following actions shall <u>be</u> undertaken by the consent holder within 6 months of the provision of the results to the Manawatu Whanganui Regional Council and be provided as part of the annual report in <u>New Condition G Condition 27.</u></p> <p>a. If the Default Guideline Value (“DGV”) for sediment quality from ANZECC (2000) is consecutively exceeded (namely, two samples per year exceed the DGV at any one site for either parameter (Cu or Zn)) additional sampling shall be undertaken by the consent holder at locations immediately upstream and downstream of the original sampling site for the purposes of determining the spatial distribution of sediment quality and any other areas of exceedances within the channel.</p>	<p>NA] Agreeable to condition as written</p> <p>Updated cross reference to correct condition (PH) agree with NA minor correction.</p>	No disagreement									

	<p>b. If the GV-High value from ANZECC (2000) is exceeded for either parameter (Cu or Zn), the consent holder shall undertake further investigations to plot the spatial distribution of sediment quality and undertake one or both of the following actions:</p> <ul style="list-style-type: none"> i) Remove sediment from the channel or outfall pond to the spatial extent identified by the further investigations; and/or ii) Implement further mitigation measures to reduce the contaminant in the stormwater discharge (including, but not limited to, using different filter membranes or media in the proprietary filter stormwater treatment device to target the contaminant shown to be exceeding the GV-High value in the sediment sampling). <p>Where further mitigation measures are proposed under 14 b) ii) above, the consent holder shall amend the SMP in accordance with condition 3. This shall detail any further investigations undertaken, proposed actions to mitigate the effect to avoid it re-occurring, and timeframes for completion of proposed actions.</p>		
26	<p>[New condition G] The consent holder shall prepare an Annual Report summarising Compliance with this resource consent. The Annual Report shall be provided to the Regulatory Manager of the Manawatū-Whanganui Regional Council by 1 June 30 September each year from the commencement of this consent. The report shall cover the period 1 May – 30 April 1 July – 30 June.</p> <p>The Annual Report shall include but not be limited to:</p> <ul style="list-style-type: none"> a. Compliance with each of the stated conditions b. Results of monitoring undertaken in accordance with conditions 13, 14 and [New Condition E] 16, 24 and 25 c. Identification of any breaches found as a result of the monitoring and details, including a timeline not exceeding 12 months, of how they will be remediated including (if applicable) changes to the action plan detailed in condition 17. 	<p>All parties agree to the changes in G, point d</p> <p>[NA] various cross references added</p> <p>(PH) agree with the additional annual report requirements except for “and results of the analysis in condition 17B(e)” for the reasons stated next to condition 17B above.</p>	<p>PH and NA disagree with inclusion of reporting on condition 8(e)</p>

	<p>d. Any monitoring and maintenance undertaken in accordance with the requirements of the SMP and any opportunities identified, or actions taken to update SMP certified under condition 24.</p> <p>e. Details of any spills recorded under condition 1023</p> <p>f. A copy of the complaints register kept in accordance with condition 16 [new condition F]</p> <p>g. An update on the proprietary filter stormwater treatment required by condition 11 6 for the first 3 years of the consent</p> <p>h. An update on the planting plan required by condition 16 7.</p> <p>i. Confirmation of the installation and maintenance of the sign as required by condition 10 [New Condition D]</p> <p>j. Confirmation of works completed under condition 8 condition 5</p> <p>k. An analysis of the weed harvesting and the results from the analysis in condition 17B-8(e) and (vii) [where applicable] (PH – delete “and the results from the analysis in condition 17B(e) and”)</p> <p>l. Any other relevant information</p>		
	<p>Review</p>		
<p>27</p>	<p>21. The Manawatu-Whanganui Regional Council may, under Section 128 of the Act, initiate a review of condition 2, 11, 12, 13, 14 or 15 of the discharge permit (consent number) at three year intervals in the month of July following the granting of consent, for the purpose of reviewing the effectiveness of these conditions to avoid or mitigate any adverse effect on the environment. The review may result in:</p> <p>e. The deletion or amendments to conditions 2, 11, 12, 13, 14 or 15; and/or</p> <p>d. b. The addition of new consent conditions as necessary.</p> <p><u>21.</u> The Manawatu-Whanganui Regional Council, under s128 of the Resource Management Act, may once per year, in July, serve notice of its intention to review all conditions <u>conditions 2, 11, 12, 13, 14 or 15</u> of this resource consent for the purpose of reviewing the effectiveness of these conditions in avoiding and mitigating any adverse effects on the environment. The review of conditions shall allow for:</p>	<p>[NA] of the opinion all condition should be able to be reviewed given the interlinked nature of them. BPO should remain included to allow for consideration of alternatives if technology changes in future.</p> <p>(PH) disagrees with NA for reasons stated in evidence, ie that the</p>	<p>NA and JS remains of the opinion there should be allowance to review all conditions and NA of the opinion BPO should be included. PH disagrees.</p>

	<p>a. <u>deletion or amendments to any conditions of this resource consent to ensure adverse effects are appropriately mitigated; and</u> /-OR-</p> <p>b. <u>addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment; and</u> -OR-</p> <p>c. if necessary and appropriate, the adoption of the best practicable options to avoid, remedy or mitigate any adverse effects on the environment.</p>	<p>s128 review should relate to the conditions requiring performance to mitigate effects – not all conditions - and that a s128 cannot relitigate a BPO where, as is the case here, this has been thoroughly examined.</p> <p>[JS] Ngati Tumango Ngati Tupoho Hapu and Te Runanga o Tupoho agree with NA that all conditions shall be reviewed.</p>	
	<p>Duration</p>		
28	<p>[New Condition H] The resource consent will expire on 1 July xxxx2044</p>	<p>[NA] would like to review all of the applicant's analysis of BPO etc before finalising a position on term</p> <p>(PH) BPO report provides the clear best practicable option and consent term of 2044 is appropriate for reasons set out in evidence.</p>	<p>No agreement reached. PH of the opinion consent be granted to 2044, JS of the opinion a 3-5 year term be allowed, NA of the opinion a 3-5 term for a short term consent and term of 2034 for a longer term consent.</p>

		<p>[JS] Ngati Tumango Ngati Tupoho Hapu and Te Runanga o Tupoho agree to 3-5 year consent to enable maatauranga hybrid co- design including rock / vegetated swale to Wiritoa outlet and receiving environment to be fully designed, constructed and planted.</p> <p>NA of the opinion, should a short term consent be granted it be for 3-5 years. Should a long term consent be granted it be to 2034 consistant with Policy 12-5.</p>	
	Plan 1: Sediment Sampling Monitoring Locations Plan		

