

### Appendix 3: Responses to s42A Comments/Recommendations of Conditions

S.42A Schedule of Comments/Recommendations	Response
<p>Scope of discharges will need to be confirmed following evidence and material presented to hearing.</p> <p>S.42A recommendation for an eradication strategy to be adopted for dry weather overflows.</p>	<p>I have addressed these matters in my Evidence in Chief (<b>EIC</b>).</p>
<p>S.42A recommendation that a 20-year term be granted for wet weather overflows subject to more rigorous conditions to manage the overflow effects.</p> <p>S.42A recommendation that a 10-year term be granted for dry weather overflows subject to more rigorous conditions to reduce and ultimately eradicate dry weather overflows.</p>	
<p>More specific details required on plan content including the process for updating and review.</p>	<p>More specifics have been provided in proposed conditions.</p>
<p><b>Sch4.1</b> All reference to submission of documents should be to GDC-Consents Manager.</p> <p><b>Sch4.2</b> It is recommended that the Applicant works with relevant public health, iwi representatives, recreational users and other interested parties (e.g., local schools), to develop and implement a <i>Health Risk Management and Communication Plan</i>.</p> <p><b>Sch4.3</b> It is recommended that the Applicant investigates, within 18 months of any consents commencing, the feasibility of developing and publishing a 'water quality forecast' on both the Gisborne District Council and LAWA website based on predicted future (e.g., 48-hour) rainfall and wind conditions.</p> <p><b>Sch4.4</b> It would be prudent to include a condition that requires contingency planning in the first few years of the consent should remedial works not produce the expected reduction in dry and wet weather overflow events and durations.</p> <p><b>Sch4.5</b> More detail is recommended on the minimum requirements of these plans, including keeping them up to date (e.g., through annual review or response to network upgrades).</p> <p><b>Sch4.7</b> Schedules and KPIs for wastewater network inspection and maintenance (e.g., periodic jet-blasting of areas of</p>	<p>This change has been made.</p> <p>This has been undertaken and a revised notification list has been prepared and is being implemented.</p> <p>This is not supported. Such an approach has been adopted in areas such as Auckland where overflows are uncontrolled/automatic - ie they occur without intervention. In contrast, WWOs in Gisborne are controlled and hence warning is targeted to actual events.</p> <p>This has been included as part of the five year review.</p> <p>More detail has been included.</p> <p>More detail has been included as a requirement for an O &amp; M plan.</p>

<p>known to block up, CCTV inspections, cleaning out of adjacent pipes prior to forecast storms and post-storm maintenance).</p> <p><b>Sch4.7</b> Recommendation to adopt the following:</p> <ol style="list-style-type: none"> <li>Quantification of the available storage at each pump station, including any network storage available, to determine the required time to respond to issues at a particular pump station.</li> <li>Installation of cost depth sensors to be installed that can be remotely monitored. These would be located within manholes where the gravity network that fails to meet self-cleansing velocities or known 'hotspots' (i.e., manholes with a history of repeat overflows) to allow prior warning of blockages occurring before an overflow occurs; and</li> <li>Development and implementation of I&amp;I monitoring plans in accordance with Water NZ I&amp;I manual. These would be focused specific sub catchments relevant to the DrainWise programme and would be used to track the efficacy of I&amp;I reduction efforts.</li> <li>Dilution and dispersion modelling of overflows into the Tūrangānui River and Tūrangānui-a-Kiwa/Poverty Bay is revisited between years 5 and 10 to incorporate updated data gathered through the consent on wastewater overflows. This would provide updated further information on the potential ecological and human health effects.</li> </ol>	<p>As detailed in Mr West's evidence, these aspects have either already occurred or are in the process (e.g. (a) and (b)); or the cost of this is disproportionate to the level of additional information it would provide.</p>
<p><b>Sch7.2</b> It will be important to have a clear structure on all relevant operational and monitoring plans and that this is presented in a manner which is easily communicated and understood by the community. Summary Reports may be useful as an introduction to any more comprehensive and technical reports. There may be benefits in preparing (and maintaining through annual review) a <u>combined Wastewater Network Overflow Management and Monitoring Plan</u>. This plan should include such things as:</p>	<p>It is considered that the plans identified in the conditions cover those required to ensure the effective operation of the network.</p>

<ul style="list-style-type: none"> <li>• details on the network of discharge points and their operation, including relevant inter-relationships with stormwater and reticulated wastewater;</li> <li>• schedules for wastewater network inspection and maintenance (e.g., periodic jet-blasting of areas of inner pipe known to block up, CCTV inspections, cleaning out of adjacent pipes prior to forecast storms and post-storm maintenance); and</li> <li>• the location of monitoring points, including when and how these are sampled and the laboratory test requirements.</li> </ul>	
<p><b>Sch10.1</b> It is recommended that the performance standard for dry weather overflows adopts a eradication strategy with zero dry weather overflows by year 10 (expiry of consent).</p> <p><b>Sch10.2</b> The LTP targets in Table 13 set performance standards that are less stringent than the 2018/19 base year.</p> <p><b>Sch10.3</b> The relationship between the LTP targets and the consent objectives and targets needs to be clarified. It is recommended that one set of performance standards is adopted.</p> <p><b>Sch10.4</b> Key performance standard of no wet weather overflows in a 50% AEP storm event needs to be tested; can this target be brought forward or a higher standard set?</p> <p><b>Sch10.5</b> Key performance standards need to be quantified for progressive reduction targets from year 10 to year 20.</p> <p><b>Sce10.6</b> Table 14 includes a performance standard on number of private properties inspected under DrainWise Programme. This should be supported by additional standards for how many properties have been fixed.</p> <p><b>Sch12.1</b> Condition 12 should be reframed such that the Applicant is required to have contingency measures in place to manage and remedy foreseeable risks.</p>	<p>Addressed above.</p> <p>Note that the LTP targets are not less stringent, – 2018/19 performance was better than the target reflecting the unpredictability of DWOs. This change has been made.</p> <p>I consider that the timeframe is appropriate given the scale and complexity of the issue and the site-by-site approach necessary to reduce stormwater inflow.</p> <p>The revised conditions include a process for this.</p> <p>The number of properties where problems have been fixed will be reported. However, it is difficult to set a performance target given the complexity of dealing with private property drainage issues.</p> <p>There are significant response plans in place. The five year review condition has been amended to incorporate contingency if required.</p>
<p><b>Sch14.1</b> Provision for TWRG is supported. Final terms and conditions subject to input from iwi/hapu members.</p>	<p>This has been clarified in the revised conditions.</p>
<p><b>Sch18.1</b> Annual Reporting should include:</p> <ul style="list-style-type: none"> <li>• A summary of all overflow conditions that occurred in the preceding 12 months, including the location, volume and duration and</li> </ul>	<ul style="list-style-type: none"> <li>• Not all of this information is required. However, reporting of the causes and response etc have been clarified.</li> </ul>

<p>rainfall, wind, tide and river flow conditions associated with each as well as commentary on the likely source or cause of the overflow and associated actions taken to address it;</p> <ul style="list-style-type: none"> <li>• A summary of Drainwise and other inspection and educational activities carried over the last 12 months;</li> <li>• An assessment of the overflow events in terms of trends and causal factors and an evaluation of the overflows against agreed targets and performance measures;</li> <li>• Fulfilment of consented and internal performance targets around such things as network maintenance, overflow response time, and the number of overflows; and</li> <li>• Priority works and initiatives planned for the coming 12 months to continue to reduce the occurrence of both dry and wet weather overflows.</li> </ul> <p><b>Sch18.2</b> In addition to prompt notification of overflow events Overflow Event Reporting should be required as a condition of consent (referred to as an "Overflow After Action Report" in Attachment E of the applicant's s92 further information response.</p> <p><b>Sch18.3</b> A specific consent condition is recommended by which the applicant makes a commitment, within two years of the commencement of any consent, to identify the causes of chronic faecal contamination in Kopuawhakapata Stream and develop and implement remedial options to prevent or minimise further inputs associated with the wastewater network. The relative urgency of this investigation reflects the high risk to human health posed by current the level of faecal contamination.</p> <p><b>Sch18.4</b> Need to consider processes to ensure that the public can engage with the Applicant to seek responses and understanding on the consent conditions and monitoring data. This could involve a Community Consultation Reference Group and a process to hold public meetings on an as required basis.</p>	<ul style="list-style-type: none"> <li>• This is incorporated in the revised conditions.</li> <li>• Yes – this is intended and incorporated in the revised conditions.</li> <li>• These will be reported on an annual basis in accordance with the proposed conditions.</li> <li>• This has been added to the conditions.</li> </ul> <p>This is agreed. Overflow response reports are incorporated into the DWO and WWO protocols.</p> <p>This work is already underway, as advised by Mr Kanz.</p> <p>The conditions require a high level of transparent reporting. Further reporting and groups are not considered necessary as set out in the evidence of Mr Dave Wilson.</p>
<p><b>Sch20.1</b> It is recommended that the 5 year reporting involves a presentation to a review panel as part of a public</p>	<p>All of the information will be made available to the consent authority and the public. The consent authority can then make a decision to</p>

<p>meeting process. The review panel could then make a recommendation on whether a S.128 review process should be undertaken for the next 5 year period. The consent authority would then need to make a decision on whether to proceed with a review process including a notification decision.</p> <p><b>Sch20.2</b> Five-yearly reporting should focus on a detailed assessment of progress against achieving targeted reductions in dry and wet weather overflow events and durations, including any reprioritisation or revision of the long-term programme of network improvements.</p> <p><b>Sch20.3</b> Recommend that the Applicant undertakes a periodic update of the wastewater hydraulic model to account for significant changes in the network, a demonstrated reduction in I&amp;I, changes in population predictions etc. This could be incorporated into 5 year review and reporting.</p>	<p>review the consent if it is not proceeding as expected or unanticipated consequences as is standard practice.</p> <p>This is provided for in the conditions.</p> <p>This has been provided for, prior to the 10-year review.</p>
<p><b>Sch21.1</b> It is recommended that the review condition be linked to the 5 year reporting cycle and that a mandatory review be undertaken before year 10. The mandatory year 10 review should be a publicly notified process.</p> <p><b>Sch21.2</b> Clause 21(b) should also include provision for a review if there is an established trend of non-compliance with the performance standards for reduction of frequency and volume of overflow discharges.</p> <p><b>Sch22.1</b> It will be necessary to recognise that there may be structural changes for the management of three waters and this may also introduce new funding models or sources for upgrading the wastewater network.</p>	<p>Regular reviews are incorporated into the conditions, including a ten year 'reset' of targets. Council as regulatory authority has the ability to review the consent if it is not satisfied that progress is being made. As a matter of law, reviews under s128 RMA cannot be mandatory, as s128(1) authorises review conditions in a discretionary manner only. This will be addressed further in legal submissions for the Applicant.</p> <p>This is provided for in the review conditions.</p> <p>This has been addressed in the changes to the consent conditions following the pre-hearing meeting.</p>
<p><b>Sch A1</b> The effectiveness of works to reduce overflows discharges located behind properties on Seymour Road (Seymour – Turenne Overflow Point) and entering the Waimata River via Owen Drain should be monitored and reported as a condition of consent.</p>	<p>Conditions in respect of this overflow have been included. Overflow performance will be reported on.</p>