

Conditions of Consent... the Planner's View

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What we cover

- The role of the planner as a “conditions expert”
- What makes good conditions?
- Adaptive Management approaches
- Management Plan conditions
- Examples

The role of the planner

- Overall assessment
- Identifies issues
- Incorporates multi-disciplinary inputs



- Overall recommendation on a “package” of conditions and methods to manage effects

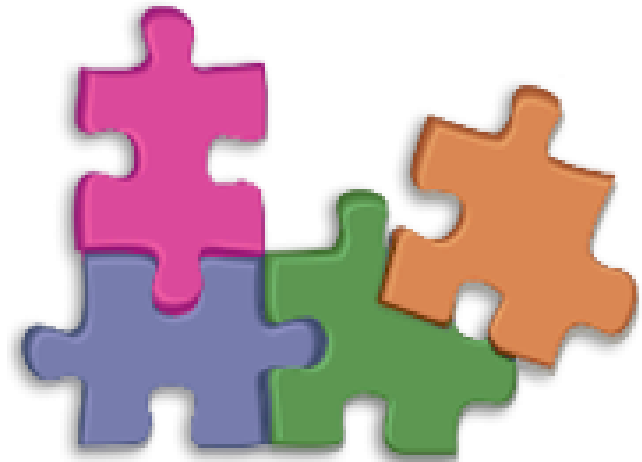
A “conditions expert”

- Puts the conditions package together: a “planning and design” role



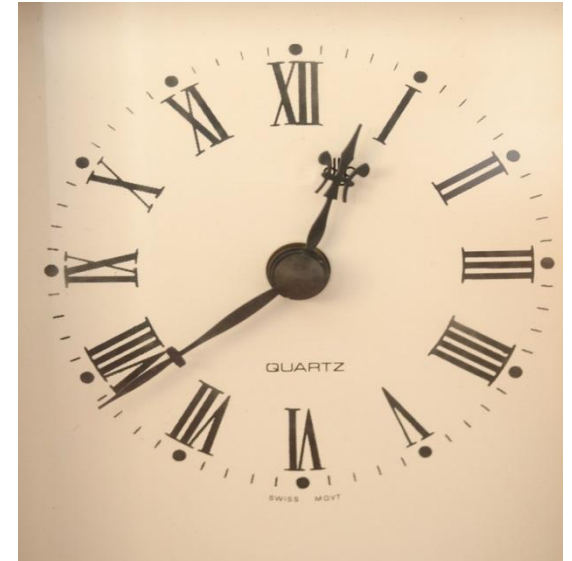
A “conditions expert”

- Develop the conditions “approach” right from the start
- Share ideas and be open to ideas and input from others
- Clear structure integrated with overall AEE approach
- Explain in evidence
- Horses for courses!

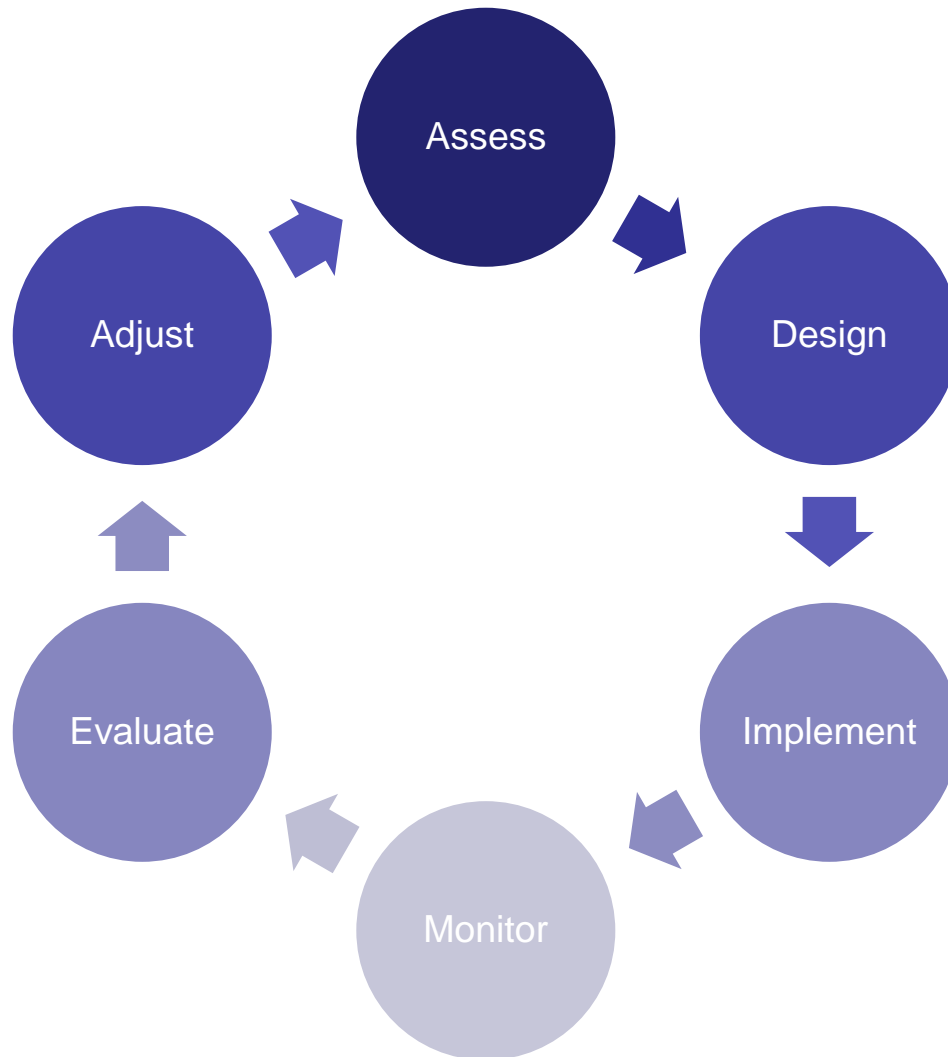


Standing the test of time

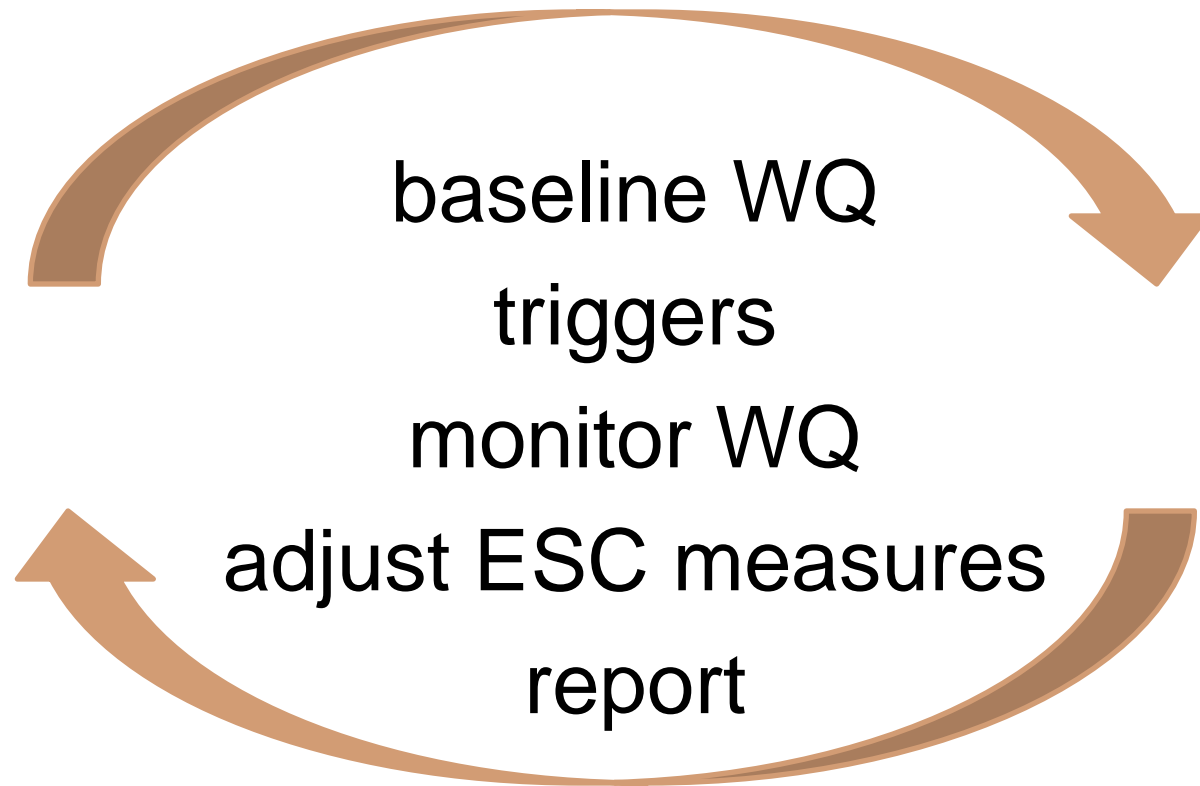
- Conditions endure...
- **Clear** wording and structure
- **Certain** outcomes
- **Effectively** deal with effects
- Able to be **enforced**
- Stand-alone – remain relevant over time



What is adaptive management?



Case Study: earthworks



Adaptive Management Approaches

Key questions:

- Is it suitable for adaptive management in the first place?
- What "fall back" measures are proposed if the adaptive management approach is not successful?
- Will the approach result in reconsideration of whether consent should have been granted in the first place?

Get Smart

Conditions need to be **SMART**

- **S**pecific
- **M**easurable
- **A**chievable
- **R**elevant
- **T**ime-bound



Management Plan Essentials

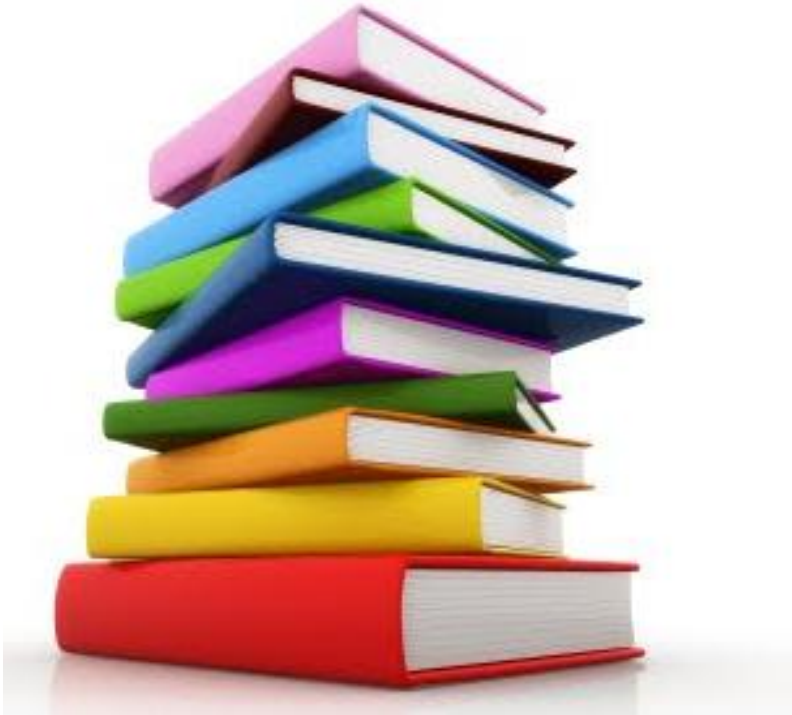


- Many approaches
- Clear distinction between “substance” and “process” conditions
- Secure via conditions

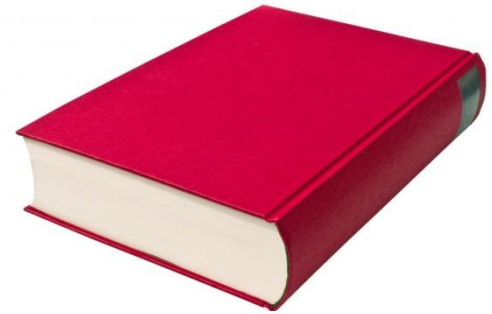
Certification or Approval?



Amount of detail?



OR



Management Plan example

10. Prior to the completion of dam construction, the consent holder shall provide to the Consent Authorities an **Infrastructure Stormwater and Maintenance Management Plan (ISMMP)** to cover the effective management of stormwater, including containment of oil and the maintenance of structures authorised by these consents and which shall be prepared by a suitably qualified and experienced person(s).

Objective for the ISMMP

11. The objective of the ISMMP is to ensure that stormwater management and maintenance works necessary to enable efficient operation of the structures authorised by these consents are undertaken in a manner which identifies roles and responsibilities for and integrates good environmental practice into stormwater management and maintenance activities.

Monitoring Methodology

12. The ISSMP shall specify the frequency, timing, location and method of monitoring to demonstrate achievement of the objective in Condition 11 above and the performance standards in Condition 13 below.

Performance Standards

13. The ISSMP shall ensure that the following performance standards are achieved:

a) Erosion and sediment controls shall be installed and maintained on all soil disturbance activities during maintenance works in accordance with the HBRC Waterway Guidelines for Erosion and Sediment Control;

More Performance Standards

- d) The percentage reduction to the Quantitative Macroinvertebrate Community Index (QMCI) score relative to the QMCI up stream of the discharge shall not exceed 20% after reasonable mixing at all flows;

Footnote

For purpose of these conditions “reasonable mixing” of contaminants in flowing surface water will be considered to have occurred at whichever of the following is the nearest to the point of discharge:

- a) a distance 200 metres downstream of the point of discharge;
- b) a distance equal to seven times the bed width of the surface water body, but which shall be not less than 50 metres;
- c) the distance downstream at which mixing of contaminants has occurred across the full width of the surface water body, but which shall not be less than 50 metres.

More performance standards

g) The following performance standards shall apply to the management of facilities containing oil: ...

viii. That where, for any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:

Performance standards (cont)

- Immediately take all practicable steps to contain and then remove the contamination from the environment;
- Immediately notify the Council and the Duty Health Protection Officer of the Hawke's Bay District Health Board of the escape; and
- Report to the Council, in writing and within 7 days, describing the manner and cause of the escape and steps taken to control it and prevent its reoccurrence.

Certification

14. The Consent Holder may commence maintenance activities in accordance with the ISMMP unless one or more of the Consent Authorities advises the consent holder in writing within 20 working days of receipt of the ISMMP that it refuses to certify the ISMMP on the grounds that it fails to meet the requirements of Condition 13 above (the performance standards) in relation to an activity within the relevant Consent Authorities jurisdiction, and provides reasons why that view is held.

What if no certification?

15. Should any Consent Authority refuse to certify the ISMMP in accordance with Condition 14 above, the consent holder shall submit a revised ISMMP to the Consent Authorities for certification as soon as is practicable. The certification process shall follow the same procedure as outlined in Condition 10 to 14 above.

Variation of ISMMP

16. Once certified the ISMMP may be varied by the consent holder. The certification process for an ISMMP Variation shall follow the process outlined in Conditions 10 to 15 above. Maintenance activities subject to the variation shall not commence until the variation has been certified by the Consent Authorities.

Securing performance

17. The consent holder shall comply with the certified ISMMP at all times.